

December 19, 2003

Mr. John Henshaw
Assistant Secretary for Occupational Safety and Health
U.S. Department of Labor
Occupational Safety and Health Administration
200 Constitution Avenue, NW
Washington, DC 20210

Dear Mr. Henshaw:

The Small Business Advocacy Review Panel (Panel), established in accordance with the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), is transmitting to you this report on the Occupational Safety and Health Administration's draft proposal for Occupational Exposure to Crystalline Silica.

The Panel consisted of representatives of the Occupational Safety and Health Administration (OSHA), the Office of Information and Regulatory Affairs (OIRA) of the Office of Management and Budget (OMB), and the Office of Advocacy (OA) within the U.S. Small Business Administration (SBA), and was chaired by Robert Burt, Director of the Office of Regulatory Analysis within OSHA. The Panel members and staff representatives included Robert Burt (OSHA/Chair), Claudia Thurber (DOL/Office of the Solicitor (SOL)), William Perry (OSHA/Directorate of Standards and Guidance (DSG)), Charles Maresca (SBA/OA), Dominic Mancini (OMB/OIRA), Loretta Schuman (OSHA/DSG), Bradford Hammock (DOL/SOL), Ian Moar (DOL/SOL), Radwan Saade (SBA/OA/Economist), Thomas Mockler (OSHA/Economist), and Kathleen Martinez (OSHA/SBREFA Coordinator).

On October 20th, the Panel was officially convened. On November 10th, and 12th the Panel members, along with the Small Entity Representatives (SERs), participated in a conference call, providing the opportunity for an open discussion regarding the draft proposal. In addition to the conference call, the SERs provided the Panel with their written comments.

The complete Panel Report is attached, including major findings and recommendations of the Panel, a listing of the participating SERs, and copies of their written comments. SBREFA requires that this Panel Report and its attachments become part of the rulemaking record and be made available to the public through the OSHA docket office.

In closing, the Panel wishes to thank the SERs for their participation in the early stages of the rulemaking process. The Panel particularly appreciates that the SERs took time from their busy schedules to provide the Panel with comments. Subsequent steps in

the rulemaking process will afford additional opportunities for public participation and input.

Sincerely,

Robert E. Burt
Chairperson
Small Business Advocacy Review Panel
Occupational Safety and Health Administration
U.S. Department of Labor

Thomas M. Sullivan
Chief Counsel for Advocacy
Office of Advocacy
U.S. Small Business Administration

John D. Graham
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