

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

Friday, September 20, 2024  
10:00 a.m. – 12:00 noon (Eastern)

Via Team Webinar

### Agenda

- I. Welcome and Introduction of Small Business/Small Entity Representatives (10:00 a.m. – 10:05 a.m.)**  
*Bruce Lundegren, Assistant Chief Counsel, SBA Office of Advocacy*
  
- II. Overview of OSHA’s Proposed “Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings” (“Heat Injury and Illness Prevention”) Rule (10:05 a.m. – 11:15 a.m.)**  
*Lisa Long, Deputy Director, Directorate of Standards and Guidance, Occupational Safety and Health Administration*  
  
*William J. Wahoff, Member, Steptoe & Johnson, PLLC, and Prianka P. Sharma, Vice President and Counsel for Regulatory Affairs, American Road Transportation and Builders Association*
  
- III. Update on OSHA’s Proposed Emergency Response Rule – Comments and Upcoming Public Hearing (11:15 a.m. – 11:45 a.m.)**  
*Bruce Lundegren, Assistant Chief Counsel, SBA Office of Advocacy, Beeta Lashkari, OSHA Practice Group, Conn Maciel Carey LLP, and Ken LaSala, Director of Government Relations & Policy, International Association of Fire Chiefs*
  
- IV. Open Discussion/Other Small Business Issues (11:45 a.m. – 12:00 noon)**
  
- V. Adjourn (12:00 noon)**

\* The next Small Business Labor Safety (OSHA/MSHA) Roundtable is tentatively scheduled for Friday, November 15, 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. Overview of OSHA's Proposed "Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings" ("Heat Injury and Illness Prevention") Rule.** On August 30, 2024, OSHA published its proposed Heat Injury and Illness Prevention standard in the Federal Register. OSHA's proposed a rule would require employers to develop programs to protect their employees from heat hazards in both the outdoor and indoor work environments. The proposed standard would apply broadly to all employers conducting outdoor and indoor work activities in general industry, construction, maritime, and agriculture (where OSHA has jurisdiction). The proposed rule is a programmatic standard that would require employers to evaluate their workplaces and implement controls to mitigate employee exposures through engineering and administrative controls, training, communication, and other measures. The proposed rule includes initial and high heat triggers at the 80- and 90-degree levels, which would require increasingly stringent control measures to protect employees. The rule also includes certain exemptions, including short-duration exposures, emergency response activities, and workplaces that are kept below 80 degrees. Employers with less than 10 employees would not have to have a written program, but all other provisions would apply.

Lisa Long, the Deputy Director of the Directorate of Standards and Guidance at OSHA, will provide an overview of OSHA's proposed rule and answer questions about the Federal Register notice. Then William ("Bill") Wahoff and Prianka Sharma will provide some initial thoughts and reactions from the small business perspective. Mr. Wahoff is a member of Steptoe & Johnson, PLLP, and represents a coalition of businesses (including many small businesses) from manufacturing and other sectors (mainly indoor operations) that would be impacted by the rule. Ms. Sharma is Vice President and Counsel for Regulatory Affairs for the American Road Transportation and Builders Association (ARTBA) and a member of the Construction Coalition for Safety, whose members are engaged in multiple facets of the construction industry and work primarily in the outdoor environment.

- 2. OSHA's Proposed Emergency Response Standard – Updated 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. The comment period for the proposed rule closed on Monday, July 22, 2024, and OSHA received nearly 4,000 public comments. The next step will be for OSHA to hold a public hearing on the proposed rule scheduled to begin on Tuesday, November 12, 2024. 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. Bruce Lundegren, Assistant Chief Counsel at SBA's Office of Advocacy, will discuss the schedule and format of OSHA upcoming public hearing and provide a summary of the public comments Advocacy submitted on the proposed rule. Next, Beeta Lashkari, an attorney with the OSHA Practice Group at Conn Maciel Carey LLP, will discuss the comments their broad coalition of businesses, including many small businesses filed on the proposed rule. Finally, Ken LaSala, the Director of Government Relations & Policy for the International Association of Fire Chiefs, a trade association representing some 12,000 members nationwide, will discuss his organization's comments and perspective on the proposed rule.*

- 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.*