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

Board of Directors

Executive Director and Staff

Occupational Exposure Guidelines

Assessment & Control Methodologies

Occupational Sector Applications

Professional Coordination

Administration & Governance

Joint Interaction Committees

Task Forces

Exposed Control Banding

Membership

Organizational Infrastructure

Sustainable TLV®-BEI Program

TLV®-CS

Air Sampling Instruments

Bioaerosols

Infectious Agents

Computer

Audit

Interaction (ACGIH®/AIHA)

JAHEC

PCC (ACGIH®/AIHA)

Membership

Leadership Council

Nominating

BEIR

Industrial Ventilation

Small Business

Finance
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
Online ACGIH® TLV®/BEI® Resources

www.acgih.org

- Conflict of Interest Policy
- TLV®/BEI® Policy Statement
- TLV®/BEI® Position Statement
- TLV®/BEI® Development Process
- Under Study List
- Notice of Intended Changes (NIC) List
- BEI®/TLV® Committees’ Operations Manuals
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 – Tortuous 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