

MEMORANDUM

TO: Participants in the Hearings on OSHA's Proposed Deregulatory Rules

FROM: David L. Keeling, Assistant Secretary of Labor for Occupational Safety and Health

SUBJECT: Hearing and Post-Hearing Procedures for OSHA's Proposed Deregulatory Rules

DATE: August 10, 2026

The Occupational Safety and Health Administration (OSHA or the agency) is setting hearing and post-hearing procedures, as referenced in the hearing notice published in the Federal Register on June 3, 2026 (91 FR 33131; Docket Nos. OSHA-2025-0006; OSHA-2025-0009; OSHA-2025-0011; OSHA-2025-0012; OSHA-2025-0013; OSHA-2025-0014; OSHA-2025-0015; OSHA-2025-0016; OSHA-2025-0017; OSHA-2025-0018; OSHA-2025-0019; OSHA-2025-0020; OSHA-2025-0021; OSHA-2025-0022; OSHA-2025-0023; OSHA-2025-0024; OSHA-2025-0025; OSHA-2025-0026; OSHA-2025-0072). These procedures address the hearing schedules, the nature of the hearings, availability of hearing testimony, the conduct of the rulemaking hearings, and post-hearing submissions. OSHA is issuing these procedures to ensure that the hearings proceed in a fair, orderly, and timely manner.

I. General Information

1. Authority and Nature of the Hearing. OSHA conducts its rulemaking hearings in accordance with Section 6(b)(3) of the Occupational Safety and Health (OSH) Act, 29 U.S.C. § 655(b)(3), and the Secretary of Labor's procedural regulations in 29 C.F.R. Part 1911. These OSHA rulemaking hearings are legislative-type hearings, not adjudicative ones. They are informal administrative proceedings intended to allow the agency to gather information and clarify issues. The procedural rules governing the hearings are intended to facilitate the

development of clear, accurate, and complete records while assuring fairness. The rules of evidence and other procedural rules governing adjudications do not apply. These procedures are issued under the authority of 29 C.F.R. 1911.4 to expedite the hearing process.

2. Hearing Dates. The hearings will be held virtually and will begin on Wednesday, August 19, 2026. The hearing schedules will be emailed to participants and available at www.osha.gov/deregulatory-rulemaking. OSHA is scheduling different hearings for the various deregulatory proposals according to the following schedule:

- Hearing 1 (Wednesday, August 19 and Thursday, August 20): Amending the Medical Evaluation Requirements in the Respiratory Protection Standard for Certain Types of Respirators
- Hearing 2 (Monday, August 24): Walking-Working Surfaces: Fixed Ladders
- Hearing 3 (Tuesday, August 25): Amending Respiratory Protection Provisions in Standards on 16 Chemicals (1,2-dibromo-3-chloropropane; 1,3-Butadiene; 13 Carcinogens (4-Nitrobiphenyl, etc.); Acrylonitrile; Asbestos; Benzene; Cadmium; Coke Oven Emissions; Cotton Dust; Ethylene Oxide; Formaldehyde; Inorganic Arsenic; Lead; Methylene Chloride; Methylenedianiline; Vinyl Chloride)
- Hearing 4 (Wednesday, August 26): Safety Color Code for Marking Physical Hazards; Textiles; Sawmills; Safety Color Code for Marking Physical Hazards for Shipyard Employment

The hearings will begin at 9:30 a.m. ET on each day and will proceed in the order of testimony listed in the schedule; however, the exact daily schedule may be amended at the discretion of the presiding Administrative Law Judge (ALJ).

3. Availability of Docket Materials. Comments and other materials submitted to the rulemaking dockets are or will be listed online at <http://www.regulations.gov>; however, some information (e.g., copyrighted material) is not publicly available to read or download through that website. All submissions to the dockets, including copyrighted material, are available for inspection and, where permissible, copying through the OSHA Docket Office. Please contact the OSHA Docket Office for assistance in locating docket submissions; telephone: (202) 693-2350; email: OSHADocketOffice@dol.gov.

II. Conduct of Rulemaking Hearing

1. Schedule for Testimony. Only those individuals who filed a timely Notice of Intention to Appear (NOITA) for a particular rulemaking will be allowed to participate in the hearing for that rulemaking. Prior to the hearings, OSHA will post the schedules for the hearings on OSHA's website (www.osha.gov/deregulatory-rulemaking). Updates to those schedules, if any, will also be posted on that website. OSHA may also send participants an email from OSHAEvents_DSG@dol.gov if there are updates with short notice. Each witness should plan to join the virtual hearing and be available at the start of the morning or afternoon session, as applicable, on the day they are scheduled to testify. The schedules prescribe the amount of time for each participant to testify and also allow a period of time for OSHA representatives to question the witness, as well as additional time for participants to cross-examine the witness when permitted by the ALJ (see Questioning of Public Witnesses below). The ALJ shall ensure that the hearings proceed in a fair and orderly manner to facilitate development of the record.

2. Schedule for Questioning. The ALJ shall allocate the time allowed in the schedule among questioners, including OSHA. The judge may adjust this time so long as the testimony and questioning of all witnesses scheduled for each day is completed that day. OSHA representatives

will be allowed sufficient time during the questioning period to ensure that the agency can develop a clear, accurate, and complete rulemaking record.

Form of Testimony. Within each hearing, participants will only be allowed to testify or question witnesses about the proposed rule(s) that are the subject of that particular hearing. Participants may not provide comments during a hearing on proposed rules that are scheduled to be discussed in different hearings. For the Aug. 25th hearing on sixteen different chemical-specific standards, witnesses should structure their testimony so that it is clear in the hearing record which proposals and chemicals each point applies to. For instance, if a commenter argues for or against a particular change, and that change appears in five of the proposed rules, the commenter should be clear about which chemicals their argument applies to. This is important to ensure a clear record for each docket. When necessary, the judge or OSHA representatives may also request that the witness clarify which of the chemicals they are referring to.

Comments submitted before the hearings are already part of the rulemaking records, and participants who have already submitted written comments are encouraged to use their oral presentation to expand on or clarify their written submissions. OSHA discourages witnesses from submitting a statement and then also reading the statement verbatim so that it appears twice in the record.

Participants may submit PowerPoint presentations or other documents to OSHA via email to OSHAEvents_DSG@dol.gov. Those participants who wish to use a PowerPoint presentation should provide the slides, with no embedded audio, video, or animations with a subject line that identifies that it is a presentation and which hearing it is for (e.g. “Presentation for Walking-Working Surfaces Hearing”) by 5:00 p.m. ET seven days before the hearing it will be used for. The PowerPoint file should be named with the participant’s name and the date of their testimony

in the following format: Name_MM.DD.26(e.g., Smith_08.24.26). OSHA will display and control the PowerPoint during the participant's testimony.

All participants who testify, or who participate in a panel of testifying witnesses, will be expected to respond to questions following their presentations.

3. Questioning of Witnesses. Representatives of OSHA will have the opportunity to question witnesses. The ALJ is empowered to allow individuals who filed timely NOITAs an opportunity for cross-examination on crucial issues when required for fairness and the cross-examination can be carried out with expedition and without unduly impeding or protracting the hearing. Participants may only direct questions to the witness; OSHA will not be taking questions from participants. Individuals who did not file timely NOITAs for a particular hearing may not question witnesses in that hearing.

Questions must be as brief as possible and should be designed to clarify a presentation or elicit information that is within the competence or expertise of the witness. Participants may not ask questions that are outside the scope of the matters addressed by the rulemaking(s) being discussed in the hearing. OSHA recommends that participants ask their most important questions first. The ALJ has authority to limit the time for questioning and to disallow participants from using the question periods as a forum for debate or legal argument, or to present their own testimony and views on issues. Moreover, the ALJ has authority to cut off duplicative, argumentative, or irrelevant questions. Participants having similar interests are encouraged to designate one representative who can conduct the questioning on their behalf.

Participants may only direct questions to witnesses with whom they have no organizational affiliation. In this regard, a witness can most efficiently enter information into the record through testimony rather than through a question-and-answer exchange between the

witness and their affiliates, which constitutes an improper extension of the time scheduled for the witness's testimony. When an organization is represented by more than one person, only one person from the organization may question each witness or witness panel at each hearing.

If a questioner still has important relevant questions that have not been asked by the end of the questioning period, the questioner may submit those questions to the docket during the post-hearing comment period or request permission from the ALJ to ask additional questions. The ALJ may allow a participant such additional time for questioning as is necessary and reasonable for OSHA to develop a clear, accurate, and complete record. The ALJ may allocate such questioning to the end of the scheduled testimony. Permission to extend the questioning period will depend in part on the witness schedule and the time available. The ALJ will not grant an extension if doing so would cause the hearing to be extended to any additional day. If the ALJ does allow such extended questioning, the ALJ may place additional limits on questioning, or require participants to consolidate their questions.

III. Post-Hearing Procedures

At the close of the hearings, there will be a post-hearing comment period for each rulemaking. Those participants who have filed notices of intention to appear will have the opportunity to file additional evidence and data relevant to the proceeding, and to file briefs. OSHA expects participants will have a period of 30 days to submit post-hearing comments, after which the record will close to new evidence and data. Participants will then have until 45 days after the close of the hearing to submit briefs based on the record as a whole. Briefs must not include any new data, studies, or similar evidence and should reference the Docket ID number for any evidence they rely on. All evidence, data, and briefs must be submitted separately to

every docket for which the participant wishes it to be considered. OSHA will not add documents from one docket into another docket.

After the hearing concludes, transcripts of the hearing will be prepared and made available in the dockets. After the post-hearing comment period, the hearing records will be closed and certified by the ALJ to the Assistant Secretary of Labor for Occupational Safety and Health.

IV. Contact Information

General information and press inquiries: Francis Meilinger, OSHAComms@dol.gov

Zoom inquiries: meetings@erg.com

Hearing inquiries: OSHAEvents_DSG@dol.gov