



National Association of Home Builders

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Government Affairs

James W. Tobin III
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February 27, 2017

The Honorable Nancy Pelosi
Minority Leader
U.S. House of Representatives
Washington, DC 20515

Key Vote

Dear Minority Leader Pelosi:

On behalf of the more than 140,000 members of the National Association of Home Builders (NAHB), I write in strong support of H.J. Res 83. This important legislation will disapprove OSHA's Volks Rule, which is nothing more than a regulatory end run around Congress and the courts. If this rule is not disapproved, small businesses will be subject to recordkeeping paperwork violations that do nothing to improve worker safety. **NAHB is designating support for passage of H.J. Res 83 as a KEY VOTE.**

Finalized on December 19, 2016, the rule attempts to extend to five years the explicit six-month statute of limitations on recordkeeping paperwork violations in the Occupational Safety and Health (OSH) Act of 1970. Subsequent court rulings have affirmed applicability of the six-month statute of limitations; nonetheless, the Agency proceeded with its rulemaking. This regulation is an egregious end run around Congress' power to write the laws and a clear challenge to the judicial branch's authority to prevent an agency from exceeding its authority to interpret the law.

Given the vast overstep the Volks Rule represents, one might expect significant gains in worker health and safety as the result. Unfortunately, that is simply not the case. The Volks regulation only changes the window during which OSHA can issue a citation for recordkeeping paperwork violations. Employers will have the exact same obligation to record injuries as they always had, and OSHA will have the exact same opportunity to issue a citation as the statute has always permitted. The regulation is about paperwork violations and does nothing to improve worker health and safety.

NAHB urges you to support H.J. Res 83, and designates a vote in support of H.J. Res 83 as a KEY VOTE.

Sincerely,

A handwritten signature in black ink, appearing to read "J. W. Tobin III", is written over a light blue horizontal line.

James W. Tobin III