



Happenings On The Hill

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We Have a Budget – Well, Most of One!

With time running out on the 113th session of Congress, the politicians waited until the very last minute to address the federal budget that was supposed to have taken effect on October 1. But of course they had to impose a little drama into the situation. The so-called “cromnibus” bill, a combination of the words continuing resolution and omnibus, (once again Washington has come up with another new word and/or acronym) was finally approved by the Senate on December 13 after the House had already enacted their version and gone home for the holidays. So here’s what we have:

- All but one of the individual appropriations bills was included in the cromnibus bill that was enacted. The bill funds the government through the fiscal year that ends next September 30. The only bill that was not included in this cromnibus bill was funding for the Department of Homeland Security. Because of the expected debate over the President’s immigration proposal, Congress only approved spending for Homeland Security through February. This means the new Congress will come back in January and debate the issue before approving final funding for the Department.
- OSHA. The bill includes \$552.787 million for the agency, approximately the same amount as approved for spending in 2014. For comparison purposes, the President had proposed \$565 million.
- MSHA. The bill includes \$375.887 million for the agency, approximately the same amount as approved for spending in 2014. For comparison purposes, the President had proposed \$377 million.

- NIOSH. The bill includes \$334.863 million for the institute, approximately the same amount as approved for spending in 2014. For comparison purposes, the President had proposed \$281 million. The big change here in what the President proposed and what was approved is the fact that funding for the Education Research Centers is once again included in the final budget, a line item the President had recommended be cut.
- EPA. The bill includes just over \$8 billion for the agency, approximately the same amount as approved for spending in 2014. For comparison purposes, the President had proposed \$7.9 billion.

What's Next? Frankly, everything should be taken care of for now. The President is supposed to reveal his 2016 Federal Budget around March 1 and then we can start all over again. For now though, the government stays in business, at least until Congress has to address the issue of raising the debt limit – expected to be reached sometime this spring.

The New Congress – What Can We Expect?

It's fairly obvious that we are about to see some major changes take place on Capitol Hill. The mid-term elections have provided the Republicans with total control of both the House and the Senate for the next two years which will alter nearly everything.

While it will still be difficult to have legislation enacted and signed by the President, it won't be for a lack of effort. I expect the Republicans to introduce numerous legislative measures to address many issues of interest to AIHA. Here are some thoughts:

- Don't be surprised that when the next budget is introduced, the Republicans attempt to control some issues through what is known as "budget riders". This is actually pretty simple. Let's say there are those in Congress who are opposed to an agency enacting a new regulation. While efforts failed in attempting to stop the regulation through the regulatory process, Congress can simply place a rider on the agency budget stating that not one dollar can be spent on anything to do with this regulation. This happens more often than you think.
- Oversight hearings. Another favorite of both parties is to put agency and department personnel on the hot seat by holding oversight hearings on numerous ongoing issues with the agency or department. In other words, hold a hearing to learn what facts the agency might be using to justify work on a specific issue. These hearings usually result in requiring an agency to spend considerable time compiling data for the hearings.
- Regulatory reform. Don't be surprised to see numerous legislative measures introduced to address regulatory reform issues. One such measure is likely to be a bill that would require an agency to seek approval from Congress prior to enacting a final rule or regulation. And don't be surprised to see the President also involved in seeking some sort of regulatory reform.
- Use of guidelines. An ongoing battle now being debated in the supreme court. The issue centers on the fact that many agencies are using "guidelines" to address an issue because the agency has been unsuccessful in enacting an actual regulation or rule. Opponents of the use of guidelines say this circumvents the regulatory process. There will likely be some legislation addressing this issue.

As for specific issues of interest to AIHA I really don't see many bills introduced to address any specific issue. Of course, things can change quickly so it's a matter of staying on top of things, educating Congress when need be and doing whatever necessary to see that workers remain protected.

Semi-Annual Regulatory Agenda Released

The fall 2014 semi-annual regulatory agenda has been released providing a roadmap of the issues of importance at OSHA and other agencies. The agenda outlines the specific issues receiving attention within the agency and the timeline for each. Of course, most of these timelines are never met but it is still worth taking a look at the top issues:

Prerule Stage

Bloodborne Pathogens. OSHA hopes to undertake a review of the Bloodborne Pathogen Standard to determine whether or not there is still a need for the rule and whether the rule overlaps or duplicates other regulations. The review started in 2009, comments ended in 2010 and the agency hopes to issue findings in May, 2015.

Infectious Diseases. OSHA is in the process of considering input from a recent small business peer review before drafting a possible standard on this issue. The agency started the process in 2010 and will now take some time to draft a potential standard.

Chemical Management and Permissible Exposure Limits (PELs). OSHA placed a Request for Information (RFI) in the Federal Register in October and will be accepting input on this issue until April of 2015. An RFI seeks input on options and recommendations from stakeholders as to what the agency might do to address the situation. After the comment period ends, expect the agency to take a considerable amount of time reviewing these comments before making any decision.

Process Safety Management. Another RFI requesting input on what to change in the Process Safety Management Standard. A small business peer review panel is scheduled for June of 2015.

Emergency Response and Preparedness. An RFI was published back in 2007 and the agency is now preparing to gather additional information on this issue to determine whether or not a specific rule addressing this issue is needed. The agency hopes to have a national committee workgroup provide input in April of 2015.

Proposed Rule Stage

Occupational Exposure to Crystalline Silica. Probably the one issue that is moving forward and many expect to be finalized sometime in late 2015 or early 2016; but rest assured there are many opponents. The agency is now analyzing the comments from the public hearings held earlier this year.

Occupational Exposure to Beryllium. The small business peer review was completed way back in 2008 and the agency is now ready to publish an advanced notice of proposed rulemaking, hopefully in January of 2015.

Final Rule Stage

Confined Spaces in Construction. Begun back in 2003, the agency hopes to issue the final rule in March of 2015. There are many who believe the agency will complete this rulemaking, perhaps not in March, but sometime in 2015.

Improve Tracking of Workplace Injuries and Illnesses. Commonly referred to as the electronic reporting proposal, the agency hopes to issue a final rule in August of 2015. There is considerable opposition to this rule so will be interesting to watch.

Long Term Actions

Combustible Dust. Begun back in 2009 following the explosion at a sugar factory in Georgia, the agency has now moved this item to its long-term agenda. The agency says it will now begin the small business regulatory review process in February, 2016; however, this issue is likely going nowhere.

MSD Recordkeeping. The effort to restore a column to the OSHA 300 Form to record ergonomic injuries is also likely over. The agency says the next action for this issue is “undetermined”.

Injury and Illness Prevention Program (I2P2). Once the number one priority of the agency back in 2010, the agency says the next action for this issue is also “undetermined”.

Update to the Hazard Communication Standard. OSHA’s attempt to update the standard to keep up with the latest version of GHS is also relegated to the long-term category with the next action “undetermined”.

AIHA Public Policy Survey

AIHA recently conducted the 2015-2016 top public policy issue survey of the membership. This survey provides AIHA and government affairs with the top issues for association focus in the next session of Congress. The results don’t necessarily mean the association is limited to these issues but it does provide us with a look at what the membership views as important.

One interesting note on this survey. The response rate was nearly 20 percent, a huge increase over any previous public policy survey conducted by AIHA. The survey was divided into several different categories, with the results then tabulated to determine the top issues in each category. A complete summary of the results will be made available on the AIHA government affairs web page in the next few days. The results for 2015-2016:

Top Specific Individual Hazards

- Combustible Dust
- Crystalline Silica
- Noise/Hearing Protection
- Nanotechnology

Top General Occupational Safety and Health Issues

- Permissible Exposure Limits (PELs) – Updating
- Risk Assessment
- Confined Spaces
- Infectious Diseases

Top Legislative Issues

- Permissible Exposure Limits (PELs) – Updating
- Appropriations for OSHA, NIOSH, etc.
- Combustible Dust
- Professional Recognition/Title Protection

Top General Association Issues

- Professional Ethics
- National Standards on OHS Issues
- Laboratory Accreditation
- Professional Recognition/Title Protection

Ebola

An update on the Ebola situation. I attended the recent meeting of the National Advisory Committee on Occupational Safety and Health where Dr. John Howard, head of NIOSH, provided a quick overview of some Ebola statistics that were quite interesting. Dr. Howard said that the most recent statistics found 601 health care workers had contracted Ebola and 338 of those had died – 56 percent! In the U.S. four individuals had contracted Ebola with one death.

Dr. Howard also reported that there are 300 CDC employees working on Ebola and NIOSH has 70 employees deployed in Africa. He also said that NIOSH is spending a considerable amount of time on this issue. I can only imagine!

Quite interesting to say the least! Another reason we must continue working to assure adequate funding for NIOSH.

Finally –

Here's Wishing All
A Happy, Healthy and Safe Holiday Season
And a Great 2015!

For information on any of the items in this report, please contact Aaron Tripler.