

GOVERNMENT OF PUERTO RICO
PUERTO RICO PUBLIC SERVICE REGULATORY BOARD
PUERTO RICO ENERGY BUREAU

NEPR

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IN RE: PERFORMANCE METRICS
TARGETS FOR LUMA ENERGY SERVCO,
LLC

CASE NO. NEPR-AP-2020-0025

SUBJECT: LUMA's Opposition to
LECO's Second Motion to Compel of
October 13, 2021

LUMA'S OPPOSITION TO
LECO'S SECOND MOTION TO COMPEL OF OCTOBER 13, 2021

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COME now LUMA Energy, LLC ("ManagementCo"), and LUMA Energy ServCo, LLC ("ServCo"), (jointly referred to as the "Operator" or "LUMA"), and respectfully state and request the following:

INTRODUCTION

On October 13, 2021, the Local Environmental and Civil Organizations' ("LECO") filed a *Motion to Compel LUMA to Respond to LECO's Third Request for Information* ("October 13th Motion to Compel"). LECO claimed that LUMA's responses to the *Third Discovery Request* were incomplete and remained unanswered. In particular, LECO claimed that LUMA's answers were deficient because LUMA did not provide copies of specific documents requested by LECO.

LECO fails to acknowledge that LUMA has already responded to all the requests of the *Third Discovery Request*. Further, LUMA has sound legal arguments to object to the production of the documents requested. The items requested include documents that are part of an employee's personnel file, employees' personal and medical information, and documents deemed confidential

by contractual agreement. All of these documents are protected from disclosure to third parties. Moreover, LECO has provided no legal support to demonstrate that these materials would be material and necessary to this proceeding. Furthermore, LECO's requests are unduly burdensome, not proportional to the needs of this proceeding, and not material or necessary for the resolution of this matter. Accordingly, LECO's motion seeking documents is meritless.

For the reasons set forth below, LUMA contends that LECO's October 13th Motion to Compel must be denied.

ARGUMENT

I. LECO's Motion to Compel Does Not Meet the Requirements Set Forth by Regulation 8543.

The Puerto Rico Energy Bureau Regulation No. 8543 on Adjudicative, Notice of Noncompliance, Rate Review and Investigation Proceedings of December 18, 2014 ("Regulation 8543"), establishes the standards that shall govern adjudicative proceedings before this Energy Bureau. *See* Section 1.03, Purpose. Pursuant to the discovery provisions included in Section VIII of Regulation 8543, a party may serve written interrogatories to any other party. *See* Section 8.03(A), Production of Documents; Site Inspections. If the interrogatory is objected, the grounds for objecting must be presented in place of the answer. *See* Section 8.03(B)(1), Production of Documents; Site Inspections. A party serving an interrogatory may object to the answers on a motion to this Energy Bureau, which shall include a transcript *verbatim* of the question and answer concerned, as well as the grounds for objecting. *See* Section 8.03(F), Production of Documents; Site Inspections.

Furthermore, under Regulation 8543, a party is allowed to notify another of a request to produce documents. *See* Section 8.04(A)(1), Production of Documents; Site Inspections. The party responding to the request can object to the request by indicating the grounds for objection. *See* Section 8.04(C), Production of Documents; Site Inspections. However, within the discovery provisions of Regulation 8543 regarding the production of documents, Regulation 8543 does not envision the filing of a motion compelling production by the requesting party.

As mentioned above, LECO included several requests for the production of documents in its *Third Discovery Request*. The documents involve questions related to health and safety metrics and processes under the Occupational Safety and Health Act of 1970, as amended, 29 U.S.C. § 651 *et seq.* LECO avers that this Energy Bureau should compel LUMA to produce occupational health and safety documents. *See* Attachment 1 to the *Motion to Compel LUMA to Respond to LECO's Third Request of Information*.

As a threshold issue, as stated above, Regulation 8543 does not contemplate a motion by a party carrying out a discovery to compel the production of documents in an adjudicative proceeding as part of the discovery process. Therefore, this Energy Bureau should strike LECO's motion to compel for failure to conform to the provisions of Regulation 8543.

As will be discussed in detail below, LUMA has solid legal arguments to object to the production of the documents requested. LECO, in turn, has no basis for requesting assistance from this Energy Bureau to compel the production of documents related to occupational health and safety.

II. LUMA Answered LECO's Third Discovery Request.

In the October 13th Motion to Compel, LECO alleges that LUMA refused to answer Questions 1-6 and 8-11 from the *Third Discovery Request*. LECO improperly oversimplified to this Energy Bureau the scope of LUMA's objections and answers to Questions 1-6 and 8-11 from the *Third Discovery Request*. Conveniently, LECO limited its argument to that portion of LUMA's answers where LUMA stated that this proceeding does not involve performance or data for the period of time after this Energy Bureau set the applicable baselines in the Resolution and Orders of May 21 and July 2, 2021, in Case No. NEPR-MI-2019-0007. For ease of reference, we outline the full scope of the question and LUMA's response.

LECO's Question 1:

What years does LUMA's evaluation of PREPA PR OSHA-300 correspond to? Was only the registration for the 2019-2020 fiscal year considered? If LUMA only considered fiscal year 2019-2020, why not evaluate previous years to have a wider context of employee incidents recorded by PREPA?

See Attachment 1 to the Motion to Compel LUMA to Respond to LECO's Third Request of Information.

LUMA's Response to Question 1:

LUMA objects to this request because it employs the vague term "wider context" and does not provide sufficient context to ascertain the relevance of the request in connection with LUMA's Revised Performance Metrics Targets Submission and proposed Revised Annex IX to the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement ("T&D OMA") filed on September 24, 2021 ("LUMA's Revised Performance Metrics Targets filing"). LUMA also objects to this request because it is argumentative.

Without waiving the foregoing objections, LUMA performed a review of data related to PREPA PR OSHA-300 including fiscal year 2017 forward. Fiscal Year 2019-2020 was not the only fiscal year considered; however, it was the period considered for baseline calculation as described in Section 2.5.2 of the

Revised Performance Metric Filing submitted August 18, 2021, then amended on September 24, 2021.

See Attachment 2 to the Motion to Compel LUMA to Respond to LECO's Third Request of Information (emphasis added).

As shown above, LUMA answered Question 1. Contrary to what LECO claims, the text of the question clearly reveals that LECO posed questions in the form of an interrogatory. The question asked about the scope of LUMA's review of PREPA PR OSHA-300, if the records for the fiscal year 2019-2020 were the only ones considered and if previous years were evaluated. LUMA responded that it reviewed the fiscal year 2017 onwards but only considered the fiscal year 2019-2020 for the baseline calculation of the performance metrics targets. Thus, LUMA fully answered this request.

It should be noted that the PR OSHA 300 form is a log of work-related injuries and illnesses. It is used to classify work-related injuries and illnesses and note each case's extent and severity. When an incident occurs, the log is used to record specific details and how it happened. A copy of a PR OSHA 300 form is included as Exhibit 1 to this motion for ease of reference. As the form shows, the log requires an employer to include the employee's name, job title, date of injury or illness, where the event occurred, describe the injury or illness, and whether the person died or is away from work. Thus, the form chronicles an employee's personal and medical information, deemed confidential, per federal and Puerto Rico laws and regulations.

Moreover, the PR OSHA 300 forms requested by LECO were prepared by PREPA and include the personal and medical information of PREPA employees. PREPA provided the information to LUMA in accordance with the terms for sharing information of the T&D OMA.

Pursuant to Section 13.2 of the T&D OMA, all written, recorded, or oral System Information furnished or made available by PREPA in connection with the agreement shall be deemed confidential unless otherwise already public. The information requested by LECO constitutes System Information and is not publicly available. Therefore, LUMA cannot provide third parties with these documents. In addition, the documents in question contain the personal and medical information of PREPA employees. Employee personal information is specifically protected by federal and Puerto Rico laws, including Article II, Sections 8 and 10 of the Constitution of Puerto Rico and the Health Insurance Portability and Accountability Act (“HIPAA”) of 1996, as amended.

LECO’s Question 2:

Did LUMA compare the information collected through the PREPA PR OSHA-300 with information or material from other comparable electrical utilities of other states or jurisdictions?

See Attachment 1 to the Motion to Compel LUMA to Respond to LECO’s Third Request of Information.

LUMA’s Response to Question 2:

It is clarified that the proposed Performance Metrics Targets submitted by LUMA for consideration by the Puerto Rico Energy Bureau were adopted within the competitive negotiated processes conducted by the Puerto Rico Public-Private Partnerships Authority that led to the execution of the Puerto Rico Transmission and Distribution System Operation and Maintenance Agreement of June 22, 2020 (T&D OMA). LUMA was not required to conduct an independent utility industry assessment in connection with the health and safety performance metrics. **To the extent that this request seeks to elicit information on OSHA processes pertaining to other utilities, it is clarified that LUMA compared information collected through the Edison Electric Institute to review information compiled from other comparable electrical utilities in the United States. Other companies’ OSHA information is not directly available to LUMA.**

See Attachment 2 to the Motion to Compel LUMA to Respond to LECO’s Third Request of Information (emphasis added).

LECO argues that LUMA answered this request incompletely because it failed to provide the information or material reviewed through the Edison Electric Institute (“EEI”) and PREPA information concerning safety standards. However, as the above-quoted text of the request shows, LECO posed a question in the form of an interrogatory. The question did not include a request to produce OSHA logs or documentation. The information and material provided by the EEI are only accessible to member companies. To gain access, companies need to apply subject to review and approval. If approved, members have to pay an annual fee. Consistent with their membership status, members of EEI may download content from EEI’s site for their own use on a single computer. However, no part of such content may be otherwise or subsequently reproduced, downloaded, disseminated, published, or transferred, in any form or by any means, except with the prior written permission of EEI. *See* <https://www.eei.org/Pages/terms-of-use.aspx>. The terms mentioned above of use expressly prohibit LUMA from disseminating or transferring the reviewed documents. As such, the documents are not in LUMA’s possession, custody, or control to produce them. LUMA would have to seek the written permission of the EEI, which is more than the discovery rules currently require for producing documents. *See* Rule 31.1(1) of the Puerto Rico Rules of Civil Procedure, 32 LPR Ap. V, R. 31.1(1). Therefore, it would be unduly burdensome for LUMA to produce the materials obtained from the EEI, as it would subject it to a violation of the terms of use of the EEI.

Moreover, please refer to the arguments raised for Question 1 regarding the PR OSHA 300 form and the production of PREPA PR OSHA 300 forms.

LECO's Question 3:

What standards adopted by PR OSHA did LUMA use to prepare performance metrics in safety and health?

See Attachment 1 to the Motion to Compel LUMA to Respond to LECO's Third Request of Information.

LUMA's Response to Question 3:

LUMA objects to this request as ambiguous and unintelligible. It references standards adopted by PR OSHA without sufficient context to allow LUMA to understand and identify relevant standards responsive to this request. Also, LUMA is not in a position to ascertain the relevance of the request in connection with LUMA's Revised Proposed Performance Metrics Targets filing, and thus, LUMA's witness cannot answer. LUMA also objects to this request as argumentative and because it is based on the unsupported and unexplained premise that OSHA PR has adopted specific standards. **Without waiving the foregoing objections, PR OSHA does not have specific standards related to injury recordability different from the industry standards provided by OSHA.**

See Attachment 2 to the Motion to Compel LUMA to Respond to LECO's Third Request of Information (emphasis added).

LECO claims LUMA did not provide a complete answer to Question 3 "on the basis of being vague, ambiguous and unintelligible, allegedly because they don't have enough context to understand and identify relevant standards to respond to this request." LUMA disagrees. The question presupposes that OSHA-PR has adopted specific standards different from those of OSHA. LUMA answered that OSHA-PR has no different standards than those already provided by OSHA. The question, as stated, does not warrant any other answer.

LECO's Question 4:

Did LUMA or any LUMA witness review the Regulations developed and approved by PR OSHA and with Act No. 16 of August 5, 1975, as amended?

See Attachment 1 to the Motion to Compel LUMA to Respond to LECO's Third Request of Information.

LUMA's Response to Question 4:

LUMA objects to this request because it is vague and overly broad. It does not specify the relevant timeframe nor the specific regulatory or statutory provisions that the request purports to cover. The request does not provide sufficient context to allow LUMA to understand the request and identify responsive information. Also, LUMA is not in a position to ascertain the relevance of the request in connection with LUMA's Revised Proposed Performance Metrics Targets filing. **However, LUMA is aware of how the legislation enacted impacts the reporting and recording of workplace injuries.**

See Attachment 2 to the Motion to Compel LUMA to Respond to LECO's Third Request of Information (emphasis added).

For Question 4, LECO includes the same argument that LUMA did not provide a complete answer. Also, LECO claims Question 4 is a simple yes or no question. LECO asked if LUMA or any of its witnesses reviewed the Regulations developed and approved by PR OSHA and with Act No. 16 of August 5, 1975, as amended. LUMA answered that it was aware of how the legislation enacted impacts the recording of incidents. The definition of the word "aware" is having or showing understanding or knowledge. If someone has or shows understanding or knowledge, it presupposes they have studied or reviewed the matter. Question 4 was answered.

LECO's Question 5:

What documents, in addition to PREPA PR OSHA-300, did LUMA use to prepare performance metrics in safety and health?

- a. Submit a copy of all documents that LUMA used.

See Attachment 1 to the Motion to Compel LUMA to Respond to LECO's Third Request of Information.

LUMA's Response to Question 5:

LUMA objects to this request as repetitive of, for example, RFI-LUMA-AP-2020-0025-LECO-10SEPT21-002. LUMA also objects to this request as it ignores the pre-filed testimony of J. Meléndez of September 9, 2021, and the exhibits to said testimony.

Without waiving the foregoing objections, please refer to RFI-LUMA-AP-2020-0025-LECO-10SEPT21-002, Pre-Filed Testimony of J. Meléndez, lines 32-42 and 81-86 and Exhibit 1.

See Attachment 2 to the Motion to Compel LUMA to Respond to LECO's Third Request of Information (emphasis added).

LECO avers that it requested a copy of all documents LUMA used to prepare occupational health and safety performance metrics, and since the pre-filed direct testimony mentions that PREPA PR OSHA 300 forms were used, they should have been produced. LUMA strongly disagrees. In fact, LECO's arguments in the Motion to Compel are an amendment to the initial request where LECO did not request the PREPA PR OSHA 300 forms.

Moreover, please refer to the arguments raised for Question 1 regarding the PR OSHA 300 form and the production of PREPA PR OSHA 300 forms.

LECO's Question 6:

Has witness Jorge Meléndez obtained any training regarding OSHA standard number 1910.269: "Electric power generation, transmission, and distribution"? If so, please provide certifications and evidence of those trainings.

See Attachment 1 to the Motion to Compel LUMA to Respond to LECO's Third Request of Information (emphasis added).

LUMA's Response to Question 6:

LUMA objects to this request as it seeks information that falls beyond the scope of the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Further, LUMA objects to this request as the information sought is irrelevant to the controversy at issue on LUMA's Revised Performance Metrics Targets.

Without waiving the foregoing objections and without acquiescing to the relevance or admissibility of the information, witness Meléndez has participated in OSHA Electrical Transmission & Distribution (ET&D) Partnership 10 hours and OSHA Electrical Transmission & Distribution (ET&D) Partnership 10 hours OSHA 20 hours. He has also participated in several other training courses related to electrical safety.

See Attachment 2 to the Motion to Compel LUMA to Respond to LECO's Third Request of Information (emphasis added).

LECO argues that the response provided to Question 6 is incomplete because LUMA was required to provide evidence of the witness' certifications or training and failed to do so. Records of attendance and completion of training programs of an employee are part of an employee's personnel file. Personnel files are LUMA's property and are afforded confidential treatment at all times. A person's private information is protected from disclosure, and this reasonably includes work histories. *See* Article II, Sections 8 and 10 of the Constitution of Puerto Rico. Therefore, LUMA submits that the witness attendance and completion of training programs are deemed confidential and should not be compelled to be produced.

The request is unduly burdensome without any justification for its relevance for this proceeding. Further, the witness is not purporting to be an expert on OSHA matters. He is merely testifying to support the establishment of a performance-based incentive in his area of work. As such, LUMA respectfully understands there is no relevance or need for the request to obtain documents on the aforementioned credentials. The witness answered the request. Thus, LECO has the data on the witness's credentials, and OSHA training received at its disposal.

LECO's Question 8:

Is LUMA aware that the Puerto Rico Occupational Safety and Health Administration ("PR OSHA") provides consulting services? Has LUMA requested the consulting services that PR OSHA provides?

See Attachment 1 to the Motion to Compel LUMA to Respond to LECO's Third Request of Information.

LUMA's Response to Question 8:

LUMA objects to this request as it seeks information that falls beyond the scope of the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Further, LUMA objects to this request as the information sought is irrelevant to the controversy at issue on LUMA's Revised Performance Metrics Targets. **Without waiving the foregoing objections and without acquiescing to the relevance or admissibility of the information, I am aware that PR OSHA has consulting services to assist in scenarios if help is needed by LUMA. However, using OSHA consulting services is optional, and LUMA has not requested their services currently.**

See Attachment 2 to the Motion to Compel LUMA to Respond to LECO's Third Request of Information (emphasis added).

In Question 8, LECO requested if LUMA was aware of the offering of PR OSHA consulting services and if LUMA had requested those services. The witness expressly responded

being aware of the availability of PR OSHA consulting services. However, since those services were optional, LUMA had not requested the services. Hence, LUMA provided a complete answer.

LECO's Question 9:

How many inspections, if any, has PR OSHA performed at LUMA-managed and supervised workplaces since June 1, 2021? PREB's orders in this docket, as well as PREB's orders in Docket No. NEPR-MI-2019-0007, make it clear that metrics, baselines, and benchmarks will continue to evolve and that this evolution will be informed by LUMA's ongoing performance. LUMA's performance since June 1, 2021, therefore, is relevant evidence in this proceeding.

See Attachment 1 to the Motion to Compel LUMA to Respond to LECO's Third Request of Information.

LUMA's Response to Question 9:

LUMA objects to this request because it is argumentative and includes a legal conclusion by counsel. LUMA also objects to this request as it seeks information that falls beyond the scope of the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Further, LUMA objects to this request as the information sought is irrelevant to the controversy at issue on LUMA's Revised Performance Metrics Targets. LUMA specifically objects to this request that seeks information related to occurrences since LUMA took over the transmission and distribution system in June 2021. This proceeding does not involve performance or data after the Energy Bureau set the applicable baselines in the Resolutions and Orders of May 21, 2021, and July 2, 2021, issued in Case No. NEPR-MI-2019-0007. Thus, the requested information on OSHA inspections related to health and safety after June 1st, 2021, is not relevant to this proceeding.

Without waiving the foregoing objections and without acquiescing to the relevance or admissibility of the information, LUMA has no active OSHA investigations since June 1, 2021.

See Attachment 2 to the Motion to Compel LUMA to Respond to LECO's Third Request of Information (emphasis added).

In Question 9, LECO requested to know if OSHA had performed any inspection at LUMA-managed and supervised workplaces since June 1, 2021. LUMA answered that there were no active

OSHA investigations since June 1, 2021. Once again, LUMA answered the question posed by LECO. Notwithstanding, the OSHA website provides a search engine in which the public can easily verify if an establishment has been subject to an inspection. *See* <https://www.osha.gov/pls/imis/establishment.html>. This page enables the user to search for OSHA enforcement inspections by the name of the establishment.

LECO's Question 10:

How many incidents related to health and safety have occurred since June 1, 2021?

- a. Provide the details, documents generated in investigative reports made.

See Attachment 1 to the Motion to Compel LUMA to Respond to LECO's Third Request of Information.

LUMA's Response to Question 10:

LUMA objects to this request as it seeks information that falls beyond the scope of the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Further, LUMA objects to this request as the information sought is irrelevant to the controversy at issue on LUMA's Revised Performance Metrics Targets. LUMA specifically objects to this request that seeks information related to occurrences since LUMA took over the transmission and distribution system in June 2021. This proceeding does not involve performance or data after the Energy Bureau set the applicable baselines in the Resolutions and Orders of May 21, 2021, and July 2, 2021, issued in Case No. NEPR-MI-2019-0007. Thus, the requested information on incidents related to health and safety after June 1st, 2021, is not relevant to this proceeding.

Without waiving this objection and without acquiescing to the relevance or admissibility of the information, LUMA has recorded a total of 24 OSHA Recordable Injuries related to health and safety have occurred since June 1, 2021.

See Attachment 2 to the Motion to Compel LUMA to Respond to LECO's Third Request of Information (emphasis added).

Question 10 asked the number of incidents related to health and safety that have occurred since June 1, 2021. LUMA responded that it had recorded a total of twenty-four (24) OSHA recordable injuries related to health and safety since June 1, 2021. However, LECO requests the details and documents from the investigative reports. As discussed before, those incidents are recorded in the PR OSHA 300 form submitted as Exhibit 1 to this motion. As the form shows, the log requires an employer to include the employee's name, job title, date of injury or illness, where the event occurred, describe the injury or illness, and whether the person died or is away from work. Thus, the form records an employee's personal and medical information, deemed confidential, per federal and Puerto Rico laws and regulations, such as Article II, Sections 8 and 10 of the Constitution of Puerto Rico and the Health Insurance Portability and Accountability Act ("HIPAA") of 1996, as amended

LUMA respectfully submits that it should not be compelled to produce personal and medical information of its employees, especially when the information is not relevant to this instant proceeding. This proceeding does not involve performance or data after the Energy Bureau set the applicable baselines in the Resolutions and Orders of May 21, 2021, and July 2, 2021, issued in Case No. NEPR-MI-2019-0007.

LECO's Question 11:

Has LUMA already received citations and penalty proposals from PR OSHA?

a. If yes, how many?

b. In what workplace was the inspection that led to the issuance of the citations and penalty proposal?

c. Submit a copy of all correspondence between LUMA and PR OSHA, and any documents in LUMA's possession related to PR OSHA, specifically including documents related to citations and penalties issued by PR OSHA to LUMA.

See Attachment 1 to the Motion to Compel LUMA to Respond to LECO's Third Request of Information.

LUMA's Response to Question 11:

LUMA objects to this request as it seeks information that falls beyond the scope of the subject matter of this proceeding and is not reasonably calculated to lead to the discovery of admissible evidence. Further, LUMA objects to this request as the information sought is irrelevant to the controversy at issue on LUMA's Revised Performance Metrics Targets. LUMA specifically objects to this request that seeks information related to occurrences since LUMA took over the transmission and distribution system in June 2021. This proceeding does not involve performance or data after the Energy Bureau set the applicable baselines in the Resolutions and Orders of May 21, 2021, and July 2, 2021, issued in Case No. NEPR-MI-2019-0007. Thus, the requested information on incidents related to health and safety after June 1st, 2021, is not relevant to this proceeding.

LUMA also objects to this request to the extent that it purports to obtain information on ongoing investigations that includes confidential data.

Without waiving the foregoing objections and without acquiescing to the relevance or admissibility of the information, as of this date, OSHA has not issued citations to LUMA for potential violations nor notices of imposition of penalties.

See Attachment 2 to the Motion to Compel LUMA to Respond to LECO's Third Request of Information (emphasis added).

Question 11 required LUMA to answer whether LUMA already received citations and penalty proposals from PR OSHA. LUMA answered very clearly that as of the date of the response, OSHA had not issued citations to LUMA for potential violations nor notices of imposition of penalties. Since no citations or penalties have been imposed on LUMA, there are no documents to be produced in that regard.

The purpose of a motion to compel is to ask the court to enforce a request for information if the opposing party continues to deny the discovery request. Such is not the case for LECO's *Third Discovery Request*. LUMA was not evasive nor incomplete. In this regard, LECO's October 13th Motion to Compel as to Questions 1-6 and 8-11 of the *Third Discovery Request* is meritless. LECO improperly summoned the Energy Bureau's intervention. LUMA respectfully requests this Energy Bureau to deny LECO's motion to compel.

WHEREFORE, LUMA respectfully requests that this Energy Bureau denies LECO's *Motion to Compel LUMA to Respond to LECO's Third Request of Information*, filed on October 13, 2021.

RESPECTFULLY SUBMITTED.

We hereby certify that we filed this motion using the electronic filing system of this Energy Bureau and that I will send an electronic copy of this motion to the attorneys for PREPA, Joannely Marrero-Cruz, jmarrero@diazvaz.law; and Katuska Bolaños-Lugo, kbolanos@diazvaz.law, the Office of the Independent Consumer Protection Office, Hannia Rivera Diaz, hrivera@jrsp.pr.gov, and counsel for the Puerto Rico Institute for Competitiveness and Sustainable Economy ("ICSE"), Fernando Agrait, agraitfe@agraitlawpr.com, counsel for the Colegio de Ingenieros y Agrimensores de Puerto Rico ("CIAPR"), Rhonda Castillo, rhoncat@netscape.net, and counsels for Comité Diálogo Ambiental, Inc., El Puente de Williamsburg, Inc., Enlace Latino de Acción Climática, Alianza Comunitaria Ambientalista del Sureste, Inc., Coalición de Organizaciones Anti-Incineración, Inc., Amigos del Río Guaynabo, Inc., CAMBIO, Sierra Club and its Puerto Rico Chapter, and Unión de Trabajadores de la Industria Eléctrica y Riego (jointly, Puerto Rico Local and Environmental Organizations), larroyo@earthjustice.org, rstgo2@gmail.com, notificaciones@bufete-emmanuelli.com, pedrosaade5@gmail.com, jessica@bufete-emmanuelli.com; rolando@bufete-emmanuelli.com.

In San Juan, Puerto Rico, this 23rd day of October 2021.



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EXHIBIT 1



Forma PR OSHA-300

Registro de Lesiones y Enfermedades Ocupacionales

Atención: Esta forma contiene información relacionada a la salud de los empleados y debe ser usada de manera que proteja la confidencialidad de éstos al máximo que sea posible, mientras la información sea usada para propósitos de seguridad y salud ocupacional.



Año 20 _____

Departamento del Trabajo y Recursos Humanos
Administración de Seguridad y Salud Ocupacional de Puerto Rico

Debe registrar la información sobre cada muerte y cada lesión o enfermedad relacionada con el trabajo que envuelva la pérdida de conocimiento, actividad de trabajo restringida o transferencia de trabajo, días fuera del trabajo (días calendario) o tratamiento médico más allá de los primeros auxilios. Además, debe registrar lesiones y enfermedades ocupacionales que hayan sido diagnosticadas por un médico o un profesional licenciado en el cuidado de la salud. También, debe registrar las lesiones y enfermedades ocupacionales que cumplan con cualquiera de los criterios de registro específicos establecidos en 2 OSH 1904.6 al 1904.10. Siéntase en libertad de usar dos líneas para un sólo caso, si necesita hacerlo. Debe completar un Informe de Incidencia de Lesión y Enfermedad (Forma PR OSHA 301), o forma equivalente para cada lesión o enfermedad registrada en esta hoja. Si no está seguro de si un caso es registrable, llame a la oficina local de PR OSHA que le corresponda para obtener ayuda.

Número de Póliza CFSE _____

Nombre del Establecimiento _____

Ciudad _____ Estado Puerto Rico

Identifique la Persona			Describe el Caso				Clasifique el Caso										
(A)	(B)	(C)	(D)	(E)	(F)	Usando estas cuatro categorías, marque SÓLO El resultado más serio para cada caso:				Entrar el número de días que el empleado estuvo lesionado o enfermo:		Marque la columna de Lesión o seleccione un tipo de enfermedad					
Núm. De Caso	Nombre del Empleado	Ocupación (ej.: soldador)	Fecha de la Lesión o Comienzo de la Enfermedad	¿Dónde ocurrió el Evento? (ej.: área norte del almacén)	Describa la lesión o enfermedad, partes del cuerpo afectadas y objeto/substancia que lesionara o enfermara directamente a la persona (ej.: quemaduras de segundo grado en el antebrazo derecho, debido a un soplete de acetileno)	Muerte	Días Fuera del Trabajo	Permaneció en el Trabajo		Número total de días fuera del trabajo	Número total de días de transferencia o restricción de trabajo	Lesión (M)	Desórdenes de la Piel	Condicción Respiratoria	Envenenamiento	Pérdida de la Audición	Toda otra Enfermedad
						Transferencia o Restricción de Trabajo	Otros casos Registrables	(K)	(L)								
_____	_____	_____	mes / día	_____	_____	(G)	(H)	(I)	(J)	_____ días	_____ días	☐	☐	☐	☐	☐	☐
_____	_____	_____	mes / día	_____	_____	☐	☐	☐	☐	_____ días	_____ días	☐	☐	☐	☐	☐	☐
_____	_____	_____	mes / día	_____	_____	☐	☐	☐	☐	_____ días	_____ días	☐	☐	☐	☐	☐	☐
_____	_____	_____	mes / día	_____	_____	☐	☐	☐	☐	_____ días	_____ días	☐	☐	☐	☐	☐	☐
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