NADCA Comments on OSHA’s Expanding Reporting Requirements Rule

Washington, D.C. – The North American Die Casting Association (NADCA) submitted formal comments to the U.S. Occupational Safety and Health Administration (OSHA) on October 14, raising concern about the Agency’s unfounded expansion of workplace incident reporting requirements. In November 2013, OSHA proposed a rule to make employer workplace injury and illness reports public. In August 2014, the Agency issued a Supplemental Notice expanding its employer requirements while undermining an employee’s duty to report incidents.

“Not only does OSHA’s proposed rulemaking do nothing to improve workplace safety, its latest actions could reverse years of precedent requiring employees to inform their employer of an injury or illness,” said NADCA President Dan Twarog. “OSHA is effectively letting employees off the hook while still placing the reporting burden on employers,” continued Mr. Twarog.

Current law states that employees have a duty to report incidents, however, the underlying rulemaking to make reports public is a disincentive for a worker to speak up. In the August Supplemental, OSHA is proposing to “require employers to inform their employees that the employees have a right to report injuries or illnesses, and that it is unlawful for an employer to take adverse action against an employee for reporting an injury or illness” (79 Fed. Reg. 47607). This is in clear contradiction to the Occupational, Safety, and Health Act of 1970 (OSH Act), which states that employees have the responsibility and duty to report incidents, not a “right” to come forward.

In its formal comments, NADCA stated that, “to NADCA members, their most valuable assets are employees, and their health and safety is a top priority. Unfortunately, neither the underlying Rulemaking, nor Supplemental, will make the workplace safer or encourage employees to report injuries and illnesses.” NADCA went on to raise concern that in both the Rulemaking and Supplemental, OSHA has not presented sufficient science or facts to support its proposed rulemaking as required by federal law and Executive Order 13563.

The proposed rule to “Improve Tracking of Injuries and Illnesses” takes effect in March 2015 along with the Supplemental unless withdrawn by OSHA. To view the comments NADCA filed, please visit: [INSERT LINK TO NADCA COMMENTS]

Founded in 1989, NADCA represents more than 300 die casters in the U.S. Part of an industry with roughly 50,000 employees; the typical NADCA member has annual sales around $30 million with 150 full-time workers. The industry has facilities in roughly forty states manufacturing products for the agriculture, aerospace, automotive, defense, energy, medical, and other industries that serve as the backbone of our nation’s security and economy.

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