JANUARY 7, 2021 | EVENTS

Conn Maciel Carey's 2021 OSHA Webinar Series

As the Trump Administration hands over the keys to President-Elect Biden and a new Democratic Administration, OSHA's enforcement and regulatory landscape is set to change in dramatic ways, from shifting enforcement priorities, budgets and policies, to efforts to reignite OSHA's rulemaking apparatus. Following an Administration that never installed an Assistant Secretary of Labor for OSHA, handled COVID-19 enforcement with a light touch, pumped the brakes on almost all rulemaking in general, and declined to issue an emergency COVID-19 standard in particular, the pendulum swing at OSHA is likely to be more pronounced than during past transitions. Accordingly, it is more important now than ever before to pay attention to OSHA developments.

Conn Maciel Carey's complimentary 2021 OSHA Webinar Series, which includes (at least) monthly programs put on by OSHA-specialist attorneys in the firm's national OSHA Practice, is designed to give employers insight into developments at OSHA during this period of flux and unpredictability.

To register for an individual webinar in the series, click on the link in the program description below. To register for the entire 2021 series, click here to send us an email request, and we will register you. If you missed any of our programs from the past seven years of our annual OSHA Webinar Series, click here to subscribe to our YouTube channel to access those webinars.

2021 OSHA Webinar Series – Program Schedule

OSHA's 2020 in Review and 2021 Forecast
Thursday, January 14th

Respiratory Protection Rules – Top 5 Risks and Mistakes
Wednesday, May 12th

Cal/OSHA's COVID-19 Emergency Temporary Standard
Tuesday, January 26th

What Employers Need to Know About the COVID-19 Vaccine
Thursday, February 11th

COVID-19 Vaccine Distribution and Administration: OSHA Considerations
Thursday, February 18th

Update About the Chemical Safety Board
Tuesday, March 16th

Annual Cal/OSHA Enforcement and Regulatory Update
Tuesday, March 23rd

COVID-19 OSHA Enforcement and Regulatory Update
Wednesday, April 20th

What to Expect from DOL Under a Biden Administration
Wednesday, June 16th

Mid-Year Review of OSHA Developments
Thursday, July 22nd

OSHA VPP and other Cooperative Programs
Tuesday, August 24th

Update about OSHA's Electronic Recordkeeping Rule
Wednesday, September 8th

OSHA Issues During Acquisitions and Divestitures
Thursday, October 7th

Updates about OSHA's PSM Standard EPA's RMP Rule
Tuesday, November 16th

Recap of Year One of the Biden Administration
Tuesday, December 14th

See below for the full schedule with program descriptions, dates, times and links to register for each webinar event.

OSHA's 2020 in Review and 2021 Forecast

Thursday, January 14, 2021 at 1 PM ET

Presented by the Partners in Conn Maciel Carey's national OSHA Practice

The ball has dropped, the confetti has been swept out of Times Square, and 2020 is in the books. It's time to look back and take stock of what we learned from and about OSHA over the past year. More importantly, it is time to look ahead and assess what to expect from OSHA during the new year, and the start of a new Presidential term (either the 2nd Term of President Trump or new Administration under former Vice President Joe Biden). In this webinar, the Chair of Conn Maciel Carey's national OSHA Practice Group will review OSHA enforcement, rulemaking, and leadership developments from 2020, and will discuss the top OSHA issues employers should monitor and prepare for in the New Year.

Participants in this webinar will learn about:

- 2020 OSHA enforcement data and important case decisions
- OSHA and other DOL organizational developments
- An account of OSHA's handling of the COVID-19 crisis and predictions about where OSHA and the state OSH plans will go next in regulating COVID-19 in the workplace
- The future of OSHA enforcement
- Rulemaking and deregulatory developments and predictions
- Significant OSHA policy issues to watch out for in the New Year
- Other OSHA implications of the 2020 Presidential Election

Click here to register for this webinar.

Cal/OSHA's COVID-19 Emergency Temporary Standard

Tuesday, January 26, 2021 at 12 PM PT / 3 PM ET

Presented by Andrew Sommer, Fred Walter, and Megan Shaked

Not to be outdone by other State OSH Plans like Virginia OSHA, Oregon OSHA, and Michigan OSHA, our friends at Cal/OSHA have adopted their own COVID-19 specific emergency temporary standard, and it is in a league of its own. This standard adds significant, burdensome new compliance obligations to California's existing slate of state and local requirements applicable to employers.

This webinar will provide an overview of the regulation, existing and anticipated guidance provided by Cal/OSHA about it, as well as enforcement efforts by Cal/OSHA to date. We will also examine the interplay between the emergency temporary standard and other new California legislation, including AB 685 and SB 1159. Finally, we will help you interpret and avoid common pitfalls from some of the trickier sections of the regulation, such as the Outbreaks and Testing provisions.

Participants in this webinar will learn about:

- The process that resulted in the current Cal/OSHA COVID ETS and the status of the Advisory Committee process to revisit the language of the regulation
- An overview of the ETS and its compliance obligations
- Frequently Asked Questions about the ETS
- Recent Cal/OSHA COVID-19 enforcement trends
- Practical strategies for complying with Cal/OSHA's COVID ETS

Click here to register for this webinar.

What Employers Need to Know About COVID-19 Vaccines

Thursday, February 11, 2021 at 1 PM ET

Presented by Kara Maciel, Eric J. Conn, Fern Fleischer-Daves, and Lindsay DiSalvo

In December 2020, two COVID-19 vaccines received emergency use authorization from the US government and several more vaccines may be approved in the coming months. In the initial phases, front-line health care workers, nursing home residents, persons over 75 years of age, and others with underlying health conditions were given first priority. Many employers want to have their "essential workers" or all of their workers vaccinated as soon as possible.

During this webinar, Conn Maciel Carey's OSHA and Labor & Employment attorneys will discuss these important questions:

- Who decides prioritization while vaccine supplies are limited?
- May an employer mandate that some or all of their employees be vaccinated?
- Should companies require contractors, temporary employees and vendors be vaccinated?
- May a worker refuse to be vaccinated for medical, religious or ethical reasons?
- How do we handle an employee who insists on working remotely indefinitely?
- When all our workers are vaccinated, must everyone continue social distancing and wearing masks in the workplace?

Click here to register for this webinar.

COVID-19 Vaccine – What Employers That Are Distributing and Administering the Vaccine Need to Know

Thursday, February 18, 2021 at 1 PM ET

In December 2020, two COVID-19 vaccines received emergency use authorization from the US government and several more vaccines may be approved in the coming months. Representing the greatest concerted public health effort in the United States since the rollout of the Polio vaccine in the 1930s, the federal government is working with state and local health agencies, as well as private companies across the nation to distribute and administer the coronavirus vaccine. To protect health care and other frontline workers now and then tens of millions of essential workers later in the year, employers will play a key role in this effort. This situation raises myriad health and safety legal issues for these employers. Conn Maciel Carey's COVID-19 Task Force has taken a careful look at these issues and will join with public health experts in the field to discuss the various issues facing employers participating in the coronavirus vaccine rollout.

Participants in this webinar will learn about:

- Hosting a vaccination program on-site versus arranging for off-site vaccination services for your employees
- Enrolling as a direct provider of vaccines vs. arranging for a third-party (pharmacy, big box store, local health department) to administer the vaccine
- Understanding the dangers of dry ice exposure and managing the health and safety hazards related to vaccine storage and distribution
- PPE and disinfection protocols for healthcare professionals who are administering COVID-19 vaccinations and testing
- Managing waste generated by COVID-19 vaccinations and testing
- Responding to allergic reactions and complications from the vaccine
- Legal liabilities when a person is harmed by a vaccine

Click here to register for this webinar.

Update about the US Chemical Safety Board (the CSB)

Tuesday, March 16, 2021 at 1 PM ET

For a small agency, a lot happened at the U.S. Chemical Safety and Hazard Investigation Board (the CSB) last year – and not all related to the COVID-19 pandemic. For example, in February, the CSB promulgated its long-anticipated accidental release reporting rule, creating broad new requirements for employers to report chemical incidents to the CSB. Although the rule went into effect in March of last year, the CSB set a one-year enforcement "grace period" to provide time for the regulated community to become familiar with the rule, and for the Agency to develop explanatory guidance about the new rule. With the grace period approaching its end on March 23, 2021, it is critical for employers to understand their compliance obligations to avoid violations, which may include administrative penalties, and civil or criminal actions.

Additionally, with expired terms, early departures, and the swearing in of a new Chairperson (but no other Board members), the CSB's Board became a "quorum of one" for the first time in its history, begging questions about its authority to vote on mission-critical work product, such as investigation reports, and its ability to conduct business generally. Although President Biden will likely nominate new candidates early in his term, the Senate confirmation process can be a slog, especially for lower priority agency nominations, meaning the Board may maintain a quorum of one for an extended period.

Participants in this webinar will learn about:

- Requirements of the CSB's Accidental Release Reporting Rule
- Board governance with a quorum of one
- Impact of new Board member nominees
- Status of staffing and hiring efforts
- New investigation reports, case studies, and other work product

Click here to register for this webinar.

Annual Cal/OSHA Update: Legislation, Regulation, Guidance, Executive Orders and More! Oh My!

Tuesday, March 23, 2021 at 4 PM ET/1 PM PT

Presented by Andrew Sommer, Fred Walter, and Megan Shaked

This year's annual Cal/OSHA update will cover the latest legislative, regulatory and enforcement developments concerning COVID-19, including the Emergency COVID-19 Prevention Rule. We will also alert you to new regulatory changes concerning the Wildfire Smoke rule, various proposed rules being considered by Cal/OSH Standards Board, and general DOSH enforcement trends.

During this webinar, participants will learn about:

- The COVID-19 Emergency Temporary Standard
- Mandates for providing notice of potential COVID-19 exposure and positive cases (Assembly Bill 685 and Senate Bill 1159)
- DOSH guidance on recording and reporting COVID-19 cases
- Changes to the Wildfire Smoke regulation and related guidance
- Other regulatory developments from the Standards Board, such as the status of proposed regulations on indoor heat and workplace violence, and others, and
- Strategies for coping with the rapidly changing regulatory landscape

Click here to register for this webinar.

COVID-19 OSHA Enforcement and Regulatory Update

Tuesday, April 20, 2021 at 1 PM ET

Presented by Aaron Gelb, Amanda R. Walker, and Dan Deacon

One of the most anticipated changes at OSHA as we transition to a Democratic administration under President Biden is the manner in which the agency regulates and enforces COVID-19 safety in the workplace. Issuing a federal OSHA COVID-19 emergency temporary standard will be a top priority of the new administration. President-elect Biden's transition team includes several key proponents of a federal rule, including former Assistant Secretary of Labor for OSHA, Dr. David Michaels, and the Division Chief at Cal/OSHA, Doug Parker, who oversaw the rulemaking for an emergency rule in California. In the interim, the regulated community can expect an increase in enforcement under OSHA's General Duty Clause, as well as other existing standards related to infection control. While the vaccine roll-out offers a sign of hope for everyone, 2021 will still present major challenges for employers, and the new ramped-up enforcement landscape at OSHA will surely be one of them.

Participants in this webinar will learn about:

- A review of COVID-related OSHA enforcement from the start of the pandemic to now
- A forecast of COVID-related enforcement under President Biden's OSHA
- Status and likely content of a Fed OSHA COVID Emergency Temporary Standard
- An update regarding State OSH Plan Emergency Rules and their enforcement
- Strategy for avoiding and managing COVID-related OSHA citations

Click here to register for this webinar.

OSHA's Respiratory Protection Rules: Top 5 Reasons to get it right, and employer mistakes

Wednesday, May 12, 2021 at 1 PM ET

Presented by Aaron Gelb, Amanda R. Walker, Beeta Lashkari, and Ashley Mitchell

While respiratory protection has been top of mind in 2020 due to COVID-19, OSHA's respiratory protections requirements apply to wide range of industrial hygiene hazards, from hazardous chemicals to insufficient oxygen environments, and harmful dusts, smoke, gases, and vapors. Given that airborne hazards such as these may cause death or serious diseases like cancer, OSHA requires employers to assess their workplaces to determine whether hazards exist that necessitate respiratory protection and if so, to select the appropriate respirator, train employees how to properly use them, and ensure that the respirator is actually being worn. As such, it should come as no surprise that OSHA's respiratory protection standard consistently ranks among the 5 most frequently cited standards each year.

This webinar will highlight the respiratory protection implications of COVID-19 in the workplace, discuss workplace circumstances requiring respirators, the most frequent common respiratory protection program mistakes employers make, explain some of the most misunderstood provisions of the applicable OSHA standards, and identify strategies to limit exposure to the most common respiratory protection violations.

Participants in this webinar will learn about:

- 5 reasons employers should prioritize complying with OSHA's respiratory protection requirements
- 5 common respiratory protection program mistakes employers make
- Respiratory protection issues implicated by COVID-19 in the workplaces
- Steps employers can take to mitigate respiratory protection hazards and potential OSHA citations

Click here to register for this webinar.

What to Expect from the Biden Administration on the OSHA/MSHA and Labor and Employment Fronts

Wednesday, June 16, 2021 at 1 PM ET

Presented by Amanda R. Walker, Nick Scala, and Lindsay DiSalvo

President-elect Joe Biden will be inaugurated as the 46th President of the United States on January 20, 2021 and his administration is sure to usher in significant changes for employers. During the Trump Administration, the federal government focused on deregulation and the rules and regulations that were promulgated by federal agencies tended to minimize the regulatory burden on employers. For example, shortly into Donald Trump's presidency, Congress repealed the Fair Pay and Safe Workplaces Act and the Department of Labor ("DOL") promulgated a joint employer regulation limiting the circumstances in which such a relationship will be found (this rule was partially vacated in September 2020). In the safety and health context, OSHA passed a regulation that narrowed the injury and illness information required to be submitted by covered employers on an annual basis per a rule originally passed in the Obama Administration. While MSHA significantly curbed its significant enforcement actions, and largely moved on from Obama era enforcement tools such as Rules To Live By and monthly targeted Impact Inspections, but also left the door open for the Biden Administration to carry on rulemaking efforts for Crystalline Silica exposure in mines.

We expect the Biden Administration's DOL, including OSHA and MSHA, to look much more like the agencies under President Obama, even bringing back some of the Obama era initiatives suspended or altered during the Trump Administration. Initial actions taken by the Biden Administration will likely be focused on addressing the ramifications of COVID-19 and the economic recovery, which, in and of itself will have substantial ramifications for employers. In addition, the regulated community is likely to see an increase in enforcement, as well as efforts to pass regulations that were in the works during the Obama Administration, like the proposed rule on workplace violence. Employers are also likely to see a shift in agency practices and priorities. Specifically, participants in this webinar will learn about:

- Potential changes in approach to combatting COVID-19
- Predictions as to impact on leadership at the relevant federal agencies (OSHA, MSHA, EEOC, etc.)
- Potential regulatory priorities and changes in the regulatory landscape
- Impact on agency enforcement efforts and initiatives

Click here to register for this webinar.

Mid-Year Review of OSHA Developments

Thursday, July 22, 2021 at 1 PM ET

Presented by the Partners in Conn Maciel Carey's national OSHA Practice

Having shared a series of predictions during our January webinar regarding how OSHA would tackle the COVID-19 pandemic and reshape its priorities under new leadership during the first year of the Biden Administration. We will now take stock of what has happened at DOL and OSHA during the first months of the Biden Administration, discuss surprise developments, and look ahead at the remainder of 2021 and beyond. We will take a close look at senior leadership now in place or on the way, and analyze what those appointments likely mean for employers. We will also review OSHA's efforts to address the COVID-19 pandemic, including the anticipated emergency temporary standard and related enforcement. At the same time, we will examine President Biden's efforts to make good on his promises to increase OSHA's budget, grow the number of inspectors and generally ramp up enforcement. We will also review key changes regarding compliance assistance, Voluntary Protection Programs, and expected rulemaking efforts.

Participants in this webinar will learn about:

- OSHA's Regulatory Agenda, including rulemaking and policy setting priorities around COVID-19 and other hazards
- Status of Presidential Appointees and other key organizational changes at OSHA
- New or renewed enforcement initiatives and emphasis programs
- Predictions for what employers can expect from OSHA going forward

Click here to register for this webinar.

OSHA VPP and Other Cooperative Programs

Tuesday, August 24, 2021 at 1 PM ET

Presented by Kate M. McMahon, Aaron R. Gelb, and Lindsay A. DiSalvo

Membership in OSHA's Voluntary Protection Programs (VPP) has long been coveted by employers with exceptional safety programs. VPP recognizes employers that implement effective safety and health management systems and maintain injury and illness rates below national averages for their industries. To be accepted into the Program, employers must undergo a rigorous onsite evaluation by a team of safety and health professionals and are re-evaluated every three to five years on myriad metrics to remain in the Program. Importantly, VPP members are exempt from OSHA programmed inspections. However, VPP came under intense scrutiny from the Obama/Biden Administration because it was perceived as being too easy for employers get into, too difficult to be removed, and provided too much of an enforcement shield. With a transition back to a Democratic Administration, that negative view of VPP may resurface, resulting in further chipping away at participation opportunities and the attendant benefits to employers in the program. This webinar will examine the basics of VPP, discuss possible changes to participation and the impact on employers that are currently flying or wish to fly the VPP flag.

Participants in this webinar will learn:

- What is VPP
- Pros and Cons of participating in VPP
- How do you get in and remain in VPP
- Obama/Biden OSHA's criticisms of and changes to VPP
- STAR and other Cooperative Programs

Click here to register for this webinar.

Update About OSHA's Electronic Recordkeeping Rule

Wednesday, September 8, 2021 at 1 PM ET

Presented by Eric J. Conn, Lindsay A. DiSalvo, and Dan Deacon

OSHA's controversial E-Recordkeeping Rule has been challenged and criticized by stakeholders since its inception, with expectations that OSHA under a Trump Administration may significantly narrow or even rescind it. Despite issuing an amended rule, the Trump Administration did very little to narrow its impact on employers, and did nothing to alleviate concerns about the collection and publication of injury data or the problematic provisions affecting post-injury drug testing and safety incentive programs. To the contrary, Trump's OSHA moved forward with publishing employer injury and illness data on a publicly searchable database. OSHA is also actively enforcing both the recordkeeping and anti-retaliation elements of the rule, and OSHA even promulgated a site-specific targeting program (SST-16 Plan) based on employer 300A data collected under the E-Recordkeeing Rule. Even more enforcement of the rule is expected 2021 as the Biden Administration takes the reins, and a new site-specific targeting plan is likely on the horizon. Under the new Biden Administration, it is also highly likely the Rule will be amended again to restore its original intent to collect of 300 logs and 301 incident reports.

Participants in this webinar will learn about:

- History and Future of amendments to the E-Recordkeeping Rule
- Overview of OSHA's public listing of employer injury and illness data
- Observations about the injury data submitted to OSHA
- OSHA enforcement of the E-Recordkeeping Rule and the SST Program
- Update on the various legal challenges related to the rule

Click here to register for this webinar.

OSHA Issues During Acquisitions and Divestitures

Thursday, October 7, 2021 at 1 PM ET

Presented by Aaron Gelb, Micah Smith, and Dan Deacon

OSHA compliance issues have been long ignored in the due diligence process for mergers, acquisitions and divestitures. With OSHA's new focus on follow-up inspections and Repeat citations, and expanding the concept of successor OSHA liability, it is a topic that should no longer be left out of the due diligence process. This webinar will explain the current landscape of successor liability under the OSH Act, explain what safety and health obligations a new employer may assume as a result of past conduct by a prior employer, and provide tips and strategies for managing OSHA compliance related due diligence.

Participants in this webinar will learn about:

- Successor and Repeat Liability Based on Prior Employers' Violations
- Successors' Duty to Address OSHA Penalties and Abatement of Predecessors
- Requirements to Transfer and Retain a Predecessor's Safety Records
- Safety-related Due Diligence & Other Strategies

Click here to register for this webinar.

Process Safety Update: The Latest with OSHA PSM & EPA RMP

Tuesday, November 16, 2021 at 1 PM ET

Presented by Eric J. Conn, Micah Smith, and Beeta Lashkari

After the Obama/Biden Administration's efforts to "modernize" the way the government regulates chemical process safety, we saw much those endeavors rolled back, stalled, or amended as the Trump Administration advanced its de-regulatory agenda. As the regulatory ping-pong ball bounces back the other direction the regulated community is left to wonder again what will come of OSHA's and EPA's plans for process safety.

As the Biden Administration begins to make its mark in this arena, we will be tracking rulemaking and enforcement from OSHA, EPA and the CSB, and whether and how far these agencies will go back to the previous policies to modernize the applicable regulations.

This webinar will review the status and likely future of OSHA's PSM Standard and EPA's RMP Rule, as well as other major process safety developments from the federal government, state governments, and industry groups.

Click here to register for this webinar.

Recap of Year One of the Biden Administration

Tuesday, December 14, 2021 at 1 PM ET

Presented by Kara Maciel, Eric J. Conn, and Nick Scala

As we transitioned to a new Biden Administration, questions swirled about what the Department of Labor would look like in a Biden Administration, and we all made predictions about how DOL's priorities would shift, who would be appointed to key positions, what would come of Trump-era DOL policies. Now, a year into the Biden Administration, we will check on those predictions and take stock of the lay of the land at Biden's DOL, evaluating how the Department and its agencies have changed in 2021, from the status of presidential appointments at DOL, EEOC, NLRB, OSHA, and MSHA, to those agencies' rulemaking, policymaking, and enforcement activity. And of course, we will make more predictions about what employers can expect from the Biden Administration's DOL over the remainder of this presidential term.

Participants in this webinar will learn about:

- Biden Administration's DOL Regulatory Agenda, including rulemaking and policy setting priorities around COVID-19 and other topics
- Status of Presidential Appointees in the Department of Labor and key agencies like EEOC, NLRB, OSHA and MSHA
- Enforcement initiatives and emphasis programs at those same DOL agencies
- Predictions for the Department of Labor over the next three years

Click here to register for this webinar.