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## **OSHA: 2011 AND BEYOND**

In our [March 2011 OSHA E-Alert](#), we reported on the Occupational Safety and Health Administration's (OSHA) Fiscal Year 2012 budget requests and the potential budget cuts that could significantly alter the amounts budgeted. Three months later, OSHA's funding levels remain uncertain. In the meantime, however, OSHA is proceeding with certain other regulatory initiatives, which we summarize below.

### **Respiratory Hazards**

OSHA and the National Institute for Occupational Safety and Health (NIOSH) have developed two guidance documents, one for employers and one for employees, promoting the use of spirometry testing to help reduce and prevent worker exposure to respiratory hazards. Spirometry is a common pulmonary function test that measures how well a person moves air in and out of the lungs. Over time, workers who inhale certain dusts, gases or other air contaminants can experience lung damage.

The purpose of the new OSHA and NIOSH guidance documents is to identify and eliminate workplace hazard exposures and to reduce or prevent the development of lung disease in workers. The new employer guidance explains why monitoring workers' lung functions over time makes workplaces safer by identifying and correcting respiratory hazard problems early. The guidance clarifies what spirometry is and when it is needed, and it identifies critical elements that employers can use to evaluate the quality of spirometry services provided to their workers. The companion employee guidance explains the importance of taking a spirometry test, what to do during the test, and the right to receive an explanation and copy of test results.

### **Baseline Survey**

Almost 20,000 private sector employers nationwide have received, or soon will receive, OSHA's Baseline Survey of Safety and Health Practices. Recipient employers of all sizes will span industries subject to OSHA jurisdiction. The survey asks employers about their workplace safety and health management practices and the kinds of hazards encountered at their facilities. The purpose of the survey, response to which is voluntary, is to help OSHA better design future rules, compliance assistance, and outreach efforts. OSHA expects to complete its data collection by August.

### **Streamlining Standards**

OSHA recently released a new rule that removes outdated requirements and streamlines and simplifies standards, thus reducing employer regulatory burdens. According to the Assistant Secretary of Labor for OSHA, "OSHA estimates that the final rule, without reducing employee protection, will result in annual cost savings to employers exceeding \$43 million and significant reductions in paperwork burden hours." Expected impacts include changes to the OSHA respiratory protection standard and requirements for transmitting exposure and medical records to NIOSH. Because the rule contains no new requirements, employers are expected to comply with the rule immediately.

## **Summary**

We will continue to update you as new OSHA regulatory developments occur. In the meantime, any member of Reinhart's Labor and Employment Practice will be pleased to answer questions and address concerns that you may have regarding OSHA's compliance and enforcement efforts.

This *Headlines in Labor and Employment Law E-Alert* provides general information and should not be construed as legal advice or a legal opinion. Readers should seek legal counsel concerning specific factual situations confronting them.