

## **Note to Reviewer**

OSHA is currently working on two rulemakings that will modify the requirements of 29 CFR 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 addresses the changes imposed by the NAICS Update and Reporting Revisions final rule. The final rule updates Appendix A to Subpart B of its Injury and Illness Recording and Reporting regulation. Appendix A contains a list of industries that are partially exempt from requirements to keep records of work-related injuries and illnesses due to relatively low occupational injury and illness rates. The updated appendix is based on more recent injury and illness data and lists industry groups classified by the North American Industry Classification System (NAICS). The current appendix lists industries classified by Standard Industrial Classification (SIC).

The final rule also revises the requirements for reporting work-related fatality, injury, and illness information to OSHA. The current regulation requires employers to orally report work-related fatalities and in-patient hospitalizations of three or more employees within eight hours of the event. The final rule retains the requirement for employers to report work-related fatalities to OSHA within eight hours of the event but amends the regulation to require employers to report all work-related in-patient hospitalizations, as well as amputations and losses of an eye, to OSHA within 24 hours of the event. It does not address the Improve Tracking rulemaking.

**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  
(July 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) 1904.

Recordkeeping forms are promulgated under 29 CFR 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 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 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 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.

The reporting of fatalities, hospitalizations, amputations and the loss of an eye provide OSHA with more information about serious workplace injuries and illnesses. This information will allow OSHA to carry out timely investigations of these events as appropriate, leading to the mitigation of related hazards and the prevention of further events at the workplaces where the events occurred. This information will also help OSHA establish a comprehensive database that the Agency, researchers, and the public can use to identify hazards related to reportable events

and to identify industries and processes where these hazards are prevalent

**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.**

The current 29 CFR 1904.39(a) requires the employer of any employees so affected to orally report fatalities and 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. The revisions to the requirements in §1904.39 allow the employer to develop and submit the report electronically using OSHA's public website.

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.

**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.

BLS captures and publishes data on work-related fatalities through its Census of Fatal Occupational Injuries (CFOI) program. There are two key reasons why this information cannot be used in place of the collection of fatality data addressed by this ICR. The BLS data are not identified by employer and location, and the BLS data are not timely. OSHA uses the captured data to initiate inspections and investigations of the sentinel events. Specific location of the fatality is necessary for OSHA to conduct investigations. Furthermore, OSHA must have the information immediately to investigate the scene of the accident to ensure that the hazard that led to the fatality has been abated. Publication of the BLS fatality data lags from 8 months to almost 2 years after the occurrence.

**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 low hazard industries 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 requirement that employers must report to OSHA a fatality, in-patient hospitalization, amputation or loss of an eye 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 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 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 report fatalities to OSHA within 8 hours of occurrence, and amputations, the loss of an eye, and in-patient hospitalizations to OSHA within 24 hours of an 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 1904.33, employers are required to retain the recordkeeping forms for five years following the end of the calendar year that the records cover. Employers must also update the stored 300 logs to include newly discovered recordable injuries and illnesses and to show any changes that have occurred in the classification of previously recorded injuries and illnesses. 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.**

OSHA received a number of comments relating to the estimated time necessary to meet the paperwork requirements of the proposed changes published in the NAICS Update and Reporting Revisions June 22, 2011 Notice of Proposed Rulemaking (76 FR 36414 -36438). References to documents below are given as "Ex." followed by the document number. The document number is the last sequence of numbers in the Document ID Number on <http://www.regulations.gov>. For example, Ex. 17, the proposed rule, is Document ID Number OSHA-2010-0019-0017.

Initial training of recordkeepers is expected to require one hour per establishment and will apply to current partially-exempt establishments that would be newly required to keep records. A commenter (Ex. 17) noted that this requirement would signify the need for retraining of both human resource and safety professionals. OSHA assumes that the average establishment that employs 25 workers will only assign recordkeeping duties to one employee per establishment.

Dow, the National Automobile Dealers Association (NADA), and a few other commenters argued that it would take longer than an hour to train a competent recordkeeper (Exs. 64, 100, 106, 119,124). NADA stated specifically that the training would entail a one-day course at the cost of \$300. OSHA agrees that some establishments with large employee populations that experience large numbers of injuries and illnesses would benefit from an intensive training program. It should be noted that there is a trade-off between time spent on training and time spent on individual records. A recordkeeper at a large establishment with many injuries and illnesses may find it more efficient to have more extensive initial training in order to spend less time on each individual record. A recordkeeper who records only two or three injuries or illnesses a year will be better off learning about the complexities of the system only if such complexities ever actually arise in their establishment, resulting in lower initial training costs but more time spent recording each incident. OSHA's estimates are designed to represent an average across large and small firms and establishments, taking into account both situations where more extensive initial training is provided as well as situations where less extensive initial training is sufficient.

The vast majority of establishments in these low-rate industries do not experience large numbers of injuries and illnesses. OSHA believes these establishments will require training on only the fundamentals of the recordkeeping requirements. For establishments that experience few injuries and illnesses, OSHA believes these employers will use a more efficient method of researching the recordability of unique injuries and illnesses on a case by case basis. The associated paperwork burden for these situations is included in the time estimate for recording each

individual case. On its public website, OSHA provides a brief tutorial on completing the recordkeeping forms. This tutorial provides employers with a fundamental knowledge of the recordkeeping requirements. The tutorial takes approximately 15 minutes to view. OSHA believes that an estimate of one hour of training is a reasonable middle ground between establishments that require an intensive training and those that only require a fundamental knowledge of the system to meet their recordkeeping obligations.

Dow commented that deciding whether the injury or illness is recordable takes more time and more people than OSHA had estimated (Ex. 64). Dow also commented that reporting events would require the attention of several different people. However, OSHA believes that after initial familiarization with the recordkeeping requirements, the vast majority of companies will assign responsibilities to an experienced professional who they feel is competent to make decisions on the recordability of an incident, and who will be in close communication with the management team. OSHA also has tools, such as its Recordkeeping Advisor, available on the Agency's recordkeeping homepage, which will make it easier to determine whether an incident is recordable.

OSHA received several comments on its time estimate of 15 minutes for reporting in-patient hospitalizations and amputations to OSHA. OSHA estimated that reporting in-patient hospitalizations, amputations, or losses of an eye is an activity that is expected to require the same time as OSHA estimates for reporting fatalities and multiple hospitalizations: 0.25 hours of Occupational Health and Safety Specialist labor per fatality or hospitalization (OSHA, 2011). Several commenters suggested that reporting to OSHA would take more than 15 minutes (Exs. 46, 65, 67, 68, 83, 110). The American Society of Safety Engineers and others claimed that the phone call to report to OSHA is too complex to complete in 15 minutes, but provide no reason as to why the call is too complex to complete in that time, given the information that must be provided during such a phone call is quite simple (Exs. 46, 83, 110). The Dow Chemical Company stated that this phone call would require the attention of several different salaried professionals (Ex. 64). FedEx said that the allotted time should also include the time required to enter the information into their system and to allow for subsequent review by management, and recommends that OSHA calculate 30 minutes for the reporting time (Ex. 67). The American Trucking Association voiced the view that 15 minutes is a "gross underestimation" of the time required to report to OSHA and that in their experience reporting takes, on average, 30 minutes (Ex. 65).

In response, OSHA has revised its estimate of time required to complete a hospitalization report to include activities prior the call to OSHA such as information gathering and review and now estimates that this requirement will require 30 minutes in total. Mercer ORC HSE Networks stated that it could take longer than 15 minutes to make a connection over the phone with OSHA, and that such a connection is especially difficult outside of OSHA's normal operating hours (Ex. 68). In response to this comment, the Agency notes that OSHA has a toll-free number for employers to call that is staffed 24 hours per day, to allow immediate reporting at any hour of the day. This final rule also enables 24-hour electronic reporting using a web form that OSHA will create in conjunction with issuance of the final rule. OSHA acknowledges that there might be times when an employer will have to wait on hold to speak to an OSHA representative, but OSHA believes that on the average, even allowing for such delays, the report will not exceed 30 minutes.

NUCA, a trade association representing utility construction and excavation contractors, expressed a concern that OSHA's PEA "significantly underestimated the economic impact of obtaining injury information on a construction site which does not necessarily have an office (Ex. 110). In response, at this time, there are a wide variety of mechanisms that virtually all managers will have, such as cell phones, which can be used to report to OSHA or a corporate central office.

**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 Part 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 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.

Under the reporting requirements in §1904.39, employers are required to provide to OSHA a brief description of the incident that led to the fatality, amputation, loss of an eye, or in-patient hospitalization that is being reported. These narratives may contain personally identifiable information (PII). Employers are also required to provide to OSHA the names of the victims. 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).

**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 estimates of burden below are provided for recordkeeping rule with and without the changes to the industry coverage of the rule and the fatality and catastrophe reporting requirements. The changes to the rule affect the number of establishments required to maintain the records, the number of injury and illness cases recorded in the records, the number of events reported to OSHA, and the time it takes to report an event.

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 completing an entry on the OSHA 301 (including research) averages 22 minutes. 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.

(B) 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;

(C) Time required to record a needlestick on the OSHA Form 300 averages 5 minutes;

(D) 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.

(E) 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;

(F) 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;

(G) 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.

For implementation of the revised reporting requirements, OSHA recognizes that some firms, particularly larger firms, may require additional review of reports that are sent directly to OSHA. In addition, some firms may need to undertake additional information-gathering efforts, such as calls to hospitals or interviews with other employees. As a result of these considerations, OSHA has expanded the total estimate of time required to report a hospitalization from 15 minutes to 30 minutes. The number of reportable incidents is derived from hospital admittance data.

(H) 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.

(I) 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 over 40 year history of this regulation, 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;

**Estimated Burden Hours - Initial year**

Estimated burden without rule change

Implementation of the Final Rule

Actions entailing paperwork burden	Number of cases	Unit hours per case	Total burden hours	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	1,015,702	0.367	372,763
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	2,201,610	0.233	512,975
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	337,645	0.083	28,025
1904.29(b)(6) - Entry on privacy concern case confidential list	348,167	0.05	17,408	359,661	0.05	17,983
1904.32 - Complete, certify and post OSHA Form 300A (Includes research of instructions)	1,533,830	0.967	1,483,214	1,594,040	0.967	1,541,437
1904.35 - Employee Access to the OSHA Form 300	107,368	0.083	8,912	111,583	0.083	9,261
1904.35 - Employee Access to the OSHA Form 301	244,207	0.083	20,269	253,926	0.083	21,076
1904.39 - Report fatalities/catastrophes	2,653	0.25	663	119,028	0.5	59,514
Learning Basics of the Recordkeeping System - newly covered and turnover of personnel	306,766	1	306,766	538,656	1	538,656
1904.38 - Request for variance	0	0	0	0	0	0
<b>Total Burden Hours</b>			<b>2,714,084</b>			<b>3,101,689</b>

**Estimated Burden Hours -  
Subsequent Years**

Actions entailing paperwork burden	Estimated burden without rule change			Implementation of the Final Rule		
	Number of cases	Unit hours per case	Total burden hours	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	1,015,702	0.367	372,763
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	2,201,610	0.233	512,975
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	337,645	0.083	28,025
1904.29(b)(6) - Entry on privacy concern case confidential list	348,167	0.05	17,408	359,661	0.05	17,983
1904.32 - Complete, certify and post OSHA Form 300A (Includes research of instructions)	1,533,830	0.967	1,483,214	1,594,040	0.967	1,541,437
1904.35 - Employee Access to the OSHA Form 300	107,368	0.083	8,912	111,583	0.083	9,261
1904.35 - Employee Access to the OSHA Form 301	244,207	0.083	20,269	253,926	0.083	21,076
1904.39 - Report fatalities/catastrophes	2,653	0.25	663	119,028	0.5	59,514
Learning Basics of the Recordkeeping System - turnover of personnel	306,766	1	306,766	318,808	1	318,808
1904.38 - Request for variance	0	0	0	0	0	0
<b>Total Burden Hours</b>			<b>2,714,084</b>			<b>2,881,841</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.

Initial Year Costs Occupation	Estimated burden without rule change			Implementation of final rule		
	Time (hours)	Rate	Total	Time (hours)	Rate	Total
Occupational Health and Safety Specialist	1,947,169	\$46.72	\$90,971,756	2,304,669	\$46.72	\$107,674,146
Industrial Production Manager	766915	\$67.02	\$51,398,643	797,020	\$67.02	\$53,416,280
<b>Total</b>			<b>\$142,370,399</b>			<b>\$161,090,426</b>

Subsequent Year Costs Occupation	Estimated burden without rule change			Implementation of final rule		
	Time (hours)	Rate	Total	Time (hours)	Rate	Total
Occupational Health and Safety Specialist	1,947,169	\$46.72	\$90,971,756	2,084,821	\$46.72	\$97,402,848
Industrial Production Manager	766915	\$67.02	\$51,398,643	796975	\$67.02	\$53,416,280
<b>Total</b>			<b>\$142,370,399</b>			<b>\$150,819,128</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 \$1,326,803. \$1,186,000 of the total is a new cost to the government associated with the requirements of the new rule.

This estimated cost is comprised of three components: 1) \$141,189 in personnel salaries of one GS13 employee dedicated to interpreting the requirements of Part 1904 and one quarter GS15 overseeing the program ( $\$101,914 + (.25 * \$157,100) = \$141,189$ ); 2) Systems development to make available to the public the ability to report fatalities and catastrophes to OSHA via its public website. The estimated cost of the new reporting system is \$300,000; and 3) the time required for OSHA to receive and enter the new reports. OSHA estimates it will require an average of 15 minutes of GS12 time to receive and enter each newly reported amputation, loss of an eye and in-patient hospitalization for a total of \$885,614 ( $116,375 \text{ new reports} * .25 \text{ hours} * \$30.44 \text{ per hour}$ ).

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

#### Changes due to Industry Coverage Update and Reporting Revisions

The final rule affects the ICR estimates in four ways: 1) the number of establishments covered by the recordkeeping regulation increases by 60,210 establishments; 2) the number of injuries and illnesses recorded by covered establishments increases by 97,182 cases; 3) the number of reportable events (fatalities, in-patient hospitalizations, amputations, and losses of an eye)

reported by employers increases by 116,375 reports; and 4) the time required to report a fatality or catastrophe to OSHA is increased from 15 minutes per report to 30 minutes per report. In the initial year, the burden hours for the final rule are estimated to be 387,605, and in subsequent years, the total burden hours are estimated to be 167,757. As a result of these program changes, the total burden for the Recordkeeping rule as a whole will rise from 2,714,084 per year to 3,101,689 in the first year and to 2,881,841 in subsequent years. There are no capital costs for this collection of information.

**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.

