

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

**AGENCY:** Office of the Secretary, Labor.

**ACTION:** Semiannual regulatory agenda.

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

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

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

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

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.

The next 12-month review list for the Department of Labor is provided below, and public comment is invited on the listing. A brief description of each rule, the legal basis for the rule, and the agency contact are provided with each agenda item.

**Occupational Safety and Health Administration**

Methylene Chloride (RIN 1218-AC23)  
Bloodborne Pathogens (RIN 1218-AC34)

**Employee Benefits Security Administration**

Plan Assets-Participant Contributions Regulations (RIN 1210-AB11)

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 agenda.

**NAME: HILDA L. SOLIS,**  
*Secretary of Labor.*

## The 104 Regulatory Agendas

## Employment and Training Administration - Proposed Rule

Title	Regulation Identifier Number
YouthBuild Program Regulation	<a href="#">1205-AB49</a>
Trade Adjustment Assistance for Workers Program; Regulations	<a href="#">1205-AB57</a>
Labor Certification Process and Enforcement for Temporary Employment in Occupations Other Than Agriculture or Registered Nursing in the United States (H-2B Workers)	<a href="#">1205-AB58</a>
Equal Employment Opportunity in Apprenticeship and Training, Amendment of Regulations	<a href="#">1205-AB59</a>

## Employment and Training Administration - Final Rule

Title	Regulation Identifier Number
Senior Community Service Employment Program; Performance Accountability	<a href="#">1205-AB47</a>
Senior Community Service Employment Program	<a href="#">1205-AB48</a>
Attestations by Facilities Temporarily Employing H-1C Nonimmigrant Aliens as Registered Nurses	<a href="#">1205-AB52</a>
Federal-State Unemployment Compensation Program; Funding Goals for Interest-Free Advances	<a href="#">1205-AB53</a>
Temporary Agricultural Employment of H-2A Aliens in the United States	<a href="#">1205-AB55</a>
Trade Adjustment Assistance Program; Merit Staffing of State Administration and Allocation of Training Funds to the States	<a href="#">1205-AB56</a>

## Employment and Training Administration - Completed Action

Title	Regulation Identifier Number
Revision to the Department of Labor Benefit Regulations for Trade Adjustment Assistance for Workers Under the Trade Act of 1974, as Amended	<a href="#">1205-AB32</a>
Alternative Trade Adjustment Assistance Benefits; Amendment of Regulations	<a href="#">1205-AB40</a>
Workforce Investment Act Amendments	<a href="#">1205-AB46</a>

## Employee Benefits Security Administration - PreRule

Title	Regulation Identifier Number
Plan Assets--Participant Contributions Regulation	<a href="#">1210-AB11</a>
Lifetime Income Options for Participants and Beneficiaries in Retirement Plans	<a href="#">1210-AB33</a>

## Employee Benefits Security Administration - Proposed Rule

Title	Regulation Identifier Number
Annual Funding Notice for Defined Benefit Plans	<a href="#">1210-AB18</a>
Periodic Pension Benefit Statements	<a href="#">1210-AB20</a>
Definition of "Fiduciary" -- Investment Advice	<a href="#">1210-AB32</a>
Health Care Arrangements Established by State and Local Governments for Non-Governmental Employees	<a href="#">1210-AB34</a>
Prohibited Transaction Exemption for Provision of Investment Advice to Participants in Individual Account Plans	

	<a href="#">1210-AB35</a>
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## Employee Benefits Security Administration - Final Rule

Title	Regulation Identifier Number
Regulations Implementing the Health Care Access, Portability, and Renewability Provisions of the Health Insurance Portability and Accountability Act of 1996	<a href="#">1210-AA54</a>
Amendment of Regulation Relating to Definition of Plan Assets--Participant Contributions	<a href="#">1210-AB02</a>
Fiduciary Requirements for Disclosure in Participant-Directed Individual Account Plans	<a href="#">1210-AB07</a>
Amendment of Standards Applicable to General Statutory Exemption for Services	<a href="#">1210-AB08</a>
Prohibited Transaction Exemption for Provision of Investment Advice to Participants in Individual Account Plans	<a href="#">1210-AB13</a>
Time and Order of Issuance of Domestic Relations Orders	<a href="#">1210-AB15</a>
Multiemployer Plan Information Made Available on Request	<a href="#">1210-AB21</a>
Genetic Information Nondiscrimination	<a href="#">1210-AB27</a>
Mental Health Parity and Addiction Equity Act	<a href="#">1210-AB30</a>
Amendments to Civil Penalties Under ERISA Section 502(c)(8)	<a href="#">1210-AB31</a>

## Employee Benefits Security Administration - Completed Action

Title	Regulation Identifier Number
Adequate Consideration	<a href="#">1210-AA15</a>
Proposed Amendments to Rules Relating To Use of Electronic Communication by Employee Pension and Welfare Benefit Plans	<a href="#">1210-AB25</a>

## Employment Standards Administration - PreRule

Title	Regulation Identifier Number
Child Labor Regulations, Orders, and Statements of Interpretation	<a href="#">1215-AB44</a>
Internet Balloting in Union Officer Elections Pursuant to Title IV of the Labor-Management Reporting and Disclosure Act	<a href="#">1215-AB84</a>

## Employment Standards Administration - Proposed Rule

Title	Regulation Identifier Number
Nondisplacement of Qualified Workers Under Service Contracts	<a href="#">1215-AB69</a>
Defense Base Act Waivers	<a href="#">1215-AB72</a>
Regulations Implementing the Longshore and Harbor Workers' Compensation Act: Recreational Vessels	<a href="#">1215-AB73</a>
Labor Organization Officer and Employee Report (Form LM-30)	<a href="#">1215-AB74</a>
Proposal to Rescind the Form T-1; Require Subsidiary Organization Reporting; Revise Interpretation Regarding LMRDA Coverage of Public Sector Intermediate Unions	<a href="#">1215-AB75</a>
The Family and Medical Leave Act of 1993, as Amended	<a href="#">1215-AB76</a>
Records To Be Kept by Employers Under the Fair Labor Standards Act	<a href="#">1215-AB78</a>
Interpretation of the "Advice" Exemption of Section 203(c) of the Labor-Management Reporting and Disclosure Act	<a href="#">1215-AB79</a>
Claims for Compensation Under the Federal Employees' Compensation Act	<a href="#">1215-AB83</a>

## Employment Standards Administration - Final Rule

Title	Regulation Identifier Number
Amendments to the Fair Labor Standards Act	<a href="#">1215-AB13</a>

Child Labor Regulations, Orders, and Statements of Interpretation	<a href="#">1215-AB57</a>
Death Gratuity Authorized for Federal Employees	<a href="#">1215-AB66</a>
Notification of Employee Rights Under Federal Labor Laws	<a href="#">1215-AB70</a>

## Employment Standards Administration - Long-term Action

Title	Regulation Identifier Number
Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors: Evaluation of Recruitment and Placement Results Under Section 503	<a href="#">1215-AB77</a>
Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors; Evaluation of Recruitment and Placement Results Under the VEVRAA of 1974, as amended	<a href="#">1215-AB80</a>
Construction Contractor Affirmative Action Requirements	<a href="#">1215-AB81</a>

## Employment Standards Administration - Completed Action

Title	Regulation Identifier Number
Service Contract Act, Health and Welfare Benefits	<a href="#">1215-AB56</a>
Labor Organization Annual Financial Reports	<a href="#">1215-AB62</a>
Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors; Contractor Notice-Posting by Electronic Means	<a href="#">1215-AB68</a>

## Occupational Safety and Health Administration - PreRule

Title	Regulation Identifier Number
Occupational Exposure to Crystalline Silica	<a href="#">1218-AB70</a>
Occupational Exposure to Beryllium	<a href="#">1218-AB76</a>
Emergency Response and Preparedness	<a href="#">1218-AC17</a>
Methylene Chloride	<a href="#">1218-AC23</a>
Occupational Exposure to Diacetyl and Food Flavorings Containing Diacetyl	<a href="#">1218-AC33</a>
Bloodborne Pathogens (610 Review)	<a href="#">1218-AC34</a>
Tree Care Operations	<a href="#">1218-AC40</a>
Combustible Dust	<a href="#">1218-AC41</a>
Airborne Infectious Diseases	<a href="#">1218-AC46</a>

## Occupational Safety and Health Administration - Proposed Rule

Title	Regulation Identifier Number
Confined Spaces in Construction	<a href="#">1218-AB47</a>
Walking Working Surfaces and Personal Fall Protection Systems (Slips, Trips, and Fall Prevention)	<a href="#">1218-AB80</a>
Standards Improvement	<a href="#">1218-AC19</a>
Hazard Communication	<a href="#">1218-AC20</a>
Nationally Recognized Testing Laboratories Fee Schedule--Revised Approach	<a href="#">1218-AC27</a>
Cooperative Agreements	<a href="#">1218-AC32</a>
Occupational Exposure to Hexavalent Chromium; Final Rule Remand	<a href="#">1218-AC43</a>
Occupational Injury and Illness Recording and Reporting Requirements	<a href="#">1218-AC45</a>

## Occupational Safety and Health Administration - Final Rule

	Regulation

Title	Identifier Number
General Working Conditions for Shipyard Employment	<a href="#">1218-AB50</a>
Electric Power Transmission and Distribution; Electrical Protective Equipment	<a href="#">1218-AB67</a>
Cranes and Derricks in Construction	<a href="#">1218-AC01</a>
Explosives	<a href="#">1218-AC09</a>
Procedures for Handling Discrimination Complaints Under Federal Employee Protection Statutes	<a href="#">1218-AC25</a>
Procedures for Handling Employee Retaliation Complaints Under the National Transit Systems Security Act of 2007; Surface Transportation Assistance Act of 1982, as Amended; and Federal Rail Safety Act	<a href="#">1218-AC36</a>
Abbreviated Portacount® Quantitative Fit-Testing Protocol	<a href="#">1218-AC39</a>
Procedures for the Handling of Retaliation Complaints Under the Employee Protection Provisions of the Consumer Product Safety Improvement Act (CPSIA) of 2008	<a href="#">1218-AC47</a>

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

Title	Regulation Identifier Number
Hearing Conservation Program for Construction Workers	<a href="#">1218-AB89</a>
Revision and Update of Standards for Power Presses	<a href="#">1218-AC22</a>

## Occupational Safety and Health Administration - Completed Action

Title	Regulation Identifier Number
Updating OSHA Standards Based on National Consensus Standards	<a href="#">1218-AC08</a>
Abbreviated Bitrix Qualitative Fit-Testing Protocol	<a href="#">1218-AC29</a>
Illinois State Plan for Public Employees Only--Initial State Plan Approval	<a href="#">1218-AC44</a>

## Mine Safety and Health Administration - PreRule

Title	Regulation Identifier Number
Coal Mine Respirable Dust; Continuous Personal Dust Monitor (CPDMs)	<a href="#">1219-AB48</a>
Proximity Detection Systems for Underground Mines	<a href="#">1219-AB65</a>
Metal and Nonmetal Impoundments	<a href="#">1219-AB70</a>

## Mine Safety and Health Administration - Proposed Rule

Title	Regulation Identifier Number
Respirable Crystalline Silica Standard	<a href="#">1219-AB36</a>
Revising Electrical Product Approval Regulations	<a href="#">1219-AB37</a>
Occupational Exposure to Coal Mine Dust (Lowering Exposure)	<a href="#">1219-AB64</a>

## Mine Safety and Health Administration - Final Rule

Title	Regulation Identifier Number
High-Voltage Continuous Mining Machine Standard for Underground Coal Mines	<a href="#">1219-AB34</a>
Coal Mine Dust Personal Monitors	<a href="#">1219-AB61</a>
Criteria and Procedures for Proposed Assessment of Civil Penalties/Recordkeeping and Reporting: Immediate Notification	<a href="#">1219-AB63</a>

## Mine Safety and Health Administration - Long-term Action

Title	Regulation Identifier Number
Smoke Density and Toxicity	<a href="#">1219-AB60</a>
Notification of Legal Identity	<a href="#">1219-AB67</a>

## Mine Safety and Health Administration - Completed Action

Title	Regulation Identifier Number
Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust	<a href="#">1219-AB14</a>
Determination of Concentration of Respirable Coal Mine Dust	<a href="#">1219-AB18</a>
Field Modifications of Permissible Mobile Diesel-Powered Equipment	<a href="#">1219-AB39</a>
Use of or Impairment From Alcohol and Other Drugs on Mine Property	<a href="#">1219-AB41</a>
Equivalency Evaluation of the U.S. Environmental Protection Agency's Non-Road Diesel Engine Standards	<a href="#">1219-AB43</a>
Explosives and Blasting	<a href="#">1219-AB62</a>
Mine Rescue Teams	<a href="#">1219-AB66</a>

## Office of the Secretary - Completed Action

Title	Regulation Identifier Number
Requirements for DOL Agencies' Assessment of Occupational Health Risks	<a href="#">1290-AA23</a>

## Office of the Assistant Secretary for Veterans' Employment and Training - PreRule

Title	Regulation Identifier Number
Revised Funding Formula for Jobs for Veterans State Grants	<a href="#">1293-AA17</a>

## Office of the Assistant Secretary for Veterans' Employment and Training - Proposed Rule

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

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

RIN: 1205-AB49

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Title: YouthBuild Program Regulation

Abstract: The YouthBuild Transfer Act of 2006, Public Law 109-281, enacted on September 22, 2006, transfers oversight and administration of the YouthBuild program from the U.S. Department of Housing and Urban Development (HUD) to the U.S. Department of Labor (DOL). The YouthBuild program model targets are high school dropouts, adjudicated youth, youth aging out of foster care, and other at-risk youth populations. The program model balances in-school learning, geared toward a high school diploma or GED, and construction skills training, geared toward a career placement for the youth. DOL intends to develop regulations in response to the legislation and to guide the program implementation and management.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: PL 109-281

Legal Deadline: None

## Regulatory Plan:

Statement of Need: The YouthBuild Transfer Act of 2006 (Transfer Act), PL 109-281, transfers the YouthBuild program from the HUD to the DOL. The transfer incorporates technical modifications and amends certain program features. The Employment and Training Administration is proposing new regulations which will govern its administration of the YouthBuild program. The Transfer Act maintains all the goals of the YouthBuild program as originally developed under HUD, including supporting the development of affordable housing, but shifts the emphasis to skills training for youth participants. The Transfer Act makes the YouthBuild program consistent with the job training, education, and employment goals under the Workforce Investment Act, PL 105-220, as amended. This includes authorizing DOL to apply the common performance measures developed for Federal youth activities employment and training programs. The Transfer Act authorizes education and workforce investment, such as occupational skills training, internships, and job shadowing, as well as community service and peer-centered activities. In addition, the Transfer Act allows for greater coordination of the YouthBuild program with the workforce investment system, including local workforce investment boards, and One-Stop Career Centers, and their partner programs. These strengthened connections will enhance the job training and employment opportunities available to participating at-risk youth.

Legal Basis: These regulations are authorized by Public Law 109-281, The YouthBuild Transfer Act of 2006, to implement changes to the amendments to subtitle D of Title I of the Workforce Investment Act of 1998 as amended (WIA).

Alternatives: The public will be afforded an opportunity to provide comments on the YouthBuild program changes when the Department publishes the NPRM in the Federal Register. A Final Rule will be issued after analysis and incorporation of public comments to the NPRM.

Costs and Benefits: Preliminary estimates of the anticipated costs of this regulatory action have not been determined at this time and will be determined at a later date.

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

## Timetable:

Action	Date	FR Cite
NPRM	06/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Grace A. Kilbane

Administrator, Office of Workforce Investment

Department of Labor

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

RIN: 1205-AB57

 [View Related Documents](#)

Title: Trade Adjustment Assistance for Workers Program; Regulations

Abstract: The Trade and Globalization Assistance Act of 2009 (Act), Div. B, Title I, Subtitle I of the American Recovery and Reinvestment Act of 2009, reauthorizes the Trade Adjustment Assistance for Workers program. More specifically, the law amends the criteria for certification of worker groups as eligible to apply for benefits and services and substantially expands those benefits and services. It also requires reports on the program's effectiveness. The Act amends section 248 of the Trade Act of 1974 (19 U.S.C. 2320) and requires that the Secretary issue regulations to carry out these provisions.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 617, 618, 665, 671; 29 CFR 90 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 19 USC 2320; Secretary's Order 3-2007, 72 FR 15907

Legal Deadline: None

Regulatory Plan:

Statement of Need: The Trade and Globalization Adjustment Assistance Act of 2009 (TGAAA) is the portion of the American Recovery and Reinvestment Act of 2009 (Recovery Act) (Pub. L. No. 111-5, Div. B, Title I, Subtitle I) that reauthorized and substantially amended the Trade Adjustment Assistance for Workers (TAA) program. Significant program changes enacted in the TGAAA include amending the certification criteria to expand the types of workers who may be certified and expanding the available program benefits. This proposed rule is important because it will update the program's regulations to be in concert with the notable program changes wrought by the TGAAA.

Legal Basis: These regulations are authorized by sections 248 of the Trade Act (19 U.S.C. 2320), as amended by the TGAAA.

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

Costs and Benefits: Preliminary estimates of the anticipated costs of this regulatory action have not been determined at this time and will be determined at a later date.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	12/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: No

Federalism: No

Agency Contact: Erin Fitzgerald

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Department of Labor (DOL)

Employment and Training Administration (ETA)

RIN: 1205-AB58

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

Abstract: The Immigration and Nationality Act of 1952, as amended, requires the Department of Homeland Security, prior to the admission of H-2B workers, to seek advice from the Department of Labor regarding the importation of such workers. Specifically, DOL certifies that there is not sufficient U.S. worker(s) able, available, willing and qualified at the time of an application for a visa, and that the employment of the alien will not adversely affect the wages and working conditions of similarly employed U.S. workers. The Department currently administers such certification through an attestation-based program. As a result of the Department's program experience, this regulation shall propose to re-engineer the H-2B program in order to satisfy the Secretary of Labor's statutory responsibilities and to strengthen the program's integrity and protections of U.S. workers.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 20 CFR 655 (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: 8 USC 1101(a)(15(H)(ii)(B)); 8 USC 1184(e)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Federalism: No

Energy Affected: No

Agency Contact: Dr. William L. Carlson

Administrator, Office of Foreign Labor Certification

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Employment and Training Administration

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Department of Labor (DOL)

Employment and Training Administration (ETA)

RIN: 1205-AB59

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Title: Equal Employment Opportunity in Apprenticeship and Training, Amendment of Regulations

Abstract: Revisions to the equal opportunity regulatory framework for the National Apprenticeship Act are a critical element in the Department's vision to promote and expand registered apprenticeship opportunities in the 21st century while continuing to safeguard the welfare and safety of apprentices. In October 2008, the Agency issued a Final rule updating regulations for Apprenticeship Programs and Labor Standards for Registration. These regulations, codified at Title 29 Code of Federal Regulations (CFR) part 29, had not been updated since first promulgated in 1977. The companion regulations, 29 CFR part 30, Equal Employment Opportunity (EEO) in Apprenticeship and Training, have not been amended since first promulgated in 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 changes in Affirmative Action regulations and EEO laws and court cases that have occurred over the past three decades [e.g. Americans with Disabilities Act (ADA) and the Age Discrimination in Employment Act (ADEA)], and recent revisions to Title 29 CFR part 29. This second phase of regulatory updates will ensure that Registered Apprenticeship is positioned to continue to provide economic opportunity for millions of Americans while keeping pace with these new requirements.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 30 (Revision) (To search for a specific CFR, visit the [Code of Federal Regulations](#))

Legal Authority: Sec. 1, 50 Stat. 664, as amended (29 USC 50; 40 USC 276c; 5 USC 301); Reorganization Plan No. 14 of 1950, 64 Stat. 1267 (5 USC App. P. 534)

Legal Deadline: None

Regulatory Plan:

Statement of Need: Federal regulations for Equal Employment Opportunity (EEO) in Apprenticeship and Training have not been updated since first promulgated in 1978. Updates to these regulations are necessary to ensure that DOL regulatory requirements governing the National Registered Apprenticeship System are consistent with the current state of EEO law, including affirmative action, the passage of, for example, the Americans with Disabilities Act (ADA) and the Age Discrimination in Employment Act (ADEA), and recent revisions to Title 29 CFR part 29, regulations for Apprenticeship Programs and Labor Standards for Registration.

Legal Basis: These regulations are authorized by the National Apprenticeship Act of 1937 (29 U.S.C. 50) and the Copeland Act (40 U.S.C. 276c). These regulations will set forth policies and procedures to promote equality of opportunity in apprenticeship programs registered with the U.S. Department of Labor or in State Apprenticeship Agencies recognized by the U.S. Department of Labor.

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

Costs and Benefits: Preliminary estimates of anticipated costs and benefits of this regulatory action have not been determined at this time. The Department will explore options for conducting a cost-benefit analysis for this regulatory action, if necessary.

Risks:

Timetable:

Action	Date	FR Cite
NPRM	01/00/2011	

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-AB47

 [View Related Documents](#)

Title: Senior Community Service Employment Program; Performance Accountability

Abstract: The Older Americans Act Amendments of 2006, Public Law 109-365, enacted on October 17, 2006, contains provisions amending title V of that Act, which authorizes the Senior Community Service Employment Program (SCSEP). The Amendments, effective July 1, 2007, make substantial changes to the current SCSEP provisions in the Older Americans Act relating to performance accountability. Section 513(2) of title V requires that the Agency establish and implement new measures of performance by July 1, 2007. Section 513(b)(3) required that the Secretary issue definitions of indicators of performance through regulation after consultation with stakeholders. Therefore, the Interim Final Rule (IFR) implemented changes to the SCSEP program performance accountability regulations found at 20 CFR 641 in subpart G. Changes to other subparts of part 641 were implemented through a separate Notice of Proposed Rulemaking, published Aug. 14, 2008 (73 FR 47770).

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 641 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 3056 et seq

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Interim Final Rule	06/30/2007

Timetable:

Action	Date	FR Cite
Interim Final Rule	06/29/2007	72 FR 35832
Interim Final Rule Comment Period End	08/28/2007	
Final Action	07/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State; Tribal

Small Entities Affected: No  
 Energy Affected: No  
 Related RINs: Related to 1205-AB48  
 Agency Contact: Grace A. Kilbane  
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Federalism: No

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

RIN: 1205-AB48

 [View Related Documents](#)

Title: Senior Community Service Employment Program

Abstract: The Older Americans Act Amendments of 2006, Public Law 109-365, enacted on October 17, 2006, contain provisions amending title V of that Act, which authorizes the Senior Community Service Employment program (SCSEP). The Amendments, effective July 1, 2007, made substantial changes to the SCSEP provisions in the Older Americans Act, including new requirements relating to performance accountability, income eligibility for program participation, competition of national grants, and services to participants. The Notice of Proposed Rulemaking (NPRM) consists of 8 subparts: subpart A--Purpose and Definitions; subpart B--Coordination with the Workforce Investment Act; subpart C--the State Plan; subpart D--Grant Application and Responsibility Review Requirements for State and National Grants; subpart E--Services to Participants; subpart F--Pilots, Demonstration, and Evaluation Projects, subpart H--Administrative Requirements; and subpart I--Grievance Procedures and Appeals Process. The performance accountability requirements (subpart G) were implemented through a separate Interim Final Rule (IFR).

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 641 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 3056 et seq

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/14/2008	73 FR 47770
NPRM Comment Period End	10/14/2008	
Final Action	07/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State; Tribal

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1205-AB47

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

RIN: 1205-AB52

 [View Related Documents](#)

Title: Attestations by Facilities Temporarily Employing H-1C Nonimmigrant Aliens as Registered Nurses

Abstract: This Final Rule reflects the extension of the H-1C visa program, which was extended by the Nursing Relief for Disadvantaged Areas Reauthorization Act of 2005 (NRDARA), Public Law 109-423, 120 Stat. 2900 (2006). In 2000, the Nursing Relief for Disadvantaged Areas Act of 1999 (NRDAA), Public Law 106-95, 113 Stat. 1312 (1999), amended the Immigration and Nationality Act to create a temporary visa program for nonimmigrant aliens to work as registered nurses for up to 3 years in facilities serving health professional shortage areas, subject to certain conditions. The NRDAA specified that the H-1C visas were available only during the 4-year period beginning on the date that interim or final regulations were promulgated. Under this Act, the Department published an interim rule, on August 22, 2000 (65 FR 51137), which was open for public comment through September 21, 2000. Before the NRDARA was enacted on December 20, 2006, the Department determined on April 24, 2006, that continued rulemaking was neither necessary nor appropriate at that time, because health care facilities could not sponsor new H-1C visas and no new H-1C visa could be issued. Therefore, the Department discontinued this rulemaking (71 FR 22912). However, given the new statutory authorization for the program, the Department has determined that it is appropriate to finalize the rule. Section 3 of Public Law 109-423 has exempted this rulemaking from the Administrative Procedure Act, so additional notice and comment are unnecessary.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 22 CFR 655 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 109-423; 120 Stat 2900; 8 USC 1101 (a)(15)(H)(i)(c); 8 USC 1182 (m)(2)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	12/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Small Entities Affected: Business

Federalism: Undetermined

Energy Affected: No

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

RIN: 1205-AB53

 [View Related Documents](#)

Title: Federal-State Unemployment Compensation Program; Funding Goals for Interest-Free Advances

Abstract: Under title XII of the Social Security Act (42 U.S.C. 1321 et seq.), States may, when needed, obtain repayable advances from the Federal unemployment account in the Unemployment Trust Fund to pay State unemployment compensation benefits. States may be exempted from the requirement to pay interest on these advances under certain conditions, including

the condition that the "State meets funding goals" established by the Secretary of Labor in regulations. The regulation would establish these funding goals.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 606 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 42 USC 1322(b)(2)(C); 26 USC 7805(a); Secretary Order No 3-2007, April 3, 2007 (72 FR 15907)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/25/2009	74 FR 30402
NPRM Comment Period End	08/24/2009	
Final Action	07/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.regulations.gov](http://www.regulations.gov)

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

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Department of Labor (DOL)

Employment and Training Administration (ETA)

RIN: 1205-AB55

 [View Related Documents](#)

Title: Temporary Agricultural Employment of H-2A Aliens in the United States

Abstract: The Department of Labor (the Department of DOL) proposes to amend its regulations governing the certification of temporary employment of nonimmigrant workers in temporary or seasonal agricultural employment and the enforcement of the contractual obligations applicable to employers of such nonimmigrant workers. This Notice of Proposed Rulemaking would reexamine the process by which employers obtain a temporary labor certification from the Department for use in petitioning the Department of Homeland Security (DHS) to employ a nonimmigrant worker in H-2A status.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 655 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 8 USC 1101(a)(15)(H)(ii)(a); 8 USC 1188

Legal Deadline: None

Regulatory Plan:

Statement of Need: The Department has determined for a variety of reasons that a new rulemaking effort is necessary for the H-2A program. The Department believes that the policy underpinnings of the 2008 Final Rule, e.g., streamlining the H-2A regulatory process to defer many determinations of program compliance until after an application has been fully adjudicated, do not provide an adequate level of protection for either U.S. or foreign workers. In addition, the Department's experience under the program since January 2009 demonstrates that the policy goals of the 2008 Final Rule have not been met. One of the clear goals of the 2008 Final Rule was to increase the use of the H-2A program and to make the program easier and more affordable to use for the average employer. However, applications have actually decreased since the implementation of the new program. Not only has usage not increased under the program revisions, there has actually been a reversal of an existing multi-year trend toward increased program use. While factors other than the regulatory changes may play a role in this decrease, the Department can not justify the significant decrease in worker protections if the prior rules' goal of increasing program use is not

being accomplished. The Department believes that there are insufficient worker protections in the attestation-based model in which employers merely confirm, and do not actually demonstrate, that they have performed an adequate test of the U.S. labor market. Even in the first year of the attestation model, it has come to the Department's attention that employers, either from a lack of understanding or otherwise, are attesting to compliance with program obligations with which they have not complied. Such non-compliance appears to be sufficiently substantial and widespread for the Department to revisit the use of attestations, even with the use of back-end integrity measures for demonstrated non-compliance. The Department has also determined that the area in which agricultural workers are most vulnerable – wages – has been adversely impacted to a far more significant extent than anticipated by the 2008 Final Rule. The shift from the AEWR as calculated under the 1987 Rule to the AEWR of the 2008 Final Rule resulted in a substantial reduction of farmworker wages in a number of labor categories, and the obvious effects of that reduction on the workers' and their families' ability to meet necessary costs is an important concern.

**Legal Basis:** These proposed regulations are authorized under Section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act, as amended. 8 U.S.C. 1101(a)(15)(H)(ii)(a); see also 8 U.S.C. 1184(c)(1) and 1188.

**Alternatives:** The Department took into account both the regulations promulgated in 1987, as well as the significant reworking of the regulations in the 2008 Final Rule, in order to arrive at a balance between the worker protections of the 1987 Rule and the program integrity measures of the 2008 Final Rule.

**Costs and Benefits:** Preliminary estimates of the anticipated monetized costs of this proposed regulatory action are \$10.56 million in 2009 to \$18.07 million in 2018. A final estimate of costs and benefits will be prepared at the Final Rule stage in response to public comments.

**Risks:**

**Timetable:**

Action	Date	FR Cite
NPRM	02/13/2008	73 FR 8538
NPRM Comment Period End	03/31/2008	
NPRM Comment Period Extended	04/14/2008	73 FR 16243
Final Rule	12/18/2008	73 FR 77110
Final Rule Effective	01/17/2009	
Notice of Proposed Suspension	03/17/2009	74 FR 11408
Comment Period End	03/27/2009	
Notice of Final Suspension	05/29/2009	74 FR 25972
NPRM	09/04/2009	74 FR 45905
NPRM Comment Period End	10/05/2009	
NPRM Comment Period Extended	10/20/2009	74 FR 50929
Final Rule	02/00/2010	

Regulatory Flexibility Analysis Required: No

Small Entities Affected: Business

Energy Affected: No

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Government Levels Affected: Federal; State

Federalism: No

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

RIN: 1205-AB56

 [View Related Documents](#)

**Title:** Trade Adjustment Assistance Program; Merit Staffing of State Administration and Allocation of Training Funds to the States

**Abstract:** The Trade and Globalization Assistance Act of 2009 (Act), Div. B, title I, subtitle I of the American Recovery and

Reinvestment Act of 2009, reforms and reauthorizes the Trade Adjustment Assistance (TAA) for Workers program. The Act amended section 236(a)(2) of the Trade Act of 1974 (19 U.S.C. 2296) setting new guidelines and criteria for distributing funds to the States for the purpose of training TAA-certified workers, and added section 236(g) requiring that the Secretary issue regulations to implement the new funding procedures within not later than one year of enactment. This rulemaking would meet that statutory requirement and also proposes that personnel engaged in TAA-funded functions be State employees covered by the merit system of personnel administration applicable to personnel employed in employment security functions.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 618 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 19 USC 2320; Secretary Order No. 3-2007, 72 FR 15907

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		02/17/2010

Timetable:

Action	Date	FR Cite
NPRM	08/05/2009	74 FR 39198
NPRM Comment Period End	10/05/2009	
Final Action	02/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Small Entities Affected: No

Federalism: No

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

RIN: 1205-AB32

 [View Related Documents](#)

Title: Revision to the Department of Labor Benefit Regulations for Trade Adjustment Assistance for Workers Under the Trade Act of 1974, as Amended

Abstract: The rule has been withdrawn.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 90; 20 CFR 617 to 618; 20 CFR 665; 20 CFR 671 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 19 USC 2320; Secretary's Order No. 3-2007, 72 FR 15907

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/25/2006	71 FR 50760
NPRM Comment Period End	10/24/2006	
Withdrawn	06/09/2009	74 FR 27262

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Small Entities Affected: No  
 Energy Affected: No  
 Related RINs: Related to 1205-AB40; Related to 1205-AB44  
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Federalism: No

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

RIN: 1205-AB40

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Title: Alternative Trade Adjustment Assistance Benefits; Amendment of Regulations

Abstract: The rule has been withdrawn.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 90; 20 CFR 618; 20 CFR 665; 20 CFR 671 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 19 USC 2320; Secretary's Order No. 3-2007, 72 FR 15907

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	10/18/2006	71 FR 61618
NPRM Comment Period End	12/18/2006	
Withdrawn	06/09/2009	74 FR 27262

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Federalism: No

Energy Affected: No

Related RINs: Related to 1205-AB32; Related to 1205-AB44

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

RIN: 1205-AB46

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Title: Workforce Investment Act Amendments

Abstract: The rule has been withdrawn.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 661; 20 CFR 662 to 664; 20 CFR 652; 20 CFR 667 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 49k; Sec 189(a) of PL 105-220; 29 USC 2939(a)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/20/2006	71 FR 76558
NPRM Comment Period End	02/20/2007	
Withdrawn	08/19/2009	74 FR 41815

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

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Department of Labor (DOL)

Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB11

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Title: Plan Assets--Participant Contributions Regulation

Abstract: EBSA is conducting a review of the plan assets-participant contributions regulation in accordance with the requirements of section 610 of the Regulatory Flexibility Act. The review will cover the continued need for the rule; the nature of complaints or comments received from the public concerning the rule; the complexity of the rule; the extent to which the rule overlaps, duplicates, or conflicts with other Federal rules and, to the extent feasible, with State and local rules; and the extent to which technology, economic conditions, or other factors have changed in industries affected by the rule.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 29 CFR 2510.3-102 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1135

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Begin Review	03/01/2006	
End Review	02/00/2010	

Regulatory Flexibility Analysis  
Required: Undetermined

Government Levels Affected: No

Federalism: Undetermined

Energy Affected: No

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

RIN: 1210-AB33

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Title: Lifetime Income Options for Participants and Beneficiaries in Retirement Plans

Abstract: This initiative will explore what steps, if any, that the Department could or should take, by regulation or otherwise, to enhance the retirement security of American workers by facilitating access to and use of lifetime income or income arrangements designed to provide a stream of income after retirement.

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 1135; ERISA sec 505

Legal Deadline: None

Regulatory Plan:

Statement of Need: With a continuing trend away from defined benefit plans to defined contribution plans, employees are not only increasingly responsible for the adequacy of their retirement savings, but also for ensuring that their savings last throughout their retirement. Employees may benefit from access to and use of lifetime income or other arrangements that will reduce the risk of running out of funds during the retirement years. However, both access to and use of such arrangements in defined contribution plans is limited. The Department, taking into consideration recommendations of the ERISA Advisory Council and others, intends to explore what steps, if any, it could or should take, by regulation or otherwise, to enhance the retirement security of workers by increasing access to and use of such arrangements.

Legal Basis: Section 505 of ERISA provides that the Secretary may prescribe such regulations as she finds necessary and appropriate to carry out the provisions of title I of the Act.

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

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

Risks:

Timetable:

Action	Date	FR Cite
RFI	01/00/2010	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

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

RIN: 1210-AB18

 [View Related Documents](#)

Title: Annual Funding Notice for Defined Benefit Plans

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

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 29 CFR 2520; 29 CFR 2520.104-46; 29 CFR 2520.104b-10 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1021(f); ERISA sec 101(f); PL 109-280, sec 501, Pension Protection Act of 2006; 29 USC 1021(b); ERISA sec 104(b)(3); PL 109-280, sec 503, Pension Protection Act of 2006; 29 USC 1135; ERISA sec 505

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		08/18/2007

Timetable:

Action	Date	FR Cite
NPRM	08/00/2010	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: No

Energy Affected: No

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

RIN: 1210-AB20

 [View Related Documents](#)

Title: Periodic Pension Benefit Statements

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

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 29 CFR 2520 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1025; ERISA sec 105; PL 109-280, sec 508, Pension Protection Act of 2006; 29 USC 1135; ERISA sec 505

## Legal Deadline:

Action	Source	Description	Date
Other	Statutory		08/18/2007

## Timetable:

Action	Date	FR Cite
NPRM	09/00/2010	

## Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB32

 [View Related Documents](#)

Title: Definition of "Fiduciary" -- 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 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: Undetermined

CFR Citation: 29 CFR 2510.3-21(c) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1002; ERISA sec 3(21); 29 USC 1135; ERISA sec 505

Legal Deadline: None

## Regulatory Plan:

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

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

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

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

## Risks:

## Timetable:

Action	Date	FR Cite

NPRM

06/00/2010

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Agency Contact: Jeffrey J. Turner

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Department of Labor (DOL)

Employee Benefits Security Administration (EBSA)

RIN: 1210-AB34

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Title: Health Care Arrangements Established by State and Local Governments for Non-Governmental Employees

Abstract: Department of Labor regulation 29 C.F.R. 2510.3-1 clarifies the definition of the terms "employee welfare benefit plan" and "welfare plan" for purposes of title I of the Employee Retirement Income Security Act of 1974 (ERISA) by identifying certain practices which do not constitute employee welfare benefit plans. This rulemaking would amend that regulation to clarify the circumstances under which health care arrangements established or maintained by state or local governments for the benefit of non-governmental employees do not constitute an employee welfare benefit plan for purposes of section 3(1) of ERISA and 29 CFR 2510.3-1.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 29 CFR 2510.3-1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1135; ERISA sec 505

Legal Deadline: None

Regulatory Plan:

Statement of Need: Questions have been raised regarding the extent to which health care reform efforts on the part of state and local governments result in the creation of ERISA-covered employee welfare benefit plans or otherwise implicate ERISA. This regulation is needed to provide certainty to both governmental bodies and employers concerning the application of ERISA to such efforts.

Legal Basis: Section 505 of ERISA provides that the Secretary may prescribe such regulations as she finds necessary and appropriate to carry out the provisions of title I of the Act. Regulation 29 CFR 2510.3-1 clarifies definitions of the terms "employee welfare benefit plan" and "welfare plan" for purposes of title I of ERISA.

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

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

Risks:

Timetable:

Action	Date	FR Cite
NPRM	09/00/2010	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Agency Contact: Jeffrey J. Turner

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

RIN: 1210-AB35

 [View Related Documents](#)

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

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 29 CFR 2550 (To search for a specific CFR, visit the [Code of Federal Regulations.](#))

Legal Authority: 29 USC 1108(g); 29 USC 1135; PL 109-280, sec 601(a); Pension Protection Act of 2006; ERISA sec 408(g); ERISA sec 505

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/00/2010	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Energy Affected: No

Related RINs: Related to 1210-AB13

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

RIN: 1210-AA54

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Title: Regulations Implementing the Health Care Access, Portability, and Renewability Provisions of the Health Insurance

## Portability and Accountability Act of 1996

Abstract: The Health Insurance Portability and Accountability Act of 1996 (HIPAA) amended title I of ERISA, the Internal Revenue Code, and the Public Health Service Act with parallel provisions designed to improve health care access, portability, and renewability. The Departments of Labor, the Treasury, and the Health and Human Services are mutually dependent due to shared interpretive jurisdiction and are proceeding concurrently to provide additional regulatory guidance regarding these provisions, including the amendments made by the Children's Health Insurance Program Reauthorization Act of 2009.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 29 CFR 2590 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1027; 29 USC 1059; 29 USC 1135; 29 USC 1171 to 1172; 29 USC 1191c

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Interim Final Rule	04/08/1997	62 FR 16894
Interim Final Rule Effective	06/07/1997	
Interim Final Rule Comment Period End	07/07/1997	
Request for Information	10/25/1999	64 FR 57520
Comment Period End	01/25/2000	
Request for Information	12/30/2004	69 FR 78825
NPRM	12/30/2004	69 FR 78800
Final Rule	12/30/2004	69 FR 78720
Final Action Effective	02/28/2005	
Request for Information/Comment Period End	03/30/2005	
NPRM Comment Period End	03/30/2005	
Final Action	09/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Employee Benefits Security Administration (EBSA)

RIN: 1210-AB02

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Title: Amendment of Regulation Relating to Definition of Plan Assets--Participant Contributions

Abstract: This rulemaking will amend the regulation that defines when participant moneys paid to or withheld by an employer for contribution to an employee benefit plan constitute "plan assets" for purposes of title I of ERISA and the related prohibited transaction provisions of the Internal Revenue Code. The regulation contains an amendment to the current regulation that will establish a safe harbor period of a specified number of business days during which certain moneys that a participant pays to, or has withheld by, an employer for contribution to a plan would not constitute "plan assets."

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2510.3-102 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1135

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	02/29/2008	73 FR 11072
NPRM Comment Period End	04/29/2008	
Final Action	01/00/2010	

Regulatory Flexibility Analysis Required: Business Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Louis J. Campagna

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Department of Labor (DOL)

Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB07

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Title: Fiduciary Requirements for Disclosure in Participant-Directed Individual Account Plans

Abstract: This rulemaking will ensure that the participants and beneficiaries in participant-directed individual account plans are provided the information they need, including information about fees and expenses, to make informed investment decisions. The rulemaking may include amendments to the regulation governing ERISA section 404(c) plans (29 CFR 2550.404c-1). The rulemaking is needed to clarify and improve the information currently required to be furnished to participants and beneficiaries.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 29 CFR 2550 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1104; 29 USC 1135

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Request for Information	04/25/2007	72 FR 20457
Comment Period End	07/24/2007	
NPRM	07/23/2008	73 FR 43014
NPRM Comment Period End	09/08/2008	
Final Action	09/00/2010	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1210-AB08

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Title: Amendment of Standards Applicable to General Statutory Exemption for Services

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

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 29 CFR 2550 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1108(b)(2); 29 USC 1135

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/13/2007	72 FR 70988
NPRM Comment Period End	02/11/2008	
Final Action	05/00/2010	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Energy Affected: No

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

RIN: 1210-AB13

 [View Related Documents](#)

Title: Prohibited Transaction Exemption for Provision of Investment Advice to Participants in Individual Account Plans

Abstract: Section 601 of the Pension Protection Act (Pub. L. 109-280) amended ERISA by adding new sections 408(b)(14) and 408(g). Section 408(b)(14) is a prohibited transaction exemption that permits the provision of investment advice to participants or beneficiaries of certain individual account plans if the investment advice is provided under an "eligible investment advice arrangement," as defined in section 408(g). In order to qualify as an "eligible investment advice arrangement," the arrangement must either provide that any fees received by the adviser do not vary depending on the basis of any investment options selected, or use a computer model under an investment advice program that meets the criteria set forth in section 408(g) in connection with the provision of investment advice. Further, with respect to both types of advice arrangements, the investment adviser must disclose to advice recipients all fees that the adviser or any affiliate is to receive in connection with the advice. Section 408(g) requires that the computer model which serves as the basis for an eligible investment advice arrangement be certified by an "eligible investment expert" in accordance with rules prescribed by the Secretary of Labor. Section 408(g) also directs the Secretary of Labor to issue a model form for the required disclosure of fees. EBSA published a Request for Information that invited interested persons to submit written comments and suggestions concerning the expertise and procedures that may be needed to certify that a computer model meets the statutory criteria, and the content, types, and designs of fee disclosure materials currently used and their usefulness to plan participants.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 29 CFR 2550 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1108(g); 29 USC 1135; PL 109-280, sec 601(a), Pension Protection Act of 2006; ERISA sec 408(g); ERISA sec 505

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
Request for Information	12/04/2006	71 FR 70429
Request for Information Comment Period End	01/30/2007	
NPRM	08/22/2008	73 FR 49896
NPRM Comment Period End	10/06/2008	73 FR 49896
Notice of Hearing To Be Held--October 21, 2008	10/14/2008	73 FR 60657
Final Action	01/21/2009	74 FR 3822
Notice of Proposed Extension of Effective Date	02/04/2009	74 FR 6007
Final Rule; Delay of Effective Date and Applicability Date	03/20/2009	74 FR 11847
Final Action Effective	03/29/2009	
Final Rule; Delay of Effective Date and Applicability Date	05/22/2009	74 FR 23951
Final Action	12/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB15

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Title: Time and Order of Issuance of Domestic Relations Orders

Abstract: Section 1001 of the Pension Protection Act of 2006, requires the Secretary of Labor to issue, not later than 1 year after the date of enactment, regulations clarifying certain issues relating to the timing and order of domestic relations orders under section 206(d)(3) of the Employee Retirement Income Security Act (ERISA). This rule will provide guidance to plan administrators, service providers, participants, and alternate payees on the qualified domestic relations order requirements under ERISA.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2530.206 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1056; ERISA sec 206(d)(3); PL 109-280, sec 1001, Pension Protection Act of 2006; 29 USC 1135; ERISA sec 505

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		08/18/2007

## Timetable:

Action	Date	FR Cite
Interim Final Rule	03/07/2007	72 FR 10070
Interim Final Rule Effective	04/06/2007	

Interim Final Rule Comment Period End	05/07/2007	
Final Action	04/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

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Department of Labor (DOL)

Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB21

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Title: Multiemployer Plan Information Made Available on Request

Abstract: This rulemaking implements the requirements of section 502(a)(1) of the Pension Protection Act of 2006 (PPA), which added a new subsection (k) to section 101 of ERISA, under which the plan administrator of a multiemployer plan shall, upon written request, furnish within 30 days to any plan participant or beneficiary, employee representative, or any employer that has an obligation to contribute to the plan a copy of certain actuarial, financial and funding-related documents.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2520 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1021(k); ERISA, sec 101(k); PL 109-280, sec 502, Pension Protection Act of 2006; 29 USC 1135; ERISA, sec 505

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		08/18/2007

Timetable:

Action	Date	FR Cite
NPRM	09/14/2007	72 FR 52527
NPRM Comment Period End	10/15/2007	
Final Action	04/00/2010	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB27

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Title: Genetic Information Nondiscrimination

Abstract: Pursuant to ERISA sections 702, 733(d), and 502, as amended by the Genetic Information Nondiscrimination Act of 2008 (GINA) (Pub. L. 110-233) enacted May 21, 2008, the Department is developing regulatory guidance. Regulatory guidance will provide clarification regarding GINA's prohibition against discrimination in group premiums based on genetic information, its limitations on genetic testing, its prohibition on collection of genetic information, and its new civil monetary penalties under ERISA.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 29 USC 1182; 29 USC 1191b(d); 29 USC 1132

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	As per GINA section 101(f)(1)	05/21/2009

Regulatory Plan:

Statement of Need: GINA section 101(f)(1) requires the Secretary to issue regulations to carry out its statutory provisions no later than May 21, 2009.

Legal Basis: Section 505 of ERISA provides that the Secretary may prescribe such regulations as she considers necessary and appropriate to carry out the provisions of title I of ERISA. Section 734 of ERISA provides that the Secretary may promulgate such regulations as may be necessary or appropriate to carry out the provisions of part 7 of ERISA. In addition, GINA section 101(f) requires the Secretary to issue regulations to carry out GINA's amendments.

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

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

Risks:

Timetable:

Action	Date	FR Cite
Request for Information	10/10/2008	73 FR 60208
Request for Information Comment Period End	12/09/2008	
Interim Final Rule	10/07/2009	74 FR 51664
Interim Final Rule Effective	12/07/2009	
Interim Final Rule Comment Period End	01/05/2010	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

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Department of Labor (DOL)

Employee Benefits Security Administration (EBSA)

RIN: 1210-AB30

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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: Other Significant

Agenda Stage of Rulemaking: Final 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 1185a

Legal Deadline:

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

Regulatory Plan:

Statement of Need: In response to a Request for Information in April 2008, over 400 comment letters were received raising questions regarding compliance with the federal parity provisions. This regulation is needed to provide clarifications to participants, beneficiaries, health care providers, employment-based health plans, health insurance issuers, third-party administrators, brokers, underwriters, and other plan service providers regarding such provisions.

Legal Basis: Section 505 of ERISA provides that the Secretary may prescribe such regulations as she finds necessary and appropriate to carry out the provisions of title I of the Act. Section 734 of ERISA provides that the Secretary may prescribe regulations necessary or appropriate to carry out the provisions of ERISA Part 7. MHPAEA created new federal parity provisions in ERISA section 712 and provides, in section 512(d), that the Secretary shall issue regulations to carry out the provisions of MHPAEA.

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

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

Risks:

Timetable:

Action	Date	FR Cite
Request for Information	04/28/2009	74 FR 19155
Request for Information Comment Period End	05/28/2009	
Interim Final Rule	04/00/2010	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: Undetermined

Related RINs: Related to 0938-AP65; Related to 1545-BI70 Related Agencies: Joint: CMS; Joint: IRS

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Department of Labor (DOL)

Employee Benefits Security Administration (EBSA)

RIN: 1210-AB31

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Title: Amendments to Civil Penalties Under ERISA Section 502(c)(8)

Abstract: This proposed regulation, upon adoption, would implement the civil penalty provision under section 502(c)(8) of the Employee Retirement Income Security Act of 1974 (ERISA), under which the Secretary of Labor is granted authority to assess civil penalties not to exceed \$1,100 per day against any plan sponsor of a multiemployer plan for certain violations of section 305 of ERISA.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2560.502c-8 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1132; PL 109-280, sec 305, Pension Protection Act of 2006; 29 USC 2560; PL 110-458, sec 102, Worker, Retiree and Employer Act of 2008,

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/04/2009	74 FR 45791
NPRM Comment Period End	11/03/2009	
Final Action	05/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: Undetermined

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Department of Labor (DOL)

Employee Benefits Security Administration ( EBSA )

RIN: 1210-AA15

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Title: Adequate Consideration

Abstract: The Department is removing this initiative from the current regulatory agenda because it does not intend to take any action on the initiative during the next 12 months. This removal from the agenda has no effect on the status of the proposed regulation.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2510 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1002(18); 29 USC 1135

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/17/1988	53 FR 17632
NPRM Comment Period End	07/17/1988	
Withdrawn	08/03/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Jeffrey Turner

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

RIN: 1210-AB25

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Title: Proposed Amendments to Rules Relating To Use of Electronic Communication by Employee Pension and Welfare Benefit Plans

Abstract: The Department is removing this initiative from the agenda because it does not intend to take any action on the initiative during the next 12 months. The Department, however, will continue to consider means by which to improve the effectiveness and efficiency of disclosures to participants and beneficiaries.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2520.104b-1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1135; ERISA sec 505

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	08/03/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)  
 Employment Standards Administration ( ESA )

RIN: 1215-AB44

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Title: Child Labor Regulations, Orders, and Statements of Interpretation

Abstract: The Department of Labor is considering possible revisions to the hazardous occupations orders that may be undertaken to address recommendations of the National Institute for Occupational Safety and Health (NIOSH) in its May 2002 report to the Department on the Fair Labor Standards Act child labor regulations (available at <http://www.youthrules.dol.gov/resources.htm>). This ANPRM sought additional data and public input to supplement the conclusions and recommendations on certain of the Hazardous Orders contained in the NIOSH report for consideration in subsequent rulemaking actions that may be undertaken. This ANPRM is related to a separate NPRM (see Related RIN: 1215-AB57). The Department is reviewing the submitted comments.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule



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Department of Labor (DOL)  
 Employment Standards Administration ( ESA )

RIN: 1215-AB69

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Title: Nondisplacement of Qualified Workers Under Service Contracts

Abstract: Executive Order 13495 of January 30, 2009, Nondisplacement of Qualified Workers Under Service Contracts, establishes the policy that Federal service contracts generally include a clause requiring the contractor and its subcontractors, under a contract that succeeds a contract for the same or similar service at the same location, to offer qualified employees (except managerial and supervisory personnel) employed on the predecessor contract a right of first refusal to employment under the successor contract. The order assigns enforcement responsibility to the Secretary of Labor and directs the Secretary, in consultation with the Federal Acquisition Regulatory Council, to issue regulations, within 180 days of the order to the extent permitted by law, to implement the order.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 9 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: EO 13495, sec 4 to 6; 5 USC 301

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: No

Energy Affected: No

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Department of Labor (DOL)  
 Employment Standards Administration ( ESA )

RIN: 1215-AB72

 [View Related Documents](#)

Title: Defense Base Act Waivers

Abstract: The Defense Base Act (DBA), 42 U.S.C. section 1651 et seq., provides workers' compensation benefits for civilian employees of U.S. Government contractors injured or killed while working overseas. The DBA authorizes the Secretary of Labor to waive application of the DBA in any contract, subcontract, location, or class of employees upon the recommendation of the head of any department or agency of the U.S. Government. 42 U.S.C. section 1651(e). Over the years, DOL has granted a variety of waivers without any published rules. This proposed regulation would clarify the procedures for agencies to request waivers, including who may request a waiver, the format of a waiver request, and the supporting information required. The regulation would also explain DOL's procedures for reviewing and granting a waiver, including the factors DOL considers in granting a waiver and the conditions and limitations of any waiver granted.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule



Department of Labor (DOL)  
Employment Standards Administration ( ESA )

RIN: 1215-AB74

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Title: Labor Organization Officer and Employee Report (Form LM-30)

Abstract: The Department intends to review questions of law and policy within the recently published changes to the Form LM-30. The Form LM-30 (Labor Organization Officer and Employee Report) is required by the LMRDA. The purpose of the Form, among others, is to identify potential conflicts of interest between the labor organization officials and their labor organization.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 404 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 432 and 438

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Agency Contact: Andrew R. Davis

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Department of Labor (DOL)  
Employment Standards Administration ( ESA )

RIN: 1215-AB75

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Title: Proposal to Rescind the Form T-1; Require Subsidiary Organization Reporting; Revise Interpretation Regarding LMRDA Coverage of Public Sector Intermediate Unions

Abstract: On October 2, 2008, the Department published a final rule establishing a Form T-1, Trust Annual Report, which certain labor organizations must file to disclose financial information regarding trusts in which they are interested pursuant to the Labor-Management Reporting and Disclosure Act (LMRDA). This rulemaking would propose to rescind the Form T-1. It would instead propose that filers of Form LM-2, Labor Organization Annual Report, report on their wholly owned, wholly controlled and wholly financed organizations ("subsidiary organizations") on their Form LM-2 report. Additionally, the rulemaking would propose to change an interpretation of the LMRDA regarding intermediate bodies. The proposed revised interpretation would state that intermediate bodies are covered only if they are themselves composed, in whole or part, of private sector affiliates.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 403 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 438

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	01/00/2010	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Organizations

Federalism: No

Agency Contact: Andrew R. Davis

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Department of Labor (DOL)  
Employment Standards Administration ( ESA )

RIN: 1215-AB76

 [View Related Documents](#)

Title: The Family and Medical Leave Act of 1993, as Amended

Abstract: The Department of Labor continues to review the implementation of the new military family leave amendments to the Family and Medical Leave Act included in the National Defense Authorization Act for FY 2008, and other revisions of the current regulations implemented in January 2009.

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

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

Legal Authority: 29 USC 2654

Legal Deadline: None

## Regulatory Plan:

Statement of Need: The FMLA requires covered employers to grant eligible employees up to 12 workweeks of unpaid, job-protected leave a year for specified family and medical reasons, and to maintain group health benefits during the leave as if the employees continued to work instead of taking leave. When an eligible employee returns from FMLA leave, the employer must restore the employee to the same or an equivalent job with equivalent pay, benefits, and other conditions of employment. FMLA makes it unlawful for an employer to interfere with, restrain, or deny the exercise of any right provided by the FMLA. In addition, section 585(a) of the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, amended the FMLA effective January 28, 2008, to permit an eligible employee who is the "spouse, son, daughter, parent, or next of kin of a covered servicemember" to take up to a total of 26 workweeks of leave during a single 12-month period to care for the covered servicemember, defined as "a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness." The NDAA amendment to FMLA also permits an eligible employee to take up to 12 workweeks of FMLA leave for "any qualifying exigency (as the Secretary [of Labor] shall, by regulation, determine) arising out of the fact that the spouse, or a son, daughter, or parent of the employee is on active duty (or has been notified of an impending call or order to active duty) in the Armed Forces in support of a contingency operation." Regulations implementing these amendments were published November 17, 2008, and took effect January 16, 2009 (73 FR 67934). The Department is reviewing the implementation of these new military family leave amendments and other revisions of the current regulations.

Legal Basis: These regulations are authorized by section 404 of the Family and Medical Leave Act, 29 U.S.C. 2654.

Alternatives: After completing a review of the implementation of the new military family leave amendments and other revisions of the regulations implemented in January 2009, regulatory alternatives will be developed for notice-and-comment rulemaking.

Costs and Benefits: Preliminary estimates of the anticipated costs and benefits of this initiative will be determined once

regulatory alternatives are developed.

Risks: This rulemaking action does not directly affect risks to public health, safety, or the environment.

Timetable:

Action	Date	FR Cite
NPRM	11/00/2010	

Regulatory Flexibility Analysis

Government Levels Affected: Local; State; Tribal

Required: Undetermined

Federalism: Undetermined

Energy Affected: No

Agency Contact: Richard M. Brennan

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Department of Labor (DOL)  
Employment Standards Administration (ESA)

RIN: 1215-AB78

 [View Related Documents](#)

Title: Records To Be Kept by Employers 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 how their pay is computed, and to modernize other recordkeeping requirements for employees under "telework" and "flexiplace" arrangements.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

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

Regulatory Plan:

Statement of Need: The recordkeeping regulation issued under the Fair Labor Standards Act (FLSA), 29 CFR part 516, specifies the scope and manner of records covered employers must keep that demonstrate compliance with minimum wage, overtime, and child labor requirements under the FLSA, or the records to be kept that confirm particular exemptions from some of the Act's requirements may apply. This proposal intends to update the recordkeeping requirements to foster more openness and transparency in demonstrating employers' compliance with applicable requirements to their workers, to better ensure compliance by regulated entities and to assist in enforcement. In addition, the proposal intends to modernize the requirements, consistent with the increasing emphasis on flexi-place and telecommuting, to allow for automated or electronic recordkeeping systems instead of the mandatory manual preparation of "homeworker" handbooks currently required for all work that an employee may perform in the home.

Legal Basis: These regulations are authorized by section 11 of the Fair Labor Standards Act, 29 U.S.C. 211.

Alternatives: Alternatives will be developed in considering proposed revisions to the current recordkeeping requirements. The public will be invited to provide comments on the proposed revisions and possible alternatives.

Costs and Benefits: Preliminary estimates of anticipated costs and benefits of this regulatory initiative have not been determined at this time and will be determined at a later date as appropriate.

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

Timetable:

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Action	Date	FR Cite
NPRM	08/00/2010	

Regulatory Flexibility Analysis

Government Levels Affected: Local; State; Tribal

Required: Undetermined

Federalism: Undetermined

Energy Affected: No

Agency Contact: Richard M. Brennan

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Department of Labor (DOL)  
Employment Standards Administration ( ESA )

RIN: 1215-AB79

 [View Related Documents](#)

Title: Interpretation of the "Advice" Exemption of Section 203(c) of the Labor-Management Reporting and Disclosure Act

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

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

CFR Citation: 29 CFR 405; 29 CFR 406 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 29 USC 433; 29 USC 438

Legal Deadline: None

Regulatory Plan:

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

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

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

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

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

Timetable:

Action	Date	FR Cite

NPRM	11/00/2010	
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Regulatory Flexibility Analysis Required: Business Government Levels Affected: No  
 Federalism: No  
 Energy Affected: No  
 RIN Information URL: [www.olms.dol.gov](http://www.olms.dol.gov) Public Comment URL: [www.regulations.gov](http://www.regulations.gov)  
 Agency Contact: Andrew R. Davis  
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Department of Labor (DOL)  
 Employment Standards Administration ( ESA )

RIN: 1215-AB83

 [View Related Documents](#)

Title: Claims for Compensation Under the Federal Employees' Compensation Act

Abstract: ESA's Office of Workers' Compensation Programs (OWCP) plans to issue new regulations to update its organizational description to reflect the reorganization that will transform OWCP into a stand-alone organization reporting directly to the Office of the Secretary of Labor. OWCP administers four major disability compensation programs that provide wage replacement benefits, medical treatment, vocational rehabilitation and other benefits (such as survivors benefits) to certain workers who experience work-related injury or occupational disease. The Federal Employees' Compensation Act (FECA) provides workers' compensation benefits to federal workers for employment-related injuries and occupational diseases as well as survivor benefits for a covered employee's employment-related death. OWCP plans to update its regulations governing administration of claims under the FECA. The last comprehensive update of the FECA regulations was undertaken more than ten years ago; since that time a number of improvements have been made to OWCP's processing of claims. The regulations will be revised to reflect those changes and to incorporate new procedures that will enhance OWCP's ability to administer FECA. Changes to the regulations will facilitate the return to work of injured workers who are able to work by such measures as increasing the opportunity for vocational rehabilitation. Revisions to the regulations will also enhance OWCP's ability to efficiently provide sufficient income and medical care for those who are unable to work. The planned regulatory changes will better explain the increased automation of the medical billing process; reflect changes in procedure, such as FECA's centralized mail processing; and also codify changes in case law affecting FECA claims administration. OWCP also plans to modernize the provision of compensation for employees situated overseas who are neither citizens nor residents of the United States to reflect current realities in regard to such employees. The regulations will also be revised to reflect a recent statutory change to the FECA moving the three-day waiting period before qualifying for wage-loss compensation for employees of the Postal Service.

Priority: Other Significant Agenda Stage of Rulemaking: Proposed Rule  
 Major: No Unfunded Mandates: No  
 CFR Citation: 20 CFR 1; 20 CFR 10; 20 CFR 25 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
 Legal Authority: 5 USC 8149  
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/00/2010	

Regulatory Flexibility Analysis Required: No Government Levels Affected: No  
 Small Entities Affected: No Federalism: No  
 Energy Affected: No  
 Agency Contact: Douglas Fitzgerald  
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Department of Labor (DOL)  
 Employment Standards Administration ( ESA )

RIN: 1215-AB13

 [View Related Documents](#)

Title: Amendments to the Fair Labor Standards Act

Abstract: Small Business Job Protection Act of 1996 (H.R. 3448) enacted on August 20, 1996 (Pub. L. 104-188, title II) amended the Portal-to-Portal Act (PA) and the Fair Labor Standards Act (FLSA). The U.S. Troop Readiness, Veteran's Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007 (Pub. L. 110-28) also amended the FLSA by increasing the minimum wage in three steps: to \$5.85 per hour effective July 24, 2007; to \$6.55 per hour effective July 24, 2008; and to \$7.25 per hour effective July 24, 2009. Changes will be required in the regulations to reflect these amendments. Other updates will address needed clarifications to additional sections of the regulations, including sections affected by Public Law 106-151, section 1 (December 9, 1999), 113 stat. 1731, and Public Law 106-202 (May 18, 2000), 114 Stat. 308.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 4; 29 CFR 531; 29 CFR 778 to 780; 29 CFR 785 to 786; 29 CFR 790 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 201 et seq; PL 104-188, sec 2101 to 2105

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	07/28/2008	73 FR 43654
NPRM Comment Period Extended	08/22/2008	73 FR 49621
NPRM Comment Period End	09/11/2008	
Final Action	06/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State

Federalism: No

Energy Affected: No

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

Agency Contact: Richard M. Brennan

Director, Division of Interpretations and Regulatory Analysis, Wage and Hour Division

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Department of Labor (DOL)  
 Employment Standards Administration ( ESA )

RIN: 1215-AB57

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Title: Child Labor Regulations, Orders, and Statements of Interpretation

Abstract: The Department of Labor continues to review the Fair Labor Standards Act child labor provisions to ensure that the implementing regulations provide job opportunities for working youth that are healthy and safe and not detrimental to their

education, as required by the statute (29 U.S.C. sections 203(l), 212(c), 213(c), and 216(e)). This proposed rule will update the regulations to reflect statutory amendments enacted in 2004, and will propose, among other updates, revisions to address several recommendations of the National Institute for Occupational Safety and Health (NIOSH) in its 2002 report to the Department of Labor on the child labor Hazardous Occupations Orders (HOs) (available at <http://www.youthrules.dol.gov/resources.htm>).

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 570 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 203(l); 29 USC 212; 29 USC 213(c)

Legal Deadline: None

#### Regulatory Plan:

Statement of Need: The Fair Labor Standards Act (FLSA) requires the Secretary of Labor to issue regulations on the employment of minors between 14 and 16 years of age, ensuring that the periods and conditions of their employment do not interfere with their schooling, health, or well-being, and to designate occupations that are particularly hazardous for minors 16 and 17 years of age. Child Labor Regulation No. 3 sets forth the permissible industries and occupations in which 14- and 15-year-olds may be employed, specifies the number of hours in a day and in a week, and time periods within a day, that such minors may be employed. Updating the child labor regulations issued under the FLSA will help meet the challenge of ensuring good jobs that are safe, healthy, and fair for the Nation's working youth, while balancing their educational needs with job-related experiences that are safe. Updated child labor regulations that better address the safety needs of today's workplaces will ensure our young workers have permissible job opportunities that are safe, enhancing their opportunity to gain the skills to find and hold good jobs with the potential to increase their earnings over time. Ensuring safe and reasonable work hours for working youth will also ensure that top priority is given to their education, consistent with the purposes of the statute.

Legal Basis: These regulations are issued pursuant to sections 3(1), 11, 12, and 13 of the Fair Labor Standards Act, 29 U.S.C. 203(1), 211, 121, and 213.

Alternatives: When developing regulatory alternatives in the analysis of recommendations of the National Institute for Occupational Safety and Health in its 2002 report to the Department on the child labor hazardous occupations orders and other proposals, the Department has focused on assuring healthy, safe, and fair workplaces for young workers that are not detrimental to their education, as required by the statute. Some of the regulatory alternatives were developed based on recent legislative amendments.

Costs and Benefits: Preliminary estimates of the anticipated costs and benefits of this rulemaking initiative indicated it was not economically significant. Benefits to the public, including employers and workers, will include safer working conditions and the avoidance of injuries and lost productivity involving young workers.

Risks: The Department's child labor regulations, by ensuring that permissible job opportunities for working youth are safe and healthy and not detrimental to their education, produce positive benefits by reducing health-related and lost-productivity costs employers might otherwise incur from higher accident and injury rates to young and inexperienced workers. Because of the limited nature of the regulatory revisions contemplated under this initiative, a detailed assessment of the magnitude of risk was not prepared.

#### Timetable:

Action	Date	FR Cite
NPRM	04/17/2007	72 FR 19337
NPRM Comment Period End	07/16/2007	
Final Action	04/00/2010	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Local; State

Small Entities Affected: Business; Governmental Jurisdictions

Federalism: No

Energy Affected: No

Agency Contact: Richard M. Brennan

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Department of Labor (DOL)  
 Employment Standards Administration ( ESA )

RIN: 1215-AB66

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Title: Death Gratuity Authorized for Federal Employees

Abstract: The National Defense Authorization Act for FY 2008, which was signed in to law on January 28, 2008, resulted in the creation of a new section of the Federal Employees' Compensation Act. This section establishes a death gratuity payment of up to \$100,000 for federal employees who die of injuries incurred in connection with the employee's service with an armed force in a contingency operation. This bill also contains a provision for retroactivity for employees who died on or after October 7, 2001.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 10.900 et al (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 110-181 National Defense Authorization Act for FY 2008

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule Effective	08/18/2009	
Interim Final Rule	08/18/2009	74 FR 41617
Interim Final Rule Comment Period End	10/19/2009	
Final Action	04/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Jennifer Valdivieso

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Department of Labor (DOL)  
 Employment Standards Administration ( ESA )

RIN: 1215-AB70

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Title: Notification of Employee Rights Under Federal Labor Laws

Abstract: Pursuant to Executive Order 13496 of January 30, 2009, the Department of Labor's Employment Standards Administration, proposes to prescribe the size, form, and content of the notice to be posted by a contractor under paragraph 1 of the contract clause described in section 2 of the order. Such notice shall describe the rights of employees under Federal labor laws, consistent with the policy set forth in section 1 of the order.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 471 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: EO 13496

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/03/2009	74 FR 38488
NPRM Comment Period End	09/02/2009	
Final Action	06/00/2010	

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Federal

Federalism: No

Energy Affected: No

Agency Contact: Andrew R. Davis

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Department of Labor (DOL)

Employment Standards Administration (ESA)

RIN: 1215-AB77

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Title: Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors: Evaluation of Recruitment and Placement Results Under Section 503

Abstract: This Advance Notice of Proposed Rulemaking (ANPRM) will revise the regulations in 41 CFR parts 60-741 to implement the nondiscrimination and affirmative action provisions of section 503 of the Rehabilitation Act of 1973, as amended. In particular, the ANPRM would strengthen affirmative action requirements by requiring Federal contractors and subcontractors to conduct more substantive analyses and fully monitor their recruitment and placement efforts on behalf of individuals with disabilities.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	12/00/2010	

Regulatory Flexibility Analysis  
Required: Undetermined

Government Levels Affected: No

Federalism: Undetermined

Energy Affected: No

Agency Contact: Lorenzo D. Harrison

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Department of Labor (DOL)  
 Employment Standards Administration ( ESA )

RIN: 1215-AB80

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Title: Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors; Evaluation of Recruitment and Placement Results Under the VEVRAA of 1974, as amended

Abstract: This Notice of Proposed Rulemaking (NPRM) would revise the regulations in 41 CFR parts 60-250 and 60-300, implementing the nondiscrimination and affirmative action provisions of VEVRAA. This NPRM would strengthen the affirmative action requirements for federal contractors and subcontractors. The NPRM 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 numerical targets to measure the effectiveness of affirmative action efforts. The NPRM would also make revisions to recordkeeping requirements.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

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 (2001) (amended 2002); 38 USC 4212 (2001) (amended 2002); EO 11758 (3 CFR 1971 to 1975 Comp, p 841)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2010	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: Undetermined

Energy Affected: No

Agency Contact: Bruce Bohanon

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Department of Labor (DOL)  
 Employment Standards Administration ( ESA )

RIN: 1215-AB81

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Title: Construction Contractor Affirmative Action Requirements

Abstract: This Notice of Proposed Rulemaking (NPRM) would revise the regulations in 41 CFR part 60-4 implementing the affirmative action requirements of Executive Order 11246 that are applicable to Federal and federally assisted construction contractors. This NPRM would remove outdated regulatory provisions and update the provisions in the regulations that set forth the actions construction contractors are required to take to implement their affirmative action obligations.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 41 CFR 60-1 and 60-4 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: sec 201, 202, 205, 211, 301, 302, and 303 of EO 11246, as amended; 30 FR 12319; 32 FR 14303, as amended by EO 12086

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2011	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: Undetermined

Agency Contact: Bruce Bohanon

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Department of Labor (DOL)

Employment Standards Administration ( ESA )

RIN: 1215-AB56

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Title: Service Contract Act, Health and Welfare Benefits

Abstract: Due to resource limitations and prioritization of regulatory priorities, the Department is temporarily withdrawing this item from the current regulatory agenda and intends to address it at a later date.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 29 CFR 4 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 41 USC 351; 41 USC 38 to 39; 5 USC 301

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	09/03/2009	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Federal

Small Entities Affected: Business

Federalism: No

Energy Affected: Undetermined

Agency Contact: Richard M. Brennan

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Department of Labor (DOL)  
Employment Standards Administration (ESA)

RIN: 1215-AB62

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Title: Labor Organization Annual Financial Reports

Abstract: The Department of Labor's Employment Standards Administration published a final rule on January 21, 2009, which modified the annual financial disclosure report Form LM-2 and established standards and procedures by which the Office of Labor- Management Standards, pursuant to section 208 of the Labor Management Reporting and Disclosure Act (LMRDA), 29 U.S.C. 438, may revoke the authorization of a labor organization to file a simplified annual financial disclosure report, Form LM-3, and instead require it to file the more detailed Form LM-2. Through notice and comment rulemaking the Department extended the effective date of the January 21, 2009 Final Rule to April 21, 2009. The effective date and applicability date of the January 21, 2009 Final Rule were further extended through notice and comment rulemaking to October 19, 2009 and January 1, 2010, respectively. The Department has proposed withdrawing the January 21, 2009, Final Rule. The final rule was withdrawn on October 13, 2009.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 403; 29 CFR 408 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 431(b); 29 USC 438

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/12/2008	73 FR 27346
NPRM Extension of Comment Period End	06/19/2008	73 FR 34913
NPRM Comment Period End	06/26/2008	
NPRM Comment Period Extended	07/11/2008	73 FR 3491
Final Rule	01/21/2009	74 FR 3678
NPRM Effective Date Extension (60 Days); Request Comment on Legal & Policy Questions of Final Rule	02/03/2009	74 FR 5899
NPRM Extension Comment Period End	02/13/2009	
Final Rule; Delaying Effective Date for 60 Days	02/20/2009	74 FR 7814
Final Action Effective	02/20/2009	74 FR 3678
Legal and Policy Questions Relating to January 2009 Final Rule Comment Period End	03/05/2009	
NPRM Effective and Applicability Date Extension (180 Days)	03/19/2009	74 FR 11700
Proposed Withdrawal of January 2009 Final Rule	04/21/2009	74 FR 18172
Final Rule; Delaying Effective Date and Applicability Date for 180 Days	04/21/2009	74 FR 18132
NPRM Comment Period Extended	05/21/2009	74 FR 23811
Final Rule Withdrawn	10/13/2009	74 FR 52401

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Denise Boucher

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Department of Labor (DOL)  
Employment Standards Administration ( ESA )

RIN: 1215-AB68

 [View Related Documents](#)

Title: Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors; Contractor Notice-Posting by Electronic Means

Abstract: The Office of Federal Contract Compliance Programs requests the withdrawal of this proposed rule. The agency realigned their limited resources to update Construction regulations in support of the American Recovery Reinvestment Act of 2009.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 41 CFR 60-1; 41 CFR 60-4; 41 CFR 60-250; 41 CFR 60-300; 41 CFR 60-741; ... (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: sec 201, 202, 205, 211, 301, 302, and 303 of EO 11246, as amended; 30 FR 12319; 3 CFR 1964 to 1965 Comp, p 339, as amended by EO 11375; 32 FR 14303; 3 CFR 1966 to 1970 Comp, p 684, as amended by EO 12086, 43 FR 46501; 3 CFR 1978 Comp, p 230 and EO 13279, 67 FR 77141; 3 CFR 2002 Comp, p 258; 29 USC 706, 29 USC 793; 38 USC 4211 and 4212 (2001 and 2002); EO 11758, 3 CFR 1971 to 1975 Comp, p 841

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	07/28/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Agency Contact: Bruce Bohanon

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

RIN: 1218-AB70

 [View Related Documents](#)

Title: Occupational Exposure to Crystalline Silica

Abstract: Crystalline silica is a significant component of the earth's crust, and many workers in a wide range of industries are exposed to it, usually in the form of respirable quartz or, less frequently, cristobalite. Chronic silicosis is a uniquely occupational disease resulting from exposure of employees over long periods of time (10 years or more). Exposure to high levels of respirable crystalline silica causes acute or accelerated forms of silicosis that are ultimately fatal. The current OSHA permissible exposure limit (PEL) for general industry is based on a formula recommended by the American Conference of Governmental Industrial Hygienists (ACGIH) in 1971 (PEL=10mg/cubic meter/(% silica + 2), as respirable dust). The current PEL for construction and maritime (derived from ACGIH's 1962 Threshold Limit Value) is based on particle counting technology, which is considered obsolete. NIOSH and ACGIH recommend 50µg/m3 and 25µg/m3 exposure limits, respectively, for respirable crystalline silica. Both industry and worker groups have recognized that a comprehensive standard for crystalline silica is needed to provide for exposure monitoring, medical surveillance, and worker training. The American Society for Testing and Materials (ASTM) has published a recommended standard 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: PreRule

Major: Yes

Unfunded Mandates: State, Local, Or Tribal Governments

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

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

Legal Deadline: None

#### Regulatory Plan:

Statement of Need: Workers are exposed to crystalline silica dust in general industry, construction, and maritime industries. Industries that could be particularly affected by a standard for crystalline silica include: Foundries, industries that have abrasive blasting operations, paint manufacture, glass and concrete product manufacture, brick making, china and pottery manufacture, manufacture of plumbing fixtures, and many construction activities including highway repair, masonry, concrete work, rock drilling, and tuckpointing. The seriousness of the health hazards associated with silica exposure is demonstrated by the fatalities and disabling illnesses that continue to occur; between 1990 and 1996, 200 to 300 deaths per year are known to have occurred where silicosis was identified on death certificates as an underlying or contributing cause of death. It is likely that many more cases have occurred where silicosis went undetected. In addition, the International Agency for Research on Cancer (IARC) has designated crystalline silica as a known human carcinogen. Exposure to crystalline silica has also been associated with an increased risk of developing tuberculosis and other nonmalignant respiratory diseases, as well as renal and autoimmune respiratory diseases. Exposure studies and OSHA enforcement data indicate that some workers continue to be exposed to levels of crystalline silica far in excess of current exposure limits. Congress has included compensation of silicosis victims on Federal nuclear testing sites in the Energy Employees' Occupational Illness Compensation Program Act of 2000. There is a particular need for the Agency to modernize its exposure limits for construction and maritime workers, and to address some specific issues that will need to be resolved to propose a comprehensive standard.

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

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

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

Risks: A detailed risk analysis is under way.

#### Timetable:

Action	Date	FR Cite
Completed SBREFA Report	12/19/2003	
Initiate Peer Review of Health Effects and Risk Assessment	05/22/2009	
Complete Peer Review	01/00/2010	
NPRM	07/00/2010	

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Federal

Federalism: Yes

Energy Affected: No

Agency Contact: Dorothy Dougherty

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

RIN: 1218-AB76

 [View Related Documents](#)

Title: Occupational Exposure to Beryllium

Abstract: In 1999 and 2001, OSHA was petitioned to issue an emergency temporary standard by 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 work sites 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.

Priority: Economically Significant

Agenda Stage of Rulemaking: PreRule

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	11/26/2002	67 FR 70707
SBREFA Report Completed	01/23/2008	
Initiate Peer Review of Health Effects and Risk Assessment	03/00/2010	

Regulatory Flexibility Analysis Required: Business 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-AC17

 [View Related Documents](#)

Title: Emergency Response and Preparedness

Abstract: Emergency responder health and safety is currently regulated primarily under the following standards: The fire brigade standard (29 CFR 1910.156); hazardous waste operations and emergency response (29 CFR 1910.120); the respiratory protection standard (29 CFR 1910.134); the permit-required confined space standard (29 CFR 1910.146); and the bloodborne pathogens standard (29 CFR 1910.1030). Some of these standards were promulgated decades ago and none were designed as comprehensive emergency response standards. Consequently, they do not address the full range of hazards or concerns currently facing emergency responders. Many do not reflect major changes in performance specifications for protective clothing and equipment. Current OSHA standards also do not reflect all the major developments in safety and health practices that have

already been accepted by the emergency response community and incorporated into National Fire Protection Association (NFPA) and American National Standards Institute consensus standards. OSHA will be collecting information to evaluate what action the agency should take. The Request for Information was published on September 11, 2007.

Priority: Other Significant  
 Major: 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

Agenda Stage of Rulemaking: PreRule  
 Unfunded Mandates: Undetermined

## Timetable:

Action	Date	FR Cite
Request for Information	09/11/2007	72 FR 51735
Comment Period End	12/10/2007	
Stakeholder's Meeting	06/00/2010	

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

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

RIN: 1218-AC23

 [View Related Documents](#)

Title: Methylene Chloride

Abstract: OSHA will undertake a review of the Methylene Chloride Standard (29 CFR 1910.1052) 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  
 Major: No  
 CFR Citation: 29 CFR 1910.1052 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
 Legal Authority: 5 USC 553; 5 USC 610; 29 USC 655(b)  
 Legal Deadline: None

Agenda Stage of Rulemaking: PreRule  
 Unfunded Mandates: No

## Timetable:

Action	Date	FR Cite
Begin Review	12/01/2006	
Request for Comments	07/10/2007	72 FR 37501
Comment Period End	10/09/2007	
Reopen Comment Period	01/08/2008	73 FR 1299
Comment Period End	03/10/2008	
End Review	04/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC33

 [View Related Documents](#)

Title: Occupational Exposure to Diacetyl and Food Flavorings Containing Diacetyl

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. OSHA denied the petition on September 25, 2007, but has initiated 6(b) rulemaking. Evidence from NIOSH and other sources indicated that employee exposure to diacetyl and food flavorings containing diacetyl is associated with bronchiolitis obliterans, a debilitating and potentially fatal disease of the small airways in the lung. Severe obstructive airway disease has been observed in the microwave popcorn industry and in food flavoring manufacturing plants. Experimental evidence has shown that inhalation exposure to artificial butter flavoring vapors and diacetyl damaged tissue lining, the nose, and airways of rats and mice. OSHA published an Advanced 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.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Stakeholder Meeting	10/17/2007	72 FR 54619
ANPRM	01/21/2009	74 FR 3937
ANPRM Withdrawn	03/17/2009	74 FR 11329
ANPRM Comment Period End	04/21/2009	
Completed SBREFA Report	07/02/2009	
Initiate Peer Review of Health Effects and Risk Assessment	10/00/2010	

Regulatory Flexibility Analysis Required: Business

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1218-AC34

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Title: Bloodborne Pathogens (610 Review)

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 rule, whether the rule overlaps, duplicates or conflicts with other Federal, State or local regulations, and the degree to which technology, economic conditions or other factors may have changed since the rule was evaluated.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Begin Review	10/22/2009	
Request for Comments	04/00/2010	

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-AC40

 [View Related Documents](#)

Title: Tree Care Operations

Abstract: In the 11-year period from 1992 through 2002 for which ornamental shrub and tree services fatality data are available from BLS, there were 637 fatalities in the industry, an average of about 58 fatalities per year or a rate of about 93 fatalities per 100,000 employees. To prevent many of these fatalities, OSHA will develop a standard on tree-trimming work, including maintaining and removing trees and brush. OSHA has standards on logging and line-clearance tree trimming that have been applied to activities performed by tree-care workers. Although there is an existing national consensus standard on tree-trimming work, American National Standards Institute Standard ANSI Z133.1-2006, Safety Requirements for Arboricultural Operations, OSHA has no comprehensive standard to address this type of work. The ANPRM requested information on such hazards as electrocution, falls, and struck by falling objects, as well as hazards associated with equipment used in tree-trimming work, including chippers, chain saws, and stump cutters.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule



## Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC46

 [View Related Documents](#)

## Title: Airborne Infectious Diseases

Abstract: Employees in health care and other high-risk environments face long-standing respiratory 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 tuberculosis, SARS, and other airborne infectious diseases which are spread through respiratory secretions which are exhaled or expelled through coughing, sneezing, etc. and 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 airborne infectious disease exposures to pathogens that can cause significant disease. Workplaces where such control measures might be necessary include: health care, emergency responses, 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

## Timetable:

Action	Date	FR Cite
Request for Information	03/00/2010	

## Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Energy Affected: No

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

RIN: 1218-AB47

 [View Related Documents](#)

Title: Confined Spaces in Construction

Abstract: In January 1993, OSHA issued a general industry rule to protect employees who enter confined spaces (29 CFR 1910.146). This standard does not apply to the construction industry because of differences in the nature of the worksite in the construction industry. In discussions with the United Steel Workers of America on a settlement agreement for the general industry standard, OSHA agreed to issue a proposed rule to extend confined-space protection to construction workers appropriate to their work environment.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
SBREFA Panel Report	11/24/2003	
NPRM	11/28/2007	72 FR 67351
NPRM Comment Period End	01/28/2008	
NPRM Comment Period Extended	02/28/2008	73 FR 3893
Public Hearing	07/22/2008	
Close Record	10/23/2008	
Analyze Comments	03/00/2010	

Regulatory Flexibility Analysis Required: Business 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-AB80

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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. 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 re-open the rulemaking for comment on a number of issues raised in the record for the NPRM. 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 will develop a new proposal, modified to reflect current information, as well as re-assess the impact.



Energy Affected: No  
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Department of Labor (DOL)  
Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC20

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Title: Hazard Communication

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

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Yes

Unfunded Mandates: Private Sector

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

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

Legal Deadline: None

Regulatory Plan:

Statement of Need: Multiple sets of requirements for labels and safety data sheets present a compliance burden for U.S. manufacturers, distributors, and transports involved in international trade. Adoption of the GHS would facilitate international trade in chemicals, reduce the burdens caused by having to comply with differing requirements for the same product, and allow companies that have not had the resources to deal with those burdens to be involved in international trade. This is particularly important for small producers who may be precluded currently from international trade because of the compliance resources required to address the extensive regulatory requirements for classification and labeling of chemicals. Thus every producer is likely to experience some benefits from domestic harmonization, in addition to the benefits that will accrue to producers involved in international trade. Most importantly, comprehensibility of hazard information and worker safety will be enhanced as the GHS will: (1) provide consistent information and definitions for hazardous chemicals; (2) address stakeholder concerns regarding the need for a standardized format for material safety data sheets; and (3) increase understanding by using standardized

pictograms and harmonized hazard statements. The increase in comprehensibility and consistency will reduce confusion and thus improve worker safety and health. Several nations, including the European Union, have adopted the GHS with an implementation schedule through 2015. U.S. manufacturers, employers, and employees will be at a disadvantage in the event that our system of hazard communication is not compliant with the GHS.

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

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

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

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

**Timetable:**

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

**Regulatory Flexibility Analysis Required:** No

**Government Levels Affected:** Local; State

**Federalism:** Yes

**Energy Affected:** No

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

RIN: 1218-AC27

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**Title:** Nationally Recognized Testing Laboratories Fee Schedule--Revised Approach

**Abstract:** The Occupational Safety and Health Administration is proposing to adjust the methodology it uses to establish the fees that the Agency charges for the services it provides to Nationally Recognized Testing Laboratories (NRTLs). A number of OSHA standards require that certain products and equipment used in the workplace be tested and certified by an organization that has been recognized by OSHA. OSHA requires NRTL applicants to provide detailed and comprehensive information about their programs, processes, and procedures in writing when they apply. OSHA reviews the written information and conducts an on-site assessment to determine whether the organization meets the requirements of 29 CFR 1910.7. OSHA uses a similar process when an NRTL applies for expansion or renewal of its recognition. In addition, the Agency conducts annual audits to ensure that the recognized laboratories maintain their programs and continue to meet the recognition requirements. In 2000, OSHA began charging NRTLs for the services it provides them. The services are processing of NRTL applications and audits of NRTL operations, and they define the fundamental functions of the NRTL Program. OSHA has determined that its current NRTL fee schedule does not recoup the full costs of the services performed because it does not recover certain indirect costs of those services. These indirect costs stem from attendant activities and accrue to the benefit of those services. OSHA's proposed fee schedule would account for these indirect costs. In determining the revised fee structure, OSHA will follow the guidelines established by the Office of Management and Budget in Circular Number A-25. The proposed schedule will require prepayment of all the fees, which complies with the circular and changes the timing of the payment of many of the fees.



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

RIN: 1218-AC43

 [View Related Documents](#)

Title: Occupational Exposure to Hexavalent Chromium; Final Rule Remand

Abstract: On February 28, 2006, OSHA published a final rule for Occupational Exposure to Hexavalent Chromium (Cr(VI)) (29 CFR 1910.1026, 29 CFR 1915.1026, 29 CFR 1926.1126). Public Citizen Health Research Group (Public Citizen) and other parties petitioned for review of the standard in the United States Court of Appeals for the Third Circuit. The court denied the petitions for review on all but one issue. The Third Circuit remanded the employee notification requirements in the standard's exposure determination provisions for further consideration. More specifically, the court directed the Agency to provide an explanation for its decision to limit employee notice requirements to circumstances in which Cr(VI) exposures exceed the permissible exposure limit (PEL) or to take other appropriate action with respect to that paragraph of the standard. After carefully reviewing the rulemaking record on this issue, OSHA has decided to revise the notification requirements, by means of this direct final rule, to require employers to notify employees of the results of all exposure determinations, regardless of exposure level.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1910.1026(d)(4); 29 CFR 1915.1026(d)(4); 29 CFR 1926.1126(d)(4) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Respond to Remand	09/30/2009	
Direct Final Rule	02/00/2010	
NPRM	02/00/2010	

Additional Information: This regulation was previously report as 1218-AB45. A NPRM was published 10/4/2004 (69 FR 53905), and a final was published 2/28/2006 (71 FR 10100).

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Federalism: No

Energy Affected: No

Related RINs: Previously Reported as 1218-AB45

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

RIN: 1218-AC45

 [View Related Documents](#)

Title: Occupational Injury and Illness Recording and Reporting Requirements

Abstract: The Occupational Safety and Health Administration (OSHA) issued a final rule on Occupational Injury and Illness Recording and Reporting Requirements (66 FR 5916, January 19, 2001), that became effective January 1, 2002. After a regulatory review, the Agency determined that two provisions of the final rule would be delayed and reconsidered; the recording of occupational hearing loss (1904.10) and the recording of work-related musculoskeletal disorders (WMSDs) (1904.12) (66 FR 35113, July 3, 2001). Subsequently, OSHA issued a final 1904.10 regulation setting recording criteria for occupational hearing loss (67 FR 44037, July 1, 2002). Following notice and comment, OSHA published another final rule to remove the WMSD recording provisions from the regulation and remove a separate column for identifying WMSDs from the OSHA 300 Log of Work-Related Injuries and Illness (68 FR 38601, June 30, 2003). OSHA has reconsidered the need for a 300 Log column for WMSD, and for defining "musculoskeletal disorders" for recordkeeping purposes. The Agency believes that additional data on WMSDs may help employers and workers track these injuries at individual workplaces, and that the Nation's occupational injury and illness information may benefit from improved statistics on WMSD. Improved WMSD information might also assist the Agency in its day-to-day activities and overall safety and health policymaking. Therefore, OSHA is developing a proposed rule to add a definition of WMSD to 29 CFR part 1904 and a separate column on the 300 Log to track this class of injury/illness.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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

RIN: 1218-AB50

 [View Related Documents](#)

Title: General Working Conditions for Shipyard Employment

Abstract: During the 1980s, OSHA initiated a project to update and consolidate the various OSHA shipyard standards that were applied in the shipbuilding, ship repair, and shipbreaking industries. Publication of a proposal addressing general working conditions in shipyards is part of this project. The operations addressed in this rulemaking relate to general working conditions such as housekeeping, illumination, sanitation, first aid, and lockout/tagout. About 100,000 workers are potentially exposed to these hazards annually. The proposed rule was published December 20, 2007.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1915, subpart F (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 29 USC 655(b); 33 USC 941

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/20/2007	72 FR 72451
NPRM Comment Period End	03/19/2008	
Public Hearings Held--September 9-10, 2008	06/30/2008	73 FR 36823
Public Hearings Held--October 21-22, 2008	09/19/2008	73 FR 54340
Public Hearing Comment Period End	02/20/2009	
Analyze Record	07/31/2009	
Final Action	09/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AB67

 [View Related Documents](#)

Title: Electric Power Transmission and Distribution; Electrical Protective Equipment

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

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
SBREFA Report	06/30/2003	

NPRM	06/15/2005	70 FR 34821
NPRM Comment Period End	10/13/2005	
Public Hearing To Be Held 03/06/2006	10/12/2005	70 FR 59290
Comment Period Extended to 01/11/2006	10/12/2005	70 FR 59290
Post-Hearing Comment Period End	07/14/2006	
Reopen Record	10/22/2008	73 FR 62942
Comment Period End	11/21/2008	
Close Record	11/21/2008	
Second Reopening Record	09/14/2009	74 FR 46958
Comment Period End	10/15/2009	
Public Hearings	10/28/2009	
Post-Hearing Comment Period End	02/00/2010	
Final Action	09/00/2010	

Regulatory Flexibility Analysis Required: Business Government Levels Affected: Local

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC01

 [View Related Documents](#)

Title: Cranes and Derricks in Construction

Abstract: A number of industry stakeholders asked OSHA to update the cranes and derricks portion of subpart N (29 CFR 1926.550), specifically requesting that negotiated rulemaking be used. In 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee. A year later, in 2003, committee members were announced and the Cranes and Derricks Negotiated Rulemaking Committee was established and held its first meeting. In July 2004, the committee reached consensus on all issues resulting in a final consensus document.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

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

Legal Authority: 29 USC 651(b); 29 USC 655(b); 40 USC 333

Legal Deadline: None

Regulatory Plan:

Statement of Need: There have been considerable technological changes since the consensus standards upon which the 1971 OSHA standard is based were developed. In addition, industry consensus standards for derricks and crawler, truck and locomotive cranes were updated as recently as 2004. The industry indicated that over the past 30 years, considerable changes in both work processes and crane technology have occurred. There are estimated to be 64 to 89 fatalities associated with cranes each year in construction, and a more up-to-date standard would help prevent them.

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

Alternatives: The alternative to the proposed rulemaking would be to take no regulatory action and not update the standards in 29 CFR 1926.550 pertaining to cranes and derricks.

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

Risks: OSHA's risk analysis is under development.

Timetable:

Action	Date	FR Cite
Notice of Intent To Establish Negotiated Rulemaking	07/16/2002	67 FR 46612
Comment Period End	09/16/2002	
Request for Comments on Proposed Committee Members	02/27/2003	68 FR 9036
Request for Comments Period End	03/31/2003	68 FR 9036
Established Negotiated Rulemaking Committee	06/12/2003	68 FR 35172
Rulemaking Negotiations Completed	07/30/2004	
SBREFA Report	10/17/2006	
NPRM	10/09/2008	73 FR 59714
NPRM Comment Period Extended	12/02/2008	73 FR 73197
NPRM Comment Period End	01/22/2009	
Public Hearing	03/20/2009	
Close Record	06/18/2009	
Final Rule	07/00/2010	

Regulatory Flexibility Analysis Required: Business 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-AC09

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Title: Explosives

Abstract: The OSHA regulations for explosives and blasting agents were published in 1974. Two trade associations representing many of the employers subject to this rule have petitioned the Agency to consider revising it, and have recommended changes they believe address the concerns they are raising. OSHA published a proposed rule on April 13, 2007, and ended the comment period on July 17, 2007. The Agency has since decided to withdraw the proposed rule.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1910.109 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/13/2007	72 FR 18791
NPRM Comment Period Extended to September 10, 2007	07/09/2007	72 FR 37155
NPRM Comment Period End	07/17/2007	72 FR 39041
NPRM Comment Period End	07/12/2007	
Withdraw	12/00/2009	

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

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

RIN: 1218-AC25

 [View Related Documents](#)

Title: Procedures for Handling Discrimination Complaints Under Federal Employee Protection Statutes

Abstract: Section 629, the employee protection provision of the Energy Policy Act of 2005, amended the Energy Reorganization Act of 1978, 42 U.S.C. section 5851. The amendments add Department of Energy and Nuclear Regulatory Commission employees to the employees covered under the Act, as are contractors and subcontractors of the Commission. In addition, Congress added a "kick-out" provision allowing the complainant to remove the complaint to District Court if the Secretary of Labor has not issued a final decision within a year of the filing of the complaint. These are significant changes to the ERA, necessitating immediate revision of the regulations, 29 CFR part 24, Procedures for the Handling of Discrimination Complaints under Federal Employee Protection Statutes, which governs whistleblower investigations under the Energy Reorganization Act of 1978 as well as under the six EPA statutes.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 24 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 15 USC 2622; 33 USC 1367; 42 USC 300J-9(i); 42 USC 5851; 42 USC 6971; 42 USC 7622; 42 USC 9610

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	08/10/2007	72 FR 44956
Interim Final Rule Comment Period End	10/09/2007	
Final Action	02/00/2010	

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

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

RIN: 1218-AC36

 [View Related Documents](#)

Title: Procedures for Handling Employee Retaliation Complaints Under the National Transit Systems Security Act of 2007; Surface Transportation Assistance Act of 1982, as Amended; and Federal Rail Safety Act

Abstract: OSHA will implement 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 Rail Safety Act (FRSA), to establish a new whistleblower protection provision to be administered by OSHA that 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 will implement procedures for the handling and investigation of retaliation complaints pursuant to section 1413 of the Implementing Recommendations of the 9/11 Commission Act of 2007. Section 1413, known as the National Transit Systems Security Act (NTSSA), included a new whistleblower protection provision to be administered by OSHA that provides protection from retaliation to employees of public transportation agencies and their contractors and subcontractors who report potential violations or engage in certain activities related to safety and security. OSHA will amend 29 CFR 1978, the procedures applicable to the handling and investigation of whistleblower complaints under the Surface Transportation Assistance Act (STAA), 49 U.S.C. 31105, to implement statutory changes enacted by Congress under section 1536 of the Implementing Recommendations of the 9/11 Commission Act of 2007, and to provide other procedural updates as needed. The statute provides retaliation protection to employees working for commercial motor carriers who report potential violations or engage in certain activities related to safety and security. Pursuant to these statutes, the rules will 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 1978 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	03/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1218-AC39

 [View Related Documents](#)

Title: Abbreviated Portacount® Quantitative Fit-Testing Protocol

Abstract: Appendix A of OSHA's Respiratory Protection Standard (29 CFR 1910.134) specifies the procedure for adding new test protocols to this standard. OSHA proposes to include two additional protocols for the PortaCount® quantitative fit testing methodology in its Respiratory Protection Standard; the proposed protocols would apply to employers in general industry, shipyard employment, and the construction industry. The revised PortaCount® quantitative fit testing protocols are referred to as the Revised PortaCount® Quantitative Fit Test Protocol 1 and Protocol 2. The only difference between the proposed revised

PortaCount® Protocol 1 and the approved PortaCount® protocol is that the revised Protocol 1 requires that the seven test exercises be performed for 30 seconds instead of the 60 seconds per test currently required. The revised Protocol 2 would reduce exercise time to 40 seconds instead of the currently required 60 seconds, eliminate two of the eight fit testing exercises, and would raise the pass/fail criterion from 100 to 200 for half-masks and 500 to 1,000 for full facepieces.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1910.134 (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
NPRM	01/21/2009	74 FR 3526
NPRM Comment Period End	03/23/2009	
Analyze Record	06/30/2009	
Final Action	01/00/2010	

Regulatory Flexibility Analysis Required: No

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-AC47

 [View Related Documents](#)

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

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

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite

Interim Final Rule

06/00/2010

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

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

RIN: 1218-AB89

 [View Related Documents](#)

Title: Hearing Conservation Program for Construction Workers

Abstract: OSHA issued a section 6(b)(5) health standard mandating a comprehensive hearing conservation program for noise-exposed workers in general industry in 1983. However, no rule was promulgated to cover workers in the construction industry. A number of recent studies have shown that many construction workers experience work-related hearing loss. In addition, the use of engineering, administrative, and personal protective equipment to reduce exposures to noise is not extensive in this industry. OSHA published an advance notice of proposed rulemaking to gather information on the extent of noise-induced hearing loss among workers in different trades in this industry, current practices to reduce this loss, and additional approaches and protections that could be used to prevent such loss in the future. Work continues on collecting and analyzing information to determine technological and economic feasibility of possible approaches.

Priority: Economically Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: Undetermined

CFR Citation: 29 CFR 1926.52 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
ANPRM	08/05/2002	67 FR 50610
ANPRM Comment Period End	11/04/2002	
Stakeholder Meetings	03/24/2004	
Additional Stakeholder Meeting	07/21/2004	

Regulatory Flexibility Analysis  
 Required: Undetermined

Government Levels Affected: Local; State

Federalism: No

Energy Affected: No

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

RIN: 1218-AC22

 [View Related Documents](#)

Title: Revision and Update of Standards for Power Presses

Abstract: The Occupational Safety and Health Administration's (OSHA) mechanical power press standard (29 CFR 1910.217) protects employees from injuries that result from working with or around mechanical power presses through the use of machine guards (prevents hands in danger zone) and through limitations on initiation of a press cycle (either two-hand or foot-operated). A presence-sensing device (PSD), typically a light curtain, initiates a press cycle only when the system indicates that no objects, such as a hand, are within the hazard zone. OSHA adopted the use of presence-sensing device initiation (PSDI) on mechanical power presses believing that the provision would substantially protect workers and improve productivity. However, OSHA requires PSDI systems to be validated by an OSHA-certified third party, and no organization has agreed to validate PSDI installations. OSHA performed a look-back review of PSDI and determined that the current ANSI standard permits PSDI without independent validation but includes other provisions to maintain PSDI safety. Based on the look-back review of PSDI (69 FR 31927), OSHA is planning to revise and update the standard on power presses, which currently covers only mechanical power presses. OSHA is currently planning to base the revision of the Mechanical Power Presses standard on the most recent version of the American National Standards Institute standard on Mechanical Power Presses, ANSI B11.1. Further, OSHA is considering expanding the standard to cover other presses such as hydraulic and pneumatic power presses and to include the latest guarding techniques. This revision will provide the first major update of the Mechanical Power Presses Standard since it was originally published in 1971.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1910.217 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
ANPRM	06/04/2007	72 FR 30729
ANPRM Comment Period End	08/03/2007	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: 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-AC08

 [View Related Documents](#)

Title: Updating OSHA Standards Based on National Consensus Standards

Abstract: Under section 6(a) of the OSH Act, during the first two years of the Act, the Agency was directed to adopt national consensus standards as OSHA standards. Some of these standards were adopted as regulatory text, while others were

incorporated by reference. In the more than 30 years since these standards were adopted by OSHA, the organizations responsible for these consensus standards have issued updated versions of these standards. However, in most cases, OSHA has not revised its regulations to reflect later editions of the consensus standards. OSHA standards also continue to incorporate by reference various consensus standards that are now outdated and, in some cases, out of print. The Agency is undertaking a multi-year project to update these standards. A notice describing the project was published in the Federal Register on November 24, 2004 (69 FR 68283). The first final rule was published on September 13, 2005. Several additional sets of standards are in preparation. An NPRM on Personal Protective (PPE) consensus standards was published on August 31, 2007, with a hearing on December 4, 2007. A direct final rule (DFR) on Miscellaneous Changes and Welding Definitions was published on December 14, 2007. In the next phase of the project, OSHA intends to publish a DFR to update consensus standards referenced for acetylene, and issue a final rule on the PPE consensus standards.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	11/24/2004	69 FR 68706
Direct Final Rule	11/24/2004	69 FR 68712
NPRM Comment Period End	12/27/2004	69 FR 68706
Withdraw Direct Final Rule	02/18/2005	70 FR 8290
Direct Final Rule Effective Date	02/22/2005	
Final Rule	09/13/2005	70 FR 53925
Final Rule Effective	11/14/2005	
NPRM	05/17/2007	72 FR 27771
NPRM Comment Period End	06/16/2007	
Public Hearing PPE Held--December 4, 2007	08/31/2007	72 FR 50302
NPRM (Acetylene)	08/11/2009	74 FR 40450
Direct Final Rule (Acetylene)	08/11/2009	74 FR 40442
Final Rule (PPE)	09/09/2009	74 FR 46350
NPRM Comment Period End (Acetylene)	09/10/2009	74 FR 40450
Final Rule Effective (PPE)	10/09/2009	74 FR 46350
Direct Final Rule Effective (Acetylene)	11/09/2009	

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-AC29

 [View Related Documents](#)

Title: Abbreviated Bitrix Qualitative Fit-Testing Protocol

Abstract: The Occupational Safety and Health Administration (OSHA) published the revised standard for respiratory protection on January 8, 1998. Appendix A of this standard currently lists four challenge agents permitted for use in qualitative fit

testing protocols; these include isoamyl acetate, saccharin aerosol solution, irritant smoke, and Bitrix (denatonium benzoate). The standard also includes procedures that allow parties to submit new fit testing protocols for notice-and-comment rulemaking under section 6(b)(7) of the Occupational Safety and Health Act. OSHA has been requested to consider adding a new fit testing protocol that modifies the existing Bitrix protocol, and is undergoing rulemaking to seek public comment and determine whether to amend the fit testing provisions of the standard to include the proposed protocol. The NPRM was published on December 26, 2007. OSHA withdraw the proposed rule on June 25, 2009 (74 FR 30250).

Priority: Other Significant  
 Major: No  
 CFR Citation: 29 CFR 1910.134 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
 Legal Authority: 29 USC 655(b); 29 USC 657  
 Legal Deadline: None

Agenda Stage of Rulemaking: Completed Action  
 Unfunded Mandates: No

## Timetable:

Action	Date	FR Cite
NPRM	12/26/2007	72 FR 72971
NPRM Comment Period End	02/25/2008	
Withdrawal of NPRM	06/25/2009	74 FR 30250

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

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

RIN: 1218-AC44

 [View Related Documents](#)

Title: Illinois State Plan for Public Employees Only--Initial State Plan Approval

Abstract: OSHA will propose to grant initial State Plan approval, under section 18 of the Occupational Safety and Health Act and 29 CFR 1956, to the Illinois State Plan for Public Employees Only as submitted by the Illinois Department of Labor. The plan proposes to establish a program for the adoption and enforcement of standards applicable only to the employees of the State of Illinois and its political subdivisions (local government employees) within a 3-year developmental period, which will be at least as effective as Federal OSHA's private sector protection program. Written public comment has been sought on whether initial State plan approval should be granted and an opportunity to interested persons to request an informal public hearing, prior to final action granting initial approval of a developmental State Plan. Initial approval of the Illinois Public Employee Only State plan is based upon a determination that the plan meets, or will meet within three years, OSHA's initial plan approval criteria and the availability of Federal (50%) and State (50%) matching funds.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1956 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 26 USC 667

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	07/10/2009	74 FR 33189
NPRM Comment Period End	08/10/2009	

Final Action Effective	09/01/2009	74 FR 45107
Final Action	09/01/2009	74 FR 45107

Regulatory Flexibility Analysis Required: No      Government Levels Affected: Local; State  
Federalism: No

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

RIN: 1219-AB48

 [View Related Documents](#)

Title: Coal Mine Respirable Dust; Continuous Personal Dust Monitor (CPDMs)

Abstract: On June 24, 2003, MSHA announced that all work on its Plan Verification and Single-Sample Respirable Coal Mine Dust final rules would cease and the rulemaking record would remain open in order to obtain information concerning Continuous Personal Dust Monitors (CPDMs) being tested by NIOSH. A Federal Register notice was published on July 3, 2003, extending the comment periods indefinitely. NIOSH issued a report on the CPDM in September 2006, and another report concerning test results in June 2007. MSHA will solicit public input on potential applications of this new monitoring technology in coal mines.

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

Timetable:

Action	Date	FR Cite
Request for Information	10/14/2009	74 FR 52708
Request for Information Comment Period End	12/14/2009	

Regulatory Flexibility Analysis Required: No      Government Levels Affected: No  
Small Entities Affected: Business      Federalism: No  
Energy Affected: No  
RIN Information URL: [www.msha.gov/regsinfo.htm](http://www.msha.gov/regsinfo.htm)      Public Comment URL: [www.regulations.gov](http://www.regulations.gov)  
Related RINs: Related to 1219-AB14; Related to 1219-AB18  
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Department of Labor (DOL)  
 Mine Safety and Health Administration ( MSHA )

RIN: 1219-AB65

 [View Related Documents](#)

Title: Proximity Detection Systems for Underground Mines

Abstract: The request for information would seek information relative to the use of a proximity detection system to address crushing and pinning hazards associated with the operation of machinery underground. Currently there are no existing 30 CFR regulations that mandate the use of a proximity detection system to address crushing and pinning hazards underground.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: Undetermined

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

Legal Authority: 30 USC 811

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Request for Information	01/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

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

RIN: 1219-AB70

 [View Related Documents](#)

Title: Metal and Nonmetal Impoundments

Abstract: Water, sediment, and slurry impoundments for metal and nonmetal mining and milling operations are located throughout the country. Some of these impoundments would impact homes, well-traveled roads, and other important infrastructure if they were to fail. Impoundment failures could endanger lives and cause property damage. MSHA will issue an advance notice of proposed rulemaking to solicit information relative to proper design, construction, operation, maintenance, and other safety issues for impoundments at metal and nonmetal mines whose failure could cause loss of life or significant property damage.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 30 CFR 56; 30 CFR 57 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 30 USC 811; 30 USC 812

Legal Deadline: None

Regulatory Plan:

Statement of Need: Mining operations regularly find it necessary to construct dams to dispose of large volumes of mine waste (tailings or slurry) from processing operations, or to provide water supply, sediment control, or water treatment. Impoundments are structures that are used to impound water, sediment, or slurry or any combination of materials. Dams that form impoundments must be designed to be stable under the various conditions they will be subjected to, including runoff from rainfall, seepage, and possibly earthquake shaking. The failure of these structures can have a devastating effect on both the

mine and nearby communities. Every two years since 1980, a report has been prepared by the Federal Emergency Management Agency (FEMA) and sent to Congress on the status of dam safety in the U.S. These reports are required by a 1979 Presidential Memorandum which directed the Federal agencies responsible for dams to adopt and implement the Federal Guidelines for Dam Safety. MSHA has been criticized in these biennial reports for its lack of regulation of metal and nonmetal dams. MSHA's Metal and Nonmetal standards do not provide sufficient guidance to determine what is needed to effectively design and construct dams with high or significant hazard potential. The Metal and Nonmetal standards need to more effectively address requirements for dam design, construction, operation and maintenance.

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

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

**Costs and Benefits:** MSHA will develop a preliminary regulatory economic analysis to accompany any proposed rule that may be developed.

**Risks:** The failure of impoundments can have a devastating affect on both the mine and nearby communities by causing loss of life and property damage.

**Timetable:**

Action	Date	FR Cite
ANPRM	06/00/2010	

**Regulatory Flexibility Analysis**

Required: Undetermined

Small Entities Affected: Business

Energy Affected: No

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Government Levels Affected: No

Federalism: No

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

RIN: 1219-AB36

 [View Related Documents](#)

**Title:** Respirable Crystalline Silica Standard

**Abstract:** Current standards limit exposures to quartz (crystalline silica) in respirable dust. The coal mining industry standard is based on the formula 10mg/m<sup>3</sup> divided by the percentage of quartz where the quartz percent is greater than 5.0 percent calculated as an MRE equivalent concentration. 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/m<sup>3</sup> 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. Both formulas are designed to limit exposures to 0.1 mg/m<sup>3</sup> (100ug) of silica. The Secretary of Labor's Advisory Committee on the Elimination of Pneumoconiosis Among Coal Mine Workers made several recommendations related to reducing exposure to silica. NIOSH recommends a 50 ug/m<sup>3</sup> exposure limit for respirable crystalline silica, and ACGIH recommends a 25 ug/m<sup>3</sup> exposure limit. MSHA will publish a proposed rule to address miners' exposure to respirable crystalline silica.

**Priority:** Other Significant

**Major:** No

**CFR Citation:** 30 CFR 56 to 57; 30 CFR 70 to 72; 30 CFR 90 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

**Legal Authority:** 30 USC 811; 30 USC 813

**Agenda Stage of Rulemaking:** Proposed Rule

**Unfunded Mandates:** No

Legal Deadline: None

Regulatory Plan:

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

Legal Basis: Promulgation of this standard is authorized by sections 101 and 103 of the Federal Mine Safety and Health Act of 1977.

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

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

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

Timetable:

Action	Date	FR Cite
NPRM	04/00/2011	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Local; State

Small Entities Affected: Business; Governmental Jurisdictions

Federalism: No

Energy Affected: Undetermined

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

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

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Department of Labor (DOL)

Mine Safety and Health Administration (MSHA)

RIN: 1219-AB37

 [View Related Documents](#)

Title: Revising Electrical Product Approval Regulations

Abstract: 30 CFR part 18 (Electric Motor-Driven Mine Equipment and Accessories) describes the approval requirements for electrically operated machines and accessories intended for use in underground gassy mines, and for related matters, such as approval procedures, certification of components, and acceptance of flame-resistant hoses and conveyor belts. Aside from minor modifications, part 18 has been largely unchanged since it was promulgated in 1968. MSHA is proposing revisions to improve the efficiency of the approval process, recognize new technology, add quality assurance provisions, address existing policies through the rulemaking process, and reorganize portions of the approval regulations. MSHA will be addressing the requirements in this NPRM in phases. The first phase, Flame-Resistance Testing of Mining Materials, was completed with the final rule published on December 31, 2008 (73 FR 80580). The second phase will be Intrinsic Safety Requirements. This action will be published second because the MINER Act requires underground coal mine operators to submit an Emergency Response Plan (ERP) that sets forth a means of providing post-accident communication and electronic tracking by June 15, 2009.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 7; 30 CFR 17 to 18; 30 CFR 22 to 23; 30 CFR 27 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 30 USC 957

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM (Phase 1)	06/19/2008	73 FR 35026
NPRM Comment Period End	09/08/2008	
Final Action--Phase 1	12/31/2008	73 FR 80580
NPRM--Phase 2 Intrinsic Safety Requirements	09/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: Undetermined

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

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Department of Labor (DOL)

Mine Safety and Health Administration ( MSHA )

RIN: 1219-AB64

 [View Related Documents](#)

Title: Occupational Exposure to Coal Mine Dust (Lowering Exposure)

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 (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. MSHA will publish a proposed rule to address miners' exposure to respirable coal mine dust.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: Undetermined

CFR Citation: 30 CFR 70; 30 CFR 71; 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 812

Legal Deadline: None

Regulatory Plan:

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

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

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

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

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

Timetable:

Action	Date	FR Cite
NPRM	09/00/2010	

Additional Information: 1219-AB14 (Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust) and 1219-AB18 (Determination of Concentration of Respirable Coal Mine Dust) have been integrated.

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

Related RINs: Related to 1219-AA81; Related to 1219-AB14; Related to 1219-AB18

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Department of Labor (DOL)

Mine Safety and Health Administration (MSHA)

RIN: 1219-AB34

 [View Related Documents](#)

Title: High-Voltage Continuous Mining Machine Standard for Underground Coal Mines

Abstract: MSHA's July 16, 2004, NPRM (69 FR 42812) proposed to establish design requirements for approval of high-voltage continuous mining machines operating where miners work in underground mines. The rule also proposed to establish new mandatory electrical safety standards for the installation, use, and maintenance of the high-voltage continuous mining machines used in underground coal mines. MSHA published a supplemental NPRM on March 28, 2006 (71 FR 15359). The supplemental NPRM proposed and requested comments on two issues arising from oral and written comments that MSHA received during the hearing and post-hearing comment period on the NPRM. These issues involved: (1) The types of trailing cables that can be used with high-voltage continuous mining machines; and (2) a requirement to use high-voltage insulating gloves or other personal protective equipment when handling energized high-voltage trailing cables. MSHA regularly receives petitions for modifications from coal mine operators seeking permission to use high-voltage continuous mining machines. MSHA believes that, with appropriate safeguards, such machines are safe for use and routinely grants these petitions.

Priority: Other Significant  
 Major: No  
 CFR Citation: 30 CFR 18; 30 CFR 75 (To search for a specific CFR, visit the [Code of Federal Regulations](#))  
 Legal Authority: 30 USC 811; 30 USC 957; 30 USC 961  
 Legal Deadline: None

Agenda Stage of Rulemaking: Final Rule  
 Unfunded Mandates: No

## Timetable:

Action	Date	FR Cite
NPRM	07/16/2004	69 FR 42812
NPRM Comment Period End	08/23/2004	
Second NPRM	03/28/2006	71 FR 15359
Second NPRM Comment Period End	05/30/2006	
Final Action	04/00/2010	

Regulatory Flexibility Analysis Required: No  
 Federalism: No  
 Energy Affected: No  
 RIN Information URL: [www.msha.gov/regsinfo.htm](http://www.msha.gov/regsinfo.htm)  
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Government Levels Affected: No

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

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

RIN: 1219-AB61

 [View Related Documents](#)

Title: Coal Mine Dust Personal Monitors

Abstract: Existing 30 CFR part 74, specifies requirements for approval of coal mine dust personal sampler units designed to determine the concentrations of respirable coal dust in coal mine atmospheres; procedures for applying for such approval; tests procedures; and labeling. This rulemaking established new requirements that both the National Institute for Occupational Safety and Health (NIOSH) and Mine Safety and Health Administration (MSHA) would use to approve coal mine dust personal samplers. The requirements would permit the approval of a new type of device, the "continuous personal dust monitor." It would also update design specifications for the coal mine dust personal sampler units to include improvements made to this device in the past 15 years. This rulemaking does not address the requirements in 30 CFR parts 70, 71, and 90 on the use of dust samplers.

Priority: Other Significant  
 Major: No  
 CFR Citation: 30 CFR 74 (To search for a specific CFR, visit the [Code of Federal Regulations](#))  
 Legal Authority: 30 USC 957; 30 USC 961  
 Legal Deadline: None

Agenda Stage of Rulemaking: Final Rule  
 Unfunded Mandates: No

## Timetable:

Action	Date	FR Cite
NPRM	01/16/2009	74 FR 2915
NPRM Comment Period End	03/17/2009	
Notice of Hearing; Reopening of Comment Period	06/09/2009	74 FR 27263
NPRM Comment Period Extended	08/14/2009	
Final Action	04/00/2010	

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

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

RIN: 1219-AB63

 [View Related Documents](#)

Title: Criteria and Procedures for Proposed Assessment of Civil Penalties/Recordkeeping and Reporting: Immediate Notification

Abstract: Consistent with MINER Act, MSHA's civil penalty regulations require a specified penalty for failure to report certain types of accidents. Under the existing regulations, MSHA must review all violations of 50.10 and 100.5(f) for special assessment. MSHA will publish a final rule to make nonsubstantive organizational changes to improve the efficiency and effectiveness of the Agency's procedures for processing civil penalties.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 100; 30 CFR 50 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	01/00/2010	

Regulatory Flexibility Analysis Required: No  
 Small Entities Affected: Business  
 Energy Affected: No  
 Agency Contact: Patricia W. Silvey  
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Government Levels Affected: No  
 Federalism: No

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

RIN: 1219-AB60

 [View Related Documents](#)

Title: Smoke Density and Toxicity

Abstract: MSHA will gather information on the criteria for testing density and toxicity of smoke from burning conveyor belts or

similar materials.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

Legal Authority: Section 101 of the Federal Mine Safety and Health Act (PL 95-164)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Next Action Undetermined		
Request for Information	06/19/2008	73 FR 35057
Comment Period End	08/18/2008	
Comment Period Extended to 9/8/2008	08/21/2008	73 FR 49373

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Mine Safety and Health Administration (MSHA)

RIN: 1219-AB67

 [View Related Documents](#)

Title: Notification of Legal Identity

Abstract: Currently required information does 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 new regulation would expand the information required to be submitted to MSHA and allow the Agency to better target the most egregious and persistent violators and more effectively deter future violations by imposing penalties and other remedies on those violators.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 30 USC 811

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2011	

Regulatory Flexibility Analysis  
Required: Undetermined

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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

RIN: 1219-AB14

 [View Related Documents](#)

Title: Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust  
 Abstract: MSHA's current standards require that all underground coal mine operators develop and follow a mine ventilation plan for each mechanized mining unit that we approve. However, we do not have a requirement that provides for verification of each plan's effectiveness under typical mining conditions. Consequently, plans may be implemented by mine operators that could be inadequate to control respirable dust. In response to comments received on the July 2000 proposed rule for MSHA to withdraw the rule, MSHA published a new proposed rule on March 6, 2003. The proposed rule would have required mine operators to verify, through sampling, the effectiveness of the dust control parameters for each mechanized mining unit specified in the approved mine ventilation plan. The use of approved powered air-purifying respirators and/or verifiable administrative controls would have been allowed as a supplemental means of compliance when MSHA had determined that all feasible engineering or environmental controls were exhausted. Public hearings were held in May 2003, and the comment period, originally scheduled to close on June 4, 2003, was extended until July 3, 2003. On June 24, 2003, MSHA announced that all work on the final rule would cease and the rulemaking record would remain open in order to obtain information concerning Continuous Personal Dust Monitors being tested by NIOSH. A Federal Register notice was published on July 3, 2003, extending the comment period indefinitely. NIOSH issued a report on the continuous personal dust monitor in September 2006 and another report concerning test results in June of 2007. MSHA plans to incorporate aspects of this rulemaking into the rulemaking on occupational exposure to coal mine dust (Lowering Exposure).

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 70; 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; 30 USC 961; 30 USC 957

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice of Hearings; Close of Record	07/07/2000	65 FR 42186
NPRM	07/07/2000	65 FR 42122
Close of Record	08/11/2000	
Extension of Comment Period; Close of Record	08/11/2000	65 FR 49215
NPRM	03/06/2003	68 FR 10784
Notice of Public Hearing; Close of Record	03/17/2003	68 FR 12641
Extension of Comment Period	05/29/2003	68 FR 32005
NPRM Comment Period End	06/04/2003	
Extension of Comment Period	07/03/2003	68 FR 39881
Incorporated Into 1219-AB64	08/11/2009	

Additional Information: This rulemaking is related to RIN 1219-AB18 (Determination of Concentration of Respirable Coal Mine Dust) and RIN 1219-AB48 (Continuous Personal Dust Monitors), and RIN 1219-AB64 (Occupational Exposure to Coal Mine Dust Lowering Exposure).

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.MSHA.gov/regsinfo.htm](http://www.MSHA.gov/regsinfo.htm)  
[www.regulations.gov](http://www.regulations.gov)

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

Related RINs: Related to 1219-AB18; Related to 1219-AB48

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

RIN: 1219-AB18

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Title: Determination of Concentration of Respirable Coal Mine Dust

Abstract: The National Institute for Occupational Safety and Health (NIOSH) and the Mine Safety and Health Administration (MSHA) jointly proposed that a single, full-shift measurement (single sample) would accurately represent the atmospheric condition to which a miner is exposed. The proposed rule addresses the U.S. Court of Appeals' concerns raised in *National Mining Association v. Secretary of Labor*, 153 F.3d 1264 (11th Cir. 1998). MSHA and NIOSH reopened the rulemaking record on March 6, 2003, to obtain comments on documents added to the rulemaking record since the proposed rule was published July 7, 2000. MSHA held hearings in May 2003 and the comment period, originally scheduled to close on June 4, 2003, was extended until July 3, 2003. However, on June 24, 2003, MSHA announced that all work on the final rule would cease. On August 12, 2003, the Agencies reopened the rulemaking record and extended the comment period indefinitely. MSHA collaborated with NIOSH, miners' representatives, industry, and the manufacturer to test the production prototype Continuous Personal Dust Monitor (CPDM) unit. NIOSH issued a report on the CPDM in September 2006 and another report concerning test results in June 8, 2007. MSHA plans to incorporate aspects of this rulemaking into the rulemaking on Occupational Exposure to Coal Mine Dust (Lowering Exposure Limit).

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 72 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 30 USC 811

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice of Hearings; Close of Record	07/07/2000	65 FR 42185
NPRM	07/07/2000	65 FR 42068
Extension of Comment Period	08/11/2000	65 FR 49215
Reopen Record for Comments	03/06/2003	68 FR 10940
Notice of Public Hearings; Close of Record	03/17/2003	68 FR 12641
Reopening of Record; Correction	04/01/2003	68 FR 15691
Extension of Comment Period	05/29/2003	68 FR 32005
Reopen Record Comment Period End	06/04/2003	
Extension of Comment Period; Reopening of Record	08/12/2003	68 FR 47886
Incorporated Into 1219-AB64	08/11/2009	

Additional Information: This rulemaking is related to RIN 1219-AB14 (Verification of Underground Coal Mine Operators' Dust Control Plans and Compliance Sampling for Respirable Dust), RIN 1219-AB48 (Continuous Personal Dust Monitor), and RIN 1219-AB64 (Occupational Exposure to Coal Mine Dust) (Lowering Exposure).

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

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

Related RINs: Related to 1219-AB14; Related to 1219-AB48

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

RIN: 1219-AB39

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Title: Field Modifications of Permissible Mobile Diesel-Powered Equipment

Abstract: The agency does not anticipate doing further work on this rule at this time.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 36 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 30 USC 957

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	07/27/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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

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

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

RIN: 1219-AB41

 [View Related Documents](#)

Title: Use of or Impairment From Alcohol and Other Drugs on Mine Property

Abstract: MSHA published a proposed rule to address the risks and hazards to miner safety from the use of or impairment from alcohol and drugs on mine property. At this time MSHA is withdrawing action on this rulemaking. Reason for Withdrawal: Due to comments, and limited data on the effects of alcohol and drug use related to mine accidents, MSHA is withdrawing the

proposed rule. Many commenters raised concerns that the proposed rule would negatively impact existing alcohol and drug programs at mining operations, thereby possibly resulting in a diminution of safety. Although MSHA is withdrawing the proposed rule, the Agency will continue to enforce the existing metal and nonmetal standard. In addition, MSHA will collect data to determine the extent to which the use of alcohol or drugs contributes to mine accidents, and will continue to consider options available to the Agency to address alcohol and drugs at all mines.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

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

Legal Authority: Not Yet Determined

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	10/04/2005	70 FR 57808
ANPRM Comment Period End	11/27/2005	
NPRM	09/08/2008	73 FR 52135
Notice of Public Hearing To Be Held--October 14, 2008	09/26/2008	73 FR 55800
NPRM Comment Period End	10/08/2008	
Extension of Comment Period End--November 10, 2008	10/23/2008	73 FR 63110
Notice of Public Hearing To Be Held--October 28, 2008	10/23/2008	73 FR 63110
Withdrawn	11/09/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Local

Small Entities Affected: Business; Governmental Jurisdictions

Federalism: No

Energy Affected: No

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

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

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Department of Labor (DOL)

Mine Safety and Health Administration (MSHA)

RIN: 1219-AB43

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Title: Equivalency Evaluation of the U.S. Environmental Protection Agency's Non-Road Diesel Engine Standards

Abstract: The agency does not anticipate doing further work on this rule at this time.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 7 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 30 USC 957

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Notice of Intent to Review the U.S. Environmental Protection Agency Title	03/28/2006	71 FR 15358
End of Comment Period	05/30/2006	

Withdrawn	07/27/2009	
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Regulatory Flexibility Analysis Required: No  
 Federalism: No  
 Energy Affected: No  
 RIN Information URL: [www.msha.gov/regsinfo.htm](http://www.msha.gov/regsinfo.htm)  
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Government Levels Affected: No  
 Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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

RIN: 1219-AB62

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Title: Explosives and Blasting  
 Abstract: MSHA is reviewing the existing coal and metal and nonmetal standards for explosives and blasting in view of advances in technology and for consistency. The next action will be an advance notice of proposed rulemaking.

Priority: Substantive, Nonsignificant  
 Major: No  
 CFR Citation: 30 CFR 56; 30 CFR 57; 30 CFR 75; 30 CFR 77 (To search for a specific CFR, visit the [Code of Federal Regulations](#))  
 Legal Authority: 30 USC 811  
 Legal Deadline: None

Agenda Stage of Rulemaking: Completed Action  
 Unfunded Mandates: No

Timetable:

Action	Date	FR Cite
Withdrawn	09/03/2009	

Regulatory Flexibility Analysis  
 Required: Undetermined  
 Federalism: Undetermined  
 Energy Affected: Undetermined  
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Government Levels Affected: Undetermined

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

RIN: 1219-AB66

 [View Related Documents](#)

Title: Mine Rescue Teams

Abstract: The United States Court of Appeals for the District of Columbia Circuit invalidated a portion of MSHA's Mine Rescue Teams final rule, applicable to underground coal mines. The Court's ruling requires state employees on state-sponsored mine rescue teams to train at small mines semi-annually instead of annually and to participate in two mine rescue contests annually instead of one. In addition, mine-site teams at small mines will have to train semi-annually instead of annually. MSHA published a final rule to conform the existing rule to the Court's decision on June 17, 2009 (74 FR 28606).

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 49 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 30 USC 957; 30 USC 811; 30 USC 825

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action	06/17/2009	74 FR 28606
Final Action Effective	06/17/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: Business

Federalism: No

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

RIN: 1290-AA23

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Title: Requirements for DOL Agencies' Assessment of Occupational Health Risks

Abstract: The Department of Labor is proposing requirements for its Agencies to follow when preparing risk assessments in conjunction with the development of health standards governing occupational exposure to toxic substances and hazardous chemicals. The proposed rule requires DOL agencies to follow a consistent, reliable, and transparent set of procedures when conducting risk assessments, outlines the components that should be included in a risk assessment, and provides for improved public access to rulemaking information.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 5 USC 301

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/29/2008	73 FR 50909
NPRM Comment Period End	09/29/2008	
Withdrawn	08/31/2009	74 FR 44795

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No  
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Department of Labor (DOL)  
 Office of the Assistant Secretary for Veterans' Employment and Training ( ASVET ) RIN: 1293-AA17

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Title: Revised Funding Formula for Jobs for Veterans State Grants  
 Abstract: Amend regulations at 20 CFR part 1001 which established a funding formula for the Jobs for Veterans State Grants, and establish a cap on administrative costs that may be charged to the grants.

Priority: Substantive, Nonsignificant Agenda Stage of Rulemaking: PreRule  
 Major: No Unfunded Mandates: No  
 CFR Citation: 20 CFR 1001 (To search for a specific CFR, visit the [Code of Federal Regulations.](#))  
 Legal Authority: 38 USC 4102(c)(2)(B)(i)  
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	04/00/2010	
ANPRM Comment Period End	06/00/2010	

Regulatory Flexibility Analysis Required: No Government Levels Affected: State  
 Small Entities Affected: No Federalism: No  
 Energy Affected: No  
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Department of Labor (DOL)  
 Office of the Assistant Secretary for Veterans' Employment and Training ( ASVET ) RIN: 1293-AA18

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Title: Establishment of a Uniform National Threshold Entered Employment Rate Under the Jobs for Veterans State Grants  
 Abstract: Rule will establish a uniform national threshold entered employment rate for veterans under the Jobs for Veterans State Grants, as required by 38 U.S.C. 4102(c)(3)(B).

Priority: Substantive, Nonsignificant Agenda Stage of Rulemaking: Proposed Rule  
 Major: No Unfunded Mandates: No  
 CFR Citation: None (To search for a specific CFR, visit the [Code of Federal Regulations.](#))  
 Legal Authority: 38 USC 4102(c)(3)(B)  
 Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	04/00/2010	
NPRM Comment Period End	06/00/2010	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

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