

**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:** This document sets forth the Department's semiannual agenda of regulations that have been selected for review or development during the coming year. The Department's agencies have carefully assessed their available resources and what they can accomplish in the next 12 months and have adjusted their agendas accordingly.

The agenda complies with the requirements of both Executive Order 12866 and the Regulatory Flexibility Act. The agenda lists all regulations that are expected to be under review or development between October 2008 and October 2009, as well as those completed during the past 6 months.

**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 and the Regulatory Flexibility Act require the semiannual publication in the **Federal Register** of an agenda of regulations. As permitted by law, the Department of Labor is combining the publication of its agendas under the Regulatory Flexibility Act and Executive Order 12866.

Executive Order 12866 became effective September 30, 1993, and, in substance, requires the Department of Labor to publish an agenda listing all the regulations it expects to have under active consideration for promulgation, proposal, or review during the coming 1-year period. The focus of all departmental regulatory activity will be on the development of effective rules that advance the Department's goals and that are understandable and usable to the employers and employees in all affected workplaces.

In addition, beginning with the fall 2007 edition, the Internet will be the basic means for disseminating the Unified Agenda. The complete Unified Agenda will be available online at [www.reginfo.gov](http://www.reginfo.gov), in a format that offers users a greatly enhanced ability to obtain information from the Agenda database.

The Regulatory Flexibility Act, which became effective on January 1, 1981, requires the Department of Labor to publish an agenda, listing all the regulations it expects to propose or promulgate that are likely to have a "significant economic impact on a substantial number of small entities" (5 U.S.C. 602).

The Regulatory Flexibility Act (under section 610) also requires agencies to periodically review rules "which have or will have a significant economic impact upon a substantial number of small entities" and to

annually publish a list of the rules that will be reviewed during the succeeding 12 months. The purpose of the review is to determine whether the rule should be continued without change, amended, or rescinded.

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)

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

For this edition of the Department of Labor's regulatory agenda, the most important significant regulatory actions and a Statement of Regulatory Priorities are included in The Regulatory Plan, which appears in both the online Unified Agenda and in part II of the **Federal Register** that includes the Unified Agenda.

**NAME: Elaine L. Chao,**  
*Secretary of Labor.*

## The 96 Regulatory Agendas

## Employment and Training Administration - Proposed Rule

Title	Regulation Identifier Number
Senior Community Service Employment Program	<a href="#">1205-AB48</a>
YouthBuild Program	<a href="#">1205-AB49</a>
Federal-State Unemployment Compensation Program; Funding Goals for Interest-Free Advances	<a href="#">1205-AB53</a>

## Employment and Training Administration - Final Rule

Title	Regulation Identifier Number
Senior Community Service Employment Program; Performance Accountability	<a href="#">1205-AB47</a>
Attestations by Facilities Temporarily Employing H-1C Nonimmigrant Aliens as Registered Nurses	<a href="#">1205-AB52</a>
Labor Certification for the Temporary Employment of H-2B Aliens in the United States	<a href="#">1205-AB54</a>
Modernizing the Labor Certification Process and Enforcement for Temporary Agricultural Employment of H-2A Aliens in the United States	<a href="#">1205-AB55</a>

## Employment and Training Administration - Long-term 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>
Revision of the Department of Labor Regulations for Petitions and Determinations of Eligibility To Apply for Trade Adjustment Assistance for Workers	<a href="#">1205-AB44</a>
Workforce Investment Act Amendments	<a href="#">1205-AB46</a>

## Employment and Training Administration - Completed Action

Title	Regulation Identifier Number
Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations	<a href="#">1205-AB50</a>
Federal-State Unemployment Compensation Program; Interstate Arrangement for Combining Employment and Wages	<a href="#">1205-AB51</a>

## Employee Benefits Security Administration - PreRule

Title	Regulation Identifier Number
Plan Assets-Participant Contributions Regulation	<a href="#">1210-AB11</a>
Genetic Information Nondiscrimination	<a href="#">1210-AB27</a>

## Employee Benefits Security Administration - Proposed Rule

Title	Regulation Identifier Number
Periodic Pension Benefit Statements	<a href="#">1210-AB20</a>

Proposed Amendments to Rules Relating To Use of Electronic Communication by Employee Pension and Welfare Benefit Plans	<a href="#">1210-AB25</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>
Annual Funding Notice for Defined Benefit Plans	<a href="#">1210-AB18</a>
Multiemployer Plan Information Made Available on Request	<a href="#">1210-AB21</a>
Civil Penalties Under ERISA Section 502(c)(4)	<a href="#">1210-AB24</a>
Model Notice of Critical Status for Multiemployer Plans	<a href="#">1210-AB26</a>

## Employee Benefits Security Administration - Long-term Action

Title	Regulation Identifier Number
Adequate Consideration	<a href="#">1210-AA15</a>

## Employee Benefits Security Administration - Completed Action

Title	Regulation Identifier Number
Health Care Standards for Mothers and Newborns	<a href="#">1210-AA63</a>
Amendments to Safe Harbor for Distributions From Terminated Individual Account Plans and Termination of Abandoned Individual Account Plans To Require Inherited IRAs for Missing NonSpouse Beneficiaries	<a href="#">1210-AB16</a>
Statutory Exemption for Cross-Trading of Securities	<a href="#">1210-AB17</a>
Selection of Annuity Provider for Individual Account Plans	<a href="#">1210-AB19</a>
Amendment to Interpretive Bulletin 95-1	<a href="#">1210-AB22</a>
Interpretive Bulletin Relating to the Exercise of Shareholder Rights and Written Statements of Investment Policy, including Proxy Voting Policies or Guidelines	<a href="#">1210-AB28</a>
Supplemental Guidance Relating to Fiduciary Responsibility in Considering Economically Targeted Investments	<a href="#">1210-AB29</a>

## Employment Standards Administration - PreRule

Title	Regulation Identifier Number
Child Labor Regulations, Orders, and Statements of Interpretation	<a href="#">1215-AB44</a>

## Employment Standards Administration - Proposed Rule

Title	Regulation Identifier Number
Service Contract Act, Health and Welfare Benefits	<a href="#">1215-AB56</a>
Protecting Privacy of Workers on Payroll Report Forms Under the Davis-Bacon and Related Act	<a href="#">1215-AB67</a>
Affirmative Action and Nondiscrimination Obligations of Contractors and Subcontractors; Contractor Notice-Posting by Electronic Means	<a href="#">1215-AB68</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>
Labor Organization Annual Financial Reports	<a href="#">1215-AB62</a>
Death Gratuity Authorized for Federal Employees	<a href="#">1215-AB66</a>

## Employment Standards Administration - Completed Action

Title	Regulation Identifier Number
Family and Medical Leave Act of 1993; Conform to the Supreme Court's Ragsdale Decision	<a href="#">1215-AB35</a>
Amendment to the Interpretive Guidelines Governing the Employee Protective Provisions of the Federal Transit Act	<a href="#">1215-AB58</a>
Government Contractors, Affirmative Action Requirements, Maintaining and Analyzing Race and Ethnicity Data of Applicants and Employees	<a href="#">1215-AB59</a>
Labor Organization Annual Trust Report, Form T-1	<a href="#">1215-AB64</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>
Explosives	<a href="#">1218-AC09</a>
Emergency Response and Preparedness	<a href="#">1218-AC17</a>
Revision and Update of Standards for Power Presses	<a href="#">1218-AC22</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>

## Occupational Safety and Health Administration - Proposed Rule

Title	Regulation Identifier Number
Confined Spaces in Construction Preventing Suffocation/Explosions in Confined Spaces	<a href="#">1218-AB47</a>
General Working Conditions for Shipyard Employment	<a href="#">1218-AB50</a>
Electric Power Transmission and Distribution; Electrical Protective Equipment	<a href="#">1218-AB67</a>
Walking Working Surfaces and Personal Fall Protection Systems (Slips, Trips, and Fall Prevention)	<a href="#">1218-AB80</a>
Cranes and Derricks	<a href="#">1218-AC01</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>
Abbreviated Portacount Quantitative Fit-Testing Protocol	<a href="#">1218-AC39</a>

## Occupational Safety and Health Administration - Final Rule

Title	Regulation Identifier Number
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Longshoring and Marine Terminals--Reopening of the Record (Vertical Tandem Lifts (VTLs))	<a href="#">1218-AA56</a>
Updating OSHA Standards Based on National Consensus Standards	<a href="#">1218-AC08</a>
Procedures for Handling Discrimination Complaints Under Federal Employee Protection Statutes	<a href="#">1218-AC25</a>
Abbreviated Bitrix Qualitative Fit-Testing Protocol	<a href="#">1218-AC29</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>
Amendment of Standards To Clarify the Individualized Nature of Employer Duties To Provide PPE and Train Employees	<a href="#">1218-AC42</a>

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

Title	Regulation Identifier Number
Hearing Conservation Program for Construction Workers	<a href="#">1218-AB89</a>

## Mine Safety and Health Administration - PreRule

Title	Regulation Identifier Number
Coal Mine Respirable Dust	<a href="#">1219-AB48</a>
Explosives and Blasting	<a href="#">1219-AB62</a>
Occupational Exposure to Coal Mine Dust (Lowering Exposure Limit)	<a href="#">1219-AB64</a>

## Mine Safety and Health Administration - Proposed Rule

Title	Regulation Identifier Number
Coal Mine Dust Personal Monitors	<a href="#">1219-AB61</a>
Criteria for Proposed Assessment for Civil Penalties	<a href="#">1219-AB63</a>

## Mine Safety and Health Administration - Final Rule

Title	Regulation Identifier Number
Use of or Impairment From Alcohol and Other Drugs on Mine Property	<a href="#">1219-AB41</a>
Refuge Alternatives for Underground Coal Mines	<a href="#">1219-AB58</a>
Flame Resistant Conveyor Belts, Fire Protection and Detection, and Use of Air From the Belt Entry	<a href="#">1219-AB59</a>

## Mine Safety and Health Administration - Long-term 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>
High-Voltage Continuous Mining Machine Standard for Underground Coal Mines	<a href="#">1219-AB34</a>
Respirable Crystalline Silica Standard	<a href="#">1219-AB36</a>
Revising Electrical Product Approval Regulations	<a href="#">1219-AB37</a>
Field Modifications of Permissible Mobile Diesel-Powered Equipment	<a href="#">1219-AB39</a>
Equivalency Evaluation of the U.S. Environmental Protection Agency's Non-Road Diesel Engine Standards	<a href="#">1219-AB43</a>
Smoke Density and Toxicity	<a href="#">1219-AB60</a>

## Mine Safety and Health Administration - Completed Action

	Regulation

Title	Identifier Number
Fire Extinguishers in Underground Coal Mines	<a href="#">1219-AB40</a>
Mine Rescue Team Equipment	<a href="#">1219-AB56</a>

## Office of the Secretary - Final Rule

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

## Office of the Secretary - Completed Action

Title	Regulation Identifier Number
Rules of Procedure	<a href="#">1290-AA22</a>

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

Title	Regulation Identifier Number
Veterans Priority of Service for Employment and Training Programs	<a href="#">1293-AA15</a>

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

Title	Regulation Identifier Number
Jobs for Veterans Act of 2002: Contract Threshold and Eligibility Groups for Federal Contractor Program	<a href="#">1293-AA12</a>
Annual Report From Federal Contractor (VETS-100)	<a href="#">1293-AA16</a>

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

RIN: 1205-AB48

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Title: Senior Community Service Employment Program

Abstract: The Older Americans Act Amendments of 2006, Pub. L. 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. This 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: Proposed 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

Regulatory Plan:

Statement of Need: The 2006 Amendments to the Older Americans Act (OAA-2006) were enacted on October 17, 2006. The amendment instituted a number of significant changes to the SCSEP, including time limits on the participation of eligible individuals, new enrollment priorities, streamlined and strengthened performance measures, more training options for participants, new limits on participant fringe benefits, and required open competition of national grants every 4 years. The

Department was required to implement the new performance measures by July 1, 2007, and published an IFR on these requirements in the Federal Register on June 29, 2007, (72 FR 35832). However, SCSEP grantees were advised that they were responsible for complying with all the OAA-2006 changes as of July 1, 2007, as communicated in administrative guidance issued on June 11, 2007. Since OAA-2006 instituted so many significant changes in addition to those relating to performance accountability, it is important that regulations implementing the full requirements of the Amendments be issued consistent with the identified timetable.

**Legal Basis:** These regulations are authorized by 42 U.S.C. 3056 et seq to implement amendments to Title V of the Older Americans Act of 1965.

**Alternatives:** The public will be afforded an opportunity to provide comments on the SCSEP 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, and IFR (1205-AB47).

**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	08/14/2008	73 FR 47770
NPRM Comment Period End	10/14/2008	
Final Rule	01/00/2009	

**Regulatory Flexibility Analysis Required:** No

**Small Entities Affected:** No

**Energy Affected:** No

**Related RINs:** Related to 1205-AB47

**Agency Contact:** Gay Gilbert

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Department of Labor

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

**Federalism:** No

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Department of Labor (DOL)

Employment and Training Administration (ETA)

RIN: 1205-AB49

 [View Related Documents](#)

**Title:** YouthBuild Program

**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

**Timetable:**

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Action	Date	FR Cite
NPRM	04/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Gay Gilbert

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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: Proposed Rule

Major: No

Unfunded Mandates: No

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

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	

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)

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, Pub. L. 109-365, enacted on October 17, 2006, contains provisions amending title V of that Act, which authorizes the Senior Community Service Employment Program (SCSEP). The Amendments, effective July 1, 2007, make substantial changes to the 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) requires that the Secretary issue definitions of indicators of performance through regulation after consultation with stakeholders. Therefore, this Interim Final Rule (IFR) is intended to implement changes to the SCSEP program performance accountability regulations found at 20 CFR 641 in subpart G. Changes to other subparts of part 641 will be implemented through a separate Notice of Proposed Rulemaking.

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

Regulatory Plan:

**Statement of Need:** The 2006 Amendments to the Older Americans Act (OAA-2006) were enacted on October 17, 2006. The Amendments instituted a number of significant changes to the SCSEP, including time limits on the participation of eligible individuals, new enrollment priorities, streamlined and strengthened performance measures, more training options for participants, new limits on participant benefits, and required open competition of national grants every four years. The Department was required to implement the new performance measures by July 1, 2007, and published an Interim Final Rule on these requirements in the Federal Register on June 29, 2007 (72 FR 35832). However, SCSEP grantees were advised that they were responsible for complying with all the OAA-2006 changes as of July 1, 2007, as communicated in administrative guidance issued on June 11, 2007. Since OAA-2006 instituted so many significant changes in addition to those relating to performance accountability, it is important that regulations implementing the full requirements of the Amendments be issued consistent with the identified timetable.

**Legal Basis:** These regulations are authorized by 42 U.S.C. 3056 et seq. to implement amendments to title V of the Older Americans Act of 1965.

**Alternatives:** The public was afforded an opportunity to provide comments on the SCSEP performance measurement system changes when the Department published the IFR in the Federal Register. Comments on the IFR and a proposed rule for the SCSEP (RIN 1205-AB48) will be incorporated into one final rule.

**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
Interim Final Rule	06/29/2007	72 FR 35832
Interim Final Rule Comment Period End	08/28/2007	
Final Action	01/00/2009	

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-AB48

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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 20, 2004. 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	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Small Entities Affected: Business

Federalism: Undetermined

Energy Affected: No

Agency Contact: Dr. William Carlson

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

RIN: 1205-AB54

 [View Related Documents](#)

Title: Labor Certification for the Temporary Employment of H-2B Aliens in the United States

Abstract: This Notice of Proposed Rulemaking is designed to initiate a redesign of the process by which U.S. employers seek labor certification from the Department of Labor as an initial step to hire temporary non-agricultural labor under the H-2B visa program. The re-engineering of the program would include streamlining of the application process and strengthening of program integrity.

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: 8 USC 1101(a)(15)(H)(ii)(b); 8 USC 1184

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	05/22/2008	73 FR 29942
NPRM Comment Period End	07/07/2008	
Final Rule	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Small Entities Affected: Business

Federalism: Undetermined

Energy Affected: No

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Department of Labor (DOL)

Employment and Training Administration (ETA)

RIN: 1205-AB55

 [View Related Documents](#)

Title: Modernizing the Labor Certification Process and Enforcement for Temporary Agricultural Employment of H-2A Aliens in the United States

Abstract: This Final Rule is designed to initiate a redesign of the process by which U.S. employers seek labor certification from the Department of Labor as an initial step to hire temporary agricultural labor under the H-2A visa program. The re-engineering of the program would include streamlining of the application process and strengthening of program integrity.

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

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 Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Small Entities Affected: Business

Federalism: No

Energy Affected: 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 Trade Adjustment Assistance Reform Act of 2002, enacted on August 6, 2002, contains provisions amending title 2, chapter 2, of the Trade Act of 1974, entitled Adjustment Assistance for Workers. The amendments, generally effective 90 days from enactment (November 4, 2002), make additions to where and by whom a petition may be filed, expand eligibility to workers whose production has been shifted to certain foreign countries and to worker groups secondarily affected, and make substantive changes regarding trade adjustment assistance (TAA) program benefits. It is the Agency's intention to create a new 20 CFR part 618 to incorporate the amendments and write it in plain English, while amending the WIA regulations at 20 CFR parts 665 and 671 regarding Rapid Response and National Emergency Grants as they relate to the TAA program. The proposed part 618 consists of 9 subparts: Subpart A--General; subpart B--Petitions and Determinations of Eligibility to Apply for Trade Adjustment Assistance (and Alternative TAA); subpart C--Delivery of Services throughout the One-Stop Delivery System; subpart D--Job Search Allowances; subpart E--Relocation Allowances; subpart F--Training Services; subpart G--Trade Readjustment Allowances (TRA); subpart H--Administration by Applicable State Agencies; and subpart I--Alternative Trade Adjustment Assistance for Older Workers. Because of the complexity of the subject matter and the States' needs for definitive instructions on providing TAA benefits, the rulemaking for part 618 is divided into three parts. This rulemaking covers the general provisions (most of subpart A) and TAA benefits portions (subpart C through subpart H) of the regulations. Separate rulemakings will cover the two remaining subparts and reserved definitions in subpart A. One rulemaking, subpart I, will cover benefits under the alternative Trade Adjustment Assistance program. The other rulemaking, subpart B, will cover the petitions and certification process.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term 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
Final Action	00/00/0000	
NPRM	08/25/2006	71 FR 50760
NPRM Comment Period End	10/24/2006	

Additional Information: Congress has included language in the Continuing Appropriation Resolution, 2007 (Pub. L. 110-5) and the Consolidated Appropriations Act, 2008 (Pub. L. 110-161), that prevents the Department from finalizing and implementing the proposed regulation.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; State

Small Entities Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1205-AB40; Related to 1205-AB44

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

RIN: 1205-AB40

 [View Related Documents](#)

Title: Alternative Trade Adjustment Assistance Benefits; Amendment of Regulations

Abstract: The Trade Adjustment Assistance Reform Act of 2002, enacted on August 6, 2002, contains provisions amending title 2, chapter 2 of the Trade Act of 1974, entitled Adjustment Assistance for Workers. The amendments, generally effective 90 days from enactment (Nov. 4, 2002), make additions to where and by whom a petition may be filed, expand eligibility to workers whose production has been shifted to certain foreign countries and to worker groups secondarily affected, and make substantive changes regarding Trade Adjustment Assistance (TAA) program benefits. They also create the Alternative Trade Adjustment Assistance (ATAA) program for older workers, which was effective no later than 1 year after the enactment of the amendments on August 6, 2002. It is the Agency's intention to create a new 20 CFR part 618 to incorporate the amendments and write it in plain English, while amending the WIA regulations at 20 CFR parts 655 and 671 regarding Rapid Response and National Emergency Grants as they relate to the TAA program. The proposed part 618 consists of 9 subparts: Subpart A--General; subpart B--Petitions and Determinations of Eligibility to Apply for Trade Adjustment Assistance (and alternative TAA); subpart C--Delivery of Services Throughout the One-Stop Delivery System; subpart D--Job Search Allowances; subpart E--Relocation Allowances; subpart F--Training Services; subpart G--Trade Readjustment Allowances (TRA); subpart H--Administration by Applicable State Agencies; and subpart I--Alternative Trade Adjustment Assistance (ATAA) for Older Workers. Because of the complexity of the subject matter and the States' needs for definitive instructions on providing TAA benefits, the rulemaking for part 618 was originally divided into two parts: The first covering TAA benefits (subpart A and subparts C through H); and the second covering petitions and certifications (subpart B and certain definitions in subpart A) and ATAA (subpart I). To expedite the publication of guidance on ATAA, this second NPRM was divided, and ATAA is proceeding under this original RIN 1205-AB40. This rulemaking covers the issuance of ATAA benefits for older workers (subpart I). Separate rulemakings cover benefits (subpart A and subparts C through H) and petitions and determinations (subpart B and certain definitions in subpart A).

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term 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
Final Action	00/00/0000	
NPRM	10/18/2006	71 FR 61618
NPRM Comment Period End	12/18/2006	

Additional Information: Congress has included language in the Continuing Appropriations Resolution, 2007 (Pub. L. 110-5) and the consolidated Appropriations Act, 2008 (Pub. L. 110-161), which prevents the Department from finalizing and implementing this proposed regulation.

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-AB44

 [View Related Documents](#)

Title: Revision of the Department of Labor Regulations for Petitions and Determinations of Eligibility To Apply for Trade Adjustment Assistance for Workers

Abstract: The Trade Adjustment Assistance Reform Act of 2002, enacted on August 6, 2002, contains provisions amending title 2, chapter 2 of the Trade Act of 1974, entitled Adjustment Assistance for Workers. The amendments, generally effective 90 days from enactment (Nov. 4, 2002), make additions to where and by whom a petition may be filed, expand eligibility to workers whose production has been shifted to certain foreign countries and to worker groups secondarily affected, and make substantive changes regarding Trade Adjustment Assistance (TAA) program benefits. They also create the Alternative Trade Adjustment Assistance (ATAA) program for older workers, which was effective no later than 1 year after the enactment of the amendments on August 6, 2002. It is the Department's intention to create a new 20 CFR part 618 to incorporate the amendments and write it in plain English, while amending the WIA regulations at 20 CFR parts 655 and 671 regarding Rapid Response and National Emergency Grants as they relate to the TAA program. The proposed part 618 consists of 9 subparts: Subpart A--General; subpart B--Petitions and Determinations of Eligibility to Apply for Trade Adjustment Assistance (and Alternative TAA); subpart C--Delivery of Services throughout the One-Stop Delivery System; subpart D--Job Search Allowances; subpart E--Relocation Allowances; subpart F--Training Services; subpart G--Trade Readjustment Allowance (TRA); subpart H--Administration by Applicable State Agencies; and subpart I--Alternative Trade Adjustment Assistance (ATAA) for Older Workers. Because of the complexity of the subject matter and to expedite the rulemaking because of the States' needs for definitive instructions on providing TAA benefits, the rulemaking for part 618 was originally divided into two parts: The first covering TAA benefits (subpart A and subparts C through H); and the second covering petitions and certifications (subpart B and certain definitions in subpart A) and ATAA (subpart I). To expedite the publication of guidance on ATAA, this second NPRM was divided, and ATAA proceeded under its original RIN 1205-AB40. This proposed rulemaking covers petitions and determinations (subpart B and certain definitions in subpart A of the regulations). Separate notices of proposed rulemaking covered remaining (subpart A and subparts C through H) and the issuance of ATAA benefits for older workers (subpart I).

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

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 3-2007, 72 FR 15907

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	00/00/0000	

Additional Information: Congress has included language in the Continuing Appropriations Resolution, 2007 (Pub. L. 110-5) and the Consolidated Appropriations Act, 2008 (Pub. L. 110-161), that prevents the Department from finishing and implementing this proposed regulation.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal

Federalism: Undetermined

Energy Affected: No

Related RINs: Related to 1205-AB32; Related to 1205-AB40

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

RIN: 1205-AB46

 [View Related Documents](#)

Title: Workforce Investment Act Amendments

Abstract: The Department of Labor is implementing several important policy changes to the Workforce Investment Act and Wagner-Peyser Act regulations. Changes in this rulemaking address long-standing issues such as the large size of State and Local Workforce Investment Boards; the sequence of core, intensive, and training services; the governor's authority over eligible training providers; and the availability of Individual Training Accounts to youth. In addition, the changes address the method of delivery of Wagner-Peyser Act-funded services. Congress has included language in the Continuing Appropriations Resolution, 2007 (Pub. L. 110-5) and the Consolidated Appropriations Act, 2008 (Pub. L. 110-161), that prevents the Department from finalizing and implementing this proposed regulation.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term 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
Final Action	00/00/0000	
NPRM	12/20/2006	71 FR76558
NPRM Comment Period End	02/20/2007	

Additional Information: Congress has included language in the Continuing Appropriations Resolution, 2007 (Pub. L. 110-5), and the Consolidated Appropriations Act, 2008 (Pub. L. 110-161) that prevents the Department from finalizing and implementing this proposed regulation.

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

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

RIN: 1205-AB50

 [View Related Documents](#)

Title: Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations

Abstract: Regulations that implement the National Apprenticeship Act at title 29 Code of Federal Regulations (CFR) part 29 have not been revised since it was first promulgated in 1977. The Department of Labor (DOL) updated 29 CFR part 29 to ensure that the National Registered Apprenticeship System has the necessary tools and flexibility to keep pace with changes in the economy, technological advances, and corresponding workforce challenges. The final rule addresses those changes by both making the procedures for apprenticeship program registration more flexible and strengthening oversight of program performance, including DOL's recognition of a State Apprenticeship Agency (SAA) as the appropriate agency for registering local apprenticeship programs for Federal purposes, and DOL's de-recognition of a SAA. The final rule also updates part 29 to incorporate gender-neutral terms and technological advances in the delivery of related technical instruction. Such revisions will enable DOL to promote apprenticeship opportunity in the 21st century while continuing to safeguard the welfare of apprentices.



Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

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

Legal Authority: 50 Stat 664, as amended (29 USC 50; 40 USC 3145; 5 USC 301)

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	12/13/2007	72 FR 71020
NPRM Comment Period End	02/11/2008	
NPRM Comment Period Extended	03/12/2008	73 FR 7693
Final Action	10/29/2008	73 FR 64402
Final Action Effective	12/29/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State; Tribal

Federalism: Yes

Energy Affected: No

Agency Contact: John Ladd

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Department of Labor (DOL)

Employment and Training Administration (ETA)

RIN: 1205-AB51

 [View Related Documents](#)

Title: Federal-State Unemployment Compensation Program; Interstate Arrangement for Combining Employment and Wages

Abstract: Section 3304(a)(9)(B) of the Federal Unemployment Tax Act requires States to participate in any arrangement specified by the Secretary of Labor for payment of unemployment compensation on the basis of combining an individual's employment and wages in two or more States. Prior regulations implementing this arrangement allow individuals who have worked in more than one State to establish a combined-wage claim (CWC) in the State in which they are physically located, regardless of whether or not they have covered wages in that State. The Employment and Training Administration amended the regulations to provide that individuals can establish CWC claims only in a State in which they have worked.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 616 (Revision) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 26 USC 3304(a)(9)(B); Secretary's Order No. 3-2007, 72 FR 15907, April 3, 2007

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	11/02/2007	72 FR 62145
NPRM Comment Period End	01/02/2008	
Final Action	10/23/2008	73 FR 63068
Final Action Effective	01/06/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: State

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Betty E. Castillo

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

RIN: 1210-AB11

 [View Related Documents](#)

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	12/00/2008	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: Undetermined

Energy Affected: No

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

RIN: 1210-AB27

 [View Related Documents](#)

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: PreRule

Major: No

Unfunded Mandates: No

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

Legal Authority: 29 USC 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

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	05/00/2009	

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-AB20

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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	06/00/2009	

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-AB25

 [View Related Documents](#)

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

Abstract: This rulemaking would update the electronic disclosure safe harbor at 29 CFR 2520.104b-1(c) to reflect events that have occurred since its initial publication, including advances in technology, recently enacted regulations under the Internal Revenue Code, and changes to the disclosure requirements under title I of ERISA pursuant to the Pension Protection Act of 2006.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

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
NPRM	06/00/2009	

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-AA54

 [View Related Documents](#)

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.

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	06/00/2009	

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-AB02

 [View Related Documents](#)

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	12/00/2008	

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

Regulatory Plan:

Statement of Need: Given the potentially significant impact fees and expenses can have on retirement savings, understanding what and how fees and expenses are charged to 401(k) plans is essential to plan participants and beneficiaries in making informed investment decisions.

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 the Act, including section 404 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
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	11/00/2008	

Regulatory Flexibility Analysis  
 Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Katherine D. Lewis

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

RIN: 1210-AB08

 [View Related Documents](#)

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	11/00/2008	

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

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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

Regulatory Plan:

Statement of Need: This rulemaking is necessary to fully implement the new exemption under section 408(b)(14) of ERISA pursuant to section 601 of the PPA.

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. In addition, section 408(g)(3) of ERISA provides the Secretary with authority to establish rules governing the computer model certification process.

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	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	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

Agency Contact: Fred Wong

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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	72 FR 10070
Final Action	12/00/2008	

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-AB18

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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: Final 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
Interim Final Rule	12/00/2008	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: No

Energy Affected: No

Agency Contact: Michael Baird

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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 multi-employer 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	01/00/2009	

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-AB24

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Title: Civil Penalties Under ERISA Section 502(c)(4)

Abstract: This proposed regulation, upon adoption, would implement the civil penalty provision under section 502(c)(4) of the Employee Retirement Income Security Act of 1974 (ERISA) to reflect recent amendments to section 502(c)(4) by the Pension Protection Act of 2006, under which the Secretary of Labor is granted authority to assess civil penalties not to exceed \$1000 per day for each violation of section 101(j), (k), or (l), or section 514(e)(3) of ERISA.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2560.502c-4 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1132; PL 109-280, sec 103(b), sec 502(a), sec 502(b), sec 902(f), Pension Protection Act of 2006; 29 USC 1135; ERISA sec 505

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/19/2007	72 FR 71842
NPRM Comment Period End	02/19/2008	
Final Action	01/00/2009	

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-AB26

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Title: Model Notice of Critical Status for Multiemployer Plans

Abstract: The Department is required by the PPA to prescribe a model notice that multiemployer plans in critical status may use to satisfy their obligation to notify effected parties. This NPRM proposes that model notice.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2540.305-1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1135; 29 USC 1085(b)(3)(D)(iii)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/25/2008	73 FR 15688
NPRM Comment Period End	04/24/2008	
Final Action	06/00/2009	

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-AA15

 [View Related Documents](#)

Title: Adequate Consideration

Abstract: The regulation would set forth standards for determining "adequate consideration" under section 3(18) of ERISA for assets other than securities for which there is a generally recognized market.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: Undetermined

Unfunded Mandates: Undetermined

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
Next Action Undetermined		
NPRM	05/17/1988	53 FR 17632
NPRM Comment Period End	07/17/1988	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

Energy Affected: No

Agency Contact: Jeffrey Turner

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

RIN: 1210-AA63

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Title: Health Care Standards for Mothers and Newborns

Abstract: The Newborns' and Mothers' Health Protection Act of 1996 (NMHPA) amended title I of ERISA and the Public Health Service Act with parallel provisions that protect mothers and their newborn children with regard to the length of hospital stays following the birth of a child. The Departments of Labor and Health and Human Services are mutually dependent due to shared interpretive jurisdiction and are proceeding concurrently to provide final regulatory guidance with regard to the provisions of the NMHPA.

Priority: Economically Significant

Agenda Stage of Rulemaking: Completed Action

Major: Yes

Unfunded Mandates: No

CFR Citation: 29 CFR 2590.711 (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 1185; 29 USC 1191 to 1191c

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Interim Final Rule	10/27/1998	63 FR 57546
Final Action	10/20/2008	73 FR 62410
Final Action Effective	12/19/2008	

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-AB16

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Title: Amendments to Safe Harbor for Distributions From Terminated Individual Account Plans and Termination of Abandoned Individual Account Plans To Require Inherited IRAs for Missing NonSpouse Beneficiaries

Abstract: The Department is amending 29 CFR 2578.1 and 29 CFR 2550.404a-3 to reflect changes enacted as part of the Pension Protection Act of 2006, Public Law 109-280, to the Internal Revenue Code of 1986 (the Code), under which a distribution of a deceased plan participant's benefit from an eligible retirement plan may be directly transferred to an individual retirement plan established on behalf of the designated non-spouse beneficiary of such participant.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2550.404a-3; 29 CFR 2578.1 (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
Interim Final Rule	02/15/2007	72 FR 7516
Interim Final Rule Effective	03/19/2007	
Interim Final Rule Comment Period End	04/02/2007	
Final Action	10/07/2008	73 FR 58459
Final Action Effective	11/06/2008	73 FR 58459

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Stephanie Ward

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

RIN: 1210-AB17

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Title: Statutory Exemption for Cross-Trading of Securities

Abstract: As directed by section 611(g)(3) of Public Law 109-280, this rule implements the content requirements for the written cross-trading policies and procedures required under section 408(b)(19)(H) of the Employee Retirement Income Security Act of 1974. This section exempts the purchase and sale of a security between an employee benefit plan and any other account managed by the same investment manager if certain conditions are satisfied. Among other requirements, section 408(b)(19)(H) stipulates that the investment manager must adopt, and effect cross trades in accordance with, written policies and procedures that are fair and equitable to all accounts participating in the cross-trading program.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2550.408b-19 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1108(b)(19)(H); ERISA sec 408(b)(19)(H); PL 109-280, sec 611(g)(3), Pension Protection Act of 2006

Legal Deadline:

Action	Source	Description	Date
Other	Statutory		02/13/2007

Timetable:

Action	Date	FR Cite
Interim Final Rule	02/12/2007	72 FR 6473
Interim Final Rule Effective	04/13/2007	
Interim Final Rule Comment Period End	04/13/2007	
Final Action	10/07/2008	73 FR 58450
Final Action Effective	02/04/2009	

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-AB19

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Title: Selection of Annuity Provider for Individual Account Plans

Abstract: This rulemaking would establish a safe harbor under which a fiduciary of an individual account plan will be deemed to have satisfied his or her fiduciary responsibilities with respect to the selection of an annuity provider for the purpose of benefit distributions. The Department is proposing this safe harbor in light of revisions to Interpretive Bulletin 95-1 required by section 625 of the Pension Protection Act of 2006 clarifying that the fiduciary standards in Interpretive Bulletin 95-1 do not apply to the

selection of an annuity provider for benefit distributions from an individual account plan.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2550.404a-4 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1104; ERISA sec 404; PL 109-280 sec 625, Pension Protection Act of 2006; 29 USC 1135; ERISA sec 505

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/12/2007	72 FR 52021
NPRM Comment Period End	11/13/2007	
Final Action	10/07/2008	73 FR 58447
Final Action Effective	12/08/2008	73 FR 58447

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Related RINs: Related to 1210-AB22

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Department of Labor (DOL)

Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB22

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Title: Amendment to Interpretive Bulletin 95-1

Abstract: This rulemaking implements the directive in section 625 of the Pension Protection Act of 2006, which requires the Secretary of Labor to issue, not later than 1 year after the date of enactment, final regulations clarifying that the selection of an annuity contract as an optional form of distribution from an individual account plan is not subject to the safest available annuity requirement under Interpretive Bulletin 95-1 and is subject to all otherwise applicable fiduciary standards.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2509.95-1 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 109-280 sec 625, 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	09/12/2007	72 FR 52004
Interim Final Rule Comment Period End	11/13/2007	
Final Action	10/07/2008	73 FR 58445
Final Action Effective	12/08/2008	73 FR 58445

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No  
 Energy Affected: No  
 Related RINs: Related to 1210-AB19  
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Department of Labor (DOL)  
 Employee Benefits Security Administration ( EBSA )

RIN: 1210-AB28

 [View Related Documents](#)

Title: Interpretive Bulletin Relating to the Exercise of Shareholder Rights and Written Statements of Investment Policy, including Proxy Voting Policies or Guidelines

Abstract: This guidance supplements the views of the Department of Labor concerning the legal standards imposed on fiduciaries of employee benefit plans by sections 403 and 404 of Title I of the Employee Retirement Income Security Act (ERISA) when considering investments in “economically targeted investments.” These guidelines affect fiduciaries of employee benefit plans, including trustees, investment managers and others responsible for the management of employee benefit plan assets.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 2509.08-2 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 29 USC 1104; ERISA sec 404; 29 USC 1135; ERISA sec 505

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Final Action Effective	10/17/2008	
Final Action	10/17/2008	73 FR 61731

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Robert J. Doyle

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

RIN: 1210-AB29

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Title: Supplemental Guidance Relating to Fiduciary Responsibility in Considering Economically Targeted Investments

Abstract: This guidance sets forth the views of the Department of Labor concerning the legal standards imposed by sections 402, 403, and 404 of title I of the Employee Retirement Income Security Act (ERISA) with respect to the exercise of shareholder



rights and written statements of investment policy, including proxy voting policies or guidelines. This guidance affects fiduciaries of employee benefit plans, including trustees, investment managers and others responsible for the management of employee benefit plan assets.

Priority: Substantive, Nonsignificant  
 Major: No  
 CFR Citation: 29 CFR 2509.08-1 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )  
 Legal Authority: 29 USC 1104; ERISA sec 404; 29 USC 1135; ERISA sec 505  
 Legal Deadline: None

Agenda Stage of Rulemaking: Completed Action  
 Unfunded Mandates: No

## Timetable:

Action	Date	FR Cite
Final Action Effective	10/17/2008	
Final Action	10/17/2008	73 FR 61734

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

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 Advance Notice of Proposed Rulemaking seeks 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 Advance Notice of Proposed Rulemaking is related to a separate Notice of Proposed Rulemaking (see Related RIN: 1215-AB57). The Department is reviewing the submitted comments.

Priority: Other Significant  
 Major: No  
 CFR Citation: 29 CFR 570 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )  
 Legal Authority: 29 USC 203(1)  
 Legal Deadline: None

Agenda Stage of Rulemaking: PreRule  
 Unfunded Mandates: No

## Timetable:

Action	Date	FR Cite
ANPRM	04/17/2007	72 FR 19328
ANPRM Comment Period End	07/16/2007	
Reviewing of Comments	12/00/2008	

Regulatory Flexibility Analysis  
 Required: Undetermined  
 Small Entities Affected: Business; Governmental

Government Levels Affected: Local; State

Federalism: No

## Jurisdictions

Energy Affected: No  
 Public Comment URL: [www.regulations.gov](http://www.regulations.gov)  
 Related RINs: Related to 1215-AB57  
 Agency Contact: Alexander J. Passantino  
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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: The Department of Labor will seek public input on methods for Federal service contractors to meet the health and welfare fringe benefit component required under prevailing wage determinations issued pursuant to the McNamara-O'Hara Service Contract Act.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

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
NPRM	03/00/2009	

Regulatory Flexibility Analysis

Government Levels Affected: Federal

Required: Undetermined

Small Entities Affected: Business

Federalism: No

Energy Affected: Undetermined

Agency Contact: Alexander J. Passantino

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

RIN: 1215-AB67

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Title: Protecting Privacy of Workers on Payroll Report Forms Under the Davis-Bacon and Related Act

Abstract: The Department of Labor will revise the regulations issued under the Davis-Bacon and Related Acts and the Copeland "Anti-Kickback" Act to better safeguard personally identifiable information by removing employees' Social Security numbers and home addresses from the information that contractors and subcontractors submit each week to contracting

agencies in certified payroll reports covering laborers and mechanics working on construction contracts subject to the labor standards of the Davis-Bacon and Related Acts.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 1.6(b); 29 CFR 3.3(b); 29 CFR 5.5(a)(3) (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 40 USC 3141 et seq, Davis-Bacon Act; 40 USC 3145, Copeland Anti-kickback Act; 40 USC 3701 et seq, Contract Work Hours and Safety Standards Act

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	10/20/2008	73 FR 62229
NPRM Comment Period End	11/19/2008	
Final Rule	01/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State

Small Entities Affected: Business; Organizations

Federalism: No

Energy Affected: No

Public Comment URL: /www.regulations.gov

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

RIN: 1215-AB68

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

Abstract: This NPRM revises the regulations at 41 CFR 60-1, 41 CFR 60-4, 41 CFR 60-250, 41 CFR 60-300, and 41 CFR 60-741 concerning electronic posting of EEO Notices and Posters, and will permit covered contractors and subcontractors to post Notices and Posters electronically instead of in paper format, with one exception. This NPRM will permit an employer to meet the notice posting requirements of Executive Order 11246, as amended, 41 CFR 60-1.42, 41 CFR 60-4.3(a)7.f., section 503 of the Rehabilitation Act of 1973, as amended, 41 CFR 60-741.5(a)(4), and the Vietnam Era Veterans' Readjustment Assistance Act, as amended, 41 CFR 60-250.5(a)(9) and 41 CFR 60-300.5(a)(9), by posting the required notices electronically in lieu of physical posting, when the electronic posting provides equivalent or better notice to the intended recipients.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

CFR Citation: 41 CFR 60-1; 41 CFR 60-2; 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: section 201, EO 11246; 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; EO 11758 3 CFR 1971 to 1975 Comp p 841

Legal Deadline: None

Timetable:

Action	Date	FR Cite

NPRM

02/00/2009

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Federalism: No

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Department of Labor (DOL)

Employment Standards Administration ( ESA )

RIN: 1215-AB13

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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	12/00/2008	

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)

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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

Timetable:

Action	Date	FR Cite
NPRM	04/17/2007	72 FR 19337
NPRM Comment Period End	07/16/2007	
Final Action	12/00/2008	

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Local; State

Small Entities Affected: Business; Governmental Jurisdictions

Federalism: No

Energy Affected: No

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

RIN: 1215-AB62

 [View Related Documents](#)

Title: Labor Organization Annual Financial Reports

Abstract: The Department of Labor's Employment Standards Administration proposes to establish 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 privilege 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. The Department proposes to revise Form LM-2. The proposed revisions will improve financial disclosure and clarity within categories of receipts and disbursements.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

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 Comment Period End	06/26/2008	
NPRM Comment Period Extended	07/11/2008	73 FR 3491
Final Rule	01/00/2009	

## Regulatory Flexibility Analysis

Required: Organizations

Government Levels Affected: No

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Employment Standards Administration ( ESA )

RIN: 1215-AB66

 [View Related Documents](#)

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: Not Yet Determined (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	01/00/2009	

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)  
Employment Standards Administration ( ESA )

RIN: 1215-AB35

 [View Related Documents](#)

Title: Family and Medical Leave Act of 1993; Conform to the Supreme Court's Ragsdale Decision

Abstract: The U.S. Supreme Court, in *Ragsdale v. Wolverine World Wide, Inc.*, 535 U.S. 81 (2002), invalidated regulatory provisions issued under the Family and Medical Leave Act (FMLA) pertaining to the effects of an employer's failure to timely designate leave that is taken by an employee as being covered by the FMLA. The Department will address this and decisions of other courts in proposed revisions to the FMLA regulations. In addition, effective January 28, 2008, section 585(a) of the National Defense Authorization Act for FY 2008 (NDAA), Public Law 110-181, amended the FMLA 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 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." Regulatory amendments will be developed to address these new statutory provisions.

Priority: Economically Significant

Agenda Stage of Rulemaking: Completed Action

Major: Yes

Unfunded Mandates: No

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

Legal Authority: 29 USC 2654

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Request for Information	12/01/2006	71 FR 69504
Request for Information Comment Period End	02/16/2007	72 FR 3775
Request for Information Comment Report	06/28/2007	72 FR 35550
NPRM	02/11/2008	73 FR 7876
NPRM Comment Period End	04/11/2008	
Final Action	11/17/2008	73 FR 67934
Final Action Effective	01/16/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State

Small Entities Affected: Business; Governmental Jurisdictions; Organizations

Federalism: No

Energy Affected: No

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

RIN: 1215-AB58

 [View Related Documents](#)

Title: Amendment to the Interpretive Guidelines Governing the Employee Protective Provisions of the Federal Transit Act

Abstract: Pursuant to Section 5333(b) of the Federal Transit law, the Department of Labor (Department) must certify, as a condition of certain grants of Federal financial assistance, fair and equitable labor protective provisions to protect the interests of employees affected by such Federal assistance. The Department administers this program through guidelines set forth at 29 CFR part 215. The Department's proposed changes conform the guidelines to recently enacted Federal legislation, in particular, sections 3013(h) and 3031 of the Safe, Accountable, Flexible, and Efficient Transportation Equity Act – A Legacy for Users (Pub. L. No. 109-59, 119 Stat. 1144 (2005)) (SAFETEA-LU). In addition to changes mandated by statute, the Department also proposes revisions to the guidelines that will enhance the speed and efficiency of the Department's processing of grant certifications. The proposed revisions to existing procedures for processing grant application under Federal transit law will ensure timely certification in a predictable manner, and will remain consistent with the transit law's statutory objectives.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 29 CFR 215 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: PL 109-59; 119 Stat 1144; 49 USC 5333(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	09/14/2007	72 FR 52521
NPRM Comment Period End	10/15/2007	
Final Rule	08/13/2008	73 FR 47046
Final Rule Effective	10/01/2008	73 FR 47046

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)  
Employment Standards Administration ( ESA )

RIN: 1215-AB59

 [View Related Documents](#)

Title: Government Contractors, Affirmative Action Requirements, Maintaining and Analyzing Race and Ethnicity Data of Applicants and Employees

Abstract: This proposed rule would amend certain sections of the Office of Federal Contract Compliance Programs (OFCCP) regulations to correspond to the new Employer Information Report (EEO-1 Report), as published in the Federal Register on November 28, 2005 (70 FR 71294) (EEO-1 Notice). The new EEO-1 Report contains revised racial and ethnic categories and job categories.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 41 CFR 60-2; 41 CFR 60-4; 41 CFR 60-50 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: EO 11246, as amended

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Withdrawn	10/01/2008	



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)  
 Employment Standards Administration ( ESA )

RIN: 1215-AB64

 [View Related Documents](#)

Title: Labor Organization Annual Trust Report, Form T-1

Abstract: The Department proposes to establish a Form T-1 to capture financial information pertinent to “trusts in which a labor organization is interested” (“section 3(l) trusts”), information that historically has largely gone unreported despite the trusts’ significant effect on labor organization financial operations and their members’ own interests. This proposal is part of the Department’s continuing effort to better effectuate the reporting requirements of the LMRDA. The LMRDA’s various reporting provisions are designed to empower labor organization members by providing them the means to maintain democratic control over their labor organizations and ensure a proper accounting of labor organization funds. The proposed rule helps brings the reporting requirements for labor organizations and section 3(l) trusts in line with contemporary expectations for the disclosure of financial information.

Priority: Other Significant      Agenda Stage of Rulemaking: Completed Action  
 Major: No      Unfunded Mandates: No  
 CFR Citation: 29 CFR 403.2; 29 CFR 403.5; 29 CFR 403.8 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
 Legal Authority: 29 USC 431; 29 USC 437 to 438  
 Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	03/04/2008	73 FR 11754
NPRM Comment Period End	04/18/2008	
NPRM Comment Period Extended	05/05/2008	73 FR 16611
Final Rule	10/02/2008	73 FR 57412
Final Rule Effective	12/31/2008	

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-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/m<sup>3</sup> and 25µg/m<sup>3</sup> 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: Undetermined

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: Over 2 million 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	
Complete Peer Review of Health Effects and Risk Assessment	02/00/2009	

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-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 is planning to use this information to develop a proposed rule addressing occupational exposure to beryllium.

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	
Complete Peer Review of Health Effects and Risk Assessment	03/00/2009	

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-AC09

 [View Related Documents](#)

Title: Explosives

Abstract: OSHA is amending 29 CFR 1910.109 which addresses explosives and blasting agents. These OSHA regulations were published in 1974, and many of the provisions do not reflect technological and safety advances made by the industry since that time. Additionally, the standard contains outdated references and classifications. 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. Initially, OSHA planned to revise the pyrotechnics requirements in this NPRM. However, based on our work to date, it appears appropriate to reserve action on these requirements for a second phase of rulemaking. The agency therefore plans to propose revisions to 29 CFR 1910.109 without any changes to the existing pyrotechnics requirements, and at a future date will develop a proposed rule for pyrotechnics revision. OSHA published a proposed rule on April 13, 2007, and is planning to publish a revised proposed rule to further clarify certain aspects of the proposal.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

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	
Analyze Record	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

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-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

## Timetable:

Action	Date	FR Cite
Request for Information	09/11/2007	72 FR 51735
Comment Period End	12/10/2007	
Analyze Record	11/00/2008	

## Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: Undetermined

Federalism: Undetermined

Energy Affected: No

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

RIN: 1218-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 lookback 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 its completion of 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 will base the revision of the 2001 or later edition of the American National Standards Institute (ANSI) 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: PreRule



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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.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: Undetermined

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	11/00/2008	
Complete SBREFA Report	02/00/2009	

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-AC34

 [View Related Documents](#)

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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Begin Review	12/00/2008	
Request For Comments	03/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: John Smith

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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 will request 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

Major: No

Unfunded Mandates: No

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

Legal Authority: 23 USC 655(b); 29 USC 657

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	09/18/2008	73 FR 54118
ANPRM Comment Period End	12/17/2008	

Regulatory Flexibility Analysis



Required: Undetermined

Government Levels Affected: Undetermined

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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Department of Labor (DOL)

Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AB47

 [View Related Documents](#)

Title: Confined Spaces in Construction Preventing Suffocation/Explosions in Confined Spaces

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	11/00/2008	

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-AB50

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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: Proposed 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	
Post Hearings Held Sept. 9-10, 2008	06/30/2008	73 FR 36823
Post Hearings Held--October 21-22, 2008	09/19/2008	73 FR 54340
Post Hearing Comment Period End	02/00/2009	

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

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Title: Electric Power Transmission and Distribution; Electrical Protective Equipment

Abstract: Electrical hazards are a major cause of occupational death in the United States. The annual fatality rate for power line workers is about 50 deaths per 100,000 employees. The construction industry standard addressing the safety of these workers during the construction of electric power transmission and distribution lines is over 30 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 power generation, transmission, and distribution work. 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.

Priority: Economically Significant

Agenda Stage of Rulemaking: Proposed 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	70 FR 34821
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	
Analyze Record	02/00/2009	

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-AB80

 [View Related Documents](#)

Title: Walking Working Surfaces and Personal Fall Protection Systems (Slips, Trips, and Fall Prevention)

Abstract: In 1990, OSHA proposed a rule (55 FR 13360) addressing slip, trip, and fall hazards and establishing requirements for personal fall protection systems. 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.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

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

Legal Authority: 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	04/10/1990	55 FR 13360
NPRM Comment Period End	08/22/1990	
Hearing	09/11/1990	55 FR 29224
Reopen Record	05/02/2003	68 FR 23527
Comment Period End	07/31/2003	

Second NPRM

03/00/2009

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-AC01

 [View Related Documents](#)

Title: Cranes and Derricks

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: Proposed 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 82 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 End	12/08/2008	

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-AC19

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Title: Standards Improvement

Abstract: OSHA is continuing its efforts to remove or revise duplicative, unnecessary, and inconsistent safety and health standards. This effort builds upon the success of the Standards Improvement Project (SIPs) Phase I published on June 18, 1998 (63 FR 33450) and Phase II published on January 5, 2005 (70 FR 1111). The Agency believes that such changes can reduce compliance costs and reduce the paperwork burden associated with a number of its standards. The Agency will only consider such changes if they do not diminish employee protections. To initiate the project, OSHA published an advance notice of proposed rulemaking (ANPRM) on December 21, 2006, to solicit input from the public on rules that may be addressed in Phase III of SIPS. The Agency plans to include both safety and health topics in Phase III.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
ANPRM	12/21/2006	71 FR 76623
Analyze Record	04/30/2007	
NPRM	02/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: No

Energy Affected: No

Agency Contact: Dorothy Dougherty

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

RIN: 1218-AC20

 [View Related Documents](#)

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 longstanding 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 considering adoption of the GHS into their national regulatory systems. There is an international goal to have as many countries as possible implement the GHS by 2008. 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: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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. Additionally, comprehensibility of hazard information 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. Several nations, as well as the European Union, are preparing proposals for adoption of the GHS. 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	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Dorothy Dougherty

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Department of Labor (DOL)

Occupational Safety and Health Administration ( OSHA )

RIN: 1218-AC27

 [View Related Documents](#)

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

Abstract: The Occupational Safety and Health Administration is proposing to adjust 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.

Priority: Info./Admin./Other

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: No

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

Legal Authority: 31 USC 9701; 29 USC 653; 29 USC 655; 29 USC 657

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	01/00/2009	
NPRM Comment Period End	03/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Mary Ann Garrahan

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

RIN: 1218-AC32

 [View Related Documents](#)

Title: Cooperative Agreements

Abstract: OSHA proposes to revise its regulations for the federally funded On-site Consultation Program to: a) Provide a 1-year deletion from OSHA's programmed inspection schedule for those employers who request and receive a full service safety and health, consultation visit; agree to correct identified hazards within established time frames; post notice of identified hazard(s) and begin to implement procedures for regularly identifying and preventing hazards; b) provide a deferral from OSHA's programmed inspection schedule for up to 18 months for those employers working toward achieving recognition and exemption status; and c) extend the deletion period from OSHA's programmed inspection schedule for a period of up to 2 years for those employers participating in OSHA's recognition and exemption program.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: Undetermined

Unfunded Mandates: Undetermined

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

Legal Authority: 29 USC 656 to 657; 29 USC 670

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	02/00/2009	
NPRM Comment Period End	05/00/2009	
Final Action	08/00/2009	
Final Action Effective	11/00/2009	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: Undetermined

Public Comment URL: [ecomments.osha.gov](http://ecomments.osha.gov)

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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 is proposing 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  
 Major: Undetermined  
 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	11/00/2008	

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

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

RIN: 1218-AA56

 [View Related Documents](#)

Title: Longshoring and Marine Terminals--Reopening of the Record (Vertical Tandem Lifts (VTLs))

Abstract: OSHA issued a final rule on Longshoring on July 25, 1997 (62 FR 40142). However, in that rule, the Agency reserved provisions related to vertical tandem lifts. Vertical tandem lifts (VTLs) involve the lifting of two or more empty intermodal containers, secured together with twist locks, at the same time. OSHA has continued to work with national and international organizations to gather additional information on the safety of VTLs. The Agency has published an NPRM to address safety issues related to VTLs. The extended comment period concluded February 13, 2004, and an informal public hearing was held on July 29 to 30, 2004. The rulemaking record was open through November 30, 2004. Subsequently, new information was submitted to the docket. The Administrative Law Judge gave hearing participants 45 days to review this information and comment on it. Comments were due June 27, 2005. The Agency is analyzing the information and comments received to prepare the final action.

Priority: Other Significant  
 Major: No  
 CFR Citation: 29 CFR 1918.11; 29 CFR 1918.85 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)  
 Legal Authority: 29 USC 655(b); 33 USC 941  
 Legal Deadline: None

Agenda Stage of Rulemaking: Final Rule

Unfunded Mandates: No

## Timetable:

Action	Date	FR Cite
NPRM	06/06/1994	59 FR 28594

NPRM Comment Period End	09/23/1994	
Final Rule on Longshoring/Marine	07/25/1997	62 FR 40142
Public Meeting on VTLs--1/27/1998	10/09/1997	62 FR 52671
Second NPRM	09/16/2003	68 FR 54298
Second NPRM Comment Period End 2/13/04	12/10/2003	68 FR 68804
Public Hearing	07/29/2004	69 FR 19361
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Energy Affected: No

Agency Contact: Dorothy Dougherty

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Department of Labor (DOL)

Occupational Safety and Health Administration ( OSHA )

RIN: 1218-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: Final Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
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
Final Rule (PPE)	12/00/2008	
Direct Final Rule (Acetylene)	12/00/2008	

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-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: 42 USC 300j to 9(i); 33 USC 1367; 15 USC 2622; 42 USC 6971; 42 USC 7622; 42 USC 9610; 42 USC 5851; ...

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	72 FR 44956
Final Action	11/00/2008	

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-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.

Priority: Other Significant

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 USC655(b); 29 USC 657

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	12/26/2007	72 FR 72971
NPRM Comment Period End	02/25/2008	
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Undetermined

Federalism: No

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

RIN: 1218-AC36

 [View Related Documents](#)

Title: Procedures for Handling Employee Retaliation Complaints Under the National Transit Systems Security Act 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. This Act established the National Transit Systems Safety Act (NTSSA), including 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

Section 405 of 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	11/00/2008	
Interim Final Rule Comment Period End	01/00/2009	

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-AC42

 [View Related Documents](#)

Title: Amendment of Standards To Clarify the Individualized Nature of Employer Duties To Provide PPE and Train Employees

Abstract: OSHA is considering amending its standards for general industry, maritime and construction to clarify that when a standard requires the employer to provide PPE to employees, or train employees, each employee not provided PPE or trained is a separate instance of a violation of the standard. The amendment will clarify the remedy available to OSHA for violations of the PPE and training standards; it will not change the standards' substantive requirements in any way and will add no new regulatory burden. A variety of OSHA standards require that employers provide and ensure the use of appropriate personal protective equipment (PPE), such as respirators or protective clothing, where necessary because of a workplace hazard. The specific language of the standards varies. For example, the respiratory protection provisions of most specific standards state that "for employees who use respirators required by this section, the employer must provide respirators that comply with the requirements of this paragraph." See e.g., 29 CFR 1926 1101(h) (1), while the coke oven emissions standard, 29 CFR 1910.1029(h) requires employers "to provide and ensure the use of" flame resistant clothing and other protective gear. OSHA standards also require that employers train employees on hazards to which they may be exposed, including hazards requiring PPE. Some training provisions, such as the provision in the general industry PPE standard, 29 CFR 1910.132(f), specifically state that training must be provided to "each employee" required to use PPE. Other training provisions are more generally worded. For example, the training provision in the hazard communication standard, 29 CFR 1910.1200(h) states that "employers shall provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment and whenever [a new hazard is introduced]." Despite minor differences in wording between them, all standards requiring employers to provide PPE to employees because of a hazard require the employer to provide the PPE to

each individual employee covered by the requirement. Similarly, standards requiring employers to provide training to employees require the employer to train each individual employee. The Agency has consistently maintained that each employee not provided PPE or trained is a separate instance of a violation that may, in appropriate circumstances, be separately cited. The Occupational Safety and Health Review Commission has suggested that variations in the wording of OSHA's PPE and training provisions may affect the agency's authority to assess per-employee violations. In *Secretary of Labor v. Eric K. Ho, Ho Ho Ho Express, Inc. and Houston Fruitland, Inc.*, 20 O.S.H. Cas. (BNA) 1361, 1371-72 (Review Comm'n 2003) the Commission majority ruled that the Secretary could not issue per-employee citations for failure to provide respirators under a prior provision of the construction asbestos standard. In a later decision, the Commission stated that the slightly different language of the general respirator provision requirement in the lead standard permitted per-employee citations. *Secretary of Labor v. Manganas Painting Co., Inc.*, 21 O.S.H. Cas. (BNA) 1964, 1998-99 (Review Comm'n 2007). The amendment would clarify the agency's ability to issue per-instance violations for each employee not trained or not provided PPE under general industry, construction and maritime standards requiring training and PPE.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Final Rule

Major: Undetermined

Unfunded Mandates: No

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

Legal Authority: 29 USC 655(b)

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/19/2008	73 FR 48335
Notice of Hearing To Be Held--October 6-7, 2008	09/18/2008	73 FR 54123
NPRM Comment Period End	09/18/2008	
Final Rule	12/00/2008	

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-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: No

Federalism: No

Energy Affected: 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

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) is 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. MSHA will also solicit comment on whether the exposure limit for respirable coal mine dust be lower and, if so, how should it be lowered.

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	12/00/2008	

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-AB62

 [View Related Documents](#)

Title: Explosives and Blasting

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

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: 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

Timetable:

Action	Date	FR Cite
ANPRM	05/00/2009	

Regulatory Flexibility Analysis

Government Levels Affected: Undetermined

Required: Undetermined

Federalism: Undetermined

Energy Affected: Undetermined

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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 Limit)

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 that MSHA consider lowering the coal dust PEL. MSHA will consider all recommendations and will seek the public's input into possible alternatives through the use of an Advance Notice of Proposed Rulemaking (ANPRM). In the Request for Information, the agency will solicit comment on whether the exposure limit for respirable coal mine dust should be lowered, and if so, how should it be lowered.

Priority: Other Significant

Agenda Stage of Rulemaking: PreRule

Major: No

Unfunded Mandates: No

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

Timetable:

Action	Date	FR Cite
RFI	12/00/2008	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

Small Entities Affected: Business

Federalism: No

Energy Affected: No

Related RINs: Related to 1219-AA81

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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

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: 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

## Timetable:

Action	Date	FR Cite
NPRM	12/00/2008	

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

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

RIN: 1219-AB63

 [View Related Documents](#)

Title: Criteria for Proposed Assessment for Civil Penalties

Abstract: MSHA is proposing to amend its civil penalty regulations to simplify the gravity and negligence criteria of part 100. This proposal would, in addition, require changes to MSHA Form 7000-3 which is the form used by inspectors to record the facts and criteria for each individual mine safety and health violation that is found at a mine. The proposal would promote consistency in the evaluation of health and safety violations.

Priority: Other Significant

Agenda Stage of Rulemaking: Proposed Rule

Major: No

Unfunded Mandates: No

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

Legal Authority: 30 USC 815; 30 USC 820; 30 USC 8957

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	01/00/2009	

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

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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 is considering publishing 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.

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: 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
Final Rule	01/00/2009	

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-AB58

 [View Related Documents](#)

Title: Refuge Alternatives for Underground Coal Mines

Abstract: MSHA is investigating refuge alternatives for use in underground coal mines. Refuge alternatives, such as rescue chambers, and other structures or systems, could be used to increase the survival of miners trapped underground. Section 13 of the Mine Improvement and New Emergency Response Act of 2006 requires the National Institute for Occupational Safety and Health (NIOSH) to study refuge alternatives. Section 112(b) of the Consolidated Appropriations Act of 2008 requires MSHA to propose regulations by June 15, 2008, consistent with the recommendations of NIOSH, requiring rescue chambers in underground coal mines, or facilities that provide at least the same measure of protection, and to finalize the regulations by December 31, 2008.

Priority: Economically Significant

Agenda Stage of Rulemaking: Final Rule

Major: Yes

Unfunded Mandates: No

CFR Citation: 30 CFR 7; 30 CFR 50; 30 CFR 75 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 30 USC 811

Legal Deadline:

Action	Source	Description	Date

NPRM	Statutory	Section 112(a) Consolidated Appropriations Act of 2008	06/15/2008
Other	Statutory	Section 112(a) Consolidated Appropriations Act of 2008	12/31/2008

## Timetable:

Action	Date	FR Cite
NPRM	06/16/2008	73 FR 34140
NPRM Comment Period End	08/18/2008	
Final Action	12/00/2008	

## Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

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

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Department of Labor (DOL)

Mine Safety and Health Administration ( MSHA )

RIN: 1219-AB59

 [View Related Documents](#)

Title: Flame Resistant Conveyor Belts, Fire Protection and Detection, and Use of Air From the Belt Entry

Abstract: The proposal would implement the recommendations of the Technical Study Panel (Panel) for the Utilization of Belt Air and the Composition and Fire Retardant Properties of Belt Material in Underground Coal Mining. Consistent with the MINER Act, the proposal includes MSHA's response to the Panel's report. Based on the Panel's recommendations, MSHA is proposing new and revised safety standards for underground coal mines concerning 15 of the 20 recommendations. The remaining recommendations would not require rulemaking. MSHA proposes new standards for: conveyor belt flammability; qualifying Atmospheric Monitoring System operators; levels of methane and respirable dust in belt entries; airlocks between air courses; minimum and maximum air velocities; approval for the use of air from the belt entry to ventilate working sections; monitoring and remotely closing point-feed regulators; smoke sensors; standardized tactile signals on lifelines; replacing point-type heat sensors with carbon monoxide sensors; and belt conveyor and belt entry maintenance.

Priority: Other Significant

Agenda Stage of Rulemaking: Final Rule

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 6; 30 CFR 14; 30 CFR 48; 30 CFR 75 (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:

Action	Source	Description	Date
NPRM	Statutory	sec 112(a)--Consolidated Appropriations Act, 2008	06/20/2008
Other	Statutory	sec 112(a)--Consolidated Appropriations Act, 2008	12/31/2008

## Timetable:

Action	Date	FR Cite
NPRM	06/19/2008	73 FR 35026
NPRM Comment Period End	09/08/2008	
Final Action	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business

Federalism: No

Energy Affected: No

RIN Information URL: [www.msha.gov/reginfo.htm](http://www.msha.gov/reginfo.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-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 will determine the next course of action after a review of all data and test results.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term 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
NPRM	00/00/0000	
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

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).

Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

RIN Information URL: [www.MSHA.gov/regsinfo.htm](http://www.MSHA.gov/regsinfo.htm)  
[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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Mine Safety and Health Administration ( MSHA )

RIN: 1219-AB18

 [View Related Documents](#)

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.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term 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
NPRM	00/00/0000	
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

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) and RIN 1219-AB48 (Continuous Personal Dust Monitor).

## Regulatory Flexibility Analysis

Required: Undetermined

Government Levels Affected: No

Federalism: No

Energy Affected: No

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

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: 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

## Timetable:

Action	Date	FR Cite
Final Action	00/00/0000	
NPRM	07/16/2004	69 FR 42812
NPRM Comment Period End	08/23/2004	69 FR 51784
Second NPRM	03/28/2006	71 FR 15359
Second NPRM Comment Period End	05/30/2006	71 FR 15359

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)Public Comment URL: [www.regulations.gov](http://www.regulations.gov)Agency Contact: Patricia W. Silvey  
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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> (100mg) 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 and ACGIH recommend a 50 mg/m<sup>3</sup> exposure limit for respirable crystalline silica. MSHA is considering several options to reduce miners' exposure to crystalline silica.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

Major: No

Unfunded Mandates: 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

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Request for Information	00/00/0000	

Regulatory Flexibility Analysis

Government Levels Affected: No

Required: Undetermined

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 will be Flame-Resistance Testing of Mining Materials. This action will be published first because the MINER Act requires all life lines to be flame-resistant by June 14, 2009. The flame-resistance requirements are contained in 30 CFR part 18.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term Action

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	00/00/0000	
NPRM (Phase 1)	06/19/2008	73 FR 35026
NPRM Comment Period End	09/08/2008	

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-AB39

 [View Related Documents](#)

Title: Field Modifications of Permissible Mobile Diesel-Powered Equipment

Abstract: The implementation of diesel regulations in 30 CFR parts 30 CFR 7, 30 CFR 36, 30 CFR 57, 30 CFR 72, and 30 CFR 75 has resulted in an increase in requests from owners of approved equipment, typically underground mine operators, to field modify permissible diesel-powered equipment. Field modifications allow permissible equipment to be modified for mine-specific use or to comply with new diesel standards. Therefore, the Mine Safety and Health Administration is proposing to add field modification provisions to 30 CFR part 36 (Approval Requirements for Permissible Mobile Diesel-Powered Transportation Equipment). This proposed rule would codify the field modification process for part 36 field modification acceptances, expand the field modification process to allow mine operators to apply for field modifications, and continue to ensure that field-modified equipment operates safely in gassy underground mines. The proposed rule would also implement existing policy which dates from 1985, to reflect current procedures for processing field modifications related to mobile diesel-powered transportation equipment. Further, the proposed rule would require labeling provisions for all new field modifications accepted under part 36. These new provisions would enhance miner safety.

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term 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
NPRM	00/00/0000	

Regulatory Flexibility Analysis Required: No  
 Small Entities Affected: Business  
 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  
 Federalism: No  
 Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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

RIN: 1219-AB43

 [View Related Documents](#)

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

Abstract: MSHA is reviewing the U.S. Environmental Protection Agency's (EPA) standards for non-road diesel engines. The review will determine if certain EPA requirements in 40 CFR part 89 (Control of Emissions From New and In-Use Non-Road Compression-Ignition Engines), provide or can be modified to provide at least the same degree of protection as existing requirements in 30 CFR part 7, subpart E (Diesel Engines Intended for Use in Underground Coal Mines). This review is limited to the testing of Category B diesel engines as defined in 30 CFR 7.82 (Definitions).

Priority: Other Significant

Agenda Stage of Rulemaking: Long-term 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
Final Action	00/00/0000	
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	

Regulatory Flexibility Analysis Required: No  
 Federalism: No  
 Energy Affected: No  
 RIN Information URL: [www.msha.gov/regsinfo.htm](http://www.msha.gov/regsinfo.htm)  
 Agency Contact: Patricia W. Silvey  
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Government Levels Affected: No  
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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: sec 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-AB40

 [View Related Documents](#)

Title: Fire Extinguishers in Underground Coal Mines

Abstract: The fire protection requirement in 30 CFR 75.1100-2(a)(2) requires rock dust and water at the underground workings at anthracite coal mines, and 30 CFR 75.1100-2(e)(2) requires a fire extinguisher and rock dust at temporary electrical installations. MSHA has granted 101(c) petitions for modification allowing operators to use only fire extinguishers in lieu of rock dust and other requirements at these two locations. This final rule eliminates the need to file petitions to use this alternative method of compliance without reducing protection for miners.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 30 CFR 75.1100-2 (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	12/20/2007	72 FR 72301
NPRM Comment Period End	02/04/2008	
Final Rule	09/15/2008	73 FR 53124
Final Rule Effective	10/15/2008	73 FR 53124

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

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

RIN: 1219-AB56

 [View Related Documents](#)

Title: Mine Rescue Team Equipment

Abstract: MSHA is updating its mine rescue team equipment standard for underground coal and metal and nonmetal mine rescue teams. The final rule would update the requirement for self-contained breathing apparatus (SCBA) from 2-hour to 4-hour apparatus; increase the required oxygen and chemical reserves to maintain mine rescue teams from 6 hours to 8 hours; increase the required number of full charged oxygen bottles from one extra to two extra; and require mine rescue stations to be equipped with four approved, hand-held multi-gas detectors or four gas detectors for each gas which may be at the mine served. The final rule would increase safety and improve effectiveness of mine rescue teams.

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 811

Legal Deadline: None

## Timetable:

Action	Date	FR Cite
NPRM	09/06/2007	72 FR 51338
NPRM Comment Period End	11/09/2007	
Final Action	09/15/2008	73 FR 53116
Final Action Effective	11/14/2008	

Regulatory Flexibility Analysis Required: No  
 Small Entities Affected: Business  
 Energy Affected: No  
 RIN Information URL: [www.msha.gov/regsinfo.htm](http://www.msha.gov/regsinfo.htm)  
 Related RINs: Related to 1219-AB53  
 Agency Contact: Patricia W. Silvey  
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Government Levels Affected: No  
 Federalism: No  
 Public Comment URL: [www.regulations.gov](http://www.regulations.gov)

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

RIN: 1290-AA23

 [View Related Documents](#)

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: 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: 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	
Final Action	11/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

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

RIN: 1290-AA22

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Title: Rules of Procedure

Abstract: The Department of Labor (DOL or Department) is issuing this Notice of Proposed Rulemaking (NPRM) to update the regulations providing guidance for appeals before the Employees' Compensation Appeals Board (Board). The Board has jurisdiction over appeals arising under the Federal Employees' Compensation Act (FECA), sections 32, 39 Stat. 749, 5 USC 8145; section 3, Reorganization Plan No. 2 of 1946, 60 Stat. 1095; 3 CFR 1943 to 1948 Comp, p 1064; section 2, Reorganization Plan No. 19 of 1950, 64 Stat. 1272; 3 CFR 1949 to 1953 Comp, p 1010. On December 7, 1988, the Board last amended its Rules of Procedure. See 20 CFR 501, amended December 8, 1962, 27 FR 12186, amended October 1, 1964, 29 FR 13519, amended December 15, 1972, 37 FR 26710 and December 13, 1977, 42 FR 62471, amended December 7, 1988, 53 FR 49491. Over the forty-six years since the last substantive revisions to the Board's procedural regulations, several aspects of

the current rules have become outdated by case law precedent or technological advances. These proposed revisions will provide updated guidance to all federal employees who seek appeal from the decisions of the Office of Workers' Compensation Programs (OWCP) under FECA. There are no anticipated costs or risks associated with this proposed rulemaking.

Priority: Substantive, Nonsignificant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 20 CFR 501 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: sec 32, 39 Stat 749, 5 USC 8145; sec 3, Reorganization Plan No 2 of 1946, 60 Stat 1085; 3 CFR 1943 to 1948 Comp, p 1064; sec 2, Reorganization Plan No 19 of 1950, 64 Stat 1272; 3 CFR 1949 to 1953 Comp, p 1010

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	06/20/2008	73 FR 35102
NPRM Comment Period End	08/19/2008	
Final Action	10/20/2008	73 FR 62190
Final Action Effective	11/19/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: No

Federalism: No

Energy Affected: No

Agency Contact: The Honorable Alec J Koromilas

Chairman and Chief Administrative Appeals Judge

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Department of Labor (DOL)

Office of the Assistant Secretary for Veterans' Employment and Training ( ASVET )

RIN: 1293-AA15

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Title: Veterans Priority of Service for Employment and Training Programs

Abstract: The Department will promulgate the Veterans Priority of Service for Employment and Training Programs regulations in response to the Veterans Benefits, Health Care, and Information Technology Act of 2006. Section 605 of this Act requires the Secretary of Labor to prescribe regulations to implement 38 U.S.C. 4215, which describes priority of services for Veterans for certain employment and training programs.

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: PL 109-461, sec 605

Legal Deadline:

Action	Source	Description	Date
Other	Statutory	Required by PL 109-461, sec 605.	12/22/2008

Timetable:

Action	Date	FR Cite
NPRM	08/15/2008	73 FR 48085
NPRM Comment Period End	10/14/2008	
Final Action	12/00/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: Federal; Local; State;  
Tribal

Federalism: No

Energy Affected: No

Agency Contact: George M. Parker

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Department of Labor (DOL)

Office of the Assistant Secretary for Veterans' Employment and Training ( ASVET )

RIN: 1293-AA12

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Title: Jobs for Veterans Act of 2002: Contract Threshold and Eligibility Groups for Federal Contractor Program

Abstract: The Veterans' Employment and Training Service (VETS) is proposing to issue a final regulation (FR) to implement changes required by the Jobs for Veterans Act (JVA) of 2002. This Act amended the Vietnam Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA), by revising the reporting threshold from \$25,000 to \$100,000. JVA also eliminated the collection categories of special disabled veterans and veterans of the Vietnam era and added the new collection categories of disabled veterans and armed forces expeditionary medal veterans. JVA continues the collection for the recently separated veterans category, but changed the definition for that category to include any veteran within 3 years of the date of such veteran's discharge or release from active duty. Additionally, Federal contractors and subcontractors will be required to report the total number of all current employees in 10 job categories for each hiring location. This proposal will assist VETS in meeting the statutory requirement of annually collecting the VETS-100A Report.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 41 CFR 61 to 300 (To search for a specific CFR, visit the [Code of Federal Regulations](#).)

Legal Authority: 38 USC 4212(d) as amended by PL 107-288

Legal Deadline: None

Timetable:

Action	Date	FR Cite
NPRM	08/08/2006	71 FR 44945
NPRM Comment Period End	10/10/2006	
Final Action	05/19/2008	73 FR 28710
Final Rule Effective	06/18/2008	73 FR 28710

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Small Entities Affected: Business; Organizations

Federalism: No

Energy Affected: No

Agency Contact: Robert Wilson

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Department of Labor (DOL)

Office of the Assistant Secretary for Veterans' Employment and Training ( ASVET )

RIN: 1293-AA16

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Title: Annual Report From Federal Contractor (VETS-100)

Abstract: The report requirements at 41 CFR part 61 to 250 applies to contracts entered before December 1, 2003. The Veterans' Employment and Training Service (VETS) proposes to issue a Final Rule to implement changes required by Veterans Benefits and Health Care improvement Act of 2000 PL 106-419 and the Jobs for Veterans Act (JVA) of 2002 PL 107-288. These two Acts amended the Vietnam Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA), by adding the collections for the "recently" separated veterans' data. Additionally, Federal contractors and subcontractors will be required to report the total number of all current employees in 10 job categories for each hiring location. This rule is not intended to create substantive differences from the 41 CFR part 61 to 300 rule, but provide Federal contractors with a better understanding of the report requirements under each rule. The reporting requirements that apply to contracts entered on or after December 1, 2003, will be located in the new 41 CFR part 61 to 300.

Priority: Other Significant

Agenda Stage of Rulemaking: Completed Action

Major: No

Unfunded Mandates: No

CFR Citation: 41 CFR 61-250 (To search for a specific CFR, visit the [Code of Federal Regulations](#) )

Legal Authority: 38 USC 4212 (d) as amended by PL 107-288

Legal Deadline: None

Timetable:

Action	Date	FR Cite
Direct Final Rule	11/05/2008	73 FR 65766
Direct Final Rule Effective	12/05/2008	

Regulatory Flexibility Analysis Required: No

Government Levels Affected: No

Federalism: No

Agency Contact: Robert Wilson

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