



March 10, 2017

OSHA Docket Office  
Docket No. OSHA-H005C-2006-0870  
Room N-3653  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

Via <http://www.regulations.gov>

RE: Occupational Exposure to Beryllium: Proposed Delay of Effective Date. Docket No. OSHA-H005C-2006-0870

## I. Introduction and Background

The American Public Power Association (APPA), the Edison Electric Institute (EEI) and the National Rural Electric Cooperative Association (NRECA) — collectively the Electric Utility Trade Associations (EUTA) — appreciate the opportunity to submit comments on the Occupational Safety and Health Administration's (OSHA) proposal to delay the effective date of the final Occupational Exposure to Beryllium Rule published in the *Federal Register* on January 9, 2017 (82 *Fed. Reg.* 2470).

OSHA, in accordance with the Presidential memorandum of January 20, 2017, entitled "Regulatory Freeze Pending Review," proposes to delay until May 20, 2017 the effective date of the final rule entitled Occupational Exposure to Beryllium, published in the *Federal Register* on January 9, 2017 (82 *Fed. Reg.* 2470). The current effective date is March 21, 2017. OSHA states that this additional delay will allow OSHA officials the opportunity for further review and consideration of the new regulations.

**APPA** is the voice of not-for-profit, community-owned utilities that power 2,000 towns and cities nationwide. We represent public power before the federal government to protect the interests of the more than 49 million people that public power utilities serve, and the 93,000 people they employ. Our association advocates and advises on electricity policy, technology,

trends, training, and operations. Our members strengthen their communities by providing superior service, engaging citizens, and instilling pride in community-owned power.

**EEI** is the association that represents all U.S. investor-owned electric companies. Our members provide electricity for 220 million Americans, operate in all 50 states and the District of Columbia, and directly employ more than 500,000 workers. With more than \$100 billion in annual capital expenditures, the electric power industry is responsible for millions of additional jobs. Safe, reliable, affordable, and clean electricity powers the economy and enhances the lives of all Americans. EEI has 70 international electric companies as International Members, and 270 industry suppliers and related organizations as Associate Members.

**NRECA** is the national service organization for more than 900 not-for-profit rural electric utilities that provide electric energy to over 42 million people in 47 states. Member systems cover 75% of the United States landmass. NRECA membership is composed of 838 distribution cooperatives and 65 generation and transmission (G&T) cooperatives. Both distribution and G&T cooperatives were formed to provide reliable electric service to their owner-members at the lowest reasonable cost.

Together, EUTA members employ more than 663,000 workers. Therefore, EUTA members have a critical interest in any industrial hygiene-related regulation affecting our operations.

The final rule governing the occupational exposure to beryllium directly affects the electric utility industry. Notably, the final rule contains several significant changes from the proposed rule which materially affect how the rule may apply to the utility industry's operations and raise serious concerns regarding compliance with the rule.

In the March 2 notice, OSHA states it has preliminarily determined that it is appropriate to further delay the effective date of this rule, for the purpose of further reviewing questions of fact, law, and policy raised therein. The EUTA agrees and supports *at least* a 60-day delay (until May 20, 2017) of the effective date of the Occupational Exposure to Beryllium final rule.

In the interim, the EUTA looks forward to continuing a dialogue with OSHA regarding industry concerns on the scope, application and compliance issues associated with the final rule.

Thank you for the opportunity to submit these comments.

Respectfully submitted,

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