

Congress of the United States
U.S. House of Representatives
Committee on Small Business
2361 Rayburn House Office Building
Washington, DC 20515-6515

October 24, 2013

The Honorable David Michaels, Ph.D., MPH
Assistant Secretary of Labor for Occupational Safety and Health
United States Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210
Submitted via regulations.gov

Re: Occupational Exposure to Respirable Crystalline Silica (Docket No. OSHA-2010-0034)

Dear Assistant Secretary Michaels:

As Chairman of the Committee on Small Business, I write to request that the Occupational Safety and Health Administration (OSHA) extend the public comment and hearing-related deadlines for the proposed rule to amend its existing standards for occupational exposure to respirable crystalline silica¹ by 90 days to ensure adequate time for affected small businesses to provide input on this important rule. OSHA has estimated that the proposed rule would affect 470,000 small business or governmental entities,² including construction firms, foundries, and manufacturers. Significant input from the small business community will help OSHA to craft a regulation that both increases worker protection and safety and is economically and technically feasible.

OSHA determined that the proposed rule will have a “significant economic impact on a substantial number of small entities” under the Regulatory Flexibility Act, 5 U.S.C. §§ 601-12, and held a Small Business Advocacy Review (SBAR) panel in 2003 – a decade before the issuance of the proposed rule – to receive input directly from affected small businesses before proposing the rule and publishing an initial regulatory flexibility analysis (IRFA).³ The IRFA must describe and assesses the impact of the proposed rule on small businesses and regulatory alternatives that minimize any significant economic impacts. OSHA has published a summary of the IRFA as part of the 230-page proposed rule, and the complete IRFA is included in the 1,402-page Preliminary Economic Analysis. These two documents, along with the over 1,700 supporting documents OSHA has placed in the rulemaking docket, are a significant amount of information and analysis

¹ Occupational Exposure to Respirable Crystalline Silica, 78 Fed. Reg. 56,274 (Sept. 12, 2013).

² *Id.* at 56,411.

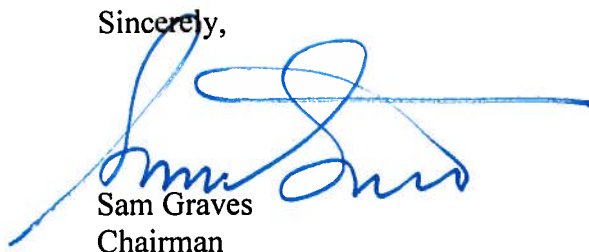
³ *Id.* at 56,276.

for small businesses to review. Finally, small businesses must provide updates to the SBAR panel recommendations to address changes in worker protection during the intervening decade.

OSHA has requested comments on many aspects of the proposed rule, the supporting analyses, and issues raised by small businesses during the SBAR panel process. Many of the questions OSHA has asked have multiple subparts and request information that requires detailed analysis to produce. Extending the deadlines associated with the rulemaking will help ensure that small businesses and their representatives are able to provide OSHA meaningful comments and data. This will assist the agency in complying with statutory obligations and Presidential executive orders to assess the impact of the proposal on small entities and craft a final rule that minimizes burdens on these entities while achieving the objectives sought by OSHA in modifying its rules on exposure to crystalline silica.

Given the substantial number of small entities that will be affected by the rulemaking, the sizeable amount of material to review and the large number of questions and issues on which OSHA is seeking input, I request that you extend the deadlines associated with the proposed rule by 90 days. Should you or your staff have any questions concerning this request, please contact Viktoria Ziebarth or Barry Pineles of the Committee staff at (202) 225-5821.

Sincerely,



Sam Graves
Chairman

cc: Howard A. Shelanski, Administrator, Office of Information and Regulatory Affairs,
Office of Management and Budget