



PROGRAM MATERIALS
Program #3160
March 18, 2021

A New Workplace Safety Sherriff In Town: What Employers Should Expect from OSHA Under a Biden Administration

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MODERATOR



Dr. Sharon Meit Abrahams
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Dr. Sharon Meit Abrahams is a legal talent development expert with over 25 years of experience in success coaching for attorneys and executing high impact programs for law firms. She has created and implemented firm wide initiatives that help attorneys maximize their productivity while maintaining engagement. When individuals produce, a firm increases its profitability. As a talent development leader, she has handled every aspect of an attorney's firm life from onboarding and integration, through mentoring and training to succession planning and exit interviews.

Dr. Abrahams has published three books with the American Bar Association and regularly publishes articles for Thomson Reuters and American Legal Media. Known for engaging and educational programs, Dr. Abrahams is a sought-after keynote speaker, program facilitator and law firm advisor.

Bringing CLE topics to law firms, legal associations and law firm networks is a labor of love. Reach out to see what Legal Talent Advisors can do for you.

SPEAKERS



Eric Conn
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Eric J. Conn is a founding partner of Conn Maciel Carey and Chair of the firm's national OSHA • Workplace Safety Practice Group. He has practiced exclusively in the field of occupational safety and health law for more than twenty years. Before launching his own OSHA Practice, Mr. Conn practiced for more than a decade alongside the former first General Counsel of the OSH Review Commission. Mr. Conn and his OSHA Team at Conn Maciel Carey develop safety and health regulatory strategies for employers across all industries.

Mr. Conn is a prolific writer on all topics OSHA related. He is the curator of Conn Maciel Carey's award-winning OSHA Defense Report blog, and previously edited a popular OSHA law blog at another firm. Mr. Conn is also a popular speaker on OSHA and related legal issues, including as the producer of Conn Maciel Carey's annual OSHA Webinar Series, and regularly keynotes trade group and industry conferences. He is often quoted as a leader in the field in trade publications. Mr. Conn created and curates the OSHA Defense Report Group on LinkedIn, and can be found on twitter as @OSHA_Guy.



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What to Expect From OSHA Under a Biden Administration

February 2021

Eric J. Conn
Chair, OSHA • Workplace Safety Group
Conn Maciel Carey LLP

Eric J. Conn

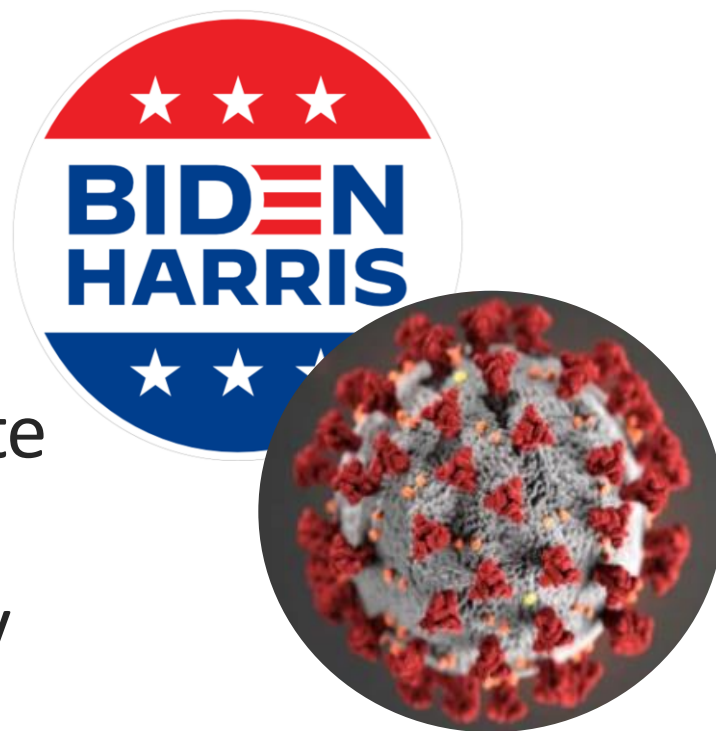
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ERIC J. CONN is Chair of the OSHA Practice at **Conn Maciel Carey**, where he focuses his practice on all aspects of workplace safety & health law:

- Represents employers in inspections, investigations & enforcement actions involving OSHA, CSB, MSHA, & EPA
- Responds to and manages investigations of catastrophic industrial, construction, and manufacturing workplace accidents, including explosions and chemical releases
- Handles all aspects of OSHA litigation, from criminal prosecutions to appeals of citations
- Writes & speaks regularly on safety & health law issues
- Conducts safety training & compliance counseling
- Co-Chairs the firm's COVID-19 Task Force

Agenda

- What to expect from OSHA Under a Biden Admin.
 - ✓ Organizational Updates at Dept. of Labor
 - ✓ OSHA's Handling of the COVID-19 Pandemic
 - ✓ OSHA Enforcement Update
 - ✓ OSHA Rulemaking Activity





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Organizational Updates at DOL

Sec'y of Labor – Marty Walsh

- Pres. Biden's Sec'y of Labor nominee - Boston Mayor Marty Walsh
- Former President of Laborers' Union Local 223 and Head of the powerful Boston Metro Building and Constructions Trade Council (umbrella org. of 20 local unions) from 2011-13
- Former Rep in MA House of Representatives
- What to expect from Walsh:
 - COVID-19 (ETS and more enforcement)
 - Restart the rulemaking apparatus



Deputy Sec'y of Labor – Julie Su

- Biden's pick for Deputy Sec'y of Labor – Calif. Labor Sec'y Julie Su
- Su is beloved by labor leaders and worker advocates for decades fighting for low-wage and immigrant workers as a civil rights lawyer and a state official
- Su is praised by California unions for advancing their priorities, such as fighting misclassifying workers as independent contractors
- Her oversight of California's scandal-plagued unemployment benefits system has placed her in the middle of controversy recently



(New) Leadership at OSHA

2020 Under Trump

- 1st time in OSHA's history, OSHA did not have a permanent, Senate-approved Assistant Secretary for an entire presidential term



Biden 1st Term

- Prioritize filling political leadership positions at OSHA
- Candidates for Assistant Sec'y for OSHA – **David Michaels** (Obama's OSHA Head), **Doug Parker** (Cal/OSHA Division Chief)
- On Inauguration Day, Biden installed a Deputy Assistant Sec'y for OSHA (Senate-approval not needed) – **Jim Frederick** (former #2 in safety at USW)

Acting Head of OSHA – Jim Frederick

- 1/20/21 – Pres. Biden installed Jim Frederick as Principal Deputy Assistant Sec’y of Labor for OSHA (Acting Head of OSHA)
- Frederick spent 25 years as the #2 in the EHS Dept. at the United Steelworkers, providing technical EHS guidance to USW and other unions
- BS in Environ. Health from Purdue and a Master of Science in EHS Management from Rochester Inst. of Tech.
- Served on numerous committees, including:
 - NIOSH Board of Scientific Counselors
 - ANSI Z10 Standard Committee
 - US Committee contributing to the ISO 45001 Standard
 - NIOSH NORA Traumatic Injury Prevention Council
 - NIEHS Worker Training National Clearinghouse Advisory Committee
 - OSHA Metal Working Fluids Standard Advisory Committee.



Balance of Power at OSHRC

- Current OSHRC (2 Conservative and 1 Progressive Commissioner)
- Pro-employer decisions (guarding cases, limit Repeat violations, heat illness showing, demonstrating employer knowledge, etc.)
- But the terms for the 2 Conservative Commissioners expire soon:



James J. Sullivan, Jr.
Chairman

Expires April 2021



Cynthia L. Attwood
Re-Nominated

Expires April 2025



Amanda W. Laihow
New Commissioner

Expires April 2023



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OSHA's Approach to COVID-19

Trump's OSHA's COVID-19 Response

- Relaxed enforcement posture (focus on compliance assistance)
- Declined to adopt a COVID-19 Emergency Temporary Standard
- Enforcement focused on very high-risk level industries/workplaces
- COVID-19 fatalities/imminent danger prioritized for inspections
- All other COVID-19 hazards addressed by NOAHs / RRI Requests

Summary Data for Federal and State Programs - Enforcement

Complaints, Referrals and Closed Cases (totals to date)

Date	Federal Summary			State Summary		
	Complaints	Referrals	Closed	Complaints	Referrals	Closed
1/20/2021	12,831	1,950	12,608	42,473	6,097	34,944

- **63,351 Employee Complaints/Referrals** (mostly w/out inspection)

- OSHA was publicly thrashed by worker safety activists, unions, and the media for its enforcement response

The New York Times

Protecting Workers From Coronavirus: OSHA Leaves It to Employers

Critics say the federal agency charged with protecting worker safety has played a conspicuous role in the pandemic.

The Washington Post

House Democrats blast OSHA over COVID-19 response

May 29, 2020

AFL-CIO
AMERICA'S UNIONS

PRESS RELEASE

AFL-CIO Sues OSHA for Emergency Temporary Standard to Protect Workers

May 18, 2020



This morning, the AFL-CIO filed a petition for a writ of mandamus in the U.S. Court of Appeals to compel the Occupational Safety and Health Administration (OSHA) to issue an emergency temporary standard (ETS) protecting U.S. workers against the coronavirus.

The petition demonstrates that thousands of workers have been infected on the job through exposure to infected patients, co-workers and unscreened members of the public. As the economy reopens and people return to work, person-to-person contact will increase and health experts predict the already shocking number of infections and deaths among workers will rise.

OSHA COVID-19 Enforcement

OSHA Coronavirus-Related Issued Citations as of Thursday, November 19, 2020

Establishment Name	City	State	Inspection Number	Date Citation Issued	Total Initial Penalty	Standards Cited
Compass Group USA, Inc.						1904.39(a)(1); 1910.134(e)(1); 1910.134(f)(2)
Aspen Dental Associates of NEPA, PLLC						
Carroll Manor						
Brighton Rehabilitation and Wellness Center						
Westbury Medical Care Home						
Care Pavilion Nursing and Rehabilitation Center						
Ivy Hill Rehab LLC						
Poly-America, L.P.						
Poly-America, L.P.						
Connecticut DermaCare, LLC						
Arnold Walter & Sons, Inc.						
Somers Operating LLC						
Hackensack Meridian Health System	NORTH BERGEN	NEW JERSEY	1474055	11/12/2020	15422	1904.4(a); 1910.134(e)(1); 1910.134(f)(2)
Winthrop South Nassau Catholic Health Services North, Inc.	BETHPAGE	NEW YORK	1475433	11/12/2020	9639	1904.39(a)(1)
Barber Foods, LLC	PORTLAND	MAINE	1477143	11/12/2020	1928	1904.4(a)
East Neck Nursing & Rehabilitation Center	WEST BABYLON	NEW YORK	1487489	11/12/2020	15422	1904.4(a); 1910.134(e)(1); 1910.134(f)(2)
Hackensack Meridian Health Residential Care Inc., The Harborage	NORTH BERGEN	NEW JERSEY	1474325	11/10/2020	16504	1904.35(a)(3); 1910.1200(e)(1); 1910.1200(h)(1); 1910.134(e)(2)(ii); 1910.134(f)(2); 1910.134(k)(1); 1910.134(m)(2)(f)
Long Island Jewish-Forest Hills Hospital	FOREST HILLS	NEW YORK	1478317	11/10/2020	13494	1910.134(f)(2)
East Longmeadow Management Systems, Inc.	EAST LONGMEADOW	MASSACHUSETTS	1487375	11/10/2020	23133	1904.39(a)(1); 1910.132(d)(2); 1910.134(a)(2); 1910.134(c)(1); 1910.134(e)(1); 1910.134(f)(2); 1910.134(k)(1)
Merrimack Valley Operations, LLC	N BILLERICA	MASSACHUSETTS	1487917	11/10/2020	13494	1910.134(e)(1); 1910.134(f)(2); 1910.134(k)(1)



OSHA National News Release

U.S. Department of Labor

January 8, 2021

U.S. Department of Labor's OSHA Announces \$3,930,381 in Coronavirus Violations

WASHINGTON, DC – Since the start of the coronavirus pandemic through Dec. 31, 2020, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) issued citations arising from 300 inspections for violations relating to coronavirus, resulting in proposed penalties totaling \$3,930,381. OSHA inspections have resulted in the agency citing employers for violations, including failures to:

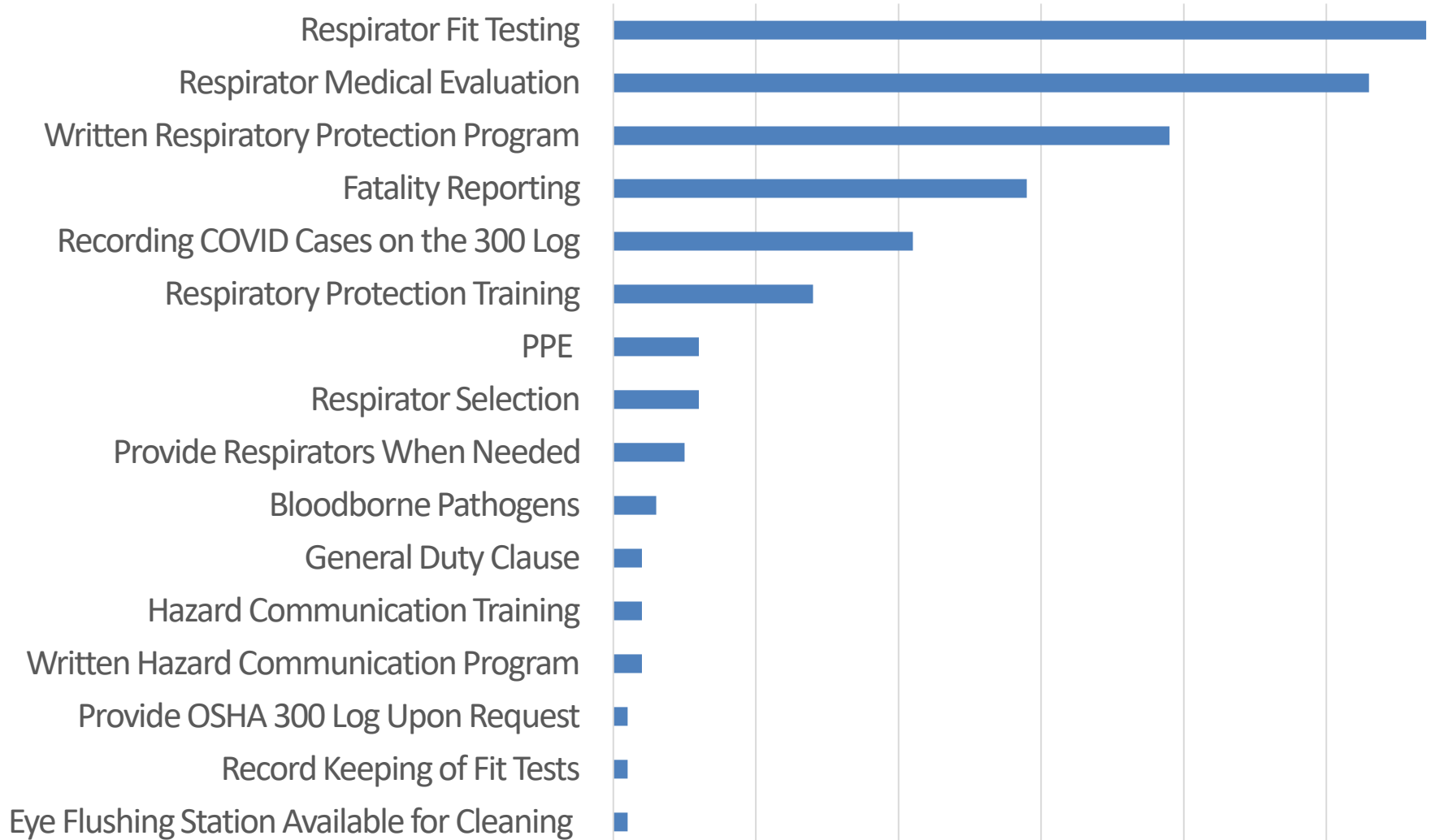
- Implement a **written respiratory protection program**;
- Provide a medical evaluation, respirator fit test, training on the proper use of a respirator and personal protective equipment;
- Report an injury, illness or fatality;
- Record an injury or illness on OSHA **recordkeeping forms**; and
- Comply with the **General Duty Clause** of the Occupational Safety and Health Act of 1970.

1,500+ Fed OSHA Inspections

300+ establishments cited

\$4M+ in penalties

Standards Cited in COVID Inspections



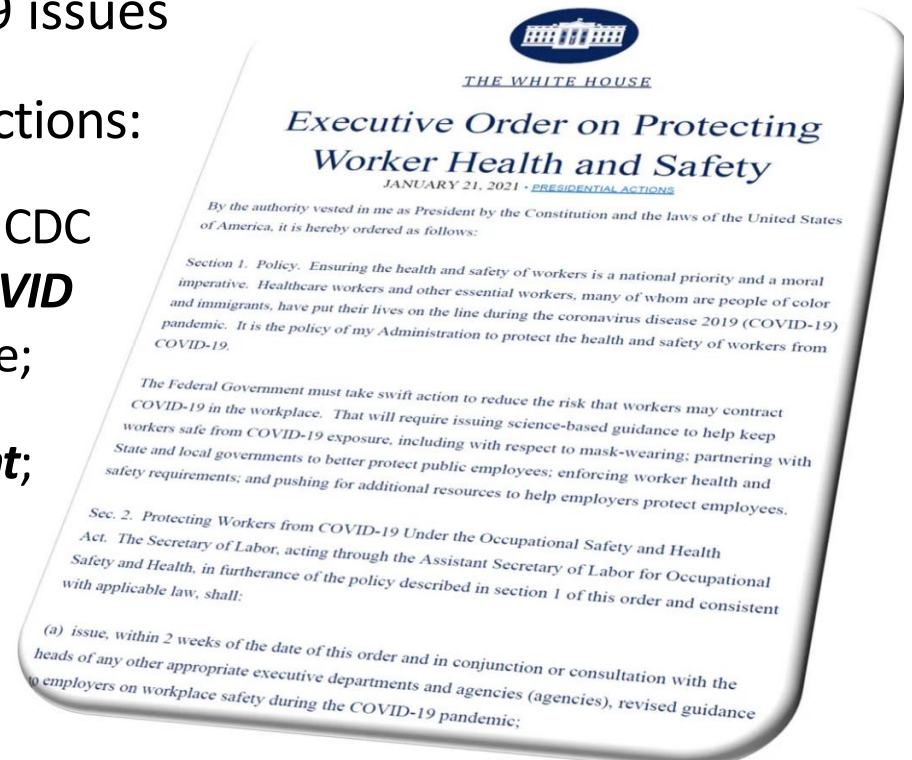
Fed OSHA Handling of Pandemic: What to Expect Under a Biden Admin.

- Reinvigorate COVID-19 Task Force (staffed w/ public health experts)
- 1st 100 days – OSHA to issue a COVID-19 Emergency Temp. Standard
- More aggressive COVID-19 enforcement (more and faster)
- National Emphasis Program
- Expand COVID-19 Injury & Illness Recordkeeping
- Increase COVID-19 related 11(c) and whistleblower / retaliation actions



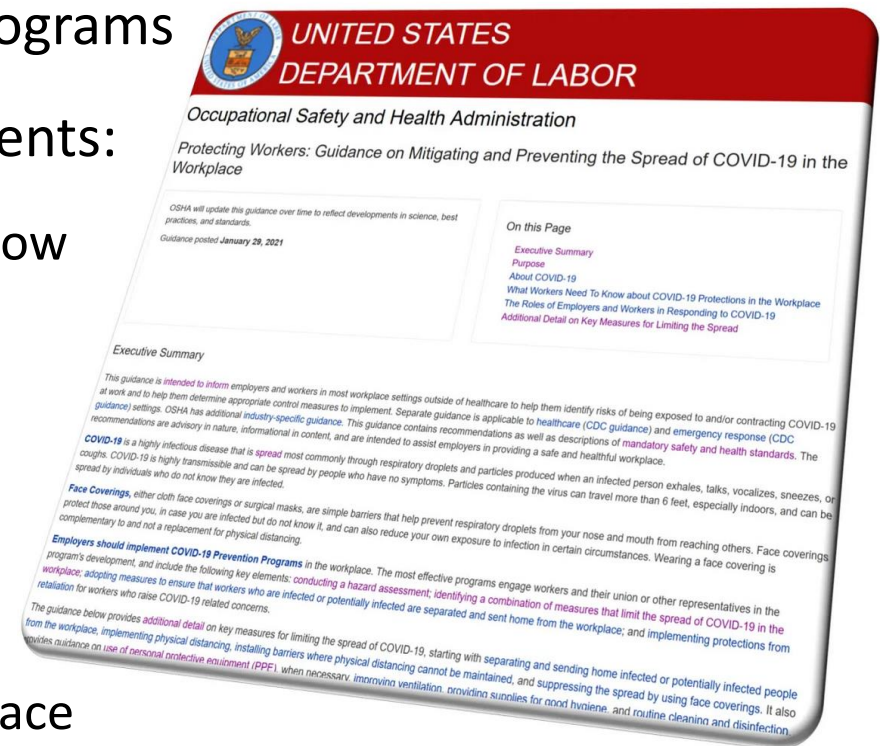
Biden's Day 1 OSHA Exec. Order

- In his 1st full day in Office, Biden issued “Exec. Order on Protecting Worker Health and Safety,” directing OSHA to revisit its strategy for regulating and enforcing COVID-19 issues
- E.O. directed OSHA to take 4 key actions:
 1. By Feb. 4th, OSHA must consult w/ CDC and other agencies to **update its COVID guidance** based on the best science;
 2. Enhance OSHA’s COVID **enforcement**;
 3. Launch a COVID-19 enforcement **National Emphasis Program**; and
 4. **Consider whether an ETS is needed** and when (not if) OSHA concludes it is, it must be **issued by March 15th**, and **require the 20+ State OSH Plans to adopt** an equally effective ETS



Updated COVID-19 Guidance

- Employers should implement COVID-19 Prevention Programs
- Emphasis on engaging workers and their unions in the development of the written programs
- Include the following key elements:
 - Hazard assessment - where and how employees may be exposed
 - ID combination of measures that limit spread of COVID-19 at work
 - Adopt measures to separate and remove infected or potentially infected workers from the workplace
 - Protections against retaliation for workers raising COVID-related concerns



Updated COVID-19 Guidance

- Ensure communication w/ workers in a format/language they understand
- Set up anonymous process for workers to voice COVID-related concerns
- Assign a workplace coordinator to be responsible for COVID issues
- Clarify non-work activities that could trigger quarantine (caring for, having direct contact w/, shared eating or drinking utensils w/, or being coughed/sneezed on by a COVID-positive person)
- Implement CDC / ASHRAE guidance on improving workplace ventilation
- Make COVID-19 vaccinations available at no cost to eligible employees
- Ensure vaccinated employees continue to follow the same control measures

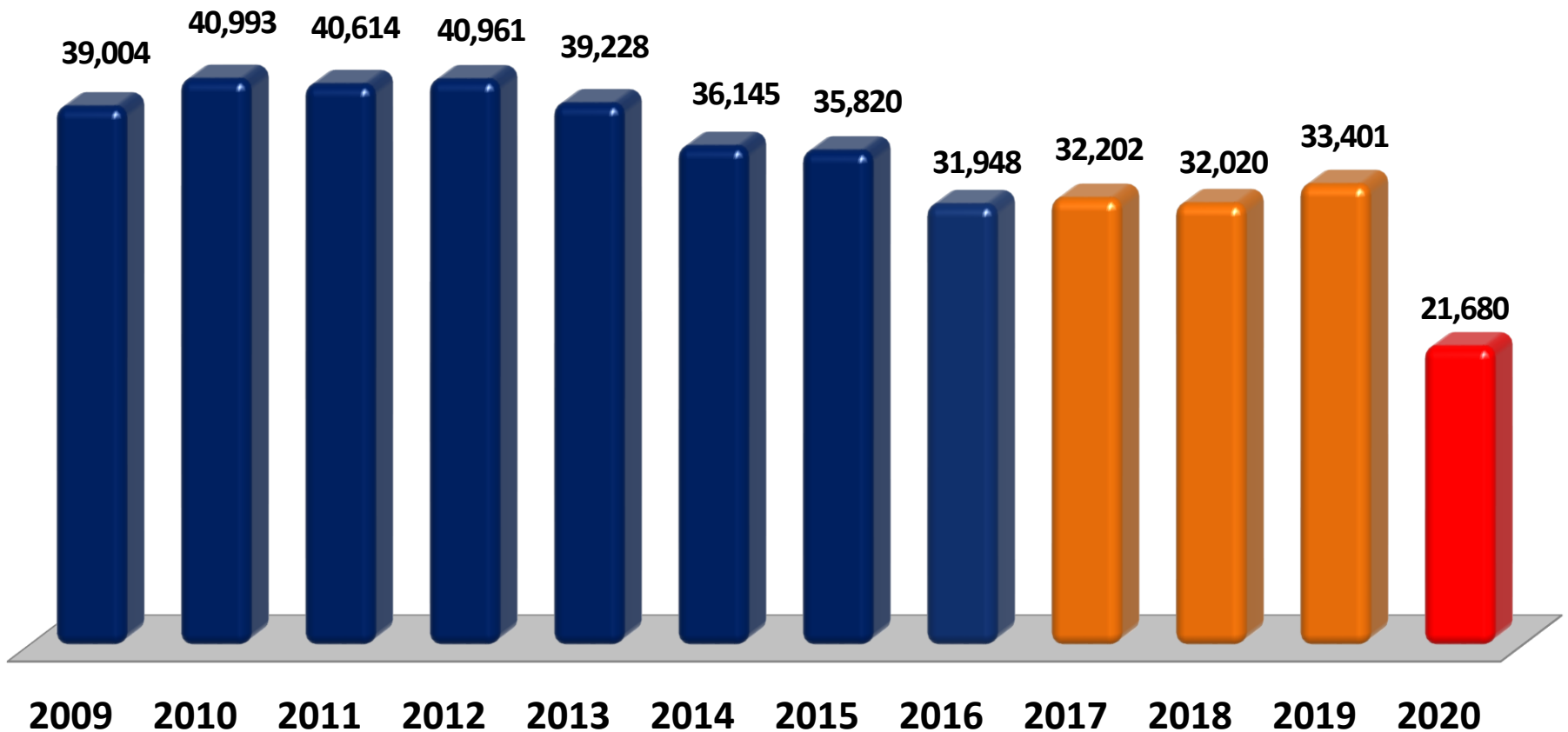


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OSHA Enforcement

Total Fed OSHA Inspections



Average Penalty Per Serious Violation



Penalty Authority Keeps on Rising

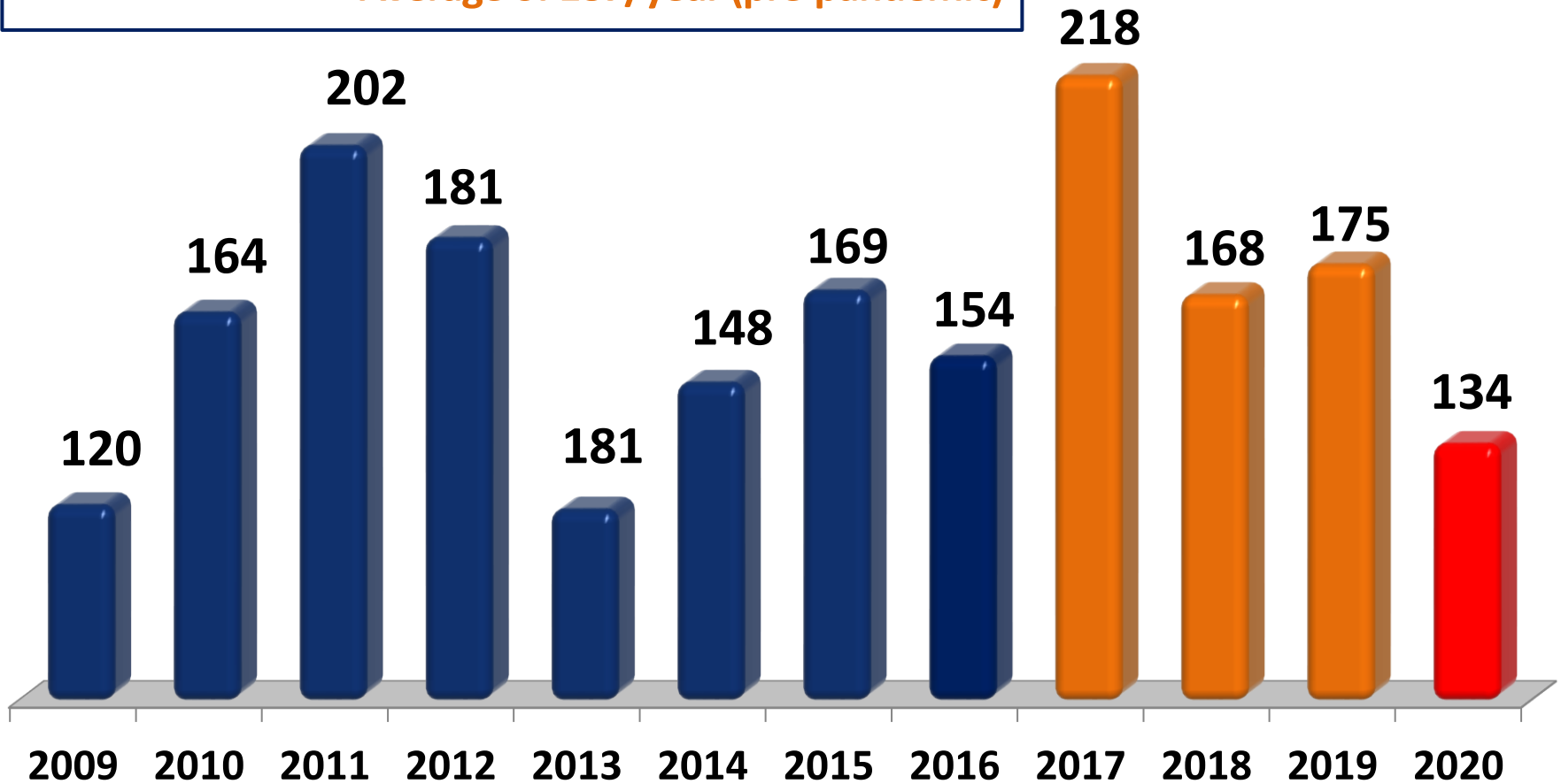
Characterization	Historical Maximums	Aug. 2016 (78% Catch-up Increase)	Jan. 2018 (Annual Bump)	Jan. 2020 (Annual Bump)	Jan. 13, 2021 (Annual Bump – 1.2%)
Other-than-Serious	\$7,000	\$12,471	\$12,934	\$13,494	\$13,653
Serious	\$7,000	\$12,471	\$12,934	\$13,494	\$13,653
Willful	\$70,000	\$124,709	\$129,336	\$134,947	\$136,532
Repeat	\$70,000	\$124,709	\$129,336	\$134,947	\$136,532
Failure to Abate	\$7,000 per day	\$12,471 per day	\$12,934 per day	\$13,494 per day	\$13,653 per day

\$100K+ Penalty Cases

Obama Admin = Average of 165/year

Trump Admin = Average of 174/year

Average of 187/year (pre-pandemic)



OSHA's Repeat Violation Policies

OSHA Historically:

- Treated workplaces as individual, independent establishments
- Limited its review of employers' OSHA records to 3 years
- Reactive Philosophy (less likely to revisit workplaces within a few years)

Under Obama/Biden:

- Treats workplaces in a corporate family as 1 workplace
- Look back 5 yrs at employers' record of enforcement
- Proactive Targeting (more follow-up inspections / hand select past violators for inspection)

Under Trump:

- ~~Return to 3 year look back period~~
- ~~Extend exemptions due to recent inspections~~
- ~~Retire numerous emphasis programs and restore Reactive Inspection Focus~~
- ~~Change successorship analysis to return to alter ego model~~

Focus on Repeat Violations

	'02	'05	'08	'11	'13	'15	'16	'17	'18	'19	'20
Serious	58,845	61,018	67,052	62,115	56,661	47,934	42,984	36,802	36,645	36,447	28,714
Repeat	1,867 2.4%	2,350 2.7%	2,817 3.2%	3,229 3.7%	3,193 4.0%	3,088 4.7%	3,146 5.3%	2,771 5.5%	2,593 5.1%	2,471 4.8%	2,152 5.3%
Willful	331	747	517	594	319	527	524	319	341	364	384

OSHA Enforcement Under Biden

- Likely efforts to significantly increase OSHA's budget and staffing
- Push the **Protecting America's Worker Act** (OSHA Reform Legislation)
 - Increase civil penalties
 - Expand worker safety criminal consequences
 - Ease ability to prosecute individual managers for crimes
 - Expand worker/survivor rights and involvement
- Resume attacks on VPP
- Increase worker safety criminal investigations/prosecutions
- Increase focus and resources on whistleblower/11(c) actions
- More robust Chem/Ref PSM NEP
- Revive "Regulation by Shaming" Enforcement Press Releases

Enforcement Press Releases

- Under Republicans and Democrats, OSHA issues enforcement press releases re: notable enforcement
- Press Releases issue the same day as citations and they remain on OSHA's website regardless of outcome (i.e., even if citations are withdrawn)
- 463 enforcement press releases per year during Obama Admin.
- 100% of the releases included inflammatory and embarrassing quotes from DOL Officials
- Trump-era OSHA releases back to lower frequency of Bush-era (\approx 150 press releases per year), but continuing nasty tone

Bush's OSHA
148 Press
Releases per Year

Obama's OSHA
463 Press
Releases per Year

2020
100 Press Releases
(through Nov.)



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Status and Future of OSHA Rulemaking and Deregulation

OSHA Rulemaking Priorities In a Biden Administration

- COVID-19 ETS and Permanent Infectious Disease Rule
- Restart PSM Reform rulemaking
- Modernize LOTO and cut the term “unexpected energization”
- Work w/ Democratic-controlled Congress to undo Congressional Review Act repeal of the *Volks* Rule (i.e., extend statute of limitations for recordkeeping violations from 6 months to 5 years)

The logo for the Biden-Harris campaign, featuring the words "BIDEN" and "HARRIS" in white, bold, sans-serif capital letters. The letter "D" in "BIDEN" is stylized with three horizontal red bars passing through it. The logo is set against a dark blue rectangular background.

BIDEN
HARRIS

Publishing E-Recordkeeping Data

- Revisit E-Recordkeeping (collect large employers' 300/301 data) and publish all data collected:

- Employer name, facility and address
- Average # of employees
- Total hours worked
- Total # of injuries, illnesses and deaths
- Total cases w/ days away and # of days
- Total cases w/ job transfer/restriction and # of such days
- Total # other injuries

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T		
1	company_name	establishment_name	ein	street_address	city	state	naics_code	industry_description	employees	hours_worked	#injuries/illnesses	deaths	days_away	restriction	other_cases	days_away	restriction	injuries	poisonings	res	
2	A & A Associates, LLC	Able Weld/Built Industries, Inc.		1030 Grand Blvd.	Deer Park	NY	336211	Motor vehicle body manufacturing	12	24833	1	0	1	0	0	1	1	0	2	0	0
3	A & A Machinery Moving, Ir	A & A Machinery Moving, Inc.		201 Dean Sievers Place	Morrisville	PA	238290	Machine rigging	41	91138	2	0	0	0	0	0	0	0	0	0	0
4	A & A Metal Finishing Enter	A & A Enterprises		8290 Alpine Avenue	Sacramento	CA	332813	Electroplating metals and formed produc	16	41600	1	0	1	0	1	5	0	2	0	0	0
5	A & A Trucking Inc.	A & A Trucking Inc.		1101 S. Portland Ave.	Oklahoma	OK	484220	Trucking, specialized freight (except usec	68	152011	1	0	1	1	0	13	45	2	0	0	0
6	A & A Wall Systems, Inc.	Drywall		11589 Deerfield Road	Cincinnati	OH	238310	Drywall contractors	26	47745	2	0	0	0	0	0	0	0	0	0	0
7	A & B Distributing	Branch Office		10777 High Point Road	Olive Branch	MS	424810	Beer merchant wholesalers	131	140719	1	0	1	1	3	5	60	5	0	0	0
8	A & B Painting Inc	A & B Painting Inc		672 Walsh Ave	Santa Clara	CA	238320	Painting and wallpapering	161	200320	1	0	1	0	1	3	7	2	0	0	0
9	A & B Precision Metals, Inc.	A & B Precision Metals, Inc.		13715 Mt Anderson Street	Reno	NV	332131	Fabricated plate work manufacturing	120	240729	1	0	1	3	2	15	40	6	0	0	0
10	A & B WELDING SUPPLY CO	A & B WELDING SUPPLY CO INC		914 E Chicago St	Rapid City	SD	423840	Welding supplies (except welding gases)	20	41547	1	0	1	1	0	1	38	2	0	0	0
11	A & D Recycling and Recove	A & D Recycling and Recovery		10811 215th Street W	Lakeville	MN	484110	General freight trucking, local	21	35820	2	0	0	0	0	0	0	0	0	0	0
12	A & E Machining and Fabric	A & E Machining and Fabrication, Inc.		133 Mathes Cir	Chuckey	TN	811310	Commercial and industrial machinery res	20	46285	1	0	0	0	1	0	0	1	0	0	0
13	A & E MUNOZ INC	A&E Munoz Inc		P O BOX 1082	PORTERVIL	CA	115115	Crew leaders, farm labor	325	66351	1	0	4	0	0	520	0	4	0	0	0
14	A & E, Incorporated	A & E Tools		5501 21st St.	Racine	WI	332216	Tools, hand, metal blade (e.g., putty kni	159	340843	1	0	0	0	3	0	0	3	0	0	0
15	A & E, Incorporated	Eckmann Custom Products		5300 21st St.	Racine	WI	332129	Metal stampings (except automotive, car	21	45968	1	0	1	0	0	3	7	1	0	0	0
16	A & H Electric Co, LLC	A & H Electric Co, LLC		3505 N. Loop 336 West	Conroe	TX	238210	Electrical contractors	81	174106	2	0	0	0	0	0	0	0	0	0	0
17	A & J Manufacturing Comp	A & J Manufacturing Company		70 Icon	Foothill Ra	CA	332999	Tin/foil not made in rolling mills	29	31174	2	0	0	0	0	0	0	0	0	0	0
18	A & K Finishing Inc.	A & K Finishing Inc.		4436 Donker Ct. SE	Kentwood	MI	325510	Industrial product finishes and coatings (41	77006	1	0	0	1	0	0	3	1	0	0	0
19	A & K Slip Forming, Inc.	A & K Slip Forming, Inc.		774 Lawyersville Road	Cobleskill	NY	237310	Concrete paving (i.e., highway, road, stre	26	41109	2	0	0	0	0	0	0	0	0	0	0
20	A & L Cesspool Service Corp	Recycling Plant		38-40 Review Ave.	Long Island	NY	562998	Grease trap cleaning	114	309190	1	0	3	0	0	35	8	3	0	0	0
21	A & L Iron and Metal	A & L Iron and Metal		2000 milbocker rd	gaylorfd	MI	423930	Scrap materials (e.g., automotive, industu	59	137074	1	0	3	0	4	112	0	7	0	0	0
22	A & M Engineering Inc	A & M Engineering Inc		15854 Salvatierra Street	Irwindale	CA	332110	Armor plate made in iron and steel mills	52	10074220	1	0	0	3	1	0	4	4	0	0	0
23	A & M Hospitalities LLC	Hampton Inn - Chaffee Point		548 Chaffee Point Blvd	Jacksonvil	FL	721110	Hotels (except casino hotels)	27	36239	2	0	0	0	0	0	0	0	0	0	0
24	A & M Hospitalities LLC	Hampton Inn		1200 SR 70	Okeechob-	FL	721110	Hotels (except casino hotels)	16	27032	2	0	0	0	0	0	0	0	0	0	0
25	A & M Hospitalities LLC	Embassy Suites		145 West Mulberry Blvd	Savannah	GA	721110	Hotels (except casino hotels)	59	94793	2	0	0	0	0	0	0	0	0	0	0
26	A & M Hospitalities LLC	Hampton Inn & Suites at the Conference Center		2 Meeting Place	Valdosta	GA	721110	Hotels (except casino hotels)	49	68031	2	0	0	0	0	0	0	0	0	0	0
27	A & M Hospitalities LLC	Hilton Garden Inn		1702 Gorrto Rd	Valdosta	GA	721110	Hotels (except casino hotels)	56	71308	1	0	1	0	0	180	0	1	0	0	0
28	A & M Manufacturing, Inc.	A & M Manufacturing, Inc.		26988 SE US Hwy 19	OLD TOWFL	FL	336612	Boats (i.e., suitable or intended for perso	15	31200	2	0	0	0	0	0	0	0	0	0	0
29	A & M Tool & Die Company A	A & M Tool & Die Company Inc.		64 Mill Street	Southbrid	MA	333514	Cutting dies, metalworking, manufacturi	62	124723	1	0	2	0	0	4	0	2	0	0	0
30	A & P Coat, Apron & Linen	L Unites 155		155 South Terrace Ave	Mount Ver	NY	812331	Laundry services, linen supply	151	325959	1	0	7	0	0	228	0	7	0	0	0
31	A & R Farm Contracting Inc.	Aaron Ruiz		9369 Ave 412	Dinuba	CA	115115	Farm labor contractors	392	81059	2	0	0	0	0	0	0	0	0	0	0
32	A & R Spada Farms, LLC	A & R Spada Farms, LLC		7251 St. Paul Hwy NE	St. Paul	OR	111421	Field nurseries (i.e., growing of flowers a	103	239808	1	0	1	1	1	53	187	3	0	0	0
33	A & S Boiler and Burner Cor	A & S Boiler and Burner Corporation		Box 2249	Newark	NJ		Agricultural machinery and equipment re	23	42690	1	0	1	0	1	42690	0	2	0	0	0
34	A & T Concrete Supply	A & T Concrete Supply		81E SR 168	Ft. Branch	IN	327320	Ready-mix concrete manufacturing and c	21	48540	2	0	0	0	0	0	0	0	0	0	0
35	A & T Plumbing, Inc.	A & T Plumbing, Inc.		218 Glenridge Court	105 Columbia	SC	238220	Plumbers	24	41200	2	0	0	0	0	0	0	0	0	0	0
36	A & W Electric, Inc	A & W Electric, Inc		127 W. 28th Street	Charlotte	NC	238210	Low voltage electrical work	28	56242	2	0	0	0	0	0	0	0	0	0	0
37	A A Pittman & Sons Concret	A A Pittman & Sons Concrete Co Inc		650 E 27TH STREET	JACKSONV	FL	238110	Concrete finishing	62	101770	1	0	2	0	0	339	0	2	0	0	0
38	A And A Farms, Inc.	A And A Farms, Inc.		4025 NC 210 South	Bunlevel	NC	111910	Tobacco farming, field and seed product	15	21000	2	0	0	0	0	0	0	0	0	0	0
39	A and A Midwest	A and A Midwest		2580 n commerce street	N Las Vega	NV	423140	Motor vehicle parts, used, merchant whi	27	55960	1	0	0	1	0	0	13	1	0	0	0
40	A and A Painting & Constr	A and A Painting & Construction Inc		3123 Siler Dr	Kingsport	TN	238220	Commercial building construction generi	48	93647	1	0	2	1	0	140	5	3	0	0	0
41	A and I Transport Inc	A and I Transport Inc		123 Lee Road Suite E	Watsonvil	CA	484121	General Freight Trucking	137	320190	1	0	3	0	0	45	0	3	0	0	0
42	A Anthony & Son's Inc	A Anthony & Son's Inc		1450 West 21st St	Erie	PA	237310	Concrete paving (i.e., highway, road, stre	35	68000	2	0	0	0	0	0	0	0	0	0	0
43	A B Munroe Dairy Inc	A B Munroe Dairy Inc		151 Brown St	East Provie	RI	311511	Beverages, milk based (except dietary), n	70	164430	1	0	10	8	0	150	196	18	0	0	0
44	A B Property Services	Happy Floors		180 NW 183rd Street Suite	Miami	FL	423230	Ceramic construction materials (except n	175	164112	1	0	4	2	1	15	39	7	0	0	0
45	A Bee C Service Inc dba	Sens.Service-Tech Corporation - Cleveland		7589 FIRST PLACE	Oakwood	OH	561790	Duct cleaning services	41	91946	1	0	1	0	0	27	34	1	0	0	0
46	A Bee C Service Inc dba	Sens.Service-Tech Corporation - Columbus		625 Cross Pointe Rd	Gahanna	OH	561790	Duct cleaning services	8	20818	2	0	0	0	0	0	0	0	0	0	0

OSHA Rulemaking Priorities In a Biden Administration

- Permanent Infectious Diseases Rule (follow-on to COVID ETS)
- Heat Illness rulemaking
- Workplace Violence in Healthcare rulemaking
- Update HazCom
 - HCS 2012 updated to align with GHS Rev. 3 (2009)
 - Since then, GHS is up to Rev. 8 (2019)
- Set lower chemical PELs & Action Levels (by control banding?)

Conn Maciel Carey COVID-19 Task Force Resources

COVID-19 TASK FORCE

As employers around the country grapple with the employment law and workplace safety implications of the 2019 Novel Coronavirus, "COVID-19," Conn Maciel Carey has formed a multi-disciplinary legal and regulatory task force comprised of our dedicated Workplace Safety, Labor and Employment Law, and Litigation attorneys to help our clients across all industries manage the multitude of pandemic-related issues employers are facing and prepare for potential litigation that is around the corner. We have produced a comprehensive database of resources to guide employers through this uncharted territory and the unique workplace challenges presented by the presence of a new health hazard in our nation's workplaces.

Members of CMC's COVID-19 Task Force

Eric J. Conn OSHA Chair	Kara M. Maciel Labor and Employment Chair	Bryan A. Carey Partner	Nicholas W. Scala MSHA Chair
Kate M. McMahon OSHA Partner	Jordan B. Schwartz Labor and Employment Partner	Andrew J. Sommer Cal/OSHA and Employment Partner	Aaron R. Gelb OSHA and Employment Partner
Amanda Strainis-Walker OSHA Partner	Mark M. Trapp Labor and Employment Partner	Lindsay A. DiSalvo Associate	Megan S. Shaked Associate



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LITIGATION



WORKPLACE SAFETY

COVID-19 FAQs for Employers

As the COVID-19 Pandemic continues to evolve, we have created an [extensive index of frequently asked questions](#) about HR, employment, and MSHA/OSHA related regulatory developments and guidance from federal agencies and the CDC. Conn Maciel Carey's COVID-19 Task Force will be updating our list of FAQs frequently, but please reach out to us for the most up to date information.



COVID-19 FAQs for Employers

- [Employee Layoffs & Reduced Working Schedules](#)
- [The CARES Act](#)
- [Vacation, Paid Time Off & Sick Leave](#)
- [OSHA Recordkeeping and Reporting of COVID-19 Cases](#)
- [Temperature Checks for Employees](#)
- [Personal Protective Equipment](#)
- [Preventing Exposure in the Workplace](#)
- [Annual Physical Requirements](#)
- [Space Restrictions in Retail](#)
- [On-Site Inspection Activities](#)
- [Employer-Employee Confidentiality](#)
- [Emergency Infectious Disease Rule / NEP](#)
- [Offer Letters & Flexible Start Dates](#)
- [Employer Liability](#)

COVID-19 OSHA Recordkeeping and Reporting Resource Guide

CMC's COVID-19 Task Force has prepared a series of resources to assist employers in assessing whether a COVID-19 diagnosis for one of its employees is reportable to OSHA and/or recordable on the company's OSHA 300 Log, and if so, "how to" record it on the recording Flow Chart, a COVID-19 OSHA Reporting Flow Chart, a COVID-19 OSHA recording Flow Chart, a one-pager on "How to record" COVID-19 cases on the log, and a detailed "Work-Relatedness Questionnaire." For more information about the OSHA recording and reporting implications of COVID-19, [read this detailed article](#).



Check out our blogs:

the **OSHA DEFENSE** report



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the **CAL/OSHA DEFENSE** report

CAL/OSHA Updates from Conn Maciel Carey's national OSHA Practice Group



QUESTIONS?

