

Exhibit B

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210

Reply to the attention of:

FEB 22 2018

Ms. Jennifer Gollan
The Center for Investigative Reporting
1400 65th, Suite 200
Emeryville, California 94608

RE: FOIA Request 850309 for OSHA Form 300, 300A, and 301 Records Submitted to OSHA after August 1, 2017

Dear Ms. Gollan:

This is in response to your FOIA request of January 31, 2018, submitted to the Occupational Safety and Health Administration (OSHA) FOIA Officer. Your request was forwarded to the Directorate of Technical Support and Emergency Management (DTSEM) for reply. The Office of Statistical Analysis, which manages the collection of injury and illness data, is a part of DTSEM.

You asked that OSHA "provide all data submitted since August 1, 2017 through OSHA's "Injury Tracking Application" pursuant to the Final Rule "Improve Tracking of Workplace Injuries and Illnesses." You added that this should "include electronically submitted information from OSHA Forms 300, 300A, and 301."

OSHA does not have any records pertaining to OSHA Forms 300 or 301. The Agency is not collecting that information at this time.

OSHA has identified approximately 237,000 records that meet the criteria of your request. We are denying your request under Exemption 7(E) of FOIA. Exemption 7(E) affords protection to all law enforcement information that "would disclose techniques and procedures for law enforcement investigations or prosecutions, or would disclose guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law," 5 U.S.C. § 552(b)(7)(E). As stated in the preamble to the "Improve Tracking of Workplace Injuries and Illnesses" final rule (See 81 FR 29624), OSHA plans to use the establishment-specific data for enforcement targeting purposes. Disclosure of the data before and while it is being used to select establishments for inspection would in turn disclose OSHA's techniques and procedures for law enforcement investigations. Thus, OSHA has determined the OSHA Form 300A information submitted under the electronic reporting requirements is exempt from disclosure while it is being used for enforcement targeting purposes. We are withholding the approximately 237,000 records in full.

You have the right to appeal this decision with the Solicitor of Labor within 90 days from the date of this letter. The appeal must state, in writing, the grounds for the appeal, including any supporting statements or arguments. The appeal should also include a copy of your initial request and a copy of this letter.

If you appeal, you may mail your appeal to: Solicitor of Labor, U.S. Department of Labor, Room N-2420, 200 Constitution Avenue, N.W., Washington, D.C. 20210 or fax your appeal to (202) 693-5538. Alternatively, you may email your appeal to foiaappeal@dol.gov; appeals submitted to any other email address will not be accepted. The envelope (if mailed), subject line (if emailed), or fax cover sheet (if faxed), and the letter indicating the grounds for appeal, should be clearly marked: "Freedom of Information Act Appeal."

In addition to filing an appeal, you may contact the Department's FOIA Public Liaison, Thomas G. Hicks, Sr., at (202) 693-5427 or hicks.thomas@dol.gov for assistance in resolving disputes. You also may contact the Office of Government Information Services (OGIS) for assistance. OGIS offers mediation services to resolve disputes between FOIA requesters and federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may mail OGIS at the Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001. Alternatively, you may send an email using the link from their website at <https://ogis.archives.gov>, or address it directly to ogis@nara.gov. Finally, you can contact OGIS by telephone: (202) 741-5770; fax: (202) 741-5769; or toll-free: 1-877-684-6448. It is also important to note that the service offered by OGIS is not an alternative to filing an administrative FOIA appeal.

Thank you for your interest in occupational safety and health.

Sincerely,



Amanda L. Edens, Director
Directorate of Technical Support and Emergency Management