

“The Washington Buzz”



**New England
Local Section**

Boston, MA

June 16, 2016

The Budget



- **Debt Limit Raised**
 - Through March 2017
 - CBO Deficit Triple by 2026
 - Debt Rises by \$10.7 Trillion by 2026
- **Sequestration Overridden**
 - Through September 2017
- **Individual Budgets**
 - Most Flat - Few Policy Riders
 - \$80B Spending Increase

The Budget



- **Existing Budget** **\$552.8 m**
- **President's Proposal** **\$595.0 m**
- **Senate Proposal** **\$552.8 m (17?)**
- **House Proposal** **\$535 m (16)**

PENALTIES INCREASED

Proposed Major Increases – Federal Enforcement, S&H Statistics, Whistleblower, Federal Compliance Assistance, VPP Set

The Budget



Protecting Miners' Safety and Health Since 1978

- **Existing Budget** **\$375.9 m**
- **President's Proposal** **\$397.3 m**
- **Senate Proposal** **\$375.9 m (17?)**
- **House Proposal** **\$371 m (16)**

**Proposed Major Increases
Enforcement of Dust Rule and Conduct
Inspections during Off Hours**

The Budget



- **Approved Spending** **\$339.1 m**
- **Existing Budget** **\$334.9 m**
- **President's Proposal** **\$285.6 m**
- **Senate Proposal** **\$334 m (17?)**
- **House Proposal** **\$341 m (16)**

Funding for ERC and AFF –To Be Cut!

Dr. John Howard Re-Appointed

Congressional Activity

- **Regulatory Reform –**
 - Approval by Congress
 - Less Burdensome Alt.
 - Internet Summary
 - Review Existing
 - Regulatory Budget
 - Permanent Committee



Senate Regulations Caucus
Can It Work?

House Task Force on Executive Power

Congressional Activity

- **OSHA Reform**
- **TSCA Reform**
 - Passed House – Passed Senate
 - President will Sign
- **Abatement before Citation**
- **Federal Contracting**
- **Noise Abatement & Control**
- **Safe Patient Handling**
- **Guidelines?**



OSHA Activity

- **Reporting – Severe Illness & Injuries**
 - **FINAL - Effective Jan 1, 2015**
 - **Old – Report Fatalities & Hospitalization of 3+ within 8 hrs.**
 - **New – Fatalities within 8 hrs, but all eye loss, hospitalization, amputations within 24 hrs.**

Electronic Reporting Now Allowed

- **Form Just Now Made Available**

ONLY FINAL IN 2014

OSHA Activity

- **Confined Spaces in Construction**
 - **FINAL** – Published May 4, 2015

Took Effect – August 3

**Compliance Deadline – October 2 for
“Good faith Efforts” – Now January**

Pending lawsuit – But Doubtful To Halt Rule

ONLY FINAL IN 2015

OSHA – Ongoing Issues

The Biggie –

Crystalline Silica –

***Finalized March 24**

- Cuts Exposure Level
 - 50% - General Industry
 - 20% - Construction



Lawsuits Filed

1 of 2 Finals in 2016

OSHA – Ongoing Issues

Electronic Recordkeeping & Reporting

*Finalized May 11

- Nothing New to Record
- Electronic Reporting
- Publication of Statistics
- Underreporting?



Lawsuits?

Probably - Difficult to Win!

1 of 2 Finals in 2016

OSHA – Ongoing Issues

Beryllium

- Labor / Industry Agreement
- Focus on General Industry
 - OSHA Considering Adding Construction?
- Reduce PEL by 90 Percent
- Public Hearing Held
- Then the White House

OSHA To Finalize?

No timeline Stated

Time Running Out!

OSHA – Ongoing Issues

- **Permissible Exposure Limits (PELs)**
 - **Options to Control Exposure**
- **Process Safety Management**
 - **SBR Underway - Request for Comments**
- **Program Management Guideline**
- **DOJ and DOL Joined Forces to Prosecute**
- **Deadline was May 16 for Regs?**

OSHA – Wish List

OSHA Wish List –

- **Combustible Dust**
- **Infectious Diseases***
- **MSD Recordkeeping**
- **Injury and Illness Prevention Program***
- **Safe Patient Handling**
- **Nanotechnology**
- **Safety Incentives**
- **State Plans**
- **Emergency Response**



OSHA – Regulatory Agenda

OSHA Wish List Compared to Regulatory Agenda–

- **Pre-Rule Stage**
 - **Bloodborne Pathogens – End Review**
 - **Combustible Dust – SBRFA 08/16**
 - **PELs – Analyze Comments 04/16**
 - **Process Safety Mgmt. – SBREFA Ends 04/16**
 - **Emergency Response – Workgroup 03/16**
 - **Revoking Obsolete PELs – RFI -7/16**



OSHA – Regulatory Agenda

OSHA Wish List Compared to Regulatory Agenda–

- **Proposed Rule Stage**
 - **Beryllium – Analyze Comments - 12/15**
 - **Standards Improvement – NPRM – 05/16**

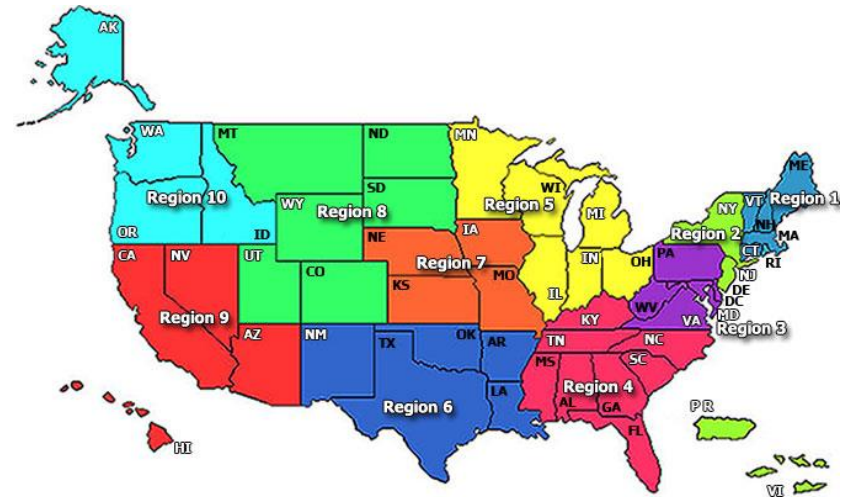
- **Final Rule Stage**
 - **Silica – 02/16**
 - **Tracking of Injuries & Illnesses – 05/16**
 - **Streamline State Plans – NPRM Withdrawn**



The Real Leader in OS&H

The States!

- Half with State Plans
- Issues –
 - VPP
 - Safe Patient handling
 - Mold Remediation
 - Confined Spaces
 - Abatement Issues
 - Heat Stress
 - Exposure Limits (OR)
 - *Caution* – Budgets!



Before Solutions – The Problem

Congress –

- **Inability to lead**
 - **Parties Have No Control**
 - **Boehner Example**
- **Continued Gridlock**
 - **How to Make the Other Guy Look Bad!**
- **No Champion for OH&S**
 - **Elections Not Won or Lost on This Issue**
 - **\$182 Million!!!!!!**



Before Solutions – The Problem

OSHA –

- **Not Enough Resources**
 - OSHA Budget Less Than Cost to Guard Embassy and Personnel in Baghdad
- **Convoluting Regulatory Process**
 - 7 Health Standards in Last 20 Years – 6 in 1978 Alone
- **Outdated Exposure Limits**
 - Thousands with None
 - Industry Says Limits Too High
 - Labor Says Limits Too Low

A Closer Look at OSHA

Budget –

- 2007 - \$487m 2173 employees
- 2016 - \$553m 2173 employees

\$66m increase since 2007 but -\$12m since 2012

Enforcement	\$208m	Flat since 2012
Standards	\$20m	Flat since 2012
Whistleblower	\$17.5m	Up since 2012
Compliance	F\$69m	-8\$m since 2012
	S\$58m	Flat since 2012
State Prgms	\$100m	-\$5m since 2012

A Closer Look at OSHA

In 2017 – Proposed:

2 Final Standards

3 NPRs

21 Guidance documents

Consider 2015 Federal Register Totals for All Agencies

82,000 Pages in Total – Largest in History

3,378 Final Rules

2,334 More Proposed

23,901 Notices – These Included Guidelines

Solutions! – But First 2016

- **Presidential Election –**
 - **Terrorism – Immigration - Economy**
 - **Who are the Candidates?**
- **Congress –**
 - **Senate –**
 - **Current 54 – 44 (2) Up - 24 GOP vs 10 Democrat**
 - **House – 246 GOP – 188 Democrat (1)**
- **Second Session – 111 Days**

Outside The Box Solutions!!

Lemonade from Lemons *Budget Cuts Present Opportunities*



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Move NIOSH

Make Independent Agency



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Move NIOSH

Make Independent Agency

Compliance Assistance

Workplace reviews –

Use Private Sector? Incentives?

Shortage of Professionals



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Make Independent Agency

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Shortage of Professionals

Combine OSHA/MSHA



Outside The Box Solutions!!

Lemonade from Lemons *Budget Cuts Present Opportunities*

21st Century Issues

- Telecommuting
- Nanotechnology
- The Unknown



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Standard Setting

Non-Profit Private Sector?



There Are Positives

Congress – Founding Fathers were Right!
It's Supposed To Take Time

OSHA – Ergo, IAQ,
Regulations and Standards Not Always Needed

H&S Professionals – You are Doing the Job!!
Workers Are Protected

Reality



“To Those Who Think of Politics Simply as a Game – They Don’t Understand That It’s The Most Important Game Our Country Is Involved With, Every Day.”

Thanks!

And Remember –

***“You Can’t Escape Politics –
You Either Play or Be Played.”***



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