

**U.S. Department of Labor**

Occupational Safety and Health Administration  
Washington, D.C. 20210

Reply to the attention of:



Thank you for agreeing to help review OSHA's draft proposed Cranes and Derricks Standard. As you know, you were selected to represent small businesses that would be affected by this rule. We welcome your comments, advice, and recommendations about the rule's potential impacts on small businesses like yours and on ways we could lessen those impacts while still protecting the safety and health of employees. Please note that the draft proposed rule was prepared by Negotiated Rule Making Committee which included representatives of employers, employees and OSHA. The purpose of this Panel is to assess the draft proposed rule specifically from a small business perspective.

Your comments will be reviewed by the Federal Small Business Advocacy Review Panel (the Panel) that will be convened by OSHA to receive your advice and recommendations. The Panel, which was set up under the Regulatory Flexibility Act, as amended in 1996 by the Small Business Regulatory Enforcement Fairness Act (SBREFA), consists of representatives of OSHA, the Office of Advocacy of the Small Business Administration, and the Office of Information and Regulatory Affairs of the Office of Management and Budget. Congress established the SBREFA Panel process to ensure that small entities potentially affected by an OSHA rule would be given a meaningful role in the early stages of rule development.

After receiving and reviewing your comments, the Panel will prepare a report that addresses your comments and those of the other small entity representatives. The final report will be submitted to Edwin G. Foulke, Jr., the Assistant Secretary of Labor for Occupational Safety and Health, and will be part of the official record of this rule. In addition to this opportunity to provide advice and recommendations to the Panel, you will have other opportunities to comment on the rule after it is proposed in the Federal Register.

We are pleased that you are willing to take time from running your business or providing services to your clients to discuss issues such as those outlined below and in the attached list of issues.

OSHA staff will be contacting you again this week to be sure you have received the materials and to answer any questions you may have about them. We are also providing you with our e-mail addresses so that you can use that medium to convey your comments or to raise questions, if you choose to do so.

We are providing you with several documents, which we ask you to review and comment on during the conference calls scheduled between the small entity representatives and the Panel members. These documents will also provide the information you need to develop written comments, which must be received by the Panel by September 8th, in order to complete the Panel's report within the 60-day deadline mandated by SBREFA.

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These documents include:

- 1) A copy of the draft rule;
- 2) A copy of OSHA's Preliminary Initial Regulatory Flexibility Analysis, which includes the Agency's cost and benefits analysis and discussion of some alternatives to the proposed rule;
- 3) Excerpts from the Regulatory Flexibility Act, as amended by SBREFA, that pertain to the functions of the Panel and the role of the small entity representatives;
- 4) A list of issues on which the Panel specifically seeks your advice and recommendations;
- 5) A schedule of the dates and activities involving the small entity representatives, including the dates and times of the conference calls scheduled with the Panel and the dates by which your written submissions must be provided to the Panel; and
- 6) A list of the small entity representatives from whom the Panel is seeking advice and recommendations, and their phone numbers.

In the interests of keeping the package we are sending you manageable, we have not provided all available material, such as the spreadsheets used in developing the economic analysis, or all of the consensus standards referenced in the existing OSHA standard. If you wish to request or discuss these materials, or to request other materials, please call or e-mail us. You should also feel free to discuss these materials and your comments with the other small entities or with other business people that you know. Although we are including a list of specific issues, the Panel is interested in your feedback on any issues related to the key elements of the Preliminary Initial Regulatory Flexibility Analysis, which are:

- a description of and, where feasible, an estimate of the number of small entities to which the proposed rule would apply;
- projected reporting, record keeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirements of the rule and the type of professional skills necessary to prepare the report of record;

- an identification, to the extent practicable, of all other relevant Federal rules that may duplicate, overlap, or conflict with the proposed rule; and
- Any significant alternatives to the proposed rule that accomplish the stated objectives of applicable statutes (in this case the Occupational Safety and Health Act and the Regulatory Flexibility Act, as amended) and that minimize any significant economic impact of the proposed rule on small entities.

On August 29<sup>th</sup> and 30<sup>th</sup>, depending on the best time for you, we will have a conference call with you and several of the other small entity representatives. You may also attend one of the Panel-conference call meetings in person, if you choose to do so. We encourage you to contact the other designated small entity representatives to exchange information and ideas during the review period.

We request that you submit your comments on the draft proposed rule in writing to OSHA by September 8<sup>th</sup>. You may organize your written comments as you wish, and you do not need to address the list of issues provided unless you wish to do so. You may provide your written comments to us by using the enclosed self-addressed stamped envelope, by sending them by fax to 202-693-1641, or by sending them by electronic mail to the following e-mail address: [kmartinez@osha.gov]. The Panel is under the very tight statutory time constraints established by SBREFA for receiving your comments and preparing the report to the Assistant Secretary for Occupational Safety and Health. For this reason, we urge you to submit your comments to the Panel as soon as possible.

Your participation in this process, which will be a matter of public record, will help OSHA to gather meaningful information on the impacts of the proposed rule on small entities. We appreciate your involvement and look forward to working with you.

If you have questions about this process, please let us know by contacting Ms. Kathleen Martinez of OSHA at (202) 693-1953 or [kmartinez@osha.gov](mailto:kmartinez@osha.gov). You may also contact the SBA Office of Advocacy representative, Bruce Lundegren at 202-205-6144 or [Bruce.Lundegren@sba.gov](mailto:Bruce.Lundegren@sba.gov),

Very truly yours,



Robert Burt  
Chair, Small Business Advocacy Review Panel

cc: Bruce Lundegren, Office of Advocacy  
Dominic Mancini, OIRA

Enclosures