



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

July 13, 2017

Mr. Thomas Galassi
Acting Deputy Assistant Secretary of Labor for
Occupational Safety and Health
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Re: Proposed Delay of Compliance Date
Improve Tracking of Workplace Injuries and Illnesses
Docket No. OSHA-2013-0023
RIN 1218-AD16

Dear Mr. Galassi:

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 express our strong objection to the Occupation Health and Safety Administration's proposed rule to delay the compliance date for the regulation to improve tracking of occupational injuries and illnesses, 82 *Federal Register* 29261 (June 28, 2017). The importance of this rule cannot be overstated. OSHA currently has very limited data on the injuries and illnesses experienced by workers in specific workplaces. The purpose of this rule was to fill that gap and increase OSHA's ability to target the workplaces where workers are at greatest risk of harm. Because OSHA's funding only allows it to inspect a fraction of U.S. workplaces each year, the agency needs worksite-specific data to use its resources effectively. Moreover, we are concerned with a statement in the proposed rule that the agency "intends to issue a separate proposal to reconsider, revise, or remove other provisions of the prior final rule." We urge OSHA to refrain from doing so.

APHA submitted comments in support of the proposed rule in November 2013 as well as in October 2014 on a supplemental notice related to the proposed rule. Our comments are informed by several APHA policy statements including: Improving Availability of and Access to Individual Worker Fatality Data¹; Support for Workplace Injury and Illness Prevention Programs²; Occupational Health and Safety Protections for Immigrant Workers³; and Workers' Compensation Reform.⁴ We commended OSHA's effort to bring injury and illness reporting into the 21st century through an efficient web-based mechanism that allows employers to electronically upload information they are already collecting.

¹ Improving Availability of and Access to Individual Worker Fatality Data, [APHA Policy Statement 201513](#).

² Support for Workplace Injury and Illness Prevention Programs, [APHA Policy Statement 20138](#).

³ Occupational Health and Safety Protections for Immigrant Workers, [APHA Policy Statement 20054](#).

⁴ Workers' Compensation Reform, [APHA Policy Statement 20097](#).

An effective system of injury and illness surveillance is a vital component of prevention. As public health professionals, APHA members understand the critically important role of gathering accurate data to help identify hazards in order to develop and implement effective health and safety interventions. Yet in the field of occupational health and safety, robust surveillance data has been long absent. The final rule OSHA issued in May 2016 set the agency on a path to change that situation. It must not be delayed or weakened.

We believe OSHA has failed to make the case that a delay in the rule's compliance date is necessary. The rule took effect more than six months ago on January 1, 2017. Those employers who are affected by the rule have already been preparing to submit their injury and illness records to the agency beginning this month. The fact that the February 2017 launch of the electronic reporting portal was postponed until July 2017 (for a reason not disclosed to the public) and will be available by August 1, does not justify delaying the compliance date to December 2017.

An effective injury surveillance program, such as the one initiated by OSHA in its May 2016 final rule will provide vitally important feedback on the workplaces and industry sectors where employees are at greatest risk of harm. The data collected by OSHA will be used not only by the agency, but by public health researchers, employers, workers and others to identify hazards and take the necessary steps to prevent future injuries and illnesses. We urge the Department of Labor to implement the final rule as published without further delay.

Sincerely,

A handwritten signature in black ink, appearing to read "Georges C. Benjamin". The signature is fluid and cursive, with the first name being the most prominent.

Georges C. Benjamin, MD
Executive Director