

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

Friday, May 17, 2024  
10:00 a.m. – 12:00 noon (Eastern)

Via Team Webinar

### Agenda

- I. Welcome and Introduction of Small Business Representatives (10:00 a.m. – 10:05 a.m.)**  
*Bruce Lundegren, Assistant Chief Counsel, SBA Office of Advocacy*
- II. OSHA’s Final Worker Walkaround Representative Designation Process (“Worker Walkaround”) Rule (10:05 a.m. – 10:20 a.m.)**  
*James S. (“Jim”) Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, and Anne Godoy, Senior Attorney, Office of the Solicitor of Labor, U.S. Department of Labor*
- III. Overview of OSHA Proposed Emergency Response Rule – Public and Private Sector Perspectives (10:20 a.m. – 11:45 a.m.)**
  - *David C. Denniston, Chief, Courtlandville (NY) Fire Department, Vice President, Association of Fire Districts of the State of New York, and Officer, National Volunteer Fire Council*
  - *Beeta Lashkari, Attorney, OSHA Practice Group, Conn Maciel Carey LLP*
  - *Jason Jantzi, Senior Risk Management Consultant, Special Districts Association of Oregon*
  - *Yucel Ors, Legislative Director for Public Safety, National League of Cities*
  - *Brett Mattson, Legislative Director, Justice & Public Safety and Gulf States Counties & Parishes Caucus, National Association of Counties*
- IV. Open Discussion/Other Small Business Issues (11:45 a.m. – 12:00 noon)**
  - *Heat Injury and Illness Prevention*
  - *Infectious Diseases*
- V. Adjourn (12:00 noon)**

\* The next Small Business Labor Safety (OSHA/MSHA) Roundtable is tentatively scheduled for Friday, July 19, 2024, from 10:00 a.m. – 12:00 noon (Eastern).

*\*\* SBA Advocacy is an independent government office responsible for advancing the views of small entities in regulatory policy across the federal government. We conduct roundtables to hear the experiences, challenges, and recommendations of small entities, and identify alternative approaches for policy development at federal regulatory agencies. Our roundtables are largely held online, to facilitate the attendance of stakeholders from a diverse range of backgrounds, industries, and geographic regions.*

*\*\*\* Roundtable meetings are open to all interested persons and are intended to facilitate an open and frank discussion about issues of interest to small business. These meetings are off the record and not intended for press purposes. Direct quotations of presenters or attendees may not be used without direct written approval of the person(s) making the statement. All press inquiries should be sent to [chandler.baxter@sba.gov](mailto:chandler.baxter@sba.gov). Agendas and presentations are available to all. If you need accommodations for a disability to participate in the roundtable, please contact Bruce Lundegren for assistance.*

Should you have any questions or require further information, please contact Assistant Chief Counsel Bruce Lundegren at [bruce.lundegren@sba.gov](mailto:bruce.lundegren@sba.gov).

Visit <https://advocacy.sba.gov/category/regulation/regulatory-alerts/> to comment on important proposed regulations.

## Topics Summary

- 1. OSHA's Final Worker Walkaround Representative Designation Process ("Worker Walkaround") Rule.** On April 1, 2024, the Occupational Safety and Health Administration (OSHA) published its final "Worker Walkaround Representative Designation Process" ("Worker Walkaround" rule). The rule would amend OSHA's Representatives of Employers and Employees regulation to clarify that the representative(s) authorized by employees to accompany an OSHA Compliance Safety and Health Officer (CSHO) may be an employee of the employer or a third party, and that such third-party employee representative(s) may accompany the CSHO when there is "good cause" and they are "reasonably necessary to aid in the inspection." OSHA's rule clarifies that the outside third party would normally possess relevant knowledge, skills, experience with hazards or conditions in the workplace or similar workplaces, or language or other skills helpful to the inspection. James S. ("Jim") Frederick, the Deputy Assistant Secretary of Labor for Occupational Safety and Health, and Anne Godoy, Senior Attorney in DOL's Office of the Solicitor of Labor, will discuss the final rule and how it is intended to enhance the quality and thoroughness of OSHA inspections.
- 2. Overview of OSHA's Proposed Emergency Response Standard – Public and Private Sector Perspectives.** On February 5, 2024, OSHA proposed a new rule to update existing regulations for the safety and health of firefighters and other emergency responders. OSHA's proposed rule would replace OSHA's existing Fire Brigades standard at 29 CFR 1910.156 (originally promulgated in 1980) and cover a broader set of present-day emergency responders beyond firefighters, including small private sector and not-for-profit emergency responders and public fire and rescue entities. The proposed rule would require written emergency response plans, hazard vulnerability assessments, training, personal protective equipment, medical screening and behavioral health services, and other requirements. The focus of the proposed rule is to provide workplace protections for workers who respond to emergencies as part of their regularly assigned duties and would expand the scope of protected workers to include emergency medical service and technical search and rescue. The proposed rule was the subject of a Small Business Advocacy Review panel (also known as a SBREFA panel) in 2021, which issued a final report providing its advice and recommendations to OSHA. A panel of representatives of various types of small entities that would be impacted by the proposed rule will discuss some concerns about how the rule could impact their members, including:
  - David C. Denniston is Chief of the Courtlandville (NY) Fire Department, Vice President of the Association of Fire Districts of the State of New York (AFDSNY), and an officer and active member of the National Volunteer Fire Council.

- *Beeta Lashkari is an attorney with the OSHA Practice Group at Conn Maciel Carey LLP, who represents a broad coalition of businesses - including many small businesses - in a variety of sectors that would be directly and indirectly impacted by the proposed rule.*
  - *Jason Jantzi is a Senior Risk Management Consultant for the Special Districts Association of Oregon, where he conducts risk management assessments and assists members with safety and liability issues. Jason is a former firefighter/EMT-Intermediate, Oregon OSHA Senior Safety Compliance Officer, founding member of the Oregon OSHA Fire Service Advisory Committee, and an active contributor to the Oregon Governor's Fire Service Policy Council.*
  - *Yucel Ors is the Legislative Director of Public Safety at the National League of Cities, where he develops policies on key public safety issues such as gun violence, law enforcement accountability, disaster preparedness, and emergency management.*
  - *Brett Mattson is the Legislative Director for Justice & Public Safety and Gulf States Counties & Parishes Caucus for the National Association of Counties, where he works with county officials across the country to set organizational priorities and policies for justice and public safety issues that affect counties.*
- 3. 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.*