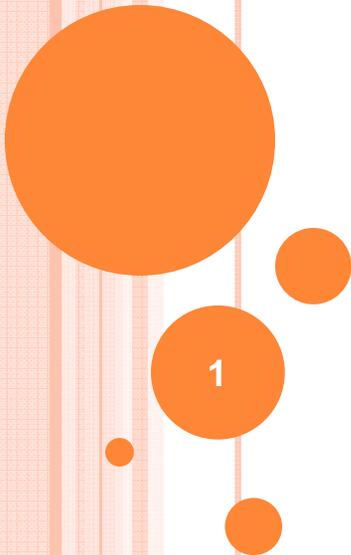


DEVELOPMENT OF UNION AND INDUSTRY MODEL STANDARD



INTRODUCTION

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HISTORY

- Over the years, Materion has had a product stewardship program to help workers and customers work safely with beryllium containing products including:
 - ✓ Communications, training tools, workplace controls, exposure assessments.
 - ✓ The stewardship initiative encouraged the implementation of a worker protection model that included engineering and work practice controls, protective clothing & equipment, hygiene facilities, exposure monitoring and training.

HISTORY

- Materion partnered with NIOSH and others that allowed the digesting of research findings for transformation into practices that could be embraced by downstream users.

HISTORY

- The experience gained over the past 15 years resulted in substantial reductions in beryllium workplace exposures and provided a firm foundation for prioritizing future initiatives.

HISTORY

- In 2008, Materion desired to explore a voluntary product stewardship plan similar to that developed for refractory ceramic fibers in 2002.
- The RCF plan included representatives from OSHA, EPA and NIOSH, as well as the input of a variety of stakeholders representing organized labor, associated industry groups, and end users.

HISTORY

- Not much traction for voluntary PSP for beryllium.
- Materion approached the AFL - CIO to seek their input as to how industry and labor could work together to protect workers sooner.
- Peg Seminario of AFL - CIO suggested working with the USW to develop a model agreement for consideration by OSHA.

HISTORY

- The United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union (USW) represents the majority of unionized workers exposed to beryllium.
- The USW has experts who have been engaged in development of regulations for many years.
- USW experts have the practical knowledge on how standards impact workers and the pitfalls.

HISTORY

- The USW and Materion collaboration and proposal to accelerate the OSHA standards process is unique in the history of OSHA standards.
- The desire to better protect all workers exposed to beryllium-containing materials sooner rather than later was the underlying motive that brought us together.

HISTORY

- Achieving this objective, guided the two organizations' discussions on each element of the model standard.
- In addition, the body of science from the 15-plus-year beryllium research project between Materion and NIOSH, the longest of all such NIOSH research partnerships, frequently underpinned discussions in crafting the model standard.

HISTORY

- Began in 2009
- We agreed upon a process
- We established ground rules
- We laid out expectations & must haves

OUR FIRST MEETING

- What do we expect to accomplish?
- What is our expectation of a final work product?
- Scope of our process (compounds, industries)?
- Will our work be a consensus body of work?
- Who needs to be involved initially?
- Should we involve others later?

OUR FIRST MEETING

- Timeline?
- Involvement of OSHA?
- Discussion on Negotiated Rulemaking Act/FACA.
- Do we want to have a sound-off or do we want to address each facet of a standard as we go?
- Are there any must have issues?

CONSENSUS BUILDING

Both parties agreed to the same must haves:

- ✓ Our discussions must result in a standard that is protective and does not result in unwarranted job losses.
- ✓ Desired to meet all the criteria established by Congress for rules promulgated under the Occupational Safety and Health Act.

THE BASIC PRINCIPLES

- The Unions (USW) would pick whom they wanted to be party to the discussions. Industry (Materion Brush) would pick whom they thought should be involved.
- All entities involved would support the agreement and not undermine its provisions, and would work jointly and independently to ensure the agreement is not undermined.

THE PROCESS

- The construction of the model standard was aided by the participation of:
 - ✓ NGK Berylco, the only other US producer of beryllium alloys.
 - ✓ The International Association of Machinists and Aerospace Workers; and the International Chemical Workers Union Council, two unions which also represent significant numbers of beryllium workers.

THE PROCESS

- We worked hard to get an agreement.
- **We did not negotiate!**
- We were open and frank with each other.
- Both sides kept honesty, integrity and transparency above all else.

THE PROCESS

- We talked with experts:

David Deubner MD – Materion

Jonathan Borak MD – Yale School of Medicine

Steven Markowitz MD – Queens College

Deborah Proctor – ToxStrategies

Amy Madl – ChemRisk

NIOSH Scientists

- We reviewed and discussed studies separately and jointly.

THE RESULT

- On February 8, 2012, we sent our model standard to OSHA for their consideration.
- A joint letter accompanied the draft standard that stated:

“We believe the enclosed draft standard is both necessary and sufficient to protect beryllium workers and that it meets all the criteria established by Congress for rules promulgated under the OSHA Act.”

THE RESULT

- The cover letter stated that we recognized that OSHA could not cede its authority, but encouraged OSHA to give the draft standard serious consideration and recommended that OSHA quickly propose its own standard.
- We requested a meeting with OSHA as a means to explain how our agreement was developed and to give clarity to our proposal.

THE RESULT

- We offered our willingness to address questions from OSHA as the need arose.
- We jointly responded to questions from OSHA requesting clarification on specific points.
- Materion hosted a visit from OSHA as they investigated the technical feasibility of our proposal and to see how research was put into practice.

THE ONGOING EFFORTS

- We developed a general approach on how best to address inquiries from the media, professional societies, industry associations, and NGO groups.
- We met jointly with congressional staff representatives to seek their encouragement for promulgation of a standard.
- We made individual presentations to labor groups and to industry groups to seek their understanding of our model standard and to seek their commitment, if not their support.

THE ONGOING EFFORTS

- July 15, 2013, jointly met with Assistant Secretary of Labor to inquire as to progress.
- August 14, 2013, sent a joint letter to newly appointed Secretary of Labor signed by the President of the USW and the CEO of Materion.

Letter stated that “we continue to stand ready to assist the agency so a proposed beryllium standard can be published as soon as possible.”

THE ONGOING EFFORTS

- On September 23, 2014, met with Office of Information and Regulatory Affairs for the sole purpose of asking OIRA for a quick review and to lend our support to OSHA.

OUTCOME

- We developed a beryllium standard that:
 - Provides for worker protection
 - Is in accord with current legal statutes.
 - Incorporates the elements of the Materion Brush health and safety program that has been proven to be effective in reducing the risk of sensitization and CBD.
 - Goes beyond traditional OSHA health standards.

WAY FORWARD

- We developed joint comments on the OSHA proposal.
- Our comments reinforce what we proposed in our model standard.
- We agreed that we each have reasons to file additional separate comments.
- Our separate comments will not suggest divergent views.

WAY FORWARD

- Our comments (Joint & Separate) will be to help OSHA better support its proposed standard and thereby move quickly toward promulgation of a final beryllium standard to better protect workers.

CONCLUSION

- Our efforts can serve as a model for the development of future standards.
- The partnership between NIOSH and Materion taking research to practice is a win – win. Should speak to funding and resource allocations for NIOSH.
- We stand ready to share our successes with others to enhance the standard setting process.