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April 2, 2019

The Honorable R. Alexander Acosta  
Secretary  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, D.C. 20210

Dear Secretary Acosta:

I write to request information concerning the Occupational Safety and Health Administration's (OSHA) June 27, 2017, Notice of Proposed Rulemaking for Occupational Exposure to Beryllium and Beryllium Compounds in Construction and Shipyards Sector.<sup>1</sup> To better understand the reason for OSHA's decision to eliminate the ancillary provisions for the construction and maritime industries covered in 29 CFR 1926.124 (construction) and 29 CFR 1915.1024 (maritime), I request the following documents and information:

1. The timeline of the steps leading to OSHA's decision to issue a proposed notice of rulemaking for occupational exposure to beryllium that revokes all ancillary health protections applicable to the construction and maritime industries that are currently in place.
2. A comprehensive list of all meetings between Department of Labor employees and any outside person or entity since January 20, 2017, that discuss the possibility of revoking the ancillary health protections for the construction and maritime industries. For each meeting, please provide the list of participants and the meeting minutes.
3. A comprehensive list of all meetings with Department of Labor employees and parties outside of the agency since January 20, 2017, that discuss the possibility of revoking the ancillary health protections for the construction and maritime industries. For each meeting, please provide the list of participants and the meeting minutes.
4. Beyond the June 27, 2017, Federal Register Notice of Proposed Rulemaking, please produce any technical documents, memoranda, e-mails, meeting minutes, or other documents or internal communications associated with this decision.

<sup>1</sup> 82 Fed. Reg. 29,182 (Jun. 27, 2017) (to be codified at 29 C.F.R. pts. 1915 and 1926).

5. A list of all Department offices, divisions, and relevant staff that were part of the decision to propose revoking the ancillary health protections for the construction and maritime industries.
6. Communications, including emails, memos, voice mails, or text messages regarding the decision to revoke the ancillary health protections for the construction and maritime industries in which the following offices and individuals participated:
  - a. Alexander Acosta;
  - b. Nick Geale, Chief of Staff;
  - c. Molly Conway, Deputy Chief of Staff;
  - d. Office of Chemical Hazards, including the communications of Tiffany DeFoe, Director, and any other relevant staff;
  - e. Directorate of Standards and Guidance, including the communications of Bill Perry, Director, Maureen Ruskin, Deputy Director, Robert Burt, and any other relevant staff; and
  - f. Dorothy Dougherty, former Deputy Assistant Secretary of Labor.
7. Copies of communications received from congressional offices, organizations, law firms, or other individuals outside the Department of Labor regarding the decision to revoke the ancillary health protections for the construction and maritime industries.
8. A copy of the proposed rule as it was sent to the Office of Management and Budget (OMB), including any substantive changes between the draft submitted to OMB for review and any subsequent versions of the draft. Please identify those changes made at the suggestion or recommendation of OMB as well as the sources of those changes.
9. Copies of communications between OMB and the Department in the decision to revoke the ancillary health protections for the construction and maritime industries.

Please provide the Department's response to the above requests by April 16, 2019.

If you have any questions, please contact Cathy Yu at (202) 225-9721 or [cathy.yu@mail.house.gov](mailto:cathy.yu@mail.house.gov). Please direct all official correspondence to the Committee's Chief Clerk at [Tylease.Alli@mail.house.gov](mailto:Tylease.Alli@mail.house.gov). Thank you for your attention to this matter, and I look forward to your response.

Sincerely,



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**ROBERT C. "BOBBY" SCOTT**  
Chairman