



Newsletter

Volume 15, Issue 6

June 2015

Message from the President – Stephen Siegel

It's hard to believe that we are at our final meeting of the year for NJ AIHA until next September.

We had a great April NJAIHA meeting. First, it was a pleasure to have 12 NJ AIHA Past-Presidents attend including ones going as far back as Ed Zehler (1977-78). For speakers we had our own past-president Craig Doolittle of TRC speaking on confined spaces and Ben Sallemi, Ph.D., GZA GeoEnvironmental, discussing risk assessment to asbestos exposure following 9/11. Both of these talks were very educational and inspired some great questions and dialogue with our attendees. We also had some great hands-on demonstrations from Frank Conidi of Honeywell (Miller Fall Protection) and Bob Frey/Rocco DelPriore of Stauffer Safety on some very interesting and new confined space safety products for our group (related photos: pages 10-11).

We are also pleased to present 6 NJ AIHA scholarships to Joe Zientek, Katherine Fay, Michael Blahut, Olusola Adedoyin, Ruchi Panochoy and Megan Rockefeller (2 time NJ winner). We will plan to have all on hand at our June meeting to receive their awards.

And finally two major changes are occurring for me this June. First on a personal level, it is my last week of employment at EMSL Analytical where I have spent 16 enjoyable years in the lab management and IH lab field and I do depart there with a heavy heart as EMSL brought me into NJ AIHA and into so many new areas I am part of now. I will be moving on to take a CIH position at DuPont (now I will have worked at firms in PA, NJ, and DE) based in the Newark, DE area. And finally it will be my last month as your NJ AIHA president. I cannot say strongly enough what an honor and pleasure it was to serve as your President for the past year and to work with such a fine organization and officer's board.

Looking forward to another great year in 2015-2016 with NJ AIHA and seeing many of you at our end of year meeting at Basking Ridge on June 11th.

Sincerely

Stephen Siegel, CIH MBA
President NJ AIHA

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Calendar of Events

Date	Subject	Location
6/11/15	<p>Scholarship Award Night</p> <p><i>Topic:</i> AIHA Mid-Atlantic Region Update/ NJ Governor's Clean Air Council Update</p> <p><i>Speaker:</i> Thomas E. Case, CIH, CSP, FAIHA, AIHA Mid-Atlantic Region Local Section Regional Representative, and Robert Laumbach M.D., M.P.H., C.I.H. Associate Professor, Robert Wood Johnson Medical School Environmental and Occupational Health Sciences Institute</p> <p><i>Topic:</i> "Implementing a Culture Change in Large Public Utility – Ergonomic Factors".</p> <p><i>Speaker:</i> Jacqueline Robertson, CIH, CSP, Senior EHS Director, United Water</p> <p>Demonstration by Mike Hamilton, Ergo Dynamics: "How to do a Proper Computer Workstation Evaluation"</p>	Basking Ridge Country Club

WELCOME NEW NJAIHA MEMBERS!

Neil	Volwieder	
Mike	Brent	Siemens Healthcare Diagnostic

Our Officers

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The advertising rates are as follows:

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See our website: : <http://www.njaiha.org/wp-content/uploads/2015/02/NJAIHA-Advertisement.pdf>

Or

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



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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>

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 are posted on the NJAIHA web page <http://www.njaiha.org/events/njaiha-summer-review-course/>.



June 2015 – DINNER MEETING - Scholarship Awards Night

SPONSORED BY **EMSL Analytical, Inc. AND Hydro-Environmental Technologies, Inc.**

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DATE: Thursday, June 11th, 2015

PLACE: Basking Ridge Country Club, 185 Madisonville Rd Basking Ridge, NJ 07920

AGENDA:

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

5:00 p.m. Registration/Networking/Appetizers/Cash Bar

6:00 p.m. Before Dinner Session:

Topic: AIHA Mid-Atlantic Region Update/ NJ Governor's Clean Air Council Update

Speaker: Thomas E. Case, CIH, CSP, FAIHA, AIHA Mid-Atlantic Region Local Section Regional Representative, and Robert Laumbach M.D., M.P.H., C.I.H. Associate Professor, Robert Wood Johnson Medical School Environmental and Occupational Health Sciences Institute

6:45 p.m. Scholarship Awards

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: "Implementing a Culture Change in Large Public Utility – Ergonomic Factors".

Speaker: Jacqueline Robertson, CIH, CSP, Senior EHS Director, United Water

Demonstration by Mike Hamilton, Ergo Dynamics: "How to do a Proper Computer Workstation Evaluation"

Please register by **Tuesday, June 9th**, 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.

Directions:

From: North Jersey & Manhattan via the GW Bridge Route 80 West to Route 287 South to Exit 30-A (N. Maple Avenue - Basking Ridge). Proceed 1/2 mile to first traffic light. Make left onto Madisonville Road. Entrance is 2nd driveway on right.

From: Manhattan via the Lincoln Tunnel Take NJ Turnpike to Exit 14 (Newark Airport). Take Route 78 (local lane). Proceed 7.5 miles to Route 24 West. Proceed 9.5 miles to 287 South to exit 30-A and continue as above.

From: Manhattan via the Holland Tunnel Takes Route 1 & 9 South over the Pulaski Skyway to Route 78 West. Proceed as above.

From: Central Jersey & Staten Island via Outerbridge Crossing Take Route 287 North and proceed as above.

From: South Jersey Take Garden State Parkway North. Exit on Route 287 North immediately after passing over the Raritan Bridge. Proceed as above.

From: Points West Route 78 East to Exit 29. Take Route 287 North, proceed as above.

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Recent NJAIHA Activities in Pictures

Tim Rice, NJAIHA Historian



April 2015 NJAIHA Dinner Meeting - Past Presidents' Night **4/16/15 at Snuffy's**

The New Jersey Section AIHA held their annual Past Presidents' Night on April 16, 2015, once again at Snuffy's Pantagis Renaissance restaurant in Scotch Plains, NJ. Among the NJAIHA members and guests joining in the festivities that night were twelve Section Past Presidents whose terms dated as far back as 1977-78.



Left to right (period in office): Bill Kerbel (1994-95), Pat Mulrooney (2002-03), Therese Perrette (2006-07), Mike Dziamba (1985-86), Patti Johnson (2011-12), Jack Glass (2001-02), Gary Schwartz (1997-98), Jill Asch (2009-10), Tim Rice (1989-90), Ed Zehler (1977-78), Louise Vallee (2010-11), Craig Doolittle (2013-14)



Before-dinner speaker **Craig Doolittle, PE**, Senior Consultant, TRC Environmental Corp., and current NJAIHA Past-President, reviews a case study during his presentation, *"Is It or Isn't It a Confined Space? - Case Studies of Unusual Spaces and How Best to Protect Workers Entering Them"*.



After-dinner speaker **Benjamin Sallemi, Ph.D.**, GZA GeoEnvironmental, Inc., receives a NJAIHA token of appreciation from **Steve Siegel**, NJAIHA President, following his presentation, *"A Life-Time Mortality Risk Assessment to Asbestos Exposure Following the Collapse of the World Trade Towers"*.



Vendor Demonstration - **Frank Conidi**, Fall Protection Specialist, Honeywell Safety Products, displays the Miller MightEvac Self-Retracting Lifeline (left) and demonstrates its set up in the Miller DuraHoist Portable Confined Space System (right). Also assisting with the demonstration were **Bob Frey** and **Rocco Del Priore** of Stauffer Glove & Safety.



Happenings On The Hill

American Industrial Hygiene Association Government Affairs Department

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

April 15, 2015

Congress Settles In To Do Some Work

Congress returned to Washington following a two-week recess for the Easter holiday and now seems to be settling in for some serious work. Anyway let's hope so. If the beginning of this week is any indication we may finally see some action on several fronts. Issues to tackle – the Medicare doctor reimbursement fix, the nuclear deal with Iran, a closer look at the FY16 federal budget, and perhaps a look at some issues that might impact occupational safety and health. Of course, we should not only take a look at what is on the table at this time, but take a look at issues that just might be on the horizon.

TSCA Reform. Those who thought the effort to reform the Toxic Substances Control Act was all done after the death of Sen. Frank Lautenberg were mistaken. Not only has the late Senator's bill been reintroduced but this time around it looks as if there may be multiple bills up for consideration. Two bills in the Senate (S697 and S725) have been introduced and hearings held on one. In addition, a draft bill is being prepared in the House and hearings were held on this draft bill earlier this week. Amending TSCA is very complex and difficult; however, there are some who believe some sort of TSCA reform just may stand a chance this time around. Odds – perhaps 50-50.

Regulatory Reform. This seems to be one of the top issues with this Congress. We already have more than a dozen bills introduced to amend the regulatory process of the federal government. While everyone agrees the regulatory process could use some amending, some of the ideas are "way out there". There are bills that would require

Congress to approve any major rules before they could go in effect. Bills to create a commission to recommend the elimination or realignment of duplicative, wasteful or outdated rules. That one makes some sense. A bill to require each agency to provide a link to a 100 word plain language summary of the proposed rule. Another pretty good idea. Even a bill that would sunset rules after 10 years unless agencies undergo notice and comment rulemaking. Odds on any of these – one or two may have a 50-50 chance of passage; however most will never make it out of Committee. And stay tuned as there will likely be dozens more introduced.

Child Labor Law for Logging. This may sound like an issue that has no impact on occupational safety and health but that couldn't be any further from the truth. This is the second session where this bill has been introduced (identical bills in the House and the Senate). The bills would essentially allow family members between the ages of 16 and 17 to operate logging machinery. AIHA opposed this legislation last time and is opposing the legislation again this time. Doesn't make a heck of a lot of sense to me. Teenagers operating machinery in the agriculture sector have some of the highest rates of injury out there. So why would we turn around and allow these same teenagers to operate machinery that is just as dangerous? Add to the fact that working with logging machinery is likely to involve working around more individuals than working with agriculture machinery. Anyway, AIHA is submitting letters of opposition on this legislation sometime in the next few days. Odds – Need to watch this once closely and educate Congress about its true implications. If we don't this just may be enacted.

Injury and Illness Reporting. Once again, a bill has been introduced that would require site-controlling employers to keep a site log for all recordable injuries and illnesses occurring among all employees on the site, whether such employees are employed directly by the site-controlling employer or sub-contractors or temporary help. Odds – An interesting bill that has been around before and was included in the major OSHA reform bill. I don't see this being enacted.

Occupational Safety and Health Appropriations. Nothing new to report on this issue. The President has proposed his appropriations requests and the Republicans have proposed a broad look that will not be anywhere near the President's request. Odds – Don't look for either side to get what they want. What we really hope for is some sort of compromise on spending that will be enacted before September 30. AIHA joined with ASSE and the National Safety Council in sending letters to Congress supporting the President's proposal for OSHA funding and opposing his proposal for cutting funds from NIOSH.

Safe patient Handling. No legislation has yet been introduced but will be shortly. This bill would require OSHA to enact a safe patient handling standard. Odds – Really don't see this being enacted in this session of Congress.

OSHA Reform. The same bill that has been around for several years is likely to be re-introduced. This is the bill that would expand OSHA coverage to public employees not currently covered, increase victim's rights, increase criminal penalties, etc. Odds – It will be introduced but doesn't really stand any chance of passage.

Regulatory Activity

Seems there are a lot of issues being discussed; whether or not anything happens with them is another matter.

Confined Spaces in Construction Rule

A draft final rule is now back at OSHA after the White House signed off on the proposal. The White House sent it back to OSHA with some recommendations but no one is willing to say what these recommendations are. Essentially this rule would expand the confined spaces standard to cover construction. Now, what can we expect? OSHA says it will soon publish the final rule. Hope so. The agency agreed way back in 1993 to pursue a confined spaces rule covering construction. I would say this has taken a while. Actually, my prediction is pretty close to coming true. When President Obama took office I predicted this might very well be the first rule to come out of the new administration. Well, after six years it may be finalized and will still be one of the first rules to come out of this administration.

Silica Rule

Another issue OSHA and the White House say will be finalized before the end of this administration's term. I would tend to agree this is probably the number one issue of the agency at this point in time. Everything seemed to be in place for publishing a final rule and then we hear that someone may throw a monkey wrench into the plan. Seems the construction sector is urging OSHA to consider some new data that shows OSHA underestimated the cost of the final rule by 20 percent. Now the question – will OSHA reopen the rule to review this data? If so, that may delay the time to finalize the rule until this administration is no longer in office. If OSHA does not reopen the rule, the construction industry may have a challenge they can take to court to halt the final rule. Will be interesting to watch.

Beryllium. Still waiting for the White House to return the beryllium proposal to OSHA with some sort of recommendation on how to move forward. This is one of the other issues the administration has hinted it may be able to complete in the next 18 months. Not sure if that is possible but you would think it wouldn't be so difficult since the proposed recommended exposure limit was a result of an agreement between labor and the beryllium industry.

Infectious Diseases Rule. The small business review has been completed and the review resulted in a request to OSHA to go back to the drawing board and start over. While this happens quite often with these reviews, in this case it may have a real detrimental effect on the agency moving forward. Don't think this one will make it.

Regulatory News Bits –

- OSHA has rescinded their recent policy to require employers in the SHARP program to leave the program if they have 250 or more employees at a worksite or 500 or more workers overall. The SHARP program is aimed at small and medium-size workplaces. Not only did some lawmakers oppose the OSHA policy but some state officials also opposed the effort by OSHA.
- With the new federal reporting rule on worker injury and fatality incidents that took effect January 1, OSHA is now reporting that regulators are inspecting about

40 percent of the incidents reported. OSHA says the new rule has put the agency in contact with employers it hadn't contacted previously.

- OSHA has released guidance calling for written prevention programs to address the issue of workplace violence in the health-care industry. The voluntary guidelines update a previous version from 2004. There are several federal lawmakers who believe guidelines are ineffective and that the agency needs to develop an OSHA standard.
- Public Citizen and the Public Health Law Research program have released a database of state occupational safety and health regulations and laws in the state plan states. I don't have the information on how to access this information but would suggest contacting either Public Citizen or the Public Health Law Research program of the Robert Wood Johnson Foundation.
- NIOSH has put out information on the NIOSH hearing loss prevention program to assist employers in keeping workplace noise at acceptable levels. The issue of noise and hearing concerns is becoming a larger issue each year. The most recent AIHA member public policy survey found the issue of noise and hearing problems in the top three individual hazards of concern.
- How problematic is the federal budget problem? The Occupational Safety and Health Review Commission stated it may have to furlough staff because of a budget shortfall. I found it rather interesting though that the Commission stated that if the Commission did not fill its required third commissioner slot it may save enough to avoid furloughs. But isn't the Commission required to have three commissioners? A very unique way of explaining how to save money.
- Those waiting to see the comments submitted on the OSHA Request For Information (RFI) on addressing new options to control chemical hazards in the workplace (and updating the PELs) may have to wait a bit longer. The RFI comments were due to be submitted by April 8; however OSHA granted AIHA's request for a six-month extension to allow additional time for AIHA and others to address the many very technical questions in the RFI.

OOPS!

Sorry it has been a while since the last Happenings. A combination of factors kept me from putting one out in March. Appreciate all the emails asking whether or not they had missed the issue. And no, the reason for skipping the issue wasn't because the government shut down as some thought and others hoped. No, I was just a little slow is all.

Federal and State Legislative Action Centers

Visit the AIHA Federal Legislative Action Center to stay abreast of national issues important to occupational health and safety. Simply go to the AIHA home page. Click on "government affairs", located on the "stay connected" tab at the top of the page. Once in government affairs, click on "Federal Legislation Action Center". Also available

within this Action Center is the opportunity for any member to directly contact their elected officials in Washington simply by inserting their zip code. You can send an email or learn how to contact them by phone or mail. Take a look!

The State Center offers AIHA members the opportunity to monitor all state legislative sites, scan IH professional recognition/title protection laws in states where adopted, and even review and follow all state legislation being monitored in the state legislatures throughout the year. Included under each State site is access to the various state agencies, including the Governor's office and OSHA state plan sites. If professional recognition/title protection legislation has been enacted in a particular state, this law can also be found.

Another important feature is member access to each of the weekly legislative/regulatory reports sent to each state. With this access, members can follow any piece of legislation that may be of interest.

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



Happenings On The Hill

American Industrial Hygiene Association Government Affairs Department

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

May 20, 2015

Washington at Work!

That's right, you had better sit down because Washington is actually getting something done. (Well, not so much getting something done but they sure are trying.) The last few weeks has seen more activity than in the previous couple of years combined. Not only that, we have also seen movement on a number of issues impacting occupational safety and health – from both Congress and OSHA.

And to top it off, the approval rating of Congress has nearly doubled in the past six months. But be careful how you interpret that piece of news as it simply means the approval rating went from 10 percent to a whopping 19 percent.

But all of this has to be good news for those who have waited for Washington to at least look as if it is accomplishing something. With lots to report, let's get right to it.

Congressional Issues

Protecting America's Workers Act. Sen. Al Franken (MN) and Rep. Joe Courtney (CT) have introduced what one can say is the "OSHA reform bill". The bills, S 1112 and HR 2090, are very similar to bills that have been introduced in each of the last three sessions of Congress. There is a lot in this bill, but to summarize, the legislation would expand OSHA coverage to those workers not currently covered, increase penalties (both civil and criminal) to those who break the law and do not follow OSHA regulations,

provide additional protection to whistleblowers, clarify an employer's duty to provide a safe worksite for all workers onsite, and provide additional rights to victims of workplace hazards.

Will the legislation stand any chance of passage? Very doubtful as both measures were introduced by Democrats. Matter of fact it will be difficult for the legislation to even have a hearing. But hey, it's something! AIHA is in the process of developing comments on the bill as we need to address these issues as we have in the past.

Grace Period to Abate Violations. HR 1932 has been introduced that would allow employers a grace period to abate certain occupational health and safety violations before being subject to a penalty. This issue has been more prevalent in the states with several states addressing the issue in the last couple of years. The bill has been introduced by Rep. Vicky Hartzler (MO) so stands a somewhat chance of passage.

MSHA Issues. Bills have been introduced in both the House and the Senate addressing several compliance issues with mine safety and health laws, also empowering miners to raise safety concerns. Again though, introduced by Democrats the bill stands little chance of passage.

Federal Budget. Still in the early stages of debate over the FY 2016 federal budget, it looks like it will be difficult for all sides to get together on a final figure. This means we may be looking at another long-term Continuing Resolution (CR). But we still have time. To avoid any potential problems, the FY 2016 budget doesn't have to be adopted until September 30.

The President's budget proposal is considered "dead on arrival" on the Hill. The Republicans have been working on their budget version which is opposed by the President. The biggest concern is whether or not the Republicans will continue down the path of "sequestration". Yes, that term is still around as the law requires the government to continue to cut spending unless overruled by Congress. The problem – the Republicans want to override sequestration cuts for defense spending but continue cuts in other areas. The President says he will not allow this to happen. He wants Congress to either comply with sequestration across the board or override all of the cuts. That will be the debate in the coming months.

And as if that isn't bad enough, the President has released guidance to every federal agency that as the agencies begin to determine needed spending for the FY 2017 budget, the request should include at least a five percent reduction from what they put forth in the FY2016 budget request..

Things will get very difficult next year as the President has nothing to lose in his last year of office. Don't expect him to give in on many things - or the Republicans. It's going to be interesting!

Toxic Substances Control Act. Legislation to amend the Toxic Substances Control Act (TSCA) is moving forward. The latest version of the legislation (after numerous attempts in previous sessions of Congress) is moving through the House Energy and Commerce Committee. The bill would force EPA to complete risk assessments for dangerous chemicals within three years, issue risk management rules within 90 days of completing an assessment and preserve states' rights to issue their own protections.

In past years the legislation went nowhere, but this time could be different. There seems to be an awful lot of support for this version. I give it a 50-50 chance of passage.

Regulation through Guidance. Seems the recent Supreme Court decision affirming agencies do not have to undergo notice-and-comment rulemaking when they issue guidance is not going to be accepted by all. This issue has been debated for several years and doesn't seem to be going away. Several Republican Senators have announced plans to investigate the approach that is used by many federal agencies, including OSHA. Opponents of the use of "guidance" say the process does not allow the public to have input on what may be significant regulations. Supporters of the process say use of guidance is needed because the process for regulatory action just takes too long and that employers want to know how agencies plan on addressing and enforcing regulations.

Regulatory Reform Legislation. If there is one issue that seems to be on everyone's radar in Congress it is "regulatory reform". To date, I count no less than a dozen separate bills that have been introduced to supposedly "reform" the process in some way. While not going into too much detail here (more in a later issue), here is quick look at some of the recommendations:

- Require federal agencies to submit rules that annual impact of \$100 million or more to Congress for approval
- Require federal agencies to issue the "least costly" regulation
- Require agencies to cut or modify existing regulations before they can issue new ones
- Require any proposed regulation to include the internet address of a 100-word, plain-language summary
- Require publication of project costs and benefits for at least six months before a new rule can take effect
- Direct agencies to review existing rules to determine those that are obsolete, duplicative, unnecessary or conflicting with other rules

Chance of passage on any of these? Who knows. In years past one could say none would stand a chance but times have changed. I wouldn't be surprised to see one or two of these bills passed and actually signed by the President.

OSHA Moving Forward on Several Issues

Congress isn't the only place in Washington where it seems activity has picked up. OSHA has been quite busy on numerous fronts:

Confined Spaces Rule

The OSHA confined spaces rule for general industry has been in place since 1993, but expanding this rule to the construction sector has been harder to accomplish. However, on May 4, after nearly twenty years in the making, OSHA published the confined spaces in construction final rule. This new rule largely follows the general industry regulations with a few changes specific to the construction industry and other changes made by technological advances in safety. OSHA expects the new rule to protect nearly 800 construction workers a year from serious injuries and reduce life-threatening hazards.

Now, a little admission here. When the Obama administration came into office in 2009, I predicted that the confined spaces in construction rule would be the first thing approved at OSHA. Obviously, here we are in 2015 and it is just now being approved. On the other hand, not much else has been approved so technically I was pretty close to this being the first thing approved.

Beryllium

The OSHA draft of this proposed rule to reduce the exposure to beryllium remains at the Office of Management and Budget (OMB) – under review. To refresh your memory, the OMB is required under Executive Order to review and return any proposed rule to the agency submitting the proposal within 90 days of receipt. They are allowed to extend this by up to 30 days. Well, the beryllium proposal has now been at OMB for more than eight months. What makes this even more frustrating is the fact that a major industry player in the beryllium industry and a labor union agreed long ago on an acceptable exposure limit.

OMB is now getting a little pressure to complete the review, return the proposal to OSHA, and allow the agency to publish the proposal for public input. A group of Democratic lawmakers on the Hill recently sent a letter to OMB requesting this proposal be sent back to OSHA. As a follow-up, AIHA also sent a letter to OMB supporting efforts to return the proposal to OSHA. Bottom line – it's time OSHA be allowed to publish its proposal and provide the public with the opportunity to comment.

Silica. No word on when, or if, OSHA might move on the silica rule. Time is of the essence on this one as Congress would likely get involved and attempt to stop the rule. That would leave little time for the President to override Congress via veto. There are still many who think this final rule is forthcoming.

Infectious Diseases Rule. Hope is fading that OSHA might be able to conclude this rule in the remaining time of the Obama Administration. So many things on the OSHA plate that this one just might fall off.

Fatality Rate Continues to Decline

One fatality is too many! But good news from the Bureau of Labor Statistics that the U.S. workplace fatality rate set a record low in 2013, dropping to 3.3 deaths for every 100,000 full-time equivalent workers. This is the lowest since 2006. In announcing the statistics, BLS noted that private construction had the highest count of fatal injuries in 2013 (828), but the agriculture, forestry, fishing and hunting sector had the highest fatal work injury rate.

The States

California

California recently updated its standard for preventing heat illness in the workplace.

New York

The Governor of New York has created a multi-agency task force to address nail salon hazards. This issue receiving a lot of press and pressure for federal OSHA to become more involved.

Maine

The State of Maine has requested approval from federal OSHA (likely to be approved) to establish its own state program to cover the health and safety of public workers. Maine does not wish to have control over private sector employees or any federal workers. If you recall, Illinois did the same thing back in 2009. When approved, Maine would be the 26th state to establish a program that includes oversight of public employees.

Virginia

The Governor of Virginia has scheduled a ceremony to sign legislation that makes Virginia the only state with a law making the Voluntary Protection Program a permanent program within the state. The legislation was supported by AIHA and AIHA was invited to attend the signing ceremony. Don't be surprised to see other states enact similar legislation.

Federal and State Legislative Action Centers

Visit the AIHA Federal Legislative Action Center to stay abreast of national issues important to occupational health and safety. Simply go to the AIHA home page. Click on "government affairs", located on the "stay connected" tab at the top of the page. Once in government affairs, click on "Federal Legislation Action Center". Also available within this Action Center is the opportunity for any member to directly contact their elected officials in Washington simply by inserting their zip code. You can send an email or learn how to contact them by phone or mail. Take a look!

The State Center offers AIHA members the opportunity to monitor all state legislative sites, scan IH professional recognition/title protection laws in states where adopted, and even review and follow all state legislation being monitored in the state legislatures throughout the year. Included under each State site is access to the various state agencies, including the Governor's office and OSHA state plan sites. If professional recognition/title protection legislation has been enacted in a particular state, this law can also be found.

Another important feature is member access to each of the weekly legislative/regulatory reports sent to each state. With this access, members can follow any piece of legislation that may be of interest.

See You in Salt Lake City!

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