



**515 KING STREET, ALEXANDRIA VA 22314**

**MEMORANDUM**

**To: Hon. Lori Chavez-DeRemer, Secretary, US Department of Labor  
Hon. David Keeling, Assistant Secretary of Labor for Occupational Safety and Health**

**From: Andrew Langer, Director, Center for Regulatory Freedom, CPAC Foundation**

**Date: February 15, 2026**

**Re: Comments on the Occupational Safety and Health Administration’s Information Collection Request, “Respirable Crystalline Silica Standards for General Industry, Shipyards and Construction; Extension of the Office of Management and Budget’s (OMB) Approval of Information Collection (Paperwork) Requirements,” Docket # OSHA-2019-0002, Fed. Reg. 2025-23059, Published December 17, 2026**

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Below are comments of the American Conservative Union Foundation's (d/b/a. Conservative Political Action Coalition Foundation) (hereinafter “CPAC Foundation”) Center for Regulatory Freedom (hereinafter “CRF”), in response to the Occupational Safety and Health Administration’s Information Collection Request, “Respirable Crystalline Silica Standards for General Industry, Shipyards and Construction; Extension of the Office of Management and Budget’s (OMB) Approval of Information Collection (Paperwork) Requirements,” Docket # OSHA-2019-0002, Fed. Reg. 2025-23059, published December 17, 2026.

CRF is a project of the CPAC Foundation, a non-profit, non-partisan 501(c)(3) research and education foundation. Our mission is to inject a common-sense perspective into the regulatory process, to ensure that the risks and costs of regulations are fully based on sound scientific and economic evidence, and to ensure that the voices, interests, and freedoms of Americans, and especially of small businesses, are fully represented in the regulatory process and debates. Finally, we work to ensure that regulatory proposals address real problems, that the proposals serve to ameliorate those problems, and, perhaps most importantly, that those proposals do not, in fact, make public policy problems worse.

## Introduction

The Center for Regulatory Freedom (CRF) appreciates the opportunity to submit comments regarding the proposed extension of the information collection requirements associated with the Respirable Crystalline Silica Standards for General Industry, Shipyards, and Construction. CRF has consistently supported lawful, evidence-based workplace safety protections that address demonstrable occupational hazards while preserving economic opportunity, small-business viability, and regulatory proportionality. Worker safety and economic dynamism are not mutually exclusive objectives; rather, they are best advanced through disciplined rulemaking that is transparent, analytically grounded, and consistent with statutory constraints.

Crystalline silica has been the subject of extensive regulatory, scientific, and policy discussion for decades. The mineral's ubiquity in construction materials, aggregates, stone, and soil distinguishes it from more narrowly confined industrial hazards. This ubiquity has historically required regulators to balance legitimate occupational health concerns with the risk of constructing compliance architectures that resemble crisis-era regulatory responses—such as those seen in aggressive asbestos abatement policies—where administrative burdens sometimes outpaced measurable marginal risk reduction. CRF raises this history not to minimize silica's health risks, but to underscore the importance of regulatory calibration when addressing hazards embedded in ordinary economic activity.

This proceeding, however, does not reopen the underlying permissible exposure limits or substantive health determinations of the silica standards. Instead, it concerns the extension of information collection requirements under the Paperwork Reduction Act (PRA). The PRA imposes a separate and independent obligation on OSHA to ensure that documentation burdens are necessary, practically useful, and minimized to the greatest extent feasible. The statute demands more than procedural renewal; it requires agencies to justify the continuing necessity and proportionality of each paperwork component.

At the same time, the PRA framework necessarily intersects with the broader structure of the rule. While this comment does not formally challenge the underlying exposure limits, it is appropriate to observe that if documentation burdens have grown to a scale that materially exceeds initial projections, OSHA may ultimately need to reexamine whether the current exposure architecture remains appropriately calibrated. The PRA review process is therefore not isolated from the substantive rule; it serves as a diagnostic mechanism for assessing whether administrative expansion has outpaced demonstrable risk mitigation.

OSHA reports approximately 8,186,825 annual burden hours associated with the silica standards, along with \$220.8 million in operation and maintenance costs. These figures are substantial on their face and warrant careful scrutiny. The agency's presentation foregrounds direct out-of-pocket expenditures while leaving the economic value of more than eight million hours of employer labor largely unmonetized in the public-facing notice. Such presentation risks understating the true economic footprint of the information collection regime.

Historically, occupational safety and health rulemakings have frequently relied on burden-hour reporting that does not fully capture the real-world economic impact of compliance time, supervisory review, coordination inefficiencies, and small-business administrative friction. Underestimation of compliance burden—particularly in sectors dominated by small contractors—has been a recurring critique of OSHA regulatory analyses. PRA renewal offers an

opportunity to correct that pattern through greater wage transparency, realistic loading assumptions, and clearer articulation of opportunity costs.

CRF's central concern is that OSHA has not meaningfully monetized the labor component of the burden using realistic, fully loaded compliance wage assumptions. When eight million hours of professional, supervisory, and administrative time are valued at market-consistent compensation rates, the resulting economic impact is materially larger than suggested by O&M expenditures alone. Without transparent monetization, stakeholders and policymakers cannot accurately evaluate proportionality.

Equally important, OSHA has not clearly demonstrated the marginal risk-reduction utility attributable specifically to the documentation architecture—written exposure control plans, monitoring records, medical surveillance tracking, and related recordkeeping—distinct from exposure limits and engineering controls themselves. The PRA requires demonstrable practical utility, not theoretical enforcement convenience. Before extending this information collection regime, OSHA should provide a clearer showing that the scale of paperwork burden produces measurable incremental health benefits commensurate with its economic cost.

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## **Executive Summary**

OSHA's burden analysis for the Respirable Crystalline Silica Standards materially understates the true economic impact of the information collection regime and does not adequately demonstrate proportional risk amelioration attributable to the documentation architecture. While the agency reports substantial burden hours, its presentation minimizes the economic significance of those hours and does not clearly establish the marginal health benefits produced by the paperwork components of the rule. Under the Paperwork Reduction Act (PRA), such transparency and proportionality are not optional—they are statutory requirements.

- OSHA reports approximately 8.19 million annual burden hours but does not transparently monetize these hours using realistic, fully loaded compliance wage rates that reflect supervisory time, professional safety staff, and overhead.
- When properly valued using conservative, fully loaded compensation assumptions, annual labor burden likely exceeds \$600–\$900 million and may surpass \$1 billion when reasonable small-business inefficiency factors are incorporated.
- OSHA foregrounds \$220.8 million in operation and maintenance costs, creating a misleading impression of total compliance cost by omitting meaningful monetization of employer labor time.
- The agency has not demonstrated the marginal health benefit attributable specifically to documentation requirements—such as written exposure control plans, recordkeeping, and medical surveillance tracking—distinct from exposure limits and engineering controls.
- Construction-sector growth and expanded medical surveillance assumptions reflect regulatory accretion rather than burden stabilization, indicating that administrative obligations continue to expand over time.
- The PRA requires demonstrable practical utility and minimization of unnecessary burden, yet OSHA has not sufficiently shown that each major documentation component satisfies this standard.
- Small businesses face disproportionate compliance friction, including owner-operator administrative time and coordination inefficiencies, which are not reflected in OSHA's modeling assumptions.

For these reasons, PRA reauthorization should require enhanced burden transparency, explicit monetization of labor hours using realistic wage assumptions, incorporation of small-business compliance dynamics, and a clearer demonstration that the documentation elements of the silica standards deliver measurable marginal risk reduction. Without such analysis, extension of the information collection requirements risks institutionalizing a documentation regime whose economic impact exceeds what the record presently justifies.

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## **I. The Paperwork Reduction Act Requires Transparent Monetization of Burden Hours**

The Paperwork Reduction Act (PRA) requires federal agencies to minimize the paperwork burden imposed on the public and to ensure that information collections have demonstrable practical utility. The statute is not a procedural formality; it is a substantive constraint designed to prevent administrative accumulation untethered from measurable benefit. Agencies must not only estimate burden hours, but must also ensure that those burdens are necessary, clearly justified, and minimized to the maximum extent feasible. Meaningful PRA compliance therefore depends on transparent and economically intelligible burden characterization.

In the present notice, OSHA reports approximately 8,186,825 annual burden hours associated with the Respirable Crystalline Silica Standards, alongside \$220.8 million in operation and maintenance costs. While both figures are technically reported, the notice foregrounds the direct O&M expenditures and does not provide a clear, accessible monetization of the labor hours embedded in the eight-million-hour estimate. As a result, stakeholders are left with an incomplete picture of the rule's total economic footprint.

Burden hours, standing alone, do not meaningfully convey economic impact. Under established regulatory analysis practices, labor time must be valued using realistic, fully loaded wage rates that account for base compensation, fringe benefits, overhead, and supervisory review. Compliance with silica documentation requirements typically involves safety managers, industrial hygienists, human resources personnel, supervisors, and in many cases owner-operators. The relevant wage base is therefore not clerical entry-level compensation, but professional and managerial labor subject to substantial loading factors.

When fully loaded compensation is applied to compliance functions of this nature, hourly costs commonly fall within a range reflecting base wages plus benefits and overhead. Conservative loading assumptions can increase base wages by 50–90 percent to reflect fringe benefits, payroll taxes, facility costs, and managerial time. Without explicitly identifying the wage rate and loading methodology applied to the 8.19 million burden hours, OSHA's presentation obscures the true economic scale of the requirement.

Applying reasonable, transparent modeling assumptions demonstrates the magnitude of the issue. Under a conservative scenario in which burden hours are valued at a fully loaded rate near the lower end of professional compliance compensation, total labor burden exceeds several hundred million dollars annually. Under midpoint assumptions reflecting typical safety-management compensation and realistic loading factors, the figure rises substantially. Under higher-end assumptions—particularly where small-business inefficiencies and supervisory review are incorporated—the aggregate economic burden approaches or exceeds one billion dollars annually. These scenarios do not require aggressive assumptions; they reflect standard regulatory costing methodology.

Yet the notice does not clearly articulate the wage assumptions underlying OSHA’s burden-hour valuation, nor does it explain how those assumptions reflect the actual personnel likely to perform the required tasks. Without such transparency, the public cannot meaningfully evaluate whether OSHA’s burden estimate is realistic. The absence of methodological clarity undermines confidence in the economic representation of the information collection regime.

Transparent monetization is not merely an accounting exercise; it is central to regulatory accountability. Policymakers, stakeholders, and small businesses must be able to understand the true economic scale of compliance in order to assess proportionality and practical utility. Presenting O&M expenditures in isolation risks conveying the impression that the silica information collection regime is principally a matter of direct medical or testing costs, when in fact the dominant burden lies in employer labor time.

Failure to meaningfully monetize labor burden also frustrates the core PRA objective of minimizing unnecessary administrative costs. If the economic value of burden hours is understated or left implicit, there is little institutional pressure to streamline documentation, eliminate duplicative requirements, or modernize recordkeeping. Transparent monetization forces agencies to confront opportunity costs and to weigh administrative expansion against measurable safety gains.

Moreover, PRA review is intended to serve as a periodic checkpoint against regulatory accretion. Where burden hours reach into the millions annually, it is incumbent upon the agency to demonstrate both economic realism and practical utility. Absent clear labor valuation, stakeholders cannot assess whether incremental documentation requirements produce commensurate marginal health benefits.

For these reasons, OSHA should provide explicit, fully loaded wage assumptions and transparent monetization of the reported burden hours as part of this PRA extension process. Without such clarity, the integrity of the PRA review is compromised, and the public is deprived of the information necessary to evaluate whether the silica information collection requirements remain proportionate, necessary, and economically justified.

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## **II. Small Business Compliance Friction Is Systematically Underestimated**

The Respirable Crystalline Silica Standards disproportionately affect the construction sector and, by extension, small and mid-sized contractors that dominate that industry. Unlike large industrial manufacturers with dedicated environmental health and safety (EHS) departments, many construction firms operate with lean administrative structures and project-based staffing models. The compliance obligations embedded in the silica information collection regime—exposure assessments, written exposure control plans, medical surveillance coordination, and record retention—are therefore often borne by firms least equipped to absorb recurring administrative overhead.

Small firms face structural inefficiencies that are rarely reflected in burden modeling assumptions. Compliance tasks are typically not centralized or automated; instead, they are distributed across supervisors, foremen, office managers, and, in many cases, the owner-operator. Context switching between revenue-generating activity and regulatory documentation imposes additional time costs not captured in linear task-duration estimates. Moreover, small

contractors lack internal compliance specialists, increasing the likelihood of duplicative review, external consultation, or corrective rework following inspection.

The opportunity cost of owner and senior supervisory time is particularly acute. In small enterprises, the same individual responsible for bidding projects, managing crews, overseeing safety practices, and maintaining customer relationships is frequently also responsible for regulatory compliance. Time devoted to documentation is time not devoted to business development, workforce supervision, or operational oversight. The economic impact of compliance labor in such settings is therefore not merely a wage calculation; it represents displaced productive capacity.

Regulatory impact analysis literature routinely recognizes that small businesses experience higher per-unit compliance costs due to scale limitations and administrative fragmentation. A modest small-business compliance multiplier—typically in the range of 1.15 to 1.30—reflects these realities by accounting for inefficiencies, coordination time, and elevated opportunity costs. Applying such a multiplier to the monetized labor burden associated with the silica standards produces a materially higher aggregate cost than OSHA’s presentation suggests.

When even a conservative 15–20 percent inefficiency adjustment is applied to realistic, fully loaded labor valuations, total annual burden increases by hundreds of millions of dollars. This adjustment does not assume malfeasance or exaggeration; it reflects the practical conditions under which compliance occurs in the construction marketplace. In sectors where firms operate on thin margins and project-specific contracts, even incremental administrative friction can significantly affect pricing, competitiveness, and market entry.

OSHA’s burden modeling appears to assume institutional efficiencies more characteristic of large enterprises than of small contractors. Tasks are implicitly treated as discrete, efficiently executed functions performed by specialized compliance staff operating within stable administrative systems. Such assumptions overlook the distributed, project-based, and often informal compliance environments common in smaller firms. As a result, the agency’s estimates risk systematically understating real-world compliance time.

The PRA requires agencies to minimize burden “especially with respect to small entities.” That directive cannot be satisfied through aggregate hour estimates that assume uniform administrative efficiency across firm sizes. Without explicit recognition of small-business friction and opportunity cost dynamics, the information collection analysis fails to reflect the economic realities of the regulated population.

In evaluating extension of the silica information collection requirements, OSHA should therefore incorporate transparent consideration of small-business compliance dynamics, including realistic inefficiency multipliers and opportunity cost effects. Failure to do so risks institutionalizing an administrative framework whose disproportionate impact falls on the very firms least able to absorb recurring documentation burdens.

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### **III. Marginal Risk Amelioration of Documentation Requirements Has Not Been Demonstrated**

CRF does not dispute that respirable crystalline silica exposure presents legitimate occupational health risks. Silicosis and related respiratory conditions have been documented for generations, and OSHA is charged with addressing serious workplace hazards under the Occupational Safety and Health Act. The question presented in this PRA proceeding, however, is not whether silica can cause harm, but whether the scale of the documentation architecture imposed by the silica standards produces measurable marginal reductions in that harm.

It is essential to distinguish between the substantive exposure limits and engineering controls embedded in the silica standards, and the information collection requirements associated with those standards. Exposure limits operate directly on airborne concentrations; engineering controls directly reduce worker exposure. Documentation requirements, by contrast, operate indirectly—through written plans, monitoring records, medical surveillance tracking, and retention of compliance documentation. The PRA review must therefore assess the marginal utility of these paperwork components as distinct from the underlying health-based limits.

The silica standards include documentation-intensive elements such as written exposure control plans, periodic exposure assessments and notifications, respiratory protection program documentation, medical surveillance coordination and recordkeeping, air monitoring data retention, and employee access to records. Each of these elements imposes recurring administrative time burdens. While such documentation may facilitate compliance oversight, the agency has not clearly quantified the incremental exposure reduction attributable specifically to these recordkeeping functions.

This raises a fundamental proportionality question: what measurable reduction in silica exposure—or in silicosis incidence—is attributable specifically to the paperwork architecture rather than to exposure limits or engineering controls? OSHA’s notice does not provide quantitative analysis demonstrating that particular documentation requirements independently reduce exposure levels or disease incidence. Without such demonstration, it is difficult to assess whether eight million annual burden hours represent necessary compliance infrastructure or administrative layering.

Notably absent from the record is any metric such as “cases avoided per documentation hour” or similar analysis linking administrative effort to health outcomes. OSHA has historically modeled aggregate health benefits for the silica standards as a whole, but that modeling does not isolate the incremental contribution of documentation requirements. Under the PRA, it is insufficient to assume that because exposure limits yield benefits, every associated paperwork requirement necessarily yields proportional marginal gains.

In mature compliance environments—where exposure limits have been in place, awareness is widespread, and engineering controls are increasingly standardized—the potential for diminishing marginal returns from additional documentation is real. As regulatory regimes age, the incremental benefit of additional paperwork may decline, particularly where employers have already internalized core safety practices. PRA review provides an opportunity to reassess whether recurring documentation remains proportionate to incremental risk reduction.

Modern epidemiological trends also provide relevant context. Silicosis mortality rates have declined substantially from historic peaks, reflecting improved industrial hygiene practices and technological advancements. While emerging clusters in specific industries merit attention, the broader trajectory suggests that primary exposure controls, rather than documentation alone, drive long-term improvements. This context underscores the need to demonstrate that administrative requirements continue to deliver measurable additional benefit rather than merely institutional continuity.

The PRA requires agencies to demonstrate “practical utility,” not theoretical enforcement convenience. Documentation may aid inspections, facilitate record review, or provide evidentiary clarity, but such benefits must be weighed against their economic cost. Practical utility requires a showing that the information collected is necessary to achieve a defined regulatory objective and that less burdensome alternatives would not suffice.

For these reasons, OSHA should provide clearer causal analysis linking specific documentation requirements to measurable exposure reductions or health outcome improvements. Where such linkage cannot be demonstrated, the agency should consider streamlining, consolidating, or modernizing recordkeeping obligations. Without a disciplined showing of marginal risk amelioration attributable to the paperwork elements themselves, extension of the information collection regime risks perpetuating administrative burden untethered from demonstrable incremental health benefit.

A rigorous PRA review should therefore require OSHA to articulate not only aggregate health benefits of the silica standards, but also the incremental contribution of documentation requirements to those outcomes. Transparent linkage between administrative burden and measurable health gains is essential to ensuring that the information collection framework remains proportionate, justified, and consistent with statutory mandates.

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#### **IV. Regulatory Accretion and Burden Drift**

OSHA’s current notice reflects an increase of approximately 390,000 annual burden hours relative to the previously approved Information Collection Request. That increase is not trivial; it represents the equivalent of hundreds of full-time work-years devoted to administrative compliance activity. Even where incremental in percentage terms, such additions compound materially when baseline burden hours already exceed eight million annually.

The agency attributes the increase primarily to growth in the number of construction establishments and to revised assumptions regarding the number of employees undergoing periodic medical examinations. While these explanations are analytically relevant, they also illustrate a broader structural dynamic: when compliance obligations are tied to industry growth and surveillance expansion, administrative burden scales automatically. As regulated sectors expand or modeling assumptions evolve, paperwork requirements rise correspondingly—even absent changes to underlying exposure limits.

This phenomenon reflects what may be described as regulatory accumulation. Administrative regimes rarely contract organically; they tend to expand as reporting populations grow, surveillance cycles mature, and interpretive expectations evolve. The silica standards are now embedded within an ongoing compliance infrastructure that operates on recurring timelines—

quarterly, annual, and periodic—rather than one-time implementation milestones. Each renewal of information collection approval therefore carries forward and potentially amplifies the cumulative administrative footprint.

Recurring administrative regimes compound over time in ways not always visible in single-year snapshots. Written exposure control plans must be updated, medical surveillance records must be maintained and transmitted, air monitoring data must be preserved, and notifications must be issued. Even if individual tasks appear modest, their repetition across a growing regulated population produces aggregate burden expansion. This compounding effect underscores why PRA review must scrutinize not only initial implementation costs but also long-term administrative drift.

In addition, compliance layering can occur through interpretive guidance, enforcement practice, and industry standardization. As expectations evolve, documentation practices may become more detailed or conservative than originally modeled. Employers, seeking to avoid enforcement risk, may over-document or retain records beyond minimum requirements. Such cumulative layering further increases effective burden beyond what formal hour estimates capture.

The PRA was designed in part to serve as a periodic checkpoint against such accretion. Extension of an information collection approval should not be treated as automatic or ministerial. Instead, it provides an opportunity to reassess whether recurring documentation remains necessary at its current scale and whether certain elements can be streamlined, consolidated, or modernized. Without deliberate rationalization, administrative regimes tend to harden and expand.

Given the already substantial burden baseline, OSHA should explicitly examine whether elements of the silica documentation framework can be simplified without undermining worker protection. Burden growth attributable to industry expansion may be inevitable, but burden growth attributable to modeling adjustments or surveillance expansion warrants closer examination. The PRA's mandate to minimize burden requires more than updating spreadsheets; it requires active consideration of burden containment.

In sum, the increase in annual burden hours reflected in this notice is not merely a technical adjustment. It is evidence of ongoing burden drift within a mature regulatory regime. The PRA extension process should therefore function as an occasion for disciplined burden rationalization, ensuring that administrative growth remains proportionate to demonstrable health benefit and does not continue unchecked through incremental expansion.

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## **V. Opportunity Cost and Macroeconomic Implications**

OSHA reports approximately 8,186,825 annual burden hours associated with the silica information collection requirements, alongside \$220.8 million in operation and maintenance costs. While the O&M figure is prominently stated, it does not reflect the economic value of the labor time embedded in the eight-million-hour estimate. When those hours are monetized using realistic, fully loaded compliance wage assumptions, the annual labor burden alone likely falls in the range of approximately \$600 million to \$900 million. When modest small-business inefficiency adjustments are incorporated, total annual compliance labor costs approach or exceed \$1 billion. These figures materially alter the economic context of the rule.

The opportunity cost of this compliance labor is not abstract. Eight million hours represent the equivalent of roughly 4,000 full-time work-years diverted from productive activity. In the construction sector—where a substantial portion of silica-related compliance occurs—those hours are frequently drawn from supervisory staff, safety managers, and owner-operators. Time spent updating exposure control plans, coordinating surveillance, maintaining records, and responding to documentation requirements displaces time that would otherwise be devoted to jobsite oversight, project execution, workforce training, and business development.

When labor burden in the range of \$700 million to \$1 billion annually is applied to a sector characterized by tight margins and competitive bidding, costs are inevitably embedded in project pricing. Contractors incorporate compliance overhead into bids for commercial, residential, and public works projects. Even incremental administrative burdens, when distributed across hundreds of thousands of establishments, can influence aggregate construction costs. If realistic monetization places total annual economic burden closer to \$1 billion—or higher when opportunity costs are considered—the macroeconomic footprint is significantly larger than suggested by the \$220.8 million O&M figure alone.

Housing affordability and infrastructure pricing are particularly sensitive to cumulative cost layering. The construction sector already faces rising input costs, labor shortages, and financing constraints. Regulatory compliance costs—especially those tied to recurring administrative obligations—add incremental upward pressure on per-unit construction expenses. When compliance labor approaches or exceeds \$1 billion annually, even partial cost pass-through can affect residential construction pricing, renovation costs, and public infrastructure budgets.

Applying even a conservative opportunity-cost multiplier to the monetized labor burden further illustrates the macroeconomic implications. If \$800 million in annual compliance labor displaces productive activity at a modest 2× opportunity-cost effect—reflecting foregone business development, delayed projects, and reduced managerial productivity—the effective economic impact exceeds \$1.6 billion annually, before including direct O&M expenditures. Under moderate assumptions, total effective impact may fall within a \$1.6 billion to \$2.5 billion annual range. While such multipliers must be applied cautiously, they underscore that compliance labor represents more than an accounting entry; it represents displaced economic output.

These figures do not argue against workplace safety protections. Rather, they highlight the importance of ensuring that administrative requirements are calibrated to deliver measurable marginal health benefits commensurate with their economic footprint. When total compliance impact plausibly approaches or exceeds \$1 billion annually—and potentially more when opportunity costs are considered—discipline in documentation design becomes essential.

Regulatory legitimacy depends in part on proportionality. Transparent monetization of burden hours, acknowledgment of small-business compliance realities, and periodic rationalization of administrative requirements strengthen public confidence in occupational safety regulation. Conversely, presenting \$220.8 million in O&M expenditures without fully contextualizing the broader labor burden risks understating the true scale of compliance impact. A disciplined PRA review that incorporates realistic cost valuation will better align worker protection objectives with economic vitality and long-term affordability.

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## **VI. Recommendations for OSHA and OMB**

First, OSHA and the Office of Management and Budget (OMB) should require explicit monetization of labor burden in Federal Register notices accompanying Information Collection Request extensions. Reporting burden hours without translating those hours into economically intelligible terms limits meaningful public engagement. Where annual burdens exceed millions of hours, agencies should provide clear, fully loaded labor valuations alongside O&M cost figures to ensure that policymakers and stakeholders can evaluate proportionality.

Second, OSHA should publish the specific wage-rate assumptions and loading factors used in calculating compliance costs. This should include identification of the occupational categories assumed to perform compliance tasks, the base wage rates applied, and the multipliers used to account for fringe benefits and overhead. Transparent disclosure of these assumptions would allow external reviewers to assess realism and would enhance confidence in the agency's burden analysis.

Third, OSHA should incorporate small-business inefficiency adjustments into its modeling framework. Construction and related sectors are heavily populated by small contractors whose compliance experience differs materially from that of large firms with dedicated EHS departments. Incorporating a modest small-business multiplier to reflect coordination inefficiencies, owner-operator opportunity costs, and limited administrative infrastructure would better align modeling assumptions with operational realities.

Fourth, OSHA should conduct a retrospective analysis of the documentation components of the silica standards to evaluate whether specific paperwork elements demonstrably contribute to measurable exposure reduction or improved health outcomes. Such analysis should seek to isolate the incremental impact of written plans, surveillance documentation, and record retention requirements from the effects of exposure limits and engineering controls. Without retrospective evaluation, the agency cannot fully satisfy the PRA's practical utility standard.

Fifth, OSHA should explore expanded use of digital automation and standardized reporting platforms to reduce repetitive paperwork burdens. Where documentation is necessary, agencies should prioritize electronic submission systems, standardized templates, and interoperability with existing employer recordkeeping systems. Modernization can preserve regulatory objectives while significantly reducing administrative friction.

Finally, OSHA and OMB should consider tiered or risk-based documentation approaches that better align administrative obligations with actual exposure risk. Employers with consistently low exposure levels verified through objective data could be subject to simplified documentation requirements, while higher-risk operations could retain more robust reporting obligations. Similarly, surveillance frequency and plan-update requirements could be calibrated based on demonstrated exposure conditions rather than applied uniformly across diverse operational contexts.

A tiered approach would preserve worker protections while reducing unnecessary burden in low-risk environments. It would also align with the PRA's mandate to minimize administrative requirements to the maximum extent practicable. By adopting transparent monetization practices, incorporating realistic compliance modeling, and modernizing documentation frameworks, OSHA and OMB can strengthen both the integrity of the PRA process and the legitimacy of

## Conclusion

The Center for Regulatory Freedom reiterates its support for legitimate, evidence-based workplace safety protections. Protecting workers from preventable occupational hazards is a core statutory responsibility of OSHA, and silica exposure has long been recognized as a serious industrial health concern. CRF does not dispute the importance of reducing harmful exposures or maintaining appropriate safeguards where measurable risk persists.

Silicosis historically imposed severe human and economic costs, particularly in eras when exposure controls were inadequate. That history justifies vigilance and responsible regulation. However, it also underscores the importance of calibration. In regulatory systems addressing hazards embedded in routine economic activity—such as construction, stone fabrication, and infrastructure development—discipline in burden design is essential to avoid disproportionate administrative layering.

Regulatory legitimacy depends not only on safety intent, but on analytical rigor. When OSHA reports 8.19 million annual burden hours yet foregrounds \$220.8 million in O&M costs without fully monetizing the labor component, the public record does not adequately reflect the true economic footprint of the information collection regime. Realistic valuation suggests that annual labor burden likely approaches or exceeds \$1 billion when fully loaded wage assumptions and small-business inefficiencies are incorporated. That scale of recurring administrative cost demands careful justification.

The Paperwork Reduction Act exists precisely to ensure that documentation requirements are necessary, proportionate, and demonstrably useful. PRA review is not a procedural formality or an automatic renewal mechanism. It is a statutory checkpoint designed to prevent administrative accumulation untethered from measurable public benefit. Where compliance labor may exceed \$800 million to \$1 billion annually—and potentially more when opportunity costs are considered—the agency bears a heightened responsibility to demonstrate marginal risk reduction attributable specifically to documentation requirements.

These burdens do not exist in isolation. The silica standards apply heavily within the construction sector, a sector that plays a central role in infrastructure development, commercial investment, and residential housing supply. Compliance costs—particularly recurring administrative costs—are embedded in project bids and ultimately reflected in the pricing of homes, renovations, and public works. In a national environment already characterized by constrained housing supply and rising construction costs, additional regulatory overhead contributes to upward pressure on affordability. When administrative burdens approach billion-dollar annual magnitudes, even partial cost pass-through can materially affect housing pricing and small contractor viability.

OSHA should therefore ensure that documentation requirements are aligned with measurable exposure reductions and that lower-risk environments are not subject to unnecessary administrative layering. Tiered, risk-based approaches, transparent monetization of labor burden, and periodic rationalization of surveillance and recordkeeping obligations would strengthen both worker protection and regulatory credibility.

CRF remains committed to lawful, economically grounded, and proportionate regulatory reform. Effective workplace safety standards and economic opportunity are mutually reinforcing objectives when pursued with transparency and discipline. By rigorously applying the PRA's minimization and practical utility standards in this proceeding, OSHA and OMB can preserve worker protections while safeguarding construction affordability, small-business sustainability, and the broader economic vitality upon which long-term safety progress depends.

Sincerely,

A handwritten signature in black ink that reads "Andrew M. Langer". The signature is written in a cursive, flowing style.

Andrew M. Langer

Director

CPAC Foundation Center for Regulatory Freedom