



Happenings From The Hill

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Federal Budget Special Edition

Congress “Finally” Approves Federal Spending Levels for FY12

With little time to spare (the most recent continuing resolution was to expire on December 16) Congress finally reached a consensus on federal spending for the 2012 fiscal year that began this past October 1. With both the House and the Senate agreeing on spending totals, the President signed off on the measure to avoid any further controversy until the 2013 budget debate begins.

The final bill turned out to be just what we expected – an omnibus bill that rolled all of the remaining appropriations bills into one big bill. And a big bill it is! Nearly takes a PhD to find the final figures and the accompanying text in a bill that was thousands of pages long.

So how did occupational health and safety fare in the end?

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

OSHA was provided a total of \$565,857,000 in the final budget. This was an increase of a little over \$7 million from what OSHA had been appropriated in 2011. Not bad, considering! The increased spending was limited to three separate areas:

- Whistleblower Enforcement received an increase of \$1.097 million
- Federal Compliance Assistance received an increase of \$3.117 million
- State Consultation Grants received an increase of \$3.312 million.

A small decrease of \$288,000 in Safety and Health Standards was also in the final budget.

But Congress didn't stop there when looking at the OSHA budget. A small "addendum" was placed on the OSHA budget that states "None of the funds made available may be used to continue the development of or to promulgate, administer, enforce, or otherwise implement the Occupational Injury and Illness Recording and Reporting Requirements – Musculoskeletal Disorders (MSD) Column being developed by OSHA." In other words, the effort to add the MSD column back on the OSHA 300 form is "dead" for now.

Things could have been worse. The House had originally included a ban on OSHA spending any funds to develop the Injury and Illness Prevention Program (I2P2) rule; however this was not included in the final budget.

All in all, OSHA kept a low profile over the last few months, enough that Congress did not slash funding from the agency.

MINE SAFETY AND HEALTH ADMINISTRATION (MSHA)

The final MSHA budget shows a total of \$374,000,000 appropriated. This is an increase of \$12.156 million – not bad for an agency that encountered considerable "negative news" over the last year. Increases for MSHA came in every category.

Notwithstanding the increase in spending for MSHA, Congress also added a "rider" to the MSHA budget prohibiting any of the funds to be used to implement or enforce the proposed rule entitled "Lowering Miners" Exposure to Coal Mine Dust.

NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH (NIOSH)

Trying to decipher the NIOSH budget is even difficult for a rocket scientist. Suffice to say that NIOSH has been appropriated \$182,903,000 to spend in FY12. This is a considerable decrease in funding of more than \$41 million; however when one adds in the "evaluation tap funding" (which is difficult to explain) the final figure comes in with a reduction in spending of \$22.452 million.

A quick look at the NIOSH Budget Appropriations:

Education and Research Centers	\$24.321 million
Personal Protective Technology	\$16.828 million
Healthier Workforce Centers	\$5.026 million
National Occupational Research Agenda	\$111.367 million
Mining Research	\$52.687 million
Other OSH Research	\$83.398 million
Miners Choice	\$0.647 million
National Mesothelioma Registry	\$1.022 million
Plus funding for the AFF Program equal to FY11 funding	

But there is also great news to talk about in the NIOSH budget! Congress “got the word” from AIHA members and many others that the President’s proposed elimination of funding for the Education Research Centers (ERC) and the Agriculture, Forestry and Fishing Program (AFF) should not be accepted. Congress listened and provided full funding for these programs through September 30, 2012.

Complete Breakdown of the OSHA and MSHA Budgets

Attached to this email and this edition of “Happenings” is a complete breakdown of the budgets for OSHA, MSHA and NIOSH – by category. The breakdown compares the FY11 spending level to the FY12 requested level and the final figure that was approved.

The Way I See It!!

So, here we are at the end of 2011. Washington has become a forum of debate like I have never seen before.

Looking back on the year we saw:

- A total of seven Continuing Resolutions to keep the government from shutting down,
- Considerable debate on whether or not to raise the federal debt ceiling - almost causing the federal government to go into default,
- Congress “go home for the holidays” without a compromise on extending unemployment benefits and the payroll tax reduction – thereby creating a tax increase for nearly everyone on January 1, and of course
- We await a Supreme Court review of the health care law.

We enter 2012 with a divided Congress, a presidential election that promises to be rather “interesting”, and occupational health and safety issues in a continuous hold pattern.

It’s the end of the year, time for family and friends, so my take on all of this
“Nuf Said!”

Have a Happy, Healthy, and Safe Holiday Season

For information on any of the items in this report, please contact Aaron Tripler.