

February 28, 2017

The Honorable Paul Ryan
Speaker of the House
H-232, The Capitol
Washington, DC 20515

The Honorable Nancy Pelosi
Minority Leader
H-204, The Capitol
Washington, DC 20515

The Honorable Virginia Foxx
Chair, Committee on Education and the Workforce
2176 Rayburn House Office Building Washington
D.C. 20515

The Honorable Robert Scott
Ranking Member, Committee on Education and the Workforce
2101 Rayburn House Office Building
Washington, DC 20515

Dear Speaker Ryan, Minority Leader Pelosi, Chairman Foxx, and Ranking Member Scott:

We the undersigned organizations write in strong opposition to H. J. Res 83, a Congressional Review Act Resolution of Disapproval that would repeal an Occupational Safety and Health Administration (OSHA) rule that clarifies an employer's responsibility to maintain accurate records of serious work related injuries and illnesses. This resolution will undermine workplace health and safety in the most dangerous industries.

This OSHA clarifying rule does not impose any new costs nor any new obligations to covered employers, nor does it affect small businesses. It simply clarifies OSHA's authority to hold employers accountable for their longstanding obligation to maintain accurate injury records, a requirement that has been in effect since the Nixon Administration. Further, the rule only covers larger employers in the most dangerous industries.

For over 40 years, only larger employers in high hazard industries have been required to maintain records of serious work related injuries and illnesses. OSHA regulations, issued in the 1970's, require employers to maintain records for five years. Since then, the Department's longstanding position has been that an employer had an ongoing duty to assure that those records were accurate. The Department of Labor uses these records as the basis for published statistics on workplace injury and illness rates and OSHA uses them to allocate scarce agency resources for compliance assistance and enforcement. Employers use these records as a guide to identify and fix job dangers that injure and maim workers.

This rule is needed because in 2012, a court decision overturned 40 years of recordkeeping precedent and made it impossible for OSHA to enforce against recordkeeping violations in dangerous industries

that are more than six months old. One of the three judges indicated that OSHA could enforce for continuing violations of its recordkeeping rule if the agency clarified its regulation. The rule that is the subject of H.J. Res 83 remedies the problem and clarifies that OSHA may enforce for continuing violations for the failure to record serious work related injuries and illnesses.

Accurate injury and illness records are vitally important to the protection of workers. They are the most important tool that employers and government use to identify and eliminate job hazards that kill over 4,800 workers a year and seriously injure almost 3 million more. OSHA can only inspect every workplace under its jurisdiction once every 140 years. If employers have no obligation to maintain accurate records during the five year retention period, worker health and safety will be seriously jeopardized.

We are organizations that strongly support ensuring safer workplaces and protecting workers from serious workplace hazards. We ask you to stand with American workers and oppose H.J. Res 83. The OSHA clarifying rule on maintaining accurate records imposes no new costs to business, but is critical to assuring that workplace fatalities and injuries are prevented.

Sincerely,

9to5, National Association of Working Women
American Federation of Government Employees
American Federation of Labor- Congress of Industrial Organizations (AFL-CIO)
American Federation of Teachers (AFT)
Asbestos Disease Awareness Organization
Blue Green Alliance
Connecticut Council on Occupational Safety and Health
Communication Workers of America
Council of State and Territorial Epidemiologists
District 1199C Training & Upgrading Fund
Earthjustice
Economic Policy Institute Policy Center
Fair World Project
Family Values @ Work
Farmworker Justice
Fe y Justicia Worker Center
Food & Water Watch
Futures Without Violence
Health Professional and Allied Employees AFT/AFL-CIO
Institute for Science and Human Values, Inc.
Interfaith Worker Justice
International Brotherhood of Teamsters
International Union, United Automobile, Aerospace & Agricultural Implement Workers of America, UAW
Jobs with Justice
Kentucky Equal Justice Center
Knox Area Workers' Memorial Day Committee of Knoxville, Tennessee
Labor & Employment Committee of the National Lawyers Guild
Labor Project for Working Families

Legal Aid at Work
Los Angeles Alliance for a New Economy (LAANE)
Massachusetts Law Reform Institute
NAACP
National Center for Law and Economic Justice
National Employment Lawyers Association
National Employment Law Project
National Guestworker Alliance
National LGBTQ Task Force Action Fund
National Organization for Women
National Partnership for Women and Families
Natural Resources Defense Council
Nebraska Appleseed Center for Law in the Public Interest
New Labor
New Rules for Global Finance
Occupational Health Clinical Centers
Oxfam
Policy Matters Ohio
Progressive Congress Action Fund
Public Citizen
Resisting Injustice and Standing for Equality (RISE)
Restaurant Opportunities Centers United
Rhode Island Center for Justice
Santa Clara County Wage Theft Coalition
Sargent Shriver National Center on Poverty Law
SafeWork Washington
Service Employees International Union (SEIU)
Southern Poverty Law Center (SPLC)
Union of Concerned Scientists
United Food and Commercial Workers International Union (UFCW)
UNITE HERE International Union
United Support and Memorial for Workplace Fatalities (USMWF)
Washington State Labor Council, AFL-CIO
Western North Carolina Workers' Center
Workers' Center of Central New York
Workplace Fairness
Worksafe
WNYCOSH - Western New York Council on Occupational Safety and Health