



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.

UHS OF DELAWARE, INC., and
PREMIER BEHAVIORAL HEALTH
SOLUTIONS OF FLORIDA, INC., d/b/a
SUNCOAST BEHAVIORAL HEALTH
CENTER,

Respondents.

OSHRC Docket No. 18-0731

BRIEFING NOTICE

The parties are requested to brief the following issues:

- (1) Whether the judge erred in concluding that:
 - a. Respondents acted as a “single employer” for purposes of liability under the Occupational Safety and Health Act, 29 U.S.C. §§ 651-678; and
 - b. UHS of Delaware’s employees were exposed to the recognized hazard and that UHS of Delaware was independently liable for a violation of the OSH Act.
- (2) Whether the judge erred in concluding that the third and fourth “means of abatement” listed in the amended citation are economically feasible. *See Beverly Enters., Inc.*, 19 BNA OSHC 1161, 1190-91 (No. 91-3144, 2000) (consolidated) (in general duty clause cases, “[t]he Secretary must . . . show that [his] proposed abatement measures are economically feasible”).

The parties are advised that when a case is directed for review to consider either the merits or characterization of an item, 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 shall notify the Commission in accordance with Commission Rule 93. The time for filing any responsive briefs (or letters filed in lieu of briefs) shall commence on the date of service.

BY DIRECTION OF THE COMMISSION

Dated: May 21, 2021

/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, regulations, 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.