



**TVS – AIHA Board Meeting
August 16, 2011
Government Affairs
(February 17, 2011 – Present)**

1. Legislation has been introduced addressing the development of nanotechnology. The bill would provide grants and funding for nanotechnology research and development. The bill probably won't get serious consideration. **Note: NIOSH hopes to have guidelines and a recommended exposure limit for nano later this year.**
2. OSHA maintains that the Injury and Illness Prevention Program (I2P2) is still their number one priority.
3. The combustible dust, silica, and GHS rules continue to be delayed. The small business review for combustible dust is now delayed until December, and the OMB review for silica was expected months ago. OSHA hoped to have a proposed rule on silica by June. OSHA plans to send the GHS to the OMB by September.
4. The draft "Criteria for a Recommended Standard: Occupational Exposure to Diacetyl and 2,3-Pentanedione" was released on 8/12/11 (<http://www.cdc.gov/niosh/docket/archive/pdfs/NIOSH-245/DraftDiacetylCriteriaDocument081211.pdf>). A meeting to discuss and obtain comments is scheduled for 8/26/11.
5. A bill was introduced to make VPP a permanent part of OSHA's mission. The bill has bipartisan support, so the likelihood of passing is 50/50. AIHA supported the bill.
6. OSHA is requesting public comments on a Notice of Proposed Rulemaking announced in the June 22 Federal Register that updates two aspects of the agency's recordkeeping and reporting requirements for work-related injuries and illnesses. Under the proposal, employers would be required to report to OSHA any work-related fatalities and in-patient hospitalizations within eight hours, and work-related amputations within 24 hours. Under the current regulation, employers are required to report any work-related fatality and only work-related in-patient hospitalizations of three or more workers and are not required to report amputations.
7. The U.S. Department of Health and Human Services recently released the National Toxicology Program's (NTP) 12th Report on Carcinogens (RoC) (<http://ntp.niehs.nih.gov/?objectid=03C9AF75-E1BF-FF40-DBA9EC0928DF8B15>), one of the two cancer lists referenced in OSHA's Hazard Communication Standard (HCS). As a result, employers that manufacture, distribute, or use any of the eight chemicals with new or updated listings in the 12th RoC need to determine if the changes have any impact on their existing hazard communications programs.
8. A new OSHA educational booklet addresses concerns about poor indoor air quality and the impact it has to the health of office workers and other building occupants. *Indoor Air Quality in Commercial and Institutional Buildings* (<http://www.osha.gov/Publications/3430indoor-air-quality-sm.pdf>) provides building owners, managers, employers and workers with

recommendations to prevent or minimize IAQ problems in commercial and institutional buildings.

9. OSHA has several National Emphasis Programs (NEP), Special Emphasis Programs (SEP), and Local Emphasis Programs. Links to these programs are <http://www.osha.gov/dcp/neps/nep-programs.html> and http://www.osha.gov/dep/local_emphasis_programs.html. These programs include items such as recordkeeping, combustible dusts, silica, etc. The recordkeeping NEP (http://www.osha.gov/OshDoc/Directive_pdf/CPL_02_09-08.pdf) involves inspecting occupational injury and illness records prepared by businesses and enforcing regulatory requirements when employers are found to be under-recording injuries and illnesses.
10. Legislative actions associated with the IH profession in Tennessee can be found at <http://www.aiha.org/news-pubs/govtaffairs/stateactivitycenter/tennessee/Pages/default.aspx>. Once on this page, you must log in using your AIHA membership number and last name.
11. OSHA Activity (selected from OSHA *QuickTakes* - February 15, 2011 through August 15, 2011)
 - OSHA invites employers and workers to use its new Heat Safety Tool smart phone app (http://www.osha.gov/SLTC/heatillness/heat_index/heat_app.html), the first developed by OSHA. The app is designed for devices using an Android platform, and versions for BlackBerry and iPhone users will be released shortly. OSHA also issued a new Web-based tool, "Using the Heat Index: Employer Guidance," (http://www.osha.gov/SLTC/heatillness/heat_index/index.html) that instructs employers about using the heat index to calculate and address risks posed to workers.
 - OSHA launched a new Safety and Health Topics page on Occupational Noise Exposure (<http://www.osha.gov/SLTC/noisehearingconservation/index.html>) to provide resources to prevent noise-related hearing loss, which has been listed as one of the most prevalent occupational health concerns in the United States for more than 25 years.
 - OSHA cited Cooper Tire and Rubber Co. and two of its maintenance contractors \$254,900 and cited them with 25 safety violations at Cooper's Tupelo, Miss., plant, including exposing workers to hazards associated with combustible dust. OSHA opened a December 2010 inspection in Tupelo following an inspection at the company's Findlay, Ohio, plant that uncovered multiple workplace hazards.
 - OSHA issued a new directive establishing a National Emphasis Program (NEP) for the Primary Metals Industries (http://www.osha.gov/OshDoc/Directive_pdf/CPL_03-00-013.pdf). The purpose of this NEP is to identify and reduce or eliminate worker exposures to harmful chemical and physical hazards in primary metals industries that extract and refine metals. Among these establishments are those that manufacture nails, insulated wires and cables, steel piping, and copper and aluminum products.
 - The OSHA Recordkeeping Adviser (<http://www.dol.gov/elaws/OSHARecordkeeping.htm>) is a new Web tool that helps employers understand their responsibilities to report and record work-related injuries and illnesses under the Occupational Safety and Health Administration's regulations.
 - OSHA has a new Injury and Illness Prevention Programs Web page (<http://www.osha.gov/dsg/topics/safetyhealth/index.html>) to provide easy to use, informative and useful guidance on how to implement an effective system for finding and fixing workplace safety and health hazards.
 - OSHA issued a hazard alert (http://www.osha.gov/SLTC/formaldehyde/hazard_alert.html) to hair salon owners and workers about potential formaldehyde exposure from working with some hair smoothing and straightening products. Oregon OSHA issued an alert to Oregon hair salons in

- October about the presence of formaldehyde in products used to smooth or straighten hair. Oregon OSHA tested more than 100 product samples from more than 50 Oregon salons. The sampling results (http://www.orosha.org/pdf/Final_Hair_Smoothing_Report.pdf) confirmed significant levels of formaldehyde in products labeled "formaldehyde free." For example, of the product samples tested by Oregon OSHA, 37 came from bottles of Brazilian Blowout Acai Professional Smoothing Solution, labeled "formaldehyde free." The formaldehyde content in that product averaged 8.68 percent. Oregon OSHA also monitored the air in several salons to assess worker exposure levels to formaldehyde. "Although it's not clear whether the regulatory level of airborne exposure would be exceeded based on our results, it is clear that the levels are high enough to cause concern," said Michael Wood, Oregon OSHA administrator. "And it is certainly clear that the amount of formaldehyde in many of these products is high enough to trigger the requirements of OSHA's formaldehyde rules."
- OSHA's new distracted driving brochure (<http://www.osha.gov/Publications/3416distracted-driving-flyer.pdf>) explains to employers and supervisors the importance of preventing texting by their workers while driving. Texting while driving dramatically increases the risk of motor vehicle crashes, the leading cause of worker fatalities. Distracted driving crashes killed more than 5,400 people and injured nearly 500,000 in 2009.
 - OSHA's data on employer specific injury and illness incidence rates is now publicly available on Data.gov and its Web site (http://www.osha.gov/pls/odi/establishment_search.html). OSHA collects work-related injury and illness data from more than 80,000 employers within specific industries and of a certain employment size. The agency uses this data for its strategic management plan and as a targeting mechanism for its Site-Specific Targeting enforcement program.
 - The most frequently cited OSHA standards can be found at http://www.osha.gov/pls/imis/citedstandard.sicman?p_esize=&p_state=FEFederal.
 - Bi-weekly e-news memos, called *OSHA QuickTakes*, "with information, updates, and results from OSHA about safety and health in America's workplaces" are available at <http://www.osha.gov/as/opa/quicktakes/index.html>. Each memo provides OSHA information from the previous 2 weeks, and normally includes a topical safety message.
 - OSHA posts safety and health-related conference and meeting information to the events page (<http://www.osha.gov/as/opa/events/osha-conferences.html>) on its Web site.
 - [OutreachTrainers.org](http://www.outreachtrainers.org) (http://www.outreachtrainers.org/client/trainer_results.aspx) is a free Web site dedicated to the Outreach Training Program community. Developed in cooperation with OSHA's Directorate of Training and Education, the site provides easy access to scheduling information for 10- and 30-hour Construction and General Industry training classes. Employees interested in training can search from more than 700 registered outreach trainers, and find course locations and schedules based on the type of training and proximity. Additionally, authorized outreach trainers can list their class schedules, profile and contact information. OSHA anticipates that this site will become a key component in helping organizations find training that matches their employees' needs. The OSHA Outreach Training Program is the agency's primary method of training employees in hazard recognition and prevention.
 - Free publications are available from OSHA on their Publications web page (<http://www.osha.gov/pls/publications/publication.AthruZ?pType=AthruZ>)

12. OSHA Semiannual Regulatory Agenda (published July 7, 2011) (Only items pertaining to industrial hygiene are included.) (**Updates from the previous Semiannual Regulatory Agenda are in bold**)
- a. Pre-rule Stage
- Occupational Exposure to Beryllium – gathering information to establish a standard; small business review report was completed 01/23/08; are currently conducting a scientific peer review of its draft risk assessment; **the scientific peer review was completed in 11/10; hope to complete the economic peer review by 06/11 (no confirmation).**
 - Ionizing Radiation - OSHA is considering amending 29 CFR 1910.1096 that addresses exposure to ionizing radiation (published in 1974). The next step for the ionizing radiation project is to hold discussions with key stakeholders. OSHA held meetings in 03/07 and 04/07 that were targeted to specific stakeholder groups, including state organizations with responsibility for worker exposure to ionizing radiation, professional associations, and specific industry groups such as dental, medical and veterinary professionals. **No additional timetable at this time.**
 - Emergency Response and Preparedness – collecting information to evaluate what action should be taken since there are several outdated standards that need to be updated; OSHA will be collecting information to evaluate what action the agency should take; Request for Information by 07/07; review comments by 07/08. **No additional timetable at this time.**
 - Diacetyl - On July 26, 2006, the United Food and Commercial Workers International Union (UFCW) and the International Brotherhood of Teamsters (IBT) petitioned DOL for an Emergency Temporary Standard (ETS) for all employees exposed to diacetyl, a major component in artificial butter flavoring. Evidence from NIOSH and other sources indicated that employee exposure to diacetyl and food flavorings containing diacetyl is associated with bronchiolitis obliterans, a debilitating and potentially fatal disease of the small airways in the lung. Severe obstructive airway disease has been observed in the microwave popcorn industry and in food flavoring manufacturing plants. Experimental evidence has shown that inhalation exposure to artificial butter flavoring vapors and diacetyl damaged tissue lining, the nose, and airways of rats and mice. A stakeholder meeting was held on 10/17/07. Planned to have a small business review report in 05/08. The advance notice of proposed rulemaking (ANPRM) was withdrawn on March 17, 2009 in order to facilitate timely development of a standard. The Agency subsequently initiated review of the draft proposed standard in accordance with the Small Business Regulatory Enforcement Fairness Act (SBREFA). The SBREFA Panel Report was completed on July 2, 2009. **A peer review of the health effects and risk assessment to be initiated by 06/11 (no confirmation). As mentioned in item 4 above, NIOSH has written a draft criteria document and OSHA is planning to use those portions of the criteria document for the health effects analysis and quantitative risk assessment for the Agency's diacetyl rulemaking.**
 - OSHA will undertake a review of the Bloodborne Pathogen Standard (29 CFR 1910.1030) to consider the continued need for rule, whether the rule overlaps, duplicates or conflicts with other Federal, State or local regulations, and the degree to which technology, economic conditions or other factors may have changed since the rule was evaluated. **The review began on 10-22-09 and the request for comments period ended in 08-10. The comments are to be analyzed by 06/11 (no confirmation).**

- Combustible Dust – OSHA issued an Advanced Notice of Proposed Rulemaking in 10/21/09. Comments are due 1/19/10. The proposal can be found at <http://edocket.access.gpo.gov/2009/E9-25075.htm>. OSHA held its first virtual stakeholder meeting June 28, 2010 to seek input about combustible dust workplace hazards. **No additional timetable at this time.**
- b. Proposed Rule Stage
- Occupational Exposure to Crystalline Silica – address outdated PELs; NIOSH and ACGIH recommend 50 $\mu\text{g}/\text{m}^3$ and 25 $\mu\text{g}/\text{m}^3$ exposure limits, respectively, for respirable crystalline silica. Both industry and worker groups have recognized that a comprehensive standard for crystalline silica is needed to provide for exposure monitoring, medical surveillance, and worker training. Hope to initiate a peer review of health effects and risk assessment by 06/09. The peer review was completed on 01/24/10. OSHA plans to publish a Notice of Proposed Rulemaking in 02/11. This has been moved from the pre-rule stage to the proposed rule stage and the notice of proposed rulemaking should be issued in 2011. **A Notice of Proposed Rulemaking (NPRM) was scheduled for 06/11 (no confirmation), and hearings are scheduled for 10/11.**
 - Updating OSHA Standards Based on National Consensus Standard – During the first 2 years of the OSH Act, the Agency was directed to adopt national consensus standards as OSHA standards. In the more than 30 years since these standards were adopted by OSHA, the organizations responsible for these consensus standards have issued updated versions of these standards. However, in most cases, OSHA has not revised its regulations to reflect later editions of the consensus standards. OSHA standards also continue to incorporate by reference various consensus standards that are now outdated and, in some cases, out of print. The Agency is undertaking a multi-year project to update these standards. A notice describing the project was published in the Federal Register on November 24, 2004 (69 FR 68283). The first final rule was published on September 13, 2005. Several additional sets of standards are in preparation. This direct final rule will become effective on March 13, 2008 unless significant adverse comment is received by January 14, 2008. Comments to this direct final rule (including comments to the information-collection (paperwork) determination described under the section titled SUPPLEMENTARY INFORMATION of this notice), hearing requests, and other information must be submitted by January 14, 2008. **No additional timetable at this time.**
 - Standards Improvement - OSHA is continuing its efforts to remove or revise duplicative, unnecessary, and inconsistent safety and health standards. This effort builds upon the success of the Standards Improvement Projects (SIPs) Phase I published on June 18, 1998 (63 FR 33450) and Phase II published on January 5, 2005 (70 FR 1111). The Agency believes that such changes can reduce compliance costs and reduce the paperwork burden associated with a number of its standards. To initiate the project, OSHA will be publishing an advance notice of proposed rulemaking (ANPRM) to solicit input from the public on rules that may be addressed in Phase III of SIPs. The Agency plans to include both safety and health topics in Phase III. OSHA published the ANPRM on 12/21/06. Records are now being analyzed, beginning in 04/07. A notice of proposed rulemaking is expected in 11/08. **No additional timetable at this time.**
 - Hazard Communication – OSHA is considering modifying its Hazard Communication Standard to make it compatible with the Globally Harmonized System. This would involve changing the criteria for classifying health and physical

hazards, adopting standardized labeling requirements, and requiring a standardized order of information for MSDS. The proposed rule was published on 09/30/09 and can be found at <http://edocket.access.gpo.gov/2009/E9-22483.htm>. **No additional timetable at this time.**

- Occupational Injury and Illness Recordkeeping Requirements – OSHA hopes to announce a NPRM in early 2010. The purpose is to require the recording of work-related musculoskeletal disorders on the 300 log. This will likely be very controversial. **No additional timetable at this time.**
 - Cooperative Agreements – OSHA plans to offer incentives to employers who request and receive consultation visits and agree to correct the hazards. The incentives to be provided were not provided. OSHA hopes to put out a notice of proposed rulemaking by 07/08. **No additional timetable at this time.**
- c. Final Rule Stage (“**Confined Spaces in Construction**” and “**Electric Power Transmission and Distribution; Electrical Protective Equipment**” not included)
- **Nothing new at this time.**

Prepared by:

Harry A. Pullum, CIH, CSP, CIAQP
National Practice Program Leader
Industrial Hygiene and Safety
Shaw Environmental, Inc.
312 Directors Drive
Knoxville, Tennessee 37923
harry.pullum@shawgrp.com
(865) 694-7332 (Office Direct)
(865) 368-4248 (Cell)
(865) 690-3626 (Fax)
www.shawgrp.com