

Congress of the United States

Washington, DC 20515

February 2, 2000

Ms. Patricia A. Dalton
Acting Inspector General
Office of the Inspector General
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, D.C. 20210

Dear Ms. Dalton:

As you are aware, the Department's Occupational Safety and Health Administration (OSHA) recently released, and subsequently rescinded, an interpretation letter which stated that OSHA has jurisdiction over home workplaces ("Home Workplace Letter"). Needless to say, we were very concerned about the impact the Home Workplace Letter would have on small businesses, if ever implemented. Our concern, however, is heightened by the apparent lack of communication among the various agencies within the Department of Labor (DOL), as indicated by Secretary Alexis Herman's withdrawal of OSHA's letter. Secretary Herman's January 5, 1999, statement that "the letter has caused widespread confusion and unintended consequences," sums up our concerns.

Please provide the Committee on Small Business and the Permanent Subcommittee on Investigations with an analysis and evaluation of each of the following issues: (1) how OSHA obtains information and guidance as well as clearance from the DOL with regard to the issuance and release of policy-making decisions; (2) the sequence of events that led to the drafting and issuance of the Home Workplace Letter; and (3) why the Home Workplace Letter was issued without the approval of the DOL Office of the Secretary.

Finally, we would appreciate receiving a briefing from your office on this issue no later than the last week of April 2000. If you or your staff have any questions regarding this matter, please do not hesitate to contact Dan Donovan, Committee on Small Business, at (202)224-5175, or Don Green, Permanent Subcommittee

on Investigations, at (202)224-3721. Thank you in advance for your cooperation.

Sincerely,



Christopher S. Bond
Chairman
Committee on Small Business



Susan M. Collins
Chairman
Permanent Subcommittee
on Investigations