



*Your Essential
Connection*

January 26, 2007

Honorable Jo Ann S. Davis
United States House of Representatives
Washington, DC 20515-4601

Dear Representative Davis:

On behalf of the American Industrial Hygiene Association (AIHA), I am pleased to offer our support for the program outlined in your legislation H.R. 108, the "National Small Business Regulatory Assistance Act of 2007". Your interest and effort to assist small business with voluntary compliance concerns pertaining to Federal regulations is commendable.

AIHA has closely followed this program concept for several years and has been supportive each time it has been introduced. In 2001, AIHA was pleased to have offered testimony in favor of legislation establishing this program.

While AIHA has provided comments on previous versions of this legislation, we feel it would be most appropriate to again offer our comments and suggestions on this latest version. The specific area of interest to AIHA pertains to assisting small business with the basic regulatory problems encountered with the Department of Labor, i.e., the Occupational Safety and Health Administration (OSHA). AIHA supports any and all efforts to provide a low cost process to significantly improve health and safety in the workplace.

In addition to occupational health and safety regulations under OSHA, AIHA members also have expertise with many Environmental Protection Agency (EPA) compliance directives. Our members are heavily involved with issues such as indoor air quality, lead, mold, asbestos, radon, and hazardous waste concerns.

AIHA previously provided specific recommendations that we felt would strengthen this legislation. We were successful in having the bill amended to include these recommendations along with committee report language that provided further clarification. AIHA again appreciates inclusion of our proposals as part of this new bill, H.R. 108.

AIHA

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Advancing Occupational and Environmental Health
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AIHA hopes that if committee hearings are held, clarifying report language is again adopted. (For easy reference, I have attached the report language that was previously adopted.)

It is imperative that when the Administrator develops "details" of the program, the SBDC consider including AIHA and others in their discussion of the type of "referral to experts" that should be contracted to provide technical expertise to small business on occupational health and safety issues. AIHA would like assurance that only "competent and qualified" experts are specified. As an example, Certified Industrial Hygienists (CIH), Certified Safety Professionals (CSP) Certified Occupational Health and Safety Technologists (OHST), Certified Construction Health and Safety Technicians (CHST), and other equivalent experts should be authorized to provide the education and training to interested small businesses. These experts are recognized as qualified occupational health and safety professionals by nationally recognized accreditation bodies to deal with these issues in several state statutes, as well as federal regulatory language. Equivalent experts should have demonstrated competency by formal education and pass a certifying exam at some point, as well as show appropriate continuing education.

As possible hearings on this legislation are scheduled, please keep AIHA in mind to provide expert testimony on these issues from the perspective of professionals on the front line of worker health and safety. If AIHA can provide any further information or assistance to you, please contact me or Aaron Trippler, AIHA director of government affairs

Thank you for your time and consideration.

Sincerely,

(Signature)

Frank M Renshaw

Frank M Renshaw, PhD, CIH, CSP
President

cc: AIHA Board of Directors
Steven Davis, AIHA Executive Director
Aaron Trippler, AIHA Director, Government Affairs

American Industrial Hygiene Association
Suggested Report Language for H.R. 108
National Small Business Regulatory Assistance Act of 2007

Excerpted from: **107th Congress/House Committee Report Language on H.R. 203**

Bill text: Section 4 (c) (1) (E):

“...referrals to experts and other providers of compliance assistance who meet such standards for educational, technical, and professional competency as are established by the Administrator.”

Corresponding report language:

Section 4. Small Business Regulatory Assistance Program

Section 4 (c) (1) (E) makes explicit the Committee's concern that small businesses are directed to those individuals who have appropriate credentials and certifications to provide regulatory compliance assistance. While the Committee fully understands that many very successful businesses, including Microsoft, Apple, and Dell Computer, started in garages and those businessmen are quite capable of providing advice on starting, financing, and marketing a business, they are not necessarily qualified to provide guidance on compliance with OSHA, EPA, or IRS regulations. In fact, due to the potential legal consequences resulting from a small business owner following incorrect guidance, the Committee determined that it is necessary to make explicit the requirement that the participating centers only refer businesses to individuals with appropriate expertise in the regulatory compliance matter for which advice is sought.

Bill text: Section 5 (5)

“...standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for compliance assistance under the program.

Section 5. Promulgation of regulations

Section 5 (5) also requires the Administrator to develop appropriate standards for ensuring the technical qualifications of experts to whom small businesses will be referred. The Committee does not intend that someone must have a college or advanced degree to qualify. For example, a contractor licensed in a state with 20 years experience (who is a high-school graduate) may be as well equipped to provide advice on compliance with OSHA construction standards as a professor of civil engineering. On the other hand, that same contractor might not be an appropriate individual to provide tax compliance advice. The Committee does not expect that this aspect of the Administrator's regulations shall be all encompassing, i.e., delineate every profession and the appropriate qualifications. However, the Committee does expect that the Administrator will recognize, as qualified, those individuals certified by nationally-recognized accrediting bodies (whose members must demonstrate substantial educational and practical experience), meet educational and work standards established by a federal agency, or are licensed to practice a particular profession or job pursuant to state law. The Committee expects that the regulations will provide participating centers with enough information that the centers can determine whether the person providing the advice is competent in the field of regulation.