



Via E-mail only

July 17, 2008

Mr. Baruch Fellner  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue N.W.  
Washington, D.C. 20036

Re: Appeal Filed with the ANSI Appeals Board of the ANSI Board of Standards Review (“BSR”) Decision Relating to the Appeal by the American Subcontractors Association, Inc., Associated Builders and Contractors, Inc., Associated General Contractors of America, the Mechanical Contractors Association of America, Inc., and the National Association of Home Builders (“the Coalition”) of the Approval of *A10.40 Reduction of Musculoskeletal Problems in Construction* as an American National Standard

### **Final Notice**

Dear Mr. Fellner:

The appeals statement and supporting documentation that was submitted by you in connection with the above-referenced appeal, together with the appeals material before the ANSI Board of Standards Review (“BSR”), was provided to the members of an ANSI Appeals Board Panel via letter ballot. The letter ballot was issued in accordance with clause *11 Appeals process* of the *ANSI Appeals Board Operating Procedures* in order for the members to determine “whether the appellant has established a prima facie case that the decision appealed from was clearly erroneous.”

Please be advised that the ANSI Appeals Board Panel decided, based on the record before it, that the appeals statement and record did not establish such a prima facie case. Accordingly, the ANSI Appeals Board Panel dismissed the appeal and an appeals hearing will not be held.

For the record, the letters independently submitted outside of the appeals process by the National Federation of Independent Business, the Chamber of Commerce of the United States of America and the American Trucking Associations, Inc. in support of the Coalition’s appeal were provided to the Appeals Board Panel for review. In accordance with the *ANSI Appeals Board Operating Procedures*, the Panel deemed the letters not part of the record and therefore the substance of the letters was not considered in connection with the appeal.

This decision completes the appeals processes available at ANSI. If you have any questions, or if I may be of assistance to you, please contact me at (212) 642-4914 or [acaldas@ansi.org](mailto:acaldas@ansi.org).

Sincerely,  
Anne

Anne Caldas  
Secretary, ANSI Appeals Board

cc: P. Griffin, ANSI VP & General Counsel  
T. Fisher, ASSE as Secretariat to ASC A10  
ANSI Appeals Board