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February 15, 2013

The Honorable Jeffrey Zients
Acting Director
Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Director Zients:

I am writing to strongly encourage the Office of Management and Budget (OMB) to immediately address the regulation of silica dust, an extremely important public health matter that has languished at OMB for more than 2 years.

Crystalline silica has been classified as a human lung carcinogen. Additionally, breathing crystalline silica dust can cause silicosis, an irreversible, progressive disease which can be disabling, or even fatal. Silicosis is a slowly developing disease that can build up over years of low-level exposure to the dust. As the silica dust enters the lung, it causes the development of scar tissue that reduces the ability of the lung to take in oxygen, making it increasingly difficult to breathe and eventually leading to death by suffocation. Additionally, since silicosis affects lung function, it makes those afflicted with the disease more susceptible to lung infections such as tuberculosis. Public health experts estimate that 280 workers die each year from silicosis and thousands more develop silicosis as a result of workplace exposures. Jobs such as abrasive blasting, foundry work, stonecutting, rock drilling, quarry work and tunneling are at particular high-risk for silica exposure and development of silicosis. Delay of the release of this rule exposes more workers and families to this terrible disease.

In February 2011, the Occupational Safety and Health Administration (OSHA) drafted a proposed rule to implement stricter controls to limit the hazard associated with silica dust. Silica is one of the oldest known workplace dangers, and today nearly 2 million American workers are exposed to silica dust in jobs ranging from construction to manufacturing. Despite the far reaching technical advancements that have been made in these fields, workers are still operating with safety limits and standards that were put in place decades ago, based on science that is now significantly outdated. I urge OMB to release this proposed rule immediately so this rulemaking can commence and workers can receive the protections that they urgently need and deserve.

As you know, when OSHA submitted the proposed rule to OMB two years ago, the proposal was slated for a standard 90-day review and then release for public

comment; however, the review time has been extended indefinitely. In the meantime, the scientific data demonstrating the dangers of silica overexposure has been reinforced by the fatalities and disabling illnesses that continue to plague construction and other workers across the country.

The National Advisory Committee on Occupational Safety and Health issued a statement in December indicating that it was "deeply distressed" that the proposed new regulations had been under review for so long. The Committee also indicated that the outdated current standard that OSHA is using "is insufficient to protect workers from this serious occupational health hazard." As you know, release of this proposed rule by OMB is just one of the first procedural steps that this regulation must undergo before being finalized and implemented. It is therefore imperative that OMB release this rule as soon as feasible and avoid any unnecessary delays.

Thank you for your consideration. If you have questions, please have a member of your staff contact Dr. Avenel Joseph of my staff at 202-225-2836.

Sincerely,



Edward J. Markey