

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington DC 20500

January 25, 2012

Dear President Obama,

As public health professionals and individuals with expertise in occupational safety, we are writing to express our serious concern about the extraordinary delay in the development and promulgation of a standard to protect workers from occupational exposure to crystalline silica. For more than 11 months, this draft proposed Department of Labor regulation has been held for review by the Office of Management and Budget (OMB), with no indication as to when the review will be concluded and the proposed rule issued. This delay in action by OMB leaves workers at significant risk of disease and death. It also prevents the rulemaking process from moving forward, obstructing public participation on this important worker safety and public health matter.

Crystalline silica is a long-recognized serious occupational health hazard. Overexposure to respirable crystalline silica causes an irreversible, progressive lung disease, and is also associated with lung cancer, chronic renal disease, and autoimmune disorders. An estimated 1.7 million U.S. workers are exposed to this serious hazard.<sup>1</sup> Public health experts report that about 200 workers die each year from silicosis,<sup>2</sup> and estimate there are as many as 7,300 new cases of silicosis annually among U.S. workers.<sup>3</sup> Eradicating silicosis has been a stated priority of the Department of Labor for decades, but regulatory efforts have been repeatedly thwarted and delayed, particularly by the Bush Administration. But now, under your administration, DOL has made the promulgation of a new silica standard a top regulatory priority and has worked to move this rule forward.

Nearly a year ago, on February 14, 2011, the Occupational Safety and Health Administration (OSHA) submitted the draft proposed health standard on respirable crystalline silica to OMB's Office of Information and Regulatory Affairs (OIRA), pursuant to Executive Order 12866 (EO). Although the EO directs OIRA to complete its review within 90 days (with the allowance for one 30 day extension) the draft OSHA silica standard has been with OIRA for more than 345 days. Moreover, OMB staff has hosted at least nine private meetings with individuals about the proposed OSHA action, most of whom represent companies with a direct financial interest in the matter. These closed door meetings with special interests are wholly inconsistent with your promise of openness and public participation. As you noted on your second day in office in your Memorandum on Transparency and Open Government (January 21, 2009):

“Government should be participatory. Public engagement enhances the Government's effectiveness and improves the quality of its decisions. Knowledge is widely dispersed in society, and public officials benefit from having access to that dispersed knowledge. Executive

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<sup>1</sup> National Institute for Occupational Safety and Health, Centers for Disease Control & Prevention. Health effects of occupational exposure to respirable crystalline silica. *DHHS/NIOSH Pub. No. 2002-129* (April 2002).

<sup>2</sup> National Institute for Occupational Safety and Health, Centers for Disease Control & Prevention. Work-related lung disease surveillance report, 2007. *DHHS/NIOSH Pub No. 2008-143a* (September 2008).

<sup>3</sup> Rosenman KD, Reilly MJ, Hennenberger PK. Estimating the total number of newly-recognized silicosis cases in the United States. *Am J Ind Med.* 2003; 44: 141-147.

departments and agencies should offer Americans increased opportunities to participate in policymaking and to provide their Government with the benefits of their collective expertise and information.”

We could not agree more. The OSHA proposed rule on crystalline silica needs to be issued so that the public, workers, unions, public health experts and employers have the full opportunity to participate in the development of this important worker protection measure.

Mr. President, you have been a long-time steadfast supporter of strong worker protection measures and of the need for government to develop effective, timely regulations to protect safety and health. But in the first 3 years of your administration no new significant OSHA worker safety and health rules have been proposed and promised rules have been repeatedly delayed.

American workers need a strong OSHA silica standard to protect them from disabling disease and death. We urge you to intervene immediately to direct OMB to complete its review of the OSHA proposed silica rule, so the public rulemaking on this important worker health standard can begin, and a final standard to protect workers from silica can be issued without further undue delay.

Sincerely,

*[Affiliations for identification purposes only; signatures marked with \* represent organizational support.]*

**John Ackerman, MD**

American Medical Association  
Santa Barbara, CA

**Zia Ahari, MD**

San Rafael, CA

**Jim Albers, MPH, CIH**

Cincinnati, OH

**John Aldis, MD, MPH**

Shepherdstown, WV

**Darryl Alexander**

Program Director, Health and Safety  
American Federation of Teachers

**Sammy Almashat, MD, MPH**

Public Citizen  
Washington, DC

**\*Shirley Alvarado del-Aguila**

Coordinator  
Southern California Coalition for Occupational Safety and Health

**Kenneth Ampel, MD**

Medford, OR

**Robyn Andersen, PhD, MPH**

Seattle, WA

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**Mary Anglin, PhD, MPH**

Associate Professor  
University of Kentucky  
Lexington, KY

**Gail Arno**

NYSDOT Region 4  
CSEA Local 506

**Angela Babin, MS**

New York, NY

**Cedric Bainton, MD**

Professor Emeritus  
University of California, San Francisco Medical Center  
San Francisco, CA

**\*Gail Bateson, MS**

Executive Director  
Worksafe  
Oakland, CA

**William Beckett, MPD, MPH**

Associate Professor  
Watertown, MA

**Jeffrey Bedrick, MD, MS**

Newtown Square, PA

**Doris Berger, MD**

Brookline, MA

**Patricia Berger, MD**

Brookline, MA

**Dan Berman, PhD**

Author, Death On the Job  
Former Executive Director, Occupational Health Project, Medical Committee for Human Rights

**Dennis Bertram, MD**

Clinical Assistant Professor, Social and Preventive Medicine  
University at Buffalo  
Buffalo, NY

**Lester Bickford, MD**

Kansas City, MO

**David Bixler, MD**

Lake Forest Park, WA

**\*Emanuel Blackwell**

Executive Director  
Chicago Area Committee on Occupational Safety and Health

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**Leslie I. Boden, PhD**

Department of Environmental Health  
Boston University School of Public Health  
Boston, MA

**Liz Borkowski**

School of Public Health & Health Services  
George Washington University  
Washington, DC

**William Borwegen, MPH**

Director, Occupational Health and Safety  
Service Employees International Union  
Washington, DC

**Diane Matthew Brown**

Health and Safety Specialist  
AFSCME  
Washington, DC

**Ana Bruzzi, PhD**

Lakewood, CO

**Joan Budd, MD**

Pleasantville, NY

**Joan Butcher, MD**

Saint Louis, MO

**\*Kenneth Brynien, President**

NYS Public Employees Federation, AFL-CIO  
Latham, NY

**Lamont Byrd, MS, CIH**

Director, Safety and Health Department  
International Brotherhood of Teamsters

**Cenie Cafarelli, MD**

Rochester, NY

**John Calomeni, MD, JD**

Lajitas, TX

**Mary Canales, PhD, MS**

Eau Claire, WI

**Donna Carr, MD**

Encinitas, CA

**Kyra Cass, MD, MPH**

Saint Louis, MO

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**Mary Ann Castle, PhD, MA**  
Planning Alternatives for Change  
New York, NY

**Mark Catlin**  
Industrial Hygienist  
Columbia, MD

**\*James Celenza**  
Executive Director  
Rhode Island Committee on Occupational Safety and Health

**BongKyoo Choi, ScD, MPH**  
Assistant Professor  
Center for Occupational and Environment Health  
University of California Irvine

**Gene Chorostecki, MD**  
Santa Fe, NM

**Howard Christofersen, MD**  
Porter, IN

**Charlene and Rich Clark, MD**  
Philomath, OR

**Colleen Clark, MPH, PhD (candidate)**  
Cambridge, MA

**Robert Cohen, MD, FCCP**  
Director, Pulmonary and Critical Care Medicine  
Cook County Health and Hospitals System  
Chicago, IL

**Barbara Cahrssen, MS**  
San Francisco, CA

**Gordon Comstock, MD**  
Arcade, NY

**\*Rev. Stephen Copley**  
Arkansas COSH  
Little Rock, AR

**David Councilman, MD**  
Minneapolis, MN

**Margaret Craven, MD**  
American Congress of Obstetricians and Gynecologists  
Voorheesville, NY

**Mary Crawford, PhD, MPH**  
East Lansing, MI

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**Wayne Crill, PhD**

Fort Collins, CO

**\*Peter Crockett**

Executive Director

Maine Labor Group on Health

**Andrew Davis, MD, MPH**

Associate Professor of Medicine

University of Chicago

Chicago, IL

**Sari Lisa Davison, MD**

Middle Way Internal Medicine

Seattle, WA

**Daniel Dawley, MD**

Cygnnet, OH

**Stanley Dawson, DrPH**

Staff Toxicologist (retired)

California Environmental Protection Agency

Davis, CA

**Catherine DeLorey, DrPH, MPH**

Director

Women's Health Institute

Boston, MA

**Kathy Dervin, MPH**

Health Program Specialist II

Berkeley, CA

**Denny Dobbin, MSc (Occ. Hygiene), CIH, ret.**

Society for Occupational and Environmental Health

**Xiuwen Sue Dong, DrPH**

Data Center Director

The Center for Construction Research and Training

Silver Spring, MD

**Martin Donohoe, MD**

Adjunct Associate Professor, School of Community Health

Portland State University

Lake Oswego, OR

**Peter Dooley, MS, CIH, CSP**

LaborSafe Health and Safety Consulting

Tucson, AZ

**Therese Dowd, PhD**

Akron, OH

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**Alan Ducatman, MD, MS**

Chair, Department of Community Medicine and  
Interim Founding Dean (Planned School of Public Health)  
West Virginia University

**Mary Edwards, PhD**

Associate Professor  
Haverford College  
Wayne, PA

**George Ellison, MD**

San Diego, CA

**Russell Erickson, MD**

Pleasant Hill, CA

**Robert Fay, MPH, PhD (candidate)**

St. Petersburg, FL

**Justin Feldman, MPH, MSW**

Public Citizen  
Washington, DC

**\*Carl Feuer**

Executive Director  
Mid-State (NY) Education and Service Foundation

**Jessica Fielden, MD**

Oakland, CA

**Tessa Fischer, MD**

Deerfield, IL

**Albert Fite, MD**

Healthcare Partner  
Pacific Palisades, CA

**\*Michael C. Fitts**

Executive Director  
Connecticut Council on Occupational Safety and Health

**Renee Fleischer, MD**

Great Neck, NY

**\*Mike Florio**

Executive Director  
Western Massachusetts Coalition for Occupational Safety and Health

**Arthur L. Frank MD, PhD**

Professor of Public Health  
Drexel University School of Public Health  
Philadelphia, PA

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**Lawrence Freedman, MD**

Professor Emeritus  
University of California, Los Angeles  
Los Angeles, CA

**Alice Freund**

Industrial Hygienist  
Mt. Sinai Irving J. Selikoff Center for Occupational and Environmental Medicine  
New York, NY

**Geoffrey Garbina, MS, MPH (candidate)**

University of North Texas  
Little Elm, TX

**Kim Gaetz, MSPH**

Doctoral Student, Department of Epidemiology  
University of North Carolina  
Chapel Hill, NC

**Diane Gareen, MD**

New York, NY

**Lorne Garrettson, MD**

Professor Emeritus  
Emory University  
Sandy Spring, MD

**Vin Garry, MD, MS**

Professor Emeritus  
University of Minnesota Lab Med Path/Tox  
Minneapolis, MN

**J.D. Gastolomendo, MPH, MS**

Brooklyn, NY

**Arthur Gionti, MD**

American College of Physicians  
Amherst, MA

**Lynda Glagola**

Director, Alveoli Corporation dba Lungs at Work  
McMurray, PA

**Jessie Gleason, MPH**

Environmental and Occupational Health Research Fellow  
Pennsauken, NJ

**Warren Gold, MD**

Professor of Medicine  
University of California, San Francisco  
Mill Valley, CA

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**\*Marcy Goldstein-Gelb**

Executive Director  
Massachusetts Coalition for Occupational Safety and Health

**Nayvin Gordon, MD**

Tuolumne Me Wuk Indian Health Center  
Oakland, CA

**Robert Gould, MD**

Physicians for Social Responsibility  
Pathology Dept, Kaiser Hospital SJ, CA  
San Francisco, CA

**Ian Greaves, MD**

Professor, Dept of Public Health  
Temple University  
Philadelphia, PA

**Gary Hairston**

Vice President  
Fayette County Black Lung Association  
Beckley, WV

**Thomas Hall, MD**

Bellingham, WA

**Elaine Harmon, MS**

Traverse City, MI

**\*Germain Harnden**

Executive Director  
Western New York Council on Occupational Safety and Health

**Francis Harrington, MD**

Boyce, LA

**Robert Harrison, MD, MPH**

Clinical Professor of Medicine  
University of California, San Francisco

**David Harrod, MD**

Glenville, NC

**Michelle Haugen**

St Charles, IL

**Gail Heaberg, DrPH, MS**

AIS for Health, Inc.  
Warner Robins, GA

**Beverly Hector-Smith, MS**

Natick, MA

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**Ruth M. Heifetz, MD, MPH**

University of California San Diego  
School of Medicine, Department of Family & Preventive Medicine  
La Jolla, CA

**C. A. Hilgartner, MD**

Kirksville, MO

**David Hinkamp, MD, MPH**

Occupational Health Service Institute  
University of Illinois at Chicago

**George Hoke, MD**

Associate Professor of Medicine  
University of Virginia  
Charlottesville, VA

**Amy Hopkins, MD, MPH, PhD**

Occupational and Environmental Medicine Physician  
Internal Medicine Physician  
Guilford, CT

**Wendy S. Hord**

Health & Safety Specialist  
New York State United Teachers  
Latham, NY

**Chun-Kai Huang, MS**

Department of Environmental, Agricultural & Occupational Health  
College of Public Health, University of Nebraska Medical Center  
Omaha, NE

**Phillip Hunt, PhD, MS**

UBC, Inc.  
Lexington, MA

**M. Elizabeth Hunter, MPH**

Phoenix, AZ

**Jeff Hyman, BS**

CSEA OSH Specialist  
Commack, NY

**\*Interfaith Worker Justice**

Chicago, IL

**David E. Jacobs, PhD, CIH**

Research Director  
National Center for Healthy Housing  
Washington, DC

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**Walter A. Jones, MSc, CIH**

Associate Director of Occupational Safety and Health  
Laborers' Health and Safety Fund of North America  
Washington, DC

**Sandra Joos, PhD**

Portland, OR

**Stephen T. Joyce, MD, MPH**

Independent Occupational and Preventive Health and Benefits Consulting  
Primary Author, Integrated Health Advocacy Program

**Martin Joye, MD**

Vacaville, CA

**Norton Kalishman, MD**

Albuquerque, NM

**Matthew Kalman, MD**

American Radiology Associates  
Pikesville, MD

**Richard Kanner, MD**

Professor of Medicine, Division of Pulmonary Diseases  
University of Utah School of Medicine  
Salt Lake City, UT

**Gerald Karches, MS**

Tucson, AZ

**Kasey Karen, PhD**

Johns Hopkins University  
Baltimore, MD

**Pieter Kark, MD, MA**

Mountain View, CA

**Marilyn Kennedy, PhD, MS**

Minneapolis, MN

**David G. Kern, MD, MOH**

Consultant, Occupational and Environmental Medicine  
Camden, ME

**Peter R. Kerndt, MD, MPH**

Director, Sexually Transmitted Disease Program  
Los Angeles County, Department of Public Health  
Los Angeles, CA

**Kathy Kirkland, DrPH, MPH**

Washington, DC

**Thomas Knecht, MD, PhD**

Oakland, CA

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**David Knutzen, MD**  
Waunakee, WI

**Steve Kohl, MD**  
Brush Prairie, WA

**Gerald Kolbert, MD**  
Larchmont, NY

**David Kotelchuck, PhD, MPH, CIH**  
Professor Emeritus  
Hunter College of the City University of New York  
New York, NY

**Bruce Krawisz, MD**  
Pathologist  
Marshfield, WI

**Nancy Krieger, PhD, MS**  
Professor  
Harvard School of Public Health Society, Human Development, and Health  
Boston, MA

**Jeffrey LaGasse, MD**  
Freeland, WA

**Martin Lahr, MD, MPH**  
Salem, OR

**Paul Landsbergis, PhD, MPH**  
Associate Professor, Department of Environmental and Occupational Health Sciences  
State University of New York-Downstate School of Public Health  
Brooklyn, NY

**James Lawrie, MD**  
Reno, NV

**Michael B Lax MD MPH**  
Medical Director, Occupational Health Clinical Centers  
Professor, Department of Family Medicine,  
State University of New York Upstate Medical University

**Charles Levenstein, PhD, MS**  
Professor Emeritus of Work Environment, University of Massachusetts Lowell;  
Adjunct Professor of Occupational Health, Tufts University School of Medicine  
Boston, MA

**Betty Levin, PhD, MA**  
Public Health Professor  
City University of New York  
New York, NY

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**Bruce Lilley, MS, MPH**

University of California, San Francisco  
San Leandro, CA

**Diane Lowe, MD**

Family physician (retired)  
Roanoke, VA

**Jean MacPhail, MD, PhD (candidate)**

Santa Fe, NM

**Steve Marks, MS, MPH**

IRB Coordinator/Research Specialist  
Arizona Cancer Center  
Tucson, AZ

**K. Marlin, MPH**

Washington, DC

**Kathleen Masis, MD, MA**

Billings, MT

**Joeseeph Massie**

President, National Black Lung Association  
Fayetteville, WV

**Paul Mayer, MD**

Livingston, TX

**Hosea McAdoo, MD**

Sherwood, AR

**Robert K. McLellan, MD, MPH**

Chief, Section of Occupational and Environmental Medicine, Dartmouth-Hitchcock Medical Center  
Associate Professor of Medicine, Community and Family Medicine, and The Dartmouth Institute  
Dartmouth Medical School

**John Mead, MD**

Santa Cruz, CA

**Jaymie Meliker, PhD**

Port Jefferson, NY

**Brian Mickey, MD, PhD**

Assistant Professor  
University of Michigan  
Ann Arbor, MI

**Deborah Mielke, MD**

Maple Grove, MN

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**Mary E. Miller, RN, MN**

Occupational Health Nurse, University of Washington  
Clinical Faculty, School of Nursing  
Seattle, WA

**\*Tammy Miser**

Executive Director  
United Support & Memorial for Workplace Fatalities  
Lexington, KY

**\*Brian Mitchell**

Executive Director  
New Hampshire Coalition for Occupational Safety and Health

**Celeste Monforton, DrPH, MPH**

Professorial Lecturer, Department of Environmental & Occupational Health  
School of Public Health & Health Services, George Washington University  
Washington, DC

**Luis Montesinos, PhD**

Little Falls, NJ

**Jim Moran**

Director Emeritus, Philadelphia Area Project on Occupational Safety & Health  
Philadelphia, PA

**John Morawetz, ScM**

International Chemical Workers Union Council/UFCW  
Cincinnati, OH

**Joel Moskowitz, PhD, MA**

University of California, Berkeley  
Oakland, CA

**Karen B. Mulloy, DO, MSCH**

Associate Professor  
Colorado School of Public Health  
Denver, CO

**Ralph Myer, MD**

SeaMar Community Health Center  
Seattle, WA

**Roni Neff, PhD, MS**

Assistant Scientist, Department of Environmental Health Sciences  
Johns Hopkins Bloomberg School of Public Health  
Baltimore, MD

**Richard Newcomb, MD**

Portage, IN

**Rael Nidess, MD**

Marshall, TX

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**Michele Nihipali, MPH**

Hauula, HI

**Jill Nord, MD**

Glendale, NY

**Michele Ochsner, PhD**

Co-Director, Occupational Training & Education Consortium  
School of Management and Labor Relations, Rutgers University  
New Brunswick, NJ

**Virginia O'Connell, PhD**

Moravian College  
Swarthmore, PA

**\*Tom O'Connor**

Executive Director  
National Council for Occupational Safety and Health  
Raleigh, NC

**Janet Ordway, MD**

Old Orchard Branch, ME

**Douglas Oster, MD, MPH**

Southeast Permanente Medical Group  
Decatur, GA

**Tracy Ouellette, MD**

Bow, WA

**Renee Page, MPH**

Farmingdale, ME

**John Pajak**

President  
New Jersey Work Environment Council

**Jack Paradise, MD**

Professor Emeritus of Pediatrics  
University of Pittsburgh  
Belmont, MA

**Lewis Patrie, MD, MPH**

Asheville, NC

**Jerome Paulson, MD**

George Washington University  
Alexandria, VA

**Elise Pechter MPH, CIH**

Industrial Hygienist  
Boston, MA

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**Patricia Penn, PhD, MS**

Tucson, AZ

**Lauren Penney, PhD (candidate)**

Tucson, AZ

**Lewis Pepper, MD, MPH**

Center for Biology of Natural Symptoms

Queens College

City University of New York

**William Perkins, MD**

Pacific Palisades, CA

**Kristina Peterson, PhD**

Director, Program for Occupational Safety and Health

RTI International

Research Triangle Park, NC

**Robert Petersen, MD**

Children's Hosp. Boston, Harvard Medical School

Cambridge, MA

**Alex Pirie, BA**

Coordinator, Immigrant Service Providers Group

Somerville, MA

**Lawrence Plumlee, MD**

Bethesda, MD

**Laura Punnett, ScD**

Professor, Department of Work Environment, Co-Director, Center for the Promotion of Health in the New England Workplace (CPHNEW), University of Massachusetts Lowell

Lowell, MA

**Irene J. Putzer, RN, MA, COHN-S**

Philadelphia, PA

**Gloria Queriapa-Valdes, SS II**

Federal Black Lung Benefits Counselor

Southern IL and Southwest IN Respiratory Disease Program

Carbondale IL

**Penelope JE Quintana, PhD, MPH**

Division of Environmental Health

Graduate School of Public Health

San Diego State University

**Jean Rabovsky, PhD**

El Cerrito, CA

**\*Barbara Rahke**

Philadelphia Area Project on Occupational Safety and Health

Philadelphia, PA

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**Adina Rauchwerger, MPH**

Kaiser Permanente, Division of Research  
San Francisco, CA

**Ann Reichsman, MD**

Medical Director  
Neighborhood Family Practice  
Cleveland Heights, OH

**Sidney Reiff, MD**

Beverly Hills, CA

**Kathleen Rest, PhD, MPA**

Union of Concerned Scientists  
Cambridge, MA

**\*Rhode Island Committee on Occupational Safety and Health**

Providence, RI

**Carol Rice, PhD, CIH**

Professor, Department of Environmental Health  
University of Cincinnati  
Cincinnati OH

**Shelly Rigsby, Program Coordinator**

Southern IL & Southwestern IN Respiratory Disease Program  
Terre Haute, IN

**Wendy Ring, MD, MPH**

Bayside, CA

**Berklee Robins, MD**

Lake Oswego, OR

**Katherine Rodriguez, CPA**

National Council for Occupational Safety and Health, and  
United Support and Memorial for Workplace Fatalities  
League City, TX

**Milly Rodriguez, MPH**

Health & Safety Specialist  
American Federation of Government Employees  
Washington, DC

**Cecile Rose, MD, MPH**

Professor of Medicine, University of Colorado Denver, Director, Occupational Medicine Program  
National Jewish Health  
Denver, CO

**Steven Rosenbaum, MD**

Livingston, NJ

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**Beth Rosenberg, ScD, MPH**

Assistant Professor, Department of Public Health & Community Medicine  
Tufts University School of Medicine  
Boston, MA

**Marvin Rosenthal, MD**

Associate Professor  
Easton, PA

**David Rosner, PhD, MPH**

Ronald Lauterstein Professor  
Columbia University  
New York, NY

**Rachel Rubin, MD, MPH**

University of Illinois School of Public Health  
Cook County Ambulatory and Community Health Network

**\*Jeff Ruch**

Executive Director  
Public Employees for Environmental Responsibility  
Washington, DC

**Margaret Samuel, Case Manager/Benefits Counselor**

Respiratory Disease Program  
Carbondale, IL

**Robert Sander, MD**

Ministry Health Care  
Custer, WI

**Stephen A. Sanders**

Director and Attorney at Law  
Appalachian Citizens Law Center, Inc.  
Whitesburg, KY

**Michelle Santizo, BS**

Health Science, Health Promotion and Disease Prevention  
California State University, Fullerton

**Richard Schmelzer, MD**

University of Wisconsin Medical Foundation  
Madison, WI

**Christianne Schoedel, MD, MS**

Baltimore, MD

**Frances C. Schreiber**

Kazan McClain Lyons Greenwood & Harley  
Oakland, CA 94607

**\*James Schultz**

Executive Director  
Wisconsin Committee on Occupational Safety and Health

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**Gloria Scoonover, MD**

St Paul, MN

**Clinton Sears, MPH**

Coordinator, EnCompass LLC  
Washington, DC

**Jeanne Sears, PhD, RN**

Senior Research Scientist, Department of Health Services  
University of Washington  
Seattle, WA

**Fredrick Seil, MD**

Professor Emeritus  
Berkeley, CA

**Shilpa Shah, MD**

Chapel Hill, NC

**Eve Shapiro, MD, MPH**

Tucson, AZ

**Scott Schneider, MS, CIH**

Director of Occupational Safety and Health  
Laborers' Health and Safety Fund of North America

**Karen Schreiber, MPH (candidate)**

Durham, NH

**Perry Sheffield, MD**

Mount Sinai School of Medicine  
New York, NY

**Janette Sherman, MD**

Alexandria, VA

**Debbie Shrem, MPH**

Richmond, CA

**Matthew Shudtz**

Senior Policy Analyst  
Center for Progressive Reform  
Washington, DC

**\*Joel Shufro, PhD**

Executive Director  
New York Committee for Occupational Safety and Health  
New York, NY

**Michael Silverstein, MD, MPH**

University of Washington

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**Eduardo Siqueira**

Associate Director for Research, Mauricio Gastón Institute for  
Latino Community Development and Public Policy  
UMass Boston

**James Sitrick Jr, MS**

Santa Fe, NM

**Darius D. Sivin, PhD**

Health and Safety Specialist, United Automobile, Aerospace  
& Agricultural Implement Workers of America (UAW)  
Washington, DC

**Craig Slatin, ScD, MPH**

Professor  
University of Massachusetts Lowell  
Lowell, MA

**David Smith, MD**

Spanish Fort, AL

**Linda Smith Schermer, MPH**

Sedona, AZ

**Rosemary Sokas, MD, MOH**

Professor and Chair, Department of Human Science, School of Nursing and Health Studies  
Georgetown University  
Washington, DC

**Gina M. Solomon, MD, MPH**

Senior Scientist, Natural Resources Defense Council  
Clinical Professor of Medicine, UCSF  
San Francisco, CA

**Richard Solomon, PhD**

Oakland, CA

**Judy Sparer, CIH**

Occupational and Environmental Medicine Program  
Yale University

**Mark Spohr, MD**

Tahoe City, CA

**Eric Spring, MPH**

Boston, MA

**Laurel Starr, MD, MA**

Golden, CO

**Mark Stipano, CIH, CSP**

CSEA Industrial Hygiene Specialist  
New York

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**Arthur Strauss, MD**

Irvine, CA

**John Strauss, MD**

New Haven, CT

**Anthony Suchman, MD, MA**

Montour Falls, NY

**Patrice Sutton, MPH**

Research Scientist, Program on Reproductive Health and the Environment  
University of California San Francisco  
Oakland, CA

**Dennis Sweeney, MD**

Portland, OR

**Cynthia Tainsh, MD**

Orlando, FL

**Tim Takaro, MD, MPH**

Associate Professor  
Simon Fraser University Faculty of Health Science  
Seattle, WA

**Gerhard Tank, MD**

Grants Pass, OR

**Patrick Tobin, MD**

Traverse City, MI

**Chris Trahan, CIH**

Deputy Director  
CPWR—The Center for Construction Research and Training  
Silver Spring, MD

**Jack Tuber, MD**

Clinical Research Department  
Paradise Valley, AZ

**Marie Valleroy, MD**

Portland, OR

**Nichole Vivion, MPH**

Department Chair  
New York, NY

**Pamela Vossen, MPH**

Workplace Safety & Health Coordinator  
UNITE HERE! International Union  
New York, NY

**Jenny Walker, MD, MPH**

New York, NY

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**Ruth Walker, MD, PhD**

Mount Sinai School of Medicine  
Brooklyn, NY

**Edward Walworth, MD**

Lewiston, ME

**Cynthia Warner, PhD, MS**

Centers for Disease Control and Prevention (retired)  
Clemson, SC

**John Warren, MD**

Green Bay, WI

**Virginia M Weaver MD MPH**

Associate Professor of Environmental Health Sciences and Medicine  
Director, Occupational & Environmental Medicine Training Program  
Johns Hopkins University Bloomberg School of Public Health

**Carolyn Webb, MS**

Retired (CT Dept of Public Health)  
Avon, CT

**David H. Wegman, MD, MSc**

Professor Emeritus, Department of Work Environment  
University of Massachusetts Lowell  
Lowell, MA

**Michael Wenzler, MD**

Indiana University Health Center  
Bloomington, IN

**Mel Werbach, MD**

Springville, CA

**Jennifer Weuve, MPH**

Rush University Medical Center  
Chicago, IL

**Margaret Wheeler, MD, MS**

University of California, San Francisco  
San Francisco, CA

**Mindi White, MD**

Los Angeles, CA

**Sylvia G. Whitfield, MS**

Milton, FL

**John Whitney, MD**

Rapid City, SD

*[Affiliations listed for identification purposes only; signatures marked with \* represent organizational support.]*

**Dorothy Wigmore, MS**

Oakland, California

**Harold Wilkinson, MD**

Swarthmore, PA

**Deborah L. Wills**

Black Lung Program Coordinator

Valley Health Systems

Cedar Grove, WV

**Patrice Woepfel, EdD**

Member, UAW, Local 1981

Williamsburg, MA

**Chadwick Wright, MD, PhD**

Lewis Center, OH

**Michael Wright**

Director of Health, Safety and Environment

United Steelworkers

**Joseph Zandoni, PhD, MILR**

Illinois Occupational and Environmental Health and Safety Education and Research Center

Research Assistant Professor, Environmental and Occupational Health Sciences

School of Public Health, University of Illinois at Chicago