


FEBRUARY 5, 2024 | OSHA RULEMAKINGS & STANDARDS

OSHA Officially Published Its Proposed Emergency Response Rule

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We hope you saw our post last week about [OSHA's new Emergency Response Rulemaking and the Rulemaking Coalition that Conn Maciel Carey LLP is organizing](#) to work on this surprisingly onerous proposed rule.

When we published that article, the NPRM package had been revealed by OSHA but had not yet been published in the Federal Register. That has now changed. OSHA's proposed Emergency Response rule for emergency  and related responders was officially [published in the Federal Register today](#). Unless OSHA grants a request for an extension of the comment period, stakeholders' **written comments to the NPRM will be due in 90-days – by May 6, 2024.**

Here is more [detail about some concerning aspects of OSHA's new proposed Emergency Response Rule and about our Rulemaking Coalition](#).

CMC's prior OSHA Rulemaking Coalitions over the last several years have been successful in making important changes to OSHA's major rulemakings and have otherwise been valuable experiences for our participants because of the timely and detailed updates about the rulemaking processes that we have provided. We intend to take the same approach for this rulemaking. We will coordinate with our coalition participants to:

- Keep coalition members informed about developments with the rulemaking on a regular and frequent basis;
- Solicit input about the direct and indirect burdens and costs associated with OSHA's proposed rule;
- Advocate for your interests through written comments, stakeholder meetings, and any other informal and formal opportunities to engage with decisionmakers at OSHA and OMB;
- Engage with OSHA as necessary post-issuance to steer guidance or further rulemaking in the right direction; and
- Educate coalition members about the rulemaking and a final regulation through regular email updates, virtual meetings, and/or webinars.

The employer and trade groups that have participated with us have found our approach to be extremely

valuable. It has been an efficient and cost effective way to stay informed about the rulemaking from proposal through the issuance of a final rule (and during any ensuing legal challenges to the final rule), and to make sure stakeholders can have a company-anonymous seat at the table to make sure their concerns and recommendations are heard by OSHA in a credible way. Involvement can range from passive observers supporting the work of our team of OSHA experts, to actively sharing information, data, recommendations, and proposing specific inserts and edits to our draft written comments and hearing/meeting testimony. We would welcome the involvement in our strategy meetings, informational webinars, and engagement about draft work product from as many representatives of your organization as you would like.

Please [let us know as soon as possible](#) if you have any questions or if your organization may be interested in participating in our OSHA Emergency Response Rulemaking Coalition. We are happy to jump on a one-on-one call to discuss the proposed rule and how it may impact your organization, as well as our plans for the rulemaking coalition.