

*Justin*

**U.S. Department of Labor**

Assistant Secretary for  
Occupational Safety and Health  
Washington, D.C. 20210



**JUN 26 2006**

Mr. Stephen E. Sandherr  
Chief Executive Officer  
The Associated General Contractors of America  
2300 Wilson Boulevard  
Suite 400  
Arlington, VA 22201-3308

Dear Mr. Sandherr:

Thank you for your April 19, 2006, letter regarding the development of a new cranes and derricks proposed rule. You recommend that the Occupational Safety and Health Administration (OSHA) conduct a review under the Small Business Regulatory Enforcement Fairness Act (SBREFA) before issuing a proposed rule. You also ask that we notify you when the economic analysis is completed, and forward you a copy.

OSHA recently completed its work on the Preliminary Initial Regulatory Flexibility Analysis (or "PIRFA"). Based upon that analysis, OSHA has determined that the draft proposed rule may have a significant economic impact on a substantial number of small entities and, thus, will conduct a SBREFA review. A Small Business Advocacy Review Panel is being convened, which will consult with Small Entity Representatives and issue a report. We will provide a copy of the PIRFA to your organization at the same time it is made available to the Small Entity Representatives.

I appreciate the Associated General Contractors of America's continued involvement in worker safety and health issues and in expressing its views on the use of the SBREFA review process for this project.

Sincerely,

A handwritten signature in cursive script that reads "Edwin G. Foulke, Jr.".

Edwin G. Foulke, Jr.