

The Cope...



INCMA's Monthly Newsletter

November 2018

INDIANA MIDTERM ELECTION WRAP UP

Republicans maintained their supermajority status in the Indiana General Assembly with House Republicans controlling 67 seats, leaving Democrats with 33 seats. In the Senate, Republicans also maintain a comfortable majority, controlling 40 out of 50 seats. They lost one seat when Democrat J.D. Ford defeated Carmel Republican Mike Delph, A supermajority means that Republicans can have a quorum to conduct business without Democrats. Meanwhile, Senate Republicans formally elected state Sen. Rodric Bray of Martinsville as the president pro tempore in their first caucus meeting following the election. He had been elected to that position last summer after former President Pro Temper David Long, R-Fort Wayne, resigned but it wasn't finalized until after Tuesday's election. Bray named Sen. Mark Messmer of Jasper as majority floor leader. Senate Republicans also elected Sen. Jim Merritt of Indianapolis as the majority caucus chair. The Indiana House Republican Caucus and Indiana House Democratic Caucus also announced

their leadership teams for the 2019 General Assembly. House Speaker Brian Bosma will remain in the role for a sixth term. Greg Steuerwald will serve as Majority Caucus Chair for the first time, and Matt Lehman, will return as Majority Floor Leader. Phil GiaQuinta will succeed Terry Goodin as leader of the minority party. Mara Candelaria Reardon will be Caucus Chair and Cherrish Pryor will serve as Floor Leader. The legislature



meets on Nov. 20 for their Organization Day in preparation for the 2019 Session

INCMA'S AMICUS BRIEF ACCEPTED BY COURT

INCMA's "friend of the court" legal brief, discussed last month, was filed in support of a matter involving former Elkhart Foundry property and accepted by the court last week. The suit involves the issue of how long a plaintiff may wait to sue a

company for environmental response costs. Under a recent Court of Appeals' decision, a plaintiff can basically wait as long as it wants since there is not an effective statute of limitations. Statutes of limitations are enacted to prevent the filing of stale disputes and protects the resources of the parties and the courts. The law typically does not reward a person for sitting on his/ her rights. The Court of Appeals' decision in Elkhart Foundry upends this by allowing a plaintiff to sue up to ten years after incurring cleanup costs and then getting a new ten year period every time it spends another dollar. [Click here to read the INCMA Amicus brief](#)

OSHA'S TOP 10 FOUNDRY VIOLATIONS

OSHA has released the [10 most frequently cited foundry workplace safety violations](#) for fiscal year 2018. The data for iron, steel and aluminum foundries highlighted covers violations cited from October 1, 2017, through September 30, 2018. Respiratory protection, air contaminants,

occupational noise exposure, and lockout/tagout top the list again.

EPA'S TO FOCUS ON NEW RULES IN 2019

Expect EPA to take up rules on the following issues in 2019....

- Repeal and replace the 2015 Waters of the United States Rule - EPA anticipates finalizing the repeal in March 2019, releasing the proposed replacement rule in October 2018 and intending to finalize that rule a year later in 2019;
- New rule in May 2019 on increasing consistency and transparency in considering costs and benefits in the rulemaking process;
- Finalize by March 2019 the Affordable Clean Energy proposed rule which establishes guidelines for states to address greenhouse gas emissions from existing electric power plants. It is the replacement to the 2015 Clean Power Plan final rule. Stay tuned!

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