



**RE: OSHA Rulemaking on Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Systems) for General Industry  
Docket No. OSHA-2007-0072**

The National Chimney Sweep Guild (“NCSG”) appreciates this opportunity to meet with OMB and OSHA to present its concerns regarding the proposed rule, not knowing what is in the proposed final rule. At the time of the public hearing, OSHA staff seemed to understand NCSG’s concerns regarding the proposed fall protection requirements and contemplated rescue requirements. At that time, OSHA staff also appeared inclined to provide a needed alternative to the proposed fall protection requirements, based on training and procedures, so that the chimney sweep industry could continue to offer its critical services to the public at an affordable price. Absent that relief, the cost of the services provided by the chimney sweep industry would escalate, homeowners would postpone or forego necessary services, and this country would likely experience a dramatic increase in residential home fires. Given those considerations, we hope that the proposed final rule appropriately accommodates the needs of the chimney sweep industry and the American public. Given the critical importance of these issues, and not knowing what is in the proposed final rule, NCSG concluded it was essential to make this additional presentation to OMB and OSHA.

The substance of our presentation will be a consolidated and greatly condensed version of the comments, testimony and briefs submitted to the rulemaking docket, and will focus on the attached slide presentation made by NCSG to OSHA during the public hearing. The slides were also presented to OSHA’s Directorate of Standards and Guidance, OSHA’s Directorate of Enforcement Programs and OSHA’s Directorate of Construction Programs prior to the initiation of this rulemaking as part of a collaborative effort to address the infeasibility and greater hazard of implementing conventional fall protection methods in the Chimney Sweep industry. The preamble in the NPRM requested public input on any industries with special needs or concerns posed by the rule, and mentioned the Chimney Sweep Industry.

The following individuals plan to present the information described below on behalf of NCSG:

1. Mr. Ashley Eldridge  
Director of Education  
National Chimney Sweep Guild

Mr. Eldridge plans to discuss the role of the National Chimney Sweep Guild and the

nature of the Chimney Sweep industry. More specifically, Mr. Eldridge will provide an overview of the industry, covering: the nature of the work typically performed in the industry; the applicable NFPA standards; the range of environments encountered; the challenges faced by chimney sweep companies in meeting the existing and proposed OSHA walking surfaces and fall protection standards; and specific safety alliances, training and tools that have been developed in the industry. In addition, Mr. Eldridge will discuss the negative impact that adoption and enforcement of the Proposed Rule would have on the viability of the Chimney Sweep industry, which is composed almost entirely of small businesses, and on the credibility of OSHA regulatory initiatives.

<p>2. Jim Brewer President Magic Sweep Corporation</p>	<p>3. William Sweet Billy Sweet Chimney Sweep Boston, MA 02120</p>
--	--

Mr. Brewer and/or Mr. Sweet plan to describe the operation of a typical chimney sweep business in their respective regions of the country, including how jobs are obtained, preparation for a job, training provided to chimney sweeps, typical one-person tasks and the practices followed by sweeps in performing those tasks. Mr. Brewer and Mr. Sweet will also address the major concerns raised by the proposed revisions to OSHA’s walking-working surfaces and fall protection standards, focusing on the feasibility and greater hazard issues posed by the approach and provisions of the Proposed Rule. Finally, Mr. Brewer will explain his role and experience as a nationally-recognized trainer of chimney sweeps on how to safely perform the range of jobs performed by chimney sweeps.

4. Lawrence P. Halprin, Partner  
Keller and Heckman, LLP

Mr. Halprin plans to describe some of the significant legal issues presented by this rulemaking. More specifically, he will address the requirement that OSHA establish significant risk in the affected industries, the technological and economic infeasibility of complying with the Proposed Rule, and the greater hazards posed by compliance with provisions of the Proposed Rule.

We greatly appreciate the opportunity to present this information to OMB and OSHA. Thank you for your consideration.

Respectfully submitted,

Ashley Eldridge  
Director of Education

Attachments (1)