



OSHEP NEWSLETTER

SAFETY AND HEALTH

JACKSON AND CANAS TO DHS: "ONE SIZE DOES NOT FIT ALL" REGARDING CHEMICAL SECURITY INITIATIVES; CORZINE PREPARED TO GO TO COURT

OSHEP applauds Director of NJ Homeland Security Richard Cañas and Commissioner of NJ Department of Environmental Protection Lisa Jackson for their recent letter to the U.S. Department of Homeland Security regarding the Advance Notice of Rulemaking for the Chemical Facility Anti-Terrorism Standards. The letter, dated February 7, 2007, expresses concern over any federal legislation that has the "potential to preempt existing state chemical security initiatives or limit future state actions to address unique vulnerabilities."

As the letter points out, New Jersey adopted some of the most stringent requirements regarding mandated security vulnerability assessments, development of prevention, preparedness and response plans, affording employees and their collective bargaining representatives an opportunity to identify issues to be addressed in the security programs, and conducting inherently safer technology reviews, due to New Jersey's high population density and critical infrastructure concentration. We agree with Cañas and Jackson, that it is "important not to penalize those pro-active states and allow the states to retain the authority to adopt enhanced security requirements if states determine they are necessary... Security standards that are appropriate to safeguard a facility in a rural area, for example, may not be sufficient for a facility located in one of the most densely populated and heavily traveled sections of the country. Simply put, one size does not fit all."

Additionally, Senators Frank Lautenberg (D-NJ) and Robert Menendez (D-NJ) and Representatives Frank Pallone (D-6) and Chris Smith (R-4) submitted written objections to the file regarding preemption of more stringent state security initiatives. The final Federal Regulations are set to be finalized by April 4, 2007.

Governor Corzine said yesterday that he is prepared to go to court if necessary to prevent the Bush administration from pre-empting New Jersey's chemical security law. "We are going to do everything we can (through) our congressional delegation to push back on that," Corzine said during the National Governors Association meetings. "We'll appeal it; put it in court if we have to."

ANNUAL OCCUPATIONAL SAFETY AND HEALTH EDUCATION CONFERENCE A BIG SUCCESS

More than 100 participants crowded the conference halls at the Trenton Marriott for the 2007 Occupational Safety and Health Education Conference on January 16, 2007. Participants attended workshop sessions on a variety of topics including Pandemic Flu, Workplace Violence, Ergonomics, Workers Compensation, OSHA's Enforcement and Cooperative Programs, and Emergency Response.

Commissioner David Socolow, New Jersey Department of Labor and Workforce Development and Lou Ricca, Deputy Regional Administrator for OSHA Region II addressed the participants during a morning plenary session. Both keynote speakers emphasized the importance of partnerships between workers and employers and encouraged attendees to bring the information they learned back to their respective memberships. Presenters hailed from OSHA, New Jersey Laborers Training Center, New Jersey Business Force, New Jersey Office of Homeland Security and Preparedness, New Jersey Department of Health and Senior Services, as well as other key organizations.

President Charles Wowkanech, New Jersey State AFL-CIO hopes this conference continues to be a key resource to workers throughout New Jersey who would like to educate themselves on key safety and health issues. "Despite advances in safety and health regulations, workers continue to get hurt on the job. Every worker has a right to go home safe at the end of the day and the New Jersey State AFL-CIO / Rutgers University Heldrich Center partnership is committed to fighting for that right in every New Jersey workplace."

SECURITY TRAINING CLASSES MOVING FORWARD

The OSHEP staff has a full training calendar for the beginning quarter of 2007. Last year saw successful implementation of the Security Awareness and Preparedness Train-the-Trainer curriculum, in addition to direct training for this curriculum to employees and management at Del Val Ink and Color Inc. in Cinnaminson, NJ. This experience added first-hand knowledge for our trainers regarding security and training issues at facilities on-site, with good feedback and reviews from the attendees. We are scheduled for several upcoming direct training classes at facilities around the state. Direct training and/or assistance in training is a service the OSHEP partnership offers for those facilities that do not have the training resources to meet requirements set forth by the state for security awareness and preparedness. If you are interested in scheduling training at your facility, contact Christine Rampolla at (609)989-8289.

OSHEP ADVISORY BOARD MEETS

The Advisory Board of the Occupational Safety and Health Education Program (OSHEP) held a meeting January 11, 2007. The new partnership between the New Jersey State AFL-CIO and Rutgers University Heldrich Center for Workforce Development included participation from representatives of labor, business, academia, state and federal government.

Ron Anderson, Program Director of Rutgers OSHEP, presented the board with the mission of OSHEP - to make workplaces and communities safer and more secure. This mission will be accomplished by accurately tailoring training programs to the needs of the workers and employers. In addition the programs will focus on increasing workers' security awareness.

The Strategic Goals presented included increased OSHEP awareness and participation, supporting New Jersey's initiative on security awareness, creating a series of metrics to better measure program success, creating new partnerships and finally achieving name recognition through program success.

The values under which OSHEP will operate are to maintain a professional relationship at every level and advocate for the safety and health of the New Jersey workforce.

A WELCOME PROPOSAL FROM THE PRESIDENT'S BUDGET REQUEST

The Budget request for Fiscal Year (FY) 2008 submitted by President Bush includes a \$490.3 million allocation for the Occupational Safety and Health Administration. According to a press release on the OSHA website, the request constitutes an increase of nearly \$18 million over FY 2007. The proposed budget overview cites an increase of \$10.4 million in Federal Enforcement, a \$7.1 million increase in Federal Compliance Assistance, and a proposal to increase OSHA's budget for Voluntary Protection Programs by more than \$4.6 million. This proposed increase in OSHA's budget brings a welcome sigh of relief to a working population that has seen an upswing in injury, fatality and illness statistics in the recent years. Here's hoping that this good news is a sign of better things to come for the safety and health of our workforce.

AND YET ANOTHER PRESIDENTIAL EXECUTIVE ORDER ERODES OUR RIGHTS

An executive order (E.O. 12866) signed last week by President Bush mandates each federal agency to have a regulatory policy office run by a political appointee. This political appointee will supervise the development of rules and guidance documents to ensure that these agencies carry out the president's priorities. According to a New York Times article, the White House indicates that the executive order is not meant to rein in any one agency. However, according to business executives and consumer advocates, this is a result of the Administration's concern regarding rules and guidance issued chiefly by the Environmental Protection Agency and the Occupational Safety and Health Administration.

Predictably, this move is welcomed by business groups that seek to reduce the burden imposed on them by federal regulations. For those of us who look to federal agencies to protect our way of life and our safety and health, this will clearly hinder agencies' effort to protect the public.

The New York Times article quotes Representative Henry A. Waxman (D-CA), Chairman of the Committee on Oversight and Government Reform, "The executive order allows the political staff at the White House to dictate decisions on health and safety issues, even if the government's own impartial experts disagree. This is a terrible way to govern, but great news for special interests."

Agencies normally issue regulations by exercising considerable latitude based on expert scientific opinion. This new executive order places political appointees in charge of rule making and requires federal agencies to give the White House an opportunity to review any significant guidance document and identify "the specific market failure" or problem that justifies government intervention. This will create an additional hurdle in issuance of rules that we as a workforce and citizenry rely on to protect our safety and health.

A copy of the Executive Order can be found at:
<http://www.whitehouse.gov/omb/inforeg/eo12866.pdf>