



Sacramento Valley Section



Established in 1980

June 6, 2005

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MESSAGE FROM THE PRESIDENT

I am privileged to serve as your President of the Sacramento Valley Section Chapter of the AIHA. As many of our members, I have belonged to the section for many years. With your help, together the board and I can continue to make our Chapter a valuable resource to local health and safety professionals. The strength of our organization comes from members like you. Members that are dedicated, educated, and experienced professional in the science of industrial hygiene and safety. Your active participation is the key to our success and any comments that you may have to improve our section is appreciated. Industrial hygiene and safety is a dynamic field. As technologies change, we will be faced with greater challenges in our profession. Therefore, the board would like to hear your ideas on topics you would like presented. I challenge you to take a look at the current roster on the website and invite your colleagues who have lost touch with the section to attend a meeting and get reacquainted with our members.

Special thanks goes out to the past and present board members. I would like to thank Morie Oberg for serving as our president and for doing such a terrific job. Morie arranged excellent speakers and topics for our meetings. I'm pleased to say that he will continue arranging for these outstanding presentations. I would also like to commend Steve Smith and Joanne Meyers for their great job they have been performing. We also have new board members to welcome. Our new secretary is Sylvia Fontes and she has already been hard at work. Our new directors are Marisela Bonilla and Ken Beutler. Dave Dailey continues as our ASSE liaison. I know he is looking forward how we can work with the local ASSE section. Also, we would like to acknowledge Ed Bartosh for his excellent work making our website one of the best. Many of you may not be aware, but Ed has moved to Australia and maintains much of the website from there.

The AIHA local chapter has been serving industrial hygienists as well as persons engaged in the occupational health and safety industry throughout the years. Our chapter meets approximately six times a year to present valuable seminars.

These meetings are a great forum to share common goals, challenges and solutions that pertain to the occupational professional, through sound scientific principles and networking.

In the next newsletter I will share information what is happening at the national level. Until then, **REMEMBER that our next meeting is this Thursday June 9.** I look forward to seeing you at one of the upcoming meetings.

With Best Regards,
John

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Thursday, June 9th, 2005

Visual Ergonomics in the Workplace

Computer Vision Syndrome is the fastest growing workplace issue. More computer users complain of eye fatigue than any other problem. There are steps to take to resolve these issues. This discussion will explore the factors that are affecting the vision of computer users. Join us at the Luau Garden Royal Buffet starting at 11:A.M. for this interesting program.

For more information, see the sign-up page at:

<http://www.aiha.org/localsections/html/SVS/Meetings/050609.htm>.

Future Sacramento Valley Section Meetings- (for you to reserve the dates...)

September 8 "Hearing Conservation", including advanced aspects of applying hearing conservation programs, complying with OSHA requirements, motivating use of hearing protection, and reducing compensation claims for hearing loss. Brad Witt, Audiology & Regulatory Affairs Manager, Howard Leight Industries

October 13, Health and Safety in the Winery Industry, Woodbridge Winery, Lodi, CA

November 10, "Vacuum Cleanup of Lead Containing Dusts". Stephen Wall, Director, Environmental Health Laboratory, California Department of Health Services

December 8, "Risk Communication and Crisis Communication". Captain Alvin Chun, Director, National Center for Risk Communication & Public Involvement OSA, ORD, USEPA

Treasurer's Report

By **Steve Smith, CIH**



SVS Income and Expenses. In November, the annual symposium only had 8 attendees to hear about Diffusion Monitoring on 11/17. The \$1,025 of income from those 8 attendees did not cover the \$1065 in expenses for that presentation which included paying for an airfare/transportation for one speaker from Utah and lodging and meals for Morie and the 3 speakers. Therefore, the local section symposium ended up with a net operating loss of \$40.

In December, the annual membership meeting only had 4 attendees. The income from those attendees did not cover the \$153 minimum charge for using the Luau Garden restaurant. Therefore, the annual business meeting ended up with a net operating loss of \$83.

In April, the local section meeting had 8 attendees. The income from those attendees exceeded the cost of the lunch at Luau Gardens with a net profit of \$46.

2005 Membership Dues. The dues for 2005 remains at the same level \$30 as voted on in 2003. As of May 1st, 34 members renewed their memberships for 2005. There are 18 members who have not yet renewed their 2004 memberships and I have sent 3 reminder emails to those individuals. I have

also sent out final reminders to 11 members from 2003 that did not renew their membership in 2004 or this year and those IHs are no longer listed in on our roster or receive our notices and newsletters.

If you are not sure you have renewed your membership for 2005 check the roster on our website (<http://www.aiha.org/LocalSections/html/SVS/members/svs-members.asp> - password: _____) to see if you have a '2005' listed after your name. You can also check to see if the roster has the correct contact information for you. If you have not yet sent in your 2005 dues, the website has an online renewal form that can be filled out and submitted with your \$30 payment (<http://www.aiha.org/LocalSections/html/SVS/Documents/2005dues.pdf>).

Thanks,
Steve

The dues form for 2005 is now posted. See the [Web Site Membership Page](#) or contact Steve Smith for details.



Please send any address
and e-mail updates to:
[Steve Smith](#).

NOTE: We are now doing an all electronic-newsletter distribution. Please provide us with your current e-mail address so we can keep you informed. There are a large number of Ex-members and would be members who are missing out because their information is not current.

MEMBERSHIP AND BENEFITS

We currently have 35 active members representing Northern and Central California. Upon becoming a member, you will have access to:

- Free of charge or discounted seminars conducted by experts in the field;
- A forum for the discussion of occupational health and safety issues affecting our communities and workplaces;
- New technologies available in the market to conduct industrial hygiene and environmental sampling;
- Networking with your local health and safety professionals; and
- A cost effective way to obtain CIH and CSP certification maintenance points.

You do not have to be a national member in order to become a member of the local chapter. You don't even need to be a member to attend one of your section meetings. However, we encourage you to join the local section for a mere \$30 dollars a year. What a bargain and at the same time you are supporting your local industrial hygiene section.

CIHC Representative Report

By **Marisela Bonilla**

The last CIHC meeting took place on May 25th at the AIHce in Anaheim, CA. The participants discussed AB 990, particularly how the possibility of banning chemicals such as methylene chloride, perchloroethylene, trichloroethylene, trichloroethylene and 1-bromopropane will impact businesses using it. AB 815 was also discussed. This legislation proposes that quantitative risk assessment is used to set PEL's. It is the group's initial concern that with the current bill wording, public and professional input and judgment could be jeopardized and not taken fully into consideration when setting standards. Details about the upcoming seminar, scheduled for December 2005, were discussed. There is a tentative program in place, including speakers and possible topics. The group was assigned to review By-laws for possible changes.

Jobs

Cal/OSHA is accepting applications for Assistant and Associate IHs. The final filing date is June 20th to apply. The job bulletin and application information is available on our jobs page or the Department of Industrial Relations website at: <http://www.dir.ca.gov/dirjobs/dirjobs.htm>.

If you have any job notices for this newsletter or our section jobs web page, please contact Ken Beutler, CIH at kbeutler@dtsc.ca.gov.

HOT TOPICS AND WHAT'S IN THE NEWS

Public health issues and concerns about naturally occurring asbestos has been a topic on the front page of newspapers throughout the Sacramento region. As health and safety professionals, it is important to be well informed about issues affecting our communities.

For our last meeting our local chapter had the opportunity to present a seminar on occupational and environmental lung diseases, including mesothelioma and asthma. The seminar was presented by Dr. Marc Schenker, MD, MPH, an Internist/Pulmonologist and Researcher at the UC Davis School of Medicine.

The roles of substances such as crystalline silica, quartz and asbestos as causative agents of pulmonary illnesses were discussed during the seminar. Dr. Schenker is an advocate of preventing the occurrence of these illnesses and he focused on measures to prevent exposure to disease causing concentrations.

Other Training Opportunities

JUNE 2005

Thursday, June 9, 2005, SVS Luncheon Meeting, Visual Ergonomics in the Workplace, Jeffrey Anshel, BS, OD, Joint AIHA/SVS and ERT of Sacramento, \$15, Luau Garden Royal Buffet, Rancho Cordova, CA. Additional details at

<http://www.mostsafety.com/ergort.html>

Thursday, June 9, 2005, Dinner Meeting, OCAIHA, Turnip Rose in the OCMA Conference Center, 300 S. Flower Street. Additional details at
<http://www.ocaiha.org/calendar.htm>

June 15-17, 2005, Integrated Management Systems: QEH&S, Ann Phillips, \$1245. Additional details at
<http://www.hightechnologyseminars.com/>

Thursday, June 23, 2005, AIHA-NCS Technical Symposium: Noise Control Engineering, \$225. Additional details at
<http://www.aiha-ncs.org/cde.cfm?event=95979>

Wednesday, June 29, 2005, Mold Control in Air-conditioned Systems, Victor Neuman, PE and Indoor Air Quality Action Plan, James Fraley, PE, SDAIHA, Admiral Baker Clubhouse, 2400 Admiral Baker Rd. Bldg. 3604, San Diego. Additional Details at:
<http://www.sdaiha.org/nextMeeting.html>

JULY

Tuesday, July 12, 2005, Dinner Meeting - Heat Stress (Past President's Night), NCAIHA, Michaels at Shoreline, 2960 North Shoreline Boulevard, Mountain View. Additional details at
<http://www.aiha-ncs.org/cde.cfm?event=72685>

July 25-26, 2005, Worker's Compensation: Overview/Update for Occupational Health and Safety Professionals, \$475. Additional details at
<http://socrates.berkeley.edu/~coehce/courses-suminst/workerscomp.htm>

July 25-26, 2005, Respiratory Protection: Overview/Update, \$475. Additional details at
<http://socrates.berkeley.edu/~coehce/courses-suminst/respprotectionoverview.htm>

July 25-26, 2005, Emerging Infectious Diseases: What Occupational Safety & Health Professionals Need to Know, \$475. Additional details at
<http://socrates.berkeley.edu/~coehce/courses-suminst/emerginfectdisease.htm>

July 25-29, 2005, Comprehensive Review of Industrial Hygiene, \$975. Additional details at
<http://socrates.berkeley.edu/~coehce/courses-suminst/compreviewinduhyg0605.htm>

July 25-29, 2005, Fundamentals of Industrial Hygiene, \$985. Additional details at
<http://socrates.berkeley.edu/~coehce/courses-suminst/funindushygiene.htm>

Wednesday, July 27, 2005, Ventilation: Measuring & Troubleshooting HVAC Systems/ Diagnosing and Troubleshooting Local Exhaust Systems, \$225. Additional details at

<http://socrates.berkeley.edu/~coehce/courses-suminst/ventilation.htm>

Wednesday July 27, 2005, Development of Respirator Chemical Cartridge and Filter Change out Schedules, \$225. Additional details at

<http://socrates.berkeley.edu/~coehce/courses-suminst/devrespchemcart.htm>

Wednesday July 27, 2005, Advances in the Diagnosis and Treatment of Work Disabilities, \$225. Additional details at

<http://socrates.berkeley.edu/~coehce/courses-suminst/advdiagtreat.htm>

Wednesday, July 27, 2005, Office Safety: Old & New EHS Challenges, \$225. Additional details at

<http://socrates.berkeley.edu/~coehce/courses-suminst/officesafety.htm>

July 28-29, 2005, Fundamentals of Workplace Safety, \$475. Additional details at

<http://socrates.berkeley.edu/~coehce/courses-suminst/fundworkplsafe.htm>

July 28-29, 2005, Occupational & Environmental Toxicology, \$475. Additional details at

<http://socrates.berkeley.edu/~coehce/courses-suminst/occenvtox.htm>

July 28-29, 2005, Ergonomics Analysis for Job and Tool Design, \$475. Additional details at

<http://socrates.berkeley.edu/~coehce/courses-suminst/stoopedposture.htm>

SEPTEMBER

Thursday, September 8, 2005, AIHA SVS Meeting. "Hearing Conservation", including advanced aspects of applying hearing conservation programs, complying with OSHA requirements, motivating use of hearing protection, and reducing compensation claims for hearing loss. Brad Witt, Audiology & Regulatory Affairs Manager, Howard Leight Industries. Please see our calendar for additional details when available at

<http://www.aiha.org/localsections/html/SVS/calendar.htm>

September 8, 2005 (tentative), OC/SC AIHA – Joint Dinner Meeting. Additional details at

<http://www.ocaiha.org/calendar.htm>

Tuesday, September 27, 2005, Noise and Noise Control - One Day Technical Workshop, \$160. Additional details at

<http://socrates.berkeley.edu/~coehce/courses/noiseandnoisecontrol.htm>

OCTOBER

Thursday, October 13, 2005, AIHA SVS Meeting. Health and Safety in the Winery Industry, Woodbridge Winery, Lodi, CA. Please see our calendar for additional details when available at

<http://www.aiha.org/localsections/html/SVS/calendar.htm>

Tuesday, October 18, 2005, 2005 Industrial Hygiene Forum Series #3 - Risk Communication and Crisis Communication, \$60. Additional details at

<http://socrates.berkeley.edu/~coehce/courses/industrial-hygiene-3.htm>

Friday, October 28, 2005, 2005 COEH Symposium - Occupational & Environmental Health in the Developing World; Making a Difference", \$70. Additional details at

<http://socrates.berkeley.edu/~coehce/courses/2005COEHSymp.htm>

Thursday, October 27, 2005, Joint SC and OC AIHA Annual Symposium. Additional details at

http://www.scaiha.org/courses.htm#annual_symposium

NOVEMBER

Tuesday, November 1, 2005, Implementing Standards for OSH Management Systems: The New ANSI Z-10, ILO International Standards, \$160. Additional details at

<http://socrates.berkeley.edu/~coehce/courses/implementingstandards.htm>

Thursday, November 10, 2005, AIHA SVS Meeting. "Vacuum Cleanup of Lead Containing Dusts". Steven Wall, Director, Environmental Health Laboratory, California Department of Health Services. Please see our calendar for additional details when available at

<http://www.aiha.org/localsections/html/SVS/calendar.htm>

AIHA Updates

AIHA "Happenings from the Hill"

FEDERAL LEGISLATIVE ACTIVITY

Congress has once again become somewhat interested in the issue of occupational health and safety. While this doesn't mean (far from it) that anything substantive will come of the sudden activity, it does mean that notwithstanding the other important issues taking up most of the debate, there still are those who believe we cannot allow occupational health and safety to fall by the wayside.

Here is the latest and those behind it:

Representative Charlie Norwood (R-GA)

As mentioned in an earlier "Happenings", Rep. Charlie Norwood has reintroduced his series of four bills to reform OSHA.

- HR 739 – Providing flexibility with regard to filing a notice of contest by an employer
- HR 740 – Increase membership on the Occupational Safety and Health Review Commission
- HR 741 – Judicial deference to Conclusions of Law
- HR 741 –Award of attorney's fees and costs

All four of these measures have been marked up by the full House Committee and simply await final action in the House. All four are expected to pass, as they did in the last session of Congress, and make their way to the Senate where they face an uncertain future.

Senator Michael Enzi (R-WY) (new Chairman of the Senate Health, Education, Labor and Pensions Committee) has not indicated whether or not he will support these measures in his Senate Committee. He did not take up the bills in the last session of Congress, but because there is a new subcommittee chairman this time around, the bills are expected to receive due consideration. As proof of this, Senator Johnny Isakson (R-GA), the new subcommittee chairman, held a hearing on May 10 to discuss these measures and other OSHA issues.

AIHA submitted comments to Rep. Norwood on these four measures. AIHA supports two of the bills (HR 739 and HR 740) and withheld support or opposition to the other two bills citing the fact these were more in line with legal issues than occupational health and safety and lacked the “good science” AIHA looks for in legislative measures.

Senator Michael Enzi (R-WY)

Senator Michael Enzi has stated he intends to reintroduce his Safety Advancement for Employees (SAFE) Act later this year. This bill was a very broad measure providing for several changes to the OSH Act. Most notably of interest to AIHA is the section creating a third party workplace review program. AIHA has long supported this concept and has in the past worked with Senator Enzi on its development.

However, the SAFE Act contains many more provisions that have proven to be controversial. Noteworthy among these is a section that would increase criminal penalties for employers who violate the OSH Act in such a way that it results in a fatality. While many stakeholders agree that criminal penalties need to be raised, as they say “the devil is in the details”. Also included is a section on alcohol and drug abuse testing as well as a section addressing the development of model MSDSs.

Speaking of the third party workplace review program, AIHA has been working with several others to develop a stand-alone bill that would create a third party workplace review pilot program. The program would be limited to small businesses and would be put in place in three states. AIHA feels a pilot program is the way to go at this point in time, providing some guidance on whether or not a full-blown program would be acceptable and successful.

Representative Todd Tiahrt (R-KS)

Representative Todd Tiahrt has reintroduced a series of bills that address various enforcement issues within OSHA. The bills are HR 977, HR 978, HR 979, HR 980, HR 981, and HR 1028. The bills address issues such as limiting penalties for less than willful violations, limitations on the citing of employers on multi-employer worksites, requiring written statements to employers following an OSHA inspection, a requirements that citations be issued within 30 days of an inspection, allowing for 30 days to contest OSHA citations, and limiting the use of previous citations in subsequent citations.

No hearings have been scheduled on any of these measures.

Democratic Legislation

Not to be outdone, the other side of the aisle has also introduced legislation to amend the OSH Act. Senator Edward Kennedy (D-MA) and Representative Major Owens (R-NY) have introduced

legislation, S 944 and HR 2004 that would make several changes. Some of the provisions – increasing criminal penalties for willful violations, requiring employers to pay for personal protective equipment, whistleblower protections, and the public’s right to know about dangerous chemicals in their neighborhood. Senator Jon Corzine (D-NJ) and Representative Owens have also introduced the criminal penalty provision as stand-alone bills, S 947 and HR 2005.

Representative John Conyers (D-MI) – MOLD

Representative John Conyers has reintroduced his legislation known as the “Melina” bill, HR 1269. This bill would provide several ways to address the continuing interest in exposure to the hazards of mold. In addition to requiring EPA and others to address the issue of competency for individuals involved with mold inspection and abatement, the bill would provide a broad list of services to mold victims. A federal insurance program would be created that would reimburse victims. The bill would also require additional research into the issue and create education programs for the public.

The bill received little support in the last session of Congress and it is doubtful it will receive much support this time around. AIHA is one of the only organizations that submitted extensive comments to Rep. Conyers.

The issue remains of interest at OSHA though. The agency hopes to soon issue health and safety guidelines on exposure to mold. Many hoped the agency would have moved a little faster on this guideline since they announced their intention more than a year ago.

CDC/NIOSH Controversy

Stakeholders and Members of Congress continue to follow the CDC/NIOSH reorganization controversy. NIOSH was saved from the reorganization knife last year when language was added to the appropriations bill that required CDC to maintain the “status-quo” at NIOSH. This was only for a one-year period and many feel CDC will attempt to continue the effort to blend NIOSH in to the whole of CDC. AIHA and other stakeholders have sent letters and conducted numerous meetings with Congressional staff to assure NIOSH continued autonomy in its research work on behalf of occupational safety and health.

There is hope that the meetings and letters will convince Congress to once again keep NIOSH in its sights during the appropriations process. However, this seems to be a short-term solution to a bigger problem – the future of NIOSH. AIHA is on record as suggesting that Congress should request the Government Accountability Office to conduct a study of the organizational structure of NIOSH. Such a study could determine if NIOSH is best left at CDC. If not, the study should look at other options.

Regulatory Activity

The Occupational Safety and Health Administration (OSHA) announced its updated semi-annual regulatory agenda this week. The agenda is to be used as a “roadmap” for the agency to announce those activities that will be undertaken and continue to be at the forefront of the agencies efforts. Over the course of the last several years the agenda has been considerably reduced as the agency announced it would only list issues on which the agency actually was planning some effort. In the past, there were dozens of issues that lingered on the agenda for years with no activity.

Here is a look at issues on the regulatory agenda that may be of interest to AIHA members, as well as an update on the current status of these issues:

PRE-RULE STAGE

Occupational Exposure to Beryllium

OSHA began looking at this issue in 2002 and has determined that the existing PEL may not be sufficient. Following a request for information, the agency has determined that rulemaking is necessary and is evaluating several options. The agency hopes to complete a small business regulatory review sometime this fall. There is some talk that OSHA may include language to continue monitoring OSHA inspectors for beryllium exposure.

Ionizing Radiation

The agency is in the process of determining the appropriate course of action regarding this standard. Earlier this month the agency published a "request for information" and the comment period remains open at this time. The agency feels that the regulations published in 1974 should be updated to reflect new technological and safety advances.

Emergency Response and Preparedness

OSHA has determined that emergency responder health and safety is currently regulated under numerous individual standards causing confusion. Many of these standards were promulgated years ago and do not address the needs of today. The agency is planning on collecting information to evaluate what action the agency should take. OSHA hopes to put out this request for information sometime this summer.

Standards Improvement

OSHA is continuing efforts to remove or revise unnecessary and inconsistent safety and health standards. The agency has completed Phases I and II and is now looking at Phase III. The agency hopes to announce an advanced notice of Phase III sometime this fall.

Hazard Communication

An important undertaking for sure. Because of the continued interest in material safety data sheets (MSDS) and the need for the U.S. to consider whether or not to adopt the Globally Harmonized System of Classification and Labeling of Chemicals (GHS) by 2008, this issue may be one that moves along quickly. The agency is considering modifying its hazard communication standard to make it consistent with the GHS. The timetable for an advanced notice or proposed rulemaking is set for August of this year.

The agency also plans on issuing proposed guidelines on MSDS this year, followed by a final guidance in 2006, in response to complaints from some chemical manufacturers that the data now included in the MSDSs is not consistent and increases the chance for problems. OSHA hopes to provide a sample data sheet format, information on training workers, and increase focus on the accuracy of the MSDSs.

There is considerable interest with this issue in Congress and among private organizations. In the last session of Congress Senator Michael Enzi included language within the SAFE Act that addressed the issue of MSDS.

PROPOSED RULE STAGE

Crystalline Silica

The agency recognizes that the current PEL for crystalline silica is more than 30 years old and should be updated. The agency has looked at various options to address this problem, but now believes that rulemaking is needed. The agency hopes to promulgate a notice of proposed rulemaking by April of 2006.

FINAL RULE STAGE

Assigned Protection Factors

In 1998, OSHA published the final Respiratory Protection Standard, except for some provisions on assigned protection factors (APFs). OSHA recognized that there were different APFs being used by employers, some from the 1980s and some using more recent guidelines. OSHA has considered allowing the current situation to continue, but recognizes the confusion it is causing. A final rule is scheduled for September of 2005, but because of the ongoing debate on this issue, look for this deadline to be scrapped.

Hexavalent Chromium

OSHA is under court order to publish a final rule by January 2006 and the agency continues to work towards meeting this goal. OSHA recognized the need for rulemaking, but because of the amount of time to finalize this rule, the courts ordered it to be completed by 2006. Public hearings have been held and all comments are being reviewed at this time. The agency says it is on track to meet the deadline and publish the final rule. However, there continues to be considerable debate over the exposure limit OSHA plans on using. In simple terms, OSHA plans on lowering the level from 52 to 1 microgram per cubic meter. Industry is opposed saying it is too low and wants three years to come into compliance. Proponents of the new rule want the level to be even lower, set at .25.

Personal Protective Equipment

An ongoing issue since 1999, OSHA continues to consider how to address this issue. Numerous stakeholders have been pressing OSHA to finalize standards on who should pay for this equipment and many thought the agency was prepared to close the debate. However, the agency surprised everyone by reopening the comment period to consider the definition of "tool of the trade". This comment period ended last September and the agency says it hopes to finalize the standard by October.

It remains to be seen if this occurs under an Acting Secretary. Both industry and labor seem to have concerns about this proposal, not only the "tool of the trade" definition, but how to treat temporary workers.

National Consensus Standards

The agency continues to undertake a multi-year project to update OSHA standards by adopting national consensus standards. Sounds easy, but the agency has encountered opposition to some of these updates. The agenda shows the final rule to be promulgated by July; however, OSHA withdrew the direct final rule. Comments on the proposed rule will not be reopened.

LONG-TERM ACTIONS and COMPLETED ACTIONS

The most interesting comment on these categories isn't what "is" on the agenda but what "isn't" on the agenda. The only thing listed under long-term actions is hearing conservation programs for construction workers. On the completed agenda, the only main issue of interest to AIHA is the standards improvement project phase II that was mentioned earlier.

WHAT'S NOT ON THE AGENDA?

Here are some of the major issues that did not appear on the regulatory agenda:

Ergonomics

The agency has shown no interest in getting anywhere near the issue of ergonomics. While several industry-specific guidelines have been published, most insiders believe the agency has concluded its efforts on ergonomics. The national advisory committee on ergonomics was sunset at the end of 2004 and there is no indication the agency is interested in appointing another committee to look at this issue. There is also no interest in the issue of ergonomics from a legislative point of view.

Permissible Exposure Limits (PELs)

While the AIHA effort of facilitating a discussion between industry and labor on a proposal to update the PELs has provided limited results, the agency is also taking a very slow approach to this issue. Everyone agrees the PELs need to be updated, but finding the best way to do it has resulted in few solutions. When John Henshaw left the agency at the end of 2004, he indicated that being unable to update the PELs was one of the most frustrating items left undone.

Occupational Exposure to Tuberculosis (TB)

Following the withdrawal of the OSHA TB proposal, OSHA intended on enforcing the general industry respiratory standard for occupational exposure. Congress quickly put an end to this idea when they adopted language in the 2005 annual appropriations bill that prohibited OSHA from enforcing annual fit testing for one year. This didn't stop everyone though, as several states with their own OSHA program opted out of the CDC guidelines to follow the original OSHA approach and enforce the standards on their own (CA, WY, NY). Now, as Congress prepares to debate the FY 06 appropriations bill, there is concern that Congress will again place a one-year prohibition on OSHA. OSHA and AIHA remain opposed to another prohibition.

Who's on First?

Nearly six months after the resignation of John Henshaw as Assistant Secretary of Labor for OSHA we still have no idea who the next head of the agency will be. But insiders seem to think the administration is getting very close to make a decision and announcing a nominee.

For several months, there seemed to be only three names being discussed – Dr. John Howard, the head of NIOSH; industry lawyer Horace Thompson; and Jonathan Snare, the Acting Assistant Secretary.

Now word comes that three new names have emerged as the leading candidates for the position. The three: John Duncan, former California-OSHA official; Ed Foulke, former chairman of the Occupational Safety and Health Review Commission; and June Brother, a Georgia-Pacific executive. There also is word that Jonathan Snare, the Acting Assistant Secretary, seems to remain on the updated list. As for Dr. Howard, an interesting view from insiders is that while Dr. Howard is more than qualified for the

position, the administration views him as too valuable at NIOSH. And speculation that Horace Thompson may be appointed to Review Commission.

State Legislative Activity

Professional Recognition/Title Protection

Success achieved in the State of Georgia as the Governor signed into law professional recognition/title protection for the professions of industrial hygiene, safety and health physics. With enactment of this law, Georgia becomes the 19th state to enact some form of professional recognition/title protection.

Mold

The issue continues to be of considerable interest in the states. So far this year, 13 states have introduced 24 separate bills addressing the issue of mold analysis, inspection, and/or remediation. Six of these bills died when the legislatures adjourned for the year, one additional bill has died in a committee, and two bills await the Governor's signature. However, the two bills that have passed are very minor bills having no impact on AIHA or our members.

Methamphetamine Laboratory Clean Up

One of the most active issues in 2005 – 30 bills have been introduced this year in 17 states. Nearly 10 of these measures have either been signed by the Governor or are about to be sent to the Governor for approval. While these bills are not specific, they do put in place the fact that the State must develop regulations on meth lab clean up, which will have an impact on some AIHA members. AIHA national is following this issue closely. An additional note – there are currently seven different legislative measures introduced in Congress addressing this issue.

Additional Success!

In addition to the professional recognition/title bill that has been enacted in Georgia, AIHA was also involved in two additional state efforts that were successful.

In Utah, AIHA submitted a letter of support for a bill that would have provide additional funds to the education resource training center in Utah. The legislation was enacted into law.

In New York, AIHA and others opposed an effort by the Governor to eliminate the New York Hazard Abatement Board and the Occupational Safety and Health Training Program. In the final budget package approved and signed by the Governor both programs were retained.

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