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.\(^1\) Public health experts report that about 200 workers die each year from silicosis,\(^2\) and estimate there are as many as 7,300 new cases of silicosis annually among U.S. workers.\(^3\) 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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\(^3\) 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,

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