

Department of Labor (DOL) Retrospective Plan Update as of July 2016

Agency	Sub-agency	Title Of Initiative/Rule or ICR	RIN/OMB Control Number	Summary of Initiative	Status of Initiative -- New to this update, Ongoing, or Completed	Target Completion Date (if completed, please add the publication date and cite in Federal Register for example)	Does the Initiative include regulatory flexibilities such as pilot projects, safe harbor exemptions, sunset provisions, trigger provisions, streamlined requirements, state flexibilities, or other similar strategies?	What methods will you engage in to Identify Improvements (public comment, analyses, third party assessments, etc.). Please identify all that apply	If Available, anticipated or realized savings in costs &/or burdens and anticipated or realized changes in benefits
DOL	EBSA	Amendment of Abandoned Plan Program	1210-AB47	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 project examines whether, and how, to amend those regulations by expanding the scope of individuals entitled to be a "qualified termination administrator" (QTA). Under the Termination of Abandoned Individual Account Plans regulations, only a QTA is authorized to determine whether an individual account plan is abandoned, and to carry out related activities necessary to the termination, and winding up of the plan's affairs.	Ongoing	IFR 8/2016	Safe harbors (model notices) and streamlined procedures.	Public comment	One of the most significant cost savings under the APP program is that eligible plans would no longer incur audit fees that would otherwise diminish plan assets, because the QTA must comply with protective conditions under the APP and would file a summary terminal report at the end of the winding up process in lieu of the Form 5500 Annual report. The primary beneficiaries of these amendments are participants and beneficiaries whose retirement savings would be preserved through the orderly and efficient termination of the abandoned plans. Cost savings from the rule include savings resulting from eliminating other ongoing administrative expenses that would have been incurred had abandoned plans not been terminated under the proposed regulations.
DOL	EBSA	21st Century Initiative to Modernize the Form 5500 Series and Implementing and Related Regulations	1210-AB63	This regulatory action is part of a long-term strategic project with the Internal Revenue Service and the Pension Benefit Guaranty Corporation to modernize and improve the Form 5500 Annual Return/Report of Employee Benefit Plan. Modernizing the financial and other annual reporting requirements on the Form 5500 and making the investment and other information on the Form 5500 more data mineable are part of that evaluation. The project is also focused on enhancing the agencies' ability to collect employee benefit plan data that best meets the needs of changing compliance projects, programs, and activities.	Ongoing	Analyze Comments 11/2016	TBD	Public comment	TBD

DOL	ETA	Modernizing the Permanent Labor Certification Program (PERM)	1205-AB75	The PERM regulations govern the labor certification process for employers seeking to employ foreign workers permanently in the United States. The Department has not comprehensively examined and modified the permanent labor certification requirements and process since their inception ten years ago. Over the last ten years, much has changed in our country's economy, affecting employers' demand for workers and the availability of a qualified domestic labor force. Advances in technology and information dissemination have dramatically altered common industry recruitment practices, and the Department has received ongoing feedback that the existing regulatory requirements governing the PERM recruitment process frequently do not align with worker or industry needs and practices. Therefore, the Department is engaging in rulemaking that will consider options to modernize the PERM program to be more responsive to changes in the national workforce, to further align the program design with the objectives of the U.S. immigration system and needs of workers and employers, and to enhance the integrity of the labor certification process.	Ongoing	NPRM 7/2016	TBD	Stakeholder listening sessions; Public comment.	The proposals made in this NPRM would modernize the PERM adjudications processes. The proposed rule would consider correction of errors in already filed permanent labor certification applications in the Permanent Online System. It would also address electronic filing and discuss Departmental plans for implementing technological upgrades. These changes are expected to result in cost-savings both to employers and the Department of Labor.
DOL	ETA	Equal Employment Opportunity in Apprenticeship and Training; Amendment of Regulations	1205-AB59	Revisions to the equal employment 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 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 the Registered Apprenticeship system is positioned to continue to provide economic opportunity for millions of Americans while keeping pace with these new requirements.	Ongoing	Final 10/2016	n/a	Public comment; Advisory Committee input	This Final Rule clarifies and improves the regulations on equal opportunity employment from the 1978 Final Rule by encouraging better recruiting and hiring practices. The Final Rule builds upon longstanding requirements for affirmative action policies to modernize them and improve efficiency. It is anticipated 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 EEO requirements for apprenticeship sponsors.
DOL	ETA	Federal-State Unemployment Compensation Program: Implementing the Total Unemployment Rate As An Extended Benefits Indicator and Amending for Technical Corrections	1205-AB62	The Employment and Training Administration (ETA) is issuing this NPRM to amend and revise 20 CFR 615 to reflect amendments made by the Unemployment Compensation Amendments of 1992, (UC Amendments), Pub.L. 102-318, which added Section 203(f) to the Federal-State Extended Unemployment Compensation Act of 1970 (EUCA), Pub. L. No. 91373, 84 Stat. 708 (codified in note to 26 U.S.C. 3304). The UC Amendments included several provisions that affected EUCA. In this NPRM, the Department proposes to address only the Total Unemployment Rate (TUR) indicator and the high-unemployment period provisions from the UC Amendments. In addition, this proposed rule will also revise 20 CFR 615 to reflect the new rounding methodology that the Department employs when calculating the alternative TUR indicator. The new rounding methodology was implemented through guidance to State Workforce Agencies on May 2011. (See Unemployment Insurance Program Letter No. 16-11). Finally, the proposed rule will also revise this part to incorporate technical changes to make the regulatory language consistent with guidance issued and enactment of the UC Amendments.	Ongoing	Final Rule 8/2016	n/a	Public comment	The Final Rule updates regulations to conform to existing law and State practice. It will benefit State Unemployment Insurance systems because it will remove inconsistencies between guidance and current law.
DOL	MSHA	Criteria and Procedures for Proposed Assessment of Civil Penalties (Part 100)	1219-AB72	The assessment of civil penalties is a key component in MSHA's strategy to enforce safety and health standards. Congress intended that the imposition of civil penalties would induce mine operators to be proactive in their approach to mine safety and health, and to take necessary action to prevent safety and health hazards before they occur. This rulemaking would revise the procedures for assessing civil penalties in order to improve the efficiency of the Agency's efforts and to facilitate the resolution of enforcement issues.	Ongoing	Final Rule TBD	n/a	Public comment, including hearings	This rulemaking 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.

DOL	OFCCP	Sex Discrimination Guidelines	1250-AA05	The Office of Federal Contract Compliance Programs (OFCCP) is charged with enforcing Executive Order 11246, as amended, which prohibits Federal contractors and subcontractors from discriminating against individuals in employment on the basis of race, color, sex, sexual orientation, gender identity, 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 to promote and ensure equal opportunities for all persons employed or seeking employment with Federal contractors and subcontractors without regard to sex. The guidance in part 60-20 is more than 30 years old and warrants a regulatory lookback. OFCCP issued a Notice of Proposed Rulemaking and Final Rule to create sex discrimination regulations that reflect the current state of the law in this area.	Completed	NPRM 80 FR 5246 January 30, 2015 Final Rule 81 FR 39108 June 15, 2016	n/a	Public comment	Because the guidelines were out of date, this rule removes confusion on the part of contractors and subcontractors about their legal obligations under current federal law and OFCCP guidance. Replacing the Guidelines with the final rule will benefit public understanding of the law by removing an outmoded and ineffective rule from the Code of Federal Regulations, which is in the public interest.
DOL	OSHA	Cranes and Derricks in Construction: Amendments	1218-AC81	OSHA is proposing corrections and amendments to the final standard for cranes and derricks published in August 2010. The standard has a large number of provisions designed to improve crane safety and reduce injuries and fatalities among workers. The proposed amendments include broadening the exclusion for forklifts carrying loads under the forks from "winch or hook" to "with a boom and winch"; clarifying an exclusion for work activities involving articulating cranes; replacing "minimum approach distance" with "minimum clearance distance" throughout to remove ambiguity; clarifying the use of demarcated boundaries for work near power lines; and resolving an issue of "NRTL-approved" safety equipment (e.g., proximity alarms and insulating devices) that is required by the final standard but is not yet available.	Ongoing	NPRM 10/2016	n/a	Public comment	Eliminating requirements for the National Recognized Testing Laboratory (NRTL) approved links for work in proximity to power lines will provide an estimated \$6.7 million cost savings.
DOL	OSHA	Improve Tracking of Workplace Injuries and Illnesses	1218-AC49	OSHA is making changes to its reporting system for occupational injuries and illnesses. An updated and modernized reporting system would enable a more efficient and timely collection of data, and would improve the accuracy and availability of the relevant records and statistics. This rulemaking involves modification to 29 CFR part 1904.41 to expand OSHA's legal authority to collect and make available injury and illness information required under part 1904, and a modification to 29 CFR part 1904.35 to clarify an employee's right to report injuries and illnesses to their employer without fear of retaliation.	Completed	Final Rule 5/2016	n/a	Public comment	n/a
DOL	OSHA	Bloodborne Pathogens	1218-AC34	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.	Ongoing	End Review and Issue Findings 10/2016	TBD		TBD
DOL	OSHA	Updating OSHA Standards Based on National Consensus Standards (Eye and Face Protection)	1218-AC87	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 multi-year project to update these standards. A notice describing the project was published in November 2004 (69 FR 68283). The Personal Protective Equipment (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 2010 edition of the Eye and Face Protection (ANSI Z-87.1) consensus standard. OSHA intends to pursue a rulemaking to incorporate the 2010 edition of the ANSI Z87.1 Eye and Face Protection for general industry, shipyard employment, long shoring, marine terminals, and construction industries.	Completed	Final Rule 3/2016	n/a	Public comment	TBD

DOL	OSHA	Standards Improvement Project – Phase IV (SIP IV)	1218-AC67	OSHA's Standards Improvement Projects (SIPs) are intended to remove or revise duplicative, unnecessary, and inconsistent safety and health standards. The Agency has previously published three 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); SIP Phase 2 was published on January 5, 2005 (70 FR 1111); and SIP Phase III was published June 8, 2011 (76 FR 33590). The Agency believes that SIPS I, II, and III standards have reduced the compliance costs and eliminated or reduced the paperwork burden for a number of its standards. The Agency only considers making such changes to its standards so long as they do not diminish employee protections. The Agency has initiated a fourth rulemaking effort to identify unnecessary or duplicative provisions or paperwork requirements that are mainly focused on its construction standards in 29 CFR 1926. The Agency initiated rulemaking by publishing a Request For Information (RFI) on December 6, 2012 (77 FR 72781).	Ongoing	NPRM 7/2016	Streamlined requirements	Public comment; Advisory Committee input	TBD
DOL	OSHA	Chemical Management and Permissible Exposure Limits (PELs)	1218-AC74	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 to be revised in order to take into account newer scientific data that indicate significant occupational health risks 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 in 1991 by the Eleventh Circuit Court of Appeals, citing deficiencies in OSHA's analyses. Since that time OSHA has made attempts to examine its outdated PELs in light of the court's 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 published a Request for Information (RFI) on October 10, 2014 seeking input from the public to help the Agency identify effective ways to address occupational exposure to chemicals. OSHA is also developing RFIs on three related initiatives including one to revoke outdated PELs (see item 1218-AD01 below) and two to explore establishing updated PELs for 1-bromopropane and styrene.	Ongoing	Analyze Comments 9/2016	n/a	Public comment, stakeholder meetings, web forum	TBD
DOL	OSHA	Process Safety Management and Prevention of Major Chemical Accidents	1218-AC82	On June 6, 2014, the Executive Order 13650 Working Group issued a report to the President, entitled Actions to Improve Chemical Facility Safety and Security – A Shared Commitment. OSHA has initiated the Small Business Regulatory Enforcement Fairness Act (SBREFA) review of this area.	Ongoing	Conclude SBREFA /62016	n/a	SBREFA, including teleconferences with small entity representatives to obtain comment on SBREFA background document	TBD
DOL	OSHA	Lock-out/Tag-out Update	1218-AD00	Recent technological advancements that employ computer-based controls of hazardous energy (e.g., mechanical, electrical, pneumatic, chemical, radiation) conflict with OSHA's existing lock-out / tag-out standard. The use of these computer-based controls has become more prevalent as equipment manufactures modernize their designs. Additionally, there are international standards harmonization concerns since this method of lockout/tag-out is more accepted in other nations. The Agency has recently seen an increase in requests for variances for these devices.	Ongoing	RFI 9/2016	n/a	Public comment,	TBD

DOL	OSHA	Powered Industrial Trucks	1218-AC99	Powered Industrial Trucks (e.g., fork trucks, tractors, lift trucks, motorized hand trucks) are ubiquitous in industrial (and many retail) worksites. The agency's standard still relies upon ANSI standards from 1969. The Industrial Truck Association has been encouraging OSHA to update and expand the OSHA standard to account for the substantial revisions to ANSI standards on powered industrial trucks over the last 45 years. The current standard covers 11 types of trucks, and there are now 19 types. In addition, the standard itself incorporates and out of date consensus standard.	Ongoing	RFI 10/2016	n/a	Public comment,	TBD
DOL	OSHA	Mechanical Power Presses Update	1218-AC98	The current (nearly 40-year-old) OSHA standard on mechanical power presses does not address technological change like the use of hydraulic or pneumatic power presses. OSHA previously published an ANPRM on Mechanical Power Presses (June 2007) in which it proposed several options for updating of this standard, but there were insufficient resources and no further action was taken. The Agency would like to update the public record to determine how best to proceed.	Ongoing	RFI 09/2016	n/a	Public comment,	TBD
DOL	OSHA	Revocation of Obsolete Permissible Exposure Limits (PELs)	1218-AD01	OSHA is initiating a new regulatory project to revoke a small number of obsolete permissible exposure limits (PELs) for chemicals contained in the 29 CFR 1910.1000 Table Z-1. As the agency has previously discussed in its Request for Information on Chemical Management and Permissible Exposure Limits (RIN: 1218-AC74), there is widespread agreement among industry, labor, and professional occupational safety and health organizations that OSHA's PELs are outdated. In particular, the Agency will propose revocation of a small number of chemical PELs for which the OSHA PEL substantially exceeds other recommended occupational exposure limits and for which the agency has evidence that workers are not generally being exposed at a level approaching the OSHA PEL (e.g., employers have not been cited for violation of the PEL for some time). The agency is particularly concerned that the continued existence of these obsolete PELs imparts a false level sense of security to workers and employers who mistakenly believe that the PEL represents the level at which there are no adverse health effects. The agency expects that upon revocation of these outmoded and ineffective PELs that it may use other enforcement tools (e.g., the General Duty clause) in limited circumstances should worker health and safety be jeopardized	Ongoing	RFI 09/2016	n/a	Public comment	TBD
DOL	OWCP	Black Lung Benefits Act: Medical Benefit Payments	1240-AA11	OWCP proposes to revise the current regulations addressing how medical providers are reimbursed for covered services rendered to totally disabled coal miners. The current regulations generally provide that payment for medical treatment and services is capped at the rate prevailing in the community where the service provider is located but provide no method for determining that rate. The proposed rule will fill that gap for medical benefit payments made from the Black Lung Disability Trust Fund and will reflect modern payment and reimbursement methodologies.	Ongoing	NPRM 9/2016	TBD	Public comment	TBD