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HAPPENINGS FROM THE HILL

American Industrial Hygiene Association Government Affairs Department

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109th Session of Congress

The 109th Session of Congress is now in full swing with hundreds of legislative measures introduced. Thus far, AIHA is involved in, or monitoring, 25 separate measures for possible impact on the industrial hygiene and occupational health and safety field.

Unfortunately, occupational health and safety does not seem to garner much importance thus far. With the administration continuing to push forward issues such as social security reform, tax break extensions, tort reform, and the continuing war in Iraq, it will be difficult for OH&S to receive a great deal of attention.

However, there are several issues of great importance that may move forward.

OSHA Reform

Representative Charlie Norwood (R-GA) has reintroduced his package of OSHA reform bills. The package includes four separate bills that would, according to Rep. Norwood, assist small business in their dealings with OSHA.

The bills:

- HR 739 would provide flexibility with regard to filing a notice of contest by an employer. Employers cited by OSHA could be granted an extension from the current 15-day requirement depending on the reason for the delay in responding.
- HR740 would increase membership on the Occupational Safety and Health Review Commission from three members to five.

- HR741 would provide rulings by the Occupational Safety and Health Review Commission the “deference of law”.
- HR 742 would award attorney’s fees and costs to employers who challenge an OSHA citation in court and are victorious.

(AIHA has provided comments to Representative Norwood on these measures. Please check the AIHA government affairs web site for a copy of these comments.)

It looks like Rep. Norwood will again move these bills to the full House of Representatives for a vote rather than use the Committee structure. In the last session of Congress Rep. Norwood did the same thing and the bills easily passed the full House. The same result is expected this time, perhaps as early as next week.

Once clear of the House, the bills move to the Senate, undoubtedly to the Senate Subcommittee now chaired by Senator Johnny Isakson (R-GA). Senator Isakson supported these measures while a member of the House and has promised to take them up as soon as possible. The only problem could be securing the support of the full Committee Chair, Senator Michael Enzi (R-WY). Senator Enzi has not indicated whether or not he supports these measures. AIHA is aware that Rep. Norwood has been meeting with Senator Isakson to discuss these measures.

OSHA Enforcement

Representative Todd Tiahrt (R-KS) has also reintroduced his OSHA reform legislation. Previously, Rep. Tiahrt introduced his reform ideas in one bill. This time he has broken up the bill into six different legislative measures. All of the bills address different aspects of OSHA’s enforcement policy. Issues such as the time to contest a citation, opportunity to correct a violation and repeat violations are all part of the package.

Rep. Tiahrt introduced his legislation rather late in the last session of Congress, so no hearings took place on the measure. Notwithstanding the fact that the measures were introduced early in this session of Congress, it will be very difficult for these measures to receive the backing necessary for enactment.

Methamphetamine Research

As mentioned in the last “Happenings”, the issue of methamphetamine lab clean up is becoming a huge issue in state legislatures. The same can be said on the federal level. There are approximately 10 separate legislative measures introduced in the Congress addressing this issue. Some address the issue of assisting those abusing methamphetamines, others address research, and several look at assistance to local governments in their efforts to close down these labs and clean up the hazards.

AIHA's interest is assisting local governments in the clean up of these meth labs. In March, a House Science Committee hearing was held on the main bill moving through the Congress, HR 798. The bill has bi-partisan support and would provide funding assistance to local governments for cleanup, as well as additional research on the issue. An AIHA member was on the panel of witnesses.

AIHA continues to support regulation of the competency required for individuals involved in methamphetamine lab assessment and oversight of cleanup operations.

Small Business

Representative John Sweeney (R-NY) has reintroduced his legislation, HR 230, that would provide funding for assistance to small businesses in how to comply with federal regulations. AIHA has again supported this measure and is pleased that the bill includes AIHA language to ensure that only those competent and qualified are allowed to provide this training to small business.

The measure has passed the House in previous sessions and is expected to do so again. However, getting the measure through the Senate will be difficult, despite the fact that the measure has passed Senate Committee review in the past. AIHA will keep up efforts to have this bill enacted.

Mold

Representative John Conyers (D-MI) has reintroduced his legislation, HR 1269, to put in place several programs regarding the issue of mold. AIHA's interest lies in efforts to regulate who is qualified to conduct mold assessment and mold remediation. We have submitted extensive comments and suggested amendments to Rep. Conyers.

This bill stands a very difficult time, mostly because it includes numerous new programs, including a new federal insurance program for homeowners and some form of reimbursement for those impacted by mold in their homes. The chance of passage for this measure is slim at this time.

Fiscal Year 2006 Budget

Budget hearings on OSHA, NIOSH and MSHA are to begin this week in the House. Not much is expected to come of these hearings, as the House is likely to endorse the President's proposal for OSHA and NIOSH.

Federal and State Legislative Action Centers

Visit the AIHA Federal Legislative Action Center to stay abreast of national issues important to occupational health and safety. The center can be found within the members-only section of the AIHA web page.

The State Center offers AIHA members the opportunity to monitor all state legislative sites, scan IH professional recognition/title protection laws in states where adopted, and even review and follow all state legislation being monitored in the state legislatures throughout the year. Included under each state site is access to the various state agencies, including the Governor's office and OSHA state plan sites. If professional recognition/title protection legislation has been enacted in a particular state, this law can also be found.

Another important feature is member access to each of the weekly legislative/regulatory reports sent to each state. With this access, members can follow any piece of legislation that may be of interest.

For information on any of the items in this report, please contact Aaron Tripler.