

OSHA Issues Spring Regulatory Agenda

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On May 21, 2015 the spring semiannual regulatory agenda for federal agencies was published. This **Regulatory Agenda** provides a complete list of all regulatory actions that are under active consideration for promulgation, proposal, or review and covers regulatory actions for over 60 federal departments, agencies, and commissions.

The regulatory agenda for the **Department of Labor** includes a total of twenty three regulatory entries for OSHA specific actions. Seven of these regulatory actions are in the prerule stage where the agency is gathering relevant information. Eight are in the proposed rule stage and another eight of these specific actions are in the final rule stage.

Combustible Dust and Communication Tower Safety remain in the prerule stage. Crane Operator Qualifications in Construction, Silica and Beryllium are in the proposed rule stage. Additionally, OSHA has added agency action for “Clarification of Employer’s Continuing Obligation to Make and Maintain Accurate Records of Each Recordable Injury and Illness.” According to OSHA this proposed rule is meant to “clarify that the duty to make and maintain an accurate record of an injury or illness continues for as long as the employer must keep and make available records for the year in which the injury or illness occurred. The duty does not expire if the employer fails to create the necessary records when first required to do so.” This agency action is an attempt by OSHA to undo the holding in the U.S. Court of Appeals for the District of Columbia’s decision in the *Volks* case, which held that OSHA could not issue citations for failing to record an injury or illness beyond the six-month statute of limitations set out in the statute. *AKM LLC d/b/a Volks Constructors v. Sec’y of Labor*, 675 F.3d 752 (D.C. Cir. 2012).

In this regulatory agenda, OSHA moved its infectious disease rulemaking from active rulemaking to the long-term action list. Also on this list remains a proposed rule for an Injury and Illness Prevention Program rule (I2P2), which was shifted to a long term agency goal in May 2014.

Additional regulatory actions under consideration by OSHA include:

RULE	ANTICIPATED AGENCY ACTION
Walking Working Surfaces – General Industry (Subparts D and I)	Final Rule in August 2015
Improve Tracking of Workplace Injuries and Illnesses	Final Rule in September 2015

Occupational Exposure to Crystalline Silica	Analyze public comments June 2015 NOTE: The regulatory agenda did not list a final date for this standard
Occupational Exposure to Combustible Dust	Notice of Proposed Rulemaking in May 2015
Crane Operator Qualification in Construction	Notice of Proposed Rulemaking in December 2014
Clarification of Employer's Continuing Obligation to Make and Maintain Accurate Records of Each Recordable Injury and Illness	Notice of Proposed Rulemaking in May 2015
Process Safety Management and Prevention of Major Chemical Accidents	Initiate SBREFA in June 2015

The full federal Unified Agenda and Regulatory Plan can be found online at:

<http://www.reginfo.gov/public/do/eAgendaMain>

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