Union Calendar No. 586

106th Congress, 2d Session – – – – – – – – – – – House Report 106–1009

NON-BINDING LEGAL EFFECT OF AGENCY GUIDANCE DOCUMENTS

SEVENTH REPORT

BY THE

COMMITTEE ON GOVERNMENT REFORM

together with

MINORITY AND ADDITIONAL VIEWS

Available via the World Wide Web: http://www.gpo.gov/congress/house
http://www.house.gov/reform

OCTOBER 26, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

NON-BINDING LEGAL EFFECT OF AGENCY GUIDANCE DOCUMENTS

NON-BINDING LEGAL EFFECT OF AGENCY GUIDANCE DOCUMENTS

NON-BINDING LEGAL EFFECT OF AGENCY GUIDANCE DOCUMENTS

NON-BINDING LEGAL EFFECT OF AGENCY GUIDANCE DOCUMENTS

NON-BINDING LEGAL EFFECT OF AGENCY GUIDANCE DOCUMENTS

NON-BINDING LEGAL EFFECT OF AGENCY GUIDANCE DOCUMENTS

Union Calendar No. 586

106th Congress, 2d Session – – – – – – – – – – – House Report 106–1009

NON-BINDING LEGAL EFFECT OF AGENCY GUIDANCE DOCUMENTS

SEVENTH REPORT

BY THE

COMMITTEE ON GOVERNMENT REFORM

together with

MINORITY AND ADDITIONAL VIEWS

Available via the World Wide Web: http://www.gpo.gov/congress/house
http://www.house.gov/reform

OCTOBER 26, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

U.S. GOVERNMENT PRINTING OFFICE

67–174 WASHINGTON : 2000

COMMITTEE ON GOVERNMENT REFORM

DAN BURTON, Indiana, *Chairman*

BENJAMIN A. GILMAN, New York
CONSTANCE A. MORELLA, Maryland
CHRISTOPHER SHAYS, Connecticut
ILEANA ROS-LEHTINEN, Florida
JOHN M. McHUGH, New York
STEPHEN HORN, California
JOHN L. MICA, Florida
THOMAS M. DAVIS III, Virginia
DAVID M. McINTOSH, Indiana
MARK E. SOUDER, Indiana
JOE SCARBOROUGH, Florida
STEVEN C. LaTOURETTE, Ohio
MARSHALL "MARK" SANFORD, South Carolina
BOB BARR, Georgia
DAN MILLER, Florida
ASA HUTCHINSON, Arkansas
LEE TERRY, Nebraska
JUDY BIGGERT, Illinois
GREG WALDEN, Oregon
DOUG OSE, California
PAUL RYAN, Wisconsin
HELEN CHENOWETH-HAGE, Idaho
DAVID VITTER, Louisiana

HENRY A. WAXMAN, California
TOM LANTOS, California
ROBERT E. WISE, Jr., West Virginia
MAJOR R. OWENS, New York
EDOLPHUS TOWNS, New York
PAUL E. KANJORSKI, Pennsylvania
PATSY T. MINK, Hawaii
CAROLYN B. MALONEY, New York
ELEANOR HOLMES NORTON, District of Columbia
CHAKA FATTAH, Pennsylvania
ELIJAH E. CUMMINGS, Maryland
DENNIS J. KUCINICH, Ohio
ROD R. BLAGOJEVICH, Illinois
DANNY K. DAVIS, Illinois
JOHN F. TIERNEY, Massachusetts
JIM TURNER, Texas
THOMAS H. ALLEN, Maine
HAROLD E. FORD, Jr., Tennessee
JANICE D. SCHAKOWSKY, Illinois

BERNARD SANDERS, Vermont (Independent)

KEVIN BINGER, *Staff Director*
DANIEL R. MOLL, *Deputy Staff Director*
DAVID A. KASS, *Deputy Counsel and Parliamentarian*
ROBERT A. BRIGGS, *Clerk*
PHIL SCHILIRO, *Minority Staff Director*

SUBCOMMITTEE ON NATIONAL ECONOMIC GROWTH, NATURAL RESOURCES, AND REGULATORY AFFAIRS

DAVID M. McINTOSH, Indiana, *Chairman*

PAUL RYAN, Wisconsin
BOB BARR, Georgia
LEE TERRY, Nebraska
GREG WALDEN, Oregon
HELEN CHENOWETH-HAGE, Idaho
DAVID VITTER, Louisiana

DENNIS J. KUCINICH, Ohio
TOM LANTOS, California
PAUL E. KANJORSKI, Pennsylvania
BERNARD SANDERS, Vermont
HAROLD E. FORD, Jr., Tennessee

EX OFFICIO

DAN BURTON, Indiana

HENRY A. WAXMAN, California

MARLO LEWIS, Jr., *Staff Director*
BARBARA F. KAHLOW, *Deputy Staff Director*
GABRIEL NEIL RUBIN, *Clerk*
ELIZABETH MUNDINGER, *Minority Counsel*

LETTER OF TRANSMITTAL

HOUSE OF REPRESENTATIVES,
Washington, DC, October 26, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: By direction of the Committee on Government Reform, I submit herewith the committee's seventh report to the 106th Congress. The committee's report is based on a study conducted by its Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs.

DAN BURTON,
Chairman.

CONTENTS

	Page
I. Summary of oversight findings	1
II. Report on the committee's oversight	2
III. Conclusions	8

APPENDIXES

Appendix A.—EPA's March 1999 and October 1999 letters to Chairman McIntosh about its guidance	11
Appendix B.—Chairman McIntosh's April to October 1999 letters to OMB about its CRA guidance to the agencies	18
Appendix C.—Chairman McIntosh's October 1999 letters to DOL, DOT and EPA about their guidance	27
Appendix D.—DOL's OSHA and EPA's guidance compendiums	37
Appendix E.—Baroody's February 2000 testimony on behalf of NAM	467
Appendix F.—Chairman McIntosh's May 2000 letters to eight agencies about their guidance	489
Appendix G.—Ten agencies' July to September 2000 clarification letters to Chairman McIntosh about the non-binding legal effect of their guidance	506

VIEWS

Minority views of Hon. Henry A. Waxman, Hon. Dennis J. Kucinich, Hon. Tom Lantos, Hon. Major R. Owens, Hon. Edolphus Towns, Hon. Paul E. Kanjorski, Hon. Carolyn B. Maloney, Hon. Eleanor Holmes Norton, Hon. Chaka Fattah, Hon. Elijah E. Cummings, Hon. Rod R. Blagojevich, Hon. Danny K. Davis, Hon. Harold E. Ford, Jr., and Hon. Janice D. Schakowsky	539
Additional views of Hon. David M. McIntosh	618

ABBREVIATIONS

CRA	Congressional Review Act
OMB	Office of Management and Budget
APA	Administrative Procedure Act
EPA	Environmental Protection Agency
GAO	General Accounting Office
0PM	Particulate Matter
NAAQS	National Ambient Air Quality Standards
DOL	Department of Labor
DOT	Department of Transportation
OSHA	Occupational Safety and Heath Administration
NHTSA	National Highway Traffic Safety Administration
NAM	National Association of Manufacturers

Union Calendar No. 586

106TH CONGRESS, 2d Session | HOUSE OF REPRESENTATIVES | REPORT 106–1009

NON-BINDING LEGAL EFFECT OF AGENCY GUIDANCE DOCUMENTS

OCTOBER 26, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BURTON, from the Committee on Government Reform submitted the following

SEVENTH REPORT

On October 5, 2000, the Committee on Government Reform approved and adopted a report entitled, "Non-Binding Legal Effect of Agency Guidance Documents." The chairman was directed to transmit a copy to the Speaker of the House.

I. SUMMARY OF OVERSIGHT FINDINGS

Various laws enacted by Congress ensure legal protections for the public so that agencies may not issue documents that bind the public without the public's opportunity to participate in the policymaking process. These good government provisions are a key to our democratic process. They protect citizens from arbitrary decisions and enable citizens to effectively participate in the process. If agencies avoid these legal protections or issue documents that do not clearly state if they have binding legal effect or not, the public may be confused or unfairly burdened—sometimes at great cost.

Agencies sometimes claim they are just trying to be "customer friendly" and serve the regulated public when they issue advisory opinions and guidance documents. This may, in fact, be true in many cases. However, when the legal effect of such documents is unclear, regulated parties may well perceive this "help" as coercive—an offer they dare not refuse. Regrettably, the committee's investigation found that some guidance documents were intended to bypass the rulemaking process and expanded an agency's power beyond the point at which Congress said it should stop. Such "backdoor" regulation is an abuse of power and a corruption of our Constitutional system.

In 1996, Congress enacted the Congressional Review Act [CRA] to oversee agency legislative rules and agency guidance documents with any general applicability and future effect. Despite repeated requests by the committee and specific direction by Congress in two appropriation cycles, the Office of Management and Budget [OMB] failed to provide sufficient guidance to Federal agencies for implementation of the CRA. The result has been some agency confusion over the legal effect of agency guidance documents and incomplete agency compliance with the CRA.

As a result of the committee's 1999–2000 investigation, the major regulatory agencies have each submitted, between July and September 2000, letters from their chief legal officials to the committee stating that their agency guidance documents have no binding legal effect on the public and that they are taking steps to clearly communicate this fact to the public. These officials state that these guidance documents are "not legally binding" on the public and conclude by saying, "We recognize the importance of using guidance properly, and we have taken—and will continue to take—appropriate steps to address the concerns that guidance not be used as a substitute for rulemaking and to make the legal effect of our documents clear to the public."

Nonetheless, as Law Professor Robert Anthony stated in a 1998 article entitled, "Unlegislated Compulsion: How Federal Agency Guidelines Threaten your Liberty," "Even though those documents do not have legally binding effect, they have practical binding effect whenever the agencies use them to establish criteria that affect the rights and obligations of private persons" (Cato Policy Analysis No. 312, August 11, 1998, p. 1).

II. Report on the Committee's Oversight

On March 29, 1996, Congress enacted the CRA (Title II, Sec. 251 of Public Law 104–121, codified at 5 U.S.C. ch. 8). This law requires that, before a Federal agency "rule" can take effect, the agency shall submit the rule to Congress for congressional review. The CRA defined "rule" broadly, as the term is defined under the Administrative Procedure Act [APA], to include not only regulatory actions subject to statutory notice-and-comment procedures but also other agency actions that contain statements of "general . . . applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency" (5 U.S.C. §§ 804(3) and 551(4)).

Thus, the CRA definition is not limited to "legislative" rules subject to notice-and-comment provisions of the APA's section 553. On the contrary, the CRA definition includes any interpretative rule or other agency statement used to apply existing law or implement policy. The legislative history confirms the plain text of the definition: "Interpretive rules, general statements of policy, and analogous agency policy guidelines are covered without qualification because they meet the definition of a 'rule' borrowed from section 551 of title 5, and are not excluded from the definition of a rule."[1] Therefore, under the CRA's definition of a "rule," agency guidance

[1] Statement of Representative McIntosh, Mar. 28, 1996, *Congressional Record* at H3005.

with any general applicability and future effect is subject to congressional review under the CRA.

Since March 1996, the Government Reform Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs continually reviewed agency compliance with the CRA and found that agencies failed to report many guidance documents that fall within the CRA's definition of a "rule." Under the CRA, the Federal agency issuing a rule must file a report to Congress "[b]efore a rule can take effect" (5 U.S.C. § 801(a)(1)(A)). In other words, unless and until an agency properly reports a rule, the rule has no legal force or effect. Any action the agency takes to promulgate, implement, or enforce an unreported rule is an *ultra vires* act and, therefore, legally null and void.

The subcommittee continues to believe that agency noncompliance is largely due to insufficient implementation guidance from OMB. Despite OMB's obligation under President Clinton's Executive Order No. 12866 to provide the agencies with guidance on compliance with regulatory laws, OMB has done very little to ensure that the agencies are complying with the CRA. The result has been some agency confusion about the CRA and incomplete agency compliance with the CRA.

For example, the subcommittee's review of the Environmental Protection Agency's [EPA's] compliance with the CRA revealed that, in February 1998, EPA issued "Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits" (its "Environmental Justice" guidance). This guidance established a framework for handling complaints that are filed with EPA's Office of Civil Rights under Title VI of the Civil Rights Act of 1964, as amended. Such complaints allege disparate environmental impacts on minority populations resulting from the issuance of industrial site permits by State and local governments that receive EPA funding. In light of the legal and policy effects of this guidance, the subcommittee asked the General Accounting Office [GAO] to determine if this guidance was a rule within the meaning of the CRA. On September 1, 1998, GAO determined that this guidance was a rule under the CRA and indicated that EPA had not yet submitted this guidance for congressional review under the CRA.

On December 8, 1998, the subcommittee asked EPA whether it intended to submit its "Proposed Implementation Guidance for the Revised Ozone and Particulate Matter [PM] National Ambient Air Quality Standards [NAAQS] and Regional Haze Program," and many other related guidance documents, to Congress under the CRA. In a letter dated March 2, 1999, EPA replied that "EPA does not intend its policy statements and guidance documents to be binding and they have no binding legal effect on the public." EPA further stated that "if such documents do contain binding legal requirements, EPA considers them within the scope of the CRA and submits them to Congress."

On September 20, 1999, the subcommittee asked EPA why it had not submitted its "Final Guidance on Environmentally Preferable Purchasing for Federal Agencies" for congressional review under the CRA. On October 6th, EPA replied that its guidance has no legal effect and is not binding; instead, it "merely suggests" and "encourages agencies" to follow EPA's guidance. EPA's March 1999

and October 1999 letters to Subcommittee Chairman David McIntosh are included in appendix A.

To encourage OMB to carry out its responsibilities under the CRA, the subcommittee proposed to increase the 1998 Treasury and General Government Appropriations Act budget for OMB's Office of Information and Regulatory Affairs by $200,000—specifically to help with CRA implementation. Congress accepted this proposal. Nonetheless, $200,000 and 12 months later, OMB showed no signs of improvement. Despite continued requests from the subcommittee, OMB failed to issue complete, government-wide CRA implementation guidance to the agencies. For example, OMB failed to inform the agencies that agency guidance documents with general applicability and future effect are "rules" under the CRA and must be submitted for congressional review. Without full compliance, the public is robbed of the opportunity to have Congress review costly and burdensome requirements, some of which may exceed congressional authorization or intent.

As a result of the subcommittee's oversight and analysis, on October 21, 1998, as part of the 1999 Treasury and General Government Appropriations Act, Congress enacted a requirement for OMB to provide additional guidance to the agencies on specific provisions of the CRA by March 31, 1999, to ensure full implementation of the CRA (under OMB Salaries and Expenses in Public Law 105–277). The accompanying Conference Report stated, "The conferees have been assured that OMB will strictly adhere to the statutory requirements included in the bill on Paperwork Reduction and the Congressional Review Act. The conferees will monitor OMB's compliance with these requirements carefully" (House Report 105–825).

The subcommittee reached an understanding with OMB, which was memorialized in a September 23, 1998 letter from the subcommittee to OMB and a September 24th return letter from OMB to the subcommittee. Unfortunately, OMB did not share its draft guidance with the subcommittee until Friday, March 25, 1999. On Monday, March 29th, the subcommittee met with OMB and expressed its view that the draft was not responsive to the subcommittee's expectations, the previous agreements between the subcommittee and OMB, or congressional intent. In a nutshell, OMB was required to provide expanded and complete guidance; instead, OMB's draft barely expanded on its previous guidance and did not address the key issues which needed clarification and expansion.

Nonetheless, OMB issued its revised guidance the next day (March 30th), making only four minor changes in the draft based on the subcommittee's comments. On April 1st, the subcommittee directed OMB to issue the previously agreed-upon expanded and complete guidance by April 30th, including an elaboration of the definition of "rule," a discussion of the "good cause" exemption for a change in the effective date of a rule, and a discussion of the legal standing, effectiveness, and potential for judicial review of rules not submitted for congressional review under the CRA.

Throughout 1999, OMB continued to resist issuing full CRA guidance to the agencies, necessitating the subcommittee's additional letters to OMB, dated June 2nd, August 2nd, and October 12th. Subcommittee Chairman McIntosh's four 1999 letters to

OMB about its CRA guidance to the agencies are included in appendix B.

After these repeated and unsuccessful requests that OMB provide additional CRA guidance to the agencies, on October 8, 1999, the subcommittee began an investigation of the agencies' use of non-codified guidance documents. The subcommittee sought to verify that each document with any general applicability and future effect was submitted to Congress under the CRA and that each document included an explanation to ensure the public's understanding of the document's legal effect.

The subcommittee requested that the Department of Labor [DOL], the Department of Transportation [DOT] and EPA—three of the agencies imposing the most regulatory requirements on the public—complete a compendium of all their non-codified documents in tabular format and to provide a copy of each non-codified document, including a highlighted and tabbed reference to the specific explanation in the document itself regarding its legal effect. These letters began by saying, "This letter begins our investigation of your agency's use of non-codified documents (such as guidance, guidelines, manuals, and handbooks) and your agency's explanation within each of them to ensure the public's understanding of their legal effect." The compendium required the agencies to reveal which documents had been submitted for congressional review under the CRA and which documents were legally binding. Chairman McIntosh's October 1999 letters to DOL, DOT and EPA are included in appendix C.

In a November 12th meeting, DOL and DOT asked the subcommittee to narrow the request. In response, the subcommittee narrowed the initial request to only those documents issued since the March 1996 enactment of CRA by DOL's Occupational Health and Safety Administration [OSHA] and DOT's National Highway Traffic Safety Administration [NHTSA], respectively. On December 31, 1999, DOT submitted its NHTSA compendium and 1,225 guidance documents. On January 3, 2000, DOL submitted its OSHA compendium and guidance documents. On February 7, 2000, EPA submitted its compendium and 2,653 guidance documents.

However, after OSHA Assistant Secretary Charles Jeffress, in testimony before the House Education and the Workforce Committee's Subcommittee on Oversight and Investigations on January 28, 2000, cited an even higher number of guidance documents than DOL claimed in its earlier response to the Government Reform subcommittee's request, the subcommittee determined that the number of OSHA documents was not 1,641, as DOL had claimed, but actually 3,374. On August 23rd, DOL submitted its revised compendium. DOL's OSHA and EPA's compendiums are included in appendix D.

On January 24, 2000, Subcommittee Chairman McIntosh introduced H.R. 3521. Section 4 of this bill was intended to ensure the public's understanding of the effect of agency guidance documents. It required agencies to include a notice on the first page of each agency guidance document to make clear that, if the document has no general applicability or future effect, it is not legally binding on the public. On January 31st, Chairman McIntosh asked for the views of DOL, DOT and EPA on Section 4 of this bill and asked for them to be submitted before the subcommittee's upcoming Feb-

ruary 15th hearing. Unfortunately, none of the three agencies replied before the hearing.

On February 15, 2000, the subcommittee held a hearing entitled, "Is The Department of Labor Regulating the Public Through the Backdoor?" The purpose of the hearing was to examine DOL's use of nonregulatory guidance documents and to determine whether DOL was regulating the public through the backdoor—by imposing binding legal requirements in nonregulatory guidance documents. The hearing allowed the Department's chief legal officer, Solicitor Henry Solano, to discuss DOL's use of nonregulatory guidance documents instead of public rulemaking and the ways in which DOL disclosed or failed to disclose whether or not each such guidance document is legally binding on the public.

Besides Mr. Solano, witnesses included: Michael E. Baroody, senior vice president, Policy, Communications and Public Affairs, National Association of Manufacturers [NAM] and former Assistant Secretary of Policy, DOL; Robert A. Anthony, George Mason University Foundation professor of law and former chairman, Administrative Conference of the United States; Jud Motsenbocker, owner, Jud Construction Co., Muncie, IN; Dixie Dugan, human resource coordinator, Cardinal Service Management, Inc., New Castle, IN; Dave Marren, vice president and division manager, the F.A. Barlett Tree Expert Co., Roanoke, VA; and Adele Abrams, attorney with Patton, Boggs in Washington, DC.

The hearing revealed that: (a) DOL and DOT had admitted that *none* of their listed guidance documents were legally binding on the public; (b) DOL and DOT had admitted that *none* of their listed guidance documents were submitted to Congress for review under the CRA; (c) the vast majority of DOL's and DOT's submitted guidance documents did not make it clear to the public that the documents are not legally binding on the public; and (d) only 8 percent of DOL's 1999 OSHA guidance documents included any explanation of legal effect and only 5 percent put this explanation at the beginning of the document. In contrast, DOT included an explanation of legal effect in about 40 percent of its NHTSA guidance documents.

The hearing also examined several areas of DOL guidance. Mr. Baroody opened his testimony by saying, "To put the matter simply, your subject is important. It is important economically and commercially, socially and politically, legally and constitutionally." He provided many examples of agency guidance documents which make "the point that the problem of non-regulatory guidance, 'non-rule rules,' back-door rulemaking as it is variously described, is not just a problem at the Occupational Safety and Health Administration, nor is it just a problem at the Department of Labor. It is a problem widespread in this Administration."

He continued, "This subcommittee is properly focused on agency avoidance of the scrutiny and oversight provided for by the Administrative Procedure Act, the Congressional Review Act and similar enactments. In fact such avoidance through 'guidance,' through interpretive and opinion letters, through compliance documents and the like is always inappropriate and at least occasionally illegal. Equally troubling are the occasions when an agency might technically comply with such legal requirements but does so in a way that may be best described as pretextual—in other words, when compliance with what I have called the accountability statutes is

a ruse." Mr. Baroody's testimony on behalf of NAM is included in appendix E.

The hearing, including testimony by Ms. Dugan, examined one aspect of DOL's Family and Medical Leave Act [FMLA] guidance. The hearing revealed that DOL issued a nonregulatory but policysetting guidance opinion letter which redefined a "serious health condition" under the 1993 FMLA. DOL's 1995 opinion letter said that minor illnesses, such as the common cold, were not a serious health condition. However, in December 1996, DOL retracted its previous definition and stated that the common cold, the flu, ear-aches, upset stomachs, et cetera, all are covered by the FMLA if an employee is incapacitated more than 3 consecutive days and receives continuing treatment from a health care provider. Ms. Dugan's testimony explained that the consequences of this nonregulatory and costly redefinition reverberated throughout the employer world and actually created a problem for needy people. Ms. Dugan, a human resource coordinator for a private, for-profit corporation whose services include group homes and supported living apartments, explained, "When employees are legitimately on leave we find a way to cover for them; however, under DOL opinion letters unscheduled and unplanned absences and illegitimate leave hurts us. They threaten our ability to serve our clients who are counting on us to be there 24 hours a day. We share this dilemma with many industries where unscheduled and unplanned absences can affect customers and coworkers."

The hearing noted DOL's backdoor work-at-home guidance. On January 5, 2000, the subcommittee wrote to DOL about its November 15, 1999, work-at-home policysetting guidance letter, which was not included in DOL's 3,374 OSHA documents submitted to the subcommittee, since it was issued after the subcommittee's October 8th request letter. The subcommittee sought to determine if DOL's 1999 guidance had been submitted to Congress for review under the CRA and if it was legally binding on the public. Of especial concern was DOL's expansion, without any express statutory delegation from Congress, of its jurisdiction into private homes. Subsequently, DOL withdrew this guidance document; however, DOL's 1993, 1995, and 1997 work-at-home guidance documents had not been withdrawn as of the hearing. However, the 1993 and 1995 documents had an advisory on OSHA's website that they were "under review."

The hearing, including testimony by Mr. Marren, explored DOL's 1998 and 1999 guidance documents for arborists. DOL withdrew both of these guidance documents after threats of lawsuits against DOL for not following the APA's statutory procedures for new rulemaking.

One of these guidance documents was removed from OSHA's website right before the subcommittee's hearing.

During the hearing, Subcommittee Ranking Member Dennis Kucinich stated his desire "that we move forward in a bi-partisan way to try to craft some language which may be of assistance to our friends in the private sector, but not in any way serve to undermine the spirit of the laws which we have taken part in passing."

As a consequence, after late replies from DOL, DOT and EPA about Section 4 of H.R. 3521, on May 3rd and May 19th, sub-

committee majority and minority staff met with officials of these agencies and OMB. After being unable to reach agreement on revised legislative language, on May 19th, Subcommittee Chairman McIntosh wrote eight additional regulatory agencies for a compendium of their non-codified documents issued since March 1996 and a copy of the first page of each such document and all other pages with any specific explanation in the document itself regarding its legal effect. These agencies included: the Department of Agriculture, the Department of Energy, the Food and Drug Administration in the Department of Health and Human Services, the Fish and Wildlife Service in the Department of the Interior, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Trade Commission, and the Securities and Exchange Commission.

In addition, DOL and DOT were asked to provide compendiums and the other information for the rest of their bureaus since they had previously only provided such information for OSHA and NHTSA, respectively. Since EPA had provided information on all of its guidance documents issued since March 1996 and since EPA had submitted March 1999 and October 1999 letters confirming that its guidance documents have no binding legal effect on the public (see appendix A), it was not additionally tasked.

Instead of producing the requested compendiums and other information, DOT proposed and then orchestrated a model letter for each of the agencies to send the subcommittee to clarify the non-binding legal effect of their agency guidance documents. The subcommittee agreed and then worked with DOT staff to develop a mutually acceptable model letter. From July to September 2000, these eight agencies, along with DOL and DOT, each submitted their individual clarification letters from their chief legal officials stating that their agency guidance documents are not legally binding on the public.

The letters state that their guidance documents are "not legally binding" and conclude by saying, "We recognize the importance of using guidance properly, and we have taken—and will continue to take—appropriate steps to address the concerns that guidance not be used as a substitute for rulemaking and to make the legal effect of our documents clear to the public." Additionally, the letters explain that the public can "rely" on agency guidance, especially in an enforcement action, i.e., the guidance provides a "safe harbor." In fact, agency guidance is often legally binding on the agency itself. Chairman McIntosh's May 2000 letters to the eight agencies are included in appendix F. The 10 agencies' July to September 2000 clarification letters about the non-binding legal effect of their guidance documents are included in appendix G.

III. Conclusions

The committee finds that, since the March 1996 enactment of the CRA, OMB failed to provide sufficient guidance to the agencies on implementation of the CRA. The result has been some agency confusion about the CRA, especially about agency guidance documents subject to congressional review under the CRA, and incomplete agency compliance with the CRA. Under the CRA, agency guidance with any general applicability and future effect is subject to con-

gressional review. Without the required congressional review, covered agency guidance has no legal force or effect.

The committee also finds that agencies have sometimes improperly used guidance documents as a backdoor way to bypass the statutory notice-and-comment requirements for agency rulemaking and establish new policy requirements.

The committee further finds that agencies often do not clearly state within their guidance documents that they are not legally binding on the public. As a consequence, the public often is confused and unfairly burdened, sometimes at great cost.

As a consequence, the committee requested information from the major regulatory agencies about their use of nonregulatory guidance documents, their submissions for congressional review under the CRA, and their specific explanations within each guidance document regarding its legal effect. The agencies responded by submitting letters to the committee confirming that their guidance documents have no legally binding effect on the public.

The committee is pleased to make these agency letters available to the public but remains concerned about future backdoor rulemaking attempts by the agencies and future agency guidance documents without explanations regarding their non-binding legal effect on the public. As a consequence, the committee intends to continue its oversight in this area and asks the public to inform the committee about any instances of agency guidance which either establishes policy through the backdoor or is unclear about its not-binding legal effect on the public.

[The appendixes referred to follow:]

APPENDIXES

APPENDIX A

Rec'd 3/15/99

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAR 2 1999

OFFICE OF
GENERAL COUNSEL

Honorable David M. McIntosh
Chairman, Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
House of Representatives
Washington, DC 20515-6143

Dear Chairman McIntosh:

This letter provides an additional response to your letter of December 8, 1998, to Administrator Carol Browner in which you asked whether the Environmental Protection Agency (EPA) intends to submit the final version of the "Proposed Implementation Guidance for the Revised Ozone and Particulate Matter (PM) National Ambient Air Quality Standards (NAAQS) and Regional Haze Program" to Congress under the Congressional Review Act (CRA). Your letter also referenced our table of "Major Action Items to Reinvent Ozone and PM NAAQS and Regional Haze Implementation," which lists various guidance documents and rulemaking actions and asked whether EPA intends to submit those documents under the CRA.

Robert Perciasepe, Assistant Administrator of EPA's Office of Air and Radiation, provided an initial response to your December 8th letter on January 29, 1999, which stated that EPA would submit the rulemaking actions once they were final, and would determine on a case-by-case basis whether the guidance documents that were the subject of your inquiry were subject to the CRA. In a subsequent telephone conversation, Barbara Kahlow of your staff reiterated that you would like a written explanation of EPA's legal interpretation of the applicability of the CRA to the documents referenced in your letter. This letter provides that response, as well as some background on EPA's compliance with the CRA since enactment.

Upon its enactment, EPA aggressively moved to implement *all* provisions of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. 104-121, including the CRA provisions that are codified at 5 U.S.C. Chapter 8. We developed a detailed 70-page Interim Guidance dated February 1997, which explained to EPA staff the various SBREFA provisions, including the CRA. EPA provided a copy of this internal Agency guidance to the House Committee on Government Reform and Oversight on February 18, 1997. In July 1998, EPA issued to its rulewriters revised CRA guidance that explained in more detail the requirements of the CRA, EPA's methodology for complying with it, and the lessons we had learned during the first two years of implementing the CRA. I have attached a copy of this internal Agency guidance for your reference.

Also, as part of our commitment to full compliance with the CRA, EPA developed strict control procedures to ensure that all rules are submitted and received by Congress and GAO in a timely fashion. These procedures, which we have refined over time, include:

Printed on Recycled Paper

- Daily review of *Federal Register* prepublication lists and monthly review of the *Congressional Record* to verify receipt by Congress;
- Transmittal of receipts to program offices for inclusion in the official docket for the rule;
- A requirement that program offices prepare CRA predetermination forms for all rules; and
- Same-day delivery of receipts from our courier who delivers CRA documents to Congress and GAO.

In addition to updating our internal CRA guidance document to reflect these changes, EPA expanded our internal training workshops to emphasize the requirements of CRA, and incorporated specific language regarding compliance with, or exemption from, CRA requirements in all final rule preambles.

On April 18, 1998, we received a GAO report listing EPA rules that GAO believed may not have been submitted under the CRA. On May 4, 1998, we were pleased to verify that EPA indeed had submitted to Congress and GAO all final rules subject to the CRA that GAO had listed in its report. Further, EPA was *not* one of the numerous agencies listed in GAO's *Federal Register* notice of December 29, 1998 (63 FR 71672), which identified interim and final rules published by Federal agencies that GAO had not received prior to the announced effective dates. This indicates that our procedures are effective in ensuring full compliance with the submission requirements of the CRA. We will, of course, continue to monitor our process and make improvements as needed.

With respect to your inquiry regarding EPA's legal interpretation of the scope of the CRA, since its enactment, EPA consistently has interpreted the CRA as applying only to agency actions *that contain binding legal requirements*, regardless of what those documents are titled or whether those documents are subject to statutory notice-and-comment rulemaking requirements. Thus, EPA has submitted to both Houses of Congress and to GAO under the CRA not only final rules promulgated by the agency, but also documents labeled "guidelines" that contain binding legal requirements,[1] unless the document is expressly exempted from CRA coverage pursuant to 5 U.S.C. § 804(3).

---

[1]An example of an EPA binding guideline is EPA's Drinking Water State Revolving Fund (SRF) Program Guidelines. As a matter relating to grants, the SRF Guidelines are exempted expressly from the APA's notice-and-comment provisions by 5 U.S.C. § 553(a)(2). Nonetheless, EPA determined that the SRF Guidelines, which describe how the Agency will implement the new grant program authorized by section 1452 of the Safe Drinking Water Act, are subject to the CRA because they contain binding legal requirements. For example, in addition to the statutory requirements, the guidelines require the state attorney general to certify that the state has adequate legal authority to operate an SRF program and require States to conduct environmental reviews of all projects that may affect significantly the environment. The Guidelines also describe what types of projects will or will not further compliance with drinking water standards and therefore are or are not eligible for loans from an SRF.

EPA reads the APA and the CRA together and concludes that only substantive rules and policy statements or guidance documents containing binding legal requirements are subject to the CRA. Section 801(a)(1)(A) of the CRA states:

> *Before a rule can take effect,* the Federal agency promulgating such a rule shall submit to each house of Congress and to the Comptroller General and make available to each House of Congress a report containing –
>
> (v) a copy of the rule;
> (vi) a concise general statement relating to the rule, including whether it is a major rule; and
> (vii) the proposed *effective date* of the rule.

5 U.S.C. § 801(a)(1)(A) (emphasis added). Section 802 provides the language that is to be used in a joint resolution of disapproval as: "That Congress disapproves the rule submitted by ___ relating to ___, and such rule *shall have no force or effect.*" 5 U.S.C. § 802(a) (emphasis added). Section 801(f) further states that "any *rule* that *takes effect* and later is made of *no force or effect* by enactment of a joint resolution under section 802 shall be treated as though such rule had never taken effect." 5 U.S.C. § 801(f) (emphasis added).

EPA does not intend its policy statements and guidance documents to be binding and they have no binding legal effect on the public.[2] We prepare and issue these documents to provide information regarding an EPA regulation or enforcement position that may be useful to EPA employees and/or the public. Under the CRA, if an agency fails to send a substantive rule to Congress and GAO, it is not effective; i.e., no party, including EPA, can enforce it because it has no binding legal effect. The concept of "effectiveness" is alien to most guidance documents or policy statements because, by their very nature, they are not binding. Thus, EPA believes we have reasonably interpreted the plain language of the CRA as applying the Congressional review provisions only to substantive rules and to guidance or policy statements that impose binding legal requirements.

EPA's practice of including within the scope of the CRA guidelines and other documents that have binding legal requirements, regardless of title and regardless of whether they are subject to notice-and-comment requirements meets the intent underlying the CRA – i.e., that agencies submit documents to Congress and GAO if these documents have binding legal effect. EPA does not believe that the CRA should be read as applying to guidance documents or policy statements that EPA does not intend to be binding and which clearly have no binding effect on the public.

It is based on this legal interpretation that Mr. Perciasepe responded to you in his letter of January 29th that we would be submitting to Congress and GAO under the CRA all rules that

---

[2]As stated above, if such documents do contain binding legal requirements, EPA considers them within the scope of the CRA and submits them to Congress and GAO, unless they are otherwise exempt under 5 U.S.C. § 804(3).

were the subject of your December 8th inquiry once they were final, but would determine on a case-by-case basis which, if any, guidance documents we would submit. It is not until these guidance documents are final will EPA be able to determine whether they contain binding legal requirements and thus, must be submitted under the CRA. Nevertheless, in the spirit of openness, EPA is committing in this letter that we will send to the Congress and GAO courtesy copies of all non-binding guidance documents referenced in your letter as they are issued.

In addition, please note that as a result of your inquiries, the continued interest in this area from others outside the Agency, and as part of our ongoing efforts to make our guidance, policy statements, and interpretive rules more accessible to the public, EPA is looking broadly at the issue of guidance/policy and the CRA to determine an overall framework by which EPA will routinely send courtesy copies of these non-binding documents to Congress and GAO. We expect to have procedures in place to carry this out in the next several months.

I appreciate this opportunity to be of service and trust that this information will be helpful to you.

Sincerely,

Lisa K. Friedman
Acting Principal Deputy General Counsel

Enclosures
Congressional Review Act: EPA Guidance for Rulewriters, dated July 1998

Rec'd 10/19

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OCT 6 1999

OFFICE OF
GENERAL COUNSEL

Honorable David M. McIntosh
Chairman, Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
House of Representatives
Washington, DC 20515-6143

Dear Chairman McIntosh:

This letter provides a response to your letter of September 20, 1999, to Administrator Carol Browner in which you asked why the Environmental Protection Agency (EPA) did not submit its "Final Guidance on Environmentally Preferable Purchasing for Executive Agencies" ("Final Guidance") to Congress under the Congressional Review Act (CRA).

As you know, EPA consistently has interpreted the CRA to apply only to agency actions that contain binding legal requirements, regardless of what those documents are titled, or whether those documents are subject to statutory notice-and-comment rulemaking requirements. Thus, it is EPA's practice to submit to both Houses of Congress and to the Comptroller General under the CRA not only final rules promulgated by the Agency, but also documents labeled "guidance" that contain binding legal requirements, unless the documents are expressly exempted from CRA coverage pursuant to 5 U.S.C. § 804(3).

EPA did not submit the Final Guidance to Congress for review under the CRA because the Final Guidance is written, and EPA treats it, as a non-binding guidance document. In Executive Order 13101, "Greening the Government Through Waste Prevention, Recycling and Federal Acquisition," signed on September 14, 1998, President Clinton directs each agency to incorporate waste prevention and recycling in its daily operations by, among other things, identifying and purchasing environmentally preferable products and services. Section 503(a) of E.O. 13101 directs EPA to develop guidance to address environmentally preferable purchasing, and section 503(b) states that "[a]gencies are encouraged to immediately test and evaluate the principles and concepts contained in the EPA's Guidance."

EPA, as directed by E.O. 13101, developed the Final Guidance to assist agencies in meeting their obligations under E.O. 13101. As contemplated by E.O. 13101, the Final Guidance does not create any legally binding requirements. Rather, the Final Guidance provides a broad framework of issues to consider in environmentally preferable purchasing in the Federal government setting, by discussing five guiding principles developed by EPA: 1) Environment +

Printed on Recycled Paper

Price + Performance = Environmentally Preferable Purchasing; 2) Pollution Prevention; 3) Life Cycle Perspective/Multiple Attributes; 4) Comparison of Environmental Impacts; and 5) Environmental Performance Information.

More specifically, the Final Guidance encourages agencies to award contracts to companies that take environmental concerns into account, to consider pollution prevention in the interest of reducing pollution and reducing the cost of waste disposal and cleanup, to purchase products and services with as few negative environmental impacts in as many life cycles as possible, to compare the various environmental impacts among competing products or services, and to acquire comprehensive, accurate information about the environmental characteristics of products and services to better evaluate whether one product or service is more or less damaging than another. In addition, the Final Guidance recommends steps that each agency can take, and provides a list of resources that agencies may find useful in implementing environmentally preferable purchasing. EPA was careful to use only discretionary language in the Final Guidance so that its non-binding nature would be readily apparent to the agencies, that is, agencies retain discretion in making purchasing decisions.

As stated above, the Final Guidance, as contemplated by E.O. 13101, merely suggests and describes the methods by which agencies can comply with E.O. 13101. The Final Guidance does not include any legally binding requirements, nor does it confer any legally enforceable right on any party.

Thank you for your inquiry regarding our Final Guidance on Environmentally Preferable Purchasing for Executive Agencies. Please feel free to contact me at 260-8040, or have your staff contact Leslye Fraser at 564-5536 if we may provide you with any additional information.

Sincerely,

Gary S. Guzy
General Counsel

APPENDIX B

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LaTOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
JOHN T. DOOLITTLE, CALIFORNIA
HELEN CHENOWETH, IDAHO

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
GARY A. CONDIT, CALIFORNIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE

BERNARD SANDERS, VERMONT,
INDEPENDENT

April 1, 1999

BY FACSIMILE

The Honorable Jacob J. Lew
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Lew:

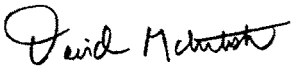
This letter provides our response to the March 30, 1999, "Guidance for Implementing the Congressional Review Act" issued by the Office of Management and Budget (OMB) in response to a statutory requirement for OMB, by March 31st, to issue "guidance on the requirements of 5 U.S.C. Sec. 801(a)(1) and (3); sections 804(3), and 808(2), including a standard new rule reporting form for use under section 801(a)(1)(A)-(B)." On Friday, March 25th, OMB provided a draft version of the OMB guidance for our review and comment. On Monday, March 29th, we met with OMB staff on the draft and said that the draft guidance was not responsive to our expectations, our previous agreements, or Congressional intent.

The final guidance reflects only four minor changes in response to the March 29th meeting. The major issues identified in the meeting were not addressed by OMB in the final guidance. These include: (1) an elaboration of the definition of "rule" under the Congressional Review Act (CRA) to include agency interpretive rules, policy statements, guidances, and other documents of general applicability and future effect that interpret, prescribe, or implement policy, regardless of whether such documents are represented to be legally "binding;" (2) a discussion of the limitations of the "good cause" exemption for a change in the effective date of rules, including clarification that the exemption cannot be used for rules previously subject to notice and comment; and (3) a discussion of the legal standing, effectiveness, and potential for judicial review of rules not submitted to Congress pursuant to section 801(a)(1).

Last Fall, we provided OMB with a draft guidance document which fully addressed all of the missing subject areas. Since this document can be easily used to meet Congressional intent for complete OMB guidance, we expect OMB to issue revised, responsive guidance not later than April 30, 1999.

If you have any questions about this letter, please contact Professional Staff Member Barbara Kahlow at 225-4407. Thank you in advance for requesting our comments.

Sincerely,



David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich
The Honorable Jim Kolbe

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LaTOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
JOHN T. DOOLITTLE, CALIFORNIA
HELEN CHENOWETH, IDAHO

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
GARY A. CONDIT, CALIFORNIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE

BERNARD SANDERS, VERMONT,
INDEPENDENT

June 2, 1999

BY FACSIMILE
The Honorable Jacob J. Lew
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Lew:

This letter responds to a May 7, 1999 letter from Acting Administrator Donald Arbuckle in response to my April 1st letter to you on the Office of Management and Budget's (OMB) March 30th "Guidance for Implementing the Congressional Review Act." My April 1st letter reiterated the views expressed in the Subcommittee's March 29th meeting with OMB staff on OMB's statutorily-required, draft revised Congressional Review Act (CRA) guidance to the agencies; namely, that OMB's latest guidance is not responsive to Congressional expectations, our previous agreements, or Congressional intent for expanded and complete OMB guidance to be issued by March 31st.

Last Fall, we provided OMB with a draft guidance document that fully addressed the issue areas that were not reflected in OMB's guidance. We were surprised and disappointed that OMB's March 25th draft, revised guidance did not reflect the issue areas in our draft guidance document and expressed our dismay in the March 29th meeting. Now, to assure our common understanding before OMB issuance of another version of its guidance to the agencies, please provide the Subcommittee by June 18th with OMB's written:

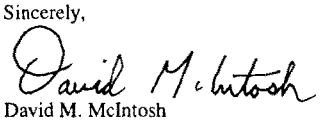
(1) elaboration of the definition of "rule" under CRA to include agency interpretive rules, policy statements, guidances, and other documents of general applicability and future effect that interpret, prescribe, or implement policy, regardless of whether such documents are represented to be legally "binding;"

(2) discussion of the limitations of the "good cause" exemption for a change in the effective date of rules, including clarification that the exemption cannot be used for rules previously subject to notice and comment; and

(3) discussion of the legal standing, effectiveness, and potential for judicial review of rules not submitted to Congress pursuant to section 801(a)(1).

If you have any questions about this letter, please contact Professional Staff Member Barbara Kahlow at 225-4407.

Sincerely,



David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich
The Honorable Jim Kolbe

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LaTOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
JOHN T. DOOLITTLE, CALIFORNIA
HELEN CHENOWETH, IDAHO

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT
INDEPENDENT

August 2, 1999

BY FACSIMILE

The Honorable Jacob J. Lew
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Lew:

This letter responds to a July 20, 1999 letter from Office of Information and Regulatory Affairs Administrator John T. Spotila in response to my June 2nd letter to you on the Office of Management and Budget's (OMB) March 30th "Guidance for Implementing the Congressional Review Act." My April 1st and June 2nd letters reiterated the views expressed in the Subcommittee's March 29th meeting with OMB staff on OMB's statutorily-required, draft revised Congressional Review Act (CRA) guidance to the agencies; namely, that OMB's latest guidance is not responsive to Congressional expectations, our previous agreements, or Congressional intent for expanded and complete OMB guidance to be issued by March 31st.

OMB's July 20th letter asserts that OMB's March 30th revised guidance was "coordinated" with the staff of the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, which I chair. I am uncertain what "coordinated" means to OMB in this context. Last Fall, we provided OMB with a draft guidance document that fully addressed the issue areas that were not reflected in OMB's guidance. We were surprised and disappointed that OMB's March 25th draft, revised guidance did not reflect the issue areas in our draft guidance document, and we expressed our dismay in the March 29th meeting.

My June 2nd letter asked OMB in its elaboration of the definition of "rule" under CRA to include agency interpretive rules, policy statements, guidances, and other documents of general applicability and future effect that interpret, prescribe, or implement policy, regardless of whether such documents are represented to be legally "binding." OMB's July 20th response that its definition of "rule" is based on the Administrative Procedure Act definition of "rule" is unacceptable given the legislative history and intent of the CRA.

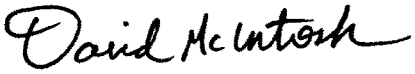
As the legislative history of the CRA explains, the authors specifically chose the definition of 5 USC §551 to extend the scope of the CRA beyond the scope of rules subject to the

notice and comment provisions of 5 USC §553: "The committées intend this chapter to be interpreted broadly with regard to the type and scope of rules that are subject to congressional review. The term 'rule' in subsection 804(3) begins with the definition of a 'rule' in subsection 551(4) . . . . The definition of a rule does not turn on whether a given agency must normally comply with the notice and comment provisions of the APA, or whether the rule at issue is subject to any other notice-and-comment procedures. . . . The committees are concerned that some agencies have attempted to circumvent notice-and-comment requirements by trying to give legal effect to general statements of policy, 'guidelines,' and agency policy and procedure manuals" (Statement of Rep. Hyde, CONG. REC., April 19, 1996 at E578). As a consequence, by August 13th, please provide the Subcommittee with OMB's legal analysis to support a more limited definition of "rule."

My June 2nd letter also asked OMB to provide: (a) a discussion of the limitations of the "good cause" exemption for a change in the effective date of rules, including clarification that the exemption cannot be used for rules previously subject to notice and comment; and (b) a discussion of the legal standing, effectiveness, and potential for judicial review of rules not submitted to Congress pursuant to section 801(a)(1). OMB's July 20th response that OMB "respects your views, but still believes that the guidance is worded appropriately" is not responsive to the specific information requested under (a) and (b) and is unacceptable. Please provide the specific requested information by August 13th.

If you have any questions about this letter, please contact Professional Staff Member Barbara Kahlow at 225-4407.

Sincerely,



David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich
The Honorable Jim Kolbe

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

October 12, 1999

BY FACSIMILE

The Honorable Jacob J. Lew
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Lew:

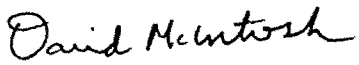
This letter requests a written explanation why the Office of Management and Budget (OMB) has still not provided a response to my August 2, 1999 letter about OMB's "Guidance for Implementing the Congressional Review Act" (CRA). Instead, on August 12th, OMB's Office of Information and Regulatory Affairs Administrator John Spotila sent me a letter stating "We will give further consideration to your views and respond to you after your return from the August recess." Upon receipt of this letter, the Subcommittee staff called to say that they were available to meet Mr. Spotila at any time. Nonetheless, OMB was unwilling to schedule a meeting.

As I stated in my April 1st, June 2nd and August 2nd letters, OMB's March 31st guidance is not responsive to Congressional expectations for expanded and complete OMB guidance on the CRA, as required by law to be issued by March 31st. When will OMB be issuing expanded and complete CRA guidance, especially about noncodified documents with general applicability and future effect?

In the meantime, I have begun an investigation of agencies' use of noncodified documents (such as guidance, guidelines, manuals, and handbooks), including the specific explanations within each of these documents regarding their legal effect. I have also asked agency General Counsels to identify if each of these documents was submitted to Congress under the CRA.

If you have any questions about this letter, please contact Professional Staff Member Barbara Kahlow at 225-4407.

Sincerely,



David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Henry A. Waxman
The Honorable Dennis Kucinich
The Honorable Jim Kolbe
The Honorable Steny H. Hoyer

APPENDIX C

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LaTOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

October 8, 1999

BY FACSIMILE

The Honorable Henry Solano
Solicitor
Department of Labor
200 Constitution Avenue, N.W. - Room S2002
Washington, D.C. 20210

Dear Mr. Solano:

This letter begins our investigation of your agency's use of non-codified documents (such as guidance, guidelines, manuals, and handbooks) and your agency's explanation within each of them to ensure the public's understanding of their legal effect.

Pursuant to the Constitution and Rules X and XI of the United States House of Representatives, please provide the Subcommittee with the following information: (a) a complete compendium in the exact format shown in the Attachment to this letter (in both a paper version and on a computer disc), and (b) a copy of each non-codified document, including a highlighted and tabbed reference to the specific explanation in the document itself regarding its legal effect.

Your response should be delivered to the Subcommittee majority staff in B-377 Rayburn House Office Building and the minority staff in B-350A Rayburn House Office Building not later than noon on Friday, November 19, 1999. If you have any questions about this request, please call Professional Staff Member Barbara Kahlow on 226-3058.

Thank you for your attention to this request.

Sincerely,

David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

Attachment

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich

Compendium of All Non-Codified Documents[1] Currently in Active Use
(ordered from newest to oldest)

Title of Non-codified Document	Date of Issuance	Submitted to Congress under CRA[2]? (Y or N)		Legally Binding[3]? (Y or N)		FR Citation or None	No. of Pages	Comment
TOTAL		Y:	N:	Y:	N:			

[1]Includes all types of non-codified documents, such as guidance, guidelines, manuals, and handbooks.

[2]CRA refers to the Congressional Review Act (5 U.S.C. 801).

[3]Binding means having general applicability and future effect.

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT
INDEPENDENT

October 8, 1999

BY FACSIMILE

The Honorable Nancy McFadden
General Counsel
Department of Transportation
400 7th Street, S.W. - Room 10428
Washington, D.C. 20590

Dear Ms. McFadden:

This letter begins our investigation of your agency's use of non-codified documents (such as guidance, guidelines, manuals, and handbooks) and your agency's explanation within each of them to ensure the public's understanding of their legal effect.

Pursuant to the Constitution and Rules X and XI of the United States House of Representatives, please provide the Subcommittee with the following information: (a) a complete compendium in the exact format shown in the Attachment to this letter (in both a paper version and on a computer disc), and (b) a copy of each non-codified document, including a highlighted and tabbed reference to the specific explanation in the document itself regarding its legal effect.

Your response should be delivered to the Subcommittee majority staff in B-377 Rayburn House Office Building and the minority staff in B-350A Rayburn House Office Building not later than noon on Friday, November 19, 1999. If you have any questions about this request, please call Professional Staff Member Barbara Kahlow on 226-3058.

Thank you for your attention to this request.

Sincerely,

David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

Attachment

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich

Compendium of All Non-Codified Documents[1] Currently in Active Use
(ordered from newest to oldest)

Title of Non-codified Document	Date of Issuance	Submitted to Congress under CRA[2]? (Y or N)		Legally Binding[3]? (Y or N)		FR Citation or None	No. of Pages	Comment
TOTAL		Y:	N:	Y:	N:			

[1]Includes all types of non-codified documents, such as guidance, guidelines, manuals, and handbooks.

[2]CRA refers to the Congressional Review Act (5 U.S.C. 801).

[3]Binding means having general applicability and future effect.

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LaTOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT
INDEPENDENT

October 8, 1999

BY FACSIMILE

The Honorable Gary S. Guzy
General Counsel
Environmental Protection Agency
401 M Street, S.W. - 2310
Washington, D.C. 20460

Dear Mr. Guzy:

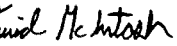
This letter begins our investigation of your agency's use of non-codified documents (such as guidance, guidelines, manuals, and handbooks) and your agency's explanation within each of them to ensure the public's understanding of their legal effect.

Pursuant to the Constitution and Rules X and XI of the United States House of Representatives, please provide the Subcommittee with the following information: (a) a complete compendium in the exact format shown in the Attachment to this letter (in both a paper version and on a computer disc), and (b) a copy of each non-codified document, including a highlighted and tabbed reference to the specific explanation in the document itself regarding its legal effect.

Your response should be delivered to the Subcommittee majority staff in B-377 Rayburn House Office Building and the minority staff in B-350A Rayburn House Office Building not later than noon on Friday, November 19, 1999. If you have any questions about this request, please call Professional Staff Member Barbara Kahlow on 226-3058.

Thank you for your attention to this request.

Sincerely,



David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

Attachment

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich

Compendium of All Non-Codified Documents[1] Currently in Active Use
(ordered from newest to oldest)

Title of Non-codified Document	Date of Issuance	Submitted to Congress under CRA[2]? (Y or N)		Legally Binding[3]? (Y or N)		FR Citation or None	No. of Pages	Comment
TOTAL		Y:	N:	Y:	N:			

[1]Includes all types of non-codified documents, such as guidance, guidelines, manuals, and handbooks.

[2]CRA refers to the Congressional Review Act (5 U.S.C. 801).

[3]Binding means having general applicability and future effect.

APPENDIX D

DOL/OSHA

NCS 8/23/00

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
001	1	Introduction to Industrial Hygiene for Safety Personnel #121A	01/01/1999	N	N	none	438e
002	1	OSHA Respiratory Standard	01/01/1999	N	N	none	50e
003	1	14 News Releases - Philadelphia Regional Area Citation Newsletter	09/22/1999	N	N	none	31e
004	1	Principles of Industrial Ventilation, Course #221	01/01/1999	N	N	none	94e
005	1	Powered Industrial Truck Operator Training Standard - Training and Reference Materials	05/12/1999	N	N	none	55
006	2	An Ergonomics System Aimed at Preventing Back Injuries in Health Care	01/01/1999	N	N	none	4
007	2	Ergonomics: The Essential Element for Effective Back Injury Prevention for Healthcare Workers	01/01/1999	N	N	none	3
008	2	Steel Erection OSHA Directive-Enforcement Policy for Steel Erection	02/10/1999	N	N	none	7

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
009	2	Screening and Surveillance: A Guide to OSHA Standards	01/01/1999	N	N	none	27
010	2	The Occupational Health Professional's Services and Qualifications	01/01/1999	N	N	none	32
011	2	Enforcement Guidance for the U.S. Postal Service	04/15/1999	N	N	none	18
012	2	Plain Language Revision of OSHA Instruction STD 3.1	06/18/1999	N	N	none	19
013	2	OSHA Procedures for Approval of Local Emphasis Programs (LEPs)	01/01/1999	N	N	none	12
014	2	Letter to Mark Smith, AirRail Transit Consortium	06/08/1999	N	N	none	3
015	2	Biohazards; Course 234	01/01/1999	N	N	none	281e
016	2	Permit-Required Confined Space Entry #226, Volume I	01/01/1999	N	N	none	125e

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
017	2	Permit-Required Confined Space Entry #226, Volume 2	01/01/1999	N	N	none	94e
018	2	OSHA's Electrical Course #309, Volume 2	01/01/1999	N	N	none	50e
019	2	OSHA's Electrical Course #309A, Volume 1	01/01/1999	N	N	none	63e
020	2	NIOSH--Worker Deaths in Confined Spaces; Case Reports	01/01/1999	N	N	none	80e
021	2	Machinery and Machine Guarding Standards	01/01/1999	N	N	none	175e
022	2	Implementing Ergonomic Approach Promotes Workplace Safety	01/01/1999	N	N	none	2
023	2	An Ergonomic Approach to Preventing Back Injuries from Patient Lifting	01/01/1999	N	N	none	8
024	2	Effectiveness of Ergonomic Interventions in Nursing Homes Using Participatory Approach: Preliminary Results	01/01/1999	N	N	none	6

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
025	2	Caring Till it Hurts: How nursing Home work is becoming the most dangerous job in America	01/01/1999	N	N	none	36
026	2	OSHA Compliance Update for Facilities Engineers	09/15/1999	N	N	none	11
027	2	OSHA Compliance Update for Facilities Engineers	07/29/1999	N	N	none	8
028	2	Preventing Injury/Saving Money in Nursing Homes	05/14/1997	N	N	none	3
029	2	OSHA Fines Contractor $21,150 for Four Serious Violations of Safety and Health Standards at Evergreen Trench Collapse	07/26/1999	N	N	none	2
030	2	SOL v. Cove Four Slide & Stamping Corp.	06/23/1999	N	N	none	13
031	2	Elements of Ergonomics Programs	01/01/1999	N	N	none	133
032	3	8th Annual Downstate Illinois Safety Day	03/24/1999	N	N	none	9

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
033	3	NAM OSHA Policy Subcommittee	04/28/1999	N	N	none	4
034	3	Steps to Creating an Indoor Air Quality Standard	01/01/1999	N	N	none	1
035	3	PMI Conference: OSHA Update Presentation by Sandy Taylor, 05/99	05/25/1999	N	N	none	9
036	3	Illinois Safety Council: OSHA Update Presentation by Sandy Taylor	07/13/1999	N	N	none	7
037	3	DIOSH Day, Bloodborne Pathogens	03/24/1999	N	N	none	5
038	3	OSHA's Recordkeeping Proposal - The Revision of Part 1904	01/01/1999	N	N	none	5
039	3	Violence in the Workplace - OSHA's Safety and Health Program Approach	01/01/1999	N	N	none	5
040	3	Workplace Violence - Night Retail Establishments	01/01/1999	N	N	none	4

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
041	3	OSHA's Working Draft of the Proposed Ergonomics Program Standard	01/01/1999	N	N	none	3
042	3	Most Employers Experience WRMSDs	01/01/1999	N	N	none	7
043	3	Real People, Real Problems, Real Solutions	01/01/1999	N	N	none	3
044	3	Opportunities for Action - Ergonomics in the Workplace	01/01/1999	N	N	none	7
045	3	Opportunities for Action - Ergonomics in the Workplace	03/01/1999	N	N	none	4
046	3	Patient Handling When Caring Hurts	10/01/1999	N	N	none	3
047	3	News Releases - Chicago Regional Area: Citations to Bilson Industries	01/01/1999	N	N	none	2
048	3	News Release/Chicago: Protection of Whistleblowers 3/31/99	03/31/1999	N	N	none	2

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
049	3	News Release/Chicago: Citations to Sealy Mattress Company	06/14/1999	N	N	none	2
050	3	News Release/Chicago: Citations to Citgo Petroleum Refinery	06/08/1999	N	N	none	2
051	3	News Release/Chicago: Statement by Secretary of Labor on Lemaster Steel Erectors	06/09/1999	N	N	none	1
052	3	News Release/Chicago: Citations to Miami Valley Paper Company	06/22/1999	N	N	none	2
053	3	News Release/Chicago: Citations to CMS Hartzell	07/02/1999	N	N	none	1
054	3	News Release/ Chicago: Citations to Belleville Firm	06/26/1999	N	N	none	1
055	3	News Release/Chicago: OSHA warns area Beauty Shops	07/09/1999	N	N	none	1
056	3	News Release/Chicago: Citations to STI Plastics	07/15/1999	N	N	none	1

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
057	3	News Release/Chicago: Citations to Elgin Roofing Company	07/29/1999	N	N	none	1
058	3	News Release/Chicago: Citations to World Color Press	07/29/1999	N	N	none	3
059	3	News Release/Chicago: Citations to Homrich Inc.	01/07/1999	N	N	none	3
060	3	News Release/Chicago: Citations to Fred Teitelbaum Construction	01/11/1999	N	N	none	5
061	3	News Release/Chicago: Citations to Swallow Construction Corporation	01/12/1999	N	N	none	2
062	3	News Release/Chicago: Fines against Tomasco Mulciber Inc.	01/19/1999	N	N	none	2
063	3	News Releases/Chicago: Citations News (23c)	10/01/1999	N	N	none	31
064	3	Memorandum for Grain Handling Facilities	06/18/1999	N	N	none	1

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

c = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
065	3	OSHA's Respiratory Protection Standard	01/01/1999	N	N	none	20
066	3	Presentation on Concrete & Masonry Construction	01/01/1999	N	N	none	1
067	3	OSHA's Discrimination Programs - An Overview	01/01/1999	N	N	none	4
068	3	Fall Protection, Industrial Truck Training, and Common Citations	01/01/1999	N	N	none	3
069	3	SOL v. Workpros, Inc.	08/24/1999	N	N	none	8
070	3	Overview of Illinois Hazards, Local Emphasis Program, 1910.272 Standard	01/01/1999	N	N	none	3
071	3	Illinois OSHA Office Locations, Inspection Priorities, Inspection Process, etc.	09/17/1999	N	N	none	3
072	3	OSHA Whistle-Blower Protection	01/01/1999	N	N	none	3

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
073	3	WCS Annual Autumn Safety & Health Conference	01/01/1999	N	N	none	9
074	3	Discrimination Complaints Investigated by OSHA	01/01/1999	N	N	none	6
075	3	Protecting Whistleblowers	01/01/1999	N	N	none	2
076	3	Informal Conference Checklist: Conference Preparation Checklist	01/01/1999	N	N	none	1
077	3	Local Emphasis Program (LEP) for Grain Handling Facilities	10/01/1999	N	N	none	6
078	3	Logging industry local emphasis program (LEP) for the State of Wisconsin	05/03/1999	N	N	none	11
079	3	LEP for High Rise Building Construction Inspections in Downtown Chicago, Illinois	04/27/1999	N	N	none	3
080	3	Local Emphasis Program for Telecommunication Towers during Construction Activities in the State of Ohio	04/15/1999	N	N	none	4

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
081	3	Strat Team Initiative on Water Towers	01/01/1999	N	N	none	1
082	3	Local Emphasis Program for Fall Hazards in Construction	10/01/1999	N	N	none	4
083	3	Employer Rights and Responsibilities Following an OSHA Inspection	01/01/1999	N	N	none	36
084	3	How to Prevent Needlestick Injuries. Answers to Some Important Questions	01/01/1999	N	N	none	9
085	3	The Cold Stress Equation (English and Spanish versions)	01/01/1999	N	N	none	4
086	3	OSHA Speeches by Charles Jefress (14)	01/01/1999	N	N	none	66
087	3	Proceeding of GEAPS Exchange '99	01/25/1999	N	N	none	1
088	3	Industrial Hygiene in the Workplace - Presentation	01/01/1999	N	N	none	6

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
089	3	Fall Protection For Rail Cars - Presentation	01/01/1999	N	N	none	5
090	3	Dakota Trenching and Excavating Initiative - Presentation	01/01/1999	N	N	none	3
091	3	OSHA Update - Rules and Regulations - Presentation	01/01/1999	N	N	none	5
092	3	Machine Guarding - Presentation	01/01/1999	N	N	none	4
093	3	U.S. Department of Labor Bismark Area Office	01/01/1999	N	N	none	2
094	3	Letter - Distillation Unit: Resolv-r Model BE-160	01/25/1999	N	N	none	1
095	3	Occupational Health and Safety Consultation Program	01/01/1999	N	N	none	2
096	3	OSHA Fines T&G Service Company in Ft. Morgan $350,000 for Five Willful Safety and Health Violations	05/03/1999	N	N	none	2

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
097	3	Letter to Small Business Employers from Bobby Glover	01/01/1999	N	N	none	1
098	3	OSHA Update on Asbestos to the CWIACA	01/01/1999	N	N	none	3
099	3	Permit-Required Confined Spaces 1920.146 Amendments 12/1/98	05/21/1999	N	N	none	12
100	3	Safety and Health Issues for Concrete and Aggregate Producers	01/01/1999	N	N	none	19
101	3	Safety and Health Issues for Hotel & Lodging Industry	01/01/1999	N	N	none	11
102	3	The Denver Conference & Exposition for Reducing Fall Hazards in the Construction Industry	01/01/1999	N	N	none	3
103	3	OSHA Nursing Home Safety and Health Training	05/19/1999	N	N	none	50e
104	3	Letter - Mount Sinai Occupational Safety and Health Clinic Advisory Board meeting	07/09/1999	N	N	none	20

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
105	3	Construction Safety Update - OSHA's proposed steel erection standard	01/01/1999	N	N	none	3
106	3	Scaffold Safety - OSHA's revised Subpart L	01/01/1999	N	N	none	17
107	3	Managing Hazardous Materials Exposures	01/01/1999	N	N	none	7
108	3	Prevention of Employee Exposure Hazardous Drug Safety and Health Plan	01/01/1999	N	N	none	3
109	3	Fall Protection Presentation from New York Area Office	01/01/1999	N	N	none	5
110	3	Job Safety and Health Hazard Analysis	01/01/1999	N	N	none	20
111	3	Region 2 Whistleblower Program Outreach Initiative	09/30/1999	N	N	none	5
112	3	OSHA's Voluntary Protection Programs (VAP)	01/01/1999	N	N	none	19

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
113	3	Employee Involvement in Safety and Health Programs	01/01/1999	N	N	none	12
114	3	Elements of an Effective Safety and Health Program	01/01/1999	N	N	none	29
115	3	Letter from N.A. Gillen to OSEA	08/16/1999	N	N	none	3
116	3	OSHA's Proposed Standard for Occupational Exposure to Tuberculosis vs. Existing Requirements	01/01/1999	N	N	none	7
117	3	25 News By Fax from the NY Regional Office regarding OSHA citationsfor NY and NJ	01/01/1999	N	N	none	25
118	3	News article - OSHA addresses a new risk: crime	01/01/1999	N	N	none	1
119	3	Occupational Safety and Health Reporter (BNA, Inc.)	03/24/1999	N	N	none	29
120	3	Hazard ID documents from NIOSH	01/01/1999	N	N	none	13

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
121	3	Trenching and Excavations Presentation by Lis Ricca from NJ Area Office	05/01/1999	N	N	none	23
122	3	Manhattan Area Office Construction Inspection Summary FY99	01/01/1999	N	N	none	1
123	3	Job Safety and Health Quarterly - Construction Hazards and Fatalities Remain High	06/01/1999	N	N	none	46
124	3	NIOSH Alert - Preventing Worker Deaths from Uncontrolled Release of Electrical, Mechanical and Other Types of Hazardous Energy	08/01/1999	N	N	none	16
125	3	NIOSH - The Effects of Workplace Hazards on Female Reproductive Health	02/01/1999	N	N	none	11
126	3	NIOSH - The Effects of Workplace Hazards on Male Reproductive Health	01/01/1999	N	N	none	13
127	3	Ten Great Public Health Achievements	04/02/1999	N	N	none	2
128	3	OSHA letter--Partnerships with OSHA	01/01/1999	N	N	none	1

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

c = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
129	3	Ergonomic Inspection Report	01/01/1999	N	N	none	1
130	3	Standards cited for SIC 1711; 1-19 Employees; Federal October 1977 through September 1998	01/01/1999	N	N	none	2
131	3	OSHA article about partnership for the Union County Chamber of Commerce newsletter	09/16/1999	N	N	none	2
132	3	OSHA letter to Edison Chamber of Commerce regarding partnership	09/08/1999	N	N	none	2
133	3	OSHA letter to Somerset County Chamber of Commerce regarding partnership	09/08/1999	N	N	none	2
134	3	OSHA letter to Union County Chamber of Commerce regarding partnership	09/08/1999	N	N	none	2
135	3	Silica in Construction - Presentation	01/01/1999	N	N	none	3
136	3	1999 OSHA Nursing Home Safety and Health Training	05/19/1999	N	N	none	2

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
137	3	Workforce Involvement Diversity Enhancement and Recognition Program	01/01/1999	N	N	none	2
138	3	Department of Labor, Division of Safety and Health, On-Site Consultation Program	01/01/1999	N	N	none	2
139	3	How to use OSHA's home page	01/01/1999	N	N	none	1
140	3	Announcing the OSHA home page	01/01/1999	N	N	none	1
141	3	OSHA Information from GPO	01/01/1999	N	N	none	1
142	3	Letter to NY state employers regarding the New York State On-State Consultation Program	01/01/1999	N	N	none	1
143	3	OSHA is on the world wide web at http://www.osha.gov	01/01/1999	N	N	none	1
144	3	Informal Settlement Agreements with P.O.P. Dispays Inc., Bayside	05/25/1999	N	N	none	17

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

c = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
145	3	Safety Pays Presentation from Parsippany Area Office	01/01/1999	N	N	none	13
146	3	Focused Inspections in the Construction Industry	05/01/1999	N	N	none	6
147	3	Partnership: Government Working Better-Together: New Jersey Highway Construction Project	01/01/1999	N	N	none	3
148	3	OSHA: The Inspection and Common Violations, David Ippolito-Area Director	01/01/1999	N	N	none	5
149	3	Partnership: Government Working Better - Together	01/01/1999	N	N	none	6
150	3	NJ Highway Workzones, Partnership Results	01/01/1999	N	N	none	3
151	3	Safety and Health Associated General Contractor (AGC) Partnership for Excellence, Programmed/Targeted Inspection Agreement	01/01/1999	N	N	none	12
152	3	Spray Booth and Spray Area Check List	01/01/1999	N	N	none	6

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
153	3	Scaffold Checklist	09/15/1999	N	N	none	21
154	3	Respiratory Protection - Presentation	01/01/1999	N	N	none	16
155	3	Safety Standards for Steel Erection - Presentation	08/13/1998	N	N	none	21
156	3	Interim Inspection Procedures During Communication Tower Construction Activities	01/15/1999	N	N	none	16
157	3	National and Regional News Releases on Penalties and Citations (196 letters)	01/01/1999	N	N	none	542
158	3	OSHA Standards Interpretation and Compliance Letters (99 letters)	01/01/1999	N	N	none	241
159	3	OSHA - Residential Construction Presentation from Parsippany Area Office	01/01/1999	N	N	none	28
160	3	OSHA Inspection Procedures and Frequently Cited Standards	01/01/1999	N	N	none	31

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
161	3	Letter to Senator Santorum from Linda Anku	03/18/1999	N	N	none	2
162	3	Letter to Joseph Conicello from Kenneth Gerecke	06/10/1999	N	N	none	2
163	3	Letter to Congressman Holden from Linda Anku	03/18/1999	N	N	none	2
164	3	Hearing Conservation - The Reason for the OSHA Occupational Noise Exposure Standard	01/01/1999	N	N	none	16
165	3	An Agreement Between OSHA and the Television Broadcasting Companies of the Philadelphia Area	01/01/1999	N	N	none	29
166	3	Working Together: Presentation by Sue Barazi	01/01/1999	N	N	none	29
167	3	On-the-job Safety by Stan Elliot	01/01/1999	N	N	none	20
168	3	OSAH Update - Construction	01/01/1999	N	N	none	25

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
169	3	On-the-job Safety by Sue Barazi	01/01/1999	N	N	none	31
170	3	Letters from NAIMA, NIA, ICAA, DoL regarding the voluntary health and safety partnership program for fiber glass, rock and slag wool fiber products	05/18/1999	N	N	none	38
171	3	OTIs OSHA Technical Update - Safety Course, No. 305	07/29/1999	N	N	none	31
172	3	Occupational Safety and Health Laws in the U.S., Mexico, and Canada	01/01/1999	N	N	none	85
173	3	OSHA Update, Nurse in Washington Internship	03/09/1999	N	N	none	6
174	3	What's New at OSHA for OHNs, Virginia State Association of Occupational Health Nurses	03/19/1999	N	N	none	7
175	3	OSHA Update: Current Issues Impacting Occupational & Environmental Health Nursing, American Occupational Health Conferences	04/29/1999	N	N	none	8
176	3	OSHA Overview, Metropolitan Washington Occupational Health Nursing Regional Meeting	06/12/1999	N	N	none	13

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
177	3	OSHA Update: Issues Impacting Occupational Health Practice, Association of Occupational Health Professionals in Health Care Annual Conference	10/07/1999	N	N	none	7
178	4	National Conference of the Association of Occupational Health Professionals	10/01/1999	N	N	none	5
179	4	Safety and Health Training Program	01/01/1999	N	N	none	6
180	4	OSHA Injury and Illness Recordkeeping Revision	01/01/1999	N	N	none	2
181	4	OSHA Training Course - Ergonomics Training Manual, No. 225	01/01/1999	N	N	none	125e
182	4	OSHA Training Course - Recognition, Evaluation and Control of Noise, No. 220, Volume 1	01/01/1999	N	N	none	94e
183	4	OSHA Training Course - Recognition, Evaluation and Control of Noise, No. 220, Volume 3 Noise Control	01/01/1999	N	N	none	80e
184	4	OSHA Training Course - Recognition, Evaluation and Control of Noise, No. 220, Volume 2 Hearing Conservation	01/01/1999	N	N	none	85e

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
185	4	OSHA Training Course - Occupational Safety and Health Standards for the Construction Industry, No. 510	01/01/1999	N	N	none	250
186	5	OSHA Training Course, No. 500A	01/01/1999	N	N	none	469e
187	5	Course 207 Fire Protection and Life Safety	01/01/1999	N	N	none	250e
188	5	Course 503 Update for Voluntary Compliance Outreach Trainers	01/01/1999	N	N	none	188e
189	5	Course 303: Training Course on Construction Standard	01/01/1999	N	N	none	156e
190	6	Trainer Course in Occupational Safety and Health Standards for General Industry; Course #501, Volume 1	01/01/1999	N	N	none	438e
191	6	Trainer Course in Occupational Safety and Health Standards for General Industry; Course #501, Volume 2	01/01/1999	N	N	none	125e
192	6	Course Construction Standards #200A	01/01/1999	N	N	none	344

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
193	7	Welding and Cutting #322, Volume 2	01/01/1999	N	N	none	165e
194	7	OSHA Training Course - Principles of Scaffolding, No. 308	02/01/1999	N	N	none	145
195	8	OSHA Training Course - Fall Arrest Systems, No. 311	01/01/1999	N	N	none	407
196	7	Course 301 Excavation, Trenching and Soil Mechanics	01/01/1999	N	N	none	145e
197	8	Course 206 Maritime Standards	01/01/1999	N	N	none	375e
198	8	Course 322 Vol. 1 Applied Welding Principles	01/01/1999	N	N	none	135e
199	9	Course 121 Introduction to Industrial Hygiene for Safety Personnel	01/01/1999	N	N	none	380e
200	9	OSHA Training Course - Instructor Course in Occupational Safety and Health Standards for the Construction Industry, No. 500	01/01/1999	N	N	none	360e

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
201	9	OSHA Training Course - Update for Construction Industry Outreach, No. 502	01/01/1999	N	N	none	290e
202	10	OSHA Training Course - Cranes and Rigging Safety for Construction, No. 205	01/01/1999	N	N	none	100e
203	10	OSHA Training Course - Recognition, Evaluation and Control of Ionizing Radiation, No. 228	01/01/1999	N	N	none	125e
204	10	OSHA Training Course - Safety & Health for Grain Handling Operations, No. 306	03/10/1999	N	N	none	275e
205	10	Course 202 Advanced Accident Investigation	01/01/1999	N	N	none	188e
206	11	Course 312 on Hazardous Waste	01/01/1999	N	N	none	360e
207	11	OSHA Training Course - Fire Protection and Life Safety, No. 207A	01/01/1999	N	N	none	265e
208	11	OSHA Training Course - Cranes & Material Handling, No. 208	01/01/1999	N	N	none	200e

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
209	12	OSHA Training Course 101	01/01/1999	N	N	none	235e
210	12	Course 222 Respiratory Protection Vol. 1	01/01/1999	N	N	none	100e
211	12	Course 302 Tunneling and Underground Operations	01/01/1999	N	N	none	220e
212	12	Course 222 Respiratory Protection Vol. 2	01/01/1999	N	N	none	120e
213	12	Course 222 Respiratory Protection OSHA Compliance Materials	01/01/1999	N	N	none	135e
214	13	OSHA Technical Manual: Directives and Information on most safety and health hazards	01/20/1999	N	N	none	188
215	13	OSHA Overview Presentation-Area od concerns for general industry safety and health	01/01/1999	N	N	none	19
216	13	OSHA Publications Region 10-List of region 10 Publications	01/01/1999	N	N	none	18

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
217	13	Presentation - Proposed Changes to OSHA Recordkeeping System	01/01/1999	N	N	none	19
218	13	Presentation - OSHA 300 "Fact or Myth"	01/01/1999	N	N	none	30e
219	13	Recordkeeping Quiz from Seattle Office	01/01/1999	N	N	none	9
220	13	OSHA Home Page: Navigating the OSHA Home Page	06/28/1999	N	N	none	4
221	13	"To Bee or Not To Bee"	01/01/1999	N	N	none	1
222	13	Presentation - OSHA 300 - "Fact or Myth"	01/01/1999	N	N	none	21
223	13	Letter to International Brotherhood of Electrical Workers	01/27/1999	N	N	none	1
224	13	Presentation - Fall Protection: Construction	01/01/1999	N	N	none	6

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e – Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
225	13	Presentation - OSHA 10-Hour Course	01/01/1999	N	N	none	16
226	13	Presentation - Health Issues in Construction	01/01/1999	N	N	none	5
227	13	Presentation - Ergonomics	01/01/1999	N	N	none	5
228	13	Presentation - Respiratory Protection Presentation	01/01/1999	N	N	none	8
229	13	Letter to Sound Choice	06/03/1999	N	N	none	7
230	13	Letter to Alaska Abatement Corporation re:OSHA Asbestos Standard	02/25/1999	N	N	none	3
231	13	Letter to International Brotherhood of Electrical Workers re:OSHA Enforcement	01/27/1999	N	N	none	1
232	13	North Pacific Fishing Vessel Owners' Association	02/04/1999	N	N	none	2

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
233	13	Local 120 Inter. Assoc. of Heat and Frost Insulators & Asbestos Workers	08/27/1999	N	N	none	2
234	13	Letter to Northwest Safety Consultants re: OSHA CPR Standard	11/06/1999	N	N	none	1
235	13	Technical Training Institute: Clarification letter on rescue and emergency services (29VFR 1910.146(k))	05/12/1999	N	N	none	2
236	13	Letter to Aon Risk Services, Inc. of Oregon	08/27/1999	N	N	none	2
237	13	Presentation - Health Issues in Construction	01/01/1999	N	N	none	42
238	13	Memorandum: Potential for Allergy to Natural Rubber Latex Gloves and other Natural Rubber Products	04/12/1999	N	N	none	11
239	13	Memorandum: Bloodborne Pathogens Coordinators	02/18/1999	N	N	none	8
240	13	Presentation - OSHA Overview on Safety and Health at Work	01/01/1999	N	N	none	25

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
241	13	Hazardous Waste Operations and Emergency Response	01/01/1999	N	N	none	8
242	13	Presentation - Summary of Ohm's Law Formula	01/01/1999	N	N	none	10
243	13	Presentation - How to Prepare For Workplace Emergencies	01/01/1999	N	N	none	7
244	13	Presentation - Job Hazard Analysis	01/01/1999	N	N	none	31
245	13	Mar Com. Inc.; Letter on MOV relinquishing OSHA jurisdiction in Shipyards	01/22/1999	N	N	none	17
246	13	E-mail to Washington Growers Clearing House re:"Ranger" rent-a tent prototype	06/10/1999	N	N	none	4
247	13	Letter to SierraPine Ltd. Re: OSHA Recordkeeping Regulation	08/23/1999	N	N	none	1
248	13	Letter to Inlandboatmens Union on of the Pacific, Alaska Region	07/14/1999	N	N	none	4

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
249	13	17 News Releases from the Seattle Regional Office on Training Grants	01/01/1999	N	N	none	50e
250	13	OSHA Local Insights: Proper use of excavating equipment when noisting loads	04/20/1999	N	N	none	3
251	13	Presentation - Means of Egress Workshop	01/01/1999	N	N	none	6
252	13	Presentation - Industrial Truck Standard Covers	01/01/1999	N	N	none	13
253	13	Presentation - Electrical Safety-Related Work Practices Standard	01/01/1999	N	N	none	13
254	13	Letter to Fisherman's Terminal re: Maritime Safety	01/15/1999	N	N	none	13
255	13	International Longshore & Warehouse Union	01/28/1999	N	N	none	6
256	13	Document re: Respiratory Protection Standard	01/01/1999	N	N	none	126

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
257	13	ConAgra - UFCW - OSHA Partnership, Lessons Learned	08/26/1999	N	N	none	4
258	13	The Dynamics of Safety and Cultures and Change	08/16/1999	N	N	none	10
259	13	Incident Investigation, UFCW National Meatpacking and Poultry Safety and Health Conference	05/26/1999	N	N	none	8
260	13	Incident Investigation, Decker Foods	04/27/1999	N	N	none	7
261	13	ConAgra - UFCW - OSHA Partnership	10/26/1999	N	N	none	5
262	13	Mobile Workforce Demonstration Project	09/16/1999	N	N	none	1
263	13	Occupational Medical Management, Whose Responsibility Is It?	01/01/1999	N	N	none	4
264	13	Occupational Exposure to Tuberculosis	03/24/1999	N	N	none	3

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
265	13	To Encourage Excellence In Safety and Health Systems	01/28/1999	N	N	none	4
266	13	OSHA Update Presented to Rocky Mountain Academy of Occupational & Environmental Medicine	02/06/1999	N	N	none	5
267	13	Occupational & Environmental Health (PRMD 6614) HOW OSHA Works	02/03/1999	N	N	none	2
268	13	Safety and Health Programs, OSHA Law Cases: Overview of OSH Law	05/19/1999	N	N	none	3
269	13	Region VII - Denver/ Address and Telephone List	01/01/1999	N	N	none	1
270	13	Statutes Enforced by the Regional Investigations Office/ Whistleblower and statutes enforced by OSHA	01/01/1999	N	N	none	6
271	13	CCCA/OSHA Partnership Agreement	08/04/1999	N	N	none	2
272	13	Bureau of Reclamation/OSHA Federal Agency Partnership Agreement	10/15/1999	N	N	none	2

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
273	13	David Herstedt, CREA/ Presentation on enforcement, partnerships, rulemaking and legislation	07/13/1999	N	N	none	24
274	13	David Herstedt, SCTE/ Presentation on enforcement, partnership and legislation	05/13/1999	N	N	none	15
275	13	David Herstedt, Grain & Feed Assn/ Speech about rail car safety	04/07/1999	N	N	none	12
276	13	David Herstedt, Utility Wkrs of N. Colorado: Information packet for confined spaces and trenching	02/09/1999	N	N	none	23
277	13	Kempton Construction: Speech on utility work	01/20/1999	N	N	none	6
278	13	OSHA Update Presented to North Dakota Safety and Health Seminar	02/09/1999	N	N	none	21
279	13	AGC/C - OSHA Networking Session Minutes	04/26/1999	N	N	none	32
280	13	Checklist for Abrasive Wheel Equipment Grinders	01/01/1999	N	N	none	2

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
281	13	OSHA Fines Ingalls Shipbuilding $151,700 for Safety and Health Violations at Pascagoula Facility	08/20/1999	N	N	none	2
282	13	Gulf States Manufacturers Fined $111,600 for Safety and Health Violations at Starkville, MS, Plant	05/06/1999	N	N	none	2
283	13	Omega Protcian/Omega Shipyard Cited and Fined $24,787 Safety and Health Violations at Moss Point Plant	07/07/1999	N	N	none	2
284	13	OSHA Proposes Penalties Totaling More than $82,000 Following Fatal Accident at Iuka Work Site	02/25/1999	N	N	none	2
285	13	OSHA Fines Sunflower, MS, Company $130,200 Following Worker Death	03/04/1999	N	N	none	2
286	13	Reporting of Workplace Fatalities: Jackson Area Office letter to County Coroners on how to report workplace fatalities.	01/01/1999	N	N	none	1
287	13	Injury and Illness Recordkeeping Requirements	01/01/1999	N	N	none	3
288	13	1910.120 (q) Hazardous Wastes Operations and Emergency Response	01/01/1999	N	N	none	30

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
289	13	1910.1030 Bloodborne Pathogens	01/01/1999	N	N	none	11
290	13	1910.134 Respiratory Protection	01/01/1999	N	N	none	6
291	13	Document re: PVC Material	01/01/1999	N	N	none	2
292	13	1910.147 The Control of Hazardous Energy (Lockout/Tagout)	01/01/1999	N	N	none	11
293	13	1910.1200/1926.59 Hazard Communication	01/01/1999	N	N	none	8
294	13	1910.120(q) Hazardous Wastes Operations and Emergency Response	01/01/1999	N	N	none	8
295	13	OSHA 200 Question Reply	01/28/1999	N	N	none	3
296	13	Checklist for Abrasive Wheel Equipment Grinders	01/01/1999	N	N	none	2

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
297	13	Lockout/Tagout Question	07/23/1999	N	N	none	1
298	13	Abrasive Wheel/Grinder Fact Sheet	01/01/1999	N	N	none	1
299	13	Respiratory Protection Standard	03/18/1999	N	N	none	10
300	13	Letter to Artistry Designs Inc. :regarding Medical Records for Inspection	01/19/1999	N	N	none	2
301	13	Letter to Artistry Designs Inc.:regarding Records Inspection Schedule 1/19/99	01/19/1999	N	N	none	2
302	13	Letter to Carolina Truss Systems Inc.:regarding Medical Records for Inspection	01/19/1999	N	N	none	2
303	13	Letter to Carolina Truss Systems Inc.:regarding Records Inspectin Schedule 1/19/99	01/19/1999	N	N	none	2
304	13	Construction Accident Reduction Emphasis (CARE); To reduce construction accidents in Florida	03/04/1999	N	N	none	1

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
305	13	Construction Fatalities -- FY 99/ Florida Statistics on Construction Fatalities	01/21/1999	N	N	none	1
306	13	CARE Small Business Outreach Strategy	03/01/1999	N	N	none	2
307	13	Letter to Employers, etc Inviting Them To The Kickoff	02/09/1999	N	N	none	1
308	13	Draft Agenda Construction Partnership Meeting	03/30/1999	N	N	none	2
309	13	Construction Partnership Meeting Minutes	03/30/1999	N	N	none	4
310	13	Letter from Jose Sanchez to CARE Partnership Steering Committee Member	05/12/1999	N	N	none	1
311	13	Most Frequently cited sections as Serious violations in the Ft. Lauderdale Area Office	01/01/1999	N	N	none	1
312	13	Fatality/Catastrophe in Ft. Lauderdale by SIC from Jan. 1 to May 31, 1999	05/31/1999	N	N	none	2

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
313	13	Florida Fatality Report	07/07/1999	N	N	none	1
314	13	Florida OSHA - 36 Fatality Report	09/03/1999	N	N	none	1
315	13	Most Frequently Cited Construction Violations in Florida	01/01/1999	N	N	none	1
316	13	Revised Agenda CARE Partnership Meeting	05/20/1999	N	N	none	1
317	13	Presentation - Safety and Health Program Management Guidelines	01/01/1999	N	N	none	8
318	13	"Interim" Fall Protection Compliance Guidelines for "Residential" Roofing Work	01/01/1999	N	N	none	2
319	13	CARE Construction Accident Reduction Emphasis	03/04/1999	N	N	none	7
320	13	OSHA Update 1999/ Tampa Area Office Presentation on General OSHA Strategies and Operations	01/01/1999	N	N	none	9

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
321	13	FY '97 Top Ten Industries by 2-Digit SIC with 134 Violations	01/01/1999	N	N	none	13
322	13	Rules of Engagement Presentation Outline	01/01/1999	N	N	none	11
323	13	Bloodborne Pathogen Exposure Control Plan	01/01/1999	N	N	none	16
324	13	Sample Written Hazard Communication Program	01/01/1999	N	N	none	6
325	13	Administrative Respiratory Protection Program	01/01/1999	N	N	none	4
326	13	Appendix II: Small Entity Compliance Guide: Sample Respiratory Protection Program	01/01/1999	N	N	none	17
327	13	Hazard Communication Program	01/01/1999	N	N	none	4
328	13	Hazard Communication Program - Sample Only	01/01/1999	N	N	none	4

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
329	13	The Standard/ Employer Obligations when Employees are servicing machines or equipments	01/01/1999	N	N	none	11
330	13	Una Guia Para Trabajar Sin Peligro Con Silice	01/01/1999	N	N	none	11
331	13	Example Hazard Communication Program for Construction Sites or General Industry	01/01/1999	N	N	none	5
332	13	Superintendent's Safety Inspection Checklist	01/01/1999	N	N	none	2
333	13	Mechanical Power Press Monthly Inspection Record--Sample Form	01/01/1999	N	N	none	2
334	13	Construction Safety Inspection Check List	01/01/1999	N	N	none	3
335	13	Letter from Luis R. Santiago, DOL OSHA Area Director	01/01/1999	N	N	none	1
336	13	Trenching Information	01/01/1999	N	N	none	1

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
337	13	Hazard Abatement Notification	01/01/1999	N	N	none	1
338	13	Machine Safeguarding Checklist	01/01/1999	N	N	none	2
339	13	Self-Inspection Check Lists	01/01/1999	N	N	none	22
340	13	Machine Safeguarding Checklist	01/01/1999	N	N	none	3
341	13	Construction Site Inspection: Checklist of What OSHA Compliance Officers look for at a Construction Site	01/01/1999	N	N	none	1
342	13	Welder Lockout Procedure	01/01/1999	N	N	none	1
343	13	Electrical Safety Checklist	01/01/1999	N	N	none	1
344	13	Bloodborne Pathogens Exposure Control Plan	01/01/1999	N	N	none	12

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
345	13	Hazard Communication Program	01/01/1999	N	N	none	8
346	13	Hazardous Energy Control Program (Lock-out/Tag-out)	01/01/1999	N	N	none	3
347	13	Workplace Stress and Violence: Presentation on how to identify Stress and Prevent Workplace Violence	01/01/1999	N	N	none	18
348	13	OSHA/ERGO Update	01/01/1999	N	N	none	3
349	13	Facsimile to David Fritz re: Safety Belts	01/26/1999	N	N	none	1
350	13	Sample--Hazard Communication Program	01/01/1999	N	N	none	8
351	13	Appendix A: A suggested Form of Written Cutting and Welding Permit	01/01/1999	N	N	none	2
352	13	Facsimile to Kathy Shoki from David Fritz regarding Safety Belts	07/27/1999	N	N	none	2

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
353	13	Facsimile to Scott Hayes re: Concrete Reinforcement	08/24/1999	N	N	none	4
354	13	Multi-Span Horizontal Lifeline Systems	01/01/1999	N	N	none	2
355	13	Recordkeeping Guidelines for Occupational Injuries and Illness	01/01/1999	N	N	none	7
356	13	Caves and Confined Spaces: Atlanta Regional Office Presentaion on Caves and Confined Spaces	01/01/1999	N	N	none	4
357	13	Respiratory Protection, 29CFR 1910.134	01/01/1999	N	N	none	7
358	13	Response Team Alert: Silica Overexposure during Grout Cleaning	01/01/1999	N	N	none	1
359	13	Region 4 News Releases on Citations	01/01/1999	N	N	none	5
360	13	CARE South Florida Kickoff	02/24/1999	N	N	none	25e

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
361	13	OSHA's Strategic Plan	01/01/1999	N	N	none	4
362	13	Volume 1, Number 1 - CARE Newsletter	05/01/1999	N	N	none	3
363	13	Volume 1, Number 2 - CARE Newsletter	08/01/1999	N	N	none	4
364	13	CASPA Responses: Letter on complaint about State Program Administration Investigation	05/14/1999	N	N	none	3
365	13	Safety and Health Program: Helpful Hints on How to develop a written Safety and Health Program	01/01/1999	N	N	none	2
366	13	Hazard Communication Program	01/01/1999	N	N	none	4
367	13	Lockout/Tagout Guidelines	01/01/1999	N	N	none	5
368	13	Bloodborne Pathogens Exposure Control Plan	01/01/1999	N	N	none	12

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
369	13	Letter to All Region IV Voluntary Protection Program (VPP) Participants	01/21/1999	N	N	none	9
370	13	Documentation for Onsite Reviews	01/01/1999	N	N	none	2
371	13	What is VPP	01/01/1999	N	N	none	2
372	13	Safety & Health Program Qualifications for the Star Program	01/01/1999	N	N	none	6
373	13	Policy Statement on VPP Recodkeeping	06/10/1999	N	N	none	2
374	13	Annual Program Evaluation fro Atlanta VPP Sites	01/01/1999	N	N	none	50e
375	13	The Voluntary Protection Program Copy of Oral Presentation	01/01/1999	N	N	none	46
376	13	The Voluntary Protection Program	01/01/1999	N	N	none	46

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
377	13	The Voluntary Protection Program, Are you Ready for VPP at Your Site?	01/01/1999	N	N	none	31
378	13	VPP Requirements and Benefits	01/01/1999	N	N	none	27
379	13	OSHA Voluntary Protection Programs Brochure	01/01/1999	N	N	none	25e
380	13	OSHA Jacksonville Area Office Presentation on Electricity Hazards	01/01/1999	N	N	none	3
381	13	Asbestos: Jacksonville Area Office Presentation on Asbestos Hazards and Standards	01/01/1999	N	N	none	4
382	13	Pretest Principles of Scaffolding	01/01/1999	N	N	none	5
383	13	1910.147 Lochout/Tagout model Program	01/01/1999	N	N	none	15
384	13	29 CFR 1910.134 Respiratory Protection	01/01/1999	N	N	none	29

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
385	13	1910.1030 Bloodborne Pathogens	01/01/1999	N	N	none	12
386	13	29 CFR 1910.146 Confined Space	01/01/1999	N	N	none	13
387	13	1910.1200 or 1910.59 Hazard Communication	01/01/1999	N	N	none	9
388	13	OSHA Recordkeeping Overview	01/01/1999	N	N	none	8
389	13	Fall Protection Plan	01/01/1999	N	N	none	52
390	13	Freedom of Information Act, Opportunity to Designate Records	04/01/1999	N	N	none	1
391	13	Letter re: Small Business Administration	01/01/1999	N	N	none	3
392	13	Construction Focused Inspections Initiative	01/01/1999	N	N	none	1

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
393	13	Checklist for Abrasive Wheel Equipment Grinders	01/01/1999	N	N	none	2
394	13	Background Information on Radiofrequency Heat Sealers	01/01/1999	N	N	none	1
395	13	Inspecting Supported Scaffolds	01/01/1999	N	N	none	2
396	13	Overhead and Gantry, Daily Visual	01/01/1999	N	N	none	8
397	13	Sample Form, Mechanical Power Press Weekly Inspection Record Full Revolution	01/01/1999	N	N	none	2
398	13	Sample Safety and Health Program	01/01/1999	N	N	none	23
399	13	OSHA 200 Log and Summary of Occupational Injuries and Illness	01/01/1999	N	N	none	5
400	13	Spray Booth Major Mandatory Requirements	01/01/1999	N	N	none	1

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

c = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
401	14	Sample Energy Control Procedure of ABC Company	01/01/1999	N	N	none	11
402	14	Interim Fall Protection Compliance Guidelines for Residential Roofing Work - Subpart M	03/09/1999	N	N	none	2
403	14	Hazard Communication Written Program	01/01/1999	N	N	none	4
404	14	29 CFR 1910.132 Guidelines for Hazard Assessment and Personal Protective Equipment Selection	01/01/1999	N	N	none	8
405	14	1910.1030 Bloodborne Pathogens	01/01/1999	N	N	none	11
406	14	29 CFR 1910.95, Hearing Conservation ; Sample program to assist with compliance	01/01/1999	N	N	none	3
407	14	1910.1200, Hazard Communication	01/01/1999	N	N	none	9e
408	14	29CFR 1926.500, Fall Protection	01/01/1999	N	N	none	50

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
409	14	1910.120(q), Hazardous Wastes Operations and Emergency Response	01/01/1999	N	N	none	7
410	14	29CFR 1910.146, Confined Space	01/01/1999	N	N	none	14
411	14	1910.134, Respiratory Protection	01/01/1999	N	N	none	12
412	14	29CFR 1910.132, Guidelines for Hazard Assessment and Personal Protective Equipment Selection	01/01/1999	N	N	none	7
413	14	1910.147-The Control of Hazardous Energy (Lockout/Tagout)	01/01/1999	N	N	none	15
414	14	Excavation and Trenching Safety Program - Project Managers Manual	01/01/1999	N	N	none	23
415	14	Safety Policy/ General Information (safety rules, enforcement)	01/01/1999	N	N	none	28
416	14	29CFR 1910.134, Respiratory Protection	01/01/1999	N	N	none	29

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
417	14	Letter from Lana Graves to OSHA identifying hazardous worksites	01/01/1999	N	N	none	3
418	14	Getting Records Using FOIA	01/01/1999	N	N	none	2
419	14	Presentation - OSHA's Origin	01/01/1999	N	N	none	6
420	14	Presentation - Small Business Forum	09/28/1999	N	N	none	5
421	14	Presentation - OSHA Update	09/24/1999	N	N	none	10
422	14	Presentation - OSHA Update	09/01/1999	N	N	none	21
423	14	Presentation - Alabama State Building Trades Conference	07/30/1999	N	N	none	11
424	14	Presentation - Alabama AFL-CIO Community Services Conference	06/12/1999	N	N	none	8

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
425	14	Presentation - Bayou La Batre Project	01/01/1999	N	N	none	10
426	14	OSHA Offices in Alabama: Directory of Web Sites	01/01/1999	N	N	none	13
427	14	OSHA Activity Review	01/01/1999	N	N	none	6
428	14	OSHA Activity Review	01/14/1999	N	N	none	6
429	14	Sample Hazard Communication Program	01/01/1999	N	N	none	16
430	14	Hazcom Inspection Checklist	01/01/1999	N	N	none	2
431	14	How to Calculate Lost Workday Injury/Illness Rates	01/01/1999	N	N	none	1
432	14	Most Frequently Cited Requirements	07/09/1999	N	N	none	3

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
433	14	Letter to Semler & Pritzker, Attorneys at Law re: Complaint about NC State Program	08/11/1999	N	N	none	6
434	14	Letter to Semler & Pritzker, Attorneys at Law re: NC State Program	04/02/1999	N	N	none	9
435	14	Agreement Between Occupational Safety and Health Administration Raleigh Area Office and National Park Service, Cape Hatteras National Seashore	01/01/1999	N	N	none	9
436	14	Sample Hazard Communication Program	01/01/1999	N	N	none	8
437	14	Written Hazard Communication Program	01/01/1999	N	N	none	4
438	14	Programa escrito de informacion sobre riesgos	01/01/1999	N	N	none	4
439	14	Bloodborne Pathogens Exposure Control Plan	01/01/1999	N	N	none	16
440	14	OSHA's Bloodborne Pathogens Standard Checklist	01/01/1999	N	N	none	3

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
441	14	Lockout/Tagout Guidelines	01/01/1999	N	N	none	6
442	14	Hazardous Energy Control Procedure Form	01/01/1999	N	N	none	5
443	14	A Model Respirator Program	01/01/1999	N	N	none	2
444	14	How to Prevent Trenching Accidents	01/01/1999	N	N	none	1
445	14	Abrasive Wheel/Grinder Fact Sheet	01/01/1999	N	N	none	1
446	14	Summary of Confined Spaces Standard: Atlanta Office	01/01/1999	N	N	none	1
447	14	Millennium Bug Can Affect Workplace Safety and Health	01/01/1998	N	N	none	1
448	14	Statement of Charles N. Jeffress Assistant Secretary for OSH	03/17/1999	N	N	none	3

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

c = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
449	14	Partnership Agreement Between the Governor's Office of Highway Safety and OSHA	06/17/1999	N	N	none	3
450	14	Introduction to OSHA Wage and Hour Division and Small Business Administration (English and Spanish versions)	08/24/1999	N	N	none	2
451	14	Respiratory Protection Standard	01/01/1999	N	N	none	24
452	14	Respiratory Protection Standard	01/01/1999	N	N	none	15
453	14	Lead in Construction: Task Specific Engineering Control Options	01/01/1999	N	N	none	24
454	14	OSHA Inspection Priorities	01/01/1999	N	N	none	4
455	14	Construction Focused Inspections Initiative	01/01/1999	N	N	none	9
456	14	Sample Performance Test For Forklift Operators	01/01/1999	N	N	none	1

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
457	14	Developing A Training Program For Powered Industrial Truck Operators	01/01/1999	N	N	none	8
458	14	Voluntary Protection Programs: Elements and Applications	01/01/1999	N	N	none	1
459	14	Preventing Workplace Violence (English and Spanish versions)	01/01/1999	N	N	none	2
460	14	OSHA Recordkeeping Overview	01/01/1999	N	N	none	32e
461	14	Legal Rights and Responsibilities Presented by OSHA Region IX	03/23/1999	N	N	none	12
462	14	Accident Investigation/Prevention presented by OSHA Region IX	01/01/1999	N	N	none	6
463	14	The Control of Hazardous Energy (Lockout/Tagout)	01/01/1999	N	N	none	7
464	14	San Francisco Regional Office News Releases: Guam Construction Contractor Violations (8)	08/13/1999	N	N	none	15

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
465	14	Letter to Employer regarding the violation of OSHA's Maritime Terminal standard	06/11/1999	N	N	none	1
466	14	Federal Safety and Health Councils Membership Form Brochure	01/01/1999	N	N	none	2
467	14	Letter from Alan R. Traenkner, Director, Enforcement and Investigations	04/02/1999	N	N	none	18
468	14	Letter from Alan R. Traenkner, Director to Small Businesses re: SBA	01/01/1999	N	N	none	1
469	14	Letter from Frank Strasheim, Regional Administrator to Ms. Shate Fowler re: Health Hazards in Pacific Islands	08/12/1999	N	N	none	4
470	14	Letter from Frank Strasheim, Regional Administrator, to Rafael Arroyo of the Marianas Variety	04/29/1999	N	N	none	4
471	14	Letter from Frank Strasheim, Regional Administrator, to Timothy Ho of Hawaii Employers Council	07/19/1999	N	N	none	2
472	14	Document re: CASPA 99/H-02: Application of HIOSH Asbestos Standard	09/29/1999	N	N	none	42e

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
473	14	Memo: Information Packet on Y2K - Year 2000 Computer Problem	02/03/1999	N	N	none	4
474	14	Titleist BPI - VPP Review Closing Conference	01/01/1999	N	N	none	2
475	14	G-P Gypsum Newington Presentation (VPP)	01/01/1999	N	N	none	3
476	14	Dexter Polymer Systems Seabrook, NH: VPP Presentation 7/99	07/16/1999	N	N	none	3
477	14	IP Fine Papers Westfield, Westfield, MA: VPP Presentaion 9/99	09/24/1999	N	N	none	4
478	14	OSHA Region 1 Audiovisual Library Conditions of Use	01/01/1999	N	N	none	3
479	14	Catalog of Safety and Health Videocassettes	09/01/1999	N	N	none	18
480	14	Catalog of Audiovisual Aids - Slides & Literature	01/01/1999	N	N	none	10

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
481	14	The Occupational Safety and Health Act	01/01/1999	N	N	none	9
482	14	Occupational Hazards by Location in the Hospital	01/01/1999	N	N	none	8
483	14	OSHA's Respiratory Protection Standard	01/01/1999	N	N	none	10
484	14	OSHA Regional Instruction: Local Emphasis Program for the Fish Processing Industry	03/02/1999	N	N	none	8
485	14	OSHA Regional Notice: Local Emphasis Program, Mobile Crane Operations in Construction	10/01/1999	N	N	none	4
486	14	Local Emphasis Program for the Fish Processing Industry	06/24/1999	N	N	none	5
487	14	OSH Act of 1970	11/07/1996	N	N	none	48
488	14	All About OSHA	06/24/1999	N	N	none	9

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
489	14	Presentation - George L. Kilens, CIH - Compliance Program Manager	02/10/1999	N	N	none	14
490	14	Presentation - Workshop on Respiratory Protection	04/22/1999	N	N	none	12
491	14	Presentation - OSHA Update, Concord, NH	09/02/1999	N	N	none	9
492	14	Presentation - OSHA: Federal Issue Affecting NH Business - Update	07/20/1999	N	N	none	12
493	14	Pipeline Construction Compliance Plan for New England	01/01/1999	N	N	none	3
494	14	Concord Area Office Newsletter No. 7	07/04/1999	N	N	none	2
495	14	Carbon Monoxide, How You Can Protect Yourself from Overexposure	01/01/1999	N	N	none	2
496	14	Preventing Industrial Carbon Monoxide Exposures	01/01/1999	N	N	none	7

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
497	14	Top 10 Most Frequently Cited OSHA Citations	01/01/1999	N	N	none	6
498	14	Carbon Monoxide Exposures	01/01/1999	N	N	none	7
499	14	Most Frequent OSHA Violations U.S. Postal Service	01/01/1999	N	N	none	4
500	14	Emergency Response to Occupational Carbon Monoxide Exposures	01/01/1999	N	N	none	5
501	14	Working Safely in the Floor Covering Industry	03/23/1999	N	N	none	3
502	14	Memorandum of Understanding between the Hartford Area OSHA Office Bridgeport Area OSHA Office and the State of Connecticut Department of Public Health	01/01/1999	N	N	none	4
503	14	Recommended Guidelines for 1910.37; 1910.38; 1910.178; 1910.1001	01/01/1999	N	N	none	4
504	14	Most Frequently Cited OSHA Standards Regarding Fork Truck Safety	01/01/1999	N	N	none	2

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
505	14	Most Frequently Cited OSHA Recordkeeping Standards	01/01/1999	N	N	none	1
506	14	Guidelines for Preparing an Adequate Verification of Abatement Letter	01/01/1999	N	N	none	1
507	14	Sample Verification of Abatement Letter	01/01/1999	N	N	none	1
508	14	Written Hazard Communication Program	01/01/1999	N	N	none	12
509	14	Breakdown and Ranking by Frequency of Cited Subsection of 1910.217 FY94	01/01/1999	N	N	none	9
510	14	Region 1, Boston Regional News Releases on Citations Issued (50e)	01/01/1999	N	N	none	104
511	14	Letter to United States Postal Service re: Asbestos Standard	01/07/1999	N	N	none	1
512	14	Letter to Joseph M. Tierney, Attorney at Law re: Inquiry on 29 CFR 1910.36	01/21/1999	N	N	none	1

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
513	14	Letter to National Association of Letter Carriers regarding Inquiry	02/10/1999	N	N	none	1
514	14	Letter to United States Postal Servicere: 29 CFR 1910.1001	02/25/1999	N	N	none	1
515	14	Letter to Steven Wheeler, Division of OSH re: 29 CFR 1910.27(d)	06/21/1999	N	N	none	2
516	14	Letter to Rhode Island Department of Health Occupational & Radiologic Health re:CFR 29 1910.1200	07/06/1999	N	N	none	2
517	14	Letter to J.H. Pokorny Associates re: 29 CFR 1910.151	07/12/1999	N	N	none	1
518	14	Letter to Robert B. Fredericks, Attorney at Law re: 29 CFR 1910.23	10/03/1999	N	N	none	1
519	14	Letter to Contractors Risk Management, Inc. re: Chemicals	09/23/1999	N	N	none	2
520	14	Letter to DVEM/MEMA re: Chemicals	09/23/1999	N	N	none	1

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
521	14	Letter to DVEM/MEMA re: temporary employees	09/23/1999	N	N	none	2
522	14	Region 1, Local Emphasis Program; Fall Hazards	01/01/1999	N	N	none	22
523	14	OSHA Regional Instruction: Local Emphasis Program for Fall Hazards	04/01/1999	N	N	none	11
524	14	Region 1, Small Business Forum	06/03/1999	N	N	none	7
525	14	OSHA Update: Massachusetts Safety & Health Conference & Exhibit	03/31/1999	N	N	none	22
526	14	Powered Industrial Truck Regulations	01/01/1999	N	N	none	10
527	14	Occupational Safety and Health Act, My Experience as a Compliance Safety and Health Officer (CSHO)	02/08/1999	N	N	none	8
528	14	Utilizing the Coburn-Forster-Kane Equation in Establishing Carbon Monoxide Exposure Levels	01/01/1999	N	N	none	6

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
529	14	Documents re: Confined Spaces	01/01/1999	N	N	none	34
530	14	"This nation cannot... Work-Related Musculoskeletal Disorders"	01/01/1999	N	N	none	10
531	14	Wisconsin Environmental Health Association OSHA Update	01/01/1999	N	N	none	17
532	14	Consultation Program Presentation: The University of North Texas	09/15/1999	N	N	none	24
533	14	Model Text for Standards Q&As	01/01/1999	N	N	none	8
534	14	EBI Companies Zero Accident Culture	01/01/1999	N	N	none	16
535	14	OSHA Recordkeeping Overview	01/01/1999	N	N	none	4
536	14	Letters to food processing company from Kimberly A. Stile	05/07/1999	N	N	none	29

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
537	14	Letters to logging company, employee rep, employees from Melvin R. Lischefski	07/14/1999	N	N	none	5
538	14	Sample Safety and Health Programs for the Logging Industry	01/01/1999	N	N	none	69
539	14	Appleton News Letter - Word Perfect Version	04/09/1999	N	N	none	50
540	14	Bloodborne Pathogens Resources	01/01/1999	N	N	none	2
541	14	Shop Safety - WTTDRA	09/17/1999	N	N	none	4
542	14	Secura Insurance OSHA Overview	10/05/1999	N	N	none	6
543	14	OSHA UPDATE	01/01/1999	N	N	none	8
544	14	Wisconsin Association of Staffing Services OSHA Responsibilities	04/15/1999	N	N	none	4

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
545	14	Local Emphasis Program Fall Hazards	01/01/1999	N	N	none	13
546	14	North Eastern Wisconsin American Foundryman's Society	01/01/1999	N	N	none	8
547	14	OSHA Priorities Presentation	01/01/1999	N	N	none	7
548	14	Workplace Violence for Health Care Workers	01/01/1999	N	N	none	4
549	14	OSHA UPDATE 1/1/99	01/01/1999	N	N	none	2
550	14	Proposed Recordkeeping Rule	01/01/1999	N	N	none	3
551	14	Bloodborne Pathogens Exposure Control Plan	01/01/1999	N	N	none	12
552	14	Abrasive Blasting Chart	01/01/1999	N	N	none	1

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
553	14	Bloodborne Pathogens 29CFR 1910.1030; Compliance Checklist	01/01/1999	N	N	none	5
554	14	Hazard Communication	01/01/1999	N	N	none	9
555	14	Appendice D al 1910.134 (Obligatorio) Informacion Para Empleados Usando Respiratorios Cuando No Es Requirido Bajo El Estandar	01/01/1999	N	N	none	10
556	14	Administrative Respiratory Protection Program	01/01/1999	N	N	none	4
557	14	Safety and Health Associated General Contractor (AGC) Partnership for Excellence	01/01/1999	N	N	none	12
558	14	Presentation - NRTL and Background	01/01/1999	N	N	none	7
559	14	Presentation - Class I Areas	01/01/1999	N	N	none	15
560	14	Presentation - OSHA Clothing Rule	01/01/1999	N	N	none	11

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
561	14	Presentation - Burn Accidents in Power Line Work	01/01/1999	N	N	none	21
562	14	OSHA Overview	01/01/1999	N	N	none	40
563	14	Letter to Representative Rodney Frelinghuysen re: 29 CFR 1910.134	05/24/1999	N	N	none	25e
564	14	Letter to Employers from Paul Brantley re: Local Emphasis Inspection List	01/01/1999	N	N	none	19
565	14	Region 6 - AustinNews Release: OSHA Parter with Area Groups 4/99	04/19/1999	N	N	none	19
566	14	Presentation - OSHA's Respiratory Protection Standard	01/01/1999	N	N	none	22
567	14	Presentation - OSHA's Respiratory Standard	01/01/1999	N	N	none	8
568	14	Presentation - OSHA Regulatory Update & Proposed Standards	01/01/1999	N	N	none	2

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
569	14	Presentation - OSHA Update	01/01/1999	N	N	none	3
570	14	Letter from Paul Brantley on inspections	01/01/1999	N	N	none	21
571	14	Presentation - SHARE	01/01/1999	N	N	none	4
572	14	Presentation - OSHA & Ergonomics	01/01/1999	N	N	none	13
573	14	Major Requirements of OSHA's Respiratory Protection Standard	01/01/1999	N	N	none	20
574	14	Presentation - OSHA Inspection	01/01/1999	N	N	none	11
575	14	Categories of Lead Exposures	01/01/1999	N	N	none	25e
576	14	Letter to Production Associates, Stephen Farrara from Luis Villanueva of Tech Support	04/08/1999	N	N	none	1

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
577	14	Letter to Production Associates	05/10/1999	N	N	none	2
578	14	6OSHA Tops: Letter to Local 1731, AFGE	04/07/1999	N	N	none	1
579	14	6OSHA Tops: Letter to Local 1731, AFGE	04/07/1999	N	N	none	1
580	14	Region 6 VPP Update	07/01/1999	N	N	none	7
581	14	Region 6 "Stars Among Stars" Recognition Program	01/01/1999	N	N	none	3
582	14	TB in Elephants	01/01/1999	N	N	none	375
583	15	Industrial Hygiene Sampling Methods	10/06/1999	N	N	none	5
584	15	Changes to the Confined Space Standard	09/20/1999	N	N	none	7

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
585	15	Region 6, Dallas News Release (53e)	01/01/1999	N	N	none	54e
586	15	Letter from Judy Freeman, KS area Director, to Union Representatives on LEP	09/30/1999	N	N	none	3
587	15	Forklift Safety/New Training Requirements	01/01/1999	N	N	none	6
588	15	OSHA Update Outreach Program Most Frequently Cited	01/01/1999	N	N	none	8
589	15	OSHA Regional Notice: Directive on Kansas Grain Handling Problem Solving Initiative	08/13/1999	N	N	none	7
590	15	Safety Pays: How employers can safe money by improving safety and health in the workplace	01/01/1999	N	N	none	2
591	15	How to Develop and Implement an Effective Comprehensive Safety & Health Program	01/01/1999	N	N	none	2
592	15	OSHA Assistance For Kansas Small Business	01/01/1999	N	N	none	2

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
593	15	Video - A basic look at scaffolds for compliance officers	07/01/1999	N	N	none	0
594	15	Letter to Steel Erectors Safety Association of Colorado re: 1926.752	05/11/1999	N	N	none	3
595	15	Letter to Safety Engineering Services re: 1926.451	09/30/1999	N	N	none	3
596	15	Letter to Scaffold Industry Association re: 1926.451	01/01/1999	N	N	none	2
597	15	Letter to Mechanical Contractors Association of America, Inc. re:1926.451	04/27/1999	N	N	none	1
598	15	Letter to Safety Management Services re: Hoisting	06/16/1999	N	N	none	2
599	15	Letter to Safety First, Inc. re: 1910.178	09/13/1999	N	N	none	4
600	15	Correspondence Closed by Telephone: Letter and record of phone conversations on drilled shaft excavations	07/30/1999	N	N	none	9

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
601	15	Letter to National Lightning Protection Corporation	08/03/1999	N	N	none	6
602	15	Letter to National Utility Contractors Association	04/15/1999	N	N	none	3
603	15	Letter to International Union of Operating Engineers	10/01/1999	N	N	none	7
604	15	Letter to The Safety Equipment Association	09/23/1999	N	N	none	1
605	15	Letter to Safety Services	02/17/1999	N	N	none	1
606	15	Letter to Center for Hazard Information	03/17/1999	N	N	none	2
607	15	Letter to National Association of Home Builders	06/18/1999	N	N	none	2
608	15	Letter to Steel Erectors Safety Association of Colorado	08/31/1999	N	N	none	3

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
609	15	Letter to Ms. Sarah Town	09/03/1999	N	N	none	2
610	15	Letter to Steel Erectors Safety Association of Colorado	03/16/1999	N	N	none	1
611	15	Letter to Steel Erectors Safety Association of Colorado	05/11/1999	N	N	none	3
612	15	Letter to Steel Erectors Safety Association of Colorado	08/31/1999	N	N	none	3
613	15	Letter to Safety Management Services	03/09/1999	N	N	none	3
614	15	Letter to Safety Management Services	02/01/1999	N	N	none	2
615	15	Letter to the Mason Contractors Association of America	08/24/1999	N	N	none	2
616	15	Letter to the Associated General Contractors of America	05/28/1999	N	N	none	1

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
617	15	Letter to the North American Crane Bureau	07/16/1999	N	N	none	2
618	15	Letter to Mechanical Contractors of America	09/28/1999	N	N	none	2
619	15	Letter to the Alice Hamilton Occupational Health Center	09/29/1999	N	N	none	2
620	15	Fire Safety Advisor Hazard Awareness Advisor Lead In Construction Advisor	01/01/1999	N	N	none	CD
621	15	A Guide for Protecting Workers from Woodworking Hazards	01/01/1999	N	N	none	68
622	15	Letter to Health Examinetics, Inc.	01/04/1999	N	N	none	2
623	15	Hospital Emergency Response Preparedness	01/01/1999	N	N	none	17
624	15	Letter to American Gas Association	04/08/1999	N	N	none	2

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
625	15	Memorandum for Clarification on Enforcement Policy under the Hazard Communication Standard for Diatomaceous Earth	04/05/1999	N	N	none	4
626	15	Initiatives on Lead	06/01/1999	N	N	none	22
627	15	Hazard Communication Presentation on Trends in Enforcement of Hazard Communication Standard	04/21/1999	N	N	none	15
628	15	Letter to International Association of Fire Fighters	07/07/1999	N	N	none	2
629	15	Injury and Illness Recordkeeping Requirements	06/01/1999	N	N	none	27
630	15	Chemical Accident Investigation	01/01/1999	N	N	none	2
631	15	Process Safety Management of Highly Hazardous Chemicals 1910.119 (a)	01/01/1999	N	N	none	6
632	15	PSM - Contract Safety 1910.119 (h)	01/01/1999	N	N	none	5

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

c = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
633	15	Federal Investigations of Chemical Accidents	03/16/1999	N	N	none	2
634	15	ISEE 25th Annual Conference Explosive and Blasting Technique	02/07/1999	N	N	none	2
635	15	OSHA Process Safety Management Inspection Data	01/01/1999	N	N	none	2
636	15	Letter to Rep. David McIntosh re: OSHA's multiple-employee citation policy and steel erection	06/22/1999	N	N	none	2
637	15	Process Safety Management (PSM): An Integrated Approach to Chemical Safety	10/06/1999	N	N	none	11
638	15	Major Chemical Incident Investigations	04/28/1999	N	N	none	2
639	15	OSHA PSM Seminar: Incident Investigation	04/08/1999	N	N	none	4
640	15	OSHA PSM Seminar: Background/History	04/08/1999	N	N	none	5

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
641	15	PSM - Contractor Safety/ Presentation on when PSM applies to contractors	01/01/1999	N	N	none	3
642	15	Y2K Safety:Presentation on trends in OSHA enforcement and complaince assistance	01/01/1999	N	N	none	3
643	15	Presentation - Fork Truck Training	01/01/1999	N	N	none	3
644	15	Nursing Home Success Stories Camden Health Care Center	01/01/1999	N	N	none	3
645	15	Blueprint for Building an Ergonomics Program	01/01/1998	N	N	none	52
646	15	Document re: PVC Material	01/01/1999	N	N	none	8
647	15	Letter to the Honorable Randy "Duke" Cunningham	10/01/1999	N	N	none	7
648	15	Response Letter to Aviation Safety Advisory Services	02/24/1999	N	N	none	10

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
649	15	Response Letter to the North American Insulation Manufacturers Association	04/21/1999	N	N	none	4
650	15	Response Letter to Dennis Buhrow, RICI	06/01/1999	N	N	none	5
651	15	Response Letter to Costco Wholesale	06/02/1999	N	N	none	4
652	15	Response Letter to the International Cargo Gear Bureau, Inc.	05/05/1999	N	N	none	3
653	15	OSHA's Record Keeping Proposal: New Jersey Fifth Annual Occupational Safety and Health Conference	10/04/1999	N	N	none	6
654	15	Speech Points for the American Meat Institute	06/24/1999	N	N	none	3
655	15	American Association of Port Authorities Safety Seminar, Tampa, FL	06/18/1999	N	N	none	11
656	15	Response Letter to Risk and Insurance Management Society, Inc.	07/12/1999	N	N	none	5

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
657	15	Response Letter to Mechanical Contractors Association of America, Inc.	01/01/1999	N	N	none	2
658	15	Letter to Sheet Metal and Air Conditioning Contractors' National Association, Inc.	03/31/1999	N	N	none	2
659	15	Letter to American Federation of State, County, and Municipal Employees	07/12/1999	N	N	none	2
660	15	Hearing - Committee on Small Business House of Representatives	07/22/1999	N	N	none	16
661	15	Hearing - Senate Special Committee on the Year 2000 Technology Problem	05/10/1999	N	N	none	13
662	15	Hearing - Subcommittee on Oversight and Investigations of the House Education and the Workforce Committee	03/25/1999	N	N	none	6
663	15	Hearing - The Subcommittee on Workforce Protections House Committee on Education and the Workforce	03/23/1999	N	N	none	8
664	15	Hearing - Subcommittee on Energy and Environment of the Committee on Science	07/22/1999	N	N	none	13

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
665	15	OSHA Correspondence Control Form	07/19/1999	N	N	none	6
666	15	Policy on Review of Recordkeeping Practices with Regard to Incentive Programs at VPP Sites	06/10/1999	N	N	none	2
667	15	OSHA Strategic Partnerships: National Office Presentation on the types, benefits, and successes of OSHA Partnerships	01/01/1999	N	N	none	5
668	15	Letter from Paula White, Director Federal-State Operations to Cheye Calvo, Policy Specialist, Employment and Insurance	09/17/1999	N	N	none	2
669	15	Letter from Charles Jeffress, Assistant Secretary, to Alfred Whitehead	08/27/1999	N	N	none	2
670	15	Letter from Charles Jeffress, Assistant Secretary, to the Honorable Bart Gordon, U.S. House of Representatives	02/26/1999	N	N	none	2
671	15	Letter from Paula White, Director of Federal-State Operations to Karen Mann	06/22/1999	N	N	none	2
672	15	Letter to the Committee on Small Business, U.S. House of Representatives	05/06/1999	N	N	none	12

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
673	15	Letter from James Talent, Chairman, to John Howard, Chief California Division of Occupational Safety and Health	02/26/1999	N	N	none	7
674	15	Letter to the Honorable James M. Talent, U.S. House of Representatives	03/04/1999	N	N	none	9
675	15	Response Letter to California Division of Occupational Safety and Health	04/23/1999	N	N	none	10
676	15	Response Letter to Columbia Legal Services	06/02/1999	N	N	none	5
677	15	Letter to Senator Slade Gorton on the use on tent camps in the State of Washington during the Cherry Harvest	06/01/1999	N	N	none	5
678	15	Letter to SeaMar Community Health Center, Farmworker Coalition	05/13/1999	N	N	none	5
679	15	Response Letter to Hector Chavez	09/16/1999	N	N	none	2
680	15	Letter to the Washington State Labor Council AFL-CIO	05/13/1999	N	N	none	3

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

c = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
681	15	Response Letter to the University of Massachusetts	05/10/1999	N	N	none	5
682	15	Bloodborne Pathogens Exposure Control Plan	01/01/1999	N	N	none	12
683	15	Letter to Hagens Berman, Attorneys at Law	05/10/1999	N	N	none	28e
684	15	The Role of OSHA - Approved State Plans in the National OSHA Program	01/01/1999	N	N	none	12
685	15	States (14) that Enforce Field Sanitation and Temporary Labor Camp Standards	09/01/1999	N	N	none	1
686	15	Survey-State Standards Availability via the Internet	08/18/1999	N	N	none	3
687	15	Voluntary Protection Programs (VPP) Activity in State-Plan States	01/01/1999	N	N	none	2
688	15	State Adoption of Respirator Standard	03/04/1999	N	N	none	2

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
689	15	State Response to Employer Requirement to Pay for Personal Protective Equipment	03/01/1999	N	N	none	5
690	15	State Adoption of Recordkeeping Exemptions Comparable to 29 CFR 1904.16	01/12/1999	N	N	none	2
691	15	State Plan States-Requirements for Employers to Pay for PPE	02/10/1999	N	N	none	1
692	15	United States Postal Service Jurisdiction in State Plan States	01/22/1999	N	N	none	1
693	15	State Responses to Whether Enforcing Two Latest CDC Guidelines on HIV and HEP C Under the Bloodborne Pathogens Standards	01/22/1999	N	N	none	1
694	15	Summary of State Safety and Health Compliance Staffing and Benchmarks FY 1999	01/01/1999	N	N	none	1
695	15	Presentation - US DOL - OSHA	01/01/1999	N	N	none	19
696	15	Office Ergonomics/St. Lois Area Office Presentation on Basic Principles of Ergonomics.	01/01/1999	N	N	none	17

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
697	15	Presentation - About OSHA	01/01/1999	N	N	none	13
698	15	Trenching Hazards - Don't Get Stuck in the Mud!	01/01/1999	N	N	none	3
699	15	Powered Industrial Truck Training (New)	01/01/1999	N	N	none	4
700	15	OSHA Overview	01/01/1999	N	N	none	25
701	15	Sample Program - Entry into Grain Structures	01/01/1999	N	N	none	3
702	15	Telefax to Nebraska Grain & Feed Association	01/01/1999	N	N	none	2
703	15	Example of "Hot Work" Permit	01/01/1999	N	N	none	1
704	15	Safety Pays: How Employers can save money by improving safety and health in the workplace	01/01/1999	N	N	none	6

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

c = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
705	15	CD-ROM - OSHA Construction References	01/01/1999	N	N	none	0
706	15	Model Lockout/Tagout Program	01/01/1999	N	N	none	7
707	15	Questions and Answers on the Respiratory Protection Standard	01/01/1999	N	N	none	14
708	15	OSHA Standards Cited in Region VII: List of Standards for which Region VII issued citations	01/01/1999	N	N	none	29
709	15	Easy Hits on Forktrucks	01/01/1999	N	N	none	3
710	15	Top 15 Most Frequently Cited Standards in Nursing Homes	01/01/1999	N	N	none	1
711	15	Occupational Hazards by Location in the Nursing Home	01/01/1999	N	N	none	3
712	15	An Ergonomic Approach to Reducing Back Stress in Health Care Settings	01/01/1999	N	N	none	5

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
713	15	Reducing Employee Back Injuries in Skilled Nursing Facilities	01/01/1999	N	N	none	8
714	15	OSHA Internet Reference List for Nursing Homes	01/01/1999	N	N	none	1
715	15	Availability of Assistive Devices Which May Be Helpful in Patient Care Activities	01/01/1999	N	N	none	1
716	15	Document re: Administration	01/01/1999	N	N	none	6
717	15	Handout for Employers-a check list fro hazardous chemicals, training, and MSDSs	01/01/1999	N	N	none	3
718	15	Lockout/Tagout Sample Program	01/01/1999	N	N	none	11
719	15	Sample Hazard Communication Program	01/01/1999	N	N	none	4
720	15	Appendix A. Permit - Required Confined Space Decision Flow Chart	01/01/1999	N	N	none	11

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
721	15	Guidance for OSHA 29 CFR Part 1919 Accredited Agencies - Use of OSHA Official Certification Forms	01/01/1999	N	N	none	2
722	15	Hazard Communication Program	01/01/1999	N	N	none	9
723	15	Sample Job Hazard Analysis	01/01/1999	N	N	none	6
724	15	Direct and Indirect Costs of Accidents	01/01/1999	N	N	none	15
725	15	The Meatpacking Times	02/01/1999	N	N	none	1
726	15	OSHA Fact Sheets: Table of Contents of OSHA factsheets on the internet	07/28/1999	N	N	none	10
727	15	OSHA Trade News Release: New OSHA Training Standard for powered industrial trucks	12/01/1998	N	N	none	2
728	15	Powered Industrial Truck Operator Training Standard Summary	01/01/1999	N	N	none	1

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
729	15	Developing a Training Program for Powered Industrial Truck Operators	01/01/1999	N	N	none	4
730	15	Sample Powered Industrial Truck (PIT) Operator Training Program Outline	01/01/1999	N	N	none	2
731	15	Sample Performance Test for Forklift Operators	01/01/1999	N	N	none	1
732	15	Frequently Asked Questions About Powered Industrial Truck Operator Training	01/01/1999	N	N	none	9
733	15	Powered Industrial Truck Operator Training Standard - Training and Reference Materials	01/01/1999	N	N	none	3
734	15	Powered Industrial Truck Operator Training - Stability of Powered Industrial Trucks	01/01/1999	N	N	none	6
735	15	Sample Daily Checklists for Powered Industrial Trucks	03/16/1999	N	N	none	8
736	15	Summaries of Selected Forklift Fatalities Investigated by OSHA	01/01/1999	N	N	none	4

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
737	15	Millennium Bug Can Affect Workplace Safety and Health	01/01/1998	N	N	none	1
738	15	Safety Pays: How Employers can safe money by improving workplace safety and health	01/01/1999	N	N	none	2
739	15	How to Develop and Implement an Effective Comprehensive Safety & Health Program	01/01/1999	N	N	none	2
740	15	Air Sample Summary and Calculation Sheet	01/01/1999	N	N	none	1
741	15	Noise Sample Summary Sheet	01/01/1999	N	N	none	1
742	15	Hazard Prevention and Control Charts on various levels of compliance with OSHA standards	08/01/1996	N	N	none	16
743	15	PPE Hazard Assessment Survey	01/01/1999	N	N	none	3
744	15	An Overview of VPP	08/05/1999	N	N	none	7

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
745	15	Summary of OSHA TB Guidelines	02/09/1996	N	N	none	7
746	15	Comparison of Prior Respiratory Protection Standard with Revised Standard	01/01/1999	N	N	none	29
747	15	Respiratory Protection: Information at OSHA's website on the Revised Respiratory Protection Standard	08/28/1998	N	N	none	13
748	15	Presentation on the Revised Respirator Standard	01/01/1999	N	N	none	63e
749	15	Major Requirements of 29 CFR 1910.134	01/01/1999	N	N	none	7
750	15	Respiratory Standard Update	01/01/1999	N	N	none	14
751	15	General Industry Standards Cited	01/01/1999	N	N	none	22
752	15	Safety and Health Program Management Guidelines	01/01/1999	N	N	none	5

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
753	15	Self-Inspection Check Lists	01/01/1999	N	N	none	25
754	15	Safety Checklist of what Compliance Officers look for during an inspection	01/01/1999	N	N	none	6
755	15	Goals for the Meatpacking Program	01/01/1999	N	N	none	22
756	15	Machine Guarding Checklist	01/01/1999	N	N	none	1
757	15	Personal Protective Equipment Workplace Hazard Assessment Form	01/01/1999	N	N	none	1
758	15	Chemical Hazard Communication Guidelines	01/01/1999	N	N	none	9
759	15	NIOSH Publication List	01/01/1999	N	N	none	1
760	15	NIOSH Publication List	09/16/1999	N	N	none	1

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
761	15	Sample Lockout/Tagout Written Program	01/01/1999	N	N	none	7
762	15	Lockout/Tagout Hazardous Energy Sources Control	01/01/1999	N	N	none	13
763	15	Framework for a Comprehensive Safety and Health Program in Nursing Homes	01/01/1999	N	N	none	30e
764	16	Overhead Power Line Tips for Construction Workers (English and Spanish versions)	05/01/1999	N	N	none	2
765	16	Pamphlet - Overhead Power Lines	01/01/1999	N	N	none	1
766	16	Como Prevenir Las Caidas - Es Facil (English and Spanish versions)	03/01/1999	N	N	none	37
767	16	Letter to Nebraska Association of County Officials	05/11/1999	N	N	none	1
768	16	Email - Access to RR tank cars	04/13/1999	N	N	none	1

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
769	16	Response Letter to The Associated General Contractors of St. Louis	08/10/1999	N	N	none	2
770	16	Response Letter to Associated General Contractors of Missouri, Inc.	08/10/1999	N	N	none	2
771	16	Response Letter to the Associated General Contractors of St. Louis	04/29/1999	N	N	none	2
772	16	Response Letter to Associated General Contractors of Missouri, Inc.	04/29/1999	N	N	none	2
773	16	Response Letter to the Associated General Contractors of St. Louis	02/10/1999	N	N	none	2
774	16	Letter to Associated General Contractors of Missouri, Inc.	02/10/1999	N	N	none	2
775	16	3 News Releases from Region 07 on Fall Protection Initiative	01/01/1999	N	N	none	6
776	16	Letter to Association of Missouri Electric Cooperatives	05/10/1999	N	N	none	1

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
777	16	Accident Reports from Region 07: Disasters from falls Accident Summary No. 1	01/01/1999	N	N	none	25
778	16	Fall Protection - It's a Snap! Electrocutions - Don't Get Zapped! Vol. 1, Issue 3	04/30/1999	N	N	none	3
779	16	Overhead Powerlines - Don't Get Zapped!	01/01/1999	N	N	none	43
780	16	Fall Protection - It's a Snap!	01/01/1999	N	N	none	59
781	16	Fall Protection - It's a Snap! Electrocutions - Don't Get Zapped! Vol. 1, Issue 4	09/29/1999	N	N	none	4
782	16	Presentation - Region VII - Falls Task Force	01/01/1999	N	N	none	31
783	16	Presentation - Effective Safety and Health Programs	01/01/1999	N	N	none	36
784	16	Letter to Rubber Manufacturers Association	02/18/1999	N	N	none	4

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
785	16	Letter to Commonwealth Edison Company/ETW III	02/03/1999	N	N	none	25e
786	16	Letter to Safety Director	10/08/1999	N	N	none	3
787	16	Response Letter to Associated Industries of Missouri	09/20/1999	N	N	none	10
788	16	Response Letter to Victor Johnny	05/14/1999	N	N	none	3
789	16	Letter to Craig Obey	04/06/1999	N	N	none	11
790	16	Letter to Honorable Paul Kanjorski	07/26/1999	N	N	none	18
791	16	Directorate of Compliance Programs	01/01/1999	N	N	none	8
792	16	Public Law 91-596	01/01/1999	N	N	none	27

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
793	16	OSHA Compliance Programs Presentation by Richard Fairfax	01/01/1999	N	N	none	31c
794	16	Silica Overexposure: Crystal Boules Complaint	01/01/1999	N	N	none	4
795	16	Directorate of Compliance Programs	01/01/1999	N	N	none	14
796	16	Explanation of OSHA's Cargo Gear Accreditation & Certification Program	05/01/1999	N	N	none	7
797	16	Directorate of Compliance Programs Presentation (compliance directives, standards, cases and litigations)	01/01/1999	N	N	none	9
798	16	Correspondence from Joe Nolan	09/16/1999	N	N	none	7
799	16	Facsimile Message from Office of Maritime Compliance Assistance	07/01/1999	N	N	none	5
800	16	OSHA: Federal Issues Affecting New Hampshire Business - Update	07/20/1999	N	N	none	31c

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

c = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
801	16	OSHA Emphasizes Fall and Electrical Safety during October	09/09/1999	N	N	none	9
802	16	Appendix A Questions and Answers	01/01/1999	N	N	none	11
803	16	Memorandum for Richard S. Terrill	08/05/1999	N	N	none	3
804	16	Document re: Hazard Alert: Use of Seatbelt While Operating Forklifts	03/03/1999	N	N	none	1
805	16	Letter to Saipan Tribune Building	08/16/1999	N	N	none	4

* Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public

e = Estimate of pages

1999 Congressional Index

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
806	17	Welcome to OSHA's Safety Pays	01/01/1996	N	N	none	31e
807	17	Caring Till it Hurts	01/01/1996	N	N	none	31e
808	17	Colorado Centennial Program	01/01/1996	N	N	none	14
809	17	The New OSHA: Partnerships	01/01/1996	N	N	none	6
810	17	The New OSHA: Getting a G.R.I.P.	01/01/1996	N	N	none	11
811	17	TEEN T.A.L.K.	01/01/1996	N	N	none	19

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
812	17	Multi-Employer Worksite Policy	01/01/1996	N	N	none	1
813	17	Letter to Liz Yellstrom	04/07/1997	N	N	none	8
814	17	Assault on the Job	01/01/1996	N	N	none	21
815	17	Summary of Work Comp. Injury	01/01/1996	N	N	none	2
816	17	Lost Workday Injury Rate	01/01/1996	N	N	none	1
817	17	Letter to Employers regarding OSHA Initiative to decrease incidence of Silicosis	06/28/1996	N	N	none	5
818	17	Letter re: Workplace Hazards	03/31/1997	N	N	none	31e
819	17	NIOSH Pamphlet: Construction Workers: It's Not Just Dust	01/01/1996	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
820	17	Fall Protection Options	01/01/1996	N	N	none	6
821	17	Dakota First Program	01/01/1996	N	N	none	2
822	17	Dakota First Program Summary	01/01/1996	N	N	none	3
823	17	OSHA Regional News Release "Dakota First" Safety Partnership with Employers	12/15/1998	N	N	none	2
827	17	Letter to Honorable Murkowski	04/14/1999	N	N	none	37
828	17	Letter to Rafael Arroyo	04/24/1998	N	N	none	7
829	17	Letter to Rafael Arroyo	04/20/1998	N	N	none	3
830	17	Letter to Mr. Racic	01/01/1998	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
831	17	Letter to Rafael Arroyo	04/20/1998	N	N	none	1
832	17	Letter to Editor Marianas Variety regarding corrections of articles.	06/11/1997	N	N	none	6
833	17	Letter to Editor, Saipan Tribune, regarding article May 20th "OSHA's Presence in CNMI"	04/20/1998	N	N	none	1
834	17	Letter to Ronald Helmuth	08/07/1996	N	N	none	2
835	17	Letter to Ron Swirczek regarding Minimum number of Firefighters	08/19/1996	N	N	none	2
836	17	Letter to Richard Welsh	08/07/1996	N	N	none	5
837	17	Letter to John Howard	11/01/1996	N	N	none	6
838	17	Letter re: Fork Truck Safety Initiative	01/01/1996	N	N	none	40e

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
839	17	Guide to Safe Work Practices for Home Builders	04/01/1998	N	N	none	69
840	17	Homesafe: An agreement between OSHA and Home Builders of Metropolitan Denver	04/24/1998	N	N	none	4
841	17	Letter to Miller Safety Consulting, Inc.	06/10/1998	N	N	none	6
842	17	Letter to DMAL-APWU Safety Chair	02/06/1997	N	N	none	2
843	17	OSHA Enforcement Data on Tuberculosis 5 (A)(1) Citations	10/01/1996	N	N	none	2
844	17	Colorado Association of Homes and Services for the Aging Conference	01/16/1997	N	N	none	2
845	17	An OSHA Update: A Comprehensive Framework for a Safety and Health Program	02/17/1998	N	N	none	3
846	17	Protecting Nursing Home Workers from Safety and Health Hazards	05/07/1998	N	N	none	3

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
847	17	Occupational Safety and Health Administration: OSHA Mission and Quick Facts, 01/97	01/01/1997	N	N	none	2
848	17	Occupational & Environmental Health (PRMD 6614)	02/01/1998	N	N	none	2
849	17	Occupational & Environmental Health (PRMD 6614)	02/03/1999	N	N	none	2
850	17	CHCA - OSHA and Infection Control Update	03/17/1997	N	N	none	2
851	17	Reducing Back Injuries in Nursing Home Employees	03/01/1998	N	N	none	3
852	17	Protecting Nursing Home Workers from Safety and Health Hazards	10/09/1997	N	N	none	3
853	17	Safety and Health Programs OSHA Law Class Outline 2/24/97	02/24/1997	N	N	none	2
854	17	Safety and Health Programs OSHA Law class Outline 2/25/98	02/25/1998	N	N	none	3

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
855	17	OSHA's VPP Safety and Health Program Management Workshop Series	03/10/1998	N	N	none	31e
856	17	OSHA's VPP Safety and Health Program Management Workshop Series	04/07/1998	N	N	none	7
857	17	OSHA's VPP Safety and Health Program Workshop Series	01/01/1996	N	N	none	5
858	17	OSHA's VPP Safety and Health Program Management Workshop Series	06/18/1998	N	N	none	7
859	17	Letter to ACE Systems, LTD.	01/27/1996	N	N	none	4
860	17	Letter to Kaiser Permanente	12/14/1998	N	N	none	2
861	17	Memorandum for Boulder Fire Department	06/22/1998	N	N	none	14
862	17	Letter to OCAW Health and Safety Department	05/22/1998	N	N	none	8

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
863	17	CCP Conference Safety Presentation at Denver, 1/12/98	01/12/1998	N	N	none	4
864	17	Presentation to Monfort Beef, Armour Swift Eckridge, etc., The Dynamics of Safety Cultures and Change	01/22/1998	N	N	none	11
865	17	The Dynamics of Safety Cultures	03/03/1998	N	N	none	11
866	17	Behavioral Based Safety What it is and what it is not: 1998 CREA Loss Control Seminar	07/14/1998	N	N	none	9
867	17	ConAgra-UFCW-OSHA Partnership	11/13/1998	N	N	none	3
868	17	Conoco and OC AW; VPP Concept	07/27/1998	N	N	none	3
869	17	Presented to the Architect of the Capitol Safety Presentation by Jerry Ryan	01/01/1996	N	N	none	3
870	17	Local Emphasis Program for Fall Hazards in the Construction Industry	02/13/1998	N	N	none	3

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
871	17	Local Emphasis Program for the Fish Processing Industry	03/02/1999	N	N	none	8
872	17	Letter to Bechtel/Parson/Brinckerhoff	12/16/1998	N	N	none	4
873	17	Local Emphasis Program for Construction Safety and Health Hazards on the Central Artery Tunnel Project	02/09/1998	N	N	none	4
874	17	Local Emphasis Program - Mobile Crane Operations in Construction	10/01/1999	N	N	none	4
875	17	Local Emphasis Program for Fireworks Display Services	05/13/1998	N	N	none	4
876	17	Local Emphasis Program for Tunnel Construction	06/16/1998	N	N	none	7
877	17	Letter to OSHA re: Firework Display Companies	05/21/1998	N	N	none	1
878	17	Letter to OSHA from Brenda Gordon regarding Local Enforcement Program (LEP)	05/21/1998	N	N	none	1

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
879	17	Sample Letter from Brenda Gordon	01/01/1996	N	N	none	2
880	17	Special Presentation Respiratory Protection	10/29/1998	N	N	none	8
881	17	New England Institute of Restoration & Cleaning	10/11/1996	N	N	none	31e
882	17	Human Resources Association of Greater Concord	11/17/1998	N	N	none	6
883	17	SIC Code Definition: Top Ten Most Frequently Federal OSHA Standards	01/01/1996	N	N	none	6
884	17	Letter from David C. May	12/02/1998	N	N	none	1
885	17	OSHA's Strategic Goals	01/01/1996	N	N	none	6
886	17	Concord Area Office Newsletter	12/09/1997	N	N	none	8

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
887	17	OSHA's Revised Respiratory Protection Regulation - Do You Know What You Need to Know??	10/15/1998	N	N	none	14
888	17	OSHA Respiratory Protection Public and Private Sector Haz-Mat Responders	01/01/1996	N	N	none	13
889	17	OSHA Requirements	01/01/1996	N	N	none	23
890	17	OSHA Standards with Medical Monitoring Section	05/18/1996	N	N	none	5
891	17	Safety and Health Cultures--Colorado Health Care Association	04/17/1998	N	N	none	6
892	17	The Dynamics of Safety Cultures	07/10/1998	N	N	none	6
893	17	The Dow Chemical Hosted Open House Agenda) Oct. 5, 1997	10/15/1997	N	N	none	7
894	17	Accident Cycle Presentation, 10/1/98	10/01/1998	N	N	none	10

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
895	17	Industrial Hygiene Excellence a Model for a New Paradigm	10/08/1997	N	N	none	3
896	17	What is Industrial Hygiene Excellence?	01/01/1996	N	N	none	2
897	17	Safety and Health Program Management Fact Sheets from Region VII	01/01/1996	N	N	none	31e
898	17	An Evaluation of the Adhesive Tape Sampling Method for Estimating Surface Asbestos Concentrations	01/01/1996	N	N	none	5
899	17	A Longitudinal Study of an American Public Building Following Asbestos Removal	12/01/1996	N	N	none	7
900	17	Making Sense of OSHA Standards with Medical Surveillance Sections	06/01/1997	N	N	none	6
901	17	OSHA's VPP Information Packet	01/01/1996	N	N	none	2
902	17	Weekly Safety Planner Concept for Managers and Supervisors	01/01/1996	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
903	17	Safety and Health Measures: Downstream and Upstream Measures	01/01/1996	N	N	none	2
904	17	Generic Change Process for Safety and Health	01/01/1996	N	N	none	2
905	17	Examples for the Breakdown of Safety Responsibilities	01/01/1996	N	N	none	1
906	17	Safety and Health Opinion Survey	01/01/1996	N	N	none	4
907	17	Optical Microscopy - Basic Concepts	01/01/1996	N	N	none	5
908	17	OSHA Compliance Issues: Making Sense of OSHA Standards with Medical Requirements: Part II	05/01/1998	N	N	none	5
909	17	OSHA Compliance Issues: Making Sense of OSHA Standards with Medical Requirements: Part I	03/01/1998	N	N	none	5
910	17	Example-Vision, Strategic and Operational Plans	01/01/1996	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
911	17	Grain Inspection Emphasis Items	01/01/1996	N	N	none	3
912	17	Fall Protection Brochure for Employees	01/01/1998	N	N	none	38
913	17	Fall Protection Poster	01/01/1996	N	N	none	1
914	17	Letter to Mr. Robert Andersen regarding requirements of 29CFR 1910.22©	06/03/1996	N	N	none	1
915	17	Letter to Mr. William Schuchman regarding the use of Small Compressed	09/08/1997	N	N	none	1
916	17	Letter to Mr. Schuchman regarding inter[retation of 29CFR 1910.119	02/03/1997	N	N	none	2
917	17	Letter to Mr. Schuchman regarding 29CFR 1910.119 (04/99)	04/04/1997	N	N	none	2
918	17	Letter to Mr. Rob Land regarding locking snap hooks for pole straps	11/10/1997	N	N	none	1

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
919	17	Letter to Mr. Schuchman regarding Hazard Communication Standard	06/08/1998	N	N	none	3
920	17	News Release Allied Construction Inc. Citations (30e)	07/03/1996	N	N	none	1
921	17	Confined Space Questionnaire	01/01/1996	N	N	none	4
922	17	Attachment No.1, Permit-required confined space decision flow chart	01/01/1996	N	N	none	1
923	17	Emergency Eyewash, Eye/Face Wash, and Shower Equipment	01/01/1996	N	N	none	1
924	17	Subpart I-Personal Protective Equipment	01/01/1996	N	N	none	5
925	17	Sample Respirator Program	01/01/1996	N	N	none	7
926	17	Eyewash Systems, Maintenance Checklist for identification of eyewash systems.	01/01/1996	N	N	none	1

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
927	17	Spray booth and spray area checklist	01/01/1996	N	N	none	4
928	17	The Meatpacking Times, Vol. 1, Issue 5	07/01/1998	N	N	none	1
929	17	The Meatpacking Times: for Employers regarding Meat Packing Initiative	02/01/1998	N	N	none	2
930	17	Procedural Checklist for an Employer who has been issued a citation	01/01/1996	N	N	none	1
931	17	Elements of an Effective, On-Going Control Program for Crystalline Silica	01/01/1996	N	N	none	1
932	17	Summary of OSHA Sampling Results	01/01/1996	N	N	none	1
933	17	Mechanical Power Press Injury Report	01/01/1996	N	N	none	1
934	17	Safety Inspection Guide: General Tips for Safe Work Place	01/01/1996	N	N	none	7

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
935	17	Document re: Lockout or Tagout of Energy-Isolating Devices	01/01/1996	N	N	none	5
936	17	Sample Hazard Communication Program	01/01/1996	N	N	none	2
937	17	Sample Form: Mechanical Power Press Monthly Inspection Record Partial Revolution	01/01/1996	N	N	none	3
938	17	Full Revolution Positive Clutch	01/01/1996	N	N	none	6
939	17	Respirator-Use Requirements Flow Chart	01/01/1996	N	N	none	1
940	17	Regional Instruction Directiv:Establish and Implement Local Emphasis Programs (LEP)	02/01/1998	N	N	none	7
941	17	Local Emphasis Program- Scaffolds	03/12/1998	N	N	none	4
942	17	Local Emphasis Program for MetroWest Tunneling and Underground Construction Operations	06/05/1998	N	N	none	4

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
943	17	Logging Industry Local Emphasis Program for the State of Maine	08/01/1998	N	N	none	15
944	17	Logging Operations, Inspection Procedures and Interpretive Guidance Including Twelve Previously Stayed Provisions	09/27/1996	N	N	none	9
945	17	Lost-Time and Fatal Injuries to Loggers in Maine (Brochure)	01/01/1996	N	N	none	1
946	17	Attachment 10: Training Sources for Logging Agency	01/01/1996	N	N	none	2
947	17	Attachment 11 Logging Local Emphasis Program	01/01/1996	N	N	none	2
948	17	Safety and Health Programs for the Logging Industry	01/01/1996	N	N	none	35
949	17	OSHA's Respiratory Protection Standard	01/01/1996	N	N	none	21
950	17	The Meatpacking Times	09/01/1998	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
951	17	The Meatpacking Times June 1997: Initiatives Update	01/01/1996	N	N	none	2
952	17	The Meatpacking Times April 1997: Initiatives Update	04/01/1998	N	N	none	2
953	17	Fall Protection It's a Snap	01/01/1998	N	N	none	31e
954	17	Fall Protection News-Wichita	01/01/1996	N	N	none	1
955	17	Fall Protection News-Kansas City	01/01/1996	N	N	none	1
956	17	Fall Protection News-Omaha	01/01/1996	N	N	none	1
957	17	Fall Protection News by Janice Barrier (An Information Campaign)	01/01/1996	N	N	none	1
958	17	Fall Protection: It's a Snap Vol.1 Issue 1: Program Overview	05/01/1998	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
959	17	Fall Protection Volume 1 Issue 2: Fatal Accidents	09/01/1998	N	N	none	2
960	17	Fall Protection Brochure (Directory Of OSHA Offices)	01/01/1998	N	N	none	2
961	17	Fall Protection Training Manual Region VII	01/01/1996	N	N	none	125e
962	17	OSHA Update FY 99 Presentation Outline	01/01/1999	N	N	none	2
963	17	OSHA Update: NEW OSHA Presentation	05/01/1998	N	N	none	3
964	17	TB Infection Control Program	01/01/1996	N	N	none	10
965	17	Respirator Selection: General Helpful Hints	01/01/1996	N	N	none	8
966	17	The OSH Act and Development of OSHA	01/01/1996	N	N	none	3

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
967	17	Recordkeeping & Ergonomics	01/01/1996	N	N	none	3
968	17	Process Safety Management Hazard Evaluation	01/01/1996	N	N	none	14
969	17	Nursing Home Initiative	08/08/1996	N	N	none	3
970	18	Elements of an Emergency Action Plan	01/01/1996	N	N	none	4
971	18	Occupational Exposure to Asbestos	01/01/1996	N	N	none	26
972	18	OSHA Update Presented to The American Society of Safety Engineers	09/15/1998	N	N	none	9
973	18	OSHA Update Presented to The American Chemical Society	08/25/1998	N	N	none	7
974	18	OSHA Update: Understanding OSHA	09/17/1998	N	N	none	9

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
975	18	OSHA Update: OSHA and Construction	12/01/1998	N	N	none	11
976	18	OSHA Update: New Bedford Personnel	11/23/1998	N	N	none	9
977	18	Letter to Martin, Magnuson, McCarthy & Kenney	04/25/1996	N	N	none	1
978	18	Letter to Wilderness Medical Associates	04/22/1996	N	N	none	1
979	18	Letter to Massachusetts Association for the Blind	04/26/1996	N	N	none	1
980	18	Letter to Occupational Health & Safety Solutions, Inc.	06/24/1996	N	N	none	2
981	18	Letter to Korde & Associates	07/25/1996	N	N	none	2
982	18	Letter to Ploss Associates	08/28/1996	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
983	18	Letter to Massachusetts Association of Occupational Health Nurses	09/09/1996	N	N	none	1
984	18	Letter to Risk Control Services	10/03/1996	N	N	none	2
985	18	Letter to Cashins & Associates, Inc.	10/17/1996	N	N	none	1
986	18	Letter to M&M Protection Consultants	12/04/1996	N	N	none	2
987	18	Letter to Dennis Lundstedt Associates	12/10/1996	N	N	none	5
988	18	Letter to Arthur D. Little	02/28/1997	N	N	none	2
989	18	Letter to Melrose Insurance Group Agency, Inc.	04/03/1997	N	N	none	2
990	18	Letter to Edward Krisivnas regarding cleaning of contaminated reusable containers	04/07/1997	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
991	18	Letter to Eastern Utilities	04/09/1997	N	N	none	2
992	18	Letter to Mr. Haley regarding OSHA requirements in General	03/21/1997	N	N	none	2
993	18	Letter to Mr. Clark from OSHA regarding request for information on Safety An Health Committees	04/02/1997	N	N	none	2
994	18	Letter to Hunnewell Square	05/06/1997	N	N	none	2
995	18	Letter to Home Health VNA	06/04/1997	N	N	none	2
996	18	Letter to Imagineers, L.L.C	06/25/1997	N	N	none	3
997	18	Letter to Rhode Island Roofing Contractors Association	08/27/1997	N	N	none	1
998	18	Letter to Bechtel/Parsons Brinckerhoff	10/09/1997	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
999	18	Letter to Associated Industries of Massachusetts	12/12/1997	N	N	none	31e
1000	18	Letter to Northeast Waste Management Official's Association	01/09/1998	N	N	none	2
1001	18	Letter to Right Message L.L.C	02/27/1998	N	N	none	1
1002	18	Letter to Contractors Risk Management, Inc.	03/06/1998	N	N	none	3
1003	18	Letter to Imagineers, L.L.C.	04/22/1998	N	N	none	2
1004	18	Letter to Scannell & Salerno	06/15/1998	N	N	none	2
1005	18	Letter to Production & Maintenance Workers, Local 369	06/22/1998	N	N	none	2
1006	18	Letter to HRDirect	06/24/1998	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1007	18	Letter to Franklin Regional Hospital	07/15/1998	N	N	none	2
1008	18	Letter to Occupational Medical Consulting	07/23/1998	N	N	none	1
1009	18	Letter to MHCA Workers Compensation Fund	07/28/1998	N	N	none	2
1010	18	Associated General Contractors: OSHA Update Presentation Outline	02/08/1996	N	N	none	3
1011	18	Legionella in the Workplace	01/01/1996	N	N	none	2
1012	18	Lead in Construction	01/01/1996	N	N	none	13
1013	18	Introduction to OSHA	01/01/1996	N	N	none	2
1014	18	The New OSHA	01/01/1996	N	N	none	3

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1015	18	Ergonomics Plan	01/01/1996	N	N	none	7
1016	18	Superfund Amendments and Reauthorization	01/01/1996	N	N	none	18
1017	18	Presentation by Rosemary Veigel Cooper Peoria Office	01/01/1996	N	N	none	3
1018	18	Presentation by Rosemary Veigel Cooper on Public Law 91-596	10/19/1999	N	N	none	8
1019	18	Presentation by Rosemary Veigel Cooper Peoria Office: An Overview of Illinois Hazard LEP	03/25/1999	N	N	none	3
1020	18	Power Industrial Truck Operator Training	03/01/1999	N	N	none	1
1021	18	Federal OSHA Illinois Coverage	01/01/1996	N	N	none	11
1022	18	OSHA Strategic Plan	01/01/1997	N	N	none	4

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1023	18	DIOSH Day	02/26/1997	N	N	none	8
1024	18	Protecting Whistleblowers	01/01/1996	N	N	none	2
1025	18	MCISC Safety Leaders Forum	01/20/1998	N	N	none	2
1026	18	Letter from Thomas Marple	07/29/1996	N	N	none	3
1027	18	Letter from Thomas Marple	09/11/1996	N	N	none	1
1028	18	Team Kansas (Wichita Area Office and Overland Park District Office) Notice CPL 2	05/03/1996	N	N	none	11
1029	18	Letter from Thomas Marple	05/01/1997	N	N	none	2
1030	18	Letter to Rafael Arroyo	04/23/1998	N	N	none	3

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1031	18	Checklist for Spray-Finishing Operations	01/01/1996	N	N	none	15
1032	18	Chemical Hazard Communication Guidelines	01/01/1996	N	N	none	10
1033	18	Bloodborne Pathogens Exposure Control Plan 29CFR 1910.1030	01/01/1996	N	N	none	13
1034	18	Model: Lockout/Tagout Program	01/01/1996	N	N	none	7
1035	18	OSHA Instruction CPL 2.110, Directorate of Compliance Programs	03/19/1996	N	N	none	27
1036	18	Team Kansas Notice CPL 2.2--Local Emphasis Program (LEP) for SILICOSIS	01/22/1997	N	N	none	7
1037	18	Abrasive Blasting Chart	01/01/1996	N	N	none	1
1038	18	Bloodborne Pathogens Exposure Control Plan	01/01/1996	N	N	none	12

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1039	18	Bloodborne Pathogens Compliance Checklist	01/01/1996	N	N	none	5
1040	18	Hazard Communication	05/01/1994	N	N	none	9
1041	18	Administrative Respiratory Protection Program	01/01/1996	N	N	none	4
1042	18	Safety and Health AGC Partnership for Excellence	01/01/1996	N	N	none	12
1043	18	Letter to Employer(-Format) from Area Coordinator regarding filed Lawsuits	01/01/1996	N	N	none	1
1044	18	CCP Inspection Option	01/01/1996	N	N	none	1
1045	18	Letter to Employer-Inspection List	12/08/1997	N	N	none	4
1046	18	General Letter to Employer regarding Tobacco Smoke from Patricia Bradley	01/01/1996	N	N	none	1

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1047	18	Letter to Employer from Area Director	01/01/1996	N	N	none	1
1048	18	Letter to General Contractors and Steel Erectors regarding proposed rule for Steel Erectors	08/14/1998	N	N	none	1
1049	18	Letter to Employer-National Emphasis Program	02/19/1998	N	N	none	8
1050	18	Letter to Center for Occupational and Environmental Health	08/28/1998	N	N	none	2
1051	18	Letter to Ms. Shannon Hendrickson	08/31/1998	N	N	none	2
1052	18	Letter to Atlantic Charter Insurance Company	09/25/1998	N	N	none	2
1053	18	Letter to ATC Associates, Inc.	10/13/1998	N	N	none	2
1054	18	Letter to Mr. Clayton Rose	10/15/1998	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1055	18	Letter to Hazmateam, Inc.	10/22/1998	N	N	none	2
1056	18	Letter to McLeod & Mahoney	10/23/1998	N	N	none	2
1057	18	Letter to Brotherhood of Utility Workers of N.E., Inc.	11/20/1998	N	N	none	3
1058	18	Letter to G.T. Machining & Fabricating	11/24/1998	N	N	none	2
1059	18	Letter to employers regarding OSHA's Primary Inspection List	08/18/1998	N	N	none	3
1060	18	Letter to employers regarding OSHA's Primary Inspection List	07/02/1998	N	N	none	3
1061	18	Letter from Joe Reina regarding Silica Dust Exposures Can Cause Silicosis	03/16/1998	N	N	none	7
1062	18	What You Must do to Prevent Power Press Injuries	01/01/1996	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1063	18	Letter from Joe Reina to Industries participating in a Local Emphasis Program for Anhydrous Ammonia	01/07/1998	N	N	none	6
1064	18	Protecting Workers from the Hazards of Anhydrous Ammonia	01/01/1996	N	N	none	4
1065	18	Chemical Accident Response	01/01/1996	N	N	none	1
1066	18	Comprehensive S & H Programs	01/01/1996	N	N	none	7
1067	18	High Risk Occupations 1994	01/01/1996	N	N	none	1
1068	18	OSHA Compliance Workshop for the Autobody Industry	01/01/1996	N	N	none	2
1069	18	Getting with the Program	01/01/1996	N	N	none	3
1070	18	Instruction CPL 2.2: Pilot Program for Standard Industrial Clarification 07/96	07/01/1996	N	N	none	12

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1071	18	Letter to Current Management Official regarding National Emphasis Program	07/17/1997	N	N	none	2
1072	18	Letter to Current Management Official regarding Silicosis in the workplace	06/09/1998	N	N	none	2
1073	18	Nebraska Paper Partners: an update on Partnership between OSHA and Nebraska 08/97	08/01/1997	N	N	none	4
1074	18	Nebraska Paper Partners	10/01/1997	N	N	none	6
1075	18	Nebraska Paper Partners	04/01/1998	N	N	none	4
1076	18	Lockout/Tagout Sample Program	01/01/1996	N	N	none	11
1077	18	Sample Hazard Communication Program	01/01/1996	N	N	none	4
1078	18	Sample Program on Bloodborne Pathogens Exposure Control Plan	01/01/1996	N	N	none	11

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1079	18	OSHA Seeks Information to Reduce Needlesticks Injuries	11/01/1998	N	N	none	1
1080	18	OSHA Revised Respiratory Standards, Simplify Guidelines, Reflect New Technology	09/01/1998	N	N	none	1
1081	18	OSHA Update Presentation on National and Nebraska Programs	01/01/1996	N	N	none	16
1082	18	News Release: OSHA Targets Kansas Counties for Trenching and Excavation Enforcement Efforts	08/21/1996	N	N	none	1
1083	18	Letter to Home Builders Association of Greater Kansas City	01/01/1996	N	N	none	1
1084	18	Excavation Checklist Supplement	01/01/1999	N	N	none	3
1085	18	Excavation Checklist	01/01/1996	N	N	none	2
1086	18	OSHA Training Material Evaluation Form	01/01/1996	N	N	none	27

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1087	18	Petroleum Safety Training	01/01/1996	N	N	none	94e
1088	18	Sample letter from Thomas Marple	04/24/1998	N	N	none	1
1089	18	Standards Related to Facilities in the Grain Industry	01/01/1996	N	N	none	25
1090	18	Letter to Mr. Fabian Greenwell requesting interpretation of 39 CFR 1910.119(d)(1)	09/17/1998	N	N	none	8
1091	18	Letter to Associated General Contractors of America regarding request of information on Safety Belts Abernathy	12/10/1997	N	N	none	4
1092	18	OSHA Respiratory Protection Standards	01/01/1996	N	N	none	31e
1093	18	Fatality Related Hazards Project	04/23/1996	N	N	none	16
1094	18	Mobile Home Manufacturing Initiative	09/26/1996	N	N	none	16

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1095	18	Cowtown Program	06/10/1996	N	N	none	15
1096	18	Letter from Dean Wingo	01/07/1999	N	N	none	2
1097	18	World Wide Estimates of Workers killed on the job	01/01/1996	N	N	none	1
1098	18	OSHA News for Industry regarding New PITS and Confined Space Standard	12/18/1998	N	N	none	31e
1099	18	OSHA's Respiratory Standard	01/01/1996	N	N	none	4
1100	18	OSHA's Respiratory Standard	01/01/1996	N	N	none	6
1101	18	OSHA's Jurisdiction and Priorities Presentation	01/01/1996	N	N	none	3
1102	18	Accident Investigation Presentation (Who, What, When, Where and How)	01/01/1996	N	N	none	5

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1103	18	OSHA Update Presentation	09/01/1998	N	N	none	4
1104	18	Worksite Hazard Analysis	01/01/1996	N	N	none	2
1105	18	OSHA Web Site Presentation	01/01/1996	N	N	none	2
1106	18	World Wide Estimates of Workers killed on the Job	01/01/1996	N	N	none	1
1107	18	Construction Industry Standards	01/01/1996	N	N	none	1
1108	18	Employer Excuses/ Reasons for not Recording Injuries	01/01/1996	N	N	none	1
1109	18	Letter to United Paperworkers International Union	09/25/1998	N	N	none	1
1110	18	Hazard Information Bulletin	07/02/1996	N	N	none	31e

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1111	18	NIBCO Chemtrol	07/02/1996	N	N	none	4
1112	18	A Discussion of PVC Pipe Under Vacuum	07/02/1996	N	N	none	1
1113	18	Letter to OSHA from Colonial Engineering Inc. regarding Compressed Gas	07/02/1996	N	N	none	10
1114	18	Sample Hazard Communication	06/07/1996	N	N	none	2
1115	18	Memorandum for Area Directors	06/07/1996	N	N	none	8
1116	18	Indoor Air Quality Survey Building Characterization	06/07/1996	N	N	none	3
1117	18	Bloodborne Pathogens	06/07/1996	N	N	none	9
1118	18	OSHA Stats, Facts & Trends	06/07/1996	N	N	none	7

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1119	18	OSHA Health Update	06/07/1996	N	N	none	15
1120	18	Alabama's Cooperative Compliance Program	06/07/1996	N	N	none	5
1121	18	"Alabama Four" Program: Alabama General Industry Inspection Targeting System	06/07/1996	N	N	none	11
1122	18	Guidance in Establishing a Health Monitoring/ Medical Surveillance Program	01/01/1996	N	N	none	15
1123	18	General Letter to Employer regarding Area Office Outreach Program 2/98	01/01/1996	N	N	none	3
1124	18	Electrocution Occurs When Grain Was Being Delivered to an Alabama Farm	01/01/1996	N	N	none	1
1125	18	Strategizing: Sawmill Breakthrough Initiative a Success!	01/01/1996	N	N	none	1
1126	18	Respirable Silica Overexposure	01/01/1996	N	N	none	1

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1127	18	Tuscaloosa Company Fined and Placed on Probation After Pleading Guilty	04/14/1998	N	N	none	2
1128	18	Letter to Mr. Mark Wiggins regarding interpretation of 1926.1101(f)	03/05/1997	N	N	none	2
1129	18	Memorandum for Mark Wiggins from Leslie Grove regarding request for interpretation of Recordkeeping Requirement	07/02/1997	N	N	none	1
1130	18	Cooperative Alliance Agreement	01/01/1996	N	N	none	6
1131	18	Email from Groves Les to Karl Maddox regarding Pressure Respirators	09/27/1998	N	N	none	1
1132	18	Email from Les Grove to Becky Warr regarding Decontactors-Flexible Conduit	08/21/1998	N	N	none	2
1133	18	Alabama's Cooperative Compliance Program	01/01/1996	N	N	none	31e
1134	18	Strategizing: Alabama 4 Continues, Successfully	01/01/1996	N	N	none	1

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1135	18	OSHA Activity Review	09/12/1997	N	N	none	4
1136	18	OSHA Activity Review	03/24/1996	N	N	none	6
1137	18	The Control of Hazardous Energy	01/01/1996	N	N	none	14
1138	18	OSHA Standards Cited by Frequency 1997-98	01/01/1996	N	N	none	1
1139	18	OSHA Standards Cited by Frequency 1996-1997	01/01/1996	N	N	none	1
1140	18	OSHA Update 1998	01/01/1996	N	N	none	7
1141	18	OSHA Update 1999	01/01/1999	N	N	none	9
1142	18	Ergonomics" Making the Work Fit the Worker"	01/01/1996	N	N	none	11

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1143	18	Hazard Communication Program	01/01/1996	N	N	none	16
1144	18	Hazard Communication Program	01/01/1996	N	N	none	6
1145	18	OSHA Mission	01/01/1996	N	N	none	8
1146	18	Industry Injury and Illness	01/01/1996	N	N	none	3
1147	18	Reports of Injuries to Employees Operating Mechanical Power Presses	01/01/1996	N	N	none	1
1148	18	Where Have all the Guardrails Gone?	01/01/1996	N	N	none	1
1149	18	General Industry Inspection Checklist	01/01/1996	N	N	none	2
1150	18	Letter to Children's Hospital	06/03/1997	N	N	none	3

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1151	18	Letter to International Union, UAW, Health and Safety Department	10/01/1997	N	N	none	1
1152	18	Letter to Chicago Interfaith Committee on Worker Issues	03/17/1998	N	N	none	2
1153	18	Letter to District 1199, SEIU, AFL-CIO	01/28/1997	N	N	none	1
1154	18	Letter to MRA--The Management Association	09/21/1998	N	N	none	2
1155	18	Letter to National Gypsum Company	05/06/1997	N	N	none	1
1156	18	Safety & Health in the Scrap Metal Processing and Recycling Industry	01/01/1996	N	N	none	250e
1157	18	Silica Overexposures	08/01/1996	N	N	none	31e
1158	18	Aurora Construction News	05/14/1997	N	N	none	94e

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1159	18	Documents re: Confined Spaces	08/02/1999	N	N	none	31e
1160	18	Letter to Employer-Paperwork Burden	01/01/1996	N	N	none	4
1161	18	Letter to Agency Head from Diane Brayden	10/27/1998	N	N	none	2
1162	18	General Complaint Letter Response from Diane Brayden	01/01/1996	N	N	none	1
1163	18	Major Requirements of OSHA's Respiratory Protection Standard	03/01/1998	N	N	none	7
1164	18	Exposure Control Plan	01/01/1996	N	N	none	12
1165	18	Sample Written Hazard Communication Program	01/01/1996	N	N	none	4
1166	18	Sample Respirator Program	01/01/1996	N	N	none	6

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1167	18	Avenel OSHA Area Office Woodworking Information & Outreach Session	01/13/1999	N	N	none	11
1168	18	Subpart R - Steel Rection, Subpart M - Fall Protection	05/27/1997	N	N	none	26
1169	18	29 CFR 1926 - Subpart M Fall Protection	01/01/1996	N	N	none	13
1170	19	Construction--Opening Conference Checklist	01/01/1996	N	N	none	2
1171	19	Highlights of the New Fall Protection Standard	01/01/1996	N	N	none	2
1172	19	Sample Fall Protection Plan for Residential Construction	01/01/1996	N	N	none	8
1173	19	OSHA Proposes Fines Totaling $40,000	09/15/1998	N	N	none	2
1174	19	Recent Mississippi Inspections Show Positive Results of OSHA Court-Stayed Cooperative Compliance Program	07/23/1998	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1175	19	OSHA Proposes Fines Totaling $70,000 For Safety Violations	04/22/1998	N	N	none	2
1176	19	OSHA Fines Nashville Electrical Contractor $85,000	06/03/1997	N	N	none	2
1177	19	Iowa-Based Company Fined	04/16/1997	N	N	none	2
1178	19	Southwest Mississippi Electric Power Association Fined $54,000 Following Fatal Accident	03/26/1997	N	N	none	2
1179	19	OSHA Proposes $191,500 Penalty Against Vicksburg, Miss.	10/10/1996	N	N	none	2
1180	19	Field Method for Identification of Soil Texture	01/01/1996	N	N	none	63e
1181	19	Model Written Hazard Communication Program	01/01/1996	N	N	none	3
1182	19	Energy Control Procedure	01/01/1996	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1183	19	TPM Lockout/Tagout Procedure	01/01/1996	N	N	none	1
1184	19	Lockout Guide 6	01/01/1996	N	N	none	12
1185	19	"Alabama Four" Program; Alabama General Industry Inspection Targeting System	06/07/1996	N	N	none	45e
1186	19	1910.1030 Most Frequently Cited Sections	01/01/1996	N	N	none	3
1187	19	Presentation re: Definitions	01/01/1996	N	N	none	31e
1188	19	What are the Proposed Recording Criteria?	01/01/1996	N	N	none	12
1189	19	Voluntary Protection Programs (VPP)	01/01/1996	N	N	none	20e
1190	19	Partnerships with OSHA: New Ways of Working	01/01/1996	N	N	none	25e

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1191	19	Recordkeeping: Presentation by the New York Region on General OSHA Recordkeeping requirements\	01/01/1996	N	N	none	25e
1192	19	OSHA Homepage: New York Region Presentaion on General OSHA Operations	01/01/1996	N	N	none	10
1193	19	Educational Partnerships New York Region Presentation on Educational Partnership	01/01/1996	N	N	none	13
1194	19	Prevention of Employee Exposure	01/01/1996	N	N	none	8
1195	19	Hazard Communication Standard	01/01/1996	N	N	none	14
1196	19	Recordkeeping: Buffalo Office Presentation on Recordkeeping Guidelines for Occupational Injuries & Illnesses	01/01/1996	N	N	none	16
1197	19	Respiratory Protection: Buffalo Office Presentaion on Respiratory Protection Final Rule	01/01/1996	N	N	none	26
1198	19	Letter to Ms. Adams: Buffalo Office Interpretation Letter on Bloodborne Pathogens	02/27/1998	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1199	19	Lead in Construction	01/01/1996	N	N	none	7
1200	19	Protecting Working Teens	12/22/1998	N	N	none	9
1201	19	Teen Safety	12/22/1998	N	N	none	8
1202	19	EMF in the Workplace	09/01/1996	N	N	none	63e
1203	19	EMFs in the Workplace--NIOSH Fact Sheet	09/01/1996	N	N	none	4
1204	19	Occupational injury deaths of 16 and 17 year olds in the US	01/01/1997	N	N	none	11
1205	19	Job-related Fatalities Involving Youths, 1992-95	01/01/1996	N	N	none	3
1206	19	Brief: Job-related Fatalities Involving Youths	01/01/1996	N	N	none	3

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1207	19	Job-Related Fatalities	01/15/1997	N	N	none	4
1208	19	Preventing Silicosis and Deaths in Construction Workers	05/01/1996	N	N	none	18
1209	19	Tuberculosis Handout on Tuberculosis as Occupational Hazard	01/01/1996	N	N	none	6
1210	19	1926.450 - Subpart L Scaffolds	01/01/1996	N	N	none	11
1211	19	OSHA: The Inspection and Common Violations	01/01/1996	N	N	none	9
1212	19	Subpart M - Fall Protection	01/01/1996	N	N	none	5
1213	19	The Sick Building Syndrome	01/01/1996	N	N	none	12
1214	19	Nursing Home Safety and Health Training	10/07/1996	N	N	none	3

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1215	19	29 CFR 1926 - Subpart L Scaffolds	11/29/1996	N	N	none	63e
1216	19	Recording and Reporting Presentation on 29CFR 1904- Recordkeeping	01/01/1997	N	N	none	25
1217	19	OSHA Presentation by Jose A. Carpena	01/01/1996	N	N	none	9
1218	19	All About OSHA	01/01/1997	N	N	none	23
1219	19	Excavation Standard Orientation	03/11/1998	N	N	none	10
1220	19	Scaffolds: Puerto Rico Office Presentation on 1926.450	01/01/1996	N	N	none	7
1221	19	29 CFR 1926 Fall Protection	01/01/1996	N	N	none	9
1222	19	Region 2 Puerto Rico Office Presentation (Spanish) on OSHA Update	01/01/1996	N	N	none	7

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1223	19	OSHA Presentation in Spanish	01/01/1996	N	N	none	63e
1224	19	Ammonia Initiative Deficiencies	01/01/1996	N	N	none	4
1225	19	Letter re: Erie Area Office	01/01/1996	N	N	none	2
1226	19	Document re: Job Built Ladders	01/01/1996	N	N	none	1
1227	19	Letter to ILWU Local 8	05/18/1998	N	N	none	7
1228	19	Longshoring Outreach Agenda	01/01/1996	N	N	none	94e
1229	19	OSHA Local Insights	01/01/1996	N	N	none	2
1230	19	BNA's Safety Net	09/22/1998	N	N	none	8

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1231	19	Injury and Illness Recordkeeping	01/01/1996	N	N	none	59
1232	19	Letter to Associated General Contractors	08/28/1998	N	N	none	3
1233	19	Letter to Piledrivers Local 2396	08/28/1998	N	N	none	3
1234	19	Memorandum to Stevedoring Companies	01/01/1996	N	N	none	2
1235	19	News Releases (7) on Citations	01/01/1996	N	N	none	20e
1236	19	Most Frequently Violated Standards	10/01/1998	N	N	none	13
1237	19	Letter to Columbia Legal Services	07/10/1996	N	N	none	2
1238	19	Seattle Regional Instruction CPL 2.6C	06/12/1998	N	N	none	12

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1239	19	Safety in the Processing Factory OSHA Regulations	01/01/1996	N	N	none	31e
1240	19	Letter to Carpenters Apprenticeship	08/04/1998	N	N	none	2
1241	19	Letter to Crane Consultants, Inc.	03/11/1997	N	N	none	2
1242	19	Letter to Industrial Hygiene Consulting	12/19/1996	N	N	none	2
1243	19	Letter to Industrial Hygiene Services	11/12/1996	N	N	none	5
1244	19	Document from Mike Nemeth	12/03/1998	N	N	none	31e
1245	19	Letter to EPA	01/21/1997	N	N	none	25e
1246	19	Recordkeeping Reporter	05/01/1998	N	N	none	4

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1247	19	Safety Presentation	01/01/1996	N	N	none	7
1248	19	Recordkeeping Reporter	09/01/1997	N	N	none	2
1249	19	MS Health Care- Letter from the Jackson Area Office	04/25/1996	N	N	none	9
1250	19	News Releases from Philadelphia Region (75e) on Citations and Regulations	01/01/1996	N	N	none	230e
1251	19	Construction Industry Standards Requiring Recordkeeping	01/01/1996	N	N	none	1
1252	19	Employer Excuses/Reasons for Not Recording an Injury/Illness	01/01/1996	N	N	none	1
1253	19	Letter from the Jackson Area Office Regarding Diskette	04/25/1996	N	N	none	8
1254	19	29 CFR 1910.120 Hazardous Waste Operations and Emergency Response	01/01/1996	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1255	19	Generic Site Safety Plan	01/01/1996	N	N	none	1
1256	19	Sample Exposure Control Plan for Emergency Responders	07/01/1996	N	N	none	12
1257	19	Industrial Hygiene Fact Sheet	01/01/1996	N	N	none	1
1258	19	Sample Hazard Communication Program	01/01/1996	N	N	none	7
1259	19	Letter to Mr. Teaford regarding construction fatalities in Missouri during FY 98	10/22/1998	N	N	none	49
1260	19	Crystalline Silica Exposure	01/01/1996	N	N	none	3
1261	19	Boise Area Office Fact Sheet for Carbon Monoxide	01/01/1996	N	N	none	3
1262	19	Welding Health Hazards	01/01/1996	N	N	none	3

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1263	19	Sample Hearing Conservation Program	07/01/1996	N	N	none	6
1264	19	Sample Respiratory Protection Program	07/01/1996	N	N	none	8
1265	19	Changes in New Scaffolding Standard Issued by OSHA	01/01/1996	N	N	none	1
1266	19	Local Insights-Article on Nationwide Special Emphasis Program on Silicosis	01/01/1996	N	N	none	2
1267	19	Local Insights-Article on Hazard for Homebuilders	01/01/1996	N	N	none	1
1268	19	OSHA Local Insights Articles on Chainsaw Accidents	01/01/1996	N	N	none	2
1269	19	OSHA Local Insights Article on Fall Protection in Construction	01/01/1996	N	N	none	1
1270	19	OSHA Local Insights Article on how to Safely Jumpstart Vehicles and Equipments	01/01/1996	N	N	none	1

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1271	19	Local Insights- Articles on Multi-Employer Worksites Responsibilities	01/01/1996	N	N	none	1
1272	19	The Program Evaluation Profile	01/01/1996	N	N	none	16
1273	19	General Industry Violations (Idaho)	01/01/1996	N	N	none	2
1274	19	Boise Area Office Fact Sheet for Carbon Monoxide	01/01/1996	N	N	none	6
1275	19	Hazardous Waste Operations and Emergency Response	01/01/1996	N	N	none	20e
1276	19	Respiratory Protection Standard Checklist	01/01/1996	N	N	none	4
1277	19	Changes to the Fall Protection Standard	01/01/1996	N	N	none	3
1278	19	Fall Protection for Steel Erection	01/01/1996	N	N	none	3

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1279	19	Local Insights- Article on Hasty Work Accidents	01/01/1996	N	N	none	1
1280	19	Heat Stress- Article on Heat Stress as an Occupational Hazard	01/01/1996	N	N	none	1
1281	19	Local OSHA Insights- Article on the revised Respiratory Protection Standard	01/01/1996	N	N	none	1
1282	19	Local Insights- Article on Situations that put Employers At Risk for An OSHA Inspection	01/01/1996	N	N	none	1
1283	19	Letter to Employer-Program Invite	01/01/1997	N	N	none	2
1284	19	Local Insights- Article on Trench Safety	01/01/1996	N	N	none	1
1285	19	Letter to Area Safety, Health, and Environmental Manager, Northern Plains Area	10/22/1997	N	N	none	7
1286	19	Proposed TB Regulations Update	11/05/1998	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1287	19	Letter to HRH Insurance	12/03/1998	N	N	none	6
1288	19	Making Sense of OSHA Standards with Medical Requirements	05/09/1998	N	N	none	31e
1289	19	Letter to OSHA from Jones Stevedoring Company	07/06/1998	N	N	none	8
1290	19	OSHA Local Insights Article on Residential Construction	01/01/1996	N	N	none	1
1291	19	1926--Subpart M, Fall Protection	01/01/1996	N	N	none	20e
1292	19	29 CFR 1903.19 Abatement Verification	05/30/1997	N	N	none	2
1293	19	OSHA Presentation- General Information About the Agency's Mission	01/01/1996	N	N	none	6
1294	19	Boise Area Office Instruction CPL 2.1	07/24/1996	N	N	none	17

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1295	19	Boise Area Office Instruction CPL 2.1.1	07/01/1996	N	N	none	10
1296	19	Company Safety and Health Management System	01/01/1996	N	N	none	2
1297	19	29 CFR 1910.38 Employee Emergency Plans and Fire Prevention Plans	01/01/1996	N	N	none	2
1298	19	Sample Emergency Action Plan and Fire Prevention Plan	01/01/1996	N	N	none	6
1299	19	Inspection Checklist for 29 CFR 1910.38 Employee Emergency Plans and Fire Prevention Plans	01/01/1996	N	N	none	8
1300	19	29 CFR 1910.157 Portable Fire Extinguishers	01/01/1996	N	N	none	1
1301	19	29 CFR 1910.106 Flammable and Combustible Liquids	01/01/1996	N	N	none	2
1302	19	29 CFR 1910.107 Spray Finishing Using Flammable and Combustible Liquids	01/01/1996	N	N	none	4

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1303	19	Review of 1910.106 and 1910.107	01/01/1996	N	N	none	12
1304	19	Sample Energy Control Program for Mechanical Lockout, Tagout, Blockout, and Electrical Work Practices	01/01/1996	N	N	none	28
1305	19	Crane/Hoist Inspection Program General Industry	01/01/1996	N	N	none	12
1306	19	Sample Permit-Required Confined Space Program	07/01/1996	N	N	none	14
1307	19	29 CFR 1910.119 Process Safety Management of Highly Hazardous Chemicals	01/01/1996	N	N	none	4
1308	19	Letter to Mr. Rehkemper on Construction Related Fatalities Mr. Rehkemper	06/20/1996	N	N	none	4
1309	19	OSHA Local Insights-Article on Protective Systems for Trenches and Excavations	01/01/1996	N	N	none	2
1310	19	Letter to Training/Accident Prevention Department	02/24/1997	N	N	none	3

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1311	19	Letter to Local 8	02/25/1998	N	N	none	2
1312	19	OSHA Local Insights-Article on Safety Platforms for Forklifts	01/01/1996	N	N	none	2
1313	20	Letter to APWU Local 679	05/20/1997	N	N	none	4
1314	20	Information Booklet on Conduction Job Hazard Analysis	01/01/1996	N	N	none	63e
1315	20	A Guide to Scaffold Use	01/01/1996	N	N	none	94e
1316	20	Methylene Chloride Facts No.1	01/01/1996	N	N	none	4
1317	20	Methylene Chloride Facts No.2	01/01/1996	N	N	none	4
1318	20	Methylene Chloride Facts No.3	01/01/1996	N	N	none	4

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1319	20	Methylene Chloride Facts No.4	01/01/1996	N	N	none	4
1320	20	Methylene Chloride Facts No.5	01/01/1996	N	N	none	5
1321	20	Methylene Chloride Facts No.6	01/01/1996	N	N	none	4
1322	20	Methylene Chloride Facts No.7	01/01/1996	N	N	none	7
1323	20	Methylene Chloride Facts No.8	01/01/1996	N	N	none	4
1324	20	Methylene Chloride Facts No.9	01/01/1996	N	N	none	4
1325	20	Methylene Chloride Facts No.10	01/01/1996	N	N	none	4
1326	20	Methylene Chloride Facts No.11	01/01/1996	N	N	none	4

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1327	20	Construction Industry Digest	01/01/1996	N	N	none	70e
1328	20	Assessing the Need for PPE: A Guide for Small Business Employers	01/01/1996	N	N	none	57
1329	20	You've Been Selected to Be a VPP Onsite Team Member! Now What?	01/01/1996	N	N	none	15
1330	20	So You Want to Apply to VPP? Here's How to Do It!	01/01/1996	N	N	none	23
1331	20	What to Expect During OSHA's Visit	01/01/1996	N	N	none	10
1332	20	Methylene Chloride General Information Booklet	01/01/1996	N	N	none	31e
1333	20	Hazard Communication Guidelines for Compliance	01/01/1996	N	N	none	30
1334	20	Concrete and Masonry Construction	01/01/1996	N	N	none	33

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1335	20	Small Entity Compliance Guide	01/01/1996	N	N	none	23
1336	20	Shipyard Industry Information Booklet on Shipyard Standard	01/01/1998	N	N	none	210e
1337	20	OSHA Employee Workplace Rights	01/01/1996	N	N	none	19
1338	20	Addendum: Training Requirements in OSHA Standards and Training Guidelines, 1998	01/01/1996	N	N	none	4
1339	20	Underground Construction: Information Booklet on the Standard	01/01/1996	N	N	none	25e
1340	20	JSHQ Volume 10	01/01/1996	N	N	none	43e
1341	20	Keeping your Workplace Safe	01/01/1996	N	N	none	9
1342	20	Control of Hazardous Energy Sources	01/01/1996	N	N	none	198

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1343	20	Hospital and Community Emergency Response	01/01/1996	N	N	none	18
1344	20	The Heat Equation	01/01/1996	N	N	none	4
1345	20	Consultation Services for Employer	01/01/1996	N	N	none	30e
1346	20	Industrial Hygiene: Informational Booklet	01/01/1996	N	N	none	15
1347	20	Fall Protection in Construction: Information Booklet 1998	01/01/1996	N	N	none	63e
1348	20	Hand and Power Tools: Information Booklet, 1998	01/01/1996	N	N	none	63e
1349	20	Controlling Electrical Hazards: Informational Booklet	01/01/1996	N	N	none	63e
1350	20	Small Entity Compliance Guide for OSHA's Abatement Verification Regualtion: Overview of Verification	01/01/1996	N	N	none	31

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1351	20	Stairways and Ladders	01/01/1996	N	N	none	22
1352	20	Respiratory Protection	01/01/1996	N	N	none	43
1353	20	Recommendations for Workplace Violence Prevention Programs in Late-Night Retail Establishments	01/01/1996	N	N	none	43
1354	20	OSHA's Small Business Outreach Training Program	05/01/1997	N	N	none	3
1355	20	Sling Safety: Informational Booklet	01/01/1996	N	N	none	22
1356	20	Workplace Violence in JSHQ	01/01/1996	N	N	none	49
1357	20	Charles Jeffress Looks Ahead...in JSHQ	01/01/1996	N	N	none	62
1358	20	OSHA Cooperative Efforts...in JSHQ	01/01/1996	N	N	none	42

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1359	20	Hazardous Waste Operations	01/01/1996	N	N	none	23
1360	20	Ground -Fault Protection on Construction Sites	01/01/1998	N	N	none	30
1361	20	Grain Handling General Information Booklet	01/01/1996	N	N	none	23
1362	20	Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities	01/01/1996	N	N	none	125
1363	20	Training Requirements in OSHA Standards	01/01/1996	N	N	none	100e
1364	21	OSHA Inspections	01/01/1996	N	N	none	31e
1365	21	Ergonomics Getting Help at the Crossroads in JSHQ	01/01/1996	N	N	none	31e
1366	21	Servicing Single-Piece and Multi-Piece Rim Wheels	01/01/1996	N	N	none	31e

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.
e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1367	21	Working Safety with Video Display Terminals	01/01/1996	N	N	none	63e
1368	21	OSHA Handbook for Small Business	01/01/1996	N	N	none	70e
1369	21	Guidelines for Preventing Workplace Violence	01/01/1996	N	N	none	46
1370	21	Chemical Hazard Communication	01/01/1996	N	N	none	37
1371	21	Materials Handling and Storage Guidelines	01/01/1996	N	N	none	33
1372	21	Speeches from OSHA Officials (21)	01/01/1996	N	N	none	78e
1373	21	OSHA Congressional Testimonies (30e)	01/01/1996	N	N	none	242
1374	21	National Safety Council 1999 Integrated Safety Management	03/18/1999	N	N	none	25e

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1375	21	Letter to Mr. Vaughan on the use of crane or derrick suspended personnel platforms.	07/22/1996	N	N	none	1
1376	21	Letter to Mr. Pallasch thanking him for comments on a safety and health programs documents.	06/21/1996	N	N	none	1
1377	21	Letter to Mr. Lyon on fall protection requirements	11/04/1996	N	N	none	1
1378	21	Letter to Mr. Georgine on terminology in the revised regulation on scaffolds used in construction	12/17/1997	N	N	none	1
1379	21	Letter to Mr. Rhoten on how to detec leaks in gas lines	05/15/1996	N	N	none	2
1380	21	Letter to Mr. Glazier responding to his request to delay the effective date of the 1926.454 training requirements	11/25/1996	N	N	none	1
1381	21	Letter to Mr. Yohay responding to his request to delay the effective date of the 1926.454 training requirements	11/25/1996	N	N	none	1
1382	21	Memorandum for Office of Field Programs	07/10/1995	N	N	none	18

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1383	21	Letter to Mr. Davies clarifying the 1926.706(b) masory wall bracing requirements	06/25/1996	N	N	none	1
1384	21	Letter to Mr. Heinlein discussing the differences between appendices A&B of the silica special emphasis program	06/01/1996	N	N	none	1
1385	21	Letter to Mr. Reed on furnace insulation as maintenance	06/10/1996	N	N	none	1
1386	21	Letter to Mr. John Jones	10/08/1998	N	N	none	2
1387	21	Letter to Emmerich on the subpart L-scaffolds standard	06/30/1998	N	N	none	3
1388	21	Letter to Mr. Garvey on Personal Protective equipment	07/13/1998	N	N	none	1
1389	21	Letter to John McCarthy	06/04/1998	N	N	none	1
1390	21	Letter to Mr. West on residentail construction and fall protection	01/01/1996	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1391	21	Letter to Mr. LeGrande on fall protection for telecommunications employees	04/20/1998	N	N	none	2
1392	21	Letter to Mr. Aho on the somero S-240 Laser Screed	04/02/1998	N	N	none	2
1393	21	Letter to Mr. Greeno on toilet facilities at construction sites	04/30/1998	N	N	none	1
1394	21	Letter to Glazier on fall protection from aerial lifts	04/20/1998	N	N	none	3
1395	21	Letter to Mr. Palmer on scaffolding as an anchorage point for personal fall arrest systems	04/02/1998	N	N	none	1
1396	21	Memorandum for Gabriel Gillotti	03/13/1998	N	N	none	2
1397	21	Letter to Shuzman on fall protection during the erection of structural steel and precast concrete	03/24/1998	N	N	none	1
1398	21	Letter to Mr. Huey on fall protection of workers installing metal stairs, grating and landings	03/24/1998	N	N	none	1

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1399	21	Memorandum for Regional Administrators on stay of final rule for scaffolds in construction	12/12/1996	N	N	none	1
1400	21	Memorandum for Regional Administrators on corrections to the list of theStandards applicable to construction	01/01/1996	N	N	none	1
1401	21	Letter to Mr. Georgineon terms in the revised scaffolds in construction standard	12/17/1996	N	N	none	3
1402	21	Letter to Ms. Noyes on the fall protection in construction	04/24/1998	N	N	none	2
1403	21	Letter to Donald Whyte	05/23/1996	N	N	none	1
1404	21	Letter to Mr. Mock on the Stemple Plan	03/17/1998	N	N	none	1
1405	21	Letter to Mr. Feldman in response to his request for a 90-day delay in the effective date of the fall protection standard	12/24/1997	N	N	none	2
1406	21	Letter John Herzog on review of the manual ACCA Guide to Safety and Loss Control	09/14/1998	N	N	none	4

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1407	21	Letter to Mr. Seegal on his request to review four draft hazard alert cards	01/05/1998	N	N	none	4
1408	21	Construction Safety Handbook	01/01/1996	N	N	none	94e
1409	21	Chemical Accident Investigation	01/01/1996	N	N	none	3
1410	21	Incident Investigation: Texas Presentation on incident investigation as a program assessment tool	01/01/1996	N	N	none	3
1411	21	National Safety Council Congress	01/01/1996	N	N	none	3
1412	21	MIACC Presentation on Process Safety Management	01/01/1996	N	N	none	5
1413	21	Common Sense Initiative	11/05/1997	N	N	none	4
1414	21	Methods and Techniques of Underwater Research	01/01/1996	N	N	none	7

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1415	21	EPA Task Force Update	01/01/1998	N	N	none	3
1416	21	Corporate Conduct Quarterly	11/02/1997	N	N	none	5
1417	21	Letter to Ms. Cormier on 2-in2- out	07/20/1998	N	N	none	4
1418	21	Letter to the Honorable Mitchell McConnell, U.S. Senate	01/02/1997	N	N	none	3
1419	21	Letter to the American Trucking Association	11/18/1997	N	N	none	2
1420	21	Letter to the International Association of Fire Fighters	08/13/1996	N	N	none	2
1421	21	Letter to Lockheed Martin Energy Research Corp.	11/25/1997	N	N	none	3
1422	21	Letter to Lancaster Fire Department	05/27/1998	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1423	21	Letter to the Honorable David McIntosh, U.S. House of Representatives	04/15/1996	N	N	none	2
1424	21	Letter to the Honorable Fred Upton, U.S. House of Representatives	05/14/1996	N	N	none	3
1425	21	Letter to the Honorable Elton Gallegly	06/22/1998	N	N	none	2
1426	21	Letter to John Howard	06/03/1998	N	N	none	5
1427	21	Letter to John Howard	12/19/1997	N	N	none	6
1428	21	Letter to California Department of Industrial Relations	07/21/1997	N	N	none	8
1429	21	Letter to Michigan Department of Consumer and Industry Services	11/04/1997	N	N	none	2
1430	21	Letter to the Honorable David E. Bonior, U.S. House of Representatives	01/12/1998	N	N	none	1

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1431	21	Letter to the Honorable Richard G. Lugar, U.S. Senate	08/27/1998	N	N	none	8
1432	21	Letter to the Honorable John D. Dingell, U.S. House of Representatives	12/08/1998	N	N	none	2
1433	21	Letter to the Industrial Commission of Utah	04/17/1996	N	N	none	2
1434	21	Letter to the International Association of Fire Fighters	11/25/1996	N	N	none	4
1435	21	Letter to the International Association of Fire Fighters	04/08/1997	N	N	none	2
1436	21	Letter to Blood Systems, Inc.	04/24/1997	N	N	none	2
1437	21	Letter to International Association of Fire Fighters	06/16/1997	N	N	none	13
1438	21	Statement of Joseph A. Dear	05/08/1996	N	N	none	9

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1439	21	Statement of Joseph A. Dear	06/27/1996	N	N	none	10
1440	21	Statement of Joseph A. Dear	09/25/1996	N	N	none	16
1441	21	Statement of Gregory R. Watchman	04/10/1997	N	N	none	11
1442	21	Testimony of Emily Sheketoff	04/16/1997	N	N	none	6
1443	21	Statement of Robert Burt	04/17/1997	N	N	none	7
1444	21	Statement of Gregory R. Watchman	05/21/1997	N	N	none	8
1445	21	Statement of Charles N. Jeffress	02/26/1998	N	N	none	7
1446	21	Statement of Gregory R. Watchman	06/24/1997	N	N	none	11

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1447	21	Statement of Gregory R. Watchman	06/26/1997	N	N	none	8
1448	21	Statement of Gregory R. Watchman	07/10/1997	N	N	none	11
1449	21	Statement of Gregory R. Watchman	09/17/1997	N	N	none	9
1450	21	Statement of Charles N. Jeffress	02/24/1998	N	N	none	6
1451	21	Testimony of Emily Sheketoff	03/17/1998	N	N	none	6
1452	21	Statement of Gregory R. Watchman	03/18/1998	N	N	none	14
1453	21	Permit-Required Confined Spaces	01/01/1996	N	N	none	25
1454	21	When a Customer Speaks, OSHA Listens	01/01/1996	N	N	none	8

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1455	21	Framework for a Comprehensive Safety and Health Program in Nursing Homes	01/01/1996	N	N	none	50e
1456	21	Protecting Worker Safety and Health in Nursing Homes in JSHQ	01/01/1996	N	N	none	25
1457	21	JSHQ Summer 1996- Job Safety and Health Quarterly	01/01/1996	N	N	none	33
1458	21	Charting a New Course for Worker Safety and Health in JSHQ	01/01/1996	N	N	none	29
1459	21	Safety and Health: A Plus for the Bottom Line in JSHQ	01/01/1996	N	N	none	45
1460	21	Material handed out at the 1997 National Conference to Eliminate Silicosis	03/25/1997	N	N	none	32e
1461	21	Occupational Health Nurses: The Silent Majority	10/22/1997	N	N	none	14
1462	21	Occupational Hazards by Location in the Hospital	11/06/1997	N	N	none	12

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1463	21	The Occupational Health Care Program Assessment	02/26/1998	N	N	none	18
1464	21	Assessing the Effectiveness of an Occupational Health Service	04/27/1998	N	N	none	27
1465	21	Tuberculosis: Presentation of the Third Annual Virginia Occupational Safety and Health Conference	06/04/1998	N	N	none	5
1466	21	Frontline Healthcare Workers Safety: A National Conference on Working Together in the Environment of Care	08/10/1998	N	N	none	9
1467	21	Medical Management and Recordkeeping	09/17/1998	N	N	none	5
1468	21	Improvements in Revised Respirator Standard 29 CFR 1910.134	01/01/1996	N	N	none	33
1469	22	Introduction to OSHA and Issues in the Healthcare Service Industry	09/29/1998	N	N	none	18
1470	22	Federal Register/ Vol. 63, No. 174	09/09/1998	N	N	none	13

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1471	22	Regional Offices of the Occupational Safety and Health Administration	10/22/1998	N	N	none	5
1472	22	Occupational Health Nurses: The Silent Majority	08/14/1997	N	N	none	13
1473	22	The Heat Equation Pocket Guide	01/01/1998	N	N	none	1
1474	22	Spanish translation of The Heat Equation	01/01/1998	N	N	none	1
1475	22	The TB Standard and the OHN: What Every OHN Should Know	04/22/1997	N	N	none	16
1476	22	Common Sense at Work: The New OSHA	01/01/1996	N	N	none	16
1477	22	Developing and Managing a Medical Surveillance Program	10/29/1996	N	N	none	20
1478	22	Tuberculosis: Current Health Risks Control Measures and Regulatory Status	08/19/1996	N	N	none	36

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1479	22	Conference Materials on Industrial Ventilation	01/01/1996	N	N	none	95
1480	22	Memorandum to R. Davis Layne regarding Potential for Allergy to Natural Rubber Latex Gloves and other Natural Rubber Products	04/12/1999	N	N	none	15
1481	22	Memorandum to Richard E. Fairfax	11/04/1999	N	N	none	6
1482	22	What OSHA Really Wants	01/01/1996	N	N	none	15
1483	22	CPL 2-1.20	01/01/1996	N	N	none	17
1484	22	CPL 2-1.22 Logging Operations	01/01/1996	N	N	none	19
1485	22	CPL 201.25 Guidelines for Point of Operation Guarding Power Press Brakes	01/01/1996	N	N	none	6
1486	22	CPL 2-1.23 Inspection Procedures for Enforcing Subpart L	01/01/1996	N	N	none	17

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1487	22	CPL 2.113 Fatality Inspection Procedures	01/01/1996	N	N	none	9
1488	22	CPL 2.112 Nationwide Quick Fix Program	01/01/1996	N	N	none	4
1489	22	CPL 2.115 Complaint Policies and Procedures	01/01/1996	N	N	none	15
1490	22	Enforcement Exemption and Limitations under the Appropriations Act	01/01/1996	N	N	none	10
1491	22	OSHA Instruction	01/01/1996	N	N	none	17
1492	22	Brass and Bronze Ingot Manufacturing	01/01/1996	N	N	none	6
1493	22	OSHA Directives	01/01/1996	N	N	none	48
1494	22	CPL 2-1.4c Inspection of Grain Handling Facilities	01/01/1996	N	N	none	16

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1495	22	Providing Assistance to Smaller Employers	01/01/1996	N	N	none	11
1496	22	Focused Inspection Program for Intermodal Container Top Fall Protection	01/01/1996	N	N	none	31e
1497	22	CPL 2-1.24 National Emphasis Program on Mechanical Power	01/01/1996	N	N	none	36
1498	22	OSHA Directives Enforcement of the Electrical Power Generation	01/01/1996	N	N	none	34
1499	22	Inspection procedures for.Respiratory Protection Standard	01/01/1996	N	N	none	36
1500	22	Inspection Procedures for Hazardous Waste	01/01/1996	N	N	none	74
1501	22	Inspection Procedures for the Hazard Communication Standard	01/01/1996	N	N	none	60
1502	22	OSHA Field Inspection Reference Manual CPL 2.103	01/01/1996	N	N	none	70e

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1503	22	CPL 2-1.24 National Emphasis Program	01/01/1996	N	N	none	1
1504	22	HIB; Chemical Exposures from Industrial Valve and Piping Systems	05/14/1999	N	N	none	3
1505	22	HIB; Potential for Feed Water Pipes in Electrical Power Generation Facilities	10/31/1996	N	N	none	2
1506	22	HIB; Potential for Feed Water Pipes in Electrical Power Generation Facilities	10/31/1996	N	N	none	2
1507	22	HIB; Attaching an Unguarded Blowtorch Regulator to a Portable Propane Cylinder	10/07/1996	N	N	none	3
1508	22	HIB; Certain Keller/Columbia Types I and IA Industrial Fiberglass Extension Ladders	09/27/1996	N	N	none	2
1509	22	HIB; Water-Reactive Chemicals	07/03/1996	N	N	none	2
1510	22	HIB; Unauthorized Modification of a Forklift Carriage Assembly	06/20/1996	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1511	22	HIB; Potential Carbon Dioxide (CO(2)) Asphyxiation	06/05/1996	N	N	none	3
1512	22	HIB; Potential for Feed Water Pipes in Electrical Power Generation Facilities	10/31/1996	N	N	none	2
1513	22	HIB; Attaching an Unguarded Blowtorch Regulator	10/07/1996	N	N	none	3
1514	22	HIB; Certain Keller/Columbia Types I and IA Industrial Fiberglass Extension	09/27/1996	N	N	none	2
1515	22	HIB; Water-Reactive Chemicals, Hazardous Materials Not Covered Under 29 CFR 1910.119	07/03/1996	N	N	none	2
1516	22	HIB; Unauthorized Modification of a Forklift Carriage Assembly	06/20/1996	N	N	none	2
1517	22	HIB; Potential Carbon Dioxide (CO(2)) Asphyxiation Hazard When Filling Stationary Low Pressure	06/05/1996	N	N	none	3
1518	22	HIB; Attaching an Unguarded Blowtorch Regulator	10/07/1996	N	N	none	3

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1519	22	HIB; Certain Keller/Columbia Types I and IA Industrial Fiberglass Extension	09/27/1996	N	N	none	2
1520	22	HIB; Water-Reactive Chemicals, Hazardous Materials Not Covered Under 29 CFR 1910.119	07/03/1996	N	N	none	2
1521	22	HIB; Unauthorized Modification of a Forklift Carriage Assembly	06/20/1996	N	N	none	2
1522	22	HIB; Potential Carbon Dioxide (CO(2)) Asphyxiation Hazard When Filling Stationary Low Pressur	06/05/1996	N	N	none	3
1523	22	HIB; Fire and Explosion Hazards Associated with Dried Beef Blood	06/04/1996	N	N	none	2
1524	22	HIB; Chemical Exposures from Industrial Valve and Piping Systems	05/14/1996	N	N	none	4
1525	22	HIB; Fire and Explosive Hazards Associated with Biosolids Derived Fuel (BDF) and Waste Water Treatment Plants	04/08/1996	N	N	none	3
1526	22	HIB; Hitachi EX3500 and EX1800 Hydraulic Excavators Equipped With Front Shovel Attachments	03/22/1996	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1527	22	HIB; Fire and Explosion Hazards Associated with Dried Beef Blood	06/04/1996	N	N	none	2
1528	22	HIB; Chemical Exposures from Industrial Valve and Piping Systems	05/14/1996	N	N	none	4
1529	22	HIB; Fire and Explosive Hazards Associated with Biosolids Derived Fuel (BDF) and Waste Water Treatment Plants	03/08/1996	N	N	none	5
1530	22	HIB; Fire and Explosion Hazards Associated with Dried Beef Blood	06/04/1996	N	N	none	2
1531	22	HIB; Chemical Exposures from Industrial Valve and Piping Systems	05/14/1996	N	N	none	2
1532	22	HIB; Fire and Explosive Hazards Associated with Biosolids Derived Fuel (BDF) and Waste Water Treatment Plants	04/08/1996	N	N	none	3
1533	22	HIB; Hitachi EX3500 and EX1800 Hydraulic Excavators Equipped With Front Shovel Attachments	03/22/1996	N	N	none	2
1534	22	HIB: Fire Hazard From Carbon Adsorption Deodorizing Systems	07/30/1997	N	N	none	3

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1535	22	HIB: Potential Fire with Florescent Light Bulbs within Plastic Tubes	01/01/1996	N	N	none	2
1536	22	HIB; Radioactive Contamination of Lead Shielding	06/24/1997	N	N	none	3
1537	22	HIB; Improper Installation of Wood Dust Collectors in the Woodworking Industry	05/02/1997	N	N	none	2
1538	22	HIB: Fire Hazard From Carbon Adsorption Deodorizing Systems	07/30/1997	N	N	none	2
1539	22	HIB: Potential Fire with Florescent Light Bulbs	07/15/1997	N	N	none	2
1540	22	HIB: Radioactive Contamination of Lead Shielding	06/24/1997	N	N	none	3
1541	22	HIB: Improper Installation of Wood Dust Collectors	05/02/1997	N	N	none	2
1542	22	HIB: Fire Hazard from Carbon Adsorption Deodorizing Systems	07/30/1997	N	N	none	3

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1543	22	HIB: Potential Fire with Florescent Light Bulbs	07/15/1997	N	N	none	2
1544	22	HIB: Radiactive Contamination of Lead Shielding	06/24/1997	N	N	none	3
1545	22	HIB: Improper Installation of Wood Dust Collectors	05/02/1997	N	N	none	2
1546	22	HIB: Legionnaires' Disease Risk for Workers in the Plastic Injection Molding Industry	12/09/1998	N	N	none	4
1547	22	HIB: Potential Asbestos Contamination in Soft Concrete	10/08/1998	N	N	none	2
1548	22	HIB: Dust Explosion Hazard in Certain Textile Processes	10/06/1998	N	N	none	4
1549	22	HIB: Animal Allergens in the Workplace	07/13/1998	N	N	none	2
1550	22	HIB: Retrofit of Boom Pin Retention Assembly on Digger Derricks	05/05/1998	N	N	none	3

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1551	22	HIB: HIB for Dimethylmercury	03/09/1998	N	N	none	3
1552	22	HIB: Legionnaires' Disease Risk for Workers in the Plastic Injection Molding Industry	12/09/1998	N	N	none	4
1553	22	HIB: Potential Asbestos Contamination in Soft Concrete	10/08/1998	N	N	none	2
1554	22	HIB: Dust Explosion Hazard in Certain Textile Processes	10/06/1998	N	N	none	4
1555	22	HIB: Animal Allergens in the Workplace	07/13/1998	N	N	none	2
1556	22	HIB: Retrofit of Boom Pin Retention Assembly on Digger Derricks	05/05/1998	N	N	none	3
1557	22	HIB: HIB for Dimethylmercury	03/09/1998	N	N	none	3
1558	22	HIB: Legionnaires' Disease Risk for Workers in the Plastic Injection Molding Industry	12/09/1998	N	N	none	4

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1559	22	HIB: Potential Asbestos Contamination in Soft Concrete	10/08/1998	N	N	none	2
1560	22	HIB: Dust Explosion Hazard in Certain Textile Processes	10/06/1998	N	N	none	4
1561	22	HIB: Animal Allergens in the Workplace	07/13/1998	N	N	none	2
1562	22	HIB: Retrofit of Boom Pin Retention Assembly on Digger Derricks	05/05/1998	N	N	none	3
1563	22	HIB: HIB for Dimethylmercury	03/09/1998	N	N	none	3
1564	22	Electric Power Generation, Transmission, & Distribution	01/20/1998	N	N	none	25e
1565	22	Colorado Centennial Program	01/30/1997	N	N	none	4
1566	22	OSHA Recordkeeping Presentation	01/16/1998	N	N	none	4

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.
e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1567	22	OSHA's Proposed Recordkeeping Revisions	09/19/1996	N	N	none	6
1568	22	OSHA Recordkeeping Presentation 1998 National Environmental Safety and Health Conference	03/30/1998	N	N	none	10
1569	22	Letter to International Longshoremen's Association, AFL-CIO	03/24/1997	N	N	none	2
1570	22	CPL 2-1.27 Focused Inspection Program for Intermodal Container Top Fall Protection	05/12/1998	N	N	none	6
1571	22	Letter to B.C. Council of Technical Rescue	09/17/1996	N	N	none	2
1572	22	Letter to Hadow and Associates	05/10/1996	N	N	none	4
1573	22	Letter to Professional Medical Specialties	01/01/1996	N	N	none	31e
1574	22	Vital Workers Compensation Information	01/01/1996	N	N	none	9

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1575	22	OSHA-VPPPA's Mentoring Program	01/01/1996	N	N	none	5
1576	22	OSHA Turns to VPP for Help in Reaching Strategic Goals	01/01/1996	N	N	none	2
1577	22	Voluntary Protection Programs	01/01/1996	N	N	none	11
1578	22	Letter to The Honorable Bob Kerrey	12/11/1996	N	N	none	2
1579	22	Letter to The Honorable Richard E. Neal	11/04/1997	N	N	none	2
1580	22	Letter to Precision Metalforming Association	01/22/1998	N	N	none	2
1581	22	Letter to The Honorable Slade Gorton	10/02/1997	N	N	none	2
1582	22	Letter to The Honorable Phil Gramm	10/31/1997	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1583	22	Letter to The Honorable Don Nickles	12/11/1996	N	N	none	2
1584	22	Letter to The Honorable Phil Gramm	12/11/1996	N	N	none	2
1585	22	Letter to The Honorable Christopher J. Dodd	11/04/1997	N	N	none	2
1586	22	Letter to The Honorable Doc Hastings	01/01/1996	N	N	none	2
1587	22	Letter to The Honorable Fred Upton	04/27/1998	N	N	none	2
1588	22	Letter to The Honorable Deborah Pryce	03/17/1998	N	N	none	1
1589	22	Letter to The Honorable Dan Coats	12/15/1997	N	N	none	1
1590	22	Letter to The Honorable Jay W. Johnson	03/04/1998	N	N	none	1

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.
e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1591	22	Letter to The Honorable Jon Kyl	03/09/1998	N	N	none	1
1592	22	Letter to Midwestern Performace Assessment Center, Inc.	03/09/1998	N	N	none	1
1593	22	Letter to The Honorable John Breaux	12/29/1997	N	N	none	1
1594	22	Letter to The Honorable Charles E. Grassley	01/01/1996	N	N	none	1
1595	22	Letter to The Honorable Donald A. Manzullo	12/04/1997	N	N	none	1
1596	22	Letter to The Honorable Barbara A. Mikulski	12/04/1998	N	N	none	1
1597	22	Letter to The Honorable Daniel Patrick Moynihan	02/05/1998	N	N	none	1
1598	22	Letter to The Honorable Don Nickles	03/04/1998	N	N	none	2

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1599	22	What to Expect During a VPP Onsite Evaluation	01/01/1996	N	N	none	25e
1600	22	Safety and Health Program Assessment Training Notebook (VPP)	01/01/1996	N	N	none	188e
1601	23	OSHA Standards Interpretation and Compliance Letters (669e) for Asbestos Standard for Construction	03/28/1996	N	N	none	1412
1602	24	OSHA April 1996 News Releases (681e)	04/01/1996	N	N	none	1355
1603	25	Course 223--Industrial Toxicology, Vol. 1	01/01/1996	N	N	none	94e
1604	25	Course 223--Industrial Toxicology, Vol. 2	01/01/1996	N	N	none	50e
1605	25	Course 223--Industrial Toxicology, Vol. 3	01/01/1996	N	N	none	188
1606	25	Course 233--Building Air Quality, Vol. 2: A Guide for Building Owners and Facility Managers	01/01/1996	N	N	none	229

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1607	25	Course 326--Health Hazards in the Construction Industry for Safety Personnel	01/01/1996	N	N	none	188e
1608	25	Course 333--OSHA Overview for Occupational Health Nurses (Recordkeeping Guidelines)	01/01/1996	N	N	none	350e
1609	25	Course 235, Vol 2--Expanded Health Standards (New Materials)	01/01/1996	N	N	none	500e
1610	26	Course 328--Industrial Hygiene Chemistry	01/01/1996	N	N	none	275e
1611	26	Course 332--Occupational Health Hazard Recognition for Physicians (Recordkeeping Guidelines)	01/01/1996	N	N	none	390e
1612	26	Course 203--Vol. 1	01/01/1996	N	N	none	174
1613	26	Course 203--Vol. 2	01/01/1996	N	N	none	112
1614	26	Course 323--OSHA Technical Update, Health Course	01/01/1996	N	N	none	250e

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1615	26	Hazard Communication A Compliance Kit	01/01/1999	N	N	none	63e
1616	27	Course 310--Applied Spray Finishing and Coating Principles	01/01/1996	N	N	none	281e
1617	27	Course 601--Occupational Safety and Health Course for Other Federal Agencies	01/01/1996	N	N	none	375e
1618	27	Course 300--Oil and Gas	01/01/1996	N	N	none	225e
1619	27	Course 304--Power Press Guarding	01/01/1996	N	N	none	175e
1620	28	Course 307: Training for Logging Operations	01/01/1996	N	N	none	450e
1621	28	Course 224--Laboratory Safety and Health, Module 1	01/01/1996	N	N	none	50e
1622	28	Course 224--Laboratory Safety and Health, Module 2	01/01/1996	N	N	none	55e

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1623	28	Course 224--Laboratory Safety and Health, Module 5	01/01/1996	N	N	none	100e
1624	28	Course 224--Laboratory Safety and Health Standards	01/01/1996	N	N	none	130e
1625	28	Course 224--Laboratory Safety and Health, Module 4	01/01/1996	N	N	none	60e
1626	28	Course 224--Laboratory Safety and Health, Module 3	01/01/1996	N	N	none	40e
1627	28	Course 330--Safety and Health in the Chemical Processing Industries, Vol. 1	01/01/1996	N	N	none	200e
1628	28	Course 330--Safety and Health in the Chemical Processing Industries, Vol. 2	01/01/1996	N	N	none	300e
1629	28	Course 330--Safety and Health in the Chemical Processing Industries, Vol. 3	01/01/1996	N	N	none	300e
1630	28	OSHA Salt Lake Technical Center--Chemical Hygiene Plan (29 CFR 1910.1450)	01/01/1996	N	N	none	178

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1631	29	Course 233--Indoor Air Quality	01/01/1996	N	N	none	425e
1632	29	Course 521--OSHA Guide to Industrial Hygiene, Vol. 2	01/01/1996	N	N	none	250
1633	29	Course 521--OSHA Guide to Industrial Hygiene, Vol. 1 (Recordkeeping Guidelines)	01/01/1996	N	N	none	313
1634	30	Course 235, Vol 3--Expanded Health Standards (New Materials)	01/01/1996	N	N	none	500e
1635	30	Course 326--Health Hazards in the Construction Industry for Safety Personnel	01/01/1996	N	N	none	400e
1636	30	Course 313--Current OSHA Publications	01/01/1996	N	N	none	438e
1637	31	Course 600--Collateral Duty Course for Other Federal Agencies	01/01/1996	N	N	none	475e
1638	31	Course 335: Hazardous Waste Operations and Emergency Response	01/01/1996	N	N	none	400e

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

Congressional Exhibit Number	Box Number	Title of Non-Codified Document	Date of Issuance	Submitted to Congress under CRA?	Legally Binding?*	FR Citation or None	Number of Pages
1639	31	Course 201--Hazardous Materials	01/01/1996	N	N	none	406e
1640	31	Remarks of Gregory Watchman	01/01/1996	N	N	none	5
1641	31	OSHA Speech: Building a New America by Joseph Dear, 05/96	01/01/1996	N	N	none	20

*Under the Occupational Safety and Health Act, only requirements found in the Act itself, or in standards or regulations promulgated under the authority of the Act, are legally binding on the public.

e=estimate of pages

EPA

Complete Compendium of Non-Codified Documents for Rep. McIntosh 2/8/2000

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
OAR								
1	OMS/AMD 7	IMDATA4.TXT - I/M Credit File		N	N	None	1	
2	OMS/VPCD-97	EPA Policy on Cross-Border Sales of 1997 MY"California" Vehicles		N	N	None	2	
3	OMS/VPCD-98	EPA Policy on Cross-Border Sales of 1998 MY"California" Vehicles		N	N	None	2	
4	OMS/VPCD-99	EPA Policy on Cross-Border Sales of 1999 MY"California" Vehicles		N	N	None	2	
5	OMS/VPCD-100	EPA Policy on Cross-Border Sales of 2000 MY"California" Vehicles		N	N	None	2	
6	10	Guidance on Motor Vehicle Emissions Budgets in One-Hour Ozone Attainment Demonstrations	11/03/99	N	N	None	8	
7	OMS-TIG10	Guidance on Motor VehicleEmissions Budgets in One - Hour Ozone Attainment Demonstrations	11/03/99	N	N	None	8	
8	11	Environmental Fact Sheet Accelerated Vehicle Retirement Programs	11/01/99	N	N	None	3	
9	OAR/OAQPS/EMAD - 22	Quality Assurance Project Plan: PM 2.5 Speciation Trends Network	11/01/99	N	N	None	186	
10	OMS-TMIG11	Environmental Fact Sheet Accelerated Vehicle Retirement Programs	11/01/99	N	N	None	3	
11	2	Revised Acid Rain Program Policy Manual	10/14/99	N	N	None	350	Submitted as a courtesy copy
12	OMS/VPCD-102	Olivio response-aftermarket part certification	10/14/99	N	N	None	5	
13	OAR/OAQPS/EMAD-2:	Particulate Matter (PM 2.5) Speciation Guidance Document (Final Draft)	10/07/99	N	N	None	70	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
14	OAR/OAQPS/ITPID 403	The Plain Language Implementation Assistance Document for 40 CFR Part 63 Subpart DD (Off-Site Waste and Recovery Operations (NESHAP) EPA-456/R-99-007)	10/04/99	N	N	None	144	
15	OAR/OAQPS/EMAD 123	Factor Information Retrieval Data System (FIRE), v6.22	10/02/99	N	N	None	3	
16	OAR/OAQPS/EMAD 124	SPECIATE v3.0 Database	10/02/99	N	N	None	2	
17		Calculation of I/M waiver adjusted for Consumer Price Index	10/01/99	N	N	None	1	
18	OAR/OAQPS/EAD-139	EIIP Volume VIII: Estimating Greenhouse Gas Emissions	10/01/99	N	N	None	200	
19	OAR/OAQPS/EMAD-114	Plain Language Guide to the Primary Aluminum NESHAP-40 CFR Part 63, Subpart LL EPA-452/R-99-011	10/01/99	N	N	None	114	
20	OAR/OAQPS/EMAD - 29	Reporting Times for PAMS Samplers	09/29/99	N	N	None	3	
21	OAR/OAQPS/EMAD 59	Use of Method 3C as an Alternative to Method 3A at a Municipal Waste Landfill Regulated by 40 CFR Part 60	09/27/99	N	N	None	2	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.
22	OMS/VPCD-68	12--Dear Marine Engine Manufacturer(true-up)	09/15/99	N	N	None	3	
23	OAR/OAQPS/EMAD - 51	Approval of the Use of Method 205 as an Alternative to the Use of Multiple Calibration Gases	09/03/99	N	N	None	1	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.
24		Performing OBD checks as part of I/M (draft guidance)	09/01/99	N	N	None	21	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
25	OAR/OAQPS/AQSSD -4	Draft Economic Incentive Program Guidance EPA - 452/D- 99-001	09/01/99	N	N	None	231	
26	OAR/OAQPS/EMAD - 30	Technical Assistance Document for Sampling and Analysis of Ozone Precursors	09/01/99	N	N	None	490	
27	OAR/OAQPS/EMAD 131	Handbook for Criteria Pollutant Inventory Development: A Beginner's Guide for Point and Area Sources	09/01/99	N	N	None	320	
28	OAR/OAQPS/EMAD 133	EIIP Volume II: Point Sources, Preferred and Alternative Methods	09/01/99	N	N	None	400	
29	OAR/OAQPS/EAD-140	EIIP Volume IX: Particulate Emissions	09/01/99	N	N	None	40	
30	OMS/VPCD	10--Sample Letter designating a representatative	09/01/99	N	N		1	
31	OAR/OAQPS/EMAD 117	Clarification of COMS Manufacturer Evaluations	08/30/99	N	N	None	2	
32	OAR/OAQPS/EMAD 67	Approval of New Testing Procedures for Emission Measurement of Stack Gas Flow Rate for Optional Application in Place of Method 2 under 40 CFR Parts 60, 61 & 63	08/26/99	N	N	None	3	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, wil submt them to Congress.
33	OAR/OAQPS/EMAD-149	TANKS 4.05	08/19/99	N	N	None	4	
34		Revised EDR Version 2.1 Reporting instructions	08/16/99	N	N		330	
35	OMS/VPCD-AA 10	New EPA Certification Data Submission Procedures	08/15/99	N	N		176	
36	OMS/NVFEL 39	TP 730, Horiba Emission Analysis System Sample Collection and Exhaust Measurement	08/10/99	N	N		82	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
37	14	Creating Transportation Choices: Congestion Mitigation and Air Quality Improvement Program Success Stories	08/08/99	N	N	None	24	
38	OMS-TMIG14	Creating Transportation Choices: Congestion Mitigation and Air Quality Improvement Program Success Stories	08/08/99	N	N	None	24	
39	OAR/OAQPS/EMAD 64	Approval of CARB Method 5 as an Alternative to EPA Method 5 for Determination of Particulate Matter Emmissions from Stationary Sources under 40 CFR, Parts 60 and 63	08/03/99	N	N	None	2	
40	OMS/VPCD-56	Submitting Shift Schedules for the SFTP	08/03/99	N	N	None	10	
41	OMS/VPCD-107	List of 1998, 1999, and 2000 Model Year Canadian Vehicles Considered by EPA to Conform with EPA Emission Requirements	08/03/99	N	N	None	2	
42	21	Understanding Variations in Partition Coefficinet Kd Values	08/01/99	N	N	None		Available on-line: www.epa.gov/radiation/rpdpubs.htm
43	22	Estimating Radiogenic Cancer Risks: Addendum	08/01/99	N	N			Available on line: www.epa.gov/radiation/docs/
44	OMS/VPCD-55	EPA's New Dynamometer Sampling and Analytical Systems	07/22/99	N	N	None	2	
45	OAR/ OAQPS/ITIPID 336	Order Denying Review Requested by a Petioner for the Hawaiian Commercial & Sugar Company (PSD Appeal No. 92-1	07/20/99	N	N	None	14	
46	OAR/OAQPS/ESD 7	National Air Toxics Program: The Integrated Urban Strategy; Notice	07/19/99	N	N	None	34	
47	OAR/OAQPS/ITPID 411	Letter to Environmental Commissioners on Title V Permit Issuance	07/12/99	N	N	None	1	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
48	OAR/OAQPS/ITIPD 283	Delegation of 40 CFR Part 63 General Provisions Authorities to State and Local Air Pollution	07/10/99	N	N	None	21	
49		MOBILE6 Preview: Impacts on I/M Programs	07/01/99	N	N	None	5	
50	OAR/OAQPS/EMAD - 35	Compendium of Methods for the Determination of Inorganic Compounds in Ambient Air	07/01/99	N	N	None	600	
51	OAR/OAQPS/EMAD-45	Dispertion Modeling of Toxic Pollutants in Urban Areas: Guidance, Methodology and Applications	07/01/99	N	N	None	284	
52	OAR/OAQPS/EMAD-47	Guidance for Reporting of Daily Air Quality Index (AQI)	07/01/99	N	N	None	25	
53	OAR/OAQPS/EMAD-4(	Guidance for Developing an Ozone Forecasting Program	07/01/99	N	N	None	92	
54	OAR/OAQPS/EMAD 134	EIIP Volume III: Area Sources, Preferred and Alternative Methods	07/01/99	N	N	None	490	
55	OAR/OAQPS/ESD 9	Small Entity Compliance Guide - National Volatile Organic Comound Emission Standards for Architecturals Coatings EPA -453/R-99-003	07/01/99	N	N	None	220	
56	OAR/OAQPS/ESD 18	Technical Support Document for the Evaluation of Aerobic Biological Treatment Units with Multiple Mixing Zones	07/01/99	N	N	None	45	
57	2	Clean your Home of Asthma Triggers	07/01/99	N	N			Brochure
58	OMS/TED 17	Downstream Transition to Phase II RFG	07/01/99	N	N		2	
59	OMS/VPCD-76	20--Emission standards for locomotives	05/26/99	N	N	None	31	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
60	OMS/VPCD-51	Fuel Economy Label Information for 2000 Model Year	06/23/99	N	N	None	8	
61	OMS/VPCD-52	CAFE Adjustment Coefficient for 1999 Model Year Passenger Autombiles	06/23/99	N	N	None	2	
62	OMS/VPCD-53	Revised Certification Team Assignments	06/23/99	N	N	None	2	
63	OMS/VPCD-54	A Reminder of Rounding Requirements for NLEV Standards and Test Data; and Procedures for Entering the Data CFEIS	06/23/99	N	N	None	1	
64	OAR/OAQPS/EMAD - 26	Visibility Monitoring Guidance	06/18/99	N	N	None	227	
65	OAR/OAQPS/EMAD - 17	Use of PM Reference Methods and Daylight Savings Time	06/11/99	N	N	None	4	
66	OMS-TMIG	Heavy-Duty Diesel Emission Reduction Project Retrofit/Rebuild Component	06/01/99	N	N	None	86	
67	OAR/OAQPS/ITPID 425	Letter to Robert Hodanbosi and Charles Lagges of STAPPA-ALAPCO re: MACT/Title V and Title I / Title V Interface Issues	05/20/99	N	N	None	18	
68	9	Conformity Guidance on Implementation of March 2, 1999 Conformity court Decision	05/14/99	N	N	None	11	Provides copies to the Congressional Staffers on Senate Environment and Public Works Committee and the House Commerce Committee
69	OMS-TMIG9	Conformity Guidance on Implementation of March 2, 1999 Conformity court Decision	05/14/99	N	N	None	11	
70	OMS/VPCD-50	A remindr about preparing your vehicle for Confirmatory EPA testing	05/06/99	N	N	None	1	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
71	OAR/OAQPS/EMAD - 108	Guideline Document-Handling requests for minor/major modification/alternative testing and monitoring methods or pocedures approvals and disapprovals	05/04/99	N	N	None	3	
72	6	It All Adds Up To Cleaner Air Toolkit	05/01/99	N	N	None		This is a vol. Program embarked upon because EPA/OMS stakeholders have indicated that federal assistance is essential for building public support for program impl. Aimed at reducing criteria pollutants and climate change gases.
73	OAR/OAQPS/EMAD-4/	Draft Guidance on the Use of Models and Other Analyses in Attainment Demonstrations for the 8-Hour Ozone NAAQS	05/01/99	N	N	None	157	
74	OMS-TMIG6	It All Adds Up To Cleaner Air Toolkit	05/01/99	N	N	None		
75	OAR/OAQPS/EMAD 114	Periodic Monitoring Technical Reference Document	04/30/99	N	N	None	119	
76	OAR/OAQPS/EMAD - 107	Alternative testing procedures for application of Method 9 to Multiple Emission Points under 40 CFR 60, Subpart LL and OOO	04/22/99	N	N	None	2	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.
77	OMS/VPCD-49	CAP 2000 Implementation: Guidance Documents and Workshop	04/22/99	N	N	None	29	
78	OMS/VPCD-48	Request for Comparative Data for On-Road Light-Duty Vehicles, Light-Duty Trucks, and Heavy-Duty Engines	04/21/99	N	N	None	2	
79	OAR/OAQPS/ITPID 412	Title V Program Responsibilities Concerning the Accidental Release Prevention Program	04/20/99	N	N	None	6	
80	OAR/OAQPS/ITPID 428	Title V Applicability of One-time "Reporting" Provisions for Nonmajor Sources	04/19/99	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
81	OAR/OAQPS/EMAD - 52	Alternative to Test Method Requirements Under 40 CFR Part 63, Subpart 0	04/19/99	N	N	None	1	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.
82	OAR/OAQPS/ITPID 429	Letter to Bliss Higgins of STAPPA re: Status of Area Source Deferrals from Operating Permits	04/15/99	N	N	None	10	
83		Office of Air and Radiation FY 2000-2001 Implementation Plan	04/14/99	N	N	None	130	The document constitutes OAR's program guidance to EPA Regional Offices for fiscal year 2000.
84	OAR/OAQPS/EMAD 106	Approved ASTM Method D6053 - 96 as an alternative to EPA Method 24 for electrical insulating varnishes	04/13/99	N	N	None	1	
85	OMS/NVFEL 37	TP 717C, Enhanced Diurnal Evaporative Emission Test	04/12/99	N	N		33	
86	OMS/VPCD-62	6--Agenda and Handouts-Phase 2 Small SI Workshop	04/07/99	N	N	None	30	
87	OMS/VPCD-77	21--Locomotive Regulation Workshop	04/07/99	N	N	None	33	
88	OAR/OAQPS/EMAD - 18	Guidelines on Data Handling Conventions for the PM NAAQS	04/01/99	N	N	None	55	
89	OAR/OAQPS/EMAD 127	Emissions Inventory Guidance For Implementation Of Ozone and Particulate Matter National Ambient Air Quality Standards (NAAQS) and Regional Haze Regulations	04/01/99	N	N	None	116	
90	OAR/OAQPS/ITPID 426	Letter to Mr. Doug Allard of California Air Pollution Control Officers Association re: Federal Enforceability of Terms and Conditions in Preconstruction Permits	03/31/99	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
91	OAR/OAQPS/EMAD 53	Approval of Method 25B as an Alternative to Methodd 25A in 40 CFR Part 63 subpart Y	03/31/99	N	N	None	2	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of those test methods and, if required by the CRA, will submit them to Congress.
92	OAR/OAQPS/EMAD - 12	PM 2.5 Mass Validation Criteria	03/30/99	N	N	None	6	
93	OAR/OAQPS/EMAD -13	Technical Direction letter to the Rupprecht & Pashnick Co., Inc. regarding "single point calibration of temperature and barometric pressure sensors.	03/18/99	N	N	None	1	
94	OMS/AMD 15	NONROAD Model Status Update	03/12/99	N	N	None	1	
95	OMS/VPCD-47	Changes to EPA's Data Base; New Procedure to Schedule Vehicles for EPA Testing	03/12/99	N	N	None		
96	OAR/OAQPS/ITPID 430	Potential to Emit (PTE) Transition Policy for Part 771 Implementation in Indian Country	03/07/99	N	N	None	6	
97	OMS/EPCD-AA 5	Certitication Guidance for Engines Regulated Under: 40 CFR Part 86 and 40 CFR Part 89	03/04/99	N	N	None	84	
98	1	Guidance on Establishing an Energy Efficiency and Renewable Energy Set-Aside in the NOx Budget Trading Program	03/02/99	N	N	None	46	
99	4	Benefits Est. for Selected TCM Programs (EPA 420-R98-002)	03/01/99	N	N	None	91	
100	4	Benefits Est. for Selected TCM Programs (EPA 420-R-98-002)	03/01/99	N	N	None	91	
101	5	Community Action Programs: Blueprint for Program Design (EPA-420-R-99-006)	03/01/99	N	N	None	151	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
102	OAR/OAQPS/AQSSD -3	Extension of attainment dates for downwind transport areas	03/01/99	N	N	None	17	
103	1	Children and Secondhand Smoke	03/01/99	N	N		2	Brochure
104	OMS-TMIG4	Benefits Est. for Selected TCM Programs (EPA 420-R-98-002)	03/01/99	N	N	None	91	
105	OMS-TMIG5	Community Action Programs: Blueprint for Program Design (EPA-420-R-99-006)	03/01/99	N	N	None	151	
106	OAR/OAQPS/EMAD - 27	Letter from the IMPROVE Steering Committee to State and Local agenciies which describes the status of the IMPROVE network expansion and involvement of State and local agencies regarding siting decisions	02/26/99	N	N	None	3	
107	OMS/VPCD-46	Certification Team Assignments	02/26/99	N	N	None	2	
108	OSM/EPCD-AA 2	Memo to EPA Regional Air Division Directors and "Guidance to States on Smoke Opacity Cutpoints to be used with the SAE J1667 In-Use Smoke Test Procedure"	02/25/99	N	N	None	3	
109	OAR/OAQPS/EMAD - 26	Copy of the technical approach for design of expanded IMPROVE network and siting new visibility monitors. OAQPS is part of the IMPROVE Steering Committee and endorses this approach	02/24/99	N	N	None	23	
110	OAR/OAQPS/EMAD 87	Rail Car Testing and 40 CFR 60, subpart XX	02/17/99	N	N	None	3	
111	OMS/VPCD-70	14--Dear Jed Mandel	02/11/99	N	N	None	2	
112	OAR/OAQPS/ITPID 431	Interpretation of the Definition of Fugitive Emissions in Parts 70 and 71	02/10/99	N	N	None	5	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
113	13	Environmental Fact Sheet The Congestion Mitigation and Air Quality Improvement Program	02/08/99	N	N	None	3	
114	OMS-TMIG13	Environmental Fact Sheet The Congestion Mitigation and Air Quality Improvement Program	02/08/99	N	N	None	3	
115	OMS/NVFEL 48	WP 008, Horiba Emission Analysis ssytem NOx Efficiency Check	02/05/99	N	N		25	
116	OMS/FED 15	Filing of RFG and Anti-Dumping Reports via EDI	02/04/99	N	N		2	
117	OAR/OAQPS/EMAD -7	Quality Assurance Guidance Document-Quality Assurance Plan for the PM 2.5 Performance Evaluation Program	02/01/99	N	N	None	216	
118	OMS/NVFEL 25	TP 701H, Vehicle Inspection and Acceptance	02/01/99	N	N		35	
119	OMS/NVFEL 30	TP707K, Sample Collection of Exhaust Tests	02/01/99	N	N		68	
120	OMS/NVFEL 50	WP 012, Horiba Emission Analysis System Curve Verification	01/29/99	N	N		33	
121	OMS/VPCD-73	17-Dear Jed Mandel	01/27/99	N	N	None	5	
122		Marine Engine and Vessel Manufacturer	01/19/99	N	N	None	4	
123	OMS/VPCD-44	Revision of Test Request Sheet	01/11/99	N	N	None	4	
124	OMS/NVFEL 47	WP 006, Horiba Emission Analysis System Startup/Shutdown Procedure	01/08/99	N	N		11	
125	OAR/OAQPS/EMAD - 34	Compendium of Methods for the Determination of Toxic Organic Compounds in Ambient Air - Second Edition	01/01/99	N	N	None	640	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
126	OAR/OAQPS/EAD-138	EIIP Volume VII: Data Mangement Procedure	01/01/99	N	N	None	200	
127	OMS/NVFEL 49	WP 010, Horiba Emission Analysis System CO2 Interference Check	12/25/98	N	N		17	
128	OMS/VPCD-39	Certification of 2000 and Later Model Year ORVR Vehicles	12/21/98	N	N	None	5	
129	OMS/VPCD-40	Single Roll Dynamometer Adjustment and Road Force Determination	12/21/98	N	N	None	2	
130	OMS/VPCD-41	Supplemental Federal Test Procedure Guidance	12/21/98	N	N	None	5	
131	OAR/OAQPS/EMAD - 25	Data Quality Objectives for the Trends Component of the PM 2.5 Speciation Monitoring Network	12/16/98	N	N	None	25	
132	OMS/VPCD-38	On-Board Diaagnostic Guidance-Diagnostic Link Connector Location and Accessibility	12/14/98	N	N	None	3	
133	OAR/OAQPS/ITPID 401	National Emission Standards for Aerospace Manufacturing and Rework Facilities: Summary of Requirements for Implementing the NESHAP (EPA-456/R-97-006)	12/01/98	N	N	None	115	
134	OAR/OAQPS/ITPID 403	Plain Language Guide to the Flexible Polyurethane Foam Production NESHAP 40 CFR 63, Subpart III (EPA-456/B-98-001)	12/01/98	N	N	None	216	
135	OAR/OAQPS/EMAD - 38	Guideline on Data Handling Conventions for the 8-hour ozone NAAQS	12/01/98	N	N	None	16	
136	OMS-TMIG16	State Implementation Plan Development Guidance: Using Emission Reduction from Commuter Choice Programs to Meet Clean Air Act Requirements	12/01/98	N	N	None	56	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
137	OMS-TM/IG17	Technical Support for Developmet of Airport Ground Support Equipment Emission Reductions	12/01/98	N	N	None	89	
138	OAR/OAQPS/ITPID 399	Pulp and Paper NESHAP: A Plain English Description (EPA - 456/R-98-008)	11/01/98	N	N	None	109	
139	OAR/OAQPS/ITPID 400	Municipal Solid Waste Landfills, Volume 2: Summary of the Requirements for Section 111(d) State Plans for Implementing the Municipal Solid Waste Landfills Emission Guidelines (EPA-456/R-98-009)	11/01/98	N	N	None	260	
140	OAR/OAQPS/EMAD - 11	Quality Assurance Guidance Document 2.12 Monitoring PM2.5 in Ambient Air Using Designated Reference of Class I Equivalent Methods	11/01/98	N	N	None	144	
141	OAR/OAQPS/EMAD 130	Handbook for Air Toxics Emission Inventory Development Volume I Stationary Sources	11/01/98	N	N	None	326	
142	OAR/OAQPS/ESD 14	Technical Support Document for Evaluation of Thoroughly Mixed Biological Treatment Units	11/01/98	N	N	None	32	
143		Guidance on alternative I/M evaluation methods	10/30/98	N	N	None	11	
144		Letter to Vince Mow of Waekon Industries	10/28/98	N	N	None	5	
145	OMS/AMID	NONROAD Emissions Inventory Model	10/16/98	N	N	None	4	
146	OAR/OAQPS/ESD 10	Clean Air Compliance for Consumer Products	10/15/98	N	N	N	10	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
147	OMS/VPCD-37	Heavy-Duty Diesel Engines Controlled by Onboard Computers: Guidance on Reporting and Evaluating Auxiliary Emission Control Devices and the Device Prohibition of the Clean Air Act	10/15/98	N	N	None	25	
148	OAR/OAQPS/EMAD - 31	Photochemical Assessment Monitoring Stations (PAMS) Issue Summary	10/09/98	N	N	None	7	
149	OAR/ OAQPS/ITPID 408	Potential to Emit: A Guide for Small Businesses	10/03/98	N	N	None	46	
150	OAR/OAQPS/EMAD -8	Quality Assurance Guidance Document - Method Compendium-Field Standard Operating Procedures for the PM2.5 Performance Evaluation Program	10/01/98	N	N	None	184	
151	OAR/OAQPS/EMAD - 9	Quality Assurance Guidance Document - Method Compendium - PM 2.5 Mass Weighing Laboratory Standard Operating Procedures for the Performance Evaluation Program	10/01/98	N	N	None	182	
152	OMS/VPCD-43	EPA Motor Vehicle Aftermaket Retrofit Device Evaluation Program	10/01/98	N	N	None	28	
153	OMS/VPCD-AA 2a	Application Package for EPA Motor Vechicle Aftermarket Retrofit Device Evaluation Program	10/01/98	N	N	None	28	
154	OMS/VPCD-35	99 MY Fuel Economy Guide-Revised Timetable; Guidance for Submitting Data from Alternative-Fueled Vehicles, Minivans and Sporty Utility Vehicles	09/30/98	N	N	None	5	
155	OMS/VPCD-69	13--New Requirements for Nonroad Diesel Engines	09/29/98	N	N	None	19	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
156	OAR/OAQPS/EMAD-14	Emission Inventories and Proper Use of Rule Effectiveness	09/23/98	N	N	None	7	
157		EPA/Industry Meeting; AECDs and Defeat Devices	09/23/98	N	N	None	9	
158	OAR/OAQPS/ITPID 441	Periodic Monitoring Guidance for Title V Operating Permits Programs	09/15/98	N	N	None	2	
159	OAR/OAQPS/ITPID 442	Periodic Monitoring Guidance	09/15/98	N	N	None	19	
160	OAR/OAQPS/EMAD 113	Memo and Periodic Monitoring Guidance for Title V Operating Permits Program	09/15/98	N	N	None	21	
161		Interim Guidance for Federal Facility compliance	09/01/98	N	N	None	50	
162	OAR/OAQPS/ITPID 398	National Emissions Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations (40 CFR Part 63, Subpart DD) Source Identification: List of Sources Potentially Subject to the Rule and How to Find Others (EPA-456R-98-006)	09/01/98	N	N	None	175	
163	OAR/OAQPS/EMAD - 37	Technical Assistance Document for Sampling and Analysis of Ozone Precursors	09/01/98	N	N	None	460	
164		Building a New Home: Have you Considered Radon?	09/01/98	N	N		2	
165	OMS/AMD 1	Mobile5 Information Sheet #7; NOx Benefits of RFG using Mobile5a	09/01/98	N	N	None	4	
166	OMS/VPCD-101	Letter to Kelly Brown- re: Clean-fuel Vehicle Pilot Program	08/31/98	N	N	None	2	
167	OMS/VPCD-72	16-Dear Brann	08/24/98	N	N	None	1	
168	OAR/OAQPS/ESD 13	Implementation of Resource Conservation and Recovery (RCRA) air emission standards for hazardous waste treatment, storage and	08/17/98	N	N	None	3	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
169	OAR/OAQPS/EMAD - 49	Memo to Regions- Clarification of the Office of Air and Radiation (OAR) FY 1999-2000 Implementation Plan and the April 30,1998 Memorandum on Fiscal Year 1999 Program Guidance for Air Toxics Monitoring and Inventories	09/07/98	N	N	None	4	
170	OAR/OAQPS/EMAD 122	Supplement D Compilation of Air Pollutant Emission Factors Volume I: Stationary Point and Area Sources	09/02/98	N	N	None	350	
171		IM 240 Technical Guidance	08/01/98	N	N	None	150	
172	OAR/OAQPS/EMAD-4	Implementation Plan-PM2.5	08/01/98	N	N	None	103	
173	OAR/OAQPS/EMAD - 24	Quality Assurance Handbook for Air Pollution Measurement Systems - Vol II: Part 1 Ambient Air Quality Monitoring Program Quality System Development	08/01/98	N	N	None	350	
174	OAR/OAQPS/EMAD -41	Guidelines on Ozone Monotoring Site Selection	08/01/98	N	N	None	85	
175	OAR/OAQPS/EMAD 116	Technical Guidance Document Compliance Assurance Monitoring	08/01/98	N	N	None	401	
176	OMS/VPCD-2	18--Memorandum: Locomotive test Sequence	07/30/96	N	N		2	
177	OAR/OAQPS/EMAD -105	Method 18, 25 & 106 Alternative Requests in parts 60, 61, 63, 264 and 265	07/23/98	N	N	None	24	
178	OAR/OAQPS/EMAD 84	Default Pathlengths for Continuous Opacity Monitoring Systems (COMS)	07/21/98	N	N	None	1	
179	OMS/AMD	NONROAD Emissions Inventory Model	07/17/98	N	N	None	3	
180	OAR/OAQPS/ITPID 5	Second Extension of January 25, 1995 Potential to Emit Transition Policy and Clarification of Interim Policy	07/10/98	N	N	None	4	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
181	OAR/OAQPS/ITPID	Second Extension of January 25, 1995 Potential to Emit Transition Policy and Clarification of Interim Policy	07/10/98	N	N	None	4	
182	OAR/OAQPS/EMAD - 46	NOX SIP Call for Regional Modeling to Supplement 1-Hour SIP's (E-mail from Bill Hunt to Regional Air Directors)	07/10/98	N	N	None	14	
183	OAR/OAQPS/EMAD 104	Approval of optical scintillation anemometers as alternatives for determining aluminum smelter potroom roof monitor effluent velocity	07/09/98	N	N	None	9	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.
184	OAR/OAQPS/EMAD 73	Modification to Method 25C probe installation procedure used to collect nonmethane organic compound samples from landfills	07/02/98	N	N	None	1	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.
185	OAR/OAQPS/EMAD-146	Locating and Estimating Air Toxics Emissions for Sources Of Polycyclic Organic Matter (POM)	07/01/98	N	N	None	560	
186	OMS/AMD 2	Mobile5 Information Sheet #6; Effect of the New National LEV Standard for Light-Duty Gasoline-Fueled Vehicles	07/01/98	N	N	None	10	
187	OMS/VPCD-34	Fuel Economy Label Information for 1999 Model Year	07/01/98	N	N	None	5	
188	OAR/OAQPS/EMAD -75	Alternative procedure to collect samples from the existing gas collection system header instead of installing probes beneath the landfill cover as described in Method 25C	05/25/98	N	N	None	2	
189	OAR/OAQPS/EMAD - 16	Implementation of the PM 2.5 Ambient Monitoring Network	05/23/98	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
190	OAR/OAQPS/AQSSD -6	Reissue of the early planning guidance for the revised ozone and particulate matter (PM) National Ambient Air Quality Standards (NAAQS)	05/12/98	N	N	None	14	
191	OAR/OAQPS/EMAD 54	Alternative Test Method for 40 CFR Part 63, subpart 0	05/11/98	N	N	None	2	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.
192	OMS/VPCD-75	19--Dear Jed Mandel	05/11/98	N	N	None	2	
193		Consolidated Questions and Answers On OTC NOx Budget Program Monitoring and Reporting	05/02/98	N	N		57	Submitted as a Courtesy Copy
194	OAR/OAQPS/EMAD - 39	Guideline for Selecting and Modifying the Ozone Monitoring Season based on an 8-hour Ozone standard	05/01/98	N	N	None	43	
195	OAR/OAQPS/EMAD- 141	Locating and Estimating Air Toxics Emissions from Sources of Arsenic and Arsenic Compounds	05/01/98	N	N	None	278	
196	OAR/OAQPS/EMAD- 142	Locating and Estimating Air Toxics Emissions from Sources Of Benzene	05/01/98	N	N	None	574	
197	OMS/VPCD-32	Reminder to Include in the Application for Certification a Descripition of AECDs Which May Reduce the Effectiveness of the Emission Control System	05/27/98	N	N	None	2	
198	OAR/OAQPS/EMAD - 95	Determination for Sampling Time for Affected and Nonaffected Sources at Large Hard Chromium Electroplating Facilities	05/22/98	N	N	None	4	
199	OAR/OAQPS/EMAD - 4	PM2.5 Site Types and Sampling Frequency During CY-99	05/18/98	N	N	None	6	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
200	OMS/VPCD-94	38--URBAN BUS REBUILD PROGRAM	05/16/98	N	N		10	
201		I/M Gas cap testing	05/14/98	N	N	None	2	
202		Letter to Louisiana DEQ on Clean Fuel Fleets	05/08/98	N	N	None	2	
203		Letter to Virginia DEQ on Clean Fuel Fleets	05/08/98	N	N	None	2	
204	OMS/VPCD-30	CAFE data and 1997 & 1998 FE Label data to EPA's data base	05/05/98	N	N	None	2	
205	OMS/VPCD-31	Light-Duty Vehicle Confirmatory Testing at EPA	05/05/98	N	N	None	2	
206	OMS/VPCD-33	Single roll dynamometer settings; air conditioned vehicles	05/05/98	N	N	None	1	
207	3	Quantification of Episodic Control Programs (EPA 420-R-97-006)	05/01/98	N	N	None	99	
208	OAR/OAQPS/EMAD-1	Guidance for using Continuous Monitors in PM 2.5 Monitoring Networks	05/01/98	N	N	None	178	
209	OAR/OAQPS/EMAD-14	Locating and Estimating Air Toxics Emissions from Sources of Lead	05/01/98	N	N	None	391	
210	OMS/AMD 10	Clean Screening In Inspection and Maintenance Programs - Fact Sheet	05/01/98	N	N	None	4	
211	OMS/AMD 11	Program User Guide for interim Vehicle Clean Screening Credit Utility	05/01/98	N	N	None	42	
212	OMS/AMD 12	Description and Documentation for Interim Vehicle Clean Screening Credit Utility	05/01/98	N	N	None	45	
213	OMS-TMIG3	Quantification of pisodic Control Programs (EPA 420-R-97-006)	05/01/98	N	N	None	99	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
214	OMS/VPCD-6	5--Draft Marine IN-Use Testing Guidance	05/01/98	N	N	None	6	
215	OAR/OAQPS/EMAD - 57	Test Method 316 for Measuring Formaldehyde in Sources to subpart III of 40 CFR Part 60	04/28/98	N	N	None	2	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.
216	OMS/VPCD-96	40--Dear SI nonroad, Marine SI CI Nonroad and Heavy duty engine manufacturer	04/23/98	N	N	None	4	
217	OMS/VPCD-29	Building Transmittal of 1996 & 1997	04/22/98	N	N	None	2	
218	OMS/VPCD-28	Revised Preconditioning for UPCD Recall Testing New	04/21/98	N	N	None	2	
219	OMS/FED 19	Mr. Barry R. McBee Texas Natural Resources Conservation Commission	04/20/98	N	N		3	
220	OAR/ OAQPS/ITPID	Potential to Emit (PTE) Guidance for Specific Source Categories (8 Attachments)	04/14/98	N	N	None	30	
221	8	FHWA Memorandum on Approving Trans. Control Measures into SIPs	04/09/98	N	N	None	1	This EPA memo is a one page cover memo to alert the regions that FHWA finalized the attached 2 page memo.
222	OAR/OAQPS/EMAD - 19	Guidelines for Granting Exemptions for Daily PM 2.5 Monitoring	04/09/98	N	N	None	4	
223	OMS/VPCD-26	Certification of 99MY and Later NLEV Vehicles	04/08/98	N	N	None	26	
224	OMS/VPCD-27	CAFE Adjustment Coefficient for 1998 Model Year Passenger Automobiles	04/08/98	N	N	None	2	
225	OAR/OAQPS/ITPID 384	Technical Support Document for Potential to Emit Guidance Memo, Documentation of Emission Calculations	04/01/98	N	N	None	43	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
226	OAR/OAQPS/EMAD-1(	Quality Assurance Guidance Document - Model Quality Assurance Project Plan for the PM2.5 Ambient Air Monitoring Program at State and Local Air Monitoring Station (SLAMS)	04/01/98	N	N	None	256	
227	OAR/OAQPS/EMAD -3	PM2.5 Monitoring Program Implementation Plan	03/30/98	N	N	None	80	
228	OAR/OAQPS/EMAD 76	Alternative in Method 25C when used for nonmethane organic compound determination at municipal solid waste landfills	03/26/98	N	N	None	2	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.
229	OMS/EPCD-AA 3	Agreement Between FAA and EPA Regarding Environmental Matters Relating to Aviation	03/24/98	N	N	None	4	
230	OAR/OAQPS/EMAD 78	Alternative procedure for determination of the nitrogen leak - check in Method 25C as used at 40 CFR 60 Subpart WWW landfills	03/12/98	N	N	None	1	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.
231	OAR/OAQPS/EMAD 58	Test Method 316 for Measuring Formaldehyde in Sources subject to Hazardous Organic NESHAP (HON) Rule	03/04/98	N	N	None	2	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.
232	OAR/OAQPS/EMAD - 40	SLAMS/NAMS/PAMS Network Review Guidance	03/01/98	N	N	None	59	
233	OAR/OAQPS/EMAD - 14	Filter Conditioning and Weighing Facilities and Procedures for PM 2.5 Reference and Class I Equivalent Methods	02/27/98	N	N	None	4	
234	OAR/OAQPS/ITPID 390	PSD Significant Emission Levels for Ozone Deleting Substances (ODS) at Existing Major Sources	02/24/98	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
235	OAR/OAQPS/EMAD	Alternative Test Method for 40 CFR 63, Subpart S	02/24/98	N	N	None	2	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.
236		ECOS/STAPPA/EPA guidance handbook	02/20/98	N	N	None	200	
237	OAR/OAQPS/EMAD -102	Approved Alternative Method-Acceptability of Teflon Bags	02/20/98	N	N	None	2	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.
238	OAR/OAQPS/EMAD - 16	National Contract guidance for the purchase of PM 2.5 Federal Reference Method monitors, (ordering forms, testing and acceptance criteria, steps for placing orders)	02/19/98	N	N	None	13	
239	OMS/VPCD-25	Certification to Clean-Fuel Vehicle Standards	02/03/98	N	N		6	
240	OMS/AMD 3	Mobile% Information Sheet #5; Inclusion of New 2004 NOx Standard for HDD Engines in Mobile5A & Mobile5B modeling	01/30/98	N	N	None	5	
241	OAR/OAQPS/ITPID/ 389	Alternative Fuels PSD Exemption, Repeal Request	01/21/98	N	N	None	2	
242	OAR/OAQPS/TPID 3	Interpretation of the Policy on Compliance with the Statutory Provisions of Part D (1 Attachment)	01/09/98	N	N	None	3	
243	OMS/VPCD-24	Use of GF-2 Oils for 1999 and Latter Model Years	01/09/98	N	N	None	3	
244	OAR/OAQPS/EMAD 112	Compliance Assurance Monitoring Rule Implementation Questions and Responses	01/08/98	N	N	None	20	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
245	12	Health Risks from Low-Level Environmental Exposure to Radionuclides: Federal Guidance Report No. 10-Part 1 Interim Version	01/01/98	N	N		192	
246		Audit guidance for I/M programs	12/29/97	N	N	None	106	
247	OAR/OAQPS/AQSSD-	Guidance for Implementing the 1-hour ozone and pre-existing PM10 NAAQS	12/29/97	N	N	None	17	
248	OAR/OAQPS/ITP/ID 413	Implementing the Part 71 Program in Indian Country	12/04/97	N	N	None	6	
249	OAR/OAQPS/EMAD - 5	Waivers for PM 10 Sampling Frequency	12/02/97	N	N	None	8	
250	OAR/OAQPS/ESD 6	Guidelines for Determining MACT in the AIRS Facilitiy Subsystem (AFS)	12/02/97	N	N	None	72	
251	2	Vol. Mobile Source Programs: Crediting Innovation & Experimentation (EPA 420-k-97-004)	12/01/97	N	N	None	8	Info. Brochure
252	OAR/OAQPS/EMAD -2	Guidance for Network Design and Optimum Site Exposure for PM2.5 and PM 10	12/01/97	N	N	None	122	
253	OAR/OAQPS/EMAD-14	Locating and Estimating Air Toxics Emissions from Sources of Mercury and Mercury Compounds	12/01/97	N	N	None	212	
254	OAR/OAQPS/ESD-5	Control of Volatile Organic Compound Emissions from Wood Furniture Manufacturing Operations EPA-453/R-96	12/01/97	N	N	None	50	
255	OAR/OAQPS/ESD 5	Control of Volatile Organic Compound Emissions from Coating Operatios at Aerospace Manufacturing and Rework Operations EPA-453/R-97-004	12/01/97	N	N	None	50	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
256	23	Mulit-Agency Radiation Survey and Site Investigation Manual (MARSSIM)	12/01/97	N	N			Available on line: www.epa.gov/radiation/marssim
257	OMS-TMIG2	Vol. Mobile Source Programs: Crediting Innovation & Experimentation (EPA 420 -k-97-004)	12/01/97	N	N	None	8	
258		Revised Definition of "test-only" I/M	11/19/97	N	N	None	3	
259	OAR/OAQPS/ITPID 367	Crediting of Maximum Achievable Control Technology (MACT) Emission Reductions for New Sourrce Review (NSR) Netting and Offsets (1 Attachment)	11/12/97	N	N	None	4	
260	OMS/FED 8	RFG/Anti-Dumping Q&A	11/10/97	N	N		6	
261	OMS/VPCD-23	Certification On-Board Diagnostic (OBD) Notice of Proposed Rulemaking to Accept California OBD II Requirements beyond the 1998 Model Year	11/07/97	N	N	None	2	
262	OMS/VPCD-89	33--Dear Interested Party	11/06/97	N	N	None	16	
263	OAR/OAQPS/EMAD 126	Procedures for Preparing Emission Factor Documents	11/02/97	N	N	None	130	
264	1	Guidance on Incorp. Vol. Mobile Source Emission Reduction Programs in State Impl. Plans (SIPs)	10/23/97	N	N	None	15	
265	OMS-TMIG 1	Guidance on Incorp. Vol.vMobile Source Emission Reduction Programs in State Impl. Plans (SIPs)	10/23/97	N	N	None	15	
266	OAR/OAQPS/ITPID 461	Letter to Congressman Virgil Goode, U.S. House of Representatives re: the use of permit fees	10/14/97	N	N	None	2	
267	OAR/OAQPS/ITPID/386	Fugitive Emissions at Coal Preparation Plants	10/03/97	N	N	None	8	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
268	OAR/OAQPS/ITPID 462	Letter to Congresswoman Barbara Cubin, U.S. House of Representatives re: fugitive emissions from coal unloading at coal preparation plants	10/03/97	N	N	None	2	
269	OAR/OAQPS/ESD 12	Determining Applicability Petroleum Refinery MACT	10/01/97	N	N	None	19	
270	4	Should You Have the Air Ducts in your Home Cleaned?	10/01/97	N	N		17	
271	5	An Office Building Occupant's Guide to Indoor Air Quality	10/01/97	N	N		19	
272	6	National Radon Rule Proficiency Program: Guidance on Quality Assurance	10/01/97	N	N		126	
273	OMS/AMD 3-4	3-4 Certification Guidance for Engines (con'd below regulated under Part 86/89	09/22/97	N	N	None	73	
274	OMS/VPCD-60	3-4 Certification Guidance for Engines regulated under Part 86/89	09/22/97	N	N	None	73	
275	OAR/OAQPS/EMAD 60	Approval of SCAQMD Method 205.1 as Alternative to Method 306 Required by 40 CFR Part 63, Subpart N	09/17/97	N	N	None	4	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.
276	OAR/OAQPS/EMAD - 21	Collection and Reporting of PM Data	09/15/97	N	N	None	17	
277	OMS/VPCD-AA 21	Fuel Economy Label Information for the 1998 Model year	09/10/97	N	N		4	
278	OAR/OAQPS/ITPID 407	A Guide to the Wood Furniture CTG and NESHAP	09/03/97	N	N	None	167	
279	OAR/OAQPS/EMAD 65	Request for Approval of CARB Method 316 " Determination of Volatile Organic Compounds (VOC) in Adhesives Containing Cyanoacrylates"	09/03/97	N	N	None	1	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
280	OAR/OAQPS/ITPID 393	Wood Furniture Manufacturing Operations NESHAP Implementing Document (EPA-456/R-96-005	09/01/97	N	N	None		
281	OAR/OAQPS/ITPID 394	National Emission Standards for Halogenated Solvent Cleaning: Summary of Requirements for Implementing the NESHEP EPA-456/R-96-005	09/01/97	N	N	None	92	
282	OAR/OAQPS/ITPID/39	Ethylene Oxide Commercial Sterilazation and Fumigation Operations NESHAP (EPA-456/R-97-004	09/01/97	N	N	None	70	
283	OAR/OAQPS/ITPID 396	MACT Implementation Strategy (EPA - 456/R-97-003)	09/01/97	N	N	None	233	
284	OAR/OAQPS/ITPID 397	Hospital/Medical/Infectious Waste Incinerator Emission Guidelines/ Summary of the Requirements for Section III (d) 129 State Plans (EPA-456/R-97-007)	09/01/97	N	N	None	287	
285	OAR/OAQPS/EMAD - 32	Section 2.10 of QA Handbook-Draft revised to local standard and pressure	09/01/97	N	N	None	65	
286	OAR/OAQPS/EMAD - 33	Section 2.11 of QA Handbook -Draft revised to local standard and pressure	09/01/97	N	N	None	104	
287	OAR/OAQPS/EMAD 111	Fabric Filter Bag Leak Detection Guidance	09/01/97	N	N	None	20	
288	OAR/OAQPS/ESD-2	A Guide to the Wood Furniture CTG and NESHAP EPA - 453/R-97-002	09/01/97	N	N	None	167	
289	OMS-TMIG15	Opportunities to Improve Air Quality through Transportation Pricing Programs	09/01/97	N	N	None	130	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
290	OMS/VPCD-106	List of 1997 Model Year Canadian Vehicles Considered by EPA to Conform with EPA Emission Requirements	08/28/97	N	N	None	5	
291	OAR/OAQPS/EMAD - 20	Agency Policy on the Use of Special Purpose Monitoring Data	08/22/97	N	N	None	5	
292	OAR/OAQPS/EMAD - 91	Alternative Test Method for 40 CFR 63, Subpart S	08/12/97	N	N	None	1	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.
293	OMS/AMD 4	Summary of comments on & guidance for use of Mobile5b Memo	08/11/97	N	N	None	7	
294	OAR/OAQPS/EMAD 110	Guideline Document - Determination of Chromium Emissions from Decorative and Hard Chromium Electroplating and Anodizing Operations	08/08/97	N	N	None	3	
295	OAR/OAQPS/EMAD - 42	Guidance for Sitting Ambient Air Monitors Around Stationary Lead Sources	08/01/97	N	N	None	72	
296	OMS/FED 7	Guidance on Use of Opt-in to RFG and Low RVP requirements in Ozone SIPs	08/01/97	N	N		14	
297	OAR/OAQPS/EMAD 115	Alternative Monitoring Protocol for Predictive Emission Monitoring System to determine NOX and CO Emissions from an industrial furnace	07/31/97	N	N	None	12	
298	OAR/OAQPS/EMAD 132	EIIP Volume I: Introduction and Use of EIIP Guidance for Emissions Inventory Development	07/01/97	N	N	None	80	
299	OAR/OAQPS/EAD-135	EIIP Volume IV: Mobile Sources, Preferred and Alternative Methods	07/01/97	N	N	None	300	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
300	OAR/OAQPS/EAD-136	EIIP Volume V: Biogenic Sources, Preferred and Alternative Methods	07/01/97	N	N	None	100	
301	OAR/OAQPS/EAD-137	EIIP Volume VI: Quality Assurance Procedures	07/01/97	N	N	None	100	
302	OAR/OAQPS/EMAD-14	Preparation of the 1996 Emission Inventory, EPA - 454/R-97-005	06/30/97	N	N	None	120	
303	OMS/VPCD-AA 20	Data Tranmittal to EPA's Data Base	06/24/97	N	N		14	
304	OMS/VPCD-AA 18	CAFE Adjustment Coefficient for 1997 Model Year Passenger Automobiles	06/20/97	N	N		2	
305	OMS/VPCD-AA 19	Fuel Economy label Information for 1998 Model Year	06/20/97	N	N		5	
306	OAR/OAQPS/EMAD - 96	Alternative to Interim Method of the Determination of Abestos in Bulk Insulation Samples	06/18/97	N	N	None	1	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.
307	OAR/OAQPS/ITPID 444	Response to Memo Regarding Clean Air Act (Act) Title III (Section 112) Title V Interface	06/12/97	N	N	None	4	
308	OMS/NVFEL 26	TP 702J, Vehicle Fuel Exchange	06/03/97	N	N		21	
309	OMS/NVFEL 32	TP 709G, Hot Soak Evaporative Emission Test	06/03/97	N	N		15	
310	OAR/OAQPS/ITPID 415	Title V Permit Objection Communication Strategy	05/30/97	N	N	None	3	
311		Model year exemptions in I/M programs	05/14/97	N	N	None	3	
312	OAR/OAQPS/EMAD - 103	Approved Alternative Method - Determination of Chromium Emissions from Decorative and Hard Chromium Electroplating and Anodizing Operations Comment on Section 5.2.3 of Method 306 & 306A of 40 CFR Part 63	05/12/97	N	N	None	1	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
313	OMS/VPCD-91	35--Update on EPA's Urban Bus Retrofit/Rebuild	05/05/97	N	N		8	
314	OAR/OAQPS/EMAD 128	Locating and Estimating Air Emissions from Sources of Dioxins and Furans	05/03/97	N	N	None	321	
315	OAR/OAQPS/EMAD 125	Public Participation Procedures for EPA's Emission Estimation Guidance Materials	05/02/97	N	N	None	12	
316	OAR/OAQPS/ESD 16	Draft Information on EPA's Delisting Process	05/01/97	N	N	None	45	
317	OMS/VPCD-AA 17	Alternative option for complaince with requirements of 40 CFR 85.2108(a)(2) - [Dealer Inspection of Emission Control Devices]	05/01/97	N	N	None	2	
318	OMS/VPCD-AA 16	Carry-over and Carry-Accross of Alternative Durability Data	04/30/97	N	N	None	3	
319	OMS/CD-AA 1	Memo to EPA Regional Air Division Directors and "Guidance to States on In-Use Smoke Test Procedure For Highway Heavy-Duty Diesel Vehicles"	04/03/97	N	N	None	4	Memo from OMS to EPA Regions transmitting guidance to States regarding use of in-use smoke test procedures. Guidance document is attached to memo. Originator: Ines Stornok
320	OMS/AMD 5	Release of Final Version of Mobile5b Memo	04/01/97	N	N	None	1	
321	OMS/VPCD-58	1--Marine Engine Certification Guidance	04/01/97	N	N	None	40	
322	OMS/VPCD-AA 15	Certification of 99 MY and later ORVR Vehicles	03/21/97	N	N		6	
323	OAR/OAQPS/EMAD 82	Alternative for Capture Efficiency (CE) testing for bakery ovens	03/20/97	N	N	None	4	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
324	OAR/OAQPS/EMAD -94	Interpretation of 40 CFR 60, Method 6, 201A	03/05/97	N	N	None	3	
325	OAR/OAQPS/EMAD 109	Guideline Document- Alternative for Analyzing Calibration Gas Cylinders	02/18/97	N	N	None	1	
326	OMS/VPCD-59	2–SMALL ENGINE CERTIFICATION GUIDANCE	02/01/97	N	N	None	38	
327		Guidance For Implementation of Emission Monitoring Requirements For the NOx Budget Program	01/28/97	N	N	None	70	Submitted as courtesy copy
328	OAR/OAQPS/ITPID 392	Emission Inventories for Existing Municipal Solid Waste Landfills with Design Capacities.....	01/27/97	N	N	None	4	
329	OMS/VPCD-AA 14	New Guidance on testing Vehicles with Knock Sensors	01/24/97	N	N	None	5	
330	OAR/OAQPS/ITPID	Ozone Depleting Substances (ODS) at Existing Major Stationary Sources (1 Enclosure)	01/12/97	N	N	None	6	
331	OAR/OAQPS/EMAD 129	Action Plan for Submittal of 1996 Periodic Emission Inventories and Review of Net Inventory Data	01/09/97	N	N	None	59	
332	OAR/OAQPS/ESD 17	A Guidebook on How to Comply with the Shipbuilding and Ship Repair (Surface Coating) Operations National Emission Standards for Hazardous Air Pollutants EPA-453/B-97 -001	01/01/97	N	N	None	146	
333		I/M Evaporative Emission Tests - an addendum	12/23/96	N	N	None	1	
334	OMS/VPCD-AA 13	EPA Standardized Motorcycle Engine Family and Evaporative family Names for the 1998 and later Model years	12/03/96	N	N		7	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
335	OAR/OAQPS/EMAD 62	Modification to Method 24 Methacrylate Multicomponent Coatings	11/26/96	N	N	None	2	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.
336	OMS/NVFEL 20	TP 302E, Dynamoneter Calibration Verification	11/25/96	N	N		33	
337	OMS/VPCD-80	24--Federal emission design and Defect limited warranty	11/25/96	N	N	None	3	
338	OMS/VPCD-5	25--Dear Under 19KW Nonroad Engine Manufacturer (Draft)	11/13/96	N	N		5	
339	OMS/FED	RFG/Ant-dumping questions and answers	11/12/96	N	N	None	22	
340	OMS/VPCD-78	22--Marine engine regulation workshop	11/07/96	N	N	None	22	
341		I/M Evaporative Emission Tests	11/05/96	N	N	None	3	
342	OAR/OAQPS/EMAD 118	Supplement B to Complilation of Air Pollutant Emission Factors Volume I: Stationary Point and Area Sources	11/02/96	N	N	None	406	
343	OAR/OAQPS/EMAD-14	Locating and Estiating and Estimating Air Toxics Emissions from Sources Of 1,3, Butadiiene	11/01/96	N	N	None	251	
344	16	Technology Screening Guide for Radioactively Contaminated Sites	11/01/96	N	N		182	
345	7	Trans. Conformity: Regional Analysis of PM10 Emissions from Highway and Transit Project Construction	10/28/96	N	N	None	4	
346	OMS-TMIG7	Trans. Conformity:Regional Analysis of PM10 Emissions from Highway and Transit Project Construction	10/28/96	N	N	None	4	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
347	OMS/VPCD-79	23--Dear Under 19KW Nonroad Engine Manuf.	10/23/96	N	N	None	6	
348	OMS/AMD 6	Release of Mobile5b	10/11/96	N	N	None	4	
349	OAR/OAQPS/AQSSD -5	Update on the credit for the 15 percent rate-of-progress plans for reductions from the architectural and industrial maintenance (AIM) coatings rule	10/01/96	N	N	None	3	
350	7	Indoor Air Quality Basics for Schools	10/01/96	N	N		4	
351	OAR/OAQPS/EMAD -90	Modification to Method 24 applicable to solventless adhesives.	09/26/96	N	N	None	1	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.
352	OMS/VPCD-AA 12	New EPA Certification Data Submission Job Request Form	09/13/96	N	N		2	
353	OMS/VPCD-AA 11	1997 Model year Fuel Economy Ranges	09/11/96	N	N	None	2	
354	OAR/OAQPS/EMAD 79	Procedure for taking samples from existing wells constitutes a minor modification of Method 25C	09/10/96	N	N	None	1	
355	OMS/VPCD	36--Update on EPA's Urban Bus Retrofit/Rebuild	09/10/96	N	N		17	
356	OMS/NVFEL 11	TP 204C, Gas Analyzer Calibration Curve Generation	09/05/96	N	N		22	
357	OMS/AMD 9	User Guide Modifications (Ch. 2) - MOBILE5	09/01/96	N	N	None	133	
358	OMS/AMD 13	FAQ Regarding Use of the EPA Remote Sensing I/M Credit Utility	09/01/96	N	N	None	3	
359	OMS/AMD 14	User Guide and Description For Interim Remote Sensing Program Credit Utility	09/01/96	N	N	None	41	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
360	OAR/OAQPS/ITPID	Clarification of Methodology for Calculating Potential to Emit (PTE) for Batch Chemical Production Operations (2 Attachments)	09/29/96	N	N	None	25	
361	OAR/OAQPS/ITPID-1	Extension of January 25, 1995 Potential to Emit Trasition Policy (2 Attachments)	09/27/96	N	N		24	
362	OMS/VPCD-64	8--Dear Under 19kW Small Nonroad	09/22/96	N	N	None	4	
363	OAR/OAQPS/ITPID4	Major Source Determinations for Military Installations under the Air Toxics, New Source Review, and Title V Operating Permit Programs of the Clean Air Act (Act) (1 Attachment)	09/02/96	N	N	None	24	
364	20	Profile and Management Options for EPA Laboratory Generated Mixed Waste	09/01/96	N	N			Available on-line: www.epa.gov.radiation/rpdpubs.htm
365	OAR/OAQPS/EMAD 72	Alternatiive sampling technique for Method 25E (40 CFR Part 60 Appendix A)	07/28/96	N	N	None	1	This action purports to approve an alternative test method procedure that would be generally applicable to certain sources. These attempts to grant regulatory flexibility to regulated sources, however, were not issued through applicable notice-and-comment rulemaking procedures. EPA intends to take appropriate actions to remedy the status of these test methods and, if required by the CRA, will submit them to Congress.
366	OMS/AMD 8	MOBILE5a Model - FAQ#1	07/24/96	N	N	None	3	
367	OMS/FED 4	RFG/Anti-Dumping Q&A	07/15/96	N	N		3	
368	OMS/VPCD-83	27--Dear Manufacturer (Draft)	07/05/96	N	N		3	
369		Guidelines for the use of EPA entry form 3520-21	07/03/96	N	N	40 CFR 89-90	8	OMS/VPCD-DC12
370	OMS/VPCD-63	7--Guidelines for the use of EPA entry form 3520-21	07/03/96	N	N	None	8	
371		Acceleration Simulation Mode Technical Guidance	07/01/96	N	N	None	100	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
372	OAR/OAQPS/ITPID 391	Municipal Waste Combustion: Summary of the Requirements for Section 111(d)/129 State Plans for Implementing the Municipal Waste Combuster Emission Guidelines (EPA - 456/R-96-003)	07/01/96	N	N	None	449	
373	OMS/VPCD-AA 9	Information for 1997 Model Year	06/26/96	N	N		5	
374	OAR/OAQPS/EMAD-8(	Interepretation of 40 CFR 60 Appendix A Methods	06/21/96	N	N	None	9	
375	OAR/OAQPS/ITPID 456	Extension of Interim Approvals of Operating Permits Programs	06/13/96	N	N	None	5	
376	OAR/OAQPS/ITPID 443	Letter to Robert Hodanbosi of Ohio EPA, re: regarding:(1) the role of the U.S. Environmental Protection Agency in enforcement of state-only permit terms or conditions and information collected related to those state only regulations in light of recent developments of the credible evidence rulemaking; and (2) the U.S. EPA position pertaining	06/03/96	N	N	None	3	
377	OAR/OAQPS/EMAD-4(	Guidance on Use of Modeled Reults to Demonstrate Attainment of Ozone NAAQS	06/01/96	N	N	None	65	
378	17	Radiation Exposure and Risks Assessment Manual: Risk Assessment using Radionuclide Slope Factors	06/01/96	N	N		175	
379	OAR/OAQPS/AQSSD -2	Areas Affected by PM10 natural events	05/30/96	N	N	None	13	
380	OMS/FED 3	Supplimental RFG Q&A	05/30/96	N	N		1	
381	OAR/OAQPS/EMAD 83	Use of critical orfices to calibrate Method 6 meter system with certain specification	05/24/96	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
382	OAR/OAQPS/EMAD 61	Northern Natural Gas Request for Alternative Monitoring Requirements	05/23/96	N	N	None	3	
383	OMS/VPCD-AA 7	Use of GF-2 Energy Conserving Oils with Fuel Economy Improvement Factors of 1.4% for 5W-30 Oil and 0.9% for 10W-30 Oil	05/15/96	N	N		2	
384	OMS/VPCD-AA 6	Use of Indoor Facility to Determine Running Loss FTPs	05/14/96	N	N	None	3	
385	OMS/VPCD-AA 8	EPA Guidance Regarding OBD Running changes made to prevent false MII, Illumination Fuel Economy Label	05/14/96	N	N		2	
386	OMS/VPCD-95	39--DEAR OVER 50HP NONROAD ENGINE Manufacturer	05/10/96	N	N		1	
387	OAR/OAQPS/EMAD 85	System controllers with transissometers can be used in conformance with PS1	05/08/96	N	N	None	1	
388	OMS/FED 2	RFG/Anit-Dumping Q&A	05/02/96	N	N		12	
389	OMS/VPCD-AA 5	Organization of Complaince Functions in VPCD	05/01/96	N	N	None	4	
390	OMS/VPCD-65	9--Dear Under 19kw Nonroad Eng. Manufacturer	05/01/96	N	N	None	2	
391	OAR/OAQPS/ITPID 406	Guidance for Asbestos Processors	04/30/96	N	N	None	19	
392	OMS/VPCD-AA 4	CAFE Adjustment Coefficient for 1996 Model Year Passenger Automobiles	04/19/96	N	N		2	
393	OAR/OAQPS/ITPID 416	Effect of Audit Immunity/Privilege Laws on States' Ability to enforce Title V Requirements	04/05/96	N	N	None	6	
394	OMS/FED1	Letter to Private Citizen	04/05/96	N	N		4	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
395	OAR/OAQPS/EMAD - 36	FT-IR Open Path Monitoring Guidance Document	04/01/96	N	N	None	176	
396	OAR/OAQPS/ESD 3	Control of Volotile Organic Compound Emissions from Wood Furniiture Manufacturing Operations	04/01/96	N	N	None	286	
OARM								
1	3	Quality Assurance Term and Condition	09/02/99	Y	Y		4	
2	4	Closing General Assistance Program Grants	07/07/99	N	N		2	
3	5	EPA Policy for Post-Award Management of Grants and Cooperative Agreements by Headquarters and Regional Offices	04/05/99	Y	N		5	
4	6	Information Collection Requirements (term and condition)	02/23/99	Y	Y		2	
5	10	FY 1999 MBE/WBE Terms and Conditions	12/29/98	Y	Y		12	
6	11	FY 1999 Non-State Revolving Funds MBE/WBE Terms and Conditions	10/13/98	Y	Y		5	
7	16	Performance Partnership grants for State and Tribal Environmental Program: Revised Interim Guidance; Notice	10/06/98	Y	Y	63 FR 53763	12	
8	2	Small Grants Guidance	10/01/98	N	N		3	
9	1	Implementation Order to Streamline Small Grants	09/01/98	N	N		12	
10	8	Term and Condition for Year 2000 Compliance	08/28/98	Y	Y		3	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
11	7	Current MBE/WBE Term and Condition	07/29/98	Y	Y		3	
12	9	Clarification of Grant Management Policy Regarding Technical Assistance Grant (TAG) Program	05/04/98	N	N		2	
13	12	Part 30 Guidance	11/09/97	N	N		8	
14	13	Research Misconduct under Assistance Agreements (term and condition)	07/09/97	Y	Y		3	
15	17	Guidance on Lobbying Restrictions	08/23/96	N	N		4	
16	14	Debt Collection Improvement Act of 1996 (term and condition)	08/01/96	Y	Y		3	
17	15	EPA Indirect Cost and Special Rate Policy for Grants and Cooperative Agreements awarded to Nonprofit Organizations and Educational Institutions	04/17/96	N	N		9	
OECA								
1	19	Environmental Management Reviews (EMRs) at Federal Facilities		N	N	None	1	
2	25	Federal Facilities Toxic Release and Reduction Initiatives Factsheets		N	N	None	55	
3		Guidance Update for FY 1999 Pesticide Enforcement Cooperative Agreement Work Plans		N	N	None	9	
4		Guidance Update for FY 1996/FY 1997 Pesticide Enforcement Cooperative Agreement Work Plans		N	N		11	
5		Guidance Update for FY 1999 Toxics Enforcement Cooperative Agreement Work Plans		N	N	None	6	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
6		Guidance Update for FY 2000 Toxics Enforcement Cooperative Agreements Work Plans		N	N	None	8	
7		Guidance Update for FY 2000 Pesticide Enforcement Cooperative Agreement Work Plans		N	N	None	9	
8		Guidance Update for FY 1998/FY 1999 Pesticide Enforcement Cooperative Agreement Work Plans		N	N	None	14	
9	49	Supplemental Information for Small Businesses Subject to an US EPA Enforcement Action (SBREFA Information (Superseded)	12/23/99	N	N	N/A	2	
10	4	EPA's Strategy for Enforcementof Regulatory Requirements Applicable to Underground Storage Tank (UST) Systems	12/09/99	N	N	N/A	4	
11	44	Estimating Costs for the Economics Benefits of RCRA Noncompliance	12/01/99	N	N	N/A	200	
12	26	Sample collection request for disinfectant product	10/13/99	N	N		14	
13		Expanding Requests for Prospective Purchaser Agreements	10/01/99	N	N	None	21	
14	31	Reduced Penalties for Disclosures of Certain Clean Air Act Violations	09/30/99	N	N	N/A	4	
15	32	State Implementation Plans: Policy Regarding Excess Emissions During Malfunctions, Startup, and Shutdown	09/30/99	N	N	N/A	7	
16	35	EPCRA Section 304, 311 And 312/CERLA Section 103 Enforcement Response Policy	09/30/99	N	N	N/A	30	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
17	5	Injunctive Relief Requirements in Section 404 Enforcent Actions	09/29/99	N	N	N/A	4	
18		Profile of the Agricultural Livestock Production Industry (Final Draft)	09/01/99	N	N	None	148	
19	24	Profile of the Agricultural Production Industry (Final Draft)	09/01/99	N	N	None	169	
20	22	Compliance assistance centers	09/01/99	N	N		1	Compliance assistance centers fact sheet
21	47	US EPA Small Business Resources (OECA Information Sheet)	09/01/99	N	N	N/A	2	
22	47	Update FY 2001 agency pollution abatement plan required by Section 1-4 of E.O. 12088--FEDPLAN data	08/24/99	N	N	None	2	Identical Letter sent to other Federal Agencies
23	48	Update FY 2001 agency pollution abatement plan required by Section 1-4 of E.O. 12088 - FEDPLAN data	08/23/99	N	N	None	2	Identical Letter sent to other Federal Agencies
24	40	EPA's Inspection and Compliance Assistance Priorities for Underground Storage Tank Systems	08/10/99	N	N	N/A	3	
25	17	FY99 TSCA Cooperative Complaince & Enforcement Agreement Guidance & Evaluation Criteria, Specific Guidance	08/05/99	N	N		16	Issued to EPA Regions 7 & 9 - may have been sent to States
26	14	First Year Consumer Confidence Report (CCR) Rule Compliance Strategy	08/04/99	N	N	N/A	10	
27	43	Facilities Urged to Review Systems for Risk of Check or Butterfly Valves Safety Hazards (ORE Enforcement Alert)	08/01/99	N	N	N/A	3	
28	46	Y2K: is Your Facility Ready (ORE Enforcement Alert)	08/01/99	N	N	N/A	4	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
29	19	Letter to James Klinger, AgrEvo	07/22/99	N	N	None	2	guidance
30	18	Letter to Dennis Fett, citizen	07/15/99	N	N	None	2	guidance
31	16	Water Quality-Based and Technology-Based CSO Requirements	07/07/99	N	N	N/A	3	
32	2	Considering Ecological Processess in Environmentatl Impact Assessments	07/01/99	N	N		85	
33	3	EPA Guidance for Consideration of Environmental Justice in Clean Air Act Sec. 309 Reviews	07/01/99	N	N		31	
34		Negotiation and Enforcement Strageties to Achieve Timely Settlements and Implementation of Remedial Design/Remedial Action at Superfund Sites	06/17/99	N	N	None	11	
35	15	Introduction to the Chemical Import Requirements of the Toxic Substance Control Act	06/01/99	N	N	N/A	15	Compliance Assistance Tool
36	26	Brochure EPA/CMA Root Cause Analysis Pilot Project An Industry Survey	06/01/99	N	N	N/A	4	
37	64	Policy on Compliance Incentives for Small Businesses	05/20/99	N	N	N/A	6	
38	44	Guidance on Conducting Inspections of Federal Facilities for Compliance with Section 6002 of the Resource Conservation and Recovery Act	05/12/99	N	N	None	22	
39	44	Guidance on Conducting Inspections of Federal Facilities for Compliance with Secion 6002 of the Recovery Act	05/12/99	N	N	None	22	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
40		Kraft Pulp Mill Compliance Assessment Guide	05/01/99	N	N	None	354	
41	4	Consideration of Cumulative Iimpacts in EPA Review of NEPA Documents	05/01/99	N	N		22	
42	32	Federal Facilities Enforcement Office	05/01/99	N	N	None	6	
43	2	CAFO Permit Requirements -- Dairy Cattle	05/01/99	N	N	None	4	Guidance
44	3	CAFO Permit Requirements -- Horses	05/01/99	N	N	None	4	Guidance
45	4	CAFO Permit Requirements -- Poultry	05/01/99	N	N	None	4	Guidance
46	5	CAFO Permit Requirement -- Slaughter and Feeder Cattle	05/01/99	N	N	None	4	Guidance
47	6	CAFO Permit Reequirements -- Sheep	05/01/99	N	N	None	4	Guidance
48	4	CAFO Permit Requirements --Swine	05/01/99	N	N	None	4	Guidance
49	8	Do I need to Develop a Risk Management Program?, includes General Instructions, Chemicals included in EPA's Risk Management Program, and Applicability Decision	05/01/99	N	N	None	30	
50	22	Early-Entry Exceptions for Hand Harvesting Cut Roses	05/01/99	N	N	None	3	
51	3	EPA/CMA Root Cause Analysis Pilot Project - An Industry Survey	05/01/99	N	N	N/A	103	Developed in partnership with the Chemical Manufacturers Association (CMA)
52		Fact Sheet: A look Into the Effectivenesss of EPA's Prospective Purchaser Agreements (Preliminary Survey Analysis)	05/01/99	N	N	None	8	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
53	63	ABEL User's Manual	05/01/99	N	N	N/A	141	
54	18	Providing Safe Drinking Water in America: 1997 National Public Water Systems Compliance Report and Update on Implementation of the 1996 Safe Drinking Water Act Amendments	04/20/99	N	N	None	126	Required by Section 1414(c)(3) of the Safe Drinking Water Act as amemnnded in 1996
55		Final FY 2000/2001 OECA Memorandum of Agreement Guidance	04/14/99	N	N	None	23	
56	50	Reaffirming EPA's Policy and Practice Against Against Using Enforcement as Retaliation	04/07/99	N	N	N/A	1	
57	7	Compliance Screening for EPA Partnership Programs. Memo from Jay Benfarado & Steve Herman	04/05/99	N	N	None	26	
58	4	Multimedia Env. Compliance Guide for Food Processors - Fact Sheet	04/01/99	N	N	None	1	After CRA; no courtesy copy
59	29	Guidance on Section 303 of te Clean Air Act	04/01/99	N	N	N/A	20	
60	42	Petroleum Refineries: Compliance with RCRA Requirements Critical to Protecting Public Health (ORE Enforecement Alert)	04/01/99	N	N	N/A	4	
61	38	The Enforcement Response Policy for Reporting and Recordingkeeping for TSCA Sections 8,12,13	03/31/99	N	N	N/A	42	
62	48	Information for Small Businesses (SBREFA Information Sheet) (Superseded)	03/25/99	N	N	N/A	2	
63	27	Solicitation to state lab agencies for pesticide enforcement cooperative agreement funds for antimicrobial testing	03/24/99	N	N		94	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
64		Criminal Investigation of Asbestos and Misdemeanor Cases	03/23/99	N	N	None	1	
65	25	Transition Period for Implementation of Policy on Timely and Appropriate Enforcement Response to High Priority Violations	03/15/99	N	N	N/A	3	
66	3	Unified National Strategy for Animal Feeding Operations	03/09/99	N	N	None	46	Document issued by Office of Water and USDA
67		FEDFACS Issue #7	03/01/99	N	N	None	7	
68	3	Multimedia Env. Compliance Guide for Food Processors	03/01/99	N	N	None	250	After CRA; no courtesy copy
69	59	Project User's Manual	03/01/99	N	N	N/A	50	
70	61	BEN User's Manual	03/01/99	N	N	N/A	43	
71	39	Handling Self-disclosures of 40 CFR 280.21 Violations in the Underground Storage Tank Program	02/12/99	N	N	N/A	4	
72	4	Yellow Book: Guide to Environmental Enforcement and Compliance at Federal Facilities	02/01/99	N	N	None	250	
73	14	Source Book of Env. Resource for Indian Tribes - Fact Sheet	02/01/99	N	N	None	1	Describes Source Book of Environmental Resources for Indian Tribes.
74	3	Model State Letter Concerning Title V Programs in Audit Law States	01/04/99	N	N	None	4	
75		Profile of Local Government Operations	01/01/99	N	N	None	310	
76	15	Environmental Management Resources for Indian Tribes - Working Document	01/01/99	N	N	None	102	
77	17	Protocol for Conducting Env. Compliance Audits of Treatment, Storage and Disposal Facilities under RCRA	12/31/98	N	N	N/A	240	Guidance for Conducting Voluntary Audits

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
78	18	Protocol for conducting env. compliance audits under the Emergency Planning and Communtiy Right-to-Know Act	12/31/98	N	N		72	Guidance for conducting voluntary audits
79	19	Protocol for conducting Env. Compliance Audits under the Comprehensive Environmental Resopnse, Compensation, and Liability Act	12/31/98	N	N		72	Guidance for conducting voluntary audits
80	7	Inspection Manual: Federal Equipment Leak Regulations for the Chemical Manufacturing Industry - Volume 1	12/30/98	N	N	N/A	74	No disclaimer because written for inspectors
81	8	Inspection Manual: Federal Equipment Leak Regulations for the Chemical Manufacturing Industry Volume 2	12/30/98	N	N	N/A	263	No disclaimer because written for inspectors
82	9	Inspection Manual: Federal Equipment Leak Regulations for the Chemical Manufacturing Industry Volume 3	12/30/98	N	N	N/A	367	No disclaimer because written for inspectors
83	16	Request for final proposal for TSCA sector grants and guidance for TSCA Section 28 cooperative agreements final proposal	12/23/98	N	N	None	20	Letters issued to EPA Regions 1,3,4,5,7,9 on 12/23/98, 2/23/99 and 4/22/99-Same guidance sent to all- guidance may have been sent to States
84	26	Issuance of Policy on Timely and Appropriate Response to High Priority Violations	12/22/98	N	N	N/A	25	
85	7	Facility compliance manager letter along with CFS, 3540-16 form and instructions	12/10/98	N	Y		18	
86	1	Consentrated Animal Feeding Operations Strategy	12/03/98	N	N	None	12	Internal Working Document

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
87	22	FEDFACS Issue #5	12/01/98	N	N	None	6	
88		Concentrated animal feeding operations slides	12/01/98	N	N		110	Information only, not guidance
89	9	Iniative -Clean Water Act Compliance Audit Program for Pork Producers	11/24/98	N	N	N/A	37	
90	24	Guidance on the Appropriate Injunctive Relief for Violations of Major New Source Review Requirements	11/07/98	N	N	N/A	9	
91		Ensuring Potentially Responsible Party Compiance with CERCLA Obligations	11/03/98	N	N	None	22	
92		Interim Final Guidance on Disbursement of Funds From EPA Special Accounts to CERCLA Potentially Responsible Parties	11/03/98	N	N	None	12	
93		Profile of the Aerospace Industry	11/01/98	N	N	None	130	
94	1	International Trade in Hazardous Waste: An Overview	11/01/98	N	N		6	This is a general description of the program for the public. See disclaimer. Note at end (bottom of last page)
95	18	The Federal Agency Hazardous Waste Compliance Docket	11/01/98	N	N	None	1	
96	1	Concentrated Animal Feeding Operation (CAFO'S)	11/01/98	N	N	None	3	
97	51	Revised RCRA Inspection Manual (1998 Partial Revision)	11/01/98	N	N	N/A	754	
98		Handbook of Tools for Managing Federal Superfund Liability Risks at Brownfields and Other Sites	11/01/98	N	N	None	106	
99	16	Protocol for Conducting Env. Compliance Audits of Hazardous Waste Generators under RCRA	10/30/98	N	N	N/A	168	Guidance for Conducting Voluntary Audits

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
100	5	Notice of Policy and Procedures for Voluntary Preparation of NEPA Documents - Federal Register	10/29/98	N	N		2	
101	25	Sample collection request for disinfectant product	10/20/98	N	N		11	
102	8	Letter to Nancy Mimoum of Sun Hill Industries	10/07/98	N	Y		1	Opinion based on FIFRA 40 CFR 156.10 and 41 FR No. 225 11/19/96
103		Inclusion of Contribution Waiver by Private Parties in CERCLA Administrative and Judicial Settlements	10/02/98	N	N	None	8	
104	21	FEDFACS Issue #6	10/01/98	N	N	None	10	
105	31	The Regional Federal Facilities Coordinator - Promoting-Polution Prevention, Compliance Assistance, Enforcement Oversight	10/01/98	N	N	None	1	
106	1	Chemical Industry Compliance Improvement Tool (CIT)	09/30/98	N	N	N/A	150	Resource Guide for Chemical Industry
107		Guidance on Administrative Response Cost Settlements Under Section 122 (h) of CERCLA and Administrative Cashout Settlements with Peripheral Parties Under Section 122(h) of CERCLA and Attorney General Authority	09/30/98	N	N	None	18	
108		PKP Search Pilots: Lessons Learned and Recommendations	09/29/98	N	N	None	6	
109	12	Enforcement and Implementation of Section 1417 of the Safe Drinking Water Act	09/24/98	N	N	N/A	23	
110	17	Providing Safe Drinking Water in Ameica: 1996 National Public Water Systems Compliance Report and Update on Implementation of the 1996 Safe Drinking Water Act Amendments	09/03/98	N	N	None	102	Required by Section 1414(c)(3) of the Safe Drinking Water Act as amended in 1996

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
111	13	FEDPLAN: Federal Agency Environmental Program Planning FEDPLAN-PC Agency User Guide - version 5.2 for Windows 95/NT; version 3.2 for Windows 3.x	09/01/98	N	N	None	52	
112	9	About Eye Flush Requirements	09/01/98	N	N	None	3	
113	10	Closed Systems	09/01/98	N	N	None	2	
114	10	Closed Systems	09/01/98	N	N	None	2	
115	11	Definition of Pesticide Handler	09/01/98	N	N	None	3	
116	12	Does the WPS Require Growers to Protect Themselves?	09/01/98	N	N	None	2	
117	12	Does the WPS Require Growers to Protect Themselves?	09/01/98	N	N	None	2	
118	13	Equipment withEnclosed Cabs	09/01/98	N	N	None	2	
119	14	Equipment Safety	09/01/98	N	N	None	2	
120	15	Information Displayed at a Central Place - Part 1	09/01/98	N	N	None	2	
121	16	Information Displayed at a Central Place - Part 2	09/01/98	N	N	None	2	
122	17	Information Exchange Between Commercial Handlers and Groweers - Part 1	09/01/98	N	N	None	2	
123	17	Informarion Exchange Between Commercial Handlers and Growers - Part 1	09/01/98	N	N	None	2	
124	18	Information Exchange Between Commercial Handlers and Growers - Part 2	09/01/98	N	N	None	2	
125	19	Informantion Exchange Between Commercial Handlers and Growers -Part 3	09/01/98	N	N	None	3	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
126	20	Monitoring and Special Instructions for Pestcide Handlers	09/01/98	N	N	None	2	
127	21	Posted Warning Signs	09/01/98	N	N	None	2	
128	22	CAFO Inspection guidance (interim final)	09/01/98	N	N		93	
129	21	Compliance assistance centers	09/01/98	N	N		4	Brochure providing an overview of the compliance assistance centers
130	57	Using Supplemental Environmental Projects to Facilitate Brownsfields Redevelopment	09/01/98	N	N	N/A	7	
131		Fact Sheet: Using Supplemental Environmental Projects to Facilitate Brownfields Redevlopment	09/01/98	N	N	None	4	
132	36	Interim Final Policy on the Use of Risk-Based Methodologies in Setting Priorities for Cleanup Actions at Federal Facilities	08/21/98	N	N	None	6	Memorandum
133	17	Letter to Rick Tinsworth, Jellinek, Schwartz & Connolly	08/13/98	N	N	None	2	guidance
134	40	Executive Order (E.O.) 12088, Federal Compliance with Pollution Control Standards	08/04/98	N	N	None	2	Memorandum
135	41	Executive Order (O.E.) 12088, Federal Compliance with Pollution Control Standards	08/04/98	N	N	None	2	Letter; Identical letters sent to other Federal agencies
136	8	Compliance Screening Process for Project XL. Memo from Steve Herman	08/04/98	N	N	None	14	
137	8	Compliance Screening Process for Project XL. Memo from Steve Herman	08/04/98	N	N	None	14	Available on Internet
138	8	Partners in Healthy Drinking Water - Fact Sheet	08/01/98	N	N	None	2	Describes EPA grants to support three pilot projects that assisted small and very small public water systems to improve their compliance with the Safe Drinking Water Act

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
139	10	Civil Penalty Policy for Section 311(b)(3) and Section 311(j) of the Clean Water Act	08/01/98	N	N	N/A	21	
140	65	Enforcement Issues at Concentrated Animal Feeding Operations	07/21/98	N	N	N/A	4	
141	53	Universal Waste Waste Rule-Enforcement Issues & Addition of State-Only Universal Wastes	07/20/98	N	N	N/A	2	
142		Municipal Sewage Sludge Under the Policy for Municipality and Municipal Solid Waste CERCLA Settlements at NPL Co-Disposal Sites	07/15/98	N	N	None	3	
143	30	Second Extention of January 25, 1995 Potential to Emit Transition Policy and Clarification of Interrim Policy	07/10/98	N	N	N/A	4	
144	20	Responsible practices and servicing and disposing of refrigeration equipment	07/01/98	N	N			Video = 17 minutes
145	9	Letter to Nancy Mimoum of Sun Hill Industries	06/25/98	N	Y		1	Opinion based on FIFRA 40 CFR 156.10 and 41 FR No. 225 11/19/96
146	1	Anaerobic Treatment of Kraft Pulp Condensate	06/23/98	N	N	None	2	
147		FY 1999 OECA Memorandum of Agreement (MOA) Guidance Update	06/19/98	N	N	None	12	
148	15	Notice announcing availability of guidance and evaluation criteria for sector-based cooperative agreements funds	06/05/98	N	N	63 FR 30746	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
149	9	The State of Federal Facilities An Overview of Environmental Compliance at Federal Facilities, FY 1995-96-Executive Summary	05/01/98	N	N	None	15	
150	10	The State of Federal Facilities An Overview at Federal Facilities, FY 1995-96 Program Reports	05/01/98	N	N	None	58	
151	28	Revision to Addendum to Mobile Source Enforcement 1A	05/01/98	N	N	N/A	4	
152	11	Guidance on Federal Facility Prnalty Order Authority Under the Safe Drinking Water Act, as amended in 1996	05/29/98	N	N	None	11	Memorandum
153	6	Enforcement and Compliance Assurance Program and the Performance Partnership Agreement/Grant Process. Memo from Steve Herman	05/26/98	N	N	None	3	
154	14	Guidance for sector-based mulitmedia cooperative agreements	05/26/98	N	N		69	Issued to EPA regions/May have been sent to States
155	15	Implementation of the CSO Control Policy	05/19/98	N	N	N/A	4	
156	16	Letter to Ann Oxford, Ecolab, Inc.	05/18/98	N	N	None	1	guidance
157	15	Letter to Gil Bogen, re FOIA RIN-2256-98	05/15/98	N	N	None	2	guidance
158		Sector Notebook Data Refresh - 1997	05/01/98	N	N	None	210	
159	55	EPA Supplemental Environmental Projects Policy	05/01/98	N	N	N/A	20	
160	62	Individual Ability to Pay Model	05/01/98	N	N	N/A	115	
161	14	Letter to James Devine, American Cyanamid	04/10/98	N	N	None	3	guidance

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
162	12	Letter to Philip Metzger, U.S. Customs, Import Alert, "Tres Pasitos"	04/02/98	N	N	None	1	guidance
163	1	Guidance for Incorporating EJ Concerns in EPA's NEPA Compliance Analyeses	04/01/98	N	N		57	
164	11	SBREFA Section 213 Report: Informal Guidance Program for Small Entities	03/29/98	N	N	None	28	
165	12	SBREFA Section 223 Report: Penalty Reduction Program for Small Enties	03/29/98	N	N	None	19	
166	11	Letter to Roger Johnson, North Dakota Commissioner of Agriculture	03/12/98	N	N	None	3	guidance
167	11	Attachment to Chapter X of Enforcement Management System	03/12/98	N	N	N/A	2	
168	2	Compliance Assurance Implementation Plan for Concentrated Animal Feeding Operations	03/05/98	N	N	None	14	
169	5	Empower Your Cooperative - Environmental Compliance Guide for the National Rural Electric Cooperative Association	03/01/98	N	N	None	330	
170	43	Final Enforcement Guidance on Implementation of the Federal Facility Compliance	02/17/98	N	N	None	5	Memorandum
171	10	Letter to Michael Neely of US Nordic Import & Export Co.	02/13/98	N	Y		1	Opinion based on FIFRA 40 CFR 156.10 and 41 FR No. 225 11/19/96
172		Memorandum of Understanding Concerning the Exercise of Authority Under Section 106 of CERCLA	02/10/98	N	N	None	41	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
173		Transmittal of Policy for Municipality and Municipal Solid Waste CERCLA Settlements at NPL Co-Disposal Sites	02/05/98	N	N	None		
174		Profile of the Air Transportation Industry	02/01/98	N	N	None	90	
175	34	Lead Disclosure & Notification Enforcement Response Policy - Interim	01/23/98	N	N	N/A	41	
176	21	Project XL Study Regarding Preconstuction PSD Monitoring Requirements	12/19/97	N	N	N/A	7	
177	23	Gasoline Distribution MACT Standard	12/12/97	N	N	N/A	5	
178	6	Facility compliance manager letter along with CFS, 3540-16 Form and Instructions	12/08/97	N	Y		10	
179	3	Consolidated Screening Checklist for Automoblie Repair Facilities Guidebook	12/01/97	N	N	None	40	updated version of #2 (Checklist for Automotive Repair)
180	6	Inorganic Chemical Manufacturing Statutory and Regulatory Summaries	12/01/97	N	N	N/A	191	
181	11	Paints, Varnishes, Laquers, Enamels, and Allied Products Manufacturing Statutory & Regulatory Summaries	12/01/97	N	N	N/A	178	
182	12	Plastics Materials, Synthetic Resins, and Nonvulcanizable Elastomers Manufacturing Statutory & Regulatory Summariies	12/01/97	N	N	N/A	240	
183	13	Perfumes, Cosmetics, and other Toilet Preparations Manufacturing Statutory & Regulatory Summaries	12/01/97	N	N	N/A	126	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
184	14	Pharmaceutical Manufacturing Statutory and Regulatory Summaries	12/01/97	N	N	N/A	136	
185	9	Letter to Herbert Williams, PSA	11/18/97	N	N	None	1	guidance
186	10	Letter to Ralph Fruedenthal, Consultant	11/18/97	N	N	None	2	guidance
187	20	Compliance monitoring strategy for WPS Cut-Rose exception	11/04/97	N	N		54	
188	25	Fact Sheet Subpart T, Halogenated Solvent Cleaning Machine Compliance Incentives for Small Businesses	11/01/97	N	N	N/A	2	
189	37	FIFRA Worker Protection Standard Penalty Policy - Interim Policy	10/21/97	N	N	N/A	24	
190	52	Guidance on the Use of Section 7003 of RCRA	10/20/97	N	N	N/A	71	
191		Transmittal of "Guidance on the Use of Section 7003 of RCRA"	10/20/97	N	N	None	72	
192	16	Interim Guidance for States on Preparing Annual Reports on Public Water System Violations	10/16/97	N	Y	None	45	Intended to help States meet the requirements of Section 1414(c)(3) of the Safe Drinking Water Act as amended in 1996
193	2	Chemical Industry National Env. Baseline Report 1990-94	10/01/97	N	N	N/A	126	
194		Implementation of the Environmental Protection Agency's Self-Policing Policy for Disclosures Involving Potential Violations	10/01/97	N	N	None	6	
195	4	HON Inspection Tool (Vol.1)	09/30/97	N	N	N/A	124	
196	5	HON Inspection Tool (Vol.2)	09/30/97	N	N	N/A	160	
197		Issuance of the Interim Policy on Settlement of CERCLA Section 106(b)(1) Penalty Claims and Section 107(c)(3) Punitive Damages Claims for Noncompliance with Administrative Orders	09/30/97	N	N	None	30	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
198		Guidance on EPA Participation in Bankruptcy Cases	09/30/97	N	N	None	17	
199		General Policy on Superfund Ability to Pay Determination	09/30/97	N	N	None	28	
200		Transmittal of Addendum to the "Interim CERCLA Settlement Policy" Issued on December 5, 1984	09/30/97	N	N	None	4	
201	5	Enforcement and Compliance Assurance Measures in Performance Partnership Agreements and State-EPA Agreement.. Memo from Michael Stahl	09/29/97	N	N	None	13	
202	11	Letter to Ralph Stanley of Nochem-Kill	09/12/97	N	Y		2	Opinion based on FIFRA 40 CFR 156.10 and 41 FR No. 225 11/19/96
203	27	Addendum to Mobile Source Enforcement Memorandum 1A	09/04/97	N	N	N/A	6	
204		Profile of the Fossil Fuel Electric Power Generation Industry	09/01/97	N	N	None	160	
205		Profile of the Ground Transportation Industry	09/01/97	N	N	None	130	
206		Profile of the Metal Casting Industry	09/01/97	N	N	None	150	
207		Profile of the Shipbuilding and Repair Industry	09/01/97	N	N	None	120	
208		Profile of the Textile Industry	09/01/97	N	N	None	130	
209		Profile of the Water Transportation Industry	09/01/97	N	N	None	90	
210		Profile of the Pharmaceutical Manufacturing Industry	09/01/97	N	N	None	147	
211		Profile of the Plastic Resin and Man-made Fiber Industry	09/01/97	N	N	None	180	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
212		Benzene NESHAP FAQ Handbook for Subparts BB and FF	09/01/97	N	N	None	43	
213		Petroleum Refinery MACT Standard Guidance	09/01/97	N	N	None	128	
214	14	FEDPLAN: Federal Agency Environmental Program Planning FEDPLAN-PC Agency User Guide FEDPLAN-PC version 3.2	09/01/97	N	N	None	37	
215	7	Multimedia Compliance/Pollution Prevention Assessment Guidance for Screen Printing Facilities	09/01/97	N	N	None	82	Intended to help lithographers understand and comply with environmental requirements
216	60	Munipay User's Manual	09/01/97	N	N	N/A	113	
217	5	Letter - The Plasma Group LLC	09/01/97	N	N	None	2	
218		Compliance-Focused Environmental Management System - Enforcement Agreement Guidance	08/01/97	N	N	None	15	
219	7	Requirement for State Administration Penalty Authority Under the Safe Drinking Water Act	08/01/97	N	N	N/A	13	
220		Interim Guidance on Maximizing Insurers' Contribution to Responses at Residences Contaminated with Methyl Parathion	08/01/97	N	N	None	7	
221	27	Final Guidance on Process for Resolving EPCRA Compliance Problems at Federal Facilities	07/30/97	N	N	None	6	
222	8	Letter to Donald Saunders, Dow Elanco	07/23/97	N	N	None	2	guidance
223		Delegation of Authorities Under Section 1445 of the 1996 Safe Drinking Water Act Amendments Regarding Issuance of Information Request to Determine Compliance with the Act	07/07/97	N	N	N/A	1	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
224	2	Consolidated Screening Checklist for Automotive Repair Facilites Guidebook	07/01/97	N	N		42	
225		Role of the EPA Inspector in Providing Compliance Assistance Final Report	07/01/97	N	N	None	67	
226	23	FEDFACS Issue #4	07/01/97	N	N	None	6	
227		Final Guidance on the Issuance of Administrative Orders Under Section 311(c) and (e) of the Clean Water Act	07/01/97	N	N	None	38	
228		Policy on Interpreting CERCLA Provisions Addressing Lenders and Involuntary Acquisitions by Government Entities	06/30/97	N	N	None	6	
229	42	Final Guidance on Improving Communication to Achieve Collaborative Decision-Making at Department of Energy Sites	06/16/97	N	N	None	2	Memorandum sent to EPA and DOE
230		Transmittal of the Policy Towards Landowners and Transferees of Federal Facilities	06/13/97	N	N	None	12	
231		Coordinated Settlement of Parallel Proceedings: Interim Policy and Procedures	06/09/97	N	N	None	3	
232		Final FY 97/98 OECA Memorandum of Agreement (MOA) Guidance	06/05/97	N	N	None	15	
233	8	Federal Facilities Environmental Justice Enforcement Initiative (FFEJEI): An Analysis of Toxi Releases Inventory (TRI) Reporters	06/01/97	N	N	None	46	
234	6	Letter - Target Environmental Dept.	05/29/97	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
235	34	FEDPLAN system (Letter)	05/19/97	N	N	None	2	Sent to William F. Wright
236	26	Transmittal of the Policy Towards Landdowners and Transferees of Federal Facilities	05/12/97	N	N	None	11	
237	8	Modification to EPA Penalty Policies to Implement the Civil Monetary Penalty Inflation Rule (Pursuant to the Debt Collection Improvement Act 1996)	05/09/97	N	N	N/A	23	
238	54	Modifications to Policies to Implement the Civil Monetary Penalty Inflation Rule	05/09/97	N	N	N/A	10	
239	24	Applicability determinations for Part 63	05/01/97	N	N		11	
240	20	Interim Policy and Guidance on the Use of "Credible Evidence " in Air Enforcement Activities	04/29/97	N	N	N/A	5	
241	6	Multimedia Compliance/Pollution Prevention Assessment Guidance for Lithographic Printers	04/04/97	N	N	None	90	Intended to help screen printers understand and comply with environmental requirements
242	24	Sample collection request for disinfectant product	04/03/97	N	N		18	
243	15	Processed-Based Self Assessment Tool for the Organiic Chemical Industry	04/01/97	N	N	N/A	165	
244	28	Model Language for Use in Future Navy Cleanup Agreements	03/14/97	N	N	None	10	Memorandum
245		Help Available for Evaluating Large Numbers of Ability to Pay Claims by Superfund PRPs	03/14/97	N	N	None	6	
246		Defining "Matters Addressed" in CERCLA Settlements	03/14/97	N	N	None	14	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legality	FR Cite	No. of Pages	Comments
247	2	Environmental Audit Program Design Guidelines for Federal Agencies	03/01/97	N	N	None	108	
248	5	Implementation Guide for The Code of Environmental Management Principles for Federal Agencies (CEMP)	03/01/97	N	N	None	51	
249	9	Plain Korean Guide for Perc Dry Cleaners	03/01/97	N	N	None	86	Translation of Plain English Guide for drycleaners who are fluent in Korean
250		Process-Based Investigation Guide	03/01/97	N	N	None	51	
251	58	Identification of Pollution Prevention (P2) Technologies for Possiible Inclusion in Enforcement Agreements using Supplemental Environmental Projects and Injunctive Relief	03/01/97	N	N	N/A	78	
252	7	Letter to Sally Hayes, Scientific & Regulatory Consultants	02/20/97	N	N	None	1	guidance
253	19	Clean Air Act Citizen Awards Program Questions and Answers for Public Release	02/18/97	N	N	N/A	2	
254	7	Letter - ABCOV, Inc.	02/14/97	N	N	None	2	
255	1	Statement of Principles, Effect of State Audit Immunity/Privilege Laws on Enforcement Authority for Federal Programs	02/14/97	N	N	None	4	
256	36	Audit Letter	02/12/97	N	N	None	1	Letter; Identical letters sent to other Federal agencies
257	6	Letter to Thomas Carlucci, Olin Corporation	02/11/97	N	N	None	2	guidance
258	3	Clarification of Contractual Obligation	02/03/97	N	N	None	2	Provided further guidance to a previous determination #9600101

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
259		Use of the Corrective Action Advance Notice of Proposed Rulemaking as Guidance	01/17/97	N	N	None	4	
260	1	Letter Mr. Stephen J. Intlekofer	01/09/97	N	N	None	1	
261	8	Letter - Mr. Donald Bowen	01/09/97	N	N	None	3	
262	45	Your Qustions Answered:A Citizens Guide to the Administrative Process and Penalty Calculations under the Resource Conservation and Recovery Act (Public Information Pamphlet)	12/18/96	N	N	N/A	7	
263	18	Memorandum of Understanding between the United States Environmental Protection Agency and the United States Department of Labor on Chemical Accident Investigation	12/09/96	N	N	N/A	15	
264	3	Generic Protocol for Conducting Environmental Audits of Federal Facilities: Volume I: Phase 1: Auditing for Compliance; Volume II: Phase 2 and 3; Auditing Environmental Management Systems	12/01/96	N	N	None	1150	
265	19	Revised worker protection standards pocket guide	12/01/96	N	Y	156,170	68	
266		Fact Sheet: The Effect of Superfundd on Involuntary Acquisitions of Contaminated Property by Government Entities	12/01/96	N	N	None	5	
267		Operating Principles for an Integrated Enforcement and Compliance Assurance Program. (Interim Final "Operating Principles for an Integrated EPA Enforcement and Compliance Assurance Program") Memorandum from Steven A. Herman, Assistant	11/27/96	N	N	None	16	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
268	39	Interm Final Guidance on Improving Communication to Achieve Collaborative Decision-Making at Department of Energy Sites	11/26/96	N	N	None	8	Memorandum
269	39	Interim Final Guidance on Improving Communication to Achieve Collaborative Decision-Making at Department of Energy Sites	11/26/96	N	N	None	8	Memorandum
270	1	Dry Cleaning Compendium	11/25/96	N	N	N/A	0	Disk containing list of educational materials related to dry cleaning developed by various entities
271	5	Facility compliance manager latter along with CFS, 3540-16 form and instructions	11/22/96	N	Y		13	
272	4	January 1,1997, Deadline for Nine Minimum Controls in Combined Sewer Overflow Control Policy	11/18/96	N	N	N/A	3	
273		Policy on Issuance of Comfort/Status Letters	11/08/96	N	N	None	20	
274	2	Environmental Management Systems: An Implementation Guide for Small and Medium-Sized Organizations	11/01/96	N	N	None	156	Joint project between OC and OWM completed under an assistance agreement with NSF International, Ann Arbor, Michigan
275		Revised Guidance on Rocedures for Submitting CERCLA Section 106(b) Reimbursement Petitions and on EPA Review of Those Petitions	10/10/96	N	N	None	9	
276	4	NSPS Applicability Determination for Co-gen	10/04/96	N	N	None	2	
277	24	FEDFACS Issue #3	10/01/96	N	N	None	6	
278	46	Coordination between RCRA Correcive Action and Closure and CERCLA Site Activities	09/24/96	N	N	None	5	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
279	2	Letter - Brandenbury Industrial Service Company	09/19/96	N	N	None	2	
280	4	Letter to David Lewis, Lewis & Harrison	09/17/96	N	N	None	2	guidance
281	5	Subpart F Routing Emissions through Raw Mill	09/07/96	N	N	None	2	
282	6	Hourly Potential Emissions	09/07/96	N	N	None	2	
283	1	Food for Thought...How to Reduce Wastes at Your Shop	09/01/96	N	N		2	pamphlet
284	3	Letter to Anthony Gemma, Rhone-Poulenc	08/29/96	N	N	None	2	guidance
285		Fact Sheet: The Effect of Superfund on Lenders That Hold Security Interest in Contaminated Property	08/20/96	N	N	None	3	
286	17	Strategy for Coordinated EPA/OSHA Implementation of the Chemical Accident Prevention Requirements of the Clean Air Act Amendments of 1990	08/08/96	N	N	N/A	2	
287	2	Letter to Robt Greenwalt, Ciba-Geigy	08/07/96	N	N	None	1	guidance
288	36	Recordkeeping and Reporting Rules TSCA Section 8, 12 and 13, Final Enforcement Response Policy	08/05/96	N	N	N/A	36	
289	3	Memo Clarifying the CERCLA Reporting Requirements for Releases of Ethylene Glycol from Deicing Operations at Airports	08/02/96	N	N	N/A	7	
290		Documentation of Reason(s) for Not Issuing CERCLA 106 UAOs to All Identified PRPs	08/02/96	N	N	None	8	
291	1	Executive Order 12856: Federal Facility Environmental Outreach Guide	08/01/96	N	N	None	18	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
292	5	Multimedia Inspection Guidance for Dry Cleaning Facilities	09/01/96	N	N	None	100	Intended to assisst field personnel in conducting multimedia inspections of dry cleaning facilities
293	13	Plain English Guide for Perc Dry Cleaners	09/01/96	N	N	None	62	Intended to help dry cleaners comply with Federal environmental requirements
294	33	Statement of Approach to Lead-based Paint Requirements	08/01/96	N	N	N/A	1	
295		Reducing Federal Oversight at Superfund Sites with Cooperative and Capable Parties	07/31/96	N	N	None	6	
296		Transmittal of Sample Notice Letters	07/26/96	N	N	None	13	
297		FY 1997 OECA Memorandum of Agreement (MOA) Guidance Update	07/08/96	N	N	None	7	
298	35	FEDPLAN - Letter "update FY 1998 agency pollution abatement plan required by Section 1-4 of Executive Order 12088	07/02/96	N	N	None	3	Identical letter sent to other Federal agencies
299	7	Federal Agency Environmental Management Program Planning: FEDPLAN-PC Data Element Dictionary	07/01/96	N	N	None	71	
300		Transmittal of Sample Documents for Compliance Monitoring	07/01/96	N	N	None	14	
301	1	Letter to Monty Eberhart, Outdoor Residential Exposure Task Force	06/24/96	N	N	None	3	guidance
302	21	WPS Interpretive guidance Q's and A's	06/14/96	N	N		35	
303	3	Letter - University City; Dept. of Planning and Development	05/11/96	N	N	None	2	
304	4	Letter - Brandenbury Industrial Service Company	05/03/96	N	N	None	1	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
305	22	NSP,NESHAP and HON Applicability Determination	06/03/96	N	N	N/A	2	
306		Special Accounts Accruing Interst on Settlement Funds	06/04/96	N	N	None	2	
307		Orphan Share Reform	06/04/96	N	N	None	2	
308		Regional Oombudsman	06/04/96	N	N	None	2	
309		Revised DeMicromis Guidance	06/04/96	N	N	None	2	
310		Distillation Column as Control Device	06/03/96	N	N	None	3	
311		Interim Guidance on Orphan Share Compensation of Settlors of Remedial Design/Remedial Action and Non-Time-Critical Removals	06/03/96	N	N	None	8	
312		Revised Guidance on CERCLA Settlements with DeMicromis Waste Contributions	06/03/96	N	N	None	49	
313		Wood Preserving RCRA Compliance Guide	06/01/96	N	N	None	223	
314	6	FEDPLAN: Federal Agency Environmental Program Planning Guidance (DRAFT)	06/01/96	N	N	None	151	
315	8	Thermal Oil Heater Vents through Process Dryer	05/30/96	N	N	None	2	
316	9	Opacity and Particulate Monitor	05/29/96	N	N	None	2	
317	8	Policy on Compliance incentives for Small Business	05/20/96	N	N	None	8	Intended to promote environmental compliance among small businesses by providing incentives for them to participate in on-site compliance assistance programs and to conduct environmental audits.
318	13	Policy on Compliance Incentives for Small Businesses	05/20/96	N	N	N/A	9	
319	45	Gudiance for Environmental Protection Agency Participation in Department of Energy FY 1998 Environmental Management Budget Formulation	05/16/96	N	N	None	9	Memorandum

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
320	33	Federal Facilities Tracking System (FFTS) Letter	05/15/96	N	N	None	2	Letter w/enclosures sent to other Federal Agencies
321	2	Continuous Steel Plating	05/06/96	N	N	None	2	
322	11	Pollution Prevention and the Clean Air Act: Benefits and Opportunities for Federal Facilities--Volume II, Part I: Cleaning and Degreasing; Part II: Painting and Depainting	05/01/96	N	N	None	35	
323	29	Interim Final Policy and Guidance on Environmental Management Reviews (EMR's) at Federal Fcilities	05/01/96	N	N	None	10	
324	56	Approval Procedures for Supplemental Evironmental Projects	04/24/96	N	N	N/A	3	
325	1	Interim Guidance for Performance - Based Reductions of NPDES Permit Monitoring Frequencies	04/19/96	N	N		23	
326	2	Effect of Audit Immunity/Privilige Laws on States' Ability to Enforce Title V Requirements	04/05/96	N	N	None	6	
327	13	Guidance for sector-based multimedia grants	04/04/96	N	N		24	Issued to EPA regions/May have been sent to States
328	17	Final Report of the Federal Facilities Environmental Restoration Dialogue Committee - Consensus Principles and Recommendations for Imporving Federal Facilities Cleanup	04/01/96	N	N	None	86	
OEI								
1	1	Guidance for Quality Assurance Project Plans	02/01/98	N	N	None	132	
2	2	Guidance for Data Quality Assessment	01/01/98	N	N	None	166	

	Prog Office Table #		Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
3	3		Data Quality Evaluation Statistical Toolbox (Data QUEST) User's Guide	12/01/97	N	N	None	22	
OPPTS									
1		Y	Chemical Right-to-Know Initiative: Guidance on Confidentiality Claim Related to Company-Chemical Associations Under the HPV Challenge Program		N	N	None	1	
2		Y	New Chemicals Program: DRAFT Instruction Manual for Reporting Under the TSCA Section 5(e) New Chemicals Program	11/19/99	N	N	None	71	
3		Y	Pollution Prevention Incentives for States (PPIS) FY 2000 Grant Guidance	11/14/99	N	N		19	
4		Y	PCB Questions & Answers Manual	11/09/99	N	N	None	121	
5		Y	Chemical Right-to-Know Initiative: Technical Letters and Responses	11/05/99	N	N	None	45	
6		N	Standard Operating Procedures (SOPs) Manual for the OPP Microbiology Laboratory	11/03/99	N	N	None	200	
7		N	Notice for FY 2000 Grant Funds for the Support of a Pollution Prevention Information Network	11/03/99	Y	Y	64 FR 61637,11/1	10	
8		N	Pesticide Reregistration Performance Measures and Goals	11/02/99	N	N	64 FR 63036,11/1	10	
9		Y	Policy Issues Related to the Food Quality Protection Act; Revised Paper; Estimating the Drinking Water Component of a Dietary Exposure Assessment	11/02/99	N	N	64 FR 61346,11/1	43	

	Prog Office Table #		Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
10		Y	Reregistration Eligibility Decision (RED): Captan	11/01/99	N	N		229	
11		Y	Reregistration Eligibility Decision (RED): Folpet	11/01/99	N	N		184	
12		Y	Reregistration Eligibility Decision (RED): 3-Trifluro-Methyl-4-Nitro-Phenol and Niclosamide	11/01/99	N	N		167	
13		Y	Reregistration Eligibility Decision (RED): Pebulate	11/01/99	N	N		143	
14		Y	Policy Issues Related to the Food Quality Protection Act; Guidance for Performing Aggregate Exposure and Risk Assessments; Tolerance Reassessment Advisory Committee Review & Request for Public Comment	10/29/99	N	N	64 FR 61343,11/1(	59	
15		Y	Chemical Right-to-Know Initiative: HPV Chemical Challenge Program - Draft Guidance on Developing Robust Summaries	10/22/99	N	N	None	39	
16		Y	New Chemicals Program: Category for Persistent, Bioaccumulative, and Toxic New Chemical Substances	10/22/99	N	N	64 FR 60194,11/04	11	
17		Y	Policy Issues Related to the Food Quality Protection Act; Revised Threshold of Regulation Policy When a Food Use Does Not Require a Tolerance	10/17/99	N	N	64 FR 57881,10/27	40	
18		Y	Chemical Right-to-Know Initiative: HPV Challenge Program - DAA Letter to Manufacturers/Importers	10/14/99	N	N	None	4	
19		Y	New Chemicals Program: TSCA 5(e) Exposure Based Policy Criteria	10/08/99	N	N	None	2	

	Prog Office Table #		Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
20		Y	Reregistration Eligibility Decision (RED): Sulfotepp	10/01/99	N	N		26	
21		N	Draft Quality Management Plan for the OPP Microbiology Laboratory	10/01/99	N	N	None	20	
22		Y	Reregistration Eligibility Decision (RED): (TPTH) Triphenyltin Hydroxide	09/01/99	N	N		185	
23		N	EFED Policy Memorandum: Calculation of Terrestrial EEC's	08/26/99	N	N	None	2	
24		Y	Chemical Right-to-Know Initiative: The Use of Structure-Activity Relationships (SAR) in the High Production Volume Chemicals Challenge Program	08/26/99	N	N	None	20	
25		Y	Final Guidance on Environmentally Preferable Purchasing for Executive Agencies	08/20/99	N	N	64 FR 45810,08/2(	48	
26		Y	Chemical Right-to-Know Initiative: Frequently Asked Questions	08/02/99	N	N	None	19	
27		Y	PR Notice August 2, 1999 - Worker Risk Mitigation for Organophosphate Pesticides; Review and Request for Comment Document	08/02/99	N	N	64 FR 42943,08/0(	8	
28		N	Green Chemistry Challenge Awards Program: Nomination Package for 2000 Awards	08/01/99	N	N	None	8	
29		N	EFED Policy Guidance for Ecological Risk and Drinking Water Assessments of Seed Treatment Pesticides	07/30/99	N	N	None	6	
30		N	EFED Policy Memorandum: Use of the NOAEC from Aquatic Chronic in Risk Assessment	07/30/99	N	N	None	9	

	Prog Office Table #		Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
31		N	New Chemicals Program Pollution Prevention Success Stories: TSCA New Chemicals Program P2 Recognition Project	07/30/99	N	N	None	3	
32		N	New Chemicals Program: Background on the LoREX Exemption	07/30/99	N	N	None	3	
33		Y	Policy Issues Related to the Food Quality Protection Act; Guidance for the Conduct of Bridging Studies for Use in Probabilistic Risk Assessments; Tolerance Reassessment Advisory Committee Review & Request for Public Comment	07/28/99	N	N	64 FR 42372,08/04	17	
34		Y	Policy Issues Related to the Food Quality Protection Act; Guidance for the Conduct of Residue Decline Studies for Use in Probabilistic Risk Assessments; Tolerance Reassessment Advisory Committee Review & Request for Public Comment	07/28/99	N	N	64 FR 42372,08/04	16	
35		Y	EPCRA Section 313: Reporting Guidance for Semiconductor Manufacturing	07/01/99	N	N	None	178	
36		Y	Policy Issues Related to the Food Quality Protection Act; Toxicology Data Requirements for Assessing Risks of Pesticide Exposure to Children's Health; Tolerance Reassessment Advisory Committee Review & Request for Public Comment	06/30/99	N	N	64 FR 37002,07/08	39	
37		Y	Policy Issues Related to the Food Quality Protection Act; Exposure Data Requirements for Assessing Risks of Pesticide Exposure to Children; Tolerance Reassessment Advisory Committee Review &	06/30/99	N	N	64 FR 37002,07/08	56	

	Prog Office Table #		Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
38		Y	Policy Issues Related to the Food Quality Protection Act; OPP's Policy on Determination of the Appropriate FQPA Safety Factor(s) for Use in the Tolerance-Setting Process; Tolerance Reassessment Advisory Committee Review & Request for Public Comment	09/30/99	N	N	64 FR 37002,07/0	58	
39		Y	Policy Issues Related to the Food Quality Protection Act; Standard Operating Procedures (SOPs) for HED's FQPA Safety Factor Committee; Tolerance Reassessment Advisory Committee Review & Request for Public Comment	09/30/99	N	N	64 FR 37002,07/0	7	
40		Y	Policy Issues Related to the Food Quality Protection Act; The Role of Use-Related Information in Pesticide Risk Assessment and Risk Management; Tolerance Reassessment Advisory Committee Review & Request for Public Comment	09/29/99	N	N	64 FR 37977,07/1	46	
41		Y	Streamlined Procedure for Submissions of New Uses for Active Ingredients Already Granted Reduced Risk or OP Replacement Status by the Committee	09/07/99	N	N	None	2	
42		Y	Chemical Right-to-Know Initiative: High Production Volume Challenge Program Fact Sheet on Animal Welfare	09/01/99	N	N	None	2	
43		Y	EPCRA Section 313: Toxic Release Inventory Guidance for Reporting Toxic Chemicals within the Polycyclic Aromatic Compounds Category	09/01/99	N	N	None	27	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
44	Y	EPCRA Section 313: Toxic Release Inventory List of Toxic Chemicals Within the Water Dissociable Nitrate, Compounds Category and Guidance for Reporting	06/01/99	N	N	None	14	
45	Y	EPCRA Section 313: List of Toxic Chemicals within the Chlorophenols Category	06/01/99	N	N	None	6	
46	Y	EPCRA Section 313: Release Reporting Requirements	06/01/99	N	N	None	55	
47	Y	PR Notice May 21, 1999 - Guidance on Mandatory and Advisory Labeling Statements; Review & Request for Comment	05/21/99	N	N	64 FR 29641,06/02	8	
48	Y	Policy Issues Related to the Food Quality Protection Act; Use of the Pesticide Data Program (PDP) in Acute Dietary Assessments; Tolerance Reassessment Advisory Committee Review & Request for Public Comment	05/12/99	N	N	64 FR 28485,05/26	17	
49	Y	Fiscal Year 2000/2001 EPA Office of Pesticide Programs State/Tribal Cooperative Agreement Guidance	05/04/99	N	N	None	30	
50	Y	Environmental Justice Through Pollution Prevention Grant Guidance 1999	05/01/99	Y	Y	None	46	
51	N	Pesticide Environmental Stewardship Program Membership Participation Form	04/19/99	N	N	None	1	
52	N	Pesticide Environmental Stewardship Program Strategy Guidance	04/19/99	N	N	None	6	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legality	FR Cite	No. of Pages	Comments
53	Y	Reregistration Eligibility Decision (RED): Chlorothalonil	04/01/99	N	N		320	
54	Y	Chemical Right-to-Know Initiative: HPV Challenge Program - Guidance on Searching for Chemical Information and Data	04/01/99	N	N	None	15	
55	Y	Lead: Protect Your Family From Lead In Your Home	04/01/99	N	N	None	14	
56	Y	Lead: Selecting a Laboratory for Lead Analysis: The EPA National Lead Laboratory Accreditation Program	04/01/99	N	N	None	2	
57	Y	Policy Issues Related to the Food Quality Protection Act; Choosing a Percentile of Acute Dietary Exposure as a Threshold of Regulatory Concern; Tolerance Reassessment Advisory Committee Review & Request for Public Comment	04/01/99	N	N	64 FR 16962,04/07	31	
58	N	FDA-EPA Jurisdiction - Guidelines for Dental Uses	03/31/99	N	N	None	1	
59	N	Directions for Use of Food-Grade Shell-Egg Sanitizers or For Sanitation Use in Federal Inspected Meat & Poultry Facilities	03/31/99	N	N	None	2	
60	Y	Policy Issues Related to the Food Quality Protection Act; Data for Refining Anticipated Residue Estimates Used in Dietary Risk Assessments for Organophosphate Pesticides; Tolerance Reassessment Advisory Committee Review & Request for Public Comment	03/29/99	N	N	64 FR 16967,04/07	12	
61	N	Reregistration Eligibility Decision (RED): Virelure	03/01/99	N	N		32	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
62	Y	PR Notice 99-1: Import of Unregistered Pesticides Intended for Export	03/01/99	N	N	None	4	
63	Y	Chemical Right-to-Know Initiative: Overview Fact Sheet	03/01/99	N	N	None	1	
64	Y	EPCRA Section 313: Look-up Tables for Estimating Toxic Release Inventory Air Emissions from Chemical Distribution	03/01/99	N	N	None	77	
65	Y	Chemical Right-to-Know Initiative: Draft Guidance on the Development of Chemical Categories in the HPV Challenge Program	02/12/99	N	N	None	21	
66	Y	Chemical Right-to-Know Initiative: HPV Chemical Challenge Program - Procedures for Removing Chemicals that are No Longer HPV and are not Likely to Become HPV Again from the HPV List	02/08/99	N	N	None	3	
67	Y	EPCRA Section 313: Toxic Chemical Release Inventory Reporting Forms and Instructions - Revised 1998 Version	02/01/99	N	N	None	135	
68	Y	Policy Issues Related to the Food Quality Protection Act; Revised Guidance for Identifying Pesticides that have a Common Mechanism of Toxicity	01/29/99	N	N	64 FR 5796,02/05/	23	
69	Y	EPCRA Section 313 Industry Guidance: Electricity Generating Facilities	01/01/99	N	N	None	136	
70	Y	EPCRA Section 313 Industry Guidance: RCRA Subtitle C TSD Facilities and Solvent Recovery Facilities	01/01/99	N	N	None	125	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
71	Y	EPCRA Section 313 Industry Guidance: Metal Mining Facilities	01/01/99	N	N	None	109	
72	Y	EPCRA Section 313 Industry Guidance: Petroleum Terminals and Bulk Storage Facilities	01/01/99	N	N	None	105	
73	Y	EPCRA Section 313 Industry Guidance: Chemical Distribution Facilities	01/01/99	N	N	None	126	
74	Y	EPCRA Section 313 Industry Guidance: Coal Mining Facilities	01/01/99	N	N	None	136	
75	N	Letter to Dr. Mark R. Bauer of Agrochemical Product Development Battelle	12/29/98	N	N	None	6	
76	Y	Policy Issues Related to the Food Quality Protection Act; A User's Guide to Available OPP Information on Assessing Dietary (Food) Exposure to Pesticides; Tolerance Reassessment Advisory Committee Review & Request for Public Comment	12/23/98	N	N	64 FR 162,01/04/9	16	
77	Y	Policy Issues Related to the Food Quality Protection Act; Dietary (Drinking Water) Exposure Estimates; Tolerance Reassessment Advisory Committee Review & Request for Public Comment	12/23/98	N	N	64 FR 162,01/04/9	18	
78	Y	Policy Issues Related to the Food Quality Protection Act; Standard Operating Procedures (SOP's) for Residential Exposure Assessments; Tolerance Reassessment Advisory Committee Review & Request for Public Comment	12/23/98	N	N	64 FR 162,01/04/9	172	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
79	Y	Policy Issues Related to the Food Quality Protection Act; Framework for Assessing Non-occupational/Non-dietary (Residential) Exposure to Pesticides; Tolerance Reassessment Advisory Committee Review & Request for Public Comment	12/23/98	N	N	64 FR 162,01/04/9	11	
80	Y	Endocrine Disruptor Screening Program; Proposed Statement of Policy	12/21/98	N	N	63 FR 71542,12/2	28	
81	Y	Reregistration Eligibility Decision (RED): Alachlor	12/01/98	N	N		338	
82	Y	Reregistration Eligibility Decision (RED): AL & MG Phosphide	12/01/98	N	N		191	
83	Y	Reregistration Eligibility Decision (RED): Hydramethylnon (Amdro)	12/01/98	N	N		155	
84	Y	Reregistration Eligibility Decision (RED): Bromoxynil	12/01/98	N	N		299	
85	Y	Reregistration Eligibility Decision (RED): Methomyl	12/01/98	N	N		266	
86	Y	Reregistration Eligibility Decision (RED): 1,3-Dichloropropene (Telone)	12/01/98	N	N		163	
87	Y	Reregistration Eligibility Decision (RED): Thiodicarb	12/01/98	N	N		208	
88	Y	EPCRA Section 313: Questions and Answers - Revised 1998 Version	12/01/98	N	N	None	297	
89	Y	EPCRA Section 313: Reporting Guidance for Spray Application and Electrodeposition of Organic Coatings	12/01/98	N	N	None	176	

	Prog Office Table #		Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
90		Y	Policy Issues Related to the Food Quality Protection Act; Proposed Threshold of Regulation Policy When a Food Use Does Not Require a Tolerance; Tolerance Reassessment Advisory Committee Review & Request for Public Comment	11/30/98	N	N	63 FR 67063,12/04	17	
91		Y	Policy Issues Related to the Food Quality Protection Act; Assigning Values to Nondetected/Nonquantified Pesticide Residues in Human Health Dietary Exposure Assessments; Tolerance Reassessment Advisory Committee Review & Request for Public Comment	11/30/98	N	N	63 FR 67063,12/04	10	
92		Y	Policy Issues Related to the Food Quality Protection Act; A Statistical Method For Incorporating Nondetected Pesticide Residues into Human Health Dietary Exposure Assessments; Tolerance Reassessment Advisory Committee Review & Request for Public Comment	11/30/98	N	N	63 FR 67063,12/04	8	
93		Y	Reregistration Eligibility Decision (RED): DEET	11/01/98	N	N		134	
94		Y	Reregistration Eligibility Decision (RED): Dicofol	11/01/98	N	N		257	
95		Y	Reregistration Eligibility Decision (RED): Iprodione	11/01/98	N	N		289	
96		Y	Reregistration Eligibility Decision (RED): Propachlor	11/01/98	N	N		227	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
97	Y	Title III List of Lists: Consolidated List of Chemicals Subject to the Emergency Planning and Community Right-to-Know Act (EPCRA) and Section 112(r) of the Clean Air Act, as Amended.	11/01/98	N	N	None	70	
98	N	Green Chemistry Challenge Award's Program: Summary of 1998 Award Entries and Recipients	11/01/98	N	N	None	77	
99	Y	Policy Issues Related to the Food Quality Protection Act; OPP's Science Policy on the Use of Cholinesterase Inhibition for Risk Assessments of Organophosphate and Carbanate Pesticides; Tolerance Reassessment Advisory Committee Review & Request for Public Comment	10/30/98	N	N	63 FR 59780,11/05	24	
100	Y	Policy Issues Related to the Food Quality Protection Act; Guidance for the Submission of Probalistic Human Health Exposure Assessments to OPP; Tolerance Reassessment Advisory Committee Review & Request for Public Comment	10/30/98	N	N	63 FR 59780,11/05	74	
101	Y	Framework for Addressing Key Science Issues Presented by the Food Quality Protection Act (FQPA) as Developed Through the Tolerance Reassessment Advisory Committee (TRAC)	10/23/98	N	N	63 FR 58038,10/25	17	
102	Y	PR Notice 98-10: Notifications	10/22/98	N	N	None	22	
103	Y	PR Notice 98-9: Respirator Statements	10/20/98	N	N	None	7	

	Prog Office Table #		Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
104		Y	Chemical Right-to-Know Initiative: Administrator Letter to Chemical Manufacturers/Importers (aka "Launching Letter for the HPV Challenge Program")	10/09/98	N	N	None	16	
105		Y	Reregistration Eligibility Decision (RED): Dichlobenil	10/01/98	N	N		244	
106		Y	Reregistration Eligibility Decision (RED): Methylisothiazolinone	10/01/98	N	N		160	
107		Y	Reregistration Eligibility Decision (RED): Triclopyr	10/01/98	N	N		285	
108		Y	Chemical Right-to-Know Initiative: Voluntary Participation in the HPV Challenge Program; Fact Sheet Series	10/01/98	N	N	None	13	
109		Y	Lead: Testing Your Home for Lead in Paint, Dust, and Soil	10/01/98	N	N	None	17	
110		Y	Legal and Policy Interpretation of the Jurisdiction Under the Federal Food, Drug, and Cosmetic Act of the Food and Drug Administration and the Environmental Protection Agency Over the Use of Certain Antimicrobial Substances	09/30/98	N	N	63 FR 54532,10/09	14	
111		N	Standard Operating Procedure (SOP) for the Tracking and Archiving of Environmental Chemistry Methods (ECMs) at EPA/ECL	09/04/98	N	N	None	18	
112		N	Standard Operating Procedure (SOP) for Conducting Environmental Chemistry Method Lab Evaluations (ECMEs)	09/04/98	N	N	None	11	
113		N	Standard Evaluation Procedure (SEP) for Reviewing Envirionmental Chemistry Methods (ECMs)	09/04/98	N	N	None	15	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
114	Y	EPCRA Section 313: Reporting Guidance for Food Processors	09/01/98	N	N	None	135	
115	Y	PR Notice 98-7: Changes to Registration Priority System for Organophosphate Alternatives and Reduced Risk Candidates	08/24/98	N	N	None	2	
116	Y	PR Notice 98-8: Waiver of Fees Associated with Tolerance Objections	08/24/98	N	N	None	2	
117	Y	OPPTS Harmonized Test Guidelines: Series 870 Health Effects	08/05/98	N	N	63 FR 41845,08/0	604	
118	Y	PR Notice 98-4: Additional Guidance on Final FIFRA Section 6(a)(2) Regulations for Pesticide Product Registrants	08/04/98	N	N	None	12	
119	Y	TSCA Inventory Update Rule (IUR) Questions and Answers	08/01/98	N	N	63 FR 45950,08/2	12	
120	Y	Lead: Questions & Answers: Toxic Substances Control Act (TSCA), Section 402/404 EPA Lead Training and Certification Requirements - Consumer Issues and Public Impacts	08/01/98	N	N	None	6	
121	Y	EPCRA Section 313: Toxic Chemical Release Inventory Data Quality Checks to Prevent Common Reporting Errors on Form R/Form A	08/01/98	N	N	None	10	
122	N	Endocrine Disruptor Screening Program	07/31/98	N	N	63 FR 42852,08/11	4	
123	Y	PR Notice 98-6: Flammability Labeling Requirements for Total Release Foggers	07/28/98	N	N	None	6	
124	Y	Policy Issues Related to the Food Quality Protection Act; Guidance for Identifying Pesticides that have a Common Mechanism of Toxicity; Tolerance Reassessment Advisory	07/23/98	N	N	63 FR 42031,08/0	14	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
125	Y	Reregistration Eligibility Decision (RED): Brodifacoum (Rodenticide Cluster)	07/01/98	N	N		319	
126	Y	Reregistration Eligibility Decision (RED): Bromadiolone (Rodenticide Cluster)	07/01/98	N	N		319	
127	Y	Reregistration Eligibility Decision (RED): Bromethalin (Rodenticide Cluster)	07/01/98	N	N		319	
128	Y	Reregistration Eligibility Decision (RED): Chlorphacinone (Rodenticide Cluster)	07/01/98	N	N		319	
129	Y	Reregistration Eligibility Decision (RED): Diphacinone (Rodenticide Cluster)	07/01/98	N	N		319	
130	Y	Reregistration Eligibility Decision (RED): Pival (Rodenticide Cluster)	07/01/98	N	N		319	
131	Y	Reregistration Eligibility Decision (RED): Zinc Phosphide	07/01/98	N	N		225	
132	Y	PR Notice 98-5: New Forms for Certification With Respect to Citation of Data	06/12/98	N	N	None	5	
133	Y	Lead: Standards to Identify Dangerous Levels of Lead	06/01/98	N	N	None	2	
134	Y	Lead: Questions & Answers: Pre-Renovation Lead Information Rule (TSCA 406B)	06/01/98	N	N	None	4	
135	Y	TSCA Inventory Update Rule (IUR): Instructions for Reporting for the 1998 Partial Updating of the TSCA Chemical Inventory Data Base	05/01/98	N	N	63 FR 45950,08/2E	46	
136	Y	New Chemicals Program: Chemical Categories Report	05/01/98	N	N	None	134	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
137	Y	Reregistration Eligibility Decision (RED): Butralin	05/01/98	N	N		147	
138	Y	PR Notice March 10, 1998 - Eligibility of Pesticide Products Exemption From Registration as Treated Article Pursuant to 40 CFR 152.25(a); Public Review and Request for Comment	04/08/98	N	N	63 FR 19256,04/17	9	
139	Y	PR Notice 98-3: Guidance on Final FIFRA Section 6(a)(2) Regulations for Pesticide Product Registrants	04/03/98	N	N	None	28	
140	Y	Reregistration Eligibility Decision (RED): Diphenylamine	04/01/98	N	N		137	
141	Y	Pilot Project Approach on Use of Non-Governmental Entities to Implement Section 503 of Executive Order 12873 on Federal Acquisition, Recycling and Waste Prevention	04/01/98	N	N	None	10	
142	N	Green Chemistry Challenge: The Presidential Green Chemistry Challenge - Awards & Grants for Chemistry	04/01/98	N	N	None	5	
143	Y	OPPTS Harmonized Test Guidelines: Series 830 Product Properties	03/18/98	N	N	63 FR 13254,03/18	353	
144	Y	OPPTS Harmonized Test Guidelines: Series 840 Spray Drift Test Guidelines	03/17/98	N	N	63 FR 13046,03/17	28	
145	Y	OPPTS Harmonized Test Guidelines: Series 810 Product Performance Test Guidelines	03/17/98	N	N	63 FR 13046,03/17	74	
146	N	Guidance on the Registration of MUPs/TGAI Products	03/17/98	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
147	Y	Reregistration Eligibility Decision (RED): Bacillus thuringiensis (Bt)	03/01/98	N	N		170	
148	N	Guidance for Pre-Application Meetings on New Active Ingredients and Major New Uses of Currently Registered Products	02/03/98	N	N	None	3	
149	Y	Reregistration Eligibility Decision (RED): Metribuzin	02/01/98	N	N		230	
150	Y	PR Notice 98-2: Liquid Chemical Sterilant Products	01/15/98	N	N	None	8	
151	Y	PR Notice 98-1: Self-Certification of Product Chemistry Data	01/12/98	N	N	None	9	
152	Y	Reregistration Eligibility Decision (RED): Paranitrophenol	01/01/98	N	N		64	
153	Y	Reregistration Eligibility Decision (RED): Terbacil	01/01/98	N	N		206	
154	N	EFED Guidance: Updated Documentation on the SCI-GROW Method to Determine Screening Concentration Estimates for Drinking Water Derived from Groud Water Sources	12/03/97	N	N	None	8	
155	Y	Reregistration Eligibility Decision (RED): Thiobencarb	12/01/97	N	N		234	
156	N	Pathway to Product Stewardship: Life-Cycle Design as a Business Decision-Support Tool	12/01/97	N	N	None	76	
157	Y	EPCRA Section 313: Guidance for Reporting Sulfuric Acid (acid aerosols including mists, vapors, gas, fog, and other airborne forms of any particle size)	11/01/97	N	N	None	21	

	Prog Office Table #		Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
158		Y	EPCRA Section 313: Questions and Answers - Revised 1997 Version	11/01/97	N	N	None	216	
159		Y	PR Notice 97-8: Time Extension of PR Notice 96-7 - Termiticide Labeling	09/25/97	N	N	None	2	
160		Y	PR Notice 97-7: Existing Stocks for Labeling Changes in PR Notices	09/19/97	N	N	None	4	
161		Y	PR Notice 97-4: Consumer Access Numbers on Pesticide Labels	09/11/97	N	N	None	4	
162		Y	PR Notice 97-5: Use of Common Names for Active Ingredients on Pesticide Labeling	09/11/97	N	N	None	32	
163		Y	PR Notice 97-6: Use of Term "Inert" in the Label Ingredients Statement	09/11/97	N	N	None	3	
164		Y	PR Notice 97-3: Guidelines for Expeditied Review of Conventional Chemical Pesticides Under the Reduced Risk Initiative and for Biological Pesticides	09/04/97	N	N	None	27	
165		Y	Lead: Reducing Lead Hazards When Remodeling Your Home	09/01/97	N	N	None	22	
166		Y	Reregistration Eligibility Decision (RED): Diflubenzuron	08/01/97	N	N		214	
167		Y	Reregistration Eligibility Decision (RED): Methylene bis(thiocyanate) (MBT)	08/01/97	N	N		168	
168		Y	Reregistration Eligibility Decision (RED): Paraquat Dichloride	08/01/97	N	N		267	
169		Y	Reregistration Eligibility Decision (RED): Propoxur	08/01/97	N	N		154	
170		Y	Rejection Rate Analysis for Submissions of Product Chemistry Data, Confidential Statement of Formula, and Product Label for Registration and Reregistration	07/01/97	N	N	None	43	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
171	Y	New Chemicals Program: Points to Consider in the Preparation of TSCA Biotechnology Submissions for Microorganisms	09/02/97	N	N	None	71	
172	Y	Reregistration Eligibility Decision (RED): Pendimethalin	09/01/97	N	N		239	
173	Y	Environmental Marketing Claims: A Message to Vendors from the EPA and the FTC	09/01/97	N	N	None	1	
174	Y	Selling Environmental Products to the Federal Government	09/01/97	N	N	None	16	
175	Y	New Chemicals Program: Polymer Exemption Guidance Manual	05/22/97	N	N	None	49	
176	Y	Letter to Mr. Mark A. Norman of Vorys, Sater, Seymour and Pease - TSCA Section 8(c) Interpretative Guidance	05/07/97	N	N	None	2	
177	Y	Reregistration Eligibility Decision (RED): Colletotrichum gloeosporioides	05/01/97	N	N		103	
178	Y	Reregistration Eligibility Decision (RED): Colletotrichum gloeosporioides	05/01/97	N	N		103	
179	Y	PR Notice 97-2: New Chemical, New Use, EUP, Non Fast-Track Amendments and Ingredient Registration Priorities for Conventional Pesticides	04/18/97	N	N	None	11	
180	Y	Reregistration Eligibility Decision (RED): Vancide, or 1,3,5-Triethylhexahydro-s-triazine	04/01/97	N	N		105	
181	Y	Reregistration Eligibility Decision (RED): 3-Iodo-2-propynyl butylcarbamate (IPBC) or Troysan	03/01/97	N	N		141	

	Prog Office Table #		Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
182		Y	Reregistration Eligibility Decision (RED): Mepiquat Chloride	03/01/97	N	N		135	
183		N	Reregistration Eligibility Decision (RED): Oil of Citronella	02/01/97	N	N		60	
184		Y	Protecting Endangered Species - Interim Measures: Webster County, Missouri	02/01/97	N	N	None	4	
185		Y	Protecting Endangered Species - Interim Measures: Wayne County, Missouri	02/01/97	N	N	None	4	
186		Y	Protecting Endangered Species - Interim Measures: Stone County, Missouri	02/01/97	N	N	None		
187		Y	Protecting Endangered Species - Interim Measures: St. Louis County, Missouri	02/01/97	N	N	None	4	
188		Y	Protecting Endangered Species - Interim Measures: St. Clair County, Missouri	02/01/97	N	N	None	4	
189		Y	Protecting Endangered Species - Interim Measures: Ripley County, Missouri	02/01/97	N	N	None	5	
190		Y	Protecting Endangered Species - Interim Measures: Ralls County, Missouri	02/01/97	N	N	None	4	
191		Y	Protecting Endangered Species - Interim Measures: Pike County, Missouri	02/01/97	N	N	None	4	
192		Y	Protecting Endangered Species - Interim Measures: Polk County, Missouri	02/01/97	N	N	None	4	
193		Y	Protecting Endangered Species - Interim Measures: Osage County, Missouri	02/01/97	N	N	None	5	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
194	Y	Protecting Endangered Species - Interim Measures: Newton County, Missouri	02/01/97	N	N	None	4	
195	Y	Protecting Endangered Species - Interim Measures: Miller County, Missouri	02/01/97	N	N	None	5	
196	Y	Protecting Endangered Species - Interim Measures: Maries County, Missouri	02/01/97	N	N	None	4	
197	Y	Protecting Endangered Species - Interim Measures: Lewis County, Missouri	02/01/97	N	N	None	4	
198	Y	Protecting Endangered Species - Interim Measures: Lawrence County, Missouri	02/01/97	N	N	None	5	
199	Y	Protecting Endangered Species - Interim Measures: Jefferson County, Missouri	02/01/97	N	N	None	4	
200	Y	Protecting Endangered Species - Interim Measures: Jasper County, Missouri	02/01/97	N	N	None	4	
201	Y	Protecting Endangered Species - Interim Measures: Hickory County, Missouri	02/01/97	N	N	None	4	
202	Y	Protecting Endangered Species - Interim Measures: Greene County, Missouri	02/01/97	N	N	None	6	
203	Y	Protecting Endangered Species - Interim Measures: Gasconade County, Missouri	02/01/97	N	N	None	4	
204	Y	Protecting Endangered Species - Interim Measures: Franklin County, Missouri	02/01/97	N	N	None	4	

	Prog Office Table #		Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
205		Y	Protecting Endangered Species - Interim Measures: Dunklin County, Missouri	02/01/97	N	N	None	4	
206		Y	Protecting Endangered Species - Interim Measures: Dallas County, Missouri	02/01/97	N	N	None	4	
207		Y	Protecting Endangered Species - Interim Measures: Dade County, Missouri	02/01/97	N	N	None	4	
208		Y	Protecting Endangered Species - Interim Measures: Cole County, Missouri	02/01/97	N	N	None	4	
209		Y	Protecting Endangered Species - Interim Measures: Clark County, Missouri	02/01/97	N	N	None	4	
210		Y	Protecting Endangered Species - Interim Measures: Christian County, Missouri	02/01/97	N	N	None	4	
211		Y	Protecting Endangered Species - Interim Measures: Cedar County, Missouri	02/01/97	N	N	None	5	
212		Y	Protecting Endangered Species - Interim Measures: Camden County, Missouri	02/01/97	N	N	None	4	
213		Y	Protecting Endangered Species - Interim Measures: Butler County, Missouri	02/01/97	N	N	None	4	
214		Y	Protecting Endangered Species - Interim Measures: Bollinger County, Missouri	02/01/97	N	N	None	4	
215		Y	Protecting Endangered Species - Interim Measures: Benton County, Missouri	02/01/97	N	N	None	4	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
216	Y	Protecting Endangered Species - Interim Measures: Barry County, Missouri	02/01/97	N	N	None	4	
217	Y	Protecting Endangered Species - Interim Measures: Cherokee County, Alabama	02/01/97	N	N	None	4	
218	Y	Protecting Endangered Species - Interim Measures: Yuma County, Arizona	02/01/97	N	N	None	4	
219	Y	Protecting Endangered Species - Interim Measures: Yavapai County, Arizona	02/01/97	N	N	None	11	
220	Y	Protecting Endangered Species - Interim Measures: Santa Cruz County, Arizona	02/01/97	N	N	None	6	
221	Y	Protecting Endangered Species - Interim Measures: Pima County, Arizona	02/01/97	N	N	None	7	
222	Y	Protecting Endangered Species - Interim Measures: Navaho County, Arizona	02/01/97	N	N	None	7	
223	Y	Protecting Endangered Species - Interim Measures: Mohave County, Arizona	02/01/97	N	N	None	7	
224	Y	Protecting Endangered Species - Interim Measures: Maricopa County, Arizona	02/01/97	N	N	None	6	
225	Y	Protecting Endangered Species - Interim Measures: La Paz County, Arizona	02/01/97	N	N	None	5	
226	Y	Protecting Endangered Species - Interim Measures: Greenlee County, Arizona	02/01/97	N	N	None	6	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
227	Y	Protecting Endangered Species - Interim Measures: Graham County, Arizona	02/01/97	N	N	None	6	
228	Y	Protecting Endangered Species - Interim Measures: Gila County, Arizona	02/01/97	N	N	None	7	
229	Y	Protecting Endangered Species - Interim Measures: Cochise County, Arizona	02/01/97	N	N	None	5	
230	Y	Protecting Endangered Species - Interim Measures: Apache County, Arizona	02/01/97	N	N	None	5	
231	Y	PR Notice 97-1: Agency Actions Under the Requirements of the Food Quality Protection Act	01/31/97	N	N	None	19	
232	Y	CADDY (Computer Aided Dossier and Data supplY): How to Submit Pesticide Studies Using CADDY Format	01/09/97	N	N	None	3	
233	Y	CADDY Submission Sample Structure	01/09/97	N	N	None	1	
234	Y	CADDY Supplemental Files Guidance	01/09/97	N	N	None	2	
235	Y	CADDY Supplemental Files Guidance Series 870 - Health Effects Test Guidelines	01/09/97	N	N	None	4	
236	Y	CADDY Supplemental Files Guidance Series 860 - Residue Chemistry Test Guidelines	01/09/97	N	N	None	2	
237	Y	CADDY Supplemental Files Guidance Series 830 - Product Properties Test Guidelines	01/09/97	N	N	None	3	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
238	Y	CADDY Supplemental Files Guidance Series 875 - Occupational and Residential Exposure Test Guidelines	01/09/97	N	N	None	2	
239	Y	CADDY Supplemental Files Guidance - Aquatic Toxicity Data	01/09/97	N	N	None	5	
240	Y	CADDY Supplemental Files Guidance Series 72-4A & 72-B Terresterial Animal Toxicity Studies	01/09/97	N	N	None	1	
241	Y	CADDY Supplemental Files Guidance: Surface Water, Groundwater Studies, and Monitoring Data	01/09/97	N	N	None	2	
242	Y	CADDY Supplemental Files Guidance: Terrestrial and Aquatic Plant Studies	01/09/97	N	N	None	2	
243	Y	Pesticide Docket Ordering Information	01/09/97	N	N	None	2	
244	Y	Reregistration Eligibility Decision (RED): p-Chloro-m-cresol	01/01/97	N	N		103	
245	Y	Lead: Interpretative Guidance for Real Estate Community on the Requirements for Disclosure of Information Concerning Lead-Based Paint in Housing - Part II	12/05/96	N	N	None	13	
246	Y	Pesticides; Label Review Manual	12/01/96	N	N	62 FR 5001,02/03/	165	
247	Y	Reregistration Eligibility Decision (RED): S-Kinoprene	11/01/96	N	N		45	
248	Y	PR Notice 96-8: Toxicologically Significant Levels of Pesticide Active Ingredients	10/31/96	N	N	61 FR 1928,01/24/	9	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
249	Y	Reregistration Eligibility Decision (RED): Trideceny1 Acetates	10/01/96	N	N		51	
250	Y	PR Notice 96-6: Pet Pesticide Product Label Statements	10/01/96	N	N	None	6	
251	Y	PR Notice 96-7: Termiticide Labeling	10/01/96	N	N	None	14	
252	Y	Reregistration Eligibility Decision (RED): Amitrole	09/01/96	N	N		141	
253	Y	Protecting Endangered Species - Interim Measures: Warren County, North Carolina	09/01/96	N	N	None	4	
254	Y	Protecting Endangered Species - Interim Measures: Wake County, North Carolina	09/01/96	N	N	None	4	
255	Y	Protecting Endangered Species - Interim Measures: Wilson County, North Carolina	09/01/96	N	N	None	4	
256	Y	Protecting Endangered Species - Interim Measures: Vance County, North Carolina	09/01/96	N	N	None	4	
257	Y	Protecting Endangered Species - Interim Measures: Union County, North Carolina	09/01/96	N	N	None	4	
258	Y	Protecting Endangered Species - Interim Measures: Swain County, North Carolina	09/01/96	N	N	None	4	
259	Y	Protecting Endangered Species - Interim Measures: Randolph County, North Carolina	09/01/96	N	N	None	4	
260	Y	Protecting Endangered Species - Interim Measures: Nash County, North Carolina	09/01/96	N	N	None	4	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
261	Y	Protecting Endangered Species - Interim Measures: Moore County, North Carolina	09/01/96	N	N	None	4	
262	Y	Protecting Endangered Species - Interim Measures: Mitchell County, North Carolina	09/01/96	N	N	None	4	
263	Y	Protecting Endangered Species - Interim Measures: Macon County, North Carolina	09/01/96	N	N	None	5	
264	Y	Protecting Endangered Species - Interim Measures: Lee County, North Carolina	09/01/96	N	N	None	4	
265	Y	Protecting Endangered Species - Interim Measures: Johnston County, North Carolina	09/01/96	N	N	None	4	
266	Y	Protecting Endangered Species - Interim Measures: Halifax County, North Carolina	09/01/96	N	N	None	4	
267	Y	Protecting Endangered Species - Interim Measures: GranvilleCounty, North Carolina	09/01/96	N	N	None	4	
268	Y	Protecting Endangered Species - Interim Measures: Franklin County, North Carolina	09/01/96	N	N	None	4	
269	Y	Protecting Endangered Species - Interim Measures: Edgecomb County, North Carolina	09/01/96	N	N	None	4	
270	Y	Protecting Endangered Species - Interim Measures: Columbus County, North Carolina	09/01/96	N	N	None	4	
271	Y	Protecting Endangered Species - Interim Measures: Chatham County, North Carolina	09/01/96	N	N	None	4	

Prog #	Office	Table	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
272		Y	Protecting Endangered Species - Interim Measures: Wayne County, Georgia	09/01/96	N	N	None	4	
273		Y	Protecting Endangered Species - Interim Measures: Thomas County, Georgia	09/01/96	N	N	None	4	
274		Y	Protecting Endangered Species - Interim Measures: Screven County, Georgia	09/01/96	N	N	None	4	
275		Y	Protecting Endangered Species - Interim Measures: Murray/Whitfield Counties, Georgia	09/01/96	N	N	None	4	
276		Y	Protecting Endangered Species - Interim Measures: McIntosh County, Georgia	09/01/96	N	N	None	4	
277		Y	Protecting Endangered Species - Interim Measures: Long County, Georgia	09/01/96	N	N	None	4	
278		Y	Protecting Endangered Species - Interim Measures: Liberty County, Georgia	09/01/96	N	N	None	4	
279		Y	Protecting Endangered Species - Interim Measures: Jenkins County, Georgia	09/01/96	N	N	None	4	
280		Y	Protecting Endangered Species - Interim Measures: Glynn County, Georgia	09/01/96	N	N	None	4	
281		Y	Protecting Endangered Species - Interim Measures: Colquitt County, Georgia	09/01/96	N	N	None	4	
282		Y	Protecting Endangered Species - Interim Measures: Camden County, Georgia	09/01/96	N	N	None	4	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
283	Y	Protecting Endangered Species - Interim Measures: Bryan County, Georgia	09/01/96	N	N	None	4	
284	Y	Protecting Endangered Species - Interim Measures: Brooks County, Georgia	09/01/96	N	N	None	4	
285	Y	Protecting Endangered Species - Interim Measures: Brantley County, Georgia	09/01/96	N	N	None	4	
286	Y	Protecting Endangered Species - Interim Measures: Burke County, Georgia	09/01/96	N	N	None	4	
287	Y	Reregistration Eligibility Decision (RED): Polyhedral Inclusion Bodies of Gypsy Moth & Douglas Fir Tissock Moth & Nuclear Polyhedrosis Viruses	09/01/96	N	N		88	
288	Y	OPPTS Harmonized Test Guidelines: Series 860 Residue Chemistry	08/28/96	N	N	61 FR 44308,08/26	339	
289	Y	Lead: Interpretative Guidance for Real Estate Community on the Requirements for Disclosure of Information Concerning Lead-Based Paint in Housing - Part I	08/20/96	N	N	None	12	
290	Y	Reregistration Eligibility Decision (RED): 4,4-Dimethyloxazolidine	08/01/96	N	N		91	
291	Y	Reregistration Eligibility Decision (RED): Bromacil	08/01/96	N	N		213	
292	Y	Reregistration Eligibility Decision (RED): Coumaphos	08/01/96	N	N		186	
293	Y	Reregistration Eligibility Decision (RED): Cryolite	08/01/96	N	N		171	

Prog #	Office	Table	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
294		Y	Lead: EPA National Lead Laboratory Accreditation Program, Laboratory Quality System Requirements, Revision 2.0	08/01/96	N	N	61 FR 58408,11/01	45	
295		N	Letter to Mr. Robert F. Bischoff of the US Regulatory, Toxicology and Environmental Chemistry	07/22/96	N	N	None	2	
296		Y	PR Notice 96-5: Interim Use of Proposed Guidelines for Carcinogen Risk Assessment	07/17/96	N	N	None	3	
297		Y	Reregistration Eligibility Decision (RED): Strychnine	07/01/96	N	N		152	
298		Y	PR Notice 96-4: Label Statements Involving Product Efficacy and Potential for Harm to Property	06/03/96	N	N	None	5	
299		Y	Reregistration Eligibility Decision (RED): Furanone	05/01/96	N	N		134	
300		Y	Reregistration Eligibility Decision (RED): Mitin FF	05/01/96	N	N		83	
301		Y	Reregistration Eligibility Decision (RED): Norflurazon	05/01/96	N	N		187	
302		Y	Reregistration Eligibility Decision (RED): Dibromodicyanobutane	05/01/96	N	N		86	
303		Y	PR Notice 96-3: Pesticide Products Used to Disinfect Aircraft	05/14/96	N	N	None	6	
304		Y	Reregistration Eligibility Decision (RED): Desmedipham	03/01/96	N	N		156	
305		Y	Lead: EPA and HUD Move to Protect Children from Lead-Based Paint Poisoning; Disclosure of Lead-Based Paint in Housing	03/01/96	N	N	None	2	

	Prog Office #	Table	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
306		Y	Lead: EPA and HUD Real Estate Notification and Disclosure Rule - Questions and Answers	03/01/96	N	N	None	2	
307		Y	Reregistration Eligibility Decision (RED): Hydroxyethyl Octyl Sulfide	12/01/95	N	N		99	
308		Y	Reregistration Eligibility Decision (RED): Hydroxypropyl methane thio sulfonate	12/01/95	N	N		184	
309		Y	Reregistration Eligibility Decision (RED): Gibberellic Acid	12/01/95	N	N		136	
310		N	EFED Guidance: The Generic Expected Environmental Concentration Program, GENEEC: Part B Users Manual	04/01/95	N	N	None	9	
OPR									
1	OPR-6099		Roads Less Traveled: Intelligent Transportation Systems for Sustainable Communities		N	N	None	78	
2	OPR-5999		Slow Down, You're Going Too Fast: The Community Guide to Traffic Calming		N	N	None	79	
3	OPR-0499		EPA RFA/SBREFA Tracking Report: Rules Affecting Small Entities	10/01/99	N	N	None	19	
4	OPR-5699		Project XL Final Project Agreement with New England Universities	09/28/99	N	N	None	57	
5	OPR-5299		Project XL Final Project Agreement with Atlantic Steel Redevelopment	09/07/99	N	N	None	35	
6	OPR-1199		Project XL and Atlantic Steel: Supporting Environmental Excellence and Smart Growth	09/01/99	N	N	None	10	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
7	OPR-3299	A Guide to Writing Final Project Agreements under Project XL	09/01/99	N	N	None	23	
8	OPR-2699	Instruction Manual: Climate Wise Emissions Tracking Software, Version 1	07/08/99	N	N	None	27	provided to Climate Wise partners once they voluntarily "sign up" for program
9	OPR-0599	Information for Potential Small Entity Representatives to the Small Business Advocacy Review Panel Process	07/01/99	N	N	None	4	
10		N National Metal Finishing Strategic Goals Program "How To" Guide for Participants	06/30/99	N	N		37	Guidance provided to local implementation groups under the voluntary Metal Finishing Strategic Goals Program. Lays out parameters of program, offers tips and contact names.
11	OPR-5499	Project XL Final Project Agreement for the Pilot at the Andersen Corporation, Bayport, Washington County, Minnesota	06/30/99	N	N	None	45	
12	OPR-0899	Guidelines for Preparing Economic Analyses	05/11/99	N	N	None	232	
13	OPR-0699	EPA Activities Related to the Regulatory Flexibility Act, as amended by SBREFA	05/01/99	N	N	None	4	
14	OPR-5399	Project XL Final Project Agreement with Fairmont Coke Works Site, Fairmont, West Virginia	05/24/99	N	N	None	24	
15	OPR-3999	Notice of Process Improvements under Project XL	04/05/99	N	N	FRL-6320-2	4	64 FR 16450; sent cover letter announcing availability to Hill
16	OPR-2399	Compliance Screening for EPA Partnership Programs	04/04/99	N	N	None	26	
17	OPR-0799	Revised Interim Guidance for EPA Rulewriters: Regulatory Flexibility Act as amended by SBREFA	03/29/99	N	N	None	89	
18	OPR-3099	Manual for EPA Project XL Teams	03/01/99	N	N	None	21	sent cover letter announcing availability to Hill

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
19	OPR-3199	Project XL Stakeholder Involvement: A Guide for Project Sponsors and Stakeholders	03/01/99	N	N	None	27	sent cover letter announcing availability to Hill
20	OPR-2999	Project XL: Best Practices for Proposal Development - a guide designed to help project sponsors create effective XL proposals	03/01/99	N	N	None	18	cover letter announcing availability send to Hill
21	OPR-1399	Smart Growth Network Progress Report: Moving Smart Growth from Theory to Policy and Practice	12/01/98	N	N	None	56	
22	OPR-5899	Assessing the Emissions and Fuel Consumption Impacts of Intelligent Transportation Systems (ITS)	12/01/98	N	N	None	65	
23	OPR-5199	Project XL Final Project Agreement for the Massachusetts Environmental Results Program	10/06/98	N	N	None	21	
24	OPR-6199	Moving in the Right Direction: Putting Transportation Efficiency to Work for You	10/01/98	N	N	None	12	
25	OPR-5099	Notice of availability of Lucent Project XL Final Project Agreement and related documents	09/03/98	N	N	FRL-6156-4	3	63 FR 47022
26	OPR-3499	Compliance Screening Process for Project XL	09/01/98	N	N	None	15	supercedes earlier screening guidance: Compliance Screening Process for Project XL' dated 10/31/95
27	OPR-4999	Project XL: Final Project Agreement with Lucent Technologies, Inc. - Microelectronics Group	08/19/98	N	N	None	39	
28	OPR-4599	Project XL Final Project Agreement for Molex Inc.	08/13/98	N	N	FRL-6143-2	3	Project XL Final project Agreement for Molex, Inc., 700 Kingbird Road facility, 63 FR 43588
29	OPR-6299	Technical Methods for Analyzing Pricing Measures to Reduce Transportation Emissions	08/01/98	N	N	None	240	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
30	OPR-0199	Congressional Review Act: Guidance for Rule Writers	07/01/98	N	N	None	20	
31	OPR-6499	N States Guidance Document: Policy Planning to Reduce Greenhouse Gas Emissions, second edition	06/01/98	N	N	None	150	States Guidance Document
32	OPR-3899	Joint EPA/State Agreement to Pursue Regulatory Innovation	05/05/98	N	N		26	
33	OPR-6599	N State Workbook: Methodologies for Estimating Greenhouse Gas Emissions, 3rd edition	05/01/98	N	N	None	150	
34	OPR-1899	Smart Investments for City and County Managers: Energy, Environment and Community Development	04/01/98	N	N	None	82	
35	OPR-0299	SBREFA: Section 213 Informal Guidance Program REPORT to Congress	03/01/98	N	N	None	27	Report to Congress submitted 3/98
36	OPR-0399	SBREFA: Section 223 Penalty Reduction Program for Small Entities REPORT to Congress	03/01/98	N	N	None	19	Report to Congress submitted 3/98
37	OPR-3399	Legal Principles for EPA Drafting	12/18/97	N	N	None	5	
38		N EPA Common Sense Initiative for Metal Finishing Strategic Goals Program National Performance Goals and Action Plan	12/16/97	N	N		54	Commitments by stakeholders were made in good-faith, but not legally binding in this voluntary program
39	OPR-1299	Partners for Smart Growth Conference	12/02/97	N	N	None	24	
40	OPR-4499	Project XL Final Project Agreement between OSi Specialities, Inc. and EPA and West Virginia Division of Environmental Protection	10/17/97	N	N	None	36	
41	OPR-4699	Project XL: Final Project Agreement for HADCO Corporation: Notice of Final Project Agreement and Response to Public Comment	10/07/97	N	N	FRL-5579-7	10	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
42	OPR-4399	Final Project Agreement Workplan: Project XL -- HADCO Corporation	10/02/97	N	N	None	17	
43	OPR-2499	Welcome: Climate Wise - turning energy efficiency and environmental performance into a corporate asset	10/01/97	N	N	None	13	Provide to Climate Wise Partner companies once they voluntarily sign up for the program
44	OPR-4899	Publication of proposed Project XL Final Project Agreement for Vandenberg Air Force Base and related documents	09/08/97	N	N	FRL-5888-5	15	62 FR 47335
45	OPR-1999	Designing Industrial Ecosystems Tool (DIET)	09/01/97	N	N	None	2	
46	OPR-2099	Facility Synergy Tool (FaST)	09/01/97	N	N	None	2	
47	OPR-2199	Regulatory, Economic, and Logistical Tool (REaLiTy)	09/01/97	N	N	None	1	
48	OPR-15A99	Construction Waste management: A Guide for Municipalities	08/01/97	N	N	None	4	folded flyer
49	OPR-1599	Jobsite Recycling: A Builder's Blueprint - Putting a Lid on Waste Removal Costs	08/01/97	N	N	None	4	folded flyer
50	OPR-2599	Climate Wise Action Planning Kit	07/17/97	N	N	None	17	Provided to Climate Wise Partner companies that voluntarily sign up for the program
51	OPR-6399	N Resource Document on Project and Proposal Development under the U.S. Initiative on Joint Implementation (USIJI)	06/01/97	N	N	None	60	Resource Document
52	OPR-2299	Toward A Method For Quantifying Human Non-Cancer Health Risks: Risks of Superfund-Related Exposures and Potential Risk Reduction Benefits of Site Remediations	05/01/97	N	N	None	150	
53	OPR-3799	Regulatory Reinvention (XL) Pilot Projects	04/23/97	N	N	FRL-5811-7	19	Notice of Modifictions to Project XL, 62 FY 19872; sent cover letter announcing availability to Hill

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
54	OPR-4299	Project XL: Final Project Agreement with Weyerhaeuser Flint River Operations	01/17/97	N	N	None	30	
55	OPR-4799	Project XL: Final Project Agreement - Merck and Co., Inc. Stonewall Plant	01/16/97	N	N	None	12	proposing site-specific rule to implement MERCK XL Project - 62 FR 52621
56	OPR-4199	Project XL: Final Project Agreement for the Intel Corporation Ocotillo Site	11/19/96	N	N	None	25	
57	OPR-1799	A Smart Growth Bibliography: A Bibliography of Fiscal, Economic, Environmental and Social Impact Methodologies and Models	10/02/96	N	N	None	65	
58	OPR-3699	Regulatory Reinvention (XL) Pilot Projects	09/11/96	N	N	FRL-5608-5 4		61 FR 47929, Solicitation of Proposals and Requests for Comment; sent cover letter announcing availability to Hill
59	OPR-1699	An Integrated Approach for Successful Brownfield Redevelopment	09/01/96	N	N	None	137	
60	OPR-4099	Project XL: Final Project Agreement between Jack M. Berry, Inc. and Florida Department of Environmental Protection, South Florida Water Management District, and EPA	08/08/96	N	N	None	26	
61	OPR-6699	N Vulnerability and Adaptation Assessments: An Internatinal Handbook	04/30/96	N	N	None	250	An International Handbook
62	OPR-6799	N Steps in Preparing Climate Change Action Plans: A Handbook	03/30/96	N	N	None	203	

ORD

1		Ozone Monitoring, Mapping, and Public Outreach - Delivering Real-Time Ozone Information to Your Community	11/04/99	N	N	None		

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
2		Comparative Toxicity Testing of Selected Benthic and Epibenthic Organisms	09/01/99	N	N	None	52	
3		Using MM5 Version 2 with Models-3/CMAQ A User's Guide and Tutorial	07/01/99	N	N	None	46	
4		User Manual for the EPA Third-Generation Air quality Modeling System (Models-3 Version 3.0) and Appendices	06/01/99	N	N	None	814	
5		System Installation and Operation Manual for the EPA Third-Generation Air Quality Modeling System (Models-3 Version 3.0)	06/01/99	N	N	None	79	
6		EMAP Information Management Plan: 1998-2001	05/01/99	N	N	None	164	
7		EMAP Information Management Plan: 1998-2001 Appendices	05/01/99	N	N	None	169	
8		Coal Utility Environmental Cost (CUECost) Workbook User's Manual Version 1.0	05/01/99	N	N	None	250	
9		Guidance Manual for Implementing Municipal Storm Water Management Programs	05/01/99	N	N	None	200	
10		Science Algorithms of the EPA Models-3 Community Multiscale Air Quality (CMAQ) Modeling System	03/01/99	N	N	None	800	
11		Exposure Factors Handbook	02/01/99	N	N			
12		Ozone Monitoring, Mapping, and Public Outreach - Delivering Real-Time Ozone Information to Your Community	01/01/99	N	N	None		

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
13		User Manual for the EPA Third-Generation Air Quality Modeling System (Models-3 Version 3.0 and Appendices	01/01/99	N	N	None		
14		EPA Third-Generation Air Quality Modeling System Models-3 Volume 9a System Installation and Operations Manual	01/01/99	N	N	None		
15		EMAP Information Plan	01/01/99	N	N	None		
16		EMAP Information Plan: 1998-2001 Appendices	01/01/99	N	N	None		
17		User Guide Acute to Chronic Estimation	01/01/99	N	N	None	18	
18		Data Quality Evaluation Statistical Toolbox (Data Quest) Users Guide	12/01/98	N	N			
19		Condition of the Mid-Atlantic Estuaries	11/01/98	N	N	None	50	
20		Synthetic-Based Drilling Fluids: An Assessment of the Spatial Distribution of Toxicants in Sediments from Gulf of Mexico Drilling Platforms	11/01/98	N	N	None	9	
21		User's Manual Landfill Gas Emissions Model Ver. 2.0	05/01/98	N	N	None	50	
22		Guidelines for Neurotoxicity Risk Assessment	04/01/98	N	N	63 FR 26926	85	
23		Guidelines for Ecological Risk Assessment	04/01/98	N	N	63 FR 26846	173	
24		Guidance for Landfilling Waste in Economically Developing Countries: Final Report	04/01/98	N	N	None	300	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
25		Guidance for Quality Assurance Project Plans	02/01/98	N	N			
26		BIOPLUME III: Natural Attenuation Decision Support System	01/01/98	N	N	None	283	
27		Guidance for Data Quality Assessment	01/01/98	N	N			
28		User's Guide for GLoED Version 1.0 The Global Emissions Database	11/01/97	N	N	None	200	
29		Large Building Radon Manual	11/01/97	N	N	None	87	
30		MAIA - Estuaries 1997 Laboratory Data Format and Transmittal Guidance Document	07/01/97	N	N	None	11	
31		MAIA Estuaries 1997 Data Format and Transfer Manual	07/01/97	N	N	None	34	
32		Radon Diagnostic Measurement Guidance for Large Buildings: Vol. 1 Technical Report	07/01/97	N	N	None	114	
33		Radon Diagnostic Measurement Guidance for Large Buildings: Vol. 2. Appendices	07/01/97	N	N	None	150	
34		EMAP Surface Waters: Field Operations Manual for Lakes	09/01/97	N	N	None	200	
35	2	Guiding Principles for Monte Carlo Analysis	03/01/97	N	N		45	
36	1	Guidelines for Reproductive Toxicity Risk Assessment	10/01/96	N	N	61 FR 56274	150	
37		RAETRAD-F: Version 1.1 User's Guide for Analyzing Site-Specific Measurements of Soil Radon Potential Category for Florida Houses	10/01/96	N	N	None	20	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
38		Marine Toxicity Identification Evaluation (TIE) Phase I Guidance Document	09/01/96	N	N	None	54	
39		Best Management Practices for the Textiles Industry	01/01/96	N	N	None		
OSDBU								
1		FY 1999 MBE/WBE Terms and Conditions - Memorandum	12/29/98	Y	Y		10	
2		Questions/Answers relating to OSDBU's revised July, 1997 Guidance for Utilization of Small, Minority, and Women's Business Enterprises in Procurement Under Assistance Agreements	08/19/98	N	N	None	23	
3		FY 1998 Minority Business Enterprises/Women Business Enterprises (MBE/WBE) Fair Share Negotiations	11/19/97	N	N		20	
4		Guidance for Utilization of Small Minority and Women's Business Enterprises in Procurement under Assistance Agreements	07/22/97	Y	Y		50	
OSWER								
1	SW36	Guidance for Methods Development and Methods Validation for the RCRA Program		N	N	None	32	
2	FFRRO5	Use of the CERCLA Municipal Landfill Presumptive Remedy at Military Landfills	12/01/99	N	N		17	
3	FFRRO4	Streamlined Oversight Activities for Federal Facilities	11/29/99	N	N		12	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
4	FFRRO14	Interim Final Guidance on Improving Communication to Achieve Collaborative Decision-Making @ DOE Sites	11/29/99	N	N		8	
5	FFRRO13	Hon. John Garamendi Letter requesting support in DOD's participation in habitat planning @ West Mojave	11/25/99	N	N		2	
6	CEPP-70	RISK MANAGEMENT PROGRAM GUIDANCE FOR AMMONIA REFRIGERATION	11/01/99	N	N		292	
7	SW274	Letter to Institute of Scrap Recycling Addressing When Automotive Shredder Residue Qualifies as Hazardous Debris	10/27/99	N	N	268	2	
8	SW202	Corrective Action Training Handbook	10/25/99	N	N	None	3	
9	CEPP-69	Chemical Safety Information, Site Security, and fuels Regulatory Relief Act (PL 106-40) Frequently Asked Questions	10/22/99	N	N		8	
10	CEPP-74	Security Notice to Federal, State and Local Officials and Researchers	10/09/99	N	N		6	
11	CEPP-73	Chemical Safety Information, Site Security and Fuels Regulatory Relief Act: Public Meetings and Other Notifications factsheet	10/01/99	N	N		4	
12	SW267	LETTER TO AMERICAN FOUNDRYMEN'S SOCIETY Addressing Issues Related to Spent Foundry Sands	10/01/99	N	N	N	2	
13	SW283	REPORT TO CONGRESS ON WASTES FROM TE COMBUSTION OF FOSSIL FUELS	10/01/99	N	N	261.4(b)(4)	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
14	SW272	Notice of Intent to Grant Determination of Equivalent Treatment to Pioneer Clor-Alkali	09/23/99	N	Y	64FR 51540	4	DET pursuant to 268.42(b); site-specific variance, thus not covered by CRA
15	SW306	Letter to Pioneer Clor - Alkali Reporting Decision Made About Site-Specific Determination of Equivalalent Treatment	09/23/99	N	N	268	4	
16	SW277	HAZARDOUS WASTE IMPORTS FROM TAIWAN	09/21/99	N	N	262.60	262.6	
17	SW276	Letter to Senator Hart of Pennsylvania about How the Report to Congress' Addressed WASTE COAL ASH	09/17/99	N	N	261.4(b)(4)	2	
18	SW275	Letter Addressing Proposed REGULATION OF HAZARDOUS WASTE BURNING CEMENT KILNS	09/14/99	N	N	261.4(b)(8)	2	
19	SW7	Sludges From Wastewater Mixtures	09/13/99	N	N	None	3	
20	SW7	Sludges From Wastewater Mixtures	09/13/99	N	N	None	3	
21	SW309	Regulatory Perspective on Mercury Monitoring	09/13/99	N	N		5	
22	SW312	Hazardous Waste Combustor MACT Workshop	09/13/99	N	N	None	284	
23	SW273	ZINC AS A PERSISTENT, BIOACCUMULATIVE, AND TOXIC (PBT) CHEMICAL	09/08/99	N	N	NA	2	
24	FFRRO51	Letter to Mr. Kenneth Bradshaw RE: Permanent and Temporary Relocation of People adversely impacted by fed. Facilities	09/08/99	N	N		1	
25	CEPP-7	CAA Section 112(r) Frequently Asked Question database	09/01/99	N	N		48	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
26	SW270	USED OIL MANAGEMENT	08/26/99	N	N	279.10	1	
27	SW9	Industrial Wastes In Fertilizers	08/23/99	N	N	None	2	
28	SW269	Letter to Ms Martin Addressing Industrial Wastes in Fertilizers	08/23/99	N	N	261.6(a)(2);	2	
29	SW266	ADMINISTRATION POLICIES ON RECYCLING MUNICIPAL SOLID WASTE	08/17/99	N	N	247.1	3	
30	FFRRO50	Enhancing the quality and oversight of Federal Facilities Data for Environmental cleanup	08/09/99	N	N		8	
31	CEPP-67	HOW TO PREVENT RUNAWAY REACTIONS	08/01/99	N	N		6	
32	CEPP-68	Guidance for Auditing Risk Management Plans/Programs under CAA 112(r)	08/01/99	N	N		85	
33	SW267	Hazardous Waste Combustors Permitting Workshop Manual	08/01/99	N	N	264(Subpa O),265,266		
34	SW290	Citizen concerns regarding proposed landfill	07/27/99	N	N	N/A	2	
35	FFRRO49	Letter to Robt. Lubbert, FUDS RE: Draft revised FUDS program manual	07/20/99	N	N		15	
36	FFRRO52	FOST/FOSL Accomplishments Reporting through Waste LAN	07/19/99	N	N		46	
37	SW263	BENEFICIAL UTILIZATION OF COAL ASH	07/14/99	N	N	247.1;261.4	2	
38	SW264	INCLUSION OF ZINC ON DRAFT RCRA PBT LIST	07/14/99	N	N	NA	1	
39	SW262	OSWER RESPONSE TO OIG FINAL REPORT, EPA CONTROLS OVER RCRA PERMIT RENEWALS	06/25/99	N	N	270.30(b);2	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
40	CEPP-72	Use Multiple Data Sources for Safer Emergency Response	06/15/99	N	N	CERCLA 104; CAA 112(r)	6	
41	CEPP-66	Changes to CEPPO Technical Guidance Documents	06/11/99	N	N		4	
42	SW261	Letter to Senator Hutchison Addressing MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT) STANDARDS FOR CEMENT KILNS BURNING HAZARDOUS WASTE FUELS	06/07/99	N	N	264.340;26E		
43	CEPP-62	New Ways to Prevent Chemical Incidents	06/01/99	N	N		11	
44	CEPP-64	RMPs Are on the Way!	06/01/99	N	N		58	
45	CEPP-65	Joint United States-Mexico Contingency Plan	06/01/99	N	N		43	
46	CEPP-71	The General Duty Clause Factsheet	06/01/99	N	N		2	
47	SW60	Burden Reduction NODA	06/01/99	N	N	None	36	
48	FFRRO54	Federal Facilities Env. Restoration dialogue Pamphlet	06/01/99	N	N			
49	FFRRO55	Federal Facilities Stakeholder Involvement Pamphlet	06/01/99	N	N			
50	SW93	Letter from EPA to Regions 1-10	05/28/99	N	N	None	2	
51	SW282	ANPRM: Mercury LDR	05/28/99	N	N	64FR28949	15	
52	FFRRO 2	Guidance for EPA Participation in DOE FY98 Env. Mgmnt. Budget Formulation	05/16/99	N	N		12	
53	SW288	RCRA Social Siting Criteria Draft Brochure	05/13/99	N	N	N/A	14	
54	SW50	Status of Electroplating Wastewater Treatment Sludges	05/12/99	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
55	SW260	INCLUSION OF ZINC ON DRAFT RCRA PBT LIST	05/11/99	N	N		1	
56	SW260	SOLID WASTE MANAGEMENT HIERARCHY	05/10/99	N	N		2	
57	CEPP-59	Chemical Safety in Your Community	05/01/99	N	N		11	
58	CEPP-60	How Safe Am I?	05/01/99	N	N		11	
59	CEPP-61	What Makes a hazard Hazardous?	05/01/99	N	N		11	
60	CEPP-63	Evaluating Chemical Hazards in the Community	05/01/99	N	N		11	
61	SW-460	User's Guide for the Industrial Waste Management Evaluation Model (IWEM): Tier I Look-up Tables and Tier 2 Neural Networks for Ground-water Model; Draft	05/01/99	N	N		65	EPA530-R-99-003
62	SW-461	Industrial Waste Air Model; Technical Background Document	05/01/99	N	N		150	EPA530-R-99-004
63	CEPP-58	Statement to EPA Regions and State/Local Implementing Agencies on the April 27, 1999 Judicial Propane Stay	04/29/99	N	N	CAA 112(r)	1	
64	SW292	Guidance for Using the New Streamlined Authorization Procedures for the Approval of Previously Promulgated Rulemakings	04/28/99	N	N	271.21	7	
65	FFRRO33	Mr. Albert Lowas, Air Force Base Conversion Agency Re: Air Force BRAC Program	04/27/99	N	N		3	
66	FFRRO53	Responding to BRAC funding shortfalls for FY 2000	04/25/99	N	N		4	
67	SW258	EPA ISSUES AT CLOSED, TRANSFERRED, AND TRANSFERRING MILITARY RANGES	04/22/99	N	N	266.200	8	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
68	CEPP-57	Basic Awareness Factsheet for Small Business	04/15/99	N	N	CAA 112(r)	2	
69	SW299	Status of Flourescent Lamps	04/12/99	N	N	262	2	
70		Status of Spent or Unused Flourescent Lamps	04/12/99	N	N	None	2	
71	SW94	Email to Mike Gansecki (EPA Region 10) Responding to Questions about Phase IV alternative soil treatment standards	04/07/99	N	N		3	
72	SW307	Email to Craig Zeller	04/07/99	N	N	268	2	
73	SW291	Implementation of the Hazardous Waste Combustion MACT rule	04/06/99	N	N	270.42(e)	4	
74	CEPP-55	Risk Management Program guidance for Offsite Consequence Analysis	04/01/99	N	N		198	
75	CEPP-56	EPA/OSHA JOINT CHEMICAL ACCIDENT INVESTIGATION REPORT	04/01/99	N	N	Cercla 104 CAA 112(r)	78	
76	SW257	APPLICABILITY OF THE UNIVERSALTREATMENT STANDARDS (UTS) TO REGULATED HAZARDOUS CONSTITUENTS IN SOIL CONTAMINATED WITH FO32, FO34, AND FO35	04/01/99	N	N	268.40;268.	2	
77	SW293	Introduction to State Authorization Training Manual	04/01/99	N	N	271		
78	FFRRO62	Cooking up Solutions/Cleaning up w/Lasagna	04/01/99	N	N		5	
79	FFRRO63	Partners in Progress EPA Update on Federal Facility Cleanup and Reuse	04/01/99	N	N		10	
80	SW300	Distinction Between Wood Preserving and Surface Protection	03/29/99	N	N	N/A	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
81	SW301	Status of "CerOx" Treatment System	03/29/99	N	N	N/A	2	
82	SW55	Letter to the Technical Group Asking How EPA Expects to Handle FMC's Submittal of Documentation for a Case-By-Case Extension Application	03/25/99	N	N	None	2	
83	SW256	GENERATOR ON-SITE RECYCLING OF HAZARDOUS WASTE	03/22/99	N	N	261.5(c)(3);;	2	
84	SW308	Email to NJ State Department of Environmental Protection	03/22/99	N	N	268	1	
85	SW255	REGULATORY STATUS OF USED CRUCIBLES AND CUPELS	03/19/99	N	N	261.1(c)(1);	2	
86	SW254	REGULATORY STATUS OF SPENT GRANULATED ACTIVATED CARBON AND ION EXCHANGE COLUMNS	03/18/99	N	N	260.10;261.	4	
87	SW253	CLEANUP OF MANUFACTURED GAS PLANT (MGP)	03/17/99	N	N	261.4(b)(4);	5	
88	FFRRO46	Mgmt. of lead-based paint in residential land non-residential areas at base realignment and closures (BRAC) properties	03/17/99	N	N		2	
89	SW252	CLASSIFICATION OF SPENT FERRIC CHLORIDE MATERIAL USED IN WASTE WATER TREATMENT	03/15/99	N	N	261.2(e)(1)	7	
90	FFRRO48	Relationship between SCAP and GPRA	03/15/99	N	N		4	
91	FFRRO45	Summary of Eureka laboratories findings	03/11/99	N	N		4	
92	SW311	Land Disposal Restrictions Training	03/04/99	N	N	268	179	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legality	FR Cite	No. of Pages	Comments
93	CEPP-53	Memorandum of Understanding (MOU) between the United States Environmental Protection Agency (EPA) and the United States Chemical Safety and Hazard Investigation Board (CSB) on Chemical Incidents	03/01/99	N	N	CERCLA 104; CAA 112r	10	
94	CEPP-54	RISK MANAGEMENT PLAN ASCII FILE FORMAT	03/01/99	N	N		58	
95	SW251	REGULATORY INTERPRETATION REGARDING THE VARIANCE FROM THE DEFINITION OF SOLID WASTE AT 40 CFR 260.31(B)	03/01/99	N	N	260.31(b)	1	
96	SW-465	Report to Congress from the Combustion of Fossil Fuels; Volume 2BMethods, Findings, and Recommendations	03/01/99	N	N		206	EPA530-R-99-010
97	SW619	Recycling Hazardous Spent Solvents	03/01/99	N	N	260,31(b)	1	
98		Proposed Remedy @ F.E. Warren AFB	02/26/99	N	N		2	
99	FFRRO43	Letter to Mr. Kirshenberg, Energy Communities Alliance, RE: EPA's policy on providing grants to local governments adjacent to DOE facilities	02/22/99	N	N		5	
100	FFRRO44	Letter to Mr. Ralph Hutchison, Oak Ridge Communities Allied RE: Process fro leasing property at the K-25 (E. Tenn. Tech. Park)	02/22/99	N	N		10	
101	SW53	Letter to the Technical Group Addressing Details Related to a Case-By-Case Extension Application from FMC	02/16/99	N	N		2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
102	CEPP-52	Submitting Confidential Business Information in your RMP	02/12/99	N	N		1	
103	CEPP-48	EPCRA 311/312 and Compliance with Underground Storage Tank Requirements	02/11/99	N	N	EPCRA 370.20(b)	1	See EPCRA Questions and Answers (all are highlighted)
104	CEPP-49	Frequently Asked Questions EPCRA	02/11/99	N	N	EPCRA 370.20(b)	2	
105	FFRRO42	Federal facilities restoration and reuse office quality assurance annual report and work plan	02/10/99	N	N		19	
106	SW250	INTERIM-FINAL GUIDANCE FOR RCRA CORRECTIVE ACTION ENVIRONMENTAL INDICATORS	02/05/99	N	N	None	15	
107	CEPP-50	RMP* SUBMIT USER's MANUAL	02/01/99	N	N		143	
108	CEPP-51	Risk Management Programs under CAA section 112(r) Guidance for Implementing Agencies	02/01/99	N	N		51	
109	SW-464	Preparing No-Migration Demonstrations for Municipal Solid Waste Disposal Facilities: A Screening Tool	02/01/99	N	N		38	EPA530-R-99-008
110	SW248	DECHARACTERIZATION OF DO18 COAL TAR WASTES AT MANUFACTURED GAS PLANTS SITES	01/29/99	N	N	261.24;268.	3	
111	SW248	Letter to New York State DEP Addressing Prohibition On Combustion of Mercury - Bearing Waste	01/29/99	N	N	261.24;268.	3	
112	CEPP-47	Risk management Program: RMP*Submit and RMP* Info	01/15/99	N	N	EPCRA 370.20(a)	1	See EPCRA Questions and Answers (all are highlighted)
113	CEPP-44	Risk Management Program Guidance for Chemical Distributors	01/10/99	N	N		219	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
114	CEPP-45	Risk Management Program guidance for Warehouses	01/10/99	N	N		197	
115	SW246	Letter to Minnesota Dept of Agriculture Addressing MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY (MACT) RULEMAKING AND INCINERATION OF DIOXIN-CONTAMINATED WASTES	01/06/99	N	N	264.340;26	2	
116	SW285	Letter to Mr Brossman Addressing Question About Corporate guarantee for closure and post - closure care at RCRA facilities	01/07/99	N	N	264.193(f) 264.151(h)(	2	
117	SW286	Explanation of Financial Test for Private Owners and Operators of MSWLFs and the Corporate Guarantee	01/07/99	N	N	258.74(e) and (g)	23	
118	SW61	Letter to Sidley and Austin Addressing Biennial Reporting Requirements	01/02/99	N	N		2	
119	SW-452	Will a Source Reduction Program Work in Your Community?	01/01/99	N	N			EPA530-F-99-007
120	SW-463	Rate Structure Design: Setting Rates for a Pay-as-you-throw Program	01/01/99	N	N		34	EPA530-R-99-006
121	SW310	Optional Use of CEMs	01/01/99	N	N		10	
122	FFRRO56	Federal Facilities Quick Directory Pamphlet	01/01/99	N	N			
123	FFRRO64	Partners in Progress: EPA Update on Federal Facility Cleanup and Reuse	01/01/99	N	N		15	
124	FFRRO66	Overview of Early Transfer Guidance	01/01/99	N	N		4	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
125	FFRRO41	Implementing recommendations of the Office Inspector General Audit on EPA Oversight of Federal Facilities Laboratory Data Quality	12/29/98	N	N		11	
126	SW245	LANDFILL LEACHATE RECIRCULATION POLICY	12/16/98	N	N	258.28(a)(2)	4	
127	CEPP-43	Recent Changes to the Risk Management Program Rule Factsheet	12/15/98	N	N		2	
128	SW84	Letter to Idaho Division of Environmental Quality	12/15/98	N	N		2	
129	SW242	Letter Addressing Equally Stringent Emissions Standards For All Hazardous Waste Combustors	12/09/98	N	N	264.340;26t	2	
130	SW244	SUPPORT FOR PETITION FOR A LAND DISPOSAL RESTRICTION (LDR) TREATMENT VARIANCE FOR LEAD SLAG	12/09/98	N	N	268.44		
131	SW241	Additional Source Material Pertaining To Update For The National Capacity Assessment Pursuant To CERCLA 104(C)(9)	12/07/98	N	N	268.1	1	
132	CEPP-41	Agricultural Chemical Retailers and EPCRA Sections 311 and 312	12/01/98	N	N	EPCRA 370.2	1	See EPCRA Questions and Answers (all are highlighted)
133	CEPP-42	Agricultural Operations Exempt From EPCRA Sections 311 and 312	12/01/98	N	N	EPCRA 370.2	1	See EPCRA Questions and Answers (all are highlighted)
134	SW240	Proposed TSCA 403 Soil Lead Hazardous And OSWER's Lean-In Soils Policy	12/01/98	N	N	NA	3	
135	SW-449	Extended Product Responsibility: A Strategic Framework for Sustainable Products	12/01/98	N	N		5	EPA530-F-98-004

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
136	SW451	Pollution Prevention Solutions During Permitting, Inspection, and Enforcement	12/01/98	N	N			EPA530-F-98-015
137	SW462	Industrial Waste Air Model(IWAIR) User's Guide	12/01/98	N	N		93	EPA530-R-99-005
138	FFRRO38	Lead-Based paint in soil: Residential and non-residential study	11/30/98	N	N		8	
139	FFRRO40	Letter to Mr. Thomas Todd, DOE RE: Leases of contaminated properties at DOE facilities	11/30/98	N	N		3	
140	FFRRO40	Letter to Robt. DeGrassee, Jr., DOE RE: Leases of contaminated properties at DOE facilities	11/30/98	N	N		3	
141	SW239	Letter Responding to Questions About Regulatory Status Of Used Oil Mixed with JP-8 Fuel	11/22/98	N	N	279.10(d)(2)	2	
142	CEPP-40	EPA CHEMICAL ACCIDENT INVESTIGATION REPORT	11/18/98	N	N	Cercla 104 CAA 112(r)	105	
143	CEPP-39	Submitting Your Risk Management Plan	11/15/98	N	N		1	
144	FFRRO37	Letter to Ms. Sherri Goodman, DOD RE: Lead based paint guidelines for disposal of residential property: A field guide"	11/13/98	N	N		40	
145	FFRRO36	Army withdrawal of lead based paint guidance	11/10/98	N	N		10	
146	SW313	Notice of Availability of Draft RCRA Waste Minimization PBT Chemical List	11/09/98	N	N	63 FR 60332	20	
147	SW238	Treatment Train Interpretation Regarding Newport Chemical Disposal Facility	11/06/98	N	N	268.40;268.	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
148	FFRRO58	FFRRO's Federal Cleanups that Put Citizens First Pamphlet	11/01/98	N	N		6	
149	FFRRO59	Federal Facilities Restoration and Reuse Office Strengthening Brownfields Redevelopment	11/01/98	N	N		2	
150	SW236	Letter Addressing Questions Related to MACT FAST TRACK RULE	10/29/98	N	N	261.4(a)(17)	2	
151	SW237	Questions Regarding The Land Disposal Restrictions (LDR) Notification Regulations At 40 CFR 268.7	10/29/98	N	N	268.7;268.4	3	
152	SW447	Environmental Fact Sheet: Procedures for Approving State Subtitle D Landfill Permitting Programs	10/23/98	N	N		2	EPA530-F-98-024
153	SW235	PHASE IV Land Disposal Restrictions Rule Clarification of Effective Dates	10/19/98	N	N	268.1	13	
154	SW215	Letter to Swidler, Berlin Addressing Data Needs Related to Effective Date for Extension of Phase IV Rule	10/15/98	N	N	None	2	
155	SW234	MANAGEMENT OF REMEDIATION WASTE UNDER RCRA	10/14/98	N	N		13	
156	SW85	Letter to Louisiana Department of Environmental Quality	10/09/98	N	N		2	
157	SW18	OSWER PBMS IMPLEMENTATION PLAN	10/08/98	N	N	None	52	
158	FFRRO35	Review of DOE non-time-critical removal actions by the National Remedy Review Board	10/05/98	N	N		3	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
159	CEPP-36	RISK MANAGEMENT PROGRAM GUIDANCE FOR PROPANE STORAGE FACILITIES	10/01/98	N	N		101	
160	CEPP-37	RISK MANAGEMENT PROGRAM GUIDANCE FOR PROPANE USERS AND SMALL RETAILERS	10/01/98	N	N		24	
161	CEPP-38	Risk Management Program Guidance for Wastewater Treatment Plants	10/01/98	N	N		343	
162	SW-448	Management of Remediation Waste under RCRA	10/01/98	N	N		13	EPA530-F-98-026
163	FFRRO65	Partners in Progress: EPA Update on Federal Facility Cleanup and Reuse	10/01/98	N	N		8	
164	SW232	Letter Addressing Notice and Comment Issues in Connection with the Maximum Achievable Control Technology (MACT) Rulemaking	09/10/98	N	N	None	1	
165	CEPP-35	EPA/OSHA JOINT CHEMICAL ACCIDENT INVESTIGATION REPORT	09/01/98	N	N	Cercla 104 CAA 112(r)	47	
166	SW-439	RCRA Orientation Manual	09/01/98	N	N			EPA530-R-98-004
167	SW-446	Don't Throw Away that Food: Strategies for Record-setting Waste Reduction	09/01/98	N	N			EPA530-F-98-023
168	SW-450	Greenhouse Gas Emissions from Management of Selected Materials in Municipal Solid Waste	09/01/98	N	N		122	EPA530-R-98-013
169	SW255	Letter Addressing General Principles that Govern APPLICATION OF RCRA TO CONTAMINATED SOIL	08/21/98	N	N	63 FR 28517	34	
170	SW230	Regulatory Status of Used Parts Washing Solvent	08/21/98	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
171	SW231	Effects of Land Disposal Restrictions Phase IV Treatment Standards on Manufactured Gas Plant Site Cleanups	08/21/98	N	N	None	31	
172	FFRRO34	Interim Final Policy on the use of Risk-Based Methodologies in Setting Priorities for Cleanup Actions at Federal Facilities	08/21/98	N	N		10	
173	SW229	Used Oil-Fired Space Heaters As Utility Boilers	08/20/98	N	N	None	4	
174	SW818	Delisting of iron plating process	08/16/98	N	N	260.20,260.	4	
175	CEPP-34	Hazards of Ammonia Releases at Ammonia Refrigeration Facilities	08/15/98	N	N	CERCLA 104;CAA 112(r)	6	
176	SW227	Clarification Regarding use of SW-846 Methods	08/07/98	N	N	None	20	
177	SW226	Interpretation Regarding the Transfer of Drums Among Transportation Vehicles at Transfer Facilities	08/07/98	N	N	None	2	
178	SW-444	Guidance on Collection of Emissions Data to Support Site-specific Risk Assessments at Hazardous Waste Combustion Facilities; Peer Review Draft, (Hazardous Waste Combustion Unit Permitting Manual)	08/01/98	N	N		83	EPA530-d-98-002
179	SW243	Determination of Equivalent Treatment to US Department of Energy	07/27/98	N	Y	268	6	Approval of request for determination of equivalent treatment pursuant to 268.42(b). This is site-specific variance, thus not covered under CRA
180	SW225	Request for Determination of Equivalent Treatment for Mercury Contaminated Waste at Doe Facility	07/27/98	N	Y	None	8	Approval of request for determination of equivalent treatment ppursuant to 268.42(b). This is a site-specific variance, thu not covered under CRA

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
181	SW89	Citizen concerns regarding proposed landfill	07/21/98	N	N	N/A	2	
182	SW224	Universal Waste Rule-Enforcement Issues and Addition of State-Only Universal Wastes	07/20/98	N	N	None	2	
183	SW221	Economically Significant Amounts of Precious Metals	07/15/98	N	N	None	4	
184	SW222	Letter Addressing Scope of the Exclusion from the Definition of Solid Waste for Characteristic By-Products being Reclaimed	07/15/98	N	N	None	2	
185	SW223	Letter Addressing Spent Methyl Bromide Activated Carbon is Not U029	07/15/98	N	N	None	2	
186	CEPP-28	General Guidance for Risk management Programs	07/01/98	N	N		203	
187	CEPP-29	EPA's Risk Management Program; How Does it Affect Chemical Distributors?	07/01/98	N	N		1	
188	CEPP-30	EPA's Risk Management Program; How Does it Affect POTWs?	07/01/98	N	N		1	
189	CEPP-31	EPA's Risk Management Program; How Does it Affect Chemical Warehouse?	07/01/98	N	N		1	
190	CEPP-32	EPA's Risk Management Program; How Does it Affect Operations of Water Treatment Systems?	07/01/98	N	N		1	
191	CEPP-33	EPA's Risk Management Program; How Does it Affect Propane Retailers and Users?	07/01/98	N	N		1	
192	SW-445	Summary of RCRA Organic Air Emission Standards for TSDFs and Generators	07/01/98	N	N		7	EPA530-F-98-011

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
193	SW220	National Policy for Hazardous Waste Delistings	07/01/98	N	N	None	4	
194	FFRRO67	HANFORD: A Cleaner Future	07/01/98	N	N		4	
195	FFRRO70	Early Transfer Authority Guidance	07/01/98	N	N		4	
196	FFRRO11	Joint DOE interim policy statement on leasing under the "Hall Amendment"	06/30/98	N	N		18	
197	SW218	Clarification of the Regulatory Status of Wastes Generated at the Unocal/Molycorp Mountain Pass Rare Earth Facility	06/19/98	N	N	None	2	
198	FFRRO10	Guidance to Regions Addressing Transfer of Federal Property by Deed Before All Necessary Remedial Action Has Been Taken	06/16/98	N	N		11	
199	SW217	Clarification of the Distinction Between Thermal Desorbers and Incinerators	06/12/98	N	N	None	4	
200	SW216	Letter Addressing Applicability of the Processed Scrap Metal Exclusion to Used Oil Filters	06/11/98	N	N	None	2	
201	SW214	Letter Addressing Regulatory Status of Spent Metal Fuel Filters Under RCRA	06/03/98	N	N	None	2	
202	SW212	Letter Addressing Applicability of Exclusion from the Definition of Solid Waste for Processed Scrap Metal to Used Oil Filters	06/02/98	N	N	None	4	
203	SW213	Letter Addressing Maximum Achievable Control Technology (MACT) Regulations	06/02/98	N	N	None	3	
204	SW76	1999 Biennial Report Cycle, RCRA Data Training	06/01/98	N	N		1	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
205	SW210	Management of Emission Control Dust From Electric ARC Furnaces in Baghouse Silos	06/01/98	N	N	None	2	
206	SW211	Letter Addressing Comparable Fuels Exclusion	06/01/98	N	N	None	2	
207	CEPP-27	Regulatory Reinvention Proposed EPCRA Sections 302-312 Revisions	05/30/98	N	N	EPCRA 302-312	2	
208	FFRRO30	Letter to Mr. Gene Schmitt RE: Accelerating Cleanup Paths to Closure (Plan)	05/21/98	N	N		8	
209	SW209	Notice of Intent to Reform Implementation of CRA-Related Monitoring and Notice of Availability for Preliminary Update IVA of SW-846 ("Test Methods for Evaluating Solid Waste Physical/Chemical Methods")	05/21/98	N	N	None	3	
210	SW208	Letter Addressing Provisional Elimination of FO32 Waste Code	05/19/98	N	N	None	3	
211	CEPP-25	Plan-in-hand Training -- Propane	05/08/98	N	N		86	
212	CEPP-26	Plan-in-hand Training -- Chlorine	05/08/98	N	N		86	
213	SW17	SW-846 DRAFT UPDATE IVA	05/08/98	N	N	None		
214	SW24	Notice of Intent to Reform Implementation of RCRA-Related Methods	05/08/98	N	N	63 FR 25430	9	
215	CEPP-24	Alloys and EPCRA section 311/312 Mixtures Reporting	05/01/98	N	N	EPCRA 370.21,370.	1	See EPCRA Questions and Answers (all are highlighted)
216	SW63	Letter to American Wood Preservers Institute Addressing the 1997 Biennial Report System	04/27/98	N	N		2	
217	FFRRO32	Letter to Mr. Lenny Seigel (CPEO) Re: "Technology Tree" Project.	04/27/98	N	N		1	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legality	FR Cite	No. of Pages	Comments
218	SW207	Reporting Wastewaters Managed in RCRA-Exempt Units on the 1997 Hazardous Waste Report	04/27/98	N	N	None	5	
219	SW206	Additional Source Material Pertaining to Update for the National Capacity Assessment Pursuant to CERCLA	04/24/98	N	N	None	1	
220	SW205	Withdrawal of Cyanide and Sulfide Guidance	04/21/98	N	N	None	10	
221	SW204	Letter Addressing Suggested Change to Temporary Authorization Language	04/16/98	N	N	None	3	
222	SW802	Status of Sludge Storage Tanks	04/15/98	N	N	260.10 261.6(c)	3	
223	SW802	Status of Sludge Storage Tanks	04/15/98	N	N	260.10 261.6 (c)	3	
224	FFRRO31	Interagency Data Quality Task Force	04/13/98	N	N		2	
225	CEPP-23	Summary of Modifications to the List of Regulated Substances	04/12/98	N	N	CAA 112(r)	2	
226	SW203	Interpretation of Wastewater Treatment Unit Exemption	04/09/98	N	N	None	5	
227	SW200	Use of CAS Numbers as Hazardous Waste Identification Aid	04/06/98	N	N	None	11	
228	SW201	Interactive of Speculative accumulation and Generator Accumulation	04/06/98	N	N	None	2	
229	CEPP-22	Closed Facilities and Hazardous Chemical Inventory Reporting	04/01/98	N	N	EPCRA 370.20(b)(2)	1	See EPCRA Questions and Answers (all are highlighted)
230	SW-440	An Analysis of Composting as an Environmental Remediation Technology	04/01/98	N	N		115	EPA530-R-98-008

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
231	SW199	Clarification Related to Regulation of Mixtures of used Oil and Diesel Fuel	03/27/98	N	N	None	1	
232	SW303	Letter Clarifying EPA's Position on Issue of Designated Facility	03/27/98	N	N	260.10 270.1(c)	4	
233	SW198	Letter Clarifying the Term Designated Facility as it Relates to Wastewater Treatment Units	03/26/98	N	N	None	6	
234		Guidance for Implementing Superfund Reform Initiative 9a: Risk Sharing--TIO 1	03/24/98	N	N	None	7	
235	SW196	Risk-Based Clean Closure	03/16/98	N	N	None	6	
236	CEPP-21	CAMEO Computer-Aided management of Emergency Operations Factsheet	03/13/98	N	N	EPCRA 370.20(b)(2	2	
237	SW304	Letter Addressing Clarification of Requirements for TSDs Receiving Off-Site Waste	03/12/98	N	N	264.12(b)	2	
238	SW195	Letter Clarifying the Alternative Debris Treatment Standards	03/06/98	N	N	None	2	
239	CEPP-20	EPA CHEMICAL ACCIDENT INVESTIGATION REPORT	03/01/98	N	N	Cercla 104 CAA 112(r)	46	
240	FFRRO9	Transmittal of Compendium of Federal Facilities Cleanup Management Information	02/27/98	N	N		4	
241	SW193	Letter Addressing Applicability of RCRA to Oil and Gas Exploration and Production Wastes	02/23/98	N	N	None	2	
242	CEPP-19	EPA'S Role in Counter-Terrorism Activities	02/13/98	N	N	EPCRA 311	2	
243	SW192	Clarification of the Regulatory Status of Agglomerated Drosses	02/13/98	N	N	None		

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
244	SW191	Characterization of Nitrocellulose Filter Fabric Waste	02/11/98	N	N	None	3	
245	SW190	Disposal Capacity in the United States for Certain Hazardous Wastes Including Dioxin Bearing Wastes	02/09/98	N	N	None	4	
246	SW305	Status of Waste Management Units in Containment Buildings	02/06/98	N	N	264 (Subpart DD)	2	
247	FFRRO29	Documented Savings using Field Analytical Technologies	01/28/98	N	N		37	
248	SW188	Used Oil Recycling	01/15/98	N	N	None	1	
249	SW186	Letter Addressing Classification of Spilled Toluene as U220 Hazardous Waste	01/06/98	N	N	None	6	
250	SW298	Status of Carbon Regeneration Units	01/05/98	N	N	260.10 264(Subpar	4	
251	SW-430	RCRA in Focus: Printing	01/01/98	N	N		12	EPA530-K-97-007
252	SW-443	RCRA en Foco: Imprenta (Spanish version of SW-430)	01/01/98	N	N		13	EPA530-K-97-007S
253	FFRRO61	Environmental Successes at BRAC Installations (13 reports/4pgs.each)	01/01/98	N	N		13	
254	SW185	Letter Addressing Clarification on use of Waste Heating Value	12/19/97	N	N	None	2	
255	SW184	Letter Addressing Clarification of the Alternative Treatment Standards for Hazardous Debris	12/11/97	N	N	None	2	
256	CEPP-18	EXPLOSION HAZARD FROM AMMONIUM NITRATE	12/01/97	N	N	Cerla 104 CAA 112(r)	5	
257	SW-434	WasteWise Update (Issue #8)Closing the Loop	12/01/97	N	N		12	EPA530-N-97-008
258	SW-441	Test Methods for Evaluating Solid Waste: Physical/Chemical Methods; Third Edition; Final Update III (CD-ROM)	12/01/97	N	N			Compainion to test methods (SW-846) for evaluating SW physical and chemical methods

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
259	SW183	Site-Specific Flexibility Requests for Municipal Solid Waste Landfills in Indian Country	12/01/97	N	N	None	3	
260	SW182	Regulatory Status of Ethylene Glycol	11/20/97	N	N	None	2	
261	FFRRO27	Draft Interim Final OSWER Monitored Natural Attenuation Policy (OSWER Directive 9200.4-17)	11/18/97	N	N		4	
262	SW181	Use of Emulsifiers When Rending Hazardous Waste Containers Empty	11/13/97	N	N	None	2	
263	FFRRO08	Lead Regulatory Policy for Cleanup Activities at Federal Facilities on the National Priorities List	11/06/97	N	N		11	
264	SW77	1997 Biennial Report Changes, Data System Training	11/01/97	N	N		4	
265	SW-418	Source Reduction Program Potential: A Planning Packet	11/01/97	N	N		36	EPA530-R-97-001
266	SW-431	Explanation of Implementation of the Mercury-containing and Rechargeable Battery Management Act	11/01/97	N	N		19	EPA530-K-97-009
267	SW180	Letter Addressing Implementation of the Mercury Containing and Rechargeable Battery Management Act	10/31/97	N	N	None	4	
268	SW176	Questions Regarding Hazardous Waste Debris	10/03/97	N	N	None	4	
269	CEPP-17	EPA/OSHA Joint Chemical Accident Investigation Report	10/01/97	N	N	CERCLA 104; CAA (129r)	58	
270	SW-424	Innovative Uses of Compost: Disease Control for Plants and Animals	10/01/97	N	N		4	EPA530-F-97-043

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
271	SW-427	Compost-New Applications for an Age-old Technology (Kit Folder)	10/01/97	N	N		4	EPA530-F-97-427
272	SW175	Letter Addressing Reexamination of Proposed Exclusion for Oil-Bearing Residuals	10/01/97	N	N	None	4	
273	SW174	Letter Addressing Management Standards for Used Oil Contaminated with Polychlorinated Biphenyls	09/25/97	N	N	None	7	
274	SW173	Letter Addressing Clarification of Mixture Rule for Oil and Gas Exploration and Production Wastes	09/25/97	N	N	None	4	
275	SW172	Letter Addressing Definition of End of Operating Day for MSWLFS	09/18/97	N	N	None	3	
276	SW75	Dear Colleague Letter Re: 1997 Biennial Report	09/16/97	N	N		2	
277	SW171	Clarification of Various LDR Paperwork Requirements	09/08/97	N	N	None	8	
278	SW170	Letter Addressing Status of Washwaters from Barge Cleaning Operations	09/04/97	N	N	None	2	
279	SW169	Hazardous Waste Listing Determination For Organobromine Production Wastes	09/03/97	N	N	None	6	
280	CEPP 15	1997 Annual Letter from CEPPO to SERCs	09/01/97	N	N	EPCRA 355	4	
281	CEPP-16	SHAFT BLOWOUT HAZARD OF CHECK AND BUTTERFLY VALVES	09/01/97	N	N		4	
282	SW-402	El Procesco de Permisos para Instalaciones de Residuos Peligrosos (Spanish version of SW-414)	09/01/97	N	N		4	EPA 530-F-96-007S

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
283	SW-421	Identifying Your Waste: The Starting Point (brochure)	09/01/97	N	N		4	EPA530-F-97-029
284	SW-437	Measuring Recycling: A Guide for State and Local Governments	09/01/97	N	N		150	EPA530-r-97-0001
285	SW-442	Identificando su Residuo; El Punto de partida (Spanish version of SW-421)	09/01/97	N	N			EPA530-F-97-029S
286	SW167	Letter Addressing Clarification on the RCRA Permitting Status and Solid Waste Management Unit (SWMU) Designation of Stormwater Retention Ponds	08/27/97	N	N	None	2	
287	FFRRO25	Letter to Hon. John P. White DOD re Lead-Based Paint Contamination in soils.	08/15/97	N	N		6	
288	SW296	Determination of Device for Abrasive Waste	08/15/97	N	N	262.34	2	
289	SW297	Request for Clarification of term Designated Facility	08/15/97	N	N	260.10 261.6(c)(2)	2	
290	SW164	Letter Addressing Regulatory Status of Uses Nickel Catalyst	08/14/97	N	N	None	2	
291	SW317	Letter to Paul G. Wallach Addressing Recycling Provisions	08/14/97	N	N	261	2	
292	SW163	Applicability of Household Hazardous Waste Exclusion to Natural Gas Regulators Containing Mercury	08/13/97	N	N	None	2	
293	SW162	Use of Industrial Wastes to Produce Fertilizers	08/12/97	N	N	None	2	
294	SW294	Guidelines for State Adoption of Federal RCRA Regulations by Reference	08/11/97	N	N	271	31	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
295	SW159	Letter Addressing Clarification of Regulatory Status of Whole Circuit Boards	08/08/97	N	N	None	2	
296	SW4	Letter Addressing Clarification Regarding Use of SW-846 Methods	08/07/97	N	N	None	13	
297	SW19	MEMO: Effective Date Of Update III To SW-846 Methods	08/01/97	N	N	N	2	
298	FFRRO24	Draft report "Streamlining Initiatives: Impact on the Federal Facilities Cleanup Process."	08/01/97	N	N		121	
299	SW-432	WasteWise Update (Issue#7)Donation Programs: Turning Trash into Treasures	08/01/97	N	N		12	EPA530-N-97-005
300	SW-438	Site-Specific Flexibility Requests for Municipal Solid Waste Landfills in Indian Country, Draft Guidance	08/01/97	N	N		28	EPA530-R-97-016
301	SW158	Effective Date of Update III to SW-846	08/01/97	N	N	None	2	
302	SW157	Letter Addressing Alternative Approaches for Managing Spent Mercury-Containing Lamps	07/31/97	N	N	None	2	
303	SW155	Letter Addressing Regulatory Status of Vitrification Processes for Spent Aluminum Potliner	07/30/97	N	N	None	2	
304	SW156	Response to Questions from California Department of Toxic Substances Control Regarding Various Issues on the Combustion of Hazardous Waste	07/30/97	N	N	None	4	
305	SW154	Letter Addressing Regulation of Equipment used to Convey Solvents	07/29/97	N	N	None	2	
306	SW153	Incorporation of Pretox 2000 into Leaded Paint Stripper	07/25/97	N	N	None	3	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
307	SW151	Letter Addressing Regulatory Determination on the Status of Certain Manufacturing Wastes.	07/24/97	N	N	None	9	
308	SW152	Letter Addressing Effective date of update III to SW-846	07/24/97	N	N	None	2	
309	SW150	Independent Third Party Audits of Boiler and Industrial Furnace Trial Burns	07/21/97	N	N	None	4	
310	SW149	Manifest Exemption for Shipments Between Sites on Certain Contiguous Properties	07/14/97	N	N	SW149	2	
311	FFRRO26	Response to Carol Browner Letter from Mr. White (DOD) on Lead-Based Paint	07/11/97	N	N		3	
312	SW147	Letter Addressing Clarification of Subpart CC Standards	07/09/97	N	N	None	3	
313	FFRO23	Response to Robert Taylor DOD with info concerning the Air Force Base Conservation Agency's 18 month statutory deadline.	07/02/97	N	N		6	
314	SW64	WIN/INFORMED: Planning for the Future	07/01/97	N	N	None	1	
315	SW-419	Landfill Reclamation	07/01/97	N	N		4	EPA530-F-97-001
316	SW-420	Geosynthetic Clay Liners Used in Municipal Solid Waste Landfills	07/01/97	N	N		8	EPA530-F-97-002
317	SW314	Notice of Availability of Waste Minimization Software and Documents	06/23/97	N	N	62 FR 33868	6	
318	FFRRO22	Response to OIG Final Audit Report E1SKB6-09-0041-7100132: Laboratory Data Quality at Federal Facility Superfund Sites	06/20/97	N	N		9	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
319	CEPP-14	Final Report of the Electronic Submission Workgroup to the Accident Prevention Subcommittee of the Clean Air Act Advisory committee	06/16/97	N	N		15	
320	FFRRO7	Final Guidance on Improving Communication to Achieve Collaborative Decision-Making at DOE Sites	06/16/97	N	N			
321	FFRRO21	Transmittal of the Policy Towards Landowners and Transferees of Federal Facilities	06/13/97	N	N		10	
322	FFRRO20	Letter to Clarence Smith, Chair, ASTSWMO, re the USEPA's draft "Early Property Transfer Procedure."	06/11/97	N	N		4	
323	SWI45	Interpretation of the Annual Training Requirements	06/10/97	N	N	None	4	
324	SWI44	Interpretation of Use Constituting Disposal Provisions it Applies to Zinc Micronutrients in Fertilizer	06/09/97	N	N	None	3	
325	SWI43	Letter Addressing REGULATORY STATUS OF SOLVENT RECOVERY UNITS	06/03/97	N	N	None	2	
326	SWI42	Letter Addressing TWO-YEAR CAPACITY VARIANCE FOR SOILS CONTAMINATED WITH WOOD PRESERVING WASTES	06/02/97	N	N	None	2	
327	CEPP-13	LIST OF SUBSTANCES FOR ACCIDENTAL RELEASE PREVENTION CLEAN AIR ACT SECTION 112(r) factsheet	06/01/97	N	N		2	
328	FFRRO19	Catalog of Materials on Federal Facilities Restoration and Reuse	06/01/97	N	N		33	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
329	FFRRO06	Filling the Pieces together: the role of EPA offices in Federal Facilities Cleanup and Reuse	05/01/97	N	N		19	
330	SW138	Letter Addressing REGULATORY STATUS OF BURNING SULFUR CONTAINING SECONDARY MATERIAL TO PRODUCE VIRGIN SULFURIC ACID	05/23/97	N	N	None	2	
331	SW139	Letter Addressing REQUEST FOR OPINION REGARDING CARBAMATE WASTE GENERATED BY CYTEC INDUSTRIES INC.	05/23/97	N	N	None	2	
332	SW137	HOW IGNITABLE SOLIDS AND SOLVENT CONTAMINATED RAGS OR SHOP TOWELS FIT INTO D001 CHARACTERISTIC OF IGNITABILITY	05/22/97	N	N	None	4	
333	FFRRO18	Response to Request for Assistance with the DOI at the Lee Acres Landfill Superfund Site	05/21/97	N	N		1	
334	SW136	SUSPENSION OF RCRA PERMITTING AT COMMERCIAL MIXED WASTE FACILITIES	05/21/97	N	N	None	4	
335	SW141	TRANSPORTATION OF LEAD-ACID BATTERY COMPONENTS THAT ARE SHIPPED OFF-SITE FOR RECLAMATION	05/21/97	N	N	None	3	
336	SW134	CLARIFICATION OF REACTIVITY CHARACTERISTIC AS IT PERTAINS TO AEROSOL CANS	05/19/97	N	N		1	
337	SW135	Letter Addressing RULES FOR DISPOSAL OF DISCARDED CONCRETE ON LAND	05/19/97	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
338	FFRRO17	FERRO Speaker's Kit	05/16/97	N	N		1	
339	SWI33	COLLECTION AND RECYCLING OF HOUSEHOLD BATTERIES	05/16/97	N	N		4	
340	SWI65	Letter Addressing Regulatory Status of Metal-Bearing Secondary Materials Reclaimed for use in Commercial Fertilizers	05/15/97	N	N	None	5	
341	SWI31	Letter Addressing REGULATORY STATUS OF IRON AND STEEL SLAGS AND GYPSUM	05/13/97	N	N		2	
342	SWI32	Letter Addressing LABEL REQUIREMENTS FOR UNIVERSAL WASTE BATTERIES	05/13/97	N	N		2	
343	SWI30	Letter Addressing DISPOSAL OF FROZEN STRAWBERRIES CONTAINATED WITH HEPATITIS A VIRUS	05/12/97	N	N		2	
344	CEPP-9	Catastrophic Failure of Storage tanks	05/10/97	N	N	CERCLA 104; CAA 112(r)	6	
345	CEPP-10	Lightning Hazard to Facilities handling Flammable Substances	05/10/97	N	N	Cercla 104 CAA 112(r)	5	
346	CEPP-11	FIRE HAZARD FROM CARBON ADSORPTION DEODORIZING SYSTEMS	05/10/97	N	N	cercla 104 caa 112(r)	3	
347	CEPP-12	RUPTURE HAZARD OF PRESSURE VESSELS	05/10/97	N	N	Cercla 104 CAA 112(r)	6	
348	SWI93	Memo from Sue Slotnick to Record of Telephone Call Discussing Phase III LDR Rule	05/07/97	N	N		1	
349	SWI28	MACT IMPLEMENTATION PROJECT (MIP'S) DRAFT COMPLIANCE PLAN	05/02/97	N	N		5	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
350	SW-428	Sensitive Environments and the Siting of Hazardous Waste Management Facilities	05/01/97	N	N		21	EPA530-K-97-003
351	SW-429	Medio Ambientes Delicados y la Ubicacion de Instalaciones pra Manejo de Residuo Peligrosos	05/01/97	N	N		21	EPA530-K-97-003S
352	SW-435	Best Management Practices(BMPs) for Soil Treatment Technologies; Suggested Operational Guidelines to Prevent Cross-Media Transfer of Contaminants during Clean-up Activities	05/01/97	N	N		134	EPA530-R-97-007
353	SW127	Letter Addressing LDR NOTIFICATION REQUIREMENTS FOR WASTEWATERS AND SLUDGES	05/01/97	N	N		5	
354	FFRRO68	Federal Facilities Restoration and Reuse Office Speaker's Kit (Large Notebook)	05/01/97	N	N		200	
355	SW126	INTERPRETATION OF THE LETTER OF CREDIT REQUIREMENTS FOR LIABILITY COVERAGE	04/30/97	N	N		2	
356	SW295	Letter Addressing Clarification of Military Munitions Rule	04/29/97	N	N	266.200		
357	SW125	Letter Addressing CLARIFICATION ON USE OF FATE AND TRANSPORT MODELING DURING RCRA CLOSURE AND PUBLIC PARTICIPATION DURING RCRA CORRECTIVE ACTION	04/17/97	N	N		5	
358	SW124	PAINT RECYCLING	04/11/97	N	N		5	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
359	SW121	REPROPOSAL OF HWIR WASTE RULE AND COMMERCIAL MIXED WASTES	04/07/97	N	N		2	
360	SW122	ISSUANCE OF FINAL HWIR-MEDIA RULE	04/07/97	N	N		2	
361	SW123	VACATED DITHIOCCARBAMATE LISTING - CERCLA SECTION 103(A) STATUS	04/07/97	N	N		3	
362	SW815	Reproposal of HWIR Waste Rule and Commercial Mixed Waste	04/07/97	N	N		2	
363	SW120	CONCRETE LINERS AS SECONDARY CONTAINMENT STRUCTURES IN HAZARDOUS WASTE TANK SYSTEMS	04/04/97	N	N		3	
364	SW119	ATON BATTERIES AS DEBRIS	04/03/97	N	N		2	
365	FFRRO60	Innovative Solutions Save Time and Money	04/01/97	N	N		2	
366	SW118	DETERMINATION OF EQUIVALENT TREATMENT FOR CONTAMINATED MEDIA AND DEBRIS	03/28/97	N	N		5	Approval of request for determination of equivalent treatment pursuant to 268.42(b)
367	FFRRO16	Military Base Closures: Revised Guidance on EPA Concurrence in the Identification of Uncontaminated Parcels under CERCLA Section 120(h)(4)	03/27/97	N	N		9	
368	SW117	Letter Addressing APPLICABILITY OF SUBPART CC AIR EMISSION REGULATIONS	03/27/97	N	N		4	
369	SW114	Letter Addressing STATUS OF THE RECYCLING AMENDMENTS IN THE LISTING DETERMIANTION FOR PETROLUM REFINING PROCESS WASTES	03/25/97	N	N		2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
370	SW116	Letter Addressing APPLICABILITY OF LAND DISPOSAL RESTRICTIONS TO TANK-BASED WASTEWATER TREATMENT SYSTEMS	03/25/97	N	N		2	
371	SW113	Letter Addressing REGULATORY STATUS OF RECLAMATION AND RECLAIMED MATERIALS	03/21/97	N	N		2	
372	sw112	Letter Addressing APPLICABILITY OF LDR TO LAND TREAMENT OF HAZARDOUS WASTE	03/20/97	N	N		2	
373	SW111	Letter Addressing REGULATORY STATUS OF LEAD SHOT	03/17/97	N	N		5	
374	SW110	Letter Addressing RCRA APPLICABILITY TO PAINT REMOVAL WASTES	03/12/97	N	N		2	
375	SW816	Letter to Rick J. Melchiori of Progressive Technologies, Inc. Addressing the Application of RCRA Regulations to Removal of Paint Using a Specific Technology	03/12/97	N	N	261,262.11	2	
376	SW109	REQUEST FOR ADMINISTRATIVE STAY OF TREATABILITY VARIANCE FOR HAZARDOUS WASTES GENERATED FROM CITGO PETROLEUM'S LAKE CHARLES REFINERY	03/11/97	N	N		2	Denial of petition for administrative stay of treat ability variance
377	SW108	Letter Addressing APPLICABILITY OF THE DOMESTIC SEWAGE EXCLUSION	03/10/97	N	N		5	
378	SW106	Letter to Regions Expressing APPROVAL FOR CONTINUATION OF RCRA HAZARDOUS WASTE REPORTING AND RECORD KEEPING	03/05/97	N	N		4	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
379		COORDINATION BETWEEN RCRA CORRECTIVE ACTION AND THE DECOMMISSIONING REQUIREMENTS OF THE NRC AT COMMERICAL NUCEAR PLANTS	03/05/97	N	N		2	
380	SW104	LETTER TO ENVIROSOURCE Addressing the Application of Universal Treatment Standards to Soil Contaminated with F Wastes	03/04/97	N	N		2	
381		MUNICIPAL SOLID WASTE LANDFILLS AND OTHER WASTE MANAGEMENT	03/04/97	N	N		4	
382	SW103	Obsolete Language in the Financial Test for Subtitle C Treatment Storage and Disposal Facilities	02/27/97	N	N		2	
383	SW102	Letter Addressing RCRA Groundwater Monitoring Regulations	02/26/97	N	N		3	
384	SW98	Universal Waste Questions and Answers Document	02/13/97	N	N		10	
385	SW97	Letter Addressing Achieving Deactivation Treatment Standard Through Solidification	02/11/97	N	N		2	
386	SW95	Letter Addressing Applicability of Used Oil Management Standards to Vegetable Oil and Animal Oil	02/07/97	N	N		1	
387	FFRRO69	Presumptive Remedy Guidance for Military Landfills	01/29/97	N	N		3	
388	SW90	Potential Changes to RCRA and the Regulation Remediation Wastes	01/27/97	N	N		2	
389	SW88	Letter Addressing Regulatory Status of Ion Exchange Resin Waste	01/21/97	N	N		4	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
390	SW87	Use of Corrective Action Advance Notice of Proposed Rulemaking as Guidance	01/17/97	N	N		4	
391	SW86	Use of Site-Specific Land Disposal Restriction Treatability Variances Under 40 CFR 268.44(H) During Cleanups	01/08/97	N	N		9	
392	FFRRO28	Taking the Bureaucracy out of Cleanup for Faster, More Cost-Effective Results.	01/01/97	N	N		14	
393	SW83	Classification of Solvents Added	12/24/96	N	N		8	
394	SW82	Letter Discussing Whether Sludge from Lime Treatment of A Mixture of K062 and Characteristic Hazardous Waste Qualifies for the LSWPLS Exclusion	12/23/96	N	N		1	
395	SW81	Import of Coal Ash Byproduct into the United States	12/11/96	N	N		6	
396	SW79	Determination of Equivalent Treatment for High TOC D001 Wastewaters	12/09/96	N	Y		8	Approval of request for determination of equivalent treatment pursuant to 268.42(b). This is a site-specific variance, thus not subject to CRA
397	SW78	Implementation of RCRA Subpart CC Standards	12/05/96	N	N		2	
398	SW-415	Waste Minimization for Selected Residuals in the Petroleum Refining Industry	12/01/96	N	N		59	EPA530-R-96-009
399	CEPP-8	Memorandum of Understanding Between USEPA and US Dept. of Labor Addressing Chemical Accident Investigation	11/29/96	N	N	CERCLA	19	
400	SW73	Letter Addressing Applicability of 40 CFR Part 279 to On-Specification Used Oil	11/27/96	N	N	279.11,279.	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
401	SW74	Letter Addressing Permitting and Land Disposal Requirements for Management of Contaminated Soil Which is Hazardous or Contains Hazardous Waste	11/27/96	N	N		4	
402	SW278	Determination of Equivalent Treatment to US Department of Energy, Rocky Flats	11/27/96	N	Y	268	11	This is a site-specific variance; not subject to CRA
403	SW72	Use of Aluminum Cap Liners Instead of Teflon for Soil Sample Containers	11/26/96	N	N	None	2	
404	SW71	Letter Addressing Mercury Containing and Rechareable Battery Management Act	11/25/96	N	N		2	
405	SW70	Letter Addressing Hazardous Waste Container Storage Requirements	11/20/96	N	N		2	
406	SW69	Letter Addressing Regulatory Status of Used Oil Mixtures	11/18/96	N	N		2	
407	SW68	Letter Addressing Definition of Solid Waste Issues related to Cleanup of Culpeper Wood Processing Facility	11/13/96	N	N		3	
408	SW67	Use of Automated Information Technolgies in the Hazardous Waste Manifest System	11/12/96	N	N		7	
409	SW66	Letter Addressing Regulatory Status of Chopline Residue	11/07/96	N	N		2	
410	SW60	Purpose of Best Demonstrated Available Technology (BDAT)	11/01/96	N	N	None	2	
411	SW65	Determination of Equivalent Treatment Under 268.42(b)	11/01/96	N	Y		3	Approval of request for determination of equivalent treatment pursuant to 268.42(b). This is site-specific variance; not subject to CRA
412	FFRRO12	Concurrence of Administrator in the Transfer of a Portion of Joliet Army Ammunition Plant to the Dept. of Agriculture	11/01/96	N	N		2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
413	SW400	Managing Used Oil: Advice for Small Businesses	11/01/96	N	N		4	EPA 530-F-96-004
414	SW401	Manejando Aceite Usado: Consejos para Empresas Pequenas(Spanish version of SW-400)	11/01/96	N	N		4	EPA 530-F-96-004S
415	SW226	Determination of Equivalent Treatment to Intercontinental Terminals Company	11/01/96	N	Y	None	5	Approves request for determination of equivalent treatment pursuant to 268.42(b). Site-specific variance, thus not subject to CRA
416	SW58	Clarification on the Use of a Passive Multi-level Ground Water Sampling Device	10/30/96	N	N	None	3	
417	SW57	Letter Addressing Regulatory Status of Residues from Light-Weight Aggregate Kilns	10/28/96	N	N	None	2	
418	SW56	Letter Addressing Regulatory Status under RCRA of Copper Etchants	10/24/96	N	N	None	3	
419	SW54	Johnston Atoll Chemical Agent Disposal System (JACADS) Risk Related Issues	10/02/96	N	N		6	
420	SW52	Letter Addressing Exemption for Lime Stabilized Pickle Liquor Sludge Generated by the Iron & Steel Industry	10/01/96	N	N		3	
421	SW51	Letter Addressing Proposed Maximum Achievable Control Technology (MACT) Standards for Hazardous Waste Combustors	09/30/96	N	N		3	
422	SW49	Coordination Between RCRA Corrective Action and Closure and CERCLA Site Activities	09/24/96	N	N	None	9	
423	SW48	Letter Addressing Applicability of RCRA Regulations to Chemical Flocculation Units when Used to Treat Wash Water from Aircraft Engines	09/23/96	N	N	None	4	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
424	SW46	Options for Disposing of Lead Contaminated Soil Removed from Residential and Public Building Property	09/12/96	N	N	None	2	
425	SW91	Letter from EPA to Cement Kiln Recycling Coalition Addressing Data for Possible Regulation	09/03/96	N	N	None	3	
426	SW-403	Managing Food Scraps as Animal Feed (WasteWise Tip Sheet)	09/01/96	N	N		4	EPA 530-F-96-037
427	SW-404	Donating Surplus Food to the Needy(Waste-Wise Tip Sheet)	09/01/96	N	N		4	EPA 530-F-96-038
428	SW-406	It's Easy Being Green: A Guide to Planning and Conducting Environmentally Aware Meetings and Events	09/01/96	N	N		8	EPA 530-K-96-002
429		The Consumer's Handbook for Reducing Solid Waste	09/01/96	N	N		35	EPA 530-K096-003
430	SW-411	RCRA Public Participation Manual	09/01/96	N	N		160	EPA 530-R-96-007
431	SW-412	Manual de Participation de la RCRA(Spanish version of SW-411)	09/01/96	N	N		160	EPA 530-R-96-007S
432	SW-416	Financing Guide for Recycling Businesses: Investment Forums, Meetings, and Networks	09/01/96	N	N		74	EPA530-F-96-0039
433	SW-417	Pay-as-you-Throw Tool Kit	09/01/96	N	N		85	EPA530-R-96-013
434	FFRRO57	EPA Program Directory by Federal Facilities Booklet	09/01/96	N	N		6	
435	SW43	Letter Addressing Chemical Conversion of Aluminum and Whether Wastewater Treatment Sludge Generated is Considered an F019 Hazardous Waste	09/30/96	N	N		2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
436	SW41	Used Oil Management Standards to Materials Contaminated with Used Oil and Provide Little or No Energy when Burned	08/14/96	N	N		2	
437	CEPP-6	The Development and Use of Electronic Versions of EPCRA Section 312 Hazardous Chemical Inventory Reporting Forms	08/01/96	N	N	EPCRA 370.40; 370.411	1	See EPCRA Questions and Answers (all are highlighted)
438	FFRRO3	Guidance for Evaluation of Federal Agency Demonstrations that Remedial Actions are Operating Properly & Successfully under CERCLA Section 120(h)(3)	08/01/96	N	N		16	
439	SW-413	International Waste Minimization Approaches and Policies to Metal Plating	08/01/96	N	N		138	EPA530-R-96-008
440	SW39	Management and Disposal of Waste Vinyl Mini Blinds	07/12/96	N	N		5	
441	SW38	Letter Addressing Emergency Revision of the Land Disposal Restrictions (LDR) Phase III Treatment Standards for Listed Hazardous Wastes from Carbamate Production	07/11/96	N	N		5	
442	SW37	Letter Addressing Clarification of the Definition of Commercially Available Treatment Technology and Disposal Capacity Vis-a-Vis RCRA Section 3004(J)	07/05/96	N	N		1	
443	SW33	Letter Addressing Regulatory Status of Spent Lead-Acid Batteries Shipped to a Secondary Lead Smelter for Reclamation	05/19/96	N	N		2	
444	SW34	Letter Addressing Clarification of Two Sections of The Hazardous Waste Regulations: Waste Characterization in 40 CFR 262.11	05/19/96	N	N		2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
445	SW35	Letter Addressing Jurisdictional Status Under the RCRA of Certain Metal-Rich Sludges	06/19/96	N	N		2	
446	SW32	Letter Addressing RCRA Hazardous Waste Import Requirements	06/17/96	N	N		2	
447	SW31	Letter Addressing Status of Slags from the Processing of Lead Acid Batteries	06/14/96	N	N		2	
448	CEPP-5	The National Response Team's Integrated Contingency Plan Guidance Correction	06/13/96	Y	N		36	
449	SW30	Use of Waste Leather Trimmings in the Manufacture of Absorbed Materials	06/11/96	N	N		3	
450	SW28	Letter Addressing How Treating Filtration Media Comparable to Activated Carbon Would be Permitted under RCRA	06/10/96	N	N		2	
451	CEPP-4	The National Response Team's Integrated Contingency Plan Guidance Correction	06/05/96	Y	N	40 CFR part	23	
452	SW27	Letter Clarifying Requirements Involving the Counting of Wood Preserving Waters for Beennial Reporting	06/04/96	N	N		2	
453	SW-405	Making Solid (Waste) Decisions with Full Cost Accounting	06/01/96	N	N		12	EPA 530-K-96-001
454	SW-409	WasteWise Update(Issue #5)BGoing Paperless with Technology	06/01/96	N	N		12	EPA 530-N-96-007
455	SW-414	The Hazardous Waste Permitting Process	06/01/96	N	N		4	EPA530-F-96-007

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
456	SW23	Letter Addressing Status of Mixed Coal Products	05/30/96	N	N		3	
457	22	EPA's implementation of the hazardous waste minimazation and combustion strategy	05/23/96	N	N		10	
458	21	Idaho national engineering laboratory HEPA filter leach system	05/17/96	N	N	268.42	2	
459	20	Letter Addressing Applicability of omnibus authority and site specific risk assessments to waste and minimzation and combustion strategy	05/10/96	N	N	264.340	5	
460	CEPP-2	Risk Management Planning Accidental release Prevention Fianl Rule Clean Air Act sec. 112r factsheet	05/05/96	N	N	40 CFR part 68	4	
461	CEPP-3	Chemical Accident Prevention and the Clean Air Act Amendments of 1990 Factsheet	05/05/96	N	N		6	
462	CEPP-1	Notification Requirements for Transportation-Related Releases Under EPCRA Section 304	05/01/96	N	N	EPCRA 355.40(b)(4	1	See EPCRA Questions and Answers (all are highlighted)
463	SW12	Letter Addressing Revisions To The Municipal Solid Waste Landfill Criteria to Provide Flexibility to States With EPA-Approved Programs	05/01/96	N	N	None	3	
464	SW13	Interpretation Of Generator Requirements As Applied To Various On-Site and Off-Site Scenarios	05/01/96	N	N	None	9	
465	SW15	Regulations That Apply To Generators Who Accumulate Waste In Containers At Or Near The Point Of Generation	05/01/96	N	N	None	4	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
466	SW16	Resolution Of RCRA Issues Relating To The Wood Preserving Industry	05/01/96	N	N	None	2	
467		Initiatives to Promote Innovative Technology in Waste Management Programs	04/29/96	N	N	None	11	
468	SW11	Questions Regarding The Hazardous Waste Minimization and Combustion Strategy And The Hazardous Waste Minimization National Plan	04/25/96	N	N	None	5	
469	sw10	Performance And Safe Applicability of Cold-Mix Technologies And Bioremediation For Petroleum-Contaminated Sites	04/24/96	N	N	None	7	
470	SW8	Letter Addressing Use of Industrial Hazardous and Non-Hazardous Wastes as Feedstock fo A Catalytic Extraction Processing (CEP) Unit	04/12/96	N	N	None	3	
471	SW6	Letter Addressing Maximum Achievable Control Technology (MACT) Rulemaking for Hazardous Waste Combustors	04/10/96	N	N	None	2	
472	SW5	Letter Addressing Definition of Transporter	04/08/96	N	N	None	3	
473	SW3	Letter Addressing Ability of A Hazardous Waste Burning BIF to Spike Metals and Use of Test Data In Lieu of A Trail Burn	04/01/96	N	N	None	2	
474	FFRRO01	Final report of the Federal Facilities Environmental Restoration dialogue Committee	04/01/96	N	N		137	
475	SW1	Letter Addressing Clarification on the Development of the Military Munitions Rule	03/29/96	N	N		2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
476	SW2	Site-Specific Risk Assessments Under Hazardous Waste Combustion Strategy	03/29/96	N	N	None	2	
OW								
1	OW/OWOW-40	Special Emphasis Given to Coral Reef Protection under the Clean Water Act, Marine Protetion, Research, and Sanctuaries Act, Rivers and Harbors Act, and Federal Proejct Authorities	11/03/99	N	N	None	5	
2	OW/OGWDW-40	Concurrence on the Classification of Wells in an In-Situ Nacholite Leaching Facility in Colorado-AmerAlia, Inc.	10/05/99	N	N	None	2	
3	OW/OWM-31	Guidance Manual for the Control of Wastes Hauled to Publicly Owned Treatment Works	09/01/99	N	N	None	95	
4	OW/OWOW-35	Memorandum of Understanding Among the U.S. Under Office of Surface Mining, U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, and West Virginia Division of Environmental Protetion for the Purpose of Clarifying the Application of Regulations Related to Stream Buffer Zones Under the Surface	08/09/99	N	N	None	5	
5	OW/OWM-38	Final Guidance on Awards of Grants to Indian Tribes Under Section 106 of the Clean Water Act for Fiscal Year 2000 and Future Years	08/02/99	N	N	None	28	
6	OW/OGWDW-12	Microbial and Disinfection Byproducts Rule-Simultaneous Compliance Guidance Manual	08/01/99	N	N	None	146	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
7	OW/OGWDW-20	State Implementation Guidance for the Consumer Confidence Report (CCR) Rule	08/01/99	N	N	None	178	
8	OW/OGWDW-1	Disinfection Profiling and Benchmarking Guidance Manual	08/01/99	N	N	None	175	
9	OW/OGWDW-23	Unregulated Contaimnant Monitoring Regulation and Analytical Methods and Quality Control Manual	08/01/99	N	N	None	77	
10	OW/OWM-15	Toxicity Reduction Evaluation Guidance for Municipal Wastewater Treatment Plants	08/01/99	N	N	None	172	
11	OW/OWM-35	Water Quality-Based and Technology-Based CSO Requirements (memo)	07/07/99	N	N	N	3	
12	OW/OWOW-10	Revision to Rapid Bioassessment Protocols for Use in Wadeable Streams and Rivers: Second Edition	07/01/99	N	N	None	320	
13	OW/OGWDW-29	Handbook for Capacity Development: Developing Water System Capacity Under the Safe Drinking Water Act as Amended in 1996	07/01/99	N	N	None	138	
14	OW/OWOW-33	Note to Regional Wetlands Coordinators providing follow-up to May 29, 1998, "Guidance for Corps and EPA Field Offices Regarding Clean Water Act Section 404 Jurisdiction Over Isolated Waters in Light of United States v. James J. Wilson	06/29/99	N	N	None	24	
15	OW/OWOW-38	Cover Memorandum and Wetland Program Development Grants - FY2000 Grant Guidance	05/18/99	Y	Y	None	14	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
16	OW/OST-23	Analytical Method Guidance for the Pharmaceutical Manufacturing Point Source Category	05/01/99	N	N	None	40	
17	OW/OWOW-34	Memorandum: Issuance of Final Rule Responding to National Mining Associaiton Decision	05/10/99	N	N	None	13	
18	OW/OGWDW-13	Notice of Availability of Funds for Source Water Protection	05/06/99	Y	Y	64 FR 24392	3	
19	OW/OWM-55	Policy Memo: Expeditious and Timely Use of SRF Funds	05/06/99	N	N		2	
20	OW/OGWDW-4	Enhanced Coagulation and Enhanced Precipitative Softening Guidance Manual	05/01/99	N	N	None	262	
21	OW/OGWDW-4	Enhanced Coagulation and Enhanced Precipitative Softening Guidance Manual	05/01/99	N	N	None	262	
22	OW/OWM-39	Revised Allotment Formulas for State and Interstate Monies Appropriated Under Section 106 of the Clean Water Act: Final Rule	04/29/99	Y	Y	None	10	
23	OW/OWOW-27	National Estuary Program FY 1999 Budget and Funding Guidance	04/08/99	Y	Y	None	8	
24	OW/OST-11	National Recommended Water Quality Criteria - Correction	04/01/99	N	N	None	25	
25	OW/OGWDW-6	Guidance Manual for Compliance with the Interim Enhanced Surface Water Treatment Rule: Turbidity Provisions	04/01/99	N	N	None	202	
26	OW/OGWDW-43	Alternative Disinfectants and Oxidants Guidance Manual	04/01/99	N	N	None	324	
27	OW/OGWDW-7	Guidance Manual for Conducting Sanitary Surveys of Public Water Systems: Surface Water and Ground Water Under the Direct Influence (GWUDI) of Surface Water	04/01/99	N	N	None	444	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
28	OW/OGWDW-22	Uncovered Finished Water Reservoirs Guidance Manual	04/01/99	N	N	None	86	
29	OW/OWM-27	Letter to: Honorable Jane Nishida regarding the responsibility contact growers	03/23/99	N	N	None	1	
30	OW/OWM-28	Unified National Strategy for Animal Feeding Operations	03/09/99	N	N	None	53	
31	OW/OST-24	Protocol for EPA Approval of Alternate Test Procedures for Organic and Inorganic Analytes in Wastewater and Drinking Water	03/01/99	N	N	None	61	
32	OW/OST-25	Protocol for EPA Approval of New Methods for Organic and Inorganic Analytes in Wastewater and Drinking Water	03/01/99	N	N	None	62	
33	OW/OGWDW-14	Preparing your Drinking Water Consumer Confidence Report-Guidance for Water Suppliers	03/01/99	N	N	None	34	
34	OW/OWM-54	Policy Memo: FY 1999 Appropriations Act Provisions on Adminitrative Fees Collected under the Clean Water State Revolving Fund Program	02/25/99	N	N	None	2	
35	OW/OWOW-31	Procedures to Elevate Issues from Regional Dredging Teams & Local Planning Groups to the National Dredging Team Guidance by the National Dredging Team	02/19/99	N	N	None	3	
36	OW/OGWDW-39	Memo of Approval of Data Sharing Committee Recommendations for Lead and Copper & Recommendations	02/17/99	Y	Y	None	42	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
37	OW/OGWDW-5	Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems; Notice	02/05/99	Y	Y	Notice FR 64 5916	6	
38	OW/OWM-32	Introduction to the National Pretreatment Program	02/01/99	N	N	None	128	
39	OW/OWM-53	Policy Memo: Expeditious and Timely Use Of SRF Funds	02/01/99	N	N		1	
40	OW/OWM-59	Award of Grants for Special Projects Authorized by this Agency's FY 1999 Appropriations Act	01/29/99	Y	Y	None	30	
41	OW/OWM-52	Policy Memo: State Revolving Fund Coordination with the 319 Grant program	01/20/99	N	N	None	2	
42	OW/OGWDW-41	Drinking Water State Revolving Fund (DWSRF) Program Policy Announcement: Eligibility of Reimbursement of incurred Costs for Approved Projets; Notice	01/12/99	Y	Y	FR 64 1802	3	
43	OW/OWOW-5	Process for Approval of Upgraded State and Territorial Nonpoint Source Management Programs and Formal Recognition of Enhanced Benefit Status	01/07/99	N	N	None	17	
44	OW/OST-26	Protocol for EPA Approval of New or Alternate Test Procedures foe Whole Effluent Toxicity	01/01/99	N	N	None	45	
45	OW/OWM-20	Guidance Manual for the Monitoring and Reporting Requirements of the NPDES Storm Water Multi-Sector General Permit	01/01/99	N	N	None	28	
46	OW/OWM-37	Combined Sewer Overflows-Guidqance for Monitoring and Model	01/01/99	N	N	None	281	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
47	OW/OWOW-4	Funding the Development and Implementation of Watershed Restoration Action Strategies Under Section 319 of the Clean Water Act	12/04/98	Y	Y	None	8	
48	OW/OWM-30	Cost of Accounting and Budgeting for Improved Wastewater Treatment	12/01/98	N	N		105	
49	OW/OWM-51	Policy Memo: Application of Minority & Women-owned Business Enterprise Requirements in the Clean Water and Safe Drinking Water State Revolving Fund Programs	11/05/98	N	N		11	
50	OW/OGWDW-42	Drinking Water State Revolving Fund (DWSRF) Program Policy Announcement: Eligibility of Using DWSRF Funds to Create a New Public Water System; Notice	11/03/98	Y	Y	Notice FR 63 59299	2	
51	OW/OWM-17	Revised Allotment Formulas for State and Interstate Monies Appropriated Under Section 106 of the Clean Water Act Notice	11/03/98	Y	Y	None	9	
52	OW/OST-5	Guidance for Conducting Fish and Wildlife Consumption Surveys	11/01/98	N	N	None	131	
53	OW/OST-10	Better Assessment Science Integrating Point and Nonpoint Sources - Version 2	11/01/98	N	N	None	325	
54	OW/OWM-60	WAVE Membership Agreement Partners	11/01/98	N	N	None	2	
55	OW/OWM-61	WAVE Membership Agreement: Supporters	11/01/98	N	N	None	2	
56	OW/OWM-21	Letter to: Mr. John Hall regarding maximum daily discharge limits	10/23/98	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
57	OW/OWOW-2	Final Administriative Changes to the Coastal Nonpoint Pollution Control Program Guidance for Section 6217 of the Coastal Zone Reauthorization Act Amendments of 1990	10/16/98	N	N	None	3	
58	OW/OWM-50	Policy Memo: Distribution of CWSRF Financial Audits	10/06/98	N	N		2	
59	OW/OGWDW-3	Drinking Water Infrastructure Grants Tribal Set-Aside Program (Final Guidelines)	10/01/98	Y	Y	None	29	
60	OW/OWM-33	Procuring Analytical Services: Guidance for Industrial Pretreatment Programs	10/01/98	N	N	None	69	
61	OW/OGWDW-38	Enforcement and Implementation of Section 1417 of the Safe Drinking Water Act	09/24/98	N	N	None	8	
62	OW/OGWDW-35	Statement of Fluid Movement	09/15/98	N	N	None	5	
63	OW/OGWDW-18	Small System Compliance for the Non-Microbial Contaminants Regulated Before 1996	09/01/98	N	N	None	108	
64	OW/OGWDW-19	Small System Compliance Technology List for the Surface Water Treatment Rule and Total Coliform Rule	09/01/98	N	N	None	56	
65	OW/OGWDW-24	Variance Technology Findings for Contaminants Regulated Before 1996	09/01/98	N	N	None	73	
66	OW/OWOW-4	Process and Criteria for Funding State and Territorial Nonpoint Source Management Programs in FY 1999	08/18/98	Y	Y	None	8	
67	OW/OST-12	1998 Update of Ambient Water Quality Criteria for Ammonia	08/18/98	N	N	63 FR 44256)NOA)	148	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
68	OW/OGWDW-37	Policy on Cutoff Dates for Submitting Data to SDWIS/FED	09/11/98	Y	Y	None	2	
69	OW/OWM-22	Letter to: Mr. John Hall regarding detection limits for total residual chlorine	09/11/98	N	N	None	16	
70	OW/OGWDW-17	SDWA Section 1401 Public Water System Definition as Amended by 1996 SDWA Amendments Notice	09/05/98	N	N	63 FR 41939	7	
71	OW/OGWD-17	SDWA Section 140 (4) Public Water System Definition as Amended by 1996 SDWA Amendments; Notice	09/05/98	N	N		7	
72	OW/OWOW-11	Lake and Reservoir Bioassessment and Criteria	09/01/98	N	N	None	210	
73	OGWDW	Small System Compliance Technology list for the Non-Microbial Contaminants Regulated Before 1996	08/01/98	N	N	None	108	
74	OW/OWM-62	Water Conservation Plan Guidelines	08/01/98	N	N	None	208	
75	OW-1	Working Effectively with Tribal Governments Resource Guide	08/01/98	N	N	None	76	
76	Ow/OGWDW-36	Revised Safe Drinking Water Information System (SDWIS) Inventory Reporting Requirements-Technical Guidance	07/10/98	Y	Y	None	208	
77	OW/OWOW-6	Guidance on Use of CWA and SDWA Authorities to Address Management Needs for Lakes and Reservoirs	07/09/98	N	N	None	3	
78	OW/OST-28	Advance Notice of Proposed Rulemaking: Water Quality Standards Regulation	07/07/98	N	N	63 FR 36742 (NOA)	64	
79	OW/OWM-23	Enforcement Issues at Concentrated Animal Feeding Operations (memo)	07/02/98	N	N	None	4	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
80	OW/OST-20	Guide to Laboratory Contracting	07/01/98	N	N	None	59	
81	OW/OGWDW-15	Information for States on Implementing the Capacity Development Provisions of The Safe Drinking Water Act Amendments of 1996	07/01/98	N	N	None	153	
82	OW/OGWDW-8	Guidance on Implementing the Capacity Development Provisions of the Safe Drinking Water Act Amendments of 1996	07/01/98	Y	Y		60	
83	OW/OWOW-7	Unified Watershed Assessment Framework	06/09/98	N	N	None	23	
84	OW/OWOW-30	Local Planning Groups & Development of Dredged Material Management Plans Guidance by the National Dredging Team	06/01/98	N	N	None	18	
85	OW/OWM-2	Overview of the Storm Water Program	06/01/98	N	N	None	39	
86	OW/OWOW-32	Guidance for Corps and EPA Field Offices Regarding Clean Water Act Section 404 Jurisdiction Over Isolated Waters in Light of United States v. James J. Wilson	05/29/98	N	N	None	7	
87	OW/OWOW-26	National Estuary Program Travel Funds Special Condition	05/22/98	Y	Y	None	2	
88	OW/OWM-24	Implementation of the CSO Control Policy (memo)	05/19/98	N	N	None	4	
89	OW/OWM-25	Permitting Guidance for Semiconductor Manufacturing Facilities (memo)	04/21/98	N	N	None	15	
90	OW/OWM-34	Guidance for Award of Clean water Act Section 106 grants to Indian Tribes-Revised Allocation Formula, match/cost sharing, and limitations	04/21/98	Y	Y	None	8	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
91	OW/OGWDW-34	Memo adopting The Data Sharing Committee's Review of the SWTR Data Needs	04/17/98	Y	Y	None	15	
92	OW/OWOW-29	Biennial Review of Post CCMP NEPs-FY 1999 Guidance	04/08/98	Y	Y	None	15	
93	OW/OGWDW-45	Hypothetical State Programs for Ensuring that All New Community Water Systems and Non-transient Community Water Systems Demonstrate Technical, Managerial and Financial Capacity	04/01/98	N	N	None	21	
94	OW/OGWDW-33	Submetering Water Systems	03/13/98	N	N	None	3	
95	OW/OWM-58	Award of Grants for Special Projects Authorized by this Agency's FY 1998 Appropriations Act	03/12/98	Y	Y	None	26	
96	OW/OWOW-25	NEP1998 Budget and Selected Guidance Topics	03/05/98	Y	Y	None	11	
97	OW/OGWDW-2	Drinking Water Contaminant Candidate List	03/01/98	N	N	None	8	
98	OW-2	Clean Water Action Plan: Restoring and Protecting America's Waters	02/14/98	N	N	None	89	
99	OW/OWOW-36	Implementation Memorandum for "Evaluation of Dredged Material Proposed for Discharge in Waters of U.S. Testing Manual" Inland Testing Manual	02/12/98	N	N	None	5	
100	OW/OWOW-37	Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. - Testing Manual	02/12/98	N	N	None	115	
101	OW/OST-3	Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. - Testing Manual	02/12/98	N	N	63 FR 10218 (NOA)	212	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
102	OW/OWM-14	Guidance Manual for Implementating Municipal Storm Water Management Programs-Volume 1-Planning and Administration	02/10/98	N	N	None	200	
103	OW/OWM-26	Applicability of the NPDES Program to Discharges of Storm Water Associated with Construction Activity at, or Construction of, Livestock Feeding Facilities (memo)	02/05/98	N	N	None	3	
104	OW/OWM-19	Letter to: Mr. Glenn LaBrecque regarding proper application of chlorine criteria	02/03/98	N	N	N	3	
105	OW/OGWDW-44	Information for States on Developing Affordability Criteria for Drinking Water	02/01/98	N	N	None	57	
106	OW/OST-15	Drinking Water Advisory: Consumer Acceptability Advice and Health Effects Analysis on Methyl Tertiary-Butyl Ether (MtBe)	12/01/97	N	N	None	41	
107	OW/OST-13	Use of the Water Effects Ratio Procedure with Hardness Equations	11/21/97	N	N	None	10	
108	OW/OST-14	A Change in the Recalculation Procedure	11/21/97	N	N	None	4	
109	OW/OST-16	Optional Conderation of Life Stage when the Recalculation Procedure is Used	11/21/97	N	N	None	7	
110	OW/OST-1	Establishing Site Specific Aquatic Life Criteria Equal to Natural Background (Memorandum)	11/05/97	N	N	None	3	
111	OW/OWOW-15	Volunteer Stream Monitoring: A Methods Manual	11/01/97	N	N	None	211	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
112	OW/OWM-49	Policy Memo: Clean Water and Drinking Water State Revolving Fund Financial Audit Strategy	10/16/97	N	N		2	
113	OW/OWM-18	Letter to: Honorable Harry Reid regarding the issue of discharges from utility manhole pumping opeartions	09/04/97	N	N	None	4	
114	OW/OWOW-9 (A and B)	Guidelines for Preparation of Comprehensive State Water Quality Assessments and Electronic Updates: Report Contents and Supplement	09/01/97	N	N	None	223	
115	OW/OWOW-12	Monitoring Guidance for Determining the Effectiveness of Nonpoint Source Controls	09/01/97	N	N	None	382	
116	OW/OWOW-14	Techniques for Tracking, Evaluating, and Reporting the Implementation of Nonpoint Source Control Measures: Agriculture	09/01/97	N	N	None	88	
117	OW/OGWDW-10	Interpretation of New Drinking Water Requirements Relating to Lead Free Plumbing Fittings and Fixtures	08/22/97	N	N	62 FR 44684	2	
118	OW/OWOW-21	National Clarifying Guidance for 1998 State and Territory Section 303(d) Listing Decisions	08/17/97	N	N	None	9	
119	OW/OWM-48	Policy Memo: Hardship Grants Program Rural Communities-Questions and Answer	08/14/97	N	N	None	3	
120	OW/OWOW-20	New Policies for Establishing and Implementing Total Maximum Daily Loads (TMDLs)	08/08/97	N	N	None	7	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
121	OW/OWM-16	New Policies for Establishing and Implementing Total Maximum Daily Loads (TMDLs)(memo)	08/09/97	N	N	None	8	
122	OW/OWOW-1	Tribal Nonpoint Source Planning Handbook	08/01/97	N	N	None	53	
123	OW/OGWDW-21	State Source Water Assessment and Protection Programs Guidance: Final Guidance	08/01/97	N	N	None	154	
124	OW/OGWDW-30	Alternative Monitoring Guidelines	08/01/97	N	N	None	9	
125	OW/OGWDW-31	Requirement for State Administrative Penalty Authority Under the Safe Drinking Water Act Amendments of 1996	08/01/97	N	N	None	12	
126	OW/OGWDW-32	State Methods for Delineating Source Water Protection Areas for Surface Water Supplied Sources of Drinking Water	08/01/97	N	N	None	40	
127	OW/OWM-46	Policy Memo: Additional Information about Payment Schedules for FY 96 and 97 Capitalization Grants	07/29/97	N	N		2	
128	OW/OWM-13	Clarifications Regarding Whole Effluent Toxicity Test Methods Recently Published at 40 CFR Part 136 and Guidance on Implementation of Whole Effluent Toxicity in Permits (memo)	07/21/97	N	N	None	7	
129	OW/OWOW-24	Availability of Action Plan Demonstration Projects (APDP) Funds for Tier IV and VNEPs	07/17/97	Y	Y	None	3	
130	OW/OWOW-13	Techniques for Tracking, Evaluating, and Reporting the Implementation of Nonpoint Source Control Measures: Forestry	07/01/97	N	N	None	90	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
131	OW/OST-6	Guidance for Assessing Chemical Contaminant Data for Use in Fish Advisories - Volume 2 Risk assessment and Fish Consumption Limits - Second Edition	07/01/97	N	N	None	310	
132	OW/OWM-45	Policy Memo:SRF Funding Framework and Core Measures Effective FY 1998	06/16/97	N	N	None	1	
133	OW/OWM-47	Policy Memo: Hardship Grants Program for Rural Communities-Questions and Answer	05/13/97	N	N	None	4	
134	OW/OWOW-17	Monitoring Consortiums: A Cost-Effective Means to Enhancing Watershed Data Collection and Analysis	05/01/97	N	N	None	37	
135	OW/OWOW-22	Compendium of Tools for Watershed Assessment and TMDL Development	05/01/97	N	N	None	221	
136	OW/OWOW-28	Biennial Review of Post-CCMP NEPs-Final Guidance	04/22/97	Y	Y	None	11	
137	OW/OWM-12	Baseline Monitoring Report Requirements for Pesticide Formulating, Packaging and Repackaging Facilities(memo)	04/03/97	N	N	None	2	
138	OW/OWM-36	Combined Sewer Overflows-Guidance for Financial Capability Assessment and Schedule Development	03/27/97	N	N	None	63	
139	OW/OWM-40	Rural Communities Hardship Grants Program Implementation Guidelines Notice	03/20/97	Y	Y	None	8	
140	OW/OGWDW-16	Allotment of Drinking Water State Revolving Fund Monies; Notice	03/18/97	Y	Y	62 FR 12899	7	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
141	OW/OGWDW-11	Manual for the Certification of Laboratories Analyzing Drinking Water-Criteria and Procedures Quality Assurance [Fourth Edition]	03/01/97	N	N	None	196	
142	OW/OGWD-11	Manual for the Certification of Laboratories Analyzing Drinking Water-Criteria and Procedures Quality Assuramce [Fourth Edition}	03/01/97	N	N	None	196	
143	OW/OWOW-23	NEP FY 1997 Budget and Selected Guidance Topics	02/28/97	Y	Y	None	2	
144	Ow/OWM-11	Statement of Principles Effect of State Audit Immunity/ Privlege Laws on Enforcement Authority for Federal Programs	02/14/97	N	N	None	4	
145	OW/OGWDW-28	Drinking Water State Revolving Fund Program Guidelines	02/01/97	Y	Y	63 FR 59844	55	
146	OW/OST-2	Letter to State Environmental Commissioners urging the adoption of ELA's 1986 Bacteriological Ambient Water Quality Criteria in State Water Quality Standards	01/13/97	N	N	None	3	
147	OW/OWM-57	Award of Grants for Special Projects Authorized by this Agency's FY 1997 Appropriations Act	01/09/97	Y	Y	None	19	
148	OW/OWM-43	Policy Memo: Applicability of Anti-lobbying Requirements in the State Revolving Fund	12/24/96	N	N		1	
149	OW/OGWDW-27	Regulation of Copper Range Solution Mining Project	12/23/96	N	N	None	3	
150	OW/OWM-44	Policy Memo: Application Cross-Cutting and Antilobbying requirements in the State Revolving Fund	12/14/96	N	N		2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
151	OW/OWM-10	U.S. Environmental Protection Agency use of the Term Biosolids (Memo)	12/09/96	N	N	None	1	
152	OW/OST-18	Guide to Method Flexibility and Approval of EPA Water Methods	12/01/96	N	N	None	180	
153	OW/OWM-9	U.S. EPA NPDES Permit Writers' Manual	12/01/96	N	N	None	296	
154	OW/OWM-8	January 1, 1997, Deadline for Nine Minimum Controls in Combined Sewer Overflows Control Policy	11/18/96	N	N	None	3	
155	OW/OWOW-39	Protecting Natural Wetlands: A Guide to Stormwater Best Management Practices	10/01/96	N	N	None	170	
156	OW/OWM-41	Clean Water State Revolving Framework	10/01/96	N	N	None	13	
157	OW/OWM-7	Letter to: Mr Gary Stenhouse regarding seasonal flows for NPDES permit limits calculation	09/20/96	N	N	None	6	
158	OW/OWOW-16	The Volunteer Monitor's Guide to Quality Assurance Project Plans	09/01/96	N	N	None	60	
159	OW/OWOW-18	Watershed Approach Framework	09/01/96	N	N	None	16	
160	OW/OST-17	1995 Udates: Water Quality Criteria Documents for the Protection of Aquatic Life in Ambient Water	09/01/96	N	N	None	100	
161	OW/OWM-4	Interim Permitting Appoach for Water Quality-Based Effluent Limitations in Storm Water Permits	09/01/96	N	N	None	10	
162	OW/OWM-6	Interpretive Policy Memorandum on Reapplication Requirements for Municipal Separate Storm Sewer Systems	09/09/96	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
163	OW/OWM-5	EPA Guidance on Application of State Mixing Zone Policies	08/06/96	N	N	None	7	
164	OW/OWM-56	Award of Grants for Special Project Authorized by the Omnibus Consolidated Rescissions and Appropriations Act of 1996	07/19/96	Y	Y	None	19	
165	OW/OGWDW-26	Release of Final Alternative Technology Approval Protocol	07/11/96	N	N	None	9	
166	OW/OST-19	Guidelines and Format for Methods to be Propsed at 40 CFR Part 136 or Part 141	07/01/96	N	N	None	27	
167	OW/OST-21	Guidance on the Documentation and Evaluation of Trace Metals Data Collected for Clean Water Act Compliance Monitoring	07/01/96	N	N	None	32	
168	OW/OST-7	Letter to the Governors Clarifying the Appropriate Use of FDA Action Levels for Contaminants in Fish Tissue	06/29/96	N	N	None	3	
169	OW/OST-4	Guidance for Assessing Chemical Contaminant Data for Use in Fish Advisories-Volume 3 Overview of Risk Management	06/01/96	N	N	None	148	
170	OW/OST-8	The Metals Translators: Guidance for Calculating a Total Recoverable Permit Limit from a Dissover Criterion	06/01/96	N	N	None	58	
171	Ow/OWM-3	U.S. EPA Office of Wastewater Management PRELIM-Pretreatment Limitations Model Version 5.0 (June 1996)	06/01/96	N	N	None	38	
172	OW/OWOW-3	Nonpoint Source Program and Grants Guidance for FY 1997 and Future Years	05/01/96	Y	Y	None	52	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
173	OW/OWOW-19	Draft Framework for Watershed-Based Trading	05/01/96	N	N	None	150	
174	OW/OST-9	Better Assessment Science Integrating Point and Nonpoint Sources - Version 1	05/01/96	N	N	None	161	
175	OW/OST-27	Biological Criteria: Technical Guidance for Streams and Small Rivers	05/01/96	N	N	None	170	
176	OW/OGWDW-9	ICR Optional Public Notice Language for Cryptosporidium2	05/01/96	N	N	None	3	
177	OW/OGWDW-25	Revised State Programs Priorities Guidance	04/24/96	N	N	None	9	
178	OW/OWM-1	Interim Guidance for Performance-Based Reductions of NPDES Permit Monitoring Frequencies	04/19/96	N	N	None	39	
179	OW/OWM-42	Policy memo: Payment Schedules for Fiscal Year 1996 Capitalization Grants Awards	04/04/96	N	N		1	
180	OW/OST-22	Guidance on Establlishing Trace Metals Clean Rooms in Existing Facilities	01/01/96	N	N	None	19	

Region 1

1	OEME-3	Region 1 EPA-New England Compendium of Quality Assurance Project Plan Requirements and Guidance	10/01/99	N	N	None	129	
2	OEME-4	EPA-NE QAPP Policy	10/01/99	N	N	None	2	
3	ORA1	EPA-NE Press Policy	09/20/99	N	N	None	3	
4	OEP-6	Letter to Energy Nuclear, Inc. re: CWA sec. 316 NPDES permit reissuance	09/10/99	N	N	None	6	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
5	OSRR-3	Risk Updates	08/01/99	N	N	None	10	
6	OEP-5	General Guidelines for Wetland Restoration and Creation Projects	07/13/99	N	N		5	
7	ORA7	FY 2000 Guidance Document for Compliance & Innovative Program Strategies in PPA	05/11/99	N	N	None	13	
8	OEP-3	Letter to Maine Dept. of Human Services/Drinking Water SRF Administrator re: DWSRF funding of Bucksport, ME	04/05/99	N	N		2	
9	ORA2	Press Policy for Enforcement Cases	03/31/99	N	N	None	3	
10	OSRR-1	Brownfields Targeted Site Assessment Program	11/24/98	N	N	N	5	
11	OEP-1	Letter to MA DEP re: New regulations on the disposal of PCBs	11/12/98	N	N		3	
12	ORA5	FY99 EPA's Strategic & Program Priorities	08/17/98	N	N	None	124	
13	ORA6	FY99 Enforcement and Compliance Priorities and Strategy	07/14/98	N	N	None	24	
14	ORA4	FY98 EPA's Strategic & Program Prioities	07/10/97	N	N	None	196	
15	OSRR-5	Region I State Action Comfort Letters, Revised Final Guidance	01/13/97	N	N	None	7	
16	OEME-1	Region I, EPA-NE Data Validation Functional Guidelines for Evaluating Environmental Analyses	12/01/96	N	N	None	58	
17	OSRR-2	Risk Updates	11/01/96	N	N	None	10	
18	OSRR-6	Region I Risk Characterization Implementation Plan	11/01/96	N	N	None	16	
19	OEME-2	Region I, EPA-New England Immunoassay Guidelines for Planning Environmental Projects	10/01/96	N	N	None	40	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
20	OEP-7	Letter to MA DEP re: flow reductions and water quality	05/27/96	N	N	None	8	
21	ORA3	FY97 EPA's Strategic & Program Priorities	05/22/96	N	N	None	171	
22	OSRR-4	Groundwater Use and Value Determintation Guidance	04/03/96	N	N	None	26	

Region 10

1		EPA Region 10 Perspective Constructed and Created Wetlands		N	N	None	2	
2		EPA Region 10 Model Pretreatment Ordinance	10/22/99	N	N	None	44	
3		Policy for Site Prioritization in Region 10	10/01/99	N	N	None	7	
4		Interim EPA Region 10 Policy for Corrective Action Cleanup Under State Non-RCRA Authority in States Authorized for Corrective Action	07/01/99	N	N	None	3	
5		Region 10 Policy: Targeted Brownfields Assessments	05/12/99	N	N	None	2	
6		Region 10 Final Policy on the Use of Institutional Controls at Federal Facilities	05/03/99	N	N	None	9	
7		Guidance on Disseminating EPA's SBREFA Information Sheet to Business at the Time of an Enforcement Activity	04/01/99	N	N	None	5	
8		Region 10 Annual Report Guidance	03/01/99	N	N	None	3	
9		Payments to Grant Recipients	01/21/99	N	N	None	2	
10		Withholding Payment to Grant Recients	01/21/99	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
11		EPA Region 10 Expanded Guidance for Preparing Quality Assurance Project Plans	12/07/98	N	N	None	141	
12		MOU between the State of Oregon, Natural Resources Conservation Servicce, National Marine Fisheries Service and EPA	06/01/98	N	N	None	7	
13		Region 10 Enforcement Procedures in Indian Country	05/28/98	N	N	None	8	
14		Interim Final Guidance: Developing Risk-Based Cleanup Levels At Resource Conservation and Recovery Act Sites in Region 10	01/01/98	N	N	None	148	
15		Region 10 Final Supplemental Ecological Risk Assessment Guidance for Superfund	05/01/97	N	N	None	88	
16		Guidance to POTWS for Development of Local Limits in EPA Region 10	05/20/97	N	N	None	37	
17		Support Document for Consideration of the Eastern Columbia Plateau Aquifer System as a Sole Source Aquifer	01/01/97	N	N	None	52	
18		Region 9 & 10 Guidance for Implementing Whole Effluent Toxicity Testing Programs	05/31/96	N	N	None	193	
19		Region 10 Guidance for WQBELs Below Analytical Detection/Quantitation Level	03/22/96	N	N	None	6	
20		Guidance Document for listing Waterbodies in the Region 10 303(d) Program	11/09/95	N	N	None	31	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
21		RCRA/CERCLA Interface - Interim Final Guidance	08/03/94	N	N	None	6	
22		Compliance with Satelite Accumulation Requirements	03/23/90	N	N	None	1	
23		Region 10 Ground-Water Data Management	08/15/89	N	N	None	12	
24		U.S. EPA - Region 10 404 Mitigation Policy	08/16/84	N	N	None	6	

Region 2

1	33	Region 2 Data Validation Standard Operating Procedures for EPA Method 1613, Revision A Tetra-through Octa-chlorinated Dioxins	09/01/99	N	N	None	34	
2	34	Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments	09/01/99	N	Y		7	
3	35	Grants and Agreements with Institutions of Higher Education, Hospitals, and other nonprofit organizations	09/01/99	N	Y		8	
4	36	How to complete your Application for Federal Assistance	09/01/99	N	Y		32	
5	30	Region 2 Draft Interim Policy on Identifying EJ Areas: Part I and Part II	09/01/99	N	N	None	61	
6	31	Customer Service in Permitting A Toolkit for Regions, States, Tribes, and Local Permitting Authorities	09/01/99	N	N	None	61	
7	32	USEPA Brownfields Project Planning Guidance Vol. 1 and Vol. 2	09/01/99	N	N	None	1000	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
8	29	Validating Organic Compounds by SW-846 Method 8260B	06/01/99	N	N	None	40	
9	28	Region 2 Low Stress Purging and Sampling Procedures for Collecting Groundwater Samples from Monitoring Wells	03/01/98	N	N	None	20	
10	27	Quality Assurance Project Plan for Environmental Monitoring Projects	10/01/97	N	N	None	6	
11	26	Region 2 Quality Management Plan (QMP)	02/01/97	N	N	None	40	
12	24	Organic Data Review for Low Concentration Water	10/01/96	N	N	None	37	
13	23	CLP Organics Data Review and Preliminary Review	09/01/96	N	N	None	60	
Region 3								
1	R3-57	Letter to J. Stover, Union Carbide re: Continuous Emission Monitoring System		N	Y	None	1	Not subject to CRA; not a rule
2	R3-55	Letter to J. Bogan, Union Carbide re: NESHAPS for Off-Site Waste and Recovery Operations	11/25/99	N	Y	None	2	Not subject to CRA; not a rule
3	R3-29	Risk Based Concentration Table	10/27/99	N	N	None	26	
4	R3-58	Letter to J. Daniel, Commonwealth of Virginia PSD Applicability, Intermet Corp.	10/23/99	N	Y		12	Not subject to CRA; not a rule
5	R3-30	2000 Operations and Maintenance Excellence Awards Guidance Package	10/01/99	N	N	None	11	
6	R3-36	Options Paper - Drinking Water and Clean Water SRF Programs Compliacne with Binding Commitment (loans) Requirements	10/01/99	N	N	None	5	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
7	R3-47	Letter to Mr. John Daniel, VA DEQ re: Federal Enforceability of Permits	08/18/99	N	Y	52	8	Not subject to CRA; not a rule
8	R3-35	Guidance for Preparation of State Reports	08/01/99	N	N	35	29	
9	R3-48	NESHAP for Pesticide Active Ingredient Production Applicability	07/26/99	N	Y		2	Not subject to CRA; not a rule
10	R3-53	FR 2000 UST/LUST Program Grant Guidance	06/16/99	Y	Y	None	23	
11	R3-1	Area Source Delegation/Implementation Strategy	06/08/99	N	N	None	5	
12	R3-54	Letter to F. Sizemore, Union Carbide re: NESHAP for Off-site Waste and Recovery Operations	05/24/99	N	Y	None	2	Not subject to CRA; not a rule
13	R3-56	USEPA Reg. III RCRA Compliance & Enforcement Program	05/01/99	Y	Y	None	9	
14	R3-2	Clarification on the Applicability of CAA 40 CFR Part 63, Subpart I and Title V, MACT standards (Sources Operating Less Than 300 Hours Per Year)	03/25/99	N	Y	None	2	Not subject to CRA; not a rule
15	R3-46	TITLE V Permit Writing Tips	03/01/99	N	N	51-52,60,61	59	
16	R3-59	Letter to L. Ericson, PADEP re: Modification at P.H. Gladfelter	02/09/99	N	Y		6	Not subject to CRA; not a rule
17	R3-40	Region 3 Quality Control Requirements for Delisting	02/04/99	N	N	None	10	
18	R3-51	Letter to J. Slade, PA DEP re: PSD Applicability for United Salt Northeast	01/15/99	N	Y		70	Not subject to CRA; not a rule
19	R3-3	Letter to William Charlton, PADEP re: Koppers Monessen SO2 Emission Reduction Proposal Under Db	01/13/99	N	Y	63	2	Not subject to CRA; not a rule

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
20	R3-4	Area Source Delegation Strategy Workgroup Materials	12/09/98	N	N	60 FR 66706	165	60 FR 66706 (12/22/95) 58FR 49354 (9/22/93)
21	R3-32	Pretreatment Annual report for the 1998 reporting Year	12/09/98	N	N	403	24	
22	R3-5	Letter to Larry Strauss, PADEP re: Pultrusion Process Applicability Under Subpart VVV	11/09/98	N	Y	60	2	Not subject to CRA; not a rule
23	R3-6	Letter to Gary R. Bradley, VA DEQ re: Minimum Coating Usage Exemption	10/22/98	N	Y	60	2	Not subject to CRA; not a rule
24	R3-34	Guidance for Preparation of Intended Use Plans and Associated Materials Related to Clean Water State RevolvingFund Capitalization Grant Applications	10/01/98	N	N	35	9	Summary of requirements contained elsewhere
25	R3-7	Letter to Scott Readlling, Tenneco Packaging, Inc. re: NSPS Subpart Dc Recordkeeping and Reporting	09/21/98	N	Y	60	2	Not subject to CRA; not a rule
26	R3-39	Transmittal of Risk-Based Clean Closure Region III RCRA Clarification	09/21/98	N	N	None	5	61 FR 19448
27	R3-8	Letter to Peggi-Ann Davis, Sunoco Products Company re: Alternative Monitoring Method for Nox	08/12/98	N	Y	60	2	Not subject to CRA; not a rule
28	R3-44	Federal Partnership Resource Guide	08/01/98	N	N	None	45	
29	R3-9	Letter to William Heatley, Stone Container Corp. re: Printing and Publishing, MACT	07/23/98	N	Y	None	2	Not subject to CRA; not a rule
30	R3-33	Public Water System Supervision Program Generic Grant Workplan Guidance	07/17/98	Y	Y	30,141-142	87	
31	R3-10	Letter to Crystal Bazyk, VA DEQ re: Deration of Boilers at Galax Energy Concepts	07/07/98	N	Y	60	2	Not subject to CRA; not a rule

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
32	R3-11	Letter to P. F. Faggert, VA Power re: NSPS Subpart GG Alternative Monitoring Approval	07/02/98	N	Y	60	2	Not subject to CRA; not a rule
33	R3-12	Letter to J. Stover, Union Carbide Corp. re: Like-forLike Replacement of Pieces of CEMS	06/08/98	N	Y	60	2	Not subject to CRA; not a rule
34	R3-52	FY 99 UST/LUST Program Grant Guidance	09/01/98	Y	Y		14	
35	R3-13	Letter to P. M. Hoffman re: NSPS, Subpart GG Waiver of Nitrogen Monitoring	05/27/98	N	Y	None	2	Not subject to CRA; not a rule
36	R3-31	Approval of Pretreatment Legal Authorities	05/01/98	N	N	403	3	Summary of requirements contained elsewhere
37	R3-14	Letter to John R. Soice, Union Carbide Corp. re: Ethylene Glycol Monoethyl Ether, Applicability NESHAPs Subpart DD	04/09/98	N	Y	63	2	Not subject to CRA; not a rule
38	R3-15	Letter to Charles King, VA DEQ re: Custom Fuel Monitoring Schedule for VA Power	03/16/98	N	Y	60	2	Not subject to CRA; not a rule
39	R3-49	Inputting MACTS into Title V Permits' MARAMA Air Toxics Conference	02/18/98	N	N		30	
40	R3-50	Writing MACTS Standards into Title V permits, MARAMAR Conference	02/18/98	N	N		70	
41	R3-16	Significant Violator Implementation Agreement Between EPA RIII and PADEP	02/12/98	N	Y	None	5	Not subject to CRA; not a rule
42	R3-17	Letter to Manny Sanchez Doswell Ltd. Partnership re: NSPS Subpart GG Custom Fuel Monitoring Schedule	01/09/98	N	Y	None	2	Not subject to CRA; not a rule

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
43	R3-18	Letter to Steven Dietrich, VA DEQ re: NSPS Subpart EE, Metal Furniture Definition	12/16/97	N	Y	None	2	Not subject to CRA; not a rule
44	R3-19	Letter to Thomas H. Zerbe, WVA DEQ re: NSPS Capital Expenditure Valuation to Determine Modification	12/16/97	N	Y	60	2	Not subject to CRA; not a rule
45	R3-38	Region III Guidance for Listing of Waters and Total Maximum Daily Load Development under the Clean Water Act Sections 303(d) and 303(e)	10/01/97	N	N		140	130, 122, 25 54 FR 30765(7/24/89), 57 FR 33040 (7/24/97), 43 FR 60665 (12/28/78), 50 FR No.8 (1/11/85), 40 FR 55337-8 (11/28/75)
46	R3-37	Guidelines For the Award of Grants for the District of Columbia	09/25/97	N	N		43	Summary of requirements contained elsewhere
47	R3-20	Letter to Timothy Fahey, LVI Environmental Services, Inc. re: Leak-Tight Container for Asbestos NESHAP	09/04/97	N	Y	61	2	Not subject to CRA; not a rule
48	R3-21	Letter to Paul Rader, WVA DEQ re: Residential Building Exemption Asbestos NESHAP	09/04/97	N	Y	61	2	Not subject to CRA; not a rule
49	R3-22	Letter to Brian Tarantino, Merck & Co., Inc. re: NSPS for Synthetic Organic Chemicals Manufacturing Industry	06/19/97	N	Y	None	2	Not subject to CRA; not a rule
50	R3-23	Letter to Henry Augustine, VA DEQ re: NSPS Subpart GG Alternative Testing for Fuel	05/07/97	N	Y	None	2	Not subject to CRA; not a rule
51	R3-24	Letter to Terry Darton, VA DEQ re: Alternative Test Methods NSPS Subpart Db	05/05/97	N	Y	None	2	Not subject to CRA; not a rule
52	R3-25	Letter to Ververly D. McKeone re: NSPS Subpart Z Modification Determination	03/27/97	N	Y	None	2	Not subject to CRA; not a rule

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
53	R3-26	Letter to Errol B. Hay re: Subpart N-Tin Free Steel	10/24/96	N	Y	None	2	Not subject to CRA; not a rule
54	R3-27	Letter to Gene P. Current, Weirton Steel Corp. re: Applicability Determination for Chrome Plating of Steel	10/24/96	N	Y	None	2	Not subject to CRA; not a rule
55	R3-28	Letter to Sharon Foley, VA DEQ re: Chemstone Lime Manufacturing Plant NSPS Subpart HH	10/01/96	N	Y	None	2	Not subject to CRA; not a rule

Region 4

1	29	Model Memorandum of Agreement		N	N	None	17	Guidance for the States
2	105	Pulp and Paper MACT Information request	11/05/99	N	N	None	3	
3	137	Condensate averging test time for P&P MACT	11/05/99	N	N	None	3	
4	44	Atlanta Federal Executive Board Clean Air Initiarive Internet guidance material	11/03/99	N	N	None	20	
5	51	Review of Sampling Results Children Health Champion Project - Prichard Alabama	11/03/99	N	N	None	17	
6	43	Letter to Tom Elmore SAMI on socioeconomic portion of SAMI integrated assessment	11/02/99	N	N	None	2	
7	49	Air Toxics Studies - A Brief Overview	10/25/99	N	N	None	32	
8	19	Wetlands grants 2000-Grant Guidance	10/19/99	Y	Y	None	10	
9	20	Wetlands Grants Grant 2000 Call for Preliminary Proposal	10/19/99	Y	Y	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
10	80	Letter to Howard Rhodes, FL DEP on revisions to maintenance plans	10/12/99	N	N	None	2	
11	4	Port Royal Ocean Dredged Material Disposal Site: Site Management Monitoring Plan	10/06/99	N	N	None	7	
12	5	Georgetown Ocean Dredged Material Disposal Site: Site Management Monitoring Plan	10/06/99	N	N	None	7	
13	81	Letter to Alan Klimek, NC DENr on NOx SIP reductions	10/04/99	N	N	None	2	
14	53	Regional Guidance on Establishing TMDLs According to State Schedules and Implementing TMDLs for Non-Point Sources	10/01/99	N	N	None	12	
15	59	Letter to Commissioner Dobbins, City of Atlanta on Atlantic Steel TCM	09/30/99	N	N	None	2	
16	60	Bay County Resource Recovery Facility	09/30/99	N	N	None	4	
17	61	Letter to Ronald Methier GA EPD on Atlanta attainment demonstration	09/28/99	N	N	None	16	
18	69	Letter to Robert Colby, Chattanooga-Hamilton County, TN on Ambient Air Quality Data	09/28/99	N	N	None	2	
19	52	NPDES Permitting Priorities for Concentrated Animal Feeding Operations	09/28/99	N	N	None	3	
20	27	Management of Contaminated Media	09/22/99	N	N	None	14	Guidance
21	60	Letter to Donna Meyer FAA on Atlanta Airport runway extension	09/17/99	N	N	None	6	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
22	103	Compliance extension request submitted by Marathon Ashland petroleum	09/11/99	N	N	None	3	
23	72	Letter to Jim Roller NC, DENR on processing or Meteorology data for 1959-63	09/01/99	N	N	None	2	
24	74	Letter to Jim Roller NC DENR on Ambient Air Quality Data	09/01/99	N	N	None	1	
25	77	Letter to Diane Arnst, Chattanooga-Hamilton County TN on P.M. rule	09/01/99	N	N	None	2	
26	1	Water Programs Enforcement Branch	08/30/99	N	N	None	2	
27	2	POTW MOM Programs Project-Whats New?	08/26/99	N	N	None	2	
28	3	POTW MOM Programs Project-Documentation	08/26/99	N	N	None	3	
29	12	Storm Water Forms and Documents	08/25/99	N	N	None	1	
30	106	Guidance on Reconstruction of a Mineral Wool Cupola (40 CFR 63 Subpart DDD)	08/20/99	N	N	None	2	
31	90	Test protocol for simple cycle combustion turbines	08/19/99	N	N	None	7	
32	62	Letter to Marlin Gottschalk, GA EPD on credit for Partnership for Smog Free Georgia	08/17/99	N	N	None	2	
33	79	Dory Montazemi, Ohio-Kentucky-Indiana Region Council of Governments on TIP	08/13/99	N	N	None	3	
34	63	Letter to Ronad Methier GA EPD on credits for OBD program	08/12/99	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
35	91	NSPS Applicability Determination (Hoeganaes)	08/11/99	N	N	None	2	
36	4	Atlanta Consent Decree	08/10/99	N	N	None	2	
37	6	Atlanta Consent Decree	08/10/99	N	N	None	2	
38	64	Letter to Ronald Methier, GA EPD on use of Mobiles models	07/30/99	N	N	None	2	
39	59	Bay County Resource Recovery Facility	07/30/99	N	N	None	14	
40	92	NSPS applicability (Day)	07/26/99	N	N	None	2	
41	93	Custom Fuel Monitoring Plan (Charlotte Motor Speedway)	07/19/99	N	N	None	4	
42	57	New Hanover Co. Steam Plant	07/17/99	N	N	None	8	
43	52	Ambient Air Sample Analytical Detection Limits for Human Health Risk-Based Decision Making	07/16/99	N	N	None	15	
44	54	Letter to Bernard Eichold Mobile County Health Dept on Ambient air monitoring in Prichard area	07/14/99	N	N	None	3	
45	3	Letter to Mayor Jesse Norwood in Prichard, Alabama regarding Children Health Champion Campaigns' study of childhood asthma	07/14/99	N	N	None	3	
46	56	Letter to Ronald Gore, AL DEM on Birmingham Ozone Attainment Demonstration	07/09/99	N	N	None	3	
47	65	Letter to Ronald Methier, GA EPD on ozone attainment demonstration for Atlanta	07/07/99	N	N	None	9	
48	95	Alternative test procedures-Caledonia Power	07/07/99	N	N	None	3	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
49	57	Letter to Congressman Porter Goss on widening of Toledo Blade Boulevard	07/09/99	N	N	None	2	
50	94	Continous organic compound monitoring at the JVC America facility	07/09/99	N	N	None	4	
51	113	Waiver request from recordkeeping under Shipbuilding NESHAP	07/09/99	N	N	None	2	
52	4	Region 4 Data Validation Standard Operating Procedures for Contract Laboratory Program Routine Analytical Services	07/01/99	N	N	None	32	Guidance document for quality assurance review of Superfund program chemical data provided by laboratories under contract to EPA http://www.epa.gov/region4/sesd/oqa/rassop.html
53	102	Boise Cascade Request for clarification regarding applicability of Hg emission standards to a boiler at a kraft pulp mill	06/30/99	N	N	None	3	
54	98	NSPS determination-FPL Ft.Myers	06/22/99	N	N	None	3	
55	14	State Workgroup	06/19/99	N	N	None	2	
56	7	POTWMOM Programs Project-Frequently Asked Questions	06/14/99	N	N	None	12	
57	28	Implementation of the Post Closure Rule	06/12/99	N	N	None	3	Guidance for the States
58	78	Letter to Jeff Welch, Knoxville UAM Planning Organization on TIP	06/09/99	N	N	None	2	
59	97	Custom fuel monitoring Mississippi Chemical Corp.	06/09/99	N	N	None	3	
60	17	Letter to Ron Methier GA EPD and Joel Stone ARC on motor vehicle emissions for Atlanta	06/08/99	N	N	None	3	
61	67	Letter to Howard Rhodes, FL DEP on Ambient Air Quality Data	06/08/99	N	N	None	1	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
62	108	Compliance cvariance request for IP from the pulp and paper MACT	06/08/99	N	N	None	2	
63	24	Letter to Brent Sweger DOT in KY on Louisville transportation plan letter to	06/04/99	N	N	None	2	
64	109	Compliance extension request for E.I. dupont (40 CFR 63) Subpart JJJ)	06/04/99	N	N	N	1	
65	96	NSPS Applicability issues involving equipment replacement at nonmetallic mineral processing plants	06/03/99	N	N		3	
66	99	Alternative sampling procedure requests for Unit l and 2 at JEA Northside	06/03/99	N	N	None	2	
67	58	Letter to Larry Anderson FHWA on CMAG in SE Florida	06/02/99	N	N	None	2	
68	8	POTW MOM Programs Project-Contact Information	06/01/99	N	N	None	1	
69	9	Welcome to the POTW MOM Programs Project Internet Site (Text Version)	06/01/99	N	N	None	2	
70	11	Useful References for Management, Operations, and Maintenance Programs	06/01/99	N	N	None	2	
71	13	Clean Water Act Enforcement Section	06/01/99	N	N	None	2	
72	15	Pretreatment	06/01/99	N	N	None	2	
73	16	List of Categories cwaespgs/pretreatloc.htm	06/01/99	N	N	None	3	
74	17	Pretreatment Definitions	06/01/99	N	N	None	1	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
75	18	Categorical Industries	06/01/99	N	N	None	2	
76	19	Delegated States	06/01/99	N	N	None	3	
77	20	Related Links	06/01/99	N	N	None	1	
78	21	Training and Conferences	06/01/99	N	N	None	1	
79	22	Pretreatment P2/CA	06/01/99	N	N	None	1	
80	23	Storm Water	06/01/99	N	N	None	1	
81	24	Storm Water Discharges Associate with Industrial activity; 40	06/01/99	N	N	None	5	
82	25	Discharge Monitoring Reports (DMRs)	06/01/99	N	N	None	1	
83	25	Concentraed Animal Feeding Operations (CAFO) Workgroup	06/01/99	N	N	None	1	
84	27	Biosolids Workgroup	06/01/99	N	N	None	4	
85	28	Whole Effluent Toxicity Region 4	06/01/99	N	N	None	2	
86	100	Alternative CEM span values at Indiantown Cogeneration	06/01/99	N	N	None	3	
87	75	Letter to Nicholas Graf, FHA on proposed modeling methology for Raleigh	05/28/99	N	N	None	2	
88	68	Letter to Howared Rhodes, FL DEP on Ambient Air Quality Data	05/25/99	N	N	None	3	
89	76	Letter to Jim Roller, NC DENR on modeling strategies for Wilsonart	05/25/99	N	N	None	4	
90	51	NMOC Destruction Efficiency	05/25/99	N	N	None	2	
91	73	Letter to Tracy Carter, TN DEC on Ambient Air Quality Data	05/21/99	N	N	None	1	
92	48	Alternative Sampling at Indian River Landfill	05/20/99	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
93	11	American Cast Iron Company Applicability of land Disposal Restrictions	05/20/99	N	N	None	9	
94	107	112(g) applicability for Jenkins Brick company	05/12/99	N	N	None	2	
95	30	Region 4 Draft FY2000 Work Plan	05/12/99	N	N	None	14	Guidance for the States
96	49	FY 2000 Grant Guidance (AL)	05/11/99	Y	Y	None	21	
97	101	Testing extension requested for No.3 power boiler at Champion International	05/10/99	N	N	None	3	
98	67	Guidance regarding U.S. EPA Method 6C	05/06/99	N	N	None	2	
99	65	Applicability of NSPS Subpart TTT to computer refurbishing Operations at IBM	05/04/99	N	N	None	5	
100	58	Bay County Resource Recovery Facility	05/04/99	N	N	None	18	
101	25	Letter to Art Williams on Jefferson County SIP	04/30/99	N	N	None	2	
102	13	EPA region 4's Position on the process for a No Impairment Decision	04/29/99	N	N	None	3	Although Document is marked" Draft" Deliberative/Predecional it has been shared by states in the region
103	40	Draft Position statements	04/29/99	N	N	None	4	Duplicative document as #13.
104	123	Request for approval of biogas flowrate as an operational parameter for compliance	04/24/99	N	N	None	2	
105	1	Interim Policy to Identify and Address Potential Environmental Justice Areas	04/22/99	N	N	None	76	
106	48	CDC Incinerator	04/15/99	N	N	None	3	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
107	1	Interpretation of NSR Regulations for Mofications at the WinCup Facility	03/30/99	N	N	None	2	Response to request from approved state program on concurrence with rule interpretation
108	66	Letter to James L. Carroll, Jefferson County Alabama on ozone monitoring data	03/25/99	N	N	None	1	
109	64	Applicability Determination Regarding relocated combustion turbines	03/24/99	N	N	None	2	
110	71	Letter to George Murray, NC DENR on Ambient Air Quality Data	03/22/99	N	N	None	1	
111	86	Initial Performance test extension requested for Unit No. 5 at the Lakeland Electric McIntosh Power Plant	03/22/99	N	N	None	2	
112	66	Proposal to change frequency for QA Testing for a CEM installed on Boiler#1	03/19/99	N	N	None	3	
113	110	40 CFR 63 Subpart KK applicability determination for IPC Corinth	03/16/99	N	N	None	2	
114	53	Review of Sampling Results Children Health Champion Project - Prichard, Alabama	03/10/99	N	N	None	12	
115	56	NNew Hanover Co. Steam Plant	03/09/99	N	N	None	5	
116	89	NSPS testing and monitoring issues involving natural gas liquids recovery facility operated by Williams field services	03/06/99	N	N	None	8	
117	111	Quarterly excess emisson report (Solutia, Inc.)	03/04/99	N	N	None	1	
118	14	303(d) Permitting Checklist	02/24/99	N	N	None	1	Although Document is marked" Draft" Deliberative/Predecional it has been shared by states in the region.

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
119	15	Permitting Principles for Discharges to Impaired Water	02/24/99	N	N	None	3	Although Document is marked" Draft" Deliberative/Predecisional it has been shared by states in the region
120	16	Permitting Flowchart for New Sources New Discharges	02/24/99	N	N	None	1	
121	17	Permitting Flowchart for Existing Discharges	02/24/99	N	N	None	1	Although Document is marked" Draft" Deliberative Predecisional it has been shared by states in the region.
122	26	Letter to Brent Sweger DOT in KY on Louisville transportation plan	02/22/99	N	N	None	1	
123	87	Proposed Initial Performance Test Waiver for Baghouse used to control Emissions from linestone handling system	02/19/99	N	N	None	2	
124	34	Letter to Rodney Kutz Engelhard Corporation on definitioon of "waste"	02/16/99	N	N	None	2	
125	18	Letter to Senator Max Cleland regarding State Highway 138	02/10/99	N	N	None	10	Includes enclosures
126	70	Letter to Larry Garrison, KY DAQ on Ambient Air Quality Data	02/10/99	N	N	None	1	
127	27	Letter to Jphn Hornback KY DEP on consumer products rule	02/08/99	N	N	None	1	
128	55	Destin Dome Outer Continental Shelf	02/08/99	N	N	None	5	
129	13	Letter to Ron Gore, AL DEM on Gulf Coast Ozone Study	02/04/99	N	N	None	5	
130	28	Letter to Brent Sweger DOT in KY on Edmonson County Transportation plan	02/04/99	N	N	None	3	Includes enclosure
131	70	Alternative monitoring proposals for Coatiing Operation at Rodel, Inc.	02/01/99	N	N	None	5	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
132	88	Monitoring and testing requirements for combined cycle cogeneration facility at Air Products and Chemicals	02/01/99	N	N	None	6	
133	53	Air Products and Chemicals, Inc.	02/01/99	N	N	None	6	
134	68	BMW Manufacturing Corp. request for waiver of fuel sulfur monitoring requirements	01/26/99	N	N	None	2	
135	112	SOCMI applicability issue (AL)	01/26/99	N	N	None	1	
136		Targeted Brownfield Assessment Program	01/15/99	N	N	None	4	Informational Brochure
137	20	Letter to Ron Methier GA EPD on Atlanta ozone attainment plan	01/13/99	N	N	None	2	
138	19	Letter to Marlin Gottschalk GA EPD on Completeness issues for SIP	01/04/99	N	N	None	2	
139	69	Determining Compliance for PET process lines at Nan Ya Plastics Corporation	12/30/98	N	N	None	3	
140	29	Letter to Brent Sweger DOT in KY on Owensboro-Daviess County transportation plan	12/23/98	N	N	None	7	Includes enclosure
141	14	Letter to Ron Gore ADEM on Urban Airshed Model meeting	12/22/98	N	N	None	3	
142	54	New Hanover Co. Secure Landfill	12/22/98	N	N	None	3	
143	48	Methodology for Selecting Air Toxics Monitoring Site - Prichard, Alabama	12/21/98	N	N	None	8	
144	30	Letter to John Hornback KY NREPC on 1996 periodic emission inventory	12/08/98	N	N	None	1	
145	6	Fernandina Ocean Dredge Materials Disposal Site: Site Management Monitoring Plan	12/01/98	N	N	None	13	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
146	7	FY 1999 Region 4 Action Plan Facilities identified in the Hazardous Waste Combustion Facility Environmental Justice Report	12/01/98	N	N	None	20	
147	15	RCRA Field Manual - The Compliance Evaluation Inspection	12/01/98	N	N	None	106	
148	21	Letter to Marlin Gottschalk GA EPD on VMT for Atlanta demonstration	11/24/98	N	N	None	1	
149	22	Letter to Ronald Methier, GA EPD on transportation Conformity plan for Atlanta	11/12/98	N	N	None	3	
150	31	Letter to Brent Sweger DOT in KY on CMAQ request	11/10/98	N	N	None		
151	47	Tier 2 Reports for Landfills	11/10/98	N	N	None	3	
152	7	Brunswick Ocean Dredge Materials Disposal Site: Site Management Monitoring Plan	11/01/98	N	N	None	19	
153	53	East Carolina U. Incinerator	10/30/98	N	N	None	2	
154	3	June 2, 1997 Guidance on Alternative Fuels Excemption	10/27/98	N	N	None	2	Confirmation of state's understanding of EPA's position on alternative fuels
155	20	US EPA Region 4 RCRA Subpart AA, BB & CC Organiic Air Emissions Stds. Training Manual	10/27/98	N	N	264 & 265 Subparts AA,BB,& CC	358	
156	73	Opacity Monitoring Waiver Requested for Sand/Limestone Dryer	10/22/98	N	N	None	3	
157	114	Request to rescind status as point source(Tyndall AFB)	10/22/98	N	N	None	2	
158	76	Waiver of beryllium testing requirements at Ornamental Products	10/15/98	N	N	None	3	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
159	32	Letter to KY Governor Paul Patton on Transport Areas guidance	10/10/98	N	N	None	3	
160	33	Letter to Randy Simon Kentuckiana Regional Planning and Development Agency on MOA	10/09/98	N	N	None	2	
161		Compliance extension request for 40 CFR 63 Subpart LL	10/08/98	N	N	None	2	
162	72	Initial Performance test waiver requested for Unimin Corporation	10/02/98	N	N	None	4	
163	75	Request for applicability determination on 40 CFR 61 Subparts J and V	10/02/98	N	N	None	3	
164	21	Joint State/Federal Mitigation Bank	10/01/98	N	N	None	213	
165	19	Spill Prevention Control and Countermeasure Information Guide	10/01/98	N	N	40 CFR 112	7	
166	74	Propoasal to use Alternative Opacity Monitor Span Values at Bowateer Newsprint	09/29/98	N	N	None	2	
167	116	112(g) delegation (MS)	09/24/98	N	N	N	2	
168	50	Risk Assessment for Air Pollutants	09/14/98	N	N	None	247	
169	22	Call for Preliminary Proposal & Supplemental Guidance	09/10/98	N	N	None	2	
170	118	Applicability determination (Chervon)	09/04/98	N	N	None	3	
171	52	Medical College of GA Incinerator	09/03/98	N	N	None	2	
172	104	Proposed approaches for satisfying acid rain monitoring requirements	08/22/98	N	N	None	4	
173	82	Alternative compliance and monitoring proposals for Polymeric Coating and Mixing at Sun Graphics	08/21/98	N	N	None	7	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
174	117	112(g) certification (Memphis)	08/14/98	N	N	None	1	
175	2	Letter to Joel F. Stone, Jr. Director of ARC on Atlanta Transportation Plan	08/13/98	N	N	None	5	
176	3	Non Point Source	07/27/98	N	N	None	2	
177	43	Total Maximum Daily Loads (TMDL) Implementation Plans for Waterbodies Significantly Impaired by Nonpoint Sources	07/15/98	N	N	None	4	
178	119	40 CFR 63 Subpart H Applicability(Zeon Chemical)	07/09/98	N	N	None	1	
179	3	Non Point Source Program Requirements	07/02/98	N	N	None	2	
180	2	Request for Exemption from Permitting Requirements	06/30/98	N	N	None	2	Response to request for waiver from rule applicability
181	23	Letter to Thomas Atkeson, FL DEP on Bay Region Atmospheric Chemistry Experiment	06/26/98	N	N	None	2	
182	84	NSPS Applicability Determination for Cracking/Distillation Unit at Green Oasis Environmental	06/09/98	N	N	None	3	
183	189	Alternative method of sulfur measurement	06/09/98	N	N	None	2	
184	190	Recordkeeping frequency	06/09/98	N	N	None	2	
185	85	Monitoring Requirements for Open ended valves at facilitiues subject to Hazardous Organic Air Pollutant Equipment Leak Standards	06/06/98	N	N	None	3	
186	120	40 CFR 63 Subpart DD applicability (TRC env.)	06/07/98	N	N	None	1	
187	122	112(1) determination	05/22/98	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
188	124	Request for alternative compliance verification procedure(Coastal Fuels)	05/21/98	N	N	None	1	
189	83	Alternative of Monitoring proposals for Unit No.2 and CT No.3 at GRU Deerhaven	05/18/98	N	N	None	14	
190	29	Region 4 CAFO Enforcement Strategy	05/08/98	N	N	None	2	
191	30	Region 4 Publicly/Privately Owned Treatment Works Management Operation and Maintenance Programs Project	05/01/98	N	N	None	11	
192	2	Region 4 Quality Assurance Management Plan	05/01/98	N	N		32	Documents describes EPA Region 4's implementation of Agency's mandatory quality assurance program for data as required under EPA Order 5360.1. http\www.epa.gov\region4\sesd\oqua\r4qmp598.html
193	26	EPA Supplemental Environmental Project Policy	05/01/98	N	N	None	22	
194	121	Implementation issue with the pulp and paper MACT	04/27/98	N	N	None	1	
195	18	Region 4 Federal Facility Branch Policy on Land Use Controls	04/27/98	N	N	40 CFR 300.430 (e)	7	
196	191	Fuel monotoring schedule and sampling	04/24/98	N	N	None	3	
197	50	Monitoring Reporting Guidance	04/16/98	N	N	None	7	
198	3	Alternative opacity monitoring	04/16/98	N	N	None	3	
199	18	Fact Sheet-Use of Wetlands for Wastewater Treatment	04/09/98	N	N	None	4	
200	71	Waiver of Beryllium Testing requirement requested for Ornamental Products, Inc.	03/16/98	N	N	None	4	
201	193	Black liquor burned in Boiler	03/12/98	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
202	125	HON applicability request for PTA production process	03/09/98	N	N	None	3	
203	194	Alternative opacity monitoring	03/09/98	N	N	None	3	
204	3	Letter to Ronald Methier, GA EPD on TCMs	03/06/98	N	N	None	2	
205	4	Permitting of Phenolchemie, Inc. in Theodore, AL	02/27/98	N	N	None	7	Response to attorney concerning interpretation of "contiguous of adjacent"
206	178	Testing required for monitoring plan	02/25/98	N	N	None	2	
207	5	Letter to Jim Joy, DHEC	02/20/98	N	N	None	6	Response to request for assistance from state permitting authority on Title V applicability determinations
208	187	Alternative mercury testing	02/14/98	N	N	None	3	
209	31	Field Level Enforcement MOA	02/11/98	Y	N	None	6	
210	15	Letter to Ron Gore ADEM on Birmingham ozone nonattainment area	02/05/98	N	N	None	2	
211	126	Clarification of 40 CFR 63 Subpart O	02/04/98	N	N	None	2	
212	1	Policy on Tuition Cost	02/04/98	N	N	None	53	
213	1	Tampa Bay National Estuary Program Interlocal Agreement	02/01/98	N	N	None	53	
214	38	Letter to J. R. Skinner FL FHWA on long range transportation plan	01/28/98	N	N	None	3	
215	36	Letter to Joe Wilkerson, AL FHWA regarding comments on Birmingham TIP	01/26/98	N	N	None	3	
216	195	Determining dryer excess emissions	01/15/98	N	N	None	2	
217	51	McKay Bay Refuse to Energy	01/14/98	N	N	None	5	
218	42	Dyer Boulevard Landfill	01/13/98	N	N	None	3	
219	45	Closure or Change--In-Service of a Hazardous Substance UST	12/23/97	N	N	None	25	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
220	6	Applicability of Fugitive Emissions from Gasoline/Fuel Terminals for Title V purposes	12/20/97	N	N	None	2	Response to request for assistance from state permitting authority on Title V applicability determination
221	45	North/South Broward RRF	12/12/97	N	N	None	6	
222	129	40 CFR Part 63 Subpart R applicability	12/10/97	N	N	None	1	
223	132	Request for waiver of portions of the 40 CFR 63 Subpart O standard	12/10/97	N	N	None	2	
224	43	Indian River County Landfill	12/09/97	N	N	None	2	
225	1	Letter to John Hornback, KYDEP on Reformulated Gas Program	12/02/97	N	N	None	2	
226	5	Region 4 Analytical Support Branch Operations and Quality Control Manual Revision:1	12/01/97	N	N	None	153	http://www.epa.gov./region-4/sesd/asbsop/asbop.html
227	78	Revisions to monitoring requirements in the PSD permit for Unit 8 of City of Tallahasse Purdom Generating Station	12/01/97	N	N	None	3	
228	17	Draft EPA Region 4 Suggested Practices for Evaluation of a Site for Natural Attenuation (Biological Degradation) of Chlorinated Solvents	11/30/97	N	N	None	47	Now replaced with EPA national guidance in this subject area
229	4	Letter to Congressman Newt Gingrich on State Route 140 in Canton, GA	11/24/97	N	N	None	3	
230	62	VOC Emission Rates, Methods 25, 25A	11/21/97	N	N	None	6	
231	16	Letter to Ron Gore ADEM on enforceable commitments for Birmingham	11/18/97	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
232	179	Absorbing alternative monitoring	10/31/97	N	N	None	3	
233	196	Monitoring frequency	10/28/97	N	N	None	2	
234	197	Frequency of fuel use recordkeeping method	10/28/97	N	N	None	2	
235	198	Monitoring frequency/sampling site	10/25/97	N	N	None	3	
236	199	Recordkeeping for subpart DC boilers	10/24/97	N	N	None	3	
237	200	Fuel usage recordkeeping frequency	10/24/97	N	N	None	3	
238	5	Letter to Nicholas L. Graf, P.E. NCHWA on transportation Conformity	10/23/97	N	N	None	6	
239	3	Liquor storage tanks at pulp mill	10/23/97	N	N	None	3	
240	2	Applicability of Land Disposal restrictions to CERCLA Remedical Action at Shuron Site, Barnwell South Carolina	10/16/97	N	N	None	2	
241	202	Monitoring frequency	10/14/97	N	N	None	3	
242	8	Morehead City Ocean Dredge Materials Disposal Site: Site Management Monitoring Plan	10/09/97	N	N	None	53	
243	203	PEMS for Subpart Db Nox monitoring	09/22/97	N	N	None	4	
244	204	NMOC Sampling locations	09/17/97	N	N	None	4	
245	205	Location of COMS	09/11/97	N	N	None	3	
246	37	Letter to James Warr, ADEM on NOx Waiver for Birmingham	09/10/97	N	N	None	3	
247	39	Letter to Marlin Gottschalk GA EPD on repair waiver limit	09/09/97	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
248	206	Performance test waiver	09/04/97	N	N	None	2	
249	207	Alternative excess emission monitoring	09/02/97	N	N	None	4	
250	9	9 Savannah Harbor Ocean Dredge Materials Disposal Site: Site Management Monitoring Plan	09/01/97	N	N	None	17	
251	5	Subpart CC Compliance Assistance	09/01/97	N	N	None	14	
252	6	Subpart CC Technical Resource Document	08/29/97	N	N	None	15	
253	44	Cost Recovery Guidance (LUST)	08/25/97	N	N	None	37	
254	40	Letter to Sarah Hill on proposed Johnson Ferry Road/Abernathy Road widening project	08/22/97	N	N	None	4	
255	208	Nox PEMS for Subpart Db boiler	08/21/97	N	N	None	4	
256	35	Letter to Howard Rhodes FL DEP on Gulf Coast Recycling	08/18/97	N	N	None	2	
257	130	Extension for testing deadline (40 CFR 63 Subpart N)	08/07/97	N	N	None	2	
258	209	Changes to subpart Dc boiler	07/28/97	N	N	None	3	
259	77	Alternatives Sampling Procedures NMOC emissions from the USA waste Landfill	07/21/97	N	N	None	4	
260	133	Request for a compliance extension (First Chemical Corporation)	07/14/97	N	N	None	2	
261	47	Tri-State Geographic Initiative Air Toxics Project Work Plans Section 4 - Risk Management Plan	07/09/97	N	N	None	10	The first 3 sections of this work plan merely describe how data will be collected and are not included in this reponse
262	131	Requestt for Waiver of performance test (40 CFR Part 63 Subpart N)	07/09/97	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
263	210	Nonmetallic mineral production line	07/03/97	N	N	None	3	
264	41	Position statement concerning the 1998 303(d) List	06/16/97	N	N	None	3	
265	180	Monitoring of Chronium Controls	06/12/97	N	N	None	4	
266	44	NSPS Subpart Cc, WWW (FL)	06/10/97	N	N	None	2	
267	42	Letter to Ed McBrayer on Centennial Park Greenway Trial Project	06/09/97	N	N	None	2	
268	31	Status and Framework for Storm Water Enforcement in Florida	06/01/97	N	N	None	34	
269	188	Burning of Wastewater sludge	05/22/97	N	N	None	2	
270	211	NMOC sampling requirements	05/22/97	N	N	None	3	
271	21	Region 4 Model Part B Comments: Trial Burn Plans and Site Specific Risk Assessments for Hazardous Waste Combustors	05/12/97	N	N	None	6	Conference Proceedings
272	134	112(g) delegation (NC)	05/05/97	N	N	None	2	
273	10	Jacksonville Ocean Dredge Materials Disposal Site: Site Management Monitoring Plan	05/01/97	N	N	None	19	
274	24	Draft Clarification Points on the White Paper "Media Cleanup Standards and Conditional Remedies in the HSWA Program"	04/29/97	N	N	None	9	Letter to Satish Kalury, FDEP
275	81	Fuel usage recordkeeping waiver request(Kingsford)	04/23/97	N	N	None	2	
276	212	Recordkeeping requirements for backup fuel	04/23/97	N	N	None	3	
277	80	Monitoring requirements for 40 CFR 60 Subpart UUU	04/22/97	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
278	213	Data collection requirements	04/22/97	N	N	None	2	
279	214	Incinerator testing requirements	04/21/97	N	N	None	3	
280	9	Letter to Ronald C. Methier, APB on Muscogee County Lead SIP	04/18/97	N	N	None	2	
281	79	Alternative SO2 Monitoring Plan for boilers at Wellman	04/15/97	N	N	None	5	
282	8	Request for Guidance on PSD Applicability Determination for Emissions from Shutdown of Voluntarily Installed Control Device	04/15/97	N	N	None	3	
283	42	Final TMDL Development Strategy	04/14/97	N	N	None	5	
284		Alternative Monitoring during stack repairs	04/12/97	N	N	None	3	
285	216	CSA and credible Evidence	04/10/97	N	N	None	4	
286	135	Request for guidance on the use of wetting agents to comply with the chronium electroplating MACT	04/09/97	N	N	None	2	
287	217	Testing Requirements	04/09/97	N	N	None	3	
288	218	Span value for Subpart Db CEMS	04/04/97	N	N	None	2	
289	7	Requested Guidance on "Common Control" Issues	04/03/97	N	N	None	4	
290	46	Community-Based Environmental Protection - A Framwork for the Southwest	04/01/97	N	N	None	15	
291	161	Capture system monitoring	03/25/97	N	N	None	3	
292	181	Chromium emissions testing	03/24/97	N	N	None	2	
293	9	Request for Guidance on PSD Applicability Determinations for Boiler Emissions	03/14/97	N	N	None	4	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
294	10	Letter to Governor Paul E. Patton, KY on findings of failure to submit SIP elements	03/13/97	N	N	None	2	
295	162	Data availability	03/13/97	N	N	None	5	
296	163	Subpart GG Monitoring	03/11/97	N	N	None	3	
297	182	sampling procedure - flouride	03/09/97	N	N	None	3	
298	39	Draft Index of TMDL Submittal Documentation	03/06/97	N	N	None	6	
299	128	Exemptions from HON MACT	03/03/97	N	N	None	2	
300	14	Phibro-Tech, Inc. Spent Etchants for the Production of Fungicides	03/03/97	N	N	None	2	
301	13	Phibro-Tech, Inc. Spent Etchants for the Production of Fungicides	03/01/97	N	N	None	1	
302	11	Letter to John Hornback, KY DEP on I/M schedule for Northern KY	02/26/97	N	N	None	1	
303	183	Test methods for formaldehyde plants	02/13/97	N	N	None	3	
304	6	Letter to Ron Gore, AL DEM on Birmingham SIP	02/04/97	N	N	None	2	
305	164	Testing sulfur content of landfill gas	02/03/97	N	N	None	2	
306	51	EPA region 4 UIC Program Naturally Occuring Radioactive Material Class II Well Procedure	02/03/97	N	N	None	13	
307	12	Clarification of EPA Region 4's position on Hazardous Waste Management as it Applies to Co-generators of Hazardous Waste	02/01/97	N	N	None	4	
308	4	American Soils Corporation's Asphalt Base Mix product in which K061 is and Ingredient	01/27/97	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
309	12	John Walton, TN APCB on Lead SIPs	01/22/97	N	N	None	2	
310	8	Letter to Iwan Choronenko, Hillsborough County, FL AMD on Lead SIP	01/21/97	N	N	None	2	
311	22	Hazardous Waste Combustor Risk Assessment Workshop	01/21/97	N	N	264	150	Workshop handouts.
312	41	Letter to Ron Methier GA EPD on Atlanta 15% plan	01/15/97	N	N	None	1	
313	166	Nitrogen sampling frequency - subpart GG	01/15/97	N	N	None	3	
314	3	Applicability of land Disposal Restrictions to CERCLA Remedial Action at Shuron site, Barnwell, South Carolina	01/15/97	N	N	None	2	
315	167	Subpart GG CEMS for Excess emissions report	01/14/97	N	N	None	2	
316	168	TRS Exemption	01/09/97	N	N	None	4	
317	50	McKay Bay Refuse to Energy	12/30/96	N	N	None	6	
318	165	Custom fuel monitoring schedule for turbine	12/04/96	N	N	None	2	
319	169	Portable equipment - Subpart OOO	12/03/96	N	N	None	2	
320	169	Portable equipment - Subpart OOO	12/03/96	N	N	None	2	
321	32	Region 4 Collection System Compliance and Enforcement Program	12/02/96	N	N	None	13	
322	170	Method 9 as an alternative to COM	11/27/96	N	N	None	3	
323	171	Alternative Opacity Monitoring	11/26/96	N	N	None	3	
324	172	Alternative monitoring of the scrubber vent	11/22/96	N	N	None	3	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
325	173	Adding emission limits Subpart DDD	11/14/96	N	N	None	3	
326	174	Initial Performance test	11/14/96	N	N	None	3	
327	184	Subpart N monitoring alternative	11/08/96	N	N	None	3	
328	175	Lead remelting pot	11/01/96	N	N	None	2	
329	11	Wilmington Ocean Dredge Materials Disposal Site: Site Management Monitoring Plan	11/01/96	N	N	None	24	
330	185	Lead remelting pot applicability	11/01/96	N	N	None	2	
331	10	DRAFT: Guide for Conducting Evaluations of Municipal Wastewater Collection System Operation and Maintenance Management Programs	10/30/96	N	N	None	24	
332	127	Clarification of HON MACT	10/30/96	N	N	None	2	
333	176	Subpart BB monitoring requirements	10/22/96	N	N	None	3	
334	9	Proposed Empty Tank Rule for Alabama	10/22/96	N	N	None	10	
335	10	Lead acid Batteries that Contain Chromium	10/22/96	N	N	None	9	
336	7	Letter to Ron Gore, AL DEM on Birmingham SIP	10/21/96	N	N	None	2	
337	177	Monitoring and Data Reduction	10/16/96	N	N	None	4	
338	3	Subpart BB Data Availability	10/15/96	N	N	None	3	
339	139	Monitoring for Subpart AAa	10/02/96	N	N	None	3	
340	37	Compensatory Mitigation	09/30/96	N	N	None	12	
341	140	Duration of Visible Emission Observation Subpart Eb	09/26/96	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
342	141	Request to waive initial testing	09/26/96	N	N	None	2	
343	142	Electric arc furnace - alternatiive monitoring	09/19/96	N	N	None	2	
344	2	Hourly potential emissions	09/07/96	N	N	None	2	
345	144	Changes to recovery boiler not a modification	09/03/96	N	N	None	2	
346	3	Region 4 Data Validation Standard Operating Procedures for Polychlorinated Dibenzodioxin and Polychlorinated Dibenzofurans	09/01/96	N	N	None	34	Guidance document for quality assurance review of dioxin/furan chemical data http/www.epa.gov/region4/sesd/oqua/r4diosop.html
347	26	Risk Assessment Within the HSWA Program	08/24/96	N	N	None	9	Guidance memorandum
348	49	McKay Bay Refuse to Energy	08/20/96	N	N	None	9	
349	145	Electric arc furnace monitoring requirements	08/16/96	N	N	None	2	
350	146	Alternative fuel usage record frequency	08/14/96	N	N	None	3	
351	147	COM certification for auxillary boiler	08/14/96	N	N	None	2	
352	148	Alternative monitoring -absorber Subpart DDD	08/12/96	N	N	None	2	
353	149	Subpart Kb-Asphalt related products tanks	08/07/96	N	N	None	2	
354	150	Opacity monitoring for Subpart Dc boilers	07/23/96	N	N	None	3	
355	151	Modification of Boiler - IP	07/08/96	N	N	None	3	
356	37	Establishment & Operation of Mitigiation Banks in South Carolina	07/01/96	N	N	None	18	
357	25	Extent of Contamination and Scope of Investigations in the HSWA Program	06/28/96	N	N	None	9	Guidance memorandum

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
358	1	Regulatory Status under RCRA of Used Wiping Cloths from Brake Cleaning	09/25/96	N	N	None	2	
359	152	Opacity, Nox monitoriing alternatives	09/20/96	N	N	None	4	
360	8	Waste Determination	09/13/96	N	N	None	3	
361	153	Waiverr of iniitial performance testing	09/12/96	N	N	None	3	
362	154	Applicability/recordkeeping for Subpart Dc boilers	09/12/96	N	N	None	3	
363	186	Alternative test method approval	09/12/96	N	N	None	2	
364	1	Environmental Investingations Standard Operating Procedures and Qaulity Assurance Manual	09/10/96	N	N	None	369	This guidance document is used by Region4, EPA, SESD employees conducting field investigations. The document includes CFR requirements for conducting field investigations as well as info from other EPA guidance documents. Copies of the document have been requested by States, Indian Tribes,private consultants, etc. http://www.epa./gov/region4/
365	45	Commonly asked question about Community-Based Environmental Protection - (CBEP)	09/01/96	N	N	None	6	
366	155	Thermal oil heater venting through process dryer	05/30/96	N	N	None	2	
367	136	Questions concerning Title V permitting program	05/17/96	N	N	None	4	
368	156	Hospital Subpart Dc boiler - opacity monitoring	05/07/96	N	N	None	3	
369	10	Pollutants from Control Systems	04/09/96	N	N	None	2	Response to request for assistance from state permitting authority
370	157	RATA for time shared CEM	04/09/96	N	N	None	2	
371	158	GTSP Storage facility control device requirements	04/09/96	N	N	None	2	
372	159	Opacity monitor Placement - fluid bed dryer	03/29/96	N	N	None	3	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
373	160	UDMI - alternative Nox monotoring plan	03/29/96	N	N	None	5	

Region 5

1	4	Guidance Concerning Liens under Section 107 (l) of CERCLA	09/08/98	N	N	None	6	
2	1	R5/UIC-Determination of the Mechanical Integrity of Injection Wells	03/11/98	N	N	None	53	
3	6	Revised Region 5 Interim Guidelines for Identifying and Addressing a Potential Environmental Justice Case	05/01/98	N	N	None	37	
4	10	Region 5 Policy and Guidance Regarding Historical Data Usage in the RCRA Facility Investigation	05/08/98	Y	Y	None	10	
5	5	Superfund Model Quality Assurance Project Plan	05/01/98	N	N	None	106	
6	11	RCRA QAPP Policy	05/01/98	Y	Y	None	277	
7	9	Region 5 RCRA Subtitle C Corrective Action Risk Management guidance	08/01/97	Y	N	None	6	
8	13	Memo of Understanding b/w Illinois EPA and Region 5 on Illinois Site Remediation, II. Tiered Approach to Corrective Action and Remediation Programs.	06/23/97	N	N	None	8	
9	12	The Use of Field Methods to Support RFI Streamlining	06/20/97	Y	Y	None	10	
10	3	Superfund Memo of Agreement: Addendum II b/w MDEQ and USEPA	03/24/97	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
11	7	Preparation of QAPPS for Lead Grants Involving Environmental Measures	09/01/96	N	N	None	9	
12	8	Design, Performance and Monitoring of Dredged Material confined Disposal Facilities in Region 5 Guidance Document	08/01/96	N	N	None	147	
13	2	Superfund Memo of Agreement: Addendum I Brownfields Redevelopment	07/10/96	N	N	None	3	
14	14	R5/ARD - Amendment to the Memorandum of Understanding between Wisconsin DNR, Air Management Program and U.S. EPA Region 5, Air Enforcement and Compliance Assurance Branch, Concerning the Enforcement of Significant Violators in Wisconsin	05/23/96	N	N	None	4	

Region 6

1		Region 6 Land Ban Health Based Limits Guidance		N	N	None	26	
2		Guidance for Design and Installation of Final Covers	11/01/99	N	N	None	22	
3		Use of Injection Wells for Future Waste Management	10/12/99	N	N	None	2	
4		Interpretation of whether a water system in Benton County, Arkansas meets the definition of a public water system in accordance w/Safe Drinking Water Act	10/07/99	N	N	None	2	
5		Special Appropriation for Wastewater infrastructure needs for City of Kenner	10/07/99	N	N	None	3	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
6		Guidance on Use of FY2000 Incremental Clean Water Action Section (106) & (319) funds	08/31/99	N	N	None	4	
7		Priority List requirments for the CWSRF Program	08/26/99	N	N	None	2	
8		Human Health Medium-Specific Screening Levels	07/14/99	N	N	None	42	
9		Final NPDES permit issuance policy	06/04/99	N	N	None	9	
10		Notice of Intent (NOI)/Drinking Water Tribal Set-Aside (DWTSA) Program Grant Funds Guidance	06/04/99	N	N	None	2	
11		Lead sampling taken at Jani-King's four story Office building in Addision, Tx.	06/02/99	N	N	None	2	
12		Guidance for Timley Use of Clean Water State Revolving Funds(CWSRF)	04/23/99	N	N	None	2	
13		1999 Multimedia Enforcement Targeting Procedure	03/01/99	N	N	None	35	
14		Federal Facilities Risk Index Analysis	02/01/99	N	N	None	53	
15		Implementation Procedures for Class I Hazardous Waste Injection Well. No-migration petitions	01/14/99	N	N	None	5	
16		Draft Intended Use Plan (IUP) Outlining the proposed process for the Drinking Water Tribal Set-Aside (DWTSA) Program	01/13/99	N	N	None	11	
17		Hazardous Waste Combustion Unit Permitting Manual	01/01/99	N	N	None		
18		Strategy for Permitting Discharges of Wet Weather-Related Peak Flows	12/16/98	N	N	None	3	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
19		Regional Priorities for Clean Water Act Tribal Programs availability of funds	12/09/98	N	N	None	1	
20		Clean Water Action Plan-Watershed Restoration Action Strategies (WRASs)	11/10/98	N	N	None	8	
21		FY 1999 Gulf of Mexico Program Office Priorities and Funding Guidance	10/01/98	N	N	None	16	
22		Generic Model for Tribal Solid Waste Management Code	09/01/98	N	N	None	72	
23		Resident Action Guide - Press Park/Gordon Plaza	08/01/98	N	N	None	44	
24		Human Health Combustion Risk Assessment Protocol for Haazardous Waste	07/01/98	N	N	None		
25		Drinking Water Tribal Set-Aside (DWTSA) Program/Safe Drinking Water Act (SDWA) Guidance	06/19/98	N	N	None	2	
26		Drinking Water Tribal Set-Aside (DWTSA) Program	06/19/98	N	N	None	6	
27		MPRSA Site Management Plans-Calcasieu River and Pass, LA/Barataria Bay Waterway	06/02/98	N	N	None	38	
28		Introduction to Project XL	02/01/98	N	N	None	35	
29		Region 6 Pressure Falloff Testing Guidance Second Revision	01/22/98	N	N	None	30	
30		No Migration Petition Reissuance Submittal	01/14/98	N	N	None	5	
31		Handbook for Hazardous Waste Containers	11/10/97	N	N	None	22	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
32		Resident's Guide to Temporary Relocation	10/01/97	N	N	None	36	
33		NPDES Reporting Requirements Handbook	08/01/97	N	N	None	33	
34		Lead Based Paint Geographic Information System	06/23/97	N	N	None	11	
35		Osage Operator's Environmental Handbook	06/01/97	N	N	None	46	
36		MPRSA Site Management Plans-Mississippi River/Houma Naigation Canal	04/10/97	N	N	None	41	
37		General Sewage sludge Permitting Strategy State of Arkansas	01/22/97	N	N	None	5	
38		Pollution Prevention in the Textile Industry	12/01/96	N	N	None	205	
39		MPRSA Site Management Plans-Channel to port Mansfield, TX/Brazos Island Harbor, TX	11/19/96	N	N	None	22	
40		MPRSA Site Management Plans-Galveston Harbor and Channel, TX/Corpus Christi Channel, TX/ Matagora Ship Channel, TX	09/20/96	N	N	None	33	
41		MPRSA Site Management Plans-Sabine-Neches Waterway, TX/Freeport Harbor, TX	08/21/96	N	N	None	22	
42		Environmental Justice Index Methodology	08/01/96	N	N	None	50	
43		General Sewage Sludge Permitting Strategy State of Louisiana	05/27/96	N	N	None	6	
44		Pollution Prevention in the Electronics	05/01/96	N	N	None	190	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
Region 7								
1	10	Alternative Monitoring for Combustion Temperature	05/19/99	N	Y	None	3	Source specific approval of alternate monitoring plan
2	11	Owner/Operator Defined	01/05/99	N	Y	None	2	Source specific applicability determination
3	18	PSD - Holcomb Station	08/28/98	N	N	None	3	Source specific guidance
4	3	Solvent/Air Interface Measurement	04/28/98	N	N	None	2	Guidance on where to measue solvent/air interface area at a specific source
5	4	City Water for Cooling	04/27/98	N	N	None	2	
6	5	Questions on Halogenated Solvent Cleaning Rule	12/23/97	N	N	None	3	Guidance to a specific source on how to test under an EPA reference method
7	16	Waste to Energy Facility	12/02/97	N	Y	None	2	Source specific applicability determination
8	9	Beryllium Emission Testing Waiver	07/03/97	N	Y	None	2	Source specific waiver from emission testing
9	12	Subpart HH Alternative Opacity Monitoring	06/27/97	N	Y	None	3	Source specific approval of alternate monitoring plan
10	13	Recordkeeping & Reporting, Subpart Dc	06/13/97	N	N	None	3	Guidance on criteria for reducing recordkeeping and reporting requirements for small boilers
11	1	Mitigation Guidelines	05/01/97	N	N	None	46	
12	17	Region 7 Policy on Periodic Monitoring for Opacity	04/18/97	N	N	None	5	
13	2	Fact Sheet - Groundwater Cleanup Technical Impracticability Determinations	04/17/97	N	N	None	5	Describes Region VII process for making Technical Impracticability determinations
14	6	Determining Solvent Content	03/12/97	N	N	None	2	Source specific guidance on how to calculate amount of liquid removed from solvent cleaning machines
15	14	Contiguous Sites	02/26/97	N	Y	None	2	Source specific applicability determination
16	15	Routing of Landfill Gas	02/11/97	N	N	None	1	Guidance on routing of collected landfill gas under EPA landfill rule
17	7	Freeboard Ratio-Measurement	12/17/96	N	N	None	2	Guidance on where to measure to determine freeboard ration
18	2	Paint Stripping	07/17/96	N	N	None	2	Guidance on whether a paint stripper is subject to halogenated solvent cleaning NESHAP - not a source specific applicability determination

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
Region 8								
1	120	PM10 Redesignation		N	N	None	7	Guidance
2	212	Condensible Particulates		N	N	None	2	Guidance
3	268	Ozone Standard	10/27/99	N	N	None	2	Guidance
4	267	PSD Increment Study	10/14/99	N	N	52	2	
5	104	Letter to the Public regarding disposal of small PCB capacitors	10/05/99	Y	N	40CFR 761.60(b)(2	1	
6	265	Program Implementation on Indian Lands	10/05/99	N	N	71	2	
7	43	Environmental Justic Program Grants Workshop	10/01/99	N	N	None	46	
8	61	LUST Grant Carryover Policy	10/01/99	N	N	None	2	
9	101	FY99 Pesticides Cooperative Agreement	10/01/99	N	N	None	3	
10	263	PSD Determination	10/01/99	N	N	51	6	Guidance
11	264	PSD Determination	10/01/99	N	N	51	1	Guidance
12	47	Ltr from Kerrigan G. Clough to Dianne R. Nielson, Ph.D. Exec Dir, UT DEQ re: Future Program Delegation to Tribes	09/30/99	N	N	None	2	
13	62	Tank Closure Form Letter	09/10/99	N	N	40C.F.R.28	9	
14	261	Permit Applicability Determination	09/10/99	N	N	71	3	
15	60	Risk Based Decision Making for Petroleum Release Sites in Indian Country	09/02/99	N	N	None	11	
16	59	Biosolids Handbook	09/01/99	N	N	None	304	
17	27	EPA Region VIII Clean Water Action Strategies Supplement Guidance	08/30/99	N	N	None	6	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
18	57	Region 8 Guidance on the analysis of BETX	09/09/99	N	N	None	2	
19	42	Environmental Justic Grants Program Summaries	09/01/99	N	N	None	32	
20	63	Region VIII UST Program Guidance for State Program Approval	09/01/99	N	Y	40C>F>R>2	10	
21	100	Letter to Tribes re: Pesticides Grant Guidance	07/27/99	N	N	None	2	
22	260	Permit Applicability Determination	07/23/99	N	N	71	3	
23	102	Letter to Tribes re: Pesticides Grants Guidance	07/18/99	N	N	None	3	
24	258	Permit Applicability Determination	07/14/99	N	N	71	3	
25	259	Permit Applicability Determination	07/14/99	N	N	71	3	
26	257	Ozone Standards	07/09/99	N	N	None	3	Guidance
27	53	Hazardous Waste Notification	07/07/99	N	N	None	2	Guidance
28	31	Environmental Protection Agency Region 8 Non-Point Source Program Project Sponsers Project Proposal Guidance for FY 2000 and Beyond	07/01/99	N	N	None	58	
29	91	Fiscal Year 2000 Regional UIC Program Operating Guidance and Advice of Tentative Allotment	07/01/99	N	N	145.25	75	
30	51	Region 8 Strategy for Total Toxic Organics	06/29/99	N	N	None	8	
31	54	Region 8 Guidance on Defining and Processing Approval Program Modifications	06/15/99	N	N	None	3	
32	48	Ltr fm Kerrigan G. Clough to Roger Johnson, Commissioner, ND Dept of Ag	06/10/99	N	N	None	3	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
33	256	Operating Permits Program	06/03/99	N	N	71	6	Guidance
34	255	Modeling for PSD	06/01/99	N	N	None	2	
35	254	CO Redesignation to State	05/28/99	N	N	None	2	
36	253	CO Redesignation to Local Agency	05/25/99	N	N	None	2	
37	272	Summary of the Hazardous Waste Minimization Program	05/12/99	N	N	None	5	
38	45	Guidance for FY2000 State Agreements EPA Region 8 ECEJ	05/01/99	N	N	None	10	
39	93	EPA Region 8 State Public Water System Supervision Program Primacy Review Document	05/01/99	N	N	None	5	
40	94	EPA Region 8 Tribal Set-Aside Drinking Water Construction Grant Program Guidelines	05/01/99	N	N	None	29	
41	270	RCRA Programs Guidance for FY 2000-2001	04/27/99	N	N	None	14	
42	252	Permit Applicability Determination	04/20/99	N	N	None	24	Guidance
43	251	Permit Applicability Determination	04/05/99	N	N	71	2	Guidance
44	30	EPA Region VIII FY99 Ecosystem Protection Program Regional Geographic Initiative Project Proposal Guidance	04/01/99	N	N	None	10	
45	249	de minimus rule	04/01/99	N	N	None	2	Guidance
46	250	Permit Federal Enforceability	04/01/99	N	N	70	3	
47	37	Reg 8 RMP Complying with 40CFR Subpart C, Accidental Release Prevention for Program 2 Facilities	03/30/99	N	N	part 68,Subpart C	169	
48	245	Permit Applicability Determination	03/24/99	N	N	71	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
49	246	Permit Applicability Determination	03/24/99	N	N	71	2	
50	247	Permit Applicability Determination	03/24/99	N	N	71	2	
51	239	Permit Applicability Determination	03/23/99	N	N	71	2	
52	239	Permit Applicability Determination	03/23/99	N	N	71	2	
53	240	Permit Applicability Determination	03/23/99	N	N	71	2	
54	241	Permit Applicability Determination	03/23/99	N	N	71	2	
55	242	Permit Applicability Determination	03/23/99	N	N	71	2	
56	243	Permit Applicability Determination	03/23/99	N	N	71	2	
57	232	Permit Applicability Determination	03/17/99	N	N	71	2	
58	233	Permit Applicability Determination	03/17/99	N	N	71	2	
59	235	Permit Applicability Determination	03/17/99	N	N	71	2	
60	236	Permit Applicability Determination	03/17/99	N	N	71	2	
61	237	Permit Applicability Determination	03/17/99	N	N	71	2	
62	238	Permit Applicability Determination	03/17/99	N	N	71	2	
63	231	Letter to State Clarifying SRU Emission Limits	03/02/99	N	N	None	99	
64	109	Tool Kit for Solid Waste Management-NPS	03/01/99	N	N		99	
65	103	Letter to Fred Carl of BH&L in South Dakota reporting of Chemicals	02/26/99	N	Y	None	2	
66	244	Permit Applicability	02/24/99	N	N	71	2	
67	242	Permit Applicability	02/23/99	N	N	71	2	
68	26	EPA Region VIII Clarification to te States on Clean Water Action Plan Watershed Restoration Action Strategies	02/12/99	N	N	None	4	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
69	230	De minimis rule	02/12/99	N	N	None	9	Guidance
70	56	Region 8 Strategy for the Control of Waste Hauled to POTWs	02/01/99	N	N	None	104	
71	229	Smoke Management Plans	01/25/99	N	N	None	2	
72	108	NPS Environmental Resource SW Cluster	01/11/99	N	N	261	119	
73	92	Everything You Wanted to Know About Environmental Regulations...But were Afraid to Ask!	01/01/99	N	N	None	100	
74	227	UT Emission Inventory Guidance	12/21/98	N	N	None	2	
75	226	WEPCO Rule	12/07/98	N	N	None	2	Guidance
76	12	FY 1999 104(b)3) NPDES Grants Program	12/01/98	N	N	None	6	
77	225	Montana PSD	11/27/98	N	N	None	7	Guidance
78	224	T5-Petition for Reconsideration	11/20/98	N	N	None	2	
79	219	Revocation-PM10 NAAQS in Colorado	10/14/98	N	N	None	2	
80	35	Reg 8 RMP Offsite Consequence Analysis Guidance, Amonia (Anhydrous)	10/08/98	N	N		24	
81	9	FY 1999 104(b)3) Wetland Grants Program RE: Request Proposals	10/01/98	N	N	None	13	
82	38	Application Guidelines for EPA Targeted Brownfields Assessment Assistance	10/01/98	N	N	None	4	
83	95	Capacity Assessment Worksheets for Public Water Systems	10/01/98	N	N	None	18	
84	218	MT Kraft Pump Mill Rule	09/25/98	N	N	None	8	Guidance

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
85	216	Columbia Falls PM10	09/23/98	N	N	None	2	Guidance
86	214	Ltr to Colorado Air Quality Control Commission re: Section 174(a) & Redesignations	09/17/98	N	N	None	2	
87	32	Region 8 RMP Tri-fold of Liisted Chemicals & brief description of Sect.112(r) of the CAA	09/01/98	N	N	Part 68	2	
88	213	Credible Evidence Language	08/27/98	N	N	None	4	
89	210	WY Rev to AQ Stds & Regs	08/18/98	N	N	None	7	
90	209	Permit Applic. Determ: Fidlar	08/07/98	N	N	None	5	
91	207	Rest of State PM10 Classification-SD	08/06/98	N	N	None	3	
92	208	Montana PSD	08/06/98	N	N	None	12	Guidance
93	36	Reg 8 RMP Offsite Consequence Analysis Guidance, Chlorine	08/05/98	N	N	part 68	28	
94	206	Chevron Approval Order Changes	07/28/98	N	N	None	2	
95	204	Reg 1 Revisions: Colorado	07/16/98	N	N	None	3	Guidance
96	205	PSD Applic. Determ: Fidlar	07/13/98	N	N	None	3	
97	203	Clean Fuels Fleet Program	07/10/98	N	N	None	13	
98	99	Letter to Tribes	07/07/98	N	N	None	2	
99	201	Title V Permit Language	06/24/98	N	N	None	2	
100	200	Emission Limits: Flying J	06/16/98	N	N	None	4	Guidance
101	87	Plugging and Abandonment Requirements for Class II Injection Wells	06/09/98	N	N	146.24(d)	30	Guidance
102	198	Billings/Laurel Stipulations	06/05/98	N	N	None	8	Guidance
103	34	Reg 8 RMP Offsite Consequence Analysis Guidance, Propane (LPG)	06/03/98	N	N		18	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
104	197	ND Delegation of NSPS	05/28/98	N	N	None	4	
105	196	Guidance in Defining Adjacent Sources	05/21/98	N	N	None	4	
106	90	Fiscal Year 1999 Regional UIC Guidance and Advice of Tentative UIC Allotment	04/30/98	N	N	145.25	23	
107	194	Relaxation of Emission Limits in Approval Orders	04/17/98	N	N	None	3	Guidance
108	55	Procedure for a POTW Pretreatment Program to Require and Approve	04/05/98	N	N	None	3	Guidance
109	56	Changes to Outside Jurisdiction Legal Authorities EPA Region 8 Model Enforcement Response Plan	04/02/98	N	N	None	11	
110	13	EPA Region VIII Clarification of Storm Water Discharges Associated with Industrial Activity	04/01/98	N	N	None	12	
111	269	Guidance for FY98-99 RCRA Programs	04/01/98	N	N	None	10	
112	193	CEM-BACT Determination	03/29/98	N	N	None	2	
113	234	Permit Applicability	03/17/98	N	N	71	2	
114	190	Billings/Laurel SO2 SIP	03/06/98	N	N	None	16	
115	191	Conformity: Front Range Metropolitan Planning Organization	03/06/98	N	N	None	1	
116	29	EPA Region VIII FY98 Ecosystem Protecton Program-Regional Geographic Initiative Project Proposal Guidance	03/01/98	N	N	None	5	
117	189	Guidance-Oxyfuels, I/M	02/20/98	N	N	None	4	
118	46	Environmental Justice Workshop Tables	02/01/98	N	N	None	2	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
119	49	Ltr frm Steven A. Herman and William P. Yellowtail to Honorable Roy Romer, Governor of Colorado re: Colorado's Requirement to Amend S. B 94-139	01/29/98	N	N	None	4	
120	186	MSCC Feasibility Analysis	01/12/98	N	N	None	10	
121	11	FY 1998 104(b)3) NPDES Grants Program Re: Request for Proposals	12/22/97	N	N	None	8	
122	39	Generic Quality Assurance Project Plan for Brownfields Site Assessments-w/Examples	12/19/97	N	N	None	357	
123	184	Wildhorse Energy PSD	12/19/97	N	N	None	2	Guidance
124	66	Minnelusa Area Aquifer Exemption	12/11/97	N	Y	None	4	Adjudication; Not subject to CRA
125	65	UIC PROGRAM COGEMA Aquifer Exemption	12/10/97	N	Y	None	25	Adjudication; Not subject to CRA
126	181	MT Three Action Items	11/20/97	N	N	None	4	
127	33	Reg 8 Guide to the Accidental Release Prevention Requirements [Section 112(r)]	11/01/97	N	N	Part 68	55	Guidance
128	178	Ash Grove Cement Permit	10/17/97	N	N	None	3	
129	107	Environmental Management for the NPS	10/08/97	N	N		106	Guidance
130	180	Letter re: WY AQSRS	10/01/97	N	N	None	4	Guidance
131	8	FY 1998 104(b)3) Wetland Grants Program Re: Request for Proposals	09/18/97	N	N	None	13	Guidance
132	172	PM NAAQS/Controlled Burn	09/18/97	N	N	None	1	Guidance
133	14	Transmittal ot TMDL Guidance	09/12/97	N	N	None	5	
134	175	Sec. 112(g)reqmts	09/12/97	N	N	None	2	Guidance

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
135	176	MT State University PEMS	09/11/97	N	N	None	2	Guidance
136	169	Policy Clarification: Great Salt Lake Minerals PSD	09/08/97	N	N	None	2	
137	170	MT Ash Grove Permit	08/06/97	N	N	None	2	
138	16	Region VIII NPDES Whole Effluent Toxics Control Program	08/01/97	N	N	None	34	Guidance
139	171	Enforceability of NAAQS	08/01/97	N	N	None	2	
140	166	Colorado NO2 PSD Tracking	07/17/97	N	N		2	
141	98	Letter to Tribes re: Pesticides Grant Guidelines	07/11/97	N	N	None	2	
142	167	Ltr Re: Guidance on PSCo Operating Permits	07/08/97	N	N	None	2	
143	168	Southwest Ute Part 70 Prog.	07/07/97	N	N	None	6	
144	161	Tier 1 Calculation for Ash	06/30/97	N	N	None	2	
145	89	Fiscal Year 1998 Regional UIC Guidance and Advice of Tentative UIC Allotment	06/26/97	N	N	145.25	9	
146	162	Perf. Measures	06/20/97	N	N	None	2	
147	164	Wind River Seservation Flow Redesignation	06/18/97	N	N	None	4	
148	165	SO2 - Billings/Laurel	06/03/97	N	N	None	18	
149	157	Ltr to Sen. Enzi- re: Clarification of Policy and Rules Relating to Commencement of Construction	05/29/97	N	N	None	2	
150	158	Clarification of MT Title V Permit Program	05/28/97	N	N	None	4	
151	159	MT MSW Landfill Plans	05/28/97	N	N	None	2	Guidance
152	160	PSD permit-OCI WY Green R.	05/19/97	N	N	None	3	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
153	15	Reviiew Critera for Nonpoint Source TMDLs	04/30/97	N	N	None	7	Guidance
154	154	Denver)# Sunset Issues	04/25/97	N	N	None	2	
155	155	Rev. of WY Visibility SIP	04/23/97	N	N	None	2	
156	106	Information NPS Environmental Resource Manual	04/16/97	N	N		124	
157	50	Designating and Regulating Categorical Inductrial User	04/15/97	N	N	None	14	Guidance
158	52	Significant Non-Compliance	04/15/97	N	N	None	3	
159	21	Letter to Utah Division of Water Quality re: Numeric Criteria	04/01/97	N	N	None	17	
160	145	No. Cheyenne PSD Permit	03/31/97	N	N	None	2	Guidance
161	146	ND Part 70 Program	03/28/97	N	N	None	3	Guidance
162	147	PSD Permit - Montana Power	03/24/97	N	N	None	2	Guidance
163	148	PSD Permit - Montana Power	03/24/97	N	N	None	2	Guidance
164	149	PSD Permit - Montana Power	03/20/97	N	N	None	2	Guidance
165	150	Ltr to Burlington Resources re: Antler Plant PSD Rqmts	03/18/97	N	N	None	3	
166	151	MT Part 70 Permit Program	03/07/97	N	N	None	4	Guidance
167	28	EPA Region VIII FY97 Ecosystem Protection Program-Regional Geographic Iniative Project Proposal Guidance	03/01/97	N	N	None	4	
168	141	EPA Concerns w/Draft Asrco Permit	02/21/97	N	N	None	2	
169	142	SO2 SIP-Billings/Laurel	02/14/97	N	N	None	11	
170	105	Ltr to Federal Facilities re: Lighting Waste Disposal	02/09/97	N	N	40CFR 761.261	28	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
171	22	Involving the Public in Water Qualiity Standards Development	01/27/97	N	N	None	9	
172	138	WY Part 70 Operating Permits Program	01/15/97	N	N	None	3	Guidance
173	40	Disposal of small PCB capacitors contained in fluorescent light ballasts	01/08/97	N	N	None	7	Guidance
174	7	FY 1997 104(b)3) Wetland Grants Program RE: Request for Proposals	12/09/96	N	N	None	12	Guidance
175	135	SO2 emission requirements	12/02/96	N	N	None	3	Guidance
176	10	FY 1997 104(b)3) NPDES Grants Program RE:Request for Proposals	12/01/96	N	N	None	6	
177	64	Underground Storage Tank Program in Indian Country	12/01/96	N	N	None	28	
178	134	Colorado Operating permits program	11/29/96	N	N	70	2	Guidance
179		Municipal Solid Waste Landfills	11/27/96	N	N	60	10	Guidance
180	23	EPA Region VIII Guidance Concerning Development of Water Quality Standards	11/26/96	N	N	None	33	
181	132	PSD Baseline	11/20/96	N	N	None	7	Guidance
182	131	Delegation streamlining	10/24/96	N	N	70	4	
183	130	Public Hearing Provisions	10/23/96	N	N	51	3	Guidance
184	129	NSPS-Municipal Landfills	10/10/96	N	N	60	4	Guidance
185	1	Staff and Support Work Plan Guidance FY 1996	10/01/96	N	N	None	14	
186	2	Watershed Project Proposal Guidance FY 1996	10/01/96	N	N	None	22	
187	3	Information/Education Project Proposal Guidance FY 1996	10/01/96	N	N	None	19	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
188	4	Ground Water Project Proposal Guidance FY 1996	10/01/95	N	N	None	19	
189	127	Longterm Strategy	09/17/96	N	N	51	4	
190	128	State opacity limits	09/17/96	N	N	None	5	Guidance
191	24	Information and Guidance on Variances from Water Quality Standards	09/16/96	N	N	None	27	
192	6	EPA Region VIII Nonpoint Source Program Policy Paper # Irrigation Practices	09/12/96	N	N	None	3	Guidance
193	126	Municipal Waste Combusters	09/10/96	N	N	60	2	Guidance
194	19	Sample Language for Submittal of NPDES Permits and Nonpoint Source Planning Documents as TMDLs	09/09/96	N	N	None	6	
195	5	Draft EPA Region VIII Nonpoint Source Program Policy Paper #7 Protection of Special Aquatic Sites	09/01/96	N	N	None	4	Guidance
196	88	Fiscal Year 1997 Regional UIC Guidance and Advice of Tentative UIC Allotment	08/23/96	N	N	145.25	12	
197	20	Submittal of NPDES Permits / Rationales as TMDLs	08/16/96	N	N	None	2	Guidance
198	125	NSPS-Municipal Landfills	08/07/96	N	N	60.759	2	Guidance
199	124	Stack Height Rules	07/18/96	N	N	None	10	Guidance
200	44	Guidelines for Preparing Final Reports for Environmental Justice Grant Projects	07/12/96	N	N	None	66	Guidance
201	123	PSD Baseline	07/09/96	N	N	81	6	Guidance
202	122	PSD completeness	06/28/96	N	N	None	1	Guidance

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
203	17	Ltr re: Administrative Record of Review and Approval for Total Maximum Daily Loads (TMDLs)	06/26/96	N	N	None	3	Guidance
204	121	Stack Test	06/26/96	N	N	None	1	Guidance
205	119	Colorado program review	06/19/96	N	N	None	13	Guidance
206	118	Yellowstone air quality	06/12/96	N	N	None	7	Guidance
207	117	Lead SIP	05/30/96	N	N	None	2	Guidance
208	116	BACT analysis	05/17/96	N	N	None	3	Guidance
209	115	Permit enforceability	05/07/96	N	N	None	6	Guidance
210	114	Failure to submit a SIP	05/03/96	N	N	None	2	Guidance
211	112	Title V Variance	05/01/96	N	N	70.4(b)	9	Guidance
212	113	Ozone Redesignation	05/01/96	N	N	None	5	Guidance
213	111	Ozone Redesignation	04/25/96	N	N	None	4	Guidance
214	110	NSPS for New Municipal Solid Waste Landfills	04/05/96	N	N	60	2	Guidance
Region 9								
1		PCB's cable, What metal Recyclers should know		N	N	None	1	
2		Ltr to Dave Spath, PH.D., P.E. Chief, California Department of Health Services, Sacramento, CA		N	N	None	25	
3		Suggested Guidelines for the preparation of Environmental Assessments (for water and wastewater projects)	10/26/99	N	N	None	5	
4		Region 9 Quality Assurance (QA) Policies for Tribes	10/25/99	N	N	None	3	

Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
5	Region 9 Preliminary Remediation Goals (PRGs) 1999	10/01/99	N	N	None	19	
6	Title V Permit Review Guidelines	09/09/99	N	N	None	253	
7	Model Accreditation Plan-A Newsletter for Asbestos Training Providers	09/01/99	N	N	None	2	
8	NSR Offset Tracking System	08/24/99	N	N	None	2	
9	Informal Procedures for Resolving Disputes Regarding Assistance Agreement with Indian Tribes	08/12/99	N	N	None	2	
10	Letters to California DPR	08/09/99	N	N	None	3	
11	Final Guidance for Drinking Water Program	07/21/99	N	N	None	11	
12	Letters to California DPR	07/20/99	N	N	None	1	
13	Underground Injection Control Program-RPA 909-F-99-002	07/01/99	N	N	None	1	
14	CA Air Pollution Control Officer Association/CA Resources Board /EPA Reg 9 Periodic Monitoring Workgroup	06/24/99	N	N	None	11	
15	Regional Interim Policy for Determination of Volatile Organic Compound (VOC) Concentrations in Soil and Soil Matrices	06/23/99	N	N	None	7	
16	Application for Federal Assistance-Yvonne Sylvia, Administrator, Department of Human Resources, Carson City, NV	06/22/99	N	N	None	9	
17	FY99 Overview of Pesticide Program	06/17/99	N	N	None	6	
18	Pesticide Enforcement Cooperative Agreement Application Manual	06/17/99	N	N	None	75	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
19		Ltr to Ms. Derrith Wathman-Moore, Executive Director, Navajo Nation Environmental Protection Agency, Window Rock, AZ	06/14/99	N	N	None	8	
20		Ltr to Michael P. Kenny, California Air Resources Board	05/12/99	N	N	None	7	
21		FY00 Pesticide Regional Office Guidance	05/01/99	N	N	None	6	
22		Compliance Information for New or Existing Subsurface Disposal Sites	04/20/99	N	N	None	1	
23		Water Divison-Drinking Water Tribal Set-Aside Grants-Guidance to Applicants	04/01/99	Y	Y	None	17	
24		FY99 Pesticide Environmental Stewardship (PESP) Program Guidance	03/20/99	N	N	None	11	
25		Supplemental Guidelines for Antimicrobial Inspections in Region IX	03/01/99	N	N	None	2	
26		Monitoring Waiver Application-Tribal Lands Drinking Water Program	03/01/99	N	N	None	23	
27		Memo on AIRS	02/25/99	N	N	None	2	
28		Letter to Mr. Gary Gill, Deputy Director, Hawaii Department of Health, Honolulu, HI	02/23/99	N	N	None	6	
29		Ltr to Tribal Leaders and Tribal Representatives	02/19/99	N	N	None	34	
30		Drinking Water Standards and Health Advisories Table	01/01/99	N	N	None	17	
31		Guidance for Including State and Local Rules in SIPs	12/18/98	N	N	None	3	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
32		Water Division memo; Subj: Reg 9 Program Guidance on the Clean Water Act Section 404(f)(1)(B) Exemption for Maintenance and Emergency Reconstruction of Currently Serviceable Structures	12/08/98	N	N	None	6	
33		Hazardous Waste Management for Colleges and Universities	12/01/98	N	N	None	29	
34		AHERA Highlights-Information about EPA's School Asbestos Program	12/01/98	N	N	None	2	
35		Guidance for Project Eligibility and Design Under the Region IX Tribal Border Infrastructive Program	11/16/98	Y	Y	None	17	
36		Title V Permit Review Protocol Agreement San Joaquin Valley Unified Air Pollution Control District	10/01/98	N	N	None	3	
37		Letter to David Ward, Vacaville, CA	08/17/98	N	N	None	2	
38		Letter to Thomas W. Ripp, United States EPA, Washington, DC	06/22/98	N	N	None	1	
39		Ltr to Michael P. Kenny, California Air Resources Board	06/19/98	N	N	None	9	
40		List of Priority Activities for State FY-99 PWSS Program	05/27/98	N	N	None	3	
41		FY99 Pesticide Regional Office Guidance	05/19/98	N	N	None	5	
42		Ltr to Mr. Abay, Texaco Refining & Marketing, Inc.	05/14/98	N	N	None	7	
43		Risk Comparison for Radionuclides in Drinking Water	04/13/98	N	N	None	2	
44		FY98 Pesticide Environmental Stewardship (PESP) Program Guidance	03/09/98	N	N	None	11	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
45		Instructions for the One-Time Sampling Event Sampling and Analysis Plan (SAP)	02/27/98	N	N	None	49	
46		Ltr to Paul S. Gilman, Maricopa Environmental Services Department, Air Quality Div., Phoenix, AZ	12/11/97	N	N	None	1	
47		Letter to Jesse Diaz, Chief, Division of Water Quality, State Water Resources Control Board	09/11/97	N	N	None	10	
48		Ltr to Ms. Ellen Garvey, Bay Area Air Quality Management Division, San Francisco, CA	08/15/97	N	N	None	7	
49		Ltr to James Colgiano, Ph.D- Subj: Vinyl Chloride-Incorporation of Early-Life Sensitivity into Risk Estimates for Less-Than Lifetime Exposures	08/14/97	N	N	None	6	
50		Ltr to Yvonne Sylvia, Administrator, Department of Human Resources, Carson City, NV	07/11/97	N	N	None	28	
51		FY98 Pesticide Regional Office Guidance	05/30/97	N	N	None	5	
52		Ltr Bruce Anderson, Ph.D., Hawaii Department of Health	05/30/97	N	N		11	
53		FY97 Pesticide Environmental Stewardship (PESP) Program Guidance	05/09/97	N	N	None	10	
54		Ltr to Michael P. Kenny, California Air Resources Board	04/16/97	N	N	None	5	
55		U.S. Army Engineer District, Ft. Shafter, HI, Special Joint Public Notice Site Management Plan (SMP) for the Hawaii Ocean Dredged Material Disposal Sites	04/07/97	N	N	None	8	

	Prog Office Table #	Title	Date of Issuance	Sub. under CRA	Legally	FR Cite	No. of Pages	Comments
56		Letter to Russell Rhoades, Director, Arizona Department of Environmental Quality	09/16/96	N	N	None	5	
57		Ltr to Yvonne Sylva, Administrator, Department of Human Resources, Carson City, NV	08/07/96	N	N	None	6	
58		Ltr to James D.Boyd, California Air Resources Board	09/11/96	N	N	None	13	
59		FY 97 Pesticide Regional Office Guidance	06/01/96	N	N	None	37	
60		RCRA Corrective Action Program DATA REVIEW GUIDANCE MANUAL	06/01/96	N	N	None	56	
61		Regions 9 and 10 Guidance for Implementing Whole Effluent Toxicity Testing Programs	05/31/96	N	N	None	109	

Totals for Complete Compendium of Non-Codified Documents for Rep. McIntosh 2/8/2000

	Submitted under CRA=Y	Submitted under CRA=N	Legal Binding=Y	Legally Binding=N	No. of Pages
2653 Total Documents	**62**	**2591**	**119**	**2534**	**96,906**

APPENDIX E

NAM National Association of Manufacturers

MANUFACTURING MAKES AMERICA STRONG

Testimony

Of Michael Baroody

Senior Vice President, Policy, Communications and Public Affairs

on behalf of the National Association of Manufacturers

before the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, House Committee on Government Reform

on "Is the Department of Labor Regulating the Public Through the Backdoor?"

February 15, 2000

1331 Pennsylvania Avenue, NW • Washington, DC 20004-1790
(202) 637-3000 • Fax (202) 637-3182 • www.nam.org

Manufacturing:

The Key to Economic Growth

- The United States was rated number one in global competitiveness by the Switzerland-based Institute for Management Development by a wide margin — almost 20 percent above its closest competition, Singapore and nearly twice as high as traditional economic rivals, Germany and Japan.

- U.S. manufacturing productivity growth averaged more than 4 percent during 1996 and 1997 — roughly one-third higher than the trend since the early 1980s and nearly three times as great as the rest of the economy.

- U.S. manufacturing's direct share of the Gross Domestic Product (GDP) has remained remarkably stable at 20 percent to 23 percent since World War II. Manufacturing's share of total economic production (GDP plus intermediate activity) is nearly one-third.

- Manufacturing is responsible for two-thirds of the increase in U.S. exports, which have grown to 12.9 percent up from 11.4 percent in 1986.

- No sector of the economy, including the government, provides health care insurance coverage to a greater percentage of its employees. Average total compensation is almost 20 percent higher in manufacturing than in the rest of the economy.

- Technological advance accounts for as much as one-third of the growth in private-sector output, and as much as two-thirds of growth in productivity. The lion's share of this comes from the manufacturing sector, which accounts for more than 70 percent of the nation's total for research and development.

TESTIMONY of

Michael Baroody
Senior Vice President
Policy, Communications and Public Affairs
National Association of Manufacturers

Before the Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
House Committee on Government Reform

February 15, 2000

Chairman McIntosh, members of the subcommittee, on behalf of the National Association of Manufacturers, our 14,000 member companies -- large, mid-sized and small --and the 18 million people who make things in America, I want to thank you for this opportunity to testify before you today.

To put the matter simply, your subject is important. It is important economically and commercially, socially and politically, legally and constitutionally.

It was Jefferson, I believe, who when asked why a formal declaration of independence was needed, said its purpose was to put the matter before people in language so plain and firm "as to command their assent." And when he wrote the Declaration, he wrote with what he termed a "decent Respect to the Opinions of Mankind . . . ."

I am a Labor Department veteran – and a proud one -- having served as Assistant Secretary for Policy there for more than 4 years, including most of Ronald Reagan's second term. I don't expect the Department in its regulating, any more than I expect Congress in its legislating, to always match Jefferson's language -- plain, firm and compelling. That would be too much to expect.

But on behalf of manufacturers and the broader business community, I do not think it too much to expect that the appointees in charge of regulatory agencies of the Department, and government-wide for that matter, would at least display a decent respect for the opinions of the regulated – and for the public in general.

The many times in recent years when they have not, is the important subject before this subcommittee. As an attachment to my testimony we have included an annotated list of examples. In all candor Mr. Chairman, it is far from a complete list and with the subcommittee's permission, we would be pleased to try gather additional examples to share with you in coming weeks.

Importantly, the short list we've provided makes the point that the problem of non-regulatory guidance, "non-rule rules," back-door rulemaking as it is variously described, is not just a problem at the Occupational Safety and Health Administration, nor is it just a problem at the Department of Labor. It is a problem widespread in this Administration.

One has the sense that the Administration, perhaps having gotten in its final year an intimation of its own mortality, is in a bit of a rush to make policy by administrative fiat where it has failed to do so by legislative means or by following the regular regulatory order.

The recent "Work at Home" rules provide a well-known case in point. First noticed in an interpretive letter posted on OSHA's web site, the letter spoke in terms of obligations on "all employers." National news accounts and the firestorm of ridicule and reaction they prompted teased out of the department an explanation that the letter describing obligations on all employers applied only to one employer; that the

interpretation intended to offer clear answers to questions put to OSHA had caused confusion instead (though it had been two years in the drafting); and, that the letter was therefore being withdrawn. When the letter was withdrawn, though, it seemed at least for a while that the interpretation stood – and the confusion was only compounded.

Perhaps the matter of work at home is concluded (though one can't really be certain, and certainty about what the law means and what it requires is what this hearing is all about) but the underlying problem persists.

Just as OSHA seemed with a simple letter to extend the reach of the Act to the millions of homes that double as work sites in our dynamically changing modern economy and changing contemporary workplace, so did DoL's Wage and Hour Division upset 30 years of settled collective bargaining agreement in the food industry with an opinion letter. The so-called "donning and doffing" provisions had become a staple of labor contracts in the meat industry, wherein labor and management agreed that time taken to put on protective clothing and equipment and take it off and clean utensils at the end of a shift was non-compensated time. With its opinion letter in response to a UFCW inquiry, DoL not only abrogated collectively bargained contract provisions, it contradicted its own position in two court cases it had just litigated.

To take just one more example, the settled practice in OSHA compliance has long been to treat repeat violations as more serious than first-time events. Equally settled was the definitional point that such violations were those found in separate inspections at the same plant. Quietly, through compliance directive and without notice to employers much less notice and comment rulemaking, in 1998 OSHA redefined repeat violations to mean that a violation found in one company's plant in say, New York – even if corrected when

found in New York – was a repeat violation if previously found in another of that company's plants in, say, Idaho – even if corrected in Idaho.

The question here, as the Chairman well knows, isn't which is better – the old policy or the new. Rather, since they are unarguably two different policies -- with very different impacts and implications – the question is how an agency of the government of the United States of America can go from one to the other without telling anybody or asking anybody, without so much as a "by your leave."

To repeat, when rule makers and enforcers behave this way, how is one to know what the law means and what it requires – and for that matter, how long it will continue to mean what it seems to mean today and how long it will be until the requirements change?

Mr. Chairman, the NAM applauds efforts by you and many of your colleagues to impose greater discipline, oversight and scrutiny on what may be called the regulatory branch. Clarity in rulemaking, consistency in compliance enforcement, and stronger analysis of both economic and scientific bases for rulemaking are all devoutly to be wished.

But as a Labor Department veteran, I offer the caution that the regulatory history of recent decades has been one of piecemeal encroachments and expansions and there may be a limit to how much can be achieved by attempting to deregulate in the same way.

At the NAM, we have successfully sued OSHA for its lockout/tagout rules and more recently the EPA for its new national ambient air quality rules. In both cases, the U.S. Court of Appeals has stepped in, ruled in our favor and found the agencies

overstepped the doctrine of non-delegation. In the lockout/tagout case, the Court held that "OSHA's proposed analysis would give the executive branch untrammelled power to dictate the vitality and even survival of whatever segments of American business it might choose." UAW v. OSHA, 938 F.2d 1310, 1318 (D.C. Cir. 1991). For perhaps 30 years or more, until the middle of the past decade, Congress had often legislated so broadly and so vaguely as to invite the agencies to make law. The brakes on this imposed by recent Congresses and proposed in this one are welcome but they may be brakes that can at best slow, rather than bring to a full stop, the problems that arise when agencies are willful, ideologies run strong and interests demand satisfaction. What is needed by Congress, the Supreme Court, or both, is a reassertion of both the doctrine and the habit of non-delegation.

At least as important to solving this problem as are the accountability statutes this Congress is considering – a strengthened Congressional Review Act such as the Chairman proposes, for example – is the need for Congress to act on its more recent commitment to legislate plainly, and to "non-delegate" its own law-making authority to the agencies, thereby leaving less room for agency discretion and concomitantly less room for agency abuse of discretion.

One other general point, Mr. Chairman, if I may: This subcommittee is properly focused on agency avoidance of the scrutiny and oversight provided for by the Administrative Procedure Act, the Congressional Review Act and similar enactments. In fact such avoidance through "guidance," through interpretive and opinion letters, through compliance documents and the like is always inappropriate and at least occasionally illegal. Equally troubling are the occasions when an agency might technically comply

with such legal requirements but does so in a way that may be best described as pretextual -- in other words, when compliance with what I have called the accountability statutes is a ruse.

Two examples: The first goes back many years to passage of the Regulatory Flexibility Act which required agencies to analyze rules to determine any disproportionate impact on small businesses. At the NAM, more than 10,000 of our total 14,000 member companies are small and mid-sized concerns and they saw passage of "Reg Flex" as the promise of a new era of reasonableness in regulation. But by the time of my arrival at the Department in 1985, agencies had learned the drill. A sort of statement of summary judgment to the effect that "nothing in this rule has been found to have a disproportionate adverse impact on small business" had become a regular feature of federal rules, a regular part of the boilerplate of federal register notices – in short, a joke. The NAM appreciates that, more recently, Reg Flex determinations have been made subject to judicial review under the Small Business Regulatory Enforcement Fairness Act and that judicial review has been used successfully. Nevertheless, litigation is a poor substitute for oversight controls within the agencies themselves.

The second example is far more recent; in fact it is current. OSHA's ergonomics proposal along with supporting documents comprises about 1500 pages. It was "published" about 96 hours after the 1st session of this Congress adjourned without finalizing legislation this House passed which would have delayed OSHA's action for another year, pending completion of a National Academy of Sciences study on the science of ergonomics. The rule was not actually available on OSHA's website on its publication date, the comment period was only 70 days – and that extended over a period

that included the Thanksgiving holiday, Christmas, New Year's, Hannukah and Martin Luther King Jr. day -- and during the comment period the rule was amended to "correct" errors in the original version though the errors were never specified.

This is arguably the biggest rule in OSHA's history. For new rules and changes in existing rules of far less consequence and controversy, comment periods of 90 or 120 days, or even longer are not uncommon.

This ergonomics proposal may be notice-and-comment rulemaking in some technical sense, Mr. Chairman, but it does not, in our view, display a decent respect for the opinions of the regulated.

Why are we so concerned? There are several reasons, but I've already cited the principal one. Let me repeat the Court of Appeals' statement in the lockout/tagout case: ". . . OSHA's proposed analysis would give the executive branch untrammelled power to dictate the vitality and even survival of whatever segments of American business it might choose."

In addition, Mr. Chairman, compliance with any regulatory policy, directive, interpretation or other agency decision in whatever form is often expensive and time-consuming. People who make things in America have to divert their attention from their productivity and quality goals to dealing with bureaucracies, inspectors, complainants, lawyers and courts. Mistakes – or worse, deliberate acts that exceed an agency's authority – can cause serious disruptions in the course of business, in the lives of manufacturers and in the livelihoods of manufacturing workers and their families.

Second, we don't often know what policy has changed, and don't get advance notice to properly plan for the changes. In some cases, a company does not find out

about an agency's position until an issue is in litigation. The NAM is now in litigation over this tactic: in October, we filed a brief in the Supreme Court in which we argue that the position taken by IRS lawyers in the course of litigation should not be given deference over the contrary position of a taxpayer. If the law and regulations are not clear, a court should not blindly defer to an IRS lawyer's interpretation. It is troubling to us that agencies assume such power in the first place and that it might take a Supreme Court ruling to rein them in.

This raises our third concern – the reluctance of agency appointees to solicit and incorporate the views of manufacturers and others in the regulated community. Congress long ago established formal procedures by which agencies are expected to adopt regulations. All too often these regulations are supplemented, amended, broadened in scope or extended in reach through procedures that do not provide the prescribed level of openness or fairness. Officials at OSHA seem reluctant to use the legal process of amending regulations because it is too difficult. Unfortunately, expediency for a federal agency means hardship for the public.

What are the hardships to manufacturers? I'd like to outline a few examples from both the Department of Labor and the EPA.

Cooperative Compliance Program. In 1997, twelve thousand companies received letters from OSHA before Christmas stating that they must comply with new safety and health requirements or else face wall-to-wall inspections. The NAM sued, and the U.S. Court of Appeals for the D.C. Circuit found that OSHA exceeded its authority by trying to promulgate a standard without using the formal notice-and-comment procedures. The new requirements that OSHA proposed would have required companies to implement

comprehensive safety and health programs based on principles that OSHA had issued as "voluntary guidelines" in 1989. These "guidelines" included very prescriptive, top-to-bottom requirements that would have allowed OSHA to begin issuing citations for any workplaces that are not ergonomically perfect, an issue that is heatedly contested in scientific, legal and political forums.

Striker Replacement. In 1996, the President himself issued an Executive Order enabling Executive Branch agencies to blacklist government contractors who legally hire permanent replacements for workers on an economic strike. The order was issued without notice and comment, added new penalties on companies that want to do business with the federal government and was a top priority of the AFL-CIO at its annual meeting in 1995. Again the D.C. Circuit had to step in and toss out the order, declaring that the President and the Executive Branch agencies ordered to carry it out exceeded their authority and violated the requirements of the National Labor Relations Act.

Why must manufacturers and other employers be forced to go to court to prevent these regulatory excesses? Why are these regulatory decisions being made without the authority to do so?

Expansive assumption of authority. I know first-hand the quality of civil servants available to support policy makers there who are serious about advancing the statutory purposes of each agency in the department. The issue before this subcommittee is different: it involves efforts to further purposes that have not been clearly, unequivocally and statutorily delegated to the agency.

We usually recognize these when their justification purports to lie in the broad, general language of each authorizing statute. It is not surprising that a large segment of the public rises to object when policies are announced which decide issues that the public's duly elected representatives have long been unable to resolve among themselves.

We see that happening now with OSHA's proposed ergonomics standard. We also see it in the Department of Labor's proposal to allow unemployment insurance funds to pay the wages of people who are not unemployed, but who take time off of work under the Family and Medical Leave Act. While we are encouraged to see that the department is actually soliciting public comment on these proposals, the public comment periods are woefully short. Only through the pleading of more than a thousand companies, and our threat to go to court once again, has OSHA added a mere 30 days to the comment period on the proposed ergonomics standard. And, once again, we are being forced to consider filing a lawsuit, this time against the unemployment insurance rule when it comes out later this year.

Political influence. We believe there are far too many examples where agencies attempt to expand their authority as a result of political pressure from specific interest groups. Several of the issues on which the Department of Labor has so doggedly proceeded are top priorities of the leadership of the AFL-CIO. Their implementation is seen as important new tools in support of labor's organizing efforts. The DOL's pro-union activities are but one agency's visible manifestation of how its agenda is set. Other agencies, and the White House, are supporting the same agenda to one degree or another.

For example, the General Services Administration announced plans on July 9, 1999, to add new penalties to government contractors in addition to those they are subject

to under existing statutes relating to union relations, employment, workplace safety and health, tax, environmental, antitrust or consumer protection. These new proposed blacklisting regulations are, in intent and effect, similar to the President's 1996 Executive Order debarring companies that legally hire striker replacements, and fulfill a promise made by Vice President Gore to the AFL-CIO more than two years ago. Companies that properly defend their rights under the OSH Act, the NLRA or many other laws, are subject to the possibility that a disgruntled labor-organizing contingent, a consumer group, or some other interest group will harass them with unreasonable allegations to federal contracting authorities. In addition, another provision in the proposal would deprive companies of the ability to recover the costs associated with efforts to educate employees about the consequences of unionization without at the same time eliminating the cost rules that favor unions. As we told the GSA in November, this new policy will result in a distinct benefit to unions in violation of the government's labor neutrality policy.

While the implementation of politically motivated policies or programs without proper procedures and safeguards is never well timed, it is particularly suspect when it arises during the uncertainty of the current presidential campaign cycle. Under the circumstances, the Executive Branch should take special care to avoid the appearance of unlawfully expanding its regulatory authority at the expense of the regulated.

Attached to this testimony are some specific examples where the EPA and the Department of Labor have developed so-called "legally non-binding" policies. These policies are often justified as an exercise of prosecutorial discretion, whereby the agency announces situations in which it will not take action. In many cases, however, the agency

actually tries to expand its statutory authority into situations where it proposes to act. In each case, the anticipated impact of the policy is substantial and a large segment of manufacturers have felt compelled to step forward and respond.

Regulations as New Opportunities for Back-Door Rulemaking. While the incidents where DOL and other agencies have issued interpretations and guidance that impose unauthorized new requirements on manufacturers are abundant, we are also seeing new and innovative ways that agencies can, and do, multiply this pernicious technique. Specifically, agencies are proposing regulations and standards that may survive legal challenge, but that include gaps and ambiguities that will be "clarified" in the future through interpretations and guidance without adequate notice-and-comment protections. Just as Congress sometimes avoids controversial issues in agency authorizing legislation, leaving the agencies with more leeway to assume authority they do not have, so do those same agencies avoid controversial issues in their regulations, leaving their staff with more leeway to assume authority they do not have. By the time a manufacturer gets an answer OSHA's proposed safety and health program rule will require companies to have workplace programs and procedures sufficient to satisfy broad, general mandates. After the rule becomes effective, OSHA will disseminate enforcement documents, interpretations and other materials that could again bring ergonomics regulation in through the back door.

Conclusion. Unfortunately, as you can see, we have learned to expect an all-too-steady stream of questionable, and sometimes outright illegal, policy-making from federal agencies. They ignore procedural due process, avoid judicial requirements, exploit the vagueness of statutes and their own regulatory language and collude with

nominal plaintiffs in the settlement of litigation, to expand their authority over the regulated community. We call upon them to exercise restraint. Regulatory agencies should act not because they have the power to act, or because they assume the power to act, but only when they have the clearly delegated authority to act according to the will of the people acting through their elected representatives.

If they fail, and regulate too much using guidance documents, the Congressional Review Act technically is available as a brake, but its use is unwieldy and subject to the same problems of consensus-building that prevent Congress from reaching agreement on issues that agencies eventually take upon themselves to resolve. We applaud this committee for bringing this issue to light, and for attempting to remind our Executive Branch enforcement agents of their obligation to undertake their responsibilities with care, with due consideration for the limits imposed by law and the Constitution, and with a decent respect for fairness in the use of their power against the people who make things in America.

Thank you. I'd be happy to answer any questions you may have.

ATTACHMENT to Testimony of Mike Baroody
Senior Vice President
Policy, Communications and Public Affairs
National Association of Manufacturers

EXAMPLES OF AGENCIES ATTEMPTING TO EXPAND THEIR AUTHORITY WITHOUT NOTICE-AND-COMMENT RULEMAKING

Department of Labor

Home Work. OSHA attempted to regulate work at home through an interpretation and compliance letter placed on their web site. Despite OSHA's withdrawal of the letter and subsequent statements of contrition, we believe they still will require companies to keep records of injuries occurring at employees' homes, along with all the formalities that such recordkeeping entails. OSHA's single-mindedness on this point means that it is likely to continue to search for ways to prosecute manufacturers for ergonomic injuries in the workplace or at home, without clear scientific or legal authority to do so.

Mandated Pay in Unionized Facility. In 1997, the Wage and Hour Division reversed 30 years of settled collective-bargaining practice in the meat industry by issuing an opinion letter in response to a request from the United Food and Commercial Workers' Union (UFCW). Under the terms of their settled collective-bargaining pattern, workers were not paid for putting safety equipment on and off, or for cleaning their implements at day's end. Ultimately, of course, the union's signature appeared next to management's on the final agreement year in and year out. Yet, in response to the UFCW inquiry, DOL decided that this time should be compensated – regardless of the contract and in direct contradiction of the Department's position in two cases that it had just litigated. A few minutes per day times tens of thousands of employees is an expensive proposition, one that, had it been known in advance, would have prevented the affected companies from agreeing to wage and benefit demands in their collective bargaining negotiations. The

opinion letter arrived with its enormous economic impact like a thief in the night, without warning and without the DOL ever having consulted business.

Repeat OSHA Violations. In 1998, OSHA made a quiet change to its enforcement policy with regard to repeat violations. Up until then, to qualify for sevenfold penalties for a repeat violation, a company had to have been cited for the same violation at the same plant. Now, a multi-site employer qualifies for a repeat violation if it has a similar subsequent violation anywhere in its company. This was also done without notice to the group on which it would have the greatest impact: employers. This is a great concern to companies that reach settlements with OSHA, since those agreements might be used to multiply the fines for subsequent violations that are arguably similar anywhere in their company.

Pay Data. In 1999, the Office of Federal Contract Compliance Programs (OFCCP) tried to sneak through a dramatic change in its rules, requiring federal contractors to furnish wide-ranging pay data at an earlier stage of the compliance review process. While the objections from NAM members chastened them for a spell, they have now announced plans to forge ahead. No attempt was made to contact affected parties, and only the dogged persistence of the employer community has triggered a reluctant response.

Stock Options and Overtime Pay. The DOL has recently issued an opinion letter regarding the inclusion of stock options in an hourly employee's base pay. The interpretation requires that the current value of an hourly employee's stock options be estimated and included in the employee's base rate of pay for purposes of calculating overtime. Companies will be required to undertake extremely complicated recalculations in order to abide by the DOL's interpretation. If implemented, this policy will only deter companies from offering stock options to their hourly employees, who would otherwise gain immensely from this benefit.

Clearly this is a major policy choice that is typically made in a legislative context. If it is to be made by an Executive Branch agency, it should be done with notice and an

opportunity for those affected to enlighten the Department of its impact. It is not the kind of policy choice that the DOL should make long after a company has issued stock options to its non-exempt employees. Not surprisingly, increases in employee base pay also inure directly to the benefit of unions to support their organizing and political activities.

Family and Medical Leave Act (FMLA) Interpretations. The DOL issued Opinion Letter FMLA-86 stating that any condition can be a "serious health condition" under the Act if it involves incapacity for more than three consecutive days and qualifying treatment. This opinion letter conflicts with both the FMLA and its regulations. Nevertheless, the Department issued it, and a small manufacturer in Minnesota is now caught in litigation over it. The NAM and other groups have joined in the litigation as well, to underscore the seriousness of the problem and to suggest a result that conforms to the requirements of the statute.

Environmental Protection Agency

New Source Review (NSR) Litigation: The EPA wants to force older facilities -- particularly coal-burning ones -- to install expensive air pollution control equipment. Because for seven years the EPA could not reach this policy objective through regulatory or legislative means, it has unilaterally changed the definition of routine maintenance and repairs under the long-standing NSR regulation, without a rulemaking or a guidance document, but rather through an "Enforcement Alert" on its web site. Now it has sued or brought notices of violation against numerous companies.

The Clean Air Act requires a pre-construction permit before making a modification to a facility that would result in significant new emissions. The Act also explicitly allows companies to do routine maintenance and repair, and allows a company to offset emissions increases with cuts in emissions elsewhere at the facility without triggering New Source Review. For nearly 20 years some companies have maintained their plants and have not triggered NSR.

The EPA's change in interpretation is purportedly based in part on recent headlines that accused industry of ignoring or cheating on laws designed to protect the

air. The EPA did not reveal to the general public that, to arrive at its conclusions, it had to change the rules -- without rulemaking and in violation of the Clean Air Act.

Now, under the new definition, a long history of standard operating maintenance and repair procedures are alleged to violate the NSR, making industry liable for fines up to $27,500 a day for the entire period.

Federally Permitted Release: On December 21, 1999, the EPA released an interim Guidance on the definition of the Clean Air Act term "federally permitted release," even though there is a rulemaking proceeding pending at the agency. Under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) and the Emergency Planning and Community Right-to-Know Act (EPCRA), companies must report air emissions that exceed a threshold level indicating a potential emergency release, called an RQ (release quantity). In those laws, Congress recognized that some routine air emissions covered by permit limits do not need to be reported on an emergency basis. Congress also recognized the control of hazardous air pollutant emissions can be achieved through a variety of means and that releases controlled by these programs should not be reported on an emergency basis as well.

Unfortunately, the EPA's Guidance effectively eliminates all exemptions for releases that are not covered by permits, in contradiction to the plain language of the statute. The EPA also ignores congressional intent to exempt emissions that are subject to a control program. The EPA has done all of this in a way that sidesteps constitutional protections, short-circuits public participation and offends court precedents.

Periodic Monitoring Guidance: Industry, environmental groups and the EPA negotiated the terms of a rule regarding the monitoring of facility emissions in order to assure that a facility is in compliance with its permits (called the Compliance Assurance Monitoring (CAM) Rule). Less than a year later, the EPA issued Guidance that changes the interpretation of which monitoring results trigger the need to take corrective action to ensure compliance and which results indicate a violation -- completely reversing the findings and regulatory effect of the CAM Rule. Once again, industry has been forced to litigate the issues. Although agency guidance is not normally judicially reviewable, we

have survived a motion to dismiss, indicating that the court believes there is merit to our challenge.

Toxic Release Inventory (TRI): No issue is too small for political appointees at the EPA. The agency has quietly changed the minimum number of employees needed before a company must report under the TRI regulation. The changes came in a 1997 question-and-answer document generally describing the requirements for reporting under TRI. For years, the EPA literature suggested that any facility with fewer than 10 employees was exempt from reporting. Now, with the change of a single sentence in an obscure document, the EPA included sales people who are not even at the facility or may never have even set foot in the facility, but work with the facility, as part of the 10-person threshold. Thus, a company with only six employees at a site must report, if it has four regional salespersons that support the site.

Environmentally Preferable Purchases. The EPA issued guidance in August, 1999, to federal agency procurement officials giving substantial preferences to environmentally friendly government contractors (green purchases). It was prepared by EPA staff in response to Executive Order 13101, which mandated such policies. The EPA ignored many of its own laws in issuing a guidance that establishes pollution prevention criteria without the certainty or protections of a review process. We are pleased to see that Congressman McIntosh submitted a letter to EPA Administrator Browner (September 20, 1999) requesting an explanation why the guidance wasn't submitted to Congress. We too question the guidance, both for its authority and for the propriety of the procedures that were used.

Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits. EPA's Office of Civil Rights on February 5, 1998, issued guidance to provide a framework for the processing of complaints filed under Title VI of the Civil Rights Act of 1964. The EPA made it available on the Internet, and announced the opportunity to submit written comments through an EPA press advisory. Numerous entities, including the NAM, the U.S. Conference of Mayors, the Western Governor's

Association, the National Association of Counties, Black County Officials and others requested that the EPA immediately withdraw the interim guidance. EPA did not comply. Congressman McIntosh also submitted a letter (September 1, 1998) to the General Accounting Office (GAO) seeking clarification on the scope and intent of the interim guidance. The GAO replied on January 20, 1999, stating that the interim guidance is a "rule" under the Congressional Review Act portion of the Small Business Regulatory Enforcement Fairness Act (SBREFA). The EPA has since published in the Federal Register a revised version of the guidance for comment.

CAMU Settlement. As recently as two weeks ago, the EPA offered environmentalists an out-of-court settlement aimed at ending litigation over regulations that would provide needed flexibility to the Resource Conservation and Recovery Act (RCRA). The deal is based on a challenge to a 1993 Corrective Action Management Unit (CAMU) rule, which provided companies the necessary flexibility to minimize the impediments of RCRA to conduct timely and protective cleanup actions for hazardous remediation waste, such as ash. The compromise settlement, which did not involve industry, significantly changes EPA's regulations, including changes to definitions, standards, monitoring and cleanups. The settlement does not resolve the legal questions surrounding the EPA's authority to implement CAMUs – it merely avoids a judicial decision on those questions.

None of the examples above involving the EPA are scheduled for clarification through rulemaking.

APPENDIX F

DAN BURTON, INDIANA,
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH-HAGE, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

May 19, 2000

BY FACSIMILE
The Honorable Charles R. Rawls
General Counsel
Department of Agriculture
14th Street and Independence Avenue, S.W.
Washington, D.C. 20250

Dear Mr. Rawls:

This letter continues our investigation of Federal agencies' use of non-codified documents (such as guidance, guidelines, manuals, and handbooks) and the explanation within each of them to ensure the public's understanding of their legal effect.

Pursuant to the Constitution and Rules X and XI of the United States House of Representatives, please provide the Subcommittee with the following information: (a) a complete compendium of all non-codified documents issued since March 1996 in the exact format shown in the Attachment to this letter (in both a paper version and on a computer disc), and (b) a copy of the first page of each non-codified document and all other pages with any specific explanation in the document itself regarding its legal effect. Please highlight the specific explanation provided in the document.

Your response should be delivered to the Subcommittee majority staff in B-377 Rayburn House Office Building and the minority staff in B-350A Rayburn House Office Building not later than noon on Friday, July 14, 2000. If you have any questions about this request, please call Professional Staff Member Barbara Kahlow on 226-3058.

Thank you for your attention to this request.

Sincerely,

David McIntosh

David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

Attachment

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich

Compendium of All Non-Codified Documents[1] Currently in Active Use
(ordered from newest to oldest)

Title of Non-codified Document	Date of Issuance	Submitted to Congress under CRA[2]? (Y or N)		Legally Binding[3]? (Y or N)		FR Citation or None	No. of Pages	Comment
TOTAL		Y:	N:	Y:	N:			

[1]Includes all types of non-codified documents, such as guidance, guidelines, manuals, and handbooks.

[2]CRA refers to the Congressional Review Act (5 U.S.C. 801).

[3]Binding means having general applicability and future effect.

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH-HAGE, IDAHO
DAVID WITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

May 19, 2000

BY FACSIMILE
The Honorable Mary Anne Sullivan
General Counsel
Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585

Dear Ms. Sullivan:

This letter continues our investigation of Federal agencies' use of non-codified documents (such as guidance, guidelines, manuals, and handbooks) and the explanation within each of them to ensure the public's understanding of their legal effect.

Pursuant to the Constitution and Rules X and XI of the United States House of Representatives, please provide the Subcommittee with the following information: (a) a complete compendium of all non-codified documents issued since March 1996 in the exact format shown in the Attachment to this letter (in both a paper version and on a computer disc), and (b) a copy of the first page of each non-codified document and all other pages with any specific explanation in the document itself regarding its legal effect. Please highlight the specific explanation provided in the document.

Your response should be delivered to the Subcommittee majority staff in B-377 Rayburn House Office Building and the minority staff in B-350A Rayburn House Office Building not later than noon on Friday, July 14, 2000. If you have any questions about this request, please call Professional Staff Member Barbara Kahlow on 226-3058.

Thank you for your attention to this request.

Sincerely,

David McIntosh

David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

Attachment

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich

Compendium of All Non-Codified Documents[1] Currently in Active Use
(ordered from newest to oldest)

Title of Non-codified Document	Date of Issuance	Submitted to Congress under CRA[2]? (Y or N)		Legally Binding[3]? (Y or N)		FR Citation or None	No. of Pages	Comment
TOTAL		Y:	N:	Y:	N:			

[1]Includes all types of non-codified documents, such as guidance, guidelines, manuals, and handbooks.

[2]CRA refers to the Congressional Review Act (5 U.S.C. 801).

[3]Binding means having general applicability and future effect.

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LaTOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH-HAGE, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

May 19, 2000

BY FACSIMILE
The Honorable Jane E. Henney
Commissioner
Food and Drug Administration
5600 Fishers Lane
Rockville, MD 20857

Dear Commissioner Henney:

This letter continues our investigation of Federal agencies' use of non-codified documents (such as guidance, guidelines, manuals, and handbooks) and the explanation within each of them to ensure the public's understanding of their legal effect.

Pursuant to the Constitution and Rules X and XI of the United States House of Representatives, please provide the Subcommittee with the following information: (a) a complete compendium of all non-codified documents issued since March 1996 in the exact format shown in the Attachment to this letter (in both a paper version and on a computer disc), and (b) a copy of the first page of each non-codified document and all other pages with any specific explanation in the document itself regarding its legal effect. Please highlight the specific explanation provided in the document.

Your response should be delivered to the Subcommittee majority staff in B-377 Rayburn House Office Building and the minority staff in B-350A Rayburn House Office Building not later than noon on Friday, July 14, 2000. If you have any questions about this request, please call Professional Staff Member Barbara Kahlow on 226-3058.

Thank you for your attention to this request.

Sincerely,

David McIntosh

David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

Attachment

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich

Compendium of All Non-Codified Documents[1] Currently in Active Use
(ordered from newest to oldest)

Title of Non-codified Document	Date of Issuance	Submitted to Congress under CRA[2]? (Y or N)		Legally Binding[3]? (Y or N)		FR Citation or None	No. of Pages	Comment
TOTAL		Y:	N:	Y:	N:			

[1]Includes all types of non-codified documents, such as guidance, guidelines, manuals, and handbooks.

[2]CRA refers to the Congressional Review Act (5 U.S.C. 801).

[3]Binding means having general applicability and future effect.

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH-HAGE, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

May 19, 2000

BY FACSIMILE
The Honorable Jamie Rappaport Clark
Director
United States Fish and Wildlife Service
1849 C Street, N.W. - Mail Stop 3012
Washington, D.C. 20240

Dear Director Clark:

This letter continues our investigation of Federal agencies' use of non-codified documents (such as guidance, guidelines, manuals, and handbooks) and the explanation within each of them to ensure the public's understanding of their legal effect.

Pursuant to the Constitution and Rules X and XI of the United States House of Representatives, please provide the Subcommittee with the following information: (a) a complete compendium of all non-codified documents issued since March 1996 in the exact format shown in the Attachment to this letter (in both a paper version and on a computer disc), and (b) a copy of the first page of each non-codified document and all other pages with any specific explanation in the document itself regarding its legal effect. Please highlight the specific explanation provided in the document.

Your response should be delivered to the Subcommittee majority staff in B-377 Rayburn House Office Building and the minority staff in B-350A Rayburn House Office Building not later than noon on Friday, July 14, 2000. If you have any questions about this request, please call Professional Staff Member Barbara Kahlow on 226-3058.

Thank you for your attention to this request.

Sincerely,

David McIntosh

David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

Attachment

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich

Compendium of All Non-Codified Documents[1] Currently in Active Use
(ordered from newest to oldest)

Title of Non-codified Document	Date of Issuance	Submitted to Congress under CRA[2]? (Y or N)		Legally Binding[3]? (Y or N)		FR Citation or None	No. of Pages	Comment
TOTAL		Y:	N:	Y:	N:			

[1]Includes all types of non-codified documents, such as guidance, guidelines, manuals, and handbooks.

[2]CRA refers to the Congressional Review Act (5 U.S.C. 801).

[3]Binding means having general applicability and future effect.

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LaTOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH-HAGE, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

May 19, 2000

BY FACSIMILE
Mr. Michael S. Solendar
General Counsel
Consumer Product Safety Commission
4330 East West Highway
Bethesda, MD 20814

Dear Mr. Solendar:

This letter continues our investigation of Federal agencies' use of non-codified documents (such as guidance, guidelines, manuals, and handbooks) and the explanation within each of them to ensure the public's understanding of their legal effect.

Pursuant to the Constitution and Rules X and XI of the United States House of Representatives, please provide the Subcommittee with the following information: (a) a complete compendium of all non-codified documents issued since March 1996 in the exact format shown in the Attachment to this letter (in both a paper version and on a computer disc), and (b) a copy of the first page of each non-codified document and all other pages with any specific explanation in the document itself regarding its legal effect. Please highlight the specific explanation provided in the document.

Your response should be delivered to the Subcommittee majority staff in B-377 Rayburn House Office Building and the minority staff in B-350A Rayburn House Office Building not later than noon on Friday, July 14, 2000. If you have any questions about this request, please call Professional Staff Member Barbara Kahlow on 226-3058.

Thank you for your attention to this request.

Sincerely,

David McIntosh

David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

Attachment

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich

Compendium of All Non-Codified Documents[1] Currently in Active Use
(ordered from newest to oldest)

Title of Non-codified Document	Date of Issuance	Submitted to Congress under CRA[2]? (Y or N)		Legally Binding[3]? (Y or N)		FR Citation or None	No. of Pages	Comment
TOTAL		Y:	N:	Y:	N:			

[1]Includes all types of non-codified documents, such as guidance, guidelines, manuals, and handbooks.

[2]CRA refers to the Congressional Review Act (5 U.S.C. 801).

[3]Binding means having general applicability and future effect.

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH-HAGE, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

May 19, 2000

BY FACSIMILE
Mr. Christopher J. Wright
General Counsel
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Mr. Wright:

This letter continues our investigation of Federal agencies' use of non-codified documents (such as guidance, guidelines, manuals, and handbooks) and the explanation within each of them to ensure the public's understanding of their legal effect.

Pursuant to the Constitution and Rules X and XI of the United States House of Representatives, please provide the Subcommittee with the following information: (a) a complete compendium of all non-codified documents issued since March 1996 in the exact format shown in the Attachment to this letter (in both a paper version and on a computer disc), and (b) a copy of the first page of each non-codified document and all other pages with any specific explanation in the document itself regarding its legal effect. Please highlight the specific explanation provided in the document.

Your response should be delivered to the Subcommittee majority staff in B-377 Rayburn House Office Building and the minority staff in B-350A Rayburn House Office Building not later than noon on Friday, July 14, 2000. If you have any questions about this request, please call Professional Staff Member Barbara Kahlow on 226-3058.

Thank you for your attention to this request.

Sincerely,

David McIntosh

David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

Attachment

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich

Compendium of All Non-Codified Documents[1] Currently in Active Use
(ordered from newest to oldest)

Title of Non-codified Document	Date of Issuance	Submitted to Congress under CRA[2]? (Y or N)		Legally Binding[3]? (Y or N)		FR Citation or None	No. of Pages	Comment
TOTAL		Y:	N:	Y:	N:			

[1]Includes all types of non-codified documents, such as guidance, guidelines, manuals, and handbooks.

[2]CRA refers to the Congressional Review Act (5 U.S.C. 801).

[3]Binding means having general applicability and future effect.

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LaTOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH-HAGE, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA,
RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

May 19, 2000

BY FACSIMILE
Ms. Debra A. Valentine
General Counsel
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Dear Ms. Valentine:

This letter continues our investigation of Federal agencies' use of non-codified documents (such as guidance, guidelines, manuals, and handbooks) and the explanation within each of them to ensure the public's understanding of their legal effect.

Pursuant to the Constitution and Rules X and XI of the United States House of Representatives, please provide the Subcommittee with the following information: (a) a complete compendium of all non-codified documents issued since March 1996 in the exact format shown in the Attachment to this letter (in both a paper version and on a computer disc), and (b) a copy of the first page of each non-codified document and all other pages with any specific explanation in the document itself regarding its legal effect. Please highlight the specific explanation provided in the document.

Your response should be delivered to the Subcommittee majority staff in B-377 Rayburn House Office Building and the minority staff in B-350A Rayburn House Office Building not later than noon on Friday, July 14, 2000. If you have any questions about this request, please call Professional Staff Member Barbara Kahlow on 226-3058.

Thank you for your attention to this request.

Sincerely,

David McIntosh

David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

Attachment

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich

Compendium of All Non-Codified Documents[1] Currently in Active Use
(ordered from newest to oldest)

Title of Non-codified Document	Date of Issuance	Submitted to Congress under CRA[2]? (Y or N)		Legally Binding[3]? (Y or N)		FR Citation or None	No. of Pages	Comment
TOTAL		Y:	N:	Y:	N:			

[1]Includes all types of non-codified documents, such as guidance, guidelines, manuals, and handbooks.

[2]CRA refers to the Congressional Review Act (5 U.S.C. 801).

[3]Binding means having general applicability and future effect.

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LaTOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH-HAGE, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

May 19, 2000

BY FACSIMILE
Mr. David Becker
General Counsel
Securities and Exchange Commission
450 Fifth Street, N.W.
Washington, D.C. 20549

Dear Mr. Becker:

This letter continues our investigation of Federal agencies' use of non-codified documents (such as guidance, guidelines, manuals, and handbooks) and the explanation within each of them to ensure the public's understanding of their legal effect.

Pursuant to the Constitution and Rules X and XI of the United States House of Representatives, please provide the Subcommittee with the following information: (a) a complete compendium of all non-codified documents issued since March 1996 in the exact format shown in the Attachment to this letter (in both a paper version and on a computer disc), and (b) a copy of the first page of each non-codified document and all other pages with any specific explanation in the document itself regarding its legal effect. Please highlight the specific explanation provided in the document.

Your response should be delivered to the Subcommittee majority staff in B-377 Rayburn House Office Building and the minority staff in B-350A Rayburn House Office Building not later than noon on Friday, July 14, 2000. If you have any questions about this request, please call Professional Staff Member Barbara Kahlow on 226-3058.

Thank you for your attention to this request.

Sincerely,

David McIntosh

David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

Attachment

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich

Compendium of All Non-Codified Documents[1] Currently in Active Use
(ordered from newest to oldest)

Title of Non-codified Document	Date of Issuance	Submitted to Congress under CRA[2]? (Y or N)		Legally Binding[3]? (Y or N)		FR Citation or None	No. of Pages	Comment
TOTAL		Y:	N:	Y:	N:			

[1]Includes all types of non-codified documents, such as guidance, guidelines, manuals, and handbooks.

[2]CRA refers to the Congressional Review Act (5 U.S.C. 801).

[3]Binding means having general applicability and future effect.

APPENDIX G

Rec'd 7/18/00

United States Department of Agriculture
Office of the General Counsel
Washington, D.C. 20250-1400

July 14, 2000

The Honorable David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
Committee on Government Reform
U.S. House of Representatives
Room 2157 Rayburn House Office Building
Washington, D.C. 20515-6143

Dear Mr. Chairman:

On May 19, 2000, as part of your oversight over agency implementation of the Congressional Review Act, you wrote to me asking for a copy of the first page of each Department of Agriculture (USDA) non-codified document and other pages specifically explaining the legal effect of the document, along with highlighting and a compendium providing information concerning the documents. I provided an initial response in my letter to you of June 14, 2000, in which I explained that the location and production of all such responsive documents for USDA and its component agencies would be a very substantial undertaking. My letter also suggested that, if we were to proceed with this effort, we would likely be unable to respond fully to your request before September 15.

We have now been advised that we can provide you either the requested documents or a statement concerning the legal effect and applicability, under the Administrative Procedure Act, 5 U.S.C. § 551 *et seq.* (APA), of the guidance material that we issue. We are advised that Subcommittee staff has said that, if we provided such a statement, we would not be asked to provide you with copies of the documents requested or the compendium.

The guidance material issued by USDA and its agencies is not legally binding under the APA. Our guidance could be generally applicable; that does not, however, have any effect on whether it is legally binding. As we understand it, the term "general applicability" is used in the APA to distinguish general situations from very limited or named situations. For example, when we provide guidance to farmers regarding how to comply with requirements for participation in the conservation reserve, disaster payment, crop insurance, or farm lending programs, we are advising all participants in those programs of the manner in which they may comply with program requirements; it is not the guidance itself which levies the requirements.

We want to stress our concern, however, that providing a simple statement to the general public that any USDA guidance is not legally binding could have a very detrimental effect. As a consequence, you support agency discretion to offer, at the beginning of each guidance

document, an explanation of the document's legal effect. Your intent is to clarify for the public precisely what is required by law, codified regulation, or other authority, and what is not required. When appropriate, we believe we do that.

There are many potential problems with providing a simple statement that agency guidance is not legally binding. Let me elaborate on our concerns by providing examples of some of the problems that this could cause.

First, the guidance material may contain or restate statutory or legally binding regulatory language, or may recite legally binding contract language. It could contain all three. For example, we may quote a statute, regulation, or contract directly in a document labeled "Guidance," and then advise the public of suggested ways they can comply. Alternatively, we may issue guidance advising the public of court decisions concerning their obligations in our areas of responsibility. The statute, regulation, and contract are legally binding. The court decisions may impose legally binding obligations. Providing the public with a simple statement that our guidance is not legally binding may mislead many people concerning their legal obligations.

In addition, the guidance material may be issued in accordance with the Small Business Regulatory Enforcement Fairness Act. That Act requires us to issue documents designated as "small entity compliance guides" to help small entities comply with certain rules. Pursuant to that Act, the guides may be used to establish the reasonableness or appropriateness of fines, penalties or damages. Telling the small entities that the guidance is not legally binding may confuse those not familiar with the complex law on this issue and lead them to believe that the guidance is unreliable or that they should ignore it.

We may publish material that contains factual information, and include guidance on how to use that information. That document is not legally binding, but a statute or rule or even tort law may require someone to use such information before taking action. For example, when our food safety officials advise consumers to cook meat and poultry products until they reach certain internal temperatures before serving, we are merely advising – and not requiring – that they do so. However, providing a simple statement to the public that USDA guidance of this type is not legally binding could have obvious and extremely harmful effects, especially on the most vulnerable in our society such as the urban and rural poor.

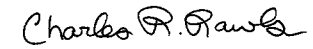
In a similar vein, although our guidance may not be legally binding on the public, the public may be required to take the same or similar action under State or local law. For instance, through national advertising campaigns and distribution of flyers and other materials, USDA's Forest Service personnel routinely advise users of public lands to take certain precautions to avoid forest and wildland fires. Simply advising the public that they are not legally bound by this guidance may cause them to violate State or local law. Providing a general warning that such guidance is not legally binding may also send a mixed message to those we are trying to impress with the importance of listening to the message contained in our guidance.

In addition, the Department may advise the public that they can rely on our guidance. At times, *e.g.*, in USDA's agricultural marketing and regulatory programs, we issue guidance in response to requests from regulated parties who want to know whether, if they act in a certain way, they will be in compliance with a statute or a rule. Our response may tell them "yes, you will be considered in compliance;" that is, based on what they have told us, we will not take enforcement action against them if they act in a certain way. It may also help them if they are sued by a third party. Often we make these interpretations available to the general public, and tell the public that they too may rely on them. In many cases, when we issue such guidance, we are agreeing with the requestor's interpretation. Telling the requestor or the general public that despite these statements the guidance is not legally binding, may defeat the very certainty they are seeking. At a minimum, it will create confusion over such things as whether we may take law enforcement action even if they follow the guidelines.

It is also important to note that courts generally give deference to an agency's reasonable interpretation of its own regulations where there is a question about the meaning of those regulations. If you simply tell people that agency interpretations are not legally binding, many may assume that they can disregard such an interpretation regardless of its reasonableness, or regardless of the likelihood that a court may give it deference. This could result in significant harm to those who are misled.

We appreciate the goals that you are trying to achieve. At the same time, we hope that you will understand our concerns that too simple and generic an approach to this complex issue could have a detrimental effect on the valuable guidance which USDA and its agencies provide to the public. We recognize the importance of using guidance properly, and we have taken – and will continue to take – appropriate steps to address the concerns that guidance not be used as a substitute for rulemaking and to make the legal effect of our documents clear to the public.

Sincerely,



Charles R. Rawls
General Counsel

cc: The Honorable Dan Burton
Chairman
Committee on Government Reform

The Honorable Henry A. Waxman
Ranking Minority Member
Committee on Government Reform

The Honorable Dennis J. Kucinich
Ranking Minority Member
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
Committee on Government Reform

Department of Energy
Washington, DC 20585

July 19, 2000

The Honorable David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
2157 Rayburn Office Building
Washington, DC 20515-6143

Dear Mr. Chairman,

On May 19, 2000, as part of your oversight over agency implementation of the Congressional Review Act, you wrote to me asking for a copy of the first page of each Department of Energy (DOE) non-codified document and other pages specifically explaining the legal effect of the document, along with highlighting and a compendium providing information concerning the documents. We have been advised now that we can provide you either with the requested documents or a statement concerning the legal effect and applicability, under the Administrative Procedure Act (APA), of the guidance material that we issue. We were advised that Subcommittee staff said that if we provided this statement, we would not be asked to provide you with copies of the material or the compendium.

The guidance material issued by DOE is not legally binding under the APA. Our guidance could be generally applicable; that does not, however, have any effect on whether it is legally binding. As we understand it, the term "general applicability" is used in the APA to distinguish general situations from very limited or named situations. For example, when we distribute the booklet "Energy Savers: Tips on Saving Energy & Money at Home," we are advising everyone of easy ways for Americans to do their part for the nations's energy security, while saving on energy bills; that guidance does not require them to save energy.

We want to stress our concern, however, that providing a simple statement to the general public that any agency guidance is not legally binding could have a very detrimental effect. As a consequence, you support agency discretion to offer, at the beginning of each guidance document, an explanation of the document's legal effect. Your intent is to clarify for the public precisely what is required by law, codified regulation, or other authority, and what is not required. When appropriate, we believe that we do that.

Printed with soy ink on recycled paper

There are many potential problems with providing a simple statement that agency guidance is not legally binding. Let me elaborate on our concern by providing examples of some the problems that this could cause.

First, the guidance material may contain or restate statutory or legally binding regulatory language or may recite legally binding contract language. It could contain all three. For example, we may quote the statute, regulation, or contract directly in a document labeled "Guidance" and then advise the public of suggested ways they can comply. Alternatively, we may issue guidance advising the public of court decisions concerning their obligations in our area of responsibility. The statute, regulation, and contract are legally binding. The court decision may impose legally binding obligations. Providing the public with a simple statement that our guidance is not legally binding may mislead many people concerning their legal obligations.

In addition, the guidance material may be issued in accordance with the Small Business Regulatory Enforcement Fairness Act. That Act requires us to issue documents designated as "small entity compliance guides" to help small entities comply with certain rules. Pursuant to that Act, the guides may be used to establish the reasonableness or appropriateness of fines, penalties or damages. Telling the small entities that the guidance is not legally binding may confuse those not familiar with the complex law on this issue and lead them to believe that the guidance is unreliable or that they should ignore it.

We may publish material that contains factual information and include guidance on how to use that information. That document is not legally binding, but a statute or rule or even tort law may require someone to use that information before taking action. Telling people that it is not legally binding may confuse some who have responsibilities to properly use the information in accordance with other requirements.

In a similar vein, although our guidance may not be legally binding on the public, as in the example of the "Energy Savers" advice, the public may be required to adopt certain energy conservation measures under State or local law. Simply advising the public that they are not legally bound by this guidance may cause them to violate state or local law.

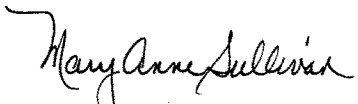
In addition, the Department may advise the public that they can rely on our guidance. At times, we issue such guidance in response to requests from those who want to know whether, if they act in a certain way, they will be in compliance with a statute or a rule. Our response may tell them "yes, you will be considered in compliance;" that is, based on what they have told us, we will not take enforcement action against them if they do it that way. It also may help them if they are sued by a third party. Often we make these interpretations available to the general public and tell them that they, too, may rely on them. In many cases, when we issue this guidance, we are agreeing with the requestor's interpretation. Telling the requestor or the general public that despite these statements, the guidance is not legally binding may defeat the very certainty they are seeking. At a

minimum, it will create serious confusion over such things as whether we may take enforcement action even if they follow the guidance.

It is important to note that courts generally give deference to a reasonable agency interpretation of its own regulations where there is a question about the meaning of those regulations. If you simply tell people that agency interpretations are not legally binding, many may assume that they can disregard the interpretation regardless of its reasonableness or the likelihood that a court may give it deference. This could result in significant harm to those who are misled.

We appreciate the goals that you are trying to achieve. At the same time, we hope that you will understand our concerns that too simple and generic an approach to this complex issue could have a detrimental effect on the valuable guidance that we provide to the public. We recognize the importance of using guidance properly, and we have taken -- and will continue to take -- appropriate steps to address the concerns that guidance not be used as a substitute for rulemaking and to make the legal effect of our documents clear to the public.

Sincerely,



Mary Anne Sullivan
General Counsel

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich

DEPARTMENT OF HEALTH & HUMAN SERVICES

Food and Drug Administration
Rockville MD 20857

SEP 8 2000

The Honorable David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
Committee on Government Reform
House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Chairman:

On May 19, 2000, as part of your oversight over Agency implementation of the Congressional Review Act, you wrote asking for a copy of the first page of each Food and Drug Administration (FDA or Agency) non-codified document and other pages specifically explaining the legal effect of the document, along with highlighting and a compendium providing information concerning the documents. We provided a response to you on July 17, 2000. Subcommittee staff has now advised us that, instead of providing you with a supplemental response and producing additional documents, we can provide you instead with the following statement concerning the legal effect and applicability, under the Federal Food, Drug, and Cosmetic (FD&C) Act and the Administrative Procedures Act (APA), of the guidance material that we issue.

As you know, under the FDA Modernization Act of 1997, Congress codified the key elements of FDA's "Good Guidance Practices" (GGP's)(62 FR 8961; February 27, 1997, copy enclosed) in section 701(h) of the FD&C Act (FDC Act)(21 U.S.C. 371(h)). This February, the Agency published a proposed rule to implement that statutory provision (see 65 FR 7321; February 14, 2000) (copy enclosed).

With regard to the legal effect of FDA's guidance documents, under the statutory provision these documents "shall not create or confer any rights for or on any person" (21 U.S.C. 371(h)(1)(A)). The Agency's proposed rule includes as a standard element required to be included in FDA's guidance documents a statement of the document's non-binding effect (see

proposed 21 CFR 10.115(h)(3)(iv)). Under FDA's current GGP's, all guidance documents include language such as the following:

> This guidance document represents the Agency's current thinking on * * *. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute, regulations, or both. (See 62 FR 8969; February 27, 1997)

For non-codified documents, i.e., guidance materials, that are not "guidance documents" governed by section 701(h) of the FD&C Act, the Agency has made it clear that such materials may not be used to communicate new or different regulatory expectations to a broad public audience for the first time (See 62 FR 8969; February 27, 1997; proposed 21 CFR 10.115(e)). That is, speeches, journal articles and editorials, general information documents provided to consumers or health professionals, etc., may not be used in this way.

Guidance material issued by FDA, whether or not it is a "guidance document" governed by section 701(h) of the FD&C Act, is not legally binding under the APA. Our guidance could be generally applicable. That does not, however, have any effect on whether it is legally binding. As we understand it, the term "general applicability" is used in the APA to distinguish general situations from very limited or named situations. For example, when, as part of our "Fight BAC" campaign, we advise consumers to "Chill: Refrigerate promptly," we are advising them that they should refrigerate certain foods to protect against bacteria causing disease. That guidance does not require them to refrigerate foods.

Providing a general warning that such guidance material is not legally binding could have a very detrimental effect. As a consequence, you support Agency discretion to offer, at the beginning of each guidance document, an explanation of the document's legal effect. Your intent is to clarify for the public precisely what is required by law, codified regulation, or other authority, and what is not required. When appropriate, we believe that we do that.

There are many potential problems with providing a simple statement on all non-codified materials that Agency guidance is not legally binding. Let me elaborate on our concern by providing examples of some of the problems that this could cause.

First, it could send a mixed message to those we are trying to impress with the importance of listening to the message contained in the material. For example, we may tell people about the dangers of not following the directions on the labels of drugs. Telling them that our message—which is factually correct—is not legally binding may cause a problem with a vulnerable part of our population, especially the youngest and oldest.

FDA also frequently publishes material directed at consumers, including press releases, talk papers, and magazine articles, that contain factual information or that reference regulatory requirements from other Federal agencies, states, or localities. For example, past FDA Consumer articles have discussed the Occupational Safety and Health Administration workplace standards for employees or State requirements for pet quarantines, and FDA Talk Papers have mentioned State requirements for shipment of molluscan shellfish or the level of visual acuity required by States in order to obtain a driver's license. The FDA materials that discuss these requirements are not legally binding, but a statute, rule, or even tort law may require someone to use that information. Telling people that the document is not legally binding may confuse some that have responsibilities to properly use the information in accordance with other requirements.

We appreciate the goals that you are trying to achieve. At the same time, we hope that you will understand our concerns that too simple and generic an approach to this complex issue could have a detrimental effect on the valuable guidance that we provide to the public. We recognize the importance of using guidance properly, and we have taken—and will continue to take—appropriate steps to address the concerns that guidance not be used as a substitute for rulemaking and to make the legal effect of our documents clear to the public.

Sincerely,

Melinda K. Plaisier
Associate Commissioner
for Legislation

2 Enclosures

cc: The Honorable Dan Burton
Chairman
Committee on Government Reform
House of Representatives

The Honorable Dennis J. Kucinich
Ranking Minority Member
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
Committee on Government Reform
House of Representatives

United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, D.C. 20240

JUL 14 2000

The Honorable David M. McIntosh
Chairman, Subcommittee on National
Economic Growth, Natural Resources,
and Regulatory Affairs
Committee on Government Reform
United States House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

On May 19, 2000, as part of your oversight over agency implementation of the Congressional Review Act, you wrote to the Fish and Wildlife Service asking for a copy of the first page of each Service non-codified document and other pages specifically explaining the legal effect of the document, along with highlighting and a compendium providing information concerning the documents. We have been advised now that we can provide you either with the requested documents or a statement concerning the legal effect and applicability, under the Administrative Procedure Act (APA), of the guidance material that we issue. We were advised that Subcommittee staff said that if we provided this statement, we would not be asked to provide you with copies of the material or the compendium.

The guidance material issued by the Service (or any other bureau within the Department of the Interior) is not legally binding under the APA. Our guidance could be generally applicable; that does not, however, have any effect on whether it is legally binding. As we understand it, the term "general applicability" is used in the APA to distinguish general situations from very limited or named situations.

We want to stress our concern, however, that providing a simple statement to the general public that any agency guidance is not legally binding could have a very detrimental effect. As a consequence, you support agency discretion to offer, at the beginning of each guidance document, an explanation of the document's legal effect. Your intent is to clarify for the public precisely what is required by law, codified regulation, or other authority, and what is not required.

There are many potential problems with providing a simple statement that agency guidance is not legally binding. Let me elaborate on our concern by providing examples of some of the problems that this could cause.

First, the guidance material may contain or restate statutory or legally binding regulatory language or may recite legally binding contract language. It could contain all three. For example, we may quote the statute, regulation, or contract directly in a document labeled "Guidance" and then advise the public of suggested ways they can comply. Alternatively, we may issue guidance advising the public of court decisions concerning their obligations in our area of responsibility. The statute, regulation, and contract are legally binding. The court decision may impose legally binding obligations. Providing the public with a simple statement that our guidance is not legally binding may mislead many people concerning their legal obligations.

In addition, the guidance material may be issued in accordance with the Small Business Regulatory Enforcement Fairness Act. That Act requires us to issue documents designated as "small entity compliance guides" to help small entities comply with certain rules. Pursuant to that Act, the guides may be used to establish the reasonableness or appropriateness of fines, penalties or damages. Telling the small entities that the guidance is not legally binding may confuse those not familiar with the complex law on this issue and lead them to believe that the guidance is unreliable or that they should ignore it.

We may publish material that contains factual information such as a weather report and include guidance on how to use that information. That document is not legally binding, but a statute or rule or even tort law may require someone to use that information before taking action. Telling people that it is not legally binding may confuse some who have responsibilities to properly use the information in accordance with other requirements.

In a similar vein, although our guidance may not be legally binding on the public, the public may be otherwise required under State or local law to do something. Simply advising the public that they are not legally bound by this guidance may cause them to violate State or local law.

Providing a general warning that guidance is not legally binding may also send a mixed message to those we are trying to impress with the importance of listening to the message contained in our guidance. For example, we may tell people about the dangers of using drugs. Telling them that our message—which is factually correct—is not legally binding may cause a problem with a vulnerable part of our population, especially our young people.

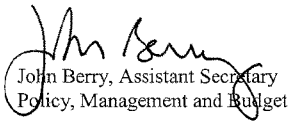
In addition, the Department may advise the public that they can rely on our guidance. At times, we issue such guidance in response to requests from those who want to know whether, if they act in a certain way, they will be in compliance with a statute or a rule. Our response may tell them "yes, you will be considered in compliance;" that is, based on what they have told us, we will not take enforcement action against them if they do it that way. It also may help them if they are sued by a third party. Often we make these interpretations available to the general public and tell them that they, too, may rely on them. In many cases, when we issue this guidance, we are agreeing with the requester's interpretation. Telling the requester or the general public that

despite these statements, the guidance is not legally binding may defeat the very certainty they are seeking. At a minimum, it will create serious confusion over such things as whether we may take enforcement action even if they follow the guidance.

It is important to note that courts generally give deference to a reasonable agency interpretation of its own regulations where there is a question about the meaning of those regulations. If you simply tell people that agency interpretations are not legally binding, many may assume that they can disregard the interpretation regardless of its reasonableness or the likelihood that a court may give it deference. This could result in significant harm to those who are misled.

We appreciate the goals that you are trying to achieve. At the same time, we hope that you will understand our concerns that too simple and generic an approach to this complex issue could have a detrimental effect on the valuable guidance that we provide to the public. We recognize the importance of using guidance properly, and we have taken—and will continue to take—appropriate steps to address the concerns that guidance not be used as a substitute for rulemaking and to make the legal effect of our documents clear to the public.

Sincerely,



John Berry, Assistant Secretary
Policy, Management and Budget

U.S. Department of Labor

Solicitor of Labor
Washington, D.C. 20210

JUL 18 2000

The Honorable David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
Committee on Government Reform
U.S. House of Representatives
Washington, DC 20515-6143

Dear Chairman McIntosh:

On October 8, 1999, as part of your oversight over agency implementation of the Congressional Review Act, you wrote to me asking for a copy of each Department of Labor (DOL) non-codified document, along with tabbing and highlighting of the material and a compendium providing information concerning the documents. On November 12, 1999, representatives of the DOL and others met with members of the staff of the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs. Among other things, it was agreed at that meeting that DOL could limit its submission to documents from the Occupational Safety and Health Administration at that time. Those documents were provided. At a meeting of a DOL representative, Subcommittee staff and others on May 19, 2000, concerning Section 4 of H. R. 3521, the "Congressional Accountability for Regulatory Information Act of 2000," DOL was asked to provide you with either the remaining documents for DOL or a DOL statement concerning the legal effect and applicability, under the Administrative Procedure Act (APA), of the guidance material that we issue. We were advised by Subcommittee staff that if we provided this statement, we would not be asked to provide you with copies of the non-codified material or the compendium.

The guidance material issued by DOL is not legally binding under the APA. Our guidance could be generally applicable; that does not, however, have any effect on whether it is legally binding. As we understand it, the term "general applicability" is used in the APA to distinguish general situations from very limited or named situations.

We want to stress our concern, however, that providing a simple statement to the general public that any agency guidance is not legally binding could have a very detrimental effect. As a consequence, you support agency discretion to offer, at the beginning of each guidance document, an explanation of the document's legal effect. Your intent is to clarify for the public precisely what is required by law, codified regulation, or other authority, and what is not required. When appropriate, we believe that we do that.

There are many potential problems with providing a simple statement that agency guidance is not legally binding. Let me elaborate on our concern by providing examples of some the problems that this could cause.

First, the guidance material may contain or restate statutory or legally binding regulatory language or may recite legally binding contract language. It could contain all three. For example, we may quote the statute, regulation, or contract directly in a document labeled "Guidance" and then advise the public of suggested ways they can comply. Alternatively, we may issue guidance advising the public of court decisions concerning their obligations in our area of responsibility. The statute, regulation, and contract are legally binding. The court decision may impose legally binding obligations. Providing the public with a simple statement that our guidance is not legally binding may mislead many people concerning their legal obligations.

In addition, the guidance material may be issued in accordance with the Small Business Regulatory Enforcement Fairness Act. That Act requires us to issue documents designated as "small entity compliance guides" to help small entities comply with certain rules. Pursuant to that Act, the guides may be used to establish the reasonableness or appropriateness of fines, penalties or damages. Telling the small entities that the guidance is not legally binding may confuse those not familiar with the complex law on this issue and lead them to believe that the guidance is unreliable or that they should ignore it.

We may publish material that contains factual information such as a weather report and include guidance on how to use that information. That document is not legally binding, but a statute or rule or even tort law may require someone to use that information before taking action. Telling people that it is not legally binding may confuse some who have responsibilities to properly use the information in accordance with other requirements.

In a similar vein, although our guidance may not be legally binding on the public. Simply advising the public that they are not legally bound by this guidance may cause them to violate state or local law.

Providing a general warning that guidance is not legally binding may also send a mixed message to those we are trying to impress with the importance of listening to the message contained in our guidance. For example, we may tell people about the dangers of using drugs. Telling them that our message – which is factually correct – is not legally binding may cause a problem with a vulnerable part of our population, especially our young people.

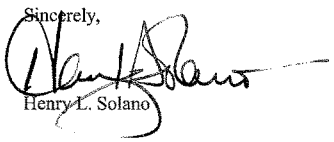
In addition, the Department may advise the public that they can rely on our guidance. At times, we issue such guidance in response to requests from those who want to know whether, if they act in a certain way, they will be in compliance with a statute or a rule. Our response may tell them "yes, you will be considered in compliance;" that is, based

on what they have told us, we will not take enforcement action against them if they do it that way. It also may help them if they are sued by a third party. Often we make these interpretations available to the general public and tell them that they, too, may rely on them. In many cases, when we issue this guidance, we are agreeing with the requestor's interpretation. Telling the requestor or the general public that despite these statements, the guidance is not legally binding may defeat the very certainty they are seeking. At a minimum, it will create serious confusion over such things as whether we may take enforcement action even if they follow the guidance.

It is important to note that courts generally give deference to a reasonable agency interpretation of its own regulations where there is a question about the meaning of those regulations. If you simply tell people that agency interpretations are not legally binding, many may assume that they can disregard the interpretation regardless of its reasonableness or the likelihood that a court may give it deference. This could result in significant harm to those who are misled.

We appreciate the goals that you are trying to achieve. At the same time, we hope that you will understand our concerns that too simple and generic an approach to this complex issue could have a detrimental effect on the valuable guidance that we provide to the public. We recognize the importance of using guidance properly, and we have taken -- and will continue to take – appropriate steps to address the concerns that guidance not be used as a substitute for rulemaking and to make the legal effect of our documents clear to the public.

Sincerely,



Henry L. Solano

U.S. Department of Transportation
Office of the Secretary of Transportation

GENERAL COUNSEL

400 Seventh St., S.W.
Washington, D.C. 20590

July 17, 2000

The Honorable David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
United States House of Representatives
Washington, DC 20515-6143

Dear Mr. Chairman,

On October 8, 1999, as part of your oversight over agency implementation of the Congressional Review Act, you wrote to me asking for a copy of each Department of Transportation (DOT) non-codified document, along with tabbing and highlighting of the material and a compendium providing information concerning the documents. On November 12, 1999, representatives of DOT and others met with members of the staff of the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs. Among other things, it was agreed at that meeting that DOT could limit its submission to documents from the National Highway Traffic Safety Administration at that time. On December 3 and 7, 1999, we provided those documents.

At a meeting of a DOT representative, Subcommittee staff, and others on May 19, 2000, concerning Section 4 of H. R. 3521, the "Congressional Accountability for Regulatory Information Act of 2000," DOT was asked to provide you with either the remaining documents for DOT or a DOT statement concerning the legal effect and applicability, under the Administrative Procedure Act (APA), of the guidance material that we issue. We were advised by Subcommittee staff that, if we provided this statement, we would not be asked to provide you with copies of the non-codified material or the compendium.

The guidance material issued by DOT is not legally binding under the APA. Our guidance could be generally applicable; that does not, however, have any effect on whether it is legally binding. As we understand it, the term "general applicability" is used in the APA to distinguish general situations from very limited or named situations. For example, when we advise the public to "Buckle Up," we are advising everyone that they should wear a seatbelt; that guidance does not require them to wear one.

We want to stress our concern, however, that providing a simple statement to the general public that any agency guidance is not legally binding could have a very detrimental effect. As a consequence, you support agency discretion to offer, at the beginning of each guidance document, an explanation of the document's legal effect. Your intent is to

clarify for the public precisely what is required by law, codified regulation, or other authority, and what is not required. When appropriate, we believe that we do that.

There are many potential problems with providing a simple statement that agency guidance is not legally binding. Let me elaborate on our concern by providing examples of some the problems that this could cause.

First, the guidance material may contain or restate statutory or legally binding regulatory language or may recite legally binding contract language. It could contain all three. For example, we may quote the statute, regulation, or contract directly in a document labeled "Guidance" and then advise the public of suggested ways they can comply. Alternatively, we may issue guidance advising the public of court decisions concerning their obligations in our area of responsibility. The statute, regulation, and contract are legally binding. The court decision may impose legally binding obligations. Providing the public with a simple statement that our guidance is not legally binding may mislead many people concerning their legal obligations.

In addition, the guidance material may be issued in accordance with the Small Business Regulatory Enforcement Fairness Act. That Act requires us to issue documents designated as "small entity compliance guides" to help small entities comply with certain rules. Pursuant to that Act, the guides may be used to establish the reasonableness or appropriateness of fines, penalties or damages. Telling the small entities that the guidance is not legally binding may confuse those not familiar with the complex law on this issue and lead them to believe that the guidance is unreliable or that they should ignore it.

We may publish material that contains factual information such as a weather report and include guidance on how to use that information. That document is not legally binding, but a statute or rule or even tort law may require someone to use that information before taking action. Telling people that it is not legally binding may confuse some who have responsibilities to properly use the information in accordance with other requirements.

In a similar vein, although our guidance may not be legally binding on the public, as in the example of the "Buckle Up" advice, the public may be required to buckle up under State or local law. Simply advising the public that they are not legally bound by this guidance may cause them to violate State or local law.

Providing a general warning that guidance is not legally binding may also send a mixed message to those we are trying to impress with the importance of listening to the message contained in our guidance. For example, we may tell people about the dangers of using drugs. Telling them that our message - which is factually correct - is not legally binding may cause a problem with a vulnerable part of our population, especially our young people.

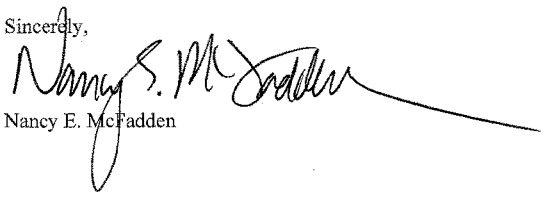
In addition, the Department may advise the public that they can rely on our guidance. At times, we issue such guidance in response to requests from those who want to know

whether, if they act in a certain way, they will be in compliance with a statute or a rule. Our response may tell them "yes, you will be considered in compliance;" that is, based on what they have told us, we will not take enforcement action against them if they do it that way. It also may help them if they are sued by a third party. Often we make these interpretations available to the general public and tell them that they, too, may rely on them. In many cases, when we issue this guidance, we are agreeing with the requestor's interpretation. Telling the requestor or the general public that, despite these statements, the guidance is not legally binding may defeat the very certainty they are seeking. At a minimum, it will create serious confusion over such things as whether we may take enforcement action even if they follow the guidance.

It is important to note that courts generally give deference to a reasonable agency interpretation of its own regulations where there is a question about the meaning of those regulations. If you simply tell people that agency interpretations are not legally binding, many may assume that they can disregard the interpretation regardless of its reasonableness or the likelihood that a court may give it deference. This could result in significant harm to those who are misled.

We appreciate the goals that you are trying to achieve. At the same time, we hope that you will understand our concerns that too simple and generic an approach to this complex issue could have a detrimental effect on the valuable guidance that we provide to the public. We recognize the importance of using guidance properly, and we have taken - and will continue to take - appropriate steps to address the concerns that guidance not be used as a substitute for rulemaking and to make the legal effect of our documents clear to the public.

Sincerely,



Nancy E. McFadden

cc: The Honorable Dan Burton
The Honorable Henry Waxman
The Honorable Dennis Kucinich

Rec'd 7/24/00

U.S. CONSUMER PRODUCT SAFETY COMMISSION
WASHINGTON, DC 20207

OFFICE OF THE GENERAL COUNSEL

Michael S. Solender
General Counsel
Tel: 301-504-0980 ext. 2299
E-Mail: msolender@cpsc.gov

July 21, 2000

The Honorable David M. McIntosh
Chairman, Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
Committee on Government Reform
United States House of Representatives
B-377 Rayburn House Office Building
Washington, DC 20515-6143

Dear Chairman McIntosh:

On May 19, 2000, as part of your oversight over agency implementation of the Congressional Review Act, you wrote to me asking for a copy of the first page of each Consumer Product Safety Commission (CPSC) non-codified document and other pages specifically explaining the legal effect of the document, along with highlighting and a compendium providing information concerning the documents. We provided a response to you on July 14, 2000. Subcommittee staff has now advised us that, instead of providing you with a supplemental response and producing additional documents, we can provide you instead with the following statement concerning the legal effect and applicability, under the Administrative Procedure Act (APA), of the guidance material that we issue.

The guidance material issued by the CPSC is not legally binding under the APA. Our guidance could be generally applicable. That does not, however, have any effect on whether it is legally binding. As we understand it, the term "general applicability" is used in the APA to distinguish general situations from very limited or named situations. For example, when we advise bicyclists -- "Protect Your head. Wear a Helmet." -- we are advising them that they should wear a helmet while bicycling. That guidance does not require them to wear one.

We want to stress our concern, however, that providing a simple statement to the general public that any agency guidance is not legally binding could have a very detrimental effect. As a consequence, you support agency discretion to offer, at the beginning of each guidance document, an explanation of the document's legal effect. Your intent is to clarify for the public precisely what is required by law, codified regulation, or other authority, and what is not required. When appropriate, we believe that we do that.

There are many potential problems with providing a simple statement that agency guidance is not legally binding. Let me elaborate on our concern by providing examples of some of the problems that this could cause.

First, the guidance material may contain or restate statutory or legally binding regulatory language or may recite legally binding contract language. It could contain all three. For example, we may quote the statute, regulation, or contract directly in a document labeled "Guidance" and then advise the public of suggested ways it can comply. Alternatively, we may issue guidance advising the public of court decisions concerning its obligations in our area of responsibility. The statute, regulation, and contract are legally binding. The court decision may impose legally binding obligations. Providing the public with a simple statement that our guidance is not legally binding may mislead many people concerning their legal obligations.

We may publish material that contains factual information such as that the National Electrical Code requires grounding plugs for certain cord-connected appliances, and include guidance on how to use that information. The CPSC document is not legally binding, but a statute or rule or even tort law may require someone to use that information before taking action. Telling people that it is not legally binding may confuse some that have responsibilities to properly use the information in accordance with other requirements.

In a similar vein, although our guidance may not be legally binding on the public, as in the example of the "Wear a Helmet" advice to bicyclists, the public may be required to do so under State or local law. Simply advising the public that it is not legally bound by this guidance may cause violations of state or local law.

Providing a general warning that guidance is not legally binding may also send a mixed message to those we are trying to impress with the importance of listening to the message contained in our guidance. For example, we may tell people about the dangers of using fireworks. Telling them that our message – which is factually correct – is not legally binding may cause a problem with a vulnerable part of our population, especially our young people.

In addition, the CPSC may advise the public that it can rely on our guidance. At times, we issue such guidance in response to requests from those who want to know whether, if they act in a certain way, they will be in compliance with a statute or a rule. Our response may tell them "yes, you will be considered in compliance;" that is, based on what they have told us, we will not take enforcement action against them if they do it that way. It also may help them if they are sued by a third party. Often we make these interpretations available to members of the general public and tell them that they, too, may rely on them. In many cases, when we issue this guidance, we are agreeing with the requestor's interpretation. Telling the requestor or the general public that despite these statements, the guidance is not legally binding may defeat the very certainty they are seeking. At a minimum, it will create serious confusion over such things as whether we may take enforcement action even if they follow the guidance.

It is important to note that courts generally give deference to a reasonable agency interpretation of its own regulations where there is a question about the meaning of those regulations. If you simply tell people that agency interpretations are not legally binding, many may assume that they can disregard the interpretation regardless of its reasonableness or the likelihood that a court may give it deference. This could result in significant harm to those who are misled.

We appreciate the goals that you are trying to achieve. At the same time, we hope that you will understand our concerns that too simple and generic an approach to this complex issue could have a detrimental effect on the valuable guidance that we provide to the public. We recognize the importance of using guidance properly, and we have taken -- and will continue to take -- appropriate steps to address the concerns that guidance not be used as a substitute for rulemaking and to make the legal effect of our documents clear to the public.

Sincerely,

Michael S. Solender

cc: The Honorable Dan Burton
The Honorable Henry Waxman
The Honorable Dennis Kucinich

Federal Communications Commission
Washington, D.C. 20554

July 14, 2000

The Honorable David M. McIntosh
United States House of Representatives
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
Washington, DC 20515-6143

Dear Mr. Chairman:

On May 19, 2000, as part of your oversight over agency implementation of the Congressional Review Act, you wrote to me asking for a copy of the first page of each Federal Communications Commission (FCC) non-codified document and other pages specifically explaining the legal effect of the document, along with highlighting and a compendium providing information concerning these documents. We have been advised now that we can provide you either with the requested documents or a statement concerning the legal effect and applicability, under the Administrative Procedure Act (APA), of the guidance material that we issue. We were advised that Subcommittee staff said that if we provided this statement, we would not be asked to provide you with copies of the material or the compendium.

The guidance material issued by the FCC is not legally binding under the APA. Our guidance could be generally applicable; that does not, however, have any effect on whether it is legally binding. As we understand it, the term "general applicability" is used in the APA to distinguish general situations from very limited or named situations.

We want to stress our concern, however, that providing a simple statement that any agency guidance is not legally binding could have a very detrimental effect. As a consequence, you support agency discretion to offer, at the beginning of each non-codified guidance document, an explanation of the document's legal effect. Your intent is to clarify for the public precisely what is required by law, codified regulation, or other authority, and what is not required. When appropriate, we believe that we do that.

There are many potential problems with providing a simple statement that agency guidance is not legally binding. Let me elaborate on our concern by providing examples of some the problems that this could cause.

First, guidance material may contain or restate statutory or legally binding regulatory language or may recite legally binding contract language. It could contain all three. For example, the FCC may quote the statute, regulation, or contract directly in a document labeled "Guidance" and then advise the public of suggested ways they can comply. Alternatively, the FCC may issue guidance advising the public of court decisions concerning their obligations in our area of responsibility. The statute, regulation, and contract are legally binding. The court decision may impose legally binding obligations. Providing the public with a simple statement that the FCC's guidance is not legally binding may mislead many people concerning their legal obligations.

In addition, guidance material may be issued in accordance with the Small Business Regulatory Enforcement Fairness Act. That Act requires us to issue documents designated as "small entity compliance guides" to help small entities comply with certain rules. Pursuant to that Act, guides may be used to establish the reasonableness or appropriateness of fines, penalties or damages. Telling small entities that the guidance is not legally binding may confuse those not familiar with the complex law on this issue and lead them to believe that the guidance is unreliable or that they should ignore it.

The FCC may publish material that contains factual information and include guidance on how to use that information. For example, the FCC's Compliance and Information Bureau issues "Consumer Tips" on how to call a telephone company with questions about a consumer's bill, and a pamphlet providing guidance on how to make sense of long distance telephone advertising. These documents are not legally binding, but a statute or rule or even tort law may require someone to use that information before taking action. Telling people that it is not legally binding may confuse some who have responsibilities to properly use the information in accordance with other requirements.

In a similar vein, although the FCC's guidance may not be legally binding on the public, the public may be required to follow such guidance under state or local law. Simply advising the public that they are not legally bound by this guidance may cause them to violate state or local law.

Providing a general warning that guidance is not legally binding may also send a mixed message to those the FCC is trying to impress with the importance of listening to the message contained in the FCC's guidance. Telling them that the FCC's message – which is factually correct – is not legally binding may cause a problem with a vulnerable part of the population.

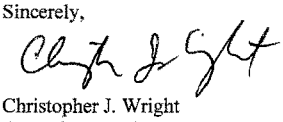
In addition, the FCC may advise the public that they can rely on our guidance. At times, the FCC issues such guidance in response to requests from those who want to know whether, if they act in a certain way, they will be in compliance with a statute or a rule. Our response may tell them "yes, you will be considered in compliance;" that is, based on what they have told the FCC, we will not take enforcement action against them

if they do it that way. Guidance also may help them if they are sued by a third party. Often the FCC makes these interpretations available to the general public and tells them that they, too, may rely on them. In many cases, when we issue guidance, we are agreeing with the requestor's interpretation. Telling the requestor or the general public that, despite these statements, the guidance is not legally binding may defeat the very certainty they are seeking. At a minimum, it will create confusion over such things as whether the FCC may take enforcement action even if they follow the guidance.

It is important to note that courts generally give deference to a reasonable agency interpretation of its own regulations where there is a question about the meaning of those regulations. If you simply tell people that agency interpretations are not legally binding, many may assume that they can disregard the interpretation regardless of its reasonableness or the likelihood that a court may give it deference. This could result in significant harm to those who are misled.

We appreciate the goals that you are trying to achieve. At the same time, we hope that you will understand our concerns that too simple and generic an approach to this complex issue could have a detrimental effect on the valuable guidance that we provide to the public. We recognize the importance of using guidance properly, and we have taken – and will continue to take – appropriate steps to address the concerns that guidance not be used as a substitute for rulemaking and to make the legal effect of our documents clear to the public.

Sincerely,



Christopher J. Wright
General Counsel

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Debra A. Valentine
General Counsel

Direct Dial
(202) 326-2390

July 18, 2000

Chairman David M. McIntosh
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
Committee on Government Reform
Washington, DC 20515-6143

Dear Mr. Chairman,

On May 19, 2000, as part of your oversight over agency implementation of the Congressional Review Act, you wrote to me asking for a copy of the first page of each Commission non-codified document and other pages specifically explaining the legal effect of the document, along with highlighting and a compendium providing information concerning the documents. I now have been advised that I can provide you either with the requested documents or a statement concerning the legal effect and applicability, under the Administrative Procedure Act (APA), of the guidance material that we issue. I have been advised that Subcommittee staff represented that if I provided this statement, I would not be asked to provide you with copies of the material or the compendium.

The guidance material issued by the Commission is not legally binding under the APA. Our guidance could be generally applicable; that does not, however, have any effect on whether it is legally binding. As I understand it, the term "general applicability" is used in the APA to distinguish general situations from very limited or named situations. For example, when the Commission states its policy of encouraging the naming of or reference to competitors in truthful comparative advertising, the statement applies to advertisers generally, but it does not require anyone to mention competitors.

I want to stress my concern, however, that providing a simple statement to the general public that any agency guidance is not legally binding could have a very detrimental effect. As a consequence, I understand that you support agency discretion to offer, at the beginning of each guidance document, an explanation of the document's legal effect. Your intent is to clarify for the public precisely what is required by law, codified regulation, or other authority, and what is not required. When appropriate, I believe that we do that.

There are many potential problems with providing a simple statement that agency guidance is not legally binding. Let me elaborate on our concern by providing examples of some of the problems that this could cause.

Chairman David M. McIntosh - Page 2

First, the guidance material may contain or restate statutory or legally binding regulatory language or may recite legally binding contract language. It could contain all three. For example, we may quote the statute, regulation, or contract directly in a document labeled as guidance, and then advise members of the public of suggested ways they can comply. Alternatively, we may issue guidance advising members of the public of court decisions concerning their obligations in our area of responsibility. The statute, regulation, and contract are legally binding. The court decision may impose legally binding obligations. Providing the public with a simple statement that our guidance is not legally binding may mislead many people concerning their legal obligations.

In addition, the guidance material may be issued in accordance with the Small Business Regulatory Enforcement Fairness Act. That Act requires us to issue documents designated as "small entity compliance guides" to help small entities comply with certain rules. Pursuant to that Act, the guides may be used to establish the reasonableness or appropriateness of fines, penalties or damages. Telling the small entities that the guidance is not legally binding may confuse those not familiar with the complex law on this issue and lead them to believe that the guidance is unreliable or that they should ignore it.

Also, although our guidance may not be legally binding on the public, the public may be subject to related legal obligations under State or local law. For example, the Guide to the Franchise Rule discusses both federal and state franchise requirements. Simply advising members of the public that they are not legally bound by this guidance may cause them to violate State law.

Providing a general warning that guidance is not legally binding may also send a mixed message to those we are trying to impress with the importance of listening to the message contained in the guidance. For example, we may tell people how to protect themselves against identity theft and unauthorized credit or debit charges. Telling them that our message – which is factually correct – is not legally binding may cause a problem for them, especially for financially vulnerable consumers.

In addition, the Commission may advise members of the public that they can rely on its guidance. At times, it issues such guidance in response to requests from those who want to know whether, if they act in a certain way, they will be in compliance with a statute or a rule. The response may tell them "yes, you will be considered in compliance;" that is, based on what they have told us, the agency will not take enforcement action against them if they do it that way. The responsive guidance also may help them if they are sued by a third party. Often we make these interpretations available to members of the public and tell them that they, too, may rely on them. In many cases, when we issue this guidance, we are agreeing with the requestor's interpretation. Telling the requestor or members of the public that despite these statements, the guidance is not legally binding may defeat the very certainty they are seeking. At a minimum, it will create

serious confusion over such things as whether we may take enforcement action even if they follow the guidance.

It is important to note that courts generally give deference to a reasonable agency interpretation of its own regulations where there is a question about the meaning of those regulations. If you simply tell people that agency interpretations are not legally binding, many may assume that they can disregard the interpretation regardless of its reasonableness or the likelihood that a court may give it deference. This could result in significant harm to those who are misled.

I appreciate the goals that you are trying to achieve. At the same time, I hope that you will understand my concerns that too simple and generic an approach to this complex issue could have a detrimental effect on the valuable guidance that we provide to the public. I recognize the importance of using guidance properly, and I have taken -- and will continue to take -- appropriate steps to address the concerns that guidance not be used as a substitute for rulemaking and to make the legal effect of our documents clear to the public.

Sincerely,

Debra A. Valentine
General Counsel

OFFICE OF THE
GENERAL COUNSEL

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
WASHINGTON, D.C. 20549

July 18, 2000

The Honorable David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
United States House of Representatives
Washington, DC 20515-6143

Dear Mr. Chairman:

On May 19, 2000, as part of your oversight over agency implementation of the Congressional Review Act, you wrote to me asking for a copy of the first page of each Securities and Exchange Commission (SEC) non-codified document and other pages specifically explaining the legal effect of the document, along with highlighting and a compendium providing information concerning these documents. We have been advised now that we can provide you either with the requested documents or a statement concerning the legal effect and applicability, under the Administrative Procedure Act (APA), of the guidance material that we issue. We were advised that Subcommittee staff said that if we provided this statement, we would not be asked to provide you with copies of the material or the compendium.

The guidance material issued by the SEC is not legally binding under the APA. Our guidance could be generally applicable; that does not, however, have any effect on whether it is legally binding. As we understand it, the term "general applicability" is used in the APA to distinguish general situations from very limited or named situations.

We want to stress our concern, however, that providing a simple statement that any agency guidance is not legally binding could have a very detrimental effect. As a consequence, you support agency discretion to offer, at the beginning of each non-codified guidance document, an explanation of the document's legal effect. Your intent is to clarify for the public precisely what is required by law, codified regulation, or other authority, and what is not required. When appropriate, we believe that we do that.

There are many potential problems with providing a simple statement that agency guidance is not legally binding. Let me elaborate on our concern by providing examples of some of the problems that this could cause.

First, guidance material may contain or restate statutory or legally binding regulatory language or may recite legally binding contract language. It could contain all three. For example, the SEC may quote the statute, regulation, or contract directly in a document labeled "Guidance" and then advise the public of suggested ways they can comply. Alternatively, the SEC may issue guidance advising the public of court decisions concerning their obligations in our area of responsibility. The statute, regulation, and contract are legally binding. The court decision may impose legally binding obligations. Providing the public with a simple statement that the SEC's guidance is not legally binding may mislead many people concerning their legal obligations.

In addition, guidance material may be issued in accordance with the Small Business Regulatory Enforcement Fairness Act. That Act requires us to issue documents designated as "small entity compliance guides" to help small entities comply with certain rules. Pursuant to that Act, guides may be used to establish the reasonableness or appropriateness of fines, penalties, or damages. Telling small entities that the guidance is not legally binding may confuse those not familiar with the complex law on this issue and lead them to believe that the guidance is unreliable or that they should ignore it.

The SEC may publish material that contains factual information and include guidance on how to use that information. For example, the SEC's Office of Investor Education and Assistance issued an advisory to investors about "Arbitration, Limited Appeal Rights, SEC Role" advising investors of their rights and obligations under the Federal Arbitration Act if they have a dispute with their brokers. This document is not legally binding, but the release underlines investor rights and obligations under the Federal Arbitration Act. Telling people that it is not legally binding may confuse some who have responsibilities to properly use the information in accordance with other requirements.

In a similar vein, although the SEC's guidance may not be legally binding on the public, the public may be required to follow such guidance under state or local law. Simply advising the public that they are not legally bound by this guidance may cause them to violate state or local law.

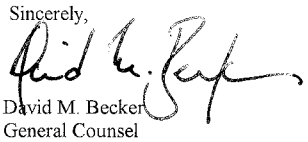
Providing a general warning that guidance is not legally binding may also send a mixed message to those the SEC is trying to impress with the importance of listening to the message contained in the SEC's guidance. Telling them that the SEC's message – which is factually correct – is not legally binding may cause a problem with a vulnerable part of the population.

In addition, the SEC may advise the public that they can rely on our guidance. At times, the SEC issues such guidance in response to requests from those who want to know whether, if they act in a certain way, they will be in compliance with a statute or a rule. Our response may tell them "yes, you will be considered in compliance;" that is, based on what they have told the SEC, we will not take enforcement action against them if they do it that way. Guidance also may help them if they are sued by a third party. Often the SEC makes these interpretations available to the general public and tells them that they, too, may rely on them. In many cases, when we issue guidance, we are agreeing with the requestor's interpretation. Telling the requestor or the general public that, despite these statements, the guidance is not legally binding may defeat the very certainty they are seeking. At a minimum, it will create confusion over such things as whether the SEC may take enforcement action even if they follow the guidance.

It is important to note that courts generally give deference to a reasonable agency interpretation of its own regulations where there is a question about the meaning of those regulations. If you simply tell people that agency interpretations are not legally binding, many may assume that they can disregard the interpretation regardless of its reasonableness or the likelihood that a court may give it deference. This could result in significant harm to those who are misled.

We appreciate the goals that you are trying to achieve. At the same time, we hope that you will understand our concerns that too simple and generic an approach to this complex issue could have a detrimental effect on the valuable guidance that we provide to the public. We recognize the importance of using guidance properly, and we have taken – and will continue to take – appropriate steps to address the concerns that guidance not be used as a substitute for rulemaking and to make the legal effect of our documents clear to the public.

Sincerely,



David M. Becker
General Counsel

cc: The Honorable Dan Burton
The Honorable Dennis J. Kucinich
The Honorable Henry A. Waxman

MINORITY VIEWS OF HON. HENRY A. WAXMAN, HON. DENNIS J. KUCINICH, HON. TOM LANTOS, HON. MAJOR R. OWENS, HON. EDOLPHUS TOWNS, HON. PAUL E. KANJORSKI, HON. CAROLYN B. MALONEY, HON. ELEANOR HOLMES NORTON, HON. CHAKA FATTAH, HON. ELIJAH E. CUMMINGS, HON. ROD R. BLAGOJEVICH, HON. DANNY K. DAVIS, HON. HAROLD E. FORD, JR., AND HON. JANICE D. SCHAKOWSKY

Agency guidance—also known as compliance assistance—plays an extremely important role in the administration of Federal law. Statutes and regulations cannot address every factual circumstance that may arise. Therefore, individuals and businesses often have questions as to whether and how the laws apply to their specific factual circumstances. They want and appreciate the issuance of guidance that addresses their questions. The public also benefits because guidance helps prevent unintentional violations.

Congress acknowledged the importance of agency guidance when, in 1996, it passed the Small Business Regulatory Enforcement Fairness Act [SBREFA]. This law requires agencies to prepare compliance assistance guides and answer questions asked by the regulated public. When the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs asked the Department of Transportation [DOT], the Department of Labor [DOL], and the Environmental Protection Agency [EPA] for a subset of their guidance since SBREFA was passed, the subcommittee received compendiums totaling over 7,000 documents.

Unfortunately, the majority's report on agency guidance comes to some inaccurate conclusions. In the first place, the report incorrectly alleges that agencies use guidance as backdoor regulation. In testimony, meetings, and letters, the agencies explained that none of their noncodified guidance was legally binding. Second, the majority incorrectly alleges that agencies failed to submit guidance to Congress pursuant to the Congressional Review Act [CRA]. In fact, because noncodified guidance is not legally binding, it is not covered by the CRA. Another problem is that the majority report does not include a complete and accurate record of the investigation.

A. THE RECORD DOES NOT ESTABLISH THAT AGENCIES ISSUE LEGALLY BINDING GUIDANCE

The record does not support the majority's conclusion that agencies are inappropriately regulating the public "through the backdoor" by issuing legally binding guidance. In fact, the record indicates that noncodified guidance is not legally binding and agencies have not inappropriately implied that it is binding.

On numerous occasions, agencies explained to the subcommittee that none of their noncodified guidance is legally binding. For instance, when the subcommittee held a hearing on noncodified guid-

ance on February 15, 2000, the one agency representative, Henry Solano, the Solicitor of Labor at the Department of Labor, testified:

> I understand the term "noncodified documents" to mean materials, related to compliance with the laws and regulations enforced by the Department, which are issued by the Department in printed and/or electronic form, but which are not published in the Code of Federal Regulations. These types of documents do not create new law or change existing law. . . . One type of compliance assistance is the use of non-codified documents. These documents are not legally binding.[1]

Furthermore, at the hearing, Mr. Solano answered questions about specific DOL guidance mentioned in the majority's report. He admitted that some guidance was not drafted well. Nevertheless, he explained, none of it is legally binding. Guidance interprets underlying statutory and regulatory language. It is not intended to expand upon the underlying requirements. Thus, he explained, when someone is found liable, they are liable for violating the underlying statute or regulation—not for violating guidance.[2]

In addition, when the subcommittee staff met with representatives of DOL, DOT, and EPA afer the hearing, the agency representatives reiterated that none of their noncodified guidance is legally binding. Moreover, at the request of the subcommittee, 10 agencies wrote letters to the subcommittee clearly stating that their noncodified guidance is not legally binding.[3]

Furthermore, there was no evidence that agencies inappropriately implied that their nonbinding guidance was binding. On many occasions, the agencies included language in guidance documents explicitly stating that the guidance is not legally binding. This language is often found in general guidance manuals which are provided to a variety of audiences. The agencies explained that they did not always include this language in agency letters to individuals that answer questions about how the law applies to a specific set of facts. This guidance is often addressed to sophisticated industry organizations who understand that guidance is not legally binding.

Although the report does not clearly list which documents it claims are examples of backdoor regulation, it appears to be referring to DOL's 1998 and 1999 letters to arborists, its November 1999 work-at-home guidance letter, and its December 1996 guidance letter addressing the definition of "serious health condition" under the Family and Medical Leave Act. However, as DOL explained in written testimony,[4] at the February 15, 2000 hearing,[5] and in staff meetings, these documents were not legally binding. In

---

[1] Statement of Henry Solano, Solicitor of Labor at the Department of Labor, Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, House Committee on Government Reform, hearing on non-codified documents: "Is the Department of Labor Regulating the Public Through the Backdoor?" (Feb. 15, 2000) (exhibit 1).

[2] Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs, House Committee on Government Reform, hearing on non-codified documents: "Is the Department of Labor Regulating the Public Through the Backdoor?", 75–76 (Feb. 15, 2000) (stenographic record) (hereinafter "Feb. 15, 2000, hearing").

[3] Appendix G of the majority report includes letters from the 10 agencies stating that their noncodified guidance is not legally binding.

[4] Statement of Henry Solano, supra n.1.

[5] Feb. 15, 2000, hearing at 21 and 83.

fact, there is not a single instance of legally binding compliance assistance identified in the majority report.[6]

Some of this guidance was later withdrawn when it received public criticism. At the February 15, 2000, hearing, Mr. Solano of the DOL explained this process when he was asked about the 1998 and 1999 letters to arborists. He testified:

> In terms of the commercial tree trimming. My comment to that is again at the request of the regulated community we tried to give our best interpretation in response to the questions and the facts provided. When they raised a question about that interpretation we agreed to revisit that interpretation. That is a part of the interchange, the give and take that goes when we try to give our best interpretation. I view that as not a method of back door rulemaking, it is an engagement, at the specific request of the regulated community, to try and give an interpretation. And when there is a question about it, to be open, to reconsider and rethink. So those two examples, to me, represent that, that kind of an example.[7]

B. CRA Does Not Cover Noncodified Guidance

The majority also mistakenly concludes that agencies inappropriately failed to provide legally binding guidance to Congress pursuant to the CRA. This conclusion is unsupported because none of the guidance is legally binding.[8]

The statute provides that, in general, agencies must send to Congress any "agency statement of general . . . applicability and future effect designed to implement, interpret, or prescribe law or policy."[9] The agencies explained in letters, testimony, and staff meetings that, because noncodified guidance is not legally binding, it does not have "future effect." Therefore, it is not covered by the CRA.[10]

Ever since Congress enacted the CRA in 1996, legal experts have warned that a broad interpretation of CRA requirements would be so burdensome as to be impractical. Including noncodified guidance under the act could have this effect. If agencies were required to send noncodified guidance to Congress, agencies would have to compile, copy, and deliver their guidance documents to Congress, the Government Accounting Office [GAO] would need to review and summarize them, and the Senate and House Parliamentarians would need to ensure that they are accurately printed in the Congressional Record. Although the extent of this burden is not known,

---

[6] Recently, the Government Accounting Office [GAO] identified an instance of an agency guidance document that GAO contends is legally binding and should have been issued as a rule. In an Oct. 17, 2000, letter to Representative James Leach, the GAO found that a booklet issued by the Farm Credit Administration describing a national charter initiative meets the requirements of a legislative rule and should have gone through notice and comment procedures.

[7] Feb. 15, 2000, hearing at 90–91.

[8] The CRA provides that documents that are covered by the CRA do not take effect, in most circumstances, until they have been submitted to Congress. Hence, if the majority were correct, the guidance could not be legally binding until it was submitted to Congress.

[9] 5 U.S.C. 551 (CRA requirements at 5 U.S.C. 801 provide for the submission of rules to Congress. 5 U.S.C. 804 provides that "[t]he term 'rule' has the meaning given such term in section 551" with certain exceptions).

[10] See, e.g., Feb. 15, 2000, hearing at 66–67. See also, majority report, part II (discussion of EPA's correspondence with Representative McIntosh).

the majority reports that, when the subcommittee asked only three agencies for a subset of their guidance documents produced since 1996, it received compendiums totaling over 7,000 documents.

Moreover, a broad interpretation of the CRA requirements could discourage agency guidance. In order to limit their CRA responsibilities, agencies might choose to limit the amount of guidance they provide to the public. This would be contrary to the congressional intent of SBREFA which was passed by Congress just 4 years ago.

Furthermore, a broad interpretation could discourage the publication of guidance. Agencies might try to avoid some of the CRA burden by answering compliance questions verbally instead of in writing. Unfortunately, this practice would put the regulated public at a disadvantage. Currently, written guidance—although it is not legally binding—may be introduced in court as evidence that the individual was acting in good faith by relying on agency guidance. This evidence can lead to a reduction in penalties and fees. If written guidance is discouraged, entities who rely on agency guidance might find it more difficult to prove their case.

Agencies also might be discouraged from their current practice of publishing individual guidance on the Internet if it is argued that publication makes "individual" advice "general" and subject to the CRA. Some agencies have recently adopted the practice of publishing individual guidance on the Internet in order to provide immediate answers to individuals and businesses who may have similar questions. This practice not only provides immediate answers, it encourages consistent enforcement of the law.

It is interesting to note that much of the subcommittee's investigation and criticism related to the DOL's work-at-home guidance letter. Although this letter answered one employer's questions, DOL published it on the Internet. If DOL had been discouraged from publishing such guidance, the public—and this committee—may never have known of its existence.

C. Majority's Report Does Not Include Relevant Documents

We are concerned that the majority report has only provided one side of the story. For instance, numerous oversight requests by Representative McIntosh are attached to the majority report, yet the agency responses to these requests are not included. Similarly, hearing testimony that supports the report's conclusions is attached while agency testimony refuting them is missing. In order to provide a more complete record—including the agencies views on the facts—we are attaching the following to these views:

Exhibit 1: Testimony provided by Henry Solano, Solicitor of Labor, U.S. Department of Labor [DOL] and Adele Abrams, Esq., American Society of Safety Engineers, at the Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs' February 15, 2000, hearing on guidance documents;

Exhibit 2: Letters from the Office of Management and Budget [OMB] to Representative McIntosh in which OMB states that it has provided adequate assistance to the agencies regarding how they should apply the CRA, related OMB assistance to the

agencies, and relevant letters from Representative McIntosh that were not included in the majority's report; and

Exhibit 3: Letters from the Department of Justice, Department of Labor, Department of Transportation, and Environmental Protection Agency to Representative McIntosh criticizing his proposed legislation that requires agencies to state on all guidance documents whether or not the document is legally binding.

D. Agencies Have Agreed to Protect Against Confusion About the Effect of Guidance

The majority report discusses ways to ensure that people do not inaccurately believe that noncodified guidance is legally binding. We want the regulated community to understand that guidance is guidance—not an expansion of the underlying statutory and regulatory requirements. Even if agencies do not intend to expand upon legal requirements, they need to make sure that the regulated community does not misunderstand the legally binding effect of guidance. We are pleased that, as a result of the subcommittee's work, the agencies appear to be more sensitive to this concern and have agreed that, if the legally binding effect of a document is unclear, the agency should take whatever steps are appropriate to clear up that confusion.

We are also pleased that Representative McIntosh chose not to pursue his ill-advised legislative solution to this problem contained in Section 4 of H.R. 3521. That provision provides that "[t]he head of each agency shall include on the first page of each statement published by the agency that is not a rule a notice that the statement has no general applicability or future effect (or both), as applicable, and is not binding on the public." Although this proposal was intended to clear up confusion, it threatened to create even greater confusion.

At the February 15, 2000, hearing, Representative Kucinich expressed numerous concerns with this provision. He explained that guidance comes in numerous forms and is directed at various audiences. In some instances, general language about a document's legally binding effect might not be helpful. For instance, it might be confusing to state that guidance is not legally binding if the letter in question quotes legally binding statutory language.

The agencies expressed similar concerns at the February 15, 2000, hearing, at follow-up meetings with subcommittee staff, and in letters to Representative McIntosh from the Department of Justice, DOT, EPA, and DOL.[11] They also explained that the McIntosh provision is drafted so broadly that it includes more than interpretative guidance. The language also includes statements such as work site posters advising employees to take safety precautions. If these posters included language stating that the poster had no legally binding effect, the import of the safety message might be weakened. Similarly, the McIntosh language includes public service

[11] Letter from Robert Raben, Assistant Attorney General, Department of Justice, to Representative McIntosh (June 19, 2000); letter from Nancy McFadden, General Counsel, DOT, to Representative McIntosh (Feb. 22, 2000); letter from Henry Solano, Solicitor of Labor, DOL, to Representative McIntosh (Mar. 16, 2000); and letter from Gary Guzy, General Counsel, EPA, to Representative McIntosh (Feb. 25, 2000). These letters have been attached as exhibit 3.

messages such as agency posters stating "say no to drugs" and DOT bumper stickers advising riders to "buckle up." The public would likely be confused if these statements included language stating that they were not legally binding.

Fortunately, as a result of these concerns, Representative McIntosh elected not to pursue his legislative proposal.

HON. HENRY A. WAXMAN.
HON. DENNIS J. KUCINICH.
HON. TOM LANTOS.
HON. MAJOR R. OWENS.
HON. EDOLPHUS TOWNS.
HON. PAUL E. KANJORSKI.
HON. CAROLYN B. MALONEY.
HON. ELEANOR HOLMES NORTON.
HON. CHAKA FATTAH.
HON. ELIJAH E. CUMMINGS.
HON. ROD R. BLAGOJEVICH.
HON. DANNY K. DAVIS.
HON. HAROLD E. FORD, JR.
HON. JANICE D. SCHAKOWSKY.

[The exhibits referred to follow:]

EXHIBIT 1

STATEMENT OF HENRY L. SOLANO
SOLICITOR OF LABOR
U.S. DEPARTMENT OF LABOR

BEFORE THE

SUBCOMMITTEE ON NATIONAL ECONOMIC GROWTH,
NATURAL RESOURCES, AND REGULATORY AFFAIRS
OF THE
COMMITTEE ON GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2000

Chairman McIntosh and Members of the Subcommittee:

I am pleased to appear before the Subcommittee in response to your invitation to discuss the Department of Labor's use of "non-codified documents." I understand the term "non-codified documents" to mean materials, related to compliance with the laws and regulations enforced by the Department, which are issued by the Department in printed and/or electronic form, but which are not published in the Code of Federal Regulations. These types of documents do not create new law or change existing law.

Issuing such documents is an important part of the Department's responsibility to faithfully execute the laws that Congress has passed. Among other virtues, these documents help ensure that employers, employees and other members of the public understand the legal requirements that may apply to them, in their particular circumstances. Companies, labor organizations, individuals, and others regularly ask for guidance, and the Department routinely responds to these requests, as it has for decades. Congress has made it clear that agencies should

be providing such compliance assistance; that we should be striking a balance between enforcement and compliance assistance. We should be helpful to the regulated communities "up front." For example, the Small Business Regulatory Enforcement Fairness Act (SBREFA) requires compliance assistance of this sort. The result, we hope, is a better understanding by employers and employees of the requirements of the law and ultimately better protections for American workers and their families.

Today, I would like to generally describe the Department's use of this kind of compliance assistance material. I will also briefly describe the legal framework, including the Administrative Procedure Act and the Congressional Review Act, that applies to agency statements and how the Department seeks to comply with these laws.

As you know, Congress has given the Department of Labor a broad range of responsibilities in connection with the American workplace. The Department has among its components five major enforcement agencies with offices across the country: the Wage and Hour Division and the Office of Federal Contract Compliance Programs in the Employment Standards Administration, the Occupational Safety and Health Administration, the Mine Safety and Health Administration, and the Pension and Welfare Benefits Administration. The Department administers a broad array of statutes covering issues such as safety and health in the workplace, the security of employee benefit plans, minimum wage and overtime guarantees, family and medical leave, and equal employment opportunity--to name just a few subjects. The

great majority of American workers are protected by these laws, and the great majority of American employers are governed by them.

American employers want to comply with the laws that apply to them. They believe in treating their workers fairly. They believe in following the law. While every effort is made to ensure that laws and regulations clearly articulate the rights and responsibilities of employers and employees, the laws and regulations enforced by the Department can be complicated and do not explicitly address every factual situation that may arise in the workplace. Therefore, employers and others inevitably have questions about the application of these laws and regulations. When they do, citizens expect agencies to give them proper guidance and assistance. We believe our answers, for the most part, are very helpful to those who ask the questions. However, there are times when answers are not sufficiently clear and further clarification is needed. And there are times when an answer needs to be clarified. But on the whole, there should be no doubt that the practice of providing compliance assistance is an illustration of good government. It works well for employers, for workers, and for the general public. One type of compliance assistance is the use of non-codified documents. These documents are not legally binding.

Compliance assistance materials can take many forms such as brochures and fact-sheets. With advances in technology, such as the rise of the Internet, these materials have become more sophisticated and more easily accessible–twenty-four hours a day, seven days a week, from home or office.

The public's strong interest in compliance assistance information is an important reason why the volume of non-codified documents issued by the Department of Labor is large. Many of these documents are generated in response to specific requests from individual employers, trade associations, industry groups, and other members of the public asking how a law or regulation applies to their particular circumstances. The practice of issuing non-codified documents is longstanding and well-established. Successive Administrations have found the practice valuable in carrying out the Department's responsibilities.

In response to your request for documents in connection with this hearing, Mr. Chairman, we have provided more than 1,600 documents (totaling more than 38,000 pages), which were generated by the Occupational Safety and Health Administration between March 29, 1996, and October 8, 1999. Many of these documents represent OSHA's efforts to educate and inform workers and employers about the Occupational Safety and Health Act and related requirements. As is apparent from the quantity of these documents alone, the Department looks for every opportunity to provide compliance assistance information.

The Department is committed to helping the public comply with the law. By the same token, the Department is committed to complying with the laws that apply to its own work. Here, I mean statutes like the Administrative Procedure Act (APA) and the Congressional Review Act, which–along with the statutes that the Department administers–govern how the Department issues rules that bind the public.

Administrative law is a complicated field, and growing more complicated all the time, as new laws are passed and new judicial decisions are issued. I have not been asked to discuss all of the intricacies of administrative law, but I do want to mention certain basic principles that may be relevant today. The Administrative Procedure Act contains the definition of what a "rule" is. 5 U.S.C. 551(4). Certain rules must be published in the Federal Register. Some of these rules--those which have "general applicability and legal effect"--ultimately are codified in the Code of Federal Regulations (the "CFR"). 44 U.S.C. 1510. Under Section 553 of the APA, legally binding rules generally are issued when a public notice and comment process is followed. Other rules--for example, "interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice"--are exempt from those requirements.

In cases involving the application of federal statutes and regulations, the federal courts often give considerable weight to the interpretations offered by regulatory agencies, provided that they are reasonable and depending upon the nature and the circumstances of the interpretation. This principle is well-established in our law. It is based on the authority that Congress has delegated to the agencies and on the expertise that the agencies have developed in the course of administering and enforcing the laws that Congress has passed. Agencies are not free to act arbitrarily, capriciously or contrary to law because the courts, as final arbiters on statutory interpretations, provide an important check on agency action.

Under the Congressional Review Act (CRA), in turn, certain rules must be submitted to Congress before they "can take effect." 5 U.S.C. 801(a)(1)(A). The Act also provides Congress

with the opportunity to enact a joint resolution of disapproval, preventing a rule from taking effect or from continuing in effect. The CRA incorporates the APA's definition of a "rule," but also makes certain exceptions, including exceptions for "any rule of particular applicability" and "any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties." 5 U.S.C. 804. The first exception covers agency opinion-letters to individuals, even though these letters may be published and relied upon by other people in similar situations. This was confirmed by statements of legislators after the enactment of the Act. The second exception means that rules of agency procedure that do not substantially affect the public need not be submitted to the Congress.

The legal requirements I have described are not always simple to apply. One important function of the Solicitor's Office at the Department of Labor is to help the Department's regulatory agencies comply with the requirements of administrative law, both long-standing requirements and new requirements. That assistance includes giving day-to-day advice to agency staff members on specific matters, as well as broader, more formal efforts.

The Department is committed to complying with the provisions of the Congressional Review Act. We began taking steps to implement the CRA's requirements shortly after the law was passed on March 29, 1996 to ensure that DOL staff understood and complied with CRA procedures. For example, on May 30--just two months after passage--senior staff from the Office of the Solicitor and from other agencies provided training on SBREFA and the CRA to more than 250 Department staff members. Further, on September 11, 1996, the Office of Small

Business Programs, with the participation of the Solicitor's Office and the Office of the Assistant Secretary for Policy (OASP), held a meeting with SBREFA agency contacts to review basic SBREFA responsibilities, with focus on the CRA requirements.

I believe that the Department is complying with the requirements of the Congressional Review Act in a responsible way, consistent with the law and with guidance from the Office of Management and Budget (OMB). Since the passage of the Congressional Review Act, the Department has submitted about 100 rules to the Congress. None has been rejected.

As I have said, the use of non-codified documents is an appropriate and effective way to achieve the goals of the laws that Congress has enacted and that the Labor Department is responsible for enforcing. Outreach and compliance assistance efforts are integral to the Department's mission. The large volume of information disseminated by the Department means that American employers, American workers, and the general public are better informed than ever about their rights and responsibilities and about the laws entrusted by the Congress to the Department of Labor for administration and enforcement.

This concludes my prepared remarks. I would be pleased to answer your questions.

**AMERICAN SOCIETY
OF SAFETY ENGINEERS**

1800 East Oakton Street
Des Plaines, Illinois 60018-2187

847 699-2929
FAX 847 296-3769

TESTIMONY OF

AMERICAN SOCIETY OF SAFETY ENGINEERS ("ASSE")

On the Matter of:

"Is the Department of Labor Regulating the Public Through the Backdoor?"

Presented by

Adele L. Abrams, Esq., Patton Boggs LLP

February 15, 2000

Doc. 511754

Chairman McIntosh and Esteemed Members of this Committee: My name is Adele Abrams. I am an attorney with Patton Boggs LLP, Washington, DC, who represents the American Society of Safety Engineers ("ASSE") at the national level. I am also a professional member of ASSE's National Capital Chapter. In addition to practicing occupational safety and health law, I am an MSHA-certified instructor, conduct workplace safety audits, and am recognized in the *National Registry of Safety Professionals and Other Registrants.*

It is an honor for me to represent ASSE, which is the oldest and largest Society of safety professionals in the world. Founded in 1911, ASSE represents almost 33,000 dedicated safety professionals and serves as Secretariat of seven American National Standards Institute ("ANSI") Committees, developing voluntary consensus safety and health standards used by both government agencies and the private sector. ASSE is dedicated to excellence, expertise, and commitment to the protection of people, property, and environment on a worldwide basis.

Today, my testimony focuses on how ASSE views the administrative procedures used by the Occupational Safety and Health Administration ("OSHA") and the Mine Safety and Health Administration ("MSHA") when issuing letters of interpretation, memoranda, procedural documents, and other policy statements. We are also submitting a longer statement, which we ask to be included in the hearing record.

The membership of the Society probably requests and receives more letters of interpretation from OSHA and MSHA than those of any other organization involved with occupational safety and health. These interpretative documents and policy statements are a significant part of both agencies' compliance and consultation assistance activities.

ASSE supports and encourages the issuance of information that assists employers in complying with OSHA and MSHA standards and ensuring the safety of their workers. Our members make decisions on a daily basis that literally have life and death consequences, and the actions they choose to take may be guided by such cutting-edge information. It is in the best interests of safety and health in the workplace that such information be available rapidly, both through publication and broadcast on the agencies' websites.

We hope that this subcommittee will not overlook the positive benefit that such interpretative materials can have for small businesses. Small business compliance assistance is of growing interest for our members, and we have long encouraged federal agencies to dedicate more of their resources to this area. Many of ASSE's 2,300 members in the Consultants Division work with small businesses, advising them on safety and health issues. Both consultants and employers routinely write to OSHA, MSHA and the National Institute for Occupational Safety and Health ("NIOSH") to obtain interpretative statements concerning particular subject areas.

ASSE also notes that while overall results have been excellent in getting guidance from OSHA and MSHA, in some cases there have been significant delays in issuing a response. Generally, however, the information provided assists businesses in implementing their occupational safety and health program in an efficient and effective manner. Both employees and employers receive direct benefit from this "win-win" approach. Consequently, ASSE strongly recommends that OSHA and MSHA continue to provide and disseminate interpretative materials publicly, in order to provide much-needed guidance and clarification.

Although not legally binding, some of the agencies' more "formal" interpretative documents – for example, MSHA's program policy manual and OSHA's numerous Directives (such as the "CPLs") -- are instructive in determining how

an agency has interpreted a standard or regulation in the past. We should not forget that they are also utilized by the courts to determine whether an enforcement action is "reasonable" and the degree of deference that should be accorded based on the consistency of the agency's interpretation of a particular standard. The agencies should, however, make it clear to the public that these "guidance" documents are of a non-binding nature, and guard against extending the scope of existing standards and regulations through such interpretative materials.

ASSE notes that guidance documents can be non-binding and still provide real value. Since the Society is secretariat of seven (7) ANSI committees, and regularly writes letters of interpretation for such standards, we can directly attest to the importance in maintaining such a process. However, although safety professionals (and attorneys) are aware that interpretative materials are not legally binding, the public may not be clear on this point. Therefore, OSHA, MSHA and other agencies should consider including a statement to this effect on all future materials that are intended to be interpretative policies, rather than substantive rules. Chairman McIntosh's new legislation, *The Congressional Accountability for Regulatory Information Act of 2000* (H.R.3521, Section [4-b]), addresses this very issue. This appears to be a reasonable requirement and we look forward to hearing the debate on this legislation.

In summary, although ASSE's overall experience with agency interpretative materials has been very positive, and surveys indicate that ASSE members generally view the agency's policy process as an asset, that does not mean that there cannot be significant improvement. We encourage OSHA and MSHA to work with organizations such as ASSE more proactively when addressing such issues. There is a greater need for synergy in both the public and private sectors

when writing interpretative materials. From its standards work, ASSE has the expertise to do so and is more than willing to work with these agencies.

Finally, in order to remain exempt from formal rulemaking under the Administrative Procedure Act ("APA"), interpretative documents cannot go beyond the plain language of the standard or create a "secret" rule. If an agency desires to impose new obligations or burdens on the regulated community, it must engage in formal "notice-and-comment" rulemaking. The APA's rulemaking procedures provide employers, employees and safety professionals with the opportunity to offer OSHA and MSHA valuable input and share real-world experience. The end result is an improved regulatory structure and enhancement of safety and health.

With that final statement, I thank you for your time today and would be pleased to answer any questions that you may have.

February 15, 2000

The Honorable David McIntosh
Chairman, House Subcommittee on National Economic
Growth, Natural Resources, and Regulatory Affairs
1610 Longworth House Office Building
Washington, DC 20515-1402

ASSE STATEMENT
"Is the Department of Labor Regulating the Public Through the Backdoor"?
The Congressional Accountability for Regulatory Information Act of 2000 (H.R.3521)

Dear Chairman McIntosh:

The purpose of this statement to inform you of ASSE's position concerning the Subcommittee's February 15, 2000, hearing: *Is the Department of Labor Regulating the Public Through the Backdoor?* Our statement also addresses H.R. 3521, *The Congressional Accountability for Regulatory Information Act of 2000.*

Introduction

The American Society of Safety Engineers (ASSE), is the oldest and largest Society of Safety Professionals in the world. Founded in 1911, ASSE represents nearly 33,000 dedicated safety professionals. Included in this membership are Certified Safety Professionals, Professional Engineers, ergonomists, academicians, fire protection engineers, system safety experts, industrial hygienists, physicians, occupational nurses, and an impressive collection of other disciplines, skills, and backgrounds. ASSE is dedicated to excellence, expertise, and commitment to the protection of people, property, and environment on a world-wide basis.

ASSE serves as Secretariat of seven (7) American National Standards Institute Committees (ANSI) developing safety and health standards which are used by private sector organizations as well as state/Federal governmental agencies such as MSHA, OSHA, etc. ASSE members also sit on over forty (40) additional standards development committees and the Society sponsors educational sessions on standards development. The Society also has eleven (12) technical divisions consisting of: Construction, Consultants, Engineering, Environmental, Health Care, Industrial Hygiene, International, Management, Public Sector, Risk Management and Insurance, Mining, and Transportation. The ASSE members included in these divisions are leaders in their field, with the knowledge and expertise needed to move safety and health forward on a global level.

ASSE Insights on the Hearing

ASSE has great interest in the hearing issue: *Is the Department of Labor Regulating the Public Through the Backdoor?* We will focus on how our members view the administrative procedures used by OSHA and MSHA when issuing letters of interpretation, memoranda, and other policy statements.

Our members may well request and receive more letters of interpretation from OSHA and MSHA than any other organization involved with occupational safety and health. Letters of interpretation, memoranda, and other policy statements are a significant part of the agencies' compliance and consultation assistance activities. This is something ASSE has, and always will, strongly support. It is important to employers, employees, and safety professionals that measures be taken to encourage publication of such information. Our members make decisions on daily basis, that could literally have life and death consequences, that are drawn from such cutting edge information. It is in the best interests of enhancing safety and health in the workplace that such information be readily available.

What should be of significant interest to you and the members of your esteemed subcommittee is the positive benefit such interpretative materials can have for small businesses. We believe small business is of importance to the long term security of the U.S. economy. ASSE has a Consultants Division with approximately 2,300 members. These consultants work with a significant number of small business (having under 75 employees) on safety and health issues. Safety and health consultants, as a practice, will routinely write to OSHA and other safety and health agencies for interpretative statements on behalf of their small business clients. The results have generally been excellent in that cutting edge information is received, small businesses are able to enhance their occupational safety and health program in an efficient and effective manner, and both employees and employers receive direct benefit. We see such a program as win-win for all of those involved.

ASSE strongly recommends interpretative materials should continue to be written and posted as public information since they do provide needed guidance and clarification. Some of the best safety and health materials we have seen can be of a non-binding nature. Since the Society is secretariat of seven (7) ANSI committees, and regularly writes letters of interpretation for our standards, we can directly attest to the importance in maintaining such a process. In addition, safety professionals are aware that interpretative materials are generally not binding.

ASSE Insights on H.R.3521 - Section [4-b]

The problem appears to be how to inform the general public on the difference between a binding substantive rule and public guidance information. Chairman McIntosh has introduced legislation, *The Congressional Accountability for Regulatory Information Act of 2000* (H.R.3521), which addresses this very issue.

We look forward to hearing the debate on this legislation, but point out that our overall experience with the interpretative materials published by OSHA and MSHA has been very positive. We know from past surveys and questionnaires that ASSE members generally view the process as an asset. However, that does not mean that there cannot be significant improvement. The Society has spoken out before in the past on the need for the agencies to work with organizations like ASSE on a more proactive basis when addressing such issues. We believe there is a greater need for synergy in both the public and private sectors when writing interpretative materials.

ASSE takes the position that OSHA and MSHA should continue to issue and make public interpretative documents and memoranda, and compliance assistance materials, so long as such documents: (1) are treated as "non-binding" from a legal perspective and are so marked in the future; (2) do not impose new substantive requirements that go beyond the plain language of the standard or regulation; and (3) are not used by the agency for enforcement purposes. The courts uniformly conclude that if an agency labels a document as "interpretative," it cannot be enforced in the same manner as a substantive rule. If an agency wants to enforce an "interpretation" that imposes a new, binding requirement, it must go to formal "notice-and-comment" rulemaking.

The impression of some ASSE members is that OSHA and MSHA have, on occasion, attempted to craft new regulatory requirements through interpretative documents. The courts have rejected such requirements as an invalid exercise of rulemaking authority, in violation of the Administrative Procedure Act. Although the courts will defer to the agency's regulatory interpretation "as long as it is reasonable," this deference is greater when the "interpretation" was previously set forth in writing and lesser when the interpretation is announced for the first time through an enforcement action or differs significantly from a prior published interpretation. We believe the key issue for consideration is: Does the "interpretative" requirement naturally flow from the standard's preexisting language, or does it impose a new compliance obligation that our members will be responsible for implementing in the workplace?

Although OSHA and MSHA do submit their interpretative materials to the Solicitor of Labor for review, this is not necessarily indicative of a desire to have it "stand as a legal basis" for OSHA action. Rather, it suggests that the agency does not want to depart from previously established interpretations or from precedential case law. Finally, it should be noted that the courts eschew finding that an agency is estopped from reversing a previously announced, non-binding interpretation. Thus, an employer or other member of the public relies upon agency "interpretation" at its own peril (although the existence of such a document supporting an employer's position can be helpful evidence with respect to negligence in an enforcement action). Similarly, OSHA can use a previously published interpretation as evidence that a current consistent enforcement posture is legitimate and in accordance with its longstanding interpretation of a standard or regulation.

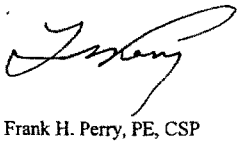
Conclusion

In order to remain exempt from formal rulemaking under the Administrative Procedure Act, agency interpretative documents cannot go beyond the plain language of the standard or create a "secret" rule. If an agency desires to impose new obligations or burdens on the regulated community, it must engage in formal "notice-and-comment" rulemaking. These formal rulemaking procedures provide employers, employees and safety professionals with the opportunity to offer OSHA and MSHA valuable input and share real-world experience. However, non-binding interpretative documents also provide valuable compliance assistance to employers, workers, and safety and health professionals. By utilizing both formal substantive rulemaking and informal guidance, in a way that passes legal muster and affords adequate notice to the public as to the nature of a particular document, the end result will an improved regulatory structure and enhancement of safety and health.

Representatives of the Society, ASSE's Governmental Affairs Committee, will be visiting Washington, DC on April 4, 2000. We hope to be able to meet with you and your staff in order to again discuss these issues.

We thank you for your attention to this matter, and if we can be of assistance, please feel free to contact the Society.

Sincerely Yours,



Frank H. Perry, PE, CSP
Society President, 1999-2000

Copy To: ASSE Board of Directors
ASSE Council on Professional Affairs
ASSE Governmental Affairs Committee
ASSE Contact List

EXHIBIT 2

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIRS

APR - 2 1996

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS, AGENCIES, AND INDEPENDENT ESTABLISHMENTS

FROM: Sally Katzen

SUBJECT: New Statutory Procedures for Regulations

All agencies need to be aware of the enactment, on Friday, March 29, 1996, of new provisions concerning Congressional review of regulations (enacted as Chapter 8 of Title 5, U.S. Code) and the Regulatory Flexibility Act.

Chapter 8 applies to every Executive branch "agency" as defined in 5 U.S.C. 551(1); this definition includes the independent regulatory commissions and boards. Chapter 8 applies to every final or interim final rule, with certain exclusions: e.g., any rule relating to agency "management or personnel" or agency "procedure or practice." Chapter 8 distinguishes between major and non-major rules (see definition below).

For All Final Rules: Each agency is now to submit a report -- containing a copy of each final rule, a "concise general statement" of the rule (including whether it is a "major" rule), and the rule's effective date -- to each House of Congress and to the GAO **before the rule can take effect**. Once this obligation is satisfied, all non-major final rules may take effect on the date provided by the agency.

Each agency needs to submit this report for any rule issued on March 29, 1996 and thereafter. When the agency submits this report, the agency is also to submit to GAO, and to make available, upon request, to each House of Congress, the analyses identified in the statute -- e.g., cost-benefit, regulatory flexibility and unfunded mandates analyses.

For All Major Final Rules: On or after March 29, 1996, for all major final rules, the effective date is generally no earlier than 60 days after the later of Congressional receipt of the material submitted or Federal Register publication. The effective date of a major rule may be sooner if the President determines in an Executive Order that the rule should take effect because such rule is necessary for certain reasons (e.g., an emergency situation). The effective date may also be sooner if the agency "for good cause" finds that "notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest."

"Major" rule is defined to be any rule that the Administrator of the Office of Information and Regulatory Affairs finds "has resulted in or is likely to result in an annual effect on the economy of $100,000,000 or more;" a "major" increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or "significant adverse effects" on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises. This definition excludes any rule promulgated under the Telecommunications Act of 1996, and the amendments made therein. This definition of "major" is similar but not identical to the definition of economically "significant" under section 3(f)(1) of E.O. 12866. If there are questions concerning whether a rule is "major," please contact the Office of Information and Regulatory Affairs as soon as possible during the rulemaking.

Chapter 8 establishes special Congressional procedures for disapproval of rules. The Congressional disapproval procedures apply to all major final rules that were promulgated between March 1, 1996 and March 29, 1996, and to all final rules (major or not) promulgated thereafter.

Submissions to Congress should be sent to both Houses: the House Clerk, Ms. Robin H. Carle, H-154, the Capitol, Washington, D.C. 20515-6601, and the Secretary of the Senate, Mr. Kelly D. Johnston, S-208, the Capitol, Washington, D.C. 20510-7100. GAO requests that agencies send their submissions to Mr. Robert P. Murphy, General Counsel, General Accounting Office, Room 7175, 441 G Street, N.W., Washington, D.C. 20548. As agencies start sending material to the Congress, they should consider creating a tracking system, both to permit them to demonstrate compliance and also to enable agencies to provide (when requested) data on what was sent.

Chapter 8 took effect on the date of enactment. In addition, the same law made amendments to the Regulatory Flexibility Act -- in part to provide for judicial review. These amendments take effect 90 days after enactment (i.e., June 27, 1996).

* * *

I appreciate that there is much that has to be done quickly -- both the submission of particular materials and the institution of an ongoing process. I welcome your comments and suggestions on how best to implement this new law to make it useful for Congress and workable for the agencies.

A copy of the text of Chapter 8 is attached.

Attachment

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIRS

APR 19 1996

M-96-23

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS, AGENCIES, AND INDEPENDENT ESTABLISHMENTS

FROM: Sally Katzen

SUBJECT: Revised Instructions, Effective Immediately, for Submission of Agency Regulations for Congressional Review

On April 2, 1996, I sent you a memorandum stating that the reports for final rules should be sent to the Secretary of the Senate and the House Clerk, as well as GAO. Those Offices have since requested that the reports go to the President of the Senate and the Speaker, viz. --

The Honorable Al Gore, the President of the Senate, S-212, the Capitol, Washington, D.C. 20510;

The Honorable Newt Gingrich, the Speaker, H-209, the Capitol, Washington, D.C. 20515; and

Mr. Robert P. Murphy, the General Counsel, General Accounting Office, Room 7175, 441 G Street, N.W., Washington, D.C. 20548.

This morning we received a call stating that each transmittal must include a letter, addressed specifically to the identified individuals, and signed by an agency official at an appropriate level for transmitting documents to the Congress. They also asked that the cover letter include a contact person and telephone number in case they have any questions concerning the rule. We understand that some of the reports that have already been submitted are being returned or are being held because of the absence of an appropriate transmittal letter.

CONGRESSIONAL REVIEW OF AGENCY RULEMAKING
5 U.S.C. Chapter 8
Enacted in P.L. 104-121 (March 29, 1996)

Frequently Asked Questions

I. SUBMISSION OF RULES TO BOTH HOUSES OF CONGRESS AND GAO.

1. Which agencies have to submit their rules to Congress and GAO?

A: Chapter 8 applies to every Executive branch "agency" as defined in 5 U.S.C. 551(1); this definition includes the independent regulatory commissions and boards.

2. Do agencies submit all rules before they can take effect?

A: Agencies are to submit all final or interim final rules, with certain exemptions.

Agencies do not need to submit proposed rules.

3. What are these exemptions?

A: In its definition of "rule," the statute excludes "any rule of particular applicability" (§ 804(3)(A)); any rule relating to agency "management or personnel" or agency "procedure or practice that does not substantially affect the rights or obligations of non-agency parties" (§§ 804(3)(B) & (C)); and any rule concerning monetary policy issued by the Federal Reserve Board (§ 807).

4. Are there any other exemptions?

A: No. There is no other exemption from the requirement to submit final and interim final rules to Congress.

Not only do agencies have to submit to Congress and the GAO the "significant" and "economically significant" final and interim final rules that OIRA reviews under E.O. 12866, but agencies have to submit to Congress and the GAO the non-significant final and interim rules that OIRA does not review as well as the general categories of final and interim final rules that OIRA has exempted from centralized regulatory review.

5. Do agencies have to submit to Congress and GAO more than the text of the rule?

A: Yes. Each agency is to submit a "report" containing a copy of each rule, a "concise general statement" of the rule (including whether it is a "major" rule), and the rule's effective date.

No particular format is required for this report, although each report has to be in the form of, or covered by, a formal

transmittal letter. The transmittal letter has to be addressed specifically to the identified individuals, and signed by an agency official at a level appropriate for transmitting documents to the Congress. The cover letter also has to include a contact person and telephone number in case they have any questions concerning the rule.

Submissions are to be sent to both Houses of Congress and GAO:

The Honorable Al Gore, the President of the Senate, S-212, the Capitol, Washington, D.C. 20510;[1]

The Honorable Newt Gingrich, the Speaker, H-209, the Capitol, Washington, D.C. 20515; and

Mr. Robert P. Murphy, the General Counsel, General Accounting Office, Room 7175, 441 G Street, N.W., Washington, D.C. 20548.

6. Does the agency have to send anything else to the GAO?

A: Yes. When an agency submits this "report" to Congress and the GAO, the agency is also to submit to GAO, and to make available, upon request, to each House of Congress the analyses prepared as part of the rulemaking. These include:

Any cost-benefit analysis [and, if the risk assessment is set forth as document separate from the benefit analysis, the risk assessment];

Any Regulatory Flexibility Analysis (including any certification that such an analysis is not needed);

Any action under Title II of the Unfunded Mandates Reform Act of 1995 (i.e, the required written statement and attendant selection of the "least costly, most cost-effective or least burdensome alternative"); and

"Any other relevant information or requirements under any other Act [e.g., Paperwork Reduction Act of 1995] and any relevant Executive Orders."

Agencies are to send these analyses to GAO and make them available to Congress for <u>all</u> rules, not just those designated as "major."

---

[1] Administrator Sally Katzen's April 2, 1996, memorandum suggested that submissions to the Senate and House should be sent to the Secretary of the Senate and the House Clerk. Those Offices have since requested that submissions go to the President of the Senate and the Speaker. That change in addressees is set forth in Sally Katzen's April 19, 1996, memorandum.

7. When did 5 U.S.C. Chapter 8 take effect?

A: Chapter 8 took effect on March 29, 1996.

Each agency needs to submit the report to Congress and GAO (and the related analyses to GAO) for any final and interim final rule issued on March 29, 1996, and thereafter.

Note: Section 802(e) makes any major final rule "promulgated" between March 1, 1996, and March 29, 1996, subject to the Congressional disapproval procedures in § 802; it does not appear that these major rules need to be submitted to the Congress or GAO. This appears to be the only provision applicable to final rules issued before March 29, 1996.

II. EFFECTIVE DATES.

8. When do "non-major" rules take effect?

A: As a general matter, most rules (rules other than those designated as "major") may take effect at the time designated by the agency, if the agency has previously (or on the same day) submitted the rule to Congress (§ 801(a)(4)).[2]

9. When do "major" rules take effect?

A: As a general matter (and assuming that the Congress has not passed a joint resolution of disapproval during the first 60-days), "major" rules may take effect no earlier than 60 days after the later of Congressional receipt of the material submitted[3] or Federal Register publication. "Major" rules may take effect later if the agency so desires.

A major rule may take effect before the 60-day time limit under two circumstances: (1) if the President determines in an Executive Order that the rule should take effect because such rule is necessary for certain reasons (e.g., an emergency situation) (see § 801(c)); or (2) if the agency "for good cause" finds that "notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest" (see § 808(2)).[4]

---

[2] Note: for non-major rules, the statutory requirement is that the agency "submit" the rule (§ 801(a)(1)(A)).

[3] Note: for major rules, the statutory requirement is that "Congress receives the report submitted..." (§ 801(a)(3)).

[4] The effective date may also be sooner if the rule relates to "hunting, fishing, or camping" (§ 808(1)).

10. Several statements in recent press stories have suggested that a rule may not take effect until Congress has completed its review. Is this accurate?

A: No. Agency final and interim final rules take effect as described above. Congressional review does not change the effective date of an agency rule unless and until Congress passes a joint resolution of disapproval.

11. What is a "major" rule?

A: "Major" rule is defined to be any rule that the Administrator of the Office of Information and Regulatory Affairs finds "has resulted in or is likely to result in an annual effect on the economy of $100,000,000 or more;" a "major" increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or "significant adverse effects" on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises.[5]

This definition of "major" is similar but not identical to the definition of economically "significant" under Section 3(f)(1) of E.O. 12866. For those agencies subject to E.O. 12866 regulatory review, an agency should indicate whether it considers the rule as "major" when it submits the proposed rule for OIRA review. If there are, in other cases, questions concerning whether a rule is "major," agencies should contact their Desk Officer in the Office of Information and Regulatory Affairs (OIRA) as soon as possible in the rulemaking.

12. In case of general questions, who in OIRA should agencies contact?

A: Jefferson B. Hill, 395-3176.

* * * * *

Note: A few days ago, extended statements appeared in the Congressional Record from the House and Senate sponsors discussing this statute. These were inserted by Senator Nickles on April 18, at page S3683, and by Congressman Hyde on April 19, at page E571.

---

[5] This definition excludes any rule promulgated under the Telecommunications Act of 1996.

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
J. DENNIS HASTERT, ILLINOIS
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
STEVEN SCHIFF, NEW MEXICO
CHRISTOPHER COX, CALIFORNIA
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
JOHN SHADEGG, ARIZONA
STEVE C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
JOHN E. SUNUNU, NEW HAMPSHIRE
PETE SESSIONS, TEXAS
MIKE PAPPAS, NEW JERSEY
VINCE BROWNBACK, KANSAS
BOB BARR, GEORGIA
ROB PORTMAN, OHIO

ONE HUNDRED FIFTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROS WIDE, WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
GARY A. CONDIT, CALIFORNIA
CAROLYN B. MALONEY, NEW YORK
THOMAS M. BARRETT, WISCONSIN
ELEANOR HOLMES NORTON
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD JR., TENNESSEE

BERNARD SANDERS, VERMONT
INDEPENDENT

September 23, 1998

BY FACSIMILE

Mr. Robert Damus
General Counsel
Office of Management and Budget
Washington, D.C. 20503

Dear Mr. Damus:

I am writing to confirm the understanding we reached in our telephone conversation of yesterday afternoon regarding OMB's plans to issue and implement a standard reporting form and guidance to assist the agencies in complying with the rule reporting requirements of the Congressional Review Act (CRA) (5 U.S.C. ch. 8).

In our conversation, we agreed that OMB is committed to issuing a rule submission form identical in content to the GAO draft version dated September 22, 1998 (attached) and that OMB is prepared to take whatever steps are necessary to ensure that the agencies adopt and use this form in reporting all new rules to the GAO and each House of Congress. As we discussed, the Subcommittee expects that the GAO form will be implemented government-wide as soon as is practicable. In any event, we believe that the end of the second week of January 1999 would be a reasonable target date for full implementation of the standard form.

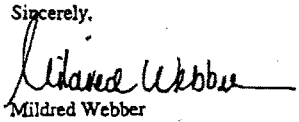
Regarding guidance, we agreed that OMB is committed to drafting, issuing, and implementing a comprehensive guidance to assist the agencies in complying with the CRA. We expect that such guidance will cover the reporting requirements (§ 801(a)(1)-(2)); the definition of a rule (§ 804(3)); the 60-day delay requirement for major rules (§ 801(a)(3)); the good cause exemption (§ 808(2)); and the legal consequences of failing to report a rule (§ 801(a)(1)). As we discussed, the Subcommittee expects that the guidance will be consistent with the policies underlying the CRA, as expressed in the plain text and legislative history of the statute.

Concerning the definition of a rule, we recognize that determining the precise scope of the definition as it applies to the widely varying rulemaking practices of the agencies involves questions of legal interpretation. For these reasons, we would welcome the participation of the agencies and the Department of Justice in developing a guidance that identifies the precise contours of the definition in a manner that will best facilitate full compliance with the law.

As OIRA's authorizing and oversight committee, we expect to participate in this process at each step in the development of the guidance. We would prefer to begin this process of consultation by the second week of October and would like to receive a proposed draft of the guidance by the end of November. We believe that the end of March 1999 would be a reasonable target date for issuing a final guidance, allowing the agencies a fair opportunity to submit comments.

I would appreciate it very much if you could send me a written confirmation of the understandings set forth in this letter by the close of business on Friday. If you have questions, please call me at 225-4407.

Sincerely,



Mildred Webber
Staff Director
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

cc: Michelle Mrdeza

Federal Rule Submission

☐ Senate

☐ House

☐ GAO

Please fill the circles electronically or with black pen or #2 pencil.

1. Name of Department or Agency

2. Subdivision or Office

3. Rule Title

4. Rule Identification Number (RIN) or other unique identifier

5. Major Rule O Non-major Rule O

6. Final Rule O Direct Final O Interim Rule O Other O _____

7. With respect to this rule, did your agency publish a notice of proposed rulemaking? Yes O No O N/A O

8. Priority of Regulation (fill in one)

O Economically Significant
O Significant
O Substantive, Nonsignificant

O Routine and Frequent
O Informational/Administrative/Other
(If Routine and Frequent or Informational/Administrative/Other, do not complete the other side of the questionnaire.

9. Effective Date

10. Concise Summary of rule (fill in one or both) attached O stated in rule only O

Submitted by: _____ (signature)

Name: _____

Title: _____

_____

For Congressional Use Only:

Date Received: _____

Committee of Jurisdiction: _____

(8/22/98)

A. With respect to this rule, did your agency prepare an analysis of costs and benefits?	O	O	O
B. With respect to this rule, at the final rulemaking stage, did your agency			
1. certify that the rule would not have a significant economic impact on a substantial number of small entities under 5 U.S.C. § 605(b)?	O	O	O
2. prepare a final Regulatory Flexibility Analysis under 5 U.S.C. § 604(a)?	O	O	O
C. With respect to this rule, did your agency prepare a written statement including an assessment of costs and benefits and other information under § 202 of the Unfunded Mandates Reform Act of 1995?	O	O	O
D. With respect to this rule, did your agency prepare an environmental assessment or an environmental impact statement under the National Environmental Policy Act (NEPA)?	O	O	O
E. Does the rule contain a collection of information requiring OMB approval and a control number under the Paperwork Reduction Act of 1995?	O	O	O
F. Did you discuss any of the following in the preamble to the rule?			
• E.O. 12612, Federalism	O	O	O
• E.O. 12630, Government Actions and Interference with Constitutionally Protected Property Rights	O	O	O
• E.O. 12866, Regulatory Planning and Review	O	O	O
• E.O. 12875, Enhancing the Intergovernmental Partnership	O	O	O
• E.O. 12988, Civil Justice Reform	O	O	O
• E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks	O	O	O
• Other statutes or executive orders (please specify)	O	O	O

_____

_____

_____

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

GENERAL COUNSEL

September 24, 1998

Ms. Mildred Webber
Staff Director, Subcommittee on National Economic
Growth, Natural Resources, and Regulatory Affairs
Committee on Government Reform and Oversight
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Ms. Webber:

Thank you for your letter of September 23, 1998, in which you write to confirm the understandings we reached in our telephone conversation of the previous afternoon. As you requested, I am writing to address our understanding regarding there matters, in particular concerning OMB's plans to issue and implement a standard reporting form and guidance related to the Congressional Review Act (5 U.S.C. Chapter 8).

As we discussed, we are committed to providing agencies with a rule submission form identical in content to the GAO draft version dated 9/22/98, and to have agencies use this form to submit final rules to the GAO and each House of Congress. We are also committed to work with GAO, the House and Senate, and the agencies to assure that this form will be implemented government-wide as soon as it is practicable, and preferably to have agencies begin using it no later than the beginning of the next Congress.

OIRA staff have already been in consultation with GAO and agency staff on this matter, and are addressing technical issues about formatting the form so it can be read electronically by GAO, and on how it can be transmitted to GAO electronically by the agencies. There may also be detailed suggestions on how to improve the clarity of this form. For example, GAO has suggested that, in the parenthetical instructions in question 8, the word "questionnaire" be changed to "form." As a result, as our efforts progress, there may be suggestions to make technical changes to this form or its formatting. We commit to keeping you informed of these efforts, and will seek your views on whatever improvements that OMB, GAO, and the agencies suggest.

We are also committed to issuing comprehensive guidance to assist agencies in implementing the CRA. We anticipate that such guidance will cover CRA reporting requirements, the definition of rule, the 60-day delay requirement for major rules, the good cause exemption, the consequences of failing to report a rule, and such other matters as may arise in the process of developing CRA guidance. In developing such guidance, a review will be made of the agencies' current practices in submitting final rules and the understandings they have reached

with their authorizing committees, as well as their rulemaking practices. The development of such guidance could also involve a review of court precedent involving the Administrative Procedure Act, and of the guidance's impact upon GAO's monitoring of agency compliance with the CRA. Given these many different interests, it is our intention to invite interested agencies, the Department of Justice, and the GAO to participate in the development of this guidance. Affected agencies may in addition wish to consult their respective authorizing committees.

We also expect you and your staff to participate in this process for developing the guidance, and we commit to inviting you to meetings to discuss your concerns with us, GAO, and the interested agencies and to sharing drafts of this guidance as it is developed. As I indicated to you, given the number of agencies that will be involved, and the differing perspectives the various parties may bring to these discussions, we cannot commit in advance to what the guidance will be, or guarantee that all affected parties will fully approve of the final result.

As to timing for the development of this guidance, we are committed to moving forward expeditiously. OIRA staff would welcome the opportunity to meet with you in mid-October to discuss possible content for this guidance. OIRA staff will then begin to work with agencies, Justice, and OMB also to discuss possible content for this guidance. It is not clear at this point whether OMB, Justice, or an interagency working group would prepare the initial drafts of this guidance. In addition, the same agency staff that will be working to have agencies begin using the rule submission form are the ones who would assist in developing the guidance. As a result, I am reluctant to commit to a specific time to provide you with draft guidance, but do commit to provide it to you as soon as it is developed. Late spring or early summer is a reasonable target date for issuing final guidance.

Thank you again for your letter and for assisting in clarifying this matter. Please let me know if we may be of further assistance or provide additional information.

Sincerely,

Robert G. Damus

Robert G. Damus
General Counsel

GAO

United States
General Accounting Office
Washington, D.C. 20548

Office of the General Counsel

December 3, 1998

Mr. Jeff Hill
Chief, Commerce and Lands Branch
Office of Information and Regulatory Affairs
Office of Management and Budget

Dear Mr. Hill:

Enclosed is a copy of the final version of the form, "Submission of Federal Rules Under the Congressional Review Act." This version incorporates the changes suggested by Chairman McIntosh's staff at our recent meeting to finalize the form. Otherwise, it includes all the data elements GAO and OMB previously agreed upon.

Please call me on 202-512-8326 if you have any questions regarding this matter.

Sincerely yours,

Kathleen E. Wannisky

Kathleen E. Wannisky
Associate General Counsel
for Operations

Enclosure

24722

Submission of Federal Rules Under the Congressional Review Act

☐ Senate ☐ House ☐ GAO

Please fill the circles electronically or with black pen or #2 pencil.

1. Name of Department or Agency

2. Subdivision or Office

3. Rule Title

4. Rule Identification Number (RIN) or Other Unique Identifier (if applicable)

5. Major Rule ○ Non-major Rule ○

6. Final Rule ○ Other ○ _____

7. With respect to this rule, did your agency solict public comments? Yes ○ No ○ N/A ○

8. Priority of Regulation (fill in one)

○ Economically Significant; or Significant; or Substantive, Nonsignificant

○ Routine and Frequent or Informational/Administrative/Other (Do not complete the other side of this form if filled in above.)

9. Effective Date (if applicable)

10. Concise Summary of Rule (fill in one or both) attached ○ stated in rule ○

Submitted by: _____ (signature)

Name: _____

Title: _____

For Congressional Use Only:

Date Received: _____

Committee of Jurisdiction: _____

10/23/98

	Yes	No	N/A
A. With respect to this rule, did your agency prepare an analysis of costs and benefits?	○	○	○
B. With respect to this rule, at the final rulemaking stage, did your agency			
1. certify that the rule would not have a significant economic impact on a substantial number of small entities under 5 U.S.C. § 605(b)?	○	○	○
2. prepare a final Regulatory Flexibility Analysis under 5 U.S.C. § 604(a)?	○	○	○
C. With respect to this rule, did your agency prepare a written statement under § 202 of the Unfunded Mandates Reform Act of 1995?	○	○	○
D. With respect to this rule, did your agency prepare an Environmental Assessment or an Environmental Impact Statement under the National Environmental Policy Act (NEPA)?	○	○	○
E. Does this rule contain a collection of information requiring OMB approval under the Paperwork Reduction Act of 1995?	○	○	○
F. Did you discuss any of the following in the preamble to the rule?	○	○	○
• E.O. 12612, Federalism	○	○	○
• E.O. 12630, Government Actions and Interference with Constitutionally Protected Property Rights	○	○	○
• E.O. 12866, Regulatory Planning and Review	○	○	○
• E.O. 12875, Enhancing the Intergovernmental Partnership	○	○	○
• E.O. 12988, Civil Justice Reform	○	○	○
• E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks	○	○	○

• Other statutes or executive orders discussed in the preamble concerning the rulemaking process (please specify)

_____

_____

_____

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

January 12, 1999

M-99-07

MEMORANDUM FOR HEADS OF DEPARTMENTS, AGENCIES, AND INDEPENDENT ESTABLISHMENTS

FROM: Jacob J. Lew
Director

SUBJECT: Submission of Federal Rules under the Congressional Review Act

The Congressional Review Act (CRA, 5 U.S.C. Chapter 8) directs agencies to send a copy of each new final rule (and certain analyses they may undertake related to the rule) to both Houses of Congress (for transmittal to the appropriate authorizing Committees) and to the General Accounting Office before the rule can take effect. In the FY 99 omnibus appropriations bill, Congress directed OMB to issue guidance concerning a "standard new rule reporting form" for agency use to transmit final rules to Congress and GAO. A copy of that form, "Submission of Federal Rules under the Congressional Review Act," is attached.

Specifically, the CRA directs agencies to submit "a report" to Congress and GAO containing a copy of the final rule, a concise summary of the rule, and the proposed effective date of the rule, and submit to GAO certain other analyses and information (5 U.S.C. 801(a)(1)(A)-(B)). Over the past two years, agencies have used a letter to transmit their final rules and other materials -- in some cases, quite detailed and lengthy letters. At the same time, the Senate and House Parliamentarians have found the large number of agency submissions with their differing formats (over 10,000 since March 1996) a burden to sort and transmit to the authorizing Committees. Simultaneously, GAO has been developing a computerized data base to record and categorize the final rules that it receives. OMB has been working with agencies, Congress, and GAO to develop a common machine-readable transmittal form (as a substitute for cover letters) to facilitate agency submissions under the CRA.

The attached form is to be used in lieu of agency transmittal letters for submissions made under the CRA. We are informed that the Senate and House Parliamentarians will accept this form as the "report" transmitting final agency rules. The Parliamentarians request an original signature on the form sent to the Senate and to the House, signed by an authorized agency official (which need not be a political-level appointee).

Although this form eliminates the need to prepare formal transmittal letters, agencies filing major rules may want to include additional narrative if they wish to call Congress' and GAO's attention to actions they have taken that are not discussed in the preamble to the rule. We and

GAO will be placing this form on the OMB and GAO web home-pages (www.whitehouse.gov/WH/EOP/omb, and www.gao.gov) to provide ready access. We urge you to begin using this form in early 1999. If you have questions for us, please contact Mr. Jefferson Hill (395-3176).

For those of you that have reached informal agreements concerning your ongoing submissions to GAO as to packaging and other matters, we are told by GAO that these will continue. If you have questions for GAO, please contact Ms. Kathy Wannisky (512-8326) or Mr. Jim Vickers (512-8210).

Attachment

24722

Submission of Federal Rules Under the Congressional Review Act

☐ Senate ☐ House ☐ GAO

Please fill the circles electronically or with black pen or #2 pencil.

1. Name of Department or Agency

2. Subdivision or Office

3. Rule Title

4. Rule Identification Number (RIN) or Other Unique Identifier (if applicable)

5. Major Rule ○ Non-major Rule ○

6. Final Rule ○ Other ○ _____

7. With respect to this rule, did your agency solict public comments? Yes ○ No ○ N/A ○

8. Priority of Regulation (fill in one)

○ Economically Significant; or Significant; or Substantive, Nonsignificant

○ Routine and Frequent or Informational/Administrative/Other (Do not complete the other side of this form if filled in above.)

9. Effective Date (if applicable)

10. Concise Summary of Rule (fill in one or both) attached ○ stated in rule ○

Submitted by: _____ (signature)

Name: _____

Title: _____

_____

For Congressional Use Only:

Date Received: _____

Committee of Jurisdiction: _____

10/23/98

24722

	Yes	No	N/A
A. With respect to this rule, did your agency prepare an analysis of costs and benefits?	O	O	O
B. With respect to this rule, at the final rulemaking stage, did your agency			
1. certify that the rule would not have a significant economic impact on a substantial number of small entities under 5 U.S.C. § 605(b)?	O	O	O
2. prepare a final Regulatory Flexibility Analysis under 5 U.S.C. § 604(a)?	O	O	O
C. With respect to this rule, did your agency prepare a written statement under § 202 of the Unfunded Mandates Reform Act of 1995?	O	O	O
D. With respect to this rule, did your agency prepare an Environmental Assessment or an Environmental Impact Statement under the National Environmental Policy Act (NEPA)?	O	O	O
E. Does this rule contain a collection of information requiring OMB approval under the Paperwork Reduction Act of 1995?	O	O	O
F. Did you discuss any of the following in the preamble to the rule?	O	O	O
• E.O. 12612, Federalism	O	O	O
• E.O. 12630, Government Actions and Interference with Constitutionally Protected Property Rights	O	O	O
• E.O. 12866, Regulatory Planning and Review	O	O	O
• E.O. 12875, Enhancing the Intergovernmental Partnership	O	O	O
• E.O. 12988, Civil Justice Reform	O	O	O
• E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks	O	O	O

• Other statutes or executive orders discussed in the preamble concerning the rulemaking process (please specify)

_____

_____

_____

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

THE DIRECTOR

March 30, 1999

M-99-13

MEMORANDUM FOR THE HEADS OF DEPARTMENTS, AGENCIES, AND INDEPENDENT ESTABLISHMENTS

FROM: Jacob J. Lew
Director

SUBJECT: Guidance for Implementing the Congressional Review Act

The Congressional Review Act (CRA, 5 U.S.C. Chapter 8) directs agencies to send a copy of each new final rule (and certain analyses they may undertake related to the rule) to both Houses of Congress (for transmittal to the appropriate authorizing Committees) and to the General Accounting Office. In the FY 99 omnibus appropriations bill, Congress directed OMB to issue guidance on certain "requirements" of the CRA, specifically "5 U.S.C. Sec. 801(a)(1) and (3); sections 804(3), and 808(2), including a standard new rule reporting form for use under section 801(a)(1)(A)-(B)." Attached, in Question and Answer format, is this guidance concerning the CRA. Also attached is the "new rule reporting form."

On January 12, 1999, OMB issued Memorandum 99-07 (January 12, 1999), "Submission of Federal Rules under the Congressional Review Act." This Memorandum supersedes Memorandum 99-07 and Memorandum 99-07 is canceled. The attached new rule reporting form is a slightly modified version of the form previously sent to you.

Attachments

AGENCY GUIDANCE
CONGRESSIONAL REVIEW OF AGENCY RULES

In general terms, the Congressional Review Act (CRA) requires agencies to send a copy of each new final rule (and certain analyses that they may undertake related to the rule) to both Houses of Congress (for transmittal to the appropriate authorizing Committees) and to the General Accounting Office (GAO) before the rule can take effect.

When an agency sends a rule to Congress and GAO, the agency is to indicate whether the rule is "major" or not. The CRA directs OMB's Office of Information and Regulatory Affairs to find whether a rule meets the statutory definition of "major" – that is, whether the rule is likely to result in an annual effect on the economy of over $100,000,000; a major increase in costs or prices, or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises.

The designation of a rule as "major" has several consequences. Unless exempted, a major rule may not take effect until 60 calendar days after it has been submitted to Congress. In addition, GAO is to provide a report to the agency's authorizing Committee on each major rule. Whether or not a rule is designated as "major," Congress has 60 legislative days during which it may use expedited procedures to disapprove a rule.

The CRA had the strong support of President Clinton. It was signed on March 29, 1996. By passing this law, Congress acknowledged and assumed more responsibility for its continuing role in the regulatory system. With this law, Congress will be able to speak to any regulatory actions that it thinks are not true to its intent.

As of March 24, 1999, GAO informs us that it had received 187 major rules and 12,646 non-major final rules. Neither House of Congress has passed any motion to disapprove a rule; nor has any such motion been enacted.

I. AGENCY SUBMISSIONS TO CONGRESS AND GAO (Section 801(a)(1)).

A. What does Section 801(a)(1) of the CRA require agencies to submit to Congress and GAO?

In order for a rule to take effect, you must submit a report to each House of Congress and GAO containing the following:

- a copy of the rule;
- a concise general statement relating to the rule, including whether the rule is a "major

rule;" and

- the proposed effective date of the rule.

When you submit the report, you must also submit to GAO and make available to each House of Congress, the following information:

- a complete copy of any cost-benefit analysis of the rule;
- the agency's actions relevant to sections 603, 604, 605, 607 and 609 of the Regulatory Flexibility Act (RFA) (found generally at 5 U.S.C. chapter 6);
- the agency's actions relevant to sections 202, 203, 204, and 205 of the Unfunded Mandates Reform Act (UMRA) (found at 2 U.S.C. sections 1532 to 1535); and
- any other relevant information or requirements under any other Act and any relevant Executive Orders (see, for example, those listed on the second page of the CRA submission form, discussed in Question I.B, below).

B. What is the purpose of the CRA submission form?

On January 12, 1999, OMB sent the agencies a standard form for submitting rules to Congress and GAO, "Submission of Federal Rules under the Congressional Review Act." This standard form was attached to OMB Memorandum 99-07. This guidance supersedes Memorandum 99-07, and Memorandum 99-07 is canceled.

We have attached to this guidance a slightly modified version of the form previously sent to you. It is available on the OMB and GAO Internet web home-pages (www.whitehouse.gov/WH/EOP/OMB, and www.gao.gov).

The attached form is to be used in lieu of agency transmittal letters for submissions made under the CRA. The questions on the form cover information required by Section 801(a)(1) of the CRA. We are informed that the Senate and House Parliamentarians will accept this form as the cover for transmitting final agency rules, to be used instead of transmittal letters. The Parliamentarians request an original signature on the form sent to the Senate and to the House, signed by an authorized agency official (which need not be a political-level appointee).

C. Where should agencies send their CRA reports?

You should send CRA reports to--

- the Office of the President of the Senate, S-212, the Capitol, Washington, D.C. 20510;
- the Office of the Speaker of the House, H-209, the Capitol, Washington, D.C. 20515; and
- the Office of the General Counsel, General Accounting Office, Room 7175, 441 G Street, N.W., Washington, D.C. 20548.

D. Which agencies have to submit their final rules to Congress and GAO?

The CRA applies to every Executive branch "agency" as defined in 5 U.S.C. 551(1). This definition, from the Administrative Procedure Act (APA), includes the independent regulatory commissions and boards.

We would note that this definition of "agency" is informed by the general definitions in 5 U.S.C. 101-105. 5 U.S.C. 105 explicitly excludes the United States Postal Service and the Postal Rate Commission from the definition of "Executive Agency."

E. Does the CRA require agencies to submit proposed rules to Congress and GAO?

No. Under the CRA, Congress does not review proposed rules. Therefore, notices of proposed rulemaking (including advance notices of proposed rulemaking, notices of inquiry, and other forms of rulemaking that are not final) do not need to be submitted to Congress and GAO. Instead, you only need to submit final rules (including such documents as interim final rules, and direct final rules).

For a discussion of the "rules" covered by the CRA, see Topic II, below.

II. THE CRA DEFINITION OF "RULE" (Section 804(3)).

The following is intended to provide general guidance on what is a "rule" subject to the CRA.

A. How does the CRA define a "rule"?

Section 804(3) of the CRA defines a "rule" as having--

> "the meaning given such term in [5 U.S.C.] section 551, except that such term does not include--
>
> " (A) any rule of particular applicability, including a rule that approves or prescribes

for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions therefor, or accounting practices or disclosures bearing on any of the foregoing;

"(B) any rule relating to agency management or personnel; or

"(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties."

Accordingly, the CRA's definition of "rule" is based upon the APA definition of "rule," but excludes certain APA rules.

B. What is a "rule" under the Administrative Procedure Act?

The APA defines a "rule" (in 5 U.S.C. 551(4)) as--

> "the whole or part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing."

As noted above, the CRA at Section 804(3)(A)-(C) excludes certain APA rules from the CRA's definition of "rule."

The APA's definition of "rule" dates back to the statute's original enactment in 1946. During the subsequent fifty years, Federal agencies and courts have had to address on numerous occasions, and in a wide variety of contexts, the issue of whether a particular agency action constitutes a "rule" under the APA. This determination depends on a fact-specific assessment of the particular action in question, evaluated under the APA's general test for what is a "rule."

In determining whether an agency action constitutes a "rule" under the APA, agencies have sought the advice of their legal staffs, as well as that of the Justice Department. Moreover, agencies have been able to derive guidance from the ever-increasing number of court decisions that address whether a particular agency action constitutes an APA "rule."

Since the CRA's definition of "rule" is based directly upon the APA's definition of "rule," agencies may apply the same principles in identifying "rules" under the CRA as they have applied over the years in identifying "rules" under Section 551 of the APA. In addition, agencies may rely on the same processes for making these determinations. In particular, agencies should consult with their legal

staffs in making the determination of whether a particular agency action constitutes a "rule" under the CRA.

C. Are agency "orders" subject to the CRA?

No. The APA defines an "order" as a final action in a matter other than a rulemaking.

D. Are any other rules exempt from the CRA?

The CRA exempts rules concerning monetary policy developed by the Board of Governors of the Federal Reserve System or the Federal Open Market Committee.

III. THE EFFECTIVE DATE OF "MAJOR RULES" (Sections 801(a)(3) and 808(2)).

A. What is a "major rule?"

Section 804(2) defines a "major rule" as a rule that the Administrator of OMB's Office of Information and Regulatory Affairs (OIRA) finds has resulted in or is likely to result in:

- an annual effect on the economy of $100 million or more;
- a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or
- significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

The CRA's definition of "major rule" is identical to the definition of "major rule" that was in Executive Order 12291, which was rescinded in 1993 when Executive Order 12866 was issued.

The CRA's definition of "major rule" is similar, but not identical, to the standard set forth in Section 3(f)(1) of E.O. 12866 for identifying "economically significant rules." The main difference is that some additional rules may be captured by the CRA definition that are not considered "economically significant" under E.O. 12866, notably those rules that would have a significant adverse effect on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

The CRA exempts from the definition of "major rule" any rule promulgated under the Telecommunications Act of 1996 and any amendments made to that Act. The remaining CRA

requirements apply to these rules.

B. What is the process for identifying "major rules" under the CRA?

If the rule is subject to E.O. 12866 review, you should indicate whether you consider the rule as "major" when you submit both the proposed rule and final rule for OMB review. If the rule is not subject to E.O. 12866 review, you should contact your Desk Officer in OMB's Office of Information and Regulatory Affairs (OIRA) in accordance with your established practice.

C. When do "major rules" take effect?

"Major rules" generally may take effect no earlier than 60 calendar days after Congress receives the rule report or the rule is published in the *Federal Register*, if it is so published, whichever is later.

D. When can an agency have a "major rule" take effect sooner than 60 days?

Section 808 provides that, for two categories of rules, the rule "shall take effect at such time as the Federal agency promulgating the rule determines." These exemptions apply to both major and non-major rules. Although such rules may go into effect "at such time as the Federal agency promulgating the rule determines," the agency is not exempt from the reporting requirements in Section 801(a)(1); the agency must submit the report and related information to Congress and GAO, as discussed in Topic I, above.

The first category, in Section 808(1), involves "any rule that establishes, modifies, opens, closes, or conducts a regulatory program for a commercial, recreational, or subsistence activity related to hunting, fishing, or camping."

The second category, in Section 808(2), involves "any rule which an agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest."

An agency may invoke Section 808(2) in the case of rules for which the agency has found "good cause" under the APA (5 U.S.C. 553(b)(B)) to issue the rule without providing the public with an advance opportunity to comment. Application in other circumstances will be considered on a case-by-case basis.

E. When can the President have a "major rule" take effect sooner than 60 days?

A "major rule" may take effect before it otherwise would if the President makes a determination by Executive Order that the rule should take effect because such rule is--

- necessary because of an imminent threat to health or safety or other emergency;
- necessary for the enforcement of criminal laws;
- necessary for national security; or
- issued pursuant to any statute implementing an international trade agreement.

Under this authority the President must submit written notice of the determination to Congress.

F. How can Congressional action change the effective date of a "major rule?"

Section 801(a)(3)(B) and Section 801(a)(5) address the effect of congressional action on a joint resolution of disapproval on the effective date of "major rules." The situation addressed in Section 801(a)(3)(B) has not yet arisen, since no joint resolution of disapproval has been passed. However, a joint resolution of disapproval was rejected by one House of Congress (the Senate) in 1996. See 142 Cong. Rec. S10723 (daily ed., September 17, 1996). In such a case, Section 801(a)(5) provides that the effective date "shall not be delayed by reason of" the CRA beyond the date on which the joint resolution was rejected.

G. What happens if Congress enacts a joint resolution of disapproval?

If Congress passes a joint resolution of disapproval, it is transmitted to the President for signature. If the President signs the joint resolution of disapproval, the rule cannot take effect. If the rule had taken effect prior to the resolution, it cannot continue in effect and it must be treated as though it had never taken effect.

24722

Submission of Federal Rules Under the Congressional Review Act

☐ President of the Senate ☐ Speaker of the House of Representatives ☐ GAO

Please fill the circles electronically or with black pen or #2 pencil.

1. Name of Department or Agency

2. Subdivision or Office

3. Rule Title

4. Regulation Identifier Number (RIN) or Other Unique Identifier (if applicable)

5. Major Rule O Non-major Rule O

6. Final Rule O Other O _____

7. With respect to this rule, did your agency solicit public comments? Yes O No O N/A O

8. Priority of Regulation (fill in one)

O Economically Significant; or Significant; or Substantive, Nonsignificant

O Routine and Frequent or Informational/Administrative/Other (Do not complete the other side of this form if filled in above.)

9. Effective Date (if applicable)

10. Concise Summary of Rule (fill in one or both) attached O stated in rule O

Submitted by: _____ (signature)

Name: _____

Title: _____

For Congressional Use Only:

Date Received: _____

Committee of Jurisdiction: _____

10/23/98

	Yes	No	N/A
A. With respect to this rule, did your agency prepare an analysis of costs and benefits?	O	O	O
B. With respect to this rule, by the final rulemaking stage, did your agency			
1. certify that the rule would not have a significant economic impact on a substantial number of small entities under 5 U.S.C. § 605(b)?	O	O	O
2. prepare a final Regulatory Flexibility Analysis under 5 U.S.C. § 604(a)?	O	O	O
C. With respect to this rule, did your agency prepare a written statement under § 202 of the Unfunded Mandates Reform Act of 1995?	O	O	O
D. With respect to this rule, did your agency prepare an Environmental Assessment or an Environmental Impact Statement under the National Environmental Policy Act (NEPA)?	O	O	O
E. Does this rule contain a collection of information requiring OMB approval under the Paperwork Reduction Act of 1995?	O	O	O
F. Did you discuss any of the following in the preamble to the rule?	O	O	O
• E.O. 12612, Federalism	O	O	O
• E.O. 12630, Government Actions and Interference with Constitutionally Protected Property Rights	O	O	O
• E.O. 12866, Regulatory Planning and Review	O	O	O
• E.O. 12875, Enhancing the Intergovernmental Partnership	O	O	O
• E.O. 12988, Civil Justice Reform	O	O	O
• E.O. 13045, Protection of Children from Environmental Health Risks and Safety Risks	O	O	O

• Other statutes or executive orders discussed in the preamble concerning the rulemaking process (please specify)

_____

_____

_____

04/01/99 11:49 ☎ 002

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. MCINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
JOHN T. DOOLITTLE, CALIFORNIA
HELEN CHENOWETH, IDAHO

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
CARD A. CONDIT, CALIFORNIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE

BERNARD SANDERS, VERMONT
INDEPENDENT

April 1, 1999

BY FACSIMILE

APR - 2

The Honorable Jacob J. Lew
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Lew:

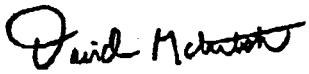
This letter provides our response to the March 30, 1999, "Guidance for Implementing the Congressional Review Act" issued by the Office of Management and Budget (OMB) in response to a statutory requirement for OMB, by March 31st, to issue "guidance on the requirements of 5 U.S.C. Sec. 801(a)(1) and (3); sections 804(3), and 808(2), including a standard new rule reporting form for use under section 801(a)(1)(A)-(B)." On Friday, March 25th, OMB provided a draft version of the OMB guidance for our review and comment. On Monday, March 29th, we met with OMB staff on the draft and said that the draft guidance was not responsive to our expectations, our previous agreements, or Congressional intent.

The final guidance reflects only four minor changes in response to the March 29th meeting. The major issues identified in the meeting were not addressed by OMB in the final guidance. These include: (1) an elaboration of the definition of "rule" under the Congressional Review Act (CRA) to include agency interpretive rules, policy statements, guidances, and other documents of general applicability and future effect that interpret, prescribe, or implement policy, regardless of whether such documents are represented to be legally "binding;" (2) a discussion of the limitations of the "good cause" exemption for a change in the effective date of rules, including clarification that the exemption cannot be used for rules previously subject to notice and comment; and (3) a discussion of the legal standing, effectiveness, and potential for judicial review of rules not submitted to Congress pursuant to section 801(a)(1).

Last Fall, we provided OMB with a draft guidance document which fully addressed all of the missing subject areas. Since this document can be easily used to meet Congressional intent for complete OMB guidance, we expect OMB to issue revised, responsive guidance not later than April 30, 1999.

If you have any questions about this letter, please contact Professional Staff Member Barbara Kahlow at 225-4407. Thank you in advance for requesting our comments.

Sincerely,



David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich
The Honorable Jim Kolbe

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

MAY 7 1999

The Honorable David M. McIntosh
Chairman, Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
Committee on Government Reform
Washington, D.C. 20515

Dear Mr. Chairman:

This responds to your letter to OMB of April 1, 1999, in which you raised concerns about OMB's "Guidance for Implementing the Congressional Review Act" (OMB Memorandum M-99-13). In developing this Guidance, we first worked with Executive branch agencies and the GAO, amending it to reflect their concerns. On March 25, we provided your Subcommittee staff with a copy of the draft guidance for review and comment, met with your staff on March 29, and issued the Guidance on March 30.

As a result of our March 29 meeting, we revised the draft guidance with respect to four of the five draft sections on which your staff provided comments.

1. Concerning draft Section I.A, which provides guidance on the report that agencies must submit under Section 801(a)(1) of the Congressional Review Act (CRA), your staff suggested that we add, in the final bullet in that section, a reference to the Executive Orders that are listed in the "standard new rule reporting form." The Memorandum contains the suggested reference.

2. Concerning draft Section I.B, which discusses the purpose of that form, your staff suggested alternative language. The Memorandum provides alternate language.

3. Concerning draft Section I.F, your staff objected to its statement that, under Section 805, agency compliance with Section 801(a)(1) is <u>not</u> subject to judicial review, and your staff suggested alternative language that would say that agency compliance <u>is</u> subject to judicial review. We deleted Section I.F, so that the Memorandum makes no statement, one way or the other, regarding judicial review.

4. Similarly, concerning draft Section III.D, your staff objected to several sentences that discussed past reliance by the Justice Department and other agencies on Section 808(2) in the case of rules for which the agencies <u>had</u> sought public comment, and your staff suggested alternative language that would limit Section 808(2) to rules for which an agency has <u>not</u> sought public comment. In

response to your staff's concerns, we deleted the sentences to which your staff objected, and replaced them with the sentence in the Memorandum stating that "Application in other circumstances will be considered on a case-by-case basis."

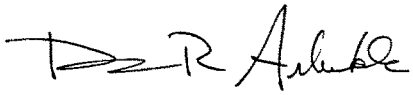
5. The remaining section is draft section II.B. Your staff did not object to any of the language in this draft section, but instead suggested that it be expanded to include additional discussion regarding the definition of "rule" in Section 804(3).

After considering the suggested additional language, we concluded that the discussion in draft Part II provides agencies with appropriate general guidance on Section 804(3). Part II explains that the Administrative Procedure Act (APA) definition of "rule" dates back to the APA's enactment in 1946. During the subsequent fifty years, Federal agencies and courts have had to assess on numerous occasions, and in a wide variety of fact-specific contexts, whether a particular agency action constitutes a "rule" under the APA's general test. Since the Section 804(3) definition of "rule" is based directly upon the APA definition, Part II states that agencies may apply the same principles in identifying "rules" under Section 804(3) as the agencies have applied over the years in identifying "rules" under the APA.

In conclusion, before issuing the Memorandum, OMB provided a draft of the guidance to your office and GAO, and OMB revised the guidance in several respects in response to the comments that we received. Accordingly, OMB does not plan on revising Memorandum M-99-13 at this time.

I hope that this addresses your concerns. If you have any further questions concerning the OMB Guidance, I would be pleased to discuss them with you.

Sincerely,



Donald R. Arbuckle
Acting Administrator
and Deputy Administrator
Office of Information
and Regulatory Affairs

Enclosure

cc: The Honorable Dan Burton
The Honorable Henry A. Waxman
The Honorable Dennis Kucinich
The Honorable Jim Kolbe
The Honorable Steny H. Hoyer

06/02/99 09:26 ☎ 002

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JON D. MCHUGH, NEW YORK
WILLIAM H. ZELIFF, JR., NEW HAMPSHIRE
DAN MICA, FLORIDA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. MCINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
BARONAL "BARON" HILL, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
JOHN T. DOOLITTLE, CALIFORNIA
HELEN CHENOWETH, IDAHO

ONE HUNDRED SIXTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
GARY A. CONDIT, CALIFORNIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE

BERNARD SANDERS, VERMONT,
INDEPENDENT

June 2, 1999

JUN - 2

BY FACSIMILE
The Honorable Jacob J. Lew
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Lew:

This letter responds to a May 7, 1999 letter from Acting Administrator Donald Arbuckle in response to my April 1st letter to you on the Office of Management and Budget's (OMB) March 30th "Guidance for Implementing the Congressional Review Act." My April 1st letter reiterated the views expressed in the Subcommittee's March 29th meeting with OMB staff on OMB's statutorily-required, draft revised Congressional Review Act (CRA) guidance to the agencies; namely, that OMB's latest guidance is not responsive to Congressional expectations, our previous agreements, or Congressional intent for expanded and complete OMB guidance to be issued by March 31st.

Last Fall, we provided OMB with a draft guidance document that fully addressed the issue areas that were not reflected in OMB's guidance. We were surprised and disappointed that OMB's March 25th draft, revised guidance did not reflect the issue areas in our draft guidance document and expressed our dismay in the March 29th meeting. Now, to assure our common understanding before OMB issuance of another version of its guidance to the agencies, please provide the Subcommittee by June 18th with OMB's written:

(1) elaboration of the definition of "rule" under CRA to include agency interpretive rules, policy statements, guidances, and other documents of general applicability and future effect that interpret, prescribe, or implement policy, regardless of whether such documents are represented to be legally "binding;"

(2) discussion of the limitations of the "good cause" exemption for a change in the effective date of rules, including clarification that the exemption cannot be used for rules previously subject to notice and comment; and

(3) discussion of the legal standing, effectiveness, and potential for judicial review of rules not submitted to Congress pursuant to section 801(a)(1).

If you have any questions about this letter, please contact Professional Staff Member Barbara Kahlow at 225-4407.

Sincerely,

David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich
The Honorable Jim Kolbe

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUL 20 1999

ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIRS

The Honorable David M. McIntosh
Chairman, Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
Committee on Government Reform
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter of June 2, 1999, to Director Lew, in which you reiterated your concerns regarding OMB's "Guidance for Implementing the Congressional Review Act" (OMB Memorandum M-99-13).

The Omnibus Consolidated and Emergency Supplemental Appropriations Act for 1999 (P.L. 105-86) required OMB to submit to Congress by March 31, 1999, a report that issues guidance on the requirements of 5 U.S.C. Sections 801(a)(1) and (3), 804(3), and 808(2), including a standard new rule reporting form for use under section 801(a)(1)(A)-(B). OMB met this deadline on March 30, 1999, when it sent the guidance, OMB Memorandum M-99-13, to the heads of Executive branch agencies and the relevant Congressional committees.

In an effort to ensure that the guidance would be sufficiently detailed and clear, OMB coordinated the development of M-99-13 with Executive branch agencies, the General Accounting Office, and your Subcommittee staff. We note from your letter of June 2, 1999, that you would like to see further changes in the guidance concerning the definition of a "rule" and the treatment of "good cause" and "judicial review" provisions. Respectfully, we appear to have a difference of opinion about how best to treat these matters.

For the reasons outlined in Mr. Arbuckle's May 7, 1999, letter to you, OMB concluded that the draft guidance provided agencies with appropriate general guidance on the Act's definition of "rule," which is based on the Administrative Procedure Act (APA) definition of "rule." The APA definition has been in effect for 50 years, during which time Federal courts and agencies have had to determine on numerous occasions, in a wide variety of situations, whether a particular agency action constitutes a "rule." The guidance states that agencies may apply the same principles in identifying "rules" under the Congressional Review Act as the agencies have applied in identifying "rules" under the APA. In this regard, OMB concluded that further elaboration was not needed.

With respect to the Congressional Review Act's "good cause" and "judicial review" provisions, OMB respects your views, but still believes that the guidance is worded

appropriately. As Mr. Arbuckle explained in his May 7th letter, OMB carefully considered the comments your staff made on a draft of the guidance and then adjusted the guidance in an effort to respond to your concerns. OMB will keep your continuing concerns in mind as it observes how the guidance is used within the Executive branch.

OMB shares your belief in the importance of its "Guidance for Implementing the Congressional Review Act" (OMB Memorandum M-99-13). As noted in Mr. Arbuckle's May 7th letter, OMB believes that M-99-13 will work effectively. If it becomes apparent that further changes are necessary to improve the guidance in the future, OMB will be in a position to take action at that time.

Sincerely,

John T. Spotila
Administrator

cc: The Honorable Dan Burton
The Honorable Henry A. Waxman
The Honorable Dennis Kucinich
The Honorable Jim Kolbe
The Honorable Steny H. Hoyer

DAN BURTON, INDIANA
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
L. MICA, FLORIDA
J.M DAVIS III, VIRGINIA
McINTOSH, INDIANA
SOUDER, INDIANA
CANADY, FLORIDA
STEVEN C. LaTOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
JOHN T. DOOLITTLE, CALIFORNIA
HELEN CHENOWETH, IDAHO

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

August 2, 1999

BY FACSIMILE

The Honorable Jacob J. Lew
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Lew:

This letter responds to a July 20, 1999 letter from Office of Information and Regulatory Affairs Administrator John T. Spotila in response to my June 2nd letter to you on the Office of Management and Budget's (OMB) March 30th "Guidance for Implementing the Congressional Review Act." My April 1st and June 2nd letters reiterated the views expressed in the Subcommittee's March 29th meeting with OMB staff on OMB's statutorily-required, draft revised Congressional Review Act (CRA) guidance to the agencies; namely, that OMB's latest guidance is not responsive to Congressional expectations, our previous agreements, or Congressional intent for expanded and complete OMB guidance to be issued by March 31st.

OMB's July 20th letter asserts that OMB's March 30th revised guidance was "coordinated" with the staff of the Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs, which I chair. I am uncertain what "coordinated" means to OMB in this context. Last Fall, we provided OMB with a draft guidance document that fully addressed the issue areas that were not reflected in OMB's guidance. We were surprised and disappointed that OMB's March 25th draft, revised guidance did not reflect the issue areas in our draft guidance document, and we expressed our dismay in the March 29th meeting.

My June 2nd letter asked OMB in its elaboration of the definition of "rule" under CRA to include agency interpretive rules, policy statements, guidances, and other documents of general applicability and future effect that interpret, prescribe, or implement policy, regardless of whether such documents are represented to be legally "binding." OMB's July 20th response that its definition of "rule" is based on the Administrative Procedure Act definition of "rule" is unacceptable given the legislative history and intent of the CRA.

As the legislative history of the CRA explains, the authors specifically chose the definition of 5 USC §551 to extend the scope of the CRA beyond the scope of rules subject to the

notice and comment provisions of 5 USC §553: "The committees intend this chapter to be interpreted broadly with regard to the type and scope of rules that are subject to congressional review. The term 'rule' in subsection 804(3) begins with the definition of a 'rule' in subsection 551(4) . . . . The definition of a rule does not turn on whether a given agency must normally comply with the notice and comment provisions of the APA, or whether the rule at issue is subject to any other notice-and-comment procedures. . . . The committees are concerned that some agencies have attempted to circumvent notice-and-comment requirements by trying to give legal effect to general statements of policy, 'guidelines,' and agency policy and procedure manuals" (Statement of Rep. Hyde, CONG. REC., April 19, 1996 at E578). As a consequence, by August 13th, please provide the Subcommittee with OMB's legal analysis to support a more limited definition of "rule."

My June 2nd letter also asked OMB to provide: (a) a discussion of the limitations of the "good cause" exemption for a change in the effective date of rules, including clarification that the exemption cannot be used for rules previously subject to notice and comment; and (b) a discussion of the legal standing, effectiveness, and potential for judicial review of rules not submitted to Congress pursuant to section 801(a)(1). OMB's July 20th response that OMB "respects your views, but still believes that the guidance is worded appropriately" is not responsive to the specific information requested under (a) and (b) and is unacceptable. Please provide the specific requested information by August 13th.

If you have any questions about this letter, please contact Professional Staff Member Barbara Kahlow at 225-4407.

Sincerely,

David McIntosh

David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich
The Honorable Jim Kolbe

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIRS

AUG 12 1999

The Honorable David M. McIntosh
Chairman, Subcommittee on National Economic
Growth, Natural Resources, and Regulatory Affairs
Committee on Government Reform
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you for your letter of August 2, 1999, to Director Lew, in which you reiterated your concerns regarding the Office of Management and Budget's (OMB's) "Guidance for Implementing the Congressional Review Act" (OMB Memorandum M-99-13).

We will give further consideration to your views and respond to you after your return from the August recess.

Sincerely,

John T. Spotila
Administrator

cc: The Honorable Dan Burton
The Honorable Henry A. Waxman
The Honorable Dennis Kucinich
The Honorable Jim Kolbe
The Honorable Steny H. Hoyer

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

ADMINISTRATOR
OFFICE OF
INFORMATION AND
REGULATORY AFFAIRS

October 28, 1999

The Honorable David M. McIntosh
Chairman, Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
Committee on Government Reform
Washington, D.C. 20515

Dear Mr. Chairman:

Thank you again for your letter of August 2, 1999, to Director Lew, in which you reiterated your concerns regarding OMB Memorandum M-99-13, "Guidance for Implementing the Congressional Review Act" ("CRA"). In a letter to you on August 12, 1999, we indicated that we wanted to give your views further consideration and would respond to you in a subsequent letter. This letter represents that response.

Your letter raised questions about three aspects of the guidance: the definition of "rule," limitations on applicability of the "good cause" exemption, and the discussion of judicial review. These aspects of the guidance were also addressed in your letters to OMB of April 1 and June 2, 1999, and in OMB's responses of May 7 and July 20, 1999. We address each of these subjects below.

Definition of "Rule"

You have asked us to provide the Subcommittee with OMB's legal analysis that supports the guidance provided to agencies on the definition of a "rule" under 5 U.S.C. 804(3). The legal analysis was included in the guidance. The guidance explained that Section 804(3) of the CRA defines a "rule" as having:

"the meaning given such term in [5 U.S.C.] section 551, except that such term does not include--

" (A) any rule of particular applicability, including a rule that approves or prescribes for the future rates, wages, prices, services, or allowances therefor, corporate or financial structures, reorganizations, mergers, or acquisitions therefor, or accounting practices or disclosures bearing on any of the foregoing;

"(B) any rule relating to agency management or personnel; or

"(C) any rule of agency organization, procedure, or practice that does not substantially affect the rights or obligations of non-agency parties."

Accordingly, the guidance noted that CRA's definition of "rule" is based upon the APA definition of "rule," but excludes certain APA rules. In turn the guidance explained that the APA defines a "rule" (in 5 U.S.C. 551(4)) as:

"the whole or part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency and includes the approval or prescription for the future of rates, wages, corporate or financial structures or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor or of valuations, costs, or accounting, or practices bearing on any of the foregoing."

(As noted above, the CRA at Section 804(3)(A)-(C) excludes certain APA rules from the CRA's definition of "rule.")

In addressing the APA's definition of "rule," the guidance noted that it dates back to the statute's original enactment in 1946. As the guidance pointed out, federal agencies and courts during the subsequent fifty years have had to address on numerous occasions, and in a wide variety of contexts, the issue of whether a particular agency action constitutes a "rule" under the APA. This determination depends on a fact-specific assessment of the particular action in question, evaluated under the APA's general test for what is a "rule."

Since the CRA's definition of "rule" is based directly upon the APA's definition of "rule," the guidance concluded that agencies may apply the same principles in identifying "rules" under the CRA as they have applied over the years in identifying "rules" under Section 551 of the APA. In addition, agencies may rely on the same processes for making these determinations.

The legal analysis in the guidance thus focused on the express language of the CRA and the APA to which it referred, and on the extensive experience of the courts and agencies in identifying rules under the APA. In accord with longstanding practice under the APA, the guidance left to individual agencies the responsibility, under guidance from agency counsel, to make case-by-case determinations based on fact-specific assessments and a proper application of relevant case law.

"Good Cause" Exemption

You have asked that OMB provide further guidance to agencies regarding the CRA's "good cause" exemption for the effective date of rules. In establishing Congressional review of federal agency regulatory actions, the CRA essentially builds upon the procedures established by the APA. Consistent with this APA heritage, the guidance highlights the "good cause" provision in APA section 553(b)(B). That provision permits federal agencies to issue a rule without

providing advance public notice and comment in cases that warrant a "good cause," such as an impending public health, safety, or environmental threat. The guidance went on to state that application of the CRA "good cause" exemption in other circumstances "will be considered on a case-by-case basis." This language had been developed by OMB in response to the concerns your staff had raised about the discussion in the draft guidance, and we continue to believe it is appropriate. This "good cause" exemption is both prudent and essential to ensure public well-being.

"Judicial Review"

Finally, you requested that we revise the guidance to discuss the legal standing, effectiveness, and potential for judicial review of rules not submitted to Congress under 5 U.S.C. 801(a)(1). It is my understanding that the draft guidance that OMB provided your staff for review contained the following Question and Answer in Part I:

> ***F. Is an agency's compliance with Section 801(a)(1) subject to judicial review?***
>
> > *Section 805 of the CRA states that '[n]o determination, finding, action, or omission under this chapter shall be subject to judicial review.'*

The draft guidance then stated that the judicial-review preclusion in Section 805 of the Act resolved the question of judicial review of Section 801(a)(1) compliance.

As OMB has noted in its prior correspondence, your staff disagreed with this interpretation, suggesting detailed alternative language that would state that agency compliance with Section 801 is subject to judicial review. In deference to your staff's concerns, OMB decided to make no statement, one way or the other, on the subject of judicial review. It deleted the proposed Part I, Section F, from the final guidance. Although the language of Section 805 appears to be unambiguous, any questions that do arise regarding judicial review will ultimately be decided by the courts. OMB continues to believe that deleting Section F was the best way to address this issue.

Sincerely,

John T. Spotila
Administrator

cc: The Honorable Dan Burton
The Honorable Henry A. Waxman
The Honorable Dennis Kucinich
The Honorable Jim Kolbe
The Honorable Steny H. Hoyer

EXHIBIT 3

U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

June 19, 2000

The Honorable David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515-6143

Dear Mr. Chairman:

We write to express our concerns regarding section 4 of H.R. 3521, the "Congressional Accountability for Regulatory Information Act of 2000." Section 4 would amend the Congressional Review Act, 5 U.S.C. § 801 et seq., by adding a new section 803a, which would require agencies to "include on the first page of each statement published by the agency that is not a rule a notice that the statement has no general applicability or future effect (or both), as applicable, and is not binding on the public."

We are also in receipt of your May 19, 2000 letter to several federal agencies that concerns an ongoing investigation of Federal agencies' use of "non-codified documents." That letter contains two requests: one, "a complete compendium of all non-codified documents issued since March 1996" in both paper and computer disc form, and two, "a copy of the first page of each non-codified document and all other pages with any specific explanation in the document itself regarding its legal effect." Among other things, the compendium requested in the May 19 letter requires agencies to specify "yes" or "no" as to whether a non-codified document is "legally binding." For many of the same reasons that we are concerned about section 4 detailed below, a simple "yes" or "no" answer to this question without further explanation could mislead the public if it were made widely available, for example by posting on the Internet. This concern applies to all agencies, and this letter represents the views of the Administration as a whole.

Although we appreciate the sponsors' desire to clarify for the public which agency statements are legally binding, we believe that section 4 ultimately will not have the desired effect and may in fact have many unintended effects that are not beneficial to the public. Agencies publish or make available to the public a wide variety of documents, including press releases, public service announcements, and statements on agency websites. Many of these documents summarize or re-state statutory obligations or codified regulations (which, of course,

are legally binding) in a way that is more easily understandable to the average reader than the more formal U.S. Code or Code of Federal Regulations. To have each of these documents include a specific explanation of its legal effect or a statement regarding whether it is not binding on the public would be unnecessary in many cases and confusing or even misleading in others.

To illustrate this point, consider the Department of Justice website, located at www.usdoj.gov. The Department's website has an entire section devoted to "Justice for Kids and Youth." This section reaches out to America's children to discuss, in what could be described as a "kid-friendly" way, issues that they are often faced with, including gangs, and drugs. For example, the part of the site pertaining to drugs, www.usdoj.gov/dea/pubs/straight, warns kids about the dangers of illegal drugs and explicitly states that particular drugs are illegal. To tell kids that the Department's statements about the harmful effects of drugs "have no general applicability" or that they have "no future effect" and that they are "not binding on the public" would be extremely confusing to them. Moreover, any requirement to provide a specific explanation of the "legal effect" of statements to the effect that illegal drugs are dangerous does not make sense and misses the point of such statements.

In addition, the website specifically informs kids that particular drugs, for example LSD, are illegal, and of course, such drugs are illegal. Including a statement that suggests that information on the website is not binding on the public gives kids, and the public in general, a mixed message. These concerns apply with equal force to other statements on the Department's website. The Department believes that these consequences are not intended, but a "one-size-fits-all" legislative fix could easily have such results.

A different example of unintended -- and negative -- effects would involve situations in which individuals or trade groups specifically request an agency to provide its interpretation of a statutory or regulatory requirement. When agencies respond to such requests, they often make their responses more generally available to the public. To make an unqualified statement that the interpretation provided is not legally binding is potentially misleading, because the term "legally binding" can have a variety of connotations. An agency's interpretation in the form of guidance may not be "legally binding" in the sense that a judge may decide that the agency's interpretation is incorrect and thus find in favor of a party challenging that interpretation. However, telling those who are not familiar with administrative law that the agency's interpretation is not legally binding may lead them to conclude that, for legal purposes, it is "just another point of view" that they can disregard. This conclusion -- which one might easily reach based on a simple statement that the interpretation is not "legally binding" -- would be incorrect. It is the view of the agency that wrote the regulation or must implement the statute. As a result, courts generally give deference to a reasonable agency interpretation of its own regulations where there is a question about the meaning of those regulations. Christensen v. Harris County, 120 S. Ct. 1655, 1663 (2000) (agency's interpretation of its own regulation entitled to deference where regulation is ambiguous); Chevron U.S.A., Inc. v. NRDC, 467 U.S. 837 (1984); Thomas Jefferson University v. Shalala, 512 U.S. 504, 512 (1994). Because deference may be accorded agency interpretations, if those who challenge such interpretations do lose, they may feel that they have

relied to their detriment on agency statements regarding their non-binding nature. On the other hand, attempts to make such clarification more nuanced by explaining legal cases and doctrines will likely confuse people.

Proposed section 4 may also discourage agencies' provision of compliance assistance, an important public service. All agencies engage in extensive compliance assistance, providing advice and guidance, both formal and informal, about what their rules prohibit and allow. Agency inspectors and field personnel routinely respond to questions about how to comply with rules; agency websites post interpretations of rules and other guidance; and some agencies contract with third parties to supplement their compliance assistance activities. All of these efforts help individuals and companies to comply with the law and should be encouraged. Under section 4, however, in order to preserve agencies' ability to enforce their rules and thereby protect the public against those who would manipulate the rules, agencies may end up restricting their written compliance assistance efforts. This result would hurt those who want to comply with the law, undermine the customer-friendly relationships that agencies have developed, and chill agencies' ability to work informally with the public.

It should be noted that, in some cases, agency technical assistance is provided pursuant to statutory requirements. For example, section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA) provides that:

> For each rule ... for which an agency is required to prepare a final regulatory flexibility analysis ... the agency shall publish one or more guides to assist small entities in complying with the rule, and shall designate such publications as "small entity compliance guides." The guides shall explain the actions a small entity is required to take to comply with a rule or group of rules.... (emphasis added).

Section 212 further provides that "the content of the small entity compliance guides may be considered as evidence of the reasonableness or appropriateness of fines, penalties, or damages." It would be very anomalous for Congress to require an agency to publish guidance for small business but, at the same time, undercut the effectiveness of the guidance by suggesting that covered entities can not rely on it.

Similarly, section 213 of SBREFA provides that:

> Whenever appropriate in the interest of administering statutes and regulations within the jurisdiction of an agency which regulates small entities, it shall be the practice of the agency to answer inquiries by small entities concerning information on, and advice about, compliance with such statutes and regulations, interpreting and applying the law to specific sets of facts supplied by the small entity. In any civil or administrative action against a small entity, guidance given by an agency applying the law to facts provided by the small entity may be considered as evidence of the

reasonableness or appropriateness of any proposed fines, penalties or damages sought against such small entity.

Requiring an agency to declare that the guidance is non-binding may imply to those not familiar with the complex law on this issue that the guidance is unreliable. This will undercut the effectiveness of an agency's SBREFA compliance.

One specific example of this potential effect would be in the Department's technical assistance program pursuant to the Americans with Disabilities Act of 1990 (ADA). Section 506 of the ADA requires the Department to provide technical assistance to entities that are affected by the ADA's requirements. The Technical Assistance Program required by Section 506 of the ADA promotes voluntary compliance with the ADA by providing free information and assistance to businesses, State and local governments, people with disabilities, and the general public. Through the ADA Technical Assistance Program, the Department develops and disseminates publications, including Technical Assistance Manuals; *ADA-TA*, a technical assistance series that explains compliance, and Question-and-Answer publications addressing specific topics. Major components of the Department's technical assistance program are the ADA Homepage on the Internet, which receives 6 million "hits" per year and the Department's toll-free ADA Information Line that operates 24 hours per day to allow members of the public to order ADA public information and educational materials. The ADA Information Line receives over 100,000 calls per year. Literally millions of ADA technical assistance documents have been provided to the public through this program -- and courts have relied on the Department's Technical Assistance Manuals as evidence of Departmental interpretations of the ADA. See, e.g., Bragdon v. Abbott, 524 U.S. 624 (1998), Paralyzed Veterans of America v. D.C. Arena L.P. 117 F.3d 579 (D.C. Cir. 1997)). Requiring the documents provided under the technical assistance program to contain a statement suggesting that they are not binding would undermine the effectiveness of this statutorily mandated program. Rather than serving the public interest, it would undermine the faith of the thousands of citizens who rely on the program to assist them to understand their rights and responsibilities under the ADA.

There are also many statements published by agencies in which it seems irrelevant to include a proviso about the statement's non-binding nature. The Environmental Protection Agency and the Department of Housing and Urban Development have widely distributed posters informing people about the existence of a lead poisoning information hotline. (Lead poisoning may cause learning disabilities and behavioral problems in children.) This type of presentation of information does not present any issues concerning whether it is "binding," yet section 4 appears to require that such posters include a statement about being non-binding on the public. Section 4 of H.R. 3521 is thus overly broad, in addition to requiring actions that are potentially confusing.

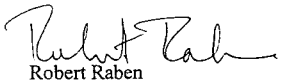
Moreover, such a provision appears to be unnecessary. As noted in comments on H.R. 3521 that have been submitted to you by other Federal agencies, many agencies already are including appropriate language in non-binding policy statements and guidance documents

informing readers that such statements or documents are not legally binding. This accomplishes the apparent goal of the legislation without having unintended -- and potentially harmful -- consequences.

In sum, the Department is strongly opposed to legislative proposals such as those contained in section 4 of H.R. 3521. Rather than achieving the intended goal of the drafters, section 4 will likely undermine efforts aimed at protecting a wide range of public interests, including public health, safety, and welfare, the environment, civil rights, commerce, and the public fisc.

The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,



Robert Raben
Assistant Attorney General

cc: The Honorable Dennis Kucinich
Ranking Minority Member

U.S. Department of Labor

Solicitor of Labor
Washington, D.C. 20210

MAR 16 2000

The Honorable David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
Committee on Government Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman McIntosh:

This letter responds to your request for our views on section 4 of H.R. 3521, entitled "Congressional Accountability for Regulatory Information Act of 2000."

Section 4, which has the heading "Disclosure of Nonbinding Effect of Guidance Documents," would amend the Congressional Review Act to provide:

> The head of an agency shall include on the first page of each statement published by the agency that is not a rule a notice that the statement has no general applicability or future effect (or both), as applicable, and is not binding on the public.

We understand that section 4 is intended generally to ensure that the public is not misled regarding the effect of agency documents (such as guidance, guidelines, manuals, and handbooks).

The Department of Labor does not mislead the public in our guidance documents. These documents are not used or meant to create or modify legal obligations or rights. The Department only enforces statutes and regulations; it does not take enforcement action for failure to follow information contained in guidance. Where appropriate we do include disclaimers in our documents. For example, disclaimers are used to avoid confusion when a document contains a description of best practices that might be misconstrued by the intended audience as a statement about the requirements of the law.

While we understand the intent of this section, we have serious concerns that it could impede our administration of the Nation's labor laws. A mandatory, one-size-fits-all disclaimer on the first page of all of our statements that are not rules could have the unintended consequence of causing confusion among employers

and workers regarding their rights and obligations, instead of providing clarity.

As I indicated in my testimony before your Subcommittee, issuing guidance to our stakeholders is an important part of our responsibility to faithfully execute the laws that Congress has passed. Our guidance takes many forms - oral advice, electronic aids, posters, and written materials including brochures, fact-sheets, letters responding to individual inquiries, and guidance and policy documents. Companies, labor organizations, individuals, and others regularly ask for guidance, which we routinely provide. Congress has expressed its own endorsement of this practice by enacting the Small Business Regulatory Enforcement Act (SBREFA), of which the Congressional Review Act was a part, which requires agencies to issue guidance materials to encourage voluntary compliance. SBREFA requires that we strike a balance between enforcement and compliance assistance by encouraging voluntary compliance through outreach and assistance.

We believe that including a disclaimer on all statements that are not rules under section 804 of the Congressional Review Act would hinder our efforts to administer the law.

For example, a disclaimer on a poster that encourages workers to comply with the Occupational Safety and Health Act by wearing protective clothing or equipment, such as a respirator or ear protection, could diminish the effectiveness of the poster's message.

It would be equally troubling if we were required to affix the words "this is not binding on the public" to statements intended to inform workers and employers of their rights and obligations under laws such as the Family and Medical Leave Act, the Fair Labor Standards Act, and the Employee Retirement Income Security Act. These are typically situations where a document restates or quotes statutes or regulations. Therefore, a disclaimer could create confusion, not clarity, and be counterproductive. Members of the public ask for this information not only to learn what their duties or rights are, but also to learn how the Department intends to enforce the law. Their desire for a clear answer that provides them with direction could be frustrated if a disclaimer were included. As a result, enactment of section 4 could be a step backward from efforts to encourage more voluntary compliance.

Thank you for the opportunity to comment on this matter. The Office of Management and Budget advises that there is no

objection to the transmission of this report from the standpoint of the Administration's program.

Sincerely,

Henry L. Solano

U.S. Department of Transportation
Office of the Secretary of Transportation

GENERAL COUNSEL

400 Seventh St., S.W.
Washington, D.C. 20590

February 22, 2000

The Honorable David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
Committee on Government Reform
House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

On January 31, you wrote to us asking for the views of the Department of Transportation (DOT) on section 4 of H.R. 3521, the

Congressional Accountability for Regulatory Information Act of 2000.

Section 4 of the bill, entitled "Notice of nonbinding effect of agency guidance," would require an agency head to "include on the first page of each statement published by the agency that is not a rule a notice that the statement has no general applicability or future effect (or both), as applicable, and is not binding on the public." Although we appreciate what we understand to be the objective of this provision, we believe that, as drafted, it would cause a great deal of confusion and have significant detrimental effects.

Let me stress at the outset two very important points. First, we believe, and think that our regulated entities would agree, that it is essential for agencies to issue guidance; nothing should be done to discourage agencies from issuing helpful guidance or to cause confusion about the effect of the guidance. Indeed, section 212 of the Small Business Regulatory Enforcement Fairness Act requires agencies to publish compliance guides for some of their rules. Second, we also recognize that guidance can be abused; for example, we understand that a field inspector may incorrectly tell a regulated entity that it must comply with agency guidance.

Because we recognize the importance of guidance as well as the possibility it can be abused, we use it very carefully. In appropriate documents, we do include information similar to that which would be required by section 4. In addition, we periodically remind senior officials of the limitations on the use of guidance. For example, in 1995, the then Acting General Counsel sent a memorandum to senior officials throughout the Department stating the following:

> Guidance material is supposed to be just that; it is not supposed to be mandatory. It is argued, however, that many agencies issue guidance to

> avoid compliance with the Administrative Procedure Act (APA) as well as OMB review and then try to force regulated entities to comply with it. Others issue it as guidance but their inspectors advise regulated entities that the only compliance that will be accepted is compliance with the guidance. We issue a tremendous amount of guidance material that is not only helpful to our regulated entities but makes our job easier. We must make sure, however, that we are not abusing this material; we cannot treat it as a [binding] rule.

We believe that we have made, and continue to make, a significant effort to use guidance in a way that is beneficial to our regulated entities and others to whom the guidance is directed. For that reason, we are especially concerned that section 4 may have a detrimental effect on our use of this valuable tool.

The language of section 4 presents a number of problems. For example, it would require the notice to be included in "each statement published" by the agency that is not a rule. The title of the section indicates that section 4 concerns only guidance. However, an agency may publish a statement that does not contain guidance. As written, the coverage is extremely broad and the inclusion of the notice in documents such as statistical compilations or studies may cause unnecessary confusion.

The word "published" is also undefined and vague. Confusion is caused because agency statements or guidance may take a variety of forms. We put out statements in the form of bumper stickers, posters, video and audio tapes, buttons, or even logos on stationery. We also issue statements as part of press releases, speeches, or Congressional testimony. We make statements in response to questions at training forums, after Congressional testimony, or over the internet. How to include a notice with these various types of statements raises serious problems. In addition, section 4 could include statements placed on an internet web page or given orally. In this regard, it is not clear what is meant by "include on the first page," since oral statements (and many statements on the internet) are not paginated. However, because section 4 would add its requirements to a new section 803a, which is to be codified in Title 5 of the United States Code, "published" could be interpreted to be limited to "published in the Federal Register," in accordance with other publication requirements of Title 5.

The use of the phrase "has no general applicability" also creates problems and its intended usage in the notice is not clear. The term is used in the APA to distinguish rules that apply to special or unique circumstances from those that apply to general situations. Requiring this statement in guidance that is intended to apply to general situations would cause confusion. Our guidance may be as simple as "buckle up." We want everyone to do it. Including with that message a notice that it does not have general applicability would cause confusion about whether the reader should buckle up. Perhaps the "as applicable" language in section 4 was intended to give us some discretion, but that, too, is not clear.

We also are very concerned about the effect of adding the notice on the graphic presentation of some very simple safety messages we try to get across to the public. Adding the notice, for example, to the simple statement: "Buckle Up" will significantly detract from the clear, easily readable, two-word message. Indeed, the reader may not even see the message. It also may even be impossible to add on some of the formats we use for delivering the message.

Requiring the notice on many documents will cause other types of problems. For example, we may issue guidance and tell people they may rely on it. Often we issue such statements in response to requests from those who want to know whether, if they act in a certain way, they will be in compliance with a statute or a rule. Our response may tell them "yes, you will be considered in compliance." This not only tells them that we will not take enforcement action against them if they do it that way, but it may also help them if they are sued by a third party. Often we make these interpretations available to the general public and tell them that they, too, may rely on them. The notice required by section 4 may defeat the very certainty the public is seeking; telling the public that they can rely on an interpretation but that it is not generally applicable and is not binding on the public will, at a minimum, create serious confusion and increase litigation.

We may also issue a statement to provide helpful guidance that contains the requirements of a statute or rule verbatim. Alternatively, we may publish material that is not legally binding – e.g., it only contains factual information such as a weather report -- but a statute or rule or even tort law may require someone to use that information before taking action. Again, placing the section 4 notice on a document that contains either of these types of language will cause serious confusion and misunderstanding.

In summary, we appreciate the goal you are trying to achieve but believe that section 4 will create serious problems for the large amounts of valuable guidance material that we provide to the public.

We appreciate the opportunity to comment on this important legislation. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the submission of these views to the Committee.

Sincerely,

Nancy E. McFadden

Nancy E. McFadden

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 25 2000

OFFICE OF
GENERAL COUNSEL

The Honorable David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs
Committee on Government Reform
House of Representatives
Washington, DC 20515-6143

Dear Mr. Chairman:

You asked for the views of the Environmental Protection Agency (EPA) on Section 4 of H.R. 3521, the "Congressional Accountability for Regulatory Information Act of 2000," which you introduced on January 24, 2000.

Section 4 would amend the Congressional Review Act, 5 U.S.C. 801 et seq., by adding a new Section 803a. Section 803a would require agencies to notify readers of the non-binding effect of a very broad spectrum of "published" agency statements and guidance documents. We believe the provision is unnecessary.

As you are aware, EPA issues many kinds of general guidance documents and other statements to help the public and the regulated community understand and comply with the Agency's regulatory programs and requirements. EPA has found that the more tools we use to communicate with regulated entities, our regulatory partners (state, local and tribal governments), and the public at large, the more effective we can be in explaining our programs and anticipating and answering their questions. We believe the regulated community, our regulatory partners, and the public find EPA's extensive communication efforts -- including guidance documents, policy statements, fact sheets, question and answer documents, reports, advisories, letters responding to individual questions, and other means of providing information about our activities -- to be very helpful to and an important part of an effective regulatory program.

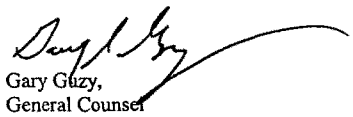
We appreciate the need of the regulated community to be able to differentiate between a legally binding document and one that is not. To promote clarity, the Agency currently includes language in many of our non-binding policy statements and guidance documents notifying the readers that such documents are not legally binding. The language in Section 4, however, would require the notice of nonbinding effect to be included in "... each statement published by the agency that is not a rule ..." EPA believes that the coverage of section 4 may be overly broad and the inclusion of the notice in all Agency materials such as fact sheets, analytical reports, and guidances may cause unnecessary confusion, particularly when

Printed on Recycled Paper

the aim of some of the materials is to inform regulated entities about underlying regulatory requirements that are legally binding. Accordingly, we cannot support this legislative measure as drafted.

We appreciate the opportunity to comment on Section 4 of H.R. 3521. The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the submission of these views to the Committee.

Sincerely,



Gary Guzy,
General Counsel

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich
The Honorable Henry Waxman

ADDITIONAL VIEWS OF HON. DAVID M. MCINTOSH

The minority views section of this report confirms many key points about agency guidance documents: (1) "none of their noncodified guidance is legally binding;" (2) "because noncodified guidance is not legally binding, it does not have 'future effect;'" and (3) "guidance is guidance—not an expansion of the underlying statutory and regulatory requirements."

The committee intended to only include the most relevant documents in its report. However, since the minority chose to include some less relevant documents, the committee wants to include some of the other related documents that the minority left out. The minority's exhibit 1 includes minority testimony from the subcommittee's February 15, 2000 hearing but not testimony from four other witnesses. The missing testimony is available on the subcommittee's website: http://www.house.gov/reform/neg/hearings/index.htm. The minority's exhibit 2 is missing an October 12, 1999 letter from the subcommittee to the Office of Management and Budget [OMB] about its guidance to the agencies on the Congressional Review Act [CRA]. The missing letter is provided herein. The minority's exhibit 3 is missing the subcommittee's January 31, 2000 letters to the chief legal officers in the Department of Labor [DOL], the Department of Transportation and the Environmental Protection Agency [EPA] asking for their views on section 4 in H.R. 3521. The missing letters are provided herein.

I take issue with certain statements in the minority views section. I will discuss them in order of their appearance. First, the minority states, "Agency guidance—also known as compliance assistance." This is untrue since there is a wide variety of agency guidance documents, some of which are not even intended for compliance assistance. In fact, sometimes the audience is not even the regulated public. Agency guidance includes documents such as: advisory circulars, booklets, bulletins, compliance directives, compliance programs, enforcement guidelines, enforcement policies, guidances, guidelines, inspection plans, letters, memoranda of understanding, models, opinion letters, oral guidance, policies, policy clarifications, policy directives, policy statements, press releases, program policy letters, staff instructions, staff manuals, testimony before Congress, and question-and-answer documents.

Second, the minority incorrectly alleges that the report does not include examples of backdoor regulation. Quite to the contrary, appendix E, testimony by the National Association of Manufacturers [NAM], includes many examples, including instances which were successfully litigated. Here are three backdoor rulemaking examples in NAM's testimony, which required litigation: cooperative compliance program, striker replacement, and periodic monitoring guidance. First, NAM sued DOL after 12,000 companies received letters from DOL stating that they had to comply with new com-

prehensive safety and health requirements or face wall-to-wall inspections. The U.S. Court of Appeals for the D.C. Circuit found that DOL exceeded its authority by trying to promulgate a standard without using notice-and-comment procedures (*Chamber of Commerce of U.S.* v. *U.S. Department of Labor,* 174 F.3d 206 D.C. Cir. 1999). Second, the President issued an Executive order enabling agencies to blacklist government contractors who legally hire permanent replacements for workers on an economic strike. The order was issued without notice and comment and added new penalties. The U.S. Court of Appeals for the D.C. Circuit vitiated the order (*Chamber of Commerce of the U.S.* v. *Reich, Secretary of Labor,* 74 F.3d 1322 D.C. Cir. 1996). Third, NAM sued EPA for its periodic monitoring guidance that changed which monitoring results trigger the need to take corrective action and which results indicate a violation. The U.S. Court of Appeals for the D.C. Circuit vitiated the guidance because of EPA's failure to use notice and comment to amend its existing rule (*Appalachian Power Co.* v. *EPA,* 208 F. 3d 1015 D.C. Cir. 2000).

In this connection, it is important to note that the minority employs circular reasoning to deny the reality of backdoor rulemaking. For example, the minority cites agency letters and testimony confirming that noncodified guidance is not legally binding. The real question is whether agencies ever use guidance coercively, as a form of unlegislated compulsion. The report and my additional views provide several examples of such abuse. What was the public hue and cry over DOL's work-at-home guidance about, if not the agency's attempt to expand its regulatory turf into people's homes?

Third, the minority misleadingly states, "On many occasions, the agencies included language in guidance documents explicitly stating that the guidance is not legally binding." The subcommittee's investigation revealed that only 8 percent of DOL's 1999 Occupational Health and Safety Administration guidance documents included any explanation of legal effect and only 5 percent put this explanation at the beginning of the document. Eight percent is not "many."

Fourth, the minority says that some guidance was later withdrawn by the agencies "when it received public criticism." Unfortunately, the subcommittee was unable to fully investigate the circumstances surrounding DOL's withdrawn guidance documents since—even after repeated requests—DOL failed to reply to question 7 in the subcommittee's February 16, 2000 post-hearing questions. Question 7 follows:

Q7. Withdrawn Guidance.

a. Besides OSHA's 1999 work-at-home guidance and OSHA's 1998 and 1999 arborists guidance, what other DOL guidance documents have been withdrawn since March 1996 and under what circumstances?

b. Did DOL ever post these other withdrawal letters? If not, why not? Please provide complete details for each case for the record.

Fifth, the minority inaccurately captions its Section B "CRA Does Not Cover Noncodified Guidance." In fact, CRA covers any noncodified guidance documents with general applicability and future effect. For example, the subcommittee's review of EPA's compliance

with the CRA revealed that, in February 1998, EPA issued "Interim Guidance for Investigating Title VI Administrative Complaints Challenging Permits" (its Environmental Justice guidance). This guidance established a framework for handling complaints that are filed with EPA's Office of Civil Rights under Title VI of the Civil Rights Act of 1964, as amended, and allege disparate environmental impacts on minority populations resulting from the issuance of industrial site permits by State and local governments that receive EPA funding. In light of the legal and policy effects of this guidance, the subcommittee asked the General Accounting Office [GAO] to determine if this guidance is a rule within the meaning of the CRA. On September 1, 1998, GAO determined that this guidance is a rule under the CRA and indicated that EPA had not yet submitted this guidance for congressional review under the CRA.

For a more recent example, on October 17, 2000, GAO issued an opinion on whether the Farm Credit Administration's [FCA's] national charter initiative is a rule under the CRA. GAO found that FCA's "National Charters" booklet, which was issued after FCA's withdrawal of the portion of a proposed rule that would have had the same effect, constitutes a rule subject to congressional review under the CRA and should have been issued using notice and comment procedures. The subcommittee continues to believe that OMB has failed to fully clarify which agency guidance documents are covered by the CRA, resulting in some agency noncompliance with the law.

Sixth, the minority curiously states, "Moreover, a broad interpretation of the CRA requirements could discourage agency guidance." It is unclear what the minority means by a "broad interpretation." What is needed is for OMB to issue complete guidance to the agencies that addresses each type of guidance documents. In fact, in October 1998, subcommittee counsel drafted such guidance for OMB's issuance. However, OMB has continued to resist issuing such helpful and complete guidance to ensure legal compliance by the agencies.

Last, the minority expressed its pleasure that I did not pursue a legislative solution to ensure clarity for the regulated public. However, the absence of a required disclaimer at the beginning of each agency guidance document should not be used as an excuse for agencies to continue their current practice of almost never clarifying the legal import of their guidance documents within those documents. The minority's claim that any requirement to clarify the legal status of guidance documents can be confusing is absurd. It assumes that the public is smart enough to figure out the unstated legal status of documents several hundred pages in length, but not smart enough to understand a 2–3 sentence clarification of the document's legal status.

HON. DAVID M. MCINTOSH.

[The exhibits referred to follow:]

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

October 12, 1999

BY FACSIMILE

The Honorable Jacob J. Lew
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Lew:

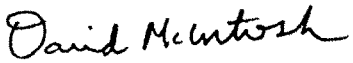
This letter requests a written explanation why the Office of Management and Budget (OMB) has still not provided a response to my August 2, 1999 letter about OMB's "Guidance for Implementing the Congressional Review Act" (CRA). Instead, on August 12th, OMB's Office of Information and Regulatory Affairs Administrator John Spotila sent me a letter stating "We will give further consideration to your views and respond to you after your return from the August recess." Upon receipt of this letter, the Subcommittee staff called to say that they were available to meet Mr. Spotila at any time. Nonetheless, OMB was unwilling to schedule a meeting.

As I stated in my April 1st, June 2nd and August 2nd letters, OMB's March 31st guidance is not responsive to Congressional expectations for expanded and complete OMB guidance on the CRA, as required by law to be issued by March 31st. When will OMB be issuing expanded and complete CRA guidance, especially about noncodified documents with general applicability and future effect?

In the meantime, I have begun an investigation of agencies' use of noncodified documents (such as guidance, guidelines, manuals, and handbooks), including the specific explanations within each of these documents regarding their legal effect. I have also asked agency General Counsels to identify if each of these documents was submitted to Congress under the CRA.

If you have any questions about this letter, please contact Professional Staff Member Barbara Kahlow at 225-4407.

Sincerely,



David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Henry A. Waxman
The Honorable Dennis Kucinich
The Honorable Jim Kolbe
The Honorable Steny H. Hoyer

DAN BURTON, INDIANA,
CHAIRMAN
BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LaTOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225–5074
MINORITY (202) 225–5051
TTY (202) 225–6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER
TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT
INDEPENDENT

January 31, 2000

BY FACSIMILE

The Honorable Henry Solano
Solicitor
Department of Labor
200 Constitution Avenue, N.W. - Room S2002
Washington, D.C. 20210

Dear Mr. Solano:

In continuance of our investigation of your agency's use of non-codified documents, I would appreciate your views on Section 4 of H.R. 3521, the "Congressional Accountability for Regulatory Information Act of 2000." There will be some discussion of this proposal at our February 15, 2000 hearing entitled "Is the Department of Labor Regulating the Public Through the Backdoor?"

Your response should be delivered to the Subcommittee majority staff in B-377 Rayburn House Office Building and the minority staff in B-350A Rayburn House Office Building no later than 1:00 p.m. on Friday, February 11, 2000. If you have any questions about this request, please call Professional Staff Member Barbara Kahlow on 226-3058.

Thank you for your attention to this request.

Sincerely,

David McIntosh

David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich

DAN BURTON, INDIANA,
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

January 31, 2000

BY FACSIMILE

The Honorable Nancy McFadden
General Counsel
Department of Transportation
400 7th Street, S.W. - Room 10428
Washington, D.C. 20590

Dear Ms. McFadden:

In continuance of our investigation of your agency's use of non-codified documents, I would appreciate your views on Section 4 of H.R. 3521, the "Congressional Accountability for Regulatory Information Act of 2000." There will be some discussion of this proposal at our February 15, 2000 hearing entitled "Is the Department of Labor Regulating the Public Through the Backdoor?"

Your response should be delivered to the Subcommittee majority staff in B-377 Rayburn House Office Building and the minority staff in B-350A Rayburn House Office Building no later than 1:00 p.m. on Friday, February 11, 2000. If you have any questions about this request, please call Professional Staff Member Barbara Kahlow on 226-3058.

Thank you for your attention to this request.

Sincerely,

David McIntosh

David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. McHUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. McINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LaTOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
HELEN CHENOWETH, IDAHO
DAVID VITTER, LOUISIANA

ONE HUNDRED SIXTH CONGRESS

Congress of the United States
House of Representatives

COMMITTEE ON GOVERNMENT REFORM
2157 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515–6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, Jr., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, Jr., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT,
INDEPENDENT

January 31, 2000

BY FACSIMILE

The Honorable Gary S. Guzy
General Counsel
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Dear Mr. Guzy:

In continuance of our investigation of your agency's use of non-codified documents, I would appreciate your views on Section 4 of H.R. 3521, the "Congressional Accountability for Regulatory Information Act of 2000." There will be some discussion of this proposal at our February 15, 2000 hearing entitled "Is the Department of Labor Regulating the Public Through the Backdoor?"

Your response should be delivered to the Subcommittee majority staff in B-377 Rayburn House Office Building and the minority staff in B-350A Rayburn House Office Building no later than 1:00 p.m. on Friday, February 11, 2000. If you have any questions about this request, please call Professional Staff Member Barbara Kahlow on 226-3058.

Thank you for your attention to this request.

Sincerely,

David McIntosh

David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources, and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich