

## **American Society of Safety Engineers 2010 Legislative and Regulatory Commitments**

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In any activity, the purpose of ASSE's Government Affairs is to

- Support the advancement of the safety, health and environmental (SH&E) profession,
- Ensure appropriate recognition by government of ASSE members' contributions to the health and well being of the American people, and
- Influence government decisions impacting occupational safety and health (OSH) so good science and the best practices of our member SH&E professionals are reflected.

To fulfill these goals, ASSE is prepared to advance the following legislative and regulatory priorities in 2010:

### Reflect ASSE Member Experience and Expertise in OSHA Reform

ASSE's members' frontline role in working with employers and employees to manage OSH risks gives them a no-nonsense, nonpolitical perspective on how effective regulations and legislation are in protecting workers. Reform of the Occupational Safety and Health Act, including strengthening OSHA criminal and civil penalties ending in fatalities, is a key issue for the current Administration. In its ongoing work to represent the interests of its members on various issues in current reform legislation, ASSE intends to support a bipartisan approach to increased penalties that target truly bad actors and encourage corporate responsibility for setting a culture of safety at the highest level of management and not simply focus on higher levels of penalties.

### Provide OSHA Coverage for State and Municipal Employees

In states that do not have their own state OSHA plans and, thus, are covered by federal OSHA, state and municipal workers are not guaranteed protection under OSHA's standards. As a result, more than 8 million public sector workers do not receive the same workplace protections the rest of us enjoy. ASSE members working to achieve such coverage in Florida know the difficulties of achieving coverage state by state. A federal solution is necessary, and any reform of the OSH Act cannot be complete without achieving federal protections for all U.S. workers.

### Advance a Safety and Health Program Rule

OSH regulation must better encompass risk-based approaches that encourage employers to take overall responsibility for safety and health throughout their organizations and not simply to react to minimal regulatory mandates. The promulgation by OSHA of a safety and health program rule is the key to advancing this approach by requiring employers to assess the risks in their workplaces and take a proactive approach in addressing those risks. Successful employers already use this safety and health management approach to maintain competitiveness in the global economy. Adoption of a rule would help ensure that all employers follow their lead.

### Develop Cooperative Ways to Address Regulatory Change

Mechanisms are needed to help the OSH community overcome polarizing viewpoints that limit OSHA's and MSHA's ability to update standards appropriately, including permissible exposure limits (PELs). ASSE has long called for negotiated rulemaking to set exposure limits and legal protections for standard development organizations to pursue exposure limits through the voluntary consensus standard process. OSHA should establish a national stakeholder dialogue to build common ground in support of regulatory reform.

### Advance Global Harmonization

OSHA's rulemaking on global harmonization of US hazard communications (GHS) must be completed as quickly as reasonably possible. GHS is a positive opportunity for OSHA both to advance safety and health and to help ensure competitiveness for U.S. employers.

### Support NIOSH Effectiveness in Advancing Safety

NIOSH plays a uniquely dominant role as the single source for federal resources to support OSH research as well as OSH professional training and education. Through NIOSH's partnership with ASSE, its Research to Practice (R2P) initiative, the establishment of NORA Research Councils, Prevention through Design and other initiatives, current leadership has done much to advance safety involvement in NIOSH. More is needed, however. ASSE and NIOSH can continue to find ways through R2P to bring NIOSH research to the job floor. The ASSE Foundation now funds two PhD candidates, but NIOSH support is needed to increase the number of safety PhD programs as the current supply of safety PhDs quickly approaches retirement age. NIOSH support for safety training must reflect the importance that frontline safety professionals play in employers' commitment to safety and health. And, NIOSH must work towards an appropriate balance between safety and health research funding.

### Ensure Safety Agency Commitments

In a difficult economic climate, ASSE will work to ensure that federal commitment to OSHA, MSHA, NIOSH, the U.S. Chemical Safety and Hazard Investigation Board (CSB) and other agencies that impact workplace safety and health is not compromised and that those who are appointed to agency leadership positions can build consensus among all stakeholders.

### Build Consensus on Ergonomics

ASSE will continue to work toward achieving a consensus position on ergonomics that can overcome the long-standing polarization on this issue. An approach that is risk-based, encourages cooperation, and avoids prescriptive, one-size-fits-all solutions that our expert members know will not work can serve as a consensus position. ASSE can also support industry-specific approaches that reflect the demonstrated best practices of our members in the industry, as current legislation to protect direct care nurses and health care workers from the risks posed by lifting in health care facilities achieves.

### Include SH&E in Trade Policy

ASSE encourages OSHA to take a role in ensuring that safety and health is part of this nation's trade policy so that U.S. corporate investments in SH&E are not undermined by international competitors who unfairly compete without investing in these global responsibilities.

### Engage in Chemical Management Reform Efforts

The current Administration has signaled the intent to reform the nation's management of chemicals through reform of the Toxic Substances Control Act of 1976 (TSCA). ASSE intends to voice the experience and expertise of its members in managing chemicals across every industry in the debate as this effort moves forward.

### Encourage Use of Voluntary Consensus Standards

ASSE will work to encourage all federal agencies to comply fully with the Technology Transfer Act's mandate to consider national consensus standards where feasible when engaged in rulemaking. Use of such standards, like ANSI/ASSE Z15 for safe motor vehicle operation, ANSI/ASSE Z117 for confined spaces, and ANSI/ASSE Z490.1 for safety training will help to improve protections of workers and expedite rulemaking activities while reflecting the current technology and industry best practices.

### Support Third-Party Consultation

When appropriate, ASSE continues to support legislation or regulatory approaches that allow third-party safety audits of employers under strict requirements that ensure professionalism and maximize effectiveness, thereby expanding OSHA's reach beyond the limits of its current enforcement and cooperative programs.