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July 7, 2017

Thomas Galassi  
Acting Deputy Assistant Secretary  
U.S. Occupational Safety and Health Administration  
200 Constitution Avenue NW  
Washington, D.C. 20210

**Re: RIN: 1218-AD16; Improve Tracking of Workplace Injuries and Illnesses: Proposed Delay of Compliance Date [Docket No. OSHA-2013-0023]**

*[comments filed electronically at regulations.gov]*

Dear Mr. Galassi,

Public Citizen, a consumer advocacy organization with more than 400,000 members and supporters nationwide, urges you to withdraw the proposal<sup>1</sup> to delay the deadline for certain employers to submit 2016 Form 300A data electronically under the U.S. Occupational Safety and Health Administration's (OSHA's) final rule entitled "Improve Tracking of Workplace Injuries and Illnesses." The proposed postponement of the initial compliance date for submission of 2016 Form 300A data, from the current date of July 1 to December 1, 2017, is unnecessary and will impede identification of workplace health and safety hazards.

**The rule does not impose any new recordkeeping requirements on employers.**

There is no need for further delay of OSHA's recordkeeping rule since it does not create new recordkeeping obligations for employers. It requires them to transmit to OSHA injury and illness data that they are already obligated to keep. OSHA issued the final rule on May 12, 2016, giving employers ample time to submit Form 300A data by the current compliance date of July 1, 2017, had OSHA launched the data collection system in February 2017 as intended. OSHA has offered no excuse for its failure to make the system available.

**The rule will help save lives by significantly improving the way OSHA monitors and responds to preventable injuries and illnesses.**

OSHA relies on data sources that are too limited to allow the agency to respond effectively to unsafe workplace conditions. OSHA currently accesses establishment-specific data through sources such as workplace inspections (less than one percent of all worksites are inspected

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<sup>1</sup> *Improve Tracking of Workplace Injuries and Illnesses: Proposed Delay of Compliance Date*, 82 FEDERAL REGISTER 29261 (June 28, 2017), <http://bit.ly/2uir29e>.

annually<sup>2</sup>), the OSHA Data Initiative, and mandatory employer reports of work-related fatalities and severe workplace injuries involving hospitalizations, amputations, and losses of an eye. However, these limited sources do not provide a clear, comprehensive picture of existing threats to workers.

OSHA's recordkeeping rule will provide the agency systematic access to establishment-specific injury and illness data, allowing it to use its enforcement resources more efficiently. With better access to information, OSHA will be able to identify, target, and eliminate the hazards putting workers at the greatest risk. Any further delay will hinder OSHA's ability to protect workers from harm.

**The rule will ensure public health researchers have access to accurate occupational health and safety data.**

With access to employer injury and illness records, public health researchers will be better able to identify and propose solutions for workplace hazards. For example, researchers can use information from the public database to enhance health and safety training curricula, provide guidance to agencies for future regulatory action, and identify best practices for maintaining safe worksites. Therefore, publishing recordkeeping data will help researchers improve occupational health and safety.

**The rule incentivizes employers to comply with workplace safety standards.**

Making worker injury and illness data public will also drive employers to focus on workplace safety in order to demonstrate to OSHA, job applicants, and the public that they provide safe workplaces for their employees. Employers will be able to compare their safety records against other firms in their industry and set goals for improvement. Additionally, the data collection will help OSHA and other government agencies identify and offer services to high-risk employers, providing assistance in preventing unsafe conditions. Employers may even see an improvement in their bottom line over time. Research shows that investing in workplace safety and health management programs not only reduces worker injuries, but also reduces costs associated with those injuries such as workers' compensation payments and productivity losses.<sup>3</sup>

**OSHA must reject this proposal to postpone the compliance date and any future proposal to delay or weaken any other provisions of the final recordkeeping rule.**

There is no reason to postpone the compliance date for OSHA's "Improve Tracking of Workplace Injuries and Illnesses" rule. The rule does not impose additional recordkeeping requirements for employers. Instead, it will greatly improve workplace health and safety by allowing OSHA, researchers, and the public to identify, analyze, and respond to trends in workplace hazards. The rule will also motivate employers to safeguard their worksites.

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<sup>2</sup> *Commonly Used Statistics*, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, (viewed on June 29, 2017), <http://bit.ly/1rTLTGX> (of 8 million U.S. worksites, just 75,053 federal and state OSHA inspections were conducted in FY 2016).

<sup>3</sup> *Business Case for Safety and Health*, OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, (viewed on June 29, 2017), <http://bit.ly/2uoK1Py>.

Furthermore, Public Citizen is deeply concerned that OSHA intends to issue a separate proposal to reconsider, revise, or remove other provisions of the final recordkeeping rule.<sup>4</sup> Public Citizen opposes any proposal that would further delay or weaken any other provision of the recordkeeping rule – including the anti-retaliation provisions. Working people often do not report injuries to their bosses out of fear of retaliation.<sup>5</sup> OSHA cannot properly respond to unreported and undocumented injuries. These anti-retaliation provisions will improve the accuracy of OSHA’s records by prohibiting employers from having programs that discourage workers from reporting their injuries. In addition, the new anti-retaliation provisions will enable OSHA to cite employers for retaliation even if workers did not file a retaliation complaint. Ensuring that employees report all injuries without fear will enable employers to keep complete and accurate records necessary for OSHA to monitor and prevent occupational hazards.

OSHA’s recordkeeping rule will create safer workplaces, save lives, and protect workers from employer retaliation. Public Citizen urges OSHA to reject the proposal to delay the recordkeeping rule’s compliance date and any future proposal to delay or weaken this critical rule.

Sincerely,



Emily A. Gardner, JD  
Worker Health and Safety Advocate  
Public Citizen’s Congress Watch



Sammy Almashat, MD, MPH  
Researcher  
Public Citizen’s Health Research Group

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<sup>4</sup> *Improve Tracking of Workplace Injuries and Illnesses: Proposed Delay of Compliance Date*, 82 FEDERAL REGISTER 29261 (June 28, 2017), <http://bit.ly/2uir29e>.

<sup>5</sup> See, e.g., H.J. Lipscomb, J. Nolan, D. Patterson, V. Sticca, & D.J. Myers, *Safety, incentives, and the reporting of work-related injuries among union carpenters: "You're pretty much screwed if you get hurt at work,"* 56(4) AMERICAN JOURNAL OF INDUSTRIAL MEDICINE 389, (April 2013).