



# Newsletter

**Volume 15, Issue 6**

**September 2015**

## **Message from the President – Mark Ostapczuk**

It is with great anticipation that I welcome you to another year as a member of one of the largest local sections of AIHA! We have a promising agenda of informative meetings planned for the 2015-2016 year. In addition, I believe you will see some exciting initiatives from our Executive Board as we also welcome our new President-Elect, Mr. Bernie Fontaine, Jr. of the Windsor Consulting Group, Inc.

2014-2015 was another great year in many ways and I want to again thank our outgoing President Stephen Siegel, for doing a fine job and maintaining the legacy of all of our past Presidents. In addition, I also want to thank Barbara Woodhull, Treasurer for keeping us solvent, Grey Coppi, Membership, for managing one of the largest crops of scholarship winners ever (see photos from the June meeting starting on page 11), Jack Zybura, Webmaster and Director of Administration, for developing and getting our new website on line, Dr. Hank Shotwell, Secretary, for his meticulous note taking and helping us stay on track with our goals and objectives, and Tim Rice, Historian, (and the glue that binds this group together since becoming Historian in February of 2003, he has missed only one regular monthly meeting). Thanks again all for your continuing dedicated and voluntary service to NJAIHA!!

It is also my pleasure to announce that we had one of the largest groups in recent memory attend our 2015 IH Summer Refresher course. Thank you Dr. Hank Shotwell for your work in making that happen and helping the next batch of CIH's obtaining their ABIH certification.

In August, the NJAIHA Executive Board held its annual planning meeting for the upcoming year. Arrangements for our meeting speakers and our annual PDC's are well under way to ensure another round of interesting and informative programs that you will have an opportunity to participate.

One of our collective goals as an organization should be to increase our membership. The Executive Board is looking at every way possible way to accomplish that and also to enhance our organization's role in keeping Industrial Hygiene a vital part in protecting the health of workers everywhere. We hope we are not alone in believing the NJAIHA can and should be a great tool to be used to help both experienced IH professionals and those new to the field. To that end, I challenge every one of you to spread the word and bring in new members to NJAIHA. Any and all suggestions are welcome as we make that our top priority for the coming year.

I look forward to seeing all of you at our September 17th meeting at Snuffy's!

Best Regards,

Mark Ostapczuk  
President NJAIHA

## **PLEASE NOTE: Change in Dinner Meeting Rates \$\$\$\$**

As of the September 2015 Meeting the cost for monthly meetings have been increased. Dinner for Members is \$30, Non-members and guests \$40; Students and those unemployed are free.

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## Calendar of Events

Date	Subject	Location
9/17/15	<p><b>Topic:</b> <i>Vapor Intrusion and IAQ: Legal Case Studies in EPA and NJDEP Site Remediation</i> – Discussion regarding the legal implications on federal and NJ cleanup standards and remedial efforts.</p> <p><b>Speaker:</b> Steven Barnett, P.E., CIH, MSPH, Esq.; Partner, Law Offices of Connell Foley LLP</p> <p><b>Topic:</b> <i>Longitudinal Study of the OSHA IMIS Database on Respirable Crystalline Silica Dust</i> – Discussion of the evidence to support change to the OSHA Permissible Exposure Limit (PEL)</p> <p><b>Speaker:</b> Bernard L. Fontaine, Jr., CIH, CSP, FAIHA; Managing Partner, The Windsor Consulting Group, Inc.</p>	Snuffy's Pantagis Scotch Plains, NJ

## Welcome New NJAIHA Members!

Michael Menz, CIH EMSL



## Technical Note



An Article from Dr Hank Shotwell

In today's economic climate, purchasing new IH equipment is problematical. However, there is a wide variety of used, serviceable equipment available on the internet. I recently searched for "noise meter" on eBay and was presented with several pages of choices. I was the successful bidder on a Quest model 215 combination SPL/OBA, with calibrator for just over \$300, including shipping. The unit worked perfectly and was in calibration.

Another find was a set of 12 GenRad noise dosimeters with readout/calibrator device and manuals, for little more than \$250, including shipping. The units provide a red LED readout in % Dose, with a 90 dB criterion level. This means that a readout of 100% Dose is the equivalent of 90 dB. The manuals give equations for converting a % Dose readout to equivalent TWAs not only for the familiar 5 dB Exchange Rate ( $16.61 \log(\% \text{Dose}/100) + 90 \text{ dB}$ ), but for Exchange Rates of 4 and 3 dB as well.

A word of caution – read the seller's description very carefully. Make sure it states that the unit is in good working order, may be returned, and is guaranteed not to be Dead On Arrival. Also, make sure the unit you want is the one being offered. Make use of the "Ask Seller A Question" feature. Happy bargain hunting!

Hank Shotwell

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# Announcement

## **PASSING OF DR. PHIL MOREY, CIH**

The following message is from AIHA IEQ Committee members Don Weekes, CIH, CSP; CSP; Ben Kollmeyer, CIH, IEQ Chair; and Andrew "Tony" Havics, CHMM, CIH, PE,

From Don Weekes:

"The IAQ field has lost a giant. I have just heard that Phil Morey has passed away. It was a sudden passing, and there will be no funeral. Phil is one of the founders of our field of indoor air quality, and a good friend to all on the AIHA IEQ Committee. He always had a kind word to say to everyone, and all who spoke with him felt that they had learned something from his words. His work was always well researched and meticulous in details. His presentations at AIHce were always one of the highlights of the conference. I am so very glad that AIHA honored him in 2014 with the J.Baier Award for technical achievement. We who follow in his path will always be guided by presentations, publications and participation in many Committees. All are welcome to offer condolences at the Monahan Funeral Home website: [www.monahanfh.com](http://www.monahanfh.com). I am sure his wife, Elsie, would appreciate that."

From Ben Kollmeyer:

"I think Don's words reflect the feelings of many in the IEQ field. His mentoring and kindness will be missed, and his body of work will continue to educate our profession for years to come."

From Tony Havics:

"Besides AIHA, I will remember Phil for:

- ASTM, Biological Contaminants In Indoor Environments ASTM 1071, 1990 (editor & contributor)
  - 1991 4th Ed. Patty's on IEQ
  - ACGIH, Guidelines For the Assessment of Bioaerosols In the Indoor Environment, 1989 (committee member)
  - ACGIH TLV Committee on Bioaerosols, Bioaerosols Limit, Appl Ind Hyg, 4, R19-R23, 1986 (committee chair)"
-

# Our Officers

<u>Office</u>	<u>Name</u>	<u>Phone</u>	<u>Email Address</u>
<b>President</b>	Mark Ostapczuk	201-250-1097	Mark.Ostapczuk@UnitedWater.com
<b>President-Elect</b>	Bernie Fontaine, Jr.	732-221-5687	windsgroup@aol.com
<b>Treasurer</b>	Barbara Woodhull	732-225-6040	barb.woodhull@us.bureauveritas.com
<b>Secretary</b>	Henry Shotwell	908-310-8481	dr.hank@mindspring.com
<b>Past-President</b>	Stephen Siegel	302-451-3545	Stephen.Siegel@dupont.com
<b>Director: Member Services</b>	Grey Coppi	908-548-4599	greypcoppi69@hotmail.com
<b>Director: Administration</b>	Jack Zybura	973-560-0090	jzybura@lsga.com
<b>Director: Publications</b>	Mark Ostapczuk	201-250-1097	Mark.Ostapczuk@UnitedWater.com
<b>Executive Secretary</b>	Ronnie Tutty	973-300-0144	njaiha@ptd.net
<b>Web Master</b>	Jack Zybura	973-560-0090	jzybura@lsga.com
<b>Historian</b>	Tim Rice	908-782-2102	ricehss@comcast.net

## 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.

The advertising rates are as follows:

- 1/4 page ad in newsletter & listing on web site \$100 (annual)
- 1/2 page ad in newsletter & listing on web site \$200 (annual)
- 1 page ad in newsletter & listing on web site \$400 (annual)

## Interested in Being a Meeting Sponsor?

Recognition on meeting announcement, 1 free dinner at meeting, brief presentation and/or table at meeting \$300 (per meeting)

**See our website:** <http://www.njaiha.org/wp-content/uploads/2015/02/NJAIHA-Advertisement.pdf> or email Mark Ostapczuk at [president@njaiha.org](mailto:president@njaiha.org) for more information.

## PLEASE NOTE!

**Change in Rates \$\$\$\$**

As of the September 2015 Meeting the cost for monthly meetings have been increased. Dinner for Members is now \$30, Non-members and guests will increase to \$40; Students and those unemployed are free

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## NJAIHA September 2015 Newsletter Page 8



## 2016 Industrial Hygiene and 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 maintenance points must sign an attendance sheet for each session.

### Industrial Hygiene & Safety Lecture Topics

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

The IH classes will be held Tuesday nights (6:00-9:00) beginning the first week of June 2016 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 are posted on the NJAIHA web page** <http://www.njaiha.org/events/njaiha-summer-review-course/>.



## September 2015 – DINNER MEETING

### **NJAIHA OFFICERS**

President  
Mark Ostapczuk  
United Water, Inc.  
201-250-1097

President-Elect  
Bernie Fontaine, Jr.  
Windsor Consulting  
Group, Inc.  
732-221-5687

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Mark Ostapczuk  
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Historian  
Tim Rice  
Rice Health and  
Safety Services, Inc.  
908-782-2102

Executive Secretary  
Ronnie Tutty  
973-300-0144

**DATE:** Thursday, September 17<sup>th</sup>, 2015

**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/Appetizers/Cash Bar

**5:45 p.m. President's Message**

**6:00 p.m.** Before Dinner Session:

**Topic:** Vapor Intrusion and IAQ: Legal Case Studies in EPA and NJDEP Site Remediation – Discussion regarding the legal implications on federal and NJ cleanup standards and remedial efforts.

**Speaker:** Steven Barnett, P.E., CIH, MSPH, Esq. Partner, Law Offices of Connell Foley LLP

**7:00 p.m.** Dinner – Members \$30, Non-members and guests \$40  
Students and those unemployed are free (subsidized 100% for dinner meetings)

**7:30 p.m.** After Dinner Session:

**Topic:** Longitudinal Study of the OSHA IMIS Database on Respirable Crystalline Silica Dust – Discussion of the evidence to support change to the OSHA Permissible Exposure Limit (PEL)

**Speaker:** Bernard L. Fontaine, Jr., CIH, CSP, FAIHA; Managing Partner, The Windsor Consulting Group, Inc.

Please register by **Tuesday, September 15<sup>th</sup>**, by calling Ronnie Tutty at **973-300-0144** or you may email your reservation to [njaiha@ptd.net](mailto:njaiha@ptd.net) or fax your reservation to 973-579-6202, giving the name(s) of those who will attend

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### Directions to Snuffy's Panagis Renaissance:

**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.

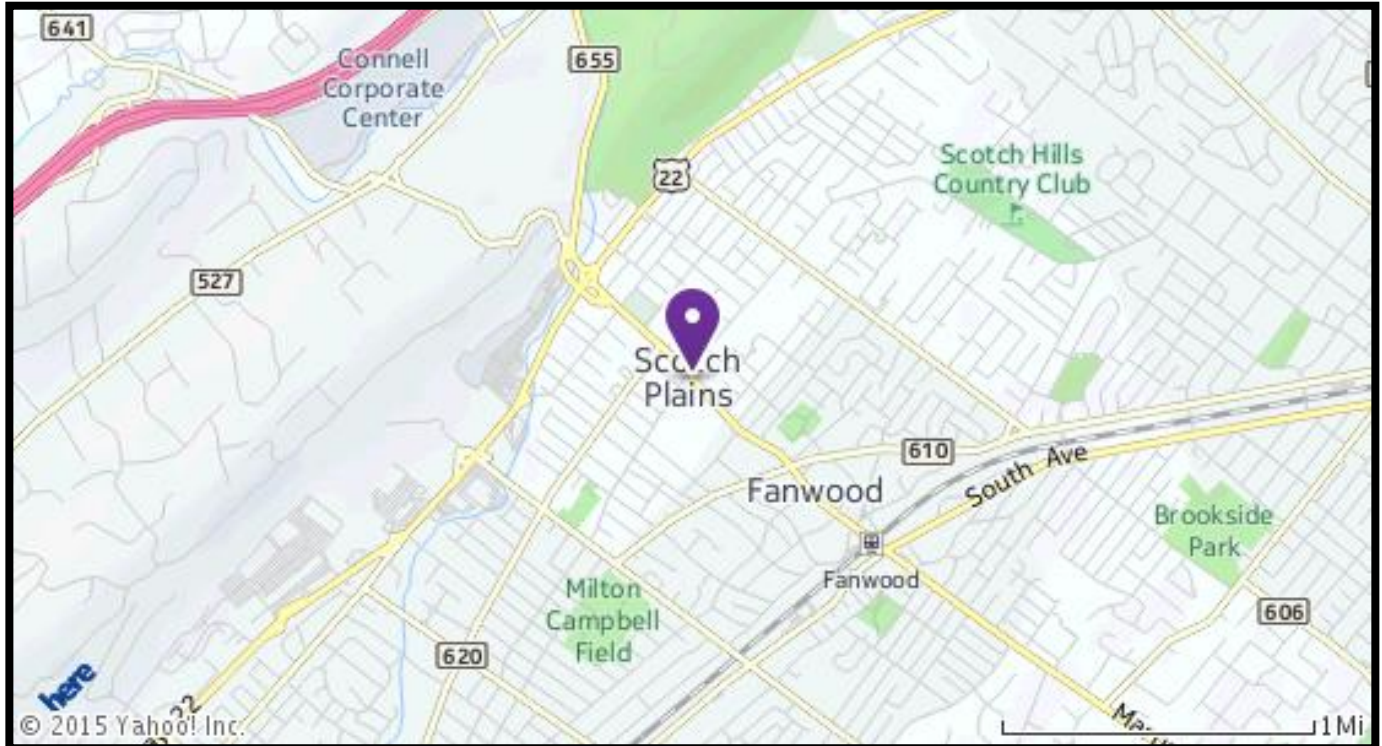
**From: Manhattan via the Lincoln Tunnel** Take NJ Turnpike to Exit 14 (Newark Airport). Take Route 78 (local lane). Proceed 7.5 miles to Route 24 West. Proceed 9.5 miles to 287 South to exit 30-A and continue as above.

**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.



## Recent NJAIHA Activities in Pictures

Tim Rice, NJAIHA Historian



### New Jersey Section AIHA - June 2015 Year-End Dinner Meeting

On Thursday, June 11, 2015, our annual year-end Dinner Meeting was held, as has become tradition, at the beautiful Basking Ridge Country Club in Basking Ridge, NJ. Section members and guests enjoyed convening for the last meeting of the 2014-2015 season at which outgoing officers were recognized, the year in review was presented, student scholarships were bestowed, we heard from three invited speakers, and members got one last chance to network before Section dinner meetings begin again in the Fall.

**Steve Siegel**, NJAIHA President, did a great job emceed this year's dinner meeting which was loaded with activities. To start things off, it was a pleasure to again welcome **Tom Case**, CIH, CSP, FAIHA. Tom joined us in his capacity as Local Sections Mid-Atlantic Regional Representative of the AIHA Local Sections Council (LSC), and as such, re-introduced himself to members and guest and reviewed his role on the Council which includes helping to facilitate open lines of communication between the nine Mid-Atlantic Local Sections and the LSC, AIHA, and AIHA Board of Director members.

Next we heard from **Robert Laumbach**, MD, MPH, CIH, Associate Professor, Rutgers Robert Wood Johnson Medical School, Piscataway, NJ, who provided attendees with a thorough update on the current state of air quality issues in New Jersey. Dr. Laumbach currently serves as NJAIHA's representative on the New Jersey Governor's Clean Air Council. The Council, created in 1954, serves in an advisory capacity to make recommendations to the NJ Department of Environmental Protection regarding air matters and consists of eighteen members, fourteen of which (including Dr. Laumbach) are appointed by the Governor.

A traditional event during one of our Spring dinner meetings is the presentation of scholarships to deserving and qualifying students who have demonstrated scholastic excellence in the study and promotion of environmental health and safety/industrial hygiene at the undergraduate or graduate levels. With **Greg Coppi**, NJAIHA Director of Member Services, presiding, six students were awarded scholarships this year as follows: a \$1,000 *Raymond Manganelli Scholarship* to **Olusola Adedoyin**; a \$1,000 *Brian M. Sylvester Memorial Scholarship* to **Joe Zientek**, Rutgers School of Public Health; a \$1,000 *President's Scholarship* to **Michael Blahut**, Middlesex County College; a \$500 *President's Scholarship* to **Katherine Fay**, Middlesex County College; a \$500 *President's Scholarship* to **Megan Rockafellow**, Rutgers School of Public Health; and a \$500 *President's Scholarship* to **Ruchi Panocholy**, University of South Florida. Congratulations to Olusola, Joe, Michael, Katherine, Megan and Ruchi from everyone at NJAIHA!

Next up on the agenda, President Siegel gave an excellent summation of Section highlights and accomplishments for the 2014-2015 year, which included, among other things, a diverse variety of speakers and topics at our eight monthly meetings, successful Fall PDCs, a robust student scholarship campaign for the year as just previously reviewed, and a successful 2014 Summer Industrial Hygiene Refresher Course (thanks, Hank Shotwell!). Outgoing President Siegel was then presented with a



plaque by **Craig Doolittle**, NJAIHA Past-President, in recognition of the service, clear direction, and personal time (which including that long commute each month from home!) he provided to our Section over this past year.

**Barbara Woodhull**, continuing in her second term as NJAIHA Treasurer, then presented the Annual Treasurer's Report for 2014-2015 which indicated that our Section continues to maintain itself on fiscally sound ground.

The evening's proceedings were rounded out with both a technical presentation and a technical demonstration. First up was our after-dinner speaker, **Jacqueline Robertson**, CIH, CSP, Senior EHS Director, United Water, Paramus, NJ, who gave an enlightening presentation, entitled "*Implementing a Culture Change in Large Public Utility – Ergonomic Factors*" during which she detailed ergonomic initiatives undertaken at United Water field operations in NJ and other states.

Staying on the topic of ergonomics (but this time, office oriented) **Michael Hamilton**, of ErgoDynamics, Inc. Piscataway, NJ, concluded the evening's events with a demonstration of how to perform a proper computer workstation evaluation. Assisting Mike was **Mark Ostapczuk**, incoming NJAIHA President, who played the role of office employee at a mock computer workstation.

And, last but not least, we would like to extend our appreciation to **EMSL Analytical, Inc.**, Cinnaminson, NJ, and **Hydro-Environmental Technologies, Inc.**, Oakland/Beachwood, NJ, for subsidizing the networking/cocktail session.

Here are a few highlights from the evening in pictures.



NJAIHA members and guest enjoy networking prior to the start of the 2014-2015 Year-End Dinner Meeting.



**Steve Siegel**, NJAIHA President, discusses the highlights and accomplishments of the 2014-2015 year during his "Year in Review" presentation.

## New Jersey Section AIHA - June 2015 Year-End Dinner Meeting (cont.)



NJAIHA members and guests listen to Barbara Woodhull, NJAIHA Treasurer, as she provides the Annual Treasurer's Report for 2014-15.



Craig Doolittle, NJAIHA Past-President (right), reads from a plaque being presented to Steve Siegel, outgoing NJAIHA President, in appreciation and recognition of Steve's term of dedicated service to the Section's members.



Tom Case, Local Sections Mid-Atlantic Regional Representative of the AIHA Local Sections Council (LSC), returned again to our year-end meeting to update us on efforts by the Council to help facilitate open lines of communication between the nine Mid-Atlantic Local Sections and the LSC, AIHA, and AIHA Board of Directors.



Robert Lambauch, MD, MPH, CIH, Associate Professor, Rutgers Robert Wood Johnson Medical School, Piscataway, NJ, provides attendees with an update on the current state of air quality issues in New Jersey. Dr. Laumbach currently serves as NJAIHA's representative on the New Jersey Governor's Clean Air Council.



## New Jersey Section AIHA - June 2015 Year-End Dinner Meeting (cont.)



Our after-dinner technical speaker, Jacqueline Robertson, CIH, CSP, Senior EHS Director, United Water, Paramus NJ, is shown here beginning her presentation “*Implementing a Culture Change in Large Public Utility - Ergonomic Factors*” during which she detailed ergonomic initiatives undertaken at United Water operations.

Michael Hamilton (left), ErgoDynamics, Inc. Piscataway, NJ, with the help of Mark Ostapczuk, incoming NJAIHA President, at the mock workstation, is shown demonstrating how to perform a proper computer workstation evaluation.



Four of our six NJAIHA Student Scholarship Awardees gathered for a group photo with Dr. Gail Becker, Professor, Middlesex County College, who presented the *Raymond Manganelli Scholarship*. Shown left to right are Olusola Adedoyin, New Jersey Institute of Technology, the *Raymond Manganelli Scholarship*; Katherine Fay, Middlesex County College, a *President’s Scholarship*; Dr. Becker; Michael Blahut, Middlesex County College, a *President’s Scholarship*; and Megan Rockafellow, Rutgers School of Public Health, a *President’s Scholarship*. Joe Zientek, Rutgers School of Public Health, who received the *Brian M. Sylvester Memorial Scholarship* and Ruchi Panocho, University of South Florida, who received a *President’s Scholarship*, were unable to be with us in person for the meeting. Congratulations to all from everyone at NJAIHA!



## *Happenings On The Hill*

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

Aaron K. Trippler, Director  
703-846-0730 [atrippler@AIHA.org](mailto:atrippler@AIHA.org)

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**July 13, 2015**

#### **No End in Sight on Budget**

The battle of the budget is in full swing in Washington as Congress winds down its summer work and prepares for the summer recess the month of August. I don't expect to see a federal budget adopted any time soon. Frankly, odds are better than 50-50 that there will be no agreement on an actual budget, a threat of another government shutdown, and then a last minute Continuing Resolution adopted to continue funding the government.

So where's the problem? It is likely the debate that will take place over "sequestration". Remember that? The law that requires the government to cut around \$100 billion a year in spending each year for ten years. Congress changed the law for a couple of years to spare those cuts but sequestration is rearing its ugly head again this year. The fight centers around the fact that Congress wants to override sequestration so far as defense spending is concerned while leaving other cuts in place. The President has vowed to veto any such attempt and says Congress either cuts everyone as required or no one.

That folks is called a stalemate!

But how does all of this impact occupational safety and health? Well, OSHA, MSHA and NIOSH aren't exactly budget areas to fight over, but taking a look at the different views on these budgets is worth a few minutes. Here's where we stand:

## **OSHA**

Existing Budget:	\$552.8 million
President's Proposal:	\$592.1 million (\$40 million increase)
Senate Proposal:	\$524.5 million (5.2% cut from existing budget)
House Proposal	\$535 million (3.2% cut from existing budget)

### **Notable issues:**

The House proposal would cut federal enforcement by \$15 million, cut all funds for the Harwood Training Grants, delay the silica rule until the agency can demonstrate the effectiveness of equipment intended to measure silica exposure and show that methods for reducing silica exposure can be completely cost effective.

The Senate proposal would block moving forward with the silica rulemaking until new outside reviews are conducted.

## **NIOSH**

Existing Budget:	\$334.9 million
President's Proposal:	\$283 million
Senate Proposal:	\$316 million (5.7% cut from existing budget)
House Proposal	\$341 million (1.8% increase over existing budget)

### **Notable issues:**

The President proposes to cut all funding to the ERC and AFF programs

The Senate proposes to fund the ERC program but cut funds to the AFF program

The House proposes to continue funding for both the ERC and AFF programs

## **MSHA**

Existing Budget:	\$375.9 million
President's Proposal:	\$394.9 million (\$20 million increase)
Senate Proposal:	\$357 million (5% cut from existing budget)
House Proposal	\$371 million (1.3% cut from existing budget)

Bottom Line – Don't expect to see any budgets for occupational safety and health decided any time soon. Besides, none of the proposals cited here have even made it to the floor of either the Senate or the House. Frankly, I expect to see the OSHA, MSHA and NIOSH budgets end up about where they are today. Sure seems like a lot of work to make few changes!

## **New Issues in Congress**

Several measures have been introduced in Congress the last few weeks that would have an impact on occupational safety and health. While odds are slim that any of these issues make their way into law it is worth taking a look at the mood of Congress on OH&S:

**Voluntary Protection Program (H.R.2500).** This bill would codify the Voluntary Protection Program (VPP), meaning the program would become a permanent program within OSHA, including a provision for separate funding. This is the fourth time the bill has been introduced in Congress. Previous versions were never seriously considered



and I don't expect this one to be either. However, the purpose of the bill is to let OSHA know that this program is a success and the agency should not do anything to tinker with the program. AIHA will be submitting a letter of support for this legislation in the next week. Note: If you recall, Virginia enacted similar legislation to become the first state to do so on the state level.

**Regulatory Reform.** This continues to be a hot issue on the Hill. In addition to the more than a dozen bills previously introduced regarding regulatory reform, no end is in sight. A Resolution has been introduced to establish a permanent joint select committee that would be charged with measuring the feasibility of all rules forecast to cost the economy at least \$50 million. The panel would also hold hearings on the effects of regulations.

Another regulatory idea floating around is to create a "regulatory budget" that would limit federal agencies' rulemaking abilities. This would hold federal agencies accountable for the rules they issue by tracking the financial burdens the rules place on the economy. The estimated cost of each rule would be added up and capped at a certain amount.

A similar measure would encourage agencies to minimize the cost of regulations and improve transparency. Sounds reasonable to me and not sure why a law would be needed? This should be done anyhow. Ah, the ways of Congress!

**TSCA Reform.** Reforming the Toxic Substances Control Act (House version HR 2576) is on its way to reality, I think! The House passed the bill and has sent it to the Senate where there is support for making reforms to this Act. The bill would make it easier for EPA to request new safety data on chemicals and regulate chemicals already on the market. This latest version (after numerous attempts in previous sessions of Congress) doesn't try to be "all things for all people", the main reason it has a chance of making it through the legislative process.

**Safe patient handling.** Expected to be introduced shortly is a bill that would require OSHA to enact a safe-patient handling standard to protect health care workers from musculoskeletal injuries.

**Federal Contracts.** Lots of debate over an Executive Order that requires the federal government to consider labor law violations committed within the past three years when making contracting decisions. This would include violations of OSHA regulations. On the surface, a great idea, but as with anything the devil is in the details.

**Accommodations for Pregnant Workers.** Finally, there is a bill introduced (S 1512) that would require employers to provide reasonable accommodations to pregnant workers similar to those provided to employees with disabilities. This issue has been a "hot button" issue in many states, forcing the federal government to finally take a look.

## **OSHA Activity**

**Silica.** Still waiting to see what the agency might do with the proposed silica rule. With Republicans in Congress mounting an all-out attack on the proposal it will be interesting to see what the agency has in store for the rule.

**Beryllium.** Finally, after 10 months languishing at the White House Office of Information and Regulatory Affairs, the OSHA proposal to lower the exposure level to beryllium has been sent back to the agency. There aren't any details on what the White House said to OSHA, but the road is now clear for the agency to move forward with the proposal and open it up for public comment. OSHA still hopes to complete this rulemaking during the Obama administration, but time is running out.

**Combustible Dust.** While rulemaking is likely out of the question, OSHA has issued an enforcement memorandum regarding the issue. According to OSHA, the memo was issued to "help compliance safety and health officers determine whether dust accumulation in a facility should be cited in violation of OSHA standards". Industry has voiced concern over this memo not only because of several requirements within the memo but because it seems as if OSHA is using the memo in place of notice and comment rulemaking.

**Injury and Illness Prevention Program (I2P2).** Yes, the issue is still making news at the agency, albeit not as a regulatory proposal. Dr. Michaels recently announced that while the agency will not resume work on the issue, he hopes to soon release guidance on the programs used by employers.

**Ergonomics.** No, the agency has not addressed the issue of ergonomics through rulemaking but it has increased the number of ergonomics citations it issues under the general duty clause. And a new federal enforcement policy from OSHA gives workplace safety inspectors additional clarity on citing health-care facilities for safe-patient handling issues under the general duty clause.

**Confined Spaces Rule.** Don't forget, the confined spaces in construction rule takes effect in August, with full enforcement to take effect October 2. On July 9, the agency issued temporary enforcement policy for the standard. But hold the phone – there is an ongoing challenge in a federal appeals court; but I expect the rule to take effect as scheduled.

## **NIOSH**

Word is that NIOSH hopes to issue a recommended exposure limit for diacetyl later this year.

NIOSH is also in the process of developing a system for occupational exposure banding. This would help address the continued concern of outdated permissible exposure limits (PELs). While OSHA is in the process of accepting comments on ways to improve control of chemical exposure in the workplace, exposure banding seems to near the top of the list of solutions. And boy is it needed! Experts state there are as many as 100,000 chemicals in commerce, but fewer than 2,000 exposure limits worldwide.

**NIOSH Nanotechnology Study.** A recent study to determine risk to workers working with nanotechnology materials found a bit of good news. Although this was a limited study results found exposures to carbon materials were below the recommended limit.

Finally, another piece of good news regarding workplace safety and health. The state of Oklahoma recently enacted legislation that would require school districts throughout

Oklahoma to provide training on workplace safety and health to students in grades 7 through 12. NIOSH has partnered with the OK State Department of Education to make this information available. Let's hope this program is expanded across the United States!

### **The Way I See It!!**

After rereading this issue, I had this feeling that FINALLY, it looks as if Congress, OSHA, etc. are moving forward with issues that impact occupational safety and health. Then I read between the lines and realized that the "more things change, the more they stay the same".

What gives me pause to realize that much of the activity will not result in action was a recent story I read about workplace health and safety protections. The story, written by Jamie Smith Hopkins and published by the Center for Public Integrity, focused on protecting workers, but asked the question of "Who's to blame for the deaths, injuries and illnesses each year and why can't we protect these workers"?

While there is plenty of blame to go around, the statistics on regulatory activity was startling. "In the last 20 years OSHA has issued seven health standards, one of which was revoked by Congress, compared six in 1978 alone."

I also found the story very interesting when discussing the outdated PELs. Ms. Hopkins stated that "when OSHA attempted to update 376 chemicals in 1989 and won praise from big industry groups, it was several trade groups that ultimately filed suit to overturn some of the new limits. And that the AFL-CIO filed suit, too, but to get OSHA to toughen some of the rules, not toss them."

So, what does this tell us? Well, what it says is that early everyone is to blame for the regulatory gridlock. However, it also says that everyone has a say in the process which is as it should be.

I say "nearly everyone" because no matter what, the professionals in occupational safety and health continue to protect workers day in and day out no matter what happens in Congress or at OSHA.

### **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 Tripler.