



March 18, 2013  
 (Via online at [www.regulations.gov](http://www.regulations.gov))

OSHA Docket Office  
 U.S. Department of Labor  
 Occupational Safety and Health Administration, Room N-2625  
 200 Constitution Ave, NW  
 Washington, DC 20210

Re: Docket No. OSHA-2012-0026

**Comments of the  
 American Train Dispatchers Association (ATDA)  
 Brotherhood of Locomotive Engineers and Trainmen (BLET/IBT)  
 Brotherhood of Maintenance of Way Employees Division (BMWED/IBT)  
 Brotherhood of Railroad Signalmen (BRS)  
 Brotherhood of Railway Carmen Division (TCU/IAM)  
 Sheet Metal, Air, Rail and Transportation Workers (SMART)  
 Transport Workers Union of America (TWU)**

The Labor Organizations identified above are the recognized collective bargaining representatives of a significant percentage of railroad industry workers engaged in train operations, train dispatching, and track, signal, and mechanical maintenance, inspection, installation and repair. Our collective membership has a vested interest in providing workers with greater flexibility and streamlining the complaint filing process under 29 CFR, part 1982 and other whistleblower statutes. The above-named commenters, hereafter referred to as the Rail Labor Organizations, are filing these joint comments in response to the request for public comments published in the Federal Register on January 17, 2013.

The Rail Labor Organizations support the Occupational Safety and Health Administration (OSHA)'s proposal to the Office of Management and Budget (OMB) that would modify the information collection requirement under various whistleblower statutes. We believe the proposal will provide workers with greater

flexibility and streamline the process for filing whistleblower complaints under the various statutes.

The Rail Labor Organizations support OSHA's proposal to revise the Information Collection Request (ICR) to include a new form, titled, "Notice of Whistleblower Complaint" (OSHA 8-60.1). This new form will provide additional methods for employees to submit complaints of retaliation directly to OSHA electronically 24-hours a day. The form can also be downloaded, printed, and submitted to OSHA by fax, mail or hand delivery. The adoption of such a new form will provide workers with an additional method of filing complaints, provide a level of uniformity to the complaint and information collection process, reduce the Agency's complaint processing time, and improve the quality of customer service the Agency provides to the public. The proposed form will also provide employees with a tool that will give them a better opportunity to file their complaints accurately and within the statutory filing deadlines.

The proposed information collection requirements are necessary for the proper performance of the Agency's functions and will streamline the complaint process by allowing for electronic submissions of complaints. The proposed "Whistleblower Complaint Form" is useful and necessary because dealing with a government agency is intimidating to many employees who have never done so before. Persons seeking to file a whistleblower complaint with OSHA have already faced some sort of reprisal in their workplace and need all the assistance they can find. A standardized form will also help ensure that all pertinent information necessary to initiate a complaint is submitted by the claimant. This will reduce the time currently spent by OSHA representatives ascertaining additional factual information about the initial complaint.

The Rail Labor Organizations believe that OSHA has accurately estimated the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used. We note that the adjustment increase is due to updated data showing an increase in the annual number of complaints filed rather than any increased time and cost burden per case filed. We believe that providing a uniform method of filing complaints electronically will actually reduce time and cost burdens on a per case basis.

This new form will reduce the paperwork burden for OSHA and employees, and make whistleblower reporting more consistent and efficient for the individuals involved. We believe that the quality, utility, and clarity of the information

collected is useful and appropriate for the intended purpose. We believe that the proposal to provide *additional methods* for filing whistleblower complaints, including electronic filing, minimizes the burden on individuals by formalizing the use of technological information collection and transmissions techniques.

In closing, the Rail Labor Organizations support the proposed revisions to the information collection (paperwork) requirements and respectfully request OMB approval.

Thank you for the opportunity to comment.

Respectfully submitted,



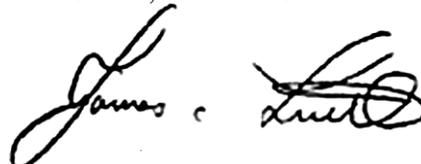
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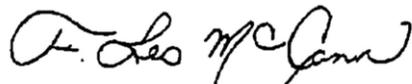
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