Pallone	Ryan (OH)	Thompson (CA)
Panetta	Sánchez	Thompson (MS)
Payne	Sarbanes	Titus
Pelosi	Schakowsky	Tonko
Perlmutter	Schiff	Torres
Peters	Schneider	Tsongas
Peterson	Schrader	Vargas
Pingree	Scott (VA)	Veasey
Pocan	Serrano	Vela
Polis	Sewell (AL)	Velázquez
Price (NC)	Shea-Porter	Visclosky
Quigley	Sherman	Walz
Raskin	Sires	Wasserman Schultz
Rice (NY)	Slaughter	Waters, Maxine
Richmond	Smith (WA)	Watson Coleman
Rosen	Soto	Welch
Roybal-Allard	Speier	Wilson (FL)
Ruiz	Suozzi	Yarmuth
Ruppersberger	Swalwell (CA)	
Rush	Takano	

NOT VOTING—15

Bass	Gabbard	Lieu, Ted
Cleaver	Green, Al	Marshall
Correa	Gutiérrez	O'Rourke
Costa	Himes	Pascrell
Duncan (TN)	Hudson	Scott, David

□ 1520

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. MARSHALL. Mr. Speaker, I was talking to constituents and reached a time when a very personal issue arose. Had I been present, I would have voted "yea" on rollcall No. 115 and "yea" on rollcall No. 116.

DISAPPROVING THE RULE SUBMITTED BY THE DEPARTMENT OF LABOR RELATING TO "CLARIFICATION OF EMPLOYER'S CONTINUING OBLIGATION TO MAKE AND MAINTAIN AN ACCURATE RECORD OF EACH RECORDABLE INJURY AND ILLNESS"

Mr. BYRNE. Mr. Speaker, pursuant to House Resolution 150, I call up the joint resolution (H.J. Res. 83) disapproving the rule submitted by the Department of Labor relating to "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness", and ask for its immediate consideration in the House.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 150, the joint resolution is considered read.

The text of the joint resolution is as follows:

H.J. RES. 83

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness" (published at 81 Fed. Reg. 91792 (December 19, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Alabama (Mr. BYRNE) and the gentleman from Virginia (Mr. SCOTT) each will control 30 minutes.

The Chair recognizes the gentleman from Alabama.

GENERAL LEAVE

Mr. BYRNE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.J. Res. 83.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. BYRNE. Mr. Speaker, I rise today in strong support of H.J. Res. 83, and I yield myself such time as I may consume.

Mr. Speaker, America's workers deserve responsible, commonsense, regulatory policies to ensure safe and healthy working conditions. Let me say that again. America's workers deserve responsible, commonsense regulatory policies to ensure safe and healthy working conditions.

They deserve a Federal Government that holds bad actors accountable, and a government that takes proactive steps to help employers improve safety protections and prevent injuries and illnesses before they occur. Just as importantly, they deserve to know that Federal agencies are following the law.

For years, Republicans have called on OSHA to reject a top-down approach to worker protections and, instead, collaborate with employers to identify gaps in safety and address the unique challenges facing workplaces.

Unfortunately, under the Obama administration, our concerns usually fell on deaf ears. In fact, one of the administration's parting gifts to workers and small businesses was a regulatory scheme that reflects not only a backwards, punitive approach to workplace safety, but one that is completely unlawful.

Here's why. Under the Occupational Safety and Health Act, employers have long been required to record injuries and illnesses and retain those records for 5 years. The law explicitly provides a 6-month window under which OSHA can issue citations to employers who fail to maintain proper records; 6 months. It is written in the law. This approach helps ensure workplace hazards are addressed in a timely manner.

However, in 2006, OSHA took action against Volks Constructors for recordkeeping errors that occurred well beyond what the law allows, well beyond 6 months. The errors were from nearly 5 years earlier. That is why a Federal appeals court unanimously rejected OSHA's overreach. The opinion for the Court stated: "We do not believe Congress expressly established a statute of limitations only to implicitly encourage the Secretary to ignore it." Even President Obama's Supreme Court nominee, Judge Garland, agreed OSHA's action was "not reasonable."

What came next was an outright power grab. OSHA decided to take its unlawful action one step further. This time it would not only ignore the law, but rewrite it. The agency finalized the "Volks" rule, unilaterally extending the statute of limitations from 6 months to 5 years. OSHA undertook for itself the power that only this Congress has to write laws.

The agency created significant regulatory confusion for small businesses. Many would likely face unwarranted litigation because of unlawful regulatory policies. Of course, further judicial scrutiny also means hardworking taxpayers will foot the bill when OSHA is forced to defend its lawless power grab once again.

Simply put, OSHA had no authority to do this. We have a Constitution that grants Congress, not Federal agencies, the power to write the law. But that is not the only reason we are here today. We are also here because this rule does nothing to improve workplace safety.

Maintaining injury and illness records is vitally important and can help enhance worker protections. But that is not the goal of this rule. This rule only serves to punish employers. As we have said repeatedly, OSHA should, instead, collaborate with employers to help them understand their legal responsibilities and ensure safe measures are in place to prevent workplace hazards in the future.

Fortunately, Congress has the authority to reject this failed approach to workplace safety and block an abuse of executive power that began under the Obama administration.

I urge my colleagues to support this resolution, and I hope we can all work together to encourage a more proactive approach that prevents injuries and illnesses from happening in the first place.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to H.J. Res. 83, the Congressional Review Act resolution of disapproval that will undermine workplace safety and health. It does so by overturning a clarifying rule issued by OSHA on December 9, 2016, to ensure accurate occupational injury and illness reporting.

Now, first of all, it is strange that we are reversing a rule through the Congressional Review Act that creates no new compliance or reporting obligation, imposes no new costs. It simply gives OSHA the tools to enforce an employer's continuing obligation to record injuries and illnesses.

Spurred by the court of appeals decision, which blocked OSHA from citing continuing violations outside the 6-month statute of limitations, OSHA updated its recordkeeping rule. This new rule makes it clear that employers have a continuing obligation to record serious injuries and illnesses on an OSHA Log if they failed to comply with the requirement to record the injury at the time the injury or illness occurred.

Since the enactment of OSHA in 1970, accurate data on workplace injuries and illnesses has been recognized as an

important tool for protecting worker safety and health.

Since 1972, employers in higher hazard industries have been required to record the occurrence of each serious occupational injury or illness within 7 days on a ''Log of Work-Related Injuries and Illnesses.''

□ 1530

An annual summary of this law must be posted for 3 months starting in February of each year in a conspicuous place where employees' frequent records must be kept for 5 years.

While most employers faithfully comply with OSHA's rules, there are a number of well-documented incentives for employers to underreport workplace injuries. These incentives include lower workers' compensation rates, more favorable treatment in public contracting, and a lower chance of having a future OSHA inspection.

Underreporting means that workplace hazards are masked, making it less likely that employers or employees become aware of patterns that would indicate the need to take corrective actions to prevent future injuries. If injuries and illnesses are not on the log, OSHA may overlook hazards at a worksite during an inspection and consequently leaving workers exposed to correctable dangers.

Mr. Speaker, because of underfunding, OSHA only has sufficient resources to inspect a workplace once every 140 years on average. So the likelihood that they might show up in the next 6 months is obviously remote. To be effective, OSHA must have reliable injury and illness data to target its scarce resources towards work sites where employees are facing the greatest dangers. Understated injury rates may mean that OSHA will bypass work sites that need to be inspected.

Without reliable recordable injury rates, private contractors and public sector officials will not be able to make sufficiently informed decisions when assessing the safety records of prospective contractors and subcontractors.

Mr. Speaker, OSHA's practice for the last 40 years and the decisions of the bipartisan and independent OSHA Review Commission have upheld the principle that every day an employer fails to record an injury was a continuing violation for the purpose of calculating time limits under OSHA's statute of limitations. That is not totally open-ended but limited to the 5-year requirement that employers are required to maintain these injury records.

In spite of this 40-year precedent, a 2012 D.C. Court of Appeals decision known as Volks Constructors upended the 40-year precedent when it held that OSHA did not have the authority to issue a citation for an occurrence of a violation that extended beyond the 6-month statute of limitations as set forth in OSHA. The court noted that OSHA's previous regulation provided for no specific articulated continuing obligation to record injuries beyond 7 days.

There was a concurrent opinion in the Volks decision which made it clear that a regulation, which expressly provides for an employer's continuing obligation, would be lawful.

Now, when you talk about what the court decided and what Mr. Garland wrote, that was on the previous regulation, not on this one.

Informed by the guidance of the court, OSHA has issued a new rule which does make it clear that an employer's duty to maintain an accurate record of workplace injuries and illnesses is, in fact, an ongoing obligation.

So let's be clear, eliminating this rule means that employers who want to underreport injuries will face no sanctions if the injuries go back more than 6 months. Rolling back this rule essentially creates a vast safe harbor for noncompliance and creates the perverse incentive for underreporting.

The premise behind the resolution today is that it is unlawful. If that is the case, Congress should repeal the regulation. But no court has reviewed this new rule, only the predecessor. There has been no appeal of the new rule that has been lodged since the new rule was issued in December.

The proper course of action is to have the courts decide the legal question since arguably they are in the best position to interpret the laws and evaluate the precedents. This especially makes sense since one of the concurring opinions in the Volks case identified abundant legal precedent for tolling the statute of limitations when there are continuing violations in other laws that are nearly identical to the reporting requirements in OSHA. These include the Consumer Credit Reporting Act and the Sex Offender Registration and Notification Act.

On the other hand, if the purpose of passing this resolution is just to eliminate the possibility of OSHA's clarifying rule could ever be found lawful, then it is obvious that H.J. Res. 83 is an ideological attack without any regard for consequences to worker safety.

On the other hand, if there is a bona fide view that OSHA lacks the adequate legal basis for the rule, then the constructive solution would be to amend OSHA and provide for the clarifying statutory authority. We should not be repealing the rule because we know what happens when this deterrent is eliminated. After OSHA lost its authority to enforce the violations outside the 6-month window under the Volks decision, there was a 75 percent reduction in the number of citations issued for underreporting, and that is according to OSHA data.

So, Mr. Speaker, there has been no hearing held on this final rule or this resolution. There has been no assessment of the consequences of underreporting of injuries which will occur if this resolution is adopted, and there has been no evaluation of any alternative way to ensure accountability for employers who flout the law. There has just been a headlong rush to push this resolution to the floor just a few days after its filing.

So given the complete lack of deliberation regarding this new rule, this Congressional Review Act resolution is premature, at best, but it will definitely have regrettable consequences to the health and safety of the people that we are charged to protect.

Mr. Speaker, I urge a ''no'' vote.

I reserve the balance of my time.

Mr. BYRNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to read very briefly a quote from the court's decision: ''We find this statute to be clear and the agency's interpretation unreasonable in any event''—in any event.

There is no way to rewrite this regulation to comply with the law that is clear. There is no way for the agency's interpretation to become reasonable. It is unreasonable according to the court in any event.

My friend from Virginia talked about the fact that OSHA just updated the regulation to impose a continuing obligation. OSHA does not have that authority. Only this Congress has that authority. No agency can unilaterally decide to change a statutory provision that the court has said is clear. He said this applies to only a few categories of employers. It applies to nearly every category of employers that has 10 employees or more. So you could have an employer with 50 employees, and they are subject to this regulation. This applies to virtually any employer.

OSHA has 6 months to enforce this law—6 months—from any violation. Now, why 6 months? Because it is important to investigate these things quickly and determine whether there has been a violation because things get lost and people leave their employment. Congress made the decision for 6 months because that was a period of time in which OSHA could perform its duties reasonably, and we could get justice the way it ought to be done.

We can amend OSHA, but we have not chosen to do so. Until this Congress chooses to change OSHA, the agency has to comply with the clear wording of the statute as it has been passed by this Congress. The agency does not have the right to do this. It would be a waste of taxpayer money and time to force an employer to go challenge this in court when we already know what the result is going to be. It is not up to the committee or to the Congress to go back and review an agency interpretation we know, as a matter of law, is wrong.

So this is a responsible act to take, and I would suggest to the agency and to my fellow Members of Congress that if we want to reconsider a statute of limitations we do it on this floor and not in that agency.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from

North Carolina (Ms. FOXX) who is the chairwoman of our committee.

Ms. FOXX. Mr. Speaker, I want to thank my colleague from Alabama for his able testimony in regard to this resolution.

I rise today in support of this resolution because it will reverse an unlawful power grab and restore responsible worker health and safety policies.

Article I of the Constitution is clear. It is the Members of this body—the legislative branch—who write the law. Why? Because we are closest to the people and, therefore, more responsive to the needs and demands of those we serve.

It is the responsibility of the executive branch to enforce the laws—not write them. Unfortunately, the previous administration failed to abide by this founding principle. President Obama boasted about his days teaching constitutional law, yet his administration tried time and time again to rewrite the law unilaterally through executive fiat.

The Volks rule is just one example of this unprecedented overreach. Under Occupational Safety and Health Act regulations, employers are required to record injuries and illnesses and retain those records for 5 years. This information has long been used by safety inspectors and employers to identify gaps in safety and enhance protections for workers.

To ensure hazards are addressed in a timely manner, the law explicitly provides a 6-month window under which an employer can be cited for failing to keep proper records—6 months. But never one to let the law stand in the way of its partisan agenda, the Obama administration decided to unfairly target a Louisiana construction company for recordkeeping errors from nearly 5 years earlier.

That's right, 5 years. Not even remotely close to what the law passed by Congress permits. The consequences of this unlawful power grab were predictable. Employers large and small faced significant regulatory confusion and legal uncertainty. Fortunately, a Federal appeals court unanimously struck down this power grab as my colleague from Alabama has cited. Even President Obama's nominee for the Supreme Court, Judge Merrick Garland, referred to OSHA's action as unreasonable.

How did the Obama administration respond to this judicial rebuke? It completely ignored the court's ruling. The agency doubled down on its abuse of power and tried to rewrite the law extending the threat of penalty from 6 months to 5 years.

Again, it is Congress that writes laws, not government agencies. That is precisely why we must support this resolution. By supporting H.J. Res. 83, we will provide more certainty for small businesses and uphold the rule of law. Just as importantly, we must demand a better approach to worker health and safety. To be clear, this rule does nothing—I repeat nothing—to improve the health and safety of America's workers.

Instead of shaming employers, OSHA should collaborate with employers and develop a proactive approach that will keep workers safe. That is exactly what Republicans have demanded for years, and we will continue to demand so in the years ahead no matter which party has the Presidency.

As my colleague from Alabama has said, this is exactly the appropriate way to block this unlawful rule, not only because the agency has no authority to do what it did, but because it is why we have the CRA.

Mr. Speaker, I urge my colleagues to block an unlawful rule by voting in favor of H.J. Res. 83. I wish to thank the chairman of the Workforce Protections Subcommittee, Representative BYRNE, for his leadership on this important issue.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, prior to yielding, I just want to make a comment that the court struck down the previous rule, not the rule which is the subject of this resolution. The previous rule did not have a specific citation about a continuing obligation. This rule does. The excerpts from the Garland concurring decision says:

None of this is to say, as the petitioner suggests in its opening brief, that a statute of limitations like OSHA's statute of limitations can never admit to a continuing violation for a failure to act. To the contrary, where a regulation or statute imposes a continuing obligation to act, a party can continue to violate it until that obligation is satisfied.

This regulation specifically cites the obligation as a continuing obligation.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON LEE).

□ 1545

Ms. JACKSON LEE. Let me thank the gentleman for his very astute argument and his leadership on the committee.

I am going to narrow my argument to, I think, very realistic questions about whether or not we are procedurally in the context of overruling the OSHA decision out of the Federal courts or whether or not this is really a question of do we want to protect the rights of American workers and protect them from the years of injuries that preceded the establishment of OSHA. I want to fall on the side of the American worker.

Let me be very clear what we are talking about today. The ruling that we are speaking about went against 40 years of precedence in reporting workplace safety violations. Since 1972, every administration has maintained that the 5-year retention period for recording work-related injuries, illnesses, or death is standard practice. This DOL rule was simply put in place to codify and create some consistency that will benefit both employers and employees.

Thank you, President Obama, who recognized that it is not the Member of Congress who may slip on a rug in their privileged manner of coming to this august body and voting, but it is, in fact, the workers who come every day and pick up your garbage, the sanitation workers, the same workers that Dr. King went to Memphis to stand up for and the individuals who, because of their work, are susceptible to injuries more often than not.

Individuals who work in construction, who help build our houses and hospitals and tall skyscrapers, what excuse can we give for not maintaining the standards of keeping and reporting those injuries for a period of 5 years and the retention of such? Or those who work, for example, in the area of railroads, railroad beds and railroad sites—hard labor. Or those who work at our ports—hard labor.

So I rise to oppose disapproving the rule submitted by the Department of Labor regarding OSHA, and I do so for the men and women who do the heavy lifting.

I include in the RECORD a letter from AFSCME, which represents municipal and county workers across America, establishing why we should vote "no" on this.

AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL–CIO,
Washington, DC, February 28, 2017.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.6 million members of the American Federation of State, County and Municipal Employees (AFSCME), I'm writing to urge you to oppose H.J. Res. 83, which would abolish an Occupational Safety and Health Administration (OSHA) rule that clarifies an employer's responsibility to maintain accurate records of serious work-related injuries and illnesses.

The new OSHA rule creates NO new compliance or reporting obligations and imposes no new costs on employers.

The 1970 law creating OSHA explicitly directed the agency to "prescribe regulations requiring employers to maintain accurate records of and to make periodic reports on, work-related deaths, injuries and illnesses other than minor injuries . . . ." Since the first recordkeeping regulations issued in 1972, OSHA has required employers to record workplace injuries on an "OSHA log" within seven days of the injury and to maintain the records of the log and annual summary of the log for five years. Every Republican and Democratic administration since 1972 has interpreted this employer obligation to make and maintain accurate records to be ongoing from the date of the injury or illness until the five-year retention period expires. OSHA issued this clarifying regulation in December 2016 in response to a court decision that dramatically limited OSHA's enforcement of injury recordkeeping regulation to a six-month period. OSHA's clarifying rule simply restores the standard to one employers have known and complied with for 45 years.

H.J. Res. 83 would strip OSHA of its enforcement authority and harm workplace safety.

Passage of this Congressional Review Act Resolution of Disapproval would enable employers who deliberately and recklessly break the law to avoid any penalties for systemically failing to report or underreporting

injuries over many years. They would be able to cover up or mask longstanding workplace hazards that need correcting. OSHA has limited resources and, on average, can inspect a workplace once every 140 years. OSHA relies upon reliable injury and illness data to prioritize its resources to those workplaces that present the greatest hazards to workers. H.J. Res. 83 would remove OSHA's enforcement ability to protect workers from the most dangerous and significant hazards.

Workplace injuries are real. Last year, a GAO report found workplace violence is a serious concern for the approximately 15 million health care workers in the United States, but the full extent of injuries that are the result of workplace violence is unknown because of underreporting. Accurate reporting would help OSHA, employers, workers and their representatives respond more effectively to this prevalent workplace hazard. H.J. Res. 83 would jeopardize the progress that could be made on workplace violence and other workplace injuries by blocking this basic reporting and recordkeeping rule or a similar rule in the future.

We oppose H.R. Res. 83 and urge you to stand with workers by rejecting this resolution.

Sincerely,

SCOTT FREY,
Director of Federal Government Affairs.

Ms. JACKSON LEE. H.J. Res. 83 is wrong. It is wrong because it goes against the hardworking people.

I also include in the RECORD, Mr. Speaker, a letter from the International Brotherhood of Teamsters disapproving of H.J. Res. 83.

INTERNATIONAL BROTHERHOOD
OF TEAMSTERS,
Washington, DC, February 27, 2017.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: On behalf of the 1.4 million members of the International Brotherhood of Teamsters, I urge you to oppose H.J. Res. 83, disapproving the rule submitted by the Department of Labor relating to "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness." Disapproving this rule would undermine safety in some of the nation's most dangerous industries, many of which employ Teamsters.

The rule does not impose new costs on employers and simply reaffirms OSHA's ability to enforce injury and illness recordkeeping. This rule became necessary when a 2012 court decision overturned policy that had been in place for 40 years by limiting enforcement of OSHA's injury recordkeeping regulations to a six month period. OSHA publishes the data that it collects from employers on worksite injury and illness which is then utilized by employers, unions, and workers to identify and fix workplace hazards. With limited resources, OSHA also utilizes the data to target its enforcement and compliance activities to the most dangerous workplaces thus making it essential that OSHA have accurate information. With under-reporting of injury and illness data already a major issue, it makes no sense to effectively strip OSHA of its ability to enforce reporting requirements as this ultimately impacts workplace safety. Congress should be working to improve work place safety not undermine it, and voting for H.J. Res 83 will ultimately harm working men and women.

I urge you to oppose H.J. Res. 83 to protect OSHA's ability to enforce accurate injury and illness reporting and to ensure workers have a safe and healthy workplace.

Sincerely,

JAMES P. HOFFA,
General President.

Ms. JACKSON LEE. Mr. Speaker, I stand with the workers.

Mr. Speaker, I rise in strong opposition to H.J. Res. 83, a resolution "Disapproving Department of Labor Rule Relating to Clarification of Employer's Continuing Obligation to Make And Maintain an Accurate Record of Each Recordable Injury And Illness."

I oppose this bill because it will harm workers who depend on the Occupation Health and Safety Administration to ensure that their workplaces are safe. H.J. Res. 83 will undermine workplace health and safety and make it impossible for OSHA to ensure that injury and illness records are complete and accurate.

Accurate records are needed to ensure OSHA focuses its limited resources on the nation's most dangerous workplaces, instead of wasting time in workplaces with low risk.

The Department of Labor rule at issue here does not create any new obligations.

OSHA has enforced injury recordkeeping requirements by reviewing the last five years of an employer's records throughout its entire history, under every administration.

In 2012, a court decision limited enforcement of OSHA's injury recordkeeping regulations to a six month period—a dramatic departure from the last OSHA's 40 year policy and practice.

The 2016 rule simply allows OSHA to continue this practice.

Mr. Speaker, complete and accurate information on work-related injuries and illnesses is important.

The Occupational Safety and Health Act of 1970 directs the Secretary of Labor to "prescribe regulations requiring employers to maintain accurate records of, and make periodic reports on, work-related deaths, injuries and illnesses other than minor injuries."

Since the early 1970's, OSHA has required construction employers to keep these records.

The records are used by employers, workers, and unions at the workplace to identify hazardous conditions, and take corrective action to prevent future injuries and exposures.

Both positive and negative injury trends are tracked on a national scale, allowing limited prevention resources to be targeted effectively.

Most importantly, OSHA relies on the records to target its enforcement and compliance assistance activities to dangerous workplaces.

No employer, union, or individual could possibly want OSHA inspecting safe workplaces rather than hazardous ones, but without accurate information, this will happen.

Disapproval of the new rule puts construction workers lives in danger.

Without the new rule, it will be impossible for OSHA to effectively enforce recordkeeping requirements and assure that injury and illness records are complete and accurate.

Underreporting of injuries and illnesses is already a huge problem, and without enforcement, this will get much worse.

It will undermine safety and health and put workers in danger.

I strongly oppose H.J. Res. 83 and urge all Members to vote against this ill-conceived and unwise legislation.

Mr. BYRNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Virginia referred to continuing violations. There is no provision in this law for continuing violations.

Looking again at the court's decision. They said this: the statute of limitation provides that "no citation may be issued . . . after the expiration of six months following the occurrence of any violation."

They go on to say this: "Like the Supreme Court, we think the word 'occurrence' clearly refers to a discrete antecedent event—something that 'happened' or 'came to pass' 'in the past.'"

By any common definition, there was no occurrence; i.e., no discrete action, event, or incident, no coming about, and no process of happening within the requisite 6 months. You can't take that wording and slip into it a continuing violation requirement unless you change the statute. The agency can't change the statute.

The court, in its decision on the Volks rule, also looked at something very important, and that is: Why do we require this agency to do its work in a good period of time?

It says: "Nothing in this statute suggests Congress sought to endow this bureaucracy with the power to hold a discrete record-making violation over employers for years, and then cite the employer long after the opportunity to actually improve the workplace has passed."

In other words, we gave the agency 6 months to do its job, and it should do its job.

Now, other people have looked at this, people who are experts in workplace safety. I refer you, Mr. Speaker, to a letter that was written on October 27, 2015, by the American Society of Safety Engineers, which I include in the RECORD.

AMERICAN SOCIETY OF
SAFETY ENGINEERS,
Park Ridge, IL, October 27, 2015.

Re ASSE Comments on OSHA Notice of Proposed Rule Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness [Docket No: OSHA–2015–0006].

Hon. DAVID MICHAELS,
Assistant Secretary, Occupational Safety and Health Administration, OSHA Docket Office, U.S. Department of Labor, Washington, DC.

DEAR ASSISTANT SECRETARY MICHAELS: As you well know, the more than 37,000 member safety, health and environmental (SH&E) professionals of the American Society of Safety Engineers (ASSE) intimately know the details of collecting workplace injury and illness data, recording that data for employers, and the careful work needed to report that data to the Occupational Safety and Health Administration (OSHA). Perhaps more than any stakeholders, our members understand the value of this data in managing workplace safety and health risks as well as its appropriate use by OSHA in developing better means to focus the agency's resources on the most difficult risks facing American workers. Our members use injury and illness data to help them protect workers. They expect no less of an effective OSHA.

That being said, ASSE cannot support the requirement that employers have a duty to record an injury or illness continues for the full duration of the record-retention-and-access period—five years after the end of the

calendar year in which the injury or illness became recordable—that OSHA proposes in its July 29, 2015 Notice of Proposed Rulemaking (NPR) Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness [Docket No: OSHA–2015–0006]. ASSE respectfully opposes the adoption of a Final Rule as proposed in this rulemaking for the reasons that follow.

NATURE OF VIOLATIONS

ASSE members do not look at the issues raised in this rulemaking with the same viewpoint of the occupational safety and health bar that, no doubt, will provide substantive legal arguments against the case OSHA makes for addressing the Volks II decision through this rulemaking. Rather, our members' view is a practical one that comes from years of experience on the job as the professionals charged with meeting OSHA's recordkeeping requirements.

Our members know the inadvertent mistakes they themselves can make in recordkeeping and reporting. They also know what they typically find when they are hired by a company to help improve workplace safety and health. As they assess the workplace's risks and past safety performance to help them develop safety and health management plans, the reporting mistakes our members typically find are not very often the worst cases that, unfortunately, seem to be creating this rulemaking. The errors in reporting they see are, by far, minor, isolated, and, if continuing, it is only in the sense that a typo can be repeated day after day.

They also see mistakes that come from a widespread lack of understanding of OSHA's detailed reporting requirements. When seasoned safety and health professionals consistently use ASSE's educational conferences, our social media, and opportunities to meet with OSHA staff through the ASSE-OSHA Alliance to get the best and latest information about OSHA recordkeeping requirements, we know that, even for them, the task of meeting those requirements can be too often confusing. Given that the vast majority of employers report to OSHA without the help of a safety and health professional, it is not difficult to see that the significant increase in records retention that OSHA is attempting to require of employers here will not succeed in a significant impact on safety and health among American workers.

UNINTENDED CONSEQUENCES

No reporting error is excusable. But a company's errors to which OSHA is determined to have access to for a period that can be up to six years through this rulemaking will not very often correlate to the risks facing workers, especially the risks a safety and health professional is trying to address for the company in the present. The statements OSHA makes about the value of data collected through current injury and illness recordkeeping are merely conclusory and are counter to our members' experience.

Measured against our members' belief that the additional data will provide little help to them or OSHA, they are particularly concerned that this rulemaking can only succeed in driving more employers towards greater expectations that safety and health professionals will focus energy and resources on collecting and reporting the lagging indicators that OSHA requires, taking them away from risk assessment and management tasks and their efforts to move their employers towards performance measurements based on leading indicators that we know can better measure a company's safety and health performance.

Many of our members, especially those who work in or for mid-sized and small companies, face a difficult uphill climb in selling their employers risk management and moving from lagging to leading indicates. We know OSHA values these approaches also. But when OSHA uses its limited resources to focus on measures that do not reflect cutting-edge safety principles and push our members' efforts backwards, OSHA is making their job more difficult. Our members value OSHA but want an OSHA that works with them to advance the best ideas for advancing workplace safety and health. Requiring this data to be available for OSHA's use for nearly six years does not meet our members' hope for an effective OSHA.

DIRECT BURDEN

ASSE is also concerned that the OSHA's estimates of the direct burden this rulemaking will place on employers are inadequate. The economic analysis states that there will not be a new cost burden. This was based on a 2001 analysis that it takes 0.38 hour to record an injury or illness, with a total cost per case of $17.75. From an informal survey of involved ASSE members, a more realistic estimate is that an hour is needed for each case over the five-year period, taking into account the variety of tasks involved, including determining if there was medical treatment beyond first aid, verifying lost and restricted day counts, and adjusting for changes in the status of a case. An updated economic analysis is needed, which we urge OSHA to conduct before a Final Rule is proposed.

A MEASURE OF THE PROBLEM

Related to our members' concern over the rulemaking's direct burdens on employers is OSHA's failure to discuss in the NPR why OSHA faces such difficulty in obtaining adequate data from employers. No doubt, employers are responsible for meeting OSHA's reporting requirements. Our members suspect that OSHA's reporting rules and. deadlines are not effective and cost employers unnecessarily.

Before requiring more extensive reporting, it would be helpful both to OSHA and the safety and health community to know more about why employers do not report. How many employers blatantly disregard the requirements and how many are simply making errors? What do employers and their workers not understand about the requirements? What training or level of expertise would help fill the gaps in reporting that OSHA believes exist? We urge OSHA to examine these issues as an. extension of its economic analysis. With more knowledge, there may be better ways to address recordkeeping that can support better employer reporting.

CONCLUSION

As we say above, our members want a strong and effective OSHA, But their view of an effective OSHA is an OSHA that can embrace the best our members already understand about how to achieve safe and healthy workplaces. An OSHA injury and illness prevention plan standard that is truly risk-based would help make OSHA more effective. Greater reliance on control banding to achieve better protection limits, as we have recently suggested to OSHA, would. Establishing professional competencies to define "competent person" in OSHA standards would. Finding a better way to update consensus standards in OSHA's standards would. Rethinking OSHA's reporting requirements to help move employers towards leading indicators and more advanced ways to measure safety performance certainly would. The areas where OSHA and our members agree on making OSHA more effective are many. Adding lengthier reporting burdens that will do little to help OSHA, employers or occupational safety and health professionals better manage workplace safety and health will not.

As always, ASSE is more than willing to discuss these concerns further. Thank you for listening to our members' views.

Sincerely,

MICHAEL BELCHER, CSP,
President.

Mr. BYRNE. What it says is that this regulation does nothing to enhance workplace safety. That is from the American Society of Safety Engineers.

Also opposing this regulation is the Coalition for Workplace Safety. I include in the RECORD a letter from them dated February 17 of this year.

COALITION FOR WORKPLACE SAFETY,
February 17, 2017.

Hon. PAUL RYAN
Speaker, House of Representatives,
Washington, DC.
Hon. KEVIN MCCARTHY,
Majority Leader, House of Representatives,
Washington, DC.
Hon. STEVE SCALISE,
Majority Whip, House of Representatives,
Washington, DC.
Hon. VIRGINIA FOXX,
Chairwoman, Committee on Education & the Workforce, Washington, DC.
Hon. BRADLEY BYRNE,
Chairman, Subcommittee on Workforce Protections, Washington, DC.

DEAR SPEAKER RYAN, MAJORITY LEADER MCCARTHY, MAJORITY WHIP SCALISE, CHAIRWOMAN FOXX, AND CHAIRMAN BYRNE: The undersigned groups strongly urge you to introduce and move a Congressional Review Act (CRA) joint resolution of disapproval to invalidate the Obama Administration's OSHA regulation overturning the decision in Volks regarding the statute of limitations for recordkeeping violations.

At its core, the Volks Rule is an extreme abuse of authority by a federal agency that will subject millions of American businesses to citations for paperwork violations, while doing nothing to improve worker health and safety. Finalized on December 19, 2016, the rule attempts to extend to five years the explicit six month statute of limitations on recordkeeping violations in the Occupational Safety and Health (OSH) Act of 1970. This regulation simultaneously represents one of the most egregious end runs around Congress' power to write the laws and a clear challenge to the judicial branch's authority to prevent an agency from exceeding its authority to interpret the law.

In 2012, citing the unambiguous language in the OSH Act, the U.S. Court of Appeals for the District of Columbia held that OSHA could not sustain citations against an employer for alleged recordkeeping violations that occurred more than six months before the issuance of the citation because, as the employer asserted, they were outside the six month statute of limitations set forth in the OSH Act. The court was unequivocal in its rebuke of OSHA. Judge Janice Rogers Brown expressed particular concern on the issue of the agency's overstepping its authority: "we were rightly troubled by the notion of being asked by an agency to expand that agency's enforcement authority when Congress had evidently not seen fit to do so." Judge Merrick Garland, in his concurrence, plainly rejected OSHA's rationale for issuing the fines, "the Secretary's contention—that the regulations that Volks was cited for violating support a 'continuing violation' theory—is not reasonable." The Volks decision has since been endorsed by the Fifth Circuit in the Delek decision, issued in December 2016, where the court found "its reasoning persuasive."

In response to the Court of Appeals ruling, OSHA promulgated this regulation specifically to negate the Volks case ruling and extend liability for paperwork violations beyond the six month window permitted under the Act. OSHA issued the final rule in the waning days of President Obama's Administration with an effective date of January 19, 2017. Although the regulation was issued in December, it was not submitted to Congress until January 4, meaning that the window for CRA consideration is for a regulation that has just been issued, and is therefore shorter than if it was being considered under the "reset" provisions of the CRA.

We urge you to help put a stop to OSHA's abuse of its authority and support swift passage of a joint resolution of disapproval for this burdensome, unlawful rule. Because the final rule directly contradicts both clear statutory language and two U.S. Courts of Appeals rulings, it must not be allowed to stand.

Thank you for your consideration of this request and for your continued efforts to rein in agency overreach and reduce the regulatory burden on America's job creators.

Sincerely,

Air Conditioning Contractors of America; American Bakers Association; American Coke and Coal Chemicals Institute; American Composites Manufacturers Association; American Farm Bureau Federation; American Feed Industry Association; American Foundry Society; American Fuel and Petrochemical Manufacturers; American Health Care Association; American Iron and Steel Institute; American Road and Transportation Builders Association; American Society of Concrete Contractors; American Subcontractors Association, Inc.; American Supply Association; American Trucking Associations.

Asphalt Roofing Manufacturers Association; Associated Builders and Contractors; Associated General Contractors; Associated Wire Rope Fabricators; Copper & Brass Fabricators Council, Inc.; Corn Refiners Association; Distribution Contractors Association; Flexible Packaging Association; Global Cold Chain Alliance; Independent Electrical Contractors; Industrial Minerals Association—North America; Institute of Makers of Explosives; International Dairy Foods Association; International Foodservice Distributors Association; International Franchise Association.

International Warehouse Logistics Association; IPC-Association Connecting Electronics Industries; Leading Builders of America; Mason Contractors Association of America; Mechanical Contractors Association of America; Mike Ray; Motor & Equipment Manufacturers Association; National Association for Surface Finishing; National Association of Home Builders; National Association of Manufacturers; National Association of Professional Employer Organizations; National Association of the Remodeling Industry; National Association of Wholesaler-Distributors; National Automobile Dealers Association; National Center for Assisted Living; National Chicken Council.

National Cotton Ginners' Association; National Demolition Association; National Electrical Contractors Association; National Federation of Independent Business; National Grain and Feed Association; National Lumber and Building Material Dealers Association; National Oilseed Processors Association; National Restaurant Association; National Retail Federation; National Roofing Contractors Association; National School Transportation Association; National Tooling and Machining Association; National Turkey Federation; National Utility Contractors Association; Non-Ferrous Founders' Society; North American Die Casting Association; North American Meat Institute.

Plastics Industry Association (PLASTICS); Power and Communication Contractors Association; Precision Machined Products Association; Precision Metalforming Association; Printing Industries of America; Retail Industry Leaders Association; Sheet Metal and Air Conditioning Contractors National Association; Shipbuilders Council of America; Southeastern Cotton Ginners Association, Inc.; Texas Cotton Ginners' Association; The Association of Union Constructors (TAUC); Thomas W. Lawrence, Jr.—Safety and Compliance Management; Tile Roofing Institute; Tree Care Industry Association; TRSA—The Linen, Uniform and Facility Services Association; U.S. Chamber of Commerce; U.S. Poultry & Egg Association.

Mr. BYRNE. To the point, there is nothing in this statute that allows for continuing violations, and there is nothing in this regulation that provides for workplace safety. This is a power grab by an agency in violation of its authorizing statute and by a clear decision of this circuit court of appeals.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume before I yield to the gentleman from Florida.

The law requires the keeping the records for 5 years. If there are bogus records, you ought to have an obligation to keep them correct. That has been the interpretation for 40 years, up until this decision.

We need the money to do their job. If they do their job, if we provide them with some funding, they can show up more than once every 140-some years.

We keep talking about a court decision that affected another resolution, not this one.

Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. SOTO).

Mr. SOTO. Mr. Speaker, this is a simple issue: Do we want to make workplaces safer? Do we want to keep workers from getting hurt on the job? Of course, we do.

In order to protect workers, we need good data on where injuries are happening so we can work with employers to stop them.

Sometimes the other side says commonsense protections like this are too expensive or they kill jobs or they stifle innovation. None of those is even remotely true here.

The protections this resolution would take away cost nothing. Responsible employers are already keeping these records. That is why the coalition opposing this resolution includes workers rights advocates and a whole lot of other folks like public health practitioners. These are not political people. These are just people who work every day to help Americans lead safe, healthy lives.

This is not about President Obama or power grabs. It is about protecting the American worker.

The 6-month period is a setup which will lead to less enforcement. Rather than eliminating the rule, let's codify it and use the information we collect to continue to evolve our laws to protect workers.

I urge my colleagues to vote "no."

Mr. BYRNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would remind the gentleman that the experts on this, the American Society of Safety Engineers, have said that this regulation does not enhance workplace safety. So if we are about workplace safety, this regulation isn't it. Let's talk about something that will help with workplace safety, not something that is a lawless power grab by a Federal agency.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. TAKANO), a hardworking member of the Committee on Education and the Workforce.

Mr. TAKANO. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise today in opposition to rolling back workplace safety protections for American workers. This use of the Congressional Review Act would endanger employees and throw away four decades of precedent for the sole purpose of protecting companies that repeatedly violate safety standards.

The Occupational Safety and Health Administration, commonly known as OSHA, is among the best tools we have to ensure that companies adhere to basic safety standards. Because the agency's budget is so small compared to its critical task, OSHA relies on accurate data to focus on the companies that pose the greatest danger to employees.

The previous administration sought to clarify and codify the responsibility companies have to maintain an honest record of their employees' injuries and illnesses. This resolution would undermine OSHA's ability to target serial offenders by removing companies' obligation to keep reliable data about safety issues in the workplace. If passed into law, the resolution would essentially grant amnesty to companies with years of workplace safety violations, while sending a clear message to employers that the Federal Government is no longer committed to worker safety.

Mr. Speaker, I have asked the question many times since the President took office, and I will ask it again today: How does this give power back to the people? How does undermining workplace safety regulations support middle class Americans? How does protecting companies that repeatedly violate safety standards improve the life of workers? The answer is that it doesn't.

I call on my colleagues to stand with working Americans who deserve a safe workplace and vote "no" on this resolution.

Mr. Speaker, I include in the RECORD a letter from the UAW opposing the repeal of this rule and also a letter from National Nurses United in opposition to H.J. Res. 83.

UAW,
February 28, 2017.

DEAR REPRESENTATIVES: On behalf of the more than one million active and retired members of the International Union, United Automobile, Aerospace and Agricultural Implement Workers of America, UAW, we strongly urge you to oppose H.J. Res 83. This misguided resolution undermines workplace health and safety standards in the most dangerous industries. The proposed legislation will make it much harder for the Occupation Safety and Health Administration (OSHA) to ensure the safety and health of America's workers.

Since the early 1970s, OSHA has required employers to maintain a safety record for five years and make reports to the Department of Labor (DOL). These records are used by workers and employers to identify hazards, fix them, and most importantly, keep accidents from happening in the future. DOL utilizes these records to publish statistics on workplace injury and illness rates and OSHA relies on them to allocate scarce resources.

OSHA issued the recordkeeping rule to clarify an employer's responsibility to maintain a safe workplace. The rule does not impose any new costs or obligations on employers and only covers larger businesses with the most high risk occupations.

Accurate injury and illness records are critically important for workers and their families. Having the necessary tools to collect complete and accurate data on work-related injuries and illnesses is a key component in reducing, mitigating, and eliminating hazards and deaths in the workplace.

Historically, OSHA has assessed and enforced injury recordkeeping requirements under every administration. In turn, workers in America have enjoyed a much safer work environment. We must not take away or reduce OSHA's role in improving health and safety conditions for workers and we must ensure the accuracy of the reporting requirements. Tremendous gains have been made in workplace hazard reporting. We cannot go backwards.

The UAW members have a long and storied history of securing workplace protections for all of America's workers. This bill undermines those gains and more than 40 years of solid science and practice.

We urge you to resoundingly reject H.J. Res 83 and vote No when it comes to the floor.

Sincerely,

JOSH NASSAR,
Legislative Director.

NATIONAL NURSES UNITED,
February 27, 2017.

Re Letter in Opposition to H.J. Res. 83, Congressional Review Act Resolution to Block OSHA Injury and Illness Recordkeeping Clarification Rule.

Hon. VIRGINIA FOXX,
Chair, Committee on Education and the Workforce, House of Representatives, Washington, DC.
Hon. ROBERT SCOTT,
Ranking Member, Committee on Education and the Workforce, House of Representatives, Washington, DC.

DEAR CHAIRWOMAN FOXX AND RANKING MEMBER SCOTT: On behalf of over 150,000 members across the country and as the largest organization representing registered nurses in the United States, National Nurses United (NNU) urges you to oppose H.J. Res. 83, which would block the Occupational Safety and Health Administration's (OSHA) final rule clarifying employers' continuing obligations to record workplace injuries and illnesses. By revoking OSHA's authority to enforce recordkeeping requirements, this Congressional Review Act (CRA) resolution denudes the agency of the tools necessary to identify and target patterns of workplace hazards. These recordkeeping requirements are fundamental to OSHA's ability to protect workers from job-related health and safety hazards. But H.J. Res. 83 would leave OSHA with no functional mechanism to protect workers from longstanding workplace hazards—health and safety dangers on the job would go undisclosed and uncorrected. Congress must oppose this GRA resolution lest it place the health and safety of workers in serious jeopardy.

The published final rule, known as the "Volks Rule," is a common-sense measure meant to align OSHA regulations with its 40-year-long practice of enforcing employer injury and illness recordkeeping requirements as continuing violations under of the Occupational Safety and Health Act of 1970 (OSH Act). Under the OSH Act, Congress authorized OSHA to promulgate rules requiring employers to maintain accurate records of workplace injuries and illnesses. Since 1972, under multiple Republican and Democratic Administrations, OSHA has required most employers to make and maintain records of workplace injuries and illnesses for five years from the date of the injury or illness. Each OSHA Administration has determined that the five-year record maintenance requirements were continuing obligations of employers and that OSHA citations could be issued if a violation were identified any time within that five-year period. But a 2012 decision by the D.C. Circuit Court of Appeals in Volks Constructors v. Secretary of Labor held that OSHA could not issue a recordkeeping citation beyond a six-month period despite the long-standing five-year recordkeeping requirements. There was a gap in OSHA regulations, and the Volks Rule would fix it, making agency recordkeeping rules consistent with its decades-long enforcement practices.

To fulfill its statutory duties to protect America's workforce from workplace safety and health hazards, OSHA depends on its ability to enforce injury and illness recordkeeping requirements. For OSHA to identify workplace hazards and to develop effective means to correct those hazards, complete and accurate information about what, where, when, and how injuries and illnesses occur in the workplace is vital. OSHA uses this information to develop injury prevention plans and to efficiently direct OSHA's scarce resources to worksites that pose the most serious hazards for workers. Reliable workplace injury data is also fundamental to the development and maintenance of effective occupational health and safety standards. Moreover, federal, state, and local officials also need reliable injury and illness data during procurement processes, ensuring that taxpayer dollars to contractors and subcontractors are going to fair and safe workplaces.

The elimination of OSHA's ability to enforce rules on workplace safety records allows—and even incentivizes—employers to obscure ongoing workplace hazards. It would be nearly impossible for OSHA to identify a recordkeeping violation and conduct a comprehensive investigation within six months of the injury or illness, instead of the full five-year recordkeeping period. Chronic underreporting—left unchecked if the Volks Rule was halted—erodes OSHA inspectors' ability to enforce the country's occupational health and safety laws and allows patterns of serious health and safety violations to persist. The CRA resolution would gravely weaken workplace health and safety protections, exposing workers to serious harm while on the job.

Because workers deserve the full and effective enforcement of the panoply of our worker protection laws, NNU urges you to oppose H.J. Res. 83.

Sincerely,

BONNIE CASTILLO, RN,
Director of Health and Safety.

Mr. BYRNE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I appreciate the comments of the gentleman from California. He said that, if we pass this resolution, we will be granting amnesty to bad actors. We are not granting amnesty to bad actors. They will have no amnesty if OSHA does its job in a timely fashion. Five years is not timely under anybody's commonsense definition. They need to do their job within the 6 months that we have allowed for them to do it, and they have the tools to do their job within 6 months.

So there is no amnesty being granted here. We are expecting a Federal agency that has a lot of money and has a lot of power to simply do its job within 6 months, and they come forward and try to make a new statute of limitations because they don't do their job within 6 months.

I say to this body, I would say to people outside this body, it is time for OSHA to get its job done in the time allotted by the United States Congress and not come running out with some unilateral change in the statute which they have no power to do because, for some reason, they don't think they can do it.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, there are 2,000 inspectors at OSHA. There are 8 million work sites. We can't expect them to visit every 6 months when the funding only allows them to visit each workplace once every 140-some years. You would have to show up at each place every 6 months to catch these violations within that timeframe.

Mr. Speaker, for 40 years, the obligation to record these injuries has been considered a continuing obligation. If the purpose is to overrule the regulation because it is inconsistent with the statute, then we should fix the statute. But this resolution just gives relief to those who fail to record injuries and illnesses in violation of their legal obligation to do so.

As Americans discover the plan to repeal this OSHA rule through a resolution of disapproval, there are a lot of professional organizations, in addition to the ones that have already been introduced, that have been alarmed by this resolution.

The American Public Health Association has written:

Injury and illness records are invaluable for employers, workers and OSHA to monitor the cause and trends of illnesses and injuries. Such data is essential for determining appropriate interventions to prevent other workers from experiencing the same harm. . . . For decades, the public health community and government agencies have identified a widespread undercount of work-related injuries and illnesses. This includes investigations by the GAO, the Bureau of Labor Statistics and academic researchers. H.J. Res. 83