

SUPPORTING STATEMENT

Survey of Occupational Injuries and Illnesses

A. Justification

1. Background.

Section 24(a) of the Occupational Safety and Health Act of 1970 requires the Secretary of Labor to develop and maintain an effective program of collection, compilation, and analysis of statistics on occupational injuries and illnesses. Section 24 also authorizes and encourages the Federal government to enlist the aid of States in developing and conducting statistical programs to meet the data needs of the States as well as its own. Sections 8(c)(1), (2), 8(g)(2), 24(a), and 24(e) of the Act specifically require the Secretary of Labor to design and implement a system requiring employers covered by the Act to maintain records of occupational injuries and illnesses and to submit periodic reports to the Secretary of Labor upon request.

In Secretary's Order No. 5-02, the Secretary of Labor delegated to the Commissioner of Labor Statistics the responsibility for "Furthering the purpose of the Occupational Safety and Health Act by developing and maintaining an effective program of collection, compilation, analysis and publication of occupational safety and health statistics."

The Bureau of Labor Statistics (BLS) fulfills this responsibility by conducting the Survey of Occupational Injuries and Illnesses (SOII) in conjunction with participating State statistical agencies. The survey reflects employers' incorporation of the Occupational Safety and Health Administration (OSHA) recordkeeping regulations that were implemented by the Department of Labor.

Copies of the survey form BLS-9300, the electronic data option collection form, and the FAX form are included as appendices to this package. The forms are provided in the format that will be used for the 2007 survey. Also attached is the notification letter and materials to be sent to all participants in the 2008 survey. Included in the attachments is the informed consent letter employers may sign to release estimates when an industry's data do not meet disclosure criteria. A copy of the letter explaining the survey is voluntary for State and Local government agencies in States that do not require this collection of data is also included.

2. Uses of the Survey.

The purpose of the Act, as stated in Section 2(b), is to assure, as far as possible, every working man and woman in the Nation

safe and healthful working conditions. The BLS Survey of Occupational Injuries and Illnesses provides the Nation's primary indicator of the progress towards achieving this goal. The survey measures the overall rate of occurrence of work injuries and illnesses by industry. The industry classifications for which data are produced reflect the incorporation of the North American Industry Classification System (NAICS) codes beginning with reference year 2003.

Until now, the Survey of Occupational Injuries and Illnesses has been restricted to producing national estimates for the private sector only. Consequently, there have been no national estimates of workplace injuries and illnesses sustained by State and Local government workers, including those in such relatively high hazard and high profile occupations as police, firefighters, paramedics and other public health workers. To address this data gap, beginning with survey year 2008, the BLS will collect data from State and Local government agencies in all States to support both State and national estimates. The BLS will collect this data within the current budget. The BLS regards the collection of these data as a significant expansion in its overall coverage of the American workplace. BLS will send a letter explaining that the survey is voluntary for State and Local government agencies in States that do not require this collection of data. The number of extra sample units needed for State and Local government data is approximately 7,000. A Non-Substantive change request will be made for this increase for survey year 2008.

For the more serious injuries and illnesses, those with days away from work, the survey provides detailed information on the injured/ill worker (age, sex, race, industry, occupation, and length of service), the time in shift, and the circumstances of the injuries and illnesses classified by standardized codes (nature of the injury/illness, part of body affected, primary and secondary sources of the injury/illness, and the event or exposure that produced the injury/illness). Race data categories reflect the Office of Management and Budget (OMB) recommended categories for non-self-reported classification. Optional information on the general job category is used to improve coding for non-descriptive job titles, such as "Customer Service Representative." A check-off for before/during/after work shift was included to identify the events that occurred before or after the work shift.

In the two decades prior to the OSHA recordkeeping changes in 2002, incidence rates for cases with days away from work decreased significantly while incidence rates for cases with only restricted work activity increased significantly. Since the BLS presently collects case and demographic data only for cases with days away from work, data are not obtained about a growing class of injury and illness cases. Beginning with the 2008 survey year, BLS will test collection of case and demographic data for injury and illness cases that require only

days of job transfer or restriction. If the test(s) prove successful, BLS will implement this for as many States as the budget allows beginning with survey year 2009. BLS regards the collection of these cases with only job transfer or restriction as significant in its coverage of the American workforce.

To retain the level of case and demographic characteristics estimates published currently for cases with days away from work and publish similar estimates for cases with job transfer or restriction, a greater number of cases will need to be collected from employers. BLS plans to maintain the subsampling process for employers to limit to 30 the number of cases each employer needs to submit. This will result in an 11% estimated decrease in the number of collected cases with days away from work. BLS is continuing to research this issue to determine an optimal number of cases to collect for each type of case while limiting the burden on the employer and the burden on the participating State agencies.

Survey data are used to assess the Nation's progress in improving the safety and health of America's work places; to prioritize scarce Federal and State resources; to guide the development of injury and illness prevention strategies; and to support OSHA and State safety and health standards and research. Data are essential for evaluating the effectiveness of Federal and State programs for improving work place safety and health. For these reasons, it is necessary to provide estimates separately for participating States.

The Bureau of Economic Analysis uses the BLS injury and illness survey data to prepare the economic accounts of the United States. The survey information is used to estimate employer contributions for workers' compensation by industry. The workers' compensation contributions are a component of the employer contributions for social insurance and other labor income in the national income and product account.

Recently, the National Institute for Occupational Safety and Health and the Council of State and Territorial Epidemiologists identified nineteen occupational health indicators intended to improve the surveillance of workplace injuries and illnesses by state health agencies. Each health indicator is comprised of one or more frequency measure. The BLS Survey of Occupational Injuries and Illnesses contributes eight frequency measures to these health indicators.

Employers covered under the Occupational Safety and Health Act are in one of two categories: (1) Employers who maintain OSHA records on a regular basis; and (2) employers who are normally exempt from OSHA recordkeeping. Each year a sample of exempt employers is required to keep records and participate in the Survey of Occupational Injuries and Illnesses. In December, prior to the survey reference year, sampled employers who are normally exempt from recordkeeping will be notified by the BLS

or participating State agencies to record their injuries and illnesses on the OSHA recordkeeping forms, which will be provided by the BLS. The BLS will also provide a courtesy copy of the required OSHA recordkeeping forms to all other survey participants for that reference year.

3. Use of technology to reduce employer burden.

The survey's sample selection process employs stratified random sampling to reduce the burden on private sector establishments. The BLS Internet data collection facility (IDCF) system was first introduced for the Survey of Occupational Injuries and Illnesses in 2003, and is currently being used for the 2006 survey. The BLS also offered an email option to the employers for the first time in the 2004 survey year. The occupational safety and health statistical program also has used improved information technology, such as cognitive research, in efforts to reduce employer burden. Employers with large numbers of injuries and illnesses involving days away from work are asked to submit information on a probability sample of those cases. The booklet design permits incorporation of sampling instructions for those respondents predicted to have more than 30 cases. These respondents will be instructed to select a sample of cases occurring in a pre-specified time period. Starting with the test during the 2008 survey, with the additional collection of cases with only job transfer or restriction, this subsampling of cases will continue to result in employers only having to submit 30 cases or less.

Beginning with the 2007 survey year, BLS plans to send the electronic data option collection form to all employers. The tests encouraging the use of electronic data submission conducted in the 2005 and 2006 survey years were very successful. In survey year 2005, BLS identified 12,688 establishments to be in the test of the IDCF collection. The number of responses via the Internet rose from 29,551 establishments in the 2004 survey year to 53,575 in the 2005 survey year (all establishments had the option to respond electronically, even if they were not in the IDCF test). Between these two survey years, the number of cases collected by the IDCF rose from 50,707 days away from work cases to 70,783 cases. In survey year 2006, BLS identified approximately 88,000 establishments to receive the IDCF form. As of February 16, 2007, 50,559 establishments have responded via the IDCF and have submitted 99,949 cases. The e-mail option has been equally successful. The number of establishments submitting data through this option rose from 914 in survey year 2004 to 2,475 in survey year 2005, to 4,623 as of February 15, 2007 for survey year 2006. These tests were submitted to OMB via an 83-C form. Employers will still have the option of requesting the hard copy version of the data collection form or the data collection FAX form.

Employers still may attach a copy of their OSHA 300A summary form to complete Part I of the survey when submitting the hard copy version of the data collection form. In addition, they will continue to be offered the option of attaching an alternative record that contains the requested worker and case circumstances information on the data collection case form. Alternative forms could be workers' compensation first report of injury forms, company accident reports, insurance forms, or the OSHA supplemental case form.

4. Efforts to identify duplication.

As nearly all employers in the private sector are covered by the Occupational Safety and Health Act, the survey is able by itself to produce statistics for almost all industries. However, to provide comprehensive, private sector estimates, it is necessary to secure data from other Federal agencies having statutory authority affecting the safety and health of employees in coal, metal, and other nonmetal mining; and on railroads. Comparable data are provided by the Mine Safety and Health Administration, U.S. Department of Labor, for mining employers and by the Federal Railroad Administration, U.S. Department of Transportation, for railroad employers.

The Occupational Safety and Health Administration (OSHA) collects data similar to the establishment summary data collected in Part 1 of the BLS injury and illness survey. However, the OSHA effort is limited to gathering data from large establishments in manufacturing and from selected high-risk industries outside of manufacturing. OSHA requires establishment specific data to target interventions such as inspections, consultations, and technical assistance.

The BLS injury and illness survey data are collected under a pledge of confidentiality and are used only for statistical purposes. Allowing surveyed employers to copy their OSHA Summary form to complete Part I of our survey should reduce the reporting burden on firms selected to participate in both the BLS and OSHA collections, while maintaining the confidentiality of the BLS sample. The BLS and OSHA have agreed to work together to attempt to avoid duplication of effort for those firms that might be selected for both the BLS and OSHA collections, subject to confidentiality restrictions. However, at the present time, the timing of the two collections does not allow any coordination. The BLS and OSHA will continue to explore coordination efforts in the future.

The work injury and illness data to be collected in the survey are not available from any other source. The only existing large body of work injury and illness information is located in workers' compensation programs; however, many States do not include all of the specific kinds of work-related cases which the Act requires employers to record and report.

Additionally, coverage and reporting differences among States and lack of uniformly complete records prevent the workers' compensation programs from providing statistically accurate data for national estimates. Workers' compensation data also do not provide a measure of the severity of the injury or illness, such as the number of days away from work, and many are missing the new OSHA required data elements such as time of event. Therefore, data from State workers' compensation programs cannot serve as a replacement for the annual survey.

Since employers may have recorded demographic and injury/illness circumstances information on a workers' compensation first report of injury/illness form, company accident report, or other document, the survey form allows employers to attach copies of these documents in lieu of entering responses to covered questions on the survey instrument. For participating States that have the capability of retrieving data from workers' compensation data bases, the option not to report the demographic and injury/illness detailed circumstances for injuries/illnesses already reported to the workers' compensation agency may be available at a later date. This option would depend on the worker's compensation forms being updated to coincide with the OSHA recordkeeping forms.

5. Minimizing small employer burden.

The BLS minimizes the burden upon small employers by using a highly efficient stratified random sampling plan. Under this sampling plan, the smaller employment units within an industry have a lower probability of selection. In addition, in the booklet, small employers with no Days Away From Work cases may simply provide a copy of the summary form for the survey and return the form in a postage paid envelope.

6. Consequence of less frequent collection.

Operational and budgetary issues, along with the data uses described above, make collecting survey data annually essential. The annual survey is a cooperative program with State agencies, which are partially funded by the Federal government to collect and process the survey data, and share the data with the BLS for generating national estimates. State grant agencies must finance half the costs by appropriation requests to their own State legislatures, many of which convene and appropriate funds over a cycle that may be different from the Federal budget cycle. Therefore, it is likely that many States would not be able to participate in a program of less frequent scheduling. If States do drop out, the Federal government would need to assume the collection of the data at an increased cost. In addition, the complex data collection and coding activities require a fully trained staff. With less frequent collection, and the associated unbalanced workloads, States would not be

able to maintain the skilled staff needed to implement the survey.

At a joint meeting of the Occupational Safety and Health Statistics Committee of the Labor Research Advisory Council (LRAC) and the Business Research Advisory Council (BRAC) on August 4, 1977, a resolution was adopted opposing a change in the frequency of the survey. The resolution asserted that a less frequent survey would be "less responsive to the needs and considerations of the profession, Congress, and the public if carried out at less frequent periods."

7. Special Circumstances affecting Collection.

Survey data are collected once annually. Respondents have thirty days to complete survey forms and no additional copies are required. The BLS does not require survey record retention for respondents.

The survey provides valid and reliable estimates that reflect the worker injury and illness experience for the universe of private sector employers. Incident information for days away from work injuries and illnesses is classified by the BLS and participating State agencies using the BLS Occupational Injury and Illness Classification Structure which was submitted to OMB with the initial program redesign clearance in 1991.

Statistical data are collected under the BLS pledge of confidentiality in accordance with the BLS Commissioner's Order 1-06 on the Confidential Nature of BLS Statistical Data.

The forms and guidelines are in accordance with 5 CFR 1320.5d(2).

8. Federal Register Notice

A Federal Register notice requesting clearance was published on March 19, 2007, page 12834, Volume 72, Number 52.

The BLS received two responses as a result of this Federal Register notice. The first was from the Bureau of Economic Analysis.

The Bureau of Economic Analysis (BEA) strongly supports the proposal of the Bureau of Labor Statistics to collect data on Form 9300 for the first time from State and Local government agencies regarding the incidences of work injuries and illnesses beginning with survey year 2008 to support both State and national estimates. In addition, BEA strongly supports the continued collection of data on work injuries and illnesses from private entities. The data collected from this form are crucial to important components of BEA's economic statistics.

BEA uses data on occupational injuries and illnesses and days away from work to prepare estimates of employer contributions for workers' compensation by industry; a component of employer contributions for employee pension and insurance funds in national income. The new data for State and Local government agencies will be used to derive improved estimates of workers' contributions made on behalf of state and local workers.

The second response was from Wiley Rein LLP representing AOL LLC. The response expressed concerns that the BLS exceeded their authority by regularly sampling employers who are normally exempt from keeping OSHA records, that the burden hours were incorrectly calculated for these normally exempt employers, and that the stratified sampling procedure used by the BLS was in error. This response also objected that the collection of detailed case data for restricted activity and job transfer cases would only exacerbate these concerns. The following italicized paragraphs briefly summarize concerns raised by the commenter. After each italicized paragraph, a BLS response is provided.

AOL comment:

AOL believes the survey exceeds the authority granted to the Bureau of Labor Statistics by the Occupational Safety and Health Act. The regularity with which OSHA-exempt respondents are selected to take part in the Survey appears to have circumvented the rulemaking process and become a de facto imposition of OSHA requirements by BLS. Through the appropriate rulemaking process, OSHA has determined that there was little practical utility in requiring the low-hazard industries to keep injury and illness data. However, by selecting some employers on a regular basis, BLS is effectively regulating employers who are exempt from OSHA recordkeeping by requiring them to comply with OSHA's recordkeeping requirements. In doing so, BLS is acting beyond the scope of the survey authorization granted by the Act. Furthermore, agencies are required to avoid regulations that are inconsistent, incompatible, or duplicative with its other regulations or those of Federal agencies. The BLS Survey is incompatible with OSHA regulations. This burden on exempt employers is significant and contrary to Congressional intent. As stated in the Act's Preamble: "Congress intended...to minimize the recordkeeping burden on all employers, not only small businesses. Exempting from routine injury and illness reporting requirements those employers whose records are unlikely to be of significant benefit to OSHA, or to the employers and their employees, serves this important interest." (66 Fed. Reg. 5916, 5928 (Jan. 19, 2001))

The Proposed Data Collection is Contrary to the Goals Stated in the Bureau of Labor Statistics Supporting Statement. Giving smaller employers a "lower probability of selection," as is the

case in the BLS Survey, does not meet the stated goals of the survey...The data obtained will not be an accurate indicator of the working conditions of "every working man and woman" if the survey contains a certain group of the same employees year after year. Thus, to increase the quality and utility of the data, the BLS should re-evaluate its sample stratification design to ensure it is not backed into a mathematical corner, and thus must choose the same companies year over year to have a statistically valid result. Random selection of companies, as noted in the requirements above, should be mathematically and statistically random.

BLS response:

Public Law 91-596, 84 STAT. 1590, December 29, 1970, as amended through January 1, 2004 begins with the statement,

"An Act - To assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes."

Further in, Federal Register #: 66:5916-6135, published 01/19/2001, titled "Occupational Injury and Illness Recording and Reporting Requirements", it is stated,

"In order to further the purposes of this Act, the Secretary, in consultation with the Secretary of Health and Human Services, shall develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics. Such program may cover all employments whether or not subject to any other provisions of this Act but shall not cover employments excluded by section 4 of the Act. The Secretary shall compile accurate statistics on work injuries and illnesses which shall include all disabling, serious, or significant injuries and illnesses, whether or not involving loss of time from work, other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job. ...

Finally, the injury and illness records required by the OSHA recordkeeping rule are the source of the BLS-generated national statistics on workplace injuries and illnesses, as well as on the source, nature, and type of these injuries and illnesses. To obtain the data to develop national statistics, the BLS and participating State agencies conduct an annual survey of employers in almost all sectors of private industry. The BLS makes the aggregate survey results available both for research purposes and for public information. The BLS has published occupational safety and health statistics since 1971. These statistics chart the magnitude and nature of the occupational injuries and

illnesses across the country. Congress, OSHA, and safety and health policy makers in Federal, State and local governments use the BLS statistics to make decisions concerning safety and health legislation, programs, and standards. Employers and employees use them to compare their own injury and illness experience with the performance of other establishments within their industry and in other industries. ...

An employer who receives an annual survey form from the Bureau of Labor Statistics must submit its annual injury and illness data to the BLS. The BLS conducts an annual survey of occupational injuries and illnesses under 29 CFR 1904.20-22 of the former rule (1904.42 of the final rule). Using a stratified sample, the BLS sends survey forms to randomly selected employers, including employers who, under Part 1904, would otherwise be exempt from the duty to keep the OSHA Log and Summary. These otherwise exempt employers are required to keep an annual record of the injuries and illnesses occurring among their employees that are recordable under Part 1904 if the BLS contacts them as part of the annual survey. At the end of the year, these employers must send the results of recordkeeping to the BLS. The BLS then tabulates the data and uses them to prepare national statistics on occupational injuries and illnesses. The BLS survey thus ensures that the injury and illness experience of employers otherwise exempted from the requirement to keep OSHA records -- such as employers with 10 or fewer employees in the previous year and employers in certain Standard Industrial Classification (SIC) codes -- is reflected in the national statistics."

The BLS is not acting beyond the scope of the survey authorization granted by the Act and is not incompatible with OSHA regulations. The reference to "*selecting some employers on a regular basis*" and the second AOL paragraph cited above dispute BLS' use of stratified random sampling, unequal probabilities of sample selection and certainty establishments. The BLS has used stratified random sampling for the SOII since its inception in 1972. Under stratified random sampling, all possible establishments within scope of the survey are divided into separate groups or strata. Each stratum is assigned an allocation of the total sample, that is, each stratum is assigned a certain number of establishments that will be sampled. The allocation of sample under stratified random sampling is designed to maximize the amount of information available at a given fixed cost. This sampling approach is commonly utilized in surveys, including others in the BLS and other statistical agencies. In SOII, the strata are defined by State, industry, and establishment size. Once sample is allocated to strata, the establishments within each stratum are then sampled according to a simple random sample.

A textbook on survey sampling identifies three advantages of stratified random sampling over simple random sampling.

- 1) The variance of the population mean is usually reduced.
- 2) The cost of collecting and analyzing data is usually reduced.
- 3) Separate estimates can be obtained for individual strata without selecting separate samples and, hence, without additional cost. (One of the goals of the SOII is to publish injury and illness counts and rates by industry, State, and employment size class.)

In short, stratified random sampling is a more efficient way to conduct a survey than is simple random sampling.

As noted above, part of the process of sampling is allocating the number of establishments to be sampled to individual strata to maximize the amount of information that is obtained from the survey for a fixed cost. In SOII, for any State and industry, the efficient allocation of sample means that larger establishments tend to be sampled with higher probability or possibly with certainty.

The Occupational Safety and Health Act calls for "assisting and encouraging the States in their efforts to assure safe and healthful working conditions." To satisfy this goal, the BLS works with its cooperating State partners to designate "Targeted Estimation Industries" (TEIs) within states. Data are collected and published for each state's TEIs. This goal of publishing workplace safety and health statistics by industry at the state level affects the need for certainty establishments. In many cases, it may not be possible to publish reliable estimates for particular industries within States if the large establishments in those industries are not included in the sample. This is a particular instance of the principle of allocating sample so as to maximize information. It is important to note that certainty establishments are a ubiquitous feature of establishment surveys.

The BLS feels that it would waste taxpayers' money if a simple random sampling approach was used. The BLS would be able to provide far less information with the same dollar and response burden budgets. A survey that is designed to produce the maximum information for a given budget (an "efficient survey design") would not assign the same probability of selection to every establishment (a feature of simple random sampling). Further, even if the BLS were required to eliminate certainty strata, a nearly efficient survey design would still dictate that establishments in some strata would have high probabilities of selection. These establishments would tend to be surveyed nearly every year. Thus, the repeated surveying of an establishment over time is not only a feature of certainty strata, but also of efficient surveys.

AOL comment:

BLS drastically underestimates the recording burden and time it takes to record the required data for normally-exempt employers. The BLS Survey is using the exact OSHA recordkeeping forms from which these employers are exempt. Precisely because these companies are in low hazard industries, they typically have little or no corporate infrastructure (e.g. safety staff, or Environmental Management Information Systems) to support the BLS request ...The OMB time estimates for completion noted on the OSHA forms used in the BLS survey were prepared for, and derived from, this non-exempt (regulated) company population. Once the records are in place, as they are for non-exempt companies, transferring the pertinent data to the OSHA form is a simple task. For the population with pre-existing records, the 24 minutes estimated by OMB to do OSHA injury and illness reporting for an entire site may indeed be accurate. Using this 24-minute time estimate even for exempt companies who may have never before seen an OSHA form, as is noted on the BLS form 9300, is completely inaccurate...

BLS response:

In fact, the BLS does provide burden estimates that are higher for normally exempt employers than for non-exempt employers. In December prior to the year of data collection, the BLS pre-notifies sampled employers who are normally exempt from maintaining OSHA forms. The OSHA forms are sent to these employers along with methods for the employers to receive the complete detailed recordkeeping instructions. Included in the burden hours estimate for these normally exempt employers is an average of 1 hour 21 minutes to keep the OSHA forms during the year. This estimate is an average that reflects the fact that normally exempt employers tend to be low hazard and hence have relatively few cases to record on OSHA forms. Of course, to fill out the OSHA forms, some establishments will take less time and some will take more time than this average time. Regardless of whether an establishment is normally exempt from recordkeeping, the BLS believes that completing the BLS 9300 form will take the 24 minutes indicated once the OSHA forms have been kept for the year of data collection.

AOL comment:

The Supporting- Statement claims that "since employers may have recorded demographic and injury/illness circumstances information on a workers' compensation first report of injury/illness form, company accident report, or other document, the survey form allows employers to attach copies of these documents in lieu of entering responses to covered questions on the survey instrument." Meanwhile, the actual OSHA form 301 (Injury and Illness Incident Report) to be used for the BLS survey states: "Some state workers' compensation, insurance or other reports may be acceptable substitutes. To be considered an equivalent form, any substitute must contain all the information asked for on this form." Although document-substitution processes are mentioned, two issues negate the

utility of this suggestion. First, typically the First Report of Injury form for Worker's Compensation reporting in most states does not include all the information required...Secondly, the process anticipates that companies have in place an accident reporting/recording process...

BLS response:

The BLS states on the case forms in the BLS9300: "NOTE: You may either answer questions (3) through (11) or attach a copy of a supplementary document that answers them." Employers have had the option since 1992 of attaching a supplementary document and then answering any questions not answered by the supplementary document. The statement on the OSHA301, that the commenter refers to,

"Some state workers' compensation, insurance or other reports may be acceptable substitutes. To be considered an equivalent form, any substitute must contain all the information asked for on this form."

is an OSHA form requirement and not a BLS form requirement. BLS will work to make this distinction clearer to respondents.

AOL comment:

In addition, due to the lack of infrastructure as noted above, AOL hired a consultant to assist in the completion of these forms. This is further evidence that there are, in fact, significant startup costs incurred in the recordkeeping or reporting functions of this Survey...

BLS response:

The BLS believes that notifying normally exempt employers prior to the start of the survey year and providing them the forms and instructions is sufficient for these employers to maintain the OSHA records during the year. When BLS returns to the employer with a survey form after the end of the year, the employer would then have the data needed to respond with minimum additional burden for reporting.

AOL comment:

The burden placed on typically-exempt employers by the Survey in the past will only increase with this new proposal. Currently, BLS only collects case and demographic data for injury cases with days away from work, but states that the incidence rates for cases with only restricted work activity has increased significantly. Therefore - beginning with the 2008 survey year - BLS will test collection of case and demographic data for injury and illness cases that require only days of job transfer or restriction...

BLS response:

BLS believes that collecting case and demographic data for cases with only days of job transfer or restriction is an important addition to the survey, because these cases might be relatively severe and because they have become a significant proportion of

all recordable cases. Currently, nothing is known about the characteristics of these cases. Collecting such data is consistent with the OSH Act, which reads: The Secretary shall compile accurate statistics on work injuries and illnesses which shall include all disabling serious, or significant injuries and illnesses, **whether or not involving loss of time from work . . .** (emphasis added). The BLS believes that employers keeping the OSHA forms (either because they are notified by BLS of the SOII requirement or because they regularly keep records under OSHA regulations) will find they are able to report the same information for cases with days of job transfer and restriction as they currently do for cases with days away from work.

Consultations.

Semiannually, the BLS meets with program committees of BRAC to review programs and to solicit advice and recommendations for program enhancement.

The BLS holds periodic conferences with the State agencies which receive grants to conduct the survey.

The BLS meets periodically with representatives of the Occupational Safety and Health Administration (OSHA) and the National Institute for Occupational Safety and Health (NIOSH).

9. Payments or Gifts.

No payments or gifts are provided to respondents.

10. Confidentiality.

1. Commissioner's Order No. 1-06 outlines the BLS policy regarding the confidentiality of BLS statistical data. The State agencies are bound to this policy. The policy states: "In conformance with existing law and Departmental regulations, it is the policy of the BLS that:
 1. Respondent identifiable information collected or maintained by, or under the auspices of, the BLS for exclusively statistical purposes and under a pledge of confidentiality shall be treated in a manner that will ensure that the information will be used only for statistical purposes and will be accessible only to authorized persons.
 2. Pre-release economic data, including embargoed data, prepared for release to the public will not be disclosed or used in an unauthorized manner before they officially have been released, and will be accessible only to authorized persons."

The 2007 reporting form, BLS No. 9300, and the related Internet data collection site, will carry the confidentiality statement: "The Bureau of Labor Statistics, its employees, agents, and partner statistical agencies, will use the information you provide for statistical purposes only and will hold the information in confidence to the full extent permitted by law. In accordance with the Confidential Information Protection and Statistical Efficiency Act of 2002 (Title 5 of Public Law 107-347) and other applicable Federal laws, your responses will not be disclosed in identifiable form without your informed consent."

State statutes in New Jersey, Maine, Wisconsin, Illinois and Guam allow disclosure of State and local government records. Therefore, these States do not pledge confidentiality to the State and local government units included in their samples.

11. Sensitive questions.

The name of the worker is obtained and used to facilitate recontacts with employers when data clarifications are required. The name of the worker will be deleted from the files as soon as the government wide restrictions from the Justice Department are removed.

The race of the injured/ill worker is requested at the option of the respondent. This information can be used to analyze work place injury and illness rates by race and to compare to health information by race from other sources.

12. Estimation of respondent burden.

Multiple factors contribute to the estimate of employer burden for the survey. First, the BLS individual case recording burden estimates are consistent with the burden estimates used by OSHA. Second, the 'Total Hours Worked' and the 'Employment Average' data elements requested in our Survey form 9300, are required on the OSHA Summary form 300A and are simply a transfer of data to the BLS form. Therefore, the burden of calculating hours and employment for those employers who normally must keep the OSHA 300A is already reflected in OSHA's burden hours.

As noted above, with the implementation of the new OSHA Summary Form 300A, the completion of the BLS Survey of Occupational Injuries and Illnesses requires transferring totals or photocopying the summary form for Part 1 of our survey form 9300. We estimate each of the 230,000 sample units will spend an average of 10 minutes to complete Part 1 of the form. Therefore, the total burden for Part 1 of the form is 38,333 hours.

Sector	Sample units	Hours
Private	212,000	35,333

Public	18,000	3,000
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The estimate for survey year 2008, with the addition of approximately 7,000 additional state and local government agencies, will increase by 1,167 hours to 39,500 hours.

In Part 2 of the form, a burden allowance is provided to permit respondents to report up to 320,000 Days Away From Work cases. The respondent copies the occupation and number of days away from work and the number of days of job transfer or restriction for each sampled injury/illness from the corresponding line of their Log of Work-Related Injuries and Illnesses. The other required information about the injured/ill worker and the incident is generally available from a workers' compensation report, a company accident report, an insurance form, or the OSHA supplemental case form. The employer is given the option of attaching such a document in lieu of copying the data to the data collection form. The questions on race and type of job are optional. With an average burden of ten minutes per case, the total burden for Part 2 is 53,333 hours [(320,000 cases x 10 minutes)/60 = 53,333 hours.]

Sector	Days away from work cases	Hours
Private	295,000	49,167
Public	25,000	4,166

The test of the collection of cases with only days of job transfer or restriction in survey year 2008 will not impact the burden allowance of 320,000 cases.

Total burden for the survey data collection Form 9300 is, therefore, 91,666 hours (38,333 + 53,333). The average reporting burden is then 24 minutes or .40 hours per respondent (91,666 hours divided by 230,000 sample units.)

Sector	Hours
Private	84,500
Public	7,166

The estimate for survey year 2008, with the addition of state and local government agencies, will increase to 92,833 hours. In survey year 2009, the collection of cases with only days of job transfer or restriction will increase the burden by a maximum of 14,500 hours (maximum of 407,000 cases - 320,000 allowance = 87,000 cases @10 minutes = 14,500 hours) for a total of 107,333 hours. A reporting burden statement is included in the instructions for completion of the BLS No. 9300. These 14,500 hours are split between private and public sectors as follows: private sector = (212,000 private sample units / 237,000 total sample units) * 87,000 cases * 10 minutes = 12,970 hours; public sector = (25,000 public sample units / 237,000 total sample units) * 87,000 cases * 10 minutes = 1,530 hours.

Recording burden for normally exempt employers who are prenotified to keep records for a survey year will be 235,833 hours. The BLS is using the OSHA estimate stated on the Log that each new entry on the Log requires, on average, 14 minutes.

OSHA estimates that completion of each summary form will require, on average, 50 minutes. The BLS sample will include approximately 175,000 normally exempt employers. It is expected that they will record up to 150,000 cases on the Log form for a total burden of 35,000 hours, (@ 14 minutes each) and on the OSHA Injury and Illness Incident Report (@ 22 minutes each) for 55,000 burden hours. All 175,000 normally exempt prenotified employers will need to complete the 50 minute summary form for a burden of 145,833 hours. The total recordkeeping burden for this normally exempt group of employers will be 235,833 hours (35,000 + 55,000 + 145,833). The burden estimates are stated on the OSHA forms that will be provided to employers. The estimate for survey year 2008, with the addition of state and local government agencies, will increase to by 9,433 hours to 245,266 hours (7,000 sample units * 50 minutes = 5,833 hours; 6,000 estimated cases * 14 minutes = 1,400 hours; and 6,000 estimated cases * 22 minutes = 2,200 hours. 5,833 + 1,400 + 2,200 = 9,433 hours).

Combined burden for recording (235,833) plus reporting (91,666) on the BLS Form 9300 is 327,499 hours.

Sector	Sample units	Hours
Private	212,000	320,333 (35,333+49,167+235,833)
Public	18,000	7,166 (3,000+4,166)

The estimate for survey year 2008 with the addition of state and local government agencies will increase to 338,099 (92,833 + 245,266) hours. The estimate for survey year 2009, with the addition of cases with days of job transfer or restriction, will increase to 352,599 (338,099 + 14,500).

In summary:
SOII Burden Hours for 2007 through 2009

Year	Sector	Reporting	Recording	Total Burden
2007	Private	84,500	235,833	320,333
	Public	7,166	0	7,166
	Total	91,666	235,833	327,499
2008	Private	84,500	235,833	320,333
	Public	8,333	9,433	17,766
	Total	92,833	245,266	338,099
2009	Private	97,470	235,833	333,303
	Public	9,863	9,433	19,296
	Total	107,333	245,266	352,599

Respondent cost is estimated at \$5.6 million based on a wage of \$17.04 an hour (327,499 * \$17.04 = approximately \$5.6 million). With the addition of State and Local government units, this respondent cost is estimated at \$5.8 million. With the addition of cases with days of job transfer or restriction, this

respondent cost is estimated at \$6 million. The wages estimate is based on the average hourly wages for production workers in the private sector reported by the BLS for the latest available month: December 2006.

13. Annual cost burden to respondents.

Respondents are provided all materials needed to complete the survey. No capital costs or startup costs are incurred in the recordkeeping or reporting functions of this survey. The costs of generating, maintaining, and disclosing the information requested are direct burden hours as specified in item 12. The recordkeeping practices require only manual recording of information, thereby, no systems work would be required. Employers who have chosen to keep records electronically need only access them for survey purposes.

14. Cost to the Federal government.

Collection costs for the survey are funded on a 50/50 Federal-State matching basis. The Federal share of survey collection costs in Fiscal Year (FY) 2007 is \$4.7 million, an amount that is being matched by participating States. An additional \$10.7 million in FY 2007 non-collection expenses is being incurred by the BLS, for the purpose of providing and maintaining the computers, telecommunications capacity, and software needed to capture the data, as well as retaining the staff who refine the design of the survey, select new survey samples each year, maintain data quality standards, produce and distribute estimates to the States, and publish the national data.

15. Change in burden hours.

Burden hours will be reduced by 750 hours, due to the completion of the quality assurance study (-583) and a change in recordkeeping burden of (-167). The estimate for survey year 2008, with the addition of state and local government agencies, will increase to 338,099 hours. The estimate for survey year 2009, with the addition of cases with job transfer or restriction, will increase to 352,599 hours. The BLS will submit increases for survey years 2008 and 2009 via a Non-Substantive change request to OMB.

16. Tabulation/publication timetable.

Results from the survey are published in press releases and in a bulletin. Data also are published in the President's Report on Occupational Safety and Health, an annual report to the U.S. Congress. Survey data also are available on the Internet and on compact disc. Since the last clearance submission, the BLS has improved the timing of these press releases. The industry rates

and counts press release is now released in October instead of December. The characteristics of injured/ill workers press release is now released in November instead of March of the following year.

Listed below is a summary timetable that identifies the major collection phases and tentative dates for publishing the data.

December/

January	-Prenotification mailing.
January	-Initial mailing of BLS No. 9300 forms to sample units.
February	-Second request mailing to nonrespondents.
April	-Third request mailing to nonrespondents.
May	-Telephone or mail follow-up of key nonrespondents
July	-Active collection of data closed.
October	-Industry rates and counts issued in news release and released on the Internet.
November	-Characteristics of injured/ill workers and circumstances of work place injuries and illnesses issued in news release and on Internet.

17. Display of expiration date

The BLS does request an exemption from the display of the expiration date on the survey form. This should allow savings in printing costs by providing the printer with final forms at an earlier date.

18. Exceptions to certification

No exceptions to the certification statement are requested.