

Proposed bill would block OSHA initiatives

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Stephen Lee, a reporter for the Bureau of National Affairs (BNA), reported on October 5, 2011, that the Republican-controlled Appropriations Committee in the U.S. House of Representatives released a draft fiscal 2012 budget bill in late September that sought to raise the Occupational Safety and Health Administration's budget by \$7.1 million, to a total of \$565.7 million.

This is more than the Democratic-controlled Senate had earlier approved. However, the draft legislation also contained riders that would "defund" two OSHA rulemakings pegged as top priorities by OSHA:

1. The injury and illness prevention program, and
2. The recordkeeping rule for musculoskeletal disorders (MSDs).

Under the injury and illness prevention program rule, employers would bear responsibility for finding and fixing safety and health hazards in their own workplaces.

OSHA administrator, David Michaels, has called this proposed rule his top regulatory priority. No regulatory text has yet been published; nor has OSHA convened a small business review of the proposed rule.

OSHA's MSD reporting rule would require employers to track and report MSD injuries on the OSHA Form 300, which employers use to track injuries on the job; the OSHA Form 300 is also required to be posted annually from February 1 through April 30.

The new rule was temporarily withdrawn in January 2011, so OSHA could collect more input from small businesses. The proposed rules had met vigorous opposition from business interests claiming that they were overly burdensome and harmful to job creation, according to BNA.

Another rider in the proposed legislation would "defund" OSHA's residential roofing compliance directive. This proposal would require such workers to use fall protection, such as harnesses and guard

rails, unless it could be shown that these measures would pose more of a risk to workers than nonconventional methods, such as slide guards.

The proposed bill also contained a provision exempting small employers with ten (10) or fewer workers from OSHA enforcement action so long as those businesses had Days Away (from work), Restricted, or Transferred (DART) rates lower than the national average for their business sector.

Labor and public interest groups have challenged the riders arguing that an appropriations committee lacks the expertise of OSHA in weighing in at such a micro level, and that the real intent behind the Republican-backed measures is driven by ideology not cost savings for business.

Commentators knowledgeable about the politics surrounding the measure contend, according to BNA, that there is little chance there will be agreement on this aspect of the 2012 fiscal year budget.

OSHA's current \$558.6 million budget has been extended in a series of short-term continuing resolutions, all at the fiscal 2010 level, according to BNA. ▲

Kentucky Congressman Hal Rogers chairs committee trying to block OSHA initiatives

The proposed budget bill for fiscal year 2012 drafted by House Republicans, which contains language that would block two of OSHA's regulatory priorities, as explained above by Mr. Hopson, is in the House Appropriation Committee chaired by Rep. Hal Rogers, R-Somerset.

A statement posted on the committee's website, says, "The legislation contains several policy provisions aimed at reducing harmful and unnecessary federal regulations that tie the hands of employers and undermine job creation and economic growth."

And the site quotes Rogers saying: "The bill makes great strides to rein in bureaucratic red tape and eliminate unnecessary regulatory burdens on businesses and industries that are the backbone of our economy. These actions will help increase stability in our marketplace, and give employers greater confidence to invest in American businesses and create new jobs." ▲ **More on this subject, page 8.**

Legislation proposed in the U.S. House would "defund" two OSHA priorities: (1) the injury and illness prevention program, and (2) the recordkeeping rule for musculoskeletal disorders (MSDs).