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A Choice Between Irreparable Harm and Occupational Safety and Health Act Penalties:
Northeast Erectors Association v. Secretary of Labor

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Abstract by Sarah P. Kenney

This case note examines the First Circuit's decision in *Northeast Erectors Ass'n v. Secretary of Labor*, suggesting that *Northeast Erectors* violates companies' due process rights. This note suggests that *Northeast Erectors* makes it possible that the Occupational Safety and Health Administration (OSHA) will force businesses to select between employee safety and financial sanctions. The author argues that the *Northeast Erectors* court's decision makes it likely that OSHA and other government agencies will abuse their administrative powers by limiting district courts' power of review. This limit of judicial review is dangerous in cases such as *Northeast Erectors* when businesses allege that compliance with agency standards is more dangerous than non-compliance.

In its analysis, the author provides an overview of the relevant case law, reviews the court's reasoning in *Northeast Erectors*, and criticizes the court's ruling by arguing that the court failed to recognize that the issue fell within the "collateral claim" exception to the statutory preclusion of judicial review.