

Congress of the United States
Washington, DC 20515

July 23, 2008

VIA FACSIMILE: 202-693-6111

The Honorable Elaine L. Chao
Secretary of Labor
U.S. Department of Labor
200 Constitution Avenue, NW
Room S-2018
Washington, DC 20210

Dear Secretary Chao:

We are deeply disappointed that the Department of Labor is working to slip through a rule that may have a profound negative impact on the health and safety of American workers. It is equally disturbing, according to today's *Washington Post*, that the Department is moving this proposal over the objections of career staff in the relevant health and safety agencies. Such career staff have the objective, technical expertise and experience to fully understand the proposal's implications for workers.

We therefore ask that the Department immediately withdraw the proposal entitled *Requirements for DOL Agencies' Assessment of Occupational Health Risks* (RIN: 1290-AA23).

There are long-established directives to ensure that the Administration acts in a transparent manner so that the public has the time and ability to properly consider all proposals. It appears that the Department may be violating those rules.

We are likewise concerned that the Department would seek a rule change in near total secrecy to this point – a change that will have a detrimental impact on the health and safety of American workers. We reiterate our interest in receiving the text of the proposed rule and respectfully remind you of our Constitutional prerogative and obligation to oversee the Department's regulatory actions. In addition, we request that the Department provide the following documents and information to the Committee no later than July 29th, 2008:

1. A list of all meetings concerning the development of this proposed regulation at which anyone not employed by the Department attended, including the dates of any such meetings, the names of those attending the meetings, and the agenda and minutes of those meetings.
2. All documents related to the development of this regulatory proposal.
3. A list of all oral communications, telephonic, electronic, in-person or otherwise, with external parties relating to the development of this proposed regulation, including the date of each such communications and the names of the individuals involved.

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Please direct any questions about this request to Jordan Barab, Senior Labor Policy Advisor, House Education and Labor Committee at (202) 225-6910, or Sharon Block, Labor and Employment Counsel or Portia Wu, Chief Labor and Pensions Counsel, Senate Health, Education, Labor and Pensions Committee staff at (202) 223-5441. We look forward to your prompt response to this request.

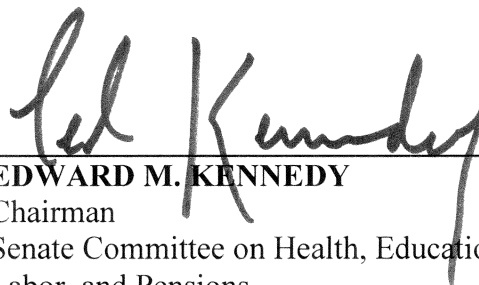
Sincerely,



GEORGE MILLER

Chairman

House Committee on Education and Labor



EDWARD M. KENNEDY

Chairman

Senate Committee on Health, Education,
Labor, and Pensions