

# OSHA's Changes to Lockout/Tagout Rule Facing Major Delay

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June 22, 2017

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PRACTICES OSHA, Labor and Employment

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OSHA's proposed revision to the lockout/tagout rule is facing major delays. As previously reported, OSHA made its proposed revisions to the rule, and many others, under OSHA's Standards Improvement Project-Phase IV ("SIP IV").<sup>1</sup> The current lockout/tagout standard applies to servicing and maintenance operations "in which the unexpected energization or startup of the machine or equipment, or release of stored energy could harm employees." OSHA intends to revise the lockout/tagout rule by removing the word "unexpected," such that the standard would apply to any energization, not just "unexpected" ones.

However, on his first day in office, President Donald Trump issued a Regulatory Freeze Memorandum (the "Freeze Memo"), where, among other things, he stated that the "effective date of Obama [Administration] regulations that have been published but [have] not yet taken effect should be postponed for 60 days, to allow the new administration to review questions of fact, law and policy."<sup>2</sup> As a result of the Freeze Memo, the proposed lockout/tagout rule cannot be adopted as a final rule until it is reviewed and approved. Thus, issuance of the final rule will likely be delayed, although it is unclear whether the effective date of the rule will also be delayed.

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<sup>1</sup> [OSHA's Proposed Changes to Lockout/Tagout Rule Issued](#), 12/14/2016. SIP IV is a collection of 18 OSHA rule revisions changed to "remove or revise outdated, duplicative, unnecessary, and inconsistent requirements" in OSHA's standards.

<sup>2</sup> Cass R. Sunstein, [The Fine Print in Trump's Regulation Memo](#), BLOOMBERG (Jan. 25, 2017).