“The Washington Buzz”

The Washington "Buzz"
Yuma Pacific/SW Section
January 25, 2013

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
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

Congress and the Budget

FY 12 Final $292.6m
- Full funding for ERCs
- Full funding for AFF

FY 13 Proposed $249.4m
- No Funding for ERCs
- No Funding for AFF
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

FY 12 Final    FY 13 Proposed
FY 12 Final    FY 13 Proposed

$372m        $375m
$8.449 B        $8.344 B
Expectations in Congress

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

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)
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)

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
At the Agency

Regulatory Agenda
Fall 2012 - Finally Released January ‘13

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

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?
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
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 –

- Beryllium
  - Moved From Long-Term
  - NPRM Scheduled 07/13
At the Agency

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?

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
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

Will Anything Get Done?

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

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

- The late Rep. George Brown

Thanks!

And Remember –

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

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