

U.S. Department of Labor

Assistant Secretary for
Occupational Safety and Health
Washington, D.C. 20210



The Honorable Edward M. Kennedy
Chairman
Committee on Health, Education, Labor, and Pensions
United States Senate
Washington, D.C. 20510

Dear Chairman Kennedy:

This is in response to your letter of September 7, 2007, to Secretary of Labor Elaine L. Chao urging the Department of Labor to grant the petition of the United Food and Commercial Workers (UFCW) and the International Brotherhood of Teamsters (Teamsters) for an Emergency Temporary Standard (ETS) for exposure to diacetyl. Your letter was forwarded to the Occupational Safety and Health Administration (OSHA) for evaluation and response.

After a thorough review by OSHA of the evidence relevant to diacetyl exposures, I have decided that OSHA will for the reasons detailed in an enclosed letter to UFCW President Joseph Hansen and Teamsters President James Hoffa deny the request for an ETS. I assure you, however, that OSHA takes the concerns you expressed very seriously, is aware of the hazards associated with exposure to flavoring chemicals, and is already taking action to address them. OSHA just issued a Safety and Health Information Bulletin and provided a Hazard Communication Guidance addressing the exposure to diacetyl and food flavoring containing diacetyl. OSHA also intends to propose a permanent standard addressing the hazards of flavorings containing diacetyl.

OSHA appreciates your interest in the occupational health of workers exposed to flavorings containing diacetyl. Thank you for your efforts to protect workers.

Sincerely,

A handwritten signature in black ink that reads "Edwin G. Foulke, Jr." The signature is written in a cursive style.

Edwin G. Foulke, Jr.,

Enclosures

cc: The Honorable Michael B. Enzi, Ranking Member