

# Washington, D.C. Update: Public Policy and COVID Developments

Prepared by  
The Franklin Partnership, LLC  
Policy Resolution Group at Bracewell  
May 26, 2022



# Your Team in Washington, D.C.



## Lobbying Firm – The Franklin Partnership, LLC

- Bi-partisan Washington, D.C.-based government relations firm
- Representing manufacturing industry since 2002
- Clients include: manufacturing associations, defense contractors, hospitals, cities



## Strategic Communications Firm – Policy Resolution Group at Bracewell

- Wash, D.C.-based public affairs & strategic communications consultants
- Promote NTMA and PMA in print, digital and other media
- Support Franklin Partnership government relations efforts by designing and implementing coordinated strategic communications strategy
- Representing metalworking industry since 2003

*Nothing contained in here shall be deemed legal or financial advice.*

# Contents

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- Federal Agency COVID Actions
- Regulatory Update: EEOC, OSHA
- Tariffs, Trade, and Supply Chains Legislation on Capitol Hill

*All information presented as of May 25, 2022*

# Federal Agency COVID Actions

# CDC: Long COVID Data

Estimates of the proportion of people who had COVID-19 that go on to experience post-COVID conditions can vary:

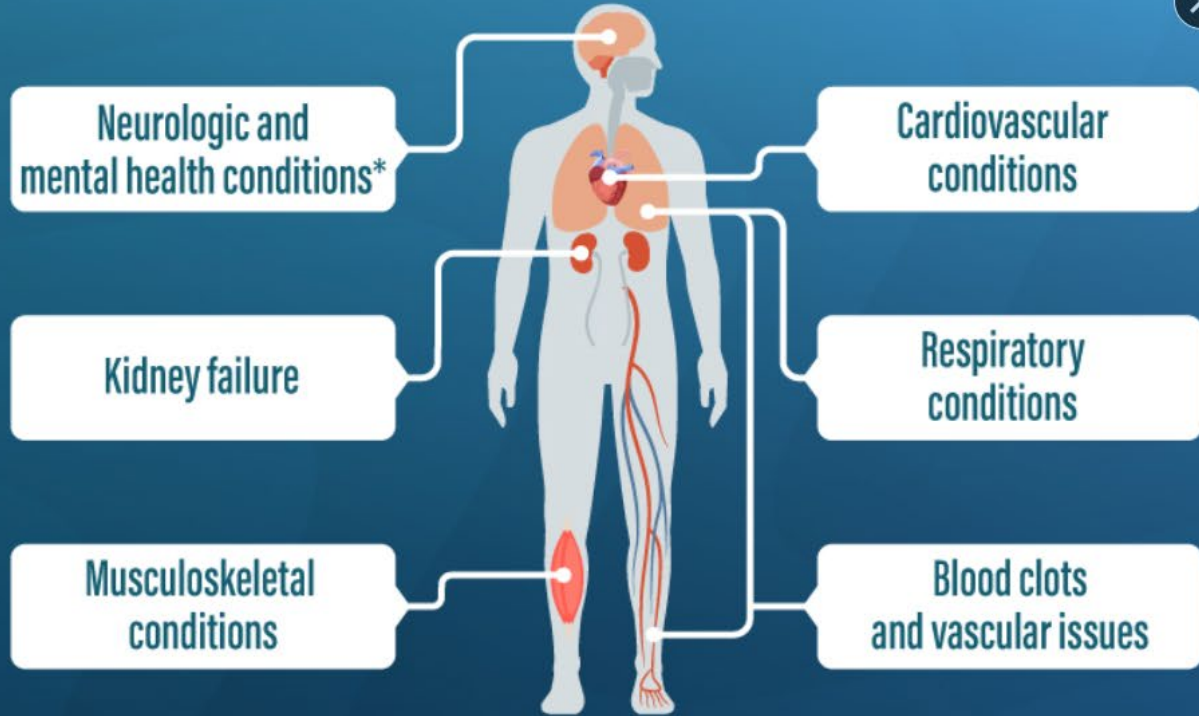
- 13.3% at one month or longer after infection
- 2.5% at three months or longer, based on self-reporting
- More than 30% at 6 months among patients who were hospitalized
- Post-COVID conditions can include a wide range of ongoing health problems; these conditions can last weeks, months, or years.
- Post-COVID conditions are found more often in people who had severe COVID-19 illness, but anyone who has been infected with the virus that causes COVID-19 can experience post-COVID conditions, even people who had mild illness or no symptoms from COVID-19.
- People who are not vaccinated against COVID-19 and become infected may also be at higher risk of developing post-COVID conditions compared to people who were vaccinated and had breakthrough infections.
- There is no single test for post-COVID conditions. While most people with post-COVID conditions have evidence of infection or COVID-19 illness, in some cases, a person with post-COVID conditions may not have tested positive for the virus or known they were infected.
- CDC and partners are working to understand more about who experiences post-COVID conditions and why, including whether groups disproportionately impacted by COVID-19 are at higher risk.

*May 5, 2022*

<https://www.cdc.gov/coronavirus/2019-ncov/long-term-effects/index.html>

# CDC Studying Long COVID

Approximately  
**1 in 5 adults**  
ages 18+ have a  
health condition  
that might be related to  
their previous COVID-19  
illness, such as:



**Talk to your health care provider  
if you have symptoms after COVID-19**



[bit.ly/MMWR7121](https://bit.ly/MMWR7121)

MAY 24, 2022

\* Adults aged 65 and older at increased risk

**MMWR**

<https://www.cdc.gov/mmwr/volumes/71/wr/mm7121e1.htm>

*May 24, 2022*

# Recent and Anticipated Regulatory Actions



# EEOC/DOJ: Candidate Screening using AI

**The Americans with Disabilities Act and the Use of Software, Algorithms, and Artificial Intelligence to Assess Job Applicants and Employees**



**U.S. Equal Employment Opportunity Commission**



**ADA.gov**

BETA

U.S. Department of Justice  
Civil Rights Division

**Algorithms, Artificial Intelligence, and Disability Discrimination in Hiring**



# OSHA Regional Emphasis – Hearing Loss



## OSHA News Release - Region 8

U.S. Department of Labor

May 10, 2022

### US Department of Labor emphasis program to prevent hearing loss moves to enforcement phase begins May 17

*Program focuses on Colorado, Montana, North Dakota, South Dakota manufacturers*

**DENVER** – Following a 90-day outreach period, the U.S. Department of Labor’s [Occupational Safety and Health Administration’s Regional Emphasis Program for Noise Induced Hearing Loss](#) will move into the enforcement phase beginning May 17, 2022. The emphasis program targets manufacturing industries with high rates of occupational hearing loss in Colorado, Montana, North Dakota and South Dakota.

Historically, hearing loss is the most recorded occupational illness in manufacturing, except for illnesses related to COVID-19 in 2020. In 2019, the Bureau of Labor Statistics estimated that potentially damaging noise levels put 18 million workers at risk and produced 14,500 cases of work-related hearing loss. Like many occupational injuries, work-related hearing loss is preventable when controls are implemented, proper protection is provided and required standards are followed.

NAICS	Description	Rate of Hearing Loss
311	Food Manufacturing	11.0
321	Wood Product Manufacturing	21.7
331	Primary Metal Manufacturing	13.3
332	Fabricated Metal Product Manufacturing	9.1



[US Department of Labor emphasis program to prevent hearing loss moves to enforcement phase begins May 17 | Occupational Safety and Health Administration \(osha.gov\)](#)

# OSHA Holds Heat Rule Hearing

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- Oct. 27, 2021: Advance Notice of Proposed Rule
- Jan. 26, 2022: Public comment period closed
- May 3, 2022: OSHA holds public hearing on rule
- 70% of heat illnesses occur in first week of work
- Could issue proposed rule fall 2022, take effect 2023

<https://www.federalregister.gov/documents/2021/10/27/2021-23250/heat-injury-and-illness-prevention-in-outdoor-and-indoor-work-settings>

# OSHA Reminds Regions on Heat Illness

May 12, 2022

**US Department of Labor reminds Northeast employers that  
workers need protection from dangers of heat illness**

*Free App helps calculate worksite heat index, displays risks*

**BOSTON** – As temperatures rise in New England, the U.S. Department of Labor’s Occupational Safety and Health Administration reminds employers and workers not to ignore the dangers of working in hot weather – indoors and out – and remember that “Water. Rest. Shade.” can be the difference between ending the workday safely or suffering serious injuries or worse.

From 2011-2019, the [Bureau of Labor Statistics reports 344 worker-related deaths in U.S. were due to environmental heat exposure](#). Workplace safety experts believe the actual number of heat-related fatalities may be underreported or misreported as another cause, such as heart attacks.

To combat the dangers of heat exposure, OSHA launched a national emphasis program in April 2022 to protect workers from heat illness and injuries.

May 11, 2022

**US Department of Labor reminds Southwest employers that  
workers need protection from the dangers of heat illness**

*Free App helps calculate worksite heat index, displays risks*

**DALLAS** – As temperatures rise in Arkansas, Louisiana, Oklahoma and Texas, the U.S. Department of Labor’s Occupational Safety and Health Administration reminds employers and workers not to ignore the dangers of working in hot weather – indoors and out – and remember “Water. Rest. Shade.” can be the difference between ending the workday safely or suffering serious injuries or worse.

<https://www.osha.gov/news/newsreleases/region6/05112022>


<https://www.osha.gov/news/newsreleases/region1/05122022>

# OSHA Extends 300/301 Comment Period

## **Improve Tracking of Workplace Injuries and Illnesses**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Extension of comment period.

**SUMMARY:** The Occupational Safety and Health Administration (OSHA) is extending the comment period on the proposed rule on Improve Tracking of Workplace Injuries and Illnesses for an additional 30 days, to June 30, 2022. 

<https://www.osha.gov/recordkeeping>

# Labor Dept. Updates Mental Health FAQ

## Fact Sheet # 280: Mental Health Conditions and the FMLA

The Family and Medical Leave Act (FMLA) provides job-protected leave to address mental health conditions. This fact sheet explains when eligible employees of covered employers may use FMLA leave for their own or a family member's mental health condition.

An eligible employee may take FMLA leave for their own serious health condition or to care for a spouse, child or parent because of their serious health condition. A serious health condition can include a mental health condition.

Mental and physical health conditions are considered serious health conditions under the FMLA if they require inpatient care or continuing treatment by a healthcare provider, such as an overnight stay in a treatment center for addiction or continuing treatment by a clinical psychologist.

Fact Sheet: <https://www.dol.gov/agencies/whd/fact-sheets/280-mental-health>

FAQ: <https://www.dol.gov/agencies/whd/fmla/mental-health>

*May 25, 2022*

# Labor Dept. Updates Mental Health FAQ

## Frequently Asked Questions

**(Q) May I use FMLA leave when I am unable to work because of severe anxiety? I see a physician monthly for this condition to manage my symptoms.**

Yes. Assuming that you work for a covered employer and are eligible for FMLA leave, you may take leave if you are unable to work due to a serious health condition under the FMLA. A chronic condition whether physical or mental (e.g., rheumatoid arthritis, anxiety, dissociative disorders) that may cause occasional periods when an individual is unable to work is a qualifying serious health condition if it requires treatment by a health care provider at least twice a year and recurs over an extended period of time.

### Leave for the Employee's Mental Health Condition

An eligible employee may take up to 12 workweeks of leave for **their own serious health condition** that makes the employee unable to perform their essential job duties.

Example:

*Karen is occasionally unable to work due to severe anxiety. She sees a doctor monthly to manage her symptoms. Karen uses FMLA leave to take time off when she is unable to work unexpectedly due to her condition and when she has a regularly scheduled appointment to see her doctor during her work shift.*

Fact Sheet: <https://www.dol.gov/agencies/whd/fact-sheets/28o-mental-health>

FAQ: <https://www.dol.gov/agencies/whd/fmla/mental-health>

*May 25, 2022*

# Labor Department Expansion of Unions

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- NLRB wants to resurrect 50-year-old policy
- Goal: deter employer interference with union vote
- Under *Joy Silk*, company says vote below 50%
- If NLRB disagrees, company must bargain w/ union
- If NLRB agrees, then can hold secret ballot



# Refugees – Uniting for Ukraine Program

- Department of Homeland Security's Uniting for Ukraine program
- Pathway for evacuated Ukrainians to come to the US for up to 2 years
- Must have someone in U.S. provide financial support for entirety of stay
- Once in U.S. can apply for work authorization

Information on the program and how to begin the application process can be found:

<https://www.dhs.gov/ukraine> and  
<https://www.uscis.gov/ukraine>



українською мовою

# Tariffs, Trade, and Supply Chains

# Formal 301 China Tariff Review Underway

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- 4-Year review required by law in July and Aug. 2022
- USTR accepting requests to continue tariffs on China
  - List 1: Request period open May 7-July 5, 2022
  - List 2: Request period open June 24-August 22, 2022
  - Lists 3 and 4a: Can request continuation by July 5 or Aug. 22
- USTR to continue tariffs while reviewing comments
- If receive requests to continue, full review begins

# 301 Tariff 4-Year Review Comment Form



## USTR Comments Portal

PUBLIC DOCKETS

LOG IN

### July 6, 2018 Action, as Modified – Request for Continuation of Action

This form is for use by any representative of a domestic industry which benefits from the July 6, 2018 Action Under Section 301 in the Investigation: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation, as modified. See [83 FR 28710 \(June 20, 2018\)](#). By completing this form, you are confirming that you consider yourself to be a representative of a domestic industry which benefits from the July 6, 2018 Action Under Section 301, as modified.

For questions concerning this portal, please visit the [Frequently Asked Questions page](#), or contact the Section 301 Hotline at (202) 395-5725.

Submitter Information

Additional Information/Attachments

Review Information & Submit

#### Submitter Information

Organization Name (OPTIONAL)

Commenter First Name (REQUIRED) \*

Commenter Last Name (REQUIRED) \*

Commenter Email Address (REQUIRED) \*

# Second Stage 301 Full Review

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- Review of existing tariffs likely in fall 2022
- Opponents of tariffs can file comments against
- Public can comment on effectiveness of tariffs
- Can focus on individual tariff lines, support/oppose
- Could keep tariffs as is, remove/add if take new action

*Likely to remove some consumer product tariffs*

# U.S. China, Supply Chain Bill Progress Update

- 107 total conferees between House and Senate
- Conferees have officially begun meetings
- Leadership set a May 26 deadline to complete policy talks
- Conferees will not meet that deadline
- Leadership set a June 21 deadline to complete conference report
- Conferees unlikely to meet that deadline

Disagreements remain over:

- Scope of trade title and whether to include anything
- Senators wants House to use Senate USICA bill as starting point

# Lobbying for Workforce in Supply Chain Bill

## Take Action



### **House and Senate Negotiating Competition Bill; Tell Congress to Include Workforce**

We need you to contact your U.S. Senators and Representatives and ask them to include critical workforce development and training provisions in a pending supply chain and manufacturing competition bill. Congress is working to resolve the differences between the House and...

<https://www.metalworkingadvocate.org/take-action>



# U.S. ITC to Hold 232, 301 Hearing

UNITED STATES INTERNATIONAL TRADE COMMISSION

Investigation No. 332-591

## **Economic Impact of Section 232 and 301 Tariffs on U.S. Industries**

**ACTION:** Notice of investigation and scheduling of a public hearing.

**SUMMARY:** As directed by an explanatory statement related that accompanied the Consolidated Appropriations Act, 2022, enacted on March 15, 2022, the U.S. International Trade Commission (Commission) instituted Investigation No. 332-591, *Economic Impact of Section 232 and 301 Tariffs on U.S. Industries*. In the explanatory statement, the House and Senate Committees on Appropriations (Committees) directed that the Commission conduct a retrospective investigation and provide a report on the impacts in the U.S. industries most affected by the Section 232 and 301 tariffs that were active as of March 15, 2022.

### **DATES:**

July 6, 2022: Deadline for filing requests to appear at the public hearing.

July 8, 2022: Deadline for filing prehearing briefs and statements.

July 14, 2022: Deadline for filing electronic copies of oral hearing statements.

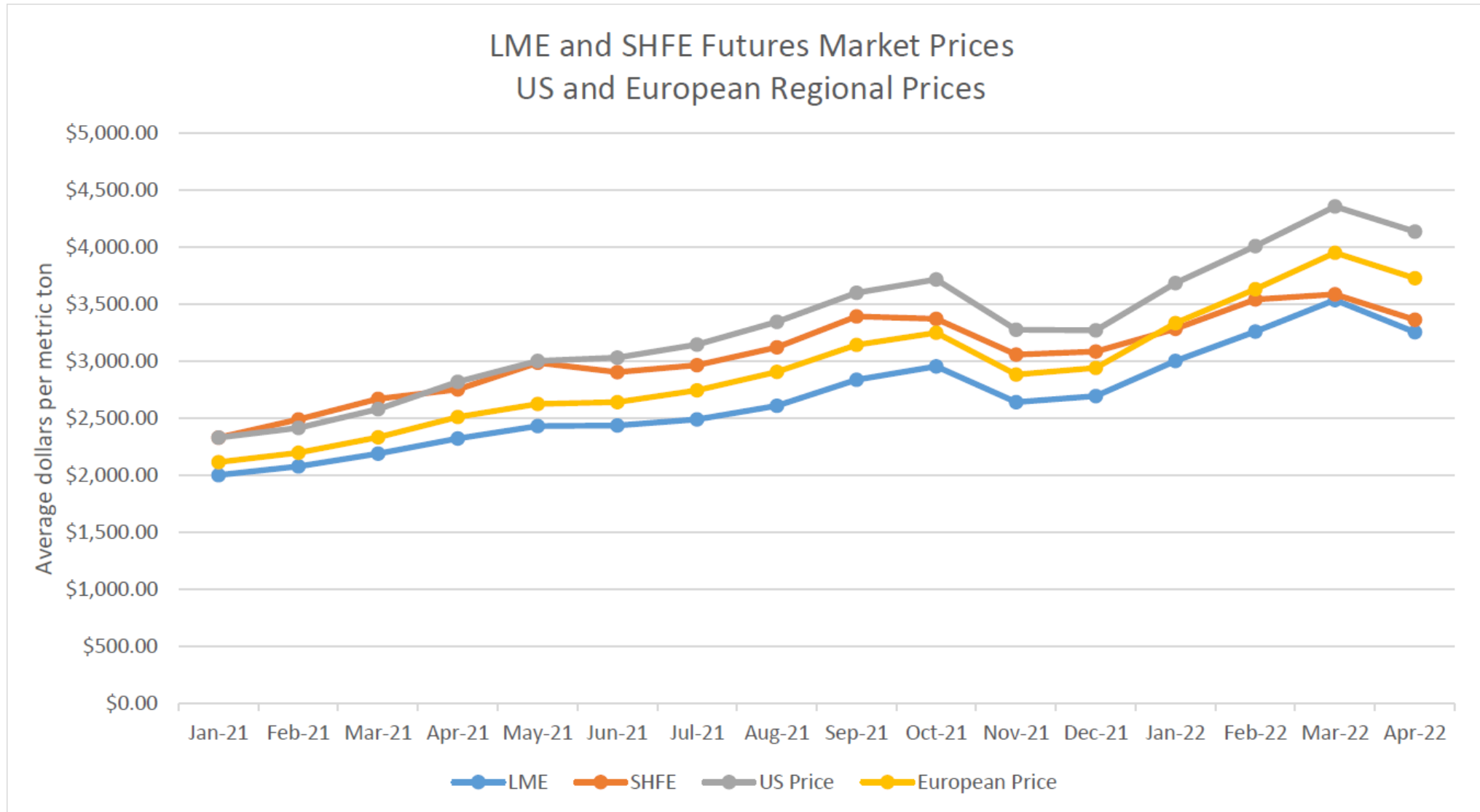
July 21, 2022: Public hearing.

August 12, 2022: Deadline for filing posthearing briefs and statements.

August 24, 2022: Deadline for filing all other written submissions.

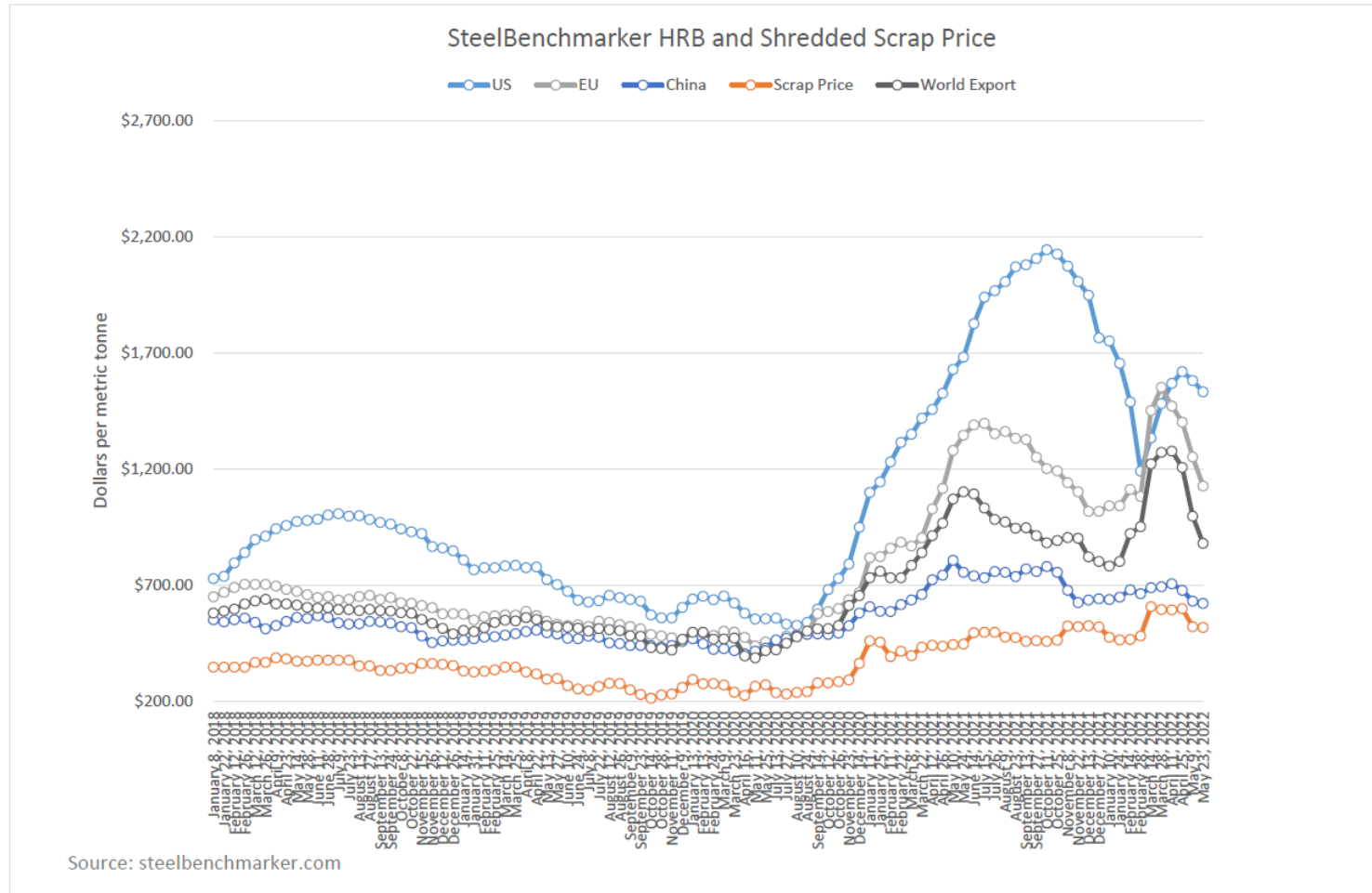
March 15, 2023: Transmittal of Commission report to Committees.

# Aluminum Prices



# Steel Prices in U.S.

U.S. versus Global Steel Prices January 8, 2018-March 28, 2022  
(HRB Price)



# Steel Prices in U.S.

U.S. versus Global Steel Prices January 8, 2018-March 28, 2022  
(HRB Price)

June 14, 2021	\$	1,824.00	\$	1,388.00	\$	738.00	\$	493.00	\$	1,091.00	\$	1,086.00	\$	436.00	82.60%
July 15, 2021	\$	1,938.00	\$	1,395.00	\$	730.00	\$	495.00	\$	1,030.00	\$	1,208.00	\$	543.00	82.70%
July 26, 2021	\$	1,966.00	\$	1,350.00	\$	757.00	\$	495.00	\$	981.00	\$	1,209.00	\$	616.00	84.60%
August 9, 2021	\$	2,005.00	\$	1,360.00	\$	753.00	\$	474.00	\$	970.00	\$	1,252.00	\$	645.00	84.80%
August 23, 2021	\$	2,069.00	\$	1,330.00	\$	735.00	\$	472.00	\$	943.00	\$	1,334.00	\$	739.00	85.00%
September 13, 2021	\$	2,078.00	\$	1,325.00	\$	768.00	\$	456.00	\$	945.00	\$	1,310.00	\$	753.00	85.30%
September 27, 2021	\$	2,105.00	\$	1,249.00	\$	757.00	\$	459.00	\$	911.00	\$	1,348.00	\$	856.00	85.20%
October 11, 2021	\$	2,143.00	\$	1,200.00	\$	778.00	\$	456.00	\$	880.00	\$	1,365.00	\$	943.00	84.20%
October 25, 2021	\$	2,124.00	\$	1,190.00	\$	753.00	\$	461.00	\$	890.00	\$	1,371.00	\$	934.00	84.70%
November 8, 2021	\$	2,072.00	\$	1,139.00	\$	676.00	\$	522.00	\$	903.00	\$	1,396.00	\$	933.00	83.40%
November 22, 2021	\$	2,006.00	\$	1,100.00	\$	623.00	\$	519.00	\$	900.00	\$	1,383.00	\$	906.00	83.20%
December 13, 2021	\$	1,947.00	\$	1,016.00	\$	634.00	\$	523.00	\$	820.00	\$	1,313.00	\$	931.00	82.40%
December 27, 2021	\$	1,763.00	\$	1,016.00	\$	639.00	\$	518.00	\$	800.00	\$	1,124.00	\$	747.00	81.60%
January 10, 2022	\$	1,750.00	\$	1,040.00	\$	636.00	\$	473.00	\$	780.00	\$	1,114.00	\$	710.00	82.30%
January 24, 2022	\$	1,653.00	\$	1,040.00	\$	646.00	\$	462.00	\$	800.00	\$	1,007.00	\$	613.00	81.90%
February 14, 2022	\$	1,487.00	\$	1,110.00	\$	678.00	\$	464.00	\$	920.00	\$	809.00	\$	377.00	79.80%
February 28, 2022	\$	1,189.00	\$	1,080.00	\$	661.00	\$	479.00	\$	950.00	\$	528.00	\$	109.00	79.60%
March 14, 2022	\$	1,332.00	\$	1,450.00	\$	687.00	\$	605.00	\$	1,220.00	\$	645.00	\$	(118.00)	80.00%
March 28, 2022	\$	1,480.00	\$	1,550.00	\$	691.00	\$	593.00	\$	1,270.00	\$	789.00	\$	(70.00)	79.40%
April 11, 2022	\$	1,567.00	\$	1,469.00	\$	704.00	\$	591.00	\$	1,275.00	\$	863.00	\$	98.00	79.70%
April 25, 2022	\$	1,618.00	\$	1,400.00	\$	676.00	\$	597.00	\$	1,205.00	\$	942.00	\$	218.00	81.70%
May 9, 2022	\$	1,579.00	\$	1,250.00	\$	629.00	\$	519.00	\$	995.00	\$	950.00	\$	329.00	81.40%
May 23, 2022	\$	1,531.00	\$	1,125.00	\$	619.00	\$	516.00	\$	878.00	\$	912.00	\$	406.00	82.00%

# Steel Prices



For Immediate Release

May 9, 2022

Contact: Carolyn Spector, 202-828-5802

[carolyn.spector@bracewell.com](mailto:carolyn.spector@bracewell.com)

## **CAMMU Statement on U.S. Suspension of Steel Tariffs on Ukraine**

*Washington, D.C.* – The Coalition of American Metal Manufacturers and Users (CAMMU) today issued the following statement:

“The Coalition of American Metal Manufacturers and Users (CAMMU) applauds the suspension of “national security” Section 232 steel tariffs on Ukraine by the Biden Administration. The war in Ukraine underscores the irony of maintaining the “national security” tariffs on steel and aluminum imports imposed by the Trump Administration in 2018 on our close allies as the United States seeks to build a global coalition to confront Russia’s aggression. The domestic steel and aluminum industries continue to enjoy record profits while U.S. steel- and aluminum-using manufacturers can’t obtain the steel and aluminum needed to meet demand due to a range of supply chain issues exacerbated by these tariffs. It’s time for the United States to drop these “national security” tariffs in the name of...national security

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*The Coalition of American Metal Manufacturers and Users is a broad organization of U.S. businesses and trade associations representing over 30,000 companies and over one million American workers in the manufacturing sector and the downstream supply chains of industries including aerospace, agriculture, automotive, consumer goods, construction, defense, electrical, medical, and recreational, among others. For additional information, visit [www.tariff saretaxes.org](http://www.tariff saretaxes.org) and follow the Coalition on Twitter at [@tariff saretaxes](https://twitter.com/tariff saretaxes).*



# Media

## The Meadville Tribune MEADVILLETribune.COM

Thursday, May 26, 2022 | E-Paper

### Cochranton students win big at National Robotics League Championship



FOR IMMEDIATE RELEASE:  
Contact: Christie Carmigiano  
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#### May 2022 Business Conditions Report: Metalformers Predict Slight Decline Heading Into Summer Months

CLEVELAND, OH—May 25, 2022—The May 2022 Precision Metalforming Association (PMA) Business Conditions Report showed metalforming companies anticipating a modest decline in business conditions compared to the previous month's report. Prepared monthly, the report provides an economic indicator for the next three months of manufacturing, sampling 108 metalforming companies in the United States and Canada.

PMA's May report shows that 16% of metalforming companies expect an increase in general economic activity in the next three months (decreasing from 19% in April), 63% forecast no change in activity (the same percentage reported in April) and 21% predict a decrease in activity (compared to 18% last month).

The report showed a significant decrease in predictions for incoming orders, with only 22% of survey respondents expecting an increase in incoming orders during the next three months (compared to 34% in April), 57% predicting no change (compared to 47% last month) and 21% anticipating a decrease in orders (compared to 19% in April).

# Stay Connected – One Voice Podcast





# Donate to NTMA, PMA to Support Advocacy in DC

**NTMA's Government Affairs Administrative Fund (GAAF)** allows the association to undertake initiatives aimed at educating elected officials on tooling and machining and the industry's priority issues. It also permits us to support a variety of activities to inform and mobilize our members, as well as to protect and promote the industry with key lawmakers. You can use corporate OR personal funds to donate to the GAAF.

Donate Today!

<https://ntma.org/programs/advocacy/>

## **PMA ADVOCACY FUND**

PMA's Advocacy Fund supports the association's day-to-day lobbying and public relations efforts in Washington, D.C., increasing the industry's visibility in Congress, the Administration and the public. You can use corporate OR personal funds to donate to the advocacy fund.

Donate Today!

<https://www.pma.org/advocacy/donate-today.asp>

# Questions?

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<https://www.pma.org/advocacy/donate-today.asp>

<https://ntma.org/programs/advocacy/>

