Biden Administration Releases Semiannual Regulatory Agenda

The Biden Administration recently published its Fall 2022 Regulatory Agenda. Required by Executive Order 12866, the semiannual agenda lists all regulations under active consideration in the one-year period ahead as well as longer-term regulatory actions, and ensures public engagement in the process of establishing regulations. Although aspirational in nature, the agenda provides insight into the Administration's upcoming regulatory activities and priorities. Below is a timeline of key rulemakings that could impact the demolition industry.

- **Updating the Davis-Bacon and Related Acts Regulations:** A final rule is targeted for February 2023.
- **Improve Tracking of Workplace Injuries and Illnesses:** A final rule is targeted for March 2023.
- **Respirable Crystalline Silica**: A proposed rule is targeted for April 2023.
- **Overtime Rule/White Collar Exemptions**: A proposed rule is targeted for May 2023.
- **Lock-Out/Tag-Out Update**. A proposed rule is targeted for June 2023.
- **Occupational Exposure to Crystalline Silica: Revisions to Medical Surveillance Provisions for Medical Removal Protection:** A proposed rule is targeted for September 2023.
- **Classification of Independent Contractors:** A final rule is targeted for May 2023.
- **Infectious Disease:** A proposed rule is targeted for September 2023.
- **Heat Illness Prevention in Outdoor and Indoor Work Settings:** Will be initiating a Small Business Regulatory Enforcement Fairness Act (SBREF) panel in January 2023.
- **Crane Rule:** Amendments to the Cranes and Derricks in Construction Standard are targeted for June 2023.

NDA is tracking all regulations impacting the demolition industry and continues to engage the Biden Administration through meetings and public comments.

OSHA Announces Increases to Maximum Penalties

The U.S. Department of Labor (DOL) recently announced changes to Occupational Safety and Health Administration (OSHA) civil penalty amounts based on cost-of-living adjustments for 2023. OSHA's maximum penalties for serious and other-than-serious violations will increase from $14,502 per violation to $15,625 per violation. The maximum penalty for willful or repeated violations will increase from $145,027 per violation to $156,259 per violation.

Under current law, agencies are required to publish "catch-up" rules that adjust the level of civil monetary penalties and make subsequent annual adjustments for inflation no later than January 15 of each year. Visit the OSHA Penalties page for more information.

California Storm Victims Qualify for IRS Tax Relief

The Internal Revenue Service (IRS) recently announced that California storm victims now have until May 15, 2023, to file various federal individual and business tax returns and make tax payments,

The IRS is offering relief to any area designated by the Federal Emergency Management Agency (FEMA). The current list of eligible localities is available on the Tax Relief in Disaster Situations page on IRS.gov. The tax relief postpones various tax filing and payment deadlines that occurred starting on January 8,

2023. As a result, affected individuals and businesses will have until May 15, 2023, to file returns and pay any taxes that were originally due during this period. This includes 2022 individual income tax returns due on April 18, as well as various 2022 business returns normally due on March 15 and April 18. For more information, visit the IRS website here.

House Passes Bill to Rescind New IRS Funding

This week, Republicans in the House of Representatives passed H.R. 23, the Family and Small Business Taxpayer Protection Act, which would rescind $72 billion in funding to the IRS. Last year, President Biden signed the Inflation Reduction Act into law which included $80 billion in new IRS funding to improve taxpayer services and increase tax enforcement activities.

The Republican bill would allow the IRS to keep $8 billion in new funds dedicated to improving taxpayer services and interactions with the IRS, including $3.2 billion dedicated to taxpayer services and $4.8 billion dedicated to business systems modernization. The bill would rescind $72 billion in new funding dedicated to tax enforcement activities, such as audits, asset monitoring, criminal investigations, and litigation, and IRS funding for operations support, such as offices and facilities, agency vehicles, and other agency-wide or headquarter-specific administrative activities and programs.

The bill passed the House on a party-line vote and is unlikely to be taken up by the Democratic-controlled Senate in its current form.