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OSHA Unveils New HazCom Enforcement Procedures

By: Adele L. Abrams, Esq., CMSP

Effective July 9, 2015, the Occupational Safety & Health Administration (OSHA) has taken a new stance on enforcement of its Hazard Communication Standard (HCS). The agency published the final rule on March 26, 2012, updating the HCS to include components of the United Nations' Global Harmonization Standard (GHS). The new Instruction to its enforcement personnel is designed to provide guidance to OSHA inspectors on how to enforce the revised requirements during its transition period and when the rule is fully implemented. The 129-page enforcement bulletin, CPL 02-02-979, applies across all industries regulated by OSHA and state plan states are expected to have equivalent, or more stringent, requirements in place. However, it does not affect community right-to-know laws, or the environmental and transportation provisions on Safety Data Sheets ("SDSs") – all of which are outside of OSHA jurisdiction.

Even in the absence of this guidance, OSHA was already issuing citations for failure to comply with the revised rule, 29 CFR 1910.1200 (e.g., if a worker cannot recognize a pictogram, or refers to "Material Safety Data Sheets" (MSDSs) instead of the new terminology of SDSs). In 2014, HazCom was OSHA's second-most cited standard. Previous guidance documents on enforcement of HCS 2012 have been cancelled.

The employee training components of the new labeling and safety data sheet (SDS) requirements, such as use of pictograms, signal words, and revised hazard warnings for physical and health hazards, took effect

on December 1, 2013, and they required virtually every employee under OSHA jurisdiction to be retrained by that date. All provisions of the rule, including requiring employers to have only compliant versions of labels and SDSs, come into effect on June 1, 2016, at which time employers are to have updated their written hazard communication program, any alternative workplace labeling, and additional worker training for any newly identified physical or health hazards.

The manufacturer/importer requirements for revised labels and SDSs took effect on June 1, 2015. Recognizing that some downstream manufacturers were themselves dependent on other chemical manufacturer's information before they could complete their own revisions for the final products, OSHA's new enforcement guidance says that it will stay enforcement on that provision if the manufacturer was making a good faith, "reasonably diligent" effort to obtain the information needed to create a new SDS or product label. Distributors of covered chemical products, including construction materials such as concrete, must comply by December 1, 2015.

The adequacy of a company's hazard classification will be assessed primarily by examining the outcome of that classification: the accuracy and adequacy of the information on labels and SDSs, and by reviewing the manufacturer's hazard classification procedures and calculations. OSHA will cite manufacturers if they do not consider the full range of scientific literature or ignore studies that do not support their conclusions (such as only including studies that have negative findings for toxicity when positive studies are present).

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HazCom Enforcement Cont.

On multi-employer worksites, OSHA considers all employers with workers present, as well as those who expose employees of other employers, to be responsible for compliance and multi-worksites employers must include the methods that they will use in their HCS program to provide other employers with on-site access to SDSs. The standard covers each hazardous chemical to which other employers' workers may be exposed. The host employer must ensure that there are no barriers to employees' access to HCS information (such as storage in a locked room) and that everyone knows how to access the documents.

Among the enforcement bulletin's other high points:

- If companies are in compliance with the minimum requirements of HCS 2012, then no citations will be issued; if not, citations may be issued as appropriate;
- If an inspector observes a label or SDS that have precautionary statements, hazard statements, or pictograms that appear different from what HCS 2012 requires, then they must determine "if the information contradicts or casts doubt on OSHA required information";
- Precautionary statements and hazard statements that are incorporated from the GHS must be changed to mandatory language ("should" gets changed to "shall");
- In issuing citations, the inspector must take photos or video of the chemicals in question and get copies of the "inadequate" SDSs;
- OSHA will document the chemical name and hazardous ingredients, frequency and duration of use, number of exposed employees, and the health and physical hazards (to aid in supporting a "serious" citation classification, or egregious enforcement, where a separate penalty is issued per affected worker);
- Repeat violations can be issued for HCS 2012 citations where the predicate citation was issued under the old version, and since the paragraph numbers may have changed, inspectors are advised to explain this in their field notes; and
- Existing labels that have been removed or defaced but are not "immediately marked" with the required information will trigger citations.

All hazardous chemicals present in the workplace in a manner that employees may be exposed under normal conditions of use and foreseeable emergencies are covered by the standard – normal use does not include incidental exposure. In addition, the guidance alerts inspectors that "known to be present" is an important element of HCS and includes chemicals in items covered by the revised HCS. OSHA listed examples of covered items such as bricks, metal ingots, wood products where the hazard is not just combustion (e.g., operations generating sawdust that creates a respiratory hazard), welding rods/wire, acid batteries, and oil/gas products. It also covers consumer products not used in the quantities and the manner that a consumer would use them.

Proactively, what can you do? For employers, it will be critical to document all training that is provided, and ensure that there is a framework in place for review of new SDS and label information when revisions are received in the workplace for products already in use, as well as for any new products that enter the work environment. Any new information will also need to be relayed to workers, and documented. Pay special attention to any changes in respiratory protection or other personal protective equipment, first aid and emergency responder information, and toxicological data.

Also note any changes to the occupational exposure limits on the SDS (including those more protective than OSHA Permissible Exposure Levels ("PELs") or for chemicals where OSHA has no enforceable PELs. OSHA can cite employers using those limits in certain circumstances under the agency's "General Duty Clause" so it is critical to implement the maximum feasible controls to limit worker exposures. Because manufacturers are having to take a fresh look at the scientific data relating to their products' chemicals, newer studies revealing different, or additional health effect warnings may now appear on the SDSs and labels.

Employers should also make sure to replace the old MSDSs with the revised SDSs as they are received from the manufacturer, but make sure to keep the historical copies of the outdated forms as required. Workers and unions may seek to access that information in the event of worker's compensation or other injury claims.

Now is the time to check your compliance status with the new HCS requirements, because the issuance of this revised enforcement policy is going to bring workplace programs under heightened scrutiny.

MSHA Calls for “Enhanced Enforcement” in M/NM

By: Sarah G. Korwan, Esq. &
Nicholas W. Scala, Esq., CMSP

In a news release and a conference call with industry stakeholders, MSHA announced that it began enhanced enforcement efforts Monday, August 10, 2015. This action was triggered by three fatalities which occurred on August 3, 2015, in addition to five fatalities in the prior month. MSHA also noted that there were three near miss incidents on August 3rd, and the fatalities for that day were almost doubled. Notably, all of the recent fatalities were in the M/NM sector, which since October 2013 has experienced a spike in fatalities, 52 in total. MSHA Assistant Secretary Joe Main, and M/NM Administrator Neil Merrifield held stakeholder and trainer calls last week to address the trend in M/NM fatalities and outline MSHA’s plan for stopping this trend, which is spurring a significant spike in enforcement.

Main reported that there have been 15 fatalities in 2015 as a result of several prevalent root causes such as fall or slide of material, fall of persons and powered haulage, with falls or slides of materials causing the most fatalities. A number of the fall of material fatalities involved individuals operating front end loaders or excavation equipment that were under mining highwalls or stockpiles, which resulted in fatal engulfment by the material.

For its part to combat the rise in fatalities, MSHA will be significantly ramping up inspections. The inspections will focus on violations commonly associated with mining deaths, and mine operators are expected to be reviewing relevant Fatalgrams and applying the best practices identified at their mine. Secretary Main stated that in future fatality investigations, if an operator is found to not have followed best practices included in the Fatalgram of a related fatality, this will make the mine a candidate for impact inspections. This statement begs the serious question of the legality of utilizing unenforceable best practices as the grounds for enhanced enforcement and how the courts will react to this stance, hurdle that MSHA recognized on the call.

To mount the enhanced enforcement campaign, MSHA has added 17 coal inspectors to the M/NM inspector ranks and Neil Merrifield authorized the hiring of 21 more M/NM inspectors. Operators should expect close scrutiny from inspectors at those areas noted above in which there have been the most repeat fatalities. It was also noted that, for several years, supervisors and truck drivers are leading the list of occupations in which fatalities occur and these occupation’s activities will be

carefully monitored.

Operators should also be aware that MSHA will be closely scrutinizing workplace examinations, as the news release indicated that “miners would benefit from rigorous workplace examinations conducted by experienced and trained examiners.” Specifically noted was the July 22, 2015, [Program Policy Letter](#) (PV-IV-01) which clarifies that “workplace examinations include the requirement that mine operators shall examine each working place at least once each shift for conditions which adversely affect safety or health, that the examination must be conducted by a competent person and that a record of the examination must be maintained and made available for review.” The policy also implies that operators ensure that the competent person is adequately task trained on conducting workplace exams, and it is important to remember that any task training must be documented.

Small operators may also see more of MSHA, since it was reported that 50% of the fatalities occurred at mines with 10 or less employees. MSHA plans to take additional steps to reach out to these smaller operations to ensure they also get the message.

Training and educational field personnel will be employed in the outreach effort. Inspectors will be taking Power Point slides to mines, while looking for hazards which can be eliminated. In addition, inspectors will incorporate “walk and talks” with miners and operators to circulate information on fatalities and best practices for preventing them. All M/NM operators should prepare themselves to see a lot more of MSHA during this enforcement push, and should also expect for issuances and enforcement while MSHA is on site to increase as well.

Administrative Law Judge Rules that Fuel Delivery Drivers are Not Miners, Exempt from Part 46 Comprehensive Training

By: Josh Schultz, Esq., MSP

In an April 29, 2015 decision, Administrative Law Judge L. Zane Gill vacated a citation and Section 104(b) failure-to-abate order against Midwest Fuels, Inc., ruling that a fuel delivery truck driver is not a miner subject to Part 46 comprehensive miner training requirements.

Midwest Fuels, Inc., represented by Adele L. Abrams, Esq., CMSP, Josh Schultz, Esq., MSP, and Gary Visscher, Esq., employs fuel truck drivers to deliver fuel to private residences, businesses, farms, mines, construction sites and trucking companies. These employees are trained according to OSHA, DOT, and MSHA regulations for non-miners, but when traveling to a mine site in

Fuel Truck Drivers Not Miners, Cont.

September 2012, an MSHA inspector cited a Midwest Fuels truck driver for failing to produce certification that he had received comprehensive training under MSHA's Part 46 training regulations. Midwest Fuels filed a notice of contest and contested a Section 104(b) failure-to-abate order issued two weeks later for failure to produce a training record.

Judge Gill noted that a fuel delivery truck driver fits within an exemption to the Part 46 definition of "miner." 30 C.F.R. § 46.2(g)(2) specifically exempts delivery workers and commercial over-the-road truck drivers, noting that the definition of miner "does not include scientific workers; delivery workers; customers (including commercial over-the-road truck drivers); vendors; or visitors. This definition also does not include maintenance or service workers who do not work at a mine site for frequent or extended periods."

In accordance with this ruling, fuel delivery truck drivers are not required to receive new miner training, newly-hired experienced miner training, or annual refresher training. However, mines must ensure fuel delivery truck drivers and other persons who are not miners under Section 46.2 receive site-specific hazard awareness training before exposure to mine hazards.

In this case, the fuel delivery truck driver visited the mine site in question about thirty to forty-five minutes a day to fuel vehicles and equipment. The driver parked his truck in a central location at the mine where vehicles, such as loaders and haul trucks, approached him to receive fuel. Additionally, the driver would climb a ladder to fuel a generator for a crusher. Judge Gill noted that this activity was "clearly consistent with a delivery operation, which is purposely excluded from the definition of 'miner.'"

MSHA argued that the fuel delivery truck drivers should be considered maintenance or service workers under Section 46.2(g)(2) because refueling mine machinery is a service that Midwest Fuels provides to meet the operational needs of the mine. Judge Gill rejected this argument, reasoning that MSHA's Program Policy Manual describes maintenance or repair work as "upkeep or alteration of equipment or facilities" and the truck driver did not engage in the upkeep or preservation of equipment at the mine.

Additionally, MSHA argued that the fuel delivery truck driver was a miner because he was exposed to the hazards of mining operations. Judge Gill rejected this argument, noting the driver's alleged exposure to mining hazards was not relevant because this alleged exposure is not included in the definition of "miner."

MSHA declined their right to appeal this decision to the Federal Mine Safety and Health Review Commission.

MSHA Rolls Out New Online Training Tool

By: Sarah G. Korwan, Esq.

On July 23, 2015, MSHA announced it had created an online [training tool](#) that is "designed to clarify reporting requirements for accidents, injuries, and illnesses in the mining industry and will enhance MSHA's ability to evaluate and develop mine safety and health standards and programs which benefit the industry." The website is interactive and has two different courses for mine operators and miners. Each section of both courses is followed by a "knowledge check" or assessment to review and reinforce the information contained therein. The website also includes links to additional resources including current Part 50 Regulations, Part 50 Program Policy Manual, 7000-1 Form, 7000-2 Form, and the 2014 Pattern of Violations Criteria (Severity Measure Formula & Description).

MSHA's goal for the new Part 50 training tool is for mine operators and contractors to properly report; to accurately identify problem areas; generate the best corrective actions to prevent reoccurrence; and enhance both MSHA and mine operators' abilities to develop better health and safety programs. For operator's, the objective is to provide them with an opportunity to gain a better understanding of what constitutes reporting, which will lead to more accurate form completion. MSHA hopes that more accurate reporting will enhance the operators understanding of what led to the incident and prevent future recurrence. For the miners, the tool provides a general understanding of Part 50, as well as an opportunity to assist operators in capturing the most accurate information, thus improving the reporting process.

For both operators and miners, more accurately gathering information regarding accidents, injuries, and fatalities, will purportedly enable the industry to "to evaluate and develop safety standards and programs, for the purposes of enhancing the safety, health and well-being" of the industry's greatest assets, the miners.

OSHA Proposes New Rule on Enforcement of Injury and Illness Records

By: Gary Visscher, Esq.

A proposed new rule published in the Federal Register on July 29, 2015 would significantly expand the time in which employers may be cited for any errors in injury and illness records.

The new rule seeks to overturn a 2012 decision by the Court of Appeals for the D.C. Circuit, *AKM LLC, d/b/a Volks Construction v. Secretary of Labor*. (“Volks Construction”). Volks Construction had been cited by OSHA for multiple instances of incomplete incident reports, non-recording of injuries, and failure to review year-end summary logs. The incidents of non-reporting occurred between January 2002 and April 2006. The citations were issued in November 2006.

Volks Construction argued that the citations were barred by section 9 (c) of the Occupational Safety and Health Act, which states that “no citation may be issued ...after the expiration of six months following the occurrence of any violation.” OSHA argued that recordkeeping violations are “continuing violations,” that is, unless the records violation is corrected, each violation “occurs” anew each day, for at least as long as the employer is required to maintain the injury and illness records (5 years).

The Court of Appeals, however, found the language of the statute is clear, and rejected OSHA’s interpretation. The Court said that the word “occurrence” means a “discrete antecedent event” and the unmet recording obligations had all occurred more than six months before the issuance of the citations. The Court described OSHA’s efforts to justify its interpretation as tying “this straightforward issue into a Gordian knot” and kicking up a “cloud of dust.”

Rather than seeking a change in the statute, however, OSHA is proposing to “un-do” the Court of Appeals decision through a rulemaking. The proposed rule states that the employer’s obligation to “make and maintain” accurate injury and illness records “continues throughout the entire record-retention period.” Thus, any errors in injury and illness records may be cited up to six months after the end of the retention period.

Whether a future court will agree that “clear” language of the statute may, in effect, be amended by adopting an administrative rule remains to be seen. The rule, if adopted as proposed, may also expand liability in other ways, by making it easier for OSHA to cite an employer for multiple violations of what is, in effect, a single error.

For example, under 1904.32(a)(1) the employer is required to do an annual review of the OSHA 300 log, in addition to creating a summary and posting the summary in the workplace. The language of the proposed rule appears to make the review of each individual entry a separate obligation, and therefore the employer could be cited for failing to conduct an adequate review for each individual error on the log.

Comments on the proposed rule must be submitted by September 28, 2015. Please contact us if you have any questions.

Are Your Independent Contractors Really Independent: Labor Department Releases Wage and Hour Division Interpretation

By: Nicholas W. Scala, Esq., CMSP

On July 15, 2015, the U.S. Department of Labor’s Wage and Hour Division released a fifteen page “Administrator’s Interpretation” (the “Interpretation”) outlining the Department of Labor’s stance on the classification of workers as employees or independent contractors. The interpretation liberally applies the “Suffer or Permit” standard for classification of workers, found in the Fair Labor Standards Act (“FLSA”), as opposed to the traditional “control test,” when classifying workers as employees or independent contractors. The interpretation clearly establishes the Department’s opinion that the vast majority of the workforce are employees, even if they have traditionally been classified as independent contractors, which could significantly affect employers around the country.

Although the Interpretation is not a binding regulation or law on employers, it can be used by courts when deciding cases concerning the classification of workers. In the past, federal agency interpretations have been recognized and dismissed by the court system, however, some courts and states have already accepted the Suffer or Permit test found in the FLSA. The Suffer or Permit test, and the later developed “economic realities” test, are designed to determine whether or not a worker is an employee or independent contractor by weighing the independence of the worker with the six following factors:

1. Is the work an integral part of the employer’s business;
The Interpretation asserts that, “Work can be integral to a business even if the work is just one component of the business and/or is performed by hundreds or thousands of workers...work can be integral to an employer’s business even if it is performed away from the employer’s premises, at the worker’s home, or on the premises of the employer’s customers.”

Department of Labor Interpretation, Cont.

2. Does the worker's managerial skill affect the worker's opportunity for profit or loss; *"in order to inform the determination of whether the worker is in business for him or herself, this factor should not focus on the worker's ability to work more hours, but rather on whether the worker exercises managerial skills (such as decisions to hire others, purchase materials and equipment, advertise, rent space and manage timetables) and whether those skills affect the worker's opportunity for both profit and loss."*
3. How does the worker's relative investment compare to the employer's investment; *"The worker should make some investment (and therefore undertake at least some risk for a loss) in order for there to be an indication that he or she is an independent contractor." However, the Interpretation notes that this investment is measured against the employer's investment on the job as well, which usually dramatically exceeds that of the contractor.*
4. Does the work performed require special skill and initiative; *The special skills does not refer as much to job skills when making the determination as much as the worker's "business skills, judgement, and initiative...will aid in determining whether the work is economically independent." The factor also takes into consideration the worker's ability and responsibility to make decisions independent of the employer during the course of work.*
5. Is the relationship between the worker and the employer permanent or indefinite; and *If the timeframe of the worker's association with an employer is indefinite or permanent, this suggests the worker is not in business for him or herself and the worker is an at-will employee. The Interpretation further states that "Even if the working relationship lasts weeks or months, instead of years, there is likely some permanence or indefiniteness to it as compared to an independent contractor, who typically works one project for an employer and does not necessarily work continuously or repeatedly for an employer."*
6. What is the nature and degree of the employer's control? *In order for an employer to not "control" a worker, therefore leaning towards independent contractor status, the "worker must control meaningful aspects of the work performed, such that it is possible to view the worker as a person conducting his or her own business."*

These factors are designed to all be evaluated and taken into consideration when determining the classification of a worker, and the Interpretation stresses that no single factor is determinative.

The Interpretation, if universally applied, can have significant effects on employers, resulting in severe increases in operating costs, especially in industries such as construction. The Department of Labor has been criticized by industry groups that the Interpretation is staunchly one-sided, in favor of classifying all workers as employees, and it fails to adequately explore the characteristics of independent contractors. Industry groups are already planning for pushback through political and legal avenues. Employers around the country will likely see increased challenges by workers for status as employees instead of independent contractors. The Interpretation leaves employers with an uphill battle to continue working with independent contractors who want to challenge their classification. These workers will widely have the support of the Department of Labor, who recognizes in the Interpretation that the reclassification will significantly increase taxes received by the federal government, when employers find themselves with new employees in mass.

Highway Funding Faces More Challenges

By: Tina M. Stanzewski, Esq., MSP

Although the House and Senate both passed a three month extension for highway funding before the August recess, the two remain at odds over the long-term funding. Since 2009, Congress has passed 34 short term funding extensions, creating uncertainty for businesses. Currently, it is estimated that the transportation budget faces a \$16 billion dollar shortfall per year. This extension ensures that the states are reimbursed for any projects underway. Upon return, the House will examine the six-year funding bill passed by the Senate.

Ideas concerning funding for the six-year bill continues. The Senate bill (DRIVE Act) proposed on July 30, 2015 receives funding by selling parts of the Strategic Petroleum Reserve, decreasing dividends paid by the Federal Reserve to member banks, and expanding user fees. However, on August 6, 2015, Sen. Tom Carper, D-Del., introduced legislation to fund the six-year bill through a gas tax. The Tax Relief And Fix The Trust Fund For Infrastructure Certainty Act would increase the fuel tax by 16 cents over four years (4 cents per year). The House and Senate hopefully will begin debate in September.

OSHA Revise PSM Exemption for Retail Establishments

By: Gary Visscher, Esq.

Last month OSHA issued a new interpretation under its Process Safety Management standard (PSM) that greatly narrows the exemption for “retail establishments.” The new interpretation takes effect immediately, however, OSHA also issued an “interim enforcement policy” which provides that for six-months, OSHA will focus on providing compliance assistance and defer enforcement except where OSHA finds that there is an “immediate and severe danger.”

PSM was adopted by OSHA in 1992. In December 2013 OSHA issued a Request for Information in which OSHA identified a number of issues under PSM that OSHA was considering changing. One of those issues was the definition of “retail establishments” that are exempt from PSM under section 29 CFR 1910.119(a)(2)(i).

Although, the rulemaking continues (OSHA recently initiated a “SBREFA” small entity review process), OSHA has moved ahead with amending the exemption for retail establishments without waiting for the rulemaking process. While “retail establishments” are currently exempted from PSM coverage, the standard does not define “retail establishments.” In several letters of interpretation and compliance directives, OSHA determined that the exemption for retail establishments applied if the establishment derived more than 50 percent of its income from direct sales to the end user.

In the new policy, OSHA said that the long-standing interpretation no longer applies, and going forward, the exemption for retail establishments only applies to “facilities, or the portions of facilities, engaged in retail trade as defined by the current and any future updates to sectors 44 and 45 of the NAICS Manual.” OSHA states that the new definition is returning the exemption to the original intent of the standard, by limiting it to businesses that sell chemicals in small packages, containers, and allotments rather than large, bulk quantities.

OSHA estimates that about 4800 establishments in the U.S. are affected by the change in the interpretation of “retail establishment,” and the majority of those are distributors of anhydrous ammonia.

Generally PSM covers facilities that store or handle more than 10,000 pounds of anhydrous ammonia, but many such facilities have been exempt from PSM as retail establishments (OSHA notes that they have been covered under EPA’s Risk Management Program rule). According to the new policy, employers with agricultural operations that are covered by Part 1928 would not be covered. OSHA also states that gasoline stations will be exempt if they sell to the general public in small allotments (e.g. five to 50 gallons). However, a fuel company that delivers fuel to “end users” in larger amounts, such as to construction or mining sites, may no longer be exempt from PSM.

It is important for establishments to know whether they fall within the NAICS “retail trade” sectors, and thus may claim the exemption from PSM. Employers who have been exempt in the past but are no longer exempt have six months to ensure that their facilities and procedures are in compliance.

Army Corps of Engineers Memo: Questions Waters of the U.S. Rule

By: Tina M. Stanzcewski, Esq., MSP

An internal memorandum from Maj. Gen. John Peabody, an Army Corps of Engineers official to the Environmental Protection Agency, questioned the Waters of the U.S. (WOTUS) rule’s efficacy. The rule takes effect August 28th. The memo cited concerns over issues the Corp raised with the original version that remained unaddressed, differences between the final version and the one submitted for public comment, the ability of the rule to prevail in litigation (the significant nexus test may fail when the waterway has no hydrological connection with navigable waters), decreases jurisdiction over waterways that are currently regulated, and in practice will require the Corp to perform an Environmental Impact Statement. The memo also questioned the collaborative nature of the rule. Peabody asserted that the scientific data provided by the Corp was misapplied by the EPA and the Corp’s ability to participate in the process was hindered by the EPA. At least 30 states have filed lawsuits challenging the rule and a host of businesses and organizations have joined the fight.

Small Business Regulatory Alert- Fair Pay and Safe Workplaces

Source: Small Business Administration

****New Comment Deadline August 26, 2015***

On May 28, 2015 the FAR Council published a proposed rule, Fair Pay and Safe Workplaces, to amend the Federal Acquisition Regulation (FAR) to implement the Executive Order "Fair Pay and Safe Workplaces." The Executive Order (E.O.) requires that for contracts over \$500,000 prospective and existing contractors disclose whether under certain labor laws there has been any administrative merits determination, civil judgment, or arbitral award or decision rendered against them during the preceding three-year period. The E.O. directs agencies to include clauses in their contracts that require similar disclosures by certain subcontractors so their prime contractors can also consider labor violations when determining whether there have been any similar violations by prospective or existing subcontractors. The E.O. further requires that processes be established to assist contractors and subcontractors to come into compliance with labor laws. To achieve paycheck transparency for workers, the E.O. requires contractors and subcontractors to provide individuals with information each pay period regarding how they are paid and to provide notice to those workers whom they treat as independent contractors. The E.O. also addresses arbitration of employee claims.

SPEAKING SCHEDULE

Adele Abrams

Aug 12: ASSE Webinar on Legal Aspects of Starting a ESH Consulting Practice

Aug. 19: Oregon Independent Aggregates Assn., training on MSHA Emerging Issues

Aug 27: BLR Webinar on Reconciling ADA Compliance with Safety Management

Sept. 29: National Safety Council Annual Congress, Atlanta, GA, presentation on Temporary Worker and Contractor Safety

Sept 30 & Oct. 2: ASSE Region VI PDC, Myrtle Beach, SC, presentations on Temporary Worker Safety and Roundtable on Safety & Medical Marijuana

Oct 6: ND Safety Conference, Grand Forks, ND

Oct 7: Chesapeake Region Safety Council Annual Meeting, Laurel, MD, presentation on Temporary Worker Safety

Oct. 16: United Safety Associates (USA) Group, Ontario, CA, workshop on MSHA enforcement

Nov. 3: Safepro Inc., Savannah, GA, Mine Safety Training

Nov. 4: MSHA Southeast Safety Conference, Birmingham, AL, presentation on Safety & Health Management Programs

Nov. 6: MSHA Southeast Safety Conference, Birmingham, AL, Lawyer's Roundtable

Nov 9-10: NRASP Conference, Fargo, ND

Nov. 12: ASSE Construction Safety Symposium, New Orleans, LA

Dec. 8: Associated General Contractors, Fargo, ND, Keynote Presentation

Dec. 9: National Business Institute, Rockville, MD, presentations on Employment Law

Tina Stanczewski

Sept. 18: National Drilling Association Convention, MSHA/OSHA Regulatory Update, Ellicott City, MD

Sept 28: ASSE Region VI PDC, Myrtle Beach, SC, presentation Contractor Responsibilities: Safety and Training, Risk Management, and Legal Obligations

Nicholas Scala

Sept. 1: 3rd Frac Sand Conference, Minneapolis, MN, presentation on MSHA/OSHA Regulatory and Enforcement Updates

Sept. 3: BLR Webinar – OSHA Multi-Employer Workplace Doctrine

Sept. 16: North Carolina Department of Labor – Law School, Rocky Mount, NC, MSHA Operator Responsibility and Updates

Oct. 5-8: Florida Mine Safety Training Conference, Tallahassee, FL, MSHA Supervisor Responsibility Training

Nov. 2: MSHA Southeast Safety Conference, Birmingham, AL, Industrial Hygiene Panel