



January 22, 2010

Honorable Al Franken  
United States Senate  
SH-320 Hart Senate Office Building  
Washington, DC 20510-2306

Dear Senator Franken:

The American Industrial Hygiene Association (AIHA) would like to provide comments on your legislation, Senate Bill 1788, known as the “Nurse and Health Care Worker Protection Act of 2009”. AIHA previously offered our support for the House version of this legislation, HR 2381. AIHA commends you for your continued interest in the health and safety of workers, an issue that impacts every family in America. We are aware that any legislation amending the Occupational Safety and Health Act of 1970 will undergo considerable discussion and hope our comments will assist in these efforts.

AIHA is one of the largest international associations serving the needs of professionals involved in occupational and environmental health and safety practicing industrial hygiene in industry, government, labor, academic institutions, and independent organizations. The AIHA mission is to promote healthy and safe environments by advancing the science, principles, practice, and value of industrial and occupational hygiene. AIHA is not only committed to protecting and improving worker health, but the health and well-being of adults and children in our communities.

AIHA has a significant number of our members who are employed by or provide services to the health care industry. AIHA has several technical committees (including Ergonomics, Occupational Medicine and a HealthCare Working Group) with members who are affected by the impact of inadequate safe patient handling efforts. The need to identify and apply methods to improve safe patient handling programs has been a recognized need since at least 1991, with presentations at our annual conferences to address this issue. Since that time numerous progressive, proactive health care providers have achieved significant reductions in worker injuries and their related costs as a result of implementing effective safe patient handling programs. Sadly, a high percentage of health care facilities have not yet decided to implement these programs.

Introduction of S 1788 is a method to assure that the safe patient handling issue is properly addressed. Attached is a position statement entitled "Safe Handling of Patients and Residents" that AIHA recently developed and adopted. The AIHA position statement is essentially in full accord with S 1788 with the following two exceptions:

1. AIHA believes the scope of the legislation should be limited to workers in health care facilities at this time and not apply to health care workers in the home environment. While we recognize (as is evidenced in our position statement) that home health care workers are also exposed to significant ergonomic risk, equipment and other control approaches are not currently available to adequately reduce all of these exposures. Research should be funded and other efforts undertaken to fill this knowledge gap.
2. The time allowed to send safe patient handling incident reports to OSHA should be extended from one business day after request receipt to fifteen business days. The latter figure would be consistent with the requirement under OSHA 29 CFR 1910.1020, Access to Employee Exposure and Medical Records.

AIHA applauds your efforts and sincerely hopes you will be successful in your endeavor to advance the cause of worker health and safety. We hope the input we have provided will be of benefit to you during the upcoming discussions and debate on OSHA and efforts to protect workers.

AIHA offers our full assistance to Congress, OSHA, and others to deliver the standards, regulations, compliance assistance and enforcement necessary to help achieve our mutual goal to provide workers and communities a healthy and safe environment and the prevention of occupational disease and injury. We have multiple health care industry experts who are willing to provide testimony, case studies, and other resources as necessary.

Should you require additional information about AIHA or if we can be of any further assistance to you, please contact me.

Sincerely,



Cathy L. Cole, CIH, CSP  
AIHA President

cc: AIHA Board of Directors  
AIHA Technical Committee Officers  
Peter O'Neil, Executive Director  
Aaron Trippler, Director Government Affairs