

DATE

Ms. Elaine L. Chao
Secretary of Labor
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Secretary Chao:

We are writing to express our **extreme** disappointment in the lack of progress in which Subpart N of 29 CFR part 1926 is proceeding within the Agency at the Directorate of Construction. Members of the Specialized Carriers & Rigging Association (SC&RA) were significant stakeholders in the efforts expended to complete the consensus document within the timeframe allotted of twelve (12) months. Over three (3) years have passed since consensus was reached on this document and turned over to the Department of Labor for their review.

In July 2003, under the Negotiated Rulemaking Act of 1990, the Occupational Safety and Health Administration (OSHA) appointed twenty-three (23) individuals responsible for developing a recommended proposal for a construction safety standard for cranes and derricks, Subpart N of 29 CFR part 1926. These individuals represented all facets of the industry affected by this Standard:

- Manufacturers and Suppliers
- Lessors/Maintenance
- Users-Employers
- Users – Labor Organizations
- Operators – Labor Organizations
- Government/Public Entities
- Training and Operator Testing
- Power Line Owners
- Insurance
- Home Builders

OSHA instructed the Cranes and Derricks Negotiated Rulemaking Advisory Committee (C-DAC) that they had one (1) year to negotiate all aspects of the new standard. C-DAC diligently accomplished its task and put forth a consensus document during its final meeting in July 2004, satisfying the deadline requirements.

Two years after the completion of C-DAC's task, in August 2006, OSHA convened a Small Business Advocacy Review Panel on its forthcoming regulatory proposal entitled "**Cranes and Derricks in Construction**." The panel was convened in accordance with Section 609(b)(1) of the Regulatory Flexibility Act, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA). The SBREFA Panel issued their report on October 17, 2006.

On October 12, 2006, the Advisory Committee on Construction Safety and Health (ACCSH), by unanimous vote stated: "ACCSH supports the OSHA draft proposed cranes and derrick standard as currently written, and recommends to OSHA that the Agency move forward with all deliberate speed to issue the proposed standard."

To-date, the standard remains within the Directorate of Construction. This is unacceptable and not within the spirit of Negotiated Rulemaking. The lack of progress on this important safety and health standard remains a disservice to the entire industry affected by this Standard. We strongly urge you ensure this Standard and its publication receive the immediate attention it requires.

We look forward to your response.

Respectfully,

Signature

Company

(May want to note your company as a member of SC&RA)