



GEAPS EXCHANGE

KANSAS CITY • 2022



Stay Connected!

Download the “*GEAPS Exchange*” app for schedule, maps and surveys.

Share on Social!

#GEAPSExchange

Wifi Network: GEAPS2022 Password: Exchange92

Thank you to our Education Program Sponsors!



2022 OSHA and EPA Priorities in Biden Administration

Jess McCluer

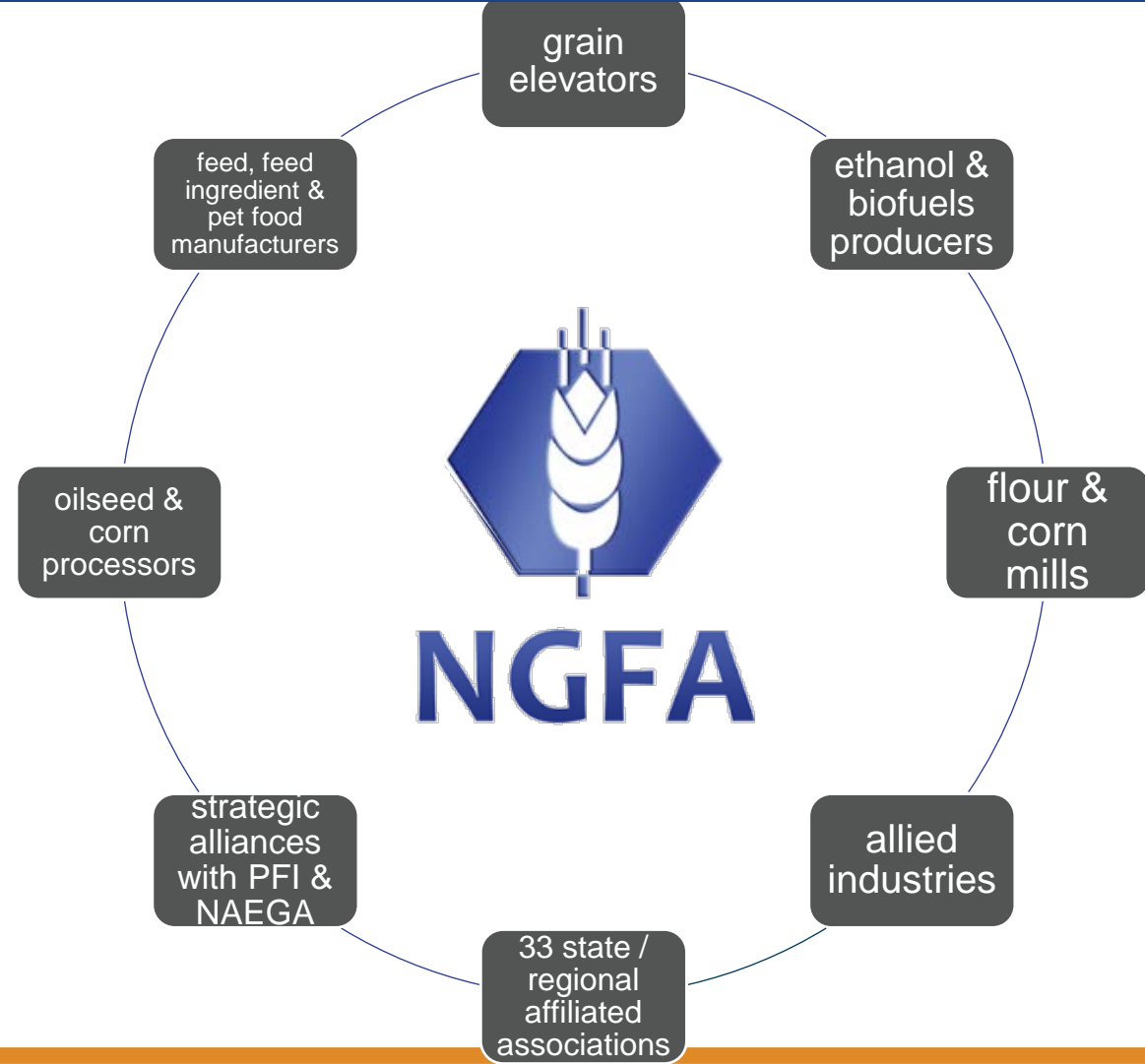
March 16, 2022

NGFA Membership Today

The Association was founded in 1896 to ...

- Standardize grain inspection and grading
- Develop trade rules and procedures for resolving trade disputes
- Create a united front to improve rail service
- Elevate professional reputation of the industry

**1,000 member companies
handle 75% of
U.S. grains and oilseeds**



NGFA On Behalf of Our Members

- Voice of the Industry
- Advocacy
- Safety Programs
- Arbitration



Source: istock.com

NGFA Safety, Training and Education

The NGFA is committed to promoting safety and health in the workplace, and shares the Occupational Safety and Health Administration's (OSHA's) commitment to protecting employees.

Online Resources

- Safety tip sheets
- Webinars
- Podcasts
- Training videos
- Interactive courses
- Guidance documents

Training & Education

- Regional safety seminars
- CONVEY
- Harvest Safety Week
- NGFA-GEAPS-GHSC-OSHA Alliance
 - Stand Up for Grain Safety Week

www.ngfa.org/safety

SAFETY

The NGFA is committed to promoting safety and health in the workplace, and shares the Occupational Safety and Health Administration's (OSHA's) commitment to protecting employees.

The NGFA's extensive efforts to enhance safety include unprecedented research and education efforts launched in the early 1980s that helped lead to a **dramatic reduction in the number of fire and explosion incidents** in commercial grain-handling facilities in the late 1970s. The industry has demonstrated its commitment, before and after the promulgation of the OSHA's grain handling standard, 29 CFR 1910.272, in 1988.

Grain Safety Poster: Save NGFA's "**Grain Bin Safety Saves Lives**" document and share your commitment to grain bin safety.

Businesses can register for OSHA's Safe + Sound Week 2021: The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) is encouraging businesses and organizations to promote workplace safety and health programs during Safe + Sound Week, Aug. 9-15. NGFA is one of many industry partners supporting Safe + Sound Week, which is an event for employers to implement workplace safety initiatives and highlight workers' contributions to improving safety. Organizations of any size or in any industry looking for an opportunity to showcase their commitment to safety are invited to participate. [Click here](#) to access OSHA's website for information on how to do so.

Featured Videos



WATCH: 'Bin Entry Safety' video

NGFA Harvest Safety Week



Thank you for participating in NGFA's third annual Harvest Safety Week! Continue to connect with [@ngfa](#) with [#HarvestSafetyWeek](#) on social media! Here's to a safe [#Harvest21](#).

NGFA has several resources designed to help you and your team take important safety precautions during a busy harvest. Some of them are highlighted below:

New Video

[Transforming Workplace Safety Culture](#) - A conversation hosted by [People Spark Consulting](#)

New Podcasts

[Dryer Operations](#)
[Critical Pieces of Equipment](#)
[Struck-By Hazards](#)
[Bin Harvest Prep](#)

Safety Tips Sheets

[Dryer Fire Prevention](#)
[Vehicle Struck-By](#)
[Dust Suppression Techniques](#)
[Quality Control](#)

Guidance Documents

[Firefighting Manual \(updated 2021\)](#)

Videos

[Combustible Dust Safety](#)

Topics

- DOL/OSHA Leadership
- COVID-19
- Enforcement Priorities and Inspection Data
- Rulemaking Priorities in the Biden Administration
- EPA Priorities

What Can We Expect with DOL/OSHA in the Second Year of the Biden-Harris Administration?



Secretary of Labor

- Jan. 7th - President-Elect Joe Biden announced former Boston Mayor Marty Walsh as his nominee. Confirmed on March 22.
- Former President of Laborers' Union Local 223 and Head of the powerful Boston Metro Building and Constructions Trade Council (umbrella org. of 20 local unions) from 2011-13
- Former Rep in MA House of Representatives
- What to expect:
 - COVID-19 (ETS and more enforcement)
 - Restart the rulemaking apparatus



Doug Parker – Assistant Secretary for OSHA

- Confirmed by U.S. Senate on October 25.
- Director of Cal/OSHA, oversaw the development and adoption of California's Emergency Temporary Standard (ETS) addressing COVID-19 in the workplace.
- As a strong proponent of the ETS, he likely played a role in developing the federal OSHA draft standard that was published.
- Previously served in the Obama administration as deputy assistant secretary for policy in the Department of Labor's Mine Safety and Health Administration and as a member of the Biden administration's transition team focused on worker health and safety issues.



COVID-19

OSHA Withdraws Vaccination ETS But Continues Permanent COVID-19 Rulemakings

- Following the Supreme Court decision, OSHA published in the *Federal Register* a [Notice of Withdrawal](#) of its COVID-19 Vaccination, Testing, and Face Covering ETS. The Notice of Withdrawal does not call for comment, as it is “impracticable, unnecessary, and contrary to the public interest.” **In other words, the Vaccinate-or-Test ETS has officially ended, effective *immediately*.**
- **OSHA is withdrawing the vaccination and testing ETS as an enforceable emergency temporary standard, the agency; however, it is not withdrawing the ETS as a proposed rule. The agency is prioritizing its resources to focus on finalizing a permanent COVID-19 Healthcare Standard.**
- **However, OSHA is also working on an ETS that applies to other industries.**

Summary of ETS Withdrawal and Rulemaking

- **The Bottom Line**: OSHA withdrew the rule as an enforceable ETS, but the rule will still serve as a proposed rule. OSHA will continue with the rulemaking process as it considers a permanent standard.
- On February 18, the 6th Circuit Court of Appeals [declared that the challenge](#) to the OSHA vaccine or test ETS was now moot because OSHA has withdrawn the regulation and will not be enforcing it. This officially ends the litigation on the ETS, and follows on the Supreme Court's decision that OSHA does not have the authority to regulate workplace exposures to coronavirus as a general matter.

OSHA COVID-19 Guidance Document

- OSHA is “working on” updating the August 2021 COVID-19 workplace guidance, and that the guidance is going to align generally with the new CDC COVID-19 guidance issued on February 25th.
- It is estimated that the updated guidance is going to still call for employers to conduct COVID-19 risk assessments to identify whether and where there are material risks of workplace transmission of the virus.
- Assessments will look to the CDC’s single-factor community spread level, but should also consider the percentage of the workplace that is vaccinated and other factors, like how densely packed workers are with each other and the level of interaction with the public.
- In addition, it does not appear that OSHA is relaxing COVID-19 recordkeeping and is still expecting a case-by-case analysis for work relatedness.

General Duty Clause

- Most importantly, OSHA still has a National Emphasis Program (NEP) for COVID-19 still in effect. As a result, employers are now faced with a return to evaluating whether they are making reasonable efforts to protect their employees from pandemic hazards when measured against the multitude of various CDC and OSHA guidance for COVID-19 workplace protocols.
- In fact, a [press release](#) from the Secretary of Labor states the following, “Regardless of the ultimate outcome of these proceedings, OSHA will do everything in its existing authority to hold businesses accountable for protecting workers, including under the [COVID-19 National Emphasis Program](#) and [General Duty Clause](#).”

COVID-19 Enforcement

- Feb 1, 2020 – Jan. 31, 2022
 - Closed 19,279 federal complaints/referrals
 - Opened 3,359 inspections
- NEP for COVID-19 issued March 12, 2021:
 - 1,682 federal inspections opened
- Most frequently cited standards
 - Respiratory protection (respirator use, medical evals, fit testing)
 - Recordkeeping /Reporting
 - PPE
 - General Duty Clause
- 25 GDC citations for not following CDC guidance (4 Willful)

General Duty Clause Citation

FROM CITATIONS ISSUED ON 1-14-2022 THE DAY AFTER THE U.S. SUPREME COURT'S 1-13-2022 DECISION:

Manufacturing facility (300 employees), small town (17,000 pop.) in the Midwest.

Citation 1 Item 1 Type of Violation: **Serious**

OSH ACT of 1970 Section (5)(a)(1) **GENERAL DUTY CLAUSE**: Section 5(a)(1) of the Occupational Safety and Health Act: The employer **ALLEGED BY OSHA** did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees, in that employees were not protected from the hazard of contracting the virus, SARS-CoV-2 (severe acute respiratory syndrome coronavirus 2), the cause of the COVID-19 disease.

a. The employer **ALLEGEDLY** did not enforce the employer developed COVID-19 prevention policy of wearing face coverings within the facility. Employees worked and congregated in close proximity without face coverings or without wearing face coverings over nose and mouth, as recommended by the Centers for Disease Control and Prevention (CDC), leading to exposures among unvaccinated employees. The employer failed to take immediate and effective steps to identify, inform, and remove all potentially exposed employees in the days thereafter. From July 28, 2021, through August 31, 2021, a total of eighty-eight (88) employees tested COVID-19 positive in the establishment and one employee died of COVID-19 complications.

Among other methods, feasible and acceptable means of abatement for this hazard include **OSHA'S STATEMENT OF ALLEGEDLY FEASIBLE ABATEMENT MEASURES**:

General Duty Clause Citation (cont.)

1. Periodically review the COVID-19 disease rates in the community and conduct a hazard assessment to identify employee practices and workplace behaviors that could increase risks for COVID-19 transmission, and update control measure of implement new ones as needed.

2. Re-evaluate existing COVID-19 company procedures and retrain workforce as necessary on an updates (e.g. due to COVID-19 variants) are necessary or when deficiencies in the program are noticed.

3. Implement contact tracing to ensure that employees who have worked near someone who tested positive for COVID-19, and/or develop symptoms of COVID-19 are informed of their potential exposure to the virus, encouraged to quarantine, and excluded from the facility until they meet the conditions to return to work per the CDC guidelines.

4. Screen employee(s) for COVID-19 symptoms and potential COVID-19 exposure. Employees who appear to have symptoms upon arrival at work or who become sick during the day must immediately be separated from other employees, customers, and visitors; sent home; and encouraged to seek medical attention. Have a procedure in place for the safe isolation of employees who become sick while at work as they may need to be transported home or to a healthcare provider. Utilize, develop, and implement flexible sick leave and supportive policies and practices.

5. Follow and implement guidelines from the CDC, other federal agencies (e.g., Department of Homeland Security (DHS) Cybersecurity and Infrastructure Security (CISC)), and State and Municipal public health recommendations for exposed employees (close contacts) to quarantine, telework if possible, and self-monitor for symptoms.

6. Enforce physical distancing measures to ensure that everyone (especially asymptomatic positive employees) in the workplace maintains at least six feet of distance. Install transparent, impermeable barriers at locations where physical distancing is not possible. Provide and require workers to wear face coverings or surgical masks, as appropriate, unless their work task requires a respirator or other PPE.

7. Facilitate employees getting vaccinated by granting paid time off for employees to get vaccinated and recover from any side effects. Vaccination is the key element in a multi-layered approach to protect workers. Vaccines authorized by the U.S. Food and Drug Administration are highly effective at protecting vaccinated people against asymptomatic and severe COVID-19 illness and death.

ABATEMENT DOCUMENTATION REQUIRED FOR THIS ITEM

Date By Which Violation Must be Abated:

January 27, 2022

Proposed Penalty:

\$13,653.00

Moving Forward

- Employers should have a written COVID-19 Prevention and Control Plan in place
 - OSH Act requires all employers to provide “employment, and a place of employment, free from recognized hazards likely to cause death or serious injury or disease” (General Duty Clause).
 - OSHA and CDC strongly encourage vaccination of workers.
 - Take practical measures to reduce risk of COVID-19 spread in the workplace.

OSHA Enforcement, Inspection Data and Programs



Enforcement Emphasis Programs

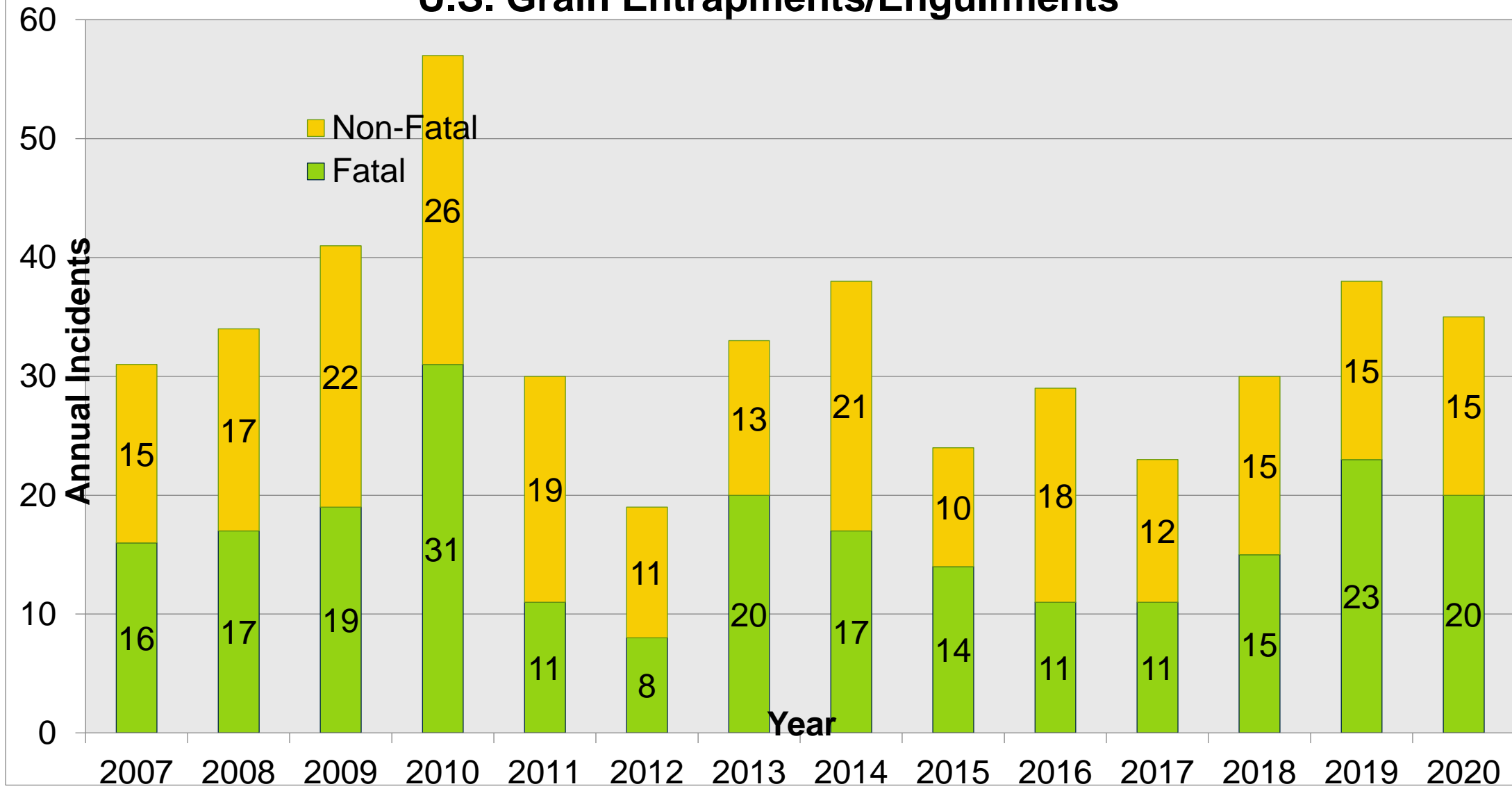
- Local
 - Grain Handling
 - Region V (IL, IN, WI, MI, OH) Expires – 9/30/2023
 - Region VI (AR, LA, NM, OK, TX) Expires – 12/31/21
 - Region VII (IA, KS, MO, NE) Expires – 9/30/24
 - Region VIII (CO, MT, ND, SD, UT, WY) Expires – 9/30/24
 - Region X (AK, ID, OR, WA) Expires – 12/31/21
- According to a recent [OSHA Directive](#), the REP or LEP can now be extended for up to 5 years. In other words, they don't have to be renewed and approved annually.

Grain Handling Emphasis Programs

- Programmed inspections + inspections of fatalities, complaints, follow-ups, or referrals at grain facilities expanded under the L/REP
- NAICS Codes typically covered: Grain and Field Bean Merchant Wholesalers, Farm Product Warehousing and Storage, Flour and Rice Milling, Other Animal Food Manufacturing
- Inspections typically evaluate:
 - Hazards associated w/ grain storage; milling operations; fertilizer, feed, and chemical operations; and equipment repair or maintenance
 - Engulfment / entanglement during bin entry, and other confined space hazards in bins and boot pits (e.g., atmospheric, mechanical, etc.)
 - Fire and explosion hazards created by combustible dust
 - Falls (e.g., from atop bins/decks or rolling stock
 - Other - Machine Guarding, Noise, Electrical Safety



U.S. Grain Entrapments/Engulfments



Enforcement Priorities in Biden Administration

- Increase worker safety criminal investigations/prosecutions
- Prioritize more complex inspections, such as PSM inspections (i.e., revitalize Enforcement Weighting system)
- More robust Chemical/Refinery PSM NEP
- Significant increase in “regulation by shaming” enforcement press releases
- Restrict settlement flexibility
- Office approval for big penalty reduction or withdrawn citation, etc.)
- Focus on whistleblower 11(c) actions

OSHA's Repeat Violation Policies

OSHA Historically:

- Treated workplaces as individual, independent establishments
- Limited its review of employers' OSHA records to 3 years
- Reactive Philosophy (less likely to revisit workplaces within a few years)

Under Obama/Biden:

- Treats workplaces in a corporate family as 1 workplace
- Look back 5 yrs at employers' record of enforcement
- Proactive Targeting (more follow-up inspections / hand select past violators for inspection)



OSHA's FY 21-22 Budget

- Throughout all of 2021 and the first few months of 2022, the federal government has been operating on funding limits established at the end of 2020 and signed into law by former president Donald Trump. The agency had a revised enacted budget of \$591.2 million in FY 2021.
- This included \$100 million from COVID-19 Relief bill in March 2021 to assist with standards and enforcement and is requesting an additional \$73 million funding increase in its budget request.
- Secretary Walsh wants to double the number of OSHA inspectors by the end of Biden's first term. The Department's budget lists 1,820 FTEs in FY 2020 and proposes 2,250 for FY 2022.
- OSHA's FY 22 Budget that was signed by President Biden is \$612 million (\$20 million above the FY 2021 enacted level).

OSHA Inspection Data

- In FY 2020, OSHA conducted 21,680 inspections, including 12,948 (about 60 percent) unprogrammed inspections, which includes employee complaints, injuries/fatalities, and referrals, all of which were impacted by the COVID-19 pandemic.
- Of these 21,674 inspections, 8,726 (about 40 percent) were programmed inspections that focused OSHA's enforcement resources towards industries and operations where known hazards exist (e.g., combustible dusts, chemical processing, ship-breaking, and falls in construction).
- OSHA conducted 24, 358 inspection in FY 21.

Top 10 Most Frequently Cited OSHA Standards in FY 20

OSHA Standard	FY 2021 Preliminary Data	Previous Year's Data
1. Fall Protection – General Requirements (1926.501) • OSHA Fall Protection Defense Guide • Construction Fall Protection Standards	5,271 Violations	No. 1 with 5,424 Violations
2. Respiratory Protection (1910.134) • Selecting and Using Particulate Respirators • Starting a Respiratory Protection Program	2,521 Violations	No. 3 with 2,649 Violations
3. Ladders (1926.1053) • Are Your Ladders Compliant? • Ladder Safety Tips	2,018 Violations	No. 5 with 2,129 Violations
4. Scaffolding (1926.451) • OSHA Scaffolding Requirements for Construction and General Industry	1,943 Violations	No. 4 with 2,538 Violations
5. Hazard Communication (1910.1200) • OSHA's Revised Hazard Communication Standard	1,939 Violations	No. 2 with 3,199 Violations
6. Lockout/Tagout (1910.147) • When Does the Lockout/Tagout Standard Apply?	1,670 Violations	No. 6 with 2,065 Violations
7. Fall Protection – Training Requirements (1926.503) • ANSI/ASSP Z359: Fall Protection Standards System	1,660 Violations	No. 8 with 1,621 Violations
8. Personal Protective and Life Saving Equipment – Eye and Face Protection (1926.102) • PPE Requirements: Eye and Face Protection	1,451 Violations	No. 9 with 1,369 Violations
9. Powered Industrial Trucks (1910.178) • Forklift Safety Training Guide	1,404 Violations	No. 7 with 1,932 Violations
10. Machine Guarding (1910.212) • OSHA Requirements: Machine Guarding	1,105 Violations	No. 10 with 1,313 Violations

Grain Inspections FY 21 NAICS

- **311211**- Flour milling
- **311212** - Rice milling
- **311119** - Other animal food manufacturing
- **311224** - Soybean & Other Oilseed Processing
- **424510** – Grain & field bean merchant wholesalers
- **493130** – Farm product warehousing and storage



Top 10 Violations in Grain, Feed and Processing Industry FY21 (Nationwide)

Most frequently cited OSHA standards during FY 2021 inspections

- | | |
|--|--|
| 1. Grain Handling (1910.272) | 6. Walking Working Surface – Fall Protection (1910.28) |
| 2. Lockout/Tagout (1910.147) | 7. Personal Protective Equipment (1910.134 - Respiratory Protection) |
| 3. Powered Industrial Trucks (1910.178) | 8. Permit Required Confined Space (1910.146) |
| 4. Mechanical, power transmission apparatus (1910.129) | 9. Wiring Methods, Components (1910.305) |
| 5. Machine Guarding (1910.212) | 10. Hazard Communication (1910.1200) |

Top 10 Violations in Grain, Feed and Processing Industry FY21

Standard	# Total Vio	# Serious Vio	# Willful Vio	# Repeat Vio	#Unclassified Vio	# Other Vio	Initial Penalty	Current Penalty
1910.272 – Grain Handling Standard	73	47	12	1	0	13	\$1,493,835.00	\$1,299,648.60
1910.147 – Lockout/Tagout	24	19	0	0	0	5	\$110,475.00	\$84,468.50
1910.178 – Powered Industrial Truck	20	13	0	0	0	7	\$78,699.00	\$48,670.20
1910.219 – Mechanical, Power Transmission	20	17	0	0	0	3	\$77,546.00	\$44,717.20
1910.212 – Machine Guarding	17	16	0	0	0	1	\$113,525.00	\$88,135.50
1910.28 – Fall Protection	16	14	0	0	0	2	\$98,750.00	\$71,305.90
1910.134 – PPE (Respiratory Protection)	15	5	0	0	0	10	\$44,680.00	\$30,137.60
1910.146 – Permit Required Confined Space	15	6	3	0	0	6	\$176,846.00	\$139,120.30
1910.305 - Wiring Methods, Components	8	5	0	0	0	3	\$29,111.00	\$21,553.20
1910.1200 – Hazard Communication	8	0	0	0	0	8	\$5,266.00	\$0.00

Top Ten Grain Handling Violations – 1910.272 – Federal

Standard	# Total Vio	# Serious Vio	# Willful Vio	# Repeat Vio	#Unclassified Vio	# Other Vio	Initial Penalty	Current Penalty
1910.272(g)(1)(ii) - Deenergize inside bin	10	6	4	0	0	0	\$388,563.00	\$328,259.40
1910.272(g)(3) - Observer outside bin	9	5	3	0	0	1	\$273,037.00	\$258,012.00
1910.272(j)(1) - Housekeeping	7	5	0	0	0	2	\$34,054.00	\$25,674.00
1910.272(g)(1)(i) - Bin entry permit	6	5	1	0	0	0	\$192,387.00	\$144,234.00
1910.272(g)(6) - Don't enter bin under a bridging condition	6	4	2	0	0	0	\$268,558.00	\$255,322.00
1910.272(e)(1) - Annual training	4	0	0	1	0	3	\$10,731.00	\$400.00
1910.272(g)(1)(iii) - Atmospheric testing	4	2	1	0	0	1	\$13,494.00	\$10,120.00
1910.272(e)(1)(ii) - Specific procedures or practices to job task	3	2	0	0	0	1	\$25,588.00	\$13,562.80
1910.272(g)(1)(iv)- Walking down grain	3	2	1	0	0	0	\$150,185.00	\$150,185.00
1910.272(g)(4) - Provide rescue operations	3	3	0	0	0	0	\$24,449.00	\$19,053.00

Compare FY 20 to FY 21 Citations

FY20

- 393 Total Violations
 - 272 Serious
 - 13 Willful
 - 1 Repeat
 - 93 Other
- \$2.3 million in total penalties
 - 900k for 1910.272

FY21

- 284 Total Violations
 - 189 Serious
 - 16 Willful
 - 1 Repeat
 - 78 Other
- \$2.2 million in total penalties
 - \$1.3 million for 1910.272

Increased OSHA Citation Penalties

Characterization	Historical Max Penalties	Aug. 2016 (after “catch-up”)	Jan. 2022 (latest annual bump)
Other than Serious	\$7,000	\$12,471	\$14,502
Serious	\$7,000	\$12,471	\$14,502
Willful	\$70,000	\$124,709	\$145,027
Repeat	\$70,000	\$124,709	\$145,027
Failure to Abate	\$7,000 per day	\$12,471 per day	\$14,502 per day

NGFA/OSHA Alliance

NGFA and OSHA Alliance

- Last year, NGFA renewed the cooperative alliance with OSHA, which will allow the grain, feed and processing industry to continue to work more closely and collaboratively with the regulatory agency.
- The new five- year agreement also includes the Grain Elevator and Processing Society (GEAPS) and the Grain Handling Safety Council (GHSC) as signatories.

Hazards of The Industry

OSHA Has Determined 6 Major Grain Hazards

- 1 • Engulfments
- 2 • Falls
- 3 • Electric
- 4 • Entanglement
- 5 • Struck by
- 6 • Dust Explosion

STAND UP GRAIN SAFETY WEEK

April 4 – April 8, 2022

Small Changes. Big Impact.



Rulemaking Priorities in the Biden Administration

Rulemaking Priorities – Grain Industry

- Emergency Response and Preparedness
- Heat Illness Prevention
- Infectious Disease
- Hazard Communication
- Lockout/Tagout
- Powered Industrial Trucks
- Walking-Working Surfaces
- Injury and Illness Recordkeeping



Pre-Rule Stage

- Emergency Response and Preparedness

- Current OSHA emergency response and preparedness standards are outdated and incomplete. They do not address the full range of hazards facing emergency responders, lag behind changes in protective equipment performance and industry practices, conflict with industry consensus standards, and are not aligned with current emergency response guidelines of other federal agencies (e.g., DHS/FEMA).
- The primary concern is that whatever requirements are placed upon the ERP, it is certainly going to carry over to organizations that they work with such as grain handling facilities.
- Some examples include: 1) additional paperwork burdens related to preincident planning; 2) responder preparedness e.g. training and certification and facility; and 3) equipment preparedness, to name a few.

Pre-Rule Stage (cont.)

- Heat Illness Protection for Outdoor and Indoor Work Settings
 - **This is a new proposal under the Biden Administration.**
 - Currently, California, Washington and Minnesota have standards and the House Education and Labor committee has proposed legislation requiring federal OSHA to develop a standard.
 - OSHA's "general duty clause" is designed to protect employees from workplace hazards i.e. heat illness that are not covered by a specific standard.
 - The ANPRM was published on October 26, 2021. Comments are due on January 26.

Heat Illness Protection for Outdoor and Indoor Work Settings

This ANPRM seeks information on issues that OSHA can consider in developing the standard, including the scope of the standard and the types of controls that might be required. Over 100 questions on the following issues.

- Determinants of Occupational Heat Exposure
 - Heat Exposure
 - Contributions to Heat Stress in the Workplace

Heat Illness Protection for Outdoor and Indoor Work Settings

- Strategies To Reduce Occupational
 - Heat Related Injury and Illness
 - Heat Injury and Illness Prevention Programs
 - Engineering Controls, Administrative Controls, and Personal Protective Equipment
 - Acclimatization
 - Monitoring
 - Planning and Responding to Heat Related Illness Emergencies
 - Worker Training and Engagement

NGFA Comments

- Oppose creation of a one-size fits all strategy
- OSHA's Heat Illness Prevention Campaign has been in effect since 2011 and is what most of industry uses.
- Other standards and state standards are complex and the most effective controls are those determined by individual employers since conditions vary by region.
- NGFA will work with NACOSH to provide input and recommendations to improve the Heat Illness Prevention campaign.



Proposed Rule Stage

- Infectious Disease

- In 2010, OSHA began developing a standard to protect health care workers and those in other high-risk environments from long standing infectious diseases. Since 2014, there has been no action.
- OSHA's timetable indicates that the agency plans to issue the NPRM in April 2022. In other words, OSHA may just re-introduce the ETS for health care workers that went into effect in June 2021 as a general industry standard. In fact, OSHA proposed budgets requesting an increase in funding for standards development with a focus on issues including infectious diseases.

Proposed Rule Stage (cont.)

- Hazard Communication
 - In 2012 OSHA incorporated the third version of the UN Globally Harmonized System for Labelling (GHS) in the hazard communication standard. However, the GHS is a living document and the UN subcommittee recently approved the eighth version.
 - The NGFA submitted comments to the proposed rule that was published in February, along with several other trade groups including the U.S. Chamber of Commerce, to harmonize the existing hazard communication standard with the GHS. A public hearing is scheduled for September 21. There is no date for the publication of a final rule. Primary concern is greater liability for downstream users based on the proposed language.

EPA Priorities in Biden Administration

Under a Biden administration, among the many policy changes likely to occur in the safety, health and environmental (SHE) area is a “second green wave” of new initiatives patterned after the activism of the 1970s that drove the enactment of new federal legislation and the creation of the Environmental Protection Agency (EPA).

- **Increased federal presence.** While EPA will not likely change its enforcement focus right away, expect an increase in the number of federal-led cases and a review of the national initiatives to determine whether they should be revised.
- **Focus on environmental justice (EJ).** EPA may emphasize environmental justice enforcement by developing geographic initiatives that focus enforcement efforts on EJ communities. The Agency could also push the Department of Justice (DOJ) to review its supplemental environmental projects (SEP) policy and revise the current. **Criminal enforcement will also be on the rise, particularly under the CWA.**
- **Continued emphasis on FIFRA enforcement.** The Biden Administration is expected to continue EPA’s focus on import and distribution of disinfectants and other antimicrobial products making unapproved claims to protect users from COVID-19 and to continue enforcement in the retail sector.

Grain and Feed Industry Priorities

- Amendments to NSPS Subpart DD for Grain Elevators
 - Inactive rule since 2017. Rule could be re-opened and proposed amendments made more stringent.
- EPA Registration Review of Aluminum Phosphide, Magnesium Phosphide and Phosphine
 - Concern that new labeling requirements will include specific buffer zones.
 - Several states (Kansas, New Jersey, South Carolina and Virginia) have implemented air emission regulations, restrictions and reporting requirements on fumigation activities.
- Prepared Feeds Manufacturing Air Toxics Rule
 - New EPA leadership will likely focus renewed attention and review of the agency's operation of national air standards, and a new review of the Prepared Feeds rule will likely become a higher priority.



CONVEY '21

July 13-14 | Omaha Hilton | Omaha NE

In-Person | Trade Show | Education Sessions

Presented by National Grain and Feed Assn., Grain Elevator and Processing Society, and Grain Journal

Mark Your Calendar for CONVEY '22 | July 26-27, 2022 | Omaha Hilton | Omaha, NE

PROGRAM

Considerations in Retrofitting a Facility After an Incident

Thank You

National Grain and Feed Association

1400 Crystal Drive

Suite 260

Arlington, VA 22202

Jess McCluer

202-289-0873 | jmccluer@ngfa.org



GEAPS
EXCHANGE
KANSAS CITY • 2022

We want your feedback!

Download the “*GEAPS Exchange*” app to take the session survey.

Share on Social!
#GEAPSExchange

Wifi Network: GEAPS2022 Password: Exchange92

SAVE THE DATE!

FEBRUARY 25-28, 2023
Kansas City Convention Center
Kansas City, Missouri



GEAPS
EXCHANGE
KANSAS CITY • 2023