



**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503**

September 25, 2007  
(House Rules)

## **STATEMENT OF ADMINISTRATION POLICY**

### **H.R. 2693 – The Popcorn Workers Lung Disease Prevention Act**

(Rep. Woolsey (D) CA and 17 cosponsors)

The Administration strongly opposes House passage of H.R. 2693, “Popcorn Workers Lung Disease Prevention Act,” in its current form. H.R. 2693 would require the Department of Labor’s Occupational Safety and Health Administration (OSHA) to publish a premature interim standard within 90 days of enactment regulating worker exposure to diacetyl and publish a final regulation that includes a permissible exposure limit (PEL) within two years. The bill also directs the National Institute for Occupational Safety and Health (NIOSH) to conduct a study to determine the potential exposure hazards of diacetyl and associated chemicals used in the production of microwave popcorn.

The Administration shares the goal of protecting workers from the risk of obstructive lung disease, and OSHA is already taking steps to strengthen worker protections in this area. These measures include: (1) announcement of a regular rulemaking process under the Occupational Safety and Health Act to address occupational exposure to flavorings containing diacetyl; (2) inspections at every microwave popcorn manufacturing plant in the nation within the calendar year to ensure that acceptable ventilation and other engineering controls are in place and that appropriate personal protective equipment is in use; (3) issuance of a Safety and Health Information Bulletin that advises employers about diacetyl, recommends specific engineering and work practice controls to regulate exposures, and requires appropriate personal protective equipment and respiratory protection when handling diacetyl; and (4) issuance of a guidance document about health hazard information that must be included on diacetyl material safety data sheets under the Hazard Communication standard.

The Administration does not believe that H.R. 2693 in its present form is the best regulatory approach for protecting workers. Before a PEL can be promulgated, more time is needed to gather sufficient evidence concerning (1) the causes of bronchiolitis obliterans (“popcorn lung disease”) in workers exposed to diacetyl and other chemicals used in butter flavorings; (2) the range of exposure levels that may be hazardous; and (3) the kinds of control measures that are most effective. Additional time is also needed to obtain sufficient information about the many other industries besides microwave popcorn manufacturing that use diacetyl and diacetyl-containing flavorings. The expedited rulemaking required by H.R. 2693 would not allow OSHA sufficient time to gather and analyze the kind of evidence and information needed to ensure the promulgation of a standard that adequately protects workers.

The Administration is also very concerned that the interim standard that is mandated by this legislation will not be open for comment by stakeholders, particularly small business, in accordance with the Administrative Procedure Act, Small Business Regulatory Enforcement

Fairness Act, and the rulemaking requirements of the Occupational Safety and Health Act. These statutes ensure thorough consideration and transparency in rulemaking, as well as stakeholder input. The Administration believes these requirements should be waived only in the most exceptional situations. Thorough vetting is particularly critical when the medical and scientific studies do not provide unequivocal conclusions.

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