

Department of Labor (DOL) Retrospective Plan Update as of July 2015

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	ETA	Modernizing the Permanent Labor Certification Program (PERM)	1205-AB75	<p>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.</p>	Ongoing	NPRM 12/2015	TBD	Stakeholder listening sessions; Public comment.	TBD

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DOL	OWCP	Longshore and Harbor Workers' Compensation Act: Transmission of Documents and Information	1240-AA09	The current regulations implementing the Longshore and Harbor Workers' Compensation Act and its extensions unnecessarily restrict the methods by which injured workers, their survivors, employers, insurance carriers, and the Office of Workers' Compensation Programs may communicate. Nor do current regulations address electronic communication methods (e.g., facsimile and e-mail). Establishing parameters for electronic communications has become increasingly important as more private individuals and businesses have adopted electronic means as their preferred method of communication. This rulemaking will add electronic communication options that are consistent with the statute and compatible with the Department's electronic infrastructure, and broaden the acceptable methods of non-electronic communications as well.	Completed	Final Rule became effective 6/10/2015 [DFR - 80 FR 12917-12933 (March 12, 2015), NPRM Withdrawal Notice- 80 FR 12957-12973 (March 12, 2015)]	Streamlined requirements to electronic filing	Public comment	Cost savings of \$14,817 in mailing costs alone, which are expected to increase in the future as electronic transmission options increase and are used more frequently.
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 11/2015	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.

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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.	Ongoing	Final Rule 9/2015	n/a	Public comment	n/a

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DOL	OSHA	Streamlining of Provisions on State Plans for Occupational Safety and Health	1218-AC76	OSHA is making revisions to the regulations pertaining to State Plans in order to eliminate the unnecessary codification of State Plan descriptive material in the Code of Federal Regulations (CFR) and thus save the time and resources currently expended in maintaining these pages in the CFR and in making minor changes to this material. OSHA will house the detailed descriptions of State Plans on its public website.	New	DFR and NPRM 8/2015	TBD	Public Comment	<p>OSHA will realize a cost savings by reducing the 103 pages of State Plan description in the CFR by about 90%.</p> <p>OSHA anticipates a time and resource savings for OSHA and the State Plans when changes are required to this State Plan information. OSHA has at least eight pending issues and will realize a cost and resource saving on each.</p>

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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. The Notice of Proposed Rulemaking, among other things, proposes to amend the regulations to cover plans whose sponsors are in liquidation under chapter 7 of the US Bankruptcy Code.	Ongoing	Final Rule 10/2015	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.

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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.	New to this update	NPRM 9/2015	TBD	Public comment	TBD

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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	TBD	n/a	Public comment; Advisory Committee input	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.

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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. 91-373, 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 9/2015	n/a	Public comment	The NPRM 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.

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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 proposes to 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 12/2015	n/a	Public comment, including hearings	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.
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 will issue a Notice of Proposed Rulemaking to create sex discrimination regulations that reflect the current state of the law in this area.	Ongoing	Final Rule 12/2015	n/a	Public comment	As this NPRM proposes updates to existing regulations, potential savings and benefits are to be determined. However, because the guidelines are out of date, this rule would remove confusion on the part of contractors and subcontractors about their legal obligations under current federal law and OFCCP guidance. No new data collection and recordkeeping burdens should be created by this lookback. An information collection burden analysis is being conducted.

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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 9/2015	TBD		TBD

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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.	Ongoing	Final Rule 8/2015	n/a	Public comment	TBD

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DOL	OSHA	Standards Improvement Project – Phase IV (SIP IV)	1218-AC67	<p>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).</p>	Ongoing	NPRM 9/2015	Streamlined requirements	Public comment; Advisory Committee input	TBD

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DOL	OSHA	Chemical Management and Permissible Exposure Limits (PELs)	1218-AC74	<p>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 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.</p>	Ongoing	RFI Comment Period Extension to End 10/9/2015	n/a	Public comment, stakeholder meetings, web forum	TBD

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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. Within one year of the report, OSHA will initiate the Small Business Regulatory Enforcement Fairness Act (SBREFA) review of this area.	Initiate SBREFA	Convene SBREFA 8/2015	n/a	SBREFA, including teleconferences with small entity representatives to obtain comment on SBREFA background document	TBD
DOL	OWCP	Black Lung Benefits Act: Medical Benefit Payments	1240-AA11	OWCP proposes to revise the current regulations addressing how the Division of Coal Mine Workers' Compensation reimburses medical providers for covered services rendered to coal miners. These regulations were last revised in 2000, thus they do not adequately reflect current medical billing systems. The proposed rule will reflect modern payment and reimbursement methodologies. When appropriate, the rule will also apply the OWCP medical fee schedule, which OWCP uses in the other compensation programs it administers.	New to this update	NPRM 9/2016	TBD	Public comment	TBD