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January 23, 2014

The Honorable David Michaels, PhD, MPH  
Assistant Secretary  
Occupational Safety and Health Administration  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, D.C. 20210

Dear Assistant Secretary Michaels:

I have been made aware that the information on regulations.gov regarding the comment period for OSHA's Occupational Exposure to Respirable Crystalline Silica proposed rule is incorrect. As you can see from the attached screen shot, the website states the comment period closed December 11, 2013. In response to my request, on October 25, 2013, OSHA extended the comment period from December 11, 2013, to January 27, 2014. I urge you to rectify this mistake immediately.

Additionally, I request that DOL extend its public comment period for an additional 30 days as the incorrect deadline may have deterred stakeholders from providing comments. An extension ensures stakeholders confused by this mistake have adequate time to submit comments.

Thank you for your time and attention to this matter. If you have any questions or comments please contact Loren Sweatt of the Committee staff at (202) 225-7101.

Sincerely,

A handwritten signature in blue ink that reads "Tim Walberg".

TIM WALBERG  
Chairman  
Subcommittee on Workforce Protection

CC: The Honorable George Miller, Senior Democratic Member

The screenshot shows the Regulations.gov website interface. At the top, the browser address bar displays the URL: <http://www.regulations.gov/#documentDetail;D=OSHA-2010-0034-1721>. The website header includes the logo for "regulations.gov" with the tagline "Your Voice In Federal Decision-Making". Navigation links for "Home", "Help", "Resources", and "Feedback and Questions" are visible. A search bar contains the text "silica".

The main content area features a red "PR" icon and the title "Occupational Exposure to Respirable Crystalline Silica". Below the title, it states: "This Proposed Rule document was issued by the Occupational Safety and Health Administration (OSHA). For related information, [Open Docket Folder](#)".

On the right side, a box indicates "Comment Period Closed" with the date "Dec 11 2013, at 11:59 PM ET". Below this, the document ID "ID: OSHA-2010-0034-1721" is shown, along with options to "View original printed format" (PDF icon), "Tweet", "Share", and "Email".

The "Document Information" section lists: "Date Posted: Sep 12, 2013", "RRT: 1218-AB70", "CFR: 29 CFR Parts 1910, 1915, and 1926", and "Federal Register Number: 2013-20997". A link "Show More Details" is provided.

The "Comments" section shows "121 Comments Received" and a link to "View Comment". Below this is a "NOTICE OF INTENT TO TESTIFY" for Occupational Safety and Health Administration (OSHA) Docket # OSHA-2010-0034 Occupational Exposure to Respirable Silica Public. A link "View Comment" is also present.

The "Action" section states: "Proposed rule; request for comments".

The "Summary" section contains two paragraphs. The first paragraph states: "The Occupational Safety and Health Administration (OSHA) proposes to amend its existing standards for occupational exposure to respirable crystalline silica. The basis for issuance of this proposal is a preliminary determination by the Assistant Secretary of Labor for Occupational Safety and Health that employees exposed to respirable crystalline silica face a significant risk to their health at the current permissible exposure limits and that promulgating these proposed standards will substantially reduce that risk." The second paragraph states: "This document proposes a new permissible exposure limit, calculated as an 8-hour time-weighted average, of 60 micrograms of respirable crystalline silica per cubic meter of air (50 µg/m³). OSHA also proposes other ancillary provisions for employee protection such as preferred methods for controlling exposure, respiratory protection, medical surveillance, hazard communication, and recordkeeping. OSHA is proposing two separate regulatory texts—one for general industry and maritime, and the other for construction—in order to tailor requirements to the circumstances found in these sectors."

The "Dates" section includes "Written comments" (due Dec 11, 2013), "Informal public hearings" (starting March 4, 2014), "Notice of intention to appear at the hearings" (due Nov 12, 2013), and "Hearing testimony and documentary evidence" (due Dec 11, 2013).

The "Addresses" section includes "Written comments" (via Docket No. OSHA-2010-0034) and "Electronically" (via <http://www.regulations.gov>).

The bottom of the screenshot shows the Windows taskbar with the time 11:41 AM and various system icons.