

IAAPA PUBLIC AFFAIRS UPDATE

IAAPA Public Affairs Conference Rescheduled for September 21-22, 2022

We made the difficult decision to postpone IAAPA's Public Affairs Conference originally scheduled for May 10-11, 2022 to September 21-22, 2022. There are several factors that contributed to this decision, but first among them is ongoing workforce recruitment and retention challenges facing members as you prepare for the summer travel season.

With economic indicators predicting strong demand for domestic travel and tourism this summer, we understand that being properly staffed is your number one priority. Please mark your calendar for the new dates and watch your email in the coming weeks for more information.

J-1 Summer Work Travel Program Participation Rates Up 65%

The lingering impacts of COVID on [SWT program](#) participation will negatively impact your business once again this summer travel season. With that said, participation rates are up 65% when compared to 2020. Looking ahead to 2023, IAAPA is working with a coalition of organizations advocating for the expansion of the program which is currently capped at 109,000 participants, and getting embassies fully staffed to process visas. Governors from around the country continue to engage too.

Fortunately, the Department of State acknowledges the severity of the problem, and they continue to focus on adequately staffing embassies and processing visas. They have also begun working in close partnership with public and private organizations in an effort to elevate the profile and value of the program with the media and congressional members. When we have more information, we will forward details regarding how your organization can partner with DOS for the same purposes. Concurrent to the above, we are waiting for the release of proposed amendments to existing regulations that will provide new SWT program requirements. We will provide you with an analysis of new requirements once they are released.

DHS and DOL Release 35,000 Additional H-2B visas

The Department of Homeland Security (DHS) and the Department of Labor (DOL) published a [joint temporary final rule](#) making available an additional 22,000 H-2B temporary non agricultural guest worker visas for fiscal year 2021 to employers who are likely to suffer harm without these

additional workers. Of the supplemental visas, 6,000 are reserved for nationals of the Northern Triangle countries.

DHS first announced the planned supplemental increase of 22,000 visas for the H-2B on April 20, 2021. The supplemental H-2B visa allocation consists of 16,000 visas available only to returning H-2B workers from one of the last three fiscal years (FY 2018, 2019, or 2020), and 6,000 visas for Northern Triangle nationals, which are exempt from the returning worker requirement.

Starting May 25, eligible employers who have already completed a test of the U.S. labor market to verify there are no U.S. workers who are willing, qualified, and able to perform the seasonal non agricultural work can file Form I-129 - Petition for a Non immigrant Worker - to seek additional H-2B workers. You must submit an attestation with your petition to demonstrate your business is likely to suffer irreparable harm without a supplemental workforce. Additional details on eligibility and filing requirements are available in the temporary final rule and the Temporary Increase in H-2B Non immigrant Visas for FY 2021 [webpage](#).

President Biden Urges Expansion of U.S. Drone Protections

Last week, the Biden administration urged Congress to expand U.S. defenses against drones, calling the proliferation of the technology a new risk to public safety, privacy and national security. For the same reasons, IAAPA continues to advocate that the federal definition of critical infrastructure remain inclusive of the 450 fixed attraction sites. Since the FAA has not issued rules in this area, municipalities have issued a patchwork of their own rules. IAAPA public affairs has assembled a Drone Task Force that will be meeting in the coming weeks to discuss next steps.

OSHA Heat Injury and Illness Prevention in Outdoor and Indoor Work Rules Update

As previously reported, IAAPA submitted comments to OSHA re: Heat Injury and Illness Prevention in Outdoor and Indoor Work Setting Advanced Notice of Proposed Rulemaking. It's IAAPA's position that while the industry is diverse, parks and attractions large and small share a common goal of ensuring the safety and security of their employees and guests, which includes heat injury and illness prevention. Our members' facilities are designed for safety, comfort, and convenience. In fact, parks and attractions safely accommodate hundreds of millions of employees and guests each year.

Heat injury statistics cited by OSHA demonstrate industry's success with self-regulation. While OSHA notes in the ANPRM that since 2018, "789 heat-related hospitalizations and 54 heart-related fatalities across nearly 275 unique industries have been documented by OSHA through workplace inspections and violations," hospitalizations most frequently occurred in postal and delivery service, landscaping, and commercial building, as well as highway, street, and bridge

construction workers. During the same period, only two hospital incidents were reported for Amusement and Theme Parks (NAICS code 713110), despite employing well over 1 million employees.

To bring you fully up to speed, on May 3, 2022, OSHA hosted a virtual public stakeholder meeting on the agency's activities to protect workers from heat-related hazards. They also changed their [enforcement efforts](#). To reinforce the positive safety statistics noted above, and demonstrate industry's ability to self-regulate, IAAPA's Safety Committee is currently preparing a "best practices" document that operators can use and reference. We will share this document with you once it is completed.

Last, fortunately NAICS codes for the attractions industry currently are not included in the many industries for which OSHA is currently focused. With that said, we will be prepared for the potential for industry applicability.

DOL Reviewing FLSA Minimum Wage and Overtime Exemptions Regulations

The Department of Labor's Wage and Hour Division is reviewing the regulations that implement the Fair Labor Standard Act's minimum wage and overtime exemptions for bona fide executive, administrative, and professional employees. During the last few months, DOL has held multiple listening sessions, including participating in a Small Business Roundtable with the SBA Office of Advocacy. They have announced more sessions in June for both worker and employer stakeholders. These sessions are organized by region. Dates and times for each listening session is available on [DOL.gov](https://www.dol.gov). To participate, you can [register](#) for an Overtime Listening Session under the How to Participate section. If you have questions, please send an email to OTSessionInquiries@dol.gov.

IAAPA and more than 30 organizations recently signed onto a Coalition for Workplace Safety letter to the Administration urging them to postpone further work on this issue because of the high rate of wage inflation, workforce shortages, and supply chain shortages. IAAPA will remain engaged in this issue on your behalf.

Emerging Legislative and Regulatory Issues

IAAPA is monitoring the federal issues listed below in the event Democratic Leadership decide to move one or more of these issues prior to the general election. It's our position that while these are noble causes, businesses like yours can ill afford to handle any new taxes, fees, or regulations at this time.

- Paid Leave
- Health Insurance
- Labor
- Immigration
- Environment

Additionally, you will find a spreadsheet of regulatory matters we remain involved in on your behalf [here](#).



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