

Note To Reviewer

OSHA complied with all Terms of Clearance contained in the March 19, 2004 OMB approval of 1218-0209. The percent of surveys filed electronically has increased each year. OSHA will investigate the use of e-mail responses similar to the method being used by the BLS. OSHA conducted the recordkeeping audits throughout the approval period. The latest analysis is attached to this paperwork package. The ODI did not change during the 3 year approval period therefore no revised ICR was submitted.

SUPPORTING STATEMENT FOR
PAPERWORK REDUCTION ACT OF 1995 SUBMISSION ON
OSHA DATA COLLECTION SYSTEM

A. Justification

1. *Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.*

The Occupational Safety and Health Administration (OSHA) has a broad mandate to reduce injuries and illnesses in America's workplaces. OSHA has responded to this mandate by developing several programs, including promulgation and enforcement of standards, training/educational programs and cooperative programs. One purpose of the OSHA data initiative is to give OSHA the capability of focusing on those establishments with serious safety and health problems. Historically, OSHA targeted its compliance efforts towards entire industries. Industry data are extremely useful to OSHA for identifying categories of problems (e.g., specific industries and occupations at risk, etc.). However, targeting interventions towards entire industries is not the most efficient use of the Agency's resources. Aggregation of data by industry masks the experience of individual employers. In almost every industry a small percentage of the establishments experience disproportionately large numbers and/or high rates of injuries and illness. Data from relatively safe workplaces in high rate industries are lumped in with data from unsafe workplaces; and unsafe workplaces in relatively low rate industries avoid OSHA scrutiny altogether. Furthermore, studies have shown that the injury and illness experience for these establishments generally persists over time (particularly the larger ones). Establishments with high injury and illness rates tend to continue to have high rates.

The annual collection of employer specific injury and illness data improves OSHA's ability to identify and target agency interventions to those employers who have serious workplace problems. American business is composed of more than 7,000,000 workplaces. Federal OSHA and its State partners perform approximately 110,000 on-site visits per year. Since Federal OSHA and its State partners can only visit a small portion of America's workplaces, government resources could be used more effectively if OSHA uses employer specific data. Through the continued implementation of its annual Data Initiative, OSHA is able to leverage its resources. The result is a reduction in OSHA interventions in workplaces that are relatively safe and healthy, and the more effective use of OSHA's limited resources in more hazardous workplaces, the goal being improved workplace safety and health for America's workers.

Another purpose of the OSHA Data Initiative is to allow OSHA to comply with the Government Performance and Results Act (GPRA). Historically, the Agency has relied on activity measures such as number of inspections to evaluate itself and the State plan programs and has had no mechanism for evaluating the Agency's impact on reducing workplace injuries and illnesses in individual workplaces. Annual collection of employer specific injury and illness data allows the agency to monitor the results of its activities, evaluate its various programs based

on program results, identify the most efficient and effective program mix, and promote the development of programs and policies based on outcome data.

Sections 8 and 24 of the Occupational Safety and Health Act, 29 U.S.C. 657, 673 (attachment 1) and reporting regulations at 29 CFR § 1904.41 (attachment 2) authorize OSHA to collect the requested information by mail. Establishments that fail to submit a completed survey form may be subject to OSHA enforcement actions, including the issuance of a citation and assessment of penalties.

2. *Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.*

The agency will collect occupational injury and illness data from selected employers. These employers will also be required to provide the average employment, hours worked, and the name and phone number of the person submitting the data. The data collection will include mail and telephone follow-up to ask clarifying questions concerning data submitted, and to attempt to obtain responses from non-responders.

The purpose of the data collection is to compile occupational injury and illness data from employers within specific industries and size categories. OSHA then will be able to calculate occupational injury and illness rates by employer and specific industry. The agency will require this information from up to 100,000 employers required to create and maintain records pursuant to 29 CFR Part 1904.

In each of the previous OSHA Data Initiative (ODI) information collections, beginning with the collection of CY 1995 data, the Agency collected data from approximately 80,000 establishments each year. OSHA used the 1996 data from the 1997 collection as a baseline for both its Cooperative Compliance Program initiative and its Interim Plan for Inspection Targeting. The 1997 through 2004 injury and illness data have been used for OSHA's Site Specific Targeting (SST) plans. Each year the SST plan is updated with the most current data. The SST-06 plan is currently using CY 2004 establishment specific data.

Since 1998, OSHA has used the information from each data collection to identify approximately 14,000 establishments in Federal jurisdiction with high lost workday injury and illness case rates. OSHA sends letters to these establishments indicating its concern about the high injury and illness rate at the establishment and informing the employer of available services, such as the OSHA on-site consultation program, that can be used to identify hazards and address occupational safety and health issues.

OSHA is also using the information collected for measurement purposes to comply with the Government Performance and Results Act (GPRA). It must be noted that limiting this data collection to establishments with 40 or more employees also limits OSHA's ability to fully utilize this data collection to meet the Agency's requirements under the GPRA. A significant portion of OSHA inspections as well as consultation visits are performed at establishments with less than 40 employees. OSHA cannot conduct follow-up data collection to measure the impact

of these interventions without authorization to collect from this group of smaller employers. OSHA is seeking approval to collect data from these employers only for performance measurement purposes. Data collected from this group would not be used for OSHA's enforcement activities.

Some states operating state plans pursuant to Section 18 of the OSH Act also use the information collected for the same purposes as does Federal OSHA.

3. *Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.*

OSHA, along with its contractors, mails the data collection form to selected employers. Employers can return the completed forms by mail or fax. Alternatively, employers can provide the survey information to OSHA using a secure, interactive web site. Electronic reporting will reduce the burden on respondents, further streamline the data collection process, and minimize mailing and handling costs. The collection of 1997 data in the 1998 data collection was the first time this electronic filing option was available. Approximately 790 employers used the option (1% of the sample) that initial year. Each subsequent year, the number and percentage of respondents that use the electronic submission option has increased. For the collection of CY 2004 data, 17.5% of respondents filed their data over the internet. OSHA expects increased familiarity with the electronic filing option will result in a slightly higher percentage of surveys submitted to OSHA by use of the electronic filing option.

4. *Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.*

The information to be obtained from this data collection is not available to OSHA from any other source. The OSHA Form No. 300 does not duplicate any existing federal documents. As explained below, the Bureau of Labor Statistics (BLS) currently collects these data from the establishments that are included in their Annual Survey of Occupational Injuries and Illnesses along with more detailed case information. The BLS estimates about 4 percent of the establishments (about 4,000) sampled for the OSHA survey will also be identified for collection by BLS. OSHA and BLS have developed a methodology, described below, to reduce the burden on employers included in both the BLS Annual Survey and the OSHA Data Initiative.

BLS collects the Annual Survey of Occupational Injuries and Illnesses from a 3 percent sample of all private industry establishments. From the sample establishments, BLS collects the summary information from the OSHA No. 300 and information on the demographics of the injured/ill workers and the circumstances of their injuries and illnesses for the injuries and illnesses which require recuperation away from work. This information is used to produce aggregate statistics at the state and national levels. OSHA needs data for individual work sites, which BLS does not provide. Because OSHA is collecting data from all the establishments

within selected industry and size categories, some of the same employers will be selected by both OSHA and the BLS to be included in their respective surveys. As mentioned above, the BLS estimates 4% establishments included in the OSHA collection will also be sampled by the BLS for its Survey of Occupational Injuries and Illnesses.

The following methodology, developed by OSHA and the BLS, eliminates double burden. BLS conducts a computer match to identify:

- a. Employers who are on the BLS list but are not on the OSHA list.
- b. Employers who are on both the BLS and OSHA lists (overlap group).
- c. Employers who are on the OSHA list but not on the BLS list (non-overlap group).

Most employers in the overlap group will receive a questionnaire designed to gather the data that OSHA needs along with the BLS survey form. The questionnaire will consist of a carbon pack form that can be separated with one copy to be returned to OSHA in a self addressed stamped envelope or by fax, and another copy to be included with the BLS survey package. (Employers always have the option of electronic filing with OSHA, and then can send the BLS a printed copy of their electronic submission.) This technique will eliminate the need for employers who are selected for both programs to respond to two separate collections.

Some of the employers in the overlap group will not be identified during the matching process and will receive both the OSHA collection instrument and the BLS collection instrument. Because these computer files can contain slightly different information, such as names that are not exact matches, not all establishments contained on both universe lists will be identified during the matching process. In this situation employers can follow the instructions, included on both the OSHA and the BLS forms, that if the employer has already responded to the other agency's collection request, the employer can, at their option, include a copy of their earlier response in lieu of completing the corresponding questions on the later questionnaire. Then the BLS will update the matching records to avoid this duplication in the future.

The BLS used improved information technology, such as cognitive research, in efforts to reduce employer burden in developing its forms. To take advantage of this reduction in burden, OSHA used the BLS Annual Survey of Occupational Injuries and Illnesses, Part 1: Summary of Occupational Injuries and Illnesses form as a model for OSHA's own forms.

5. *If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-1), describe any methods used to minimize burden.*

Employers with fewer than 11 employees are exempt from the recordkeeping requirements of 29 CFR Part 1904 unless they are pre-notified in writing that they must participate in either the BLS Annual Survey or the OSHA data collection. To date, the OSHA collections have not included any employer exempt because of its size. All establishments included in the data collection for a given year will have already been required to maintain the OSHA Log for the year being collected. Once selected for participation in OSHA's data

collection, all employers have the same obligation to respond to the collection request.

6. *Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.*

OSHA plans to collect log data from approximately 100,000 establishments. These data are critical to OSHA's outreach and enforcement targeting efforts and are essential for OSHA to be able to comply with GPRA requirements.

Collections less frequently than annually would, by definition, reduce the quantity of data that OSHA would have to use for the purposes described above. Additionally, the breadth of the data would also be reduced. OSHA changes the universe of employers that it collects from every year. So, if data were collected less frequently than annually, OSHA would have data from fewer employers, not simply less data from the same employers. This would severely reduce OSHA's ability to identify those establishments with the highest rates of occupations injuries and illnesses. [It should be noted that the burden on individual employers already is reduced because OSHA changes the universe for the collection every year. Thus, any given employer is not that likely to be included in the data collection in consecutive years].

Collections less frequently than annually would also result in practical administrative difficulties. The infrastructure (including staffing) of the collection system would be difficult to maintain if the data are not collected annually. This is especially true for the state collecting agencies which have staff that are trained and spend full time working on various aspects of this data collection. Collection less frequently would result in the need to reassign people or terminate the employment of key personnel. The cumulative institutional knowledge that the state personnel develop from collecting the data each year would be lost, affecting the quality and timeliness of the data. Also, there would be costs for biannual startup and shutdown and personnel training that would offset much of the expected cost savings.

7. *Explain any special circumstances that would cause an information collection to be conducted in a manner:*
 - *requiring respondents to report information to the agency more often than quarterly;*
 - *requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;*
 - *requiring respondents to submit more than an original and two copies of any document;*
 - *requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;*
 - *in connection with a statistical survey, that is not designed to produce valid and*

reliable results that can be generalized to the universe of study;

- *requiring the use of a statistical data classification that has not been reviewed and approved by OMB;*
- *that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or*
- *requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.*

In some circumstances the information recorded in compliance with Part 1904 may contain confidential information. For example, the employment and hours worked data required as part of the data collection potentially could be considered confidential commercial information. OSHA considers such information to be potentially confidential, and, as appropriate, follows the procedures set forth in 29 CFR 70.26, which require OSHA to contact the employer which submitted the information prior to any potential release under the Freedom of Information Act, 5 U.S.C. § 552(b)(4). Additionally, Section 15 of the OSH Act protects the confidentiality of trade secrets. 29 U.S.C. § 664. See also 18 U.S.C. § 1905.

8. *If applicable, provide a copy and identify the data and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.*

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

OSHA published a request for comment in the May 22, 2006 Federal Register (Attachment 5). No comments were submitted.

9. *Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.*

Respondents will not receive any payments or gifts.

10. *Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.*

Information about the occurrence of occupational illness and injury at a particular worksite might be subject to disclosure under the Freedom of Information Act (FOIA). Therefore, information collected by OSHA's Data Collection Initiative may be subject to disclosure in whole or in part at the establishment level or in aggregate form.

11. *Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.*

This data collection includes no questions of a sensitive nature.

12. *Provide estimates of the hour burden of the collection of information. The statement should:*

- *Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.*

All employers selected have maintained, for the year, forms OSHA Form 300, Log of Work-Related Injuries and Illnesses, OSHA Form 300A, Summary of Work-Related Injuries and Illnesses, and OSHA Form 301, Injury and Illness Incident Report. (The OSHA Forms 300, 300A, and 301 are cleared under OMB No. 1218-0176). Completion of the injury and illness summary portion of OSHA Form 196 simply requires copying data from the employer's completed OSHA Form 300A. OSHA estimates it will take an average of 10 minutes to review the instructions and copy data from the OSHA Form 300A to the collection form.

Cite/Reference	Total Respondents	Frequency	Total Responses	Average Time per Response	Burden
OSHA Form 196	100,000	Annually	100,000	10 minutes	16,667 hours

Note: Due to rounding, there is a one hour difference between the Supporting Statement (16,667 hours) and the entry in the ROCIS (16,666 hours).

- *Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.*

Respondent cost is estimated at \$374,174 based on a wage and benefits of \$22.45 an hour (16,667 * \$22.45=\$374,174). To estimate the costs that would result from the transfer of data to the OSHA data collection form 196, OSHA assumed that this work would be conducted by someone with the skill level of a Human Resources Assistant (OES code 43-4161).

13. *Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).*
 - *The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.*
 - *If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.*
 - *Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3)*

for reasons other than to provide information or keep records for the government or (4) as part of customary and usual business or private practices.

The cost of:

- (a) Total capital and start-up cost component (annualized over its expected useful life) is \$0.
- (b) Total operation and maintenance and purchase of services component is \$0.

14. *Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.*

The total cost to the Federal government for collecting the data will be approximately \$3.0 million.

Grants to States for Data Collection	\$2.3 million
Contractor Support (Establishment list; software development and support; collection monitoring; quality analysis; data editing; data distribution)	\$0.7 million
Total	\$3.0 million

15. *Explain the reasons for any program changes or adjustments reporting in Items 13 or 14 of the OMB Form 83-I.*

There is a net increase of 1,187 hours. This net increase is in part due to a request for authority to collect data from an additional 3,325 establishments. OSHA is also assuming the burden for the estimated number of establishments that overlap between the BLS Annual Survey and the OSHA data collection. In prior ICRs, OSHA excluded this group from its burden estimates. Because OSHA does not know the exact number in this group, it is assuming the burden for the full 100,000 establishments surveyed.

16. *For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.*

The establishment specific data collected will not be published. The results of the data collection will be used by the Department to focus OSHA's resources toward the worst safety and health hazards, to measure the performance of the Agency in meeting its goal of reducing workplace injuries and illnesses and to track and assess the Agency's effectiveness as required by GPRA.

17. *If seeking approval to not display the expiration date for OMB approval of the*

information collection, explain the reasons that display would be inappropriate.

The agency is not seeking approval not to display the expiration data for OMB approval of the information collection.

18. *Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.*

There are no exceptions to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submission," of OMB 83-I.

B. Collection Methods

This collection does not employ statistical methods.

Attachment 1
Occupational Safety and Health Act of 1970

Attachment 2
Title 29 CFR Part 1904

Attachment 3
OSHA Form 196

Attachment 4
Federal Register Request for Comments

Attachment 5
Analysis of Recordkeeping Audits