



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.

CSA EQUIPMENT COMPANY, LLC,

Respondent.

OSHRC Docket No. 12-1287

BRIEFING NOTICE

The Commission requests that the parties brief all issues raised in Respondent's Petition for Discretionary Review; in particular, the parties are asked to address:

1. Whether Respondent's new coil unloading system as implemented is the same abatement method proposed by the Secretary in the Citation. Specifically, the parties are asked to discuss whether the new unloading system as implemented "establish[ed] a safe area that was separate from the forklift operating areas where the [coil] checker/clerk employees could perform their duties free from forklift struck-by hazards."
2. Whether the Secretary proved that Respondent's new coil unloading system, as implemented, materially reduced or eliminated the cited hazard and did not create additional hazards. Specifically, did the Secretary prove that the coil checker/clerk employees are not now subject to new hazards from other vehicles, even assuming a reduced or eliminated hazard from the forklifts that retrieve the coils?

In lieu of filing briefs directly with the Commission, the parties may, if they choose, rely upon their briefs on remand that were filed with the administrative law judge. *See* Commission Rule 93(a). If the parties intend to do so, they must advise the Commission accordingly within thirty (30) days.

The parties are advised that when the merits or characterization of an item are before the Commission for review, the appropriateness of the penalty is also subject to review. Accordingly, the parties may address the amount of the penalty if they so choose.

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: February 9, 2015

/s/

John X. Cervený

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.