

ATTACHMENT H

According to the previous time frame used to contest SEC petitions it has taken over 48 hours to compile the facts and disagreements of the denial of a SEC petition. For NIOSH to assume that a challenge will only take 45 minutes is ridiculous and absurd.

The information needed and research required to challenge the NIOSH subjective opinions are being ignored and must be further addressed in the challenge, therefor requiring more time.

The Information Quality Act needs to be addressed in this change as well.

It should be noted that NIOSH states that a petition must qualify, which is not in the implementing regulations. If the qualification is a policy, then it is a guidance document and cannot have the word "must" or be a requirement before the claimant may have a full evaluation of the petition. See Good Guidance Procedures and Administrative Procedure Act.