



AMERICAN PUBLIC HEALTH ASSOCIATION  
*For science. For action. For health.*

February 27, 2017

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

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

Dear Chairwoman Foxx and Ranking Member Scott:

On behalf of the American Public Health Association, a diverse community of public health professionals who champion the health of all people and communities, I write to oppose H.J. Res. 83, a resolution that would use the Congressional Review Act to void an important Department of Labor policy which clarifies an employer's obligation to make and maintain accurate records of work-related injuries and illnesses. The Occupational Safety and Health Administration issued this regulation in December 2016 in response to an opinion issued by the U.S. Court of Appeals for the D.C. Circuit.

Public health professionals understand the critical importance of accurate information to help identify hazards in order to develop and implement better health and safety protections. One important source of that information is the records some employers are required to keep on work-related injuries and illnesses. These records are invaluable for employers, workers and OSHA to monitor the cause and trends of injuries and illnesses. Such data is essential for determining appropriate interventions to prevent other workers from experiencing the same harm.

The regulation clarified for employers their ongoing obligation to maintain an accurate and complete record of workplace injuries and illnesses. It reiterated a long-standing policy that an employer's duty to record an injury on an OSHA log does not expire. It explained to employers that keeping a record of an injury is an ongoing requirement even if an employer failed to record the injury or illness at the time it occurred. OSHA requires employers to keep and maintain accurate records of injuries until the five-year records retention period expires.

For decades, the public health community and government agencies have identified a widespread undercount of work-related injuries and illnesses. This includes investigations by the Government Accountability Office, the Bureau of Labor Statistics and academic researchers. H.J. Res. 83 will have dire consequences for injury prevention and undermine 40 years of occupational injury surveillance in the U.S.

We urge you to stand up for workers and workplace safety and oppose this resolution.

Sincerely,

A handwritten signature in black ink that reads "Georges C. Benjamin". The signature is written in a cursive style with a large, stylized "G" and "B".

Georges C. Benjamin, MD  
Executive Director