



OSHA Fall 2012 Regulatory Agenda:  
A Quick-Reference Guide for Contractors

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Prepared by

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## Introduction

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Each year, the Department of Labor's Occupational Safety and Health Administration (OSHA) publishes one or more Semi-Annual Regulatory Agendas and Regulatory Plans. These two related documents provide an invaluable overview of the major safety-related rulemakings the agency plans to focus on in the coming months – actions that will have a significant impact on the union construction industry.

Unfortunately, the sheer volume of data included in the Department's Agenda and Plan makes it difficult and time-consuming for contractors to find and isolate the small slices of information relevant to their businesses. As a service to its members, in 2011 The Association of Union Constructors (TAUC) began compiling Quick-Reference Guides each time a new Agenda and/or Plan was released. We do the hard work for you: we sift through the entire Agenda, pick out the items that will have a direct impact on union contractors, and put all of the information together in a brief and easy-to-read format. What's more, we go a step further and provide important context and analysis for each rulemaking, helping contractors gain a greater understanding of the ins and outs of OSHA's regulatory activities.

## How to Use the Guide

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The Quick Reference Guide arranges the relevant items from the Regulatory Agenda and Plan into five categories:

*Completed Actions:* Rulemakings and other activities that have been finalized by OSHA since the last Agenda was released and are now part of the official regulations.

*Long-Term Actions:* Rulemakings and other activities for which no formal rulemaking procedure has yet been established.

*Pre-Rule Stage:* Rulemakings that are in the process of being prepared for eventual public release.

*Proposed Rule Stage:* Rulemakings that have been (or soon will be) released as formal proposals for public comment.

*Final Rule Stage:* Rulemakings that have been (or soon will be) fully completed and finalized as new binding regulations.

Each item is categorized and briefly summarized. Next to its title, the regulation identifier number (RIN) for each item is given. To learn more about a particular item, simply click on the

title and you will be sent to its official government entry on [Reginfo.gov](http://Reginfo.gov). If you have comments or questions about any of the items, we encourage you to reach out directly to the OSHA contact person listed at the bottom of each hyperlinked page.

Again, the Quick Reference Guide should not be construed as a comprehensive overview of OSHA's (or the Department of Labor's) entire regulatory agenda. We have chosen only those items that TAUC believes will most directly impact our member contractors. We encourage you to take the time to read through the entire Agenda and Regulatory Plan, as there may be other items of interest not listed here which will be of interest to particular companies:

### [Fall 2012 Semi-Annual Regulatory Agenda](#)

### [Regulatory Plan](#)

**NOTE:** The symbol "\*\*\*" before an item indicates that it is a newly introduced rulemaking that OSHA has not previously published in a regulatory agenda.

## Release Date

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The Department of Labor's Fall 2012 Regulatory Agenda and related Fall 2012 Regulatory Plan were released on December 21, 2012.

## Completed Actions

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### [Hawaii State Plan for Occupational Safety and Health \(RIN 1218-AC78\)](#)

OSHA proposed to reconsider final approval under section 18(e) of the OSH Act for the Hawaii State occupational safety and health plan, administered by the Division of Occupational Safety and Health (HIOSH) of the Hawaii Department of Labor and Industrial Relations. OSHA ultimately decided to modify the Hawaii State Plan's "final approval" determination under Section 18(e) of the Occupational Safety and Health Act (the Act) and to transition to "initial approval" status. OSHA is reinstating concurrent federal enforcement authority over occupational safety and health issues in the private sector, which have been solely covered by the Hawaii State Plan since 1984.

**Final step:** A final rule was issued on Sept. 21, 2012.

[Hazard Communication \(RIN 1218-AC20\).](#)

In 2006 OSHA began the process of adopting the Globally Harmonized System of Classification and Labeling of Chemicals (GHS), which has already been adopted by the United Nations and is in the process of being implemented in the European Union. The goal is to move to a single standard and eliminate the use of multiple sets of requirements for labels and safety data sheets for hazardous chemicals. The numerous requirements “present a compliance burden for U.S. manufacturers, distributors and transports involved in international trade,” OSHA said.

**Final Step:** Final action was taken on March 26, 2012 and the new standard went into effect on May 25, 2012.

[Updating OSHA Standards Based on National Consensus Standards – Acetylene \(RIN: 1218-AC64\).](#)

In 2011 OSHA instituted a rulemaking to update the national consensus standards found in the OSH Act, since the organizations responsible for promulgating these standards have issued new and revised versions since the Act first went into effect 40 years ago. As part of this process, OSHA made plans to issue a direct final rule incorporating the latest standard for acetylene published by the Compressed Gas Association in 2009.

**Final Step:** A direct final rule incorporating the new standards was issued on March 8, 2012.

[Updating OSHA Standards Based on National Consensus Standards – Personal Protection Equipment \(Head Protection\) \(RIN: 1218-AC65\).](#)

OSHA has been in the process of updating the national consensus standards found in the OSH Act, since the organizations responsible for promulgating these standards have issued new and revised versions since the Act first went into effect 40 years ago. As part of this process, OSHA issued a direct final rule incorporating the latest PPE consensus standards for the general, construction, and maritime industries, including ANSI’s 2009 edition of the Head Protection (ANSI Z-89.1) standard.

**Final Step:** A direct final rule incorporating the standard was issued on November 16, 2012.

## Long-Term Actions

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### [Occupational Injury and Illness Recording and Reporting Requirements - Musculoskeletal Disorders \(MSD\) Column \(RIN: 1218-AC45\)](#)

In 2003 the agency issued a rule removing a column used to record work-related musculoskeletal disorders (WMSD) from the OSHA 300 form. Since then, “OSHA has reconsidered the need for a 300 Log column for WMSD, and for defining ‘musculoskeletal disorders’ for checking the column,” OSHA said. “The Agency believes that having aggregate data on WMSDs may help employers and workers track these injuries at individual workplaces, and that the Nation’s occupational injury and illness information may benefit from improved statistics on WMSD. Improved WMSD information might also assist the Agency in its day-to-day activities and overall safety and health policymaking.”

A notice of proposed rulemaking (NPRM) was issued in January 2010, and final action on the subject was originally scheduled for February 2011. However, in late January 2011, OSHA temporarily withdrew the proposed rule from the Office of Management and Budget so that the agency could gather more information from stakeholders in the small business community.

In conjunction with the U.S. Small Business Administration Office of Advocacy, OSHA scheduled two stakeholder meetings on April 11-12, 2011, to gather input from small businesses on the subject. On May 17, 2011, OSHA was scheduled to issue a Notice of Limited Reopening of Rulemaking Record.

**Next Step:** OSHA’s next action is undetermined and no completion date has been set. Before being moved to the “Long-Term Actions” category, this agenda item was in the Proposed Rule Stage.

## Pre-Rule Stage

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### [Combustible Dust \(RIN: 1218-AC41\)](#)

In 2009 OSHA started a rulemaking process to develop a combustible dust standard for the industry. “The U.S. Chemical Safety Board (CSB) completed a study of combustible dust hazards in late 2006, which identified 281 combustible dust incidents between 1980 and 2005 that killed 119 workers and injured another 718,” OSHA reported. “Based on these findings, the CSB recommended the Agency pursue a rulemaking on this issue.”

An advance notice of proposed rulemaking (ANPRM) was issued in 2009, followed by stakeholder meetings in 2009 and 2010. An expert forum on the subject was scheduled to be held in May 2011. OSHA had previously stated it would initiate the next step in the rulemaking

process in April 2011 by soliciting input from small businesses that will be affected by the rule, an action required by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996. However, in the Spring 2011 Agenda, the item was moved into the “Long-Term Actions” category, with a next-action status of “undetermined.”

**Next Step:** In the most recent agenda, the Combustible Dust item has been moved out of the Long-Term Actions category and back into the Pre-Rule Stage. SBREFA proceedings are scheduled to be initiated in October 2013.

### [Injury and Illness Prevention Program \(RIN: 1218-AC48\)](#)

OSHA is developing a rule requiring employers to implement an Injury and Illness Prevention Program. It involves planning, implementing, evaluating, and improving processes and activities that protect employee safety and health. The rule would build on the agency’s voluntary Safety and Health Program Management Guidelines published in 1989, as well as lessons learned from other successful approaches and best practices.

This action is still in the pre-rule stage. OSHA held stakeholder meetings in June 2010. A plan to solicit input from small businesses that will be affected by the rule was previously scheduled to launch in June 2011, a step required by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996. However, in the 2011 Fall Agenda the SBREFA start date was pushed back to January 2012.

**Next Step:** SBREFA activities are scheduled to conclude in January 2013. A Notice of Proposed Rulemaking (NPRM) is scheduled to be released in December 2013.

### [Reinforced Concrete in Construction and Preventing Backover Injuries and Fatalities \(RIN: 1218-AC51\)](#)

*On December 31, 2011, OSHA merged the rulemaking “Preventing Backover Injuries and Fatalities” (RIN: 1218-AC52), then in the pre-rule stage, with “Reinforced Concrete in Construction” (its previous RIN number remained unchanged and is still 1218-AC51). The name of the rulemaking was changed to reflect this merger.*

OSHA is requesting information on employee safety risks in two areas, reinforcing operations in concrete work (construction only) and fatal backovers by vehicles and equipment (all industries). OSHA stated that current rules regarding reinforcing steel and post-tensioning activities do not adequately address worker hazards in work related to post-tensioning and reinforcing steel. Both are techniques for reinforcing concrete and are generally used in commercial and industrial construction. OSHA currently has few rules which address the steel reinforcing and post-tensioning fields directly. Without adequate standards, the rate of accidents will likely rise.

In addition, backing vehicles and equipment are common causes of struck-by injuries and can also cause caught between injuries when backing vehicles and equipment pin a worker against

something else. NIOSH reports that 51% of worker on foot fatalities that occurred within a highway work zone involved backing vehicles. Emerging technologies in the field of operations include after market devices, such as cameras and proximity detection systems. The use of spotters and internal traffic control plans can also make backing operations safer.

OSHA believes that it is necessary to request information from those involved in the reinforcing concrete industry, backing operations, and the general public to better understand how to prevent these incidents.

**Next Step:** A Request for Information (RFI) was issued on March 29, 2012 and the comment period ended July 27. The next scheduled action is for OSHA to begin analyzing comments in February 2013.

### [Review/Lookback of OSHA Chemical Standards \(RIN: 1218-AC74\)](#)

The majority of OSHA's Permissible Exposure Limits (PELs) were adopted in 1971, under section 6(a) of the OSH Act and only a few have been successfully updated since that time. There is widespread agreement among industry, labor, and professional occupational safety and health organizations that OSHA's PELs are outdated and need 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.

**Next step:** An initial Request for Information (RFI) was scheduled to be released in August 2012; in this most recent agenda, that release has been pushed back to May 2013.

## Proposed Rule Stage

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### [Occupational Exposure to Crystalline Silica \(RIN: 1218-AB70\)](#)

OSHA is in the process of updating current exposure limits for crystalline silica, classified as a human carcinogen. Construction workers are exposed to silica dust in a number of different ways. Long-term exposure to high levels of the substance can cause silicosis, which is fatal. "Exposure to crystalline silica has also been associated with an increased risk of developing tuberculosis and other nonmalignant respiratory diseases, as well as renal and autoimmune diseases," OSHA said. "Exposure studies and OSHA enforcement data indicate that some

workers continue to be exposed to levels of crystalline silica far in excess of current exposure limits...There is a particular need for the agency to modernize its exposure limits for construction and shipyard workers, and to address some specific issues that will need to be resolved to propose a comprehensive standard.”

**Next Step:** OSHA began its rulemaking in 2003. The next step is to issue a Notice of Proposed Rulemaking (NPRM). Previous agendas listed April 2011, June 2011 and February 2012 as dates the NPRM would be issued. In this most recent agenda, OSHA has pushed back the released date of the NPRM to May 2013.

### [Occupational Exposure to Beryllium \(RIN: 1218-AB76\)](#)

Beryllium is found in coal and copper slag, which is sometimes used as a substitute for sand in abrasive blasting operations. OSHA had been developing a risk assessment on the relationship between exposure to beryllium and the development of adverse health effects, including lung cancer and a condition known as chronic beryllium disease, or CBD.

OSHA has been working on this issue since 2002. A peer review of the health effects was completed in November 2010. OSHA said an economic peer review of its draft risk assessment was scheduled to be completed in June 2011. OSHA then moved the item to the Long-Term Actions category with a next-action status of “undetermined.” Before being moved to the Long-Term Actions category, the agenda item was in the Pre-Rule Stage.

**Next Step:** In this most recent Agenda, OSHA moved Beryllium out of the Long-Term Actions category and bumped it up to the Proposed Rule Stage. A Notice of Proposed Rulemaking is scheduled to be released in July 2013.

### [Improve Tracking of Workplace Injuries and Illnesses \(RIN: 1218-AC49\)](#)

*This item was previously titled “Modernizing OSHA’s Reporting System;” the title was changed in 2012. The RIN remains unchanged.*

OSHA is proposing changes to its reporting system for occupational injuries and illnesses. An updated and modernized reporting system would enable a more efficient and timely collection of data and would improve the accuracy and availability of the relevant records and statistics. This proposal involves modification to 29 CFR part 1904.41 to expand OSHA’s legal authority to collect and make available injury and illness information required under part 1904.

OSHA is seeking to modify its current injury and illness recordkeeping regulation and develop a modernized (electronic) recordkeeping system in ways that will help OSHA, employers, employees, researchers, and the public prevent workplace injuries and illnesses as well as, supporting President Obama’s Open Government Initiative, increase the ability of the public to easily find, download, and use the resulting dataset generated and held by the Federal Government.



**Next Step:** Stakeholder meetings were held in 2010. A Notice of Proposed Rulemaking (NPRM) was previously scheduled to be released in September 2011 and then February 2012; the date has once again been pushed back to May 2013.

[Revising the Underground Construction and Demolition Standards To Make the Cranes and Derricks in Construction Rule Applicable to those Activities \(RIN: 1218-AC61\)](#)

OSHA is planning to release a direct final rule will clarify and simplify the agency's standards applicable to cranes and derricks in construction by establishing a single set of standards for all construction activities involving cranes and derricks. OSHA's August 2010 final rule for cranes and derricks (75 FR 47096) was originally intended to apply to all crane and derrick use in construction. However, two subsectors of construction work, demolition and underground construction, were exempted from coverage under the new standard, in an effort to ensure that employers involved in those types of work were given sufficient notice to comply with the new rule. These subsectors currently remain covered under the previous rule governing crane and derrick use in construction. This direct final rule will, therefore, apply the new cranes and derricks rule to both demolition and underground construction work.

A proposed rule will accompany the direct final rule. Should OSHA receive significant adverse comment on this direct final rule, it will withdraw the direct final rule and proceed with the accompanying proposed rule.

**Next Step:** A direct final rule was issued August 17, 2012 and went into effect November 15. A Notice of Proposed Rulemaking and Final Rule are both scheduled to be issued in March 2013.

[Standards Improvement Project IV \(SIP IV\) \(RIN: 1218-AC67\)](#)

OSHA's Standards Improvement Projects (SIPs) are intended to remove or revise duplicative, unnecessary, and inconsistent safety and health standards. OSHA has published three earlier final standards to remove unnecessary provisions, thus reducing costs or paperwork burden on affected employers; the most recent, SIP III, was issued in June 2011 and went into effect on July 8, 2011.

The fourth SIP will focus on identifying unnecessary or duplicative provisions or paperwork requirements and is limited solely to the construction standards in 29 CFR 1926.

**Next Step:** A Notice of Proposed Rulemaking was issued on December 6, 2012 and the comment period will end on February 4, 2013. No further actions were listed.

[Cranes and Derricks in Construction: Revision to Digger Derricks' Requirements \(RIN: 1218-AC75\)](#)

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.

**Next Step:** A Direct Final Rule (DFR), along with a Notice of Proposed Rulemaking (NPRM), was issued on November 9, 2012. The NPRM comment period ended on December 20. Final action is scheduled for February 2013.

\*\*\* [Approved State Plans for Occupational Safety and Health \(RIN: 1218-AC76\)](#)

OSHA will propose a revision to each State's subpart under 29 CFR section 1952 and 29 CFR section 1956 to scale back the detailed descriptions of OSHA-approved state plans, including the jurisdictional explanation, purely historical data, and other unnecessary information that may be subject to change. The purpose of this revision is to eliminate the requirement to engage in the arduous rulemaking process in order to make changes to a state plan's jurisdiction or other descriptive language.

**Next Step:** A Notice of Proposed Rulemaking (NPRM) is scheduled to be released in June 2013.

\*\*\* [Consensus Standard Update – Signage \(RIN: 1218-AC77\)](#)

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

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.

**Next Step:** The NPRM and DFR are scheduled to be issued in April 2013.

\*\*\* [Revocation of Periodic Records \(RIN: 1218-AC80\)](#)

As part of the Department of Labor's burden hour and cost reduction initiatives, OSHA will examine revoking requirements for employers to prepare and maintain periodic records certifying that the employer performed the required tests and inspections on machinery. The purpose of revoking these records is to minimize paperwork burdens imposed on employers.

Recently, OSHA revoked requirements that employers develop and retain training records for a number of standards when the revocation did not adversely affect worker safety and health. OSHA is examining other periodic records specified in its standards to identify additional paperwork requirements that the Agency could revoke without adversely affecting worker safety and health.

**Next Step:** A Notice of Proposed Rulemaking (NPRM) and Direct Final Rule (DFR) are scheduled to be released in March 2013.

## Final Rule Stage

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[Confined Spaces in Construction \(RIN: 1218-AB47\)](#)

“In January 1993, OSHA issued a general industry rule to protect employees who enter confined spaces,” the agency explained. “This standard does not apply to the construction industry because of differences in the nature of the worksite in the construction industry. In discussions with the United Steel Workers of America on a settlement agreement for the general industry

standard, OSHA agreed to issue a proposed rule to extend confined-space protection to construction workers appropriate to their work environment.”

**Next Step:** A Notice of Proposed Rulemaking (NPRM) was issued in 2007. Final action on the item was previously scheduled for November 2011, then June 2012. In this most recent agenda, OSHA has scheduled a Final Rule for July 2013.

[Electric Power Transmission and Distribution; Electrical Protective Equipment \(RIN: 1218-AB67\)](#)

Electrical hazards are a major cause of occupational death in the United States. The annual fatality rate for power line workers is about 50 deaths per 100,000 employees. The construction industry standard addressing the safety of these workers during the construction of electric power transmission and distribution lines is nearly 40 years old. OSHA has developed a revision of this standard that will prevent many of these fatalities, add flexibility to the standard, and update and streamline the standard. OSHA also intends to amend the corresponding standard for general industry so that requirements for work performed during the maintenance of electric power transmission and distribution installations are the same as those for similar work in construction. In addition, OSHA will be revising a few miscellaneous general industry requirements primarily affecting electric transmission and distribution work, including provisions on electrical protective equipment and foot protection. This rulemaking also addresses fall protection in aerial lifts for work on power generation, transmission, and distribution installations.

OSHA published an NPRM on June 15, 2005. A public hearing was held from March 6 through March 14, 2006. OSHA reopened the record to gather additional information on minimum approach distances for specific ranges of voltages. The record was reopened a second time to allow more time for comment and to gather information on minimum approach distances for all voltages and on the newly revised Institute of Electrical and Electronics Engineers consensus standard. Additionally, a public hearing was held on October 28, 2009.

**Next Step:** A Final Rule is scheduled to be released in March 2013.

[Walking Working Surfaces and Personal Fall Protection Systems \(Slips, Trips, and Fall Prevention\) \(RIN: 1218-AB80\)](#)

In 1990, OSHA first proposed a rule addressing hazards on walking surfaces (including slips and trips) as well as requirements for personal fall protection systems. After reopening the comment period in 2003, the agency realized the original rule was out-of-date and published a second notice of proposed rulemaking in May 2010. Public hearings on the revised rulemaking were held January 18-21, 2011.

**Next Step:** Final action was previously scheduled for October 2012. In this most recent agenda, OSHA has scheduled a release of the Final Rule for August 2013.

### [Cooperative Agreements \(RIN: 1218-AC32\)](#)

OSHA is proposing to revise its regulations for the federally funded On-site Consultation Program to: a) Clarify the ability of the Assistant Secretary to define sites which would receive inspections regardless of Safety and Health Achievement Recognition Program (SHARP) exemption status; b) allow Compliance Safety and Health Officers to proceed with enforcement visits resulting from referrals at sites undergoing Consultation visits and at sites that have been awarded SHARP status; and c) limit the deletion period from OSHA's programmed inspection schedule for those employers participating in the SHARP program.

A notice of proposed rulemaking was issued in September 2010 and ended in November 2010.

**Next Step:** Final action was previously scheduled for May 2012. In this most recent agenda, OSHA has set a date of April 2013 for final action.

### [NAICS Update and Reporting Provisions \(RIN: 1218-AC50\)](#)

OSHA is proposing changes to two aspects of its recordkeeping and reporting requirements, the second of which is of the most interest to the construction industry: "OSHA is proposing to revise the reporting requirements regarding the obligations of employers to report to OSHA the occurrence of fatalities and certain injuries," the agency explained. "The existing regulations require employers to report to OSHA within 8 hours any work-related incident resulting in the death of an employee or the in-patient hospitalization of three or more employees." The proposed rule would require an employer to report to OSHA, within eight hours, all work-related fatalities and all work-related in-patient hospitalizations; and within 24 hours, all work-related amputations.

A Notice of Proposed Rulemaking (NPRM) was released on June 22, 2011. The comment period ended on Sept. 20, 2011 and was then reopened, closing again on Oct. 28, 2011.

**Next Step:** OSHA has scheduled final action for May 2013.

### [Vertical Tandem Lifts \(RIN: 1218-AC72\)](#)

OSHA issued a final rule on Longshoring on July 25, 1997 (62 FR 40142). In that rule, the Agency reserved provisions related to vertical tandem lifts. Vertical tandem lifts (VTLs) involve the lifting of two or more empty intermodal containers, secured together with twist locks. OSHA worked with national and international organizations to gather additional information on the safety of VTLs. The Agency published an NPRM to address safety issues related to VTLs.

The extended comment period concluded February 13, 2004, and an informal public hearing was held on July 29 to 30, 2004. The rulemaking record closed on June 27, 2005. The Agency published a final rule for vertical tandem lifts on December 10, 2008. On June 17, 2011, the

United States Court of Appeals for the District of Columbia Circuit remanded two provisions of the VTL final rule: the inspection requirement with respect to ship-to-shore VTLs and the total ban on platform container VTLs. According to the court's decision, there was insufficient evidence in the record that complying with those two provisions was technologically feasible. OSHA is reopening the record to assess the technological feasibility of those two provisions.

**Next step:** An action titled “Final (Remand)” is scheduled for May 2013.

## Calendar Summary of Upcoming OSHA Actions

### FEBRUARY 2013

[Reinforced Concrete in Construction and Preventing Backover Injuries and Fatalities \(RIN: 1218-AC51\)](#). OSHA will begin analyzing comments received during the review request period.

[Standards Improvement Project IV \(SIP IV\) \(RIN: 1218-AC67\)](#). Comment period on NPRM ends February 4.

[Cranes and Derricks in Construction: Revision to Digger Derricks' Requirements \(RIN: 1218-AC75\)](#). Final action is scheduled.

### MARCH 2013

[Revising the Underground Construction and Demolition Standards To Make the Cranes and Derricks in Construction Rule Applicable to those Activities \(RIN: 1218-AC61\)](#). A Notice of Proposed Rulemaking and Final Rule are both scheduled to be issued.

[Revocation of Periodic Records \(RIN: 1218-AC80\)](#). A Notice of Proposed Rulemaking (NPRM) and Direct Final Rule (DFR) are scheduled to be released.

[Electric Power Transmission and Distribution; Electrical Protective Equipment \(RIN: 1218-AB67\)](#). A Final Rule is scheduled to be released.

## APRIL 2013

[Consensus Standard Update – Signage \(RIN: 1218-AC77\)](#). A Notice of Proposed Rulemaking (NPRM) and Direct Final Rule (DFR) are scheduled to be released.

[Cooperative Agreements \(RIN: 1218-AC32\)](#). Final action scheduled.

## MAY 2013

[Review/Lookback of OSHA Chemical Standards \(RIN: 1218-AC74\)](#). An initial Request for Information (RFI) is scheduled for release.

[Occupational Exposure to Crystalline Silica \(RIN: 1218-AB70\)](#). NPRM is scheduled to be released.

[Improve Tracking of Workplace Injuries and Illnesses \(RIN: 1218-AC49\)](#). A Notice of Proposed Rulemaking (NPRM) is scheduled for release.

[NAICS Update and Reporting Provisions \(RIN: 1218-AC50\)](#). Final action scheduled.

[Vertical Tandem Lifts \(RIN: 1218-AC72\)](#). Final (Remand) scheduled.

## JUNE 2013

[Approved State Plans for Occupational Safety and Health \(RIN: 1218-AC76\)](#). A Notice of Proposed Rulemaking (NPRM) is scheduled to be released.

## JULY 2013

[Occupational Exposure to Beryllium \(RIN: 1218-AB76\)](#). A Notice of Proposed Rulemaking is scheduled to be released.

[Confined Spaces in Construction \(RIN: 1218-AB47\)](#). A Final Rule is scheduled for release.

## **AUGUST 2013**

[Walking Working Surfaces and Personal Fall Protection Systems \(Slips, Trips, and Fall Prevention\) \(RIN: 1218-AB80\)](#). Final Rule scheduled for release.

## **OCTOBER 2013**

[Combustible Dust \(RIN: 1218-AC41\)](#). SBREFA proceedings are scheduled to be initiated.

## **DECEMBER 2013**

[Injury and Illness Prevention Program \(RIN: 1218-AC48\)](#). A Notice of Proposed Rulemaking (NPRM) is scheduled to be released.