

Beltway Buzz, October 13, 2023

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OSHA Grants Walkaround Extension. It's not all bad news for employers on the regulatory proposal extension request front. The Occupational Safety and Health Administration (OSHA) announced that it would extend the comment period for its [walkaround regulatory proposal](#) from October 30, 2023, to November 13, 2023.

OSHA's proposal continues to draw significant criticism from Republican lawmakers. As the *Buzz* [recently examined](#), House Republicans expressed skepticism regarding the proposal during a hearing on September 27, 2023. Well, Republicans in the U.S. Senate are also unhappy with OSHA's proposal. Senator Bill Cassidy (R-LA), ranking member of the Senate Committee on Health Education, Labor and Pensions, sent Acting Secretary of Labor Julie Su a [letter](#) criticizing the effort. Senator Cassidy wrote that the proposed changes "would pose no limit on whom employees might select as their representative, including a union organizer." In turn, the letter continues, "[a]llowing the union official to participate in an inspection suggests to workers that the union has government support, eliminating the neutrality government inspectors are supposed to have."

OFCCP Designates Additional "Megaprojects." The Office of Federal Contract Compliance Programs (OFCCP) has designated twelve new federally funded construction projects as "Megaprojects." The DOL launched the Mega Construction Project Program in March 2023 and the [program covers](#) "large federal construction projects valued at \$35 million

or more—some part of which must be federal funding—and that last more than one year.” Pursuant to the Mega Construction Contract Program, OFCCP pursues an “intensive, ‘front-end’ approach ... for achieving greater contractor compliance with equal opportunity requirements and for increasing the representation of qualified workers from underrepresented groups in the construction trades.” With this latest announcement, OFCCP has categorized twenty-four total construction projects as Megaprojects. [Christopher J. Near](#) and [Morgan Pike Epperson](#) have the [details](#) on the latest news.

PWFA Regs Move One Step Closer. October 10, 2023, was the deadline for stakeholders to submit comments in response to the U.S. Equal Employment Opportunity Commission’s (EEOC) proposed regulations implementing the Pregnant Workers Fairness Act (PWFA). The [proposed regulations](#) were issued on August 11, 2023. Pursuant to the statute, the Commission must finalize regulations by December 29, 2023.

Overbite Authority. Chairwoman of the House Committee on Education and the Workforce, Virginia Foxx (R-NC), has President Biden and Acting Secretary of Labor Julie Su on a short leash. This week, she sent them both a [letter](#) concerning a hairy situation at the White House:

[R]ecent reports concerning White House staff and U.S. Secret Service personnel regularly incurring dog bites indicate that occupational hazards are prevalent at the White House. The press has reported 12 biting instances involving the President’s dog Commander since 2021, including incidents resulting in employee hospitalizations. I am concerned these incidents are an indicator of larger occupational safety and health failures at the White House that go unreported and unnoticed by the press.

Representative Foxx isn’t barking up the wrong tree, either. She maintains that because the Occupational Safety and Health Act requires federal agencies to maintain workplace safety programs consistent with OSHA standards, it is paw-sible “that employees at the White House are subject to the same regulatory regime as executive branch agencies.” In the letter, Foxx asks for copies of the White House’s OSHA Forms 300, 300A, and 301. The letter undoubtedly made for a ruff day at the White

House.

The Beltway Buzz is a weekly update summarizing labor and employment news from inside the Beltway and clarifying how what's happening in Washington, D.C., could impact your business.

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