



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.

US POSTAL SERVICE – CANOVANAS
POST OFFICE,

Respondent.

OSHRC Docket No. 21-0794

BRIEFING NOTICE

With respect to Citation 1, Item 1, the parties are requested to brief whether the Secretary established that the cited standard, 29 C.F.R. § 1910.37(a)(3) (maintenance, safeguards, and operational features for exit routes), applies. Specifically, the parties should address whether the judge erred in finding that the door alleged to be obstructed was part of an “exit route.” *See* 29 C.F.R. § 1910.34(c). The parties are advised that when the merits or characterization of an item are before the Commission on 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 not intending to file a brief must notify the Commission in writing 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: November 18, 2022

/s/ _____
John X. Cerveny
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.