BLUEGREEN ALLIANCE

CREATING GOOD JOBS, A CLEAN ENVIRONMENT, AND A FAIR AND THRIVING ECONOMY

Deputy Assistant Secretary Loren E. Sweatt
OSHA Docket Office
Room N-3653
U.S. Department of Labor
200 Constitution Avenue NW
Washington, DC 20210

Re: Docket No. OSHA-2013-0023, Tracking of Workplace Injuries and Illnesses

Dear Deputy Assistant Secretary Sweatt,

As a coalition of the nation's largest labor unions and environmental groups, collectively representing millions of members and supporters, the BlueGreen Alliance and partners listed below write in strong opposition to the provision in the Occupational Safety and Health Administration's (OSHA) new proposed rule, *Tracking of Workplace Injuries and Illnesses*, which would repeal injury reporting requirements for large employers.

This provision would endanger workers by obscuring the data that OSHA relies on to target its prevention and enforcement programs. It would allow large employers to hide their record of workplace injuries, which would allow those employers to gain a competitive advantage by cutting back on worker safety. It would disadvantage responsible employers, large and small, across the nation, and sends a message to large corporations that federal OSHA is "off-duty."

In short, this provision represents a cynical gift to a handful of corporations and an extraordinary step backward for millions of American workers and their families.

As you know, the BlueGreen Alliance unites America's largest labor unions and its most influential environmental organizations to solve today's environmental challenges in ways that create and maintain quality jobs and build a stronger, fairer economy. We believe that innovating, building, and installing the clean economy means protecting the environment while creating quality jobs across the country and ensuring the health and safety of workers. To that end, BlueGreen Alliance members reject any attempts to roll-back critical worker protections, including those that serve to prevent workplace injuries.

This proposal repeals part of OSHA's 2016 rule entitled *Improve Tracking of Workplace Injuries and Illnesses*, and would roll back the requirement that large employers submit information on injuries at their workplaces to OSHA—information that companies already maintain. The agency is proposing to strike this requirement, even though this information would significantly assist the agency in allocating its scarce resources, including compliance assistance and enforcement, to help prevent the over 3 million serious workplace injuries that occur every year. The collection of, and access to, this data is also essential to the efforts of state OSHA agencies, as well as other public agencies and researchers, workers, and worker representatives, whose mission is the identification and prevention of workplace hazards. Instead, the proposed rule would allow large employers in dangerous industries to continue to hide their records of workplace injuries.

In the proposed rule, OSHA claims it is repealing injury reporting requirements for large employers in order to protect a worker's privacy. This is not based on evidence or fact. Workers and their organizations advocated for the 2016 rule and for the electronic submission of this data. Further, the 2016 injury rule was specifically designed to protect worker privacy. The 2016 provisions clearly stated that no

information that would identify individual workers was to be reported. If such information was accidentally submitted, OSHA made it clear that the information would not be released to the public. And, of course, OSHA's sister agency in the Department of Labor, the Mine Safety and Health Administration (MSHA), has been collecting detailed injury information for decades, makes the information publicly available, and effectively withholds personally identifiable information—just as OSHA would.

It is simply untrue to claim, as OSHA does in this proposal, that a description of an injury contains information that is too sensitive for an employer to report to OSHA. Since OSHA's website was created decades ago, inspections that were conducted in response to a serious injury or fatality have included a lengthy description of the incident, and this information has been available to the public with a few clicks of a keyboard. Moreover, any worker, their representative, or former employee can obtain copies of this information from their company within a day of requesting it. In short, it is an outright fabrication for the agency to claim that an injury description is somehow too sensitive to disclose, and that OSHA must therefore roll back this important requirement to protect workers.

Members of the BlueGreen Alliance understand the importance of this data to federal OSHA, given that this information enables the agency to identify and address patterns of injuries and their causes, as well as emerging hazards. This data helps OSHA be more effective at preventing injuries.

Workers are provided additional protections in this section of the regulation, such as those pertaining to retaliation and discrimination. Although these matters are not the subject of this rulemaking, they should be maintained. There is extensive evidence in the docket documenting employer practices that discourage workers from reporting job injuries and illnesses, as well as evidence of employers who retaliate against workers who do report. To ensure that appropriate information is reported and collected, these protections must be strengthened; at a minimum, they must be preserved as currently required.

With this proposal, the administration is siding with big businesses that are hoping to gain a competitive advantage by cutting corners on worker safety—an action any responsible employer would reject. We support the addition of a requirement that all employers report their EIN along with their injury and illness data, and we strongly oppose any repeal of the original provisions in the 2016 rule, *Improved Tracking of Workplace Injuries and illnesses*.

Sincerely,

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