



JUL 17 2008

The Honorable George Miller  
Chairman  
Committee on Education and Labor  
U.S. House of Representatives  
Washington, D.C. 20515

Dear Chairman Miller:

This letter is in response to the July 10, 2008 letter from you and Chairman Kennedy requesting information about the Department of Labor's draft Notice of Proposed Rulemaking (NPRM) titled, "Requirements for DOL Agencies' Assessment of Occupational Health Risks" that is currently under review at the Office of Management and Budget (OMB). The Department's responses to your specific questions are as follows:

1. A copy of the proposed regulation.

The draft NPRM is currently under review at OMB. Consistent with historical agency practice under the Administrative Procedure Act, a draft NPRM is not shared outside the Executive Branch until interagency review is completed and the NPRM is published in the *Federal Register*.

2. The legal authority under which the Department expects to promulgate this regulation.

The Department is proposing to promulgate this draft NPRM under the Secretary's authority at 5 U.S.C. § 301 to prescribe regulations related to the performance of the agency's business.

3. The reason that this proposed regulation was not listed in the Department's Regulatory Agenda as required by E.O. 12866.

The draft NPRM was not listed in the Department's most recent regulatory agenda because when that agenda was issued, the Department had not determined it would pursue an NPRM. Occasionally, the Department decides to pursue a particular regulatory action in the interim between the publication of each bi-annual regulatory agenda. As you may know, in addition to this item, OMB is currently reviewing a Department of Labor draft NPRM entitled, "Proposed Class Exemption for the Provision of Investment Advice to Participants and Beneficiaries of Self-Directed Individual Account Plans and Individual Retirement Accounts," which

was also not listed in our Spring Regulatory Agenda and for which no abstract or other details appear on the OMB website.

For your information, the abstract for the risk assessment-related NPRM that we provided to OMB is:

The Department of Labor is proposing requirements for its Agencies to follow when preparing risk assessments in conjunction with the development of health standards governing occupational exposure to toxic substances and hazardous chemicals. The proposed rule requires DOL agencies to follow a consistent, reliable, and transparent set of procedures when conducting risk assessments, outlines the components that should be included in a risk assessment, and provides for improved public access to rulemaking information.

4. The date on which the Department expects to issue its Notice of Proposed Rulemaking for this regulation.

The Department has not identified a specific date for publishing an NPRM. An NPRM publication date can vary depending on a number of factors, including the length of time OMB needs to complete its review of the draft.

5. The date upon which the Department expects to promulgate the final regulation.

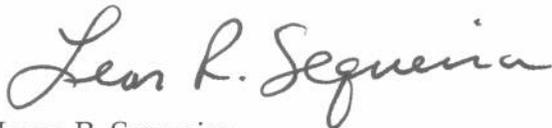
The Department has not identified a specific date for publishing a final regulation. The date for publishing a final regulation can vary depending on a number of factors, including the content of public comments received and any resulting modifications to the proposed rule.

6. Whether the Department intends to hold hearings on this proposal.

At this time, the Department has not made a determination on whether it will hold hearings on this proposal.

If you have additional questions, please feel free to contact my office at (202) 693-6151.

Sincerely,



Leon R. Sequeira  
Assistant Secretary for Policy