

What's Going On With OSHA?

We hear that question pretty often from employers these days, and for good reason. It is March 2018, 14 months into a new administration, and the Occupational Safety and Health Administration still does not have an agency head.

Loren Sweatt, the Deputy Assistant Secretary of Labor for Occupational Safety and Health, has been the acting head of the agency since July, while the nominee for the position, Scott Mugno, awaits a confirmation vote in the Senate. Mugno, a former FedEx executive, had cleared Senate committee in December of 2017, but since the full Senate never voted on his nomination last year, he must again return to the Senate Health, Education, Labor, and Pensions Committee for an approval vote before going back to the full Senate. The committee vote has not yet been scheduled, three months into the new year.

In the meantime, OSHA's representatives at the American Bar Association mid-winter meeting reported that OSHA actually conducted more inspections last year than in 2016 – 32,396 to 31,946. At the same time, the number of total violations decreased – from 58,702 to 51,273. It is always difficult to read tea leaves, but it would seem that the agency is still quite active, although perhaps a little more selective in its citation issuance. However, we still await what the agency might do with a variety of rules, especially what it will do with the electronic information submitted to the agency as part of the new recordkeeping rule. That may not be resolved until the new nominee is in place.

If you have any questions about this Information Memo, please contact [Michael D. Billok](#), any of the [attorneys](#) in our [Labor and Employment Law Practice](#), or the attorney in the firm with whom you are regularly in contact.



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