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Industrial Hygiene Congress OSHA  
NIOSH AIHA Occupational  
OSHA EPA U.S. House of  
Occupational Health and Safety  
House of Representatives U.S.

## **HAPPENINGS FROM THE HILL**

### **American Industrial Hygiene Association Government Affairs Department**

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### **AIHA Members – What's On Their Mind?**

Some Thoughts - - - -

AIHce 2007 just wrapped up in Philadelphia. All in all, one of the best annual conferences I have attended in many years. If you attended you know what I mean. If you didn't, you missed out on excellent roundtables, PDCs, general sessions, committee meetings, etc. Make it a point to attend the 2008 AIHce in Minneapolis.

This was a very busy week for AIHA staff, yours truly included. In addition to all of the different events taking place, I had the privilege of attending and making a short presentation to those AIHA technical committees who invited me. This year, I attended 28 different technical committees, provided a short update on government affairs activity, and answered any questions the committee members may have had. This is one of the most educational and informative things I do year in and year out. I never pass up this opportunity.

For years, AIHA has promoted the fact that we have one of the most diverse memberships of any professional association in occupational health and safety. AIHA membership is composed of individuals who work for private employers, government, labor, academia, and individual consultants. That much we all know. But what I find even more diverse are the many different issues of interest to the membership.

Frankly, the diversity of membership added to the diversity of issues is what makes it difficult, but challenging, to be successful in government affairs activity for an association such as AIHA. Yes, we educate policymakers as much as possible about the many issues, but sometimes it is difficult for AIHA to come up with a position that has the support of the majority of AIHA members. Many times it's not necessarily the position on an issue that creates a roadblock, but

whether or not AIHA should even be involved in the issue. Nearly all of the issues have some impact on occupational health and safety, but when only a small group of AIHA members are involved in a specific issue, the question becomes one of whether or not we should say anything. A difficult decision for the committees and the board of directors.

So, after attending 28 technical committee meetings and visiting with hundreds of AIHce attendees who want to hear about government affairs activity, what issues are being discussed?

What I found most interesting is exactly what I stated earlier - that AIHA members are interested in dozens of different issues. But what was even more surprising is that there didn't seem to be one or two issues that came up on a consistent basis. That doesn't mean the specific issues aren't important to occupational health and safety. It simply means there are many issues out there more important to some than others because of their specific responsibilities.

Let's take a look at a few of the top issues:

Updating the PELs: The number one issue in member surveys. While most members express concern, it seems as though most realize this is a very difficult issue, one that will take years to solve. There seemed to be resignation that this was one issue out of their hands.

NIOSH: A broad topic. There wasn't a specific issue within NIOSH that garnered a lot of discussion, but the overall status of NIOSH seemed to spark some interest. More so because AIHA was promoting our position of recommending that Congress request a GAO study of NIOSH.

TLVs: An issue where many simply wanted to know the status of the TLVs in relation to recent court action or legislative interest. Most were pleased that Congress does not at this time seem to have an interest in pursuing any control over OSHA and the TLVs.

Pandemic Flu: A surprise this issue didn't receive more discussion. Perhaps the issue doesn't involve as many of our technical committees as first thought. But perhaps the number one reason is that because the federal government does not seem to have any coordinated effort to announce, individual OH&S professionals can't address the issue.

OSHA: Another broad topic. Here again, different committees and members expressed interest in many different issues, but no one issue seemed to make its way to the top of the list. Interest in the overall direction of OSHA was a concern.

Ergonomics: Interest in this issue is still there, but more so on the state level. Nearly a dozen states introduced legislation in 2007 to address the issue of safe-patient handling.

Professional Recognition: Most still express concern for the overall profession and what the future may hold. This involved the fact that many are becoming more involved in OH&S in a broader sense than specifically as an IH. Not sure how to read this, but I got the sense that most think the future is pretty bright in OH&S, but not necessarily as an IH. An issue AIHA is looking at.

Global OH&S: I expected more discussion about this movement. It is a very large issue, but perhaps many of the attendees at AIHce are not as involved on a day to day basis.

So, what can one make of all this? Hard to say. Overall I would say that the profession of occupational health and safety is in good hands. I continue to be amazed at the knowledge amassed by AIHA members. AIHA members may not be involved in every issue impacting worker health, but on those issues in which they have day to day responsibility you would be hard pressed to find any profession that has more of a positive impact on worker health and safety. Just a few thoughts of my own!

## **Congress Continues Oversight of OSHA**

As expected, Congress has made good on their promise to take a look at many different operations and activities within the Occupational Safety and Health Administration. When one adds in the appropriations hearings to discuss OSHA funding, we are approaching nearly a dozen hearings looking into the activity within OSHA.

### So far:

Several appropriations hearings that not only involved the fiscal '08 budget, but also discussed OSHA response to the pandemic flu and standard setting.

Senate subcommittee hearing on legislation (S 742) that would ban the manufacture and use of asbestos in the U.S. Senator Patty Murray (D-WA) has pushed this legislation for several years; however it will be difficult to pass.

Senator Murray also held a Senate subcommittee hearing to discuss the standard setting process within OSHA. Senator Murray was concerned that OSHA was not enacting new standards to address existing hazards and wanted to know why the process was not working. No specific legislation was addressed in this hearing.

In the House, a House Committee held a hearing to look at the overall administration of OSHA.

Three House subcommittee hearings were held addressing specific issues within OSHA. One addressed the issue of whistleblower protection. One addressed the issue of standard setting. The last looked at expanding OSHA coverage to local and state employees not presently covered.

And don't think this is the end! This week alone there are two scheduled hearings – one is appropriations markup for OSHA and the other will look at legislation that will require OSHA to enact a diacetyl standard (see related story).

## **Legislation Introduced to Address Diacetyl**

Concern for workers exposed to the food-flavoring agent diacetyl has resulted in the introduction of federal legislation. Rep. Lynn Woolsey (D-CA) introduced HR 2693 on June 13, a bill that would direct OSHA to issue a standard regulating worker exposure to diacetyl.

The bill would require OSHA to issue an interim final standard within 90 days of enactment of the bill. OSHA would have 2 years to issue a final rule covering all workplaces where diacetyl is used.

OSHA was originally asked to put out an emergency temporary standard on diacetyl but instead determined to target microwave popcorn facilities under its national emphasis program. Critics of this plan say it is not enough, thus the reason for the legislation. The issue of diacetyl risk is a huge one in the state of California where the state OSH plan is now considering adopting a standard and the California legislature also has legislation addressing the issue.

The federal bill is on a fast-track. Rep. George Miller (D-CA), Chair of the House Education and Labor Committee will be marking up the legislation at a hearing this week (June 20).

## **OSHA and NIOSH Appropriations for FY 2008 Moving Forward**

With the House Appropriations Subcommittee completing their markup of the FY 2008 appropriations for OSHA, MSHA and NIOSH in early June, we are now awaiting the final markup of the full House Appropriations Committee. The full Committee is scheduled to meet this week (June 21) to finalize the huge HHS/Education funding bill.

As things now stand:

### **OSHA:**

President Bush proposed \$491 million for OSHA, an increase over the existing \$473 million. As expected, the House Subcommittee has recommended restoring the training grants in the amount of \$10.1 million, bringing the total budget proposed for OSHA in at \$503.5 million.

### **MSHA:**

The Subcommittee recommended approving the President's budget request of \$313.5 million in FY 2008. This is a significant increase over the MSHA budget of the past two years.

### **NIOSH:**

In one of the most positive efforts in a long time, the Subcommittee has listened to the many organizations promoting NIOSH and the work that it does. When the President announced an FY 08 budget of \$253 million (about a million less than in FY 07), numerous occupational health and safety associations began an effort to educate Congress on the importance of NIOSH and the need for additional funding. The Subcommittee listened! The Subcommittee has recommended NIOSH be funded \$310.9 million for the coming year.

Still a long ways to go before these budgets are approved. Remember last year – no budget was adopted so Congress simply adopted a continuing resolution. Besides, the HHS/Education Appropriations Bill is usually one of the last to be enacted.

## **Future of NIOSH? – Several Suggestions**

Seems as though AIHA has “stirred the pot” with our call for Congress to request a GAO study of the location of NIOSH within the organizational structure of the CDC.

Following AIHA's April 12 letter to Congress, the American College of Occupational and Environmental Medicine submitted a letter to Congress on May 10 also calling for a GAO study of NIOSH.

At the recent AIHce in Philadelphia, Dr. John Howard, Director of NIOSH, also endorsed the idea of a GAO study to look at NIOSH.

And finally, on June 13, the American Society of Safety Engineers called on Congress to direct that NIOSH be removed from CDC and be made an independent agency within the Department of Health and Human Services.

No telling if any of these requests will receive consideration, but the number of stakeholders calling for change is growing!

### **Summary of AIHA Government Affairs Activity January 1-June 15:**

Reviewed 3,171 State legislative measures  
162 of these measures were passed on to local sections  
Reviewed 2,759 House and 1,637 Senate Bills in Congress  
AIHA monitoring 14 of these bills.

### **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. Also available within this Action Center is the opportunity for any member to directly contact their elected officials in Washington simply by inserting their zip code. You can send an email or learn how to contact them by phone or mail. Take a look!

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.**