



51 Monroe Street
Suite 812
Rockville, Maryland 20850
TEL (301) 577-3786 / FAX (301) 577-6476
www.reusablepackaging.org

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OSHA Docket Office
Occupational Safety and Health Administration
U.S. Department of Labor Room N-2625
200 Constitution Avenue NW
Washington, DC 20210

Re: Docket No. OSHA-2013-0023
Proposed Rule - Improve Tracking of Workplace Injuries and Illnesses

The Reusable Industrial Packaging Association (RIPA) is the U.S.-based trade association for businesses involved in the reconditioning, manufacturing, reuse and recycling of industrial containers such as steel drums, plastic drums, and intermediate bulk containers. RIPA's membership accounts for the vast majority of the U.S. container reconditioning industry, as well as a substantial share of packaging manufacturing firms.

RIPA appreciates the opportunity to submit these comments in response to the U.S. Occupational Safety and Health Administration's ("OSHA") Notice of Proposed Rulemaking - "Improve Tracking of Workplace Injuries and Illnesses" (78 Fed. Reg. 67253, November 8, 2013).

Under OSHA's proposed rule, businesses in container reconditioning (NAICS 811310) with 20 or more employees would be required to post annually to a "secure" website their summary illness / injury forms (Form 300A). RIPA is very concerned with how summary illness / injury data, publicly posted, could be misconstrued and/or used in unforeseen ways.

The container reconditioning industry is a highly competitive industry, and one that has undergone significant consolidation over recent years. Most, if not all, businesses in this industry regard information on personnel as proprietary information.

RIPA is concerned that establishment-specific data on the number of employees, the total hours worked (across all employees), and workplace conditions or events are data that should not, and need not, be disseminated to the public, online or anywhere else.

Even summary data on injuries and illness could be used by disgruntled parties who have no legitimate safety complaints of their own. Workplace data might also be used by competing parties to dampen customers' ties to any given supplier. RIPA believes this is not the purpose of such data and that OSHA lacks any authority to invite such results.

OSHA includes in its proposal an alternative to apply the electronic reporting requirements only to "high hazard industries". This alternative is further defined with two options: OSHA could exempt industry categories with DART* categorical ratings below 2.0, or exempt industry categories with DART ratings below 3.0. RIPA could support the 3.0 DART threshold provided the exemption applies to all companies within the category. (The 4-digit 8113 industry category - which includes reconditioning - has a DART of 2.6.) RIPA members are relatively small, professional enterprises making every effort to comply with all workplace requirements. OSHA should focus its resources on higher priorities.

Significantly, RIPA believes the proposed rule will negatively impact recordkeeping. The current recordkeeping requirements establish a no-fault system to encourage employers to record, and employees to report, injuries and illness. This proposed rule would create a disincentive for employers to participate fully.

In its final analysis, RIPA recommends that the agency simply withdraw the proposed rule. There are no data provided to support OSHA's assertion that making public an employer's injury and illness data is necessary to carry out the agency's statutory mandates.

RIPA appreciates the opportunity to submit comments on this matter. Please contact RIPA for any additional information.

Respectfully submitted,



C.L. Pettit
Director, Regulatory & Technical Affairs

**Days Away From Work, Restricted Work or Transfer – a score for an industry's relative hazard in the workplace.*