



OEM in a Flash



AMERICAN COLLEGE OF
OCCUPATIONAL AND
ENVIRONMENTAL MEDICINE

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2023-2024 ACOEM President



Add some live polling here



Washington Outlook – Key Dates in 2024

Mar. 11: President’s FY25 Budget Request Released

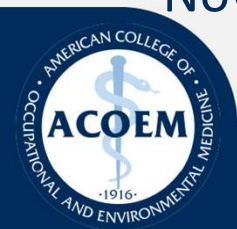
Mar. 22: Funding Deadline for Remaining FY24 Appropriations

Aug. 2 – Sept. 9: Congressional Summer Recess

Sept. 30: End of the FY24 & Congress Leaves for Pre-election October Recess

Nov. 5: Election Day (Presidential, Full House, and 33 Senate Seats)

Nov. 12 – Dec. 20: Congress Returns for “Lame Duck” Session



Executive Branch Activity



OSHA

Pending Standards

- **COVID-19 Healthcare ETS**

- ACOEM submitted comments
- White House OMB received final rule for review on Dec. 7, 2022.
 - No movement – well beyond OMB's 90-day review period
- Could be withdrawn/incorporated in upcoming proposal for Infectious Diseases



OSHA

Pending Standards

- **Infectious Diseases**

- Proposed rule could be issued as early as June 2024
- Control measures to protect from infectious disease exposures to pathogens.
- Covered workplaces may include health care, emergency response, correctional facilities, shelters, drug treatment programs, labs, and more.
- Stakeholder RFI issued in 2010 (ACOEM commented)
- OSHA completed small business impact review at end of 2014



OSHA

Pending Standards

- **Emergency Response**

- Proposed rule published on Feb. 2, 2024
 - Comments open until May 6, 2024
- ACOEM Public Safety Medicine Section analyzing
- Would replace OSHA's existing 1980 Fire Brigades standard
- New rule would provide basic workplace protections for workers who respond to emergencies as part of their regularly assigned duties.
- Includes workers who provide emergency medical service and technical search and rescue.



OSHA

Pending Standards

- **Improve Tracking of Workplace Injuries and Illnesses**

- Require “establishments with 100 or more employees in designated industries, to electronically submit information from their Forms 300 and 301 to OSHA.”
- ACOEM submitted comments, which were considered and noted in final rule.
- Final Rule issued in July 2023 – **went into effect January 1, 2024.**



OSHA

Pending Standards

- **Occupational Lead Exposure**

- Advance Notice of Proposed Rulemaking issued in June 2022
- ACOEM workgroup submitted comments to OSHA
- OSHA analyzing comments received
- ACOEM position statement published in March 2023 JOEM
- ACOEM Congressional awareness advocacy push in Fall 2023



OSHA

Pending Standards

- **Heat Injury and Illness Prevention**

- Advance Notice of Proposed Rulemaking issued end of October 2021
- ACOEM submitted comments in support of rulemaking in January 2022
- OSHA initiated the Small Business Regulatory Enforcement Fairness Act (SBREFA) process in June 2023, concluded this process in November 2023 and issued a findings report.
- The SBREFA report will be analyzed before OSHA issues a proposed rule.
- OSHA has received several petitions for an Emergency Temporary Standard (ETS) and an Interim Standard on Heat – but is unlikely to take this approach.



OSHA

Pending Standards

- **Workplace Violence**

- OSHA is the early stages of developing a potential standard on preventing workplace violence in healthcare and social assistance settings
- OSHA conducted an RFI circa 2017.
- OSHA has completed the Small Business Regulatory Enforcement Fairness Act (SBREFA) process in May 2023, and is analyzing the SBREFA report.
- Next step is a proposed rule – which could be published this Spring.



OSHA

Existing Standards

- **Respirable Crystalline Silica**

- OSHA has standard for occupational exposures to respirable crystalline silica in construction work.
- OSHA is currently considering comments on a 2019 RFI on potential updates to tasks and equipment listed in Table 1 of the current standard.
- The uptick in silicosis cases in engineered stone fabrication and installation industries prompted OSHA to launch RCS Focused Inspection Initiative in September 2023 to supplement the RCS National Emphasis Program.



MSHA

Pending Standards

- **Respirable Crystalline Silica**

- MSHA published a new proposed rule July 2023 – ACOEM commented
- The rule would set the permissible exposure limit of respirable crystalline silica at 50 micrograms per cubic meter of air ($\mu\text{g}/\text{m}^3$) for a full shift exposure, calculated as an 8-hour time weighted average.
- Includes other requirements, such as exposure sampling and medical surveillance.
- Final rule could be published as early as April 2024.



EPA

Pending Standards

- **Toxic Substances Control Act (TSCA)**

- EPA has published and plans to publish several rules to eliminate unreasonable risks of injury to health or the environment for several chemicals, including the following:
 - Methylene Chloride, 1-Bromopropane (1-BP), Carbon Tetrachloride, Trichloroethylene (TCE), Perchloroethylene (PCE), N-Methylpyrrolidone
- ACOEM comments on proposed Methylene Chloride regulation



EPA

Pending Standards

- **Ethylene Oxide (EtO) Emissions Standards**

- In April 2023, EPA published proposed amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Commercial Sterilization Facilities.
- The rule would reduce EtO air emissions from sterilization facilities and chemical plants, which poses cancer risks to the surrounding community, and will implement stronger protection measures for EtO-exposed workers.
- ACOEM filed comments in support.



Federal Advisory Committees

- CDC Advisory Council for Elimination of Tuberculosis
 - ACOEM is a liaison member org and monitors developments on ACET
- CDC Advisory Committee on Immunization Practices
 - ACOEM's request is pending
- NIOSH Board of Scientific Counselors
 - ACOEM nomination pending
- HHS Advisory Committee on Long Covid
 - ACOEM nomination pending

Examples of Other Prospective Opportunities ACOEM is Pursuing:

- CDC Lead Exposure Prevention Advisory Committee
- OSHA National Advisory Committee on Occupational Safety & Health (NACOSH)
- DOL Advisory Board on Toxic Substances and Worker Health



Congressional Activity



118th Congress State of Play

- Divided Congress, very few major bills have been enacted into law and Congress has struggled to agree on annual funding of the government.
 - Tension even on “must-pass” bills (like NDAA) and Congress has kicked the can on major reauthorizations
- House Republicans have been extremely focused on oversight of DOL – OSHA.
- Senate Health, Education, Labor, and Pensions (HELP) Committee has shown interest in bipartisan solutions to address health care workforce shortages.
 - Provides opportunities for highlighting OEM needs.
- HELP Committee leadership exploring health data privacy issues and on-site workplace clinic practices.
- Legislative activity will grind to a halt as we get closer to November.



Federal Funding for OEM Residencies

- Current federal funding through NIOSH, HRSA, and the VA to support OEM residency programs is scattered and insufficient.
- Critical pipeline issue for training future generation of OEM physicians; specialty aging; unmet employer demand.
- A COGA work group is pursuing this issue and enact federal policy that provides a larger dedicated authorization to support OEM residency programs.
- ACOEM has a presidential task force focused on OEM pipeline which is undertaking activities which will support funding advocacy.



Federal Funding for OEM Residencies

- FY25 Congressional Appropriations Efforts

- ACOEM is advocating for a topline increase in NIOSH funding for FY25, with an emphasis on new funding for the NIOSH Education and Research Center (ERC) program and funding for NIOSH research activities.
 - ACOEM also supports allied stakeholder coalition efforts in this area, which include advocacy for additional resources for the OSHA budget in addition to NIOSH.
- ACOEM is engaging with Congress to urge an increase in FY25 funding for HRSA's Preventive Medicine and Public Health Training Grant Program with a dedicated carve out for OEM.
 - New HRSA program requirements have made this mechanism less accessible to OEM residency programs.
- Challenging budget climate (divided Congress) – spending increases unlikely, potential for year-long continuing resolution.
- Fortunately, NIOSH ERC funding has been spared severe proposed cuts, unlike other discretionary spending health-related programs.



118th OEM-Related Legislation

- S.2624/H.R.5894 - *Labor, Health and Human Services, and Education FY 2024 Appropriations Act*
- S.114/H.R.766 - *Preventive Health Savings Act*
- S.2948/H.R.5420 - *Workplace Overdose Reversal Kits (WORK) to Save Lives Act*
- S.1069/H.R.2402 - *Alan Reinstein Ban Asbestos Now Act*
- S.131/H.R.618 - *Improving Access to Workers' Compensation for Injured Federal Workers Act*
- S.260/H.R.798 - *Protecting America's Meatpacking Workers Act*
- S.925/H.R.1706 - *Michael Enzi Voluntary Protection Program Act*
- S.1176/H.R.2663 - *Workplace Violence Prevention for Health Care and Social Service Workers Act*
- S.2501/H.R.4897 - *Asuncion Valdivia Heat Illness and Fatality Prevention Act*



118th OEM-Related Legislation – Cont.

- S.2601/H.R.4978 - *Agricultural Worker Justice Act*
- S.518/H.R.3220 - *Correctional Facilities Occupational Safety and Health Act*
- S.2119/H.R.3821 - *Firefighter Cancer Registry Reauthorization Act of 2023*
- H.R. 69 - *NOSHA Act*
- H.R.6221 - *Smoke Mitigation and Occupational Key Enhancements (SMOKE) Act*
- H.R.5601 - *Marijuana Opportunity Reinvestment and Expungement Act (MORE) Act*
- H.R.6243 - *Overdose Reversal Medication Act (ORM) Act*
- H.R.2998 - *Protecting America's Workers Act*
- Various - *Pandemic and All-Hazards Preparedness Act (PAHPA) Reauthorization*



OEM Legislation Pending (Re)introduction

- FY25 Labor-HHS-Education Appropriations Bill
- *Employee Access to Worksite Health Services Act* (H.R.7487 in 117th)
- *Beryllium Testing Fairness Act* (S.4928 in 117th)



Thank You!

Q & A

