



June 28, 2017

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

RE: Comments regarding the Proposed Delay of Compliance Date for the “Improve Tracking of Workplace Injuries and Illnesses” rule; Docket ID: OSHA-2013-0023 ([82 Fed. Reg. 29261](#))

The National Federation of Independent Business (NFIB) submits these comments for the record to the Occupational Safety and Health Administration (OSHA) regarding the proposed delay of compliance date for the “Improve Tracking of Workplace Injuries and Illnesses” rule published in the June 28, 2017, edition of the *Federal Register*.

NFIB is the nation’s leading small business advocacy association, representing small and independent businesses in Washington, DC, and all 50 state capitals. A nonprofit, nonpartisan organization founded in 1943, NFIB’s mission is to promote and protect the right of its members to own, operate, and grow their businesses. The membership of NFIB includes small and independent businesses directly impacted by the “Improve Tracking of Workplace Injuries and Illnesses” rule.

On May 12, 2016, OSHA published a rule entitled “Improve Tracking of Workplace Injuries and Illnesses” (2016 Final Rule) with an effective date of January 1, 2017, for the final rule’s electronic reporting requirements.¹ Under these requirements, certain employers who were required to complete Form 300A in 2016 must submit the information on the form to OSHA electronically by the compliance date of July 1, 2017.

The notice for the proposed rule indicates OSHA’s desire to delay the compliance date until December 1, 2017. OSHA argues the delay is necessary because the data collection system the agency will use is not ready, and will not be ready to launch before

¹ [81 Fed. Reg. 29624](#)

August 1, 2017. Accordingly, NFIB strongly supports a delay until at least December 1, 2017. Small and independent businesses should not be required to comply with a rule when compliance is impossible.

In the proposed rule, OSHA states that it “intends to issue a separate proposal to reconsider, revise, or remove other provisions of the prior final rule. OSHA will seek comment on those provisions in that separate proposal.” NFIB welcomes the opportunity to submit comments on the future proposal due to significant flaws in the 2016 Final Rule that unduly burden small and independent businesses.

Because OSHA declared its intention to re-examine the rule, either in whole or in part, NFIB recommends the agency consider a delay of the compliance date to July 1, 2018. OSHA should not require compliance with the 2016 Final Rule in any manner while the agency works to reconsider, revise, or remove provisions of the rule. A delay of one year would give OSHA sufficient time to consider revisions to the 2016 final rule without requiring small and independent businesses to comply with a flawed rule that is likely to change.

NFIB urges OSHA to delay compliance of the “Improve Tracking of Workplace Injuries and Illnesses” rule until July 1, 2018 while the agency fulfills its intent to reconsider, revise, or remove provisions of the 2016 Final Rule. Thank you for the opportunity to comment on the proposed delay of compliance date for the “Improve Tracking of Workplace Injuries and Illnesses” rule.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Bosch", written in a cursive style.

Daniel Bosch
Senior Manager, Regulatory Policy