

OSH Legislative Agenda in the New Congress and New Administration

Jordan Barab
Senior Labor Policy Advisor
House Education & Labor Committee

House Education and Labor Committee

COMMITTEE ON Education and Labor U.S. HOUSE OF REPRESENTATIVES					
HOME	HEARINGS	NEWSROOM	ISSUES	ABOUT	LEGISLATION
 <p>Hon. George Miller CHAIRMAN</p>		COMMITTEE FOCUS			
		No Child Left Behind			
		Mine Safety & Health			
		College Cost Reduction and Access Act			
		Employee Free Choice			
		Raise the Minimum Wage			
LABOR ISSUES	Safety & Health at Work				
Retirement	<p>In the 110th Congress, the Committee on Education and Labor will seek to improve workplace safety. A safe workplace is basic necessity for hard-working Americans.</p> <p><i>House Passes Legislation to Protect Food Flavoring Workers from Severe Lung Disease</i></p> <p>By a vote of 260 to 154, the U.S. House of Representatives today approved legislation intended to prevent workers in food processing plants from getting a debilitating, irreversible lung disease that has already sickened and killed a number of workers nationwide. More Information »</p>				
Worker Rights					
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		RELATED NEWS			
		<u>10/18/2007</u> Workforce Protections Subcommittee Calls on OSHA to Provide Information on Cintas Investigation			
		<u>9/26/2007</u> Legislation to Protect Food Flavoring Workers from Severe Lung Disease Passes House			

Senate Health, Education Labor & Pensions Committee



U.S. SENATE COMMITTEE ON HEALTH, EDUCATION, LABOR, & PENSIONS

Michael B. Enzi Ranking
Edward M. Kennedy Chairman

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Health Education Labor Pensions Hearings Bills

 **LABOR**

Welcome to the Labor Policy section of the HELP Committee website. The HELP Committee jurisdiction encompasses most federal labor and employment laws, including those that regulate wages and hours of employment, enforce mining and workplace health and safety, combat employment-based discrimination, and regulate union / management relations. The Committee also monitors workforce and employment trends.

Subcommittees

Workforce Protections Subcommittee

Wages and hours of labor including, but not limited to, Davis-Bacon Act, Walsh-Healey Act, Fair Labor Standards Act, workers' compensation including, Longshore and Harbor Workers' Compensation Act, Federal Employees' Compensation Act, Migrant and Seasonal Agricultural Worker Protection Act, Service Contract



SUBCOMMITTEE ON EMPLOYMENT AND WORKPLACE SAFETY

Welcome to the Subcommittee on Employment and Workplace Safety homepage. The Subcommittee Chairwoman is Senator Patty Murray (D-WA) and the Ranking Member is Senator Johnny Isakson (R-GA). The Subcommittee has jurisdiction over a variety of

ISSUES

Popcorn Lung



Workforce Protections Subcommittee Hearing:
"Have OSHA Standards Kept up with Workplace Hazards?"

Tuesday, April 24, 2007

Witness Testimony:

Edwin Foulke

Assistant Secretary
Department of Labor
Occupational Safety and Health Administration
Washington D.C.

Eric Peoples

Former Employee
Victim of Bronchiolitis Obliterans (Popcorn Lung)
Glister-Mary Lee Popcorn Factory
Carthage, Missouri



U.S. Department of Labor
Occupational Safety & Health Administration

www.osha.gov

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OSHA News Release

2007 - 04/24/2007 - U.S. Department of Labor's OSHA announces focus on health hazards of microwave popcorn butter flavorings containing diacetyl

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OSHA National News Release

U.S. Department of Labor
OSHA, Office of Communications

National News Release 07-610-NAT

April 24, 2007

Contact: Sharon Worthy

Phone: (202) 693-4676

U.S. Department of Labor's OSHA announces focus on health hazards of microwave popcorn butter flavorings containing diacetyl

WASHINGTON -- The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) today announced that it is initiating a National Emphasis Program (NEP) to address the hazards and control measures associated with working in the microwave popcorn industry where butter flavorings containing diacetyl are used.

"We recognize that there are potential occupational health hazards associated with butter flavorings containing diacetyl," said Assistant Secretary of Labor for Occupational Safety and Health Edwin G. Foulke Jr. "Under this program, OSHA will target inspection



OSHA News Release

2007 - 09/24/2007 - OSHA announces three actions to protect workers exposed to butter flavorings

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OSHA National News Release

U.S. Department of Labor
OSHA, Office of Communications

Trade News Release Banner Image

National News Release 07-1457-NAT
Sept. 24, 2007
Contact: Sharon Worthy
Phone: (202) 693-4676

OSHA announces three actions to protect workers exposed to butter flavorings

WASHINGTON -- The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) announced today that it is taking the following three actions that will address concerns regarding diacetyl exposure in the workplace:

1. Initiating a *rulemaking under section 6(b) of the Occupational Safety and Health Act*.
2. Issuing a *Safety and Health Information Bulletin (SHIB)*.
3. Providing *Hazard Communication Guidance*.

These actions build upon the **National Emphasis Program** that OSHA announced in April 2007 to focus on the health hazards of microwave popcorn butter flavoring containing diacetyl.

House Votes to Limit Diacetyl Exposure

By JESSE J. HOLLAND – Sep 26, 2007

WASHINGTON (AP) — That buttery taste and smell of microwave popcorn may have caused a deadly lung disease in workers who package it. While there's no evidence of any danger to the millions of people who eat it, Congress is taking action.

Rather than wait on studies affirming or dispelling the dangers posed by the chemical behind the artificial taste and smell, the House voted Wednesday to have the government regulate food workers' exposure to it.

Kraft launches toasted butter flavor

By Lorraine Heller

9/24/2007- Kraft Food Ingredients has introduced a new toasted butter flavor, which the firm says can be used in a range of applications to achieve a butter taste without the caloric content.

The company did confirm that the standard version of its new flavor contains the ingredient diacetyl, a common ingredient in butter flavoring, but one that has repeatedly been linked to lung disease in employees of manufacturing plants where it is used. Just this month, doctors reported that the chemical may cause a fatal lung disease in consumers as well as factory workers.

KFI told FoodNavigator-USA.com that it is addressing the potential diacetyl concern by looking at formulating diacetyl-free versions of its ingredient. In fact, one such version has already been developed, and is currently in testing stages.

"To some customers diacetyl is not an issue, to others it is. We're moving forward towards formulating solutions to meet customer needs," KFI flavorist Susan Parker told FoodNavigator-USA.com.

Woolsey, Hare, Bishop Call for Nationwide Workplace Safety Investigation into Cintas Corp.

Other Subcommittee Democrats Sign onto Letter

Friday, March 9, 2007

WASHINGTON, DC -- Congresswoman Lynn Woolsey (D-CA), Chairwoman of the House Committee on Education and Labor's Workforce Protections Subcommittee, along with Congressman Phil Hare (D-IL), Congressman Tim Bishop (D-NY), and other Democratic members of the Subcommittee, today sent a letter to Assistant Secretary Edwin G. Foulke, Jr. of the Occupational Safety & Health Administration calling for a full investigation into the safety hazards at industrial laundries owned by the Cintas Corporation following the death of a worker there this week.

Mr. Eleazar Torres-Gomez, a 46-year old Cintas washroom employee, died in an accident at Cintas' Tulsa, Oklahoma, plant when, according to press reports, he was caught by a large robotic conveyor used to transfer uniforms from washers to dryers, and died inside the dryer as it operated for 20 minutes at 300 degrees.



U.S. Department of Labor
Occupational Safety & Health Administration

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OSHA News Release

2007 - 08/16/2007 - U.S. Department of Labor's OSHA proposes \$2.78 million fine against Cintas Corp. following Tulsa, Okla., employee death in industrial dryer

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OSHA National News Release

U.S. Department of Labor
OSHA, Office of Communications

National News Release 07-1255-NAT

Aug. 16, 2007

Contact: Sharon Worthy David Sims

Phone: (202) 693-4676 (202) 693-1898

U.S. Department of Labor's OSHA proposes \$2.78 million fine against Cintas Corp. following Tulsa, Okla., employee death in industrial dryer
Alabama, Arkansas, Ohio and Washington facilities also inspected

WASHINGTON -- The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) today proposed \$2.78 million in penalties against Ohio-based Cintas Corp. following an inspection into the March 2007 employee death at the Cintas laundry facility in Tulsa, Okla. The employee was killed when he fell into an operating industrial dryer while clearing a jam of wet laundry on a conveyor that carries the laundry from the washer into the dryer.

World Trade Center



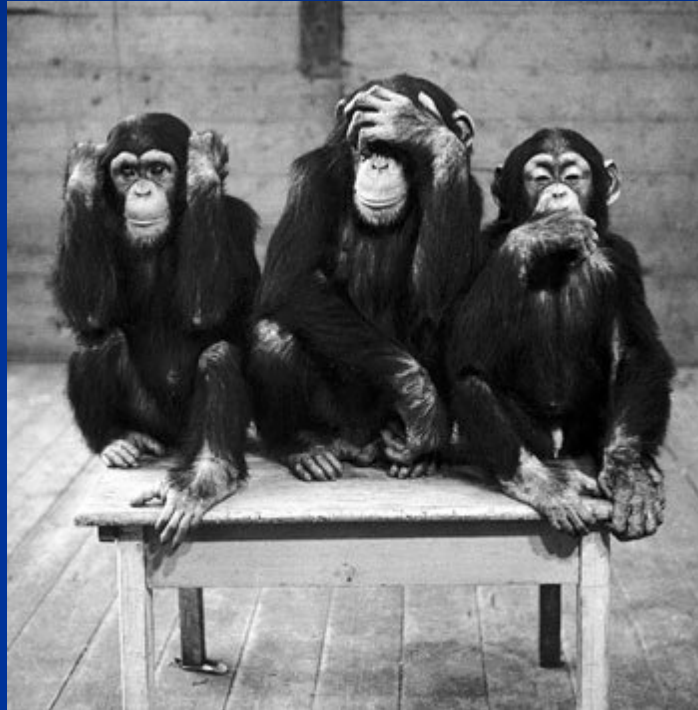


World Trade Center Rescue and Recovery Workers

- **Mr. Nadler (D-NY):** In your testimony, Ms. Clark, you say the key to success at the World Trade Center site was working in close partnership. Do you consider what was done at the World Trade Center site a success?
- **Ms. Clark (OSHA):** I do.

OSHA's Response

(Short version)



BP Texas City



Hearings

home › hearings › full committee hearing on the bp-texas city disaster and worker safety, 3/22/07

Full Committee Hearing: "The BP-Texas City Disaster and Worker Safety"

Thursday, March 22, 2007

[Click here to watch archived hearing webcast »](#)

[Chairman Miller's Opening Statement »](#)

Witness Testimony:

[Admiral Frank L "Skip" Bowman »](#)

President and CEO, Nuclear Energy Institute; Member, BP U.S. Refineries Independent Review Panel

[Carolyn W. Merritt »](#)

Chair, U.S. Chemical Safety Board

[Kim Nibarger »](#)

Health and Safety Specialist, United Steelworkers of America

[Eva Rowe »](#)

Parents were killed in Texas City explosion

[Red Cavaney »](#)

President and CEO, American Petroleum Institute



U.S. Department of Labor
Occupational Safety & Health Administration

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OSHA News Release

2007 - 03/22/2007 - OSHA focuses on refinery safety

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OSHA National News Release

U.S. Department of Labor
OSHA, Office of Communications

Trade

National News Release 07-442-NAT

March 22, 2007

Contact: Sharon Worthy

Phone: (202) 693-4676

OSHA focuses on refinery safety *Hearing reinforces importance of effort*

WASHINGTON -- The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) continues to make the safety and health of workers in America's refineries a priority, and today's hearing on the Chemical Safety and Hazard Investigation Board's (CSB) report on the BP accident in Texas City, Texas, reinforces the importance of this effort.

"The refinery industry has been a major focus for OSHA," said Assistant Secretary of Labor for OSHA Edwin G. Foulke Jr., "and the CSB report confirms we are on the right track. OSHA already has implemented two of the CSB's three major recommendations and increased our inspections in the refining industry." Last year, OSHA and its state partners conducted more than 100 refinery inspections. Thus far in fiscal year 2007, an additional 50 refinery inspections have taken place.

Mine Safety





Future Activities

S-Miner Act

- Prevent disasters and, in cases where disasters do occur, to
- improve emergency response
- reduce long-term health risks facing miners, such as black lung
- Require MSHA to upgrade PELs to reflect NIOSH recommendations

Recordkeeping

IMPORTANT MEMO

To: all field employees

OSHA inspectors are out in force checking for violations on work sites. One of our inspectors was cited for not wearing safety glasses on site. **BRIGGS HAS BEEN CHARGED \$875.00** in penalties for this violation, categorized as "serious" by OSHA.

Any employee who violates the OSHA requirements, and subsequently causes a penalty to be charged to Briggs will be responsible to reimburse Briggs for the penalty in full.

Katrina






Ergonomics



Enhanced Enforcement



XCEL PLANT FIRE

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5 workers die inside underground pipe

Nine men were performing routine maintenance near Georgetown when equipment ignited a blaze. Four escaped.

By Steve Lipsher and Manny Gonzales
The Denver Post

Article Launched: 10/03/2007 01:00:00 AM MDT




GEORGETOWN — Five men trapped deep underground at a hydroelectric plant were found dead Tuesday night.

The workers were stranded at mid afternoon more than 1,000 feet below the ground at Xcel Energy's Cabin Creek plant near Georgetown after chemicals erupted in flames.

All five men spoke to rescuers within 10 minutes of the 2:30 p.m. incident, but no one had heard from them since shortly after that. About 8 p.m., members of a rescue crew from the Henderson Mine reached the workers and confirmed they were deceased.



denver & the west

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Tuesday deaths not the first for employer

By Aldo Svaldi and Kirk Mitchell The Denver Post

Article Launched: 10/04/2007 01:00:00 AM MDT

The five workers who died in a fire at Xcel Energy's Cabin Creek hydroelectric plant Tuesday are not the first casualties for their employer, RPI Coating.

One of the California company's workers was crushed on the San Francisco Bay Bridge in 2002 when scaffolding buckled. A motorist on the same bridge was killed in 2001 when a paint containment panel the company had inadequately attached fell to the roadway.

"This is a very high-risk industry that they are in," said Kate McGuire, a spokeswoman for the California Department of Industrial Relations, which has investigated multiple safety violations at the company, based in Santa Fe Springs, Calif.

Related

Xcel Plant Fire

Oct 11:

- Smoke inhalation killed 5 works in pipeline fire, coroner conclude

Oct 10:

- Pipe painters died of asphyxian

Oct 7:

- Tunnel victims fought fire

Oct 5:

- OSHA to probe families' claims

Public Employees



News

City worker electrocuted while mowing

By **JUSTIN AVERETTE / News Editor** / Posted: Thursday, August 9, 2007 6:38 PM CDT

MONTEVALLO - A 39-year-old city worker was electrocuted Friday morning after being struck by a fallen power line.

Ralph Burke was part of a three-man crew trimming bushes near the intersection of Shoshone Street and Overland Road when he came in contact with a downed line around 9:30 a.m. The three men had just returned from a water break.

Burke was pronounced dead at scene. The other two workers were not injured, but have been offered counseling through the chaplain's academy of the Shelby County Sheriff's Office.

The Montevallo fire and police departments, the sheriff's office, the Calera Police Department, the county coroner and Southern Company are still investigating the accident.

Calls to Alabama Power officials weren't immediately returned Friday morning.

Burke is survived by two children and his father and mother. Funeral arrangements have not been set, but will be made through Rocko's Funeral Home.

<http://www.shelbycountyreporter.com/articles/2007/08/09/news/news939.prt>



Refineries and Chemical Plants



Obstacles To Congressional Action

- Lack of information about how OSHA works (or doesn't)
- Lack of information about health and safety conditions, injuries or fatalities in their district.
- Lack of constituents asking for help on safety issues.
- Universal opposition to everything by the Chamber, NAM, etc.

How To Activate Your Congressperson

- Call after major incidents, fatalities. Ask what's being done?
- Get to know their local staff.
- Invite them to speak at Workers Memorial Day events or other activities.
- Give them awards.
- Ten people sending one letter each is better than one person sending ten letters.

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HOME HEARINGS NEWSROOM **ISSUES** ABOUT LEGISLATION



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