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Andrew Brought Shares Thoughts on OSHA Walkaround Rule in Business Insurance

Spencer Fane attorney Andrew Brought was quoted in a recent *Business Insurance* article, "Safety Inspection Rule Change Raises Concerns," which addresses revisions to the updated walkaround rule allowing third-party inspections. The rule was finalized in March by the Occupational Safety and Health Administration (OSHA) and goes into effect May 31.

The revised rule gives employees the right to authorize a non-employee representative to accompany an OSHA compliance officer during workplace inspections as a "reasonably necessary" party "based upon skills, knowledge, or experience." As explained in the article, there is palpable concern this could inspire ulterior motives among disgruntled parties, while supporters of the revised rule deem it fundamental protection for employees who may be facing intimidation.

The article includes perspectives from a wide variety of thought leaders impacted by the new rule, including those with legal interests. As counsel to numerous manufacturers, industrial clients, and businesses, Andrew advises that employers with valid skepticism consider evaluating whether the third-party representative is reasonably necessary, explaining, "If I'm an employer and there's a request for a third party to accompany the compliance officer, and I don't believe that there's a legitimate basis for that, I'm going to be more inclined to challenge that showing and then make them go through the process of getting an administrative warrant." He elaborates on the potential for misguided intentions: "Companies and employers are going to need to carefully evaluate that there is a legitimate good-faith basis for why this third party has been requested to participate in an inspection."

At the firm, Andrew counsels clients with complex challenges at the intersection of health, safety, and environmental regulations and is frequently called upon to assist in handling crisis management situations, strategic response, and incident investigations.

Read more opinions on the finalized OSHA rule here.