



OSHA Docket Office  
Technical Data Center, OSHA  
U.S. Department of Labor  
200 Constitution Ave., NW  
Room N-2625  
Washington, DC 20210

October 28, 2015

**Public Comments:** *Clarification of Employer's Continuing Obligation To Make and Maintain an Accurate Record of Each Recordable Injury and Illness;* Docket No. OSHA-2015-0006

AFIA is the world's largest organization devoted exclusively to representing the business, legislative and regulatory interests of the United States animal feed industry and its suppliers. Founded in 1909, AFIA also is the recognized leader on international industry developments. AFIA represents the total feed industry, and its members include more than 600 domestic and international companies and state, regional and national associations. Member companies are livestock feed and pet food manufacturers, integrators, pharmaceutical companies, ingredient suppliers, equipment manufacturers and companies which supply other products, services and supplies to feed manufacturers. AFIA members manufacture 75% of the 173 million tons of ready-to-eat animal feed in the U.S. and 70% of the non-grain ingredients.

AFIA is pleased to respond to the proposed rulemaking on maintenance of records for recordable injuries and illnesses, 80 Fed. Reg. 45,116 (July 29, 2015) (the Proposed Rule). AFIA appreciates the role that accurate records factor into Occupational Safety and Health Administration's (OSHA) efforts to enforce workplace safety laws. However, OSHA must undertake these efforts within the bounds of its existing authority prescribed by Congress.

Congress clearly established a six-month statute of limitations for issuing recordkeeping violation citations when it enacted the Occupational Safety and Health Act of 1970. *See* 29 U.S.C. § 658(c). The U.S. Court of Appeals for the District of Columbia Circuit affirmed that this statute applies to enforcement of recordkeeping violations in *AKM LLC v. Secretary of Labor (Volks)*, 675 F.3d 752 (D.C. Cir. 2012). The Proposed Rule is clearly an attempt to circumvent congressional intent and the D.C. Circuit's ruling. OSHA should withdraw the Proposed Rule on the basis that it is not supported by statutory authority.

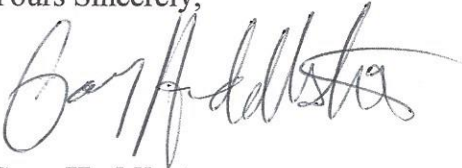
The Proposed Rule would place additional and unlawful recordkeeping requirements on AFIA's members. Under the Proposed Rule, OSHA would return to the practice of issuing

*Our Industry. Our Passion. Our Voice.*

citations for recordkeeping violations up to five years after the injury or illness in question occurred. This provision, if enacted, would subject enterprises to additional penalties without any apparent improvement in workplace health or safety.

In addition, AFIA endorses the position of the Coalition for Workplace Safety. As a signatory to the Coalition for Workplace Safety public comments, AFIA joins a broad array of American trade associations in calling for the withdrawal of the Proposed Rule.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "Gary Huddleston". The signature is fluid and cursive, with a large initial "G" and "H".

**Gary Huddleston**

Manager, Feed Manufacturing Safety & Environmental Affairs