

SECRETARY OF LABOR
WASHINGTON, D.C. 20210

AUG 11 2011

Mr. Mark H. Ayers
President
Building and Construction Trades Department
American Federation of Labor and
Congress of Industrial Organizations
815 16th Street, N.W., Suite 600
Washington, DC 20006

Dear President Ayers:

Thank you for your letter regarding the Executive Order 12866 review of the Occupational Safety and Health Administration's (OSHA) draft proposed standard on crystalline silica by the Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA). I share your commitment to protecting the health of workers exposed to silica, and I understand your concern that the extension of the review will delay the promulgation of a new silica rule.

The silica rulemaking is an important priority for the Department of Labor. Since the draft proposed rule was accepted for review by OIRA on February 14, 2011, Departmental staff has been working with OIRA staff to complete the review without undue delay. We will continue to work to complete this required step in the rulemaking process.

Thank you again for sharing your concerns on the crystalline silica rulemaking. I look forward to the participation of labor, industry and other interested parties as the rulemaking proceeds.

Sincerely,



HILDA L. SOLIS
Secretary of Labor

cc: Jacob Lew, Director, Office of Management and Budget

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June 14, 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 Building and Construction Trades Department, AFL-CIO (BCTD), and the more than 2 million skilled construction workers represented by our 13 national and international affiliated unions, I am writing to express our strong concern with the OMB's Office of Information and Regulatory Affairs (OIRA) recent decision to extend the Executive Order 12866 review of OSHA's proposed draft crystalline silica standard. The BCTD joins the AFL-CIO in asking for your help to ensure that OIRA completes its work without further delay. OSHA should begin the public rulemaking process on a comprehensive standard, which covers the construction industry, so that it can be issued before the end of the Obama Administration's first term.

While the BCTD recognizes the role of OIRA in reviewing proposed regulations, we are very concerned that certain groups have tried to use this review process to delay rulemaking and to garner support for exempting the construction industry. We strongly oppose such efforts.

Construction workers' exposures to dust containing crystalline silica and the associated health risks are well documented. According to the government's own estimates, at least 1.7 million U.S. workers are exposed to respirable crystalline silica and roughly half of these are in the construction industry. Leading researchers and health organizations, including the World Health Organization's International Agency on

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Cancer Research, have determined that exposure to crystalline silica can lead to debilitating, even fatal illnesses, including lung cancer. Acknowledging these findings, since the mid-1990's both Democratic and Republican Administrations have listed silica as a regulatory priority, some states have implemented their own rules to protect construction workers, and manufacturers have developed tools and systems to control silica dust generated during construction activities.

Further delays in promulgating a comprehensive silica standard that covers the construction industry would do a great disservice to construction workers at risk of silica exposure and associated illnesses. Additionally, while some may argue that addressing this issue will result in disruption to the industry and rampant job loss, we find those arguments to be disingenuous and politically motivated. Without action, workers' safety will continue to be compromised and there will not be a level playing field in a bid industry by continuing to place those responsible construction employers who take steps to protect their employees at a disadvantage when competing with employers who do little or nothing to reduce exposures. Uniform safety standards throughout the industry will only serve to provide a stabilizing effect and promote growth without compromising the safety of the workforce and without rewarding contractors who choose to seek a competitive advantage by disregarding safety and training.

The BCTD joins the AFL-CIO in urging OMB to complete its review of the proposed silica standard and the Department of Labor to begin the rulemaking process without further delay. After decades of study and discussion, the time has come to once and for all address this serious occupational hazard and protect workers from silica.

With kind regards, I am

Sincerely,



Mark H. Ayers
President