

### **Note to Reviewer**

OSHA is currently working on two rulemakings that will modify the requirements of 29 CFR Part 1904: 1) Improve Tracking of Workplace Injuries and Illnesses (78 FR 67254 – 67283) and 2) NAICS Update and reporting Revisions (76 FR 36414 – 36438). Both have been published as a Notice of Proposed Rulemaking and the public comment periods for each have closed. OSHA is currently developing final rules for each project and has been in communication with OMB on these two projects.

This ICR is a request for the extension of the currently existing injury and illness recordkeeping requirements. The ICR approval of the current requirements expires 5/31/2014. This request does not incorporate the proposed changes noted above.

**SUPPORTING STATEMENT FOR THE  
INFORMATION COLLECTION REQUIREMENT ON RECORDKEEPING  
AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES  
(29 CFR PART 1904)  
OFFICE OF MANAGEMENT AND BUDGET (OMB)  
CONTROL NO. 1218-0176  
(May 2014)**

**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.**

Public Law 91-596, the Occupational Safety and Health Act of 1970, section 24(a) states that:

The Secretary . . . shall develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics.

Further:

. . .the Secretary may promote, encourage, or directly engage in programs of studies, information and communication concerning occupational safety and health statistics.

Section 8(c)(2) of the OSH Act also prescribes that:

The Secretary shall prescribe regulations requiring employers to maintain accurate records of and to make periodic reports on, work-related deaths, injuries and illnesses. . .

Recordkeeping regulations are contained in Title 29 of the Code of Federal Regulations (CFR) Part 1904.

Recordkeeping forms are promulgated under 29 CFR Part 1904, and consist of the OSHA Form 300, the Log of Work-Related Injuries and Illnesses; the OSHA Form 300A, Summary of Work-Related Injuries and Illnesses; and the OSHA Form 301, the Injury and Illness Incident Report. The use of the recordkeeping forms by employers helps to ensure the uniformity of the safety and health data utilized by OSHA and the Bureau of Labor Statistics (BLS).

**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 OSHA Forms package and 29 CFR Part 1904 provide employers with the means and specific instructions needed to maintain records of work-related injuries and illnesses. Response to this collection of information is mandatory for employers covered by the regulations, as specified in 29 CFR Part 1904, subpart B. Approximately 1.5 million establishments are regularly required to maintain the forms.

Employers required to keep the occupational injury and illness records pursuant to 29 CFR Part 1904 must maintain the required records at each establishment, and comply with the annual certification and posting requirements of 29 CFR 1904.32. These employers are required to comply with the requirements of 29 CFR 1904.35, which provide access to records for employees, former employees and their representatives. These employers are also required to comply with the reporting requirements of 29 CFR 1904 Subpart E, which provides for reporting fatality, injury and illness information to the government. (Note: The burden associated with the requirements of §1904.42 are covered under OMB Control Number 1220-0045.)

The records kept pursuant to Part 1904 are used for many purposes. Generally, hard data are necessary to define the nature and extent of existing occupational health and safety problems, or lack thereof. Hard data on occupational injuries and illnesses provide a baseline for use in evaluating efforts to solve existing health and safety problems. Accurate worksite data are indispensable for use in outcome-oriented efforts to improve the safety and health of America's workers.

Specifically, the records kept pursuant to Part 1904 are used primarily by government, employers, employees, and labor organizations. OSHA uses the information gathered from Part 1904 records during its annual data collection to target its programmed inspections and outreach efforts and to comply with the Government Performance and Results Act (GPRA). OSHA also uses information provided in individual employer's Part 1904 records when its compliance officers review them as a part of an on-site OSHA inspection. The information in the records can provide a roadmap for the compliance officer to focus the inspection on the most hazardous aspects of the operation. In short, accurate records are necessary for the optimal prioritization of the use of OSHA's scarce resources.

In addition to OSHA, others use information generated by the Part 1904 records. The Bureau of Labor Statistics (BLS) uses the information collected from the Part 1904 records of participants in its annual statistical survey (which is covered under a separate PRA approval) to produce national statistics on occupational injuries and illnesses. Employers and employees use the records to see -- in a snapshot -- the health and safety record for the establishment. The records provide accurate injury and illness information for each worksite; information which is indispensable for use by the employer as well as employees in accomplishing data-based problem solving and hazard identification to improve the health and safety conditions of the worksite.

**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.**

29 CFR 1904.39(a) requires the employer of any employees so affected to orally report the fatality/multiple hospitalization by telephone or in person to the Area Office of the Occupational Safety and Health Administration (OSHA), U. S. Department of Labor, that is nearest to the site of the incident, or by using the OSHA toll-free central telephone number. OSHA does not believe that reporting by voice-mail, facsimile (fax) or e-mail would meet the objectives of this data collection. For example, if an incident occurred late on a Friday evening, and the employer used the facsimile machine to meet the reporting requirements, OSHA would most likely not learn of the incident until the following Monday morning. Telephone answering machines and e-mail would be similarly deficient. For this reason, OSHA requires that these reporting obligations be met through direct verbal contact with the Area Office or by utilization of the OSHA toll-free number. In this manner a timely decision can be made regarding investigation of the scene.

Employers may maintain the required Part 1904 records using computers, if the computerized forms contain the same detail and are as readable and comprehensible to the average person as are the Part 1904 forms. On its website ([www.osha.gov](http://www.osha.gov)), OSHA has made available to the public the OSHA Forms 300, 300A and 301 as a Microsoft Excel spreadsheet and in a fillable PDF format. The use of such technology, including the advantages of centralization, reduces employer burden.

Part 1904.40 of the OSHA Injury and Illness Recording and Reporting Requirements gives instruction as to when OSHA records are required to be provided to a government representative. The OSHA forms are to be retained and updated by the employer according to Part 1904.33 of the Recordkeeping Requirements.

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

OSHA knows of no similar data that are comparable to the data recorded on the OSHA Form 300. Workers' compensation data are not a viable substitute for the data required by Part 1904 because State workers' compensation regulations that define which injuries and illnesses are compensable vary. Furthermore, workers' compensation data are not made available to OSHA by every State.

The OSHA Form 300 and the OSHA Form 301 do not duplicate any existing federal documents. For each recordable occupational injury or illness, as defined by 29 CFR Part 1904, Subpart C, an employer must complete a line item on OSHA Form 300 and also complete the OSHA Form 301. Employers may use other forms, such as insurance forms or State workers' compensation forms, in lieu of the OSHA Form 301 if the substitute forms contain all the information required by the OSHA Form 301 or are supplemented to do so. OSHA estimates that 60 percent of employers will use substitute forms in lieu of the OSHA Form 301.

**5. If the collection of information impacts small businesses or other small entities, describe the methods used to reduce the burden.**

Small employers with fewer than 11 employees in all sectors of the economy and all employers in certain Standard Industrial Classifications are exempt from OSHA recordkeeping, unless pre-notified in writing that they must participate in the BLS Annual Survey of Occupational Injuries and Illnesses, OMB Control No. 1220-0045. See 29 CFR 1904.42. Of the 7.5 million establishments covered by OSHA and the State Plans, approximately 6 million fall under these exemptions. These exemptions do not apply to the reporting requirement that employers must orally report to OSHA a fatality or multiple hospitalizations as a result of a work-related incident. See 29 CFR 1904.39.

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

Efforts to fulfill the Congressional mandate to assure "safe and healthful working conditions for working men and women . . ." would be severely hampered if OSHA did not require employers to maintain the records required by 29 CFR part 1904, or if OSHA required that the records be kept on less than an annual basis. As explained more fully above in answer to question 2, the records kept pursuant to Part 1904 are used for many purposes. The absence of these records, or any change in the system which would result in less frequent generation of these records, would adversely impact many programs. The government and private sector's ability to define -- using hard data -- the nature and extent of existing occupational safety and health problems, and to evaluate occupational safety and health programs, would be severely hampered. Specifically, OSHA and BLS would be unable to continue their respective annual (and OSHA's proposed quarterly) collections of information generated from the Part 1904 records, and thus their respective programs that utilize those data -- such as OSHA's programmed inspection program, compliance with GPRA, and BLS's generation of national occupational injury and illness statistics -- would be irreparably harmed. OSHA compliance officers would not have the benefit of current Part 1904 records which help to focus their on-site inspections more effectively. In short, OSHA's ability to optimize the use of its scarce resources would be crippled. Furthermore, employers and employees would also lose a valuable resource -- an up-to-date "snapshot" of the safety and health record for the establishment -- if the Part 1904 records ceased

to exist, or were maintained on a less frequent basis.

**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 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 prove that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

While this information collection does not give a confidentiality assurance, in some circumstances the information recorded in compliance with Part 1904 may be confidential in nature. 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.

Furthermore, §§ 1904.29 (b)(6) through (b)(9) provide for the confidentiality of employees who experience 6 different types of injuries and illnesses, including any illness case in which an employee voluntarily requests that his or her name not be entered on the log. Employers are required to code these injury and illness cases and maintain a separate confidential list of employee names associated with the codes. Also, § 1904.29 (b)(10) requires that, if an employer voluntarily discloses the forms to persons other than those granted access under §§ 1904.35 and 1904.40, the employer must remove or hide the employees' names and other personally identifying information, except under the limited circumstances contained in §§ 1904.29(b)(10) (i) through (iii). This ensures the employee's privacy is protected.

Employers under 29 CFR Part 1904.29(b)(3) are required to enter each recordable injury or illness on the OSHA 300 Log and 301 Incident Report within seven (7) calendar days of receiving information that a recordable injury or illness has occurred. Also, 1904.39(a) requires employers to orally report fatalities and multiple hospitalization incidents to OSHA within 8 hours of occurrence. OSHA's fatality/catastrophe investigations are most effective when accidents are reported immediately following their occurrence. Any delay in OSHA's receipt of

these reports can seriously hinder the Agency's efforts to determine the cause of the accident, as the accident scene can change significantly in a short period of time.

Under 29 CFR Part 1904.33 employers are required to retain and update the records for five years following the end of the calendar year that the records cover. The five-year retention requirement for OSHA injury and illness records enables employers, employees, and researchers to obtain sufficient data to discover patterns and trends of illnesses and injuries and, in many cases, to demonstrate the statistical significance of such data. OSHA has concluded that the five-year retention period adds little additional cost or administrative burden, since relatively few cases will surface more than three years after the injury and illness occurred, and the vast majority of cases are resolved in a short time and do not require updating.

This information collection is otherwise consistent with 5 CFR 1320.5.

**8. If applicable, provide a copy and identify the date 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.**

As required by the Paperwork Reduction Act of 1995 (U.S.C. 3506(c)(2)(A)), OSHA published a notice in the Federal Register on February 20, 2014 (79 FR 9768), Docket No. OSHA-2010-0055 requesting public comment on its extension of the information collection requirements contained in OSHA's Recordkeeping and Reporting Occupational Injuries and Illnesses (29 CFR Part 1904). This notice was part of a pre-clearance consultation program intended to provide those interested parties the opportunity to comment on OSHA's request for an extension by the Office of Management and Budget (OMB) of a previous approval of the information collection requirements found in the above regulation.

OSHA received seven comments in response to a request for comment published in the February 20, 2014 Federal Register. The comments were submitted by the Maute, Joseph; Private Citizen, Zelesnik, Michael; Private Citizen, C, S; Private Citizen, Hammerich, William; Colorado Livestock Association, Holden, Patrick; Private Citizen, Wargo, Jeffrey; Private Citizen, and Baber, Mark; Private Citizen. A copy of the Federal Register notice and the comments submitted are in Attachment 4. The following is a synopsis of those comments and OSHA's response:

Comment 1 (ID. OSHA-2010-0055-0011): Maute, Joseph comments pertain to OSHA's Notice of Proposed Rulemaking (NPRM) to Improve Tracking of Workplace Injuries and Illnesses (78 FR 67254), rather than to this extension of an existing ICR. Mr. Maute stated the benefits of exchanging and sharing information, and he believes there is no additional workload added to employers, especially considering most organizations currently use computer databases to record

and monitor workplace injuries and illnesses. He notes that employers may believe the rulemaking is adding to their workload and the possible need to train employees to use the new electronic submission software; and concludes that this is understandably worrisome, but there is not enough proof of the additional costs this would add to employers.

OSHA's Response: As Mr. Maute's comments pertain to the NPRM, they do not affect the existing information collection requirements. As a result no changes were made to this ICR.

Comment 2 (ID.OSHA-2010-0055-0010): Zelesnik, Michael writes to express his approval for an extension of 29 CFR part 1904. The collection requirements are fair and uncomplicated in method and burden. He speaks to the ease of collecting the data and the method of recording and reporting the data. The data collected by his company has resulted in immediate safety and health benefits for both the employees and the employer alike. In addition, Mr. Zelesnik provided comments on OSHA's NPRM to Improve Tracking of Workplace Injuries and Illnesses

OSHA's Response: Mr. Zelesnik's comments are supportive of the information collection. The comments reaffirm the stated purpose of the information collection, to increase workplace safety by making available workplace injury/illness information to employers, employees, the government, and other stakeholders for identification and abatement of occupational hazards. Mr. Zalenik's comments did not address the burden estimates associated with developing and maintaining the forms. Several of Mr. Zalenik comments pertain to OSHA's NPRM to Improve Tracking of Workplace Injuries and Illnesses, rather than this extension of an existing ICR. As a result, no changes were made to this ICR.

Comment 3 (ID: OSHA-OSHA-2010-0009): C, S and Comment 4 (ID OSHA-OSHA-2010-0006): Holden, Patrick comments pertain to OSHA's NPRM to Improve Tracking of Workplace Injuries and Illnesses, rather than this extension of an existing ICR. They believe that section (a) (1) of the proposed regulation would provide a significant disincentive for employees to report their work-related injuries to their employers and significantly reduce the ability of employers to implement corrective actions to prevent injury recurrences. The proposed (and highly public - via internet posting) quarterly reporting of injury logs and injury reports would allow OSHA to select workplaces with high injury rates or certain injury types for prompt inspection under one of the various OSHA emphasis programs. These workplaces would be subject to unfavorable publicity when the data is placed on the internet for public viewing by the entire world. As proposed, the quarterly public reporting of injury logs and injury reports could also change the focus of employer safety programs from compliance with safety standards and proactive safety measures to an unhealthy preoccupation with the "fallout" from publicity of workplace injuries.

OSHA's Response: As these comments pertain to OSHA's NPRM to Improve Tracking of Workplace Injuries, they do not affect the existing information collection requirements. As a result, no changes were made to this ICR.

Comment 5 (ID: OSHA-2010-0055-0006): Hammerich, William; Colorado Livestock Association comments pertain to OSHA's NPRM to Improve Tracking of Workplace Injuries and Illnesses, rather than this extension of an existing ICR. He believes access to personal information and the possibility of it being used for reasons other than what is required or intended is of great concern to our membership. OSHA's rationale is dubious as employers are already required to timely compile this data, and the agency already has the ability to access these records. The clerical task of uploading records to the agency does nothing to improve or



advance safety in the workplace and may be especially difficult for those operations located in rural areas without access to high speed internet or broadband.

OSHA's Response: As these comments pertain to OSHA's NPRM to Improve Tracking of Workplace Injuries, they do not affect the existing information collection requirements. As a result, no changes were made to this ICR

Comment 6 (ID OSHA-2010-0055-0005): Wargo, Jeffrey comments pertain to OSHA's NPRM to Improve Tracking of Workplace Injuries and Illnesses, rather than this extension of an existing ICR . He sees no compelling justification for this rule as it pertains to OSHA's primary role of protecting worker health. There is no evidence that allowing outside parties unfettered access to individual business records will improve worker safety one bit. The only people who will benefit from this are lawyers fishing for negligence suits.

OSHA's Response: As these comments pertain to OSHA's NPRM to Improve Tracking of Workplace Injuries, they do not affect the existing information collection requirements. As a result, no changes were made to this ICR

Comment 7 (ID: OSHA-2010-0055-00010): Baber, Mark believes it's a better way of receiving real time information on injured workers and facts on how workers continue to get injured on the job.

OSHA's Response: As this comment pertains to OSHA's NPRM to Improve Tracking of Workplace Injuries, it does not affect the existing information collection requirements. As a result, no changes were made to this ICR

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

The Agency will not provide payments or gifts to the respondents.

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

While there is no assurance of confidentiality covering information recorded on these forms and documents, the 1904 regulations include several provisions to protect the privacy of injured or ill employees. While in the possession of the employer, the records are subject to the requirements for access outlined in 29 CFR Part 1904.35 and 1904.40. Records obtained by OSHA or other Federal government representatives would be disclosed by the government only in accordance with the Freedom of Information Act (FOIA). Exemption 4 of FOIA protects "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." See 5 U.S.C. § 552(b)(4). Exemption 6 of FOIA enables an agency to exempt certain information from disclosure which would be "a clearly unwarranted invasion of personal privacy." See 5 U.S.C. §552(b)(6).

As discussed in question 7 of this supporting statement, §§ 1904.29 (b)(6) through (b)(9) provide for the confidentiality of employees who experience 6 different types of injuries and illnesses, including any illness case for which an employee voluntarily requests that his or her name not be entered on the log. Employers are required to code these injury and illness cases and maintain a separate confidential list of employee names associated with the codes. Also, § 1904.29 (b)(10)

requires that, if an employer voluntarily discloses the forms to persons other than those granted access under §§ 1904.35 and 1904.40, the employer must remove or hide the employees' names and other personally identifying information, except under the limited circumstances contained in §§ 1904.29(b)(10)(i) through (iii).

Furthermore, the OSHA 300 and 301 Forms contain the following statement: "This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes."

These provisions will help to ensure the employee's privacy is protected.

**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.**

Column F of the OSHA Form 300 requires the employer to "Describe injury or illness, parts of body affected, and object/substance that directly injured or made person ill." Asking this question is necessary for OSHA to comply with its statutory mandate. [The Occupational Safety and Health Act of 1970 requires the Secretary to "prescribe regulations requiring employers to maintain accurate records of and to make periodic reports on, work-related deaths, injuries, and illnesses . . ." 29 U.S.C. 657. The OSH Act further requires the Secretary to "develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics . . . The Secretary shall compile accurate statistics on work injuries and illnesses. . ." and the Secretary may "promote, encourage, or directly engage in programs of studies, information and communication concerning occupational safety and health statistics." 29 U.S.C. 673.] This is not a situation where the government is prying into the private behavior of individuals; the government is seeking information from employers about occupational injuries and illness, in order "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions. . ."

Further, OSHA believes that the regulation does provide protection against "inappropriate" disclosure. The entire log is not disclosable to anybody who wants to see it. The regulation requires disclosure only to: (1) people who, by statute, have official government responsibilities related to occupational safety and health or (2) people who either work or have worked at the establishment, or (3) people who represent people who work or have worked at the establishment. As discussed above, §§ 1904.29 (b)(6) through (b)(9) provide for the confidentiality of employees who experience 6 different types of injuries and illnesses, including any illness case which an employee voluntarily requests that his or her name not be entered on the log. In addition, if the employer voluntarily discloses the log to persons other than those granted a right of access, the employer must remove or hide the employees' names and other personally identifying information in most cases.

OSHA's historical practice of allowing employee access to all of the information on the log -- including the description of the injuries and illnesses -- permits employees and their designated representatives to be informed about the occupational injuries and illnesses recorded in the workplace as well as the employer's recordkeeping practices.

**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.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **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 should be included in Item 13.**

The recordkeeping burden varies greatly from establishment to establishment, depending upon industry, size, expertise, the use of equivalent forms and computer resources. Another important factor to be considered is that an establishment in a high-risk industry such as meatpacking may have 200 recordable cases in one year requiring 200 line entries on the OSHA Form 300 log, while a telephone communications company establishment of the same size would average approximately 20 recordable cases.

Estimates of the total burden of injury and illness recordkeeping are dependent on the number of establishments required to maintain the records and the number cases recorded on the forms. These elements vary from year-to-year. The data used to develop the burden estimates are CY 2008-2012 injury and illness estimates from the BLS Survey of Occupational Injuries and Illnesses and 2008-2011 establishment counts from County Business Patterns.

The following assumptions are used to develop the burden estimates:

- (A) Time required to complete an entry (other than a needlestick) on the OSHA Form 300 (including research in the regulation) ranges from 5 minutes to 30 minutes and averages 14 minutes;
- (B) Time required to record a needlestick on the OSHA Form 300 averages 5 minutes;
- (C) Time required completing an entry on the OSHA 301 (including research) averages 22 minutes;
- (D) Based on information gathered from 800 recordkeeping audit inspections, OSHA estimates approximately 40 percent of the cases will be recorded on the OSHA Form 301. Many employers will use an equivalent form such as a State workers' compensation form, insurance form, etc.;
- (E) A line entry on a confidential list for a "privacy concern case," as defined under §1904.29(b)(6), will average 3 minutes. All needlestick injuries are considered privacy concern cases. Based on BLS injury and illness counts, OSHA estimates 0.5% of cases other than needlesticks are privacy concern cases.

(F) Employers are required by 29 CFR 1904.32 to complete, certify and post a summary of occupational injuries and illnesses for each establishment. This applies to all establishments covered by the regulation, regardless of whether the establishment experienced a recordable case or not. OSHA estimates this will require 58 minutes to complete: Complete OSHA Form 300A - 20 minutes; Company official certification - 30 minutes; Posting summary - 8 minutes;

(G) Employers are also required by 29 CFR 1904.35 to make records available to employees, former employees and employee representatives upon request. OSHA assumes that employers will require five minutes to pull the relevant form and make it available to the person requesting access. OSHA estimates 7% of establishment will receive a request to access the OSHA Form 300. This estimate is based on information obtained during approximately 800 recordkeeping audit inspections. OSHA estimates 10% of injured or ill workers will request access to their OSHA Form 301;

(H) Employers who wish to maintain records in a manner different than required by Part 1904, may submit petitions for recordkeeping exemptions containing specific information as outlined in §1904.38. In the 30 year history of this rule, OSHA has received one petition for a variance to the recordkeeping requirements. That petition was filed and granted in 1972. OSHA does not expect to receive any petition for variances under the time period of this ICR and; therefore, assigns 0 burden hours to these requirements;

(I) Employers must report to OSHA if and when their employees experience an accident resulting in the death of the worker or in-patient hospitalization of three or more workers. OSHA is only counting the number of reports that meet the federal reporting requirements. OSHA estimates that each report will take about 15 minutes to complete based on the information required (each report required by this collection shall relate the following information: employee's names, establishment name, location of incident, time of the incident, number of fatalities or hospitalized employees, contact person, phone number, and a brief description of the incident); The number of reported incidents is derived from the OSHA OIS and IMIS systems for the most current Fiscal Year.

(J) OSHA estimates the turnover of personnel is such that about 20 percent of recordkeeping personnel must learn the basics of the recordkeeping system every year and will require a one hour orientation to learn the basics of the recordkeeping system.

### Estimated Burden Hours

Actions entailing paperwork burden	Number of cases	Unit hours per case	Total burden hours
1904.4 - Complete OSHA 301 (Includes research of instructions and case details to complete the form)*	976,829	0.367	358,496
1904.4 - Line entry on OSHA Form 300 other than needlesticks (Includes research of instructions and case details to complete the form)**	2,104,428	0.233	490,332

1904.8 - Line entry on OSHA Form 300 for needlesticks (Includes research of instructions and case details to complete the form)***	337,645	0.083	28,025
1904.29(b)(6) - Entry on privacy concern case confidential list	348,167	0.05	17,408
1904.32 - Complete, certify and post OSHA Form 300A (Includes research of instructions)	1,533,830	0.967	1,483,214
1904.35 - Employee Access to the OSHA Form 300	107,368	0.083	8,912
1904.35 - Employee Access to the OSHA Form 301	244,207	0.083	20,269
1904.39 - Report fatalities/catastrophes	2,653	0.25	663
Learning Basics of the Recordkeeping System - turnover of personnel	306,766	1	306,766
1904.38 - Request for variance	0	0	0
<b>Total Burden Hours</b>			<b>2,714,085</b>

\*Guang X. Chen, and E. Lynn Jenkins 2007. Potential Work-Related Bloodborne Pathogen Exposures by Industry and Occupation in the United States Part 1: An Emergency Department Based Surveillance Study AM. J. Ind. Med. 50:183-190 Published 2007 Wiley-Less, Inc.

OSHA expects the following two job categories to be involved with the injury and illness recordkeeping requirements of this ICR: Occupational Health and Safety Specialist - day-to-day recordkeeping duties (i.e. all items included in the Estimated Burden Hours table except for 766,915 hours included in the 1904.32 requirements); Industrial Production Manager - Certification of Annual Summary (see discussion under (F) above). The average hourly rate (including a 43% addition for benefits) for an Occupational Health and Safety Specialist (SOC code 29-9011) is estimated to be \$46.72. The average hourly rate for an industrial production manager (including a 43% addition for benefits) is estimated to be \$67.02 (SOC code 11-3051, Industrial Production Managers). May 2012 BLS OES estimates are used for these calculations.

Occupation	Time (hours)	Rate	Total
Occupational Health and Safety Specialist	1,947,170	\$46.72	\$90,971,761
Industrial Production Manager	766915	\$67.02	\$51,398,643
<b>Total</b>			<b>\$142,370,405</b>

**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.)**

All of the costs to the regulated community are included in item 12.

**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.**

OSHA estimates a total cost to the government of approximately \$141,200. This estimated cost is comprised of the personnel salaries of one GS13 employee dedicated to interpreting the requirements of Part 1904 and one quarter GS15 overseeing the program (\$101,914 + .25(\$157,100) = \$141,189) .

**15. Explain the reasons for any program changes or adjustments.**

There is an adjustment decrease in burden hours from 2,967,237 to 2,714,085 (a total decrease of 253,152 hours). The decrease is due to a decrease in the estimated number of establishments covered by the recordkeeping rule and a decrease in the estimated number of injuries and illnesses recorded on the forms. According to the Bureau of Labor Statistics, there has been a steady decrease in the number of occupational injuries and illnesses occurring in the United States since the early 1990s. The decrease in the number of establishments covered by the rule can be partially attributed to the effects of the recession in 2011 (CY2008-2011 County Business Patterns data are used for the establishment estimate).

**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 information, completion of report, publication dates, and other actions.**

Published estimates of occupational injuries and illnesses are based on the results of the BLS Annual Survey of Occupational Injuries and Illnesses (OMB Control No. 1220-0045).

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be appropriate.**

OSHA seeks approval to not display the expiration date for the OMB approval of this information collection on its forms. The expiration date, however, will be published in the Federal Register. The forms contained in this ICR do not change from year to year nor do they expire. Inclusion of an expiration date on the forms could mislead the regulated community to believe they are not required to comply with the 29 CFR Part 1904 requirements beyond that date. For example, if an employer has an old copy of the forms package, which is still relevant, but contains an expiration date that has already passed, the respondent may mistakenly believe they are no longer required to maintain these forms.

**18. Explain each exception to the certification statement.**

OSHA is not seeking such an exception.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This Supporting Statement does not contain any collection of information requirements that employ statistical methods.

Attachment 1

Occupational Safety and Health Act of 1970

29 U.S.C 657 Section 8(c)(2)

29 U.S.C. 673 Section 24(a)

Attachment 2

Title 29 CFR Part 1904

Recordkeeping and Reporting

Occupational Injuries and Illnesses



Attachment 3

OSHA Forms Package

Attachment 4

FR Notice and Comments Received