



Happenings From The Hill

American Industrial Hygiene Association Government Affairs Department

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Lots of Activity – But Not in Congress!

Congress returned to Washington following a short President's Day recess and immediately began tackling one of the same old things – health care. Add to this the hearings about the safety problems of Toyota, the jobs bill, continued talk about cap and trade and the plate is pretty full. These issues continue to take up considerable time while talk of occupational health and safety issues is hard to find.

Yet there are some issues we need to discuss:

2011 Federal Budget

President Obama released his proposed 2011 federal budget with increases proposed in federal spending, surprising many who expected the budget proposal to cut some spending in discretionary areas. Of course, this proposal is but the first step in a very long process before a final budget is adopted. Don't look for any real numbers to appear until the end of the year.

Most have already seen the OH&S budget proposals but just in case here is a quick look:

Occupational Safety and Health Administration

| <u>(Dollars in Thousands)</u> | <u>FY2010</u> | <u>FY2011</u> |
|--|---------------|---------------|
| Safety and Health Standards | 19,569 | 23,756 |
| Federal Enforcement | 223,399 | 233,445 |
| State Programs | 104,393 | 105,893 |
| Technical Support | 25,920 | 26,186 |
| Compliance Assistance, Federal | 73,380 | 70,225 |
| Compliance Assistance, State Consultations | 54,798 | 55,798 |
| Compliance Assistance, Training Grants | 10,750 | 11,000 |
| Safety and Health Statistics | 34,875 | 34,981 |
| Executive Direction | 11,536 | 11,782 |
| Total | 558,620 | 573,096 |

Comment: Three things stand out in this budget proposal. 1) The administration continues to increase funding for the agency after years of flat increases; 2) Federal enforcement appropriations received the bulk of the increase which continues the focus of this administration. Along with the increase in funding word is the agency will move 35 full-time employees from the compliance assistance area to the enforcement category; and 3) the budget proposal cuts several million dollars from compliance assistance. Most of this will be cut from the Voluntary Protection Program (VPP).

There is talk the agency will be hiring a considerable number of new personnel with occupational health and safety backgrounds. No details as yet, but this is certainly good news for the profession.

As for the VPP program, it is obvious the agency is still coming to grips with how it wants to proceed with this program. Those concerned about the program should know the agency has no intention of shutting the program down but "changes are a coming". Labor Secretary Solis and others have even discussed two ways to make the program pay for itself. One would charge employers a fee to participate in the program and the other would require employers to hire a third party to provide the inspection for employers to participate in the program. Obviously these are going to be very controversial ideas so get ready for some serious discussion on this program.

National Institute for Occupational Safety and Health

NIOSH would receive \$269 million in 2011, up 0.7% from 2010. What is noteworthy in this budget is \$7 million is earmarked to continue research efforts in nanotechnology. In addition to the \$269 million the National Occupational Research Agenda would receive just over \$91 million and the monitoring and treatment of World Trade Center first responders program would receive \$150 million.

Jobs Bill

One of the issues being discussed in Congress is the President's new jobs bill. This is a continuation of the broad stimulus package Congress has been working on the past year. AIHA has an interest in this bill as we have requested the Senate to include language in either the bill or committee report that would require these jobs be "safe jobs".

If you recall, AIHA contacted both President Obama and Labor Secretary Solis early last year requesting that all stimulus package construction contracts contain language that these employers have an occupational health and safety professional on sight to protect these new workers. In May of last year Secretary Solis recommended federal contracts contain a requirement addressing workers health and safety.

AIHA thought it prudent to again make this recommendation on any jobs bill that is enacted. No word yet on whether or not language was included. To read AIHA's letter on this issue, go to <http://www.aiha.org/news-pubs/govtaffairs/Documents/HR-2847-Durbin-01-22-10.pdf>

Safe-Patient Handling

Bills have been introduced in both the House and Senate to require OSHA to enact a safe-patient handling standard. No word on whether or not these bills will receive hearings but the odds are the issue will be discussed.

AIHA sent letters of support for this bill with a couple of suggestions. While AIHA supports a safe-patient handling standard and recognizes that home health care workers are also exposed to ergonomic risk, AIHA recommended home health care requirements not be included until such time as additional research can be conducted. Enforcement of home health care safe-patient handling would also be difficult.

AIHA's letter on this issue can be found at <http://www.aiha.org/news-pubs/govtaffairs/Documents/S1788-Position-Franken-01-22-10.pdf>

Unless this issue is enacted by Congress, I don't believe OSHA will move forward on its own. The agency does not have the resources at this time to take on another major issue.

Busy Times at OSHA with Three Upcoming Meetings

The agency has a busy couple of weeks coming up:

March 2-5: GHS Informal Public Hearing. OSHA will be holding informal public hearings to solicit input on the agency proposal to modify the existing Hazard Communication Standard to conform to the United Nations' GHS. AIHA has requested to appear at this hearing and will be making our presentation on March 5.

March 4: OSHA Listens. The agency will be holding an "OSHA Listens" meeting in Washington. A great idea! The agency hopes to solicit comments and suggestions from OSHA stakeholders on key issues facing the agency. The agency provided a list of nine questions it hopes stakeholders will address in their comments. Unfortunately, each presenter is only allowed five minutes but can submit additional written suggestions.

AIHA held a phone-in town hall meeting a couple of weeks ago to solicit input from the membership. Suggestions from this town hall meeting and other recommendations submitted to AIHA national will be included in our written comments. These comments have been submitted and will be made public in a few days.

By the way, AIHA will be represented at this public meeting. OSHA has also announced it will live stream the meeting to the public. To access the live webcast, go to <http://www.dol.gov/dol/media/webcast/live/>

March 9-10: MSD Public Meeting. A two-day public meeting will be held to solicit input on the OSHA proposed rule to revise its Occupational Injury and Illness Recording and Reporting regulation to restore a column to the OSHA 300 Log that employers would use to record work-related musculoskeletal disorders (MSDs). AIHA has notified the agency of our intent to appear at this public meeting.

The Way I See It!

Within this issue of “Happenings” is a short blurb about the upcoming “OSHA Listens” meeting on March 5. As stated in the blurb this is a great idea and one OSHA should receive kudos for. However, a one day meeting where stakeholders are provided five minutes to provide suggestions to the agency is not going to solve a lot of problems. To be successful, perhaps they should have scheduled this for four days – one day each for the public, industry, labor, and the OH&S professions. I’m sure there would have been an abundance of suggestions and recommendations that might just be helpful.

More important than that, how about the agency taking an even bigger step and setting up an actual full-day meeting of these different stakeholders using an outside facilitator. Can you imagine the ideas that might come out of such a day-long meeting with each of these groups? Imagine the OH&S professions sitting around the table with OSHA personnel discussing ideas the agency might consider for implementation. Imagine the good will the agency would garner for taking this step to listen.

For sure not every recommendation could be implemented or should be implemented. But the agency may be pleasantly surprised by some of the suggestions and just may improve its credibility with everyone.

The agency could even take this approach one step further by hosting such a meeting to discuss specific issues. If the agency is looking for the first agenda item, how about the rule-making process. Everyone agrees it is broke. So let’s get everyone together to see if there are any ideas out there.

What have they got to lose!

AIHA Government Affairs “Podcast”

Want to have the latest news on what is happening in Washington and the States? Check out the AIHA government affairs podcast. It’s your opportunity to hear the latest on some of the issues important to AIHA, the profession and occupational health and safety.

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.