

Agency Retrospective Review Plan Reports

Agency/ Sub- agency	RIN	Title of Initiative/Rule /ICR	Brief Description	Actual or Target Completion Date	Anticipated savings in costs and/or information collection burdens, together with any anticipated changes in benefits (please quantify, to the extent feasible, and also specify baseline, time horizon, and affected groups)	Progress updates and anticipated accomplishments
OSHA	1218- AC20	Hazard Communica- tion	The modifications in its final rule concerning the HCS are expected to benefit employers in two primary ways. First, the harmonization of hazard classifications, safety data sheet (SDSs) formats, and warning labels will yield substantial savings to businesses, once the standard is fully implemented. On the producer side, fewer different SDSs will have to be produced for affected chemicals, and many SDSs will be able to be produced at lower cost due to harmonization and standardization. Second, for users, OSHA expects that they will see reductions in operating costs due to the decreased number of SDSs, the standardization of SDSs that will make it easier to locate information and determine handling requirements, and other factors related to simplification and uniformity that will improve workplace efficiency. Finally, OSHA estimates that the revisions to the HCS will result in reductions in the cost of training employees on the HCS in future periods because standardized SDS and label formats will reduce the amount of time needed to familiarize employees with the HCS and fewer systems will have to be taught since all producers will be using the same system.	Publish Final 02/2012	OSHA's Hazard Communication/Globally Harmonized System for Classification and Labeling of Chemicals final has estimated savings for employers ranging from \$585 million to \$ 792.7 million.	The Final rule is currently undergoing OMB review.
OSHA	1218- AC34	Bloodborne Pathogens	OSHA will undertake a review of the Bloodborne Pathogen Standard (29 CFR 1910.1030) in accordance with the requirements of the Regulatory Flexibility Act and section 5 of Executive Order 12866. The review will consider the continued need for the rule; whether the rule overlaps, duplicates, or conflicts with other Federal, State or local regulations; and the degree to which technology, economic conditions, or other factors may have changed since the rule was evaluated.	Complete Peer Review 4/2012	To be determined	Review on track to be completed by April.

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OSHA	1218- AC64	Updating OSHA Standards Based on National Consensus Standards – Acetylene	<p>Under section 6(a) of the OSH Act, during the first two years of the Act, the Agency was directed to adopt national consensus standards as OSHA standards. Some of these standards were adopted as regulatory text, while others were incorporated by reference. In the more than 40 years since these standards were adopted by OSHA, the organizations responsible for these consensus standards have issued updated versions of these standards. However, in most cases, OSHA has not revised its regulations to reflect later editions of the consensus standards. OSHA standards also continue to incorporate by reference various consensus standards that are now outdated and, in some cases, out of print. The Agency is undertaking a multiyear project to update these standards. A notice describing the project was published in November 2004 (69 FR 68283). As part of this multiyear project, OSHA published a Direct Final Rule (DFR) for Acetylene and a final rule on Personal Protective Equipment (PPE).</p> <p>The Acetylene DFR, published August 2009, updated 29 CFR 1910.102 based on the latest NFPA and Compressed Gas Association (CGI) consensus standards. Just prior to issuing the DFR, CGI published a new edition of their standard in June 2009; OSHA's update of 29 CFR 1910.102 was undergoing final OMB review at that time. On December 5, 2012 OSHA published a DFR to incorporate the 2009 CGI standard.</p>	<p>NPRM Comment Period Ends 1/4/2012</p> <p>Analyze comments 2/2012</p>	<p>This rulemaking will make the requirements of OSHA's Acetylene Standard consistent with current industry practices, thereby eliminating confusion and clarifying employer obligations, which will increase employee safety by encouraging compliance. Furthermore, bringing the Acetylene Standard in line with industry practice will not produce additional costs for employers, and may reduce compliance costs.</p>	<p>The Direct Final Rule and NPRM were published on 12/05/2011.</p>
OSHA	1218- AC65	Updating OSHA Standards	<p>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</p>	<p>DFR/ NPRM 03/2012</p>	<p>This rulemaking will make the requirements of OSHA's PPE Standard consistent with current industry</p>	<p>OSHA made a presentation to ACCSH on 12/15/11.</p>

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		Based on National Consensus Standards – Personal Protective Equipment (Head Protection)	<p>adopted as regulatory text, while others were incorporated by reference. In the more than 40 years since these standards were adopted by OSHA, the organizations responsible for these consensus standards have issued updated versions of these standards. However, in most cases, OSHA has not revised its regulations to reflect later editions of the consensus standards. OSHA standards also continue to incorporate by reference various consensus standards that are now outdated and, in some cases, out of print. The Agency is undertaking a multiyear project to update these standards. A notice describing the project was published in November 2004 (69 FR 68283). As part of this multiyear project, OSHA published a Direct Final Rule (DFR) for Acetylene and a final rule on Personal Protective Equipment (PPE).</p> <p>The PPE Final Rule, published September 2009, amended the general industry PPE standard and incorporated by reference a number of updated consensus standards governing the design and testing of certain types of PPE. The Final Rule did not update PPE standards for the construction industry; these standards currently refer to outdated consensus rules. In addition, while the Final Rule was undergoing final OMB review, ANSI published a 2009 edition of the Head Protection (ANSI Z-89.1) consensus standard. This current project will now incorporate the latest PPE consensus standards for the general, construction, and maritime industries</p>		practices, thereby eliminating confusion and clarifying employer obligations, which will increase employee safety by encouraging compliance. This PPE Standard only addresses head protection and not foot, eye or face protection at this time. Furthermore, bringing the PPE Standard in line with industry practice will not produce additional costs for employers, and may reduce compliance costs.	Next step will be to complete Departmental clearance.

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OSHA	1218- AC67	Standard Improvement Project – Phase IV (SIP IV)	OSHA's Standards Improvement Projects (SIPs) are intended to remove or revise duplicative, unnecessary, and inconsistent safety and health standards. The Agency has published three earlier final standards to remove unnecessary provisions, thus reducing costs or paperwork burden on affected employers. Standards Improvement Project Phase I was published in the Federal Register on June 18, 1998 (63 FR 33450); SIPs Phase 2 was published on January 5, 2005 (70 FR 1111); and SIPs Phase III was published June 8, 2011 (76 FR 33590). The Agency believes that these standards have reduced the compliance costs and eliminated or reduced the paperwork burden for a number of its standards. The Agency only considers such changes to its standards so long as they do not diminish employee protections. The Agency is initiating a fourth rulemaking effort to identify unnecessary or duplicative provisions or paperwork requirements that are limited solely to its construction standards in 29 CFR 1926. The Agency will initiate rulemaking by publishing a Request For Information (RFI) in March 2012.	RFI 3/2012	Too early to estimate. RFI will go to OMB in January; so scope of proposal is not yet known	Internal review underway
OSHA	1218- AC75	Cranes and Derricks in Construction: Revision to Digger Derricks' Requirements	OSHA published its final Cranes and Derricks in Construction Standard in August 2010. Edison Electric Institute (EEL) filed a petition for review challenging several aspects of the standard, including the scope of the exemption for digger derricks. As part of the settlement agreement with EEL, the Agency agreed to publish a direct final rule expanding the scope of a partial exemption for work by digger derricks. The Agency in the direct final rule will revise the scope provision on digger derricks as an exemption for all work done by digger derricks covered by subpart V of 29 CFR 1926.	DFR/ NPRM 02/2012	Providing a full exemption for digger derricks will reduce compliance costs by about \$21.6 million annually, with little change in benefits, based on analysis in FEA.	Internal review underway

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OSHA	1218- AC74	Review/Look- back of OSHA Chemical Standards	The majority of OSHA's Permissible Exposure Limits (PELs) were adopted in 1971, under section 6(a) of the OSH Act and only a few have been successfully updated since that time. There is widespread agreement among industry, labor, and professional occupational safety and health organizations that OSHA's PELs are outdated and need revising in order to take into account newer scientific data that indicates that significant occupational health risks exist at levels below OSHA's current PELs. In 1989, OSHA issued a final standard that lowered PELS for over 200 chemicals and added PELS for 164. However, the final rule was challenged and ultimately vacated by the 11th Circuit Court of Appeals in 1991 citing deficiencies in OSHA's analyses. Since that time OSHA has made attempts to examine its outdated PELs in light of the court's 1991 decision. Most recently, OSHA sought input through a stakeholder meeting and web forum to discuss various approaches that might be used to address its outdated PELs. As part of the Department's Regulatory Review and Lookback Efforts, OSHA is developing a Request for Information (RFI) seeking input from the public to help the Agency identify effective ways to address occupational exposure to chemicals.	RFI 8/2012	Too early to estimate. RFI will go to OMB in May; so scope of proposal is not yet known.	Under development
MSHA	1219- AB72	Criteria and Procedures for Proposed Assessment of Civil Penalties (Part 100)	MSHA will develop a proposed rule to revise the process for proposing civil penalties. The assessment of civil penalties is a key component in MSHA's strategy to enforce safety and health standards. The Congress intended that the imposition of civil penalties would induce mine operators to be proactive in their approach to mine safety and health, and take necessary action to prevent safety and health hazards before they occur. MSHA believes that the procedures for assessing civil penalties can be	January 2012	The proposed rule would revise the existing provisions by simplifying the process for proposing and assessing penalties, result in fewer areas of disagreement and facilitate earlier resolution of enforcement issues	The NPRM is currently undergoing OMB review.

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			revised to improve the efficiency of the Agency’s efforts and to facilitate the resolution of enforcement issues.			
OFCCP	1250- AA05	Sex Discrimination Guidelines	The Office of Federal Contract Compliance Programs (OFCCP) is charged with enforcing Executive Order 11246, as amended, which prohibits Federal Government contractors and subcontractors from discriminating against individuals in employment on the basis of race, color, sex, religion or national origin, and requires them to take affirmative action. OFCCP regulations at 41 CFR part 60-20 set forth the interpretations and guidelines for implementing Executive Order 11246, as amended, in regard to promoting and ensuring equal opportunities for all persons employed or seeking employment with Government contractors and subcontractors without regard to sex. This nondiscrimination requirement also applies to contractors and subcontractors performing under under federally assisted construction contracts. The guidance in part 60-20 is more than 30 years old and warrants a regulatory lookback. OFCCP will issue a Notice of Proposed Rulemaking to create sex discrimination regulations that reflect the current state of the law in this area.	April 2012	As this NPRM updates existing law, it is premature to project potential savings and benefits. However, because the guidelines are grossly out of date, it will remove confusion between complying with the guidelines and current law. An information collection burden analysis is currently underway. However, no new data collection and recordkeeping burdens should be created by this look back.	Under development.
EBSA	1210- AB47	Amendment of Abandoned Plan Program	On April 21, 2006, the Department published a package of regulations, collectively entitled Termination of Abandoned Individual Account Plans, which facilitate the termination of, and distribution of benefits from, individual account pension plans that have been abandoned by their sponsoring employers. See 71 FR 20820. This rulemaking will examine whether, and how, to amend those regulations by expanding the scope of individuals entitled to be a “qualified termination administrator” (QTA). Under the Termination of Abandoned Individual	NPRM 2/2012	EBSA expects that revising the existing regulation and related class exemption will result in substantial benefits for participants and beneficiaries of eligible plans because their account balances will be maximized for two primary reasons. First, prompt, efficient termination of these plans will eliminate future administrative expenses charged	Publication of NPRM expected in May of 2012.

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			Account Plans regulations, only a QTA is authorized to determine whether an individual account plan is abandoned and to carry out related activities necessary to the termination and winding up of the plan's affairs.		to the plans that otherwise would diminish plan assets. Second, by following the specific standards and procedures set forth in the rule, EBSA expects that overall plan termination costs will be reduced due to increased efficiency. The primary beneficiaries of these amendments are participants and beneficiaries in plans of businesses in liquidation proceedings under the US Bankruptcy Code.	
ETA	1205- AB59	Equal Employment Opportunity in Apprenticeship and Training; Amendment of Regulations	Revisions to the equal opportunity regulatory framework for the National Apprenticeship Act are a critical element in the Department's vision to promote and expand Registered Apprenticeship opportunities in the 21st century while continuing to safeguard the welfare and safety of apprentices. In October 2008, the Agency issued a Final Rule updating regulations for Apprenticeship Programs and Labor Standards for Registration. These regulations, codified at title 29 Code of Federal Regulations (CFR) part 29, had not been updated since 1977. The companion regulations, 29 CFR part 30, Equal Employment Opportunity (EEO) in Apprenticeship and Training, have not been amended since 1978. The Agency now proposes to update 29 CFR part 30 to ensure that the National Registered Apprenticeship System is consistent and in alignment with EEO law, as it has developed since 1978, and recent revisions to title 29 CFR part 29. This second phase of regulatory updates will ensure that Registered Apprenticeship is	NPRM 2/2012	We anticipate that updating these regulations will reduce the burden on apprenticeship program sponsors by providing improved clarity throughout the revised rule, by aligning the Registered Apprenticeship System's EEO regulations with its companion regulations at part 29, and by streamlining and increasing the effectiveness of apprenticeship sponsor EEO requirements.	This NPRM is currently undergoing OMB review.

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			positioned to continue to provide economic opportunity for millions of Americans while keeping pace with these new requirements.			