



ACGIH® Report

Yuma Pacific 2008 Annual Meeting

January 25, 2008

Larry Gibbs, CIH
Chair, ACGIH®
Associate Vice Provost, Stanford University



Agenda

- ACGIH® - An Overview
- Organizational initiatives
- Attack on the IH Profession: Litigation Update





Membership-based organization: ***open to all IH and occupational health professionals***

- ACGIH® Updated Strategic Plan (2007 – 2011)

✓ **Core Purpose:**

- ***To advance occupational and environmental health***

✓ **Core Values:**

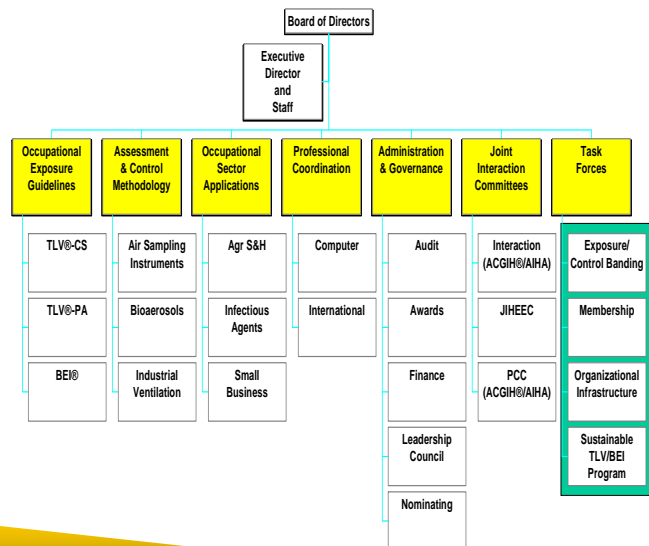
- ***Care for the health and wellbeing of workers***
- ***Integrity***
- ***Scientific excellence through the pursuit of state of the art knowledge***

✓ **ACGIH's Goal:**

- ***ACGIH® will be valued as the leader in defining the science of occupational and environmental health***



ORGANIZATION





Control Banding Task Force

- Critical review of control banding (CB) as an occupational exposure control measure
- Value of CB as effective approach
- Gaps in use of CB as effective approach
- Roundtable at 2007 AIHce
- Control Banding: Uses and Misuses
Webinar scheduled for Feb 12, 2008 @ www.acgih.org
- Control Banding Monograph available for download Feb 15, 2008



Membership Task Force

- Strategic plan goal
- Review membership issues
- Provide findings and recommendations to Board
- Currently soliciting input and feedback from members and non-members alike
- Setting up focus groups for in-depth discussion
- Looking for volunteers to participate in member focus groups - Contact Scott Merkle if interested or to provide opinion or information about membership (919-541-7933 or merkle@niehs.nih.gov)





Organizational Infrastructure Task Force

- Reviewing how ACGIH can best structure itself organizationally to provide timely, objective scientific information to occupational and environmental health professionals.
- Bob Soule leading this effort



Sustainable TLV/BEI Program Task Force

- TLVs and BEIs represent core products of ACGIH with value to profession
- Goal is to develop a sustainable economic support program to ensure continuation and enhancement of TLV development efforts.
- Leading effort: Jimmy Perkins, Mark Stenzel and Mary Guiguere





TLVs[®] and BEIs[®]

ACGIH[®] is not a standards setting body.

TLVs[®] and BEIs[®] —

- Are an expression of scientific opinion.
- Are not consensus standards.
- Are based solely on health factors; without consideration of economic or technical feasibility.
- Regulatory agencies and practitioners should not assume that it is economically or technically feasible for an industry or employer to meet TLVs[®] or BEIs[®]



Basis of TLVs[®]/BEIs[®]

Scientific Literature

- Published/Peer Reviewed Science (Principal Source)
- Reviewed Articles (Secondary)
- Unpublished Science (Secondary)
 - ✓ Before Use: Owner must provide ACGIH[®] permission to use and cite the report, and release the report to a third party
 - ✓ Consideration of TLVs[®] are not deferred pending completion of on-going or planned research
- Emphasis on peer-reviewed literature and on literature pertinent to the issue





Attack on the IH Profession

- Professional Occupational Health Guidelines benefit the profession and the protection of worker health worldwide.
- Legal attacks on the TLV®s are detrimental to the development and dissemination of all professional occupational health guidelines.
- Current ACGIH plan is to carry out our core purpose.



Attack on the IH Profession

- Plaintiffs
 - ✓ International Brominated Solvents Association
 - ✓ National Mining Association
 - ✓ Aerosafe Products, Inc.
 - ✓ Anchor Glass Container Corporation, Inc.
- Defendants
 - ✓ American Conference of Governmental Industrial Hygienists (ACGIH®)
 - ✓ U.S. Department of Labor (DOL) - OSHA
 - ✓ U.S. Department of Health and Human Services (DHHS) - NIOSH





Attack on the Profession: Allegations

- Count 1 – Violation of Federal Advisory Committee Act Against All Defendants
 - ✓ **ACGIH® DISMISSED** – March 11, 2005
 - ✓ **DOL DISMISSED** – March 11, 2005
 - ✓ **DHHS DISMISSED** – March 11, 2005
- Count 2 – Violation of the Administrative Procedures Act Against All Defendants
 - ✓ **ACGIH® DISMISSED** – March 11, 2005
 - ✓ **STILL PENDING AGAINST DOL**
 - ✓ **STILL PENDING AGAINST DHHS**
- Count 3 – Deceptive Trade Practices Act Against Defendant ACGIH®
 - ✓ **STILL PENDING AGAINST ACGIH®**
- Count 4 – Tortious Interference with Business Relations Against Defendant ACGIH®
 - ✓ **ACGIH® DISMISSED** – March 11, 2005



ACGIH® Litigation Summary

- Lawsuit filed November 2004 by IBSA and NMA
- Temporary Restraining Order denied – November 2004
- 3 of 4 counts against ACGIH dismissed – March 2005
- Discovery Period – June '05 through March '07
- Plaintiff Amended Complaint denied - June '07
- Summary Judgment Motions filed – May '07
- Summary Judgment Hearing scheduled – Jan '08





ACGIH® **Path Forward...**

- Continue to develop and disseminate professional guidelines based on best scientific information available.
- Create a sustainable TLV®/BEI® economic support base



ACGIH®

If you're interested in receiving more information about ACGIH®, or in becoming a member of ACGIH® please visit the website noted below.

If you would like to learn more about how you can support ACGIH® in its defense of the IH profession, contact us at 513-742-6172.

www.acgih.org

