



November 10, 2011

The Honorable Jacob J. Lew  
Director  
Office of Management and Budget  
Eisenhower Executive Office Building  
1650 Pennsylvania Avenue, NW  
Washington, DC 20503

The Honorable Hilda L. Solis  
Secretary of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

Dear Director Lew and Secretary Solis:

On behalf of the American Industrial Hygiene Association (AIHA) and its 10,000+ members, whose mission is to protect worker health and eliminate workplace illnesses, I am writing to express our concern with the recent decision by the OMB's Office of Information and Regulatory Affairs (OIRA) to extend the Executive Order 12866 review of OSHA's proposed crystalline silica standard. We ask that OIRA complete its work without additional delay so that OSHA can begin the public rulemaking process on a comprehensive standard covering the construction industry and issue the rule as quickly as possible.

The AIHA membership recognizes and supports the role of OIRA in reviewing proposed regulations. However, our members have expressed concern that industry groups may be using this review process to delay rulemaking and lobby OMB to pre-determine key issues involved with OSHA's proposed rule, such as exempting the construction industry from this regulation. We strongly oppose these efforts.

Regardless of the technical merits of any comments made to OMB, we feel that extending review of the silica standard is an unacceptable attempt to "short circuit" the existing process and may make it unusually vulnerable to political influence. OMB does not have readily available access to professional safety and health expertise in order to make significant technical changes to the underlying proposal, and OMB's review process does not maintain meaningful transparency for all affected parties. OMB can and should ask questions about costs and benefits estimates and insure quality assessments; however, it should not exceed the boundaries of the process and should provide appropriate deference to OSHA's professional safety and health staff.

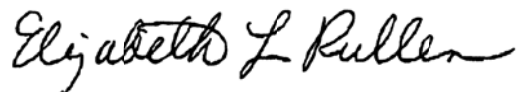
Stakeholders are not privy to the proposed rule or OSHA's findings until it is published in the Federal Register. We are asking the OMB to release the rule for publication in the Federal Register so the public, including industry groups and all others with interest in silica, can comment on and debate it in an open public forum. The publication of OSHA's proposed rule provides an important starting point for additional discussion and input by industry, labor, and the safety and health community. Typically, these groups provide OSHA with significant input that is used to develop a final rule. OSHA must consider this information or be vulnerable to legal challenges. OSHA hearings provide an excellent forum for all sides to provide their information.

We also encourage OMB to remind all stakeholders that the proposed rule is the BEGINNING of the process, not the END. Stakeholders should use the OSHA public comment and public hearing process to provide their input. We fully expect that OSHA will receive important new information related to the extent of health effects from silica, exposures associated with various tasks, the effectiveness of controls, and the overall feasibility of silica control programs. We are confident, based on our long experience with the OSHA rulemaking process, that the final rule will reflect this new input and will be significantly better than the proposed rule.

Founded in 1939, AIHA is the premier association serving the needs of professionals involved in occupational and environmental health and safety practicing industrial hygiene in industry, government, labor, academic institutions, and independent organizations. The AIHA mission is to promote healthy and safe working environments by advancing the science, principles, practice, and value of industrial hygiene.

In summary, we encourage OMB to release the rule, defer to OSHA's scientific judgment as much as possible, and publicly reassure stakeholders that they will have plenty of opportunity for comment and input into the development of a final rule on silica.

Respectfully submitted,

A handwritten signature in cursive script that reads "Elizabeth L. Pullen".

Elizabeth L. Pullen, CIH  
AIHA President

cc: Dr. David Michaels, Assistant Secretary of Labor OSHA  
AIHA Board of Directors  
Peter O'Neil, AIHA Executive Director