

October 28, 2015

OSHA Docket Office  
Technical Data Center  
Occupational Safety and Health Administration  
200 Constitution Avenue NW, Room N-2625  
Washington, DC 20210

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

To Whom It May Concern:

On behalf of our 158,000 members, we are pleased to comment on the Occupational Safety and Health Administration (OSHA) proposed rule to clarify an employer's obligation to record and maintain accurate records of work-related injuries and illnesses. We offer these comments in response to your Federal Register notices of July 29, 2015 (80 FR 45116) and September 25, 2015 (80 FR 57765).

The Occupational Safety and Health Act of 1970 requires employers to record, report, and maintain records of work-related injuries or illnesses for five years after the end of the calendar year in which the injury or illness became recordable. OSHA is proposing to amend the current regulations to clarify that an employer's duty to maintain those records does not expire just because the employer failed to create the necessary records when first required to do so.

Dental offices are already partially exempt from OSHA's injury and illness recordkeeping requirements. Dentists are required to record and report any workplace incident that results in a fatality, in-patient hospitalization, amputation, or loss of an eye.<sup>1</sup> However, those incidents would be unusual in a dental practice, so episodes of non-compliant recordkeeping would be rare.

Beyond those incidents, dental offices are not required to keep OSHA injury and illness records unless asked in writing to do so by OSHA, the Bureau of Labor Statistics (BLS), or a state agency operating under the authority of OSHA or the BLS.<sup>2</sup>

Thank you for providing us the opportunity to comment. If you have any questions, please contact Mr. Robert J. Burns at 202-789-5176 or burnsr@ada.org. Information is also available at ADA.org/advocacy.

Sincerely,

/s/

Maxine Feinberg, D.D.S.  
President

MF:KTO:rjb

/s/

Kathleen T. O'Loughlin, D.M.D., M.P.H.  
Executive Director

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<sup>1</sup> 29 CFR §§ 1904.2 and 1904.39.

<sup>2</sup> 29 CFR §§ 1904.2, 1904.41, and 1904.42.