

**Congress of the United States**  
**Washington, DC 20515**

February 27, 2013

Jeffrey Zients  
Deputy Director for Management  
Office of Management and Budget  
Eisenhower Executive Office Building  
1650 Pennsylvania Avenue, NW  
Washington, DC 20503

Dear Mr. Zients:

We are writing to reiterate our concern about the Office of Information and Regulatory Analysis's review of the Occupational Safety and Health Administration's (OSHA) proposal to update its crystalline silica exposure standard, and to request a definite timetable for completion of this review. The proposed rule was first sent to OIRA on February 14, 2011 for what should have been a 90-day or, at most, a 120-day review. Now, more than two years later, the regulation remains in limbo. This unwarranted delay is deeply concerning to us, as leaders of Congressional Committees with jurisdiction over worker safety and health, and it is dangerous for the nearly two million U.S. workers who toil at great risk of exposure to unsafe working conditions due to silica exposure.

As explained in our July 2011 letter, the damaging effects of silica are dire and undisputed. Under the government's most recent data, the number of deaths from silicosis is rising, and there are thousands of newly diagnosed cases of silicosis each year. OSHA's preliminary analysis indicates that the silica rule would prevent approximately 60 deaths per year from lung cancer and silicosis. Thus, in the two years that this rule has been languishing at OIRA, 120 workers have needlessly lost their lives and thousands more are facing a lifetime of serious health problems.

Modernizing OSHA's crystalline silica standard is a commonsense and necessary improvement to worker safety: some states have already taken the lead--and demonstrated feasibility--by prohibiting dry cutting/grinding of masonry and cement, or requiring employers to use dust reduction systems. In many cases, protections are as basic as a water hose or spray. It is intolerable that workers are not benefiting from these protections due to roadblocks in the regulatory process.

Moreover, there is simply no justification for OIRA's delay. OSHA has already undertaken a rigorous analysis of the rule. OIRA's role in this process is to review the agency's compliance with the requirements of Executive Order 12866, not to derail the rule through excessive delay, or to override the policy judgments of the agency that has both the expertise and the Congressional authority to regulate worker safety and health.

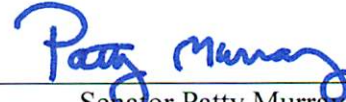
We urge OIRA to complete its review of the draft silica rule as promptly as possible. To ensure that this happens, we request that, within 30 days of receipt of this letter, you provide us with

a date certain upon which that review will be completed. We look forward to hearing from you about the expedited timeline for OMB's progress on this critical worker safety protection.

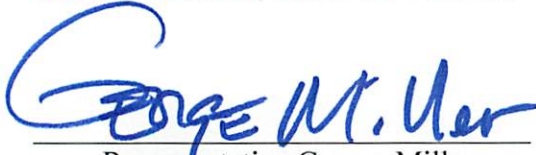
Sincerely,



\_\_\_\_\_  
Senator Tom Harkin  
Chairman, Committee on  
Health, Education, Labor and Pensions



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Senator Patty Murray  
Former Chairman, Subcommittee on  
Employment and Workplace Safety



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Representative George Miller  
Ranking Member, Committee on  
Education and the Workforce



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Representative Joe Courtney  
Senior Democratic Member, Subcommittee  
on Workforce Protections