



INSIGHTS JANUARY 2012 - ADMINISTRATION/CONGRESS

MSHA, OSHA FUNDING INCREASE

The Labor Department's fiscal 2012 appropriations bill, approved by Congress last month, includes modest spending boosts for both MSHA and OSHA. MSHA's budget has risen to \$374 million from \$361.8 million, while OSHA's budget has increased to \$565.9 million from \$558.6 million.

The money came with strings attached. Language included in the legislation prevents MSHA from moving forward with its proposed health rule on black lung disease until after the Government Accountability Office (GAO) completes an eight-month study and issues an "interim report" on the data collection, sampling and analytical data and methodologies underlying MSHA's proposal. The mine safety agency released its proposed rule in October 2010 and had been set to issue a final rule in April.

Republican lawmakers also inserted language freezing any further action by OSHA to add a column on its 300 log form to capture musculo-skeletal disorders (MSD). The business community sees the agency's initiative as a veiled attempt to gather data to support another run at an ergonomics standard. Congress rebuffed an earlier effort in 2001. The budget language was silent on OSHA's proposal to reduce exposure to crystalline silica or on its plan to issue a rule requiring employers to develop injury and illness prevention plans. The silica proposal has been under review by the White House since February 2011. It is not expected to be issued in this election year.

The single largest line item increase in MSHA's budget is \$5 million for enforcement. Congress also authorized MSHA to set aside up to \$3 million to deal with the civil case backlog problem. Congress boosted OSHA's compliance assistance activities by \$6.4 million while keeping spending flat on enforcement and cutting nearly \$300,000 from standards development.

The Federal Mine Safety and Health Review Commission received \$17.6 million, a large increase that is intended to address the backlog problem. The Occupational Safety and Health Review Commission received \$11.7 million, while NIOSH's Office of Mine Safety and Health Research received \$52.7 million, the same amount as last year.

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