

## Highlights from the 2016 Midwinter Meeting of the American Bar Association OSHA Committee

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May 5, 2016 Matthew Deffebach

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PRACTICES OSHA, Labor and Employment

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[Matthew Deffebach](#) and Punam Kaji attended this year's American Bar Association OSHA Committee Midwinter Meeting in Santa Barbara, California. One of the highlights included comments from Dr. David Michaels, Assistant Secretary of Labor for OSHA, who discussed some of the following issues:

- OSHA's focus will be on doing things "more and differently." Rigorous enforcement and compliance assistance will continue, but new programs will be introduced.
- More focus on ergonomics and Musculoskeletal Disorders ("MSDs") with more and clearer standards for employers to follow. For example, there will be a poultry focus in the "Chicken Belt," which includes parts of Dallas.<sup>1</sup>
- The Severe Violator Enforcement Program will continue to grow, with the most recent addition being upstream oil and gas.
- More negative press releases will be utilized. Sending a message and informing the public in many cases can have a greater effect than a fine, and OSHA plans to utilize this to its advantage. This will be expanded to include workers' compensation carriers to put pressure on the insurance system in addition to employers.
- OSHA will continue to address fissured workplace issues. By citing both the host and staffing company, OSHA maintains that greater safety outcomes have been achieved. These citations may also be expanded to include upstream companies if their suppliers and vendors are consistently problematic.
- OSHA will implement more specific campaigns, such as the recent heat campaign and safety fall protection safety stand-down.
- OSHA will be looking to capitalize on the Department of Justice partnership to increase criminal penalties and focus more on prosecution of individual managers. The DOJ will be looking to take on more criminal cases regarding safety violations.

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<sup>1</sup> See, e.g., [Prevention of Musculoskeletal Injuries in Poultry Processing](#).