



# Government Affairs: GAC Meeting Update

Attendees participated in over 90 congressional visits where metalcasters discussed OSHA's crystalline silica rule, EPA's Ozone rule, need for investment in infrastructure/water infrastructure and regulatory reform. The keynote speaker, Charlie Cook provided insights on the current state of Washington politics and the upcoming 2016 presidential election. During the conference, they presented the Metalcasting Eagle Award to Senator Pat Toomey (R-PA), Representative Bob Gibbs (R-OH), and Representative Bill Huizenga (R-MI). The award recognizes those members of Congress that have stood up for the foundry industry in legislation and has fought back against burdensome regulations. They also presented a flag flown over the U.S. Capitol in recognition of Russ Murray's dedication to the Ohio and U.S. metalcasting industry.

## Congress and Agency Activities

The House recently passed the reform of the Toxic Substances Control Act (TSCA). There were also two major rules released in May by the Department of Labor which will impact the metalcasting industry on electronic record keeping and overtime rules. The issue briefs and PowerPoint presentations from the conference are posted on the AFS website at [www.afsinc.org/gac](http://www.afsinc.org/gac).

Also, AFS recently held a webinar entitled, *Are You Ready? Preparing for the Final OSHA Hazard Communication 2016 Deadline*, you can watch by visiting: [https://youtu.be/y7d-o\\_KOQlg](https://youtu.be/y7d-o_KOQlg)

## New Overtime Rule Released

On May 18, 2016, the U.S. Department of Labor announced the final changes to the regulations that govern the "White Collar" overtime exemptions, which includes doubling the salary cutoff for overtime exemption under the Fair Labor Standards Act.

The final rule:

- Sets the minimum salary level for exemption at \$47,476 (\$913/week) and the salary level for the highly compensated test at \$134,004;
- Provides for automatic increases in the salary levels after three years (beginning Jan. 1, 2020), indexed to the 40th percentile of full time salary workers in the lowest wage Census region (currently the South region);
- Allows employers to count any bonuses paid on at least a quarterly basis toward 10% of the min. salary level;
- Did not revise the duties test; and
- Set an implementation date of December 1, 2016, providing 200 days for employers to be in compliance with the new requirements.

## OSHA Finalizes Workplace Injury Electronic Reporting Rule

On May 12, the Occupational Safety and Health Administration (OSHA) issued its final rule to expand electronic record keeping requirements for workplace injury and illness data. The new rule, effective Jan. 1, 2017, requires all manufacturers, including foundries, to electronically submit to OSHA their injury and illness data on an annual basis. OSHA believes the number of workers injured or made ill on the job remains unacceptably high. The agency states that the final electronic record keeping rule will allow the agency to more effectively target its enforcement resources to establishments with high rates or numbers of workplaces injuries and illnesses, and better evaluate its interventions. Under the final rule: – Foundries with over 250 employees will be required to submit electronically their OSHA 300, 300A, and 301 incident records annually. – Foundries with 20-249 employees will be required to electronically submit the OSHA Form 300A annually. – OSHA will "scrub" the employee identifiable information from the records. – OSHA intends to post the establishment-specific injury and illness data it collects on its public website at [www.osha.gov](http://www.osha.gov) in a searchable format where it will be made publicly available.

The records must be submitted on the 2016 injuries and illnesses by July 1, 2017, and the 2017 information by July 1, 2018. Beginning in 2019, the information must be submitted by March 2. The original rule OSHA proposed back in November 2013, on which AFS filed comments, would have required most employers with over 250 employees to electronically report injury and illness record keeping data to OSHA on a quarterly basis. In addition, the final rule requires employers to inform employees of their right to report work related injuries and illnesses free from retaliation; clarifies the existing implicit requirement that an employer's procedure for reporting work-related injuries and illnesses must be reasonable and not deter or discourage employees from reporting; and incorporates the existing statutory prohibition on retaliating against employees for reporting work-related injuries or illnesses. According to the OSHA Administrator, Dr. Michaels, the agency is expected to issue a compliance document later this year on safety incentive programs.