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President Trump Backs Down on Brazil Steel and Aluminum Tariff Threat

President Trump recently told Brazilian President Jair Bolsonaro in a telephone call that he would not move forward on his threat to levy Section 232 tariffs on steel and aluminum imports from Brazil. On December 2, the President announced that he was planning to impose tariffs on steel and aluminum imports from Argentina and Brazil due to currency devaluations by both countries. It remains unclear whether the Trump Administration still intends to levy tariffs on Argentina.

White House Trade Adviser Says USMCA Could Pass Senate Soon

White House Trade Adviser Peter Navarro told reporters that the Senate could pass the United States-Mexico-Canada Agreement (USMCA) as early as January 10. The Senate Finance Committee is planning to markup the trade deal on January 7 and Senate Majority Leader Mitch McConnell (R-KY) could call a vote on the floor later in the week. The House passed the USMCA overwhelmingly before heading home for the holidays in December. Leader McConnell had originally announced that the Senate would not be taking up the USMCA until after the impeachment trial of President Trump but Speaker Nancy Pelosi (D-CA) has yet to send the Senate the articles of impeachment from the House.

OSHA Publishes Minor Corrections to Safety Standards

Recently, the Occupational Safety and Health Administration (OSHA) issued minor corrections for its Walking-Working Surfaces, Personal Protective Equipment and Special Industries standards to remove “typographical, formatting and clerical errors,” which was published in a [final rule](#).

In its Personal Fall Protection Systems Standard ([1910.140](#)), OSHA will no longer require the gate strength of snaphooks and carabiners to be proof tested to 3,600 pounds in all directions. Instead, the “intended requirement” is that the gate of carabiners and snaphooks are “capable of withstanding a minimum load of 3,600 pounds without the gate separating from the nose of the snaphook or carabiner body by more than 0.125 inches.” OSHA made the correction to remain consistent with the ANSI/ASSE Z359.12-2009 standard. OSHA stated that proof testing the gates may cause damage to the equipment and make them unsafe.

The other corrections contained in the rule:

- **Ladders, 1910.23(d)(4):** The previous rule required that “the side rails of through or side-step ladders extend 42 inches above the top of an access level or landing platform served by the ladder.” OSHA added the words “at least” before “42 inches.”
- **Stairways, 1910.25(a):** OSHA clarified that articulated stairs are not covered by this standard, and added a title to Figure D-8 in 1910.25(c).
- **Scaffolds and Rope Descent Systems, 1910.27(b)(1)(i):** OSHA corrected the metric equivalent of 5,000 pounds to 2,268 kilograms. It previously was listed as 268 kg.

- **Fall Protection Systems and Falling Object Protection – Criteria and Practices, 1910.29:** OSHA corrected Figure D-11 to include labels for the “top rail” and “end post.”
- **Electric Power Generation, Transmission, and Distribution, 1910.269(h)(2):** OSHA changed the incorrect references to ladder standards to 1910.23(c)(4) and (c)(9).

The corrections took effect Dec. 17.

Congress Passes FY 2020 Government Funding Legislation and Tax Extenders

On December 20, President Trump signed two bills passed by Congress which fully fund the government through fiscal year 2020. The first bill appropriates money for national security programs while the second bill funds domestic and international assistance programs. You can find details of both bills [here](#).

This legislation also extends a number of key small business tax incentives, known as “tax extenders”, through the end of calendar year 2020. These include [tax incentives](#) for employers operating in Empowerment Zones as well as disaster relief provisions. They apply retroactively to 2018 and 2019. NDA sent a [letter](#) to Congress earlier this year advocating for the extension of all of these tax incentives.

In addition, the funding package permanently repeals the health insurance tax (HIT) which is a fee imposed annually on fully insured health care plans that are offered by many small and medium-sized businesses. The bill also repeals the so-called “Cadillac Tax” which is a 40% excise levied on high-cost health plans.

House of Representatives Passes USMCA

On December 19, the House of Representatives formally approved the United States-Mexico-Canada Agreement (USMCA) to update and replace the North American Free Trade Agreement (NAFTA). The agreement must now be passed by the Senate to be ratified into law.