



October 28th, 2015

OSHA Docket Office  
Docket No. OSHA-2015-0006  
U.S. Department of Labor  
Room N-2625  
200 Constitution Avenue NW  
Washington, DC 20210

By electronic submission: <http://www.regulations.gov>

**Re: Comments of the Glass Packaging Institute (GPI) on Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness - Docket No. OSHA-2015-0006**

Dear Sir or Madam:

On behalf of the Glass Packaging Institute (GPI), the North American trade association for the glass container manufacturing industry, we are providing the following comments to Docket No. OSHA-2015-0006.

Collectively, GPI member companies employ 18,000 represented and salaried workers within the glass container industry. Compliance with existing reporting requirements for recordable injuries and illnesses is a top priority for our industry.

**That stated, we strenuously object to the proposed rule, which would remove the 6-month statute of limitations, from which OSHA must issue a citation for failure to properly record a workplace injury or illness.**

**The most recent legal opinion on the issue of recordable injuries is very clear.** In 2012, the U.S. Circuit Court of Appeals for the D.C. Circuit Court (AKM LLC v. Secretary of Labor (Volks II)), stated, "the . . . language in [the OSH Act] . . . which deals with record-keeping is not authorization for OSHA to cite the employer for a record-making violation more than six months after the recording failure."

According to the majority opinion, "OSHA must cite an employer for failing to record an injury or illness within six months of the first day on which the regulations require the recording; a citation issued later than that is barred by the OSH Act's statute of limitations."

The ability for OSHA to indiscriminately reach back to cite and fine companies for recording violations is in defiance of the Court's decision. **We respectfully request that OSHA follow the guidance provided by the court, and that the Agency rescind the proposed rule in its entirety.**

We want to thank OSHA in advance for considering our comments. Please do not hesitate to contact me directly with any follow-up questions. I can be reached at 703-684-6459, lbragg@gpi.org.

Sincerely,

A handwritten signature in black ink that reads "Lynn M. Bragg". The signature is written in a cursive style with a large initial "L" and "B".

Lynn M. Bragg  
President  
Glass Packaging Institute