

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

NATIONAL ASSOCIATION OF HOME
BUILDERS OF THE UNITED STATES,
et al.,

Plaintiffs,

v.

R. ALEXANDER ACOSTA,
SECRETARY OF LABOR,
in his official capacity, *et al.*,

Defendants.

CIV-17-009-R

STATUS REPORT

Defendants respectfully submit this status report in response to the Court's July 11, 2017 Order, ECF No. 72. That order stayed this case and instructed Defendants to file a status report every 90 days¹ updating the Court as to the Occupational Safety and Health Administration's ("OSHA") progress with respect to proposed rulemaking for the Improve Tracking of Workplace Injuries and Illnesses final rule ("the Rule"), 81 Fed. Reg. 29624 (May 12, 2016), which is at issue in this case.

As announced in the July 20, 2017 Office of Information and Regulatory Affairs' regulatory agenda, OSHA continues to develop a Notice of Proposed Rulemaking ("NPRM") to "reconsider, revise, or remove provisions of the [Rule.]" *RIN: 1218-AD17*, [Reginfo.gov](https://www.reginfo.gov), <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=201704&>

¹ The status report is filed today, rather than October 9, 2017, pursuant to Federal Rule of Civil Procedure 6(a). *See id.* (listing "Columbus Day" as a "legal holiday").

RIN=1218-AD17 (last visited Oct. 10, 2017). The undersigned understand that OSHA has drafted substantial portions of the NPRM, including draft regulatory text and a summary and explanation of the proposed changes, and that OSHA's economists have made significant progress on the economic analysis and continue to refine it. Once the analysis is finalized, the draft NPRM will proceed through the agency clearance process.

Dated: October 10, 2017

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General

JUDRY L. SUBAR
Assistant Director, Federal Programs Branch

/s/ Michael H. Baer
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Counsel for Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 10, 2017, a true, correct, and exact copy of the foregoing document was served via electronic notice by the CM/ECF filing system to all parties on their list of parties to be served in effect this date.

/s/ Michael H. Baer

_____ *Michael H. Baer*