

# “The Washington Buzz”



## **CIHC Annual Conference**

**San Diego, CA**

**December 3, 2014**

# 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



# Top Issue In Washington

- **Federal FY15 Budget**

- **Continuing Resolution –**

- Through December 11

- Then What? Short Term?

- Long Term?

- ***And Don't Forget –***

- **Sequestration**

- Set through 2015. 2021?

- **Debt Ceiling**

- Set through 03/15



# The Budget



- **FY 14 Enacted**      **\$552.2 m**      **(\$565 m)**



- **FY 14 Enacted**      **\$333 m**      **(\$281 m)**



Protecting Miners' Safety and Health Since 1978

- **FY 14 Enacted**      **\$375.9 m**      **(\$377 m)**



- **FY 14**      **\$8.2 b**      **(\$7.9 b)**

# 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!**

# Likely Congressional Action

- **Regulatory Reform –**
  - **Judicial Review of Rules**
  - **Less Burdensome Alt.**
  - **Approval of Major Rules\***
  - **On-Line Cost & Benefit**
  - **Plain Language**



# 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**

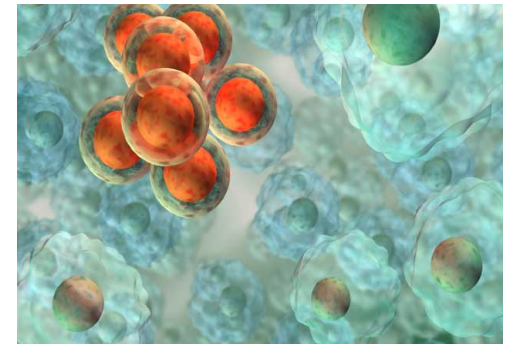
**Final By 04/16**



# 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**

# OSHA – Ongoing Issues

## Permissible Exposure Limits (PELs)

- **OSHA Publishes Annotated Tables**
  - PELs – RELs – TLVs – CA/OSHA PELs
- **FACOSH**
- **RFI on October 10**
  - Options?
  - Control Banding?
  - General Duty Clause?
  - Can They Be Updated?
  - Tough Nut to Crack
  - Likely Years Away



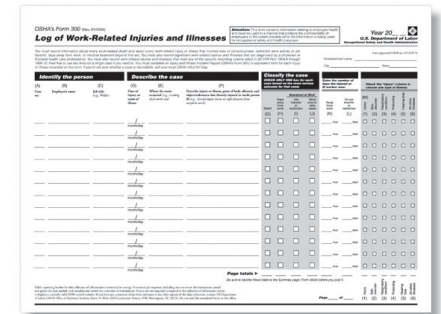
Comments Due – 04/15

# 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?



The image shows a sample of OSHA Form 300, titled "Log of Work-Related Injuries and Illnesses". The form is designed for employers to track and report work-related injuries and illnesses. It includes sections for identifying the person, describing the case, and classifying the injury or illness. The form is organized into columns for the year, quarter, and month, with rows for each injury or illness. The form is labeled "Page 1 of 2" and "Year 20..." in the top right corner.

# 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**



# AT NIOSH



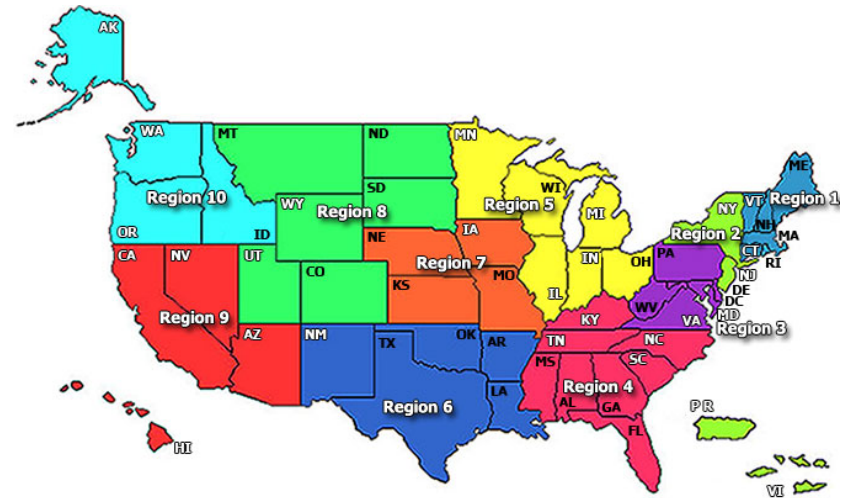
- **Leader in Nanotechnology**
- **Only OS&H Research Agency in Govt.**
- **Needs to Play a Role in Setting Exposure Limits**

**But Storm Clouds Threaten Institute**  
**Budget Concerns - CDC Oversight**

# The New Leader in OS&H

## *The States!*

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



# The View From Industry & Labor

**Industry – “We believe regulators tend to listen more closely to us if they know they might not get sued if they do something reasonable, and that they sure as h--- will if they don’t.”**

**Labor – “Dishonesty in rulemaking has been a hallmark of corporate behavior since the first OSHA standards.”**

# 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!**

# Washington

- **Washington's Inability to Lead**
- **November Election Impact**
  - Senate – House
  - Guidelines
  - Budget Riders
  - CRA
- **2016 Election**
- **OSHA & Others**
  - Funding



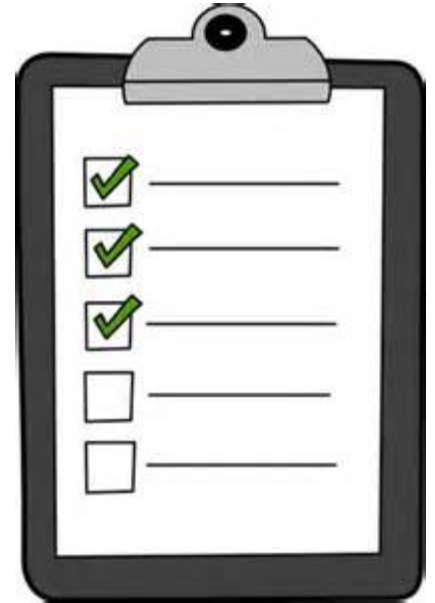
# AIHA – Top Public Policy Issues

## General issues –

- 1) PELs Update
- 2) Risk Assessment
- 3) Confined Spaces

## Specific Individual Hazards

- 1) Combustible Dust
- 2) Silica
- 3) Noise/Hearing Protection



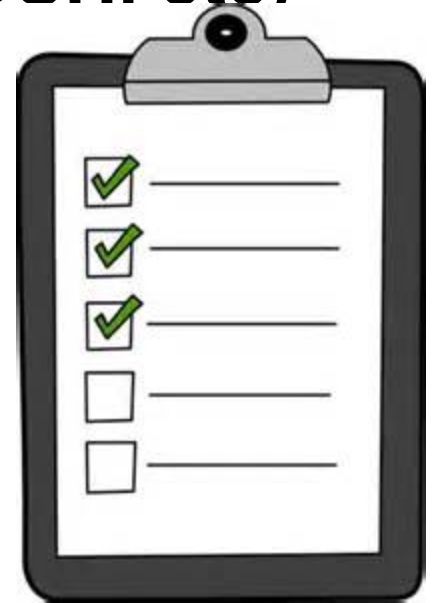
# AIHA – Top Public Policy Issues

## 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, Diacetyl**  
*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*

# 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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