

**DEPARTMENT OF LABOR****Office of the Secretary****20 CFR Chs. I, IV, V, VI, VII, and IX****29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV****30 CFR Ch. I****41 CFR Ch. 60****48 CFR Ch. 29****Semiannual Agenda of Regulations****AGENCY:** Office of the Secretary, Labor.**ACTION:** Semiannual regulatory agenda.

**SUMMARY:** The Internet has become the means for disseminating the entirety of the Department of Labor's semiannual regulatory agenda. However, the Regulatory Flexibility Act requires publication of a regulatory flexibility agenda in the **Federal Register**. This **Federal Register** notice contains the regulatory flexibility agenda. In addition, the Department's regulatory plan, a subset of the Department's regulatory agenda, is being published in the **Federal Register**. The regulatory plan contains a statement of the Department's regulatory priorities and the regulatory actions the Department wants to highlight as its most important and significant.

**FOR FURTHER INFORMATION CONTACT:** Kathleen Franks, Director, Office of Regulatory Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW., Room S-2312, Washington, DC 20210; (202) 693-5959.

**Note:** Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

**SUPPLEMENTARY INFORMATION:** Executive Order 12866 requires the semiannual publication of an agenda of regulations that contains a listing of all the regulations the Department of Labor expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. The entirety of the Department's semiannual agenda is available online at [www.reginfo.gov](http://www.reginfo.gov).

On January 18, 2011, the President issued Executive Order (E.O.) 13563, entitled "Improving Regulation and Regulatory Review." The Department of Labor's fall 2011 regulatory agenda aims to achieve more efficient and less burdensome regulation through our renewed commitment to conduct retrospective reviews of regulations.

The Regulatory Flexibility Act (5 U.S.C. 602) requires DOL to publish in the **Federal Register** a regulatory flexibility agenda. The Department's Regulatory Flexibility Agenda published with this notice, includes only those rules on its semiannual agenda that are likely to have a significant economic impact on a substantial number of small entities; and those rules identified for periodic review in keeping with the requirements of section 610 of the Regulatory Flexibility Act. Thus, the regulatory flexibility agenda is a subset of the Department's semiannual regulatory agenda. At this time, there is only one item, listed below, on the Department's regulatory flexibility agenda.

#### *Occupational Safety and Health Administration*

##### Bloodborne Pathogens (RIN 1218-AC34)

In addition, the Department's regulatory plan, also a subset of the Department's regulatory agenda, is being published in the **Federal Register**. The Regulatory Plan contains a statement of the Department's regulatory priorities and the regulatory actions the Department wants to highlight as its most important and significant.

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved, and are invited to participate in and comment on the review or development of the regulations listed on the Department's agenda.

**NAME: Hilda L. Solis,**

*Secretary of Labor.*

## The 90 Regulatory Agendas

**Employment and Training Administration - Proposed Rule**

Title	Regulation Identifier Number
Equal Employment Opportunity in Apprenticeship Amendment of Regulations	<a href="#">1205-AB59</a>
Rounding Rule for Total Unemployment Rate Extended Benefits Trigger	<a href="#">1205-AB62</a>

**Employment and Training Administration - Final Rule**

Title	Regulation Identifier Number
YouthBuild Program Regulation	<a href="#">1205-AB49</a>
Labor Certification Process and Enforcement for Temporary Employment in Occupations Other Than Agriculture or Registered Nursing in the United States (H-2B Workers)	<a href="#">1205-AB58</a>
Senior Community Service Employment Program; Additional Indicator on Volunteer Work	<a href="#">1205-AB60</a>
Wage Methodology for the Temporary Nonagricultural Employment H-2B Program	<a href="#">1205-AB61</a>

**Employee Benefits Security Administration - Proposed Rule**

Title	Regulation Identifier Number
Pension Benefit Statements	<a href="#">1210-AB20</a>
Definition of "Fiduciary"	<a href="#">1210-AB32</a>
Amendment to Claims Procedure Regulation	<a href="#">1210-AB39</a>
Amendment of Abandoned Plan Program	<a href="#">1210-AB47</a>
Ex Parte Cease and Desist and Summary Seizure Orders Under ERISA Section 521	<a href="#">1210-AB48</a>
Filings Required of Multiple Employer Welfare Arrangements and Certain Other Entities That Offer or Provide Coverage for Medical Care to the Employees of Two or More Employers	<a href="#">1210-AB51</a>
Guide or Similar Requirement for Section 408(b)(2) Disclosures	<a href="#">1210-AB53</a>

**Employee Benefits Security Administration - Final Rule**

Title	Regulation Identifier Number
Improved Fee Disclosure for Pension Plans	<a href="#">1210-AB08</a>
Annual Funding Notice	<a href="#">1210-AB18</a>
Target Date Disclosure	<a href="#">1210-AB38</a>

**Employee Benefits Security Administration - Long-term Action**

Title	Regulation Identifier Number
Mental Health Parity and Addiction Equity Act	<a href="#">1210-AB30</a>
Improved Fee Disclosure for Welfare Plans	<a href="#">1210-AB37</a>
Group Health Plans and Health Insurance Issuers Relating to Dependent Coverage of Children to Age 26 Under the Patient Protection and Affordable Care Act	<a href="#">1210-AB41</a>
Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act	<a href="#">1210-AB42</a>
Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions and Patient Protections Under the Affordable	<a href="#">1210-AB43</a>

Care Act	
Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act	<a href="#">1210-AB44</a>
Group Health Plans and Health Insurance Issuers Relating to Internal and External Appeals Processes Under the Patient Protection and Affordable Care Act	<a href="#">1210-AB45</a>
Automatic Enrollment in Health Plans of Employees of Large Employers Under FLSA Section 18A	<a href="#">1210-AB46</a>
Group Health Plans and Health Insurance Issuers Relating to the Summary of Benefits and Coverage and the Uniform Glossary Required Under the Affordable Care Act	<a href="#">1210-AB52</a>

**Employee Benefits Security Administration - Completed Action**

Title	Regulation Identifier Number
Statutory Exemption for Provision of Investment Advice	<a href="#">1210-AB35</a>
Prohibited Transaction Exemption Procedures	<a href="#">1210-AB49</a>
Electronic Disclosure by Employee Benefit Plans	<a href="#">1210-AB50</a>

**Occupational Safety and Health Administration - PreRule**

Title	Regulation Identifier Number
Bloodborne Pathogens	<a href="#">1218-AC34</a>
Infectious Diseases	<a href="#">1218-AC46</a>
Injury and Illness Prevention Program	<a href="#">1218-AC48</a>
Reinforced Concrete in Construction and Preventing Backover Injuries and Fatalities	<a href="#">1218-AC51</a>
Standards Improvement Project IV	<a href="#">1218-AC67</a>
Vertical Tandem Lifts	<a href="#">1218-AC72</a>
Review/Lookback of OSHA Chemical Standards	<a href="#">1218-AC74</a>

**Occupational Safety and Health Administration - Proposed Rule**

Title	Regulation Identifier Number
Occupational Exposure to Crystalline Silica	<a href="#">1218-AB70</a>
Improve Tracking of Workplace Injuries and Illnesses	<a href="#">1218-AC49</a>
Occupational Injury and Illness Recording and Reporting Requirements--NAICS Update and Reporting Revisions	<a href="#">1218-AC50</a>
Updating OSHA Standards Based on National Consensus Standards--Acetylene	<a href="#">1218-AC64</a>
Updating OSHA Standards Based on National Consensus Standards--Personal Protection Equipment (Head Protection)	<a href="#">1218-AC65</a>

**Occupational Safety and Health Administration - Final Rule**

Title	Regulation Identifier Number
Confined Spaces in Construction	<a href="#">1218-AB47</a>
Electric Power Transmission and Distribution; Electrical Protective Equipment	<a href="#">1218-AB67</a>
Walking Working Surfaces and Personal Fall Protection Systems (Slips, Trips, and Fall Prevention)	<a href="#">1218-AB80</a>
Hazard Communication	<a href="#">1218-AC20</a>
Cooperative Agreements	<a href="#">1218-AC32</a>
Procedures for Handling Employee Retaliation Complaints Under the National Transit Systems Security Act; Surface Transportation Assistance Act; and Federal Railroad Safety Act	<a href="#">1218-AC36</a>
Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provisions of the Consumer Product Safety Improvement Act (CPSIA) of 2008	<a href="#">1218-AC47</a>
Procedures for the Handling of Retaliation Complaints Under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, as Amended	<a href="#">1218-AC53</a>
Procedures for the Handling of Retaliation Complaints Under The Affordable Care Act; The Consumer Financial Protection Act; The Seaman's Protection Act; and the FDA Food Safety Modernization Act	<a href="#">1218-AC58</a>

Revising the Underground Construction and Demolition Standards To Make the Cranes and Derricks in Construction Rule Applicable to Those Activities	<a href="#">1218-AC61</a>
Cranes and Derricks in Construction: Revision to Digger Derricks' Requirements	<a href="#">1218-AC75</a>

**Occupational Safety and Health Administration - Long-term Action**

Title	Regulation Identifier Number
Occupational Exposure to Beryllium	<a href="#">1218-AB76</a>
Occupational Exposure to Food Flavorings Containing Diacetyl and Diacetyl Substitutes	<a href="#">1218-AC33</a>
Combustible Dust	<a href="#">1218-AC41</a>
Occupational Injury and Illness Recording and Reporting Requirements--Musculoskeletal Disorders (MSD) Column	<a href="#">1218-AC45</a>

**Occupational Safety and Health Administration - Completed Action**

Title	Regulation Identifier Number
Preventing Backover Injuries and Fatalities	<a href="#">1218-AC52</a>
Complaints Under the Employee Protection Provision of the Consumer Financial Protection Act of 2010, Section 1057 of the Dodd-Frank Wall Street Reform and Consumer	<a href="#">1218-AC54</a>
Procedures for the Handling of Retaliation Complaints Under Section 1558 of the Affordable Care Act of 2010	<a href="#">1218-AC55</a>
Procedures for Handling of Retaliation Complaints Under the Seaman's Protection Act	<a href="#">1218-AC59</a>

**Mine Safety and Health Administration - Proposed Rule**

Title	Regulation Identifier Number
Respirable Crystalline Silica	<a href="#">1219-AB36</a>
Notification of Legal Identity	<a href="#">1219-AB67</a>
Criteria and Procedures for Proposed Assessment of Civil Penalties	<a href="#">1219-AB72</a>
Proximity Detection Systems for Mobile Machines in Underground Mines	<a href="#">1219-AB78</a>

**Mine Safety and Health Administration - Final Rule**

Title	Regulation Identifier Number
Lowering Miners' Exposure to Coal Mine Dust, Including Continuous Personal Dust Monitors	<a href="#">1219-AB64</a>
Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines	<a href="#">1219-AB65</a>
Pattern of Violations	<a href="#">1219-AB73</a>
Examination of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards	<a href="#">1219-AB75</a>

**Mine Safety and Health Administration - Completed Action**

Title	Regulation Identifier Number
Revising Electrical Product Approval Regulations	<a href="#">1219-AB37</a>
Safety and Health Management Programs for Mines	<a href="#">1219-AB71</a>
Maintenance of Incombustible Content of Rock Dust in Underground Coal Mines	<a href="#">1219-AB76</a>

**Wage and Hour Division - PreRule**

Title	Regulation Identifier Number
Fair Labor Standards Act, Child Labor Hazardous Occupations Order, No. 7	<a href="#">1235-AA07</a>

**Wage and Hour Division - Proposed Rule**

Title	Regulation Identifier Number
Amendments to the Family and Medical Leave Act of 1993	<a href="#">1235-AA03</a>
Application of the Fair Labor Standards Act to Domestic Service	<a href="#">1235-AA05</a>
Child Labor Regulations, Orders, and Statements of Interpretations	<a href="#">1235-AA06</a>

**Wage and Hour Division - Long-term Action**

Title	Regulation Identifier Number
Right To Know Under the Fair Labor Standards Act	<a href="#">1235-AA04</a>

**Wage and Hour Division - Completed Action**

Title	Regulation Identifier Number
Nondisplacement of Qualified Workers Under Service Contracts	<a href="#">1235-AA02</a>

**Office of Workers Compensation - Proposed Rule**

Title	Regulation Identifier Number
Regulations Implementing Amendments to the Black Lung Benefits Act: Determining Coal Miners and Survivors Entitlement to Benefits	<a href="#">1240-AA04</a>

**Office of Workers Compensation - Completed Action**

Title	Regulation Identifier Number
Regulations Implementing the Longshore and Harbor Workers' Compensation Act: Recreational Vessels	<a href="#">1240-AA02</a>
Claims for Compensation Under the Federal Employees' Compensation Act	<a href="#">1240-AA03</a>

**Office of Labor Management Standards - Final Rule**

Title	Regulation Identifier Number
Persuader Agreements: Employer and Labor Relations Consultant Reporting Under the LMRDA	<a href="#">1245-AA03</a>

**Office of Labor Management Standards - Long-term Action**

Title	Regulation Identifier Number
Persuader Agreements: Consultant Form LM-21 Receipts and Disbursements Report	<a href="#">1245-AA05</a>

**Office of Labor Management Standards - Completed Action**

Title	Regulation Identifier Number
Labor Organization Officer and Employee Report (Form LM-30)	<a href="#">1245-AA01</a>

**Office of Federal Contract Compliance Programs - PreRule**

Title	Regulation Identifier Number
Nondiscrimination in Compensation: Compensation Data Collection Tool	<a href="#">1250-AA03</a>

**Office of Federal Contract Compliance Programs - Proposed Rule**

Title	Regulation Identifier Number
Construction Contractors' Affirmative Action Requirements	<a href="#">1250-AA01</a>
Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals With Disabilities	<a href="#">1250-AA02</a>
Sex Discrimination Guidelines	<a href="#">1250-AA05</a>

**Office of Federal Contract Compliance Programs - Final Rule**

Title	Regulation Identifier Number
Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Protected Veterans	<a href="#">1250-AA00</a>

**Office of the Secretary - Proposed Rule**

Title	Regulation Identifier Number
Update to Regulations Governing Administrative Claims Under the Federal Tort Claims Act and Related Statutes	<a href="#">1290-AA25</a>
Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges	<a href="#">1290-AA26</a>

**Office of the Assistant Secretary for Veterans' Employment and Training - Final Rule**

Title	Regulation Identifier Number
Establishment of a Uniform National Threshold Entered Employment Rate for Veterans	<a href="#">1293-AA18</a>

**Department of Labor (DOL)**  
**Employment and Training Administration (ETA)**

RIN: 1205-AB59

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**Title:** Equal Employment Opportunity in Apprenticeship Amendment of Regulations

**Abstract:** Revisions to the equal opportunity regulatory framework for the National Apprenticeship Act are a critical element in the Department's vision to promote and expand Registered Apprenticeship opportunities in the 21st century while continuing to safeguard the welfare and safety of apprentices. In October 2008, the Agency issued a Final Rule updating regulations for Apprenticeship Programs and Labor Standards for Registration. These regulations, codified at title 29 Code of Federal Regulations (CFR) part 29, had not been updated since 1977. The companion regulations, 29 CFR part 30, Equal Employment Opportunity (EEO) in Apprenticeship and Training, have not been amended since 1978. The Agency now proposes to update 29 CFR part 30 to ensure that the National Registered Apprenticeship System is consistent and in alignment with EEO law, as it has developed since 1978, and recent revisions to 29 CFR part 29. This second phase of regulatory updates will ensure that Registered Apprenticeship is positioned to continue to provide economic opportunity for millions of Americans while keeping pace with these new requirements.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 30 (Revision) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** sec 1, 50 Stat 664, as amended (29 USC 50; 40 USC 276c; 5 USC 301); Reorganization Plan No 14 of 1950, 64 Stat 1267 (5 USC app p 534)**Legal Deadline:** None**Regulatory Plan:**

**Statement of Need:** Federal regulations for Equal Employment Opportunity (EEO) in Apprenticeship have not been updated since 1978. Updates to these regulations are necessary to ensure that DOL regulatory requirements governing the National Registered Apprenticeship System are consistent with the current state of EEO law and recent revisions to 29 CFR part 29.

**Legal Basis:** These regulations are authorized by the National Apprenticeship Act of 1937 (29 U.S.C. 50) and the Copeland



Act (40 U.S.C. 276c). These regulations will set forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the U.S. Department of Labor or in State Apprenticeship Agencies recognized by the U.S. Department of Labor.

**Alternatives:** The public will be afforded an opportunity to provide comments on the proposed amendment to Apprenticeship EEO regulations when the Department publishes a Notice of Proposed Rulemaking (NPRM) in the Federal Register. A Final Rule will be issued after analysis and incorporation of public comments to the NPRM.

**Costs and Benefits:** The proposed changes are thought to raise "novel legal or policy issues" but are not economically significant within the context of Executive Order 12866 and are not a "major rule" under section 804 of the Small Business Regulatory Enforcement Fairness Act.

**Risks:** This action does not affect the public health, safety, or the environment.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/2012	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Energy Affected:** No

**Agency Contact:** John V. Ladd

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**Government Levels Affected:** Federal; State; Tribal

**Federalism:** Yes

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**Department of Labor (DOL)**

**Employment and Training Administration ( ETA )**

**RIN:** 1205-AB62

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**Title:** Rounding Rule for Total Unemployment Rate Extended Benefits Trigger

**Abstract:** Regulations at 20 CFR part 615 apply to the Extended Benefits (EB) as implemented following passage of the original law (Pub. L. 373). They do not include amendments passed in 1992 (Pub. L. 102-318) which allowed States to implement an optional total unemployment rate (TUR) trigger mechanism. Until recently, the calculation of the TUR trigger paralleled the calculation of the insured unemployment rate trigger in the original law and truncated digits after the second decimal place expressed as a percentage. This rulemaking proposes a new methodology to calculate the "on" or "off" TUR indicators to determine when EB periods begin and end in a State.

**Priority:** Other Significant

**Major:** No

**CFR Citation:** 20 CFR 615 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 26 USC 7805; 42 USC 1302

**Legal Deadline:** None

**Agenda Stage of Rulemaking:** Proposed Rule

**Unfunded Mandates:** No

**Timetable:**

Action	Date	FR Cite
NPRM	10/00/2012	

**Regulatory Flexibility Analysis Required:** No

**Federalism:** Yes

**Agency Contact:** Ronald Wilus

Chief, Division of Fiscal and Actuarial Services

Department of Labor

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**Government Levels Affected:** Federal; State

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**Department of Labor (DOL)**  
**Employment and Training Administration ( ETA )**

RIN: 1205-AB49

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**Title:** YouthBuild Program Regulation

**Abstract:** The YouthBuild Transfer Act of 2006, Public Law 109-281, enacted on September 22, 2006, transfers oversight and administration of the YouthBuild program from the U.S. Department of Housing and Urban Development (HUD) to the U.S. Department of Labor (DOL). The YouthBuild program targets high school dropouts, youth offenders, youth aging out of foster care, and other at-risk youth populations. The program model balances classroom learning, geared toward a high school diploma or GED, and construction skills training, geared toward a career placement for youth. DOL is developing regulations in response to the legislation and to guide the program implementation and management. The program requires that 75 percent of participants must be youth who are school dropouts, with a 25 percent eligibility exception for at-risk youth who may have a high school diploma or GED but are basic-skills deficient.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 20 CFR 672 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** PL 109-281

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	08/27/2010	75 FR 52671
NPRM Comment Period End	10/26/2010	
Final Rule	02/00/2012	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Federalism:** No

**Energy Affected:** No

**Agency Contact:** Amanda Ahstrand

Acting Administrator, Office of Workforce Investment

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**Department of Labor (DOL)**  
**Employment and Training Administration ( ETA )**

RIN: 1205-AB58

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**Title:** Labor Certification Process and Enforcement for Temporary Employment in Occupations Other Than Agriculture or Registered Nursing in the United States (H-2B Workers)

**Abstract:** The Department published a Notice of Proposed Rulemaking (NPRM) on March 18, 2011. The public comment period closed on May 17, 2011. The Department of Homeland Security (DHS) regulations require employers to apply for a temporary labor certification from the Department of Labor before H-2B petitions may be approved. DOL certifies that there are not sufficient U.S. worker(s) who are capable of performing the temporary services or labor at the time of an application for a visa, and that the employment of the H-2B workers will not adversely affect the wages and working conditions of similarly employed U.S. workers. This NPRM proposed to re-engineer the H-2B program in order to enhance transparency and strengthen program integrity and protections of both U.S. workers and H-2B workers.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No**Unfunded Mandates:** No**CFR Citation:** 20 CFR 655 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1101(a)(15)(H)(ii)(B)); 8 USC 1184(c)(1); 8 CFR 214.2(h)**Legal Deadline:** None**Regulatory Plan:**

**Statement of Need:** The Department has determined that a new rulemaking effort is necessary for the H-2B program. The policy underpinnings of the current regulation; e.g., streamlining the H-2B process to defer many determinations of program compliance until after an application has been adjudicated do not provide an adequate level of protection for either U.S. or foreign workers. The proposed rule seeks to enhance worker protections and increase the availability of job opportunities to qualified U.S. workers.

**Legal Basis:** The Department of Labor's authority to revise these regulations derives from 8 U.S.C. 1101(a)(15)(H)(ii)(B), 8 U.S.C. 1184(c)(1), and 8 CFR 214.2(h).

**Alternatives:** The public was afforded an opportunity to provide comments on the proposed regulatory changes when the Department published the NPRM in the Federal Register. A final rule will be issued after analysis of, and response to, public comments.

**Costs and Benefits:** Preliminary estimates of the anticipated costs of this regulatory action have been provided in the NPRM. The Department of Labor sought information on potential additional or actual costs from employers and other interested parties through the NPRM in order to better assess the costs and benefits of the proposed provisions of the program. The proposed changes are thought to raise "novel legal or policy issues" but are not economically significant within the context of Executive Order 12866 and are not a "major rule" under section 804 for the Small Business Regulatory Enforcement Fairness Act.

**Risks:** This action does not affect the public health, safety, or the environment.

**Timetable:**

Action	Date	FR Cite
NPRM	03/18/2011	76 FR 15130
NPRM Comment Period End	05/17/2011	
Final Rule	01/00/2012	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State**Federalism:** No**Energy Affected:** No**Agency Contact:** William L. Carlson Ph.D.

Administrator, Office of Foreign Labor Certification

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E-Mail: [carlson.william@dol.gov](mailto:carlson.william@dol.gov)**Department of Labor (DOL)****Employment and Training Administration ( ETA )**

RIN: 1205-AB60

 [View Related Documents](#)**Title:** Senior Community Service Employment Program; Additional Indicator on Volunteer Work

**Abstract:** The Older Americans Act Amendments of 2006 (Pub. L. 109-365), enacted on October 17, 2006, contains provisions amending title V of that Act, which authorizes the Senior Community Service Employment Program (SCSEP). The Amendments, effective July 1, 2007, make substantial changes to the SCSEP provisions in the Older Americans Act relating to performance accountability. Under the authority provided in section 513(b)(2)(C), which allows additional indicators to be promulgated where the Secretary deems such indicators appropriate to evaluate services and performance, the Department proposed a potential additional performance measure for volunteer work in the SCSEP.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 20 CFR 641 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 40 USC 3056 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	11/23/2010	75 FR 71514
NPRM Comment Period End	01/24/2011	
Final Action	02/00/2012	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal; State; Tribal**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Amanda Ahstrand

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**Department of Labor (DOL)****Employment and Training Administration (ETA)**

RIN: 1205-AB61

 [View Related Documents](#)**Title:** Wage Methodology for the Temporary Nonagricultural Employment H-2B Program

**Abstract:** The Immigration and Nationality Act, as amended, requires the Department of Homeland Security, before the approval of H-2B visa petitions to consult with other agencies. DHS' regulation at 8 CFR 214.2(h)(6) requires that an intending employer first apply for a temporary labor certification from the Department of Labor. Specifically, DOL certifies that there is not sufficient U.S. worker(s) able, available, willing and qualified at the time of an application for a visa, and that the employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers. In order to ensure that there is no adverse effect, the Department requires employers to pay the prevailing wage to H-2B workers and U.S. workers hired in response to the required recruitment. The prevailing wage calculation methodology under the current H-2B regulation became the subject of litigation, and as a result, on January 19, 2011, DOL published a Final Rule (the Wage Rule) which established a new prevailing wage methodology for the H-2B labor certification program. The Wage Rule had an effective date of January 1, 2012, which was invalidated by the U.S. District Court for the Eastern District of Pennsylvania on June 15, 2011. The Department initially amended the effective date of the Wage Final Rule to September 30, 2011 but, due to a subsequent series of judicial and legislative actions, most recently amended the effective date of the Wage Final Rule to October 1, 2012.

**Priority:** Economically Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 8 CFR 214.2(h)(6); 20 CFR 655.10 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 8 USC 1101(a)(15)(H)(ii)(B); 8 USC 1184(c)

**Legal Deadline:** The U.S. District Court in the Eastern District of Pennsylvania ordered the Department to promulgate a new rule on the calculation of the prevailing wage no later than January 18, 2011. On June 15, 2011, the court issued a subsequent ruling in the CATA litigation that invalidated the January 1, 2012, effective date and ordered the Department to announce a new effective date for the rule within 45 days from June 15, 2011.

Action	Source	Description	Date
Other	Judicial		01/18/2011

**Timetable:**

Action	Date	FR Cite
NPRM	10/05/2010	75 FR 61578
NPRM Extension of Comment Period	11/03/2010	75 FR 67662
NPRM Comment Period End	11/04/2010	
NPRM Extension of Comment Period End	11/12/2010	
Final Rule	01/19/2011	76 FR 3452
Final Rule-Delay of Effective Date	01/29/2011	76 FR 73508
NPRM	06/28/2011	76 FR 37686

NPRM Comment Period End	07/08/2011	
Final Action	08/01/2011	76 FR 45667
Notice of Postponement of Effective Date	09/28/2011	76 FR 59896
Guidance Effective	09/30/2011	
Guidance	09/30/2011	76 FR 60720
Final Action Effective	09/30/2011	76 FR 45667
Guidance	11/29/2011	76 FR 73509
Guidance Effective	12/30/2011	
Guidance	12/30/2011	76 FR 82116
Final Rule-Delay of Effective Date	12/30/2011	
Final Rule Effective	10/01/2012	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** State**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**International Impacts:** This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.**Agency Contact:** William L. Carlson Ph.D.

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**Department of Labor (DOL)****Employee Benefits Security Administration ( EBSA )****RIN:** 1210-AB20 [View Related Documents](#)**Title:** Pension Benefit Statements

**Abstract:** Section 508 of the Pension Protection Act of 2006 (PPA) amended section 105 of ERISA to require plans that are subject to ERISA to automatically provide participants and certain beneficiaries with individual pension benefit statements. Generally, defined benefit plans must provide the statement every 3 years, with an annual alternative. Individual account plans that permit participant direction must provide the statement quarterly and individual account plans that do not permit participant direction must provide the statement annually. The PPA directed the Department of Labor to provide a model statement within 1 year of enactment of the statute and the Department has been given interim final rulemaking authority.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** 29 CFR 2520 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 1025; ERISA sec 105; PL 109-280, sec 508, Pension Protection Act of 2006; 29 USC 1135; ERISA sec 505**Legal Deadline:**

Action	Source	Description	Date
Other	Statutory		08/18/2007

**Timetable:**

Action	Date	FR Cite
NPRM	06/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** No**Energy Affected:** No**Agency Contact:** Suzanne Adelman

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**Department of Labor (DOL)**  
**Employee Benefits Security Administration ( EBSA )**

RIN: 1210-AB32

 [View Related Documents](#)**Title:** Definition of "Fiduciary"

**Abstract:** This rulemaking would amend the regulatory definition of the term "fiduciary" set forth at 29 CFR 2510.3-21 (c) to more broadly define as employee benefit plan fiduciaries persons who render investment advice to plans for a fee within the meaning of section 3(21) of ERISA. The amendment would take into account current practices of investment advisers and the expectations of plan officials and participants who receive investment advice.

**Priority:** Economically Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Yes**Unfunded Mandates:** No**CFR Citation:** 29 CFR 2510.3-21(c) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 1002; ERISA sec 3(21); 29 USC 1135; ERISA sec 505**Legal Deadline:** None**Regulatory Plan:**

**Statement of Need:** This rulemaking is needed to bring the definition of "fiduciary" into line with investment advice practices and to recast the current regulation to better reflect relationships between investment advisers and their employee benefit plan clients. The current regulation may inappropriately limit the types of investment advice relationships that should give rise to fiduciary duties on the part of the investment adviser.

**Legal Basis:** Section 505 of ERISA provides that the Secretary may prescribe such regulations as she finds necessary and appropriate to carry out the provisions of title I of the Act. Regulation 29 CFR 2510.3-21(c) defines the term fiduciary for certain purposes under section 3(21) of ERISA.

**Alternatives:** Alternatives will be considered following a determination of the scope and nature of the regulatory guidance needed by the public.

**Costs and Benefits:** Preliminary estimates of the anticipated costs and benefits will be developed, as appropriate, following a determination regarding the alternatives to be considered.

**Risks:****Timetable:**

Action	Date	FR Cite
NPRM	10/22/2010	75 FR 65263
NPRM Comment Period End	01/20/2011	
Second NPRM	05/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** No**Agency Contact:** Jeffrey J. Turner

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**Department of Labor (DOL)**  
**Employee Benefits Security Administration ( EBSA )**

RIN: 1210-AB39

 [View Related Documents](#)

**Title:** Amendment to Claims Procedure Regulation

**Abstract:** Section 503 of the Employee Retirement Income Security Act (ERISA), 29 U.S.C. section 1133, provides that, in accordance with regulations promulgated by the Secretary of Labor, each employee benefit plan must provide "adequate notice in writing to any participant or beneficiary whose claim for benefits under the plan has been denied." The notice must set forth the specific reasons for the denial and must be written in a manner calculated to be understood by the claimant. Each plan must also afford "a reasonable opportunity" for any participant or beneficiary whose claim has been denied to obtain "full and fair review" of the denial by the "appropriate named fiduciary of the plan." The Department has issued a regulation pursuant to the above authority that establishes the minimum requirements for benefit claims procedures of employee benefit plans covered by title 1 of ERISA. See 29 CFR section 2560.503-1. This rulemaking is intended to strengthen, improve, and update the current rules governing the internal claims and appeals process.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** 29 CFR 2550.503-1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 1135; ERISA sec 505; 29 USC 1133**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	06/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Agency Contact:** Jeffrey Turner

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**Department of Labor (DOL)****Employee Benefits Security Administration ( EBSA )**

RIN: 1210-AB47

 [View Related Documents](#)**Title:** Amendment of Abandoned Plan Program

**Abstract:** On April 21, 2006, the Department published a package of regulations, collectively entitled Termination of Abandoned Individual Account Plans, which facilitate the termination of, and distribution of benefits from, individual account pension plans that have been abandoned by their sponsoring employers. See 71 FR 20820. This rulemaking will examine whether, and how, to amend those regulations by expanding the scope of individuals entitled to be a "qualified termination administrator" (QTA). Under the Termination of Abandoned Individual Account Plans regulations, only a QTA is authorized to determine whether an individual account plan is abandoned and to carry out related activities necessary to the termination and winding up of the plan's affairs.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 1135; ERISA sec 505**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	05/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Agency Contact:** Jeffrey J. Turner

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**Department of Labor (DOL)**  
**Employee Benefits Security Administration ( EBSA )**

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RIN: 1210-AB48

 [View Related Documents](#)

**Title:** Ex Parte Cease and Desist and Summary Seizure Orders Under ERISA Section 521

**Abstract:** ERISA section 521, enacted under section 6605 of the Affordable Care Act (Pub. L. 111-148, 124 Stat. 780), authorizes the Secretary of Labor to issue a cease and desist order if it appears that a multiple employer welfare arrangement (MEWA) is fraudulent, creates an immediate danger to public safety or welfare, or can be reasonably expected to cause significant, imminent, and irreparable public injury. This section also authorizes the Secretary to issue a summary seizure order if it appears that a MEWA is in a financially hazardous condition. Regulatory guidance will provide standards for the issuance of such orders.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 1151; 29 USC 1135

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	12/06/2011	76 FR 76235
NPRM Comment Period End	03/05/2012	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** No

**Small Entities Affected:** Business; Organizations

**Federalism:** No

**Energy Affected:** No

**Agency Contact:** Stephanie Lewis

Attorney

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**Department of Labor (DOL)**  
**Employee Benefits Security Administration ( EBSA )**

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RIN: 1210-AB51

 [View Related Documents](#)

**Title:** Filings Required of Multiple Employer Welfare Arrangements and Certain Other Entities That Offer or Provide Coverage for Medical Care to the Employees of Two or More Employers

**Abstract:** This is a proposed rule under title I of the Employee Retirement Income Security Act (ERISA) that, upon adoption, would implement reporting requirements for multiple employer welfare arrangements (MEWAs) and certain other entities that offer or provide health benefits for employees of two or more employers. The proposal amends existing reporting rules to incorporate new requirements enacted as part of the Patient Protection and Affordable Care Act (Affordable Care Act) and to more clearly address the reporting obligations of MEWAs that are ERISA plans.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** Private Sector

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** sec 6606 of the Patient Protection and Affordable Care Act; PL 111-148; 124 Stat 119 (2010)



**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/06/2011	76 FR 76222
NPRM Comment Period End	03/05/2012	

**Regulatory Flexibility Analysis Required:** Business**Government Levels Affected:** Federal**Federalism:** Yes**Energy Affected:** No**Agency Contact:** Amy J. Turner

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**Department of Labor (DOL)****Employee Benefits Security Administration ( EBSA )****RIN:** 1210-AB53 [View Related Documents](#)**Title:** Guide or Similar Requirement for Section 408(b)(2) Disclosures

**Abstract:** Paragraph (c) of 29 CFR 2550.408b-2 requires covered service providers to make certain disclosures to responsible plan fiduciaries in order for contracts or arrangements between the parties to be considered reasonable under section 408(b)(2) of ERISA. This rulemaking would amend the disclosure provisions in paragraph (c) so that covered service providers may be required to furnish a guide or similar tool along with such disclosures. A guide or similar requirement may assist fiduciaries, especially fiduciaries to small and medium-sized plans, in identifying and understanding the potentially complex disclosure documents that are provided to them or if disclosures are located in multiple documents.

**Priority:** Economically Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Yes**Unfunded Mandates:** Undetermined**CFR Citation:** 29 CFR 2550.408b-2(c) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 1108(b)(2); 29 USC 1135**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	06/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** No**Federalism:** No**Related RINs:** Split From 1210-AB08**Agency Contact:** Jeffrey J. Turner

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**Department of Labor (DOL)****Employee Benefits Security Administration ( EBSA )****RIN:** 1210-AB08 [View Related Documents](#)

**Title:** Improved Fee Disclosure for Pension Plans

**Abstract:** This rulemaking will amend the regulation setting forth the standards applicable to the exemption under ERISA section 408(b)(2) for contracting or making reasonable arrangements with a party in interest for office space or services (29 CFR 2550.408b-2). This amendment will ensure that plan fiduciaries are provided or have access to that information necessary to a determination of whether an arrangement for services is "reasonable" within the meaning of the statutory exemption.

**Priority:** Economically Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** Yes**Unfunded Mandates:** Private Sector**CFR Citation:** 29 CFR 2550 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 1108(b)(2); 29 USC 1135**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/13/2007	72 FR 70988
NPRM Comment Period End	02/11/2008	
Interim Final Rule	07/16/2010	75 FR 41600
Interim Final Rule Comment Period End	08/30/2010	
Final Action	01/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Kristen Zarenko

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**Department of Labor (DOL)****Employee Benefits Security Administration ( EBSA )****RIN:** 1210-AB18 [View Related Documents](#)**Title:** Annual Funding Notice

**Abstract:** This rulemaking implements the requirement of section 501 of the Pension Protection Act of 2006 (PPA), which amended section 101(f) of ERISA to require the administrator of a defined benefit pension plan to provide participants, beneficiaries, and other parties with an annual funding notice, and also implements the requirements of section 503(c) of the PPA that amended section 104(b)(3) of ERISA regarding summary annual reports for defined benefit plans.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 2520; 29 CFR 2520.104-46; 29 CFR 2520.104b-10 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 1021(f); ERISA sec 101(f); PL 109-280, sec 501, Pension Protection Act of 2006; 29 USC 1021(b); ERISA sec 104(b)(3); PL 109-280, sec 503, Pension Protection Act of 2006; 29 USC 1135; ERISA sec 505**Legal Deadline:**

Action	Source	Description	Date
Other	Statutory		08/18/2007

**Timetable:**

Action	Date	FR Cite
NPRM	11/18/2010	75 FR 70625
NPRM Comment Period End	01/18/2011	
Final Rule	05/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined

**Federalism:** No

**Energy Affected:** No

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**Department of Labor (DOL)**

**Employee Benefits Security Administration ( EBSA )**

**RIN:** 1210-AB38

 [View Related Documents](#)

**Title:** Target Date Disclosure

**Abstract:** This rulemaking will amend the Department's qualified default investment alternative regulation (29 CFR 2550.404c-5), which provides relief from certain fiduciary responsibilities for fiduciaries of participant-directed individual account plans who, in the absence of directions from a participant, invest the participant's account in a qualified default investment alternative. This amendment will provide more specificity to fiduciaries as to the investment information that must be disclosed in the required notice to participants and beneficiaries. This amendment also will enhance the information that must be disclosed concerning target date, or similar age-based, qualified default investment alternatives. The Department recently published in the Federal Register, at section 2550.404a-5 (75 FR 64910, Oct. 20, 2010), a final regulation that requires the disclosure of certain plan and investment-related information, including fee and expense information, to participants and beneficiaries in participant-directed individual account plans (the participant-level disclosure regulation). The proposed rulemaking also will amend the participant-level disclosure regulation to require the disclosure of the same information concerning target date or similar investments to all participants and beneficiaries in participant-directed individual account plans.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 2550.404c-5 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 1135; ERISA sec 505; 29 USC 1104

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	11/30/2010	75 FR 73987
NPRM Comment Period End	01/14/2011	
Final Rule	04/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** No

**Federalism:** No

**Agency Contact:** Jeffrey Turner

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**Department of Labor (DOL)**

**Employee Benefits Security Administration ( EBSA )**

**RIN:** 1210-AB30

 [View Related Documents](#)

**Title:** Mental Health Parity and Addiction Equity Act

**Abstract:** Pursuant to ERISA section 712, as amended by the Paul Wellstone and Pete Domenici Mental Health Parity and

Addiction Equity Act of 2008 (MHPAEA) (Pub. L. 110-343) enacted on October 8, 2008, the Department is developing regulatory guidance.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** Yes

**Unfunded Mandates:** No

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 29 USC 1185a

**Legal Deadline:**

Action	Source	Description	Date
Other	Statutory	as per MHPAEA section 512(d)	10/08/2009

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
Request for Information	04/28/2009	74 FR 19155
Request for Information Comment Period End	05/28/2009	
Interim Final Rule	02/02/2010	75 FR 5410
Interim Final Rule Effective	04/05/2010	
Interim Final Rule Comment Period End	05/03/2010	

**Additional Information:** On February 2, 2010, the Departments of Labor, Health and Human Services, and the Treasury published a joint interim final rule implementing MHPAEA.

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** No

**Federalism:** No

**Related RINs:** Related to 0938-AP65; Related to 1545-BJ05

**Related Agencies:** Joint: CMS; Joint: IRS

**Agency Contact:** Amy J. Turner

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**Department of Labor (DOL)****Employee Benefits Security Administration ( EBSA )**

RIN: 1210-AB37

 [View Related Documents](#)

**Title:** Improved Fee Disclosure for Welfare Plans

**Abstract:** This rulemaking will amend the regulation setting forth the standards applicable to the exemption under ERISA section 408(b)(2) for contracting or making reasonable arrangements with a party in interest for office space or services (29 CFR 2550.408b-2). This amendment will ensure that plan fiduciaries of welfare plans are provided or have access to that information necessary to a determination of whether an arrangement for services is "reasonable" within the meaning of the statutory exemption. This amendment is being promulgated separately from another amendment to section 408(b)(2) that applies to pension plans.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** Undetermined

**Unfunded Mandates:** Undetermined

**CFR Citation:** 29 CFR 2550.408b-2 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 29 USC 1135; ERISA sec 505; 29 USC 1108

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** No

**Federalism:** No**Agency Contact:** Jeffrey J. Turner

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**Department of Labor (DOL)****Employee Benefits Security Administration ( EBSA )****RIN:** 1210-AB41 [View Related Documents](#)

**Title:** Group Health Plans and Health Insurance Issuers Relating to Dependent Coverage of Children to Age 26 Under the Patient Protection and Affordable Care Act

**Abstract:** The Patient Protection and Affordable Care Act of 2010 (PPACA) amended title I of ERISA, by adding a new section 715 which encompasses various health reform provisions of the Public Health Service Act (PHS Act). These regulations provide guidance on the extension of dependent coverage for children to age 26 under PHS Act 2714. As mentioned in the previous request, RIN 1210-AB41 was split into additional RINs due to the breadth of issues covered.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** Not Yet Determined**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	05/13/2010	75 FR 27121
Interim Final Rule Effective	07/12/2010	
Interim Final Rule Comment Period End	08/11/2010	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Related Agencies:** Joint : CMS; Joint : IRS**Agency Contact:** Amy J. Turner

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**Department of Labor (DOL)****Employee Benefits Security Administration ( EBSA )****RIN:** 1210-AB42 [View Related Documents](#)

**Title:** Group Health Plans and Health Insurance Coverage Relating to Status as a Grandfathered Health Plan Under the Patient Protection and Affordable Care Act

**Abstract:** The Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act) amended title I of ERISA, by adding a new section 715 which encompasses various health reform provisions of the Public Health Service Act. These regulations provide guidance on the rules for maintaining grandfathered health plan status under section 1251 of the Affordable Care Act. As mentioned in the previous request, RIN 1210-AB41 was split into additional RINs due to the breadth of issues covered.

**Priority:** Economically Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Yes**Unfunded Mandates:** No**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** Not Yet Determined**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	06/17/2010	75 FR 34538
Interim Final Rule Comment Period End	08/16/2010	
Interim Final Rule Effective -- Amendment	11/15/2010	
Interim Final Rule--Amendment	11/17/2010	75 FR 70114
Interim Final Rule Comment Period End--Amendment	12/17/2010	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** No**Agency Contact:** Amy J. Turner

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**Department of Labor (DOL)****Employee Benefits Security Administration ( EBSA )****RIN:** 1210-AB43 [View Related Documents](#)**Title:** Preexisting Condition Exclusions, Lifetime and Annual Limits, Rescissions and Patient Protections Under the Affordable Care Act

**Abstract:** The Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act) amended title I of ERISA, by adding a new section 715 which encompasses various health reform provisions of the Public Health Service Act (PHS Act). These regulations provide guidance on the rules prohibiting preexisting condition exclusions and other discrimination based on health status (PHS Act section 2704); prohibition of lifetime and annual income limits (PHS section 2711); the prohibition of rescissions of health coverage after coverage begins (PHS Act section 2712); prohibition on discrimination in favor of highly compensated individuals (PHS section 2716); and patient protections (PHS Act section 2719A). As mentioned in the previous request, RIN 1210-AB41 was split into additional RINS due to the breadth of issues covered, and this is the third request in a series relating to the Affordable Care Act.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** Not Yet Determined**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	06/28/2010	75 FR 37188
Interim Final Rule Effective	08/27/2010	
Interim Final Rule Comment Period End	08/27/2010	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Related Agencies:** Joint : HHS; Joint : IRS**Agency Contact:** Amy J. Turner

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**Department of Labor (DOL)**  
**Employee Benefits Security Administration ( EBSA )**

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RIN: 1210-AB44

 [View Related Documents](#)

**Title:** Group Health Plans and Health Insurance Issuers Relating to Coverage of Preventive Services Under the Patient Protection and Affordable Care Act

**Abstract:** The Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act) amended title I of ERISA, by adding a new section 715 which encompasses various health reform provisions of the Public Health Service Act. These regulations provide guidance on the rules relating to coverage of preventive services without cost sharing under the Affordable Care Act. As mentioned in previous requests, RIN 1210-AB41 was split into additional RINs due to the breadth of issues covered, and this is the fourth request in a series relating to the Affordable Care Act.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** Yes

**Unfunded Mandates:** No

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** Not Yet Determined

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	07/19/2010	75 FR 41726
Interim Final Rule Effective	09/17/2010	
Interim Final Rule Comment Period End	09/17/2010	
Interim Final Rule Amendment Effective	08/01/2011	
Interim Final Rule--Amendment	08/03/2011	76 FR 46621
Interim Final Rule Amendment Comment Period End	09/30/2011	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** No

**Related Agencies:** Joint : HHS; Joint : IRS

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**Department of Labor (DOL)**  
**Employee Benefits Security Administration ( EBSA )**

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RIN: 1210-AB45

 [View Related Documents](#)

**Title:** Group Health Plans and Health Insurance Issuers Relating to Internal and External Appeals Processes Under the Patient Protection and Affordable Care Act

**Abstract:** The Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act) amended title I of ERISA, by adding a new section 715 which encompasses various health reform provisions of the Public Health Service Act. These regulations provide guidance on the rules relating to internal and external appeals processes under the Affordable Care Act. As mentioned in previous requests, RIN 1210-AB41 was split into additional RINs due to the breadth of issues covered, and this is

the fifth request in a series relating to the Affordable Care Act.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** Not Yet Determined

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
Interim Final Rule	07/23/2010	75 FR 43330
Interim Final Rule Comment Period End	09/21/2010	
Interim Final Rule Effective	09/21/2010	
Interim Final Rule--Amendment	06/24/2011	76 FR 37208
Interim Final Rule Amendment Effective	07/22/2011	
Interim Final Rule Amendment Comment Period End	07/25/2011	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** No

**Related Agencies:** Joint : OCIO; Joint : IRS

**Agency Contact:** Amy J. Turner

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**Department of Labor (DOL)**

**Employee Benefits Security Administration ( EBSA )**

**RIN:** 1210-AB46

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**Title:** Automatic Enrollment in Health Plans of Employees of Large Employers Under FLSA Section 18A

**Abstract:** This rulemaking implements section 1511 of the Patient Protection and Affordable Care Act of 2010, which added section 18A to the Fair Labor Standards Act to require employers who have more than 200 full-time employees and who offer enrollment in one or more health benefits plans to automatically enroll new full-time employees in one of the plans offered and to continue enrollment of current employees.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** Undetermined

**Unfunded Mandates:** Undetermined

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 218A; FLSA sec 18A; PL 111-148, sec 1511, Patient Protection and Affordable Care Act of 2010

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Federal; Local; State

**Federalism:** Undetermined

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**Department of Labor (DOL)**  
**Employee Benefits Security Administration ( EBSA )**

RIN: 1210-AB52

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**Title:** Group Health Plans and Health Insurance Issuers Relating to the Summary of Benefits and Coverage and the Uniform Glossary Required Under the Affordable Care Act

**Abstract:** The Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act) amended title I of ERISA, by adding a new section 715 which encompasses various health reform provisions of the Public Health Service Act. These regulations provide guidance on the rules relating to provision of the Summary of Benefits and Coverage and the Uniform Glossary for group health plans and health insurance coverage in the group and individual markets under the Patient Protection and Affordable Care Act. As mentioned in previous requests, RIN 1210-AB41 was split into additional RINs due to the breadth of issues covered, and this is the sixth request in a series relating to the Affordable Care Act.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** Undetermined

**Unfunded Mandates:** Undetermined

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** Not Yet Determined

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
NPRM	08/22/2011	76 FR 52442
NPRM Comment Period End	10/21/2011	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Energy Affected:** Undetermined

**Related Agencies:** Joint : OCIO; Joint : IRS

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**Department of Labor (DOL)**  
**Employee Benefits Security Administration ( EBSA )**

RIN: 1210-AB35

 [View Related Documents](#)

**Title:** Statutory Exemption for Provision of Investment Advice

**Abstract:** Section 601 of the Pension Protection Act (Pub. L. 109-280) amended ERISA by adding new section 408(b)(14) and 408(g). Section 408(b)(14) is a prohibited transaction exemption that permits the provision of investment advice to participants or beneficiaries of certain individual account plans if the investment advice is provided under an "eligible investment advice arrangement," as defined in section 408(g). In order to qualify as an "eligible investment advice arrangement," the arrangement must either provide that any fees received by the adviser do not vary depending on the basis of any investment options selected, or use a computer model under an investment advice program that meets the criteria set forth in section 408(g) in connection with the provision of investment advice. Further, with respect to both types of advice arrangements, the investment adviser must disclose to advice recipients all fees that the adviser or any affiliate is to receive in connection with the advice. Section 408(g) requires that the computer model which serves as the basis for an eligible investment advice arrangement be certified by an "eligible investment expert" in accordance with rules prescribed by the Secretary of Labor. Section 408(g) also directs the Secretary of Labor to issue a model form for the required disclosure of fees.

**Priority:** Economically Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** Yes**Unfunded Mandates:** No**CFR Citation:** 29 CFR 2550 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 1108(g); 29 USC 1135; PL 109-280, sec 601(a); Pension Protection Act of 2006; ERISA sec 408(g); ERISA sec 505**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	03/02/2010	75 FR 9360
NPRM Comment Period End	05/05/2010	
Final Action	10/25/2011	76 FR 66136
Final Action Effective	12/27/2011	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Related RINs:** Related to 1210-AB13**Agency Contact:** Fred Wong

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**Department of Labor (DOL)****Employee Benefits Security Administration ( EBSA )****RIN:** 1210-AB49 [View Related Documents](#)**Title:** Prohibited Transaction Exemption Procedures

**Abstract:** This rulemaking will amend and supersede the current rule of procedure that governs the filing and processing of applications for administrative exemptions from the prohibited transaction provisions of title I of the Employee Retirement Income Security Act of 1974, the Internal Revenue Code of 1986, and the Federal Employees' Retirement System Act of 1986. This amendment will promote transparency and facilitate the efficient consideration of exemption applications by providing plan participants with a clearer understanding of the exemption under consideration, by clarifying the types of information and documentation generally required for a complete filing, and by affording expanded opportunities for the electronic submission of information and comments relating to an exemption application. In August 2010, an NPRM was published for this item under RIN 1210-AA98 (75 FR 53172).

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 2570.30 to 2570.52 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 1135; 29 USC 1108(a)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	08/30/2010	75 FR 53172
NPRM Comment Period End	10/14/2010	
Final Action	10/27/2011	76 FR 66637
Final Action Effective	12/27/2011	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Federalism:** No**Related RINs:** Previously Reported as 1210-AA98**Agency Contact:** Mark W. Judge

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**Department of Labor (DOL)**  
**Employee Benefits Security Administration ( EBSA )**

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RIN: 1210-AB50

 [View Related Documents](#)

**Title:** Electronic Disclosure by Employee Benefit Plans

**Abstract:** The Department has decided to review the current regulatory standards for the electronic distribution of disclosures required by title 1 of ERISA. Such review will take into account current technology, best practices, and the need to protect the rights and interests of employee benefit plan participants and beneficiaries. The purpose of the RFI is to solicit the views of the public regarding this important issue.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 104b-1(c) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 1024, ERISA section 104

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Request for Information	04/07/2011	76 FR 19285
Request for Information Comment Period End	06/06/2011	
Withdrawn	12/31/2011	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** No

**Federalism:** No

**Agency Contact:** Jeffrey J. Turner

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**Department of Labor (DOL)**  
**Occupational Safety and Health Administration ( OSHA )**

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RIN: 1218-AC34

 [View Related Documents](#)

**Title:** Bloodborne Pathogens

**Abstract:** OSHA will undertake a review of the Bloodborne Pathogen Standard (29 CFR 1910.1030) in accordance with the requirements of the Regulatory Flexibility Act and section 5 of Executive Order 12866. The review will consider the continued need for the rule; whether the rule overlaps, duplicates, or conflicts with other Federal, State or local regulations; and the degree to which technology, economic conditions, or other factors may have changed since the rule was evaluated.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** PreRule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 1910.1030 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 5 USC 533; 5 USC 610; 29 USC 655(b)

**Legal Deadline:** None

**Timetable:**

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Action	Date	FR Cite
Begin Review	10/22/2009	
Request for Comments Published	05/14/2010	75 FR 27237
Comment Period End	08/12/2010	
End Review and Issue Findings	04/00/2012	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Dorothy Dougherty

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E-Mail: [dougherty.dorothy@dol.gov](mailto:dougherty.dorothy@dol.gov)**Department of Labor (DOL)****Occupational Safety and Health Administration ( OSHA )****RIN:** 1218-AC46 [View Related Documents](#)**Title:** Infectious Diseases

**Abstract:** Employees in health care and other high-risk environments face long-standing infectious diseases hazards such as tuberculosis (TB), varicella disease (chickenpox, shingles), and measles (rubeola), as well as new and emerging infectious disease threats, such as Severe Acute Respiratory Syndrome (SARS) and pandemic influenza. Health care workers and workers in related occupations, or who are exposed in other high-risk environments, are at increased risk of contracting TB, SARS, MRSA, and other infectious diseases that can be transmitted through a variety of exposure routes. OSHA is concerned about the ability of employees to continue to provide health care and other critical services without unreasonably jeopardizing their health. OSHA is considering the need for a standard to ensure that employers establish a comprehensive infection control program and control measures to protect employees from infectious disease exposures to pathogens that can cause significant disease. Workplaces where such control measures might be necessary include: Health care, emergency response, correctional facilities, homeless shelters, drug treatment programs, and other occupational settings where employees can be at increased risk of exposure to potentially infectious people. A standard could also apply to laboratories, which handle materials that may be a source of pathogens, and to pathologists, coroners' offices, medical examiners, and mortuaries. OSHA published an RFI on May 6, 2010, the comment period closed on August 4, 2010.

**Priority:** Economically Significant**Agenda Stage of Rulemaking:** PreRule**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** 29 CFR 1910 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 5 USC 533; 29 USC 657 and 658; 29 USC 660; 29 USC 666; 29 USC 669; 29 USC 673; ...**Legal Deadline:** None**Regulatory Plan:**

**Statement of Need:** In 2007, the healthcare and social assistance sector as a whole had 16.5 million employees. Healthcare workplaces can range from small private practices of physicians to hospitals that employ thousands of workers. In addition, healthcare is increasingly being provided in other settings such as nursing homes, free-standing surgical and outpatient centers, emergency care clinics, patients' homes, and prehospitalization emergency care settings. The Agency is particularly concerned by studies that indicate that transmission of infectious diseases to both patients and healthcare workers may be occurring as a result of incomplete adherence to recognized, but voluntary, infection control measures. Another concern is the movement of healthcare delivery from the traditional hospital setting, with its greater infrastructure and resources to effectively implement infection control measures, into more diverse and smaller workplace setting with less infrastructure and fewer resources, but with an expanding worker population.

**Legal Basis:** The Occupational Safety and Health Act of 1970 authorizes the Secretary of Labor to set mandatory occupational safety and health standards to assure safe and healthful working conditions for working men and women (29 U.S.C. 651).

**Alternatives:** The alternative to the proposed rulemaking would be to take no regulatory action.

**Costs and Benefits:** The estimates of the costs and benefits are still under development.

**Risks:** Analysis of risks is still under development.

**Timetable:**

Action	Date	FR Cite
Request for Information (RFI)	05/06/2010	75 FR 24835
RFI Comment Period End	08/04/2010	
Analyze Comments	12/30/2010	
Stakeholder Meetings	07/29/2011	
Initiate SBREFA	03/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Energy Affected:** No

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**Department of Labor (DOL)**

**Occupational Safety and Health Administration ( OSHA )**

**RIN:** 1218-AC48

 [View Related Documents](#)

**Title:** Injury and Illness Prevention Program

**Abstract:** OSHA is developing a rule requiring employers to implement an Injury and Illness Prevention Program. It involves planning, implementing, evaluating, and improving processes and activities that protect employee safety and health. OSHA has substantial data on reductions in injuries and illnesses from employers who have implemented similar effective processes. The Agency currently has voluntary Safety and Health Program Management Guidelines (54 FR 3904 to 3916), published in 1989. An injury and illness prevention rule would build on these guidelines as well as lessons learned from successful approaches and best practices under OSHA's Voluntary Protection Program Safety and Health Achievement Recognition Program and similar industry and international initiatives such as American National Standards Institute/American Industrial Hygiene Association Z10 and Occupational Health and Safety Assessment Series 18001.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** PreRule

**Major:** Undetermined

**Unfunded Mandates:** Undetermined

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

**Legal Authority:** 29 USC 653; 29 USC 655(b); 29 USC 657

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** There are approximately 5,000 workplace fatalities and approximately 3.5 million serious workplace injuries every year. There are also many workplace illnesses caused by exposure to common chemical, physical, and biological agents. OSHA believes that an injury and illness prevention program is a universal intervention that can be used in a wide spectrum of workplaces to dramatically reduce the number and severity of workplace injuries. Such programs have been shown to be effective in many workplaces in the United States and internationally.

**Legal Basis:** The Occupational Safety and Health Act of 1970 authorizes the Secretary of Labor to set mandatory occupational safety and health standards to assure safe and healthful working conditions for working men and women (29 U.S.C. 651).

**Alternatives:** The alternatives to this rulemaking would be to issue guidance, recognition programs, or allow for the States to develop individual regulations. OSHA has used voluntary approaches to address the need, including publishing Safety and Health Program Management Guidelines in 1989. In addition, OSHA has two recognition programs, the Voluntary Protection Program (known as VPP), and the Safety and Health Achievement Recognition Program (known as SHARP). These programs

recognize workplaces with effective safety and health programs. Several States have issued regulations that require employers to establish effective safety and health programs.

**Costs and Benefits:** The scope of the proposed rulemaking and the costs and benefits are still under development for this regulatory action.

**Risks:** A detailed risk analysis is underway.

**Timetable:**

Action	Date	FR Cite
Stakeholder Meetings	06/03/2010	
Initiate SBREFA	01/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Small Entities Affected:** Business

**Federalism:** Undetermined

**Energy Affected:** No

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**Department of Labor (DOL)**

**Occupational Safety and Health Administration ( OSHA )**

**RIN:** 1218-AC51

 [View Related Documents](#)

**Title:** Reinforced Concrete in Construction and Preventing Backover Injuries and Fatalities

**Abstract:** OSHA is requesting information on employee safety risks in two areas, reinforcing operations in concrete work (construction only) and fatal backovers by vehicles and equipment (all industries). Current rules regarding reinforcing steel and post-tensioning activities do not adequately address worker hazards in work related to post-tensioning and reinforcing steel. Both are techniques for reinforcing concrete and are generally used in commercial and industrial construction. OSHA currently has few rules which address the steel reinforcing and post-tensioning fields directly. The few rules that do exist are found in subpart Q — Concrete and Masonry Construction of 29 CFR 1926. OSHA IMIS data indicates that 31 workers died while performing work on or near post-tensioning operations or reinforcing steel between 2000 and 2009. The use of reinforced steel and post-tensioned poured in place concrete in commercial and industrial construction is expected to rise. Without adequate standards, the rate of accidents will likely rise as well. Currently, workers performing steel reinforcing suffer injuries caused by unsafe material handling, structural collapse, and impalement by protruding reinforcing steel dowels, among others. Employees involved in post-tensioning activities are at risk for incidents caused by the misuse of post-tensioning equipment and improper training. In addition, backing vehicles and equipment are common causes of struck-by injuries and can also cause caught between injuries when backing vehicles and equipment pin a worker against something else. NIOSH reports that 51% of worker on foot fatalities that occurred within a highway work zone involved backing vehicles. Emerging technologies in the field of operations include after market devices, such as cameras and proximity detection systems. The use of spotters and internal traffic control plans can also make backing operations safer. Struck-by injuries and caught between injuries are two of the four leading causes of workplace fatalities. OSHA IMIS data indicates that, between 2005 and 2010, over 350 workers have died as a result of backing incidents. While backing incidents can prove fatal, workers can suffer severe, non-fatal injuries as well. A review of OSHA's IMIS database found that backing incidents can result in serious injury to the back and pelvis; fractured bones; concussion; amputation; and other injuries. OSHA believes that it is necessary to request information from those involved in the reinforcing concrete industry, backing operations, and the general public to better understand how to prevent these incidents.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** PreRule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 655(b)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Request for Information	02/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Agency Contact:** Jim Maddux

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**Department of Labor (DOL)****Occupational Safety and Health Administration ( OSHA )****RIN:** 1218-AC67 [View Related Documents](#)**Title:** Standards Improvement Project IV

**Abstract:** OSHA's Standards Improvement Projects (SIPs) are intended to remove or revise duplicative, unnecessary, and inconsistent safety and health standards. The Agency has published three earlier final standards to remove unnecessary provisions, thus reducing costs or paperwork burden on affected employers. Standards Improvement Project Phase I was published in the Federal Register on June 18, 1998 (63 FR 33450); SIPs Phase 2 was published on January 5, 2005 (70 FR 1111); and SIPs Phase III was published June 8, 2011 (76 FR 33590). The Agency believes that these standards have reduced the compliance costs and eliminated or reduced the paperwork burden for a number of its standards. The Agency only considers such changes to its standards so long as they do not diminish employee protections. The Agency is initiating a fourth rulemaking effort to identify unnecessary or duplicative provisions or paperwork requirements that is limited solely to its construction standards in 29 CFR 1926. The Agency will initiate rulemaking by publishing a Request For Information (RFI) in March 2012.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** PreRule**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1926 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 655(b)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Request for Information	03/00/2012	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Undetermined**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Jim Maddux

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**Department of Labor (DOL)****Occupational Safety and Health Administration ( OSHA )****RIN:** 1218-AC72



 [View Related Documents](#)**Title:** Vertical Tandem Lifts

**Abstract:** OSHA issued a final rule on Longshoring on July 25, 1997 (62 FR 40142). In that rule, the Agency reserved provisions related to vertical tandem lifts. Vertical tandem lifts (VTLs) involve the lifting of two or more empty intermodal containers, secured together with twist locks. OSHA worked with national and international organizations to gather additional information on the safety of VTLs. The Agency published an NPRM to address safety issues related to VTLs. The extended comment period concluded February 13, 2004, and an informal public hearing was held on July 29 to 30, 2004. The rulemaking record closed on June 27, 2005. The Agency published a final rule for vertical tandem lifts on December 10, 2008. On June 17, 2011, the United States Court of Appeals for the District of Columbia Circuit remanded two provisions of the VTL final rule: The inspection requirement with respect to ship-to-shore VTLs and the total ban on platform container VTLs. According to the court's decision, there was insufficient evidence in the record that complying with those two provisions was technologically feasible. OSHA is assessing the technological feasibility of those two provisions so that the Agency can reinstitute them.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** PreRule**Major:** No**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 1917.71; 29 CFR 1918.11; 29 CFR 1918.85 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 655(b); 33 USC 941**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Reopen Record	05/00/2012	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No

**International Impacts:** This regulatory action will be likely to have international trade and investment effects, or otherwise be of international interest.

**Related RINs:** Related to 1218-AA56**Agency Contact:** Dorothy Dougherty

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E-Mail: [dougherty.dorothy@dol.gov](mailto:dougherty.dorothy@dol.gov)**Department of Labor (DOL)****Occupational Safety and Health Administration ( OSHA )****RIN:** 1218-AC74 [View Related Documents](#)**Title:** Review/Lookback of OSHA Chemical Standards

**Abstract:** The majority of OSHA's Permissible Exposure Limits (PELs) were adopted in 1971, under section 6(a) of the OSH Act and only a few have been successfully updated since that time. There is widespread agreement among industry, labor, and professional occupational safety and health organizations that OSHA's PELs are outdated and need revising in order to take into account newer scientific data that indicates that significant occupational health risks exist at levels below OSHA's current PELs. In 1989, OSHA issued a final standard that lowered PELs for over 200 chemicals and added PELs for 164. However, the final rule was challenged and ultimately vacated by the 11th Circuit Court of Appeals in 1991 citing deficiencies in OSHA's analyses. Since that time OSHA has made attempts to examine its outdated PELs in light of the court's 1991 decision. Most recently, OSHA sought input through a stakeholder meeting and web forum to discuss various approaches that might be used to address its outdated PELs. As part of the Department's Regulatory Review and Lookback Efforts, OSHA is developing a Request for Information (RFI) seeking input from the public to help the Agency identify effective ways to address occupational exposure to chemicals.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** PreRule



**Major:** Undetermined**Unfunded Mandates:** Undetermined**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 655(b); 29 USC 657**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Request for Information	08/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** Undetermined**Agency Contact:** Dorothy Dougherty

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E-Mail: [dougherty.dorothy@dol.gov](mailto:dougherty.dorothy@dol.gov)**Department of Labor (DOL)****Occupational Safety and Health Administration ( OSHA )**

RIN: 1218-AB70

 [View Related Documents](#)**Title:** Occupational Exposure to Crystalline Silica

**Abstract:** Crystalline silica is a significant component of the earth's crust, and many workers in a wide range of industries are exposed to it, usually in the form of respirable quartz or, less frequently, cristobalite. Chronic silicosis is a uniquely occupational disease resulting from exposure of employees over long periods of time (10 years or more). Exposure to high levels of respirable crystalline silica causes acute or accelerated forms of silicosis that are ultimately fatal. The current OSHA permissible exposure limit (PEL) for general industry is based on a formula proposed by the American Conference of Governmental Industrial Hygienists (ACGIH) in 1968 (PEL=10mg/cubic meter/(% silica + 2), as respirable dust). The current PEL for construction and shipyards (derived from ACGIH's 1970 Threshold Limit Value) is based on particle counting technology, which is considered obsolete. NIOSH and ACGIH recommend 50µg/m3 and 25µg/m3 exposure limits, respectively, for respirable crystalline silica. Both industry and worker groups have recognized that a comprehensive standard for crystalline silica is needed to provide for exposure monitoring, medical surveillance, and worker training. ASTM International has published recommended standards for addressing the hazards of crystalline silica. The Building Construction Trades Department of the AFL-CIO has also developed a recommended comprehensive program standard. These standards include provisions for methods of compliance, exposure monitoring, training, and medical surveillance.

**Priority:** Economically Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** Yes**Unfunded Mandates:** State, Local, Or Tribal Governments**CFR Citation:** 29 CFR 1910; 29 CFR 1915; 29 CFR 1917; 29 CFR 1918; 29 CFR 1926 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 655(b); 29 USC 657**Legal Deadline:** None**Regulatory Plan:**

**Statement of Need:** Workers are exposed to crystalline silica dust in general industry, construction, and maritime industries. Industries that could be particularly affected by a standard for crystalline silica include: Foundries, industries that have abrasive blasting operations, paint manufacture, glass and concrete product manufacture, brick making, china and pottery manufacture, manufacture of plumbing fixtures, and many construction activities including highway repair, masonry, concrete work, rock drilling, and tuckpointing. The seriousness of the health hazards associated with silica exposure is demonstrated by the fatalities and disabling illnesses that continue to occur. In 2005, the most recent year for which data is available, silicosis was identified on 161 death certificates as an underlying or contributing cause of death. It is likely that many more cases have occurred where silicosis went undetected. In addition, the International Agency for Research on Cancer has designated crystalline silica as carcinogenic to humans, and the National Toxicology Program has concluded that respirable crystalline silica is a known human carcinogen. Exposure to crystalline silica has also been associated with an increased risk of developing tuberculosis and other nonmalignant respiratory diseases, as well as renal and autoimmune diseases. Exposure studies and OSHA enforcement data

indicate that some workers continue to be exposed to levels of crystalline silica far in excess of current exposure limits. Congress has included compensation of silicosis victims on Federal nuclear testing sites in the Energy Employees' Occupational Illness Compensation Program Act of 2000. There is a particular need for the Agency to modernize its exposure limits for construction and shipyard workers, and to address some specific issues that will need to be resolved to propose a comprehensive standard.

**Legal Basis:** The legal basis for the proposed rule is a preliminary determination that workers are exposed to a significant risk of silicosis and other serious disease and that rulemaking is needed to substantially reduce the risk. In addition, the proposed rule will recognize that the PELs for construction and maritime are outdated and need to be revised to reflect current sampling and analytical technologies.

**Alternatives:** Over the past several years, the Agency has attempted to address this problem through a variety of non-regulatory approaches, including initiation of a Special Emphasis Program on silica in October 1997, sponsorship with NIOSH and MSHA of the National Conference to Eliminate Silicosis, and dissemination of guidance information on its Web site.

**Costs and Benefits:** The scope of the proposed rulemaking and estimates of the costs and benefits are still under development.

**Risks:** A detailed risk analysis is under way.

**Timetable:**

Action	Date	FR Cite
Completed SBREFA Report	12/19/2003	
Initiated Peer Review of Health Effects and Risk Assessment	05/22/2009	
Completed Peer Review	01/24/2010	
NPRM	02/00/2012	

**Regulatory Flexibility Analysis Required:** Business

**Government Levels Affected:** Federal

**Federalism:** Yes

**Energy Affected:** No

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**Department of Labor (DOL)**  
**Occupational Safety and Health Administration ( OSHA )**

**RIN:** 1218-AC49

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**Title:** Improve Tracking of Workplace Injuries and Illnesses

**Abstract:** OSHA is proposing changes to its reporting system for occupational injuries and illnesses. An updated and modernized reporting system would enable a more efficient and timely collection of data and would improve the accuracy and availability of the relevant records and statistics. This proposal involves modification to 29 CFR part 1904.41 to expand OSHA's legal authority to collect and make available injury and illness information required under part 1904.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** Undetermined

**Unfunded Mandates:** Undetermined

**CFR Citation:** 29 CFR 1904 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 657

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** The collection of establishment specific injury and illness data in electronic format on a timely basis is needed to help OSHA, employers, employees, researchers, and the public more effectively prevent workplace injuries and illnesses, as well as support President Obama's Open Government Initiative to increase the ability of the public to easily find, download, and use the resulting dataset generated and held by the Federal Government.

**Legal Basis:** The Occupational Safety and Health Act of 1970 authorizes the Secretary of Labor to develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics (29 U.S.C. 673).

**Alternatives:** The alternative to the proposed rulemaking would be to take no regulatory action.

**Costs and Benefits:** The estimates of the costs and benefits are still under development.

**Risks:** Analysis of risks is still under development.

**Timetable:**

Action	Date	FR Cite
Stakeholder Meetings	05/25/2010	75 FR 24505
Comment Period End	06/18/2010	
NPRM	02/00/2012	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Federalism:** No

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**Department of Labor (DOL)**

**Occupational Safety and Health Administration ( OSHA )**

**RIN:** 1218-AC50

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**Title:** Occupational Injury and Illness Recording and Reporting Requirements--NAICS Update and Reporting Revisions

**Abstract:** This proposal involves changes to two aspects of the OSHA recordkeeping and reporting requirements. First, OSHA is proposing to update appendix A to subpart B of part 1904. This appendix contains a list of industries that are partially exempt from the requirements to maintain a log of occupational injuries and illnesses, generally due to their relatively low rates of occupational injury and illness. The current list of industries is based on the Standard Industrial Classification (SIC) system. In 1997, a newer system, the North American Industry Classification System (NAICS), was introduced to classify establishments by industry. The proposed rule would update appendix A by replacing it with a list of industries based on the NAICS and based on more recent occupational injury and illness rates. Second, OSHA is proposing to revise the reporting requirements regarding the obligations of employers to report to OSHA the occurrence of fatalities and certain injuries. The existing regulations require employers to report to OSHA within 8 hours any work-related incident resulting in the death of an employee or the in-patient hospitalization of three or more employees.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 1904 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 657

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	06/22/2011	76 FR 36414
Notice of Reopening of Record	09/28/2011	76 FR 59952
NPRM Comment Period End	09/20/2011	
Comment Period End	10/28/2011	
Analyze Comments	05/00/2012	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Federalism:** No

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**Department of Labor (DOL)**  
**Occupational Safety and Health Administration ( OSHA )**

**RIN:** 1218-AC64

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**Title:** Updating OSHA Standards Based on National Consensus Standards--Acetylene

**Abstract:** Under section 6(a) of the OSH Act, during the first two years of the Act, the Agency was directed to adopt national consensus standards as OSHA standards. Some of these standards were adopted as regulatory text, while others were incorporated by reference. In the more than 40 years since these standards were adopted by OSHA, the organizations responsible for these consensus standards have issued updated versions of these standards. However, in most cases, OSHA has not revised its regulations to reflect later editions of the consensus standards. OSHA standards also continue to incorporate by reference various consensus standards that are now outdated and, in some cases, out of print. The Agency is undertaking a multiyear project to update these standards. A notice describing the project was published in November 2004 (69 FR 68283). As part of this multiyear project, OSHA published a Direct Final Rule (DFR) for Acetylene and a final rule on Personal Protective Equipment (PPE). The Acetylene DFR, published August 2009, updated 29 CFR 1910.102 based on the latest NFPA and Compressed Gas Association (CGI) consensus standards. Just prior to issuing the DFR, CGI published a new edition of their standard in June 2009; OSHA's update of 29 CFR 1910.102 was undergoing final OMB review at that time. OSHA intends to publish a DFR to incorporate the 2009 CGI standard.

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 1910; 29 CFR 1915; 29 CFR 1917 to 1918; 29 CFR 1926 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 655 (b)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	12/05/2011	76 FR 75782
NPRM	12/05/2011	76 FR 75840
Comment Period End	01/04/2012	
Analyze Comments	02/00/2012	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**Related RINs:** Related to 1218-AC08

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**Title:** Updating OSHA Standards Based on National Consensus Standards--Personal Protection Equipment (Head Protection)

**Abstract:** Under section 6(a) of the OSH Act, during the first two years of the Act, the Agency was directed to adopt national consensus standards as OSHA standards. Some of these standards were adopted as regulatory text, while others were incorporated by reference. In the more than 40 years since these standards were adopted by OSHA, the organizations responsible for these consensus standards have issued updated versions of these standards. However, in most cases, OSHA has not revised its regulations to reflect later editions of the consensus standards. OSHA standards also continue to incorporate by reference various consensus standards that are now outdated and, in some cases, out of print. The Agency is undertaking a multiyear project to update these standards. A notice describing the project was published in November 2004 (69 FR 68283). As part of this multiyear project, OSHA published a Direct Final Rule (DFR) for Acetylene and a final rule on Personal Protective Equipment (PPE). The PPE Final Rule, published September 2009, amended the general industry PPE standard and incorporated by reference a number of updated consensus standards governing the design and testing of certain types of PPE. The Final Rule did not update PPE standards for the construction industry; these standards currently refer to outdated consensus rules. In addition, while the Final Rule was undergoing final OMB review, ANSI published a 2009 edition of the Head Protection (ANSI Z-89.1) consensus standard. This current project will now incorporate the latest PPE consensus standards for the general, construction, and maritime industries

**Priority:** Substantive, Nonsignificant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** Undetermined

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 1910; 29 CFR 1915; 29 CFR 1917 to 1918; 29 CFR 1926 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 655 (b)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	03/00/2012	
NPRM	03/00/2012	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

**Related RINs:** Related to 1218-AC08

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**Department of Labor (DOL)**

**Occupational Safety and Health Administration ( OSHA )**

**RIN:** 1218-AB47

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**Title:** Confined Spaces in Construction

**Abstract:** In 1993, OSHA issued a rule to protect employees who enter confined spaces while engaged in general industry work (29 CFR 1910.146). This standard has not been extended to cover employees entering confined spaces while engaged in construction work because of unique characteristics of construction worksites. Pursuant to discussions with the United Steel Workers of America that led to a settlement agreement regarding the general industry standard, OSHA agreed to issue a proposed rule to protect construction workers in confined spaces.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 1926.36 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 655(b); 40 USC 333

**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
SBREFA Panel Report	11/24/2003	
NPRM	11/28/2007	72 FR 67351
NPRM Comment Period End	01/28/2008	
NPRM Comment Period Extended	02/28/2008	73 FR 3893
Public Hearing	07/22/2008	
Close Record	10/23/2008	
Final Action	06/00/2012	

**Regulatory Flexibility Analysis Required:** Business**Government Levels Affected:** Undetermined**Federalism:** No**Energy Affected:** No**Agency Contact:** Jim Maddux

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**Department of Labor (DOL)****Occupational Safety and Health Administration ( OSHA )****RIN:** 1218-AB67 [View Related Documents](#)**Title:** Electric Power Transmission and Distribution; Electrical Protective Equipment

**Abstract:** Electrical hazards are a major cause of occupational death in the United States. The annual fatality rate for power line workers is about 50 deaths per 100,000 employees. The construction industry standard addressing the safety of these workers during the construction of electric power transmission and distribution lines is over 35 years old. OSHA has developed a revision of this standard that will prevent many of these fatalities, add flexibility to the standard, and update and streamline the standard. OSHA also intends to amend the corresponding standard for general industry so that requirements for work performed during the maintenance of electric power transmission and distribution installations are the same as those for similar work in construction. In addition, OSHA will be revising a few miscellaneous general industry requirements primarily affecting electric transmission and distribution work, including provisions on electrical protective equipment and foot protection. This rulemaking also addresses fall protection in aerial lifts for work on power generation, transmission, and distribution installations. OSHA published an NPRM on June 15, 2005. A public hearing was held from March 6 through March 14, 2006. OSHA reopened the record to gather additional information on minimum approach distances for specific ranges of voltages. The record was reopened a second time to allow more time for comment and to gather information on minimum approach distances for all voltages and on the newly revised Institute of Electrical and Electronics Engineers consensus standard. Additionally, a public hearing was held on October 28, 2009.

**Priority:** Economically Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** Yes**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 1910.136 to 1910.137; 29 CFR 1910.269; 29 CFR 1926, subpart V; 29 CFR 1926.97 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 655(b); 40 USC 333**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
SBREFA Report	06/30/2003	
NPRM	06/15/2005	70 FR 34821
NPRM Comment Period End	10/13/2005	
Public Hearing To Be Held 03/06/2006	10/12/2005	70 FR 59290
Comment Period Extended to 01/11/2006	10/12/2005	70 FR 59290
Posthearing Comment Period End	07/14/2006	

Reopen Record	10/22/2008	73 FR 62942
Comment Period End	11/21/2008	
Close Record	11/21/2008	
Second Reopening Record	09/14/2009	74 FR 46958
Comment Period End	10/15/2009	
Public Hearings	10/28/2009	
Posthearing Comment Period End	02/10/2010	
Final Rule	05/00/2012	

**Regulatory Flexibility Analysis Required:** Business**Government Levels Affected:** Local**Federalism:** No**Energy Affected:** No**Agency Contact:** Dorothy Dougherty

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E-Mail: [dougherty.dorothy@dol.gov](mailto:dougherty.dorothy@dol.gov)**Department of Labor (DOL)****Occupational Safety and Health Administration ( OSHA )****RIN:** 1218-AB80 [View Related Documents](#)**Title:** Walking Working Surfaces and Personal Fall Protection Systems (Slips, Trips, and Fall Prevention)

**Abstract:** In 1990, OSHA proposed a rule (55 FR 13360) addressing slip, trip, and fall hazards and establishing requirements for personal fall protection systems. Slips, trips, and falls are among the leading causes of work-related injuries and fatalities. Since that time, new technologies and procedures have become available to protect employees from these hazards. The Agency has been working to update these rules to reflect current technology. OSHA published a notice to reopen the rulemaking for comment on May 2, 2003, because a number of issues were raised in the NPRM record. As a result of the comments received on that notice, OSHA has determined that the rule proposed in 1990 is out-of-date and does not reflect current industry practice or technology. The Agency published a second NPRM on May 24, 2010, which was modified to reflect current information as well as reassess the impact. Hearings were held on January 18 through 21, 2011.

**Priority:** Economically Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** Yes**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1910, subparts D and I (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 655(b)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	04/10/1990	55 FR 13360
NPRM Comment Period End	08/22/1990	
Hearing	09/11/1990	55 FR 29224
Reopen Record	05/02/2003	68 FR 23527
Comment Period End	07/31/2003	
Second NPRM	05/24/2010	75 FR 28861
Second NPRM Comment Period End	08/23/2010	
Notice of Informal Hearing	11/12/2010	75 FR 69369
Public Hearing	01/18/2011	
Analyze Comments	08/26/2011	
Final Action	10/00/2012	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No



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**Department of Labor (DOL)**  
**Occupational Safety and Health Administration ( OSHA )**

**RIN:** 1218-AC20

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**Title:** Hazard Communication

**Abstract:** OSHA's Hazard Communication Standard (HCS) requires chemical manufacturers and importers to evaluate the hazards of the chemicals they produce or import, and prepare labels and material safety data sheets to convey the hazards and associated protective measures to users of the chemicals. All employers with hazardous chemicals in their workplaces are required to have a hazard communication program, including labels on containers, material safety data sheets (MSDS), and training for employees. Within the United States (U.S.), there are other Federal agencies that also have requirements for classification and labeling of chemicals at different stages of the life cycle. Internationally, there are a number of countries that have developed similar laws that require information about chemicals to be prepared and transmitted to affected parties. These laws vary with regard to the scope of substances covered, definitions of hazards, the specificity of requirements (e.g., specification of a format for MSDSs), and the use of symbols and pictograms. The inconsistencies between the various laws are substantial enough that different labels and safety data sheets must often be used for the same product when it is marketed in different nations. The diverse and sometimes conflicting national and international requirements can create confusion among those who seek to use hazard information. Labels and safety data sheets may include symbols and hazard statements that are unfamiliar to readers or not well understood. Containers may be labeled with such a large volume of information that important statements are not easily recognized. Development of multiple sets of labels and safety data sheets is a major compliance burden for chemical manufacturers, distributors, and transporters involved in international trade. Small businesses may have particular difficulty in coping with the complexities and costs involved. As a result of this situation, and in recognition of the extensive international trade in chemicals, there has been a long-standing effort to harmonize these requirements and develop a system that can be used around the world. In 2003, the United Nations adopted the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). Countries are now adopting the GHS into their national regulatory systems. OSHA published the NPRM on September 30, 2009, and held public hearings in Washington, DC, and Pittsburgh, PA, in March 2010. The record closed on June 1, 2010.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** Yes

**Unfunded Mandates:** Private Sector

**CFR Citation:** 29 CFR 1910.1200; 29 CFR 1915.1200; 29 CFR 1917.28; 29 CFR 1918.90; 29 CFR 1926.59; 29 CFR 1928.21  
(To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 655(b); 29 USC 657

**Legal Deadline:** None

#### **Regulatory Plan:**

**Statement of Need:** Multiple sets of requirements for labels and safety data sheets present a compliance burden for U.S. manufacturers, distributors, and transports involved in international trade. The comprehensibility of hazard information and worker safety will be enhanced as the GHS will: (1) Provide consistent information and definitions for hazardous chemicals; (2) address stakeholder concerns regarding the need for a standardized format for material safety data sheets; and (3) increase understanding by using standardized pictograms and harmonized hazard statements. The increase in comprehensibility and consistency will reduce confusion and thus improve worker safety and health. In addition, the adoption of the GHS would facilitate international trade in chemicals, reduce the burdens caused by having to comply with differing requirements for the same product, and allow companies that have not had the resources to deal with those burdens to be involved in international trade. This is particularly important for small producers who may be precluded currently from international trade because of the compliance resources required to address the extensive regulatory requirements for classification and labeling of chemicals. Thus, every producer is likely to experience some benefits from domestic harmonization, in addition to the benefits that will accrue to producers involved in international trade. Several nations, including the European Union, have adopted the GHS with an implementation schedule through 2015. U.S. manufacturers, employers, and employees will be at a disadvantage in the event that our system of hazard communication is not in compliance with the GHS.

**Legal Basis:** The Occupational Safety and Health Act of 1970 authorizes the Secretary of Labor to set mandatory



occupational safety and health standards to assure safe and healthful working conditions for working men and women (29 U.S.C. 651).

**Alternatives:** The alternative to the proposed rulemaking would be to take no regulatory action.

**Costs and Benefits:** The estimates of the costs and benefits are still under development.

**Risks:** OSHA's risk analysis is under development.

**Timetable:**

Action	Date	FR Cite
ANPRM	09/12/2006	71 FR 53617
ANPRM Comment Period End	11/13/2006	
Complete Peer Review of Economic Analysis	11/19/2007	
NPRM	09/30/2009	74 FR 50279
NPRM Comment Period End	12/29/2009	
Hearing	03/02/2010	
Hearing	03/31/2010	
Post Hearing Comment Period End	06/01/2010	
Final Action	02/00/2012	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local; State

**Federalism:** Yes

**Energy Affected:** No

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**Department of Labor (DOL)**

**Occupational Safety and Health Administration ( OSHA )**

**RIN:** 1218-AC32

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**Title:** Cooperative Agreements

**Abstract:** OSHA proposes to revise its regulations for the federally funded On-site Consultation Program to: a) Clarify the ability of the Assistant Secretary to define sites which would receive inspections regardless of Safety and Health Achievement Recognition Program (SHARP) exemption status; b) allow Compliance Safety and Health Officers to proceed with enforcement visits resulting from referrals at sites undergoing Consultation visits and at sites that have been awarded SHARP status; and c) limit the deletion period from OSHA's programmed inspection schedule for those employers participating in the SHARP program. Note: SHARP is a recognition program that OSHA administers to provide incentives and support for small employers to develop, implement, and continuously improve effective safety and health programs at their worksites.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 1908 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 656 and 657; 29 USC 670

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	09/03/2010	75 FR 54064
NPRM Comment Period End	11/02/2010	
Final Action	05/00/2012	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Federalism:** No**Agency Contact:** Kimberly A. Locey

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**Department of Labor (DOL)****Occupational Safety and Health Administration ( OSHA )****RIN:** 1218-AC36 [View Related Documents](#)

**Title:** Procedures for Handling Employee Retaliation Complaints Under the National Transit Systems Security Act; Surface Transportation Assistance Act; and Federal Railroad Safety Act

**Abstract:** OSHA is publishing final procedures for the handling and investigation of retaliation complaints pursuant to section 1521 of the Implementing Recommendations of the 9/11 Commission Act of 2007. This Act amended the Federal Railroad Safety Act (FRSA), to give OSHA responsibility for administering the whistleblower protection provision of FRSA, which provides protections from retaliation to employees working for railroad carriers and their contractors and subcontractors who report potential violations or engage in certain activities related to safety and security. OSHA is publishing procedures for the handling and investigation of retaliation complaints pursuant to section 1413 of the Implementing Recommendations of the 9/11 Commission Act of 2007. Section 1413, known as the National Transit Systems Security Act (NTSSA), included a new whistleblower protection provision to be administered by OSHA that provides protection from retaliation to employees of public transportation agencies and their contractors and subcontractors who report potential violations or engage in certain activities related to safety and security. OSHA will amend 29 CFR 1978, the procedures applicable to the handling and investigation of whistleblower complaints under the Surface Transportation Assistance Act (STAA), 49 U.S.C. 31105, to implement statutory changes enacted by Congress under section 1536 of the Implementing Recommendations of the 9/11 Commission Act of 2007, and to provide other procedural updates as needed. The statute provides retaliation protection to employees working for commercial motor carriers who report potential violations or engage in certain activities related to safety and security. Pursuant to these statutes, the rules set forth the procedures for handling and investigating retaliation complaints, including a statutory "kick-out" provision allowing the complainant to file the complaint in District Court if the Secretary of Labor has not issued a final decision within 210 days of the filing of the complaint. Immediate implementation of these regulations is necessitated to govern whistleblower investigations conducted under the new and revised statutes.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1982; 29 CFR 1978 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** PL 110-53, sec 1521, The Implementing Recommendations of the 9/11 Commission Act of 2007; 49 USC 20109; PL 110-53, sec 1413, The Implementing Recommendations of the 9/11 Commission Act of 2007; 6 USC 1142; PL 110-53, sec 1536, The Implementing Recommendations of the 9/11 Commission Act of 2007; 49 USC 31105

**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	08/31/2010	
Interim Final Rule	08/31/2010	75 FR 53522
Interim Final Rule Comment Period End	11/01/2010	
Final Action	04/00/2012	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Local; State**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Sandra Dillon

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**Department of Labor (DOL)**  
**Occupational Safety and Health Administration ( OSHA )**

RIN: 1218-AC47

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**Title:** Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provisions of the Consumer Product Safety Improvement Act (CPSIA) of 2008

**Abstract:** OSHA is promulgating procedures for the handling and investigation of retaliation complaints pursuant to section 219 of the Consumer Product Safety Improvement Act of 2008. This section established a new whistleblower protection statute to be administered by OSHA that provides protection from retaliation to employees in the consumer product industry, including employees of manufacturers, importers, private labelers, distributors, and retailers, who report reasonably believed violations of the Consumer Product Safety Act or any other Act enforced by the Consumer Product Safety Commission, or any order, rule, regulation, standard, or ban under those Acts. Pursuant to the statute, the procedures will include remedies and legal burdens of proof provisions. Additionally, the Act includes a "kick-out" provision that allows the complainant to file the complaint in District Court if the Secretary has not issued a final determination within 210 days, or within 90 days after receiving a written determination. Promulgation of a regulation is necessary to govern whistleblower investigations conducted under the new statute.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 1983 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** PL 110-314, sec 219, the Consumer Product Safety Improvement Act of 2008; 15 USC 2087

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Interim Final Rule Effective	08/31/2010	
Interim Final Rule	08/31/2010	75 FR 53533
Interim Final Rule Comment Period End	11/01/2010	
Final Action	07/00/2012	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Department of Labor (DOL)**  
**Occupational Safety and Health Administration ( OSHA )**

RIN: 1218-AC53

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**Title:** Procedures for the Handling of Retaliation Complaints Under Section 806 of the Corporate and Criminal Fraud Accountability Act of 2002, as Amended

**Abstract:** OSHA is amending 29 CFR 1980, for handling whistleblower complaints under the Corporate and Criminal Fraud Accountability Act, title VIII of the Sarbanes-Oxley Act, 18 U.S.C. 1514A (SOX), to implement statutory changes enacted by Congress under sections 922 and 929A of the Dodd-Frank Wall Street Reform and Consumer Protection Act (DFA) of 2010, and to provide other procedural updates as needed. SOX provides protection for employees who report alleged violations of the Federal mail, wire, bank, or securities fraud statutes, or the Securities Exchange Act, or any other Federal law relating to fraud against shareholders. Under the DFA, the amendments to SOX extend the statutory filing period from 90 to 180 days, provide

parties with a right to a jury trial, extend coverage to nationally recognized statistical rating organizations, and clarify coverage of corporate subsidiaries. Promulgation of these changes to the regulation is necessary to govern whistleblower investigations conducted under SOX.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 1980 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 18 USC 1514A; PL 111-203, secs 922 and 929A, the Dodd Frank Wall Street Reform and Consumer Protection Act of 2010

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Effective Date	11/03/2011	
Interim Final Rule	11/03/2011	76 FR 68084
Comment Period End	01/03/2012	
Analyze Comments	03/00/2012	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Department of Labor (DOL)**

**Occupational Safety and Health Administration ( OSHA )**

**RIN:** 1218-AC58

 [View Related Documents](#)

**Title:** Procedures for the Handling of Retaliation Complaints Under The Affordable Care Act; The Consumer Financial Protection Act; The Seaman's Protection Act; and the FDA Food Safety Modernization Act

**Abstract:** OSHA is promulgating procedures for the handling and investigation of retaliation complaints pursuant to new whistleblower protection provisions of four statutes: (1) section 1558 of the Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act or ACA), which added section 18C to the Fair Labor Standards Act (FLSA); (2) the Consumer Financial Protection Act (CFPA), section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (DFA); (3) the Seaman's Protection Act, 46 U.S.C. section 2114 (SPA); and (4) section 402 of the FDA Food Safety Modernization Act (FSMA). Promulgation of these regulations is necessary to govern whistleblower investigations conducted under the new statutes. Section 18C of the FLSA provides protection from retaliation to employees who engage in protected activities under the ACA. Pursuant to the statute, the procedures will follow those enacted under the Consumer Product Safety Improvement Act, 15 U.S.C 2087(b) and will include the same remedies, legal burdens of proof and other rights. CFPA, section 1057 of the DFA, provides protection from retaliation to employees in the consumer financial product and service industries who report alleged violations of Title X of the DFA or any other provision of law that is subject to the jurisdiction of the Bureau of Consumer Financial Protection, an independent bureau within the Federal Reserve System. Pursuant to the statute, the procedures will include remedies and legal burdens of proof provisions, and a "kick-out" provision allowing the complainant to file a complaint in District Court within 90 days after receiving a written determination from OSHA, or if the Secretary has not issued a final determination within 210 days after the filing of the complaint. SPA, as amended by section 611 of the Coast Guard Authorization Act of 2010, transfers to OSHA the administration of the whistleblower protections previously enforced solely via a private right of action. It provides protection from retaliation to seamen who engage in protected activities under SPA. Pursuant to the statute, the procedures will follow those enacted under the Surface Transportation Assistance Act, 49 U.S.C. 31105, including procedures, requirements, and rights. Section 402 of FSMA provides protection from retaliation to employees of entities engaged in manufacturing, processing, packing, transporting, distribution, reception, holding, or importation of food who engage in protected activities under FSMA. Pursuant to the statute, the procedures will include remedies and legal burdens of proof provisions, and a "kick-out" provision allowing the complainant to file a complaint in District Court within 90 days after receiving a written determination from OSHA, or if the Secretary has not issued a final determination within 210 days after the filing of the complaint.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1984; 29 CFR 1985; 29 CFR 1986; 29 CFR 1987 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 218C, FLSA sec 18C, PL 111-148, sec 1558, Patient Protection and Affordable Care Act of 2010; PL 111-203, sec 1057, the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010; PL 111-281, sec 611 of the Coast Guard Authorization Act of 2010, amending the Seaman's Protection Act, 46 USC 2114; 21 USC 399d, PL 111-353, sec 402 of the FDA Food Safety Modernization Act**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Interim Final Rule	07/00/2012	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Sandra Dillon

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**Department of Labor (DOL)****Occupational Safety and Health Administration ( OSHA )****RIN:** 1218-AC61 [View Related Documents](#)**Title:** Revising the Underground Construction and Demolition Standards To Make the Cranes and Derricks in Construction Rule Applicable to Those Activities**Abstract:** This direct final rule will clarify and simplify OSHA's standards applicable to cranes and derricks in construction by establishing a single set of standards for all construction activities involving cranes and derricks. On August 9, 2010, OSHA issued a Final Rule for Cranes and Derricks in Construction (75 FR 47096), that was originally intended to apply to all crane and derrick use in construction. Rulemaking findings, including the economic analysis, were developed to address all construction work. However, two subsectors of construction work, demolition and underground construction, were exempted from coverage under the new standard, in an effort to ensure that employers involved in those types of work were given sufficient notice to comply with the new rule. These subsectors currently remain covered under the previous rule governing crane and derrick use in construction. This direct final rule will, therefore, apply the new cranes and derricks rule to both demolition and underground construction work, bringing those subsectors current with the rest of the construction industry. It should be noted that a proposed rule accompanies this direct final rule. Should OSHA receive significant adverse comment on this direct final rule, it will withdraw the direct final rule and proceed with the accompanying proposed rule.**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** Not Yet Determined**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Direct Final Rule	02/00/2012	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**Agency Contact:** Jim Maddux

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**Department of Labor (DOL)**  
**Occupational Safety and Health Administration ( OSHA )**

RIN: 1218-AC75

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**Title:** Cranes and Derricks in Construction: Revision to Digger Derricks' Requirements

**Abstract:** OSHA published its final Cranes and Derricks in Construction Standard in August 2010. Edison Electric Institute (EEI) filed a petition for review challenging several aspects of the standard, including the scope of the exemption for digger derricks. As part of the settlement agreement with EEI, the Agency agreed to publish a direct final rule expanding the scope of a partial exemption for work by digger derricks. The Agency in the direct final rule will revise the scope provision on digger derricks as an exemption for all work done by digger derricks covered by subpart V of 29 CFR 1926.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 1926 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 655 (b)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Direct Final Rule	02/00/2012	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Undetermined

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**Public Comment URL:** regulations.gov

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**Department of Labor (DOL)**  
**Occupational Safety and Health Administration ( OSHA )**

RIN: 1218-AB76

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**Title:** Occupational Exposure to Beryllium

**Abstract:** In 1999 and 2001, OSHA was petitioned to issue an emergency temporary standard by the United Steel Workers (formerly the Paper Allied-Industrial, Chemical, and Energy Workers Union), Public Citizen Health Research Group, and others. The Agency denied the petitions but stated its intent to begin data gathering to collect needed information on beryllium's toxicity, risks, and patterns of usage. On November 26, 2002, OSHA published a Request for Information (RFI) (67 FR 70707) to solicit information pertinent to occupational exposure to beryllium, including: Current exposures to beryllium; the relationship between exposure to beryllium and the development of adverse health effects; exposure assessment and monitoring methods; exposure control methods; and medical surveillance. In addition, the Agency conducted field surveys of selected worksites to assess current exposures and control methods being used to reduce employee exposures to beryllium. OSHA convened a Small

Business Advocacy Review Panel under the Small Business Regulatory Enforcement Fairness Act (SBREFA) and completed the SBREFA Report in January 2008. OSHA completed a scientific peer review of its draft risk assessment.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** Yes

**Unfunded Mandates:** Undetermined

**CFR Citation:** 29 CFR 1910 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 655(b); 29 USC 657

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
Request for Information	11/26/2002	67 FR 70707
Request For Information Comment Period End	02/24/2003	
SBREFA Report Completed	01/23/2008	
Initiated Peer Review of Health Effects and Risk Assessment	03/22/2010	
Complete Peer Review	11/19/2010	

**Regulatory Flexibility Analysis Required:** Business

**Government Levels Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Department of Labor (DOL)**

**Occupational Safety and Health Administration ( OSHA )**

**RIN:** 1218-AC33

 [View Related Documents](#)

**Title:** Occupational Exposure to Food Flavorings Containing Diacetyl and Diacetyl Substitutes

**Abstract:** On July 26, 2006, the United Food and Commercial Workers International Union (UFCW) and the International Brotherhood of Teamsters (IBT) petitioned DOL for an Emergency Temporary Standard (ETS) for all employees exposed to diacetyl, a major component in artificial butter flavoring. Diacetyl and a number of other volatile organic compounds are used to manufacture artificial butter food flavorings. These food flavorings are used by various food manufacturers in a multitude of food products, including microwave popcorn, certain bakery goods, and some snack foods. Evidence indicates that exposure to flavorings containing diacetyl is associated with adverse effects on the respiratory system, including bronchiolitis obliterans, a debilitating and potentially fatal lung disease. OSHA denied the petition on September 25, 2007, but has initiated 6(b) rulemaking. OSHA published an Advance Notice of Proposed Rulemaking (ANPRM) on January 21, 2009, but withdrew the ANPRM on March 17, 2009, in order to facilitate timely development of a standard. The Agency subsequently initiated review of the draft proposed standard in accordance with the Small Business Regulatory Enforcement Fairness Act (SBREFA). The SBREFA Panel Report was completed on July 2, 2009. NIOSH is currently developing a criteria document on occupational exposure to diacetyl. The criteria document will also address exposure to 2,3-pentanedione, a chemical that is structurally similar to diacetyl and has been used as a substitute for diacetyl in some applications. It will include an assessment of the effects of exposure as well as quantitative risk assessment. OSHA intends to rely on these portions of the criteria document for the health effects analysis and quantitative risk assessment for the Agency's diacetyl rulemaking.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 1910 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 655(b); 29 USC 657

**Legal Deadline:** None

**Timetable:**

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Action	Date	FR Cite
Next Action Undetermined		
Stakeholder Meeting	10/17/2007	72 FR 54619
ANPRM	01/21/2009	74 FR 3937
ANPRM Withdrawn	03/17/2009	74 FR 11329
ANPRM Comment Period End	04/21/2009	
Completed SBREFA Report	07/02/2009	

**Regulatory Flexibility Analysis Required:** Business**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Dorothy Dougherty

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E-Mail: [dougherty.dorothy@dol.gov](mailto:dougherty.dorothy@dol.gov)**Department of Labor (DOL)****Occupational Safety and Health Administration ( OSHA )****RIN:** 1218-AC41 [View Related Documents](#)**Title:** Combustible Dust

**Abstract:** OSHA has commenced rulemaking to develop a combustible dust standard for general industry. The U.S. Chemical Safety Board (CSB) completed a study of combustible dust hazards in late 2006, which identified 281 combustible dust incidents between 1980 and 2005 that killed 119 workers and injured another 718. Based on these findings, the CSB recommended the Agency pursue a rulemaking on this issue. OSHA has previously addressed aspects of this risk. For example, on July 31, 2005, OSHA published the Safety and Health Information Bulletin, "Combustible Dust in Industry: Preventing and Mitigating the Effects of Fire and Explosions." Additionally, OSHA implemented a Combustible Dust National Emphasis Program (NEP) March 11, 2008. However, the Agency does not have a comprehensive standard that addresses combustible dust hazards. OSHA will use the information gathered from the NEP to assist in the development of this rule. OSHA published an ANPRM October 21, 2009. Additionally, stakeholder meetings were held in Washington, DC on December 14, 2009, in Atlanta, GA on February 17, 2010, and in Chicago, IL on April 21, 2010. A webchat for combustible dust was also held on June 28, 2010.

**Priority:** Economically Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Yes**Unfunded Mandates:** No**CFR Citation:** 29 CFR 1910, subpart H (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 29 USC 6559(b); 29 USC 657**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
ANPRM	10/21/2009	74 FR 54333
Stakeholder Meetings	12/14/2009	
ANPRM Comment Period End	01/19/2010	
Stakeholder Meetings	02/17/2010	
Stakeholders Meetings	03/09/2010	75 FR 10739

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** No**Energy Affected:** No**Agency Contact:** Dorothy Dougherty

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**Department of Labor (DOL)**  
**Occupational Safety and Health Administration ( OSHA )**

RIN: 1218-AC45

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**Title:** Occupational Injury and Illness Recording and Reporting Requirements--Musculoskeletal Disorders (MSD) Column

**Abstract:** The Occupational Safety and Health Administration (OSHA) is proposing to restore a column to the OSHA 300 Log that employers must check if a case they are already required to record under OSHA's existing Recordkeeping rule (29 CFR 1904) is a "musculoskeletal disorder" (MSD). This proposal does not change the existing requirements about when and under what circumstances employers must record work-related injuries and illnesses. The Agency believes that having aggregate data on MSDs may help employers and workers track these injuries at individual workplaces. MSD information will also improve the utility, accuracy, and completeness of the national occupational injury and illness statistics, and may assist the Agency in its day-to-day activities and overall safety and health policy making. This proposed rule was temporarily withdrawn from OMB on January 26, 2011, so that the Agency could gather more information from stakeholders in the small business community.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 1904 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 5 USC 533; 29 USC 657 and 658; 29 USC 660; 29 USC 666; 29 USC 669

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		
NPRM	01/29/2010	75 FR 4728
NPRM Comment Period End	03/09/2010	75 FR 10738
Public Meeting	03/09/2010	
Extension of Comment Period End	03/30/2010	
Small Business Stakeholder Meeting	04/12/2011	
Small Business Stakeholder Meeting	04/11/2011	
Notice of Limited Reopening of Rulemaking Record	05/17/2011	76 FR 28383

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

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**Department of Labor (DOL)**  
**Occupational Safety and Health Administration ( OSHA )**

RIN: 1218-AC52

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**Title:** Preventing Backover Injuries and Fatalities

**Abstract:** Backing vehicles and equipment are common causes of struck-by injuries and can also cause caught between injuries when backing vehicles and equipment pin a worker against something else. NIOSH reports that 51 percent of workers

on foot fatalities that occurred within a highway work zone involved backing vehicles. A British report found that nearly a quarter of vehicle-related deaths at work are caused by vehicles backing up. Emerging technologies in the field of operations include after market devices, such as cameras, radar, and ultrasonic devices, to help monitor the presence of workers on foot in blind areas, and new monitoring technology, such as tag-based warning systems, that use radio frequency (RFID) on equipment to detect electronic tags worn by workers. The use of spotters and internal traffic control plans can also make backing operations safer. The Occupational Safety and Health Administration (OSHA) is seeking comment on technological and non-technological solutions to prevent backover incidents.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** Undetermined

**Unfunded Mandates:** Undetermined

**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 655(b)

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** Struck-by injuries and caught between injuries are two of the four leading causes of workplace fatalities. One study found that, from 2003 to 2007, 101 workers were killed by backing vehicles or mobile equipment in highway workzones. While backing incidents can prove fatal, workers can suffer severe, non-fatal injuries as well. A review of OSHA's IMIS database found that backing incidents can result in serious injury to the back and pelvis; fractured bones; concussion; amputation; and other injuries. OSHA believes that it is necessary to request information from those involved in backing operations and the general public to better understand how to prevent backing incidents.

**Legal Basis:** The Occupational Safety and Health Act of 1970 authorizes the Secretary of Labor to set mandatory occupational safety and health standards to assure safe and healthful working conditions for working men and women (29 U.S.C. 651).

**Alternatives:** The alternative to the proposed rulemaking would be to take no regulatory action.

**Costs and Benefits:** The estimates of the costs and benefits are still under development.

**Risks:** Analysis of risks is still under development.

**Timetable:**

Action	Date	FR Cite
Merged With RIN 1218-AC51	12/31/2011	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Undetermined

**Federalism:** Undetermined

**Energy Affected:** No

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**Department of Labor (DOL)**

**Occupational Safety and Health Administration ( OSHA )**

**RIN:** 1218-AC54

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**Title:** Complaints Under the Employee Protection Provision of the Consumer Financial Protection Act of 2010, Section 1057 of the Dodd-Frank Wall Street Reform and Consumer

**Abstract:** OSHA is promulgating procedures for the handling and investigation of retaliation complaints pursuant to section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (DFA) of 2010. This section established a new whistleblower protection statute to be administered by OSHA that provides protection from retaliation to employees in the consumer financial product and service industries who engage in protected activities under title X of the DFA or any other provision of law that is subject to the jurisdiction of the Bureau of Consumer Financial Protection, an independent bureau within the Federal Reserve System. Pursuant to the statute, the procedures will include remedies and legal burdens of proof

provisions, and a "kick-out" provision allowing the complainant to file the complaint in District Court if within 210 days of the filing of the complaint the Secretary has not issued a final determination, or within 90 days after receiving a written determination. Promulgation of a regulation is necessary to govern whistleblower investigations conducted under the new statute, which becomes effective on July 21, 2011.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 1985 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** PL 111-203, sec 1057, the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Merged With 1218-AC58	12/31/2011	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Department of Labor (DOL)**

**Occupational Safety and Health Administration ( OSHA )**

**RIN:** 1218-AC55

 [View Related Documents](#)

**Title:** Procedures for the Handling of Retaliation Complaints Under Section 1558 of the Affordable Care Act of 2010

**Abstract:** OSHA is promulgating procedures for the handling and investigation of retaliation complaints pursuant to section 1558 of the Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act or ACA), which added section 18C to the Fair Labor Standards Act. This section established a new whistleblower protection statute to be administered by OSHA that provides protection from retaliation to employees who engage in protected activities under the ACA. Pursuant to the statute, the procedures will follow those enacted under the Consumer Product Safety Improvement Act, 15 U.S.C. 2087(b), including remedies and legal burdens of proof provisions. Promulgation of a regulation is necessary to govern whistleblower investigations conducted under the new statute.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 1984 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 218C, FLSA sec 18C; PL 111-148, sec 1558, Patient Protection and Affordable Care Act of 2010

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Merged With 1218-AC58	12/31/2011	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Department of Labor (DOL)**  
**Occupational Safety and Health Administration ( OSHA )**

RIN: 1218-AC59

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**Title:** Procedures for Handling of Retaliation Complaints Under the Seaman's Protection Act

**Abstract:** OSHA intends to promulgate procedures for the handling and investigation of retaliation complaints pursuant to the Seaman's Protection Act, 46 U.S.C. section 2114 (SPA), as amended by section 611 of the Coast Guard Authorization Act of 2010, Public Law 111-281. This section transfers to OSHA the administration of the whistleblower protections previously enforced solely via a private right of action. It provides protection from retaliation to seamen who engage in protected activities under SPA. Pursuant to the statute, the procedures will follow those enacted under the Surface Transportation Assistance Act, 49 U.S.C. 31105, including procedures, requirements, and rights. Promulgation of a regulation is necessary to govern whistleblower investigations conducted under the statute.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 1986 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** PL 111-281, sec 611 of the Coast Guard Authorization Act of 2010, amending the Seaman's Protection Act, 46 USC 2114

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Merged With 1218-AC58	12/31/2011	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Department of Labor (DOL)**  
**Mine Safety and Health Administration ( MSHA )**

RIN: 1219-AB36

 [View Related Documents](#)

**Title:** Respirable Crystalline Silica

**Abstract:** Current standards limit exposures to quartz (crystalline silica) in respirable dust. The metal and nonmetal mining industry standard is based on the 1973 American Conference of Governmental Industrial Hygienists (ACGIH) Threshold Limit Values formula: 10 mg/m3 divided by the percentage of quartz plus 2. Overexposure to crystalline silica can result in some miners developing silicosis, an irreversible but preventable lung disease, which ultimately may be fatal. The formula is designed to limit exposures to 0.1 mg/m3 (100 ug) of silica. NIOSH recommends a 50 ug/m3 exposure limit for respirable crystalline silica. MSHA will publish a proposed rule to address miners' exposure to respirable crystalline silica.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 30 CFR 58 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 30 USC 811

**Legal Deadline: None****Regulatory Plan:**

**Statement of Need:** MSHA standards are outdated; current regulations may not protect workers from developing silicosis. Evidence indicates that miners continue to develop silicosis. MSHA's proposed regulatory action exemplifies the Agency's commitment to protecting the most vulnerable populations while assuring broad-based compliance. MSHA will regulate based on sound science to eliminate or reduce the hazards with the broadest and most serious consequences. MSHA intends to use OSHA's work on the health effects and risk assessment, adapting it as necessary for the mining industry.

**Legal Basis:** Promulgation of this standard is authorized by section 101 of the Federal Mine Safety and Health Act of 1977.

**Alternatives:** This rulemaking would improve health protection from that afforded by the existing standards. MSHA will consider alternative methods of addressing miners' exposures based on the capabilities of the sampling and analytical methods.

**Costs and Benefits:** MSHA will prepare estimates of the anticipated costs and benefits associated with the proposed rule.

**Risks:** For over 70 years, toxicology information and epidemiological studies have shown that exposure to respirable crystalline silica presents potential health risks to miners. These potential adverse health effects include simple silicosis and progressive massive fibrosis (lung scarring). Evidence indicates that exposure to silica may cause cancer. MSHA believes that the health evidence forms a reasonable basis for reducing miners' exposures to respirable crystalline silica.

**Timetable:**

Action	Date	FR Cite
NPRM	05/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined **Government Levels Affected:** Local; State

**Small Entities Affected:** Business; Governmental Jurisdictions **Federalism:** No

**Energy Affected:** Undetermined

**RIN Information URL:** [www.msha.gov/regsinfo.htm](http://www.msha.gov/regsinfo.htm)

**Public Comment URL:** [www.regulations.gov](http://www.regulations.gov)

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**Department of Labor (DOL)****Mine Safety and Health Administration (MSHA)**

RIN: 1219-AB67

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**Title:** Notification of Legal Identity

**Abstract:** The current requirements do not provide sufficient information for MSHA to identify all of the mine "operators" responsible for operator safety and health obligations under the Federal Mine Safety and Health Act of 1977, as amended. This proposed regulation would expand the information required to be submitted to MSHA and allow the Agency to better focus on the most egregious or persistent violators and more effectively deter future violations by imposing penalties and other remedies on those violators.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 30 CFR 41 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 30 USC 801; 30 USC 813(h); 30 USC 819(d); 30 USC 957

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined      **Government Levels Affected:** Local; State  
**Small Entities Affected:** Business; Governmental Jurisdictions      **Federalism:** No  
**Energy Affected:** No  
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**Department of Labor (DOL)**  
**Mine Safety and Health Administration (MSHA)**

**RIN:** 1219-AB72

 [View Related Documents](#)

**Title:** Criteria and Procedures for Proposed Assessment of Civil Penalties

**Abstract:** MSHA will develop a proposed rule to revise the process for proposing civil penalties. The assessment of civil penalties is a key component in MSHA's strategy to enforce safety and health standards. The Congress intended that the imposition of civil penalties would induce mine operators to be proactive in their approach to mine safety and health, and take necessary action to prevent safety and health hazards before they occur. MSHA believes that the procedures for assessing civil penalties can be revised to improve the efficiency of the Agency's efforts and to facilitate the resolution of enforcement issues.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** Undetermined

**CFR Citation:** 30 CFR 100 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 30 USC 815; 30 USC 820; 30 USC 957

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** Section 110(a) of the Federal Mine Safety and Health Act of 1977 (Mine Act) requires MSHA to assess a civil penalty for a violation of a mandatory health or safety standard or violation of any provision of the Mine Act. The mine operator has 30 days from receipt of the proposed assessment to contest it before the Federal Mine Safety and Health Review Commission (Commission), an independent adjudicatory agency established under the Mine Act. A proposed assessment that is not contested within 30 days becomes a final order of the Commission. A proposed assessment that is contested within 30 days proceeds to the Commission for adjudication. The proposed rule would promote consistency, objectivity, and efficiency in the proposed assessment of civil penalties. When issuing citations or orders, inspectors are required to evaluate safety and health conditions and make decisions about the statutory criteria related to assessing penalties. The proposed changes in the measures of the evaluation criteria would result in fewer areas of disagreement and earlier resolution of enforcement issues. The proposal would require conforming changes to the Mine Citation/Order form (MSHA Form 7000-3).

**Legal Basis:** Section 104 of the Mine Act requires MSHA to issue citations or orders to mine operators for any violations of a mandatory health or safety standard, rule, order, or regulation promulgated under the Mine Act. Sections 105 and 110 of the Mine Act provide for assessment of these penalties.

**Alternatives:** The proposal would include several alternatives in the preamble and requests comments on them.

**Costs and Benefits:** MSHA will prepare estimates of the anticipated costs and benefits in a preliminary regulatory economic analysis to accompany the proposed rule.

**Risks:** MSHA's existing procedures for assessing civil penalties can be revised to improve the efficiency of the Agency's efforts and to facilitate the resolution of enforcement issues. In the overwhelming majority of contested cases before the Commission, the issue is not whether a violation occurred. Rather, the parties disagree on the gravity of the violation, the degree of mine operator negligence, and other criterion. The proposed changes should result in fewer areas of disagreement and earlier resolution of enforcement issues, which should result in fewer contests of violations or proposed assessments.

**Timetable:**

Action	Date	FR Cite
NPRM	02/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** [www.msha.gov/regsinfo.htm](http://www.msha.gov/regsinfo.htm)**Public Comment URL:** [www.regulations.gov](http://www.regulations.gov)**Agency Contact:** Roslyn B. Fontaine

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E-Mail: [fontaine.roslyn@dol.gov](mailto:fontaine.roslyn@dol.gov)**Department of Labor (DOL)****Mine Safety and Health Administration (MSHA)****RIN:** 1219-AB78 [View Related Documents](#)**Title:** Proximity Detection Systems for Mobile Machines in Underground Mines

**Abstract:** MSHA will develop a proposed rule to address the hazards that miners face when working near mobile equipment in underground mines. MSHA has concluded, from investigations or accidents involving mobile equipment and other reports, that action is needed to protect miner safety. Mobile equipment can pin, crush, or strike a miner working near the equipment. Proximity detection technology can prevent these types of accidents. The proposed rule would strengthen the protection for underground miners by reducing the potential of pinning, crushing, or striking hazards associated with working close to mobile equipment. As part of the Secretary's strategy for securing safe and healthy workplaces, the OSHA will also undertake regulatory action related to reducing injuries and fatalities to workers in close proximity to moving equipment and vehicles.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#) )**Legal Authority:** 30 USC 811**Legal Deadline:** None**Regulatory Plan:**

**Statement of Need:** Mining is one of the most hazardous industries in this country. Miners continue to be injured or killed resulting from pinning, crushing, or striking accidents involving mobile equipment. Equipment is available to help prevent accidents that cause debilitating injuries and accidental death.

**Legal Basis:** Promulgation of this standard is authorized by section 101(a) of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006.

**Alternatives:** No reasonable alternatives to this regulation would be as comprehensive or as effective in eliminating hazards and preventing injuries.

**Costs and Benefits:** MSHA will develop a preliminary regulatory economic analysis to accompany the proposed rule.

**Risks:** The lack of proximity detection systems on mobile equipment in underground mines contributes to a higher incidence of debilitating injuries and accidental deaths.

**Timetable:**

Action	Date	FR Cite
Request for Information	02/01/2010	75 FR 5009
RFI Comment Period Ended	04/02/2010	
NPRM	01/00/2012	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Energy Affected:** No**RIN Information URL:** [www.msha.gov/regsinfo.htm](http://www.msha.gov/regsinfo.htm)**Public Comment URL:** [www.regulations.gov](http://www.regulations.gov)**Related RINs:** Related to 1219-AB65



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**Department of Labor (DOL)**  
**Mine Safety and Health Administration (MSHA)**

RIN: 1219-AB64

 [View Related Documents](#)

**Title:** Lowering Miners' Exposure to Coal Mine Dust, Including Continuous Personal Dust Monitors

**Abstract:** The Federal Coal Mine Health and Safety Act of 1969 established the first comprehensive respirable dust standards for coal mines. These standards were designed to reduce the incidence of coal workers' pneumoconiosis (CWP or black lung) and silicosis and eventually eliminate these diseases. While significant progress has been made toward improving the health conditions in our Nation's coal mines, miners continue to be at risk of developing occupational lung disease, according to the National Institute for Occupational Safety and Health (NIOSH). In September 1995, NIOSH issued a Criteria Document in which it recommended that the respirable coal mine dust permissible exposure limit (PEL) be cut in half. In February 1996, the Secretary of Labor convened a Federal Advisory Committee on the Elimination of Pneumoconiosis Among Coal Miners (Advisory Committee) to assess the adequacy of MSHA's current program and standards to control respirable dust in underground and surface coal mines, as well as other ways to eliminate black lung and silicosis among coal miners. The Committee represented the labor, industry and academic communities. The Committee submitted its report to the Secretary of Labor in November 1996, with the majority of the recommendations unanimously supported by the Committee members. The Committee recommended a number of actions to reduce miners' exposure to respirable coal mine dust. This final rule is an important element in MSHA's Comprehensive Black Lung Reduction Strategy (Strategy) to "End Black Lung Now."

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 30 CFR 70; 30 CFR 71; 30 CFR 72; 30 CFR 75; 30 CFR 90 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 30 USC 811; 30 USC 813(h)

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** Comprehensive respirable dust standards for coal mines were designed to reduce the incidence, and eventually eliminate, CWP and silicosis. While significant progress has been made toward improving the health conditions in our Nation's coal mines, miners remain at risk of developing occupational lung disease, according to NIOSH. Recent NIOSH data indicates increased prevalence of CWP "clusters" in several geographical areas, particularly in the Southern Appalachian Region.

**Legal Basis:** Promulgation of this regulation is authorized by the Federal Mine Safety and Health Act of 1977 as amended by the Mine Improvement and New Emergency Response Act of 2006.

**Alternatives:** MSHA is considering amendments, revisions, and additions to existing standards.

**Costs and Benefits:** MSHA will develop a regulatory economic analysis to accompany the final rule.

**Risks:** Respirable coal dust is one of the most serious occupational hazards in the mining industry. Occupational exposure to excessive levels of respirable coal mine dust can cause coal workers' pneumoconiosis and silicosis, which are potentially disabling and can cause death. MSHA is pursuing both regulatory and nonregulatory actions to eliminate these diseases through the control of coal mine respirable dust levels in mines and reduction of miners' exposure. MSHA developed a risk assessment to accompany the proposed rule.

**Timetable:**

Action	Date	FR Cite
NPRM Comment Period End	02/28/2010	
NPRM	10/19/2010	75 FR 64412
Notice of Public Hearings; Corrections	11/15/2010	75 FR 69617



NPRM-Rescheduling of Public Hearings; Correction	11/30/2010	75 FR 73995
Public Hearing	12/07/2010	
Public Hearing	01/13/2011	
Public Hearing	01/11/2011	
NPRM Comment Period Extended	01/14/2011	76 FR 2617
Public Hearing	01/25/2011	
Public Hearing	02/08/2011	
Public Hearing	02/15/2011	
Public Hearing	02/10/2011	
Request for Comment	03/08/2011	76 FR 12648
NPRM Comment Period Extended	05/04/2011	76 FR 25277
NPRM Comment Period End	05/02/2011	
NPRM Comment Period Extended	05/27/2011	76 FR 30878
NPRM Comment Period End	05/31/2011	
NPRM Comment Period End	06/20/2011	
Final Rule	04/00/2012	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Business

**Energy Affected:** No

**RIN Information URL:** www.msha.gov

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**Government Levels Affected:** No

**Federalism:** No

**Public Comment URL:** www.regulations.gov

## Department of Labor (DOL)

### Mine Safety and Health Administration ( MSHA )

**RIN:** 1219-AB65

 [View Related Documents](#)

**Title:** Proximity Detection Systems for Continuous Mining Machines in Underground Coal Mines

**Abstract:** The Mine Safety and Health Administration (MSHA) will develop a final rule to address hazards that miners face when working near continuous mining machines in underground coal mines. MSHA has concluded, from investigations of accidents involving continuous mining machines and other reports, that action is necessary to protect miners. Continuous mining machines can pin, crush, or strike a miner working near the equipment. Proximity detection technology can prevent these types of accidents. The final rule would strengthen the protection for underground coal miners by reducing the potential of pinning, crushing, or striking hazards associated with working close to continuous mining machines. As a part of the Secretary's strategy for securing safe and healthy workplaces, the OSHA will also undertake regulatory action related to reducing injuries and fatalities to workers in close proximity to moving equipment and vehicles.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 30 CFR 75.1732 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 30 USC 811

**Legal Deadline:** None

### Regulatory Plan:

**Statement of Need:** Mining is one of the most hazardous industries in this country. Miners continue to be injured or killed resulting from pinning, crushing, or striking accidents involving mobile equipment. Equipment is available to help prevent accidents that cause debilitating injuries and accidental death.

**Legal Basis:** Promulgation of this standard is authorized by section 101(a) of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006.

**Alternatives:** No reasonable alternatives to this regulation would be as comprehensive or as effective in eliminating hazards

and preventing injuries.

**Costs and Benefits:** MSHA will develop a regulatory economic analysis to accompany the final rule.

**Risks:** The lack of proximity detection systems on continuous mining machines in underground coal mines contributes to a higher incidence of debilitating injuries and accidental deaths.

**Timetable:**

Action	Date	FR Cite
Request for Information (RFI)	02/01/2010	75 FR 5009
RFI Comment Period Ended	04/02/2010	
NPRM	08/31/2011	76 FR 54163
Notice of Public Hearing	10/12/2011	76 FR 63238
NPRM Comment Period End	11/14/2011	
Final Action	06/00/2012	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** Business

**RIN Information URL:** [www.msha.gov/reginfo.htm](http://www.msha.gov/reginfo.htm)

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**Government Levels Affected:** No

**Federalism:** No

**Public Comment URL:** [www.regulations.gov](http://www.regulations.gov)

**Department of Labor (DOL)**

**Mine Safety and Health Administration ( MSHA )**

**RIN:** 1219-AB73

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**Title:** Pattern of Violations

**Abstract:** MSHA is preparing a final rule to revise the Agency's existing regulation for pattern of violations contained in 30 CFR part 104. MSHA has determined that the existing pattern criteria and procedures do not reflect the statutory intent for section 104(e) of the Federal Mine Safety and Health Act of 1977 (Mine Act) that operators manage health and safety conditions at mines so that the root causes of significant and substantial (S&S) violations are addressed before they become a hazard to the health and safety of miners. The legislative history of the Mine Act explains that Congress intended the pattern of violations tool to be used for operators who have demonstrated a disregard for the health and safety of miners. The final rule would reflect statutory intent, simplify the pattern of violations criteria, and improve consistency in applying the patterns of violations criteria.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 30 CFR 104 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 30 USC 814(e); 30 USC 957

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** The pattern of violations provision was a new enforcement tool in the Mine Act. The Mine Act places the ultimate responsibility for ensuring the safety and health of miners on mine operators. The goal of the pattern of violations proposed rule is to compel operators to manage health and safety conditions so that the root causes of S&S violations are found and fixed before they become a hazard to miners. MSHA's existing regulation is not consistent with the language, purpose, and legislative history of the Mine Act and hinders the Agency's use of pattern of violations to identify chronic violators who thumb their noses at the law by a continuing cycle of citation and abatement.

**Legal Basis:** Promulgation of this standard is authorized by sections 104(e) and 508 of the Federal Mine Safety and Health Act of 1977.

**Alternatives:** MSHA will consider alternative criteria for determining when a pattern of significant and substantial violations exists in order to improve health and safety conditions in mines and provide protection for miners. Congress provided the

Secretary with broad discretion in determining criteria, recognizing that MSHA may need to modify the criteria as Agency experience dictates.

**Costs and Benefits:** MSHA will develop a regulatory economic analysis to accompany the final rule.

**Risks:** Mine operators with a chronic history of persistent serious violations needlessly expose miners to the same hazards again and again. These operators demonstrate a disregard for the safety and health of miners; this indicates a serious safety and health management problem at the mine. The existing regulation has not been effective in reducing repeated risks to miners at these mines.

**Timetable:**

Action	Date	FR Cite
NPRM	02/02/2011	76 FR 5719
NPRM Comment Period Extended	04/04/2011	76 FR 18467
NPRM Comment Period End	04/04/2011	
NPRM Comment Period End	04/18/2011	
Notice of Public Hearing and Extension of Comment Period	05/04/2011	76 FR 25277
Notice of Public Hearing and Extension of Comment Period	06/20/2011	76 FR 35801
NPRM Comment Period End	06/30/2011	
Comment Period End	08/01/2011	
Final Action	04/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** No

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.msha.gov/regsinfo.htm](http://www.msha.gov/regsinfo.htm)

**Public Comment URL:** <http://www.regulations.gov>

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**Department of Labor (DOL)**

**Mine Safety and Health Administration ( MSHA )**

**RIN:** 1219-AB75

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**Title:** Examination of Work Areas in Underground Coal Mines for Violations of Mandatory Health or Safety Standards

**Abstract:** In the ever changing mine environment, it is critical that hazardous conditions be recognized and abated quickly. Additionally, other conditions that could develop into a hazard if left uncorrected must also be eliminated. Operator examinations for hazards and violations of mandatory health or safety standards are mandated in the Mine Act and are a critical component of an effective safety and health program for underground mines. While this requirement was previously included in regulations, the 1992 final rule addressing ventilation in underground coal mines only included the requirement that the mine examiners look for hazardous conditions. The 1992 rule omitted from the standard the text taken from the Mine Act requiring examinations for violations of mandatory health or safety standards during preshift examinations. The final rule will revise existing standards for preshift, supplemental, on-shift, and weekly examinations to address violations of mandatory health or safety standards.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 30 CFR 75 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 30 USC 811; 30 USC 961

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** Underground coal mines usually present harsh and hostile working environments, and the ventilation system is the most vital life support system in underground mining. A properly operating ventilation system is essential for maintaining a safe and healthful working environment. Examinations of work areas that include the ventilation system are the first line of defense for miners working in underground coal mines and are necessary to protect miners. Conditions in

underground coal mines change rapidly--roof that appears adequately supported can quickly deteriorate and fall; stoppings can crush out and short-circuit air currents; conveyor belts can become misaligned or belt roller bearings can fail, resulting in an ignition source; and methane can accumulate in areas where it may not have been detected. Diligent compliance with safety and health standards and safety-conscious work practices provide a substantial measure of protection against mine accidents and emergencies. To assure optimum safety of miners, it is imperative that operators find violations of health or safety standards, correct them, and record corrective actions taken.

**Legal Basis:** Promulgation of this regulation is authorized by sections 101 and 303 (d)(1) and (f) of the Federal Mine Safety and Health Act of 1977.

**Alternatives:** The proposal included several alternatives in the preamble and requested comments on them.

**Costs and Benefits:** MSHA estimated that the proposed rule would cost \$15.3 million yearly and result in net benefits of \$6.0 million yearly.

**Risks:** Failure to conduct adequate examinations to identify, report, and correct hazardous conditions and violations of health and safety standards has resulted in serious accidents and fatalities. Lack of adequate ventilation in underground mines has resulted in fatalities from asphyxiation and explosions.

**Timetable:**

Action	Date	FR Cite
NPRM	12/27/2010	75 FR 81165
NPRM Comment Period End	02/25/2011	
NPRM Extension of Comment Period	03/01/2011	76 FR 11187
NPRM Comment Period End	03/28/2011	
Notice of Public Hearing and Extension of Comment Period	05/04/2011	76 FR 25277
Notice of Public Hearing and Extension of Comment Period	06/20/2011	76 FR 35801
NPRM Comment Period End	06/30/2011	
NPRM Comment Period End	08/01/2011	
Final Action	03/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.msha.gov/regsinfo.htm](http://www.msha.gov/regsinfo.htm)

**Related RINs:** Related to 1219-AB71

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**Department of Labor (DOL)**

**Mine Safety and Health Administration ( MSHA )**

**RIN: 1219-AB37**

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**Title:** Revising Electrical Product Approval Regulations

**Abstract:** 30 CFR part 18 (Electric Motor-Driven Mine Equipment and Accessories) describes the approval requirements for electrically operated machines and accessories intended for use in underground gassy mines, and for related matters, such as approval procedures, certification of components, and acceptance of flame-resistant hoses and conveyor belts. Aside from minor modifications, part 18 has been largely unchanged since it was promulgated in 1968. MSHA is proposing revisions to improve the efficiency of the approval process, recognize new technology, add quality assurance provisions, address existing policies through the rulemaking process, and reorganize portions of the approval regulations. MSHA will be addressing the requirements in this part in phases. The first phase, Flame-Resistance Testing of Mining Materials, was completed with the final rule published on December 31, 2008 (73 FR 80580). The second phase will be Intrinsic Safety Requirements. This action will be published second because the MINER Act required underground coal mine operators to submit an Emergency Response Plan (ERP) that sets forth a means of providing post-accident communication and electronic tracking.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 30 CFR 7; 30 CFR 17 to 18; 30 CFR 22 to 23; 30 CFR 27; 30 CFR 14; ... (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 30 USC 957**Legal Deadline:** None**Regulatory Plan:**

**Statement of Need:** MSHA's approval requirements for electrically operated machines and accessories intended for use in underground gassy mines are outdated and inefficient. The proposed regulatory action would improve the efficiency of the approval process, recognize new technology, and enhance quality assurance provisions.

**Legal Basis:** Promulgation of this regulation is authorized by section 101 of the Federal Mine Safety and Health Act of 1977.

**Alternatives:** The proposal will include several alternatives in the preamble and request comments on them.

**Costs and Benefits:** MSHA will prepare estimates of the anticipated costs and benefits in a preliminary regulatory economic analysis to accompany the proposed rule.

**Risks:** MSHA's existing approval process would benefit from this streamlining and updating effort. The approval process would be made easier for manufacturers and others who submit products for MSHA approval. The existing process does not address some new technology, which could improve safety and health conditions for miners over that provided by existing products. Without the revised approval regulations, manufacturers developing new products could not market the improved products to underground gassy mines. Without a revision of quality assurance, testing, certification, and approval provisions, MSHA would lack an efficient method for getting improved products into the mines to enhance protection for miners.

**Timetable:**

Action	Date	FR Cite
NPRM (Phase 1)	06/19/2008	73 FR 35026
NPRM Comment Period End	09/08/2008	
Final Action--Phase 1	12/31/2008	73 FR 80580
Withdrawn	12/31/2011	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Federalism:** No**Energy Affected:** Undetermined**RIN Information URL:** [www.msha.gov/regsinfo.htm](http://www.msha.gov/regsinfo.htm)**Public Comment URL:** [www.regulations.gov](http://www.regulations.gov)**Agency Contact:** Roslyn B. Fontaine

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E-Mail: [fontaine.roslyn@dol.gov](mailto:fontaine.roslyn@dol.gov)**Department of Labor (DOL)****Mine Safety and Health Administration (MSHA)****RIN:** 1219-AB71 [View Related Documents](#)**Title:** Safety and Health Management Programs for Mines

**Abstract:** MSHA held public meetings to gather information and suggestions from the mining community on effective, comprehensive safety and health management programs, including programs used in the mining industry. MSHA will hold additional public meetings to gather more extensive information on safety and health management programs to eliminate hazards and prevent injuries and illnesses at mines.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** Undetermined**CFR Citation:** Not Yet Determined (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 30 USC 811 and 812

**Legal Deadline:** None

**Regulatory Plan:**

**Statement of Need:** Mining is one of the most hazardous industries in this country. Yet year after year, many mines experience low injury and illness rates and low violation rates. For these mine operators, preventing harm to their miners is more than compliance with safety and health requirements; it reflects an embodiment of a culture of safety--from CEO to the miner to the contractor. This culture of safety derives from a commitment to a systematic, effective, comprehensive management of safety and health at mines with full participation of all miners. MSHA believes effective safety and health management programs in mining will create a sustained industry-wide effort to eliminate hazards and will result in the prevention of injuries and illnesses.

**Legal Basis:** Promulgation of this standard is authorized by section 101 of the Federal Mine Safety and Health Act of 1977, as amended by the Mine Improvement and New Emergency Response Act of 2006.

**Alternatives:** No reasonable alternatives to this regulation would be as comprehensive or as effective in eliminating hazards and preventing injuries and illnesses.

**Costs and Benefits:** MSHA will develop a preliminary regulatory economic analysis to accompany the proposed rule.

**Risks:** The lack of a comprehensive safety and health management program contributes to a higher incidence of injury and illness rates and higher violation rates.

**Timetable:**

Action	Date	FR Cite
Notice of Public Meetings	09/09/2010	75 FR 54804
Stakeholder Meetings	10/08/2010	
Stakeholder Meeting	10/14/2010	
Stakeholder Meeting	10/12/2010	
Comment Period End	12/17/2010	
Withdrawn	12/31/2011	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** No

**Small Entities Affected:** Business

**Federalism:** No

**Energy Affected:** No

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**Department of Labor (DOL)**

**Mine Safety and Health Administration ( MSHA )**

**RIN:** 1219-AB76

 [View Related Documents](#)

**Title:** Maintenance of Incombustible Content of Rock Dust in Underground Coal Mines

**Abstract:** The Mine Safety and Health Administration (MSHA) issued a final rule under section 101(b) of the Federal Mine Safety and Health Act of 1977 in response to the grave danger that miners in underground bituminous coal mines face when accumulations of coal dust are not made inert. MSHA concluded from investigations of mine explosions and other reports that immediate action was necessary to protect miners. Accumulations of coal dust can ignite, resulting in an explosion, or after an explosion, they can propagate, increasing the severity of the explosion. The final rule requires mine operators to increase the incombustible content of combined coal dust, rock dust, and other dust to at least 80 percent in underground areas of bituminous mines. The final rule further requires that the incombustible content of such combined dust be raised 0.4 percent for each 0.1 percent of methane present. The final rule strengthens the protection for miners by reducing the potential for a coal mine explosion.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Completed Action

**Major:** No**Unfunded Mandates:** No**CFR Citation:** 30 CFR 75.403 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 30 USC 811**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Emergency Temporary Standard	09/23/2010	75 FR 57849
Hearing	10/28/2010	
Hearing	10/26/2010	
Hearing	11/18/2010	
Hearing	11/16/2010	
Comment Period End	12/20/2010	
Final Action	06/21/2011	76 FR 35968

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**RIN Information URL:** [www.msha.gov/regsinfo.htm](http://www.msha.gov/regsinfo.htm)**Public Comment URL:** [www.regulations.gov](http://www.regulations.gov)**Agency Contact:** Roslyn B. Fontaine

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E-Mail: [fontaine.roslyn@dol.gov](mailto:fontaine.roslyn@dol.gov)**Department of Labor (DOL)****Wage and Hour Division ( WHD )****RIN:** 1235-AA07 [View Related Documents](#)**Title:** Fair Labor Standards Act, Child Labor Hazardous Occupations Order, No. 7

**Abstract:** The child labor provisions of the FLSA were enacted to ensure that when children work, the work is safe and does not jeopardize their health, well-being, or education. To protect children from hazardous employment, the FLSA provides for a minimum age of 18 years in occupations found and declared by the Secretary of Labor to be particularly hazardous or detrimental to the health or well-being of children 16 and 17 years of age. Hazardous Occupations Orders (HOs) are the means by which the Secretary declares certain occupations to be particularly hazardous for children. Child Labor Hazardous Occupations Order No. 7 (Occupations involved in the operation of power-driven hoisting apparatus)(HO7) has for many years prohibited children under 18 years of age from operating or assisting in the operation of several types of hoisting apparatus. The Department seeks information to ensure that its current nonenforcement position regarding the application of HO 7 to the operation of patient/resident lifts provides adequate protections to working youth while not unduly denying them job opportunities they can safely perform.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** PreRule**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 29 CFR 570 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 201 et seq**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Request For Information	02/00/2012	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Agency Contact:** Mary Ziegler



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**Department of Labor (DOL)**  
**Wage and Hour Division ( WHD )**

RIN: 1235-AA03

 [View Related Documents](#)

**Title:** Amendments to the Family and Medical Leave Act of 1993

**Abstract:** The Department of Labor proposes to amend the regulations implementing the Family and Medical Leave Act to incorporate amendments made by the National Defense Authorization Act for FY 2010 and the Airline Flight Crew Technical Corrections Act. When initiated, this regulatory action was intended to review revisions to the regulations implementing the National Defense Authorization Act for FY 2008 military family leave amendments and other revisions of the regulations implemented in January 2009. Subsequent to the initiation of this action, Congress passed the National Defense Authorization Act for FY 2010 and the Airline Flight Crew Technical Corrections Act. As a result of the Congressional action the scope of this rulemaking has changed to implement the statutory amendments.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** Undetermined

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 825 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 2654

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** Local; State; Tribal

**Federalism:** Undetermined

**Energy Affected:** No

**Related RINs:** Previously Reported as 1215-AB76

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**Department of Labor (DOL)**  
**Wage and Hour Division ( WHD )**

RIN: 1235-AA05

 [View Related Documents](#)

**Title:** Application of the Fair Labor Standards Act to Domestic Service

**Abstract:** Fair Labor Standards Act (FLSA) section 13(a)(15) provides an exemption from minimum wage and overtime compensation for domestic employees engaged in providing companionship services. FLSA section 13(b)(21) provides an exemption from overtime compensation for live-in domestic employees. In light of significant changes in the home care industry, the DOL is proposing to update regulations at 29 CFR part 552, Application of the FLSA to Domestic Service, including examining the definition of "companionship services," the criteria used to judge whether employees qualify as trained personnel who are not exempt companions, and the applicability of the exemption to third-party employers.

**Priority:** Economically Significant

**Agenda Stage of Rulemaking:** Proposed Rule



**Major:** Yes**Unfunded Mandates:** Private Sector**CFR Citation:** 29 CFR 552 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 213 (a)(15); 29 USC 213 (b)(21)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	12/27/2011	76 FR 81190
NPRM Comment Period End	02/27/2012	

**Additional Information:** Previously reported as 1215-AB85.**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Federal; Local; State**Federalism:** No**Energy Affected:** No**Agency Contact:** Mary Ziegler

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**Department of Labor (DOL)****Wage and Hour Division ( WHD )****RIN:** 1235-AA06 [View Related Documents](#)**Title:** Child Labor Regulations, Orders, and Statements of Interpretations**Abstract:** The Department is proposing to revise the child labor regulations issued pursuant to the Fair Labor Standards Act, 29 U.S.C. 212, which sets forth the criteria for the employment of minors in agriculture. The Department's proposed revisions primarily concern part E-1 of the regulation, which addresses hazardous occupations in agriculture.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 570 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 212 and 213(c)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	09/02/2011	76 FR 54836
Notice of Public Hearing	10/04/2011	76 FR 61289
Notice of Extension of Comment Period	11/01/2011	76 FR 67104
NPRM Comment Period End	11/01/2011	
Comment Period End	12/01/2011	
Final Rule	08/00/2012	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** Business**Federalism:** No**Agency Contact:** Mary Ziegler

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**Department of Labor (DOL)**  
**Wage and Hour Division ( WHD )**

RIN: 1235-AA04

 [View Related Documents](#)**Title:** Right To Know Under the Fair Labor Standards Act

**Abstract:** The Department of Labor proposes to update the recordkeeping regulations under the Fair Labor Standards Act in order to enhance the transparency and disclosure to workers of their status as the employer's employee or some other status, such as an independent contractor, and if an employee, how their pay is computed. The Department also proposes to clarify that the mandatory manual preparation of "homeworker" handbooks applies only to employers of employees performing homework in the restricted industries. The title of this proposed rule has changed to better reflect the purpose of this action.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Long-term Action**Major:** Undetermined**Unfunded Mandates:** No**CFR Citation:** 29 CFR 516 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 211(c)**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Local; State; Tribal**Federalism:** Undetermined**Energy Affected:** No**Related RINs:** Previously Reported as 1215-AB78**Agency Contact:** Mary Ziegler

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**Department of Labor (DOL)**  
**Wage and Hour Division ( WHD )**

RIN: 1235-AA02

 [View Related Documents](#)**Title:** Nondisplacement of Qualified Workers Under Service Contracts

**Abstract:** Executive Order 13495 of January 30, 2009, Nondisplacement of Qualified Workers Under Service Contracts, establishes the policy that Federal service contracts generally include a clause requiring the contractor and its subcontractors, under a contract that succeeds a contract for the same or similar service at the same location, to offer qualified employees (except managerial and supervisory personnel) employed on the predecessor contract a right of first refusal to employment under the successor contract. The order assigns enforcement responsibility to the Secretary of Labor and directs the Secretary, in consultation with the Federal Acquisition Regulatory Council, to issue regulations to implement the order.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 9 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** EO 13495, sec 4 to 6; 5 USC 301**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	03/19/2010	75 FR 13382
NPRM Comment Period End	05/18/2010	

Final Action

08/29/2011

76 FR 53720

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** Federal**Federalism:** No**Energy Affected:** No**Related RINs:** Previously Reported as 1215-AB69**Agency Contact:** Mary Ziegler

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**Department of Labor (DOL)****Office of Workers Compensation ( OWCP )****RIN:** 1240-AA04 [View Related Documents](#)**Title:** Regulations Implementing Amendments to the Black Lung Benefits Act: Determining Coal Miners and Survivors Entitlement to Benefits

**Abstract:** The Patient Protection and Affordable Care Act (PPACA) of 2010 amended the Black Lung Benefits Act, 30 U.S.C. 901 to 944, to reinstate two methods of establishing entitlement that were repealed with respect to claims filed after 1981. Specifically, the PPACA reinstated 30 U.S.C. 921(c)(4)(presumption of total disability or death due to pneumoconiosis arising out of coal mine employment where the miner had 15 years of coal mine employment and proof of total disability) and 30 U.S.C. 932(l) (automatic entitlement to benefits for eligible survivors of miners who were awarded benefits based on lifetime claims). The newly amended statutory provisions apply to claims filed after January 1, 2005, that are pending on or after PPACA's March 23, 2010, enactment date, and to all claims filed on or after March 23, 2010. The Department anticipates proposing rules that define the class of claims affected by the amendments and set the criteria for establishing entitlement to benefits under the amendments.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 20 CFR 718; 20 CFR 725 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 30 USC 936; 30 USC 921**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	03/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** Undetermined**Federalism:** No**Energy Affected:** No**Agency Contact:** Michael McClaran

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**Department of Labor (DOL)****Office of Workers Compensation ( OWCP )****RIN:** 1240-AA02

 [View Related Documents](#)**Title:** Regulations Implementing the Longshore and Harbor Workers' Compensation Act: Recreational Vessels

**Abstract:** The American Recovery and Reinvestment Act of 2009 amended the Longshore and Harbor Workers' Compensation Act, 33 U.S.C. 901 to 950, to exclude from the Act's coverage certain employees who repair recreational vessels and who dismantle them for repair, regardless of the vessel's length. On August 17, 2010, (republished on Oct. 15, 2010), the Department issued a Notice of Proposed Rulemaking revising the definition of recreational vessel and addressing coverage of those employees who work in both qualifying maritime employment and employment excluded under the amendment. The comment period ended on November 17, 2010.

**Priority:** Substantive, Nonsignificant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 20 CFR 701 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 33 USC 939**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	08/17/2010	75 FR 50718
NPRM Republished	10/15/2010	75 FR 63425
NPRM Comment Period End	11/17/2010	
Final Action	12/30/2011	76 FR 82117
Final Action Effective	01/30/2012	

**Regulatory Flexibility Analysis Required:** Business**Government Levels Affected:** No**Federalism:** No**Related RINs:** Previously Reported as 1215-AB73**Agency Contact:** Brandon Miller

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**Department of Labor (DOL)****Office of Workers Compensation ( OWCP )****RIN:** 1240-AA03 [View Related Documents](#)**Title:** Claims for Compensation Under the Federal Employees' Compensation Act

**Abstract:** On August 13, 2010, the Department of Labor (DOL) proposed revisions to the regulations governing the administration of the Federal Employees' Compensation Act (FECA) (75 FR 49596). The FECA provides benefits to all civilian Federal employees and certain other groups of employees and individuals who are injured or killed while performing their jobs. At that time, DOL also proposed revisions to the regulations establishing the authority of the Office of Workers' Compensation Programs (OWCP), which administers the FECA. The proposed changes were summarized in that publication. The existing rules have been amended to acknowledge a change in the organization of the OWCP and amendments to the FECA which have occurred since the last time the regulations were amended in 1999. These changes also update the regulations by taking into account changes in technology and other changes to improve administrative efficiency. As many FECA claimants are not represented, the regulations are revised to insert FECA statutory references as a frame of reference for clarity and ease of use. The regulations include adding the skin as an organ pursuant to 5 U.S.C. 8107(c)(22). The regulations also create a new special schedule covering injuries to noncitizen nonresident Federal employees outside the United States. Finally, the regulations covering the processing of medical bills have been updated to provide for greater use of technology in that process to reduce costs and to clarify requirements for such submissions.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 20 CFR 1; 20 CFR 10; 20 CFR 25 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 5 USC 8149**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	08/13/2010	75 FR 49596
NPRM Comment Period End	10/12/2010	
Final Rule	06/28/2011	76 FR 37898
Final Rule Effective	08/29/2011	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Small Entities Affected:** No**Federalism:** No**Energy Affected:** No**Related RINs:** Previously Reported as 1215-AB83**Agency Contact:** Douglas Fitzgerald

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**Department of Labor (DOL)****Office of Labor Management Standards ( OLMS )****RIN:** 1245-AA03 [View Related Documents](#)**Title:** Persuader Agreements: Employer and Labor Relations Consultant Reporting Under the LMRDA

**Abstract:** The Department published a notice and comment rulemaking seeking consideration of a revised interpretation of section 203(c) of the Labor-Management Reporting and Disclosure Act (LMRDA). That statutory provision creates an "advice" exemption from reporting requirements that apply to employers and other persons in connection with persuading employees about the right to organize and bargain collectively. A revised interpretation would narrow the scope of the advice exemption.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Final Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 405; 29 CFR 406 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 433; 29 USC 438**Legal Deadline:** None**Regulatory Plan:**

**Statement of Need:** The Department of Labor proposed a regulatory initiative to better implement the public disclosure objectives of the Labor-Management Reporting and Disclosure Act (LMRDA) regarding employer-consultant agreements to persuade employees concerning their rights to organize and bargain collectively. Under LMRDA section 203, an employer must report any agreement or arrangement with a third party consultant to persuade employees as to their collective bargaining rights or to obtain certain information concerning the activities of employees or a labor organization in connection with a labor dispute involving the employer. The consultant also is required to report concerning such an agreement or arrangement with an employer. Statutory exceptions to these reporting requirements are set forth in LMRDA section 203(c), which provides, in part, that employers and consultants are not required to file a report by reason of the consultant's giving or agreeing to give "advice" to the employer. The Department's proposal stated that its current policy concerning the scope of the "advice exception" is overbroad and that a narrower construction would better allow for the employer and consultant reporting intended by the LMRDA. The proposal stated that regulatory action is needed to provide workers with information critical to their effective participation in the workplace.

**Legal Basis:** This proposed rulemaking is authorized under U.S.C. sections 433 and 438 and applies to regulations at 29 CFR part 405 and 29 CFR part 406.

**Alternatives:** Alternatives will be developed and considered in the course of notice and comment rulemaking.

**Costs and Benefits:** Anticipated costs and benefits of this proposed regulatory initiative have not been assessed and will be determined at a later date, as appropriate.

**Risks:** This action does not affect public health, safety, or the environment.

**Timetable:**

Action	Date	FR Cite
NPRM	06/21/2011	76 FR 36178
NPRM Comment Period Extended	07/29/2011	76 FR 45480
NPRM Comment Period End	08/22/2011	
NPRM Comment Period End	09/21/2011	
Final Action	08/00/2012	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.olms.dol.gov](http://www.olms.dol.gov)

**Public Comment URL:** [www.regulations.gov](http://www.regulations.gov)

**Related RINs:** Previously Reported as 1215-AB79

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**Department of Labor (DOL)**

**Office of Labor Management Standards ( OLMS )**

**RIN:** 1245-AA05

 [View Related Documents](#)

**Title:** Persuader Agreements: Consultant Form LM-21 Receipts and Disbursements Report

**Abstract:** The Department intends to publish a notice and comment rulemaking seeking consideration of the Form LM-21, Receipts and Disbursements Report, which is required pursuant to section 203(b) of the Labor-Management Reporting and Disclosure Act (LMRDA). The rulemaking will propose mandatory electronic filing for Form LM-21 filers, and it will review the layout of the Form LM-21 and its instructions, including the detail required to be reported.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Long-term Action

**Major:** Undetermined

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 406 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 433 and 438

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
Next Action Undetermined		

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Federalism:** No

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**Department of Labor (DOL)**  
**Office of Labor Management Standards ( OLMS )**RIN: 1245-AA01

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 [View Related Documents](#)**Title:** Labor Organization Officer and Employee Report (Form LM-30)**Abstract:** The Department intends to review questions of law and policy changes made to the Form LM-30 in 2007. The Form LM-30 (Labor Organization Officer and Employee Report) is required by the Labor-Management Reporting and Disclosure Act (LMRDA). The purpose of the Form is to identify potential conflicts of interest between the labor organization officials and their labor organization.**Priority:** Other Significant**Agenda Stage of Rulemaking:** Completed Action**Major:** No**Unfunded Mandates:** No**CFR Citation:** 29 CFR 404 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** 29 USC 432; 29 USC 438**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
NPRM	08/10/2010	75 FR 48416
NPRM Comment Period End	10/12/2010	
Final Action	10/26/2011	76 FR 66442
Final Action Effective	11/25/2011	

**Regulatory Flexibility Analysis Required:** No**Government Levels Affected:** No**Federalism:** No**Related RINs:** Previously Reported as 1215-AB74**Agency Contact:** Andrew R. Davis

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**Department of Labor (DOL)**  
**Office of Federal Contract Compliance Programs ( OFCCP )**RIN: 1250-AA03

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 [View Related Documents](#)**Title:** Nondiscrimination in Compensation: Compensation Data Collection Tool**Abstract:** Compensation discrimination is one form of discrimination that Executive Order 11246 prohibits. Eliminating sex- and race-based compensation discrimination continues to be a priority for OFCCP. To this end, OFCCP will develop a new compensation data collection tool to identify contractors likely to violate the Executive Order. In addition, the data collection tool could play a key role in OFCCP's establishment-specific, contractor-wide, and industry-wide analyses. Through publication of an Notice of Proposed Rulemaking (NPRM), OFCCP will seek to develop an effective and efficient data collection instrument.**Priority:** Other Significant**Agenda Stage of Rulemaking:** PreRule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 41 CFR 60-2 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** EO 11246; 30 FR 12319, as amended by EO 11375; 32 FR 14303, as amended by EO 12086; 43 FR 46501**Legal Deadline:** None**Timetable:**

Action	Date	FR Cite
ANPRM	08/10/2011	76 FR 49398
ANPRM Comment Period Closed	10/11/2011	

Analyze Comments	04/00/2012	
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**Regulatory Flexibility Analysis Required:** Undetermined**Government Levels Affected:** No**Federalism:** No**Energy Affected:** No**Related RINs:** Previously Reported as 1215-AB80**Agency Contact:** Debra A. Carr

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**Department of Labor (DOL)****Office of Federal Contract Compliance Programs ( OFCCP )****RIN:** 1250-AA01 [View Related Documents](#)**Title:** Construction Contractors' Affirmative Action Requirements

**Abstract:** The regulations implementing the affirmative action obligations of construction contractors under Executive Order 11246, as amended, were last revised in 1980. Recent data show that disparities in the representation of women and racial minorities continue to exist in on-site construction occupations in the construction industry. This Notice of Proposed Rulemaking (NPRM) would revise 41 CFR part 60-1 and 60-4 by removing outdated regulatory provisions, proposing a new method for establishing affirmative action goals, and proposing other revisions to the affirmative action requirements that reflect the realities of the labor market and employment practices in the construction industry today.

**Priority:** Other Significant**Agenda Stage of Rulemaking:** Proposed Rule**Major:** No**Unfunded Mandates:** No**CFR Citation:** 41 CFR 60-1; 41 CFR 60-4 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)**Legal Authority:** sec 201, 202, 205, 211, 301, 302, and 303 of EO 11246, as amended; 30 FR 12319; 32 FR 14303, as amended by EO 12086**Legal Deadline:** None**Regulatory Plan:**

**Statement of Need:** These regulations, last revised in 1980, have proven ineffective at making meaningful progress in the employment of women and certain minorities in the construction industry. Analysis of 2006 to 2008 ACS data for 27 on-site construction occupations reveals a significant disparity between the percentage of women in construction occupations in the construction industry and the percentage of women in construction occupations in all other industries. The representation of African Americans in the construction industry is substantially less than would be expected given their representation in all other industries. For example, in 23 of the 27 occupations analyzed, disparities were found in the representation of African Americans. The NPRM would remove outdated regulatory provisions, propose a new method for establishing affirmative action goals, and propose other revisions to the affirmative action requirements that reflect the realities of the labor market and employment practices in the construction industry today.

**Legal Basis:** This action is not required by statute or court order. Legal Authority: Sections 201, 202, 205, 211, 301, 302, and 303 of E.O. 11246, as amended; 30 FR 12319; 32 FR 14303, as amended by E.O. 12086.

**Alternatives:** Regulatory alternatives will be addressed as the NPRM is developed.

**Costs and Benefits:** The proposed rule would adopt a new framework for implementing affirmative action requirements in the construction industry and proposes standards for designating projects "mega construction projects." There may be some additional costs to contractors as a result of the increased scope of required actions. The benefits would likely include increased diversity in construction workplaces and increased opportunities for women and minorities to obtain on-site construction jobs. Recent reports on the national unemployment rate show significantly higher unemployment in these populations than in others. The African American unemployment rate is at record high numbers. More detailed cost and benefit analyses will be made as the NPRM is developed. Data all show significant underrepresentation of these groups in the construction industry.



**Risks:** Failure to provide updated regulations may impede the equal opportunity rights of some workers in protected classes.

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** No

**Federalism:** Undetermined

**Related RINs:** Previously Reported as 1215-AB81

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**Department of Labor (DOL)**

**Office of Federal Contract Compliance Programs ( OFCCP )**

**RIN:** 1250-AA02

 [View Related Documents](#)

**Title:** Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Individuals With Disabilities

**Abstract:** This Rulemaking would amend 41 CFR part 60-741, the nondiscrimination and affirmative action provisions of section 503. This Rulemaking would strengthen the affirmative action requirements for Federal contractors and subcontractors. The rule would amend the regulations to require that Federal contractors and subcontractors increase linkages and conduct more substantive analyses of recruitment and placement actions taken under section 503. The rule would also increase the contractor's data collection obligations, make revisions to recordkeeping requirements, and establish a "good faith" placement goal to assist in measuring the effectiveness of the contractor's affirmative action efforts. In addition, the rule will incorporate changes to the nondiscrimination provisions necessitated by the passage of the ADA Amendments Act of 2008.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 41 CFR 60-741 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 706 and 793; EO 11758 (3 CFR 1971 to 1975 Comp p 841)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
ANPRM	07/23/2010	75 FR 43116
ANPRM Comment Period End	09/21/2010	
NPRM	12/09/2011	76 FR 77056
NPRM Comment Period End	02/07/2012	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** No

**Federalism:** No

**Energy Affected:** No

**RIN Information URL:** [www.dol.gov/ofccp](http://www.dol.gov/ofccp)

**Public Comment URL:** [www.regulations.gov](http://www.regulations.gov)

**Related RINs:** Previously Reported as 1215-AB77

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**Department of Labor (DOL)**  
**Office of Federal Contract Compliance Programs ( OFCCP )**

RIN: 1250-AA05

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**Title:** Sex Discrimination Guidelines

**Abstract:** The Office of Federal Contract Compliance Programs (OFCCP) is charged with enforcing Executive Order 11246, as amended, which prohibits Federal Government contractors and subcontractors from discriminating against individuals in employment on the basis of race, color, sex, religion, or national origin, and requires them to take affirmative action. OFCCP regulations at 41 CFR part 60-20 set forth the interpretations and guidelines for implementing Executive Order 11246, as amended, in regard to promoting and ensuring equal opportunities for all persons employed or seeking employment with Government contractors and subcontractors without regard to sex. This nondiscrimination requirement also applies to contractors and subcontractors performing under federally assisted construction contracts. The guidance in part 60-20 is more than 30 years old and warrants a regulatory lookback. OFCCP will issue a Notice of Proposed Rulemaking to create sex discrimination regulations that reflect the current state of the law in this area.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** Undetermined

**CFR Citation:** 41 CFR 60 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** sec 201, EO 11246, 30 FR 12319 and EO 11375, 32 FR 14303, as amended by EO 12086

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** No

**Federalism:** No

**Energy Affected:** Undetermined

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**Department of Labor (DOL)**  
**Office of Federal Contract Compliance Programs ( OFCCP )**

RIN: 1250-AA00

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**Title:** Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors Regarding Protected Veterans

**Abstract:** This Rulemaking would revise the regulations in 41 CFR parts 60-250 and 60-300 implementing the nondiscrimination and affirmative action provisions of VEVRAA (referred to as section 4212). This Rulemaking would strengthen the affirmative action requirements for Federal contractors and subcontractors. The rule would amend the regulations to require that Federal contractors and subcontractors conduct more substantive analyses of recruitment and placement actions taken under VEVRAA and would require the use of benchmarks to measure the effectiveness of affirmative action efforts. The rule would also make revisions to recordkeeping requirements.

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 41 CFR 60-250 and 60-300 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 29 USC 793; 38 USC 4211 (2001) (amended 2002); 38 USC 4212 (2001) (amended 2002); EO 11758 (3 CFR 1971 to 1975 Comp. p 841)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	04/26/2011	76 FR 23358
NPRM Comment Period Extended	06/22/2011	76 FR 36482
NPRM Comment Period Closed	07/11/2011	
Final Action	07/00/2012	

**Regulatory Flexibility Analysis Required:** Undetermined

**Government Levels Affected:** No

**Federalism:** No

**Energy Affected:** No

**Related RINs:** Previously Reported as 1215-AB80

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**Department of Labor (DOL)**

**Office of the Secretary ( OS )**

**RIN:** 1290-AA25

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**Title:** Update to Regulations Governing Administrative Claims Under the Federal Tort Claims Act and Related Statutes

**Abstract:** The current Department of Labor regulations governing administration of claims under the Federal Tort Claims Act (FTCA) and other statutes that authorize payments for wrongful death, personal injury, and/or property damage have been in place since 1995. Since that time, experience in administering these regulations has provided a number of ideas of how these regulations may be streamlined, clarified, and improved. Furthermore, a number of changes have been made to the process whereby such claims are paid. Finally, the FTCA claims process is also described in two other regulatory sections issued by the Employment and Training Administration in connection with administration of the Job Corps; these sections should be consolidated to improve clarity and consistency with departmental regulations. In addition, minor clarifications could be made to these regulations in regard to administration of the Federal Employees' Compensation Act in connection with Job Corps enrollees. This will be issued as an NPRM as well as a direct final rule, which will be effective 60 days after date of publication in the Federal Register, unless we receive a significant adverse comment by 30 days after date of publication in the Federal Register.

**Priority:** Info./Admin./Other

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** 20 CFR 638.526; 20 CFR 670.900; 29 CFR 15 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 5 USC 8143; 28 USC 2672; 29 USC 2897; 31 USC 3721

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	01/00/2012	
Direct Final Rule	04/00/2012	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Department of Labor (DOL)**  
**Office of the Secretary ( OS )**

RIN: 1290-AA26

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**Title:** Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges

**Abstract:** The Rules of Practice and Procedure for Administrative Hearings Before the Office of Administrative Law Judges, 29 CFR part 18, subpart A, provide procedural guidance to administrative law judges, claimants, employers, and Department of Labor representatives seeking to resolve disputes under a variety of employment and labor laws. The Office of Administrative Law Judges (OALJ) promulgated these regulations in 1983. The rules were modeled on the Federal Rules of Civil Procedure (Federal Rules) and have proved extraordinarily helpful in providing litigants with familiar rules governing hearing procedure. Since 1983, the Federal Rules have been amended many times. Moreover, in 2007 the Federal Rules were given a complete revision to improve style and clarity. The nature of litigation has also changed in the past 27 years, particularly in the areas of discovery and electronic records. Thus, OALJ needs to revise the part 18, subpart A rules to make them more accessible and useful to parties, and to harmonize administrative hearing procedures with the current Federal Rules. Our goal is amending the regulations to provide clarity through the use of consistent terminology, structure, and formatting so that parties have clear direction when pursuing or defending against a claim. In addition to revising the regulations to conform to modern legal procedure, the rules need to be modified to reflect the types of claims now heard by OALJ. When the rules were promulgated in 1983, OALJ primarily adjudicated occupational disease and injury cases. Presently, and looking ahead to the future, OALJ is and will be increasingly tasked with hearing whistleblower and other workplace retaliation claims, in addition to the occupational disease and injury cases. These types of cases require more structured management and oversight by the presiding administrative law judge and more sophisticated motions and discovery procedures than our current regulations provide. In order to best manage the complexities of whistleblower and discrimination claims, OALJ needs to update its rules to address the procedural questions that arise in these cases.

**Priority:** Info./Admin./Other

**Agenda Stage of Rulemaking:** Proposed Rule

**Major:** Undetermined

**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 18A (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 5 USC 553; 5 USC 554; 5 USC 556; 5 USC 557; 5 USC 571 et seq

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	04/00/2012	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** No

**Small Entities Affected:** No

**Federalism:** No

**Energy Affected:** No

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**Department of Labor (DOL)**  
**Office of the Assistant Secretary for Veterans' Employment and Training ( ASVET )**

RIN: 1293-AA18

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**Title:** Establishment of a Uniform National Threshold Entered Employment Rate for Veterans

**Abstract:** This rulemaking will establish a national threshold entered employment rate for veterans under State employment service delivery systems, as required by 38 U.S.C. 4102(c)(3)(B).

**Priority:** Other Significant

**Agenda Stage of Rulemaking:** Final Rule

**Major:** No

**Unfunded Mandates:** No

**CFR Citation:** None (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 38 USC 4102(c)(3)(B)

**Legal Deadline:** None

**Timetable:**

Action	Date	FR Cite
NPRM	02/18/2011	76 FR 9517
NPRM Comment Period End	04/19/2011	
Final Action	04/00/2012	

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** State

**Small Entities Affected:** No

**Federalism:** No

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