

March 13, 2017

The Honorable Lamar Alexander  
Chair, Committee on Health, Education, Labor and Pensions  
U.S. Senate  
Washington, D.C. 20510

The Honorable Patty Murray  
Ranking Member, Committee on Health, Education, Labor and Pensions  
U.S. Senate  
Washington, D.C. 20510

Dear Chair Alexander and Ranking Member Murray:

We the undersigned 76 organizations, representing millions of our nation's workers, write in strong opposition to H. J. Res. 83/ S.J. Res. 27, 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/S.J. Res.27. 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 State, County and Municipal Employees  
American Federation of Teachers (AFT)  
Asbestos Disease Awareness Organization  
Association of Flight Attendants –CWA, AFL-CIO  
Blue Green Alliance  
California Employment Lawyers Association  
Connecticut Council on Occupational Safety and Health  
Communications 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 Chemical Workers Union Council (ICWUC)  
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 Center for Transgender Equality  
National Council for Occupational Safety and Health  
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  
National Women's Law Center  
Nebraska Appleseed Center for Law in the Public Interest  
New Labor  
New Rules for Global Finance  
New York Committee for Occupational Safety and Health  
Occupational Health Clinical Centers  
Oxfam America  
Policy Matters Ohio  
Pride at Work  
Progressive Congress Action Fund  
Public Citizen  
Public Justice Center  
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