



Your Essential Connection

# Sacramento Valley Section

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Established in 1980

July 1, 2003

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**ACTING PRESIDENT**

Bill Collier, JD, CIH  
Collier & Associates  
795 Alamo Drive, #103  
Vacaville, CA 95688  
(707) 446-4764  
kmedbc@earthlink.net

**SECRETARY**

Vacant

**TREASURER**

Mark Cameron, CIH  
State of California  
2012 Loyola Drive  
Davis, CA 95616  
(916) 227-3575

**DIRECTORS**

Maurice Oberg, CIH, PE  
Department of Industrial Relations  
1555 Doolittle Drive, Suite 140  
San Leandro, CA 94577  
(510) 614-2651

**Web site Volunteer**

Ed Bartosh  
ebartosh@bartosh.com

**CIHC REPRESENTATIVE**

Joanne Myers, CIH, CSP, CHMM  
JFM & Associates  
P.O. Box 1855  
Clovis, CA 93613  
joannemy@ix.netcom.com  
559-252-8424

Robert Stepp, CIH, CSP, REHS  
SierraPine, Inc.  
3010 Lava Ridge Ct., Ste. 220  
Roseville, CA  
916-772-3422 (phone)  
916-677-4431 (FAX)  
e-mail: rstepp@sierrapine.com

website:  
[www.aiha.org/svs.htm](http://www.aiha.org/svs.htm)

## Message from "Acting President"

The last board meeting was held on June 6, 2003. We covered a number of issues. Among them were budget, upcoming seminars or training programs.

The following people have volunteered to be on the Board. Craig Burnett and Bruce Zike, both of SMUD. In addition, Robert Stepp, who has been one of our CIHC representatives, will take a bigger role with the board. Elections will be held in the next couple of months.

We have a new AIHA Board - local section coordinator. A Mr. Steve Gutmann from 3M in Minnesota.

Up coming events:

Noise Control -2, Sacramento Recycling Facility will be held on July 24, 2003 from (9:00 AM to 3:30 PM). Pablo A. Daroux will be the speaker. See attached flyer.

CIHC Conference: San Francisco - Dec. 8, 9, 10, 2003 at the Crown Plaza hotel.

Attendance at the Past Presidents Luncheon held on June 19, 2003 was pretty low. We need to better at getting both the new and old folks out..

The next Board July 11, 2003 at The Monterrey Cannery @ 11:30-1:00 PM

Currently we have somewhere around \$3100.00 in the bank. We just paid CIHC based on 41 paid members.

## Certification Maintenance Points

AIHA Certification Points are included here in response to recent questions 2001-2003 (to date). Listed on next page:

3/14/01HP Field Tour  
0.5 #02-705

7/13/01 Practical and Legal Aspects of  
IAQ 0.5 #16034

3/21/02 Bloodborne Pathogens  
0.5 #02-1200

4/18/02 Sampling and Analytical Error  
0.5 #02-1201

2/10-11/2003, IH Ventilation Lab  
2.0 Points - #03-267

03/20/03 Principles of Noise Control  
0.5 #03-504

05/01/03 Gas Detection  
0.5 03-1119

06/19/03 Public Relations  
0.5 #03-1120

**PAY DUES FOR 2003.  
SEE WEB SITE OR  
CONTACT MARK CAMERON  
FOR DETAILS.**



Please send any address and  
e-mail updates to:  
[rockyone@pacbell.net](mailto:rockyone@pacbell.net)

## **Happenings from the Hill By Aaron Trippler June 18, 2003**

### **CONGRESS LOOKING AT NUMEROUS OH&S ISSUES**

In what has been somewhat of a surprise, there seems to be a little more interest in occupational safety and health issues on Capitol Hill than many expected. Since early May, AIHA is seeing an increasing number of measures worth monitoring, some eliciting even more interest.

Of course, whether or not this interest translates into action remains to be seen. The Congressional schedule for the remainder of this session is getting shorter and shorter. Congress is expected to recess the end of June for the July 4 holiday. Upon their return, they will work until the first week of August and then recess for their summer break until after Labor Day. Finally, they return with only one month of activity scheduled before a tentative October 3 adjournment.

Add to this issues that demand their attention, i.e., 2004 appropriations, national security issues, continued international military activity, senior prescription drug coverage, and the possibility of additional tax cut legislation; and one can see that little time remains for serious action on occupational safety and health issues.

But the list of issues introduced is growing:

#### **Small Business Assistance**

In addition to H.R. 205, a bill that would provide small business with assistance in how to comply with federal regulations, a companion bill has now been introduced in the Senate. Senator John Kerry of Massachusetts introduced S. 1255 with identical language to H.R. 205.

AIHA supported H.R. 205 and has sent a letter of support for S. 1255. AIHA is pleased that both measures include language offered by AIHA that would require individuals providing the small business training be competent and qualified.

H.R. 205 has already passed the House. No hearings have yet been set on S. 1255. However, it should be noted that this legislation has received considerable support, shown by the fact that a Republican introduced

the House bill and a Democrat has introduced the Senate companion measure. Of course, the major obstacle to both measures is the fact that appropriations will be required, something that will be difficult.

### **OSHA Reform Legislation**

H.R. 1583 was introduced by Rep. Charlie Norwood of Georgia and received its first Sub-Committee hearing on June 17. This legislation will also be difficult to enact because of its many controversial provisions.

The legislation amends numerous provisions of the Occupational Safety and Health Review Commission (increasing the number on the Commission, providing for an extension for small business to respond to citations, and clarifying that Commission decisions should be cited in court cases.

The bill would also award attorney fees and costs to small businesses that prevail in court contesting OSHA citations; would ensure that employers are credited for good faith efforts; and clarifies a “willful” violation of OSHA standards to make it more difficult for OSHA to cite for a willful violation.

While this legislation will be difficult to enact (no Democrats have signed on to the bill), it is receiving considerable support from the small business community. The hearing highlighted the fact that this issue is of great importance to small business and may be one of their priorities for the year. AIHA is in the process of drafting comments on the bill.

### **Elevate EPA to Cabinet-Level Status**

Another measure has been introduced that would elevate the Environmental Protection Agency to cabinet-level status. This measure has been around for the last few years, but is unlikely to receive serious consideration in the near term.

President Bush has indicated he would sign the bill if it was enacted, but there seems to be little activity on the issue. Add to this the fact that the EPA administrator recently resigned and one can see the measure going nowhere. However, AIHA sent a letter of support for both bills.

### **Mold Protection Act**

Still no word on whether or not Rep. John Conyers of Michigan will hold hearings on his legislation, H.R. 1283, which would create the Toxic Mold Protection Act. While there continues to be extreme interest in this issue around the country, the odds of federal legislation being enacted anytime soon are slim.

What may occur are hearings pertaining to the impact that mold may have on federal housing issues. Such hearings were held in the last session of Congress, with little interest, but expect the hearings to be well attended this time around. AIHA has submitted extensive comments to Rep. Conyers on H.R. 1283.

### **Wrongful Death Accountability Act**

Senator Jon Corzine of New Jersey introduced S. 1272, the Wrongful Death Accountability Act, on June 17. This bill would increase the penalties to employers who violate workplace safety laws.

While AIHA has not yet seen the printed bill, it is expected to include several provisions dealing with willful violations. The bill would increase from six months to 10 years the maximum sentence for causing the death of an employee through “willful violation” of federal workplace regulations. Penalties would climb from six months to two years for giving advance notice of a governmental safety investigation, and to one year for intentionally misleading a safety investigator.

The legislation is of interest to many, but with no Republicans as co-sponsors the bill faces an uphill battle. There is talk among several Democratic House lawmakers of introducing a companion bill.

## **Miscellaneous Issues**

There are several other important issues of interest to the OH&S profession. Chief among these are what Congress will do with the appropriations for EPA, NIOSH and OSHA. Also of interest are numerous measures addressing emergency preparedness and response issues, including appropriations for first responder training and equipment.

## **OSHA REGULATORY AGENDA PLEASES - DISPLEASES MANY**

OSHA recently announced its semiannual regulatory agenda, and keeping to the promise that Assistant Secretary of Labor for OSHA John Henshaw previously stated, the agenda has been kept pared down in an attempt to accomplish goals that are attainable. As expected, organized labor is not pleased with what it perceives as a "lack of progress" on numerous issues; and the business community is pleased with the direction OSHA is taking.

While the agenda is available on the OSHA web site, here is a quick look at some of the issues of particular interest to AIHA:

### **Prerule Stage**

- ✓ Occupational Exposure to Hexavalent Chromium. The courts have recently ordered OSHA to issue a proposed rule by 2004 and a final rule by 2006. OSHA states they will meet the court deadline.
- ✓ Occupational Exposure to Crystalline Silica. OSHA is currently collecting

information in order to make a determination on whether or not the PEL for crystalline silica should be updated. If a rulemaking is to take place expect the announcement within the next month.

- ✓ Ionizing Radiation. OSHA is also collecting information on this issue and will determine the appropriate course of action regarding whether or not this standard should be updated.

### **Proposed Rule Stage**

- ✓ Assigned Protection Factors. Since the Regulatory Agenda was announced, OSHA has issued an advance notice of proposed rulemaking on this issue. This issue involves incorporating assigned protection factors as well as an improvement on fit testing procedures into the respiratory protection standard.
- ✓ Standards Improvement Project. OSHA is now working to remove or revise health standards that are outdated, duplicative or inconsistent. This is the second phase of this project.

### **Final Rule Stage**

- ✓ Occupational Exposure to Tuberculosis. OSHA has decided to withdraw this rulemaking. According to OSHA, because of the decline in reported TB cases since 1993 and existing guidelines, there is no need to proceed with this rulemaking.
- ✓ Occupational Injury and Illness Recording and Reporting Requirements. The final rule has been issued, but two provisions were delayed. These provisions dealt with hearing loss, as well as the definition and recording of musculoskeletal disorders. A decision has been made on the hearing loss delay, but no decision has been reached on the MSD issue. AIHA submitted comments to OSHA on June 17 requesting that a definition and the recording of MSDs move forward.

## **Long-Term Actions**

- ✓ Occupational Exposure to Beryllium. OSHA is analyzing comments and considering whether or not to update the standard.
- ✓ Employer Payment for Personal Protective Equipment. OSHA has not announced any additional information or timetable on this issue. There is talk among many Capitol Hill insiders that OSHA will eventually pull this proposed standard.
- ✓ Updating OSHA Standards Based on National Consensus Standards. OSHA has announced that the agency plans to update OSHA standards that are based on national consensus standards. OSHA says a number of existing OSHA standards refer to national consensus standards, and they have not been updated or modified to represent new standards. A notice of proposed rulemaking may be announced by September of 2004.

## **OSHA CONTINUES WITH ERGONOMIC GUIDELINES**

OSHA continues to move forward with efforts to provide guidelines for various industries to prevent musculoskeletal disorders (MSDs). So far, OSHA has published final ergonomics guidelines for the nursing home industry.

This month, two additional sets of industry-specific ergonomic guidelines have been offered for comment. The first - guidelines aimed at retail grocery stores, with comments due at OSHA in early July. The second - guidelines for the poultry-processing industry, with comments due in early August.

OSHA has also announced that it is working on the next set of guidelines, selected for the shipyard industry.

## **STATE ACTIVITY UPDATE**

The next *Happenings* will take a look at what is happening in the States.

## **FEDERAL LEGISLATIVE ACTION CENTER**

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

Members are able to monitor all federal legislation of interest to AIHA. This includes access to legislation by subject matter, legislative text, current status of the legislation, and AIHA position on the legislation. Members also have access to a directory of all elected officials and senior agency personnel, including the opportunity to send e-mail messages to their elected officials indicating support or opposition to any piece of legislation or simply find the address and telephone number of specific offices – all with a few clicks on your computer.