



Newsletter

Volume 14, Issue 10

October 2014

Message from the President – Stephen Siegel

Greetings to all of our NJAIHA members. First I hope to see as many of you that can attend our October 16th meeting at Snuffy's. Also I am very excited that OSHA is making a significantly more active effort to commit to PEL updating (See Aaron Trippler's update in this newsletter). For many of us who have practiced IH most of our lives we have dealt with the frustration of having situations where OSHA PELs (many are 40+ years old) that are miles apart (or PPM and mg/m³ apart) from their more recent/relevant/researched ACGIH TLVs and NIOSH RELs. OSHA took the first step in recognizing this and in creating their annotated PEL tables in the past year. Now at the fall AIHA conference this will be a topic of discussion between AIHA members and OSHA representatives at a scheduled session. OSHA is expected to publish a Request for Information (RFI) to stakeholders and others requesting recommendations on how the agency might update the PELs. This RFI is the first time in over ten years an administration has taken a step towards bringing these PELs up-to-date. The impact of this for industrial hygienists would be immeasurable and benefit so many workers and industries.

November NJAIHA Meeting Update

We are very excited for the November 13th daytime NJAIHA IH Equipment Seminar/Workshop. Rutgers EHS has been gracious enough to let us hold this at their Cook Student Center in New Brunswick. We will have multiple vendors conducting hands-on demonstrations with their testing equipment as well as providing short presentations on their equipment. We have EMSL Analytical for TO-15 Sampling Cans and IAQ meters, SKC for their particle selective samples and related sampling equipment, Pine Environmental for on-site PIDs/FIDs, and B&K for their noise and sound monitoring devices. A special thanks to Mark Ostapczuk for his efforts to date in setting this up. This will be in conjunction with New Jersey College Health and Environmental Safety Society (CHESS) and is expected to bring in many new faces as well as students for the event. It is expected to be a half day meeting at no-cost to attendees and include lunch when completed. Look for a flyer in your email in the next two weeks.

Fall PDCs and NEIHC Update (December 4th and 5th, 2014)

Marianne Santarelli (President of Metro NY Section AIHA) has been working diligently since the summer in setting up the NEIHC trisectional meeting. We expect a flyer in the next month but we do have a draft listing of topics which cover a great range of relevant areas. They include: State of AIHA/IH profession domestically and globally (Barbara Dawson AIHA Past President) , TLV's the future, Legionella and PCBs health affects panels, Soil Vapor Intrusion ASTM E 1527-13, Lead Update, Sandy Update, PCR for Sewage Contamination, and a Governmental and regulatory update from Aaron Tripler. This sounds like a great series of topics and excellent speakers for this year's NEIHC. We will have a list of PDC speakers and topics by our next newsletter.

I look forward to seeing all of you at our October 16th meeting at Snuffy's!

Sincerely



Stephen Siegel

President NJAIHA

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Calendar of Events

Date	Subject	Location
October 16, 2014	Topic: Environmental and Indoor Pathogens , Diane Miskowski, MPH <i>Business Development Manager</i> , EMSL	Snuffy's , Scotch Plains, NJ
November 13, 2014	Topic: NJAIHA IH Monitoring Equipment Workshop , Invited Vendors: EMSL, Brüel & Kjær, SKC and Pine Environmental	Rutgers University
December 4, 2014	NJAIHA Professional Development Courses (PDC's) (Topics To Be Announced)	The Westin at Princeton Forrestal Village
December 5, 2014	Northeast Industrial Hygiene Conference and Exposition (Topics To Be Announced)	The Westin at Princeton Forrestal Village



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<u>Office</u>	<u>Name</u>	<u>Phone</u>	<u>Email Address</u>
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President-Elect	Mark Ostapczuk	201-783-6621	marko@hydroenvironmental.com
Treasurer	Barbara Woodhull	732-225-6040	barb.woodhull@us.bureauveritas.com
Secretary	Henry Shotwell	908-310-8481	dr.hank@mindspring.com
Past-President	Craig Doolittle	973-670-9793	Cdoolittle@trcsolutions.com
Director: Member Services	Grey Coppi	908-548-4599	greycoppi69@hotmail.com
Director: Administration	Jack Zybura	973-560-0090	jzybura@lsga.com
Director: Publications	Mark Ostapczuk	201-783-6621	marko@hydroenvironmental.com
Executive Secretary	Ronnie Tutty	973-300-0144	njaiha@ptd.net
Web Master	Jack Zybura	973-560-0090	jzybura@lsga.com
Historian	Tim Rice	908-782-2102	ricehss@comcast.net

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Newsletter Advertising Opportunities

Would your company like to advertise in this newsletter? Each year, we publish 8 newsletters - - Sept., Oct., Nov., Jan., Feb., March, April & June. You can choose to advertise in 4 or 8 issues.

The advertising rates are as follows:

- \$100 1/4 page ad - runs for 4 months
- \$200 1/2 page ad - runs for 4 months
- \$400 full page ad - runs for 4 months

Please email Stephen Siegel at president@njaiha.org for more information.

Job Postings

There are many job postings on our web site. If you are looking or just curious check them out.

<http://www.njaiha.org/Resources/JobPostings.aspx>

There are several job postings on these other organization web sites as well:

<http://www.njasse.org/>

<http://www.aiha.org/LocalSections/html/Metro%20NY/jobs.htm>

<http://www.philaaiha.com/Employment.htm>



Contact: Gary Schwartz, gary@phaseassociate.com; 973-597-0750

2015 Industrial Hygiene & Safety Review Course

The New Jersey Section of the American Industrial Hygiene Association (NJ-AIHA) is offering a comprehensive Industrial Hygiene Course. The course is designed to provide basic training in some critical areas of industrial hygiene and safety and will likely be beneficial for those entering the field as well as those who are just looking to sharpen their skills in certain technical areas. In addition, many of the people who have attended the program have found it to be very helpful in preparing for the CIH and CSP examinations. Certified Industrial Hygienists have the opportunity to obtain CM points per lecture (0.167 points per contact hour). Participants are welcome to attend any or all of the lecture sessions, depending on their individual training needs. People who need certification points must sign an attendance sheet for each session.

Industrial Hygiene & Safety Lecture Topics

History of Industrial Hygiene, OSHA Act Review and IH Management, Epidemiology, Fire Protection, Emergency Response, Ergonomics, Risk Management – Record Keeping, Indoor Air Quality, BioSafety, Equipment & Facility Safety, Ionizing Radiation, Non-Ionizing Radiation, Math, Statistics & Calculator Review, Air Pollution, Toxicology, Regulatory & Legal Affairs, Physics & Basic Engineering, Air Sampling - IH Chemistry, Direct Reading Instrumentation, Noise, Ventilation, Ethics & Professional Conduct, Respiratory Protection & PPE

The IH classes will be held Tuesday nights (6:00-9:00) beginning the first week of June 2015 at the Rutgers Environmental Health & Safety Dept., 27 Road 1, Livingston Campus, Piscataway, New Jersey 08854. Tel. (732) 445-2550. (See the following link to Google Maps Directions)

<https://www.google.com/maps/place/Rutgers+Environmental+Health+and+Safety/@40.516915,-74.430336,17z/data=!3m1!4m2!3m1!1s0x89c3c7bf656fffff:0x2b79eadac518c3c8>

Cost: \$150.00 (includes registration, admission to all IH and Safety classes and on-line access to all course materials) **SAFETY CLASSES** Sponsored by: ASSE

***The NJ Chapter of the American Society of Safety
Engineers*** 

Safety Topics have been added to our schedule (included in the price). We will have guest speakers on certain safety topics to help prepare people for the CSP exam. **Safety classes will be held on Thursday nights (6:00 PM). The website will be updated when the specific dates and topics for the Safety classes have been established. Enrollment forms, directions, and schedule will be posted on the NJAIHA web page.**



October 2014 – DINNER MEETING

NJAIHA OFFICERS

President
Stephen Siegel
EMSL Analytical Inc.
856-303-2555

President-Elect
Mark Ostapczuk
Hydro-Environmental
Technologies, Inc.
201-783-6621

Past-President
Craig Doolittle
TRC Environmental
973-670-9793

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Administration
Jack Zybura
LSG&A
973-560-0090

Publications
Mark Ostapczuk
Hydro-Environmental
Technologies, Inc.
201-783-6621

Executive Secretary
Ronnie Tutty
973-300-0144

DATE: Thursday, October 16th, 2014

PLACE: Snuffy's Pantagis Renaissance, 250 Park Avenue, Scotch Plains, NJ
908-322-7726

AGENDA:

3:30 p.m. AIHA, NJ Section, Inc. - Executive Committee Meeting

5:00 p.m. Registration/Networking/Cocktails/Appetizers

6:00 p.m. Before Dinner Session:

Topic: Environmental and Indoor Pathogens Including Ebola
Speaker: **Diane Miskowski, MPH, Business Development Manager**
EMSL Analytical, Inc.

7:00 p.m. Dinner – Members \$25, guests \$30.
Students and those unemployed are free (Subsidized 100% for Dinner Meetings).

7:30 p.m. After Dinner Session:

Topic: Global Strategic Initiatives for Workplace Health Without Borders
Speaker: **Bernard L. Fontaine, Jr., CIH, CSP, AIHA Fellow Managing Partner**
The Windsor Consulting Group, Inc

Please register by **Tuesday, October 14th**, by calling Ronnie Tutty at 973-300-0144 or you may email your reservation to njaiha@ptd.net or fax your reservation to 973-579-6202, giving the names of those who will attend.

COMMON DIRECTIONS:

Pick up Route 22 West to sign reading "Mountain Ave. – Scotch Plains". Take Mountain Ave. thru 2nd traffic light to parking lot entrance on the right (just after intersection).

Coming from New York City - Lincoln or Holland Tunnels or George Washington Bridge - take NJ Turnpike SOUTH to Newark Airport Exit #14 and follow common directions above.

Coming from Staten Island - Go over the Goethels Bridge and exit to the NJ Turnpike NORTH. Take the Turnpike to Exit #14 to Route 22 WEST and follow common directions above.

Going NORTH on Garden State Parkway - Exit # 140 to Route 22 EAST. Bear to LEFT to take jug handle to Route 22 WEST and follow common directions above.

Going SOUTH on Garden State Parkway – Exit #140A to Route 22 WEST and follow common directions above.

Coming from New Brunswick and Points South – Pick-up Route 287 NORTH (Exit #10 at Edison from the NJ Turnpike or Exit #127 from the Garden State Pkwy.) Take 287 NORTH to Somerville, Exit to Route 22 EAST to Scotch Plains. Entrance on right, after Blue Star Shopping Center and before Park Ave. overpass.

Coming from PA or Points West – Route 78 EAST to Exit #41. Follow signs to Route 22, Scotch Plains. At 3rd traffic light turn right to go over Overpass to Park Ave. Stay in right lane of overpass and at next light turn right onto Mountain Ave. Make first right turn to enter parking lot.



Recent NJAIHA Activities in Pictures

Tim Rice, NJAIHA Historian

September 2014 NJAIHA Dinner Meeting - 9/18/14 at Snuffy's



Steve Siegel, NJAIHA President, welcomes members and guest to the first Dinner Meeting of the 2014-2015 year at Snuffy's Pantagis Restaurant in Scotch Plains, NJ and reviews upcoming activities.



Our pre-dinner speaker, Robert McCafferty (right), CIH, Director EHS, Actavis Pharmaceuticals, Inc., Parsippany, NJ, receives a token of appreciation from Mark Ostapczuk, NJAIHA President-Elect, after Rob's excellent presentation entitled, "*Prioritized Potent Compound Control Investment Strategy*".



Attendees listen as Rob McCafferty and after-dinner speaker, Dave Eherts, jointly respond to a question following Rob's presentation.



Our after-dinner speaker, Dave Eherts, PhD, CIH, Vice President Global EHS, Actavis Pharmaceuticals, Parsippany, NJ, is shown beginning his thought-provoking presentation on EHS leadership entitled, *"From Behavior to Belief-The New Normal"*.



Happenings On The Hill

American Industrial Hygiene Association
Government Affairs Department

Aaron K. Trippler, Director
703-846-0730 atrippler@AIHA.org

October 6, 2014

Congress Goes Home to Campaign but Passes Continuing Resolution to Keep Government Running

As expected, Congress adjourned in mid-September to return home and campaign for the mid-term election to take place on November 4. While Congress will be in for what they call a few "pro forma dates" in October, Congress will not really reconvene until November 12. At that time Members will return and finalize any issues yet in limbo prior to adjourning the 113th Session. Finalizing some of these issues will undoubtedly result in considerable debate, however, dependent on whether or not the Republicans win control of the Senate for the 114th Session of Congress in January.

A quick look at some of the issues –

Federal FY15 Budget

Prior to leaving town, Congress passed and President Obama signed a continuing resolution (CR) to keep the government running after the expiration of the FY14 budget on September 30. The CR signed will keep the government afloat until December 11, when Congress must again address the issue. The CR essentially provides government agencies and departments with the same level of funding as was being spent in FY14.

What's next with the budget? When Congress returns after the November elections they will once again take up the budget. What is expected is that they will pass an omnibus spending bill that will provide funding through the FY15 budget period to end next

September 30. While there will be a few pluses and minuses to individual budgets, we expect the omnibus bill to essentially provide flat funding for agencies and departments.

That could be good news or bad news, depending on how you look at it. The good news is that an omnibus bill would mean that Education Research Center funding within NIOSH would be continued for another year, notwithstanding the President's request to delete this funding. It would also be good news for those concerned that Congress might cut funding for OSHA. One thing to watch closely, however, is whether Congress decides to add "amendment riders" to the appropriations. One area being discussed is that Congress may attach a rider to the OSHA appropriations bill that would bar OSHA from spending any dollars to move forward with the proposed silica standard. One other issue being discussed – there was talk that if the Republicans gain control of the Senate in the upcoming election and retain control of the House that they would come back to town eager to cut spending in the FY15 budget; however, insiders say the Republicans are more likely to simply pass the FY15 omnibus spending bill as is and then come back in January and begin debating cuts in the FY16 budget.

Legislative Results

It doesn't take long to review the occupational safety and health legislative winners and losers in the 113th Session. Nearly every bill introduced that might impact OH&S remained stalled as Congress left town, meaning all of the bills must be reintroduced in the new session of Congress in January. There were some issues introduced and passed in the House but were never considered in the Senate and, vice versa, some issues introduced and passed in the Senate that were never considered in the House.

Near the end of the session, one bill that needs to be remembered was enacted in the House but was not brought up in the Senate. This bill included a compilation of five individual bills and addressed the issue of regulatory reform. Throughout this session of Congress there were a couple of dozen bills introduced addressing regulatory reform. While none were enacted it bears noting that this issue will be front and center in the next session.

The bill that passed the House included language that would allow for judicial review of rules before they are finalized, require agencies to consider less burdensome alternatives to expensive regulations, require up-or-down votes in Congress of any final major rules, and require agencies to post online costs and benefits of proposed rules. The bill was not considered in the Senate but you get an idea of what will be forthcoming in January.

While Members Campaign OSHA Moves Forward

One can continue to criticize the lack of leadership and action in Congress when it comes to occupational safety and health but one can't complain about a lack of movement on issues at OSHA. After what seemed like months of inactivity we are suddenly seeing the agency move forward on numerous issues. This doesn't mean the issues suddenly on the radar will see completion any time soon but it sure opens up the discussion which in turn is good for worker health and safety. Give credit where credit is due. OSHA leadership put enough pressure on the White House to allow some issues to move forward.

Here's a look –

Final Rule on Reporting Severe Injuries

OSHA has announced a final rule that would require employers to notify OSHA when an employee is killed on the job or suffers a work-related hospitalization, amputation or loss of an eye. The rule will go into effect on January 1, 2015 for workplaces under federal OSHA jurisdiction. State plan states are expected to follow suit.

Under the revised rule, employers must notify OSHA of work-related fatalities within eight hours, and work-related in-patient hospitalizations, amputation or loss of an eye within 24 hours. Previously, OSHA's regulations required an employer to report only work-related fatalities and in-patient hospitalizations of three or more employees. Single hospitalizations, amputations or loss of an eye was not required under the previous rule.

The revised rule also provides employers with the opportunity to report incidents electronically, in addition to the phone reporting options. One other change in the revised rule was an update of the list of industries exempt from the reporting requirements. **Outlook** – Some industry concern but expect this final rule to move forward as planned.

Silica

Following the extensive public hearings and comment period, OSHA is presently reviewing the thousands of comments to determine whether the agency should make any changes to its proposed silica rule. Insiders say it may take the agency another six to nine months or longer before the agency gets through all of the material it has gathered on this proposed rule. The proposed rule would reduce the exposure level in general industry and construction as well as lower the proposed action level.

Outlook – Notwithstanding the considerable work ahead (and opposition), don't be surprised to see this move towards becoming a final rule before the end of the Obama administration. The White House has supposedly given OSHA the go-ahead and the agency plans on moving forward.

Infectious Diseases Rule

After numerous delays, the latest word is that OSHA is prepared to move forward with the small business review panel on this proposal. OSHA says the most recent delays were caused because of the need to assure adequate representation of the diversity of the affected health care sectors on the panel. OSHA stated the agency hoped to provide materials for panel review by mid-October. **Outlook** – This is only the start of the process for this rule but hopefully it will move forward.

Beryllium

The OSHA proposed beryllium rule has been sent to the White House for review. Although the public has yet to review the proposed rule, insiders believe the proposal is closely in line with the labor-industry proposal to lower the permissible exposure limit (PEL) to 0.2 micrograms per cubic meter of air and require exposure monitoring.

Of course, White House approval is only the beginning of the process, meaning that once it goes back to OSHA the hearing and public comment period begins. Even though a labor-industry agreement seems to have been made, there are some who believe the

PEL should be even lower and that the proposal should also be expanded to include construction in addition to general industry. **Outlook** – Probably a year or more away but at least it's moving.

Permissible Exposure Limits (PELs) Update

The White House has given OSHA approval to move forward with publication in the Federal Register of a Request for Information (RFI) regarding the issue of updating the PELs. This is a major step forward for AIHA and other stakeholders who have long pushed for this update.

The RFI, when published, will seek out recommendations and options that might be considered in efforts to update the exposure limits for hundreds of chemicals, many of which have exposure limits dating back to 1970.

While this RFI is only a request for information, it is but one of several recent signs that OSHA is serious about updating the PELs. The first sign of interest came when the Federal Advisory Committee on Occupational Safety and Health made a recommendation that OSHA request the White House to issue an Executive Order updating the PELs for federal agencies and departments. This was followed by OSHA publishing a list of annotated tables on the OSHA web site that provided comparisons of various exposure limits. Now, with this RFI, OSHA is taking the next step.

Outlook – All of these efforts combined do not mean we will see the PELs updated any time soon; however it is the first time in years we have an administration take an interest in the effort.

As a follow-up to news about the RFI, AIHA hopes to gather input from AIHA members attending the upcoming fall conference this month. It is hoped that OSHA will also have personnel attending the fall conference where a discussion with attendees can take place.

Electronic Reporting of Workplace Injuries and Illnesses

This OSHA proposed rule is not the same as the recently announced OSHA final rule on reporting severe injuries. This proposed rule is the one that would require employers to collect and record information on certain workplace injuries and illnesses and to report the information to OSHA electronically.

This proposed rule is controversial and OSHA recently reopened the comment period to gather additional information. The new comment period ends October 14. **Outlook** – Don't look for this proposed rule to move forward.

States Continue to Move Forward on Many OH&S Fronts

While nearly all of the state legislatures have adjourned for the year, a look back at some of the most recent legislative measures enacted shows a continued interest in OH&S issues. One can add to that the fact that many states are considering various regulations and rules to address OH&S issues. And don't forget State Plan activity.

Massachusetts – Enacted legislation that would provide health and safety protection for public employees.

Illinois – Repealed a law that provided for voluntary licensing for the industrial hygiene profession.

Arizona – The Arizona State Plan is in a major dispute with federal OSHA over Arizona's law for residential construction fall protection. Federal OSHA says the law is not as stringent as federal requirements. Federal OSHA is threatening to take over construction safety enforcement unless Arizona changes the law. Arizona counters that their law is sufficient. Stay tuned.

New York – City of New York has adopted a final rule creating a voluntary master hazard remediation technician registration program.

California –

- New Regulations took effect October 1 to protect health care workers from injuries caused by lifting or moving patients. This safe-patient handling regulation makes California one of about a dozen states with laws and/or regulations addressing this issue. One unique thing about the California regulation is that it ties this regulation to the state injury and illness prevention program.
- Following up on what federal OSHA has done regarding temporary workers, California has a new law to protect temporary workers, considered the toughest temporary worker law in the nation.
- A new law has been signed that would require California workers to fix serious workplace hazards prior to exhausting appeals for violations.

Hawaii – After more than a year, the Hawaii State Plan will again assume control from federal OSHA for general industry inspections. The state turned over these inspections to federal OSHA back in mid-2012 because of a lack of funding at the agency.

NIOSH Activity

NIOSH has also been moving forward on several initiatives.

E-Cigarettes and Tobacco Report

NIOSH recently published a draft version of the "current intelligence bulletin" on tobacco. This most recent draft goes beyond smoking to cover smokeless tobacco and electronic cigarettes. AIHA's e-cigarette project team drafted comments and the AIHA board approved submission of these comments on the draft NIOSH bulletin. Our comments can be found at <https://www.aiha.org/government-affairs/PublicPolicy/NIOSH-Comments-Workplace%20Tobacco-09-15-14.pdf>

Emergency Preparedness Web page

NIOSH recently introduced its new Emergency Preparedness and Response Directory web page. The web page offers improved access to NIOSH topics and publications pertaining to responder safety and health, natural disasters and hazards, and NIOSH disaster response efforts. Visit the NIOSH web site to view. As an addendum to this news – OSHA says it is taking a look at an emergency response and preparedness rule. Would like to see this move forward.

National Occupational Injury Research Symposium

NIOSH will hold the sixth National Occupational Injury Research Symposium on May 19 to 21, 2015 in West Virginia. This is the only national forum focused on the presentation of occupational injury research findings, data, and methods.

Temporary Worker Practices

NIOSH teamed with OSHA to issue the recent "recommended practices" document on temporary worker safety and health. Great to see OSHA and NIOSH team up on this project, hopefully one of many in the future.

CANADA

Not to be outdone, but our neighbor to the north is to finalize its new workplace hazard communication standard on December 1. This is Canada's response to the GHS and will align Canada's existing hazard communication system with the U.S. and other countries. Canada did set some deadlines for implementation, with full implementation expected by June, 2017.

As a little update on how the GHS is working in the U.S., OSHA reports that the hazard communication standard accounted for about 15 percent of the inspections yielding citations for the first nine months of this year. Insufficient worker training was the top reason for citations.

Also in Canada, the government of British Columbia responded to a pair of dust-related sawmill explosions by reviewing and making changes to their regulations. Started the review in April and made the changes effective in September. Hmmm! Makes one wonder how they can address the issue of combustible dust so quickly and we in the U.S. can't seem to even agree whether or not we should do anything.

The Way I See It!!

So, who do you believe?

Two recent articles I received.

The first – "Federal Rules Cost U.S. Economy \$2 Trillion Per Year". This article went on and on about how federal regulations cause a loss in economic growth every year, with small business hit harder than anyone else, averaging \$11,724 per worker just to comply with regulations. And the article said \$970 of this is for OSHA and homeland security rules.

The article concluded that this data demonstrates the need for Congress to become more involved in regulatory policy.

The second – "Office of Management and Budget Estimates Major Rules Net Benefits". This article said that major rules issued by all federal agencies between 2003 and 2013 yielded between \$217 billion and \$863 billion in annual benefits. The article said during this time OSHA issued four major rules which yielded \$900 million to \$3.6 billion in annual benefits.

Conclusion – We are all right, depending on whom we are talking too! And that explains how Washington works!!

Finally, we are less than a month away until the mid-term elections. No need to go into what I think or anyone else thinks about what might or might not happen. It really makes little difference. The Republicans will likely hold the House of Representatives and have a very good shot at taking control of the Senate. But even if they don't win the Senate we will still have gridlock for the next two years – and perhaps longer. That's it in a nutshell! But please vote and then you can complain!

And so it goes!

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



AMERICAN INDUSTRIAL HYGIENE ASSOCIATION
GOVERNMENT AFFAIRS DEPARTMENT
STATE UPDATE

September 29, 2014

NEW JERSEY

Here is the latest legislative/regulatory report for your State. AIHA government affairs will send the reports every week, detailing any legislative and/or regulatory pertinent to the profession in your state. The reports will also include the text of many bills (if available) and update activity on bills already reported. However, reports will only be sent if there has been new activity on the legislation and/or regulations already reported, or new legislation and/or regulations are found. Reports are sent to local section officers and may be forwarded to others if you wish. Questions contact Aaron Trippler at atrippler@aiha.org.

New Legislation

None to Report

Legislation Reported Earlier

NJ A 1007 IDENTICAL: NJ S 2142

SPONSOR: Benson (D)
COSPONSOR(S): McKeon (D), Kean S (R), Lampitt (D), Coughlin (D), Eustace (D), Mosquera (D)
TITLE: Mold Hazards
PREFILED: 01/14/2014
INTRODUCED: 01/16/2014
LAST AMEND: 06/05/2014
DISPOSITION: To Governor

SUMMARY:

Requires the Department of Community Affairs to establish procedures for inspection and abatement of mold hazards in residential buildings and school facilities and for certification programs for mold inspectors and mold hazard abatement workers; provides for an annual fee for certification of inspectors, training requirements and related matters; provides that an employee engaged in routine maintenance of a multiple dwelling owned or managed by their employer is not required to be certified.

STATUS:

01/14/2014 FILED.
01/16/2014 INTRODUCED.
01/16/2014 To ASSEMBLY Committee on HOUSING AND COMMUNITY

DEVELOPMENT.

06/05/2014 From ASSEMBLY Committee on HOUSING AND COMMUNITY
DEVELOPMENT as amended. (4-0)
06/23/2014 Passed ASSEMBLY. *****To SENATE. (60-15)
06/23/2014 To SENATE Committee on ENVIRONMENT AND ENERGY.
07/31/2014 2014 JOINT SPECIAL SESSION ACTION.
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06/05/2014 Assembly Housing and Community Developme P 4-0
06/23/2014 Assembly Floor P 60-15
07/31/2014 Senate Environment and Energy Committee P 4-0
09/22/2014 Senate Floor P 33-2

Added: Green underlined text

Deleted: ~~Dark red text with a strikethrough~~

Vetoed: Red text

[Links to affected code section](#)

2014 NJ A 1007	Author:	Benson
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First Reprint

ASSEMBLY, No. 1007

STATE OF NEW JERSEY

216th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2014 SESSION

Sponsored by:

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman CELESTE M. RILEY

District 3 (Cumberland, Gloucester and Salem)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblymen S.Kean, McKeon, Coughlin, Assemblywomen Mosquera and Lampitt

SYNOPSIS

Requires DCA to establish procedures for inspection and abatement of mold hazards in residential buildings and school facilities, and certification programs for mold inspectors and mold hazard abatement workers.

CURRENT VERSION OF TEXT

As reported by the Assembly Housing and Community Development Committee on June 5, 2014, with amendments.

An Act concerning mold inspection and mold hazard abatement, and supplementing Title 52 of the Revised Statutes.

Be It Enacted by the Senate and General Assembly of the State of New Jersey:

1. As used in this act:

"Department" means the Department of Community Affairs.

"District" means a local or regional school district established pursuant to chapter 8 or chapter 13 of Title 18A of the New Jersey Statutes, a county special services school district established pursuant to article 8 of chapter 46 of Title 18A of the New Jersey Statutes, a county vocational school district established pursuant to article 3 of chapter 54 of Title 18A of the New Jersey Statutes, an educational services commission, a jointure commission or board, and a commission under the authority of the Commissioner of Education or the State Board of Education.

"Mold" means any form of multicellular fungi that lives on plant or animal matter and in indoor environments. Types of mold include, but are not limited to, Cladosporium, Penicillium, Alternaria, Aspergillus, Fusarium, Trichoderma, Memnoniella, Mucor and Stachybotrys Chartarum, often found in water-damaged building materials.

"School facility" means and includes any structure, building or facility used wholly or in part for educational purposes by a district or a charter school.

2. ~~a.~~ Within six months after the effective date of this act, the Department of Community Affairs, in consultation with the Department of Health and the Department of Labor and Workforce Development, shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), that establish procedures for the inspection, identification, ~~and~~ evaluation, ~~and~~ abatement of the interior of residential buildings and school facilities for mold based upon, but not limited to, industry standards and standards and guidelines developed by the United States Environmental Protection Agency.

~~b. Within six months after the effective date of this act, the Department of Community Affairs shall adopt rules and regulations pursuant to the "Administrative Procedure Act" that establish procedures for mold hazard abatement including specialized cleaning, repairs, maintenance, painting, temporary~~

~~containment and ongoing monitoring of mold hazards or potential hazards. Hazard abatement procedures for mold developed by the department shall:~~

~~(1) provide practical guidelines for the removal of mold and abatement of the underlying cause of mold and associated water intrusion and water damage in indoor environments; and~~

~~(2) provide practical guidance for the removal or cleaning of contaminated materials in a manner that protects the health of the person performing the hazard abatement, including requirements for the use of protective clothing or equipment.~~

3. a. Within 12 months after the effective date of this act, the Department of Community Affairs shall adopt rules and regulations pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), to establish a program for the certification of persons who inspect for the presence of mold hazards in residential buildings and school facilities. The mold inspection certification program shall require that inspectors for mold hazards have training and education in at least the following subject areas:

(1) proper methods to identify the presence of mold consistent with the procedures developed therefor pursuant to subsection a. of section 2 of this act;

(2) scientifically recognized procedures and new technologies for the collection of air and surface samples;

(3) methods for the identification of locations of moisture infiltration to locate likely areas for mold infestation;

(4) all applicable State and federal laws, rules and regulations; and

(5) any other area the department deems relevant.

b. Within 12 months after the effective date of this act, the department shall adopt rules and regulations pursuant to the "Administrative Procedure Act" to establish a program for the certification of persons who perform mold hazard abatement work, and who safeguard buildings from the presence of mold in residential buildings and school facilities. The mold hazard abatement certification shall require that persons have training and education in the following areas:

(1) mold hazard abatement procedures developed by the department pursuant to subsection b. of section 2 of this act;

(2) specialized cleaning, repairs, maintenance, painting, temporary containment and ongoing monitoring of mold hazards or potential hazards;

(3) removal of mold and the abatement of the underlying cause of mold and associated water intrusion and water damage in indoor environments;

(4) removal or cleaning of contaminated materials in a manner that protects the health of the person performing the mold hazard abatement, including requirements for the use of protective clothing or equipment;

(5) all applicable State and federal laws, rules and regulations; and

(6) any other training or education the department deems appropriate, including but not limited to the successful completion of an outreach training program for the construction industry or general industry that has been approved by the federal Occupational Safety and Health Administration in the United States Department of Labor as an orientation to the occupational safety and health of workers covered by part 1926 of title 29, Code of Federal Regulations.

c. In establishing the certification programs for mold inspection and mold hazard abatement required pursuant to subsections a. and b. of this section, the Department of Community Affairs may:

(1) charge an annual fee for any persons certified pursuant to subsection a. or b. of this section;

(2) require the successful completion of a course of continuing education or training for certified inspectors or abatement workers at least once every two years;

(3) conduct examinations to determine whether an applicant has sufficient knowledge of the State and federal laws, rules and regulations, and any standards or requirements, applicable to the inspection or abatement of mold hazards, as the case may be; ~~and~~

(4) maintain a list of the names and addresses of all persons registered with the department pursuant to P.L. , c. (C.) (pending before the Legislature as this bill) and annually forward such list to the Department of Labor and Workforce Development for inclusion and publication as an additional contractor list pursuant to the "Contractors' Registration Act," P.L.2004, c.16 (C.56:8-136 et seq.); and

(5) adopt rules and regulations pursuant to the "Administrative Procedure Act" to provide for:

(a) the enforcement and compliance with the mold inspection and mold hazard abatement certification programs established pursuant to subsections a. and b. of this section, which may provide for the suspension, revocation, or refusal to issue or renew a certification issued to persons by the department; and

(b) the imposition of penalties on any person who (i) violates any provision of the certification programs established pursuant to subsections a. and b. of this section, or (ii) inspects residential building interiors or school facilities for the presence of mold or performs mold hazard abatement work in residential buildings or school facilities in violation of section 4 of this act.

d. In establishing the certification programs for mold inspection and mold hazard abatement required pursuant to subsections a. and b. of this section, the Department of Community Affairs may grant a certification to a person who demonstrates to the department that the person has successfully completed an accredited program in mold inspection or mold hazard abatement, as the case may be, by a nationally accepted accreditation organization which is determined by the department to be equal to or greater than the level of training and education required of persons certified pursuant to subsection a. or b. of this section, respectively; provided however, that a person granted a certification pursuant to this subsection shall be required to pay the appropriate annual fee charged by the department pursuant to paragraph (1) of subsection c. of this section, successfully complete any course of continuing education and training for certified inspectors or abatement workers required by the department pursuant to paragraph (2) of subsection c. of this section, and be subject to any rules and regulations adopted pursuant to paragraph (4) of subsection c. of this section.

e. An employee engaged in routine maintenance of a multiple dwelling owned or managed by their employer shall not be required to complete the certification programs established pursuant to this section in order to address the presence of mold in the multiple dwelling owned or managed by their

employer; however, nothing in this subsection shall be construed to exempt multiple dwellings from otherwise complying with the procedures adopted by the Department of Community Affairs pursuant to section 2 of this act.

f. A residential property owner shall not be required to complete the certification programs established pursuant to this section in order to perform mold inspection or mold abatement work on his own property.

4. On the first day of the sixth month following adoption of the rules and regulations required pursuant to section 3 of this act:

a. Any person who inspects a residential building interior or a school facility for the presence of mold shall be certified by the Department of Community Affairs pursuant to subsection a. of section 3 of this act.

b. Any person who performs mold hazard abatement work in a residential building or a school facility, except as otherwise provided in subsections e. and f. of section 3 of this act, shall be certified by the department pursuant to subsection b. of section 3 of this act.

c. No person shall present himself to the public as an expert in mold inspection or mold hazard abatement work unless certified by the Department of Community Affairs pursuant to subsection a., b., or d., as applicable, of section 3 of this act.

5. This act shall take effect immediately.

NJ S 2142 IDENTICAL: NJ A 1007

SPONSOR: Singer (R)
TITLE: Mold Hazard Regulations
PREFILED: 06/05/2014
INTRODUCED: 06/09/2014
LAST AMEND: 07/31/2014
DISPOSITION: Pending

SUMMARY:

Requires the Department of Community Affairs to establish procedures for inspection and abatement of mold hazards in residential buildings and school facilities, and certification programs for mold inspectors and mold hazard abatement workers.

STATUS:

06/05/2014 FILED.
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VOTES:

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Regulatory Activity

None to Report