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HAPPENINGS FROM THE HILL

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Federal Budget Debate Heats Up

As Congress winds down prior to taking a month off in August, perhaps it is now time to take a close look at where things stand with the agency budgets of interest to AIHA. This is timely indeed, as the full House began debate on the Labor-HHS appropriations bill on Wednesday of this week. But don't get too excited! This appropriations bill is usually the last one to be finalized, if finalized at all. Many years Congress simply has to roll this bill in with many others as time runs out.

So, here is where things stand as of today:

OSHA

Fiscal Year 2007 actual appropriations	\$486,925,000
Presidential Request for Fiscal Year 2008	\$490,277,000

In the House, the Appropriations Committee has authorized \$503,516,000 for OSHA in Fiscal Year 2008. This is an increase of more than \$16 million over '07 and increases the budget request by a little over \$13 million.

But what is more interesting are the details of this authorization. The Committee nearly doubled the President's request for federal enforcement dollars. In the area of compliance assistance, the Committee sliced the President's request by more than \$4 million dollars. The Committee wants to take a closer look as the effectiveness of this program.

If you recall, an earlier Happenings stated that this is exactly what might happen – Congress would provide more dollars for OSHA but those dollars would be targeted to specific areas.

The Committee also had plenty to say about what OSHA is doing, or I should say not doing. Report language stated concerns about the lack of progress in issuing important safety and health standards. They asked OSHA for timetables on beryllium, silica, cranes and derricks, confined space entry in construction, and hazard communication global harmonization.

The Committee also expressed dissatisfaction with OSHA progress on ergonomics, the personal protective equipment rulemaking, protection for first responders, diacetyl, and pandemic flu.

Two other important issues within the report. One is that the Committee retained the \$10 million for the Susan Harwood training grants. This was expected. But more importantly, the Committee did not adopt attempts to continue the ban of OSHA from enforcing the general industry respiratory protection standard for the annual fit testing of respirators for TB. While an attempt was made to again place this restriction in the budget, for the first time in four years the amendment was defeated. However, word was circulating that there would be an attempt to add this amendment during debate on the House floor. AIHA has long supported the right of OSHA to conduct annual fit-testing and decided to become engaged in this debate. Earlier this week, AIHA sent letters to nearly every member of the House asking them to reject any amendment. You can find this letter on the AIHA web site or contact government affairs for a copy.

In the Senate, the Committee has also adopted their final figures for OSHA, but the bill has yet to come up on the Senate floor.

The Senate Committee request is for \$498,445,000, an increase over the budget request, but not nearly as much as the House request.

The Senate also increased enforcement dollars and expressed its concern for the same issues as those expressed in the House report. The Senate also restored the Susan Harwood training grant dollars.

MSHA

As for the Mine Safety and Health Administration –

Fiscal Year 2007 actual appropriations	\$301,570,000
Presidential Request for Fiscal Year 2008	\$313,478,000
House Committee Request	\$313,478,000
Senate Committee Request	\$330,028,000

Obviously, the Senate believes much more needs to be spent within MSHA. Most of the additional request in the Senate is intended to accelerate the implementation of the MINER Act.

NIOSH

Fiscal Year 2007 actual appropriations	\$254,099,000
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Presidential Request for Fiscal Year 2008	\$252,998,000
House Committee Request	\$310,937,000
Senate Committee Request	\$272,397,000

The good news here is that both the House and Senate recognize the importance of NIOSH and have appropriated what should be considered considerable increases for the institute.

What's next?

This appropriations bill is still a long way from being adopted. We must remember that OSHA and MSHA are just a small part of the overall billions of dollars in this huge appropriations bill. Once the House and Senate adopt their individual bills, the two sides must then get together to work out the differences. This takes time. Don't look for the bill to be adopted any time soon, if at all.

Legislation Requiring Diacetyl Standard Moves to House Floor

Legislation introduced by Rep. Lynn Woolsey (D-CA) that would require OSHA to issue a standard regulating worker exposure to diacetyl has passed out of a House committee and now moves to the full House for a vote. HR 2693 would require OSHA to do more than simply initiate a National Emphasis Program to address the hazards and control measures associated with this chemical, mostly used in the "microwave popcorn industry" as a butter flavoring.

AIHA submitted comments to Rep. Woolsey in support of the legislation; however, AIHA went on to say that diacetyl is just one of the many chemical hazards that contribute hazardous exposures to workers around the country. AIHA would like to see Congress address the bigger question of looking at the obstacles faced by OSHA in addressing occupational exposure limits to all chemicals.

This gets back to the problems OSHA faces when attempting to update permissible exposure limits and other guidelines. AIHA encourages Congress to take a look at this issue. This letter can also be found on the AIHA web site or contact government affairs for a copy.

Will President Have More Control Over Regulatory Activity?

Remember back in January when President Bush signed an Executive Order that would require each federal regulatory agency to assign a political appointee as a regulatory policy officer. The intent was for this individual, along with the director of the agency, to have authority to stop a rulemaking process. The President wanted to be sure that rulemaking took into consideration the cost of the rules and their impact on the economy before allowing the rules to be implemented. And because this is an Executive Order, it becomes much harder to stop. The rule is to take effect next week.

Not so fast!

A couple of weeks ago, the House figured out a way to stop the executive order. The solution – simply cut off funding for the order. The House passed an amendment that blocks all funding to implement the order. An attempt was also made in the Senate, but 64 trade groups got together and successfully lobbied a Senate committee to drop the amendment in the Senate.

Now we wait and see. The President has stated he will veto any appropriations bill that blocks financing for this proposal.

And the wheels keep spinning!

Other News Bits -

A federal court has ruled that OSHA must provide data showing possible exposure levels to beryllium faced by OSHA inspectors and employees in facilities inspected by the agency. The ruling was in response to a complaint from a former OSHA official that the agency was not doing enough to protect inspectors from possible beryllium exposure.

Notwithstanding several pending lawsuits, OSHA is citing violations of the new hexavalent chromium standards during regular inspections. OSHA has made a point of the fact that they are not targeting inspections for hex chrom but simply citing violations during these regular inspections.

President Bush has nominated Horace “Topper” Thompson to chair the Occupational Safety and Health Review Commission. Thompson is a current member of the Commission and replaces Scott Railton as Chairman. One interesting note is that Thompson has stated he supports increasing the membership of the Commission from three to five members. AIHA has long supported this effort, adding that we believe the two additional members should be individuals from the occupational health and safety profession and not attorneys.

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.