

DEPARTMENT OF LABOR**Office of the Secretary****20 CFR Chs. I, IV, V, VI, VII, and IX****29 CFR Subtitle A and Chs. II, IV, V, XVII, and XXV****30 CFR Ch. I****41 CFR Ch. 60****48 CFR Ch. 29****Agenda of Regulations****AGENCY:** Office of the Secretary, Labor.**ACTION:** Regulatory Agenda.

SUMMARY: The internet has become the means for disseminating the entirety of the Department of Labor's regulatory agenda. However, the Regulatory Flexibility Act requires publication of a regulatory flexibility agenda in the **Federal Register**. This **Federal Register**

Notice contains the regulatory flexibility agenda.

FOR FURTHER INFORMATION CONTACT:

Laura M. Dawkins, Deputy Assistant Secretary for Policy, Office of the Assistant Secretary for Policy, U.S. Department of Labor, 200 Constitution Avenue NW, Room S-2312, Washington, DC 20210; (202) 693-5959.

Note: Information pertaining to a specific regulation can be obtained from the agency contact listed for that particular regulation.

SUPPLEMENTARY INFORMATION: Executive Order 12866 requires the publication of an agenda of regulations that contains a listing of all the regulations the Department of Labor expects to have under active consideration for promulgation, proposal, or review during the coming one-year period. The entirety of the Department's agenda is available online at www.reginfo.gov.

The Regulatory Flexibility Act (5 U.S.C. 602) requires DOL to publish in the **Federal Register** a regulatory

flexibility agenda. The Department's Regulatory Flexibility Agenda, published with this notice, includes only those rules on its agenda that are likely to have a significant economic impact on a substantial number of small entities; and those rules identified for periodic review in keeping with the requirements of section 610 of the Regulatory Flexibility Act. Thus, the regulatory flexibility agenda is a subset of the Department's regulatory agenda. The Department's Regulatory Flexibility Agenda does not include section 610 items at this time.

All interested members of the public are invited and encouraged to let departmental officials know how our regulatory efforts can be improved and are invited to participate in and comment on the review or development of the regulations listed on the Department's agenda.

Keith Sonderling,
Acting Secretary of Labor.

WAGE AND HOUR DIVISION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
282	Tip Regulations Under the Fair Labor Standards Act (FLSA)	1235-AA54

WAGE AND HOUR DIVISION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
283	Application of the Fair Labor Standards Act to Domestic Service (Reg Plan Seq No. 94)	1235-AA51
284	Statements of General Policy or Interpretation Not Directly Related to Regulations	1235-AA52

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

WAGE AND HOUR DIVISION—COMPLETED ACTIONS

Sequence No.	Title	Regulation Identifier No.
285	Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees.	1235-AA39
286	Application of the Fair Labor Standards Act to Domestic Service	1235-AA55

EMPLOYMENT AND TRAINING ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
287	Improving Wage Protections for the Temporary and Permanent Employment of Certain Foreign Nations in the United States (Reg Plan Seq No. 95).	1205-AC30

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

EMPLOYMENT AND TRAINING ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
288	Employer-Provided Survey Wage Methodology for the Temporary Non-Agricultural Employment H-2B Program.	1205-AC15
289	Prohibiting Illegal Discrimination in Registered Apprenticeship Programs	1205-AC21

EMPLOYMENT AND TRAINING ADMINISTRATION—FINAL RULE STAGE—Continued

Sequence No.	Title	Regulation Identifier No.
290	Adverse Effect Wage Rate Methodology for the Temporary Employment of H-2A Nonimmigrants in Non-Range Occupations in the United States (Reg Plan Seq No. 96).	1205-AC24
291	Rescission of Final Rule: Improving Protections for Workers in Temporary Agricultural Employment in the United States (Reg Plan Seq No. 97).	1205-AC25

References in boldface appear in The Regulatory Plan in part II of this issue of the **Federal Register**.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
292	Independent Dispute Resolution Operations	1210-AC17

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—PROPOSED RULE STAGE

Sequence No.	Title	Regulation Identifier No.
293	Tree Care Standard	1218-AD04
294	Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings	1218-AD39

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—FINAL RULE STAGE

Sequence No.	Title	Regulation Identifier No.
295	Emergency Response	1218-AC91

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION—LONG-TERM ACTIONS

Sequence No.	Title	Regulation Identifier No.
296	Process Safety Management and Prevention of Major Chemical Accidents	1218-AC82
297	Communication Tower Safety	1218-AC90
298	Workplace Violence in Health Care and Social Assistance	1218-AD08

Department of Labor (DOL)	Proposed Rule Stage
	Wage and Hour Division (WHD)

282. • TIP REGULATIONS UNDER THE FAIR LABOR STANDARDS ACT (FLSA)

Legal Authority: 29 U.S.C. 203(m) and (t), as amended by sec. 3(m); Pub. L. 75-718, 52 Stat. 1060; sec. 2, Pub. L. 87-30, 75 Stat. 65; sec. 101, sec. 602, Pub. L. 89-601, 80 Stat. 830; sec. 29(B), Pub. L. 93-259, 88 Stat. 55 sec. 3, sec. 15(c), Pub. L. 95-151, 91 Stat. 1245; sec. 2105(b), Pub. L. 104-188, 110 Stat. 1755; sec. 8102, Pub. L. 110-28, 121 Stat. 112; and sec. 1201, Div. S., Tit. XII, Pub. L. 115-141, 132 Stat. 348

Abstract: Section 3(m) of the Fair Labor Standards Act (FLSA), 29 U.S.C. 204(m), provides in part that an employer may take a partial credit (tip credit) against its minimum wage payment obligation to a tipped

employee based on tips received and retained by the employees. Section 3(t) of the FLSA defines a tipped employee as any employee engaged in an occupation in which he customarily and regularly receives more than \$30 a month in tips. The Department is considering a notice of proposed rulemaking to amend regulatory provision related to tipped employees under the FLSA.

Timetable:

Action	Date	FR Cite
NPRM	08/00/26	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Daniel Navarrete, Director, Division of Regulations, Legislation, and Interpretation (DRLI), Department of Labor, Wage and Hour Division, 200 Constitution Avenue NW, Room S-3502, Washington, DC 20210
Phone: 202 693-0406
Email: navarrete.daniel@dol.gov
RIN: 1235-AA54

Department of Labor (DOL)	Final Rule Stage
	Wage and Hour Division (WHD)

283. • APPLICATION OF THE FAIR LABOR STANDARDS ACT TO DOMESTIC SERVICE

Regulatory Plan: This entry is Seq. No. 94 in part II of this issue of the **Federal Register**.

RIN: 1235-AA51

284. • STATEMENTS OF GENERAL POLICY OR INTERPRETATION NOT DIRECTLY RELATED TO REGULATIONS

Legal Authority: 29 U.S.C. 201 et seq
Relevant Executive Orders: 14192; 13563

Abstract: The Department of Labor (Department) has proposed to rescind all parts located in Title 29, Chapter V, Subchapter B of the Code of Federal Regulations (CFR) that were not

originally issued, or subsequently amended, through notice-and-comment rulemaking. Because these parts consist of interpretive rules and policy statements which do not carry the force and effect of law and have not benefited from public comment, the Department invited public comment as to whether such provisions should be repropose as sub-regulatory guidance.

Timetable:

Action	Date	FR Cite
NPRM	07/02/25	90 FR 28985
NPRM Comment Period End.	08/01/25	
Final Rule	08/00/26	

Regulatory Flexibility Analysis Required: Yes
Agency Contact: Daniel Navarrete, Director, Division of Regulations, Legislation, and Interpretation (DRLI), Department of Labor, Wage and Hour Division, 200 Constitution Avenue NW, Room S-3502, Washington, DC 20210
Phone: 202 693-0406
Email: navarrete.daniel@dol.gov
RIN: 1235-AA52

Department of Labor (DOL)	Completed Actions
	Wage and Hour Division (WHD)

285. DEFINING AND DELIMITING THE EXEMPTIONS FOR EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, OUTSIDE SALES, AND COMPUTER EMPLOYEES

Legal Authority: 29 U.S.C. 201 *et seq.*; 29 U.S.C. 213
Abstract: In 2023, the Department of Labor (Department) proposed to update and revise the regulations issued under the Fair Labor Standards Act implementing the exemptions from minimum wage and overtime pay requirements for executive, administrative, professional, outside sales, and computer employees. Several sections of the proposal were addressed in a final rule published by the Department on April 26, 2024. However, the 2024 final rule did not finalize proposals in sections IV.B.1 and B.2 of the NPRM to apply the updated standard salary level to the four U.S. territories that are subject to the federal minimum wage (Puerto Rico, Guam, the U.S. Virgin Islands, and the Commonwealth of the Northern Mariana Islands) and to update the special salary levels for American Samoa and the motion picture industry in relation to the new standard salary level. In the 2024 rule, the Department said it would

address these aspects of its proposal in a future final rule. However, the proposals finalized in the 2024 rule were subsequently vacated and the Department is withdrawing this rulemaking entry.

Timetable:

Action	Date	FR Cite
NPRM	09/08/23	88 FR 62152
NPRM Comment Period End.	11/07/23	
Final Rule	04/26/24	
Final Rule Effective.	07/01/24	89 FR 32842
Withdrawn	12/15/25	

Regulatory Flexibility Analysis Required: Yes
Agency Contact: Daniel Navarrete, Director, Division of Regulations, Legislation, and Interpretation (DRLI), Department of Labor, Wage and Hour Division, 200 Constitution Avenue NW, Room S-3502, Washington, DC 20210
Phone: 202 693-0406
Email: navarrete.daniel@dol.gov
RIN: 1235-AA39

286. APPLICATION OF THE FAIR LABOR STANDARDS ACT TO DOMESTIC SERVICE

Legal Authority: 29 U.S.C. 213(a)(15); 29 U.S.C. 213(b)(21); Pub. L. 93-259, sec. 29(b)
Abstract: Section 13(a)(15) of the Fair Labor Standards Act (FLSA or the Act) provides an exemption from the Act's minimum wage and overtime pay requirements for domestic service employees engaged in providing companionship services for individuals who (because of age or infirmity) are unable to care for themselves. Section 13(b)(21) of the FLSA provides an exemption from the Act's overtime pay requirement for domestic service employees who reside in the household in which they provide services. In this rulemaking, the Department proposes to rescind a 2013 rule which, among other changes, precluded third-party employers from claiming either exemption and established limits on the amount of care that exempt companions could perform. See 78 FR 60454 (Oct. 1, 2013). The Department is withdrawing this rulemaking entry because it is duplicative of RIN 1235-AA51.

Timetable:

Action	Date	FR Cite
NPRM	07/02/25	90 FR 28976
NPRM Comment Period End.	09/03/25	
Withdrawn	12/15/25	

Regulatory Flexibility Analysis Required: Yes
Agency Contact: Daniel Navarrete, Director, Division of Regulations, Legislation, and Interpretation (DRLI), Department of Labor, Wage and Hour Division, 200 Constitution Avenue NW, Room S-3502, Washington, DC 20210
Phone: 202 693-0406
Email: navarrete.daniel@dol.gov
RIN: 1235-AA55

Department of Labor (DOL)	Proposed Rule Stage
	Employment and Training Administration (ETA)

287. • IMPROVING WAGE PROTECTIONS FOR THE TEMPORARY AND PERMANENT EMPLOYMENT OF CERTAIN FOREIGN NATIONS IN THE UNITED STATES

Regulatory Plan: This entry is Seq. No. 95 in part II of this issue of the **Federal Register**.
RIN: 1205-AC30

Department of Labor (DOL)	Final Rule Stage
	Employment and Training Administration (ETA)

288. EMPLOYER-PROVIDED SURVEY WAGE METHODOLOGY FOR THE TEMPORARY NON-AGRICULTURAL EMPLOYMENT H-2B PROGRAM

Legal Authority: 8 U.S.C. 1101(a)(15)(H)(ii)(b); 8 U.S.C. 1103(a)(6); 8 U.S.C. 1184(c)(1); Pub. L. 118-47, Division D, Title I, sec. 110 (3/23/24)
Abstract: The Immigration and Nationality Act, as amended, requires the Department of Homeland Security (DHS), prior to the approval of H-2B visa petitions, to consult with the Department of Labor (Department). DHS' regulation at 8 CFR 214.2(h)(6) requires that employers first apply for a temporary labor certification from the Department. Specifically, the Department must certify that there are not sufficient U.S. workers able, available, willing, and qualified to perform the temporary services or labor, and that the employment of the H-2B workers will not adversely affect the wages and working conditions of similarly employed U.S. workers. To ensure that there is no adverse effect, DOL requires employers to pay the prevailing wage to H-2B workers. Employer-provided surveys may serve as a prevailing wage source under the

H–2B regulations. On December 23, 2022, the U.S. District Court for the District of Columbia held that the employer-provided survey provision under the Wage Methodology for the Temporary Non-Agricultural Employment H–2B Program final rule (2015 Wage Rule) in 20 CFR part 655 subpart A did not satisfy the notice and comment requirements under the Administrative Procedure Act (APA). *Williams, et al. v. Walsh, et al.* (Williams), 648 F. Supp. 3d 70 (D.D.C. 2022). The court remanded the rule without vacatur and ordered “action with haste” for further consideration consistent with the court’s opinion. The Department plans to issue a final rule on the employer-provided survey provision of the 2015 Wage Rule to cure the procedural defect of the 2015 Wage Rule, pursuant to the decision in Williams.

Timetable:

Action	Date	FR Cite
NPRM	11/18/24	89 FR 90646
NPRM Comment Period End.	01/17/25	
Final Rule	02/00/27	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Brian Pasternak, Administrator, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, Office of Foreign Labor Certification; Room N–5311, FP Building, Washington, DC 20210
Phone: 202 693–8200
Email: oflc.regulations@dol.gov
RIN: 1205–AC15

289. PROHIBITING ILLEGAL DISCRIMINATION IN REGISTERED APPRENTICESHIP PROGRAMS

Legal Authority: The National Apprenticeship Act, as amended (50 Stat. 664), 29 U.S.C. 50

Relevant Executive Orders: 14173; 14277; 14278

Abstract: The Department issued a notice of proposed rulemaking (NPRM) to remove undue regulatory burdens on registered apprenticeship programs sponsors. The Department’s proposal rescinds certain regulatory provisions that it believes present legal vulnerabilities and includes conforming technical changes to the Department’s regulation that addresses Labor Standards for the Registration of Apprenticeship Programs. The proposed rule streamlines and simplifies sponsors’ obligations to combat illegal discrimination in registered apprenticeship, while maintaining

broad and effective nondiscrimination protections for apprentices and those seeking entry into registered apprenticeship programs.

Timetable:

Action	Date	FR Cite
NPRM	07/02/25	90 FR 28947
NPRM Comment Period End.	09/02/25	
Final Rule	08/00/26	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Megan Baird, Acting Administrator, Office of Apprenticeship, Department of Labor, Employment and Training Administration, 200 Constitution Avenue NW, Room C–5311, Washington, DC 20210
Phone: 202 693–2796
Email: baird.megan@dol.gov
RIN: 1205–AC21

290. ADVERSE EFFECT WAGE RATE METHODOLOGY FOR THE TEMPORARY EMPLOYMENT OF H–2A NONIMMIGRANTS IN NON-RANGE OCCUPATIONS IN THE UNITED STATES

Regulatory Plan: This entry is Seq. No. 96 in part II of this issue of the **Federal Register**.

RIN: 1205–AC24

291. RESCISSION OF FINAL RULE: IMPROVING PROTECTIONS FOR WORKERS IN TEMPORARY AGRICULTURAL EMPLOYMENT IN THE UNITED STATES

Regulatory Plan: This entry is Seq. No. 97 in part II of this issue of the **Federal Register**.

RIN: 1205–AC25

Department of Labor (DOL)	Final Rule Stage
	Employee Benefits Security Administration (EBSA)

292. INDEPENDENT DISPUTE RESOLUTION OPERATIONS

Legal Authority: Pub. L. 116–260, Div. BB, Title I and Title II

Abstract: This document finalizes rules related to certain provisions of the No Surprises Act regarding the Federal independent dispute resolution (IDR) process, which was established as part of the Consolidated Appropriations Act, 2021 (CAA). This rule sets forth new requirements relating to the disclosure of information that group health plans and health insurance issuers offering

group or individual health insurance coverage must include along with the initial payment or notice of denial of payment for certain items and services subject to the surprise billing protections in the No Surprises Act. This rule also requires plans and issuers to communicate information by using claim adjustment reason codes (CARCs) and remittance advice remark codes (RARCs), as specified in guidance, when providing any paper or electronic remittance advice to an entity that does not have a contractual relationship with the plan or issuer. This document also amends certain requirements related to the open negotiation period preceding the Federal IDR process, the initiation of the Federal IDR process, the Federal IDR dispute eligibility review, and the payment and collection of administrative fees and certified IDR entity fees. This document also defines bundled payment arrangements, amends requirements related to batched items and services, and amends the rules for extensions of timeframes due to extenuating circumstances. Additionally, this document requires plans and issuers to register in the Federal IDR portal.

Timetable:

Action	Date	FR Cite
NPRM	11/03/23	88 FR 75744
NPRM Comment Period End.	01/02/24	
NPRM Comment Period Re-opened.	01/22/24	89 FR 3896
NPRM Comment Period Re-opened End.	02/05/24	
Final Action	07/00/26	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Elizabeth Schumacher, Acting Director, Office of Health Plan Standards and Compliance Assistance, Department of Labor, Employee Benefits Security Administration, 200 Constitution Avenue NW, Suite N–5653, Washington, DC 20210
Phone: 202 693–8339
RIN: 1210–AC17

Department of Labor (DOL)	Proposed Rule Stage
	Occupational Safety and Health Administration (OSHA)

293. TREE CARE STANDARD

Legal Authority: 29 U.S.C. 655

Abstract: There is no Occupational Safety and Health Administration (OSHA) standard for tree care operations; the agency currently applies a patchwork of standards to address the serious hazards in this industry. The tree care industry previously petitioned the agency for rulemaking and OSHA issued an ANPRM (September 2008). OSHA completed a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel in May 2020, collecting information from affected small entities on a potential standard, including the scope of the standard, effective work practices, and arboricultural specific uses of equipment to guide OSHA in developing a rule that would best address industry safety and health concerns. Tree care continues to be a high-hazard industry. OSHA completed the SBREFA process in May 2020.

Timetable:

Action	Date	FR Cite
Stakeholder Meeting.	07/13/16	
Initiate SBREFA ..	01/10/20	
Complete SBREFA.	05/22/20	
NPRM	10/00/26	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Andrew Levinson, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N-3718, Washington, DC 20210
Phone: 202 693-1950
Email: levinson.andrew@dol.gov
RIN: 1218-AD04

294. HEAT INJURY AND ILLNESS PREVENTION IN OUTDOOR AND INDOOR WORK SETTINGS

Legal Authority: 29 U.S.C. 655; 5 U.S.C. 553

Abstract: Excessive heat in the workplace can cause a number of adverse health effects, including heat stroke and even death, if not treated properly.

Workers in outdoor and indoor work settings without adequate climate controls are at risk of hazardous heat exposure. Certain heat-generating processes, machinery, and equipment (e.g., hot tar ovens, furnaces, etc.) can also cause hazardous heat when cooling measures are not in place.

To date, California, Colorado, Maryland, Minnesota, Nevada, Oregon and Washington have issued heat protections. The Occupational Safety and Health Administration (OSHA) currently relies on the general duty

clause (OSHA Act section 5(a)(1)) to protect workers from this hazard. However, a standard specific to heat-related injury and illness prevention would more clearly set forth enforceable employer obligations and the measures necessary to effectively protect employees from hazardous heat.

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. On May 3, 2022, OSHA held a virtual public stakeholder meeting on the Agency's initiatives to protect workers from heat-related hazards. OSHA also established a Heat Injury and Illness Prevention Work Group of the National Advisory Committee on Occupational Safety and Health (NACOSH) to help NACOSH provide recommendations on potential elements of a heat injury and illness prevention standard. On May 31, 2023, the Work Group presented its recommendations to the full committee, which submitted the recommendations to OSHA (www.regulations.gov, Document No. OSHA-2023-0003-0012).

In August 2023, OSHA convened a Small Business Advocacy Review (SBAR) Panel, in accordance with the requirements of the Small Business Regulatory Enforcement Fairness Act (SBREFA), to hear comments directly from small entity representatives (SERs) on the potential impacts of a heat-specific standard. OSHA completed its small business consultations as another important step in this process in November 2023.

On April 24, 2024, OSHA presented to the Advisory Committee on Construction Safety and Health (ACCSH) the Agency's framework for this proposed rule, in accordance with 29 CFR 1911.10(a) which requires the Assistant Secretary to provide ACCSH with any proposal (along with pertinent factual information) affecting construction work and give ACCSH an opportunity to submit recommendations. ACCSH passed unanimously a motion recommending that OSHA proceed expeditiously with proposing a standard on heat injury and illness prevention.

On August 30, 2024, OSHA published in the **Federal Register** a Notice of Proposed Rulemaking (NPRM) for Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings. The proposed standard would apply to all employers conducting outdoor and indoor work in all general industry, construction, maritime, and agriculture sectors where OSHA has jurisdiction. The standard

would require employers to create a plan to evaluate and control heat hazards in their workplace. It would clarify employer obligations and the steps necessary to effectively protect employees from hazardous heat.

The public comment period for the NPRM closed on January 14, 2025. From June 16, 2025 through July 2, 2025, OSHA held an informal public hearing to receive additional public input on the Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings proposed rule. The post-hearing comment period for individuals who submitted a Notice of Intention to Appear (NOITA) at the informal public hearing was extended until October 30, 2025.

Timetable:

Action	Date	FR Cite
ANPRM	10/27/21	86 FR 59309
ANPRM Comment Period Extended.	12/02/21	86 FR 68594
ANPRM Comment Period Extended End.	01/26/22	
Initiate SBREFA ..	06/02/23	
Complete SBREFA.	11/03/23	
NPRM	08/30/24	89 FR 70698
NPRM Comment Period Extended; and Notice of Informal Public Hearing.	11/29/24	89 FR 94631
NPRM Comment Period End.	12/30/24	
NPRM Comment Period Extended End.	01/14/25	
Informal Public Hearing.	06/16/25	
Post-Hearing Comment Period End.	09/30/25	
Post-Hearing Comment Period Extended.	09/25/25	90 FR 46110
Post-Hearing Comment Period Extended End.	10/30/25	
Supplemental NPRM.	12/00/26	
Final Action	10/00/27	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Andrew Levinson, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N-3718, Washington, DC 20210
Phone: 202 693-1950
Email: levinson.andrew@dol.gov
RIN: 1218-AD39

Department of Labor (DOL)	Final Rule Stage
	Occupational Safety and Health Administration (OSHA)

295. EMERGENCY RESPONSE

Legal Authority: 29 U.S.C. 655(b); 29 U.S.C. 657

Relevant Executive Orders: 14219
Abstract: The Occupational Safety and Health Administration (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.

The regulatory effort began in 2007 with a Request for Information (RFI). In July 2014, OSHA hosted two stakeholder meetings with participants representing a broad range of emergency responders as well as allied stakeholders such as State Plan representatives, skilled support workers, and law enforcement. Given the broad support and interest seen during the stakeholder meetings, OSHA decided to move forward with a comprehensive proposed standard for emergency response. In September 2015, OSHA requested, and NACOSH designated, a subcommittee made up of major stakeholders and charged with developing proposed regulatory text. The subcommittee held six meetings over the course of a year. In December 2016, the full NACOSH committee reviewed and approved the recommendations for a proposed rule developed by the subcommittee. The committee recommended to the Secretary that OSHA proceed with rulemaking, using the subcommittee's regulatory text as a basis for the rule. In October 2021, a Small Business Advocacy Review (SBAR) panel was assembled, as required by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA); SBREFA was concluded in December

2021. OSHA published a Notice of Proposed Rulemaking (NPRM) in February 2024.

To encourage and increase stakeholder feedback regarding the proposed rule, OSHA twice extended the original 90-day public comment period by a total of 76 days: from May 6 until July 22, 2024. The agency also held an 11-day informal public hearing beginning on November 12, 2024. Testimony was provided by 266 stakeholders from around the country who provided their input, shared data, and expressed their opinions. The post-hearing written comment period concluded on January 17, 2025, OSHA is currently making revisions based on the analysis of the testimony and evidence provided during this public hearing and post-hearing comment period.

Timetable:

Action	Date	FR Cite
Stakeholder Meetings.	07/30/14	
Convene NACOSH Workgroup.	09/09/15	
NACOSH Review of Workgroup Report.	12/14/16	
Initiate SBREFA ..	08/02/21	
Finalize SBREFA	12/02/21	
NPRM	02/05/24	89 FR 7774
Comment Period Extended.	03/28/24	89 FR 21468
NPRM Comment Period Extended.	06/11/24	89 FR 49119
NPRM Comment Period End.	07/22/24	
NPRM, Notice of Informal Public Hearing.	07/23/24	89 FR 59712
Informal Public Hearing.	11/12/24	89 FR 59712
Post-Hearing Comment Period End.	01/17/25	
Final Rule	04/00/27	

Regulatory Flexibility Analysis Required: Yes

Agency Contact: Andrew Levinson, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N-3718, Washington, DC 20210

Phone: 202 693-1950

Email: levinson.andrew@dol.gov

RIN: 1218-AC91

Department of Labor (DOL)	Long-Term Actions
	Occupational Safety and Health Administration (OSHA)

296. PROCESS SAFETY MANAGEMENT AND PREVENTION OF MAJOR CHEMICAL ACCIDENTS

Legal Authority: 29 U.S.C. 655; 29 U.S.C. 657

Relevant Executive Orders: 14219
Abstract: 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. OSHA held a stakeholder meeting on October 12, 2022, and kept the docket open for comments until November 14, 2022.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	12/09/13	78 FR 73756
RFI Comment Period Extended.	03/07/14	79 FR 13006
RFI Comment Period Extended End.	03/31/14	
Initiate SBREFA ..	06/08/15	
SBREFA Report Completed.	08/01/16	
Stakeholder Meeting.	10/12/22	
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis

Required: Yes

Agency Contact: Andrew Levinson, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N-3718, Washington, DC 20210
Phone: 202 693-1950
Email: levinson.andrew@dol.gov
RIN: 1218-AC82

297. COMMUNICATION TOWER SAFETY

Legal Authority: 29 U.S.C. 655(b)
Relevant Executive Orders: 14219

Abstract: After a spike in fatalities associated with work on communication towers, in 2015, OSHA published a Request for Information (RFI) to collect information about the nature and causes

of these fatalities, how they could be best prevented, and whether a new OSHA standard specific to this work environment was needed. OSHA also convened a Small Business Regulatory Enforcement Fairness Act (SBREFA) panel to assess how to best address associated safety and health concerns. To the extent a new standard or changes to existing OSHA safety standards are needed to address these hazards, this rulemaking will implement the necessary regulatory requirements.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	04/15/15	80 FR 20185
RFI Comment Period End.	06/15/15	
Initiate SBREFA ..	01/04/17	
Initiate SBREFA ..	05/31/18	
Complete SBREFA.	10/11/18	
Next Action Undetermined.	To Be Determined	

Regulatory Flexibility Analysis
Required: Yes

Agency Contact: Brian Rizzo, Acting Director, Directorate of Construction, Department of Labor, Occupational Safety and Health Administration, Room N-3468, 200 Constitution Avenue NW, Washington, DC 20210
Phone: 202 693-0043

Email: rizzo.brian.a@dol.gov
RIN: 1218-AC90

298. WORKPLACE VIOLENCE IN HEALTH CARE AND SOCIAL ASSISTANCE

Legal Authority: 29 U.S.C. 655(b)

Abstract: Workplace violence against employees providing healthcare and social assistance services is a serious and longstanding concern. The Occupational Safety and Health Administration (OSHA) issued Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers in 1996 and updated the guidelines in 2004 and 2016. OSHA has also used the general duty clause (Section 5(a)(1) of the Occupational Safety and Health Act) in enforcement cases addressing workplace violence in healthcare.

OSHA published a Request for Information on December 7, 2016, (81 FR 88147) seeking information about the extent and nature of workplace violence in the industry and the nature and effectiveness of interventions and controls used to prevent such violence. Also in 2016, a broad coalition of labor unions petitioned OSHA to issue a standard to address workplace violence in healthcare, and National Nurses United submitted a separate petition for a workplace violence standard. On January 10, 2017, OSHA granted the petitions. In accordance with the

requirements of the Small Business Regulatory Enforcement Fairness Act, OSHA convened a Small Business Advocacy Review (SBAR) panel in March 2023 to consider a potential standard for prevention of workplace violence in healthcare and social assistance. The SBAR Panel issued its report on May 1, 2023.

Timetable:

Action	Date	FR Cite
Request for Information (RFI).	12/07/16	81 FR 88147
RFI Comment Period End.	04/06/17	
Initiate SBREFA ..	12/29/22	
Complete SBREFA.	05/01/23	
NPRM	To Be Determined	

Regulatory Flexibility Analysis
Required: Yes

Agency Contact: Andrew Levinson, Director, Directorate of Standards and Guidance, Department of Labor, Occupational Safety and Health Administration, 200 Constitution Avenue NW, FP Building, Room N-3718, Washington, DC 20210
Phone: 202 693-1950
Email: levinson.andrew@dol.gov
RIN: 1218-AD08

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