



April 23, 2009

BY ELECTRONIC MAIL

Mr. Robert E. Burt  
Small Business Advocacy Chair  
Occupational Safety and Health Administration  
U.S. Department of Labor  
200 Constitution Ave., NW  
Washington, DC 20210

**Subject: Small Business Advocacy Review Panel on the Preliminary Draft Standard for Occupational Exposure to Diacetyl and Food Flavorings Containing Diacetyl**

Dear Mr. Burt:

Thank you for your letter dated April 20, 2009, officially notifying the Office of Advocacy that the Occupational Safety and Health Administration (OSHA) will convene a small business advocacy review panel for the above-captioned rule under section 609(b) of the Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA). We welcome the opportunity to work with OSHA and the Office of Management and Budget (OMB) on this important panel.

In preparation, the Office of Advocacy has already worked with you to develop a list of small entity representatives (SERs) who will provide input to the panel. We have spoken to each of the potential SERs on the list and will work with you to finalize the list. It is my understanding that OSHA will ensure that only regulated small entities are selected to participate and address issues of importance to small entities.

Pursuant to section 609(b)(4) of the RFA, you have provided a copy of the draft rule, draft preliminary initial regulatory flexibility analysis, and supporting materials for review by the panel members. The Office of Advocacy has been in close communication with OSHA and participated in several pre-panel meetings in accordance with the current

OSHA SBREFA guidance to assure the adequacy and timeliness of the information and data provided to the SERs and the panel members.

Thank you for your continued support and advocacy on behalf of small business issues. Please contact Bruce Lundegren of this office at (202) 205-6144 (or [bruce.lundegren@sba.gov](mailto:bruce.lundegren@sba.gov)) if you have any questions or require additional information specific to this panel.

Sincerely,

/s/

Shawne C. McGibbon  
Acting Chief Counsel for Advocacy

/s/

Bruce E. Lundegren  
Assistant Chief Counsel for Advocacy

cc: The Honorable Jordan Barab  
Acting Assistant Secretary of Labor for Occupational Safety and Health  
  
The Honorable Kevin Neyland, Acting Administrator  
Office of Information and Regulatory Affairs