



OSHA Chromium Exposure Rule Update: Final White House Review Pending



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OSHA is nearing a decision on what could arguably be the most restrictive chromium workplace standard in the world. While the agency is committing record resources and staff to meet its January 2006 court deadline, at press time the rulemaking package had still not been sent over to the White House for its final stage of review before publication.

In anticipation of this final round of decision making, the finishing industry just wrapped up an extensive campaign on Capitol Hill to convince lawmakers to press the White House and Department of Labor Secretary Elaine Chao for a more reasonable standard. In the Senate, Government Relations led a key group of manufacturing organizations in the effort and prompted Senator Christopher "Kit" Bond (R-MO) to champion a letter-writing effort. Bond, with nine of his Senate colleagues, wrote to remind the executive branch of its dual obligation to protect workers' health and maintain U.S. manufacturing competitiveness.

Signatories to the letter included Senate Health, Education, Labor and Pensions Committee Chairman Mike Enzi (R-WY), as well as Senator Johnny Isakson (R-GA), who chairs the Subcommittee on Employment and Workplace Safety.

In the House, the industry worked closely on a letter writing effort with Rep. Candice Miller (R-MI), who earlier this year held a committee hearing on select regulations, including the OSHA chromium rule. Rep. Miller, who chairs

the House Subcommittee on Regulatory Affairs, signed the letter to the White House and Labor Secretary Chao along with twenty-two other House members.

The Senate letter to the White House and Labor Department is shown on facing page.

NIST Holds Washington Event on Testing and Reporting Issues Related to Europe's RoHS Directive

Most finishing firms and their suppliers are aware of the July 2006 compliance deadline for one of the European Union's major environmental regulations. EU Directive 2002/95/EC – or the RoHS directive – will require that all manufacturers of electronic and electrical equipment sold in Europe eliminate or drastically reduce six substances: lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls and polybrominated diphenyl ethers.

What some firms still may not appreciate is the broad scope of the RoHS directive and that a wide range of products requiring plating or surface finishing will be affected. In fact, *Tim McGrady*, Chairman of a newly created ASTM committee formed to address standardized testing and material specifications issues arising from RoHS, has summed up the reach of the new requirements by noting the true scope of RoHS is global in nature and impacts nearly every material used to manufacture non-food goods.

Many finishing and supplier firms are facing a new set of tasks and challenges to meet OEM or other customer needs for RoHS material content requirements. One recent event that took place in Washington to help prepare companies on testing and reporting procedures for next year was an October workshop sponsored by the National Institute for Standards and Technology (NIST).

The event specifically addressed the measurement and standards needs for newly restricted substances as industry responds to RoHS. To see more information and download several informative presentations, go to NIST's website at:

http://www.cstl.nist.gov/nist839/RoHS/RoHS_Meeting.htm.

United States Senate

WASHINGTON, DC 20510

November 2, 2005

The Honorable Elaine L. Chao
Secretary
U.S. Department of Labor
Frances Perkins Building
200 Constitution Ave., NW
Washington, DC 20210

The Honorable John D. Graham, Ph.D.
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Eisenhower Executive Office Building
1650 Pennsylvania Avenue NW
Washington, DC 10503

Dear Secretary Chao and Dr. Graham:

It is our understanding that the Occupational Health and Safety Administration (OSHA) is working to finalize by next January a costly set of regulatory changes to the existing permissible exposure limit (PEL) for hexavalent chromium.

The U.S. manufacturing base and thousands of American-made products and jobs depend on this critical material in a range of applications, including aerospace and defense, stainless steel and metal finishing, industrial and agricultural machinery, and painting and welding. OSHA's proposed limit of 1 microgram per cubic meter ($\mu\text{g}/\text{m}^3$) represents a limit 50 times more stringent than the current standard and 50 times more stringent than the exposure limits of our major trading partners in Europe and Asia.

It is also our understanding that recent analyses submitted to OSHA during the comment period suggest that the agency failed to include whole industry sectors with many small businesses in its assessment of the proposed rule. Furthermore, we are concerned that the proposed limit is so low that thousands of small businesses will have difficulty successfully complying, raising serious questions about whether OSHA's proposed limit is technologically feasible.

In light of the serious competitive challenges currently facing the nation, any final regulation should minimize the potential for substantial job losses and closures to family-owned, small businesses and adverse competitive pressures that prompt companies to relocate certain operations overseas. By some estimates, the cost to the U.S. economy for a limit this low will easily exceed \$3 billion annually, which is far greater than OSHA's estimated cost of \$220 million and could make this rule one of the most expensive federal regulations in recent years.

We understand and support the need for a more protective PEL. However, before taking final action on this rulemaking, we urge you to ensure that OSHA fully assesses the technological feasibility of the proposed limit and the potential adverse consequences of the rule on American jobs and competitiveness.

Sincerely,

