



OSHA – EPA – NIOSH  
Congress

## *Public Policy Issues Update*

**American Industrial Hygiene Association  
Government Affairs Department**

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**August 13, 2009**

AIHA government affairs is responsible for facilitating AIHA comments on public policy issues. This update is provided on a regular basis to volunteer group officers, working groups, local section officers and others to keep them informed of issues that may be of concern to AIHA and the IH profession. If a committee, local section or working group, in addition to those already contacted, would like to provide comments they are asked to immediately contact scientific and technical initiatives or government affairs staff at AIHA. Once an issue is deemed closed by AIHA government affairs, the association will no longer accept comments.

Questions, please contact AIHA director of government affairs Aaron Trippler at [atrippler@aiha.org](mailto:atrippler@aiha.org) or call 703-846-0730.

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- **DOT – Federal Aviation Administration – Advance Notice of Proposed Rulemaking – Safety Management System**

<http://edocket.access.gpo.gov/2009/E9-17553.htm>

Federal Register Notice: July 23, 2009

Comments Due: October 21, 2009

- **OSHA – Acetylene Standard – Direct Final Rule – Revising Standards Referenced in the Acetylene Standard**

<http://edocket.access.gpo.gov/2009/E9-18644.htm>

Federal Register Notice: August 11, 2009

Effective Date: November 9, 2009

NOTE: Direct Final Rule becomes effective unless significant adverse comment is received on the proposed rule by September 9, 2009.

- **OSHA – Acetylene Standard – Proposed Rule – Revising Standards Referenced in the Acetylene Standard**

<http://edocket.access.gpo.gov/2009/E9-18643.htm>

Federal Register Notice: August 11, 2009

Comments Due: September 9, 2009

NOTE: Unless comments opposing the direct final rule are received, the direct final rule will be effective November 9, 2009.

- **EPA – Proposed Rule – Product Noise Labeling Hearing Protection Devices**

<http://edocket.access.gpo.gov/2009/E9-18003.htm>

Federal Register Notice: August 5, 2009

Comments Due: September 4, 2009

NOTE: A public hearing will be held on August 25. No information available on this meeting.

## **INFORMATION COLLECTION REQUESTS**

As part of continuing efforts to reduce paperwork and respondent burden, the public is provided with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995. This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, collection instruments are clearly understood, and estimate of the information collection burden is accurate.

The request for comments on the following issues is strictly limited to the paperwork reduction act and usually does not apply to the technical merits of the proposal.

- **OSHA – Benzene Standard – Request for Public Comment –**

<http://edocket.access.gpo.gov/2009/E9-19072.htm>

Federal Register Notice: August 10, 2009

Comments Due: October 9, 2009

## **MISCELLANEOUS ISSUES**

- **OSHA – Guidance Document on Combustible Dust**

OSHA has published a new guidance document that assists chemical manufacturers and importers in recognizing the potential for dust explosions, identifying appropriate protective measures and the requirements for disseminating this information on material safety data sheets and labels.

<http://www.osha.gov/Publications/3371combustible-dust.pdf>

- **OSHA – Guidance Document on Ethylene Oxide**

OSHA has published a Small Business Guide for Ethylene Oxide to address ethylene oxide exposure levels and monitoring requirements. The document is designed to help employers understand the ethylene oxide (EtO) standard and explain how to monitor the air quality in workplaces where EtO is processed, used or handled.

<http://www.osha.gov/Publications/ethylene-oxide.pdf>

- **EPA – Notice of Designation of New Reference Method and Equivalent Method for Monitoring Ambient Air Quality**

<http://edocket.access.gpo.gov/2009/E9-18388.htm>

Federal Register Notice: July 31, 2009

- **CDC – Notice of Meeting – Board of Scientific Counselors – NIOSH**

<http://edocket.access.gpo.gov/2009/E9-17671.htm>

Federal Register Notice: July 24, 2009

Date of Meeting: August 26, 2009

- **CDC – Request for Nominations to Serve on the Board of Scientific Counselors, National Center for Environmental Health/Agency for Toxic Substances and Disease Registry**

<http://edocket.access.gpo.gov/2009/E9-16339.htm>

Federal Register Notice: July 10, 2009

Nominations Due: November 30, 2009

## **CONGRESSIONAL ISSUES**

- **Federal Legislative (Major Issues Monitored by AIHA)**

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US H 34	SPONSOR:	Nadler (D)
	TITLE:	Implementation of Agency Rules
	INTRODUCED:	01/06/2009
	DISPOSITION:	Pending

**LOCATION:** House Judiciary Committee

**SUMMARY:**

Delays the implementation of agency rules adopted within the final 90 days of the final term a President serves.

**STATUS:**

01/06/2009 INTRODUCED.  
01/06/2009 To HOUSE Committee on JUDICIARY.

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US H 242 **SPONSOR:** Green G (D)  
**TITLE:** Occupational Injuries  
**INTRODUCED:** 01/07/2009  
**DISPOSITION:** Pending  
**LOCATION:** House Education and Labor Committee  
**SUMMARY:**

Directs the Secretary of Labor to revise regulations concerning the recording and reporting of occupational injuries and illnesses under the Occupational Safety and Health Act of 1970.

**STATUS:**

01/07/2009 INTRODUCED.  
01/07/2009 To HOUSE Committee on EDUCATION AND LABOR.

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US H 554 **SPONSOR:** Gordon (D)  
**TITLE:** Nanotechnology Research  
**INTRODUCED:** 01/15/2009  
**DISPOSITION:** Pending  
**LOCATION:** Senate Commerce, Science & Transportation Committee  
**SUMMARY:**

To authorize activities for support of nanotechnology research and development; provides for amendments to the National Nanotechnology Program provisions; requires a triennial external review of the program by the National Research Council and the National Academy of Sciences; requires the development of nanoscale materials standards; provides for Nanotechnology Education Partnerships to recruit students to pursue higher education nanotechnology courses and to consider careers in the field.

**STATUS:**

02/12/2009 In SENATE. Read second time.  
02/12/2009 To SENATE Committee on COMMERCE, SCIENCE, AND TRANSPORTATION.

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US H 672 **SPONSOR:** Filner (D)  
**TITLE:** Defense Compliance With Environmental Laws  
**INTRODUCED:** 01/26/2009  
**DISPOSITION:** Pending  
**LOCATION:** Multiple Committees  
**SUMMARY:**

Amends title 10, United States Code; requires the Department of Defense and all other defense-related agencies of the United States to fully comply with Federal and State environmental laws, including certain laws relating to public health and worker safety, that are designed to protect the environment and the health and safety of the public, particularly those persons most vulnerable to the hazards incident to military operations and installations.

**STATUS:**

01/26/2009 INTRODUCED.  
01/26/2009 To HOUSE Committee on ARMED SERVICES.  
01/26/2009 Additionally referred to HOUSE Committee on ENERGY AND COMMERCE.  
01/26/2009 Additionally referred to HOUSE Committee on TRANSPORTATION AND INFRASTRUCTURE.  
01/26/2009 Additionally referred to HOUSE Committee on NATURAL

	01/26/2009	RESOURCES. Additionally referred to HOUSE Committee on EDUCATION AND LABOR.
US H 849	<b>SPONSOR:</b> Miller Ge (D) <b>TITLE:</b> Combustible Dust Exposure Health Standards <b>INTRODUCED:</b> 02/04/2009 <b>DISPOSITION:</b> Pending <b>LOCATION:</b> House Education and Labor Committee <b>SUMMARY:</b> Requires the Secretary of Labor to issue interim and final occupational safety and health standards regarding worker exposure to combustible dust. <b>STATUS:</b> 03/23/2009	In HOUSE Committee on EDUCATION AND LABOR: Referred to Subcommittee on WORKFORCE PROTECTIONS.
US H 875	<b>SPONSOR:</b> DeLauro (D) <b>TITLE:</b> Prevention of Food-borne Illnesses <b>INTRODUCED:</b> 02/04/2009 <b>DISPOSITION:</b> Pending <b>LOCATION:</b> Multiple Committees <b>SUMMARY:</b> Establishes the Food Safety Administration within the Department of Health and Human Services to protect the public health by preventing food-borne illness, ensuring the safety of food, improving research on contaminants leading to food-borne illness, and improving security of food from intentional contamination. <b>STATUS:</b> 04/23/2009	In HOUSE Committee on AGRICULTURE: Referred to Subcommittee on LIVESTOCK, DAIRY AND POULTRY.
US H 1174	<b>SPONSOR:</b> Oberstar (DFL) <b>TITLE:</b> Federal Emergency Management Agency <b>INTRODUCED:</b> 02/25/2009 <b>DISPOSITION:</b> Pending <b>LOCATION:</b> Multiple Committees <b>SUMMARY:</b> Establishes the Federal Emergency Management Agency as a cabinet-level independent agency in the executive branch. <b>STATUS:</b> 03/02/2009	In HOUSE Committee on HOMELAND SECURITY: Referred to Subcmt. on EMERGENCY COMMUNICATIONS, PREPAREDNESS AND RESPONSE.
US H 1176	<b>SPONSOR:</b> Kline (R) <b>TITLE:</b> National Labor Relations Act and Secret Ballots <b>INTRODUCED:</b> 02/25/2009 <b>DISPOSITION:</b> Pending <b>LOCATION:</b> House Education and Labor Committee <b>SUMMARY:</b> Amends the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board. <b>STATUS:</b> 02/25/2009 02/25/2009	INTRODUCED. To HOUSE Committee on EDUCATION AND LABOR.
US H 1355	<b>SPONSOR:</b> Sestak (D) <b>TITLE:</b> National Labor Relations Act	

**INTRODUCED:** 03/05/2009  
**DISPOSITION:** Pending  
**LOCATION:** House Education and Labor Committee  
**SUMMARY:**

Amends the National Labor Relations Act to require employers to provide labor organizations with equal access to employees prior to an election regarding representation, to prevent delays in initial collective bargaining, and to strengthen enforcement against intimidation of employees by employers.

**STATUS:**  
03/05/2009 INTRODUCED.  
03/05/2009 To HOUSE Committee on EDUCATION AND LABOR.

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US H 2067 **SPONSOR:** Woolsey (D)  
**TITLE:** Occupational Safety and Health Act  
**INTRODUCED:** 04/23/2009  
**DISPOSITION:** Pending  
**LOCATION:** House Education and Labor Committee  
**SUMMARY:**

Amends the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators, and for other purposes.

**STATUS:**  
04/23/2009 INTRODUCED.  
04/23/2009 To HOUSE Committee on EDUCATION AND LABOR.

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US H 2113 **SPONSOR:** Hare (D)  
**TITLE:** Secretary of Labor to Prescribe Regulations Requiring E  
**INTRODUCED:** 04/27/2009  
**DISPOSITION:** Pending  
**LOCATION:** House Education and Labor Committee  
**SUMMARY:**

Requires the Secretary of Labor to prescribe regulations requiring employers with more than one establishment and not fewer than 500 employees to report work-related deaths, injuries, and illnesses.

**STATUS:**  
04/27/2009 INTRODUCED.  
04/27/2009 To HOUSE Committee on EDUCATION AND LABOR.

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US H 2199 **SPONSOR:** Bishop T (D)  
**TITLE:** Occupational Safety and Health Act of 1970  
**INTRODUCED:** 04/30/2009  
**DISPOSITION:** Pending  
**LOCATION:** House Education and Labor Committee  
**SUMMARY:**

Amends the Occupational Safety and Health Act of 1970 to authorize the Secretary of Labor to prevent employee exposure to imminent dangers.

**STATUS:**  
04/30/2009 INTRODUCED.  
04/30/2009 To HOUSE Committee on EDUCATION AND LABOR.

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US H 2381 **SPONSOR:** Conyers (D)  
**TITLE:** Occupational Safety and Health Standard  
**INTRODUCED:** 05/13/2009  
**DISPOSITION:** Pending  
**LOCATION:** Multiple Committees  
**SUMMARY:**

Directs the Secretary of Labor to issue an occupational safety and health standard to reduce injuries to patients, direct-care registered nurses, and all other health care workers by establishing a safe patient handling and injury

prevention standard, and for other purposes.

**STATUS:**

05/13/2009 INTRODUCED.  
05/13/2009 To HOUSE Committee on EDUCATION AND LABOR.  
05/13/2009 Additionally referred to HOUSE Committee on ENERGY AND COMMERCE.  
05/13/2009 Additionally referred to HOUSE Committee on WAYS AND MEANS.

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US H 3094 **SPONSOR:** Edwards D (D)  
**TITLE:** Occupational Safety and Health Act of 1970  
**INTRODUCED:** 06/26/2009  
**DISPOSITION:** Pending  
**LOCATION:** House Education and Labor Committee  
**SUMMARY:**  
Strengthens the Occupational Safety and Health Act of 1970 by revising regulations to increase worker safety on construction sites and, consequently, to protect child trespassers from unforeseen dangers.  
**STATUS:**  
06/26/2009 INTRODUCED.  
06/26/2009 To HOUSE Committee on EDUCATION AND LABOR.

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US HRES 510 **SPONSOR:** McCarthy C (D)  
**TITLE:** Need for Safe Patient Handling and Movement  
**INTRODUCED:** 06/04/2009  
**DISPOSITION:** Pending  
**LOCATION:** Multiple Committees  
**SUMMARY:**  
Recognizes the need for safe patient handling and movement.  
**STATUS:**  
06/04/2009 INTRODUCED.  
06/04/2009 To HOUSE Committee on EDUCATION AND LABOR.  
06/04/2009 Additionally referred to HOUSE Committee on ENERGY AND COMMERCE.

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US S 8 **SPONSOR:** Reid (D)  
**TITLE:** Midnight Regulations  
**INTRODUCED:** 01/06/2009  
**DISPOSITION:** Pending  
**LOCATION:** SENATE  
**SUMMARY:**  
Returns the Government to the people by reviewing controversial "midnight regulations" issued in the waning days of the Bush Administration.  
**STATUS:**  
01/07/2009 In SENATE. Read second time.  
01/07/2009 In SENATE. Placed on SENATE Legislative Calendar.

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US S 478 **SPONSOR:** DeMint (R)  
**TITLE:** National Labor Relations Act Secret Ballot  
**INTRODUCED:** 02/25/2009  
**DISPOSITION:** Pending  
**LOCATION:** SENATE  
**SUMMARY:**  
Amends the National Labor Relations Act to ensure the right of employees to a secret-ballot election conducted by the National Labor Relations Board.  
**STATUS:**  
02/26/2009 In SENATE. Read second time.  
02/26/2009 In SENATE. Placed on SENATE Legislative Calendar.



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US S 893 **SPONSOR:** Schumer (D)  
**TITLE:** Office of Imported and Domestic Product Safety  
**INTRODUCED:** 04/23/2009  
**DISPOSITION:** Pending  
**LOCATION:** Senate Commerce, Science & Transportation Committee  
**SUMMARY:**  
Establishes the Office of Imported and Domestic Product Safety in the Department of Commerce and the Product Safety Coordinating Council to improve the management, coordination, promotion, and oversight of food and product safety responsibilities, to improve consumer and business access to food and product safety information.  
**STATUS:**  
04/23/2009 INTRODUCED.  
04/23/2009 In SENATE. Read second time.  
04/23/2009 To SENATE Committee on COMMERCE, SCIENCE, AND TRANSPORTATION.

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US S 1299 **SPONSOR:** Menendez (D)  
**TITLE:** Health Care Workers and First Responders  
**INTRODUCED:** 06/18/2009  
**DISPOSITION:** Pending  
**LOCATION:** Senate Health, Education, Labor and Pensions Committee  
**SUMMARY:**  
Creates the Worker Infection Protection Act; provides for the development and issue of workplace standards, recommendations, and plans to protect health care workers and first responders, including police, firefighters, emergency medical personnel, and other workers at risk of workplace exposure to infectious agents and drug resistant infections such as MRSA.  
**STATUS:**  
06/18/2009 INTRODUCED.  
06/18/2009 In SENATE. Read second time.  
06/18/2009 To SENATE Committee on HEALTH, EDUCATION, LABOR AND PENSIONS.

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US S 1580 **SPONSOR:** Kennedy E (D)  
**TITLE:** Protections for Whistleblowers  
**INTRODUCED:** 08/05/2009  
**DISPOSITION:** Pending  
**LOCATION:** Senate Health, Education, Labor and Pensions Committee  
**SUMMARY:**  
Amends the Occupational Safety and Health Act of 1970 to expand coverage under the Act, to increase protections for whistleblowers, to increase penalties for certain violators.  
**STATUS:**  
08/05/2009 INTRODUCED.  
08/05/2009 In SENATE. Read second time.  
08/05/2009 To SENATE Committee on HEALTH, EDUCATION, LABOR AND PENSIONS.

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## **ISSUES COMPLETED**

- **OSHA – Proposed Rule – Illinois State Plan for Public Employees Only**

<http://edocket.access.gpo.gov/2009/E9-16379.htm>

Federal Register Notice: July 10, 2009

Comments Due: August 10, 2009

AIHA National contacted Illinois members and offered assistance. No request received. No comments submitted by AIHA national.

- **CDC – Request for Nominations to Serve the National Conversation on Public Health and Chemical Exposures**

Nominations Due: July 20, 2009

AIHA National has staff member participating. No other requests for nominations received.

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