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United States Senate

COMMITTEE ON SMALL BUSINESS
WASHINGTON, DC 20510-6350

May 9, 2000

Ms. Patricia Dalton
Inspector General, Acting
U. S. Department of Labor
200 Constitution Avenue, N. W.
Washington, DC 20210

By Facsimile: (202) 693-5114

Dear Ms. Dalton:

The Occupational Safety and Health Administration (OSHA/agency) is currently promulgating a regulation on ergonomics. This is the broadest, most complicated, and most expensive regulation ever pursued by the agency. Consequently, the docket for the comments submitted on the proposal, and testimonies received during the public hearings includes thousands of very detailed analyses and suggestions. OSHA has also placed on themselves an artificial deadline of getting the rule finalized by the end of this year.

This combination of extraordinary amounts of comments to review and relatively little time to do a thorough review has undoubtedly placed the agency under enormous pressure. Accordingly, it was reported to me that OSHA has contracted to have the comments reviewed and summarized by at least one outside contractor. I request that your office look into this contracting matter further.

Specifically, the questions I would like your office to answer are the following:

- 1) Is OSHA engaging contractor(s), or other third parties unrelated to the Executive Branch, to review the comments and testimonies submitted to the ergonomics docket (S-777), and if so how many?
- 2) Has OSHA done this for other rulemakings, and if yes, which ones?
- 3) If this is taking place for the ergonomics rulemaking, what quality controls and other checks are in place?
- 4) How was the contractor(s) selected?
- 5) What are the deliverables from the contract(s)?

If OSHA is indeed using outside contractors for the purpose of reviewing and summarizing the ergonomics docket it raises potential issues of credibility and integrity of the rulemaking process.

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Thank you for your assistance. If you need more information, please feel free to contact Marc Freedman of my staff at 224-5175. I look forward to your response.

Sincerely

A handwritten signature in black ink that reads "Kit Bond". The signature is written in a cursive, flowing style with a large initial "K".

Christopher S. "Kit" Bond