



Highlights of [GAO-08-265](#), a report to congressional requesters

## Why GAO Did This Study

Agencies address their missions not only through regulations but also by issuing communication products—such as guidance, fact sheets, and brochures—that can provide crucial information to regulated parties and the public. Since 2000, the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency's (EPA) Office of Prevention, Pesticides, and Toxic Substances (OPPTS) developed new versions of such products to address the potential hazards of exposure to asbestos in automotive brakes. GAO was asked to describe (1) how OSHA and OPPTS prepared their products on asbestos in automotive brakes, (2) the general processes that OSHA and OPPTS use to prepare their communication products, and (3) how these processes compare to those for rulemaking and how recent administration initiatives might affect them. GAO reviewed and analyzed available documents and interviewed officials at OSHA, OPPTS, and the Office of Management and Budget (OMB).

## What GAO Recommends

GAO recommends that OSHA and OPPTS ensure that their key general processes for preparing communication products are documented, made publicly available, and include time frames or benchmarks, where appropriate. OSHA and EPA provided technical comments on a draft of this report. EPA also generally agreed with the recommendations. OMB did not comment.

To view the full product, including the scope and methodology, click on [GAO-08-265](#). For more information, contact Matthew J. Scire at (202) 512-6806 or [sciremj@gao.gov](mailto:sciremj@gao.gov).

## HEALTH AND SAFETY INFORMATION

### EPA and OSHA Could Improve Their Processes for Preparing Communication Products

#### What GAO Found

OSHA and OPPTS followed different paths from 2000 through 2007 to update communication products on asbestos in automotive brakes and clutches. OSHA took longer than OPPTS to produce a final product, and OPPTS' process incorporated more steps to obtain input from external parties. Twice before final posting, OSHA officials had decided to not release drafts that had been prepared, because they needed more data to understand how pervasive asbestos in brake products were and wanted to avoid raising unnecessary alarm. For a time, staff from OSHA and OPPTS considered releasing a joint product. Overall, OSHA and OPPTS took years to complete all the process steps to produce their products on asbestos in automotive brakes and clutches—approximately 5-½ years for OSHA and approximately 3-½ years for OPPTS. In preparing their respective communication products, both OSHA and OPPTS generally followed applicable agency policies and procedures.

Both OSHA and OPPTS have standard processes that guide the initiation, development, review, and dissemination of their communication products. OSHA publicly posts all of its applicable instructions, while OPPTS publicly posts only some. Under both agencies' processes, communication products may be initiated by various sources, developed only after getting management approval, and undergo intraagency coordination and management-level clearance. But interagency (including OMB) or other external reviews are not always required. OSHA's policies for disseminating products focus on responsibilities for posting and maintaining final products on the agency's Web site. Beginning at the development phase, OPPTS policies call for the formulation of a communication plan intended to ensure that the dissemination of a particular product is tailored to reach the intended audience. The agencies' processes establish no specific time frames or benchmarks for how long the preparation of a product should take.

GAO identified at least five areas where the agencies' processes for preparing communication products and those for rules have significant differences. In contrast to the agencies' processes for communication products, rulemaking imposes requirements on agencies regarding (1) justification of the rule, (2) interagency reviews of drafts, (3) transparency of the processes used, (4) opportunities for public comment, and (5) the public's ability to monitor development and review. These differences are to be expected, given the binding effect of rules, and are each rooted in legal requirements that apply to rulemaking, but not to the preparation of communication products. In January 2007, the administration imposed new requirements for agencies' significant guidance documents, for example requiring agencies to provide OMB advance notice and an opportunity to consult on significant guidance before issuance. These changes move the treatment of significant guidance closer to the requirements for rules but do not cover any other types of communication products.