

# United States Senate

WASHINGTON, DC 20510

September 27, 2000

The Honorable Alexis M. Herman  
Secretary of Labor  
U.S. Department of Labor  
Frances Perkins Building  
Third Street and Constitution Avenue, NW  
Washington, DC 20210

Dear Secretary Herman:

We write to call to your attention to the lack of cooperation by the Occupational Safety and Health Administration (OSHA) and the Department of Labor's (DOL) Solicitor's Office during the General Accounting Office's (GAO) investigation of paid witnesses for the proposed ergonomics regulation. Specifically, we are troubled that OSHA and the Solicitor's Office apparently misled GAO investigators and failed to disclose to GAO the full body of information that was relevant to GAO's inquiry.

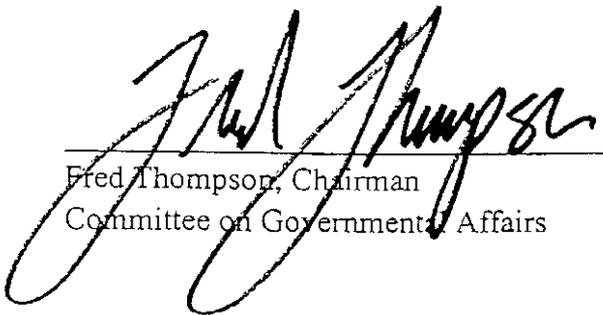
To conduct this investigation, GAO was supposed to be granted access to all documents that related to OSHA's work with the witnesses who testified at the hearings on the proposed ergonomics rule. GAO's July 6, 2000, letter to you detailed many of these relevant documents. While GAO was afforded access to certain documents in OSHA's files, the DOL withheld other important documents that had been provided by the witnesses. These documents were clearly relevant to GAO's investigation and within the scope of the request.

It is our understanding that, on several different occasions, GAO investigators asked staff from OSHA and the Solicitor's Office to confirm that the GAO investigators had been given access to all documents relevant to the investigation. On each of these occasions, DOL staff told the GAO investigators that they had indeed been given all relevant information. On one such occasion, GAO specifically requested in writing certain missing documents and was told that the DOL did not have the documents. In fact, the DOL did have some of the missing documents. The DOL's failure to disclose to GAO the full body of relevant information led GAO investigators to operate for months under the misimpression that they had seen all pertinent documents.

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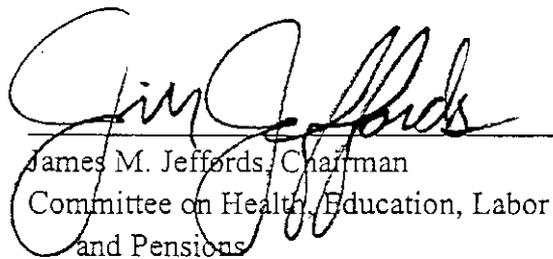
We expect that any further delay to GAO's investigation will be avoided and that the DOL will provide GAO with all documents necessary for the investigators to complete their inquiry. We ask that you notify us immediately whether or not any other documents, correspondence, or other information responsive to GAO's July 6 request have been withheld from GAO for any reason.

Sincerely,



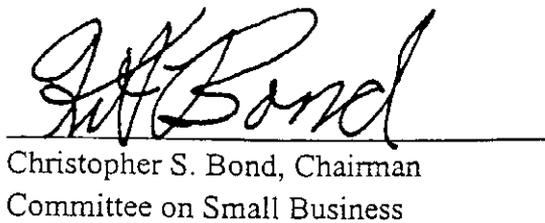
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Fred Thompson, Chairman  
Committee on Governmental Affairs



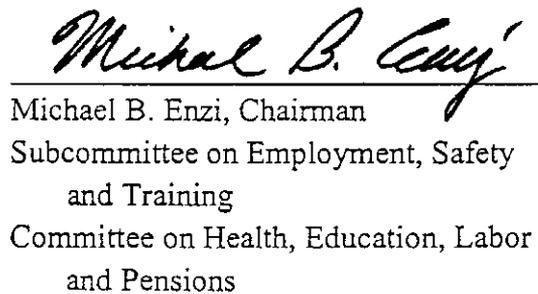
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James M. Jeffords, Chairman  
Committee on Health, Education, Labor  
and Pensions



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Christopher S. Bond, Chairman  
Committee on Small Business



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Michael B. Enzi, Chairman  
Subcommittee on Employment, Safety  
and Training  
Committee on Health, Education, Labor  
and Pensions

FT:pm

cc: The Honorable Charles Jeffress