

AMENDMENT NO. _____ Calendar No. _____

Purpose: To prohibit the use of funds to promulgate or implement regulations relating to occupational exposure to respirable crystalline silica until additional studies and reports are completed.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

(no.) _____

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2016, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HOEVEN

Viz:

- 1 At the appropriate place, insert the following:
- 2 SEC. __. (a) Subject to the requirement under sub-
- 3 section (b), none of the funds appropriated or otherwise
- 4 made available by this Act may be used to promulgate or
- 5 implement any rule, standard, or policy amending part
- 6 1910, 1915, or 1926 of title 29, Code of Federal Regula-
- 7 tions (as in effect on the day before the date of enactment
- 8 of this Act), related to occupational exposure to respirable
- 9 crystalline silica, including the proposed rulemaking by the
- 10 Occupational Safety and Health Administration of the De-

1 partment of Labor issued on September 12, 2013 (78 Fed.
2 Reg. 56274), until—

3 (1) a review is conducted after the date of en-
4 actment of this Act by a small business advocacy re-
5 view panel, pursuant to the Small Business Regu-
6 latory Enforcement Fairness Act of 1996 (5 U.S.C.
7 601 note), and the panel delivers a report on the re-
8 view to the Assistant Secretary of Labor for Occupa-
9 tional Safety and Health;

10 (2) the Secretary, acting through the Assistant
11 Secretary of Labor for Occupational Safety and
12 Health, commissions an independent study, to be
13 conducted by the National Academy of Sciences, ex-
14 amining—

15 (A) the epidemiological justification of the
16 Occupational Safety and Health Administration
17 for proposing to reduce the occupational expo-
18 sure limits to respirable crystalline silica, estab-
19 lished by such Administration and in effect on
20 the day before the date of enactment of this
21 Act, including consideration of the prevalence
22 or lack of disease and mortality associated with
23 such occupational exposure limits;

24 (B) the ability of sampling methods to col-
25 lect samples of respirable crystalline silica and

1 laboratories to measure such samples (in a
2 manner that meets the criteria for accuracy and
3 precision contained in the most recent publica-
4 tion of the NIOSH Manual of Analytical Meth-
5 ods, published by the National Institute for Oc-
6 cupational Safety and Health) to determine oc-
7 cupational exposures to respirable crystalline
8 silica that are less than or equal to the occupa-
9 tional exposure limits and action levels for res-
10 pirable crystalline silica proposed by the Occu-
11 pational Safety and Health Administration as
12 of the day before the date of enactment of this
13 Act;

14 (C) the ability of regulated industries to
15 comply with such occupational exposure limits
16 or action levels;

17 (D) the ability of various types of personal
18 protective equipment to protect employees from
19 occupational exposure to respirable crystalline
20 silica;

21 (E) the steady decline in silicosis related
22 mortality rates based on data maintained by the
23 Centers for Disease Control and Prevention;
24 and

1 (F) the costs of the different types of such
2 personal protective equipment as compared to
3 the costs of engineering and work practice con-
4 trols related to such equipment; and

5 (3) the Secretary, acting through such Assist-
6 ant Secretary, submits to the Committee on Appro-
7 priations, and the Committee on Health, Education,
8 Labor, and Pensions, of the Senate, a report con-
9 taining the results of the independent study con-
10 ducted under paragraph (2).

11 (b) Notwithstanding the funding limitation under
12 subsection (a), from the funds appropriated to the Occu-
13 pational Safety and Health Administration for safety and
14 health standards, \$800,000 shall be made available to con-
15 duct the independent study under subsection (a)(2) and
16 submit the report under subsection (a)(3), which report
17 shall be submitted by not later than 1 year after the date
18 of enactment of this Act.