



HEALTHIER WORKPLACES | A HEALTHIER WORLD

REGULATORY UPDATE

Yuma Pacific-Southwest Section 47th Annual Meeting

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2021 GOV'T RELATIONS ACCOMPLISHMENTS

Our members were VERY active in 2021, advising policymakers, particularly on regulatory actions, submitting 44 pages of substantive feedback to government agencies on proposed rulemakings.

2022 is shaping up to be even more active. We have already drafted more than 20 pages for just one rulemaking (OSHA's advance notice of proposed rulemaking on heat stress).

GR ACCOMPLISHMENTS: FEDERAL AGENCY ACTIVITY

AIHA submitted comments to OSHA, NIOSH, Maryland, Virginia, and the U.S. Congress on several topics, including:

- climate adaptation
- COVID-19
- engineered nanomaterials
- funding for OSHA, NIOSH, and NIEHS
- heat stress
- the needs and challenges of PPE use for underserved populations
- worker mental health
- workplace violence prevention

The full list with links is included in the circulated slide deck.

GR ACCOMPLISHMENTS: FEDERAL AGENCY ACTIVITY

AIHA...

- expressed [support](#) for U.S. H.R.1195, the Workplace Violence Prevention for Health Care and Social Service Workers Act
 - subsequently passed the House with bipartisan support
- submitted written [testimony](#) to congressional leadership in support of OSHA and NIOSH funding
 - House subsequently passed a bill containing our recommended funding levels

GR ACCOMPLISHMENTS: FEDERAL AGENCY ACTIVITY

AIHA...

- sent a [letter](#) from the Friends of the National Institute of Environmental Health Sciences (NIEHS) to congressional leadership in support of funding for NIEHS and their Worker Training Program
- attended and participated in [Maryland Occupational Safety and Health](#) public hearings on their forthcoming workplace heat stress standard
- urged CDC and U.S. DOL to clarify its interim public health recommendations for fully vaccinated people ([press release](#) and [PDF](#))

GR ACCOMPLISHMENTS: FEDERAL AGENCY ACTIVITY

AIHA submitted...

- [comments](#) on OSHA's [ETS](#) to protect unvaccinated employees of large employers from the risk of contracting COVID-19
- [comments](#) to OSHA on its [ETS](#) to protect healthcare and healthcare support service workers from occupational exposure to COVID-19
- [comments](#) to NIOSH on its [RFI](#) on interventions to prevent work-related stress and support health worker mental health
- [comments](#) to the U.S. Department of Labor (DOL) on its proposed [Climate Action Plan](#)

GR ACCOMPLISHMENTS: FEDERAL AGENCY ACTIVITY

AIHA submitted...

- [comments](#) on NIOSH's *Approaches to Developing Occupational Exposure Limits or Bands for Engineered Nanomaterials: User Guide and [Technical Report](#)*
- [comments](#) to NIOSH on its [RFI](#) on the needs and challenges of PPE use for underserved user populations
- [comments](#) on Virginia's proposal to develop and adopt a heat stress prevention standard for indoor and outdoor workplaces

GR ACCOMPLISHMENTS: FEDERAL AGENCY ACTIVITY

We are currently drafting comments on OSHA's [advance notice of proposed rulemaking](#) (ANPRM) on heat injury and illness prevention in outdoor and indoor work settings.

Also drafting comments on NIOSH's [RFI](#) on the need to establish centers of excellence to address research and practice needs in the area of personal protective technology, including personal protective equipment.

GR ACCOMPLISHMENTS: FEDERAL AGENCY ACTIVITY

US DOL Leadership Meeting

AIHA's CEO and the CEOs of ASSP & NSC met with:

- U.S. Secretary of Labor Marty Walsh
- Doug Parker, shortly after he was sworn in as the new leader of OSHA
- OSHA Acting Assistant Secretary Jim Frederick
- Deputy Assistant Secretary Mandy Edens

Discussed:

COVID-19 ETS, climate change adaptation, heat stress, vector-borne illnesses, help in recruiting Certified Safety and Health Officials, encouraging DOL to provide more funds to OSHA staff to attend professional development conferences such as AIHce EXP, and other issues.

GR ACCOMPLISHMENTS: FEDERAL AGENCY ACTIVITY

AIHA continues to have a strong relationship with OSHA as a member of the agency's [Alliance Ambassador Program](#), helping plan and participate in several outreach events, including [Safe + Sound Week](#), the [teen workplace health and safety campaign](#), the [2021 National Safety Stand-Down to Prevent Falls in Construction](#), and more.

GR ACCOMPLISHMENTS: FEDERAL AGENCY ACTIVITY

FYI US DOL issued their [Fall Regulatory Agenda](#). A few items that stand out...

- OSHA plans to issue a proposed rule on infectious diseases ([April 2022](#))
- OSHA will soon begin working with small businesses as part of early-stage efforts on a [workplace violence prevention rule](#) for healthcare and other workers (no clear date on when the rule could be issued)

GR ACCOMPLISHMENTS: FEDERAL AGENCY ACTIVITY

FYI US DOL issued their [Fall Regulatory Agenda](#). A few items that stand out...

- OSHA plans to issue a [proposed rule](#) sometime next year to protect workers from heat stress in outdoor and indoor work settings. OSHA currently has an ANPRM out that AIHA will submit comments on
- Mine Safety and Health Administration (MSHA) plans to issue a proposed rule on respirable crystalline silica ([May 2022](#))
- MSHA plans to finalize a rule that would require mine operators to establish a written safety program for mobile equipment and powered haulage equipment (except belt conveyors) used at surface mines and surface areas of underground mines ([October 2022](#))



GR ACCOMPLISHMENTS: CONGRESSIONAL ACTIVITY

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Late last year the U.S. House passed an [appropriations bill](#) for FY 2022 that's aligned w/AIHA's recommendations and would provide:

- \$691.7 million to OSHA (a \$100 million increase over the current funding level)
- \$360.3 million to NIOSH (a \$15 million increase that includes \$32 million for NIOSH's Education and Research Centers)

The House & Senate also indicated strong support for OSHA issuing new rules on occupational hearing protection, workplace violence, infectious diseases, and heat stress. Detailed info on this is provided in the circulated slides.

GR ACCOMPLISHMENTS: CONGRESSIONAL ACTIVITY

The [House report](#) for this bill encourages OSHA to take action on hearing loss prevention by lowering the current permissible exposure limit to an 85 dBA time-weighted average using a 3 dB exchange rate, which is the same recommendation that AIHA and several other organizations have been making for years.

Would also align OSHA w/the current exposure limits used by the Dept. of Defense. The [explanatory statement](#) to the Senate's version of the appropriations bill also encourages OSHA to issue standards on workplace violence prevention, heat stress, and infectious diseases.

While the House report and the Senate's explanatory statement do not carry the force of law, they are powerful tools for sending messages from congressional leadership to government agencies. This language thus serves as an important metric of progress for the OEHS community.

GR ACCOMPLISHMENTS: CONGRESSIONAL ACTIVITY

Members of Congress haven't yet reached agreement on agency funding levels → continuing resolution (CR) that expires on 2/18/2022.

Under the CR, OSHA and NIOSH are level-funded at the FY 2021 levels. A new agreement by congressional leaders on funding levels is expected soon.

GR ACCOMPLISHMENTS: CONGRESSIONAL ACTIVITY

Infrastructure

- AIHA issued an action alert urging members of Congress to prioritize workplace health and safety as they worked on infrastructure legislation throughout the year. Our members responded at 3x the industry average!
- House passed the Build Back Better Act ([H.R.5376](#))
 - Would provide \$707 million to OSHA for enforcement, standards development, whistleblower investigations, compliance assistance, funding for state plans, and related activities.
 - Would also provide \$133 million to MSHA for carrying out enforcement, standard-setting, technical assistance, and related activities.
 - Currently being debated by congressional leadership

GR ACCOMPLISHMENTS: CONGRESSIONAL ACTIVITY

Infrastructure

President Biden [signed into law](#) the Infrastructure Investment and Jobs Act ([H.R.3684](#)), which provides a \$1.2 trillion dollar investment – including \$550 billion in new spending for traditional infrastructure.

These are historic investments which will impact workplace health and safety, particularly by increasing the demand for OEHS services.

GR ACCOMPLISHMENTS: OCCUPATIONAL EXPOSURE TO HEAT STRESS

- Attended and participated in [Maryland Occupational Safety and Health](#) public hearings on their forthcoming workplace heat stress standard
- Virginia occupational heat illness prevention standard
 - Submitted comments on VA's proposal to create a heat illness prevention standard
 - AIHA member Scott Schneider served on Virginia's Regulatory Advisory Panel, which helped determine whether the State should issue a new standard
 - Recently, the Panel voted 6-5 against creating a new standard, which likely means one will **not** be proposed. A quorum wasn't present, otherwise, the result might've been different
- AIHA is a member of a coalition working on heat stress standards throughout the U.S. and at the Federal level

2022 GOVERNMENT RELATIONS FOCUS AREAS

2022 GR FOCUS AREAS

- Thermal stress
- Hearing conservation
- IEQ
- Title protection
- Infectious diseases
- OEHS workforce pipeline

More information to come on these topics soon. For in-depth plans and analyses, please consider joining AIHA's Government Relations Committee and/or contacting Mark Ames (mames@aiha.org).



M. Ames

QUESTIONS?



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Thank you for your time!

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