

## IWLA Legislative & Regulatory Tracker

Issue	Legislation	Sponsor	Summary	Status
Labor	H.R. 2775 Employee Privacy Protection Act	Rep. Joe Wilson (15 cosponsors)	Would limit the worker contact information that employers must turn over to unions during an election drive.	Approved by the the House Ed & Workforce Committee on 6/29; currently pending before the House.
Labor	H.R. 2776 Workforce Democracy and Fairness Act	Rep. Tim Walberg (10 cosponsors)	Would require at least 35 days before a union election can take place and at least 14 days for employers to prepare their case before an NLRB election officer. Also addresses the NLRB's <i>Specialty Healthcare</i> decision by reinstating the traditional standard for determining bargaining units.	Approved by the House Ed & Workforce Committee on 6/29; currently pending before the House.
Labor	H.R. 2723 Employee Rights Act	Rep. Phil Roe (153 cosponsors)	Would require secret ballot elections and opt-in permission from union members for the use of their union dues for any purpose other than collective bargaining and periodic union re-certification elections.	Pending before the House Ed & Workforce Committee.
Labor	S. 3064 Workers' Freedom to Negotiate Act	Sen. Patty Murray (32 cosponsors)	<b>According to the bill's sponsors the intent is to protect the freedom to join a union by</b> (1) Bolstering Remedies and Punishing Violations of Workers' Rights (2) Strengthening Workers' Freedom to Stand Together and Negotiate for Better Working Conditions (3) Restoring Fairness to an Economy that is Rigged Against Workers	Pending in the Senate
Labor	S. 2810 and H.R. 5728 Workplace Democracy Act	Sen. Sanders and Rep. Pocan (16 Senate & 56 House cosponsors)	The legislation contains card check, and would codify the BFI joint employer standard, abolish Right to Work protections nationwide, codify the Persuader rule, make it much harder for people to work as independent contractors and eliminate any restrictions on unions	Pending

			targeting consumers and neutral companies (i.e., those not directly involved in the labor dispute).	
Tariffs	S. 3013	Sen. Alexander	Requires congressional approval of proposed tariffs imposed for national security purposes under section 232 of the Trade Expansion Act of 1962.	Pending
Transportation	H.R. 5358 DRIVE Safe Act	Rep. Duncan Hunter (60 cosponsors)	Creates a path for drivers under 21 to obtain an interstate commercial driver's license. The bill requires driver apprentices to complete two probationary periods.	Pending in the House Transportation and Infrastructure Committee
Transportation	Nationwide uniformity of meal and rest break standards for motor carriers	Amendments offered by Sen. Deb Fischer	Would clarify the scope of Congress' pre-emption authority regarding meal and rest break requirements by ensuring "a state, a political subdivision of a state, or a political authority composed of two or more states may not enact or enforce a law, regulation, or other provision having the force and effect of law relating to meal or rest breaks applicable" to certain employees.	Attached to an aviation reauthorization bill approved by a Senate panel on June 29, 2017. Now pending before the full Senate.
Transportation	Twin 33 trailers on interstates	Legislation is pending	Would permit twin 33's to operate on the nation's interstate system.	In May 2018, the House Appropriations Committee adopted an amendment that directs the Department of Transportation to promptly report its findings on increasing the length of twin-trailers from 28 feet to 33 feet.  The inclusion of this report language keeps the issue alive as the House and Senate next convene in Conference Committee to move the Appropriations process forward in the coming months.

Transportation	H.R. 3889 Waiving Hindrances to Economic Enterprise and Labor (WHEEL) Act.	Rep. Claudia Tenney (13 cosponsors)	The FAST Act included a pilot program to study the safety implications of 18-21 year olds to operate trucks across state lines. Under current federal law, this age group is prohibited from doing so even though they can otherwise obtain a commercial driver's license (CDL). The pilot program has been limited by the requirements that participants be veterans aged 18-21, a demographic that has been challenging to recruit. The WHEEL Act would expand the pilot program to allow CDL holders aged 18-21 who have a clean driving record and have received a certification of completion from a qualified training program to participate in the study.	Pending before the House Transportation and Infrastructure Committee.
Transportation	S. 1345 / H.R. 1568 Transportation and Logistics Hiring Reform Act	Sen. Deb Fischer / Rep. John Duncan (2 Senate & 13 House cosponsors)	Would create a national hiring standard that would simplify and ensure a Federal standard for the hiring of safe motor carriers.	S. 1345 is pending before the Senate Commerce Committee. H.R. 1568 is pending before the House Transportation & Infrastructure Highways & Transit Subcommittee.
Transportation	S. 1233 Rail Shipper Fairness Act	Sen. Tammy Baldwin (1 cosponsor)	Would reform rate case regulations and includes provisions to implement competitive switching. The bill would also prohibit railroads from charging customers for fuel "in a way that does not correlate with actual fuel costs."	Pending before the Senate Commerce, Science, & Transportation Committee.
Transportation	S. 372/ H.R. 1057 Synthetics Trafficking & Overdose Prevention Act	Sen. Rob Portman/ Rep. Pat Tiberi (34 Senate & 272 House cosponsors)	Aims to stop the trafficking of synthetic drugs such as fentanyl, which are 50 times more potent than heroin. The bill would require postal shipments from foreign countries to provide electronic advance data such as who and where the package is from, where it is going and what is in it. The data must be provided before the shipments cross the border into the U.S.	On June 13, the U.S. House of Representatives came together today, across party lines, to pass the Synthetics Trafficking and Overdose Prevention (STOP) Act with a vote of 353-52, which will now be moved to the Senate for a vote. .

Tax	H.R. 1 Tax Cuts and Jobs Act	Rep. Kevin Brady (24 cosponsors)	Reduces the corporate tax rate to a flat 21% for tax years beginning after Dec. 31, 2017. Provides for a deduction of up to 20% of a pass-through entity's qualified business income.	Signed into law on 12/22/17. IWLA continuously advocated for a lower pass-through rate to members of Congress and was pleased to see the lower rate included in the final bill.
Issue	Regulation	Agency	Summary	Status
Labor Management	Ambush Elections	NLRB	Reduces time before a vote to unionize—shortening to as few as 14 days.	Final rule. On 12/12/17, the NLRB announced that it is seeking public input to determine whether the current ambush election rule should remain as is, be modified, or rescinded in its entirety.
Labor Management	Persuader Rule	DOL	If implemented, the DOL's new rule would require employers and consultants to report and disclose direct or indirect communications that have an object to persuade employees with regard to union organizing—including what was formerly considered exempt "advice" provided to management by consultants, including lawyers.	On 6/12/17, DOL issued a notice of proposed rulemaking (NPRM) for reverse rulemaking to rescind the rule and perhaps revise it. Decision pending.
Labor Management	Overtime Revisions	DOL	Raises the salary threshold for overtime eligibility from \$455 per week (which amounts to \$23,660 annually) to \$913 per week (\$47,476 annually).	On 8/31/17, a federal judge in TX struck down the federal overtime rule. DOL may still issue a new proposed rule with a smaller salary threshold increase.
Labor Management	Joint Employer	NLRB	The NLRB's <i>Browning Ferris Industries</i> decision declared that two companies will be considered joint employers if there is an "indirect" or "unexercised potential" of control over one group of employees.	On 12/14/17, the NLRB issued a 3-2 decision reversing the Board's standard for joint employment embodied in the <i>Browning-Ferris</i> decision. This ruling, however, was overturned because of a supposed conflict of interest by a NLRB member.  On June 13, 2018, several business groups <a href="#">filed a petition</a> with the NLRB as it begins its new rulemaking process to address the current joint-employment standard. The petition requested that the Board return to the

				previous standard that was in place (before the <i>Browning-Ferris Industries</i> decision), where a joint-employer determination was made on “whether a firm actually exercised direct and immediate control over the hiring, firing, discipline, pay and other key aspects of the terms of employment of another firm’s employees.”
Labor Management	Specialty Healthcare	NLRB	Allows a labor union to form micro bargaining units within a workplace.	On 12/15/17, the NLRB issued a ruling overturning the <i>Specialty Healthcare</i> decision. The decision reinstated the previous standard that employees have to share an “overwhelming community of interests” to be an appropriate bargaining unit.
Workplace Health & Safety	Illness and Injury Reporting	OSHA	Requires certain employers to submit injury and illness information from their completed 2016 Form 300A electronically.	Final rule. Employers required to keep track of workplace injuries and illnesses on OSHA Form 300 must publicly post their 2017 results on Form 300A by Feb. 1, 2018.
Workplace Health & Safety	Electronic Logging Devices (ELDs)	FMCSA	The rule mandates the use of ELDs for drivers and carriers that are required to maintain records of duty status data. An ELD synchronizes with a vehicle engine to automatically record driving time, for easier, more accurate hours of service recording.	Final rule. Carriers & drivers who are using paper logs or logging software were required to transition to ELDs no later than 12/18/17. Carriers and drivers who use automatic onboard recording devices prior to the compliance date must transition to ELDs no later than 12/16/19. Some temporary exemptions have been granted.
Drug Supply Chain	Federal Licensure Standards for 3PLs	FDA	The DSCSA requires FDA to set national licensing standards for 3PLs.	The IWLA is working with FDA to restore some level of uniformity to state licensing and has requested interim guidance to address licensure concerns.

Environment	Management Standards for Hazardous Waste Pharmaceuticals	EPA	Establishes a sector—specific regulatory framework for managing hazardous waste pharmaceuticals at healthcare facilities and pharmaceutical reverse distributors. Proposal addresses concern about the sewerage of hazardous waste pharmaceuticals and the need for safe disposal of pharmaceutical waste.	Rule is pending. IWLA submitted comments to EPA expressing concerns re: the proposed rule's unintended effect of redefining and reconfiguring the relationships between various participants in the pharmaceutical supply chain in a way that is counterproductive to EPA's public health goals and potentially disruptive to a very secure drug supply chain.
Chemicals and Dangerous Goods	Process Safety Management (PSM) Standard	OSHA	Under President Obama's Executive Order 13650, "Improving Chemical Facility Safety and Security," OSHA was charged with "identifying issues related to the modernization of the PSM Standard and related standards necessary to meet the goal of preventing major chemical accidents."	OSHA issued a PSM guidance document for storage facilities in April 2017.
Chemicals and Dangerous Goods	Risk Management Program (RMP)	EPA	EPA modeled RMP regulation after OSHA's PSM Standard. EPA will consider modifications to the current RMP regulations in order to reduce the likelihood of accidental releases at chemical facilities, and improve emergency response activities when those releases occur.	EPA published a final rule delaying the effective date of its RMP rule amendment package for 20 months, until 2/19/19.  In May 2018, EPA issues proposed revisions to the RMP rule.
Food Safety Modernization Act	Preventive Controls for Human & Animal Food	FDA	Rule adds new preventive controls provisions as required by FSMA; and updates and revises certain requirements in the existing CGMP.	500+ employees: compliance by 9/19/16. Less than 500 employees: compliance by 9/19/17. To assist industry with compliance, the FDA published draft guidance in Jan. 2018, with comments due 7/23/18. FDA has announced it is also developing further guidance on the animal food preventative controls provision.
Food Safety Modernization Act	Foreign Supplier Verification Programs for Importers of Food for Humans and Animals	FDA	The final rule requires that importers perform certain risk-based activities to verify that food imported into the U.S. has been produced in a manner that meets applicable U.S. safety standards.	Compliance began 5/30/17.

Food Safety Modernization Act	Sanitary Food Transportation	FDA	The FDA's rule requires those who transport food to use sanitary transportation practices to ensure the safety of food.	Compliance began 4/6/17.
----------------------------------	---------------------------------	-----	-------------------------------------------------------------------------------------------------------------------------	--------------------------