



June 30, 2022

Filed via www.regulations.gov

Mr. Douglas Parker
Assistant Secretary of Labor Occupational Safety and Health
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

Re: *Improve Tracking of Workplace Injuries and Illnesses*, Docket No. OSHA-2021-0006

Dear Assistant Secretary Parker,

On behalf of our food retailers, wholesalers, and product suppliers, FMI – The Food Industry Association appreciates the opportunity to provide comments on this important rulemaking. FMI and its member companies hold the safety and health of its employees and customers to the highest importance, however, FMI is very concerned by the Occupational Safety and Health Administration's (OSHA) proposed rule on "*Improve Tracking of Workplace Injuries and Illnesses*." Given these concerns, we associate ourselves with the comments filed by the Coalition for Workplace Safety (CWS) and the U.S. Chamber of Commerce, of which FMI is a member.

As the food industry association, FMI works with and on behalf of the entire industry – from retailers who sell to consumers, to producers who supply the food and other products sold in grocery venues – to advance safer and more efficient consumer supply chains. In total, FMI member companies, which range from independent operators to large national and international players, operate roughly 33,000 grocery stores and 12,000 pharmacies, ultimately touching the lives of more than 100 million U.S. households per week and an industry that employs over 6 million individuals.

As noted above, FMI members go to great lengths to ensure a safe workplace in their facilities and stores. At the same time, we believe that federal regulations must take a balanced approach to protecting the safety and health while not unduly burdening businesses. The proposed injury and illness rules do not take a balanced approach. The burdens and compliance costs associated with the submission of the broadened scope of injury and illness information cannot be underestimated, nor can be the potential misuse and unreliability of the information. Further, the public disclosure of information, including sensitive employer and employee data, raises numerous confidentiality, privacy, and reputational concerns for FMI's member companies and its employees.





As noted in the [comment letter filed by CWS](#), which was signed by FMI and 61 other employer and business organizations, "OSHA's proposed rule does not serve to prevent employee injuries or illnesses in the workplace," and "...electronic submission and public posting of this data serves only to put employers at risk for improper disclosure, mischaracterization of the data and release of sensitive employer as well as employee information. Smaller entities are particularly vulnerable to release of such information, where mischaracterization of data can irreparably harm their business and individual employee information may be easier to ascertain."

FMI filed [extensive comments](#) expressing our concerns and opposition for the 2014 rule and we remain equally concerned and opposed to this iteration of the recordkeeping and reporting rule. We join CWS and the U.S. Chamber of Commerce in calling for OSHA to withdraw this proposed rule. We appreciate your consideration of these comments and would be happy to discuss our concerns further. Please contact me at cpollack@fmi.org with any questions.

Sincerely,

A handwritten signature in black ink that reads "Christine Pollack". The signature is written in a cursive, flowing style.

Christine Pollack
Vice President, Government Relations

