

## Small Business Labor Safety (OSHA/MSHA) Roundtable

Friday, March 15, 2019

10:00 a.m. – 12:00 noon

at

Eisenhower (Concourse Level) Conference Room

U.S. Small Business Administration

409 Third Street, SW

Washington, DC\*

### Agenda

- I. Welcome and Introduction of Small Business Representatives (10:00 a.m. – 10:10 a.m.)**  
*Bruce Lundegren, Assistant Chief Counsel, SBA Office of Advocacy*
- II. OSHA's Planned SBREFA Panel on Emergency Response (ER) – How Will It Impact Small Entities? (10:10 a.m. – 10:45 a.m.)**  
*Andrew Levinson, Deputy Director, OSHA's Directorate of Standards and Guidance*
- III. An Update from the House Subcommittee on Workforce Protections and Pending Legislation on "Workplace Violence Prevention for Health Care and Social Service Workers" (10:45 a.m. – 11:10 a.m.)**  
*Jordan Barab, Senior Counsel, House Subcommittee on Workplace Protections*
- IV. A Recap of the ABA's OSH Law Section Meeting: Key issues for Small Business (11:10 a.m. – 11:40 a.m.)**  
*Eric Conn, Founding Partner and Chair of OSHA Workplace Safety Group, Conn, Maciel Carey PLLC*
- V. Open Discussion/Other Small Business Issues (11:40 a.m. – 12:00 noon)**
- VI. Adjourn (12:00 noon)**

\* We are located at the Federal Center SW Metro stop on the Orange, Silver, and Blue lines.

\*\* The next Small Business Labor Safety (OSHA/MSHA) Roundtable is tentatively scheduled for Friday, May 17, 2019 from 10:00 a.m. – 12:00 noon. A business casual dress option is observed.

\*\*\* Roundtable meetings are open to all interested persons, except the press, in order to facilitate an open and frank discussion about issues of interest to small business. Agendas and presentations are available to all, including the press. Anyone who would like to receive roundtable agendas or presentations, or be included in the regular distribution, should contact [bruce.lundegren@sba.gov](mailto:bruce.lundegren@sba.gov). The purpose of these roundtable meetings is to exchange opinions, facts, and information and to obtain the attendees' individual views and opinions regarding regulatory and policy issues impacting small business. The meetings are not intended to communicate or achieve any consensus positions of the attendees.

Visit <http://web.sba.gov/list> to join email lists for:



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Administration

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## Topics Summary

- I. **OSHA's Planned SBREFA Panel on Emergency Response (ER) – How Will It Impact Small Entities?** *On January 7, 2019, the Occupational Safety and Health Administration notified the Office of Advocacy and the Office of Information and Regulatory Affairs (OIRA) within OMB that it is planning to convene a Small Business Advocacy Review (SBAR) panel (also known as a SBREFA panel) on Emergency Response (ER) under the Small Business Regulatory Enforcement Fairness Act (SBREFA) rule in the next sixty days. OSHA's possible rulemaking would replace OSHA's existing Fire Brigade standard at 29 CFR 1910.156 with a new comprehensive standard for entities that perform emergency response activities and are not covered by an existing OSHA standard (e.g., PSM, HAZWOPR, Confined Spaces, etc.). However, if these entities perform emergency response activities beyond that standard, they could be brought under the new comprehensive standard as well. While OSHA currently regulates some aspects of emergency response and preparedness, some of its standards were promulgated decades ago and were not designed as comprehensive emergency response standards. In 2016, OSHA's NACOSH Subcommittee on Emergency Response and Preparedness issued a report and draft regulatory text that could lead to new regulations on emergency responders, fire departments, and private sector entities that respond to an emergency incident scene or a disaster site. Andrew Levinson, the Deputy Director of OSHA's Directorate of Standards and Guidance, will discuss the status of this rulemaking and the upcoming SBAR/SBREFA panel.*
- II. **An Update from the House Subcommittee on Workforce Protections and Pending Legislation on "Workplace Violence Prevention for Health Care and Social Service Workers."** *The Workplace Protections subcommittee is part of the House Education and Workforce Committee. The subcommittee recently held a hearing entitled "Caring for Our Caregivers: Protecting Health Care and Social Service Workers from Workplace Violence" that concerned pending legislation called the "Workplace Violence Prevention for Health Care and Social Service Workers Act." This legislation would compel OSHA to issue an interim final rule on workplace violence and then engage in a broader rulemaking process on the subject. Jordan Barab, the Senior Counsel to the House Subcommittee on Workplace Protections (and former Deputy Assistant Secretary for OSHA) will provide an update about the subcommittee, its priorities for the coming term, and its recent hearing and the pending legislation – a topic that is scheduled on OSHA's regulatory agenda to be the subject of an upcoming SBREFA panel.*
- III. **A Recap of the ABA's OSH Law Section Meeting: Key Issues for Small Business.** *The American Bar Association's annual Occupational Safety and Health Law Section meeting was recently held and there were a number of issues raised of interest to small businesses on both the OSHA and MSHA fronts. These included litigation, rulemaking initiatives, regulatory reform, and enforcement. Eric J. Conn, a founding partner and Chair of the OSHA Workplace Safety Group at Conn Maciel Carey LLP, who attended the conference and participated in the program, will provide a recap of the meeting and address significant issues that may impact small business. Mr. Conn, is an attorney who advises and represents employers, including numerous small businesses, on occupational safety and health matters.*
- IV. **Open Discussion/Other Small Business Issues.** *A general discussion and open forum to discuss other current events and regulatory topics of specific interest to small business, including items on OSHA and MSHA's Regulatory Agendas, draft proposed and final rules pending review at OMB, and other pending policy and regulatory actions.*

