



## LAW OFFICE OF ADELE L. ABRAMS P.C.

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### PAW Act Is Back – But Is It DOA?

By Adele L. Abrams, Esq., CMSP

The Protecting America's Workers Act (H.R. 914 – PAW Act) was introduced in the U.S. House of Representatives on February 7, 2017. The Democratic-sponsored bill was referred to the Education & Workforce Committee pending further consideration.

The purpose of the legislation is to amend the Occupational Safety and Health Act of 1970 (Act) in order to expand coverage, strengthen whistleblower protections, increase civil and criminal penalties and expand victims' rights. H.R. 914 is similar to last session's bill (H.R. 2090), which never saw any congressional action. To date, there is no companion measure in the Senate, but the House bill has 16 co-sponsors (all democratic members), in addition to original lead sponsor Rep. Courtney (D-CT): Bobby Scott (D-VA), Mark Takano (D-CA), John Conyers (D-MI), Gene Green (D-TX), Mark Pocan (D-WI), Carol Shea-Porter (D-NH), Dina Titus (D-NV), Jerrold Nadler (D-NY), Al Green (D-TX), John Garamendi (D-CA), Alma Adams (D-NC), Katherine Clark (D-MA), Barbara Lee (D-CA), Janice Schakowsky (D-IL), Peter Visclosky (D-IN), and Raul Grijalva (D-AZ).

The effective date of the Act (if adopted) would be 90 days after the enactment of the Act with certain exceptions. The exceptions are: 1) state plan states would have 12 months after the enactment of the Act to amend their State-law and then enact that law within 90 days of passage, and 2) state workplaces or political subdivisions of states would have 36 months after the enactment of the Act.

There are several provisions that are similar to the previous session's model, which in turn had been introduced in several previous years.

One key provision would amend the law to include public employees under federal OSHA protections in states that lack a state plan specifically covering workers at the state, county and municipal level. Currently, all state plan states must enforce comparable OSHA rules at their public sector facilities, but federal OSHA has no jurisdiction in the public sector in other states. There are a few federal OSHA states that do have state-run safety enforcement programs covering their public sector worksites.

As in previous years, the new PAW Act would enhance and expand criminal penalties for both fatal and non-fatal accident cases. The standard would change from "willful" violations being the trigger to "knowing" violations being sufficient for a criminal referral in cases of death or serious bodily harm. Currently, only willful violations resulting in the death of a worker can be prosecuted with a maximum six month misdemeanor sentence and monetary penalty (although there can also be prosecutions brought for advance notice of inspections, obstruction of justice, conspiracy and witness tampering, under other federal laws).

The new language provides: "Any employer who knowingly violates any standard, rule, or order promulgated under section 6 of this Act, or of any regulation prescribed under this Act, and that violation caused or significantly contributed to the death of any employee, shall, upon conviction, be punished by a fine in accordance with title 18, United States Code, or by imprisonment for not more than 10 years, or both, except that if the conviction is for a violation committed after a first conviction of such person under this subsection or subsection (i), punishment shall be by a fine in accordance title 18, United States Code, or by imprisonment for not more than 20 years, or by both." This makes such violations felonies and also permits

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## PAW Act is Back, cont.

imposition of criminal monetary penalties of up to \$250,000 for a first offense.

Accidents involving knowing violations that impose “serious bodily harm” on an employee could trigger criminal sanctions of up to 5 years imprisonment, or punishable by a fine under 18 U.S.C., with 10 years imprisonment for a second offense. Serious bodily harm means: a substantial risk of death; protracted unconsciousness; protracted and obvious physical disfigurement; or protracted loss or impairment, either temporary or permanent, of the function of a bodily member, organ, or mental faculty. Moreover, the proposed legislation does not preclude a State or local law enforcement agency from conducting criminal prosecutions in accordance with the laws of such State or locality.

H.R. 914 contains a new section entitled “Authorized Employee Representative” that amends Section 3 of the OSH Act. It states that an authorized employee representative means “any person or organization that for the purposes of this Act represents not less than one employee at an establishment, factory, plant, construction site, or other workplace, or other environment where work is performed by an employee for an employer; and includes a representative authorized by employees, a representative of employees, or any other representative of an employee under this Act.” This change is significant because it would codify OSHA’s controversial “walkaround rights” memo, currently under legal attack, which permits union representatives to be designated as the “authorized employee representative” at a non-union operation, for purposes of accompanying the OSHA inspector, or carrying out any other activities that an authorized representative could do on behalf of workers under Section 11(c) of the current OSH Act.

Concerning national consensus standards, the proposal requires that within 2 years of the effective date, “any national consensus standard that has been promulgated or incorporated by reference should be updated unless a) the standard has already been promulgated pursuant to section (b) or b) the Secretary determines it will not result in improved health or safety for the designated employees.”

H.R. 914 would reflect and codify the new maximum civil penalty amounts, which were increased on January 13, 2017 to \$126,749 (for repeated and willful violations), and \$12,675 (for serious and other-than-serious violations). The legislation also sets mandatory minimum civil penalties for citations involved with fatal or serious accidents.

A large portion of the bill is dedicated to strengthening anti-retaliation provisions for whistleblowers and for workers who are injured or become ill on the job and report their conditions. Among the protections included in this section are:

1. Specific protection from retaliation as a result of reporting an injury, illness or unsafe condition to the employer, agent of the employer, safety and health committee, or employee safety and health representative. This would provide greater worker protection in the event that the anti-retaliation provisions of the e-Recordkeeping rule are ultimately rescinded by the court or Congress.
2. Specific protection from retaliation as a result of a reasonable work refusal if in apprehension that performance of duties would result in serious injury to, or serious health impairment of the employee or other employees.
3. Expansion of the statute of limitations for filing a whistleblower complaint from the current 30 days to 180 days, with the trigger date being when the employee “knows or should reasonably have known that such alleged violation occurred.”
4. Sets out tight timeframes for the Secretary of Labor to investigate and make a determination on allegations of discrimination (90 days from the filing of the complaint).
5. A *de novo* hearing can be requested by the complainant or respondent within 30 days after a decision of the Secretary granting or denying relief, or by the complainant within 120 days after filing the complaint if the Secretary has not yet issued a decision. A request for a hearing will not stay any preliminary reinstatement order issued under the Act. The Administrative Law Judge has only 90 days after the hearing request date to rule in the case. Not later than 30 days after the ALJ’s decision, either party may file an appeal with an administrative review board designated by the Secretary and the Board shall use a “substantial evidence” standard of review. If there is inaction by either the ALJ or the Review Board within the requisite period of time, the Complainant would be able to seek *de novo* action in the U.S. District Court, and appeal thereafter to the U.S. Court of Appeals.
6. Clarifies that, in assessing whether the complainant has proven his/her case, the court shall consider only if the complainant demonstrated that the conduct (protected activity) “was a contributing factor” in the adverse action alleged in the complaint. The Respondent can defend by showing – by clear and convincing evidence – that it would have taken the same adverse action in the absence of the protected activity.
7. Clarifies that relief granted to the Complainant includes: injunctive relief, compensatory and exemplary damages, affirmative action to abate the violation, reinstatement without loss of

## PAW Act is Back, cont. (2)

seniority or benefits, compensation and consequential damages to make the complainant whole (back pay, prejudgment interest, and other damages), and expungement of all warnings, reprimands or derogatory references concerning the unfavorable personnel action and transmission of the decision on the complainant to any person whom the complainant reasonably believes may have received such unfavorable information.

8. Provides for an assessment of attorney fees against the employer, at the employee's request, as well as costs such as expert witness fees incurred in bringing the complaint upon which the court order was issued.

The bill would expand the existing enforcement authority of OSHA under the "General Duty Clause" (Section 5(a)(1) of the 1970 OSH Act) to permit OSHA to issue citations if a recognized hazard causes or could cause harm to the employer who exposes the employer's own employees OR "any other person performing work at the place of employment" – under current law, the employer can only be cited under the General Duty Clause if its own employee has exposure to the hazardous condition. H.R. 914 also adds that "each employee or other person exposed to a hazard in violation of subsection (a) may constitute a separate violation." This expands OSHA's ability to issue egregious citations (a separate citation and separate penalty for each exposed worker) under the General Duty Clause.

The legislation includes a provision requiring the "site-controlling employer" to keep a site log for all recordable injuries and illnesses occurring among all employees on the particular site, including those of the site-controlling employer or others (including independent contractors). It also codifies the requirement in the "Severe Injury Reporting" rule to notify OSHA of any work-related death or injury/illness resulting in in-patient hospitalization, amputation, or loss of an eye. It prohibits employers from adopting practices or policies that discourage accurate recordkeeping and reporting of injuries/illnesses by employees, or which discriminate in any manner against an employee for reporting an injury/illness.

This also tries to incorporate the e-Recordkeeping rule's provisions against retaliation for injury/illness reporting. While not directly stating it, OSHA's previous interpretation of such discriminatory policies includes incentive programs based on lagging indicators, discipline of injured workers that is disparate with that given to non-injured workers for the same safety rule violation, and drug testing of workers simply because they have been injured or become ill on the job.

The measure would clarify that time spent by an employee participating in or aiding an OSHA inspection shall be deemed to be "hours worked" and the employee shall not suffer loss

of wages, benefits or other terms and conditions of employment for having participated in or aided in such inspection.

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OSHA would be required to investigate any significant incident or an incident resulting in death that occurs in a place of employment. H.R. 914 requires the employer to "promptly notify" the Secretary of such incident and "take appropriate measures to prevent the destruction or alteration of any evidence that would assist in investigating the incident."

## PAW Act is Back, cont. (3)

Employers can take appropriate measures to prevent injury to employees or substantial damage to property or to avoid disruption of essential public safety services. A “significant incident” is one resulting in the in-patient hospitalization of 2 or more employees for medical treatment.

As in previous versions, this measure would prohibit OSHA from issuing, modifying or settling a citation without a designation enumerated in Section 17 of the OSH Act (willful, repeated, serious, other-than-serious or de minimis). This was included because, under the previous administrations, OSHA often would settle willful violations in fatality cases at the full penalty, by changing it to “unclassified” – under the OSH Act, this bars the agency from criminal prosecution. During the Obama administration, unclassified citations were rarely if ever agreed upon, but it is unclear whether this settlement mechanism will resume under the new administration.

The legislation also expands the rights of victims or their representatives to meet with the agency regarding the inspection/investigation, before the decision to issue a citation; to receive copies of any citations or reports issued as a result; be informed of any notice of contest filed; be provided with the date and time of any proceedings and an explanation of the rights of the employee and the representative (including the right to appear and make a statement before the Commission); and to be notified before any agreement is entered into to modify or withdraw the citations and to appear before the parties entering into the settlement to make a statement or submit a letter. The Act also would establish a family liaison office within OSHA to assist victims in asserting their rights under the Act. The term “victim” is defined as an employee or former employee who sustained a work-related injury or illness that is the subject of an inspection or investigation conducted by OSHA, or the family member if the victim dies as a result of the incident, or has an incapacity and cannot exercise his/her rights. The rights of affected workers would also be expanded, allowing them to dispute modification or settlement of a citation, or to seek that the citation be made more serious or that the penalty be raised.

H.R. 914 makes a significant modification insofar as it would require correction of conditions cited as serious, willful or repeated, even if a timely notice of contest is filed. Currently, once a citation is contested, abatement of the cited conditions is stayed until the matter is settled or is finally adjudicated. The new provisions clarify that correction of contested “other than serious” citations would not be required during the pending contest. Employers could file a motion for stay of abatement, and the Commission would only grant the stay if the employer demonstrated “a substantial likelihood of success on the areas contested” and “that a stay will not adversely affect the health and safety of workers.” Hearings on motions to stay would be on an

expedited basis (not later than 15 days following filing the motion) and a decision would be required within 15 days of the hearing. There is also a provision for expedited review by OSHRC.

Finally, the legislation stipulates that, when an employer files a notice of contest on a citation and its penalties, “prejudgment interest” will begin to run on the date of the contest and end on the date of the final order. But it will accrue interest as well (compounded daily at 8 percent per year) starting 30 days after the final order of the Commission.

As a practical matter, this legislation is probably “dead on arrival” in the House Education & Workforce Committee, as the Republican-majority leadership will certainly not entertain a vote at that level, which would be required to clear it for floor consideration. However, OSHA oversight hearings are likely as regulatory reform is considered or other changes to agency structure as part of the Trump administration’s planned administrative “deconstruction.” This would give committee minority members a platform to discuss some or all of the provisions of this legislation in a public forum. Some provisions could also carry over in the event that the majority decides to tackle industry-oriented “OSHA Reform” in an effort to craft bipartisan improvements to the 1970 law.

## OSHA Lowers PEL for Beryllium

By Joshua Schultz, Esq., MSP

On January 6, 2017 OSHA issued a final rule dramatically lowering the permissible exposure limit (PEL) for beryllium from 2.0 micrograms per cubic meter to 0.2 micrograms per cubic meter. The rule imposes additional requirements on employers, including implementing a written exposure control plan, requiring personal protective equipment, medical exams, other medical surveillance and training.

OSHA first started a push to revise the beryllium standard in 2002. The agency issued a proposed rule in 2015, and this final rule was to take effect on March 10, but on March 2, 2017 OSHA extended the compliance date until May 20, 2017. The extension conforms with President Trump’s executive directive requiring agencies to reconsider recent rules. In proposing the rule, OSHA relied on scientific evidence showing that low-level exposures to beryllium can cause serious lung disease.

In addition to the 8 hour time weighted average of .2 micrograms per cubic meter, the rule also imposes a short-term exposure limit prohibiting an airborne concentration of beryllium in excess of 2.0 micrograms per cubic meter as determined over a sampling period of 15 minutes. Employers must assess the airborne exposure of any employee who is or may reasonably be expected to be exposed to airborne beryllium.

## OSHA Lowers PEL, cont.

Where monitoring determines exposure to beryllium, the rule imposes multiple requirements on employers. Employers must establish and maintain a regulated area wherever employees are or can be expected to be exposed to airborne beryllium. These regulated areas must have limited access, and the rule requires PPE use, including respirators, within the regulated areas. Further, employers must utilize engineering and work practice controls to reduce airborne exposure.

Although the rule takes effect on May 20, 2017, employers have one year (March 12, 2018) to comply with the bulk of the requirements. The requirement to provide change rooms and showers is delayed two years (March 11, 2019) from the effective date and employers have three years from the effective date (March 10, 2020) to implement engineering controls.

### Massey Energy CEO's Appeal Denied; Seeks Reconsideration By: Sarah Ghiz Korwan, Esq.

On January 19, 2017, a three-panel bench for the 4th U.S. Circuit Court of Appeals affirmed the conviction of former Massey Energy CEO Don Blankenship ("Blankenship") in connection with a mine accident which occurred on April 5, 2010 at Upper Big Branch mine ("UBB"), a Massey Energy Company ("Massey") mine and claimed the lives of 29 miners.

The Court first noted that the federal Mine Safety & Health Administration ("MSHA") cited UBB for 549 alleged violations of the Mine Safety Act in 2008, and in the 15 months preceding the April 2010 accident, UBB received the third most serious safety citations of any mine in the United States. Also noted was the fact that many of the citations issued were related to inadequate ventilation and accumulation of combustible materials, conditions which were contributing factors to the accident.

Other facts contributing to Blankenship's conviction related to his knowledge of the extent to which UBB was cited by MSHA, since he received daily reports of safety violations, as well as warnings from senior Massey safety official at UBB about the serious risks posed by the violations. Further, Blankenship was notorious for his agenda – which was taken as directives by subordinates – that production trumped safety, because safety violations were the cost of doing business.

Following a six-week trial, Blankenship was convicted on one of the four counts in a superseding indictment against him, for conspiring to violate federal mine safety laws. The district court sentenced Blankenship to one-year imprisonment and assessed a \$250,000.00 fine, both of which were the maximum permitted by law.

On appeal, Blankenship challenged the conviction on four grounds, first asserting that the district court erroneously concluded that the Superseding Indictment sufficiently alleged a violation of Section 820(d). The central argument for Blankenship is that the district court just incorrectly instructed the jury regarding the meaning of "reckless disregard" of federal mine safety and health standards which amounted to the criminal willfulness needed for a conviction.

The appellate court rejected the claim by Blankenship, as well as three coal industry trade groups friend of the court briefs, that violations of complicated mine safety rules were impossible for operators to avoid and that the prosecution of Blankenship was tantamount to criminalizing the "tough decisions" that mine operators must make weighing "production, safety and regulatory compliance." In a detailed discussion of this point, the court wholly disagreed. The court noted that that Congress clearly intended to hold mine operators personally accountable, especially when "acts were committed in deliberate disregard of, or with plain indifference toward, either known legal obligations or the general unlawfulness of actions." The court emphasized that the mine operator cannot insulate himself from liability, including incarceration, by characterizing his mine's repeated failure to comply with safety laws as a "cost of doing business." Ultimately, the Court found that the district court properly instructed the jury that it could conclude that Blankenship "willfully" violation federal mine safety laws if it found that he failed to take actions he knew were necessary to comply with federal mine safety laws.

Lawyers for Blankenship have asked the full 4<sup>th</sup> Circuit Court of Appeals to reconsider the decision. The 22-page filing requested that the appellate court revisit the case on whether the trial jury was wrongly instructed on the definition of criminal willfulness and whether defense lawyers were improperly denied the chance for a second cross-examination of a key government witness. However, on February 24, 2017, the federal appeals court issued a three-sentence order in which it said it would not grant Blankenship's request for rehearing.

### Recordkeeping Rule Overturned!

The House voted along party lines (321-191) on March 1, 2017 to repeal OSHA's electronic recordkeeping rule that clarified employers' obligation to record all injuries and illnesses for as long as the employer must keep records of the recordable injury or illness (5 years). At this point, the Senate is expected to follow suit. The repeal of this rule was made possible through the Congressional Review Act which provides a way for lawmakers to overturn executive branch regulations. The rule covers OSHA 300 Logs, 301 Incident Reports and 300A Summary of Work-related injuries and illnesses.

## OSHA Issues Chemical National Emphasis Program

By: Gary L. Visscher, Esq.

Conducting enforcement at chemical plants and refineries has long challenged OSHA. After a number of serious chemical incidents in the 1980's, including a 1989 explosion at the Phillips 66 refinery in Pasadena, Texas that killed 23 workers, Congress mandated and OSHA promulgated the Process Safety Management (PSM) standard, intended to insure a comprehensive, management-system approach to safety at facilities covered by the standard.

Chemical plants and refineries involve complex operations, and complying with PSM is similarly complex and paperwork intensive. OSHA has often struggled with having compliance officers who are sufficiently trained to evaluate the safety of chemical processes and equipment (at least before a release occurs). Because so much of PSM compliance involves documentation, it is often easier for compliance officers to focus on the adequacy of the documentation, rather than the actual conditions in the plant or refinery.

OSHA's initial compliance directive on PSM (1992) introduced the "Program Quality Verification" (PQV) as the "primary enforcement model for the PSM standard." PQV inspections involved determining whether all of the dozen or so elements of a PSM program were in place, and evaluating whether the programs complied with the standard. The compliance directive itself noted that PQV inspections would be "highly resource-intensive" for OSHA area and regional offices.

Not surprisingly, OSHA completed relatively few PQV inspections. A 2007 report by the Chemical Safety Board reported that OSHA completed nine planned PQV inspections between 1995 and 2005, and 77 unplanned, limited scope PSM inspections resulting from accidents, complaints, or referrals.

In the aftermath of the BP explosion, OSHA undertook a national emphasis program targeting the fewer than 200 refineries in the United States. The refinery NEP not only mandated an inspection at each refinery, but also introduced a more streamlined inspection procedure. Rather than comprehensively reviewing programs for the entire facility, the refinery NEP called for the inspection team to select an individual process or operation to review; if the review of the selected process indicated that there were significant shortcomings, the inspection team could broaden the inspection to look at other processes.

The refinery NEP ended in 2011, and in the meantime OSHA implemented an NEP for chemical facilities in 2009 that followed a similar approach. In one of the last actions taken under the Obama Administration, on January 17, OSHA issued a new Chemical NEP, to take effect immediately. Unlike the previous NEPs, the new Chemical NEP's target inspection universe includes both chemical plants and

refineries. It also includes makers of explosives and pyrotechnics, and any other facility with prior PSM citations. According to the NEP, OSHA will also obtain a list of facilities that submitted Risk Management Plans to EPA to identify potential facilities to inspect.

Programmed inspections under the NEP will be prioritized according to four categories. Category 1 consists of facilities with NAICS codes likely to have ammonia refrigeration as the only Highly Hazardous Chemical. Category 2 consists of all refineries. Category 3 consists of Chemical Manufacturing. All other PSM-covered facilities are assigned to Category 4. In addition to Programmed Inspections, the NEP provides that inspections that begin as unprogrammed inspections (initiated due to a complaint, referral, or accident) may become NEP inspections.

Inspections conducted under the NEP follow the pattern set in the previous refinery and chemical NEPs – focusing on one or more selected units and a set of pre-set questions designed to evaluate compliance. The inspection may be expanded to other units if the compliance officers determine that their initial review indicates wider non-compliance issues.

According to the NEP, OSHA believes that safety and compliance at refineries and chemical plants continues to be, on the whole, unacceptable. OSHA states that 69 "significant enforcement cases" (with penalties over \$100,000) were issued against chemical plants, and an additional 24 "significant enforcement cases" were issued to refineries, since 2010. In addition, the NEP lists a number of fatal and/or catastrophic process-related incidents that have occurred at petroleum refineries in the U.S. since 2010.

## Court Rules on OSHA Walk-Around Letter

By: Gary L. Visscher, Esq.

A previous newsletter article (December 2016) described the lawsuit challenging OSHA's February 21, 2013 Standard Interpretation Letter which allows union representatives to serve as employee representatives at non-union worksites for purposes of "walk around" rights during OSHA inspections.

Section 8(e) of the OSH Act authorizes "a representative authorized by [the employer's] employees" to accompany an inspector during the physical inspection of the workplace. OSHA's long-standing regulation, 29 C.F.R. § 1903.8 (c), states that the representative shall be an employee of the employer, except that if "good cause has been shown why accompaniment by a third party who is not an employee of the employer (such as an industrial hygienist or a safety engineer) is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace, such third party may accompany" the OSHA

## Walk Around Letter, cont.

Inspector during the inspection.

In 2013, OSHA issued a Standards Interpretation Letter that explicitly allows employees at non-union worksites to designate non-employees who are affiliated with a union as their representative for the “walk around” part of the inspection.

The lawsuit was brought by the National Federation of Independent Business (“NFIB”) for declaratory and injunctive relief against the letter and the policy in the letter. The suit alleged, among other things, Professional Janitorial Services (PJS), a Texas based member of NFIB, had been required on four occasions to allow non-employee representatives of the Service Employees Intl. Union (SEIU) to participate in OSHA inspections, even though PJS is an “open shop” company.

OSHA moved to dismiss NFIB’s complaint, and last month the federal district court issued its opinion. The court upheld NFIB’s “standing” to challenge the letter, but granted OSHA’s motion to dismiss NFIB’s claim that the letter was contrary to section 8(e) of the OSH Act. However, the court declined to dismiss NFIB’s claim that the Standard Interpretation Letter violated the Administrative Procedure Act because it was in effect a “legislative rule” issued without notice-and-comment rulemaking. The court did not rule on whether the Letter was a legislative rule issued contrary to the Administrative Procedures Act, but stated that the Letter “flatly contradicts a prior legislative rule” in 29 C.F.R. § 1903.8(c).

The court’s decision was on a preliminary motion to dismiss the lawsuit challenging the Standard Interpretation Letter, and the impact of the court decision on the continued viability of the Letter is not clear. The Letter could also be withdrawn by the new Administration as no longer representing OSHA’s policy or interpretation of the standard.

### **Remember to post injury and illness summaries now through April 30, 2017**

The summary must be displayed in a common area where notices to employees are usually posted each year between Feb. 1 and April 30. Businesses with 10 or fewer employees and those in certain low-hazard industries are exempt from OSHA recordkeeping and posting requirements.

**SPEAKING SCHEDULE****ADELE ABRAMS**

3/15/17 National Business Institute, Employment Law Seminar, Baltimore MD  
3/21/17 MCA conference, speak on Silica rule, Chicago, IL  
4/4/17 BLR Safety Summit, present on OSHA's Walking-Working Surfaces rule, Austin, TX  
04/13/17 D'Ambra Construction Co. & Construction Industries of Rhode Island Safety Seminar, Warwick, RI  
4/21/17 USA Group, presentation on OSHA/MSHA update, Victorville, CA  
4/25/17 Industrial Minerals Association - North America Safety & Technical Workshop, present on Multi-Site Safety Programs, St. Paul, MN  
4/27/17 BLR webinar on corporate-wide abatement and safety programs  
5/9/17 New Mexico Mine Safety Conference, present on Injury Reporting Requirements  
5/24/17 National Safety Council, Mid-Year Division Conference, present on Safety Considerations for Unique Populations, Coronado, CA  
5/31/17 BLR Webinar on PPE and Hazard Assessment  
6/1/17 BLR Webinar on Substance Abuse Programs, Medical & Recreational Marijuana  
6/6/17 SafePro Mine Safety Institute, present on MSHA enforcement and requirements, Savannah, GA  
6/8/17 BLR Webinar on OSHA Inspection Management and Defense  
6/20/17 ASSE PDC, present on Management of Safety & Health Documents  
6/22/17 ASSE PDC, present on OSHA walking-working surfaces rule (panel)

**TINA STANCZEWSKI**

03/22/17 North Carolina Mine Safety & Health Conference, OSHA Crystalline Silica Rule, Cherokee, NC  
4/25/17 Mid-Atlantic Safety Construction Conference, OSHA Update, Greenbelt, MD



*Diana Schroehler presenting at the  
Ohio Aggregates & Industrial Minerals Association Spring Thaw  
March 1, 2017*