

FROM MY PERSPECTIVE----NOVEMBER 2009

It looks like OSHA's interpretation of the Multi-Employer Citation Policy is headed for a showdown at the U.S. Supreme Court. Over the years, the various Appeal Courts have ruled for and against OSHA.

Hilda Solis, Secretary of Labor just issued the work-related fatalities for 2008. 5,071 workers died on the job. "With every one of these fatalities, the lives of a worker's family members were shattered and forever changed. We cannot forget that fact".

In June, Ms. Solis spoke at the ASSE convention in San Antonio and stated that OSHA was stepping up its enforcement policy because of increased worker deaths on the job. No more Alliances or other types of Co-op programs.

Just after San Antonio, three more workers met death when their scaffold collapsed. It occurred on a project for the University of Texas at Austin (09/09).

Frankly from my perspective, it seems like Ms. Secretary is not going to be satisfied with the 5<sup>th</sup> U.S. Court of Appeals ruling which held that OSHA had exceeded the authority granted in the OSH Act. The multi-employer rule usually is not enforced in the 5<sup>th</sup> Court's jurisdiction, until it is overturned in a future case (Texas, Louisiana, or Mississippi).

It appears that the time is near when this ruling is going to be aggressively attacked ( nationally) by the present administration (Remember, Ms. Solis won in the 8<sup>th</sup> Court in a case in which the Multi-Employer Doctrine was upheld in favor of OSHA).