

<b>OFFICE OF APPRENTICESHIP BULLETIN</b>	<b>NO .</b> 2022-132
	<b>DATE</b> September 26, 2022

**TO:** NATIONAL APPRENTICESHIP SYSTEM STAKEHOLDERS  
OFFICE OF APPRENTICESHIP STAFF  
STATE APPRENTICESHIP AGENCIES

**FROM:** JOHN V. LADD /s/  
Administrator, Office of Apprenticeship

**SUBJECT:** Rescission of the Regulations Governing the Recognition of Standards  
Recognition Entities (SREs) and Industry-Recognized Apprenticeship Programs  
(IRAPs)

1. **Purpose.** To inform SREs, IRAPs, Office of Apprenticeship (OA) and State Apprenticeship Agency (SAA) staff, Registered Apprenticeship Program (RAP) sponsors, and other RAP partners of the publication and effective date of the *Apprenticeship Programs, Labor Standards for Registration Final Rule*. This final rule rescinds the regulations governing the U.S. Department of Labor's (Department or DOL) recognition of SREs and the recognition of IRAPs by DOL-recognized SREs. The final rule can be accessed at the following link: <https://www.federalregister.gov/documents/2022/09/26/2022-20560/apprenticeship-programs-labor-standards-for-registration>.
2. **Action Requested.** This bulletin is being provided to OA and SAA staff for informational purposes. SREs, IRAPs, RAP stakeholders, and OA and SAA staff should familiarize themselves with this bulletin to ensure their awareness and understanding of the Department's decision to rescind the 2020 IRAP final rule, which established the IRAP system, and the impact this rescission will have on SREs, IRAPs, and any apprentices participating in IRAPs once the final rule is effective on November 25, 2022.
3. **Background.** On June 15, 2017, President Trump issued Executive Order (E.O.) 13801, "Expanding Apprenticeships in America" (82 FR 28229), which directed the Secretary of Labor to consider issuing regulations that promote the development of IRAPs by third parties. E.O. 13801 also established a Task Force on Apprenticeship Expansion (Task Force) to identify strategies and proposals to promote apprenticeships, to include "the most effective strategies for creating industry-recognized apprenticeships." Based on E.O. 13801 and the Task Force's recommendations, on March 11, 2020, the Department issued a new rule, the *Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations*, 85 FR 14294 (the 2020 IRAP final rule), which established a Subpart B to the apprenticeship regulations at 29 CFR part 29, designated the RAP regulations at 29 CFR 29.1-29.14 as subpart A under the heading "Subpart A – Registered Apprenticeship Programs," and made conforming edits to subpart A to account for subpart B. The 2020 IRAP final rule

established a set of standards and procedures under which the OA Administrator, or designee, was authorized to grant recognition to qualified third-party entities (i.e., SREs); these recognized SREs, in turn, were authorized to evaluate and extend recognition to IRAPs.

On February 17, 2021, President Biden issued E.O. 14016, “Revocation of Executive Order 13801,” which directed federal agencies to “promptly consider taking steps to rescind any orders, rules, regulations, guidelines, or policies” implementing E.O. 13801. Pursuant to E.O. 14016, the Department announced it would be undertaking a review of the 2020 IRAP final rule and as a result, suspended the acceptance of new applications to become a recognized SRE and suspended making final determinations for organizations that had already submitted an application to become a recognized SRE. The Department advised that all SREs that had already been approved and all IRAPs recognized by approved SREs prior to the February 17, 2021 suspension could continue to operate in accordance with the requirements contained in the 2020 IRAP final rule. After reviewing the 2020 IRAP final rule and the current state of SREs and IRAPs, the Department determined that retaining the 2020 IRAP final rule would not be in the best interest of workers and industry, and that the Department should focus its efforts and resources on the successful Registered Apprenticeship system. Accordingly, on November 15, 2021, the Department published a Notice of Proposed Rulemaking (NPRM) in the *Federal Register* (86 FR 62966), proposing to rescind the 2020 IRAP final rule and to make necessary conforming changes to the RAP regulations.

The NPRM invited written comments from the public, and these comments may be viewed at <https://www.regulations.gov> by entering docket number ETA–2021–0007. After careful consideration of the comments received, the Department finalized this rule, which rescinds the regulatory framework for SREs and IRAPs codified at 29 CFR part 29, subpart B, and makes necessary conforming changes to the RAP regulations in 29 CFR part 29, subpart A (including removing the subpart A designation), as proposed.

This final rule was published in the *Federal Register* on September 26, 2022, with an effective date of November 25, 2022. The final rule can be directly accessed here: <https://www.govinfo.gov/content/pkg/FR-2022-09-26/pdf/2022-20560.pdf>. The Department will discontinue the “Industry-Recognized Apprenticeship Program Standards Recognition Entity Regulation and Application” (OMB Control Number 1205-0536) and the “IRAP Program and Performance Report for Standards Recognition Entities” (OMB Control Number 1205-0545) information collections upon the effective date of the final rule.

4. **Impact of the Department’s Rescission of the 2020 IRAP Final Rule.** Upon the effective date of the final rule on November 25, 2022, DOL recognition of SREs and IRAPs will cease, and all recognized entities must remove any branding or indications that they are a DOL-recognized SRE or IRAP. The rescission of the 2020 IRAP final rule does not require that the organizations recognized as SREs and the training programs recognized as IRAPs cease their operations; rather, this action only requires that these entities cease indicating that

they are recognized by the Department as an SRE or an IRAP. Organizations that were previously recognized by the Department as SREs may continue to serve in their role overseeing the training and development they have recognized as IRAPs; however, such activities would only continue in the absence of DOL recognition of this training. The decision for organizations recognized as SREs and training recognized as IRAPs to continue in such a relationship will be determined exclusively by these two parties. Alternatively, these apprenticeship programs can seek registration with a Registration Agency (either DOL's Office of Apprenticeship or a DOL-recognized State Apprenticeship Agency).

The Department has informed those organizations operating as SREs that they should begin the process of communicating with IRAPs that the IRAP regulatory framework, in accordance with the *Apprenticeship Programs, Labor Standards for Registration* final rule, has been rescinded and that once the rule has gone into effect, they will no longer be able to refer to themselves as DOL-recognized IRAPs. In addition, the Department has instructed SREs to advise their recognized IRAPs to inform their enrolled apprentices that their IRAPs will no longer be recognized by the Department. For those apprentices enrolled in an IRAP that may be interested in pursuing alternative training options through Registered Apprenticeship, the Department encourages IRAPs to share information about Registered Apprenticeship opportunities, including the Department's website at: <https://www.apprenticeship.gov> and the Apprenticeship Job Finder tool at: <https://www.apprenticeship.gov/apprenticeship-job-finder>, which can be used to locate Registered Apprenticeship training opportunities in their jurisdiction.

The Department strongly encourages entities formerly recognized as SREs and those formerly recognized by SREs as IRAPs to consider the Registered Apprenticeship training model as a potential option to explore for the training and development of workers within their respective industries. Should representatives from these entities be interested in pursuing this option, both OA and SAA staff will be available to engage with these entities to assist them in the process of registering their program(s) with the appropriate Registration Agency.

For information on how to create a RAP, to join an existing RAP, or to become an apprentice in a RAP, please visit this website at: <https://www.apprenticeship.gov/employers/express-interest-instructions>.

5. **Inquiries.** If you have any questions, please contact Andrew Ridgeway, Director, Division of Registered Apprenticeship and Policy, at (202) 693-3536 or at [Ridgeway.Andrew@dol.gov](mailto:Ridgeway.Andrew@dol.gov).