



OFFICE OF ADVOCACY *FACTSHEET*

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Advocacy Urges OSHA to Reconsider Costs of Hexavalent Chromium Rule and Proposed Permissible Exposure Limit

On December 17, 2004, the Office of Advocacy (Advocacy) filed comments on the Occupational Safety and Health Administration's (OSHA) proposed rule on Occupational Exposure to Hexavalent Chromium. In its comments, Advocacy commended OSHA for amending its proposed rule to reflect recommendations in the report of the Small Business Advocacy Review Panel convened under the Small Business Regulatory Enforcement Fairness Act. Advocacy urged OSHA to adopt additional recommendations from the Panel report and in a report on regulatory alternatives prepared for the Office of Advocacy and provided to the Panel. Advocacy's comment is available at www.sba.gov/advo/laws/comments/safetylabor.html.

- Small Entity Representatives told the Panel that OSHA was underestimating the impact of the rule, and that OSHA's plan to reduce the permissible exposure limit (PEL) dramatically would have no more benefit than a less drastic reduction.
- OSHA's economic analysis does not address the problem of business failures and businesses which will forego use of substances containing hexavalent chromium.
- The current PEL for hexavalent chromium is an eight-hour average of 52 micrograms per cubic meter of air. OSHA proposes to reduce the PEL to one microgram per cubic meter, and to require various engineering and administrative controls to reduce exposures.
- The Panel questioned whether OSHA has correctly interpreted the data from several scientific studies, and whether the data itself is representative of modern exposure levels.
- Advocacy agrees with OSHA that the application of the rule to the construction industry and maritime operations should be limited. Advocacy believes OSHA has proposed to set the PEL too low for general industry, and that the rule will have a greater impact on small businesses than OSHA estimates.
- Advocacy's report on regulatory alternatives recommended that OSHA set the PEL at 23 micrograms per cubic meter, while continuing to study the effect of hexavalent chromium exposures at lower levels. Advocacy continues to support its proposed regulatory alternatives, and urges OSHA to re-consider its estimates of costs and impacts on small businesses consistent with the comments it receives and new information as it becomes available.

Comments on OSHA's proposed rule are due January 3, 2005. For more information, visit Advocacy's website at <http://www.sba.gov/advo/> or contact Charley Maresca at (202) 205-6978.