

SUPPORTING STATEMENT

Survey of Occupational Injuries and Illnesses

A. Justification

1. Background.

Section 24(a) of the Occupational Safety and Health Act of 1970 (the Act) 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 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 options collection forms, and the FAX form are included as appendices to this package. The forms are provided in the format that will be used for the 2013 survey. Also attached are the notification letter and materials to be sent to all participants in the 2014 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 also is included. Also included are copies of non-response follow-up letters mailed to both mandatory and voluntary survey participants at established intervals following the beginning of survey data collection. Also included are forms related to pilot collection of case and demographic data for injury and illness cases that require only days of job transfer or restriction.

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.

Beginning with survey year 2008, the Survey of Occupational Injuries and Illnesses published 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. The BLS collects data from State and local government agencies in all States to support both State and national estimates. The BLS regards the collection of these data as a significant expansion in its overall coverage of the American workplace and it also provides some measure of response to critics who allege an undercount of injuries and illnesses in the survey. The BLS undertook research into the undercount by investigating the issues surrounding a potential undercount. This multiyear research effort provided results in 2012 which were used to guide the selection of further research topics in 2013 to improve the completeness and accuracy of estimates from the S0II.

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 previously only collected case and demographic data only for cases with days away from work, data were not obtained about a growing class of injury and illness cases. Beginning with the

2011 survey year, BLS began testing the collection of case and demographic data for injury and illness cases that require only days of job transfer or restriction. BLS is analyzing the results of this test to determine the value of the resulting information and is looking at how best to implement the collection of these data as well as days away from work cases in future survey years. 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 has maintained the subsampling process for employers to limit to 15 the number of cases each employer needs to submit. BLS is continuing to examine 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.

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 measures. The BLS Survey of Occupational Injuries and Illnesses contributes eight frequency measures to these health indicators.

Employers covered under the 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 2012 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 IDCF permits incorporation of sampling for those respondents predicted to have more than 15 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 2011 survey, with the additional collection of cases with only job transfer or restriction, this subsampling of cases continued to result in employers only having to submit 15 cases or less.

Beginning with the 2008 survey year, BLS sent the electronic data option collection form to all employers, except those in Puerto Rico who receive the Spanish language collection booklet. The initial tests encouraging the use of electronic data submission were conducted in the 2005 and 2006 survey years and were very successful which led to further utilization of electronic collection options. The number of responses via the Internet rose from 29,551 establishments in the 2004 survey year to 124,088 in the 2008 survey year (all establishments with the exception of those in Puerto Rico had the option to respond electronically in 2008). Between these survey years, the number of cases collected by the IDCF rose from 50,707 days away from work cases to 174,125 cases. As of April 22, 2013, 134,992 establishments have responded via the IDCF and have submitted 221,805 cases. The e-mail option which utilizes an Adobe fillable form also has been successful. The number of establishments submitting data through this option rose from 914 in survey year 2004 to 21,270 in survey year 2008, but has fallen to 6,841 as of April 22, 2013 for survey year 2012 due to the increased use of the IDCF for data submission. 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 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.

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, using the electronic data collection option enables small employers with no Days Away From Work cases to simply enter information from the summary form for the survey on the Internet which completes their response.

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. The States 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.

8. Federal Register Notice and Outside Consultation.

Federal Register Notice.

A 60 day Federal Register was published in 78 FR 29383 on May 20, 2013.

The BLS received one response from the Bureau of Economic Analysis as a result of this Federal Register notice.

The Bureau of Economic Analysis (BEA) supports the proposal of the Bureau of Labor Statistics, to analyze the results of the recently collected case and demographic data for injury and illness cases, which require only days of job transfer or restriction. In addition, BEA strongly supports the continued collection of the other data reported on Form 9300. The data collected from this form are important elements in the derivation of major components of the BEA's economic statistics.

BEA uses data on occupational injuries/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. If available, the new data on days of job transfer or restriction would be used to derive improved estimates of workers' compensation made on behalf of the workers in different industries.

Consultations.

Semiannually, the BLS meets with the Data Users Advisory Committee 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.

The Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA) safeguards the confidentiality of individually identifiable information acquired under a pledge of confidentiality for exclusively statistical purposes by controlling access to, and uses made of, such information. CIPSEA includes fines and penalties for any knowing and willful disclosure of individually identifiable information by an officer, employee, or agent of the BLS.

Based on this law, the BLS provides respondents with the following confidentiality pledge/informed consent 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.

BLS policy on the confidential nature of respondent identifiable information (RII) states that "RII acquired or maintained by the BLS for exclusively statistical purposes and under a pledge of confidentiality shall be treated in a manner that ensures the information will be used only for statistical purposes and will be accessible only to authorized individuals with a need-to-know."

The 2013 reporting form, BLS No. 9300, and the related Internet data collection site, will carry the confidentiality statement referenced above.

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.

Reporting Burden for the Survey Data Collection (Form 9300).

As noted above, with the implementation of the 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 240,000 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 40,000 hours [(240,000 sample units x 10 minutes)/60 = 40,000 hours].

Form 9300 - Part I

Sector	Sample units	Hours
Private	220,000	36,667
Public (mandatory)	13,000	2,167
Public (voluntary)	7,000	1,166
Total	240,000	40,000

In Part 2 of the form, a burden allowance is provided to permit respondents to report up to 300,000 Days Away From Work cases. The respondent copies the occupation and number of days away from

work 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 50,000 hours [(300,000 cases x 10 minutes)/60 = 50,000 hours].

Form 9300 - Part II

Sector	Days away from work cases	Hours
Private	255,000	42,500
Public (mandatory)	37,500	6,250
Public (voluntary)	7,500	1,250
Total	300,000	50,000

The test of the collection of cases with Days of Job Transfer or Restriction in survey year 2014 will impact the burden allowance for 2014 but its exact impact beyond 2014 is unknown. Analysis of the results will determine future efforts. If these cause changes in burden, then a non-substantive change request will be submitted to OMB.

Total burden for the survey data collection Form 9300 is, therefore, 90,000 hours (40,000 + 50,000). The average reporting burden is then 22.5 minutes or .375 hours per respondent [90,000 hours/240,000 sample units = 0.375 hours per sample unit].

Sector	Hours
Private	79,167
Public (mandatory)	8,417
Public (voluntary)	2,416
Total	90,000

Reporting Burden for Prenotification Recording.

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 the OSHA Injury and Illness Incident Report will require, on average 22 minutes. OSHA further estimates that completion of each summary form will require, on average, 50 minutes.

The BLS sample will include approximately 175,000 normally exempt private sector 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, [(150,000 cases x 14 minutes)/60 = 35,000] and on the OSHA

Injury and Illness Incident Report for 55,000 burden hours [(150,000 cases x 22 minutes)/60 = 55,000]. All 175,000 normally exempt prenotified employers will need to complete the 50 minute summary form for a burden of 145,833 hours [(175,000 sample units x 50 minutes)/60 = 145,833]. The total recordkeeping burden for this normally exempt group of employers will be 235,833 hours (35,000 + 55,000 + 145,833).

The BLS sample will include approximately 7,000 normally exempt public sector employers. The estimate for state and local government agencies will increase recording burden by 10,333 hours to 246,166; (7,000 sample units x 50 minutes)/60 = 5,833 hours; (7,500 cases x 14 minutes)/60 = 1,750 hours; and (7,500 cases x 22 minutes)/60 = 2,750 hours. 5,833 + 1,750 + 2,750 = 10,333 hours). The burden estimates are stated on the OSHA forms that will be provided to employers.

Total Burden.

Combined burden for recording (246,116) plus reporting (90,000) on the BLS Form 9300 is 336,116 hours.

Sector	Sample units	Hours
Private	220,000	315,000 (36,667+42,500+235,833)
Public (mandatory)	13,000	8,417 (2,167+6,250)
Public (voluntary)	7,000	12,749 (1,166+1,250+10,333)
Total	240,000	336,166

S0II Burden Hours for 2013 through 2015

Burden hours increase in 2015 due to the collection of case and demographic data for injury and illness cases that require only days of job transfer or restriction. This increase in burden as a result of the additional cases to record and report are reflected in the below calculations.

Year	Sector	Reporting	Recording	Total Burden
2013	Private	79,167	235,833	315,000
	Public (m)	8,417	--	8,417
	Public (v)	2,416	10,333	12,749
	Total	90,000	246,166	336,166
2014	Private	79,167	235,833	315,000
	Public (m)	8,417	--	8,417
	Public (v)	2,416	10,333	12,749
	Total	90,000	246,166	336,166
2015	Private	92,500	235,833	328,333
	Public (m)	10,334	--	10,334
	Public (v)	2,166	9,433	11,599
	Total	105,000	245,266	350,266

Respondent cost is estimated at \$7.36 million based on an employer cost of \$23.37 an hour (315,000 * \$23.37= approximately \$7.36 million). With the addition of State and Local government units, this respondent cost is estimated at \$7.86 million. The employer cost is based on employer costs for wages, salaries, and employee benefits for sales and office workers reported by the BLS for the latest available month: March 2013.

A nonsubstantive change was submitted to OMB in May of 2013 for a test to determine the amount of SOII undercount with a burden hours of 1950. This test will run through May of 2014 at which time BLS will submit a nonsubstantive change to remove these burden hours from the record.

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) 2013 is around \$5.0 million, an amount that is being matched by participating States. In addition, approximately \$14.0 million in FY 2013 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, as well as other related activities. Due to sequestration, the FY 2013 expenses outlined above do not reflect the long-term annual costs of the program. Specifically, FY 2013 expenses reflect curtailed spending as well as a hiring freeze, both of which may impact the quality and quantity of some BLS data.

15. Change in burden hours.

Burden has increased by 900 hours due to a burden increase from 11,849 to 12,749 in the public voluntary sector due to a

calculation error in the previous package submission. Calculations in the previous package were calculated on 6000 rather than 7500. In 2015 the burden hours will increase by 15,000 hours due to the addition of Days of Job Transfer or Restriction cases to be collected. A nonsubstantive change will be submitted to reflect this change in burden in 2015.

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. The industry rates and counts press release is released in October and now includes data on State and local government establishments. The characteristics of injured/ill workers press release is released in November.

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.
March	-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 requests an exemption from the display of the expiration date on the survey form. This allows for a 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.