

PUBLIC SUBMISSION

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Docket: [OSHA-2010-0049](#)

Regulations Containing Procedures for Handling of Discrimination Complaints

Comment On: [OSHA-2010-0049-0001](#)

Agency Information Collection Activities; Proposals, Submissions, and Approvals: Regulations Containing Procedures for Handling of Retaliation Complaints

Document: [OSHA-2010-0049-0003](#)

Comment from Simpson, Freddie, National President; Brotherhood of Maintenance of Way Employees Division (BMWED) and Brotherhood of Locomotive Engineers and Trainmen (BLET)

Submitter Information

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Organization: Brotherhood of Maintenance of Way Employees Division (BMWED) and Brotherhood of Locomotive Engineers and Trainmen (BLET)

General Comment

Joint comment of the BMWED and BLET divisions of the International Brotherhood of Teamster Rail Conference in support of the ICR for NTSSA and FRSA whistleblower procedures.

Attachments

[OSHA-2010-0049-0003.1](#) Comment from Simpson, Freddie, National President; Brotherhood of Maintenance of Way Employees Division (BMWED) and Brotherhood of Locomotive Engineers and Trainmen (BLET)

December 22, 2010
(*Electronic Submission*)

Ms. Nilgun Tolek, Director
Whistleblower Protection Program
Occupational Safety and Health Administration
U.S. Department of Labor, Room N-3610
200 Constitution Ave, NW
Washington, DC 20210

Re: OSHA Docket No. OSHA-2010-0049

Dear Ms. Tolek:

The Brotherhood of Maintenance of Way Employees Division (BMWED) and the Brotherhood of Locomotive Engineers and Trainmen (BLET) are divisions of the International Brotherhood of Teamsters Rail Conference. BMWED represents approximately 35,000 railroad workers who build, maintain, repair, and inspect tracks, bridges, and related railroad infrastructure throughout the United States. BLET represents approximately 35,000 locomotive engineers and trainmen throughout the United States. BMWED and BLET jointly submit the following comments in support of the Occupational Safety and Health Administration's (OSHA) request to extend approval of its information collection request (ICR) to include the collection of information contained in the NTSSA and FRSA whistleblower procedures.

BMWED's national headquarters is located at 20300 Civic Center Drive, Suite 320, Southfield, MI 48076-4169. The BMWED Department of Safety is located at 25 Louisiana Ave, NW, 7th Floor, Washington, DC 20001, phone 202-508-6449, fax 202-508-6450.

BLET's national headquarters is located at 1370 Ontario St., Mezzanine Level, Cleveland, Ohio 44113. The BLET Department of Regulatory Affairs is located at 25 Louisiana Ave, NW, 7th Floor, Washington, DC 20001, phone 202-624-8748, fax 202-624-3086.

COMMENTS

In response to the "Collection of Information Requirement Related to Procedures for the Handling of Retaliation Complaints under the National Transit Systems Security Act and the Federal Railroad Safety Act" published in the Federal Register on November 23, 2010, and Docket No. OSHA-2010-0049 published in the Federal Register on October 28, 2010, BMWED and BLET jointly submit these comments supporting approval of OSHA's information collection request (ICR) to include the collection of information contained in the NTSSA and FRSA whistleblower procedures.

BMWED and BLET offer the following comments in support:

- The proposed collection of information is both useful and necessary for the proper performance of the Agency's functions in administering the whistleblower provisions of the National Transit Systems Security Act of 2007 (NTSSA) and the Federal Railroad Safety Act (FRSA).
- The collected information will have practical utility in fulfilling the whistleblower responsibilities of OSHA under both NTSSA and FRSA. This information is necessary for OSHA to determine the timeliness of filings and to collect information regarding the alleged retaliation. If this information was not collected, OSHA would not have sufficient information to determine the timeliness of the complaint or to initiate an investigation of the alleged violation.
- The Agency's estimate of burden hours and costs are reasonable and the methodology and assumptions used are valid. The increase in burden hours is warranted due to the necessity for the Agency to collect information in fulfilling its responsibilities under established regulatory procedures for investigation of retaliation complaints. The increase in burden hours is also necessary as a result of an increase in the number of annual complaints filed under NTSSA and FRSA.
- The quality, utility and clarity of the information collected is suitable and appropriate for the intended purpose. Information collected under these whistleblower provisions and the related regulation is necessary for OSHA to properly investigate complaints to determine if a violation has occurred.
- The proposed information collection activity is minimally burdensome on respondents. The provisions of 29 CFR Part 1982, which encompass whistleblower complaints filed under both NTSSA and FRSA, require no particular form of filing complaints. Such complaints can be filed orally, electronically, or in writing via letter or facsimile, thus minimizing the burden on respondents.

BMWED and BLET appreciate this opportunity to provide these comments in support of the ICR in Docket No. OSHA-2010-0049.

Respectfully,



National President, BMWED



National President, BLET

cc: Mr. Perry Geller
Mr. Bill Walpert
Mr. Lee Pruitt
Mr. John Tolman
Mr. Rick Inclima
Mr. Steve Bruno