

“The Washington Buzz”



The Washington “Buzz”

Yuma Pacific/SW Section

January 25, 2013



Protecting Worker Health

A Look At Congress

Why It's Difficult

- **House (Status Quo)**
 - Education and Workforce Cmte
 - Rep. Walberg – SubCmte Chair
 - Lost Democratic Champion
- **Senate (Status Quo)**
 - Health, Education, Labor, Pensions Cmte
 - Sen. Murray – SubCmte Chair
 - OS&H Needs a Champion



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Carryover Issue in Congress - Budget

Continuing Resolution through March 2013



Final FY 12 \$564.8m

FY 13 Proposed \$565.5m

Positives -

- Maintain VPP Funding
- Whistleblower +\$4.8m

Negatives -

- Cut 3 of 10 Regional Offices
- Fed. Compliance -\$3.2m



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Congress and the Budget



▪ FY 12 Final \$292.6m

- Full funding for ERCs
- Full funding for AFF

▪ FY 13 Proposed \$249.4.0m

- No Funding for ERCs
- No Funding for AFF



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Congress and the Budget



- FY 12 Final \$372m
- FY 13 Proposed \$375m



- FY 12 Final \$8.449 B
- FY 13 Proposed \$8.344 B



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Congress and the Budget

The "Fiscal Cliff" Number 2

(March)

The Perfect Storm



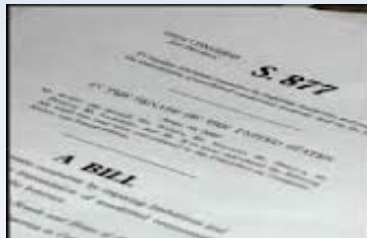
- Debt Ceiling
- Sequestration
 - OSHA – Lose \$46 million (8.2%) (81 FTEs?) - \$524 million
 - MSHA – Lose \$31 million – (8.2%) \$352 million
 - NIOSH - ? – But CDC losing 8.2% = \$464 million
- Continuing Resolution Expires



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Expectations in Congress

- Recordkeeping (HR 170)
- VPP Codification
- TSCA Reform
- OSHA Reform
- Regulatory Reform
- Perhaps –
 - Combustible Dust
 - Safe Patient Handling



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At the Agency

Who's In Charge?

Changes Coming

- Secretary of Labor Hilda Solis
 - Resigned – No Date Yet
- OSHA – Dr. David Michaels
- NIOSH – Dr. John Howard
(Mid-term)



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At the Agency

Regulatory Agenda

Spring/Fall 2012 - Finally Released December '12

- Prerule Stage
 - Combustible Dust
 - Updating Permissible Exposure Limits (PELs)
 - Injury & Illness Prevention Program (I2P2)



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At the Agency

Regulatory Agenda

Fall 2012 - Finally Released January '13

- Proposed Rule Stage
 - Exposure to Crystalline Silica
 - Exposure to Beryllium
 - Bloodborne Pathogens
 - Tracking Workplace Injuries & Illness
 - Standards Improvement Project IV
 - Approved State Plans



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At the Agency

Regulatory Agenda

Fall 2012 - Finally Released January '13

- **Final Rule Stage**
 - **Confined Spaces in Construction**
 - **Cooperative Agreements**
 - **Injury & Illness Recording & Reporting**



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At the Agency

A Closer Look at These Issues

Prerule Stage

- **Combustible Dust**
 - **Previously "Long-Term" Action**
 - **OSHA Hopes to Move Forward**
 - **Small Business Review Scheduled 10/13**
 - **ANPR Back in '09 –**



Outlook?



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At the Agency

A Closer Look at These Issues

Prerule Stage

- **Permissible Exposure Limits (PELs)**
 - Can They Be Updated?
 - RFI Due in May
 - Stakeholder Meetings Held
 - First Positive Activity
 - AIHA #1 Priority



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At the Agency

A Closer Look at These Issues

Prerule Stage

- **Injury & Illness Prevention Program (I2P2)**
The #1 Priority of Dr. Michaels
 - SBA Review (Soon – Who Knows?)
 - Draft Proposal (Who Knows?)
 - GOP Threatens to use CRA
 - OSHA Hopes an Actual Proposal Out by December



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At the Agency

A Closer Look at These Issues

Proposed Rule Stage

- **Crystalline Silica**
 - At OMB Since 02/11
 - OSHA Hopes to Move Forward
 - Small Business Review Scheduled 10/13
 - ANPR Back in '09 –



At the Agency

A Closer Look at These Issues

Proposed Rule Stage

- **Beryllium**
 - Moved From Long-Term
 - NPRM Scheduled 07/13



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A Closer Look at These Issues

Proposed Rule Stage

- **Standards Improvement Project IV**
 - Make Corrections and Clarifications in Construction Regulations

Final Rule Stage

- **Confined Spaces in Construction**
 - Expanded from General Industry
 - Final Rule in July



At the Agency

A Closer Look at These Issues

Final Rule Stage

- **Cooperative Agreements**
 - Changes to Consultation Program
 - April '13
- **Injury & Illness Reporting Requirements**
 - Timeline for Reporting Changes
 - May '13



At the Agency

A Closer Look at These Issues

What's No Longer There

- Food Flavoring
- MSD Recordkeeping



At the Agency

Other Issues

- State Plans
 - Agreements with States
 - Are They "As Effective"?
 - Future Funding
- Safe Patient Handling
 - Legislation Probably Reintroduced
 - Numerous States Addressing



At the Agency

What About VPP?

- OSHA says it needs fixing
 - GAO Report
 - OSHA Internal Report
 - Does OSHA Really Support?



At the Agency

What Else Can We Expect?

- More Enforcement
- Severe Violator Enforcement Program
 - Repeat and Willful Violators
- Onsite-Specific Targeting Program

NIOSH

- Nanotechnology Leader
- National Occupational Research Agenda
- Food Flavoring Substitutes
- Should It Be Moved?



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AIHA Top Public Policy Issues

- PELs – Updating
- Injury and Illness Prevention Program
- Professional Recognition/Title Protection
- OSHA and NIOSH Appropriations
- OSHA Reform Issues
- Nanotechnology
- Laboratory Accreditation



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Long-Term Look at OSHA

AIHA White Paper

- There Needs to Be An OSHA
- OSHA Should Be Primary Authority for OH&S
- Update the PELs
- Standard-Setting Process is Broken
- Penalties are Inadequate
- Coverage to all Workers
- Third Party Assistance
- OSHA and NIOSH Cooperation



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Will Anything Get Done?

- Congress
- Administration
- OSHA
- The States
- Global View



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Reality



“In political debate, objective data do not exist. Successful politics, not good science, resolves conflicting values.”

- The late Rep. George Brown



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Thanks!

And Remember –

“You Can’t Escape Politics – You Either Play or Be Played.”



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