

The image features the OSHA logo prominently in the center. The logo consists of a stylized 'O' with a blue and white circular design inside, followed by the letters 'S', 'H', and 'A' in a white, serif font. A registered trademark symbol (®) is located to the upper right of the 'A'. The background is a close-up, slightly blurred view of the stars and stripes of the United States flag, with the stars appearing in the upper half and the stripes in the lower half.

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**Occupational Safety
and Health Administration**

SBREFA

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- Overview of the SBREFA Process
 - Beryllium SBREFA Panel
 - SER Comments
 - Next Steps

What is SBREFA

- **Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)**
 - Produce Small Entity Compliance Guides for some rules
 - Be responsive to small business inquiries about compliance with the agency's regulations
 - Submit final rules to Congress for review
 - Have a penalty reduction policy for small businesses
 - Involve small businesses in the development of some proposed rules through Small Business Advocacy Review Panels.

What is the Goal of a Good Panel

- To find, consider, and adopt regulatory alternatives that will reduce burdens for small entities while meeting Agency objectives

What is the unique contribution of the Panel as a form of stakeholder input ?

- Direct input from small businesses who will have to comply with the rule
- The small businesses have a special credibility, especially on issues of understanding the standard, that others may not
- Opportunity for genuine dialog between small businesses and regulators—I want to talk today about how to assure that such a dialog takes place

Beryllium SBREFA Panel

- OSHA Initiated SBREFA in September 2007
- The Beryllium SBREFA Panel was held End of November 2007
- OSHA/SBA issued the panel report in Jan. 2008

Key Characteristics of the Beryllium Panel

- OSHA provided SERs with draft regulatory text and preliminary cost, benefits, and impact estimates
 - This also included potential regulatory alternatives
- Public process with materials provided to SERs, SER meetings, and Panel report available to the public: [OSHA-H005C-2006-0870](#)
- The SERs were limited to small businesses rather than trade associations

Major Alternatives

- PEL options:
 - 8 HOUR TWA: 2 $\mu\text{g}/\text{m}^3$, 1 $\mu\text{g}/\text{m}^3$, 0.5 $\mu\text{g}/\text{m}^3$, 0.2 $\mu\text{g}/\text{m}^3$, and 0.1 $\mu\text{g}/\text{m}^3$.
 - STEL
- Scope Options: PEL only, High Content materials; exclude Construction and Maritime Industry
- Medical Surveillance
- Medical Removal Protection

Some Issues Raised During the SBREFA Panel Review

- Difficulties in controlling airborne exposure in “open” machine shops
- Space limitations for constructing hygiene areas
- Concerns with coverage of very low exposure work settings
- Concerns with yearly BeLPTs and use of BeLPTs in low exposure work settings
- Concerns with substitutes for dental alloys
- Clarification on Triggers

Next Steps

- OSHA's Options after the SBAR report
 - OSHA drops the rulemaking
 - OSHA rewrites provisions of a rule because SERs do not understand them
 - OSHA drops or substantially alters provisions that SERs feel do not work or are inordinately expensive
 - OSHA rethinks not just this rule but other similar rules
 - OSHA considers specification oriented safe harbors
 - OSHA revises cost estimates
- Beryllium Proposal will address the panel recommendations in the Initial Regulatory Flexibility Analysis

The logo for the Occupational Safety and Health Administration (OSHA) is displayed against a background of the American flag. The word "OSHA" is rendered in a large, bold, serif font. The letter "O" is a stylized circle with a blue outer ring and a white inner ring. The letters "S", "H", and "A" are white with a slight shadow effect. A registered trademark symbol (®) is located to the upper right of the letter "A".

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