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May 6, 2005

BY FIRST CLASS MAIL

Mr. Ray H. Darling, Jr.
Executive Secretary
Occupational Safety and Health Review Commission
One Lafayette Centre
1120 20th Street, NW
Washington, DC 20036-3419

Re: *Summit Contractors, Inc.*, OSHRC Docket No. 03-1622

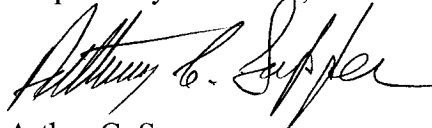
Dear Mr. Darling:

In accordance with Fed.R.App.P. 28(j), *amici curiae* respectfully submit this additional citation of authority to supplement the argument in its brief.

The authority cited is *Dep't of Labor & Industry v. Summit Contractors, Inc.*, No. 1643-04-2 (May 3, 2005), a decision by the Court of Appeals of Virginia. It holds that "no provision of the VOSHA or any state administrative regulation promulgated under it authorizes the imposition of civil penalty liability on a general contractor for a subcontractor's violations of safety standards causing risk of harm only to the subcontractor's employees."

Nine copies of this letter and the decision are enclosed. Please distribute them to each member of the Commission, and the Office of the General Counsel, and return a receipt-stamped copy in the enclosed, self-addressed stamped envelope.

Respectfully submitted,



Arthur G. Sapper

Enclosure: as stated

cc: Steven Turow, Esq. Robert Rader, Esq. Victoria Bor, Esq.