



June 30, 2022

Doug Parker
Assistant Secretary
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Ave, NW
Washington, DC 20210

**Re: Notice of Proposed Rulemaking on Improving the Tracking of Workplace Injuries and Illnesses,
Docket No. OSHA 2021-0006, RIN 1218-AD40**

Dear Mr. Parker:

On behalf of the National Demolition Association (NDA), we respectfully submit the following comments regarding the Occupational Safety and Health Administration's (OSHA) Notice of Proposed Rulemaking (NPRM) on Improving the Tracking of Workplace Injuries and Illnesses published in the Federal Register on March 30, 2022.

NDA represents nearly 500 U.S. and Canadian companies that offer standard demolition services as well as a full range of demolition-related services and products. NDA educates members on the latest advances in equipment and services, provides educational programs and tools to stay abreast of regulatory and safety matters and keeps regulators informed about issues in our industry. NDA also increases public awareness of the economic and societal benefits of demolition.

According to information published by OSHA in the Federal Register¹, OSHA is proposing to amend its occupational injury and illness recordkeeping regulation to require certain employers to electronically submit injury and illness information to OSHA. Under the proposed rule, demolition contractors with 20 or more employees would continue to be required to electronically submit information from their OSHA Form 300A annual summary to OSHA once a year. OSHA is also proposing to require establishments to include their company name when making electronic submissions to OSHA.

The health and safety of employees continues to be of utmost importance for NDA members. The industry has taken numerous steps over the last several years to improve safety measures and protect employees in the workplace. NDA supports workplace regulations that effectively enhance health and safety and do not impose undue costs or recordkeeping requirements on demolition contractors.

The recordkeeping requirements mandated by OSHA and other agencies can pose significant cost burdens on employers. NDA believes federal mandates must be carefully reviewed to ensure new regulations balance the need to promote safety with the time and cost burden of compliance.

¹ 87 FR 18528

While NDA shares OSHA's commitment to protecting the health and safety of employees, we believe this proposed rule will do very little to accomplish OSHA's stated mission of reducing injury and illnesses in the workplace.

Specifically, the NPRM's new requirement to submit a company name during the reporting process would impose an additional administrative and financial burden on employers with minimal benefits to the safety of employees. This provision in the NPRM would be particularly onerous and complex for employers who have multiple establishments and limited staff resources to comply with the additional administrative paperwork and reporting requirements. These resources would be better directed toward proactive safety measures to protect employees, rather than gratuitous requirements that will do little to prevent injuries and illnesses in the workplace.

In addition, OSHA must consider the impact that the agency's repeated changes and reversals to its recordkeeping policies has had on employers, especially small businesses. This year's proposed rule is now the third such rulemaking by OSHA on injury and illness recordkeeping since 2014. The frequent changes to recordkeeping regulations has resulted in significant confusion among employers regarding what requirements apply to their business.

Conclusion

Due to the concerns highlighted above, NDA opposes the new requirements in the NPRM and urges OSHA to make no substantial changes to the existing recordkeeping and reporting regulations that were promulgated in 2019.

Thank you for the opportunity to provide comment on this issue. For any questions, please contact NDA's Senior Legislative and Regulatory Coordinator Alex McIntyre at amcintyre@demolitionassociation.com.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lambert", written in a cursive style.

Jeff Lambert
Chief Executive Officer
National Demolition Association (NDA)