

Legal Responsibilities

P.M. Canzius, Esq. -- AWE

- About AWE
 - Then
 - The 2nd largest carrier by revenue
 - Now
 - Awaiting approval to be acquired by Cingular

Legal Responsibilities

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- A. The Easy Compliance Cases
 - Employee Exposure to RF:
 - OSHA Regulation deemed advisory
 - 29 CFR 1910.97
 - » Caselaw
 - You can win a General Duty citation
 - » Caselaw
 - But, there are other liabilities!
 - North Carolina Wildcard and the FCC

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– Cranes and Hoists:

- Normal cranes and hoists in Telecom excluded
 - You can win a General Duty citation

– But,

- Potential for Tort Liability
- Potential for criminal sanctions if serious injuries, including fatality.

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- LO/TO:
 - Have equipment vendor develop Plan/Program;
 - Have contractors implement;
 - Don't supervise contractor's employees;
 - Don't pay contractor's employees;
 - Don't discipline contractor's employees, and
 - Keep your employees away from work.

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- Towers:
 - No employees climb towers;
 - Contractors work on towers;
 - Don't supervise contractor's employees;
 - Don't hire contractor's employees, and
 - Don't discipline contractors' employees.
 - But, owner/lessor has responsibilities ...

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- B. Difficult Compliance/Non-Compliance
 - Towers:
 - Age;
 - Structural Integrity;
 - Scheduled Maintenance, and
 - Safety Equipment
 - Liabilities
 - OSHA
 - Tort

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- Towers Cont'd:
 - Liabilities Cont'd
 - Potential Criminal
 - Work Stoppages
 - Work Around
 - Escalating costs to the owner/lessor

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- Molds:
 - No OSHA or EPA Regulations;
 - NYC Regulations;
 - Allies
 - Health Departments
 - OSHA
 - Store Closure Issues
 - Remediation

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- Ergonomics
 - General Duty Clause
 - California Wildcard
 - Citation
 - Pre-Hearing
 - Negotiations with Cal-OSHA
 - Washington State/Oregon

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- Exposure to Hazardous Conditions
 - Local DA's Office
 - DOJ/EPA
 - Adverse Publicity [New York Times/Public TV]
- Fatalities
 - OSHA
 - Local DA's Office
 - Adverse Publicity [New York Times/Public TV]

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- QUESTIONS