

## Enterprise Wide Abatement Relief Upheld by Administrative Law Judge

---

February 2, 2016 Matthew Deffebach

---

PRACTICES OSHA, Labor and Employment

---

In a recent case, *Central Transport, LLC*, (OSHRC Nos. 14-1452, 14-1612, and 14-1934, Dec. 7, 2015), Administrative Law Judge Carol A. Baumerich allowed OSHA to argue for enterprise-wide relief, essentially giving OSHA a “one and done” approach to enforcing safety regulations. Enterprise-wide relief allows OSHA to allege in litigation that violations should be abated at all facilities nation-wide even if an inspector only encountered an infraction at the facility being inspected.

In a 2013 decision, *Delta Elevator Service Corp., dba Delta Beckwith Elevator Co.*, (OSHRC No. 12-1446), an Administrative Law Judge found that enterprise-wide relief was not permissible, thus *Central Transport, LLC* marks a potential change in the wind.

Central Transport, LLC is a transportation provider offering supply chain services all over North America, including 45 states and Canada. OSHA argued that the employer failed to comply with powered industrial truck regulations not only at the inspection site, but at other locations also. Central Transport filed a motion arguing that the enterprise wide relief sought by OSHA was not permitted under the Occupational Safety and Health Act (the “**Act**”). Judge Baumerich found that OSHA is authorized to request enterprise-wide relief as a form of “other appropriate relief,” as stated in the Act.

If OSHA is able to use this case as precedent successfully, employers could face costly and burdensome abatement requirements following a one-location OSHA inspection. Thus, this case is one to watch.