

September 28, 2018

OSHA Docket Office
Docket No. OSHA-2013-0023
U.S. Department of Labor
Room N-3653
200 Constitution Avenue, NW
Washington, DC 20210

FILED ELECTRONICALLY VIA REGULATIONS.GOV

Dear Sir or Madam:

RE: Docket No. OSHA-2013-0023, RIN 1218-AD17

Please accept for filing the following comments of the National Rural Electric Cooperative Association in the above-captioned docket.

I. **Introduction**

The National Rural Electric Cooperative Association (NRECA) is the national service organization for America's Electric Cooperatives. The nation's member-owned, not-for-profit electric co-ops constitute a unique sector of the electric utility industry – and face a unique set of challenges. NRECA represents the interests of the nation's more than 900 rural electric utilities responsible for keeping the lights on for more than 42 million people across 47 states. Electric cooperatives are driven by their purpose to power communities and empower their members to improve their quality of life. Affordable electricity is the lifeblood of the American economy, and for 75 years electric co-ops have been proud to keep the lights on. Because of their critical role in providing affordable, reliable, and universally accessible electric service, electric cooperatives are vital to the economic health of the communities they serve. Across the country, rural electric cooperatives employ approximately 68,000 workers.

NRECA is pleased to provide these comments on OSHA’s proposed rule entitled, “Tracking of Workplace Injuries and Illnesses,” published in the Federal Register on July 30, 2018.

II. **NRECA Supports OSHA’s Proposal to Remove the Requirement for Firms with 250 Employees or More to File OSHA Forms 300 and 301.**

As NRECA stated in its comments in this docket dated March 10, 2014:

“OSHA’s proposal to publish injury data is replete with potential problems. In this day and age of data and information piracy, NRECA is very concerned about the ability of the federal government to safeguard the privacy of worker data contained in forms that would be filed electronically. Recent news reports about private firms Target and Neiman-Marcus as well as stories about issues with the federal government’s Affordable Care Act website reinforce our concern about data privacy. In addition, in some instances it may not be possible to mask the identity of the injured employee.”¹

We are encouraged that OSHA recognizes the privacy concerns raised in our comments. OSHA has identified other privacy concerns such as the Agency’s inability to protect employer data from disclosure under the Freedom of Information Act.

As OSHA notes in the current rulemaking:

“OSHA has preliminarily determined that the risk of disclosure of this information, the costs to OSHA of collecting and using the information and the reporting burden on employers are unjustified given the uncertain benefits of collecting the information.”²

We support OSHA’s proposal to remove the requirement that employers with 250 employees or more submit OSHA forms 300 and 301. This revision to the current rule is positive not only from the perspective of data privacy but it also reduces administrative burden.

¹ Comments of NRECA filed March 10, 2014 in Docket No. OSHA-2013-0023

² 83 Fed. Reg. 36494 (July 30, 2018)

III. NRECA Opposes OSHA’s Proposal to Require Employers to Submit Employer Identification Numbers

OSHA explains³ that it is proposing the addition of Employer Identification Numbers (EIN) to the filed reports as a means to detect and avoid duplicative reporting. NRECA’s view is that the risk of potential malicious use of EIN data by bad actors far outweighs the issues involved in duplicative reporting. Duplicative reporting can be identified and corrected by OSHA and BLS; corporate identity theft using potentially publicly available EINs has the potential to cause irreparable harm and financial loss to entities that file with OSHA.

We are also opposed to the EIN requirement as premature. OSHA tells us that “OSHA and BLS are also collaborating to identify technological approaches to reduce respondent burden⁴.” Given this collaboration, NRECA strongly recommends that OSHA forgo the EIN requirement for now and explore technological approaches that may resolve the potential duplication issue.

Finally, adding a requirement for additional data seems contrary to OSHA’s claim that “(T)his proposed rule is expected to be an E.O. 13771 deregulatory action⁵.”

IV. Conclusion

To summarize, NRECA:

- (i) Supports the removal of the requirement that employers with 250 or more employees file OSHA Forms 300 and 301; and
- (ii) Opposes the inclusion of Employer Identification Numbers with Forms that will be filed with OSHA.

NRECA appreciates the opportunity to submit these comments.

³ *Id* at 36499

⁴ *Id* at 36499

⁵ *Id* at 36496

Respectfully submitted,



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