January 25, 2017

The Honorable Donald Trump
President of the United States
1600 Pennsylvania Avenue NW
Washington, DC 20006

Dear President Trump,

Congratulations on your recent swearing in as President of the United States.

While we know that you are studying the many challenges the country faces, we write to bring your attention to a particularly pressing and burdensome regulation that will affect many of our American industries located in our districts, including construction, oil and natural gas, aggregates, foundries, brick manufacturers, the maritime industry, and many more. We are deeply concerned with the Occupational Safety and Health Administration’s (OSHA) final rule to revise the standard on occupational exposure to respirable crystalline silica, issued in the Federal Register on March 25, 2016.

During your campaign, you repeatedly touched on the theme of cutting unworkable and burdensome regulations. OSHA’s silica rule would certainly qualify as such. For example, the cost of compliance for the construction industry alone has been estimated by some to be nearly $5 billion per year. Another key industry that will suffer under this regulation is hydraulic fracturing which uses tremendous amounts of sand. As you have also noted your intention to expand American energy production, this regulation will impede that goal because of its impact on fracking.

Since publication of the final rule, a large number of our constituents have alerted us on how it will negatively impact their businesses in our states. They have outlined the following key concerns:

- OSHA’s rule significantly reduces the permissible exposure level (PEL) for silica in the workplace to 50 micrograms per cubic meter (μg/m3), which is nearly an impossible standard to achieve in many industries;
- OSHA’s rule is not technologically or economically feasible - installing the control systems OSHA requires will cost hundreds of millions of dollars, that most employers, and certainly small businesses, will not be able to afford;
- OSHA relied on aged data and refused to consider modern protective technologies that would make compliance significantly less costly and burdensome;
- OSHA significantly underestimated the cost of the proposal which will threaten the viability of most of the impacted sectors – some businesses will be forced to close their doors, while some manufacturers are likely to shift production overseas.
We are particularly alarmed by the new regulatory burdens that this rule will place on huge segments of our economy, as well as its projected costs, especially on small business. This could greatly hamper the creation of new jobs in industries ranging from construction projects that encourage economic development, to hydraulic fracturing that will increase our energy independence, to metal castings used to produce American made goods. The overreaching nature of this rule effectively casts it as a solution in search of a problem.

Unfortunately, the 60 day period for the Congressional Review Act has expired and Congress will not be able to intervene to stop or revise this rule. Although the regulation is currently being challenged in court, it is scheduled to go into effect June 23, 2017 for construction and June 23, 2018 for general industry and maritime. As such, we urge you and Secretary of Labor-Designee Andrew Puzder to use any and all tools to delay, reopen, revise or nullify this costly and burdensome rule.

We appreciate your attention to this important matter and look forward to your response.

Sincerely,

Bill Shuster  
Member of Congress

Bill Huizenga  
Member of Congress

Charles W. Dent  
Member of Congress

Lou Barletta  
Member of Congress

Tom Marino  
Member of Congress

Fred Upton  
Member of Congress

Adam Kinzinger  
Member of Congress

Jim Jordan  
Member of Congress

Robert E. Latta  
Member of Congress

Bob Gibbs  
Member of Congress
Dave Trott  
Member of Congress  

Rodney Davis  
Member of Congress  

Kevin Cramer  
Member of Congress  

Mike Gallagher  
Member of Congress  

Pat Tiberi  
Member of Congress  

Larry Bucshon, M.D.  
Member of Congress  

Darin LaHood  
Member of Congress  

Randy Weber  
Member of Congress  

Glenn ‘GT’ Thompson  
Member of Congress  

John Rutherford  
Member of Congress  

Kay Granger  
Member of Congress  

Susan W. Brooks  
Member of Congress  

Dave Brat  
Member of Congress  

Mike Bost  
Member of Congress  

Roger Williams  
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A. Drew Ferguson IV, D.M.D  
Member of Congress  

Raúl R. Labrador  
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Dan Newhouse  
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Will Hurd  
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Bruce Westerman  
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Doug Lamborn  
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Austin Scott  
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Todd Rokita  
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Paul Gosar  
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Mike Kelly  
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Sam Graves  
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French Hill  
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Warren Davidson  
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Mark Meadows  
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Andy Harris, M.D.  
Member of Congress

Chuck Fleischmann  
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Bob Goodlatte  
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Michael R. Turner  
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Scott Perry  
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Keith Rothfus  
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Glenn Grothman  
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Bill Johnson  
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David P. Joyce  
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Lynn Jenkins  
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Doug Collins  
Member of Congress