

“The Washington Buzz”



California IH Conference

San Diego, CA

December 7, 2016

What Just Happened!!!!!!!!!!!!!!!!!!!!

Not a Shattered Glass Ceiling –



What Just Happened!!!!!!!!!!!!!!!!!!!!

Not a Shattered Glass Ceiling –



But a Complete Roof Collapse!



What Just Happened!!!!!!!!!!!!!!!!!!!!

**Or As Thomas Frank of “The Guardian”
Stated -----**

**“A Technocrat That Offered Fine
Tuning When the Country Wanted to
Take a Sledgehammer to the
Machine”.**



The Budget



Let's Take a Look at The Impact of This Election

- What's Happening Now at OSHA?
- What's Happening Now in Congress?
- What May Happen at OSHA?
- What May Happen in Congress?



Impact on Occupational Safety and Health

The Budget



- **Debt Limit Raised**
 - Through March 2017
 - CBO Deficit Triple by 2026
 - Debt Rises by \$10.7 Trillion by 2026
- **Sequestration Overridden**
 - Through September 2017

The Budget



- Existing Budget **\$552.8 m**
- President's Proposal **\$595.0 m**
- Senate Proposal **\$552.8 m (C)**
- House Proposal **\$534.4 m (C)**

PENALTIES INCREASED

78% Increase

Will OSHA Delay Citations?

The Budget



Protecting Miners' Safety and Health Since 1978

- **Existing Budget** **\$375.9 m**
- **President's Proposal** **\$397.3 m**
- **Senate Proposal** **\$375.9 m (C)**
- **House Proposal** **\$329.1 m (C)**

The Budget



- **Approved Spending** **\$339.1 m**
- **Existing Budget** **\$334.9 m**
- **President's Proposal** **\$285.6 m**
- **Senate Proposal** **\$334 m (C)**
- **House Proposal** **\$341 m (C)**

Funding for ERC and AFF –To Be Cut?

Dr. John Howard Re-Appointed

Congressional Activity

- **TSCA Reform**

- Signed into Law
- Should Asbestos Be Banned?

- **Federal Contracting**

- **Guidelines vs Rules**

- **Licensing – Eased Up**

- **Environmental Health Workforce**

- **Limit Rulemaking Authority**



OSHA – Activity

The Biggie –

Crystalline Silica –

***Finalized March '15**

- Cuts Exposure Level
 - 50% - General Industry
 - 20% - Construction



Lawsuits Filed

Industry – Risk Judgment Wrong

Labor – Exposure Level Not Strong Enough

1 of 2 Finals in 2016

OSHA – Activity

Electronic Recordkeeping & Reporting

*Finalized May '15

- Nothing New to Record
- Electronic Reporting
- Publication of Statistics
- Underreporting?
- Drug Testing



Lawsuits Filed

- Retaliation
- Reporting Requirement

OSHA – Ongoing Issues

- **Beryllium**
 - Is Time Up?
- **General Industry Fall Rule - Finalized**
- **Permissible Exposure Limits (PELs)**
 - Options to Control Exposure
- **Process Safety Management**
 - SBR Underway - Request for Comments
- **Program Management Guideline**
- **DOJ and DOL Joined Forces to Prosecute**

OSHA – Wish List

OSHA Wish List –

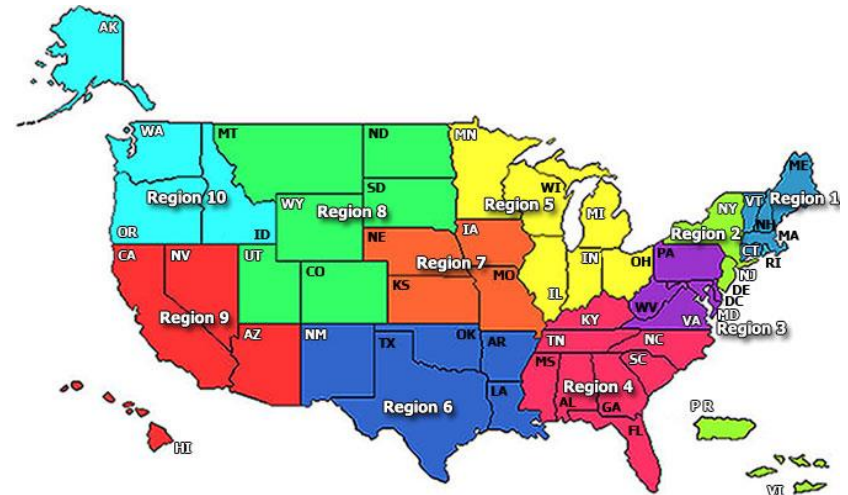
- **Combustible Dust**
- **Infectious Diseases***
- **MSD Recordkeeping**
- **Injury and Illness Prevention Program***
- **Safe Patient Handling**
- **Safety Incentives**
- **Emergency Response**



The Real Leader in OS&H

The States!

- Half with State Plans
- Issues –
 - VPP
 - Safe Patient handling
 - Mold Remediation
 - Confined Spaces
 - Abatement Issues
 - Heat Stress
 - Exposure Limits (OR)
 - *Caution* – Budgets!



Before Solutions – The Problem

Congress –

- **Inability to lead**
 - **Parties Have No Control**
 - **Boehner Example**
- **Continued Gridlock**
 - **How to Make the Other Guy Look Bad!**
- **No Champion for OH&S**
 - **Elections Not Won or Lost on This Issue**
 - **\$182 Million!!!!!!**



Before Solutions – The Problem

OSHA –

- **Not Enough Resources**
 - OSHA Budget Less Than Cost to Guard Embassy and Personnel in Baghdad
- **Convoluting Regulatory Process**
 - 7 Health Standards in Last 20 Years – 6 in 1978 Alone
- **Outdated Exposure Limits**
 - Thousands with None
 - Industry Says Limits Too High
 - Labor Says Limits Too Low

A Closer Look at OSHA

Budget –

- 2007 - \$487m 2173 employees
- 2016 - \$553m 2173 employees

\$66m increase since 2007 but -\$12m since 2012

Enforcement	\$208m	Flat since 2012
Standards	\$20m	Flat since 2012
Whistleblower	\$17.5m	Up since 2012
Compliance	F\$69m	-8\$m since 2012
	S\$58m	Flat since 2012
State Prgms	\$100m	-\$5m since 2012

A Closer Look at OSHA

In 2017 – Proposed:

2 Final Standards

3 NPRs

21 Guidance documents

Consider 2015 Federal Register Totals for All Agencies

82,000 Pages in Total – Largest in History

3,378 Final Rules

2,334 More Proposed

23,901 Notices – These Included Guidelines

Solutions! – But First 2016

- **Presidential Election –**
 - **President Trump**
 - **Turnout – 120 million**
 - **Millenials**
 - **Change**

- **Congress –**
 - **Senate –**
 - **Current 54 – 44 (2)** **New 52 – 48**
 - **House – 246 – 188 (1)** **New 239-194 (2)**

Solutions! – But First 2016

Occupational Safety and Health

- **House Committee**
 - **Another New Chairman –**
 - **Kline Retiring**
 - **Virginia Fox (NC)**

- **Senate Committee –**
 - **Alexander Likely to Stay on as Chairman**
 - **Murray Moving On?**
 - **Sanders Wants Top Slot**

OSHA Under Trump

- **Who Will Be in Charge**
 - Too Early to Tell
 - Not a Priority at this Time
- **Budget**
 - Will He Zero-Out?
 - Will He Dismantle the Agency?

He's a Businessman!

OSHA Under Trump

Regulations

- **Will He Repeal?**
 - Silica
 - Electronic Reporting
 - Beryllium
 - Misc.
- **Guidelines**
 - Will He Stop Using?

Congress is the Key!!!

Outside The Box Solutions!!

Lemonade from Lemons *Budget Cuts Present Opportunities*



Outside The Box Solutions!!

Lemonade from Lemons *Budget Cuts Present Opportunities*

Move NIOSH

Make Independent Agency



Outside The Box Solutions!!

Lemonade from Lemons *Budget Cuts Present Opportunities*

Move NIOSH

Make Independent Agency

Compliance Assistance

Workplace reviews –

Use Private Sector? Incentives?

Shortage of Professionals



Outside The Box Solutions!!

Lemonade from Lemons *Budget Cuts Present Opportunities*

Move NIOSH

Make Independent Agency

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Shortage of Professionals

Combine OSHA/MSHA



Outside The Box Solutions!!

Lemonade from Lemons *Budget Cuts Present Opportunities*

21st Century Issues

- Telecommuting
- Nanotechnology
- The Unknown



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Standard Setting

Non-Profit Private Sector?



There Are Positives

Congress – Founding Fathers were Right!
It's Supposed To Take Time

OSHA – Ergo, IAQ,
Regulations and Standards Not Always Needed

H&S Professionals – You are Doing the Job!!
Workers Are Protected

Reality



“To Those Who Think of Politics Simply as a Game – They Don’t Understand That It’s The Most Important Game Our Country Is Involved With, Every Day.”

Decision to Retire

