



HEALTHIER WORKPLACES | A HEALTHIER WORLD

June 29, 2022

Representative Nancy Pelosi (California-12)  
Speaker  
U.S. House of Representatives

Representative Kevin McCarthy (California-23)  
Republican Leader  
U.S. House of Representatives

Representative Steny Hoyer (Maryland-5)  
Majority Leader  
U.S. House of Representatives

Representative David Joyce (Ohio-14)  
U.S. House of Representatives

## AIHA Support for U.S. H.R.5274 – The PREVENT ACT

Dear Speaker Pelosi, Leaders Hoyer and McCarthy, and Representative Joyce:

AIHA, the association for scientists and professionals committed to preserving and ensuring occupational and environmental health and safety (OEHS), **strongly encourages you to swiftly pass H.R.5274, the Prevent Exposure to Narcotics and Toxics Act (PREVENT ACT)**. This bill would help protect U.S. Customs and Border Protection (CBP) personnel from exposure to fentanyl and other hazardous and potentially lethal substances during border security activities by requiring CBP to ensure that containment devices are available to all CBP personnel who may be exposed to these substances and to provide training on their use.

This legislation responds to a 2019 U.S. Department of Homeland Security Office of Inspector General report, which found that CBP personnel were not adequately protected and were at greater risk of secondary exposure while handling illicit drugs such, as fentanyl or their analogues, methamphetamine, and other hazardous substances related to fentanyl or illicit synthetic opioid production.

The protection of CBP personnel should follow the hierarchy of controls,<sup>1</sup> from avoidance to engineering controls, such as containment devices, and administrative methods or prescribed personal protective equipment. All routes of exposure should be considered, including the exposure route of greatest concern, inhalation of powders and aerosols but also absorption through the skin, eyes, and mucous membranes, ingestion via hand-to-mouth actions, and possible physical contact

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<sup>1</sup> <https://www.cdc.gov/niosh/topics/hierarchy/default.html>

with sharps or needles. Each potential exposure scenario should be evaluated, case-by-case, by a trained and experienced industrial hygienist or following procedures in a health and safety plan developed by an industrial hygienist or safety professional. Personnel should be trained in the classroom with the methods and procedures for qualitatively and quantitatively reducing potential exposure to health and safety risks.

As Representative Mariannette Miller-Meeks stated during floor debate, the need for this legislation is both urgent and clear:

“This bill addresses the important issue of protecting our frontline Customs and Border Protection personnel from the dangerous and illicit drugs they encounter every day... In fiscal year 2021, Customs and Border Protection officers and agents seized more than 914,000 pounds of illicit narcotics, and so far this fiscal year, CBP is on track to seize a similar amount of illegal drugs.

“CBP frontline personnel often work in challenging and dangerous environments as they risk exposure to these illicit drugs via inhalation, ingestion, skin contact, and contact with needles.”<sup>2</sup>

Representative David Joyce then added, “Congress already requires CBP to provide Narcan to all officers at risk of secondary exposure, making this legislation a simple but necessary extension of the tools we provide those who defend our borders. Containment devices are a critical safety technology that allows first responders to safely store fentanyl and other dangerous substances in a secure device.”

## Conclusion and Next Actions

The bipartisan PREVENT ACT was recently considered on the House floor under Suspension of the Rules, however, it has not yet passed as a result of a request for a recorded vote. AIHA encourages CBP to follow the hierarchy of controls to reduce the health and safety risks associated with potential exposure to illicit drugs such, as fentanyl or their analogues, methamphetamine, and other hazardous substances related to fentanyl or illicit synthetic opioid production. The use of containment devices is at the top of the hierarchy of controls, serving as a primary line of defense. As a result, **AIHA strongly supports this legislation and urges the House and Senate to quickly enact the bill into law, thereby protecting CBP personnel more adequately.**

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<sup>2</sup> <https://www.congress.gov/congressional-record/2022/06/21/house-section/article/H5693-1>

If you have any questions about AIHA's support for this bill or other matters related to protecting the health and safety of our workplaces and communities, please contact me at [mames@aiha.org](mailto:mames@aiha.org) or (703) 846-0730.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Ames', with a stylized flourish underneath.

Mark Ames  
Director, Government Relations  
AIHA

## About AIHA

AIHA is the association for scientists and professionals committed to preserving and ensuring occupational and environmental health and safety in the workplace and community. Founded in 1939, we support our members with our expertise, networks, comprehensive education programs, and other products and services that help them maintain the highest professional and competency standards. More than half of AIHA's nearly 8,500 members are Certified Industrial Hygienists, and many hold other professional designations. AIHA serves as a resource for those employed across the public and private sectors as well as to the communities in which they work. For more information, please visit [www.aiha.org](http://www.aiha.org).