

AFL-CIO

LEGISLATIVE ALERT

May 15, 2017

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

The Honorable Robert “Bobby” Scott
Ranking Member
House Committee on Education and the Workforce
2176 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Foxx and Ranking Member Scott:

I am writing to express the AFL-CIO’s strong support for The Accurate Workplace Injury & Illness Records Restoration Act, legislation to give the Occupational Safety and Health Administration (OSHA) the clear authority to enforce requirements for employers to keep accurate records of workplace injuries and illnesses. This legislation, sponsored by Rep. Mark Takano (D-CA), Rep. Robert “Bobby” Scott (D-VA) and Rep. Joseph Courtney (D-CT), remedies a major gap in workplace safety protection created last month with the repeal of an OSHA injury recordkeeping rule under the Congressional Review Act.

The collection of complete and accurate information on work-related injuries and illnesses is a cornerstone of the Occupational Safety and Health Act of 1970. Since the early 1970’s, OSHA has required employers in the more hazardous industries to keep injury and illness records and make reports to the Department of Labor. These records form the basis of the Bureau of Labor Statistics’ (BLS) work-related injury and illness statistics which are used to identify high-risk industries and occupations and emerging problems and to track progress. OSHA relies on the records to target its enforcement and compliance assistance activities to dangerous workplaces. And the records are used by employers, workers and unions at the workplace to identify hazardous conditions and take corrective action to prevent future injuries and exposures.

For more than 40 years, OSHA’s policy and practice was to enforce the requirement to keep accurate records during the five years period the records must be maintained. A court decision limited enforcement to a period of six months from the time of the occurrence of the injury under the Act’s statute of limitation provisions. In December, OSHA issued a rule to clarify that making and maintaining accurate records was an ongoing obligation enforceable by

the agency for the entire 5 year retention period. This commonsense rule was overturned by Congress last month, leaving OSHA unable to enforce its injury and illness recordkeeping requirements against employers who falsify and cheat on their injury records.

The Accurate Workplace Injury & Illness Records Restoration Act remedies this serious gap by making clear that OSHA has the authority to enforce ongoing violations of the Act. The bill directs OSHA to clarify its injury recordkeeping rule and provides authority for the rule. This legislation creates no new employer recordkeeping or reporting obligations; rather, it clarifies OSHA's authority to enforce longstanding OSHA requirements.

The legislation will allow OSHA to ensure that workplace injury and illness records are complete and accurate and that injury and illness data and statistics are reliable and sound as Congress intended when the OSH Act was passed. The AFL-CIO strongly supports this important bill.

Sincerely,



William Samuel, Director
Government Affairs Department

WS/PS/lkr

American Federation of Labor and Congress of Industrial Organizations

815 16th St., N.W. • Washington, D.C. 20006 • 202-637-5000 • www.aflcio.org

RICHARD L. TRUMKA
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