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.

On January 18, 2011, the President issued Executive Order (E.O.) 13563, titled 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: Seth D. Harris,

*Acting Secretary of Labor.*
The 91 Regulatory Agendas

### Employment and Training Administration - Proposed Rule

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### Employee Benefits Security Administration - Final Rule

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Title: Implementation of Total Unemployment Rate Extended Benefits Trigger and Rounding Rule

Abstract: Regulations at 20 CFR part 615 apply to the Extended Benefits (EB) program as implemented following passage of the Federal-State Extended Unemployment Compensation Act of 1970 (26 U.S.C. 3304 note). 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. The proposed rule will add the TUR trigger to regulations. Also, 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

Agenda Stage of Rulemaking: Proposed Rule

Unfunded Mandates: 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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Federalism: No

Agency Contact: Ronald Wilus
Chief, Division of Fiscal and Actuarial Services
Department of Labor
Employment and Training Administration
200 Constitution Avenue NW., FP Building, Room S-4231, Washington, DC 20210
Washington, DC 20210
Phone: 202 693-2931
E-Mail: wilus.ronald@dol.gov
Title: Middle Class Tax Relief and Job Creation Act of 2012 Provision on Establishing Appropriate Occupations for Drug Testing of Unemployment Compensation Applicants

Abstract: The Employment and Training Administration of the U.S. Department of Labor (Department) proposes to establish in regulations the occupations that regularly conduct drug testing for State Unemployment Insurance (UI) program purposes. Section 2105 of the Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112-96) amended section 303 of the Social Security Act (42 USC sec. 303) to permit States to enact legislation that would allow State UI programs to conduct drug testing on applicants for whom suitable work (as defined under the State law) is only available in an occupation that regularly conducts drug testing or if the applicant was discharged for unlawful use of drugs. States may deny UI benefits to an applicant that tests positive for drug use under the circumstances just described. The Department is required under section 2105 of the Middle Class Tax Relief and Job Creation Act of 2012 to determine and establish in regulations those occupations that regularly conduct drug testing.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 20 CFR 620 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: PL 112-96; title III, Social Security Act (42 USC 301 et seq)

Legal Deadline: None

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.

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.
Title: Implementing the Middle Class Tax Relief and Job Creation Act of 2012 Provision on Data Exchange Standardization

Abstract: The Employment and Training Administration of the U.S. Department of Labor (Department) proposes to designate in regulations data exchange standards, developed in consultation with the Office of Management and Budget (OMB), for Unemployment Insurance (UI) administration for any category of information required under title III, title IX, or title XII of the Social Security Act (Pub. L. 74-271). Section 2104 of the Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112-96) amends and adds section 911 to title IX of the Social Security Act (42 USC section 1101 et seq.) requiring the Department to issue a rule, developed in consultation with OMB, that outlines data exchange standards for required reporting. These standards will improve the interoperability of State, Federal, and employer operated systems that collect and exchange information for UI administrative purposes.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 619 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: PL 112-96; title IX, Social Security Act (42 USC 1101 et seq)

Legal Deadline:

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Timetable:

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Regulatory Flexibility Analysis Required: No
Small Entities Affected: No
Energy Affected: No
Agency Contact: Gay Gilbert
Administrator, Office of Unemployment Insurance
Department of Labor
Employment and Training Administration
200 Constitution Avenue NW., FP Building, Room S-4231, Washington, DC 20210
Washington , DC 20210
Phone: 202 693-3428
E-Mail: gilbert.gay@dol.gov

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

RIN: 1205-AB65

Title: Labor Certification Process for Logging Employment and Non-H-2A Agricultural Employment
Abstract: In 2009, the Department suspended certain regulations pertaining to the H-2A program, including this subpart C. The suspension was legally enjoined (North Carolina Growers' Association v. Solis, 1:09-cv-00411, June 29, 2009) thereby preventing implementation of the suspension. The entire subject matter of subpart C was subsumed into a later rulemaking (75 FR 6959, Feb. 12, 2010), but the injunction imposed on the suspension prevented the removal of subpart C. This regulatory action is needed to remove subpart C as obsolete and confusing to the public.

Priority: Info./Admin./Other
Agenda Stage of Rulemaking: Final Rule
Major: Undetermined
Unfunded Mandates: No
CFR Citation: 20 CFR subpart C
Legal Authority: 8 USC 1188; 8 USC 1184(c)
Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: State
Small Entities Affected: No
Federalism: No

Agency Contact: William L. Carlson Ph.D.
Administrator, Office of Foreign Labor Certification
Department of Labor
Employment and Training Administration
Room C-4312, FP Building, 200 Constitution Avenue NW., Washington, DC 20210
Washington , DC 20210
Phone: 202 693-3010
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Department of Labor (DOL)
Employment and Training Administration (ETA)

RIN: 1205-AB66

Title: Attestations by Employers Using F-1 Students in Off-Campus Work
Abstract: The Immigration Act of 1990, supplementing sections 101(a)(15)(F) and 214 of the Immigration and Nationality Act, created a 3-year work authorization program for certain students in F-1 nonimmigrant status. The Department published an interim final rule to administer the program in 1991. 56 FR 56860 (Nov. 6, 1991). Public Law 103-416 (Oct. 25, 1994) revived the program through September 30, 1996, and the regulations were further amended (59 FR 64777, Dec. 15, 1994; 60 FR 34133, June 30, 1995; 60 FR 38959, July 31, 1995; 60 FR 49754, Sept. 30, 1995; 60 FR 61210, Nov. 29, 1995) but the program subsequently sunset and has not been extended since. The regulatory action will remove the regulations that have no legal authority and are no longer in effect to avoid confusion in the affected public.

Priority: Info./Admin./Other
Agenda Stage of Rulemaking: Final Rule
Major: No
Unfunded Mandates: No
CFR Citation: 20 CFR subparts J and K

View Related Documents

View Related Documents
Title: Attestations by Facilities Using Nonimmigrant Aliens as Registered Nurses

Abstract: The Immigration Nursing Relief Act of 1999 provided for certain nonimmigrant status for H-1A nurses. Final regulations were published in 1994 (59 FR 897, Jan. 6, 1994, 59 FR 5484, Feb 4, 1994). The Act was extended but sunset in 2007 and has not been extended since. The regulatory action will remove the regulations that have no legal authority and are no longer in effect to avoid confusion in the affected public.

Priority: Info./Admin./Other

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

RIN: 1205-AB67

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

View Related Documents
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
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

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: Federal; State; Tribal
Small Entities Affected: No
Federalism: Yes
Energy Affected: No

Agency Contact: John V. Ladd
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Department of Labor (DOL)
Employment and Training Administration (ETA)
RIN: 1205-AB69

Title: Wage Methodology for the Temporary Non-agricultural Employment H-2B Program, Part 2

Abstract: The Department of Homeland Security (DHS) and the Department of Labor (DOL) are amending regulations governing certification for the employment of nonimmigrant workers in temporary or seasonal non-agricultural employment. This interim final rule revises how DOL provides the consultation that DHS has determined is necessary to adjudicate H-2B petitions by revising the methodology by which DOL calculates the prevailing wages to be paid to H-2B workers and U.S. workers recruited in connection with the application for certification. That prevailing wage is then used in petitioning the DHS to employ nonimmigrant workers in H-2B status. DOL and DHS are jointly issuing this rule in response to the court's order in Comité de Apoyo a los Trabajadores Agrícolas v. Solis, Civ. No. 09-cv-240, (E.D. Pa.) (March 21, 2013), which vacated portions of DOL's current prevailing wage rate regulation, and to ensure that there is no question that the rule is in effect nationwide in light of other outstanding litigation. This rule also contains certain revisions to DHS's H-2B rule to clarify that DHS is the Executive Branch agency charged with making determinations regarding eligibility for H-2B classification, after consulting with DOL for its advice about matters with which DOL has expertise, particularly, in this case, questions about the methodology for setting the prevailing wage in the H-2B program.

Priority: Economically Significant
Major: Yes
Unfunded Mandates: No
CFR Citation: 20 CFR 655; 8 CFR 214 (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:

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13
Title: Job Training Partnership Act; Removal of JTPA

Abstract: The Employment and Training Administration (ETA) of the Department of Labor (Department) has removed the regulations at 20 CFR parts 626, 627, 628, 631, 632, 633, 634, 636, 637, and 638, which implemented the Job Training Partnership Act (JTPA or the Act). These regulations were designed to improve the employment status of disadvantaged young adults, dislocated workers, and individuals facing barriers to employment. In 1998, Congress passed the Workforce Investment Act (WIA), which required the Secretary of Labor to transition any authority under JTPA to the system created by WIA. Public Law 105-220, title V, section 506(a), 112 Statute 1246-1247 (1998); 20 U.S.C. 9276(a). Therefore, the Department took action to eliminate public reliance on regulations that are no longer enforceable or effective.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Unfunded Mandates: No


Legal Authority: PL 105-220; 20 USC 9276(a)

Legal Deadline: None

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Michael S. Jones
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Title: Pension Benefit Statements

Abstract: Section 508 of the Pension Protection Act of 2006 (PPA) amended section 105 of the Employee Retirement Income Security Act (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 three 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. As part of this initiative, the Department will explore whether, and how, an individual benefit statement should and could present a participant's accrued benefits in a defined contribution plan (i.e., the individual's account balance) as a lifetime income stream of payments in addition to presenting the benefits as an account balance.

**Priority:** Other Significant  
**Agenda Stage of Rulemaking:** PreRule  
**Major:** No  
**Unfunded Mandates:** No  
**CFR Citation:** 29 CFR 2520 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.gpo.gov/fdsys/search.html))  
**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:** 08/18/2007

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**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

**Title:** Conflict of Interest Rule-Investment Advice  
**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 the Employee Retirement Security Act (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](https://www.gpo.gov/fdsys/search.html))  
**Legal Authority:** 29 USC 1002; ERISA sec 3(21); 29 USC 1135; ERISA sec 505  
**Legal Deadline:** None

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**Regulatory Flexibility Analysis Required:** Undetermined  
**Government Levels Affected:** Undetermined  
**Federalism:** No  
**Agency Contact:** Jeffrey J. Turner  
Deputy Director, Office of Regulations and Interpretations  
Department of Labor  
Employee Benefits Security Administration  
200 Constitution Avenue NW., Room N-5655, FP Building, Washington, DC 20210  
Washington, DC 20210
### 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 the Retirement Income Security Act (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:** Other 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

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### 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 the Employee Retirement Income Security Act (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:** 08/18/2007

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Regulatory Flexibility Analysis Required: Undetermined  Government Levels Affected: Undetermined
Federalism: No
Energy Affected: No
Agency Contact: Stephanie Ward-Cibinic
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Department of Labor (DOL)
Employee Benefits Security Administration (EBSA)  RIN: 1210-AB30

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: Final Rule
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:

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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
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Department of Labor (DOL)
Employee Benefits Security Administration (EBSA)  RIN: 1210-AB38

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 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

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Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: No

Federalism: No

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

RIN: 1210-AB44

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 the Employee Retirement Income Security Act (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: Final Rule

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

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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.

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)
RIN: 1210-AB47

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Title: Incentives for Nondiscriminatory Wellness Programs in Group Health Plans

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
Title: Ninety-Day Waiting Period Limitation and Technical Amendments to Certain Health Coverage Requirements Under the Affordable Care Act

Abstract: The Patient 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 (PHS) Act. These regulations provide guidance on the 90-day waiting period limitation under section 2708 of the PHS Act and makes technical amendments to regulations to conform to Affordable Care Act provisions already in effect, as well as those that will become effective beginning 2014.

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

RIN: 1210-AB56

Regulatory Flexibility Analysis Required: Undetermined
Government Levels Affected: Undetermined

Federalism: No

Related Agencies: Joint: OCIIO; Joint: IRS

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Phone: 202 693-8335
FAX: 202 219-1942
Title: Improved Fee Disclosure for Welfare Plans

Abstract: This rulemaking will amend the regulation setting forth the standards applicable to the exemption under the Employee Retirement Income Security Act (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:

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Regulatory Flexibility Analysis Required: Undetermined

Federalism: No

Agency Contact: Jeffrey J. Turner
Deputy Director, Office of Regulations and Interpretations
Department of Labor
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Phone: 202 693-8500

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: Long-term Action

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

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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

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: Not Yet Determined

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

Legal Deadline: None

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-AB46

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 the Employee Retirement Income Security Act (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. This item is subject to joint interpretive jurisdiction with the Departments of HHS and the Treasury. The item is being removed from the agenda because no further action is expected in the near term, and removal from listing on the agenda is consistent with its status on the agendas of the other Departments.

Priority: Other Significant

Major: Yes

Unfunded Mandates: No

CFR Citation: 29 CFR 2590.715-2714

Legal Authority: 29 USC 1027, 1059, 1135, 1161-1168, 1169, 1181-1183, 1181 note, 1185, 1185a, 1185b, 1191, 1191a, 1191b, and 1191c; sec 101(g); PL 104-191, 110 Stat 1936; sec 401(b), PL 105-200, 112 Stat 645 (42 USC 651 note); sec
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 the Employee Retirement Income Security Act (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. This item is subject to joint interpretive jurisdiction with the Departments of HHS and the Treasury. The item is being removed from the agenda because no further action is expected in the near term, and removal from listing on the agenda is consistent with its status on the agendas of the other Departments.

Priority: Economically Significant

Agenda Stage of Rulemaking: Completed Action

Major: Yes

Unfunded Mandates: No

CFR Citation: 29 CFR 2590.715-1251 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 29 USC 1027, 1059, 1135, 1161-1168, 1169, 1181-1183, 1181 note, 1185, 1185a, 1185b, 1191, 1191a, 1191b, and 1191c; sec 101(g), PL 104-191, 110 Stat 1936; sec 401(b); PL 105-200, 112 Stat 645 (42 USC 651 note); sec 512(d), PL 110-343, 122 Stat 3881; sec 1001, 1201, and 1562(e); PL 111-148, 124 Stat 119, as amended by PL 111-152, 124 Stat 1029; Secretary of Labor's Order 6-2009, 74 FR 21524 (May 7, 2009)

Legal Deadline: None
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 the Employee Retirement Income Security Act (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 Act section 2711); prohibition of rescissions of health coverage after coverage begins (PHS Act section 2712); prohibition on discrimination in favor of highly compensated individuals (PHS Act section 2716); and patient protections (PHS Act section 2719A). This item is subject to joint interpretive jurisdiction with the Departments of HHS and the Treasury. 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. The item is being removed from the agenda because no further action is expected in the near term, and removal from listing on the agenda is consistent with its status on the agendas of the other Departments.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Unfunded Mandates: No

CFR Citation: 29 CFR 2590.715-2704; 29 CFR 2590.715-2711; 29 CFR 2590.715-2712; 29 CFR 2590.715-2719A

Legal Authority: 29 USC 1027, 1059, 1135, 1161-1168, 1169, 1181-1183, 1181 note, 1185, 1185a, 1185b, 1191, 1191a, 1191b, and 1191c; sec 101(g), PL 104-191, 110 Stat 1936; sec 401(b); PL 105-200, 112 Stat 645 (42 USC 651 note); sec 512(d), PL 110-343, 122 Stat 3881; sec 1001, 1201, and 1562(e); PL 111-148, 124 Stat 119, as amended by Public Law

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Energy Affected: No

Federalism: No

Related Agencies: Joint : HHS; Joint : IRS

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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 the Employee Retirement Income Security Act (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. This item is subject
to joint interpretive jurisdiction with the Departments of HHS and the Treasury. The item is being removed from the agenda because no further action is expected in the near term and removal from listing on the agenda is consistent with its status on the agendas of the other Departments.

**Priority:** Other Significant  
**Agenda Stage of Rulemaking:** Completed Action  
**Major:** No  
**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 2590.715-2719  
(To search for a specific CFR, visit the Code of Federal Regulations.)

**Legal Authority:** 29 USC 1027, 1059, 1135, 1161-1168, 1169, 1181-1183, 1181 note, 1185, 1185a, 1185b, 1191, 1191a, 1191b, and 1191c; sec 101(g), PL 104-191, 110 Stat 1936; sec 401(b); PL 105-200, 112 Stat 645 (42 USC 651 note); sec 512(d), PL 110-343, 122 Stat 3881; sec 1001, 1201, and 1562(e); PL 111-148, 124 Stat 119, as amended by PL 111-152, 124 Stat 1029; Secretary of Labor's Order 6-2009, 74 FR 21524 (May 7, 2009)

**Legal Deadline:** None

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

**Federalism:** No

**Energy Affected:** No

**Related Agencies:** Joint : OCIIO; Joint : IRS

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Department of Labor (DOL)  
Employee Benefits Security Administration ( EBSA )  
RIN: 1210-AB48

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

**Abstract:** Section 521 of the Employee Retirement Income Security Act (ERISA) 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:** Completed Action  
**Major:** No  
**Unfunded Mandates:** No

**CFR Citation:** 29 CFR 2560; 29 CFR 2571  
(To search for a specific CFR, visit the Code of Federal Regulations.)

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

**Legal Deadline:** None

**Regulatory Flexibility Analysis Required:** Business; Organizations  
**Government Levels Affected:** No
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

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Department of Labor (DOL)
Employee Benefits Security Administration (EBSA)
RIN: 1210-AB51

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

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Department of Labor (DOL)
Occupational Safety and Health Administration (OSHA)
RIN: 1218-AC34

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

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Department of Labor (DOL)
Employee Benefits Security Administration (EBSA)
RIN: 1210-AB51

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

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Department of Labor (DOL)
Occupational Safety and Health Administration (OSHA)
RIN: 1218-AC34

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

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Department of Labor (DOL)
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RIN: 1218-AC34

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

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Department of Labor (DOL)
Occupational Safety and Health Administration (OSHA)
RIN: 1218-AC34
Legal Deadline: None

Timetable:

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<td>Request for Comments Published</td>
<td>05/14/2010</td>
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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-AC41

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: PreRule

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 655(b); 29 USC 657

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

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Department of Labor (DOL)
Occupational Safety and Health Administration (OSHA)  RIN: 1218-AC46

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, Methicillin-resistant Staphylococcus aureus (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.

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

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Regulatory Flexibility Analysis Required: Undetermined
Federalism: Undetermined
Energy Affected: No

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Department of Labor (DOL)
Occupational Safety and Health Administration (OSHA)  RIN: 1218-AC51

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 may 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 many types of construction. OSHA currently has few rules which address the steel reinforcing and post-tensioning activities 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 33 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 number
of incidents may 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 other causes. Employees involved in post-tensioning activities are at risk for incidents caused by the misuse of post-tensioning equipment and improper training. Injuries and fatalities caused by backing incidents are also of concern. 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 backing operations may prevent incidents. These technologies include 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, concussions, amputations, 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
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

Regulatory Flexibility Analysis Required: Undetermined
Government Levels Affected: Undetermined
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-AC67

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 II 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 focused primarily to its construction standards in 29 CFR 1926.

Priority: Other Significant
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:
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:

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Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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Title: Process Safety Management And Flammable Liquids

Abstract: OSHA is considering revising its Process Safety Management (PSM) standard, 29 CFR 1910.119, to address gaps in safety coverage; or updating its Flammable Liquids standard, 29 CFR 1910.106, and Spray Finishing standard, 29 CFR 1910.107, based on the latest consensus standards. The following options are being considered: clarifying the PSM exemption for atmospheric storage tanks; expanding coverage and requirements for reactivity hazards; expanding the scope of paragraph (j) to cover the mechanical integrity of any safety-critical equipment; expanding the scope of paragraph (l) to require greater organizational management of change from employers; and updating §§1910.106 and 1910.107 based on the latest consensus standards.

Priority: Economically Significant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 29 CFR 1910.119 (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 29 USC 655; 29 USC 657

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Small Entities Affected: Business

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-AC83

Title: Definition and Requirements for a Nationally Recognized Testing Laboratory

Abstract: OSHA proposes to issue a Request for Information (RFI) for the Nationally Recognized Testing Laboratory (NRTL) Program. The NRTL Program was recently the subject of a GAO study, which recommended that OSHA reexamine the NRTL Program's structure and accreditation application procedures to identify and implement any alternatives that better align program design with resource levels and improve program timelines. As a result of the complexity of several issues identified in the GAO study, OSHA needs to gather more information before it can address some of the items identified and determine whether it must undertake rulemaking. The proposed RFI will solicit information on those topics identified in the GAO study as well as other topics proposed through discussions with stakeholders. Such topics include, but are not limited to, the use of a third party accreditation model, increased alignment with international standards, and allowable certification marks for the NRTL Program.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1910.7; 29 CFR 1910.7 App A (To search for a specific CFR, visit the Code of Federal Regulations.)

Legal Authority: 29 USC 655(b)

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Organizations

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: Amanda Edens
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 = 10 mg/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 50 µg/m³ and 25 µg/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

Timetable:

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Regulatory Flexibility Analysis Required: Business

Government Levels Affected: Federal

Federalism: Yes

Energy Affected: No

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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 also completed a scientific peer review of its draft risk assessment.

**Priority:** Economically Significant  
**Agenda Stage of Rulemaking:** Proposed Rule  
**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 |  
| Request for Information | 11/28/2002 | 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 | |  
| NPRM | 10/00/2013 | |  

**Regulatory Flexibility Analysis Required:** Business  
**Government Levels Affected:** No  
**Federalism:** No  
**Energy Affected:** No  
**Agency Contact:** Dorothy Dougherty  
Director, Directorate of Standards and Guidance  
Department of Labor  
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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 program 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:** 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 653; 29 USC 655(b); 29 USC 657  
**Legal Deadline: None**

| Timetable: |  
| --- | --- |  
| Action | Date | FR Cite |  
| Stakeholder Meetings | 06/03/2010 | |  
| Initiate SBREFA | 01/06/2012 | |  
| NPRM | 01/00/2014 | |  

33
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

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Agency Contact: Jens Svenson

Deputy Director, Directorate of Evaluation and Analysis

Department of Labor

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Title: Consensus Standard Update--Signage

Abstract: OSHA has an ongoing effort to update references to consensus standards published by standards-developing organizations (SDOs) throughout its rules. The goal of these rulemaking updates is to improve workplace safety and health by ensuring that consensus standards referenced in OSHA regulations reflect current industry practice and state-of-the-art technology. 29 CFR 1910.6 incorporates by reference the 1967 version of ANSI Z53.1, Safety Code for Marking Physical Hazards and the Identification of Certain Equipment, and the 1968 version of ANSI Z53.1, Specification for Accident Prevention Signs. Three OSHA standards (1910.97, Nonionizing Radiation; 1910.145, Specifications for Accident Prevention Signs and Tags; 1910.261, Pulp, Paper, and Paper-Board Mills) refer to these consensus standards. Most employers continue to use signs meeting the consensus standards currently referenced in the OSHA standards. The older signs not only have a long life; the employers do not want to use "newer" versions and be subject to a "de minimus" citation. Preliminary review indicates that signs meeting the latest edition of the consensus standard would advance workplace safety over and above the currently required signs. Signs meeting the latest edition use the same color code and wording as those meeting the older consensus standard, but also provide much more guidance as to the nature of the hazard, the consequences of the hazard, how to avoid the hazard, and the seriousness level of the hazard. Signs meeting the latest edition also are supported by human factors research on effective warning, and are supported by modern risk assessment methodologies for reducing risk. In addition, signs meeting the latest edition can use multiple language panels that could be a benefit to non-English speaking workers, and also meet the legal criteria for "adequate warnings" based on case law. OSHA proposes updating the reference to the version of the consensus standard, while grandfathering older signs that comply with the current OSHA requirements. Using the same strategy as in other consensus standard references updates, OSHA will publish a Direct Final Rule (DFR) concurrently with a Notice of Proposed Rulemaking (NPRM). If OSHA does not receive significant adverse comments on the DFR, it will confirm the effective date of the DFR and withdraw the NPRM. If OSHA does receive a significant adverse comment, it will withdraw the DFR and proceed with the rule proposal process.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined


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

Legal Deadline: None

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Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Undetermined

Small Entities Affected: Business; Governmental Jurisdictions

Federalism: Undetermined

Agency Contact: Dorothy Dougherty
Director, Directorate of Standards and Guidance
Title: Revising Record Requirements in the Mechanical Power Press Standard

Abstract: As part of the Department of Labor's burden hour and cost reduction initiatives, OSHA will examine revoking requirements for employers to prepare and maintain periodic records certifying that the employer performed the required tests and inspections on machinery. The purpose of revoking these records is to minimize paperwork burdens imposed on employers. Recently, OSHA revoked requirements that employers develop and retain training records for a number of standards when the revocation did not adversely affect worker safety and health. OSHA is examining other periodic records specified in its standards to identify additional paperwork requirements that the Agency could revoke without adversely affecting worker safety and health.

Priority: Substantive, Nonsignificant
Agenda Stage of Rulemaking: Proposed Rule

CFR Citation: 29 CFR 1910.217(e)(1) (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 Flexibility Analysis Required: No
Small Entities Affected: No

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Title: Amendments to the Cranes and Derricks in Construction Standard

Abstract: OSHA is proposing corrections and amendments to the final standard for cranes and derricks published in August, 2010. The standard has a large number of provisions designed to improve crane safety and reduce worker injury and fatality. The proposed amendments: •correct references to power line voltage for direct current (DC) voltages as well as alternating current (AC) voltages; •broadens the exclusion for forklifts carrying loads under the forks from "winch or hook" to "with a boom or jib, winch, wire rope, and hook or other means of attachment"; •clarifies an exclusion for work activities by articulating cranes; •provides four definitions inadvertently omitted in the final standard; •replaces "minimum approach distance" with "minimum clearance distance" throughout to remove ambiguity; •clarifies the use of demarcated boundaries for work near power lines; •corrects an error permitting body belts to be used as a personal fall arrest system rather than a personal fall restraint system; •replaces the verb "must" with "may" used in error in several provisions; •corrects an error in a caption on standard hand signals; and •resolves an issue of "NRTL-approved" safety equipment that is required by the final standard, but is not yet available.
Title: Clarification of Employer's Obligation to Make and Maintain Accurate Records of Work-Related Injuries and Illnesses

Abstract: OSHA is proposing to amend its recordkeeping regulations to clarify that the duty to make and maintain accurate records of work-related injuries and illnesses is an ongoing obligation. The duty to make and maintain an accurate record of an injury or illness continues for as long as the employer must keep and make available records for the year in which the injury or illness occurred. The duty does not expire if the employer fails to create the necessary records when first required to do so.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

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-AC84

View Related Documents
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

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:

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Regulatory Flexibility Analysis Required: Business

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

Agency Contact: Jim Maddux
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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 nearly 40 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

Unfunded Mandates: No


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

Legal Deadline: None
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### Regulatory Flexibility Analysis Required:

- **Business**
- **Local**

### Federalism:

- **No**

### Energy Affected:

- **No**

### Agency Contact:

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### Relevant Information:

#### 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

#### Major:
Yes

#### Unfunded Mandates:
No

#### CFR Citation:
29 CFR 1910, subparts D and I

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

#### Legal Deadline:
None

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**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** No  
**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-AC36

**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 amended 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. The final rule under STAA was published on September 27, 2012. 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](https://www.gpo.gov/fdsys/search/index?grep=))


**Legal Deadline:** None

**Timetable:**

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<td>08/31/2010</td>
<td>75 FR 53522</td>
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<td>77 FR 44121</td>
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**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** Local; State  
**Federalism:** No  
**Energy Affected:** No

**Agency Contact:** Beth S. Slavet  
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Washington , DC  20210
Title: Occupational Injury and Illness Recording and Reporting Requirements--NAICS Update and Reporting Revisions

Abstract: This rulemaking involves changes to two aspects of the OSHA recordkeeping and reporting requirements. First, OSHA is updating 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 rulemaking 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, this rulemaking would 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: Final Rule

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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

Abstract: OSHA is promulgating procedures for the handling and investigation of retaliation complaints pursuant to whistleblower protection provisions of three statutes: (1) the Consumer Financial Protection Act (CFPA), section 1057 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (DFA); (2) the Seaman's Protection Act, 46 U.S.C. section 2114 (SPA); and (3) Section 1558 of the Patient Protection and Affordable Care Act of 2010 (the Affordable Care Act or ACA; (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. 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. The SPA interim final rule was published February 6, 2013. Section 1558 of the Affordable Care Act, which added section 18C to the Fair Labor Standards Act, 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 statutes, 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. The ACA interim final rule was published February 27, 2013. 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.
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; therefore, OSHA is removing these two provisions. OSHA will publish a notice announcing a limited reopening of the record to address these two issues.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

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

Abstract: OSHA is proposing to promulgate 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). This section established a new whistleblower protection statute to be administered by OSHA that provides protection from retaliation to employees in the health care industry 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.

Agenda Stage of Rulemaking: Final Rule

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, the Patient Protection and Affordable Care Act of 2010

Legal Deadline: None

Regulatory Flexibility Analysis Required: No

Small Entities Affected: No

Energy Affected: No

Related RINs: Duplicate of 1218-AC55; Split From 1218-AC58

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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                  Activity 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

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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-AC45

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                  Activity 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

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<td>Notice of Limited Reopening of Rulemaking Record</td>
<td>05/17/2011</td>
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Regulatory Flexibility Analysis Required: No  Government Levels Affected: State
Title: Cooperative Agreements

Abstract: OSHA published a Notice of Proposed Rulemaking on September 3, 2010, and provided a 60-day comment period. OSHA proposed 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. The agency has fully considered all of the comments received in response to the NPRM. After re-evaluating the proposal in light of these comments, the agency has decided to withdraw the proposed rule.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

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

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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Title: Revising the Underground Construction and Demolition Standards To Make the Cranes and Derricks in Construction Rule Applicable to Those Activities

Abstract: This 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 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: Completed Action
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 653, 655, and 657, 40 USC 3701 et seq; 5 USC 553, Secretary of Labor Order 1-2012 and 29 CFR 1911
Legal Deadline: None

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Regulatory Flexibility Analysis Required: No
Government Levels Affected: No
Small Entities Affected: Business
Energy Affected: No
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Department of Labor (DOL)
Occupational Safety and Health Administration (OSHA)
RIN: 1218-AC75

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 rule expanding the scope of a partial exemption for work by digger derricks. The Agency in the 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: Completed Action
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

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Government Levels Affected: No
Small Entities Affected: Business
Energy Affected: No
Public Comment URL: regulations.gov
Agency Contact: Jim Maddux
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Department of Labor (DOL)
Mine Safety and Health Administration (MSHA)

Title: Refuge Alternatives for Underground Coal Mines

Abstract: On December 31, 2008, MSHA issued a final rule establishing requirements for refuge alternatives for underground coal mines. MSHA is requesting data, comments, and information, based on industry experience, on issues relevant to miners' escape and refuge during an emergency. Continuous development of refuge equipment and technology is crucial to enhancing the effectiveness of escape and refuge.

Priority: Other Significant
Major: Undetermined

Agenda Stage of Rulemaking: PreRule
Unfunded Mandates: Undetermined

CFR Citation: 30 CFR 75 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 30 USC 957; 30 USC 811
Legal Deadline: None

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Regulatory Flexibility Analysis Required: Undetermined
Government Levels Affected: State
Federalism: No

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

Title: Regulatory Actions in Response to Recommendations Resulting From Investigation of the Upper Big Branch Explosion

Abstract: In response to recommendations resulting from MSHA’s investigation of the Upper Big Branch (UBB) mine explosion and MSHA’s internal review of its actions at UBB, MSHA is initiating a new regulatory action that would address issues related to the explosion. The request for information will request data, comments, and information on issues related to rock dusting, ventilation, mine examinations, certified persons, and MSHA-approved instructors.

Priority: Other Significant
Major: Undetermined

Agenda Stage of Rulemaking: PreRule
Unfunded Mandates: Undetermined

CFR Citation: 30 CFR 75 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 30 USC 811
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

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
Major: No
CFR Citation: 30 CFR 41
Legal Authority: 30 USC 801; 30 USC 813(h); 30 USC 819(d); 30 USC 957
Legal Deadline: None

Regulatory Flexibility Analysis Required: Undetermined
Government Levels Affected: Local; State
Small Entities Affected: Business; Governmental Jurisdictions
Energy Affected: No

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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
Major: No
CFR Citation: 30 CFR 100
Legal Authority: 30 USC 815; 30 USC 820; 30 USC 957
Legal Deadline: None

Regulatory Flexibility Analysis Required: Undetermined
Government Levels Affected: No
Small Entities Affected: Business
Energy Affected: No
RIN Information URL: www.msha.gov/regsinfo.htm
Public Comment URL: www.regulations.gov

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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

Stage of Rulemaking: Proposed Rule

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

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: Business

Energy Affected: No

Related RINs: Related to 1219-AB65

Agency Contact: George F. Triebsch
Director, Office of Standards, Regulations, and Variances
Department of Labor
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1100 Wilson Boulevard, Room 2350, Arlington, VA 22209
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Phone: 202 693-9440
FAX: 202 693-9441
E-Mail: triebsch.george@dol.gov

Title: Fees for Testing, Evaluation and Approval of Mining Products

Abstract: MSHA's Approval and Certification Center was established for the purpose of testing and evaluating mine equipment and mine products to assure compliance with the applicable parts of 30 CFR. However, with advances in technology and computerization, the approval process has become significantly more complex, resulting in more agency resources associated with approvals. MSHA will propose changes to these regulations to reflect changes in the cost of testing and evaluating mine equipment.

Priority: Other Significant

Stage of Rulemaking: Proposed Rule

Unfunded Mandates: No

CFR Citation: 30 CFR 5 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: 30 USC 957

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: No

Small Entities Affected: Business

Energy Affected: No

Related RINs: Related to 1219-AB65

Agency Contact: George F. Triebsch
Director, Office of Standards, Regulations, and Variances
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E-Mail: triebsch.george@dol.gov
Title: Lowering Miners' Exposure to Respirable 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); 30 USC 957

Legal Deadline: None

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

**Abstract:** This final rule addresses 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 Occupational Safety and Health Administration (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

**Government Levels Affected:** No

**Unfunded Mandates:** No

**Legal Authority:** 30 USC 811

**Legal Deadline:** None

**Timetable:**

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Abstract: The U.S. Court of Appeals for the District of Columbia Circuit remanded a training provision in the Refuge Alternatives Final Rule, directing MSHA to explain the basis for requiring motor task (hands-on), decision-making, and expectations training annually rather than quarterly or to reopen the record and allow public comment. MSHA is reopening the rulemaking record for its Refuge Alternatives Final Rule for the limited purpose of obtaining comments on the frequency for motor task (also known as “hands-on” training), decision-making, and expectations training for miners to deploy and use refuge alternatives in underground coal mines. MSHA will review the comments to determine an appropriate course of action for the Agency in response to comments. MSHA will publish its response in the Federal Register addressing the public comments and either explaining the reason that it is leaving the final rule unchanged or modifying the final rule as the result of the public comment process.

Priority: Other Significant
Major: Undetermined
Agenda Stage of Rulemaking: Final Rule
Unfunded Mandates: Undetermined

CFR Citation: 30 CFR 7; 30 CFR 75 (To search for a specific CFR, visit the Code of Federal Regulations)
Legal Authority: 30 USC 957; 30 USC 811
Legal Deadline: None

Timetable: | Action | Date | FR Cite |
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Regulatory Flexibility Analysis Required: Undetermined
Federalism: Undetermined
Energy Affected: No
Related RINs: Related to 1219-AB58
Agency Contact: George F. Triebsch
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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 pattern of violations criteria.

Priority: Other Significant
Major: No
Unfunded Mandates: No
Agenda Stage of Rulemaking: Completed Action

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

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criteria and procedures for proposed assessment of civil penalties; inflation adjustment

the mine safety and health administration (msha) is revising its civil penalty assessment amounts under 30 CFR part 100 to adjust for inflation according to the requirements of the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended. MSHA is required by this statute to adjust all civil penalties for inflation at least once every four years. the revised penalties apply to citations and orders issued on or after the effective date of this rule. because the decision to make the adjustments and the amount of any adjustment is not within MSHA's discretion, MSHA, for good cause, finds that public notice and comment are unnecessary and that this rule will be published as a final rule. Civil penalties that are increased by the final rule include the maximum civil penalty for regular assessments; the range of minimum and maximum civil penalties for regular assessments; the minimum and maximum penalty for failure to provide timely notification; the maximum daily penalty for failure to abate a violation for a special assessment; and the maximum penalty for violations that are deemed to be flagrant. There is no change in the existing minimum penalty for unwarrantable violations or the existing maximum penalty for smoking or carrying smoking materials. MSHA last adjusted civil penalties for inflation in 2008 (73 FR 7206).
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: Final 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

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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

Director, Division of Regulations, Legislation, and Interpretation

Department of Labor

Wage and Hour Division

200 Constitution Avenue NW., FP Building, Room S-3502, Washington, DC 20210

Washington, DC 20210

Phone: 202 693-0406

FAX: 202 693-1387

Department of Labor (DOL)

Wage and Hour Division (WHD) RIN: 1235-AA04

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:

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Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: Local; State; Tribal

Federalism: Undetermined
Title: Fair Labor Standards Act, Child Labor Hazardous Occupations Order, No. 7

Abstract: The child labor provisions of the Fair Labor Standards Act (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: Long-term Action

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

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

Abstract: The Department of Labor plans 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 for 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.
Title: Longshore and Harbor Workers' Compensation Act: Maximum Compensation Rate Determinations

Abstract: Under the Longshore and Harbor Workers' Compensation Act and its extensions, disabled workers are paid compensation based on their average weekly wage at the time of their disabling injury. Section 6 of the Act, 33 U.S.C. 906 caps this compensation at a maximum of twice the "applicable" fiscal year's national average weekly wage. The Secretary of Labor determines the national average wage for each fiscal year, and that determination applies to employees or survivors "currently receiving" permanent disability compensation or death benefits as well as those "newly awarded" compensation. Litigation over which year's national average wage applies in various situations led to a recent Supreme Court decision construing the "newly awarded" phrase. The proposed rule will implement the Supreme Court's decision and clarify how the maximum compensation rate provision applies, including the "currently receiving" phrase and other portions the Court did not address.

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Director, Div. Longshore and Harbor Workers' Compensation
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Phone: 202 693-0038
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E-Mail: rios.antonio@dol.gov
Title: Black Lung Benefits Act: Standards for Chest Radiographs

Abstract: Physicians use chest radiographs (X-rays) as a tool in evaluating whether a miner suffers from pneumoconiosis (black lung disease). Accordingly, the Department's regulations implementing the Black Lung Benefits Act allow submission of radiographs and set out quality standards for their performance. These standards, which were last revised in 1983, currently address only film radiographs. Since their promulgation, many medical facilities have phased out film radiography in favor of digital radiography. This rule will update the existing film-radiography standards and provide parallel standards for digital radiographs.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Unfunded Mandates: No

CFR Citation: 20 CFR 718

Legal Authority: 30 USC 902(f); 30 USC 921(b); 30 USC 923(b); 30 USC 936(a)

Legal Deadline: None

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Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Steven D. Breeskin
Dir. Div. of Coal Mine Workers' Compensation
Department of Labor
Office of Workers Compensation
200 Constitution Avenue NW., Suite N-3464, Washington, DC 20210
Washington, DC 20210
Phone: 202 693-0978
FAX: 202 343-5904
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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. This final rule will 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: Final Rule

Unfunded Mandates: No

CFR Citation: 20 CFR 718; 20 CFR 725

Legal Authority: 30 USC 936; 30 USC 921

Legal Deadline: None

Timetable:
Department of Labor (DOL)
Office of Labor Management Standards (OLMS)  

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.

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Regulatory Flexibility Analysis Required: No  
Government Levels Affected: No  
Federalism: No  
Energy Affected: No  
Agency Contact: Andrew R. Davis  
Chief, Division of Interpretations and Standards, Office of Labor-Management Standards  
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E-Mail: davis.andrew@dol.gov

Department of Labor (DOL)
Office of Labor Management Standards (OLMS)  

Title: Persuader Agreements: Employer and Labor Relations Consultant Reporting Under the LMRDA

Abstract: The Department intends to publish a final rule revising its 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. The revised interpretation would narrow the scope of the advice exemption.

Priority: Other Significant  
Agenda Stage of Rulemaking: Final Rule
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

Agency Contact: Debra A. Carr
Director, Division of Policy, Planning, and Program Development
Department of Labor
Office of Federal Contract Compliance Programs
Room C3325, 200 Constitution Avenue NW., Washington, DC 20210
Phone: 202 693-0103
TDD Phone: 202 693-1337
FAX: 202 693-1304
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 Notice of Proposed Rulemaking (NPRM), OFCCP will seek to develop an effective and efficient data collection instrument.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

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

Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: No

Energy Affected: No

Related RINs: Previously Reported as 1215-AB80

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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

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
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 the Vietnam Era Veterans' Readjustment Assistance Act of 1974 (VEVRAA). 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
Major: No
Unfunded Mandates: No

CFR Citation: 41 CFR 60-250; 41 CFR 60-300 (To search for a specific CFR, visit the Code of Federal Regulations.)

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

Legal Deadline: None

Timetable:

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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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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 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 utilization 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: Final 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; 29 USC 793; EO 11758 (3 CFR 1971 to 1975 Comp p 841)

Legal Deadline: None

Timetable:

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Regulatory Flexibility Analysis Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: www.dol.gov/ofccp

Public Comment URL: www.regulations.gov

Related RINs: Previously Reported as 1215-AB77

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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 (OALJ) govern practice and procedure in proceedings before United States Department of Labor administrative law judges. The regulations were first published as a final rule in 1983 and were modeled on the Federal Rules of Civil Procedure (FRCP). A Notice of Proposed Rulemaking was published in the Federal Register on December 4, 2012 requesting public comment on proposed revisions to and reorganization of these regulations. The revisions make the regulations more accessible and useful to parties. The revisions also harmonize administrative hearing procedures with the current FRCP and with the types of claims now heard by OALJ, which increasingly involve whistleblower and other workplace retaliation claims, in addition to a longstanding caseload of occupational disease and injury claims.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Final 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 301; 5 USC 551-557; 5 USC 571 et seq; EO 12778; 57 FR 7292

Legal Deadline: None
Title: Department of Labor Administrative Wage Garnishment

Abstract: The regulation provides procedures DOL, in conjunction with Treasury, uses to collect money by means of administrative wage garnishment from debtors to satisfy delinquent nontax debts owed to DOL. In accordance with procedures set forth in 31 CFR 285.11, DOL, through the Department of Treasury, may request that a non-Federal employer garnish the disposable pay of an individual. It outlines a notice and hearing process for debtors to challenge garnishment orders. The Treasury Department, in collaboration with the Office of Management and Budget, has been looking for ways to improve debt collection across the Federal government. Twenty-nine other agencies have already implemented the wage garnishment tool, and OCFO believes it would be useful for DOL to follow their example.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 31 CFR 285.11 (To search for a specific CFR, visit the Code of Federal Regulations)

Legal Authority: The Debt Collection Improvement Act of 1996, 31 USC § 3720D

Legal Deadline: None

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Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Federalism: Undetermined

Energy Affected: No

Agency Contact: Sheila Alexander
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conduct audits to ensure compliance with the mandated duties of DVOPs and LVERs. Further, the Act allows the Secretary to reduce funding to a state based on audit findings of non-compliance. In order to fully implement the VOW Act, we will undertake rulemaking to promulgate the standards that will be used in making compliance determinations. The rule will establish clear, enforceable standards for making determinations on funding reductions.

**Priority:** Other Significant  
**Major:** Undetermined  
**Agenda Stage of Rulemaking:** Proposed Rule  
**Unfunded Mandates:** No  
**CFR Citation:** 20 CFR 1001 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.regulations.gov)).  
**Legal Authority:** PL 112-56, sec 241  
**Legal Deadline:** None

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**Regulatory Flexibility Analysis Required:** No  
**Government Levels Affected:** State  
**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-AA20

**Title:** Annual Report from Federal Contractors  
**Abstract:** The NPRM would propose rescinding the part 61-250 regulations which establish the VETS-100 reporting obligation. In addition, the NPRM would propose revising the part 61-300 regulations, which establish the VETS-100A reporting obligation, to require contractors to report the number of employees and new hires that are covered veterans.

**Priority:** Substantive, Nonsignificant  
**Major:** No  
**Agenda Stage of Rulemaking:** Proposed Rule  
**Unfunded Mandates:** No  
**CFR Citation:** 41 CFR 61-250 and 61-300 (To search for a specific CFR, visit the [Code of Federal Regulations](https://www.regulations.gov)).  
**Legal Authority:** 29 USC 4211 and 4212  
**Legal Deadline:** None

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

**Agency Contact:** William Kenan Torrans  
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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: Completed Action

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

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<td>03/11/2013</td>
<td>78 FR 15283</td>
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Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

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