



**DATE:** June 22, 2023  
**TO:** Phylmar Regulatory Roundtable – PRR, OSH Forum  
**FROM:** Helen Cleary, Director  
**RE:** Spring 2023 – Federal OSHA Semiannual Regulatory Agenda

On June 13, 2023, the Office of Information and Regulatory Affairs (OIRA), published its Spring 2023 [Unified Agenda of Regulatory and Deregulatory Actions](#) which includes the U.S. Department of Labor’s (DOL) [Spring 2023 Regulatory Agenda](#). The Unified Agenda outlines regulatory actions Federal agencies, including the Occupational Safety and Health Administration (OSHA), are considering in the coming months to promote transparency. The Unified Agenda is published twice a year. The previous agenda was Fall 2022 which was released on January 4, 2023.

Following is an overview of the Spring 2023 Agenda; a [list](#) of specific OSHA rules including [detailed summaries](#) are below.

### **Government Statements**

The White House’s [official statement](#) on the release says that the agenda “continues its work to invest in America, lower costs for families, combat climate change, and grow the economy from the bottom up and middle out.” DOL did not release an official statement on the Spring 2023 Agenda.

### **Definitions**

Each entry on the agenda is associated with one of five rulemaking stages:

1. **Prerule Stage** - actions agencies will undertake to determine whether or how to initiate rulemaking. These actions occur prior to a Notice of Proposed Rulemaking (NPRM) and may include Advance Notices of Proposed Rulemaking (ANPRMs) and reviews of existing regulations.
2. **Proposed Rule Stage** - actions occur when agencies plan to publish a Notice of Proposed Rulemaking as the next step in their rulemaking process or when the closing date of the NPRM Comment Period is the next step.
3. **Final Rule Stage** - actions occur when agencies plan to publish a final rule or an interim final rule or take other final action as the next step.
4. **Long-Term Actions** - items under development but occur when the agency does not expect to have a regulatory action within the 12 months after publication of this edition of the Unified Agenda.

5. Completed Actions - actions or reviews the agency has completed or withdrawn since publishing its last agenda. This section also includes items the agency began and completed between issues of the Unified Agenda.

For additional reference, following are acronyms commonly referred to

- RFI – Request for Information
- NPRM – Notice of Proposed Rulemaking
- SBREFA – Small Business Regulatory Enforcement Fairness Act

### OSHA's Spring 2023 Regulatory Agenda

Following are rules on DOL's Spring 2023 Agenda, specific to OSHA, that may be of particular interest to PRR members. They are listed and categorized by the rulemaking stage; detailed summaries are below.

While the Regulatory Agenda contains many rules in various stages of the rulemaking process and provides useful information on the Agency's goals and priorities, the list and timeframes are usually overly optimistic.

**Dates and actions have been updated but there has not been much movement since the Fall 2022 Agenda.** Rules that have progressed or changed stages **are highlighted for easy reference below.**

#### High-Level List

##### Final Rule Stage

1. Update to the Hazard Communication Standard
2. Procedures for Handling of Retaliation Complaints Under the Whistleblower Protection Statutes
3. Occupational Exposure to COVID-9 in Healthcare Settings
4. Procedures for the Handling of Retaliation Complaints Under the Anti-Money Laundering Act
5. Procedures for the Handling of Retaliation Complaints under the Criminal Antitrust Anti-Retaliation Act
6. Improve Tracking of Workplace Injuries and Illnesses
7. Procedures for the Use of Administrative Subpoenas

#### [Top of the Document](#)

### Proposed Rule Stage

1. Infectious Diseases
2. Amendments to the Cranes and Derricks in Construction Standard
3. Communication Tower Safety
4. Emergency Response
5. Welding in Construction Confined Spaces
6. Personal Protective Equipment in Construction
7. Powered Industrial Trucks Design Standard Update
8. Walking Working Surfaces
9. Occupational Exposure to Crystalline Silica: Revisions to Medical Surveillance Provisions for Medical Removal Protection
10. Worker Walkaround Representative Designation Process

### Pre-Rule Stage

1. Process Safety Management and Prevention of Major Chemical Accidents
2. Mechanical Power Presses Update
3. Prevention of Workplace Violence in Health Care and Social Assistance
4. Blood Lead Level for Medical Removal
5. Heat Illness Prevention in Outdoor and Indoor Work Settings

### Long-Term Actions

1. Occupational Injury and Illness Recording and Reporting Requirements--Musculoskeletal Disorders (MSD) Column
2. Powered Industrial Trucks
3. Lock-Out/Tag-Out Update
4. Occupational Exposure to Crystalline Silica - Revision to Table 1 in the Standard for Construction
5. COVID-19 Vaccination and Testing Emergency Temporary Standard Rulemaking

### Completed Actions *(These rules were finalized since the Fall 2022 Agenda)*

1. Procedures for the Handling of Retaliation Complaints Under the Taxpayer First Act
2. Arizona State Plan for Occupational Safety and Health

[Top of the Document](#)

**Inactive Rules** – OSHA does not have any rules on DOL's [Inactive List](#).

### Detailed Summaries

#### **Final Rule Stage:**

1. **[Update to the Hazard Communication Standard](#)**: OSHA and other U.S. agencies have been involved in a long-term project to negotiate a globally harmonized approach to classifying chemical hazards, and providing labels and safety data sheets for hazardous chemicals. The result is the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). The GHS was adopted by the United Nations, with an international goal of as many countries as possible adopting it by 2008. OSHA incorporated the GHS into the Hazard Communication Standard (HCS) in March 2012 to specify requirements for hazard classification and to standardize label components and information on safety data sheets, which will improve employee protection and facilitate international trade. However, the GHS is a living document and has been updated several times since OSHA's rulemaking. While OSHA's HCS 2012 was based on the third edition of the GHS, OSHA's current rulemaking is to harmonize the HCS to the seventh edition of the GHS, improve harmonization with international trading partners such as Canada, and to codify a number of enforcement policies that have been issued since the 2012 standard. **NPRM: 02/16/2021; NPRM Comment Period Extended: 04/12/2021; NPRM Comment Period Extended End: 05/19/2021; NPRM Notice of Informal Public Hearing: 05/20/2021; NPRM Informal Public Hearing Date: 09/21/2021; Final Rule: 06/00/2023.**
2. **[Procedures for Handling of Retaliation Complaints Under the Whistleblower Protection Statutes](#)**: OSHA is promulgating an interim final rule to update the procedures for handling and investigation of retaliation complaints under several whistleblower protection statutes. The updates would make the investigation procedures consistent among the statutes and make the process accessible for employers and employees by providing uniform standards with regard to various procedural issues including the sharing of the information between the parties during the investigation and the ability of the agency to serve findings by electronic means. Recent changes to the Pipeline Safety Improvement Act (PSIA) and the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR21) resulting from the Consolidated Appropriations Act, 2021 will also be addressed. Promulgation of this procedural rule will aid OSHA's efficient processing of complaints under the whistleblower statutes. **Interim Final Rule: 09/00/2023.**

[Top of the Document](#)

3. [Occupational Exposure to COVID-19 in Healthcare Settings](#): In accordance with President Biden’s Executive Order 13999 on Protecting Worker Health and Safety (January 21st, 2021), OSHA issued an emergency temporary standard to address the grave danger of COVID-19 in healthcare workplaces. This standard contains provisions necessary to ensure the health and safety of workers. The agency believes the danger faced by healthcare workers continues to be of the highest concern and measures to prevent the spread of COVID-19 are still needed to protect them. OSHA announced on December 27, 2021 that it intended to continue to work expeditiously to issue a final standard that will protect healthcare workers from COVID-19 hazards. However, given that OSHA anticipated a final rule could not be completed in a timeframe approaching the one contemplated by the OSH Act, the agency has stopped enforcing the non-recordkeeping provisions. OSHA has continued to work expeditiously to issue a final standard that will protect workers from COVID-19. **Interim Final Rule: 06/21/2021; Interim Fine Rule Effective: 06/21/2021; Interim Fine Rule Correction: 07/14/2021; Interim fine Rule Comment Period Extended: 06/21/2021; Interim Final Rule Comment Period Extended End: 08/20/2021; Final Rule: 06/00/2023.**
  
4. [Procedures for the Handling of Retaliation Complaints Under the Anti-Money Laundering Act](#): OSHA is promulgating procedures for the handling and investigation of complaints pursuant to the Anti-Money Laundering Act (AMLA) of 2020. This new law prohibits employers from retaliating against certain whistleblowers who report potential money laundering-related violations to the federal government, Congress, their supervisors, or who testify, cause to be filed, or participate in, or otherwise assist in an investigation or proceeding relating to potential money laundering-related violations. Promulgation of this procedural regulation will aid in the efficient processing of complaints under this new statutory provision. **Interim Final Rule: 04/00/2024.**
  
5. [Procedures for the Handling of Retaliation Complaints under the Criminal Antitrust Anti-Retaliation Act](#): OSHA is promulgating procedures for the handling and investigation of complaints pursuant to the Criminal Antitrust Anti-Retaliation Act (CAARA) of 2019. This new law prohibits employers from retaliating against certain whistleblowers who report criminal antitrust violations to the federal government or their supervisors, or who cause to be filed, testify or participate in, or otherwise assist in an investigation or proceeding relating to a violation of antitrust laws. The law’s whistleblower protections cover employees, contractors, subcontractors, and agents. Promulgation of this procedural regulation will aid in the efficient processing of complaints under this new statutory

[Top of the Document](#)

provision. **Interim Final Rule: 02/10/2023; Interim Final Rule Effective: 02/10/2023; Interim Final Rule Comment Period End: 04/11/2023; Final Rule: 04/00/2024.**

6. **[Improve Tracking of Workplace Injuries and illnesses:](#)** In 2016, OSHA finalized a rule which, among other things, required certain establishments to electronically submit certain case-specific injury and illness information to OSHA each year (81 FR 29624 (May 12, 2016)). Approximately, three years later, the agency rescinded the requirements to submit the case-specific information (84 FR 380 (January 25, 2019)). On March 30, 2022, OSHA published a Notice of Proposed Rulemaking which would amend its occupational injury and illness recordkeeping regulation to again require certain employers to annually electronically submit injury and illness information (87 FR 18528). Specifically, OSHA proposed to amend its regulation to require establishments with 100 or more employees in certain designated industries to electronically submit information from their OSHA Forms 300, 301, and 300A to OSHA once a year. Under the proposal, establishments with 20 or more employees in certain industries would continue to be required to electronically submit information from their OSHA Form 300A annual summary to OSHA once a year. OSHA also proposed to update the classification system used to determine the list of industries covered by the electronic submission requirement. Finally, OSHA proposed to remove the current requirement for establishments with 250 or more employees, not in a designated industry, to electronically submit information from their Form 300A to OSHA on an annual basis. **NPRM: 03/30/2022; NPRM Comment Period Extended: 05/25/22022; NPRM Comment Period Extended End: 06/30/2022; Final Rule: 06/00/2023.**
7. **[Procedures for the Use of Administrative Subpoena:](#)** OSHA makes extensive use of subpoenas to gather evidence and interview witnesses during its investigations. This subpoena practice raises recurrent issues which lead to time-consuming disputes between the agency and employers. OSHA intends to adopt a regulation addressing the use of subpoenas during OSHA investigations to provide helpful clarity to the agency and the regulated public on these issues, while promoting transparency and uniform subpoena practice across the agency. **Interim Final Rule: 08/00/2023.**

#### **Proposed Rule Stage:**

1. **[Infectious Diseases:](#)** Employees in health care and other high-risk environments face long-standing infectious disease hazards such as tuberculosis (TB), varicella disease (chickenpox,

[Top of the Document](#)

shingles), and measles, as well as new and emerging infectious disease threats, such as Severe Acute Respiratory Syndrome (SARS), the 2019 Novel Coronavirus (COVID-19), and pandemic influenza. Health care workers and workers in related occupations, or who are exposed in other high-risk environments, are at increased risk of contracting TB, SARS, Methicillin-Resistant Staphylococcus Aureus (MRSA), COVID-19, and other infectious diseases that can be transmitted through a variety of exposure routes. OSHA is examining regulatory alternatives for control measures to protect employees from infectious disease exposures to pathogens that can cause significant disease. Workplaces where such control measures might be necessary include: health care, emergency response, correctional facilities, homeless shelters, drug treatment programs, and other occupational settings where employees can be at increased risk of exposure to potentially infectious people. A standard could also apply to laboratories, which handle materials that may be a source of pathogens, and to pathologists, coroners' offices, medical examiners, and mortuaries. **RFI: 05/06/2010; RFI Comment Period End: 08/04/2010; Analyze Comments: 12/30/2010; Stakeholder Meetings: 07/05/2011; Initiate SBREFA: 06/04/2014; Complete SBREFA: 12/22/2014; NPRM: 03/00/2024.**

2. **[Amendments to the Cranes and Derricks in Construction Standard](#)**: Occupational Safety and Health Administration (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 worker injury and fatality. The proposed amendments: correct references to power line voltage for direct current (DC) voltages as well as alternating current (AC) voltages; broaden the exclusion for forklifts carrying loads under the forks from "winch or hook" to a "winch and boom"; clarify an exclusion for work activities by articulating cranes; provide four definitions inadvertently omitted in the final standard; replace "minimum approach distance" with "minimum clearance distance" throughout to remove ambiguity; clarify the use of demarcated boundaries for work near power lines; correct an error permitting body belts to be used as a personal fall arrest system rather than a personal fall restraint system; replace the verb "must" with "may" used in error in several provisions; correct an error in a caption on standard hand signals; and resolve 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. **NPRM: 03/00/2024.**
3. **[Communication Tower Safety](#)**: While the number of employees engaged in the communication tower industry remains small, the fatality rate is very high. Over the past

[Top of the Document](#)

20 years, this industry has experienced an average fatality rate that greatly exceeds that of the construction industry. Due to recent FCC spectrum auctions and innovations in cellular technology, there will be a very high level of construction activity taking place on communication towers over the next few years. A similar increase in the number of construction projects needed to support cellular phone coverage triggered a spike in fatality and injury rates years ago. Based on information collected from an April 2015 Request for Information (RFI), OSHA concluded that current OSHA requirements such as those for fall protection and personnel hoisting, may not adequately cover all hazards of communication tower construction and maintenance activities. OSHA will use information collected from a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel to identify effective work practices and advances in engineering technology that would best address industry safety and health concerns. The Panel carefully considered the issue of the expansion of the rule beyond just communication towers. OSHA will continue to consider also covering structures that have telecommunications equipment on or attached to them (e.g., buildings, rooftops, water towers, billboards). **RFI: 04/15/2015; RFI Comment Period End: 01/15/2015; Initiate SBREFA: 01/04/2017; Initiate SBREFA: 05/31/2018; Complete SBREFA: 10/11/2018; NPRM: 03/00/2024.**

4. **Emergency Response**: OSHA currently regulates aspects of emergency response and preparedness; 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, and other workers providing skilled support, nor do they reflect major changes in performance specifications for protective clothing and equipment. The agency acknowledges that 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 industry consensus standards. OSHA is considering updating these standards with information gathered through an RFI and public meetings. **Stakeholder Meetings: 07/30/2014; Convene NACOSH Workgroup: 09/09/2015; NACOSH Review of Workgroup Report: 12/14/2016; Initiate SBREFA: 08/02/2021; Finalize SBREFA: 12/02/2021; NPRM: 11/00/2023.**
5. **Welding in Construction Confined Spaces**: OSHA is proposing to amend the Welding and Cutting Standard in construction to eliminate any perceived ambiguity about the definition of "confined space" that applies to welding activities in construction. On May 4, 2015, when OSHA published the final rule for Confined Spaces in Construction, a new subpart

[Top of the Document](#)



was added to provide protections to employees working in confined spaces in construction. This new subpart replaced OSHA's one training requirement for confined space work with a comprehensive standard that includes a permit program designed to protect employees from exposure to many hazards associated with work in confined spaces, including atmospheric and physical hazards. The explanation of the final rule also discusses in detail how the Welding and Cutting Standard in Construction works together with the confined spaces standard regarding the application of their respective requirements. Although the confined spaces standard states that it encompasses welding activities, the welding standard itself does not expressly identify a definition of "confined space". OSHA will conduct a rulemaking to eliminate any perceived ambiguity about the definition of confined space that applies to welding activities in construction. **NPRM: 08/00/2023.**

6. **[Personal Protective Equipment in Construction](#)**: This action would clarify the requirements for the fit of personal protective equipment in construction. **NPRM 06/00/2023.**
7. **[Powered Industrial Trucks Design Standard Update](#)**: OSHA is proposing to update its reference to the ANSI B56.1-1969 Safety Standard for Powered Industrial Trucks found in its powered industrial truck standards to also include the latest version of ANSI/ITSDF B56.1a-2018, Safety Standard for Low Lift and High Lift Trucks. This rulemaking will incorporate by reference the consensus standard provisions related to the design and construction of powered industrial trucks, and is a continuation of OSHA's ongoing effort to update references to consensus standards published by standards-developing organizations. The purpose of these rulemakings is to improve worker safety and health by ensuring that consensus standards referenced in OSHA rules address current industry practice and state-of-the-art technology. In a separate action (RIN 1218-AC99), OSHA is collecting information to evaluate the need to update requirements related to the maintenance and use of powered industrial trucks and training of operators. **NPRM: 02/16/2022; NPRM Comment Period End: 05/17/2022; NPRM Analyze Comments: 07/00/2023.**
8. **[Walking Working Surfaces](#)**: OSHA has received feedback from stakeholders indicating that several regulatory provisions of the 2016 final rule on Walking-Working Surfaces (81 FR 82494) are unclear. The agency plans to correct a formatting error in Table D-2 and also revise the language of the requirements for stair rail systems to make them clearer and reflect OSHA's original intent. **NPRM: 05/20/2021; NPRM Comment Period End: 07/19/2021; Re-Open the Rulemaking Record: 08/00/2023.**

[Top of the Document](#)

9. **[Occupational Exposure to Crystalline Silica: Revisions to Medical Surveillance Provisions for Medical Removal Protection:](#)** On March 25, 2016, OSHA published a final rule on Occupational Exposure to Respirable Crystalline Silica (81 FR 16286). OSHA issued two separate standards—one for construction, and one for general industry and maritime. Neither standard included a provision for medical removal protection. Both industry and labor organizations petitioned for review of the rule. Upon review, the U.S. Court of Appeals for the District of Columbia Circuit concluded that OSHA failed to adequately explain its decision to omit medical removal protections from the rule and remanded the rule for further consideration of the issue. **NPRM 01/00/2024.**
  
10. **[Worker Walkaround Representative Designation Process:](#)** This rulemaking will clarify the right of workers and certified bargaining units to specify a worker or union representative to accompany an OSHA inspector during the inspection process/facility walkaround, regardless of whether the representative is an employee of the employer, if in the judgment of the Compliance Safety and Health Officer such person is reasonably necessary to an effective and thorough physical inspection. **NPRM: 06/00/2023.**

#### **Pre-rule Stage:**

1. **[Process Safety Management and Prevention of Major Chemical Accidents:](#)** The Occupational Safety and Health Administration (OSHA) issued a Request for Information (RFI) on December 9, 2013 (78 FR 73756). The RFI identified issues related to modernization of the Process Safety Management standard and related standards necessary to meet the goal of preventing major chemical accidents. OSHA completed SBREFA in August 2016. **RFI: 12/09/2013; RFI Comment Period Extended: 03/07/2014; RFI Comment Period Extended End: 03/31/2014; Initiate SBREFA: 06/08/2015; SBREFA Report Completed: 08/01/2016; Stakeholder Meeting: 10/12/2022; Analyze Comments: 11/00/2023.**
  
2. **[Mechanical Power Presses Update:](#)** The current OSHA standard on mechanical power presses does not address the use of hydraulic or pneumatic power presses. Additionally, the existing standard is approximately 40 years old and does not address technological changes. OSHA previously published an ANPRM on Mechanical Power Presses (June 2007) in which it identified several options for updating this standard. **RFI: 07/28/2021; RFI Comment Period End: 10/26/2021; Analyze Comments: 12/00/2023.**

[Top of the Document](#)

3. **[Prevention of Workplace Violence in Health Care and Social Assistance](#)**: The Request for Information (RFI) (published on December 7, 2016, 81 FR 88147)) provides OSHA's history with the issue of workplace violence in health care and social assistance, including a discussion of the Guidelines that were initially published in 1996, a 2014 update to the Guidelines, the agency's use of 5(a)(1) in enforcement cases in health care. The RFI solicited information primarily from health care employers, workers and other subject matter experts on impacts of violence, prevention strategies, and other information that will be useful to the agency. OSHA was petitioned for a standard preventing workplace violence in health care by a broad coalition of labor unions, and in a separate petition by the National Nurses United. On January 10, 2017, OSHA granted the petitions. OSHA is preparing for SBREFA. **RFI: 12/07/2016; RFI Comment Period End: 04/06/2017; Initiate SBREFA: 12/29/2022; Complete SBREFA: 05/01/2023; Analyze SBREFA Report: 12/00/2023.**
  
4. **[Blood Lead Level for Medical Removal](#)**: OSHA is considering rulemaking to revise its standards for occupational exposure to lead. OSHA lead standards provide medical removal levels of 60 µg/dL in general industry, 50 µg/dL in construction and the return of the employee to former job status at a blood lead level (BLL) below 40 µg/dL. Recent medical findings indicate that lower blood lead levels in adults can result in adverse health effects including hypertension, cognitive dysfunction, and effects on renal function and reproductive systems. OSHA is seeking input on reducing the current BLL triggers in the medical surveillance and medical removal protection provisions of the general industry and construction standards for lead, and about how current ancillary provisions in the lead standards can be modified to reduce worker BLLs in industries and occupations where elevated exposure to lead continues to occur. OSHA is seeking this input from the public to help the agency identify possible areas of the lead standards for revision to improve protection of workers in industries and occupations where preventable exposure to lead continues to occur. **ANPRM: 06/28/2022; ANPRM Comment Period End: 08/29/2022; ANPRM Comment Period Extension: 08/18/2022; ANPRM Comment Period Extension End: 10/28/2022; ANPRM Analyze Comments: 12/00/2023.**
  
5. **[Heat Illness Prevention in Outdoor and Indoor Work Settings](#)**: Heat is the leading weather-related killer, and it is becoming more dangerous as 18 of the last 19 years were the hottest on record. Excessive heat can cause heat stroke and even death if not treated properly. It also exacerbates existing health problems like asthma, kidney failure, and heart disease. Workers in agriculture and construction are at highest risk, but the problem affects all workers exposed to heat, including indoor workers without climate-controlled environments.

[Top of the Document](#)

Essential jobs where employees are exposed to high levels of heat are disproportionately held by Black and Brown workers.

Heat stress killed 815 U.S. workers and seriously injured more than 70,000 workers from 1992 through 2017, according to the Bureau of Labor Statistics. However, this is likely a vast under estimate, given that injuries and illnesses are under reported in the U.S., especially in the sectors employing vulnerable and often undocumented workers. Further, heat is not always recognized as a cause of heat-induced injuries or deaths and can easily be misclassified, because many of the symptoms overlap with other more common diagnoses.

To date, California, Washington, Minnesota, and the US military have issued heat protections. OSHA currently relies on the general duty clause (OSH Act section 5(a)(1)) to protect workers from this hazard. Notably, from 2013 through 2017, California used its heat standard to conduct 50 times more inspections resulting in a heat-related violation than OSHA did nationwide under its general duty clause. It is likely to become even more difficult to protect workers from heat stress under the general duty clause in light of the 2019 Occupational Safety and Health Review Commission’s decision in *Secretary of Labor v. A.H. Sturgill Roofing, Inc.*

OSHA was petitioned by Public Citizen for a heat stress standard in 2011. The Agency denied this petition in 2012, but was once again petitioned by Public Citizen, on behalf of approximately 130 organizations, for a heat stress standard in 2018 and 2019. Most recently in 2021, Public Citizen petitioned OSHA to issue an emergency temporary standard on heat stress. OSHA is still considering these petitions and has neither granted nor denied to date. In 2019 and 2021, some members of the Senate also urged OSHA to initiate rulemaking to address heat stress.

Given the potentially broad scope of regulatory efforts to protect workers from heat hazards, as well as a number of technical issues and considerations with regulating this hazard (e.g., heat stress thresholds, heat acclimatization planning, exposure monitoring, medical monitoring), OSHA published an ANPRM on Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings (October 27, 2021) to begin a dialogue and engage with stakeholders to explore the potential for rulemaking on this topic. **ANPRM: 10/27/2021; ANPRM Comment Period Extended: 12/02/2021; ANPRM Comment Period Extended End: 01/26/2022; Initiate SBREFA: 08/00/2023.**

[Top of the Document](#)

## Long-Term Actions:

1. **Occupational Injury and Illness Recording and Reporting Requirements--Musculoskeletal Disorders (MSD) Column:** The Occupational Safety and Health Administration (OSHA) proposed to restore a column to the OSHA 300 Log that employers must check if a case they are already required to record under OSHA's existing recordkeeping rule (29 CFR 1904) is a "musculoskeletal disorder" (MSD). This rulemaking does not change the existing requirements about when and under what circumstances employers must record work-related injuries and illnesses. **NPRM: 01/29/2010; NPRM Comment Period End: 03/09/2010; Public Meeting: 03/09/2010; NPRM Comment Period Extended: 03/09/2010; NPRM Comment Period Extended End: 03/30/2010; Small Business Stakeholder Meeting: 04/11/2011; Small Business Stakeholder Meeting: 04/12/2011; Notice of Limited Reopening of Rulemaking Record: 05/17/2011; Next Action Undetermined: To Be Determined.**
2. **Powered Industrial Trucks:** Powered Industrial Trucks (e.g., fork trucks, tractors, lift trucks, and motorized hand trucks) are ubiquitous in industrial (and many retail) worksites. The agency's standard still relies upon ANSI standards from 1969. OSHA issued a Request for Information (RFI) on March 11, 2019 (84 FR 8633), to determine if changes need to be made to locations of use, maintenance, training, and operation of powered industrial trucks. On a separate track (RIN 1218-AD26), OSHA also intends to issue a separate proposal for updating the consensus standard incorporated for design and construction of powered industrial trucks. 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 an out-of-date consensus standard. OSHA will begin the process to develop a proposed rule updating the consensus standard referenced from the 1969 version of the American National Standard B56.1 to the 2016 version. **RFI: 03/11/2019; RFI Comment Period End: 06/10/2019; NPRM: To Be Determined.**
3. **Lock-Out/Tag-Out Update:** Recent technological advancements that employ computer-based controls of hazardous energy (e.g., mechanical, electrical, pneumatic, chemical, and radiation) conflict with OSHA's existing lock-out/tag-out standard. The use of these computer-based controls has become more prevalent as equipment manufacturers modernize their designs. Additionally, there are national consensus standards and

[Top of the Document](#)

international standards harmonization that govern the design and use of computer-based controls: this approach of controlling hazardous energy is more accepted in other nations, which raises issues of needing to harmonize U.S. standards with those of other countries. The agency has recently seen an increase in requests for variances for these devices. OSHA issued a Request for Information (RFI) in May 2019 to understand the strengths and limitations of this new technology, as well as potential hazards to workers. **RFI: 05/20/2019; RFI Comment Period End: 08/19/2019; NPRM: 08/00/2024.**

4. **[Occupational Exposure to Crystalline Silica; Revisions to Table 1 in the Standard for Construction](#)**: On March 25, 2016, OSHA published a final rule on Occupational Exposure to Respirable Crystalline Silica (81 FR 16286). OSHA issued two separate standards, one for construction, and one for general industry and maritime. The construction standard includes Table 1: Specified Exposure Control Methods When Working With Materials Containing Crystalline Silica, which matches common construction tasks with dust control methods that have been shown to be effective. In some operations, respirators are also needed. Employers who follow Table 1 correctly are not required to measure workers' exposure to silica and are not subject to the permissible exposure limit (PEL). OSHA is interested in information on the effectiveness of control measures not currently included for tasks and tools listed in Table 1. The agency is also interested in tasks and tools involving exposure to respirable crystalline silica that are not currently listed in Table 1, along with information on the effectiveness of dust control methods in limiting worker exposure to respirable crystalline silica when performing those operations. OSHA intends to evaluate the available information to determine if revisions to Table 1 may be appropriate. **RFI: 08/15/2019; RFI Comment Period End: 10/15/2019; NPRM: To be Determined.**
5. **[COVID-19 Vaccination and Testing Emergency Temporary Standard Rulemaking](#)**: OSHA published an emergency temporary standard to protect workers from the grave danger of COVID-19 transmission in the workplace. The standard requires all covered employers to develop and implement a mandatory COVID-19 vaccination policy, with an exception for employers that instead adopt a policy requiring employees to elect either to get vaccinated or to undergo regular COVID-19 testing and wear a face covering at work. On January 13, 2022, the U.S. Supreme Court stayed the Vaccination and Testing ETS, finding that challengers were likely to prevail on their claims. After evaluating the Court's decision, OSHA withdrew the Vaccination and Testing ETS as an enforceable emergency temporary standard. OSHA did not withdraw the ETS to the extent that it serves as a proposed rule while OSHA continues to evaluate comments and the Court's decision. **Interim Final Rule: 11/05/2021; interim Final**

[Top of the Document](#)

**Rule Effective: 11/05/2021; Interim Final Rule Comment Period End 12/08/2021; Interim Final Rule Comment Period Extended: 12/03/2021; Interim Final Rule Comment Period Extended End: 01/19/2022; Interim Final Rule Withdrawal: 01/26/2022; Next Action Undetermined: To be Determined.**

### **Completed Actions**

1. **[Procedures for the Handling of Retaliation Complaints Under the Taxpayer First Act](#)**: OSHA is promulgating procedures for the handling and investigation of complaints pursuant to section 1405(b) of the Taxpayer First Act (TFA) of 2019. This section protects employees from retaliation for providing information, causing information to be provided, or otherwise assisting in an investigation regarding underpayment of tax or any conduct which the employee reasonably believes constitutes a violation of the internal revenue laws or any provision of Federal law relating to tax fraud; or testifying, participating in, or otherwise assisting in any administrative or judicial action taken by the Internal Revenue Service relating to an alleged underpayment of tax or any violation of the internal revenue laws or any provision of Federal law relating to tax fraud. Promulgation of this procedural regulation will aid in the efficient processing of complaints under this new statutory provision. **[Final Rule Effective: 03/12/2023](#)**.
2. **[Arizona State Plan for Occupational Safety and Health](#)**: Arizona administers an occupational safety and health plan (State Plan) approved by the federal Occupational Safety and Health Administration (OSHA) under section 18(e) of the Occupational Safety and Health Act of 1970 (the OSH Act). The State Plan received final approval from OSHA on June 20, 1985. Arizona has failed to maintain its commitment to provide a program for employee safety and health protection that meets the requirements of section 18(c) of the OSH Act and is at least as effective as the Federal OSHA program in providing employee safety and health protection at covered workplaces, among other things by failing its obligations with respect to OSHA’s COVID-19 Emergency Temporary Standard for Healthcare in a timely manner. Therefore, OSHA is considering whether to propose to revoke its affirmative determination under section 18(e) of the OSH Act granting final approval to the State Plan. If OSHA determines that such revocation is appropriate, the Arizona State Plan will revert to initial approval and Federal authority for discretionary concurrent enforcement would resume, allowing Federal OSHA to ensure that private sector employees in Arizona are receiving protections that are at least as effective as those afforded to employees covered by Federal OSHA. **[Reconsideration of Final Approval of State Plan; Withdrawal 02/15/2023](#)**.

**[Top of the Document](#)**