



BERGESON & CAMPBELL, P.C.

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MEMORANDUM

Via E-Mail

DATE: April 21, 2003

TO: Firm Clients and Friends

FROM: Bergeson & Campbell, P.C.

RE: OSHA Will Hold Public Hearing on Its Standards Improvement Project -- Phase II

On April 21, 2003, the Occupational Safety and Health Administration (OSHA) published a notice in the *Federal Register* announcing that it will hold a public hearing on **July 8-9, 2003**, on its Standards Improvement Project -- Phase II. OSHA is holding the public hearing to receive testimony and documentary evidence relevant to the issues raised in its October 31, 2002, proposed rule. The hearing will begin at 10 a.m. on **July 8**, and at 9 a.m. on **July 9**, and subsequent days if they prove necessary; the exact daily schedule is at the discretion of the presiding Administrative Law Judge. Interested parties who intend to present testimony at the hearing must notify OSHA of their intention to do so no later than **June 5, 2003**.

According to the *Federal Register* notice, in 1995, OSHA identified a number of provisions in its regulations and standards that were inconsistent, duplicative, outdated, or in need of being rewritten in plain language. In 1998, as part of the process of correcting such provisions, OSHA made several substantive revisions to its health and safety standards that reduced the regulatory obligations of employers while maintaining the safety and health protection afforded to employees. During and after this rulemaking, OSHA identified several other regulatory provisions in its safety and health standards involving notification of use, frequency of exposure monitoring and medical surveillance, and similar provisions that could be modified to improve the efficiency of compliance and consistency among standards while maintaining health protection for employees. On October 31, 2002, OSHA proposed to make substantive revisions to a number of the health standard provisions identified in this process. OSHA states that a number of commenters requested that an informal public hearing be convened on the issues raised in the October 31, 2002, proposal.



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OSHA states that it “encourages members of the public to participate in this rulemaking by providing oral testimony and documentary evidence” at the hearing. OSHA invites interested parties having knowledge or experience with respect to the issues raised in the proposal to participate in this process, and welcomes any pertinent data that will provide it with the best available evidence on which to develop the final regulatory requirements.

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We hope this information is helpful. As always, please call if you have any questions.