United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1120 20th Street, N.W., Ninth Floor
Washington, DC 20036-3457

SECRETARY OF LABOR, Complainant, v. THE DAVEY TREE EXPERT COMPANY, and its successors, Respondent.	OSHRC Docket No. 11-2556

BRIEFING NOTICE

The Commission requests that the parties brief the issue of whether the judge erred in concluding that 29 C.F.R. § 1910.266(d)(6)(i) (work areas in logging operations) did not apply to the cited condition. In so doing, the parties should address the standard's definition of "logging operations" in its entirety, including the phrase "to the point of delivery." 29 C.F.R. § 1910.266(c).

All briefs are to be filed in accordance with Commission Rule 93.[1] The first brief is to be filed within 40 days of this notice. A party who does not intend to file a brief must notify the Commission in writing setting forth the reason therefor within the applicable time for filing briefs, and shall serve a copy on all other parties. The time for filing briefs (or similar notices of intent) of opposing parties shall commence on the date of service.

BY DIRECTION OF THE COMMISSION

Dated: August 22, 2013

/s/
Ray H. Darling, Jr.
Executive Secretary

[1] The Commission requests that all briefs include an alphabetical table of authorities with references to the pages on which they are cited, and that an asterisk be placed in the left-hand margin of the table to indicate those authorities on which the brief principally relies. The Commission also requests that copies of cited authority, other than statutes, case law, law journal articles, and legal treatises, be provided to the Commission and to the opposing party. Parties should be cautioned that these materials will be considered only if appropriate.