

# OSHA

## *Items Withdrawn from Agenda*

<i>Reg. ID #</i>	<i>Title of Rule</i>	<i>Added to Agenda</i>	<i>Withdrawn from Agenda</i>	<i>Added Because</i>	<i>Withdrawn Because</i>
1218-AA68	Scaffolds in Shipyards	Nov. 1988	Mar. 2002	<p>“The standards proposed for revision regulate the design, construction, and use of scaffolds in shipyards.</p> <p>“The existing shipyard employment standards (29 CFR Part 1915) apply to shipbuilding, ship repairing, and shipbreaking operations and related employments. However, the present standards in Part 1915 are not comprehensive in their coverage of shipyard hazards, and are supplemented by the general industry standards (29 CFR Part 1910) as necessary to provide complete coverage for all the hazards encountered in shipyards. This document is one of a series of proposals which are intended to revise Part 1915 to provide comprehensive coverage of shipyard employment solely within that part.”</p> <p>[53 Fed. Reg. 48,182 (1988)]</p>	<p>“First, OSHA is devoting its resources to higher priority shipyard standards. These important rulemakings include proposed standards for Fire Protection in Shipyard Employment . . . and General Working Conditions for Shipyard Employment . . . (Dec. 3, 2001).</p> <p>“Second, there are technologies and developments . . . that have emerged over the last 14 years that are not reflected in the proposed rules and supporting economic analyses. For example, since 1988 the use of interior hung scaffolds in the shipyard industry has increased greatly. OSHA did not contemplate such widespread use of these scaffolds when it published the proposed rule on scaffolds in 1988. Indeed, the proposed rule on scaffolds only provides minimum requirements for the erection of interior hung scaffolds; it does not address the dismantling of such scaffolds or certain work practices that may affect the structural integrity of the scaffolds. In addition, the manner in which ships and other vessels are constructed has changed dramatically since 1988, especially in small shipyards. Most ships are now constructed in component parts and assembled in one location. This method of construction reduces the need for certain work practices, such as piece-by-piece welding. It also reduces the need for multiple craft work at a single location. OSHA did not envision such a change throughout the entire shipyard industry when it published the proposed rules. This change affects the need for the requirements in the proposed rules, as well as necessitating changes to the supporting economic analyses.</p> <p>“Third, . . . OSHA received only a few comments in response to each proposal. While most of these comments were helpful and informative, OSHA believes there is insufficient information in the rulemaking records upon which</p>

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					<p>to regulate the specific conditions the proposals were intended to address.”</p> <p>[67 Fed. Reg. 13,117 (2002)]</p>
1218-AA70	Access and Egress in Shipyards	Nov. 1988	Mar. 2002	<p>“The existing shipyard employment standards . . . are not comprehensive in their coverage of shipyard hazards, and are supplemented by the general industry standards . . . as necessary to provide complete coverage for all the hazards encountered in shipyards. This document is one of a series of proposals which are intended to revise Part 1915 to provide comprehensive coverage of shipyard employment solely within that part.</p> <p>“In addition to consolidating the provisions of Part 1910 and Part 1915, OSHA proposes to revise the consolidated provisions as appropriate. OSHA has not substantively revised many of the current provisions in these parts since they were promulgated in 1971. OSHA believes some provisions need to be revised to reflect technological advances. Other provisions need to be revised because they are based on national consensus standards issued prior to 1971, and do not reflect the revisions made since that time.”</p> <p>[53 Fed. Reg. 48,130 (1988)]</p>	<p>See RIN 1218-AA68 [67 Fed. Reg. 13,117 (2002)]</p>
1218-AA84	Glycol Ethers: 2—Methoxyethanol, 2—Ethoxyethanol, and Their Acetates: Protecting Reproductive Health	April 1987	Dec. 2003	<p>“ The current standards were adopted in 1971 . . . based primarily on blood, kidney, liver and central nervous system toxicity. . . . The effects of exposure to the ethylene glycol ethers on the reproductive system and on fetal development have been studied in several animal species. The results uniformly show developmental toxicity, including increases in the incidences of fetal malformations and resorptions, and testicular damage. Studies have also shown adverse hematologic effects and adverse behavioral effects in offspring. . . . The effects observed from exposure to 2-ME and 2-EE include testicular damage, reduced fertility, maternal toxicity and</p>	<p>“Production and use of the four glycol ethers either have ceased or are virtually limited to ‘closed systems’ where exposure levels more than 10 years ago already were at or below the proposed permissible exposure limits (PELs). Because there are few, if any, remaining opportunities for workplace exposure to these glycol ethers and little or no potential for exposure in the future because of the availability of less-toxic substitutes, OSHA has concluded that the proposed rule is no longer necessary.”</p> <p>[68 Fed. Reg. 75,475 (2003)]</p>

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				developmental abnormalities of the fetus. . . . Data from laboratory animals have demonstrated that exposure to 2-ME may result in a variety of hematologic effects including hemolysis, bone marrow depression, and immunosuppression.” [52 Fed. Reg. 10,586 (1987)]	
1218-AB27	Accreditation of Training Programs for HAZWOPER	Jan. 1990	Dec. 2002	“[The] Superfund Amendments and Reauthorization Act of 1986 [directed] the Secretary of Labor . . . to issue an interim final rule within 60 days after the date of enactment, which was to provide no less protection for workers engaged in covered hazardous waste operations than the protections contained in two specified documents. . . . SARA also directed the Secretary to issue . . . a final standard . . . for the health and safety of employees engaged in hazardous waste operations and emergency response. SARA also indicated that certain specific areas of employee protection, in particular employee training, were relevant to protect employees engaged in hazardous waste operations.” [55 Fed. Reg. 2,776 (1990)]	“ OSHA has developed nonmandatory guidelines to address training criteria for hazardous waste workers, and these have been widely adopted. In addition, the private sector has since established training accreditation procedures. At this time, the next action in this rulemaking is undetermined, and we are withdrawing this from the regulatory agenda until such time as work on it resumes.” [67 Fed. Reg. 74,783 (2002)]
1218-AB37	Indoor Air Quality	April 1994	Dec. 2001	“Every day, more than 20 million American workers face an unnecessary health threat because of indoor air pollution in the workplace. Thousands of heart disease deaths, hundreds of lung cancer deaths, and many cases of respiratory disease, Legionnaire’s disease, asthma, and other ailments are estimated to be linked to this occupational hazard. EPA estimates that 20 to 35 percent of all workers in modern mechanically ventilated buildings may experience air-quality related signs and symptoms. . . . OSHA preliminarily estimated that the proposed standard would prevent a substantial number of air-quality related illnesses per year.” [Unified Agenda (April 2001)]  [59 Fed. Reg. 15,968 (1994)]	“In the years since the proposal was issued in 1994 a great many state and local governments and private employers have taken action to curtail smoking in public areas and in workplaces. In addition, the portion of the proposal not related to environmental tobacco smoke (ETS) received little attention during the rulemaking proceedings and the record evidence supporting the non-ETS portion of the proposal is sparse. The Agency found that withdrawal of the proposal would allow it to devote its resources to other projects.” [Unified Agenda (May 2002)]

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1218-AB41	Injury and Illness Prevention (Safety and Health Programs)	Oct. 1995	Aug. 2002	<p>“[OSHA and other stakeholders] recognize the value of worksite-specific safety and health programs in preventing job-related injuries, illnesses, and fatalities. The reductions in job-related injuries and illnesses, workers’ compensation costs, and absenteeism that occur after employers implement such programs dramatically demonstrate the effectiveness of these programs. In 1989, OSHA published nonmandatory guidelines . . . based on a distillation of the best safety and health management practices . . . OSHA has decided to expand on these guidelines by developing a safety and health programs rule because occupational injuries, illnesses, and fatalities are continuing to occur at an unacceptably high rate. For example, an average of about 17 workers were killed each day in 1997. This number does not include an estimated 137 daily deaths associated with job-related chronic illnesses.”</p> <p>[Unified Agenda (Oct. 1999)]</p>	<p>“The Agency plans to review and revise as appropriate its 1989 Voluntary Safety and Health Management Guidelines. OSHA has received feedback from participants in the Agency's voluntary programs and from other stakeholders on the strengths and weaknesses of the existing guidelines. Although the guidelines help employers understand the basic approach to managing safety and health in the workplace, they do not sufficiently reflect the importance of employee participation or program evaluation. In addition, the Agency will continue and expand efforts to communicate the value and benefits of injury and illness prevention programs to employers. Extended outreach efforts combined with revised voluntary guidelines will encourage more widespread adoption of comprehensive and systematic injury and illness prevention programs.”</p> <p>[Unified Agenda (Dec. 2002)]</p>
1218-AB46	Occupational Exposure to Tuberculosis	Oct. 1997	Dec. 2003	<p>“TB is a communicable, potentially lethal disease that afflicts the most vulnerable members of our society . . . TB remains a major health problem with 22,813 active cases reported in the U.S. in 1995. A number of outbreaks of this disease have occurred among workers in health care settings, as well as other work settings, in recent years. To add to the seriousness of the problem, some of these outbreaks have involved the transmission of multidrug-resistant strains . . . which are often fatal. . . .</p> <p>“OSHA estimates that more than 5 million U.S. workers are exposed to TB in the course of their work: in hospitals, homeless shelters, nursing homes, and other work settings. . . . The risk confronting these workers . . . may be as high as 10 times the risk to the general population. Although the number of reported cases of active TB has slowly begun to decline after a resurgence</p>	<p>“Because of a broad range of Federal and community initiatives, the rate of TB has declined steadily and dramatically since OSHA began work on the proposal in 1993. Hospitals, which are the settings where workers are likely to have the highest risk of exposure . . . , have come into substantial compliance with Federal guidelines for preventing the transmission of TB. Overall reductions in TB mean that all workers are much less likely now to encounter infectious TB patients in the course of their jobs.</p> <p>“In addition, an OSHA standard is unlikely to result in a meaningful reduction of disease transmission caused by contact with the most significant remaining . . . risk: exposure to individuals with undiagnosed and unsuspected TB. . . .” [68 Fed. Reg. 75,767 (2003)]</p>

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				between 1985-1992, 16 states reported an increase in the number of TB cases in 1995, compared with 1994.” [62 Fed. Reg. 54,160 (1997)]	
1218-AB54	PELs for Air Contaminants	Jan. 1989 (1), June 1992 (2)  Aug. 1995 (combined and renewed following court decision)	Sep. 2001	“OSHA enforces hundreds of permissible exposure limits (PELs) for toxic air contaminants found in U.S. workplaces. Most of the air contaminant limits were adopted by OSHA in 1971 from recommendations issued by the American Conference of Governmental Industrial Hygienists and the American National Standards Institute. These PELs, which have not been updated since 1971, thus reflect the results of research conducted in the 1950s and 1960s. Since then, much new information has become available that indicates that, in many cases, these early limits are outdated and insufficiently protective of worker health. . . . OSHA continues to believe that establishing a rulemaking approach that will permit the Agency to update existing air contaminant limits and establish new ones as toxicological evidence of the need to do so becomes available is a high priority. The rulemaking described in this Regulatory Plan entry reflects OSHA’s intention to move forward with this process.” [Unified Agenda (Oct. 1999)]	“OSHA has not yet determined the best way to proceed with the permissible exposure limit update process. The Agency wishes both to expand the circle of stakeholders engaged in the update process and to obtain their input earlier in the process. Accordingly and in light of resource constraints, OSHA is withdrawing this entry from the regulatory agenda at this time.” [Unified Agenda (Dec. 2002)]
1218-AB58	Metalworking Fluids	Oct. 1996	Aug. 2001	“In December 1993, the [UAW] petitioned OSHA to take emergency regulatory action to protect workers from the risks of occupational cancers and respiratory illnesses due to exposure to metalworking fluids. In response to the petition, OSHA established a 15-member Standards Advisory Committee to make recommendations to OSHA regarding the need for a standard, a guideline, or other appropriate response . . . . The Committee recommended that OSHA proceed with a rulemaking on metalworking fluids . . . . Workers exposed to these fluids are at risk of developing respiratory diseases, including	“The Committee divided on the appropriate response; a majority favored rulemaking while others concluded that rulemaking was inappropriate at this time because of the complexity of the issue. . . . In addition, working with stakeholders and members of the Advisory Committee, OSHA has developed a Best Practices Guide for metalworking fluid users and will also make this available on the web. OSHA believes that the availability of this comprehensive and authoritative outreach material will greatly reduce the health hazards machinists and others exposed to these fluids may face. Accordingly, and in light

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				hypersensitivity pneumonitis, occupational asthma, as well as lung cancer and dermatoses.” [Unified Agenda (Oct. 1999)]	of resource constraints, OSHA is withdrawing this entry from the agenda at this time.” [Unified Agenda (Dec. 2001)]
1218-AB61	Update and Revision of Flammable and Combustible Liquids Standard	Oct. 1996	Sep. 2001	“This project responds to the President’s Executive Memo of June 1998 regarding the use of plain language in Federal regulations. With this project, OSHA is initiating rulemaking that will revise the regulations contained in 29 CFR 1910.106 addressing flammable and combustible liquids storage. The purpose of this rulemaking will be to restate this standard in plain language.” [Unified Agenda (Oct. 1999)]	“OSHA may propose a revision and update of the standards contained in 29 CFR 1910.106 addressing flammable and combustible liquids storage in the near future; however, due to resource constraints, this entry is being withdrawn from the agenda at this time.” [Unified Agenda (Dec. 2001)]
1218-AB62	Fall Protection in Construction	July 1999	Aug. 2002	“OSHA requests comments and information on fall protection for workers engaged in certain construction activities currently covered by OSHA’s Standards for Fall Protection in the Construction Industry . . . . Since the rule was published on August 4, 1994, OSHA has received numerous communications requesting interpretations and claiming that compliance with the rule is sometimes infeasible in certain activities, such as in residential and post-frame construction, while climbing reinforced steel, erecting precast concrete, drilling shafts, and when providing prompt rescue. We are asking the public for information and data on fall protection for employees in these situations.” [64 Fed. Reg. 38,077 (1999)]	“OSHA has determined that additional information is needed on residential construction. No rulemaking action is anticipated during the next year. OSHA is withdrawing this entry from the agenda.” [Unified Agenda (Dec. 2002)]
1218-AB63	Process Safety Management of Highly Hazardous Chemicals	April 1997	Sep. 2001	“OSHA is considering two regulatory actions concerning the Process Safety Management of Highly Hazardous Chemicals (PSM) standard. One action is to publish an [ANPR] to address the need to add reactive chemicals that are not currently covered by PSM to the rule and the need to revise the language of the rule to clarify OSHA’s intent to cover flammable liquids stored in atmospheric tanks that are connected to a process. Another action is a proposal to add chemicals that were not	“OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.” [Unified Agenda (Dec. 2001)]

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				included in the OSHA standard but were included in the [EPA's] Risk Management Program (RMP) rule . . . . OSHA has been asked by representatives of the regulated community to bring its chemical list into closer alignment with the RMP rule." [Unified Agenda (Oct. 1999)]	
1218-AB66	Revision and Update of Mechanical Power-Transmission Apparatus Standard	April 1997	Dec. 2001	"OSHA has identified this standard in part 1910 for revision as part of the President's initiative on Federal regulations discussed in the U.S. Department of Labor Report of June 15, 1995 and to respond to the President's June 1998 Executive Memo on Plain Language. OSHA intends to issue a plain language revision of the rule." [Unified Agenda (Oct. 1999)]	"OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities." [Unified Agenda (Dec. 2001)]
1218-AB68	Safety Standards for Scaffolds in Construction – Part II	Oct. 1997	Dec. 2001	"Since the promulgation of a final rule for scaffolds used in construction in August 1996, several issues have arisen under the new standard. The agency will solicit information on issues including (1) providing access to platforms where decking extends past the ends of the scaffold; (2) changing the minimum width for roof brackets to less than 12 inches; (3) changing the requirements for grounding of the scaffold during welding operations; and (4) requiring the use of scaffold grade planks." [Unified Agenda (Oct. 1999)]	"OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities." [Unified Agenda (Dec. 2001)]
1218-AB69	Safety and Health Programs for Construction	Oct. 1997	Sep. 2001	"In response to industry requests and in response to the recommendation of OSHA's Advisory Committee on Construction Safety and Health (ACCSH), OSHA has determined that the current safety and health program standards contained in subpart C of the construction standards, 29 CFR 1926, need to be revised to provide construction employers with a more comprehensive set of requirements to assist them in establishing safety and health programs. Safety and health programs have proven to be an effective, systematic method of identifying and correcting existing workplace	"OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities." [Unified Agenda (Dec. 2001)]

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				safety and health hazards, as well as preventing those that might arise in the future.” [Unified Agenda (Oct. 1999)]	
1218-AB71	Control of Hazardous Energy in Construction	Oct. 1997	Sep. 2001	<p>“OSHA issued a general industry rule . . . to address the hazards posed to workers by the failure to control hazardous energy . . . during repair and servicing activities. OSHA has not yet issued a standard to prevent these accidents during equipment repair and maintenance activities in the construction industry. Four million workers annually may be exposed to this hazard in construction workplaces.</p> <p>“Construction sites often do not have effective lockout/tagout procedures to control hazardous energy because of several factors, all associated with the nature of the construction industry. These factors basically relate to the types of machines and equipment found in construction; the makeup of the industry (i.e., employment is relatively ‘short term,’ lasting only as long as the length of the current project); multiple employers having different employer/employee relationships are present at the same site; and ‘in-the-field’ maintenance activity is usually temporary. OSHA intends to issue a proposal to address this hazard in this industry.” [Unified Agenda (Oct. 1999)]</p>	<p>“OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.” [Unified Agenda (Dec. 2001)]</p>
1218-AB78	Consolidation of Records Maintenance Requirements in OSHA Standards	April 1998	Sep. 2001	<p>“OSHA is initiating a rulemaking to simplify and consolidate many of its requirements for employers to maintain records of training, testing, medical surveillance, and other activities conducted to comply with OSHA health and safety standards. These records maintenance requirements appear in many OSHA standards . . . . The final rule, when published, will facilitate compliance with these requirements and reduce the amount of paperwork associated with these records, but will leave employee protections unchanged.”</p>	<p>“OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.” [Unified Agenda (Dec. 2001)]</p>

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				[Unified Agenda (Oct. 1999)]	
1218-AB83	Oil and Gas Well Drilling and Servicing	Nov. 1999	Aug. 2001	<p>“OSHA intends to propose a standard for the oil and gas well drilling and servicing industry. In 1982, OSHA proposed a standard for the industry. OSHA believed at that time that the OSHA general industry standard did not adequately address the hazards of oil and gas well drilling and servicing and that this lack of protection contributed to a high number of deaths and injuries in the industry. No final action was taken with respect to the proposed standard and, therefore, there is still no specific OSHA standard for the oil and gas well drilling and servicing industry. OSHA intends to repropose in the near future, because changes in technology, conditions in the industry, and workforce demographics necessitate the issuance of a new proposal. The oil and gas well drilling and servicing industry is involved in extracting underground deposits of oil and gas and in maintaining the equipment used to bring the oil and gas to the surface. In 1997, there were 85 deaths resulting from accidents in the industry, caused by such events as falling from equipment/platforms to another level, being struck or crushed by equipment, and being asphyxiated.”</p> <p>[Unified Agenda (Oct. 1999)]</p>	<p>“OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.”</p> <p>[Unified Agenda (Dec. 2001)]</p>
1218-AB84	Update and Revision of Spray Applications	Nov. 1999	Sep. 2001	<p>“The plain language effort will revise one of OSHA’s most complex and out-of-date rules, those for Spray finishing using flammable and combustible liquids . . . . This standard addresses the hazards associated with the use of spray areas or spray booths to apply flammable or combustible liquids to manufactured equipment and objects. It includes specifications for the design of spray booths and areas, and for the use of these booths and areas and associated equipment. The plain language rule will be titled ‘Spray Applications.’”</p> <p>[Unified Agenda (Oct. 1999)]</p>	<p>“OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.”</p> <p>[Unified Agenda (Dec. 2001)]</p>

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1218-AB86	Occupational Exposure to Perchloroethylene	Nov. 1999	Sep. 2001	“OSHA’s limits for this substance . . . have been in place for nearly 30 years and are widely recognized as being inadequately protective. NIOSH classifies perchloroethylene as an occupational carcinogen. Workers exposed to perchloroethylene may experience sensory irritation, narcosis, liver damage, and cancer.” [Unified Agenda (Oct. 1999)]	“OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.” [Unified Agenda (Dec. 2001)]
1218-AB87	Sanitation in the Construction Industry	Nov. 1999	Sep. 2001	“[T]he Advisory Committee on Construction Safety and Health(ACCSH) recommended that OSHA consider proposed revisions to the construction sanitation standard . . . . OSHA believes that the ACCSH recommendation raises important issues regarding the type of sanitation facilities needed for construction workers. OSHA intends to propose revisions to the sanitation standard, including the need to require washing facilities, gender-separate and lockable toilet facilities, and (where other OSHA standards require change rooms) gender-separate and lockable change facilities.” [Unified Agenda (Oct. 1999)]	“OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.” [Unified Agenda (Dec. 2001)]
1218-AB92	Update and Revision Woodworking Machinery Standard	Oct. 2000	Sep. 2001	“OSHA’s standards for woodworking machinery . . . have not been updated since their adoption in 1971. The corresponding industry consensus standards have been updated several times in the intervening years. OSHA intends to work with affected stakeholders to develop an updated woodworking machinery standard that reflects the technological advances and changes in occupational safety and health practices that have taken place since then. The revised standard will take account of approaches included in the most recent voluntary consensus standard.” [Unified Agenda (Oct. 2000)]	“OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities.” [Unified Agenda (Dec. 2001)]
1218-AB94	Ergonomics Programs in Construction	Oct. 2000	Dec. 2001	“Based on evidence that employers in the construction industry report[,],more than 40,000 lost-time musculoskeletal disorders (MSDs) occur	“OSHA is withdrawing this agenda entry because the agency is currently evaluating its options for developing a comprehensive approach to the

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				among their workers every year. Accordingly, OSHA has decided to . . . gather information for future rulemaking to address [MSDs]. When the number of non-lost worktime MSDs in this workforce is added to the total, the annual number of MSDs experienced by construction workers is likely to exceed 200,000. Approximately one-third of the costs construction employers incur for workers' compensation every year goes to pay for these costly injuries. However, many work-related MSDs are preventable, and many low-cost methods of reducing worker exposure to ergonomic risk factors are now available for the construction industry. OSHA intends to . . . gather information on the construction workers most at risk, feasible methods of reducing this risk, and successful ergonomics programs in construction." [Unified Agenda (Oct. 2000)]	ergonomics issue. If OSHA decides in the future to address ergonomic injuries in the construction industry through rulemaking, it will include notice of that fact in a future regulatory agenda." [Unified Agenda (Dec. 2001)]
1218-AB96	Occupational Health Risks in the Manufacture and Assembly of Semiconductors	Oct. 2000	Aug. 2001	"The manufacture and assembly of semiconductors requires the use of a variety of complex mixtures of chemicals. For most of these chemicals, adequate data on toxicity are not available, although chemical structure suggests that they may present potential health risks. The types of mixtures used and their components change rapidly in this industry. OSHA is aware of case reports and epidemiologic studies suggesting excesses of certain cancers and reproductive damage among employees in this industry. Although these effects may be associated with processes and mixtures no longer in common use, the 1995 Priority Planning Process emphasized reproductive hazards as an item of special concern." [Unified Agenda (Oct. 2000)]	"OSHA is withdrawing this entry from the agenda at this time due to resource constraints and other priorities." [Unified Agenda (Dec. 2001)]