

Congress of the United States
Washington, DC 20510

July 10, 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:

It has come to our attention that, on July 7, 2008, the Department of Labor submitted a proposed regulation entitled "Requirements for DOL Agencies' Assessment of Occupational Health Risks" (RIN: 1290-AA23) to OMB for E.O. 12866 regulatory review.

This action is highly unusual and contradicts the stated purpose of E.O. 12866 which is "to make the [regulatory] process more accessible and open to the public." No notice of this rule has been published in the Unified Agenda of Federal Regulatory and Deregulatory Actions as required under E.O. 12866. Furthermore, unlike other DOL regulatory submissions to OMB, the information provided on the OMB website does not contain the rule's abstract, legal authority, timetable, agency contact, and other information required by E.O. 12866.

Accordingly, we request a detailed briefing about this proposed regulation within the next week.

We also request that the Department provide us with the following by July 17, 2008:

1. A copy of the proposed regulation;
2. The legal authority under which the Department expects to promulgate this regulation;
3. The reason that this proposed regulation was not listed in the Department's Regulatory Agenda as required by E.O. 12866;
4. The date on which the Department expects to issue its Notice of Proposed Rulemaking for this regulation;
5. The date upon which the Department expects to promulgate the final regulation; and
6. Whether the Department intends to hold hearings on this proposal.

Secretary Chao

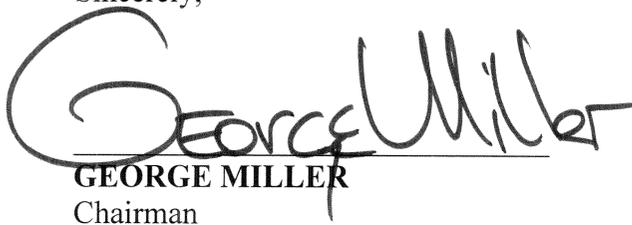
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If you or your staff has any questions about this request, please contact Jordan Barab, Senior Labor Policy Advisor, House Education and Labor Committee at (202) 225-6910, or Sharon Block, Labor and Employment Counsel or Portia Wu, Chief Labor and Pensions Counsel, Senate Health, Education, Labor and Pensions Committee at (202) 224-5441.

We look forward to your prompt response to this request.

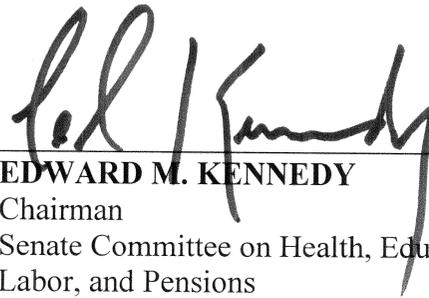
Sincerely,

A large, stylized handwritten signature in black ink that reads "George Miller". The signature is written over a horizontal line.

GEORGE MILLER

Chairman

House Committee on Education and Labor

A handwritten signature in black ink that reads "Ed Kennedy". The signature is written over a horizontal line.

EDWARD M. KENNEDY

Chairman

Senate Committee on Health, Education,
Labor, and Pensions