



**Jim Greaves**  
Associate Vice  
President of  
Risk Management  
Services

**Carlos Guzman**  
Risk Consultant

**Darren Meyer**  
Risk Consultant

**Crystal Estrada**  
Risk Analyst

**John Cornelius**  
Claims Manager

**Bradley Ellison**  
Senior Claims  
Advocate

**Courtney Michaelis**  
Associate Claims  
Advocate

800.399.6059  
hubinternational.com  
catto.com

## OSHA PROPOSED RULEMAKING AGENDA

OSHA's long-awaited "Spring 2022 Unified Agenda of Regulatory and Deregulatory Actions" has been posted online by the White House Office of Information and Regulatory Affairs. Three "major" final rules are slated for 2022 on COVID-19, electronic submissions, and hazard communication. In fact, the Electronic Submissions (or Improve Tracking) final rule appears to be moving "fast" through the pipeline with its December final rule date.

Note that OSHA is just beginning to review comments from the Heat Illness Prevention pre-rule, so that rulemaking is far from being proposed or finalized. Most rulemakings on the agenda are at the proposed, pre-rule, or long-term stage, but when they come up in the Federal Register, stakeholders will have a chance to shape the final rulemaking with their comments.

OSHA did not remove any rulemakings from its to-do list in this agenda, and no rulemakings on the agenda appear to be anything new.

The agency expects six **final rules** in the coming months:

- *June 2022* — Procedures for the Handling of Retaliation Complaints under the Criminal Antitrust Anti-Retaliation Act
- *July 2022* — Procedures for the Handling of Retaliation Complaints Under the Anti-Money Laundering Act
- *September 2022* — Subpart U — Emergency Temporary Standard — COVID-19
- *November 2022* — Procedures for Handling of Retaliation Complaints Under the Whistleblower Protection Statutes
- *December 2022* — Improve Tracking of Workplace Injuries and Illnesses; Update to the Hazard Communication Standard



Note that in August 2022 OSHA intends to analyze comments for its interim final rule on Procedures for the Handling of Retaliation Complaints Under the Taxpayer First Act.

Most rules on the agenda are at the proposed rule stage. The major **proposals** line up as follows:

- *June 2022* — Massachusetts State and Local Government Only State Plan — Initial State Plan Approval
- *September 2022* — Personal Protective Equipment in Construction
- *October 2022* re-open rulemaking record — Walking Working Surfaces
- *December 2022* — Shipyard Fall Protection — Scaffolds, Ladders and Other Working Surfaces; Tree Care Standard
- *January 2023*— Amendments to the Cranes and Derricks in Construction Standard
- *February 2023*— Welding in Constructions Confined Spaces
- *March 2023*— Communication Tower Safety; Lockout/Tagout Update
- *May 2023*— Infectious Diseases; Emergency Response; Occupational Exposure to Crystalline Silica: Revisions to Medical Surveillance Provisions for Medical Removal Protection

Note that in July 2022 OSHA intends to analyze comments on its proposed rules on Powered Industrial Trucks Design Standard Update and Arizona State Plan for Occupational Safety and Health.

OSHA anticipates the following action items at the **pre-rule** stage:

- *June 2022* — Blood Lead Level for Medical Removal

### Upcoming Training Events

**Ladder Safety**  
July 14

**Management Series:  
Workers Comp 101**  
July 19

For more information  
email us at  
rmsafety@catto.com



# CLAIMS CORNER

## COVID-19 LED TO 20% INCREASE IN TX WORK COMP CLAIMS

The number of workers' compensation claims reported to the Texas Department of Insurance, Division of Workers' Compensation (DWC) increased 20% during the first 27 months of the COVID-19 pandemic (January 2020 through March 31, 2022) compared to the prior 27 months. As of May 1, 2022, insurance carriers reported more than 83,000 COVID-19 claims and 448 fatalities to DWC, with slightly more than half of these claims (51%) and the fatalities (55%) involving first responders and correctional officers. The factsheet, "COVID-19 in the Texas Workers' Compensation System, shows that 66% of all claims between January 2020 through March 31, 2022, involved injured employees who tested positive or were diagnosed with COVID-19. Insurance carriers accepted 58% of COVID-19 positive test claims. 41% of COVID-19 positive test claims were denied by carriers. Of the 21,000 denials of COVID-19 claims with positive tests or diagnoses, there were only 184 disputes filed with DWC as of May 1, 2022. "The increase in COVID-19 occupational disease claims reported during the pandemic has temporarily interrupted a 20-year trend in Texas of fewer workers' compensation claims reported each year," the report said. The greatest number of COVID-19 claims were reported in January 2022 (12,305), followed by July 2020 (8,922), December 2020 (5,984), and August 2021 (5,336). 51% of COVID-19 claims were in the public administration sector, which includes first responders and correctional officers/prison workers. Health care and social assistance accounted for 18% of claims. Among fatal claims, 80% involved men and 67% involved workers who were 50 years or older. For claims reported to insurance carriers as of March 31, 2022, carriers paid a total of \$40.6 million in medical costs on COVID-19 claims. 76% of costs have been paid by political subdivisions, followed by commercial insurance carriers (20%), and the State of Texas (4%). "These costs are likely to increase over time as claims mature," the report said.

- *July 2022* meeting— Process Safety Management and Prevention of Major Chemical Accidents
- *September 2022* small business panel — Prevention of Workplace Violence in Health Care and Social Assistance

Note that in June 2022 OSHA intends to analyze comments on the pre-rules on Mechanical Power Presses Update and Heat Illness Prevention in Outdoor and Indoor Work Settings.

Lastly, the agency has four items with **long-term** dates that are to be determined:

- Powered Industrial Trucks Proposal
- Occupational Exposure to Crystalline Silica; Revisions to Table 1 in the Standard for Construction Proposal
- COVID-19 Vaccination and Testing Emergency Temporary Standard Rulemaking
- Occupational Injury and Illness Recording and Reporting Requirements — Musculoskeletal Disorders (MSD) Column

OSHA explains that it did not withdraw the ETS from the rulemaking lineup to the extent that it serves as a proposed rule while OSHA continues to evaluate comments and the Supreme Court's decision.

OFFICE OF INFORMATION AND REGULATORY AFFAIRS



### INTRODUCING **BRADLEY ELLISON**

Commercial Lines  
Senior Claims Advocate

We are proud to announce a new addition to the risk management team! Bradley Ellison has joined HUB | Catto & Catto as our Commercial Lines Senior Claims Advocate.

Before joining the HUB | Catto & Catto team, Bradley adjudicated claims while serving in the United States Air Force from 1997 to 1999. During that time, he processed hundreds of property damage claims in the wake of Super Typhoon Paka which struck the island of Guam in December 1997. In early 2006, Bradley completed a three-month duty assignment, adjudicating property damage claims at Keesler Air Force Base, in Biloxi, MS, in the aftermath of Hurricane Katrina.

Bradley resumed working in claims in May 2019 when he was hired by a nationally ranked private insurance agency as a Claims Manager.

We thank Bradley for his service and are pleased he has chosen HUB | Catto & Catto as a complement to our already spectacular lineup of risk management and claims professionals.



#### Loctek Fleximounts Overhead Garage Storage Racks

*Hazard: Impact Injury*

#### Nautilus Treadmills

*Hazard: Fall*

#### Schneider Electrical Panels

*Hazard: Thermal Burn & Fire*

#### MTD Troy-Bilt Spacesavr Walk-Behind Self-Propelled Mowers

*Hazard: Fire*

#### Brompton Foldable Electric Bicycles

*Hazard: Crash & Injury*

#### SunVilla Solar LED Market Umbrellas

*Hazard: Fire & Burn*

#### Tech Lighting Coda Pendant Light Fixtures

*Hazard: Impact Injury*