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September 16, 2011

OSHA Docket Office
Docket Number OSHA-2010-0019
(RIN 1218-AC50)
U.S. Department of Labor
Room N-2625
200 Constitution Avenue, NW.
Washington, DC 20210

Re: Request for Comments on Docket Number OSHA–2010–0019, Occupational Injury and Illness Recording and Reporting Requirements – NAICS Update and Reporting Revisions

To Whom It May Concern:

Printing Industries of America appreciates the opportunity to submit comment on the proposal for Occupational Injury and Illness Recording and Reporting Requirements – NAICS Update and Reporting Revisions that was published in the June 22, 2011 Federal Register.

As background, Printing Industries of America is the world's largest graphic arts trade association representing the commercial lithographic printing industry with nearly 12,000 member companies. Over eighty percent of these companies are directly involved in commercial, digital and quick printing. The remaining twenty percent complement and provide a variety of services to those directly engaged in printing (e.g., prepress, bindery, fulfillment, and equipment manufacturers). In addition, the majority of the printer member companies are small businesses employing less than 20 employees.

After reviewing the focus and scope of the proposed rule Printing Industries of America finds that the proposal will clearly add a redundant level of administrative, technical and financial burden on many printing businesses with little or no appreciable benefit or improvement to employee safety.

It is important to understand that the Printing Industries of America supports the promotion and implementation of safety and compliance where applicable. However, several of the approaches taken by OSHA under this proposal would not be considered a purposeful effort to promote or sustain safety and health of employees and would result in an administrative burden to employers.

It is critical for printing industry employers to maintain diligence with regard to safety and health issues faced by their employees. However, the regulatory community must have realistic requirements and requests that address applicable and reasonable issues in order to achieve effective results.

The following are specific comments provided by Printing Industries of America in response to the request presented within the notice for proposed rule:

NAICS Codes and Partial Exemptions

The Printing Industries of America feels that because the industry has multiple segments and levels of operations that the partial exemptions should be based on the more detailed industry classifications indicated by the six-digit NAICS codes. For example, the 3-digit sector code for printing and related support activities (323) or even the 5-digit NAICS industry code for printing (32311) could encompass all printing types and sectors even though some sectors such as quick printing (323114) and digital (323115) would historically have a much lower average DART rate than compared to other related printing sectors and would qualify for the partial exemptions.

Reporting Revisions

Many of the case studies involving printing and previously used by OSHA describing amputations were found to be misleading as to the reason for the amputation and many occurred long after the incident occurred at the worksite. For example a case study indicated that an employees hand was crushed, not amputated, until undergoing repeated surgical procedures that ultimately resulted in the hand being amputated due to medical complications. The information was inconclusive as to whether the accident was the cause for the amputation or an infection to the wound that could not be controlled.

However, if amputations are to be included as a reporting requirement, a reasonable scope should only require reporting if the amputation occurs at the time of the incident or at most, at the initial diagnosis of the attending medical provider.

In addition, amputations appear no different than other similar injuries or afflictions such as a stroke, broken bone, or burn. Yet these other cases including amputations have never had the requirement of reporting in the past unless these cases involved 3 or more employees being sent to the hospital at one time. The current requirement clearly indicates the need for reporting because of the likelihood of a larger event or significant incident. However, in most cases, especially in the printing industry, singular cases are not associated with a significant event or high gravity situation. The proposed requirement to report on such singular events such as an amputation, demonstrates no benefit to safety or compliance actions by the employer.

Further, the proposed revision to require reporting if just one employee is hospitalized as an inpatient provides too broad of a requirement. For example, a company policy may require an employee get checked out by a medical professional for even a minor incident that occurs at work. As a precaution a medical provider recommends, but does not require that the employee stay over night for observation yet the employee opts to be admitted as an inpatient. All such minor incidents would now require the employer to more greatly monitor and follow the health care event farther than would be necessary only to determine if a report of the event needs to be made to OSHA and await a possible inspection.

Again, even though the printing industry experiences a relatively low number of such incidents, each one could now require an abundance of post monitoring and follow up efforts only to maintain an administrative requirement to the benefit of OSHA.

With respect to the action of making reports OSHA should allow and make considerations of all means available with today's technology including telephone, text, e-mail, fax, or through a web-based system.

The current reporting times and those proposed do not offer a realistic frame for such events fatalities and in patient hospitalization. Medical results and treatment diagnosis are more difficult to obtain by an employer in a timely manner due to a host of circumstances including patient privacy and communication delays between a patient and employer or medical provider and employer.

Types of Incidents

The Printing Industries of America feels that only those incidents that are considered major incidents as already defined and established in the current regulation as fatalities and inpatient hospitalizations of 3 or more employees as a result of a work related incident should be required for reporting. It is these type of incidence and not the singular related incidence that reflect the serious and broad nature and need for reporting.

With regard to the amputations that do not result in in-patient hospitalizations, under OSHA's definition of a reportable amputation, it is not known what sort of amputation could be experienced without a in-patient hospitalization. However, if such an amputation would occur and did not require an in-patient hospitalization it would be reasonable to assume that such an incident was not severe enough to require hospitalization and therefore should not be subject to a reporting requirement.

Further, Printing Industries of America does not feel that the reporting of enucleations would be appropriate under this proposal as the cause and circumstances surrounding these types of incidents are vast and may or may not be work related and in most cases within the printing industry would not be the result of a work related.

Impacts on Small Business

The printing industry consists of over 12,000 businesses. Over eighty percent of these facilities are small businesses employing less than 20 employees. The necessary oversight needed to monitor and track a diagnosis that may or may not result in an eventual amputation or in-patient hospitalization is beyond the resource capabilities of the average small commercial and digital printer.

Under this proposed rule the printing industry experience substantial amount of administrative time devoted to the monitoring, assessment and determination of medical results and final treatment outcomes which will result in substantial time requirements and indirect costs.

Conclusion

Printing Industries of America respectfully opposes OSHA's proposal of revising the Occupational Injury and Illness Recording and Reporting Requirements regarding the reporting of amputations and reducing the number of in-patient hospitalizations which will trigger a report requirement. We further encourage OSHA to consider using the 6-digit Nation Industry code to base future partial exemptions. Printing Industries of America feels it would be inappropriate for OSHA to proceed with the proposed rule in its present approach.

This proposal would pose a negative impact on the printing industry with little benefit or improvement in employee safety or employer compliance. As a strong supporter of safety efforts and initiatives the Printing Industries of America desires to see appropriate focus of regulatory requirements with regard to specific industry circumstances.

The Printing Industries of America and its membership would be pleased to participate in further discussions with regard to these issues and would urge additional dialog and investigation of the matter with respect to applicability.

Please contact me with any questions regarding these comments. I can be reached at rhartwig@printing.org or 412-259-1792.

Sincerely,



Frederick Hartwig
Manager, Environmental Health & Safety Affairs
Printing Industries of America