

April 20, 2004

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 Hexavalent Chromium.

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)), Amanda Edens (OSHA/Directorate of Standards and Guidance (DSG)), Charles Maresca (SBA/OA), Brenda Augilar (OMB/OIRA), Dominic Mancini (OMB/OIRA), David O'Connor (OSHA/DSG), Susan Sherman (DOL/SOL), Radwan Saade (SBA/OA/Economist), Robert Blinksilver (OSHA/ORR/Economist), Deborah Aiken (OSHA/ORR/Economist), Maureen Ruskin (OSHA/DSG/Chemical Engineer), Dale Krupinski (OSHA/DOC) and Kathleen Martinez (OSHA/SBREFA Coordinator).

On February 19, 2004, the Panel was officially convened. On March 16th and 17th 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  
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