



# Newsletter



**Volume 14, Issue 11/12**

**November/December 2014**

## **Message from the President – Stephen Siegel**

Greetings to all of our NJAIHA members. We have much news to share on the recent November meeting, Fall PDCs, and the December NEIHC.

### **November NJAIHA IH Equipment Workshop**

We were very pleased with our November 13<sup>th</sup> NJAIHA IH Equipment Seminar/Workshop at Rutgers Cook Student Center in New Brunswick, NJ. We had four excellent presentations from equipment vendors with years of industry experience between them. First, Vince Daliessio of EMSL demonstrated a variety of devices which included IAQ Sampling Meters, Thermal Imaging Cameras, and Summa Canisters. Next, Lynn Yocum of SKC presented IH sampling pumps/media and particle selective samplers. This also included their state of the art soon to be released AirChek Touch air sampling pump. This was followed by Martin Alexander of Bruel & Kjaer who shared his 30+ years of experience with sound and vibration equipment and some very modern usage of noise sampling equipment for private/public noise data collection and on-line sharing. Finally, John Iannotti of Pine Environmental demonstrated field FIDs/PIDs as well as sharing with us the wide world of rental equipment and site support they provide. This meeting was held in conjunction with New Jersey College Health and Environmental Safety Society (CHESS) and was graciously hosted by Rutgers. We hope to do another meeting there next year as well. (See related photos on pages 16-17)

### **NJAIHA PDCs Update (December 4<sup>th</sup>, 2014 Westin Princeton)**

Craig Doolittle (NJ AIHA Past President) has aggressively worked to line up four excellent PDCs for the NEIHC on December 4<sup>th</sup>. These include Ethics & the Industrial Hygienist (Barry Weissmann, REM, CSP, CHMM, CHS-V, CIPS) which in addition to the timely topic matter also allows CIH's to meet the ABIH ethics requirement of 2 contact hours per point cycle. In addition, a PDC on Indoor Air Quality -25 Years of Lessons Learned (Harris Brody, CIH, CHMM) is an essential listen for anyone working in the IAQ field or interested in getting started in IAQ assessments. The large amount of microbial investigations and surveys in the NE region make the next PDC titled Current and Advanced State of the Science in Indoor Investigation for Dampness and Mold Growth (Jack Springston, CIH and Chin Yang, PhD) a great educational opportunity as well. Finally the fascinating and relevant area of control banding is covered in the 4th PDC entitled: Hazard and Control Banding – Historical Perspectives and Modern Applications (Robert Sussman, PhD, DABT Brent Altemose, PhD, CIH, CSP). Overall a great educational day for all CIHs and safety professionals.

The registration form is available at [https://www.regonline.com/NEIHC2014\\_PDCs](https://www.regonline.com/NEIHC2014_PDCs) and additional details on these PDCs can be found at [http://www.njaiha.org/wp-content/uploads/2014/10/2014\\_NEIHCE-PDC\\_Brochure.pdf](http://www.njaiha.org/wp-content/uploads/2014/10/2014_NEIHCE-PDC_Brochure.pdf).

### **NEIHC Update (December 5<sup>th</sup>, 2014 Westin Princeton)**

Marianne Santarelli (President Metro NY Section AIHA) has finalized the agenda, speaker lineup, and venue information for this multi-section event. Five regional sections have been invited to this event. (Metro NY, NJ, Phila, Lehigh Valley, and Delaware) and the speakers and topics are excellent. All links to the registration forms and schedules can be found at <https://www.aiha.org/LocalSections/html/Metro%20NY/>

### **Snuffy's Update**

As we begin the year 2015 we will look forward to seeing all of you again at the evening meetings that we regularly hold at the Snuffy's Steakhouse in Scotch Plains, NJ. We have always prided ourselves in the value of these meetings first from the IH perspective of excellent presenters/topics and professional networking but also for the member value of only \$25 for 3 ABIH contact hrs as well as great food for and a nice social environment for dinner. Recently Snuffy's has added in a minimum service charge for our meetings due to the reduced number of attendees at their facility for other groups that use their meeting rooms. While NJ AIHA was able to negotiate a reduced service fee for all of our years of consistent facility meeting usage, NJ AIHA in an effort to keep the meeting fee of \$25 has decided to absorb this additional service charge and to switch from an open bar to a cash bar as a cost trade-off. We feel that our meetings do provide one of the best ABIH maintenance point values around and we are pleased that we can continue to do these without a price increase over our current charges. For those who do want to consume an alcoholic beverage during the meeting, there is a full-service bar located right outside of the meeting room and we do ask all of our attending members/guests to be responsible in their alcoholic consumption.

### **New NJ AIHA Website**

A big thanks to our Director of Administration, Jack Zybura who has worked extensively with a web design firm to get our section's website updated and modernized. We welcome any feedback, comments, or suggestions on the new web format. Just click on this link <http://www.njaiha.org/> and check it out.

Finally this is our last NJ AIHA newsletter for 2014 so I want to wish all of you and your families a joyous holiday season and Happy New Year.

Sincerely



Stephen Siegel, CIH MBA  
President NJ AIHA

Visit Us On-line

<http://www.facebook.com/pages/American-Industrial-Hygiene-Association-New-Jersey-Local-Section/139640922751121>

<http://www.linkedin.com/groups?mostPopular=&gid=3675325>

**Project too big? Can't hire staff?**

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## WELCOME NEW NJAIHA MEMBERS!

Michael	Ermann	Phonak Earcare
Dan	Preisler	TRC
James	Martinez	American CEM Service Corp

## Calendar of Events

Date	Subject	Location
December 4, 2014	NJAIHA Professional Development Courses (PDC's)	The Westin at Princeton Forrestal Village
December 5, 2014	Northeast Industrial Hygiene Conference and Exposition	The Westin at Princeton Forrestal Village



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# Our Officers

<u>Office</u>	<u>Name</u>	<u>Phone</u>	<u>Email Address</u>
President	Stephen Siegel	856-303-2555	ssiegel@EMSL.com
President-Elect	Mark Ostapczuk	201-783-6621	marko@hydroenvironmental.com
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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](mailto: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/job-postings/>

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](mailto:gary@phaseassociate.com); 973-597-0750

## **Global Strategies and Initiatives of Workplace Health Without Borders (WHWB)**

Submitted by Bernard L. Fontaine, Jr., CIH, CSP, AIHA Fellow

According to the World Health Organization (WHO), almost 2/3 of the world's 3 billion workers are currently employed in unhealthy and unsafe working conditions. The International Labour Organization (ILO) reports nearly 2 million deaths each year from occupational disease. In addition, about 160 million of the world's workers get sick every year due to non-fatal occupational diseases. Most of the world's workers do not have access to occupational hygiene expertise, lack the resources, knowledge and technology to identify and control workplace exposure to disease-causing agents like chemicals, microbes, noise and radiation.

"Even occupational health professionals may be surprised to learn that occupational illness and injury kills more people than other causes that get a lot more attention, like armed conflict and HIV/AIDS," says David Zalk, a WHWB Board member and past President of the International Occupational Hygiene Association (IOHA). To address these issues, a group of occupational hygienists founded Workplace Health Without Borders (WHWB) in 2011 with a vision to help protect workers so they don't get sick because of their work. A strategic management plan was constructed to engage the global occupational health profession in ensuring that workers and their employers throughout the world have the knowledge, understanding, and means to prevent work-related disease. Goals and objectives of WHWB include:

- Promote awareness about occupational disease, occupational hygiene, occupational medicine and how workplace health hazards cause illness in developing countries.
- Increase awareness and access to occupational hygiene expertise and technology in developing countries.
- Build capacity and infrastructure in developing countries for workplace health risk assessment and management.
- Encourage multinational companies to require and support good occupational health practices in firms in developing countries that form part of the multinational's supply chain (i.e. firms that use, process or manufacture their products).
- Drive corporate social responsibility for all stakeholders to identify hazards and improve the conditions in the workplaces and in the surrounding community and environment
- Help NGOs who serve communities and workplaces in developing countries to integrate occupational health into their work and protect their own volunteers from occupational hazards.

WHWB recognizes that occupational health is a basic human right, and that workers have a right to go home from work each day at least as healthy as when they arrived. WHWB adheres to the ethics of the occupational hygiene profession. In the wording of the Canadian Registration Board of Occupational Hygienists and the American Board of Industrial Hygiene, members of WHWB will:

- Place the health of workers they serve above all other interests in the performance of their professional work.
- Direct professional activities toward the protection and improvement of the health and well-being of all persons.
- Make every reasonable effort to protect the public and environment from adverse effects resulting from the performance of their work.
- Perform their work honestly, objectively, and in accordance with currently accepted professional standards.

- Respect the privacy of confidential personal, professional, and business information.
- Participate only in projects or situations that do not place them in personal or business conflicts of interest.
- Conduct themselves with honesty, reliability, and integrity.
- Maintain a working knowledge of current developments in the profession and a detailed knowledge of areas in which they claim expertise.
- Promote activities that advance and disseminate occupational hygiene knowledge.

For more information on the WHWB strategic framework, go to <http://www.whwb.org/wp-content/uploads/2012/04/Strategic-Framework.pdf>

A number of WHWB's projects involve crystalline silica dust (silica) exposure. WHWB partnered with the University of Toronto on a project to address high crystalline silica exposure among agate workers in Gujarat, India. The project, which received a grant from Canada's Grand Challenges program, also involves the People's Training and Research Centre (PTRC), a community organization in Gujarat. "Technical solutions commonly applied in the developed world may be very difficult to implement, due to lack of resources, energy and water," explains Om Malik, a WHWB Board and project team member. "Another serious issue, common in many countries, is that children as well as adults are exposed to high levels of hazards like silica, because they work as child laborers, or their parents work at home or bring the children to work because there is no school or childcare."

Another project includes WHWB's work with Jeevan Rekha Parishad (JRP) in Orissa, India, which works to prevent silica exposure in the stone crushing industry. WHWB also has partnered with groups in Pakistan, Nepal and Tanzania to address exposure to silica and other hazards in brick making plants, which employ many child laborers. In relation to the widespread interest in silica, WHWB volunteers are currently writing a silica module to be offered through the Occupational Hygiene Training Association (OHTA).

WHWB is a recognized OHTA training provider, and plans to offer various OHTA courses in areas where participants cannot pay the full fee for courses offered by private providers. Through the WHWB mentoring program, WHWB members collaborate and mentor new occupational health professionals in developing countries through regular online meetings. WHWB accepts donations of occupational hygiene equipment and has provided equipment or facilitated direct donations to groups that need it.

If anyone from NJAIHA would like to learn more, WHWB meets monthly by teleconference, and welcomes all those who share our goals to attend our meetings and join our network of hundreds of members from around the world. Membership is free. We need more volunteers help to build the organization and also welcome financial and in-kind donations to support our services. For more information about WHWB, please visit our website, [www.whwb.org](http://www.whwb.org), see our video <https://vimeo.com/74343804>, or email us [info@whwb.org](mailto:info@whwb.org).

## 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!4b1!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.**



Philadelphia Section, American  
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**Thursday, December 4, 2014**

**The Westin Princeton at  
Forrestal Village  
201 Village Blvd.  
Princeton, NJ 08540  
Directions:**

[http://www.starwoodhotels.com/westin/prop  
erty/area/directions.html?propertyID=1442](http://www.starwoodhotels.com/westin/property/area/directions.html?propertyID=1442)

The NEIH conference, being held on Friday, 12/5/14, is presented by the Metro New York Sections and co-sponsored by Philadelphia and of AIHA and NJAIHA. Please plan to attend both events! These PDCs are additionally co-sponsored by Metro New York and Philadelphia Sections of AIHA.

Each PDC accounts for 3.5 Technical Contact Hours and may be eligible for ABIH CM credit. Course fees include continental breakfast, lunch, and refreshments.

For questions, contact: Craig Doolittle, PDC Chair  
[cdoolittle@trcsolutions.com](mailto:cdoolittle@trcsolutions.com) 973-670-9793

Morning courses will begin at 8:30 a.m. Please sign in between 8:00 and 8:30 a.m.

Afternoon courses will begin at 1:00 p.m. Please sign in for those between 12:30 and 1:00 p.m.

**NOTE: Both the PDC's & NEIHC will be held at The Westin Princeton at Forrestal Village**

**GENERAL DIRECTIONS TO THE WESTIN**

**From East**

Take Route 33 West to Route 571 West. Turn right onto Route 1 North. Continue on Route 1 North for 3 miles to the College Road West Exit. Go through the traffic light, and the hotel will be on the left.

**From West**

Take Route 1 North to I-95 North into New Jersey. The road turns into I-295 South. Take I-295 South to Exit 67 (Route 1 North). Continue for approximately 6 miles to the College Road West Exit, and the hotel will be on the left.

**From South**

Take Interstate 95 North, which turns into Interstate 295 North. Continue on I-295 North to Exit 67 (Route 1 North). Take this towards New Brunswick. Stay on Route 1 North for approximately 6 miles to the College Road West Exit. The hotel will be on your left.

**From North**

Take the New Jersey Turnpike South to Exit 9 to Route 18 North for 1/2 mile. Go to Route 1 South for approximately 13 miles to the College Road West Exit. Go through the traffic light, and the hotel will be on your left.

**Registration Form (please print clearly):**

Name: \_\_\_\_\_

Company: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Cell Phone: \_\_\_\_\_

(Please provide cell#, thanks!)

Phone: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Course #'s \_\_\_\_\_

Amount Enclosed: \$ \_\_\_\_\_

*Registrations without payments NOT  
ACCEPTED. Fee per course \$125 if received  
by 11/21/2014 -- \$150 afterwards.*

**ALL REGISTRATION SHOULD BE  
COMPLETED THROUGH THE ON LINE  
REGISTRATION LINK BELOW**

[https://www.regonline.com/NEIHC2014\\_PDCs](https://www.regonline.com/NEIHC2014_PDCs)

**PLEASE REGISTER by 11/21/2014 to avoid late fees.**

**There are three payment options:**

- Credit card via RegOnline
- PayPal through RegOnline
- Check payable to NJAIHA  
Mail registration form with check  
NJAIHA c/o Rommie Tutty  
910 Potters Road Newton, NJ 07860  
(973) 300-0144

**Course #1: Ethics & the Industrial Hygienist**  
8:30 AM - 12:00 PM / Course Fee - \$125 if received by 11/21/2014 -- \$150 afterward.

**Course Instructor:**

Barry Weissmann, REM, CSP, CHMM, CHS-V, CIPS

As an industrial hygiene professional we are challenged daily about the way we represent ourselves, the services we provide, the decisions we make and the way we interact with the public and our clients. The ABIH has developed a Code of Ethics to promote high ethical standards for both certificants and applicants. They require all applicants and certificants seeking renewal take a course in ethics, prior to application or once every recertification cycle.

This course will describe what it means to act ethically in practical terms. It will include discussion on rules, policies and legal requirements; competency; performance of professional services; conflict of interest & appearance of impropriety.

**Course #2: Indoor Air Quality 25 Years of Lessons Learned**

8:30 AM - 12:00 PM / Course Fee - \$125 if received by 11/21/2014 -- \$150 afterwards.

**Course Instructor:**

Harris Brody, CIH, CHMM

Accredited Environmental Technologies

This course will cover basic indoor air quality (IAQ) assessment factors and techniques that can be used to successfully assess potential IAQ issues. Additionally, this course will address reasons why errors can occur in IAQ assessments and how those can incorrectly affect conclusions, recommendations and corrective measures. Finally, this course will present case studies from over 25 years of work in the IAQ field, the assessments and measurements that were involved and associated conclusions and outcomes.

**Course #3: Current and Advanced State of the Science in Indoor Investigation for Dampness and Mold Growth**

1:00 PM - 4:30 PM / Course Fee - \$125 if received by 11/21/2014 -- \$150 afterwards.

**Course Instructors:**

Jack Springston, CIH

TRC Environmental Corporation

Chin Yang, PhD

Prestige EnvironMicrobiology

This Course will focus on advanced water-damage and mold inspection, advanced mold testing (PCR and ERMI), and retrospective and forensic assessments of fungal growth in the indoor environment. The course will also cover various common causes of water intrusion and will then focus on best defensible mold investigation practices. Two hypothesis categories for mold investigations will also be covered, those that address only the environment, and those that address human exposure, as well as the two types of error that can occur when testing a hypothesis. Several real world examples of environmental testing will be presented. In addition, limitations in microbial air sampling techniques and analyses, particularly for spore trap sampling, will be discussed in detail.

**Course #4: Hazard and Control Banding – Historical Perspectives and Modern Applications**  
1:00 PM - 4:30 PM / Course Fee - \$125 if received by 11/21/2014 -- \$150 afterwards.

**Instructors:**

Robert Sussman, PhD, DABT

Brent Altemose, PhD, CIH, CSP

Safebridge

This PDC will cover how hazard and control banding can be used to characterize and control the risk of exposure to chemicals. The first speaker will discuss the history of hazard banding and the rationale for its use. Additionally, the first part of the course will also cover how NIOSH envisions assigning hazard bands as a strategy to control occupational exposures to chemicals. The second part of the course will cover how hazard bands can be used as part of the risk assessment process to establish appropriate engineering and administrative controls, including containment, ventilation, and safe work practices and procedures. Specific examples will be covered for attendees to learn how to apply hazard and control banding concepts and develop practical solutions to protect workers.





The 2014 North East Regional Industrial Hygiene Conference is presented by the  
Metro New York AIHA Chapter and is  
Co-Sponsored by the New Jersey and Philadelphia Chapters of AIHA

For immediate release: October 28<sup>th</sup>, 2014

### Industrial Hygiene – What are we doing now and where are we going tomorrow?

Date: December 5, 2014

Location: Westin in Princeton, Forrestal Village, 201 Village Boulevard, Princeton, NJ 08540

#### Speaker Line-Up:

- Ms. Barbara Dawson, DuPont/Past President AIHA- *State of AIHA/IH profession , domestically and globally*
- Dr. Frank Mirer, Hunter College – *TLV's or no TLV's – Moving Forward*
- Dr. David Krause, Geosyntec/Ms. Diane Miskowski, EMSL – *Legionella – Developments in Laboratory Analysis and New Guidance Document*
- Mr. William Elcoate , Alpha Analytical – *Soil Vapor Intrusion – Update*
- Mr. Aaron Trippler, AIHA – *Governmental and Regulatory Update*
- Dr. Robert Herrick, Harvard University/Mr. Edward Gerdtz, TRC/Mr. John Gorman, USEPA/Dr. David Carpenter, SUNY Albany – *PCB's - Current Understanding and Challenges*
- Mr. Neil Feldscher, JD, NYCDEP – *Industrial Hygiene and the Environment – Kissing Cousins*
- Ms. Diane Miskowski, *EBOLA, what do we need to know?*
- Mr. John Gorman/ Ms. Vickie Pane, USEPA – *Lead, the latest*
- Dr. Howard Apsan, CUNY – *Sandy, two years later, lessons learned*
- Mr. Bernard Fontaine – *Workplace Health without Borders*  
(<http://www.whwb.org/board/>)

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If you are interested in exhibiting, please contact Steve Winiecki at [swiniecki@galsonlabs.com](mailto:swiniecki@galsonlabs.com) or 877-568-5227

If you are interested in becoming a conference sponsor, please contact Sophie Naftalovich at [sophie.naftalovich@gmail.com](mailto:sophie.naftalovich@gmail.com) or 201- 312- 5912

If you are interested in providing a gift for our annual raffle, please contact Al Walner at [enviroal@aol.com](mailto:enviroal@aol.com)

For additional Information Contact:

Marianne Santarelli, Metro New York AIHA President at [presidentmetrony@gmail.com](mailto:presidentmetrony@gmail.com) or 908- 768-0763



## Recent Fall NJAIHA Activities in Pictures

Tim Rice, NJAIHA Historian



### November 2014 NJAIHA IH Sampling Equipment Seminar/Workshop

11/13/14 - Cook Student Center, New Brunswick NJ

(Joint Meeting with the New Jersey College Health and Environmental Safety Society (NJCHESS))



Steve Siegel, NJAIHA President, welcomes NJAIHA and NJCHESS members and participating vendors to the Rutgers Cook College Campus for the full morning industrial hygiene sampling equipment seminar/workshop.



Vince Daliessio Jr., CIH, Industrial Hygiene Project Manager, EMSL Analytical, Inc., Cinnaminson, NJ, demonstrates use of equipment that might be found in an industrial hygienist's tool box for indoor air quality (IAQ) investigations.



Lynn Yocum, Inside Sales/Logistics Manager, SKC, Inc., Eighty Four, PA, reviews the capabilities of SKC air sampling pumps which can be used for particle size-selective sampling.



Martin Alexander, P.E., Senior Sales Engineer/Telecom Audio Solutions Manager, Brüel & Kjær North America, Inc., Norcross, GA, discusses the evolution of B&K's sound level meter instrumentation.





**John Iannotti**, Technical Sales Representative, Pine Environmental Services LLC, Windsor, NJ, demonstrates the operation of photoionization detector (PID) direct-reading instruments.



(Above right and left) Seminar/workshop attendees get a chance for “hands on” equipment demonstrations and instruction from the vendors.



Our vendor guests receive tokens of appreciation from the NJAIHA for helping to make this half day seminar/workshop a great success. (Left to right) Steve Siegel (NJAIHA President), Lynn Yocum (SKC), Martin Alexander (B&K), John Iannotti (Pine Environmental), Vince Daliessio (EMSL), and Mark Ostapczuk (NJAIHA President-Elect).

## October 2014 NJAIHA Dinner Meeting - 10/16/14 at Snuffy's



**Craig Doolittle** (left), NJAIHA Past-President, and **Steve Siegel**, NJAIHA President, make sure all the AV equipment is in proper working order prior to the start of the October dinner meeting.



Our pre-dinner speaker, **Diane Miskowski**, MPH, Business Development Manager, EMSL Analytical, Inc., Cinnaminson, NJ, reviews with attendees the symptoms of Ebola hemorrhagic fever during her most timely presentation, *"Environmental and Indoor Pathogens including Ebola"*.



A nice turnout was on hand for the October 2014 dinner meeting.



Our after-dinner speaker, **Bernard Fontaine, Jr.**, CIH, CSP, AIHA Fellow, Managing Partner, The Windsor Consulting Group, Inc., South River, NJ, receives a token of appreciation from **Mark Ostapczuk**, NJAIHA President-Elect, after Bernard's inspiring presentation entitled, *"Global Strategic Initiatives for Workplace Health Without Borders"*. Workplace Health Without Borders is a not-for-profit organization formed in 2011 to address occupational health and safety issues around the world.





## *Happenings On The Hill*

### **American Industrial Hygiene Association Government Affairs Department**

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**November 21, 2014**

### **And Here We Go!**

As predicted, the Republicans took control of the Senate in the mid-term election and will now control both Houses of Congress through the President's term the end of 2016. While the results were about as expected, perhaps even better for the Republicans than expected, they still do not have enough votes to override any potential Presidential veto. In other words, both parties and the President are going to have to work together to get anything done in the next two years. And frankly, after the most recent announcement on immigration by the President, working together may be nearly impossible.

So how will this new majority in Congress address occupational safety and health? Before we can consider the ramifications of a Congress controlled by one party and the White House by another we need to take a step back and see what happens in the remaining weeks of the lame-duck Congress.

### **2014**

When Congress returned after the mid-term election the Democrats still control the Senate for another few weeks. With that in mind, the Republicans will do everything they can to postpone action on any major issues until the new Congress (then controlled by the Republicans) returns in January.

In addition to issues such as the economy, immigration, Ebola, and international affairs, the big issue hanging over the heads of this lame-duck Congress is what to do about the 2015 federal budget. When Congress left town in October they postponed any action on

the FY15 federal budget by simply passing a “continuing resolution” (CR) to run through December 11. That CR simply provided federal departments and agencies the authority to continue spending the same amount of money they were currently spending. Now, Congress has three options to consider –

- Pass another short-term CR, perhaps lasting only until early next year when the new Congress comes to town for the 114<sup>th</sup> session. This would provide the Republicans with some leverage over other issues but would provide uneasiness in the economy.
- Pass a long-term CR (called an omnibus) that would fund the government until the end of the fiscal year next September 30. That may involve a few dollars added or subtracted here and there but essentially would keep everyone flat-lined in spending.
- Pass neither a long-term or short-term spending bill and shut down the government. Nearly everyone would consider this a disaster and the Senate Republicans have stated they will not shut down the government.

No matter what happens, spending for OSHA, MSHA, NIOSH, EPA, etc., is likely to be frozen at existing levels for the next few months, perhaps as long as next September 30. As for other occupational safety and health issues, you can forget anything happening in these last few weeks.

## **2015**

Now, we take a look at what might happen in 2015 with a Congress controlled by the Republicans and the White House controlled by the Democrats. Our concern is again focused on two things – the budget and occupational safety and health issues, and in this case they may be very closely related.

Much depends on what I discussed earlier – will the lame-duck session enact a FY15 budget? However, we have several concerns here. If Congress determines that it does not approve of specific issues being undertaken by OSHA it has the authority to do two things –

- When approving the budget Congress can add “appropriations riders” to specific budgets. In other words, Congress could provide OSHA with funding but add a rider barring the agency from spending any dollars to work on or implement things like a silica rule. It’s happened in the past and could happen again.
- Congress could demand that any final regulation, standard or rule be brought before Congress for review under the “Congressional Review Act”; whereby they could vote the issue down. This would be similar to what Congress did in 2001 when Congress overrode the OSHA ergonomics standard. This would be a little more difficult to accomplish because the President would likely veto any such action.

Oh yeah – one other thing. Expect Congress to hold a boatload of oversight hearings on various OSHA issues. These hearings will require OSHA to spend an awful lot of time putting together material requested at the hearings. Not saying some of these hearings aren’t a good idea but can assure you not all of them will be.

## **Occupational Safety and Health Legislation in 2015**

It's fairly easy to predict what issues might be enacted in 2015 pertaining to occupational safety and health. There will be few – if any. Yes, many bills from previous sessions will be reintroduced but stand little chance of passage. Heck, these bills couldn't pass a Democratic Senate let alone a Republican House so don't expect any bills to pass a Republican Senate and a Republican House. That doesn't mean the Republicans won't have some issues they want to consider but it will be difficult to have these issues enacted. However, I do expect the following issues to be introduced –

- Legislation that would require OSHA to enact a safe patient handling standard.
- Legislation that would require OSHA to enact a combustible dust standard.
- A bill that would codify the OSHA Voluntary Protection Program. In other words make VPP a permanent program within OSHA.
- An OSHA reform bill that would include, among other things, expansion of OSHA coverage to public employees not currently covered as well as increase criminal penalties.
- Numerous bills addressing regulatory reform. Don't be surprised if several of these bills are enacted and sent to the President.
- TSCA reform? This may be an issue that will not be introduced in this session.

So, we begin preparations for the 114<sup>th</sup> session that will involve educating new Members of Congress and staff of the importance of occupational safety and health. Another tough year coming up!

## **Agency Activity**

As we approach the end of the year, a quick look at issues on the table:

### Reporting Requirements Start January 1

Don't forget that starting January 1 there will be a change to what covered employers are required to report to OSHA. All work-related fatalities reported within 8 hours and all in-patient hospitalizations, amputations, and losses of an eye within 24 hours of finding about the incident.

### Silica Rule

The White House and OSHA have publicly stated that the silica rule will be finalized before the end of the Obama administration the end of 2016. That makes this issue the number one OS&H issue that will be discussed in Congress in 2015. Will Congress step in to stop the rule? Will there be lawsuits to stop it? Best guess is that both of these options will be attempted. The deadline for final enactment of this rule is probably more like the spring of 2016 if OSHA and the administration hope to avoid any Congressional action.

### Beryllium

The OSHA beryllium draft rule is still at the White House for review with no word on when the draft proposal might be sent back to the agency for action.

### Globally Harmonized System (GHS)

A couple of things to report on the GHS. Everyone is aware that training on the GHS changes to the haz com standard had to be completed by the end of 2013. Now comes word of a couple things:



- OSHA announced it won't delay the June '15 deadline for mixtures, but the agency said it won't cite companies that fail to meet the requirements as long as they make a good faith effort to comply. Companies had argued that they may not have gotten the info they needed from raw material suppliers in time to update the labels and safety data sheets for the mixtures they ship.
- Finally, legal challenges to the GHS seem to be coming to an end when the courts recently ruled that OSHA did not have to specifically define combustible dust in the standard but that the issue would be included in the rule. Looks like there won't be an appeal so perhaps the lawsuits are concluded.

#### Confined Spaces in Construction Rule

After years and years of waiting, OSHA has finally submitted a draft final rule to the White House for review. The White House has 90 days to review the draft (with a possible extension of 30 days); however, who knows if this deadline will be met. Remember, the silica draft rule was at the White House for two and a half years. The rule would extend many of the general industry requirements to construction sites, as well as a few additional provisions. A push for this rule began in 1993. Yup, that's right – 1993! A follow-up to this – the state of Oregon recently amended their confined spaces rule to cover construction.

#### Infectious Diseases Rule

This rule (or at least draft material for a rule) is currently undergoing a small business review that is to be completed in December. Once that is finished, OSHA will draft the proposed rule and the process will begin. (Of course, the silica rule took 10 years from this point.) But OSHA is moving forward and that is great news. Not a lot of details are forthcoming on what the agency might be thinking but a few things are that employers would be required to have a written program in place and that a qualified occupational health professional would be required to oversee the program.

### **Is Guidance the New Regulatory Process?**

This is a question now being debated in a Supreme Court case on agency guidance. The issue stems from the fact that several past administrations and the present administration have been using guidelines in place of actual regulations to address workplace concerns. Guidelines are being used because they do not require any of the usual regulatory processes such as public comments, hearings, etc. However the concern has been raised because once many guidelines have been put in place, agencies such as OSHA then issue interpretations of these guidelines; with some in industry saying they have become interpreted as law without a chance for public input. An interesting debate. The Obama administration wants the Court to grant agencies the right to issue interpretive guidance without undergoing the usual process. Will keep our eyes on this!

### **Ergonomics**

If you think this issue has entirely gone away you are mistaken. Seems there are some in industry raising concerns that OSHA may begin enforcing ergonomics much more vigorously after a recent general duty clause citation against a poultry farm. OSHA has always had the right to use the general duty clause to enforce ergonomics but has used the clause infrequently. Frankly, I don't see the agency increasing ergonomics citations



as the agency is surely aware of the concerns it would raise at a time when the agency has plenty of other issues to worry about.

## **State Activity**

While we await the new legislative sessions in the states in January, there sure isn't a lack of activity at this time.

Oregon – Mentioned earlier the fact that Oregon has addressed the confined spaces in construction issue.

Arizona – The state expects federal OSHA to reject the State's residential construction fall protection laws and, if so, the state will drop its efforts and comply with federal OSHA regulations. What an interesting way to do things – the state wanted to have less stringent standards than federal OSHA but the legislature passed a law that said if federal OSHA didn't agree the state would back off. Duh! What did they expect?

Oklahoma, New York, New Jersey, Georgia – all have existing or upcoming issues regarding mold.

Virginia – Some talk about the legislature taking a closer look at the Voluntary Protection Program in Virginia.

California – Continues to take the lead in occupational safety and health as several new laws to protect workers were signed by the governor. The laws dealt with, among other things, requiring employers to fix serious workplace hazards prior to exhausting appeals for the violations.

## **Occupational Safety and Health in Canada**

And let's not forget our neighbors to the north. Manitoba's provincial government recently increased penalties and expanded workplace inspections. The changes included doubling the number of health and safety officers enforcing the laws, increasing the number of workplace inspections, allow safety officers to stop work at unsafe worksites, and increased maximum fines for offenses.

## **AIHA Top Public Policy Issues**

As this edition of Happenings goes to press AIHA is completing its member survey to determine the top public policy issues for the association in 2015-2016. The results should be forthcoming shortly and will be reported when they are compiled. While I haven't reviewed the results thus far I have been informed that the response rate has been outstanding. Results coming shortly.

## **To All – Have a Happy, Healthy and Safe Holiday Season!**

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



*Protecting Worker Health*

AMERICAN INDUSTRIAL HYGIENE ASSOCIATION

GOVERNMENT AFFAIRS DEPARTMENT

## STATE UPDATE

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*November 1, 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](mailto:atrippler@aiha.org).

#### New Legislation

None to Report

#### Legislation Reported Earlier

##### **NJ A 3416 SPONSOR: Singleton (D)**

TITLE: Construction Industry Workplace Safety

DISPOSITION: Pending

LOCATION: ASSEMBLY

##### SUMMARY:

Creates Task Force on Construction Industry Workplace Safety and Health to study and assess the impact of workplace safety and health policies and practices in the construction industry and to make recommendations for methods of improving safety and health in the industry, with particular attention to the option of establishing safety and health prequalification requirements for contractors bidding on public works contracts.

##### STATUS:

06/12/2014 FILED.

06/16/2014 INTRODUCED.

06/16/2014 To ASSEMBLY Committee on LABOR.

10/27/2014 From ASSEMBLY Committee on LABOR as amended.

(8-0)

#### Regulatory Activity

None to Report



AMERICAN INDUSTRIAL HYGIENE ASSOCIATION  
GOVERNMENT AFFAIRS DEPARTMENT  
**STATE UPDATE**

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*November 18, 2014*

**NEW JERSEY**

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**New Legislation**

None to Report

**Legislation Reported Earlier**

**NJ A 1007 IDENTICAL: NJ S 2142**

SPONSOR: Benson (D)  
COSPONSOR(S): McKeon (D), Singer (R), Greenstein (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  
VETOED: 11/13/2014  
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 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.  
 07/31/2014 From SENATE Committee on ENVIRONMENT AND ENERGY. (4-0)  
 09/22/2014 Substituted for S2142  
 09/22/2014 Passed SENATE. (33-2)  
 09/22/2014 \*\*\*\*\*To GOVERNOR.  
 11/13/2014 Conditional veto by GOVERNOR. \*\*\*\*\*Returned to ASSEMBLY.  
 11/13/2014 In ASSEMBLY. Read second time on concurrence in GOVERNOR'S recommendation.

VOTES:

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

Date: 14

**NJ A 3416 SPONSOR: Singleton (D)**

TITLE: Construction Industry Workplace Safety  
 PREFILED: 06/12/2014  
 INTRODUCED: 06/16/2014  
 LAST AMEND: 11/13/2014  
 DISPOSITION: Pending

SUMMARY:

Creates Task Force on Construction Industry Workplace Safety and Health to study and assess the impact of workplace safety and health policies and practices in the construction industry and to make recommendations for methods of improving safety and health in the industry, with particular attention to the option of establishing safety and health prequalification requirements for contractors bidding on public works contracts.

STATUS:

06/12/2014 FILED.  
 06/16/2014 INTRODUCED.  
 06/16/2014 To ASSEMBLY Committee on LABOR.  
 10/27/2014 From ASSEMBLY Committee on LABOR as amended. (8-0)  
 11/13/2014 Amended on ASSEMBLY floor.

VOTES:

10/27/2014 Assembly Labor Committee P 8-0

**Regulatory Activity**

None to Report