

“The Washington Buzz”



Kansas
Safety and Health
Conference

Wichita, KS

September 23, 2014

The View From Washington

- **What's Happening? The Good, The Bad & The Ugly**
 - Congress
 - Agencies
- **A New Leader in H&S?**
 - The States
- **What's on the Horizon?**
 - 2014 and 2016 Elections



Congress and the Budget

The “Fiscal Cliff” Number 3

The Perfect Storm

- **Federal Budget**
 - FY15 Budget
 - Continuing Resolution –
Through December 11
- **Future Sequestrations**
- **Debt Ceiling**



The Budget



- | | |
|----------------------------|-----------------|
| ▪ Sequester FY13 (-\$26 m) | \$535.2 million |
| ▪ FY 14 Enacted | \$552.2 million |
| ▪ FY 15 Request | \$565.0 million |
| ▪ Senate Cmte - \$557M | |
| ▪ House – No Decision | |

What's In It?

- Maintain VPP Funding (slower growth expected)
- Whistleblower Protection Increased \$
- \$104 million for State Plans continued
- Essentially Flat for Nearly Every Category

The Budget



- **Sequester (FY13) \$323 million**
- **FY 14 Enacted \$333 million**
(Includes \$40m Working Capital Fund)
- **FY 15 Proposed \$281 million**
(-\$52 million)

What's In It?

ERCs and AFF Targeted Again

The Budget



Protecting Miners' Safety and Health Since 1978

- **Sequester FY13 \$353.8 million**
- **FY14 Enacted \$375.9 million**
- **FY15 Proposed \$377.2 million**

**Cuts – Administration, Tech Support,
Educational Policy, Program
Evaluation**

The Budget



- **FY13** **\$8.3 billion**
- **FY14 Enacted** **\$8.2 billion**
- **FY15 Proposed** **\$7.9 billion**

Focus – Climate Change, Reducing Carbon Output

Cut - \$581 million - Fund to Help States Build Wastewater and Drinking Water Projects

- Appropriations Used As Leverage -

In Congress

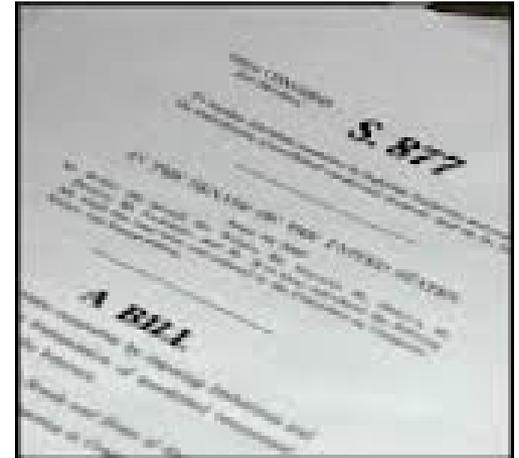
- **OSHA Reform (S 665) (HR 1648)**
 - **Expands Coverage**
 - **Increases Penalties (felony)**
 - **Updates Civil Penalties**
 - **Protects Whistleblowers**
 - **Adds Employer Duty**
 - **Recording of Injuries**



Passage? – No Way!

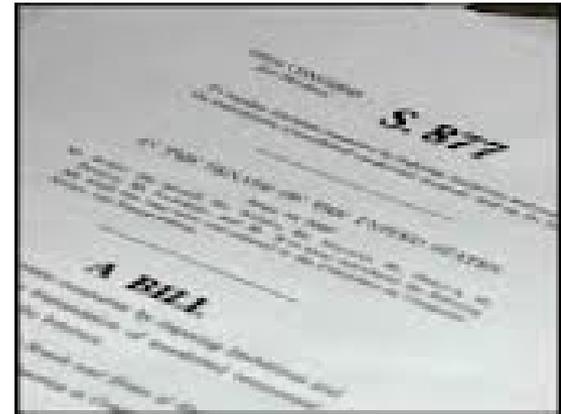
In Congress

- **Safe Patient Handling (HR2480)**
- **Recordkeeping (HR170) – site specific**
- **VPP Codification (HR632)**
- **Combustible Dust (HR691)**
- **TSCA Reform**
- **DOD Funding Issue**



In Congress

- **Regulatory Reform –**
 - **One In – Two Out**
 - **Approval of Major Rules**
 - **Judicial Review of Rules***
 - **Cost-Benefit Analysis**
 - **Plain Language***
 - **Deadlines – Salary?**
- **Combine Labor and Commerce?**



At the Agency - OSHA

Major Issues

- **Injury & Illness Prevention Program (I2P2)**
Used To Be - #1 Priority of Dr. Michaels
 - **The Concept –**
 - A Different Approach
 - Concerns from Industry
 - **No Draft Proposal**
 - **Now on Long-Term Agenda**
 - White House Stops Action?



At the Agency - OSHA

Major Issues

Crystalline Silica –

Now #1 Priority of OSHA

- **Reduce Exposure –**
 - 100 to 50 microgram Gen. Industry
 - 250 to 50 - Construction
- **Scientific Rationale**
- **OSHA More Jobs**
- **Industry – More Cost**



At the Agency - OSHA

Silica Proposal

- **Was at OMB 2+ years**
- **Hearings Concluded**
- **Rest of 14' - Comments**
- **Final in 2015? 2016?**
- **White House Input**



At the Agency - OSHA

Major Issues

- **Permissible Exposure Limits (PELs)**
 - **OSHA Publishes Annotated Tables**
 - PELs – RELs – TLVs – CA/OSHA PELs
 - **Toolkit for Employers**
 - **Chemical Management System**
 - **Can PELs Be Updated?**
 - **FACOSH**
 - **Next Step – RFI in 2014?**
 - **White House Review**



At the Agency - OSHA

Major Issues

- **Recordkeeping – Tracking of Injury & Illness**
 - **Electronic Reporting of Data**
 - 250+ - Quarterly
 - 20+ - Annually
 - **Employers Can Compare**
 - **No Requirement Collect New Data**
 - **Industry Concerns**
 - Projected Cost is Wrong
 - Privacy Concerns
 - Lack of Resources

The image shows a screenshot of OSHA Form 300, titled "Log of Work-Related Injuries and Illnesses". The form is a grid with columns for "Identify the injury or illness", "Describe the event", "Date of injury or illness", "Number of days lost or restricted work", "Number of days of job transfer or restricted activity", "Number of days of medical treatment beyond first aid", "Number of days of lost workdays", "Number of days of restricted workdays", "Number of days of job transfer or restricted activity", "Number of days of medical treatment beyond first aid", "Number of days of lost workdays", and "Number of days of restricted workdays". The form is partially filled out with handwritten entries.

At the Agency - OSHA

Major Issues

- **Reporting – Severe 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.**

Reporting – Electronic Reporting Now Allowed

At the Agency - OSHA

Other Issues

- **Combustible Dust**
 - **OSHA Hopes to Move Forward**
 - **Small Business Review Scheduled**
10/13 – 4/14 – 12/14 - ?????
 - **GA Explosion in 2008 - ANPR Back in '09 –**
 - **NFPA has Issued a Draft Standard**
 - **White House Input?**

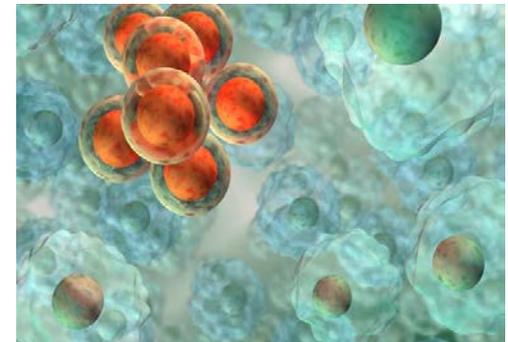


Outlook?

At the Agency - OSHA

Other Issues

- **Infectious Diseases**
 - **OSHA - Start Small Business Review**
 - **Delayed Again – But There is Hope!**
 - **60 Days for Report - 60 Days for Review**
 - **Start the Public Process (10 years for silica)**
- **Need Now More Than Ever?**
 - **CDC Problems**
 - **Illegal Immigrant Concerns**



Outlook?

At the Agency - OSHA

Other Issues

- **Beryllium –**
 - **Focus on Construction**
 - **Reduce PEL –**
2.0 micrograms per cubic meter to 0.1
 - **Sent to White House for Review**
- **Process Safety Management**
 - **RFI on Potential Revisions**

At the Agency - OSHA

Other Issues

- **Temporary Workers**
- **Safe Patient Handling**
- **Safety Incentives**
- **Abatement During Citations**
- **State Plans**
- **Voluntary Protection Program**



AT NIOSH



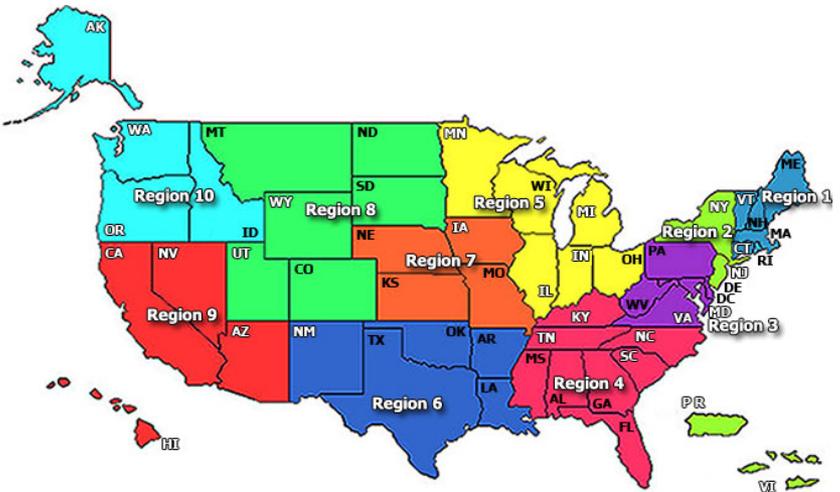
- **Leader in Nanotechnology**
- **Research Has Led to Reduction in Childhood Farm Injuries (logging bill)**
- **May Take Lead on Setting Exposure Limits**

But Storm Clouds Threaten Institute
Budget Concerns - CDC Oversight

The New Leader in H&S

The States!

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



Down The Road

- **Washington's Inability to Lead**
- **November Election**
 - **Senate**
 - **House**
- **2016 Election**
- **OSHA and Other Agencies**
 - **Funding**



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.”

Reality



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

- The late Rep. George Brown

There Are Positives

Congress – Founding Fathers were Right!

It's Supposed To Take Time

OSHA – Ergonomics, Indoor Air Quality

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

The National Security Agency



***The Only Part
of Government
that Actually
LISTENS!***

Thanks!

And Remember –

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



Aaron K Trippler
Director Government Affairs
AIHA
atrippler@aiha.org