

January 15, 2008

Mr. Edwin G. Foulke, Jr.
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. Foulke:

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 standard Occupational Exposure to Beryllium.

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), the Office of Advocacy (OA) within the U.S. Small Business Administration (SBA), and the Solicitor of Labor (SOL). The Panel was chaired by Robert Burt, Director of the Office of Regulatory Analysis (ORA) within OSHA. Staff from the agencies and SOL who participated in development of the Panel's report include: Bruce Lundegren (SBA/OA), Charles Maresca (SBA/OA), Carrol Barnes (SBA/OA), Radwan Saade (SBA/OA), John Kraemer (OMB/OIRA), Michael Hagan (OMB/OIRA), Amanda Edens (OSHA/Directorate of Standards and Guidance [DSG]), Tiffany DeFoe (OSHA/DSG), Maureen Ruskin (OSHA/DSG), Ian Moar (DOL/SOL), Sarah Shortall (DOL/SOL), Chuck Gordon (DOL/SOL), Paul Bolon (OSHA/ORA), and Kathleen Martinez (OSHA/SBREFA Coordinator).

On November 15, 2007, the Panel was officially convened. On December 5th and 6th, 2007, the Panel members, along with the Small Entity Representatives (SERs), participated in two conference calls, providing the opportunity for an open discussion regarding the draft proposal. In addition to the conference calls, some of the SERs provided the Panel with written comments.

The Panel report is attached, which includes the Panel's major findings and recommendations. Also attached are a list of the participating SERs, the SERs' written comments, and the basic document provided to SERs--the Preliminary Initial Regulatory Flexibility Analysis. SBREFA requires that the Panel's report and its attachments become part of the rulemaking record and be made available to the public, which Mr. Burt will arrange by posting the report in the docket at <http://www.regulations.gov>, the federal eRulemaking portal.

The Panel wishes again 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 read the considerable materials sent to them and for providing the Panel with comments.

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

Susan E. Dudley
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget

Dorothy Dougherty
Director
Directorate of Standards and Guidance
Occupational Safety and Health Administration
U.S. Department of Labor

Ian Moar
Counsel for Health Standards
Office of the Solicitor
U.S. Department of Labor