

January 21, 2017

Memo

Regulatory freeze likely to postpone or kill new rule on workplace examinations for metal/non-metal mines

Yesterday, the new Administration issued a memorandum to the heads of all federal departments, ordering an immediate freeze on regulatory actions pending further review. Among other things, the memorandum directed that rules that have already been sent to the Federal Register but not yet published must be withdrawn until they can be reviewed and approved by an appointee of the new President. MSHA's new workplace examination rule is one such rule, as it was sent to the Federal Register on Tuesday but was not to have been published until Monday, January 23. The new directive makes an exception for "emergency situations or other urgent circumstances relating to health, safety, financial, or national security matters, or otherwise," which could arguably describe the workplace exam rule, but it appears that the exception is not automatic and must be approved by the Director of the federal Office of Management and Budget. We are attaching a copy of the memorandum to this email for your benefit.

We are reviewing the memorandum and will be following developments regarding the workplace examination rule. We will update you once the situation becomes clear, but we wanted you to be aware of this new development as quickly as possible. In the meantime, if you have any questions or wish to discuss this further, please do not hesitate to contact me.

Willa B. Perlmutter | Of Counsel

STOEL RIVES LLP | 760 SW Ninth Avenue, Suite 3000 | Portland, OR 97204

Direct: (503) 294-9462 | Fax: (503) 220-2480 | Cell: (202) 441-0531