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 subsection (b), none of the funds appropriated or otherwise made available by this Act may be used to promulgate or implement any rule, standard, or policy amending part 1910, 1915, or 1926 of title 29, Code of Federal Regulations (as in effect on the day before the date of enactment of this Act), related to occupational exposure to respirable crystalline silica, including the proposed rulemaking by the Occupational Safety and Health Administration of the De-
department of Labor issued on September 12, 2013 (78 Fed. Reg. 56274), until—

(1) a review is conducted after the date of enactment of this Act by a small business advocacy review panel, pursuant to the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note), and the panel delivers a report on the review to the Assistant Secretary of Labor for Occupational Safety and Health;

(2) the Secretary, acting through the Assistant Secretary of Labor for Occupational Safety and Health, commissions an independent study, to be conducted by the National Academy of Sciences, examining—

(A) the epidemiological justification of the Occupational Safety and Health Administration for proposing to reduce the occupational exposure limits to respirable crystalline silica, established by such Administration and in effect on the day before the date of enactment of this Act, including consideration of the prevalence or lack of disease and mortality associated with such occupational exposure limits;

(B) the ability of sampling methods to collect samples of respirable crystalline silica and
laboratories to measure such samples (in a manner that meets the criteria for accuracy and precision contained in the most recent publication of the NIOSH Manual of Analytical Methods, published by the National Institute for Occupational Safety and Health) to determine occupational exposures to respirable crystalline silica that are less than or equal to the occupational exposure limits and action levels for respirable crystalline silica proposed by the Occupational Safety and Health Administration as of the day before the date of enactment of this Act;

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

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

(E) the steady decline in silicosis related mortality rates based on data maintained by the Centers for Disease Control and Prevention; and
(F) the costs of the different types of such personal protective equipment as compared to the costs of engineering and work practice controls related to such equipment; and

(3) the Secretary, acting through such Assistant Secretary, submits to the Committee on Appropriations, and the Committee on Health, Education, Labor, and Pensions, of the Senate, a report containing the results of the independent study conducted under paragraph (2).

(b) Notwithstanding the funding limitation under subsection (a), from the funds appropriated to the Occupational Safety and Health Administration for safety and health standards, $800,000 shall be made available to conduct the independent study under subsection (a)(2) and submit the report under subsection (a)(3), which report shall be submitted by not later than 1 year after the date of enactment of this Act.