



March 14, 2017

U.S. Senate
Washington, DC 20515

Dear Senator:

On behalf of Associated Builders and Contractors (ABC), a national construction industry trade association with 70 chapters representing nearly 21,000 chapter members, I am writing to express our strong support for H.J.Res. 83/S.J. Res 27, which would block implementation of the Occupational Safety and Health Administration's (OSHA) "Volks" final rule. Also known as Clarification of an Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness, the final rule extends the time period in which an employer may be cited by OSHA for recordkeeping violations from six months to up to five years. ABC urges you to vote "yes" on H.J.Res. 83/S.J. Res 27 and will consider this a KEY VOTE for our 115th Congressional Scorecard.

Currently, the Occupational Safety and Health (OSH) Act clearly states the statute of limitations for recordkeeping violations is six months. The D.C. Circuit Court of Appeals also unanimously issued a decision holding OSHA could not issue a citation for a recordkeeping violation beyond the six-month statute of limitations, and it was later endorsed by the 5th Circuit Court of Appeals in the Delek case. The Obama administration's final rule not only contradicts the clear statutory language of the OSH Act, but also two federal appeals courts.

Nullifying the "Volks" rule does not remove an employer's obligation to record injuries or illnesses. OSHA still has the right to cite employers for a recordkeeping violation under the OSH Act. ABC members understand that safety and health practices are inherently good for business; however, this rulemaking does nothing to improve workplace safety and is simply a paperwork burden. OSHA's promulgation of this rulemaking is a clear overstepping of its authority and a contradiction of the OSH Act and U.S. Court of Appeals decisions.

We urge you to SUPPORT H.J. Res. 83/ S.J. Res 27 and we look forward to working with Congress to restore the rule of law.

Sincerely,

A handwritten signature in black ink, appearing to read 'K Swearingen', is written over a light blue horizontal line.

Kristen Swearingen
Vice President of Legislative & Political Affairs