“The Washington Buzz”

AIHA/AHMP
PDS
Rockville, MD
February 23, 2015

The View From Washington

- What’s Happening? The Good, The Bad & The Ugly
  - Congress
  - Agencies

- The Real Leader in OH&S
  - The States?

- What’s on the Horizon?
  - 2014 Election Impact and 2016 Election
The Budget

OSHA

- FY 16 Proposed $592 m ($553 m)

  Notable –
  - $17,608,000 Federal Enforcement
  - $5,128,000 Whistleblower
  - $3,487,000 State Programs
  - 0 State Consultation

- FY15 Riders: Emphasis Programs
  - Silica Science

The Budget

NIOSH

- FY 16 Proposed $283.5 m ($335 m)

  Notable –
  - ERC & AFF Funding CUT

  All Other Programs FLAT
The Budget

- Other Programs of Interest –
  - Review Commission +14%
  - CSB +12%
  - MSHA $395 m +5%
  - EPA $8.6 b + $492M

A Quick Look Back

- OSHA Reform
- Recordkeeping – Site Specific
- VPP Codification
- Safe Patient Handling
- Combustible Dust
- Logging Operations

All Likely Re-Introduced – Passage in 2015 – No Way!
Early Congressional Action

- Regulatory Reform –
  - Less Burdensome Alt.
  - Base on Cost
  - Review Existing

- Site Specific Recording

- Congressional Rules
  - Estimate Number of Regs

Congressional Options

- Oversight Hearings
  - Expect Plenty

- Budget Riders
  - Stop Specific Issues

- Work to Stop 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
Plus – Updated List of Exempt Industries

**ONLY FINAL IN 2014**

OSHA – Ongoing Issues

The Biggie –

Crystalline Silica –
  #1 Priority of OSHA

- Scientific Rationale Questioned
- Is There Really A Need?

OSHA and White House –
  “This WILL Happen”

Analyze Comments – 06/15 Final By 04/16
OSHA – Ongoing Issues

Infectious Diseases Rule

- Small Business Review Started October 22
  - 60 Days to File Report (December)
  - Then the Public Process (10 yrs for silica)
- Could Cover Any Employer
- Requires OH Professional?

- Need Now More Than Ever?
  - CDC Problems
  - Illegal Immigrant Concerns
  - Ebola

OSHA – Ongoing Issues

Beryllium

- Labor / Industry Agreement
- Focus on General Industry
- Reduce PEL –
  - 2.0 micrograms per cubic meter to 0.2
- Sent to White House for Review

Some Think –
  - PEL Should Be Lower
  - Should Include Construction

NPRM - 01/15 Oops!
OSHA – Ongoing Issues

Permissible Exposure Limits (PELs)

- OSHA Publishes Annotated Tables
  - PELs – RELs – TLVs – CA/OSHA PELs
- FACOSH
  - RFI in October ‘14
    - Options?
    - Control Banding?
    - General Duty Clause?
    - Can They Be Updated?
    - Tough Nut to Crack
    - Likely Years Away

Comments Due – 04/15

OSHA – Ongoing Issues

Recordkeeping
Tracking of Injury & Illness

- Electronic Reporting of Data
  - 250+ - Quarterly
  - 20+ - Annually
- Employers Can Compare
- No Requirement Collect New Data
- Various Concerns
  - Privacy – Underreporting – Fault
  - Final – 08/15
  - Congress?
## OSHA – Regulatory Agenda

### Pre-Rule
- Bloodborne Pathogens (End Review 5/15)
- Infectious Diseases (SBREFA 12/14)
- PELs Update (RFI 4/15)
- Process Safety Management (RFI 6/15)
- Emergency Response & Preparedness (NACOSH 4/15)

## OSHA – Regulatory Agenda

### Proposed Rule
- Crystalline Silica (Analyze 6/15)
- Beryllium (NPRM 1/15)
- Standards Improvement (NPRM 12/15)
- Make & Maintain Accurate Records (NPRM 11/14)
OSHA – Regulatory Agenda

**Final Rule**
- Confined Spaces in Construction (Final 3/15)
- Electronic Recordkeeping/Reporting (Final 8/15)

**OSHA – Regulatory Agenda**

**Long-Term**
- Combustible Dust
- Injury & Illness Prevention Program
- MSD Recordkeeping
- GHS Update
OSHA – In the Wings

- Safe Patient Handling
- Safety Incentives
- Abatement During Citations
- State Plans
- Voluntary Protection Program

The New 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
  - *Caution – Budgets!*
Here’s The Problem

**Industry**
- Cost is too High!

**Labor**
- Regulations Not Tough Enough!

**Both Are Wrong**
- Will Cost Really Make a Difference?
- Something is Better Than Nothing!

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**Washington**

- Washington’s Inability to Lead
- November Election Impact
  - Senate – House
  - Guidelines
  - Budget Riders
  - CRA
- 2016 Election
- OSHA & Others
  - Funding
AIHA – Top Public Policy Issues

**General issues –**
1) PELs Update
2) Risk Assessment
3) Confined Spaces

**Specific Individual Hazards**
1) Combustible Dust
2) Silica
3) Noise/Hearing Protection

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**Legislative issues –**
1) PELs Update
2) Appropriations (OSHA, NIOSH, etc)
3) Combustible Dust

**General Association Issues**
1) Professional Ethics
2) National Standards
3) Laboratory Accreditation
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*

**Lemonade from Lemons**
*Budget Cuts Present Opportunities*
*Shortage of Needed Professionals*

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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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