



Happenings From The Hill

American Industrial Hygiene Association Government Affairs Department

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August 25, 2008

Congress on Break While We Wait for Political Conventions

While Congress continues its summer recess, scheduled to return to Washington on September 9, the big news is the beginning of the Democratic and Republican conventions this week and next. We have heard one VP candidate named and you can expect the other one to be named within the next week or so. But don't expect occupational safety and health issues to make any news at either one of these conventions. This just isn't one of the priorities for either party.

As for Congress, when it returns it has many important issues to finish before wrapping things up. In addition to the federal 2009 budget and the continuing war in Iraq, Congress may attempt to address some sort of energy legislation. But that's about it! Insiders have been discussing a possible adjournment date and believe that Congress may actually attempt to adjourn the end of September rather than mid-October. If that happens, nearly every legislative issue pending can be considered "dead".

And speaking of the federal 2009 fiscal year budget, I have been stating for months that it is unlikely they will adopt a budget before the next Congress comes to town in January. Now, Senate Majority Leader Harry Reid predicts that a continuing resolution is the most likely outcome. This means Congress will simply tell federal agencies they can spend the same amount of money next year they are spending this year – at least until a new budget is adopted. And when might this occur? Probably not until some time in early 2009 when a new administration is firmly in place.

DOL Risk Assessment Proposal Receiving Considerable Opposition

If you haven't heard by now, the Department of Labor is having difficulty in finding much support for its proposed rule on risk assessment. Seems the opposition keeps building requesting The Dept. of Labor to withdraw its proposal. This opposition now includes AIHA, when we sent a letter this week to Labor Secretary Elaine Chao asking her to withdraw the proposal.

Congress has also become involved, asking DOL to withdraw what Congress calls a "secret rule". DOL says they will continue to move forward with their proposal to change the way risk assessment calculations are made within DOL when they consider future rules. DOL states that since this proposed rule amends "internal decisions" and does not change any requirements for employers DOL is not required to move the proposed rule through the normal rule-making process.

Obviously, AIHA and numerous other organizations disagree. AIHA not only disagrees with the process being used but has now come forward with opposition to the rule itself.

If you wish to see a copy of AIHA's letter to Secretary Chao please contact AIHA government affairs.

Update on Various Issues

There seems to be increased activity on various fronts when looking at specific exposure levels and other health and safety issues.

Silica – NIOSH recently announced that workers exposed to crystalline silica at levels no higher than 0.5 milligrams per cubic meter should wear half-facepiece respirators with filter ratings of at least N95. The policy statement says that because of improved respirator technology and a change in respirator selection processes, the new recommendation provides greater safety. The recommendation is also now in line with that of OSHA for crystalline silica exposure.

Beryllium – According to a National Research Council committee, the current exposure level on beryllium exposure is not stringent enough. The report recommends lowering the exposure limit, notwithstanding the fact that the scientific community has not yet reached a consensus on how much beryllium exposure could lead to disease.

Asbestos - EPA is still accepting comments on a draft demonstration of alternative asbestos control method demolition for asbestos-containing buildings. The AIHA Construction Committee drafted comments for AIHA submission.

PPE – OSHA has proposed a rule to clarify the remedy for violation of requirements to provide personal protective equipment to employees and train employees.

Lead – EPA has proposed a rule changing the fees for accreditation or training programs and certification of lead-based paint activities and renovation contractors. Now don't fall off your chair, but the proposal actually LOWERS the fees for some individuals. Not sure if I have ever heard of the government lowering the cost for something. Guess there is always a first time for everything!

Diacetyl – OSHA chief Edwin Foulke told Congress last month that a diacetyl standard will be proposed by the end of 2009. That’s right, 2009! Obviously, this didn’t sit too well with Congress, but with the session nearing its conclusion, it is doubtful that Congress will move on legislation requiring OSHA to speed up its work on diacetyl. On another note, legislation in California that would have addressed a diacetyl standard looks as if it is dead for the remainder of this legislative session.

Combustible Dust – Democratic lawmakers, OSHA and the Chemical Safety Board all have views on the issue of combustible dust. The Chemical Safety Board and Congress believe that a combustible dust standard needs to be put in place as soon as possible. OSHA believes existing efforts to control this hazard are adequate. Legislation introduced to force OSHA to move forward on a standard will likely stall.

Former NIOSH Chief Takes on New Assignment

Former NIOSH chief Dr. John Howard will chair the Steering Committee of the International Labour Organization’s (ILO) Steering Committee for the 5th Edition of the ILO Encyclopedia of Occupational Health and Safety. The ILO says that Dr. Howard’s longstanding experience in leading a national approach to occupational safety and health will help the ILO “apply the lessons learned from his nation to many of our ILO country programs”. The ILO Encyclopedia is an international resource of information for preventing work-related injuries and illnesses.

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. Simply go to the AIHA home page. Click on “government affairs”, located left side under access to information. Once in government affairs, click on “Federal Legislation Action Center”. You will need to sign in as this is a members-only section. 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.