

Week of **June 29, 2015**

## House Subcommittee Slashes OSHA, MSHA Budgets; Bill Heads to Full Committee

A House of Representatives appropriations subcommittee has rejected President Barack Obama's requests to hike the fiscal year 2016 budgets of two Labor Department regulatory agencies, while turning aside the Administration's request to cut funds for the federal health and safety research institute, proposing a sharp increase instead.

The White House has sought a 7.1-percent increase for the Occupational Safety and Health Administration, which would bring that agency's budget to \$592 million. He also has asked for a 5.1-percent boost, to \$394.9 million, for the Mine Safety and Health Administration.

However, the House Labor, Health and Human Services, Education, and Related Agencies Subcommittee had other ideas. Instead of giving both agencies more money, the subcommittee has proposed slashing OSHA's appropriation by 3.2 percent, which would shrink its current budget of \$553 million to \$535 million. MSHA's appropriation would

drop to \$371 million, a 1.3 percent decline from this year's \$375.9 million.

The situation is reversed for the National Institute for Occupational Safety and Health. NIOSH's 2015 budget is \$334.9 million, but the executive branch wants to cut it to \$283 million next year. House appropriators had other ideas, giving \$58 million more to NIOSH. While the lawmakers' draft budget does not go into detail, the proposed \$341 million allocation should be enough to fund the Institute's Education and Research Centers and the Agriculture, Forestry and Fishing Program. The White House has sought to cut both programs for years, but each year Congress has restored the funding.

The subcommittee approved its draft appropriations bill on June 17 and sent it to the full Appropriations Committee, which is scheduled to consider the legislation soon.

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## OSHA Launches 2015 Heat Illness Prevention Program

The Occupational Safety and Health Administration has launched its annual Heat Illness Prevention Program amidst a backdrop of soaring summer temperatures.

"Our safety message to workers, which we hope you will convey, comes down to three words, three simple words — water, rest, shade," OSHA chief Dr. David Michaels told participants from the National Weather Service (NWS) during a teleconference June 10. OSHA entered into a partnership on health illness prevention with the National Oceanic and Atmospheric Administration and

NWS in 2011. Michaels thanked them for their assistance since then, and called on the meteorologists and weather reporters to mention high-risk outdoor workers in their broadcasts.

"By speaking directly to those who work in physically demanding jobs under the hot sun, you can help save lives and prevent heat-related illnesses," Michaels said.

The heat index combines air temperature and relative humidity and is a measure of how hot it feels.

On June 23, NWS reported that the heat index was 100° Fahrenheit or higher from southeastern Pennsylvania to Florida and into the south central states.

During the teleconference and in a video on OSHA's website dedicated to heat illness (<https://www.osha.gov/SLTC/heatillness/index.html>), the Assistant Secretary noted that construction workers, roofers, landscapers, road crews, baggage handlers, agricultural workers, and those in transportation and oil and gas drilling, among others, are at highest risk. He also singled out young men, because "[t]hey're the ones who think they're immortal and the heat isn't going to affect them," he said.

OSHA has found that most work-related heat deaths occur in the first two days of working in the heat. According to a 2014 agency analysis, of 13 heat-related fatalities for which OSHA issued citations, four of the deaths occurred on the deceased's first day on the job and five others on the second or third day, *Bloomberg BNA* reported.

"It's very important to allow workers to build up their heat tolerance," the Assistant Secretary said.

Citing data from the Bureau of Labor Statistics (BLS), Michaels said 61 people died in heat-related incidents in 2011, the year OSHA first launched its heat illness prevention campaign. The figure fell in 2012 and 2013, to 31 and 34, respectively. *Bloomberg BNA* reported that a BLS category that includes temporary-worker agencies and landscaping experienced 11 deaths in 2013, as did construction. Four other deaths came from the agriculture or fishing sectors. From 2003 through 2013, an average of 36 heat-induced workplace deaths occurred annually.

Regarding heat-induced illness and injuries, BLS reported that 3,106 people missed at least one day of work while recovering from heat-induced illnesses in 2013.

In the spring, OSHA released a new version of its heat safety app in English and Spanish for the iPhone. The app's code is open source, allowing developers to improve or customize the program. A version of the app also is available for phones using the Android operating system, according to *Bloomberg BNA*. Describing the iPhone app as an "improved version," Michaels said it lets the user know instantly if he or she is in a high-risk zone due to heat and humidity, and then presents precautions to prevent heat-related illness.

Michaels did not announce any new regulatory initiatives, but he reminded viewers of the online video that the law requires employers to provide a safe and healthful work environment for their employees. Among the states, California has issued amended heat protection requirements that went into effect May 1.

As described by *Bloomberg BNA*, the California amendments lower the threshold temperature to provide shaded areas to 80° F (from 85° F), increase the amount of shade that must be available to cover every worker on a rest break, require the employer to establish a system for monitoring workers for symptoms of heat illness and mandate emergency response procedures. The changes also direct employers to provide water that is "'fresh, pure, suitably cool'" and located as close as possible to the job site. A mandate unique to agricultural workers stipulates that they be permitted to take cool-down breaks during periods of excessive heat.

The changes come in the wake of a settlement of two lawsuits against California OSHA, filed in 2009 and 2012, by individual farm workers, the United Farm Workers, and the UFW Foundation. The litigation alleged failures by Cal/OSHA to protect farm workers from heat illness and death.

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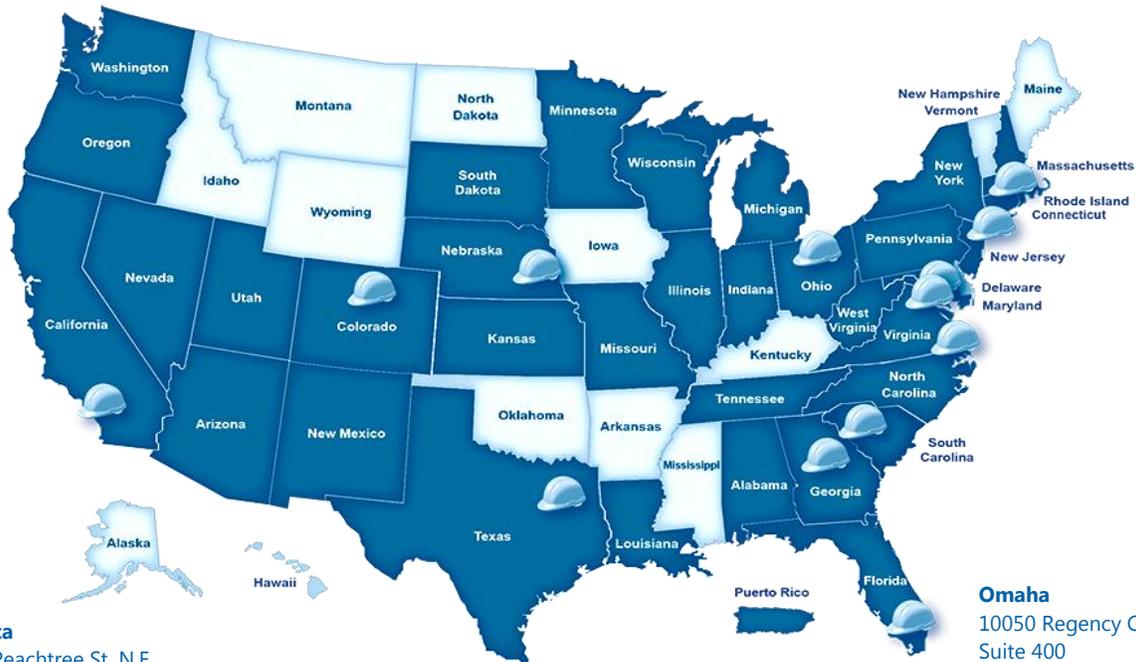
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