



American Bakers Association

# Safety Committee



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**April 25, 2008**

**To: ABA Safety Committee**  
**From: Rasma I. Zvaners, Senior Government Relations Manager**  
**Re: OSHA Issue Update**

### **ABA Safety Committee Webinar Presentations Available**

Presentations from the April 15, 2008 Safety Committee Webinar are now available on the ABA website. Presentations include: Confined Spaces, Oven Entry and the Legislative/Regulatory Update. Also, on the ABA website are two combustible dust presentations that Committee members wanted to share with other members. Materials can be found at the following link: <http://www.americanbakers.org/committee/SafetyCommittee.htm>

### **Mark Your Calendar! ABA Safety Committee Next Meeting July 20-22**

The ABA Safety Committee will hold its next meeting July 20-22 in Hershey Pennsylvania. The Safety Committee will hold a one day meeting, followed by a joint session with the ABA Human Resources Committee. A detailed agenda is forthcoming. We look forward to your participation.

### **ABA Opposes Combustible Dust Legislation**

ABA through the OSHA Fairness Coalition opposed the Combustible Dust Explosion and Fire Prevention Act of 2008, H.R. 5522. Similar to other legislation passed by the House Education & Labor Committee during this Congress, the bill mandates that OSHA promulgate an interim final regulation (IFR) within 90 days. ABA's concern is that this short circuits the regulatory process by not allowing any opportunity for comments by those potentially subject to the regulations. Further, the shortened time frame would not allow OSHA to perform any of the regulatory analyses associated with normal rulemaking, including: significant risk, economic and technological feasibility, and small business impact. The final rule is to be issued 18 months after enactment. On April 10 the House Education and Labor Committee passed H.R. 5522 on a voice vote. Several amendments were made to the final language of the bill. First the language was adjusted to clarify that employers already covered by the OSHA grain standard (1910.272) were not subject to this bill. Second, the bill instructs OSHA to include the National Fire Protection Association's (NFPA) standards in the final regulation. The prior version of the bill required OSHA to adopt the NPFA standards. The full House is expected to take up this legislation in the next few weeks. The Coalition letter is attached.

### **Murray, Kennedy Request Investigation of Workplace Injury, Illness Underreporting**

**BNA, April 24, 2008**

Senators Patty Murray (D-Wash.) and Edward Kennedy (D-Mass.) asked the Government Accountability Office April 22 to investigate whether the Occupational Safety and Health Administration ensures that employers accurately report workplace injuries and illnesses. Because OSHA uses data businesses provide to decide what sites to inspect, there is an incentive for businesses to underreport injuries and illnesses, the senators said in an accompanying press release.

Murray, chairman of the Senate Subcommittee on Employment and Workplace Safety, and Kennedy, chairman of the Senate Committee on Health, Education, Labor and Pensions, said they are concerned underreporting has recently become more prevalent while OSHA's efforts to monitor reporting accuracy have declined. "When it comes to the health and safety of American workers, we can't allow OSHA to just take employers at their word," Murray said. "I want the GAO to take a good hard look at injury and illness reporting because frankly, it's a system that seems all too easy to game," she added. A study published July 2007 attributed 83 percent of the recent decline in occupational injuries and illnesses to changes in OSHA's recordkeeping rules.

## Request Builds on Hearing

In their letter to GAO, Murray and Kennedy specifically asked GAO to:

- Evaluate OSHA's efforts to ensure employers are properly recording injuries and illnesses;
- Assess trends in OSHA's recordkeeping audits and targeted inspections;
- Provide information on any research available on employers' underreporting of injuries and illnesses;
- Conduct a survey of occupational physicians, such as those in the American College of Occupational and Environmental Medicine, who have expressed concerns about underreporting; and
- Provide recommendations on how to improve OSHA's recordkeeping.

"In my hearings and in discussions with occupational health experts, I have heard about the shadowy practice of underreporting and I think it's time to shed some light on this process," Murray said. On April 26, 2007, Murray held a hearing where a witness testified that information collected by the Bureau of Labor Statistics and relied upon by OSHA for targeting inspections does not include two-thirds of occupational injuries and illnesses. The letter from Senators Murray and Kennedy to GAO requesting an investigation into underreporting of workplace injuries and illnesses is available at <http://murray.senate.gov/news.cfm?id=296523>

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