



September 20, 2011

OSHA Docket Office
Docket No. OSHA-2010-0019
Room N-2625
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

RE: Occupational Injury and Illness Recording and Reporting Requirements (Docket No. OSHA-2010-0019)

Dear Sir/ Dear Madam:

The National Turkey Federation, the National Chicken Council, and the U. S. Poultry & Egg Association, are non-profit trade associations representing the producers and processors of chickens, turkeys, other poultry, eggs and affiliated industry suppliers. Our associations are committed to providing a safe work environment for our employees and appreciate the opportunity to comment on OSHA's efforts to modify occupational injury and illness recording and reporting requirements.

Because the Section 1904.2 Partial Exemptions for Establishments in Certain Industries provisions generally do not apply to our membership we will offer no comments concerning this section of the proposed rule.

We do question the need to expand the reporting requirement for in-patient hospitalizations in Section 1904.39 of the proposed rule and offer the following comments.

The current reporting rules require the employer to report of OSHA work-related incidents that result in the death of an employee and the in-patient hospitalization of three or more employees within eight hours. The proposed rule expands the reporting requirement for hospitalizations to require reporting of a single employee hospitalization and adds a 24 hour reporting requirement for work-related amputations.

Our primary concerns involve the reporting of an incident resulting in a single hospitalization. It is not unusual for an employee to be admitted for observation or testing and be released the next day without any treatment. This may be due to a minor injury – a slip and fall with a potential head injury that deserves observation as a precautionary measure, for example – that is not indicative of a significant workplace hazard or failure within a safety and health program and may result in unnecessary reporting which will place another reporting burden on the employer while doing little, if anything to improve workplace safety.

A similar situation may occur if an employee suffers a back strain which worsens over a weekend and the employee seeks medical attention on their own and is hospitalized for observation. In this situation the employer may not know about the hospitalization until the employee returns to work the following week. While we recognize the 8 hour provision is from the time the incident is reported to the employer, its agents or employees, we believe the interpretation of what constitutes *notice*, particularly notice to “*any of your agent(s) or employee(s)*” will simply generate another cause of litigation if OSHA chooses to cite an employer for failing to meet the 8 hour time requirement.

The current requirement of reporting the hospitalization of 3 or more employees is generally an indicator that a potentially serious safety incident may have occurred and prompt reporting of such events is a more reasonable approach and remains justified.

OSHA states that the additional reporting of hospitalization and amputations will allow for the collection of more information on the cause of these injuries and illnesses. This information will allow OSHA to “target scarce resources to the most dangerous workplaces and to prevent future injuries at these workplaces”. The DART rate, calculated from existing injury and illness data, already identifies those workplaces with frequent, severe injuries. We fail to see why this currently available data is not sufficient to meet the goal of identifying “the most dangerous workplaces” and why OSHA needs this type of additional injury data.

Finally we note President Obama’s remarks to the American people and the joint session of Congress on September 8, 2011 where he stated, “***We should have no more regulation than the health, safety, and security of the American people require. Every rule should meet that common sense test.***” We believe that the current reporting requirements are adequate and that this increase in the reporting burden on employers does little to improve workplace safety and therefore fails the common sense test. We urge you to withdraw the revised reporting requirements in the proposed rule.

Thank you for the opportunity to comment. If you have any questions or require additional information concerning our comments please do not hesitate to contact Paul Pressley of the U.S. Poultry & Egg Association at 770-493-9401, Ashley Peterson, PhD of the National Chicken Council at 202-296-2622, or Andrew Bailey of the National Turkey Federation at 202-898-0100.

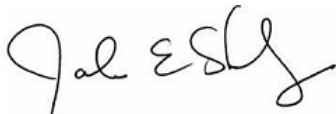
Sincerely,



Joel Brandenberger
President
National Turkey Federation



Mike Brown
President
National Chicken Council



John Starkey
President
U.S. Poultry & Egg Association