

### 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- 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 Report May 2013	To be determined	Report to be completed 2013
OSHA	1218- AC65	Updating OSHA Standards Based on National Consensus Standards – Personal Protective Equipment (Head Protection)	<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 OSHA standards also continue to incorporate by reference various consensus standards that are now outdated and, in some cases, out of print.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 PPE Final Rule, published September 2009, amended the general industry PPE standard and incorporated by reference a</p>	DFR/ NPRM 2012	This rulemaking will make the requirements of OSHA's PPE Standard consistent with current industry 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.	Published November 16, 2012

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			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			
OSHA	1218- AC77	Updating OSHA Standards Based on National Consensus Standards (Signage)	OSHA has an ongoing effort to update references to consensus standards published by standards-developing organizations (SDOs) throughout its rules. The goal of these rulemaking updates is to improve workplace safety and health by ensuring that consensus standards referenced in OSHA regulations reflect current industry practice and state-of-the-art technology. 29 CFR 1910.6 incorporates by reference the 1967 version of ANSI Z53.1, Safety Code for Marking Physical Hazards and the Identification of Certain Equipment, and the 1968 version of ANSI Z53.1, Specification for Accident Prevention Signs. Three OSHA standards (1910.97, Nonionizing radiation, 1910.145, Specifications for accident prevention signs and tags, 1910.261, Pulp, paper, and paper-board mills) refer to these consensus standards. Most employers continue to use signs meeting the consensus standards currently referenced in the OSHA standards. The older signs not only have a long life, the employers do not want to use "newer" versions and be subject to a "de minimus" citation. Preliminary review indicates that signs meeting the latest edition of the consensus standard would advance workplace safety over and above the currently required signs. Signs meeting the	DFR & NPRM April 2013	To be determined	Under Development

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			<p>latest edition use the same color code and wording as ones meeting the older consensus standard, but also provide much more guidance as to the nature of the hazard, the consequences of the hazard, how to avoid the hazard, and the seriousness level of the hazard. Signs meeting the latest edition also are supported by human factors research on effective warning, and are supported by modern risk assessment methodologies for reducing risk. In addition, signs meeting the latest edition can use multiple language panels that could be a benefit to non-English speaking workers, and also meet the legal criteria for "adequate warnings" based on case law. OSHA proposes updating the reference to the version of the consensus standard, while grandfathering older signs that comply with the current OSHA requirements. Using the same strategy as in other consensus standard references updates, OSHA will publish a Direct Final Rule (DFR) con-currently with a Notice of Proposed Rulemaking (NPRM). If OSHA does not receive significant adverse comments on the DFR, it will confirm the effective date of the DFR and withdraw the NPRM. If OSHA does receive significant adverse comments, it will withdraw the DFR and proceed with the rule proposal process.</p>			
OSHA	1218-AC80	Revocation of Certification Records	OSHA is reviewing existing recordkeeping requirements regarding the maintenance of weekly records to determine whether such requirements should be reduced. OSHA's initial focus will be on requirements contained in the Mechanical Power Press standard.	NPRM & DFR March 2013	Too early to estimate	Under development
OSHA	1218-AC67	Standard Improvement Project – Phase	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	RFI December 2012	Too early to estimate, scope of proposal is not yet known	Published December 6, 2012

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		IV (SIP IV)	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 October 2012.			
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 (EEI) 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 EEI, 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	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.	Published November 2012
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	RFI May 2013	Too early to estimate; scope of proposal is not yet known.	Under development

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			<p>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.</p>			
MSHA	1219-AB72	Criteria and Procedures for Proposed Assessment of Civil Penalties (Part 100)	<p>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 revised to improve the efficiency of the Agency's efforts and to facilitate the resolution of enforcement issues.</p>	January 2013	<p>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</p>	<p>The NPRM is currently undergoing OMB review.</p>
OFCCP	1250-AA05	Sex Discrimination Guidelines	<p>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</p>	NPRM August 2013	<p>As this NPRM proposes updates to existing regulations, it is premature to project potential savings and benefits.</p>	<p>Under development.</p>

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			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 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.		However, because the guidelines are grossly out of date, it will remove confusion on the part of contractors and subcontractors about their legal obligations under current federal law and OFCCP guidance.  o No new data collection and recordkeeping burdens should be created by this look back. An information collection burden analysis is being conducted.	
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, among other things, will amend these regulations to cover plans whose sponsors are in liquidation under chapter 7 of the US Bankruptcy Code.	NPRM December 2012	EBSA expects that revising the existing regulation and related class exemption to cover plans whose sponsors are in liquidation under chapter 7 of the US Bankruptcy Code (“chapter 7 plans”) would provide substantial benefits to plans whose sponsors are in bankruptcy liquidation and to bankruptcy trustees while imposing minimal costs. One of the most significant cost savings is that chapter 7 plans no longer would incur costly audit fees that otherwise would diminish plan assets, because trustees would file a summary terminal report at the end of the winding up process in	Published December 12, 2012

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					<p>lieu of the Form 5500 Annual report. The primary beneficiaries of these amendments are participants and beneficiaries in chapter 7 plans whose plan assets would be preserved through the orderly and efficient termination of such plans.</p>	
ETA	1205-AB59	Equal Employment Opportunity in Apprenticeship and Training; Amendment of Regulations	<p>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 positioned to continue to provide economic opportunity for millions of Americans while keeping pace with these new requirements.</p>	NPRM June 2013	<p>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.</p>	This NPRM is currently undergoing OMB review.
ETA	1205-	Job Training	The Employment and Training Administration (ETA) of the	Direct	The Department is taking this action to	Under Development

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	AB68	Partnership Act; Removal of JTPA	Department of Labor (Department) is removing the regulations at 20 CFR Parts 626, 627, 628, 631, 632, 633, 634, 636, 637, and 638, which implemented the Job Training Partnership Act (JTPA or the Act). These regulations were designed to improve the employment status of disadvantaged young adults, dislocated workers, and individuals facing barriers to employment. In 1998, Congress passed the Workforce Investment Act (WIA), which required the Secretary of Labor to transition any authority under JTPA to the system created by WIA. Pub. L. 105-220, tit. V, § 506(a), 112 Stat. 1246-1247 (1998); 20 U.S.C. 9276(a). Therefore, the Department is taking this action to eliminate public reliance on regulations that governed a program that is no longer operative.	Final Rule March 2013	eliminate public reliance on regulations that governed a program that is no longer operative.	
ETA	1205- AB65	Labor Certification Process for Logging Employment and Non-H-2A Agricultural Employment	In 2009, the Department suspended certain regulations pertaining to the H-2A program, including this Subpart C. The suspension was legally enjoined (North Carolina Growers' Association v. Solis, 1:09-cv-00411 (June 29, 2009)) thereby preventing implementation of the Suspension. The entire subject matter of Subpart C was subsumed into a later rulemaking (75 FR 6959, Feb. 12, 2010), but the injunction imposed on the suspension prevented the removal of Subpart C. This regulatory action is needed to remove Subpart C as obsolete and confusing to the public.	IFR April 2013	This regulatory action is needed to remove Subpart C as obsolete and confusing to the public.	Under development.
ETA	1205- AB66	Attestations by Employers Using F-1 Students in Off-Campus Work	The Immigration Act of 1990, supplementing sections 101(a)(15)(F) and 214 of the Immigration and Nationality Act, created a 3 year work authorization program for certain students in F-1 nonimmigrant status. The Department published an Interim Final Rule to administer the program in 1991. 56 FR 56860 (Nov. 6, 1991). Public Law 103-416 (Oct. 25, 1994) revived the program through September 30, 1996, and the regulations were further amended (59 FR 64777, Dec. 15, 1994; 60 FR 34133, June 30,	IFR June 2013	The regulatory action will remove the regulations that have no legal authority and are no longer in effect to avoid confusion in the affected public.	Under development.

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			1995; 60 FR 38959, July 31, 1995; 60 FR 49754, Sept. 30, 1995; 60 FR 61210, Nov. 29, 1995) but the program subsequently sunset and has not been extended since. The regulatory action will remove the regulations that have no legal authority and are no longer in effect to avoid confusion in the affected public.			
ETA	1205- AB67	Attestations by Facilities Using Nonimmigrant Aliens as Registered Nurses	The Immigration Nursing Relief Act of 1999 provided for certain nonimmigrant status for H-1A nurses. Final regulations were published in 1994 (59 FR 897, Jan. 6, 1994, 59 FR 5484, Feb. 4, 1994). The Act was extended but sunset in 2007 and has not been extended since. The regulatory action will remove the regulations that have no legal authority and are no longer in effect to avoid confusion in the affected public.	IFR May2013	The regulatory action will remove the regulations that have no legal authority and are no longer in effect to avoid confusion in the affected public.	Under development.
ETA	1205	Federal-State Unemployment Compensation Program: Implementation of Total Unemployment Rate Extended Benefits Trigger and Rounding Rule	The Employment and Training Administration (ETA) of the U.S. Department of Labor (Department) is issuing this notice of proposed rulemaking (NPRM) to amend and revise 20 CFR 615 to reflect amendments made by the Unemployment Compensation Amendments of 1992, (UC Amendments), P.L. 102-318, which added Section 203(f) 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 Unemployment Rate (TUR) indicator and the high-unemployment provisions from the UC Amendments. In addition this proposed rule also revise 20 CFR 615 to reflect the new rounding methodology the Department employs when calculating the alternative TUR indicator. The new rounding methodology was implemented through guidance to State Workforce Agencies (SWA) on May 2011. (See Unemployment Insurance Program Letter No. 16-11).	NPRM May 2013	The NPRM updates regulations to conform to existing law and State practice. It will benefit State Unemployment Insurance systems because it will remove confusion between complying with guidance and current law.	Under development

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			Finally, the proposed rule will also revise this part to incorporate tech changes to make the regulatory language consistent with guidance iss and enactment of the UC Amendments .			