

October 26, 2011

The Honorable David Michaels
Assistant Secretary of Labor
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

Re: OSHA Proposed Rule Occupational Injury and Illness Recording and Reporting Requirements
Docket Number OSHA-2010-0019

Dear Dr. Michaels:

NUCA was established as a nonprofit construction trade association in 1964 and currently represents some of the leading utility construction and excavation contractors in the nation. On behalf of the members of NUCA, we appreciate the opportunity to submit the following comments in reference to proposed changes to OSHA 29 CFR 1904 - Recording and Reporting Occupational Injuries and Illness requirements.

This rule (29 CFR 1904) requires employers to record and report work-related fatalities, injuries and illnesses. Collecting this information in the private-sector allows agencies to calculate establishment-specific injury/illness rates and helps OSHA direct its programs and measure its own performance. This rule is supposed to help OSHA focus on specific activities that lead to employee fatalities, injuries and illness while helping inspectors direct their efforts to hazardous conditions. It is not meant to target specific companies, except maybe in the case of fatalities.

In response to these changes, the members of NUCA believe that the current recording and reporting requirements achieve the purpose for which they were established and will continue to do so. NUCA members believe the proposed changes are not necessary. Therefore, NUCA opposes the proposed changes to the Recording and Reporting Requirements.

The new rule will require reporting all in-patient hospitalizations within 8 hours of the incident, instead of the current requirement for three or more hospitalizations. This will further burden employers without significantly improving OSHA's ability to collect useful data. Employees are commonly hospitalized for evaluation of injuries including chest pain or mild concussions which are often not serious. Furthermore, the response time of medical personnel in many rural areas is comparably slower than in urban areas, leaving less time for accurate information to be collected and injuries to be investigated by the employer. The amount of time spent reporting these injuries would exceed OSHA's 15-minute estimate. The 8-hour reporting time-limit would make compliance difficult.

With respect to all amputations as severe injuries, NUCA also opposes the proposed requirement to report all amputations because they do not amount to a fatality or catastrophic event. The

current requirement to record amputations on the 301 or equivalent form and enter them into the 300 log is sufficient; there is no reason to require employers to report amputations to OSHA within 24 hours. Like the 8-hour reporting requirement of all hospitalizations, reporting amputations is time-consuming and would only further burden employers.

NUCA believes that OSHA has significantly underestimated the economic impact of obtaining injury information on a construction site which does not necessarily have an office. First, field personnel must stop what they are doing to collect information, which must then be transmitted to the company office where it must be reviewed and recorded. Along with the proposed additional requirements to report to OSHA, which could require hours of investigation to prepare for, the total time would easily exceed a mere 15 minutes.

In conclusion, NUCA members support the current reporting requirements, but recommend the reporting time for hospitalization of three or more employees be changed back to the previous twenty-four hour requirement. Requiring employers to report hospitalizations of any number of employees within eight hours as currently required is burdensome and does not guarantee the accuracy of the required information.

NUCA appreciates the opportunity to comment on the proposed changes to the existing rule. If you have any questions about these comments please feel free to contact me.

Sincerely,



George S. Kennedy, CSP
Vice President of Safety