

NTS-AIHA News
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North Texas Section American Industrial Hygiene Association

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NTS-AIHA Committees

Programs: Chair - Barbara Wilds
 Community: Chair-Stevan Pierce
 Jobs-David Bull
 Science Fairs-Bill Vining
 Newsletter-Don Hudnall
 Website-Kay Hawkins
 Membership: Chair-Don Hudnall

Section Summary

Founded 1952
 NTS-AIHA is 50 years old this year
 41 Year 2002 Members

<http://www.AIHA1.org/Sections/NTS/>

Newsletter sponsors –

North Texas Section
 American Industrial Hygiene Assoc.
 P.O. Box 610925-DFW Station
 Dallas, Texas 75261

NTSAIHA Nominations

By Dan McCaskill
 President NTS-AIHA

Those individuals who serve as officers and directors of the local section are instrumental in providing the direction of our section and in organizing and planning local events to promote the profession of industrial hygiene in the North Texas area. In recent years this has become a shared team effort, resulting in less burden on any one elected official.

Your input and participation is vital in helping to keep our chapter functioning and active. Please help by nominating yourself or other members (or potential members) for the following positions:

As indicated below, the President-Elect and Secretary must be members of the American Industrial Hygiene Association as well as members of the North Texas Section of AIHA.

E-mail your nominations to Gerry Walsh, Secretary, at gwalsh@bellhelicopter.textron.com by February 15, 2002, or complete the nomination form provided on page 6 and mail to NTS-AIHA, P. O. Box 610925, Dallas, Texas 75261. A final voting ballot will be included in the March newsletter.⊗

<u>POSITION</u>	<u>TERM</u>	<u>ELIGIBILITY</u>
President-Elect	1 year*	AIHA & NTS-AIHA Member
Secretary	2 year	AIHA & NTS-AIHA Member
Director	3 year	NTS-AIHA Member only

*After 1 year, moves into President position, and then into Past-President position

Nomination form on page 6



Happenings From The Hill-12/20/2001

By Aaron Trippler, AIHA
Government Affairs Group

OSHA WITHDRAWS INDOOR AIR QUALITY PROPOSAL

In what has surely been a long-running saga within OSHA and among supporters of a federal indoor air quality rule, the issue now seems to have come to an abrupt end with the announcement that OSHA has formally withdrawn its indoor air quality proposal.

This is the same proposal that was proposed in 1994 and resulted in over 100,000 comments being submitted to OSHA. Since 1994, OSHA has repeatedly placed this proposal in its "long-term actions" category, notwithstanding the fact that several lawsuits were filed in an attempt to force OSHA to proceed with the rulemaking.

All seemed to be at a stalemate until mid-November when an appeals court finally sided with one of the plaintiffs and ordered OSHA to respond within 30 days with an action plan on how to move forward with the rule-making. The debate revolved around the issue of environmental tobacco smoke in the workplace, only a portion of the original proposal.

Now, on December 17, OSHA (with the blessing of many stakeholders involved with the original proposal) officially withdrew the IAQ proposal. In the Federal Register announcement, OSHA stated:

In the years since the proposal was issued, a great many state and local governments and private employers have taken action to curtail smoking in public areas and in workplaces. In addition, the portion of the proposal not related to environmental tobacco smoke (ETS) received little attention during the

rulemaking proceedings, and much of that consisted of commenters calling into question significant portions of the proposal. As a result, record evidence supporting the non-ETS portion of the proposal is sparse.

Withdrawal of this proposal will also allow the Agency to devote its resources to other projects. The Agency's current regulatory priorities, as set forth in the Regulatory Agenda, include a number of important occupational safety and health standards. This document does not preclude any agency action that OSHA may find to be appropriate in the future.

Will OSHA now move forward with any kind of proposal on ETS or other indoor air quality issues? Odds are that such a proposal will not be forthcoming for some time, if ever.

OSHA ANNOUNCES SHORT REGULATORY AGENDA

In announcing the semi-annual regulatory agenda for OSHA in early December, OSHA surprised no one with an agenda that is somewhat "short" compared to previous agendas. However, while some stakeholders have criticized the agency for not taking a serious look at health and safety issues, others have stated that this is exactly the kind of agenda new OSHA administrator John Henshaw said would be forthcoming.

At the recent NACOSH meeting, John hinted that the agenda would be somewhat shorter. However, John stated that the reason for this was that this administration would only place items on the agenda that were "doable". He mentioned that it did no good for OSHA to publish an agenda littered with issues and ideas that

would never actually be proposed or adopted. It was his intent to list only those things that would seriously be considered.

While the full agenda is available by reviewing the December 3 *Federal Register*, here is a look at some of the issues of interest to AIHA:

Prerule Stage

Several issues related to construction safety
Occupational Exposure to Beryllium

Proposed Rule Stage

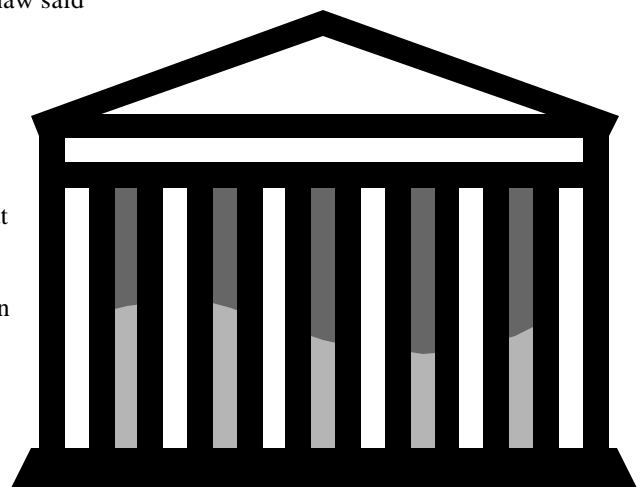
Assigned Protection Factors, Amendments to the Final Rule on Respiratory Protection
Occupational Exposure to Tuberculosis

Final Rule Stage

Update and Revision of the Exist Routes Standard (Signs, Signals and Barricades)

Long-Term Actions

Injury and Illness Prevention
Occupational Exposure to Hexavalent Chromium
Occupational Exposure to Chystalline Silica
Employer Payment for Personal Protective Equipment
Indoor Air Quality in the Workplace (Since withdrawn). ⊗



Treasurer's Report

01/01/01 Through 11/19/01

INFLOWS		\$
<i>Dues Inc</i>	1,525.00	
<i>Mold/IAQ Seminar</i> <i>(July 10- -8,485.65)</i> <i>(March 28-7,770.52)</i>	16,256.17	
<i>Newsletter Sponsor</i>	25.00	
<i>Refund</i>	-10.00	
<i>OSHA Update</i>	954.00	
TOTAL INFLOWS	18,750.17	
OUTFLOWS		\$
<i>Bank Charge Exp</i>	15.00	
<i>Mold/IAQ Sem. Exp</i> <i>(July 10-3,508.82)</i> <i>(March 28-2,519.21)</i>	6,028.03	
<i>Monthly Mtg Exp</i>	38.97	
<i>Newsletter Exp</i>	27.43	
<i>OSHA Update Exp</i>	2,095.90	
<i>Postage</i>	6.80	
<i>Returned Check</i>	60.00	
<i>Returned Check Fee</i>	5.00	
<i>Science Fair Exp</i>	413.10	
<i>Ed Sward</i>	149.86	
TOTAL OUTFLOWS	8,840.09	
OVERALL TOTALS		\$
<i>Overall Total</i>	8,840.09	
<i>Checkbook Balance</i>	13,894.61	

Texas Restructures Residential Property Insurance Regarding Mold-Related Coverage

The following article is from the Texas Department of Insurance regarding recent changes to that state's residential property insurance coverage regarding mold. Texas has been one of the busiest states regarding mold issues over the last several years.

November 28, 2001

Commissioner Jose Montemayor today restructured the state's residential property policies to stress consumer choice on mold-related insurance coverage while helping Texas avoid a residential property insurance availability and affordability crisis.

"This decision is a common-sense, middle ground approach," Montemayor said. "It gives Texas homeowners basic protection plus the ability to purchase additional coverage if they so choose. This decision protects consumer choice and insurance availability, and addresses insurance cost drivers to help keep policies affordable."

The order retains coverage for removal of mold related to certain water damage that is covered by residential property policies, including the most commonly purchased HO-B homeowner's policy. But it eliminates coverage for high-priced procedures, such as testing, treating, containing or disposing of mold beyond that necessary to repair or replace property that is physically damaged by water. Such procedures have contributed to unexpected and dramatic premium increases.

Policyholders will have the option, however, to purchase additional coverage - in increments of 25 percent, 50 percent and 100 percent of policy limits -- that includes these procedures. Insurers must offer applicants all levels of coverage in addition to the coverage in the basic policy.

Montemayor said he believes most Texans want to get "back to basics" in handling mold claims, removing the problem without a lot of expensive procedures that, in some cases, are performed by contractors with little or no expertise in mold removal. These procedures can cause premiums to increase for everyone, he added. "By going back to basics," he said, "I would expect a return to the premium levels that we enjoyed prior to the explosion of mold-related claims."

"The absence of an established body of science, coupled with insurance carriers not adjusting claims properly, has contributed to the current situation," Montemayor said.

The order provides coverage in the basic policy for removal of mold that results from water discharge, leak or overflow that is sudden and accidental, including those that are hidden or concealed. If a policyholder continuously ignores indications of an obvious water problem, such as wet carpeting, the claim for mold removal could be denied.

Montemayor's order also eliminates "stacking" of claims within the same policy year. "Stacking" is a process that has allowed some homeowners to collect more than 100 percent of their policy limits by filing several separate mold-related claims. Montemayor said "stacking" can drive up rates paid by everyone.

Under the order, which still leaves Texas with more mold coverage than other states, insurers may offer the new coverage as early as January 1, 2002, but no later than January 1, 2003. After a company begins offering the new coverage, individual policyholders won't see the change until their policies come up for renewal. Homeowners who choose the new, less expensive HO-B policy prior to their renewal dates may be entitled to refunds from their insurance companies on the unused portion of their old policies.

"My goal is to preserve as much protection as possible for homeowners while coming to grips with the excesses that have driven Texas to the brink of a crisis in the residential property insurance market," Montemayor said.

The Commissioner will set benchmark rates for both the basic policy and the additional mold-related coverage in the next benchmark hearing cycle. Until then, rate-regulated insurers must file individual rates reflecting the changed coverage before using the new policies.

Mold continued on page 4

Mold continued from page 3

Only about 5 percent of the homeowners insurance market is affected by benchmark rates. In recent years, insurers have moved most of their homeowners business into companies that are free to set their rates without state oversight. Montemayor said that although he can't mandate the rate differential between basic and full mold coverage for most homeowners policies, the Texas Department of Insurance (TDI) will monitor all the rates carefully to make sure insurers treat their customers fairly.

Montemayor declined to approve that portion of a TDI staff proposal that would have capped basic mold coverage at \$5,000 per year but he maintained the provision allowing policyholders to buy additional coverage. In an October 16 hearing and written comments, the \$5,000 cap drew criticism from both consumers and insurers.

The restructured policy will not limit coverage based on a dollar limit. Currently, HO-B policies in Texas cover mold removal only if the mold results from another covered event, such as a leaking water pipe. Until two years ago, few mold-related claims were filed, but since then claims costs have soared, causing insurers to seek elimination of this coverage. TDI data call information from the three largest homeowners insurers showed their cost of mold-related claims jumped from \$9.1 million in the first quarter of 2000 to \$79.5 million in the first quarter of 2001. Montemayor said he also will consider individual companies' filings for alternative levels of mold coverage. A 1997 state law allows companies to file and the Commissioner to consider the companies' own policy forms and endorsements.

Montemayor held four public hearings related to mold coverage and received hundreds of comments,

many of them conflicting. Many consumers urged him to leave the HO-B as it is, but others were willing to give up at least some mold-related coverage to reduce soaring premium costs. Insurers petitioned for complete removal of mold and certain water coverage, citing an unprecedented rise in mold-related claims.

"Despite my calls for restraint, several major insurers placed tight restrictions on HO-B sales in Texas, causing a potential crisis in the market," Montemayor said. "By addressing the major cost drivers, we intend to stabilize homeowners insurance availability and cost. If insurers cannot control insurance rates and losses, we may have to recommend increased state regulation to protect Texas consumers."

Montemayor said consumers will have to do their part to resolve the problem with good maintenance practices that keep mold from developing into a problem. TDI will conduct informational campaigns to help both consumers and insurers deal quickly and responsibly with mold problems, he added.

Homeowners should take immediate action to stop the water discharge and begin drying the area. Insurers should quickly respond to claims where mold might become a problem.

Montemayor said he will appoint a task force to develop recommended procedures for handling mold claims. Also, the House Committee on Insurance will examine mold-related issues as an interim study prior to the 2003 legislative session. A TDI study revealed that the surge in mold claims has been very acute in a few areas, particularly Corpus Christi. In October, Montemayor asked the Office of the Attorney General to investigate whether excessively high claims in the Corpus Christi area resulted from abusive mold-remediation practices and pricing. ☉

Legionella Prevention Training

January 30-31, 2002
Dallas, TX @ the Fairmont Hotel

The two-day course is intensive nuts-and-bolts training on how to assess and minimize the risk of Legionella and other waterborne pathogens. I will be the course instructor (my bio is posted at <http://hcinfo.com/freije.htm>)

The course material is completely unbiased because I have no affiliation with any chemical or equipment manufacturers. It is purely educational.

The course covers overall risk reduction strategy, preventive measures for plumbing systems, cooling towers, and other aerosolizing devices; environmental sampling methodology, risk assessment checklists, outbreak investigations, and case studies.

The tuition is \$495.

The ABIH has approved the course for 2.0 IH CM points.

More information on the course is at <http://hcinfo.com/legionellaseminar.htm>

If you have questions, please contact me at 760-451-1050 or mf@hcinfo.com.

Thank you,

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<http://hcinfo.com> ☉

Year 2002 Membership Form

NTS-AIHA Membership Benefits Include

- \$15 savings on registration for seminars. Attend one seminar and recoup the cost of your annual dues.
 - Spring -Welding Hazards/Health Effects Full Day Seminar possibly joined with another topic.
 - Fall - OSHA/MSHA Regulatory Update Full Day Seminar
- \$10 savings on each issue of newsletter sponsorship. \$15/issue for non-members. \$5/issue for members
- NTS-AIHA Membership Directory sent in December and upon request. Members only.
- Immediate notification of local job opportunities for members on email distribution list.
- Monthly newsletter. Preferred sending via email to members. Hardcopies sent upon request.
- NTS-AIHA Voting Rights.

Dues are only \$15 / year

Thank you for taking the time to complete the following information even if you are renewing your membership. This helps to keep the NTS-AIHA Membership Directory current. Thank You For Your Support

NTS-AIHA MEMBERSHIP APPLICATION

(Please print)

Name: _____

Certification: _____

Title: _____

Employer: _____

Business address:

Home address:

Phone: _____ Fax: _____

Phone: _____ Fax: _____

Email address: _____

Send newsletter to:(check one) Business: ____ Home: ____ Email: ____

In membership directory, list my: (check one) Business: ____ Home: ____

Do you wish to receive immediate notification of job opportunities via email: (check one) No: ____ Local I.H. Jobs: ____ All I.H Jobs rec'd: ____

Are you a national member: Yes: ____ No: ____

Signature: _____ Date: _____

Dues: \$15.00 per year.....Make checks payable to NTS-AIHA

Send this form and payment to:

North Texas Section – American Industrial Hygiene Association

P.O. Box 610925, Dallas, TX 75261

2002 NTS-AIHA

Nomination Form

President-Elect _____ (Name)

Secretary _____ (Name)

Director _____ (Name)



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Address Correction Requested