

Willful OSHA Citation Against General Contractor Vacated

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In the article, "Willful OSHA Citation Against General Contractor Vacated," featured in *Business Insurance*, Michael Abcarian provides commentary on the Hensel Phelps case and the implications of the 5th Circuit court's rulings.

Abcarian, an attorney for the employer, noted that the decision "followed the correct law, the controlling law of the 5th Circuit," which covers Texas, Louisiana and Mississippi. While the department may believe the precedent is either incorrect or doesn't apply for technical reasons, it would have to ask the 5th Circuit to review the decision to overcome that 1981 precedent.

"Our view is very clear," he said. "There's no wiggle room at all."

If the decision is unchallenged and remains the law, general contractors and other employers in those three states who would fall in the controlling employer category could argue they are not liable per the Hensel Phelps decision, he said.

To read the full article, please visit [*Business Insurance*](#).

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