

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

Note to Reviewer

OSHA has revised its Occupational Injury and Illness Recording and Reporting (Recordkeeping) regulation (29 CFR Part 1904) to clarify that the duty to make and maintain accurate records of work-related injuries and illnesses is an ongoing obligation. The duty to record an injury or illness continues for as long as the employer must keep records of the recordable injury or illness; the duty does not expire just because the employer fails to create the necessary records when first required to do so. The amendments add no new compliance obligations and do not require employers to make records of any injuries or illnesses for which records are not currently required to be made. This final rule simply reiterates and clarifies employers' existing obligations to record work-related injuries and illnesses. The rule also does not impose any new requirement that employers reconsider or reassess records once they have been made; employers remain subject to the existing requirement that they ensure the accuracy and completeness of their 300 Logs. These revisions impose no new cost burden because they do not require employers to do anything new.

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

**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 640,000 employers with 1,300,000 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

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

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.

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 by government, employers, employees, and labor organizations. OSHA has used 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 to produce national statistics on occupational injuries and illnesses. (Note: The burden associated with the requirements of §1904.42 are covered under OMB Control Number 1220-0045.) 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 rule's provisions requiring regular electronic submission of injury and illness data will allow OSHA to acquire a much larger amount of information about injuries and illnesses in the workplace. This will improve the Agency's ability to identify, target, and remove safety and health hazards, thereby preventing workplace injuries, illnesses, and deaths.

The act of collecting data that may be examined by OSHA and by members of the public is likely to result in behavioral outcomes that promote workplace safety and health. For example, in anticipation of sending it to OSHA, employers and managers are likely to examine more carefully their data on work-related injuries and illnesses, and through this process identify and prioritize hazards that can be abated to reduce injury or illness risk in the future. In addition, this review is likely to improve the accuracy and completeness of the data. Public posting of the data collected will be valuable in identifying patterns of injuries and illnesses across establishments

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

where workers are exposed to similar hazards, including the identification of patterns that were previously unrecognized.

The collection of data from numerous employers will facilitate benchmarking, allowing employers to compare injury risks and rates at their establishments to those at comparable establishments. Workplace safety consultants might improve their marketing toward establishments whose injury/illness records suggest that the establishments would benefit from their services. On-line access to the injury/illness data will support the development of innovative ideas and allow everybody with a stake in workplace safety to participate in improving occupational safety and health.

**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.**

1904.39(a) requires employers to report to OSHA within eight hours a fatality resulting from a work-related incident. Employers must report to OSHA within twenty-four (24) hours the in-patient hospitalization of one or more employees or an employee's amputation or an employee's loss of an eye, as a result of a work-related incident. Employers have three options for reporting the event:

1. By telephone to the [nearest OSHA Area Office](#) during normal business hours.
2. By telephone to the 24-hour OSHA hotline (1-800-321-OSHA or 1-800-321-6742).
3. By using an online reporting form at <http://www.osha.gov/pls/ser/serform.html>

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 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.

The new requirements under 1904.41 require selected employers to submit the requested data electronically. OSHA will provide a secure website for the electronic submission of data. The website will allow for both direct data entry and submission of data through a batch file upload, as appropriate. OSHA also plans to offer a direct submission option via a machine-to-machine Application Programming Interface (API) for employers that have existing OSHA recordkeeping software. Because many employers already maintain their Part 1904 records electronically, electronic submission of this information reduces their reporting burden under proposed 1904.41.

**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

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

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.

The information collected from establishments under 1904.41 will overlap with what is collected by the BLS Survey of Occupational Injuries and Illnesses (1220-0045). However, BLS collects data from OSHA Form 300A and Form 301 for many employers not covered by the Recording and Reporting regulations. Specifically, BLS collects data from these forms for a sample of 240,000 establishments representing all private industry and state and local government, regardless of establishment size and regardless of level of workplace injury and illness risk. BLS collects occupational injury and illness data from employers under a pledge of confidentiality and is prohibited from releasing establishment-specific data to the general public or to OSHA under the Confidential Information Protection and Statistical Efficiency Act of 2002 (CIPSEA). Therefore, OSHA cannot obtain access to the information collected by the BLS at the establishment level, which the Agency needs for targeting purposes. However, OSHA is not prohibited from providing BLS complete access to the information OSHA collects. It is OSHA's intent to provide the Bureau with access to all of the data collected under these provisions.

**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 North American Industry Classification System (NAICS) codes 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, more than six 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.

The data submission requirements under 1904.41 are limited to establishments with 20 or more employees in a subset of industries covered by the recordkeeping rule and establishments with 250 or more employees in all industries covered by the recordkeeping rule. These size and industry criteria limit the burden on small employers.

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

**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 the 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 conduct their respective annual 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 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 to help 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**

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

- **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 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).

Furthermore, §§ 1904.29 (b)(6) through (b)(9) provide for the confidentiality of employees who experience six 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 report fatalities incidents to OSHA within eight hours of occurrence and in-patient hospitalization, amputation, or loss of eye incidents within 24 hours. OSHA's investigations of severe injuries and illnesses are most effective when these incidents are reported immediately following their occurrence. Any delay in OSHA's receipt of these reports can seriously hinder the Agency's efforts to ensure the hazard no longer exists and to determine the cause of the incident, as the scene can change significantly in a short period of time.

29 CFR Part 1904.33 requires employers 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. OSHA has concluded that the five-year retention period adds little additional cost or administrative burden, since relatively few cases will surface long 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.

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

**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 July 29, 2015 Clarification of Employer's Continuing Obligation To Make and Maintain an Accurate Record of Each Recordable Injury and Illness (80 FR 45116 -45131). 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-2015-0006-0017.

A number of commenters stated their belief that the final rule will impose additional costs because it requires employers to reassess, or "think about," each record of a workplace injury or illness repeatedly over the course of five full years. Ex. 8, 10, 12, 13, 20, 21, 26, 27. This concern is misplaced. An employer's obligations remain the same as they are under the existing rule: to record workplace injuries and illnesses within seven days of when it learns of them and to maintain accurate records for five years. The final rule does not contain any new requirement to review or reassess existing records over the course of the maintenance period; it simply makes clear that if an employer fails to record an injury or illness within seven days of learning about it, it is not relieved of the requirement to have and keep an accurate record of all recordable injuries and illnesses for the duration of five years. Because the final rule imposes no new requirement for review of records, there are no additional costs involved for the time it would take to conduct such review.

OSHA estimates that it takes .38 of an hour to record and maintain an injury or illness on all required OSHA forms, taking into account requirements for providing access to records. The average hourly rate for an Occupational Health and Safety Specialist (Standard Occupational Classification code 29-9011) is estimated to be \$48.78 (which includes a 43% addition for benefits). This means that the total estimated cost of preparing OSHA records is \$18.54 per injury or illness. The American Society of Safety Engineers and the National Association of Manufacturers questioned these estimates of time and cost as too low. Exs. 19, 26. OSHA stands by these estimates, however, as they have been developed carefully through multiple notice and comment rulemakings and Paperwork Reduction Act notices. Those who believe



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

OSHA underestimated these values are failing to recognize that not all costs of investigating an accident are attributable to OSHA's recordkeeping requirements. Much of the same information has to be collected for workers' compensation purposes or for an employer's safety or loss control programs. To avoid overlapping paperwork, OSHA allows, and many employers take advantage of, the option to use equivalent workers' compensation forms in place of OSHA's recordkeeping forms. See 29 CFR 1904.29(a), (b)(4).

**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 six 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.

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

**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 six 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**

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

**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. For example, 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 injury and illness records and the number of injury and illness cases they record each year. Both of these vary from year-to-year. The case data used to develop the burden estimates in the table which follows are based on injury and illness statistics from the 2013 BLS Annual Survey. The establishment data are based on an extrapolation of 2012 County Business Pattern and Enterprise Statistics from the US Census Bureau.

The following assumptions are used to develop the burden estimates:

(A) Time required to complete and maintain 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 (number of cases estimated from CY 2013 BLS estimates);

(B) Time required to record a needlestick on the OSHA Form 300 averages 5 minutes (Number of needlesticks estimate based on 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);

(C) Time required to complete an entry on the OSHA 301 (including research) averages 22 minutes. Based on information from 800 recordkeeping audit inspections, OSHA estimates 40% of cases recordable cases are recorded on form 301. The remainder is recorded on equivalent forms already completed by employers;

(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.;

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

(E) A line entry on a confidential list for a “privacy concern case,” as defined under §1904.29(b) (7), will average 3 minutes; all recorded needlesticks are privacy concern cases and OSHA estimates 1.5% of other recordable cases are privacy concern cases. This estimate is derived using BLS counts of cases involving Part of Body Code 34 (excluding 341), Nature code 62 or Event code 1116 as a percent of total cases involving days away from work.

(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 the 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 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 there will be a request to access the OSHA Form 300 in 7% of the covered establishments. Again, this estimate is based on information obtained during approximately 800 recordkeeping audit inspections. OSHA estimates 10% of injured workers will request access to their OSHA Form 301;

(H) The provisions in 1904.35 require employers to inform employees of their right to report injuries and illnesses without retaliation and prohibit employers from having policies in place that discourage employees from reporting injuries and illnesses. This requirement can be met by posting a recently revised version of the OSHA Poster. Outreach materials associated with the new rule will inform employers that they can meet this new obligation by porting the revised poster. The public disclosure of information originally supplied by the Federal government to the recipient for the purpose of disclosure to the public is not included within the definition of collection of information (5 CFR 1320.3(c)(2)).

(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 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 this requirement;

(J) 1904.41(a)(1) requires establishments with 250 or more employees in industries covered by Part 1904 to electronically send their Form 300, 300A and 301 data to OSHA annually. This will entail the submission of detailed case characteristic data entered on the OSHA Form 300 Log of Work-Related Injuries and Illnesses and the OSHA Form 301 Injury and Illness Incident Report. Each establishment subject to this provision will require 10 minutes to register and familiarize themselves with the reporting website and 10 minutes to submit their Form 300A data. They will also require 12 minutes to submit the Form 300 and 301 data for each injury and

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

illness recorded on these forms. These requirements will be phased in over a two year period. These establishments will be required to report only the 300A data during the initial year (i.e. 2017) of the collection and will be required to report all required data during subsequent years (i.e. 2018 and beyond).

(K) 1904.41(a)(2) requires establishments with 20 to 249 employees in certain high risk industries to electronically send their Form 300A (Summary of Work-Related Injuries and Illnesses) data to OSHA once a year. This includes the submission of the average employment, hours worked, and aggregate totals of the numbers of injuries and illnesses that occurred at the establishment. Each establishment subject to this provision will require 10 minutes to register and familiarize themselves with the reporting website and 10 minutes to submit their Form 300A data. OSHA estimates 95% of covered establishments have ready access to the internet. The remaining 5% will require one hour providing the data from off-site facilities (e.g. library).

(L) The collection of injury and illness data conducted under proposed 1904.41(a)(3) will be addressed under separate Information Collection Requests (ICR) prior to implementation. OSHA does not anticipate any collections to be conducted under this authority during the next three years and has included zero burden hours in item 12 for this provision.

(M) Employers must report to OSHA when an employee experiences a work-related incident resulting in the death of the worker, in-patient hospitalization, an amputation or the loss of an eye. Based on the number of incidents reported during CY 2015, OSHA estimates that approximately 20,000 reportable incidents will occur each year. Each report will take about 30 minutes to complete, including the time to gather, review and reported the information required (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);

(N) 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.

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

| <b>Estimated Burden Hours</b>  |                 |                     |                    |
|--|-----------------|---------------------|--------------------|
| 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)   | 796,983         | 0.367               | 292,493            |
| 1904.4 - Line entry on OSHA Form 300 other than needlesticks (Includes research of instructions and case details to complete and maintain the form)  | 1,654,813       | 0.233               | 385,571            |
| 1904.8 - Line entry on OSHA Form 300 for needlesticks (Includes research of instructions and case details to complete and maintain the form)   | 337,645         | 0.083               | 28,025             |
| 1904.29(b)(6) - Entry on privacy concern case confidential list  | 362,467         | 0.05                | 18,123             |
| 1904.32 - Complete, certify and post OSHA Form 300A (Includes research of instructions)  | 1,364,503       | 0.967               | 1,319,474          |
| 1904.35 - Employee Access to the OSHA Form 300   | 95,515          | 0.083               | 7,928              |
| 1904.35 - Employee Access to the OSHA Form 301   | 199,246         | 0.083               | 16,537             |
| 1904.39 - Report fatalities/catastrophes   | 20,000          | 0.5                 | 10,000             |
| 1904.41(a)(1) - create an account and review navigation  | 33,674          | 0.167               | 5,624              |
| 1904.41(a)(1) - electronic submission of OSHA Form 300A data by establishments with 250 or more employees  | 33,674          | 0.167               | 5,624              |
| 1904.41(a)(1) - electronic submission of injury and illness case data by establishments with 250 or more employees   | 0               | 0.2                 | 0                  |
| 1904.41(a)(2) - create an account and review navigation  | 431,673         | 0.167               | 72,089             |
| 1904.41(a)(2) - electronic submission of OSHA Form 300A data by establishments with 20 or more employees but fewer than 250 employees in designated industries                               | 410,089         | 0.167               | 68,485             |
| 1904.41(a)(2) - electronic submission of OSHA Form 300A data by establishments with 20 or more employees but fewer than 250 employees in designated industries - with no internet connection | 21,584          | 1                   | 21,584             |
| 1904.41(a)(3) - Electronic submission of Part 1904 records upon notification   | 0               | 0                   | 0                  |
| Learning Basics of the Recordkeeping System - turnover of personnel  | 272,901         | 1                   | 272,901            |
| 1904.38 - Request for variance   | 0               | 0                   | 0                  |
| <b>Total Burden Hours</b>  |                 |                     | <b>2,524,458</b>   |

OSHA expects the following two job categories to be involved with the injury and illness recordkeeping requirements of this ICR: the employer's Occupational Health and Safety Specialist - day-to-day recordkeeping duties (i.e. all items included in the Estimated Burden

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

Hours table except for 661,629 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 44% addition for benefits) for an Occupational Health and Safety Specialist ([SOC code 29-9011](#)) is estimated to be \$48.78. The average hourly rate for an industrial production manager (including a 44% addition for benefits) is estimated to be \$70.37 ([SOC code 11-3051](#)). May 2014 BLS OES estimates are used for these calculations. For historical data see <http://www.bls.gov/oes/tables.htm>.

| Occupation                                | Time (hours) | Rate    | Total                |
|---|--------------|---------|----------------------|
| Occupational Health and Safety Specialist | 1,842,207    | \$48.78 | \$89,862,857         |
| Industrial Production Manager             | 682,251      | \$70.37 | \$48,010,002         |
| Total                                     |              |         | <b>\$137,872,859</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.**

There are no additional costs to the government as a result of the final rule. OSHA is retaining the \$1,545,162 cost estimate discussed below.

The cost to the government can be categorized into IT hardware and software costs, helpdesk costs, and OSHA program management personnel costs. The creation of the reporting system hardware and software infrastructure will have an initial estimated cost of \$1,545,162. Annualized over 10 years at seven percent interest, this is \$219,996 per year. Administration of the recordkeeping system requires three full-time-equivalent workers (FTEs). OSHA believes these FTEs will cost the government \$150,000 each, including salary and benefits, for a total of \$450,000 per year. BLS provided a unit cost estimate of 28 cents per transaction for the BLS SOII survey. OSHA believes this is a reasonable estimate of the cost to administer this data collection. This would amount to \$372,000 per year for about 1.3 million transactions. Annual help desk costs are estimated at \$200,000. The total annualized cost would amount to \$1,242,000 (rounded), or just over \$1.2 million.

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

There are no program changes or adjustments associated with this final rule.

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

**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).

OSHA will make public the injury and illness data collected under 1904.41. The data will be released under the conditions discussed in questions 7 and 10 of this Supporting Statement.

The released data will be tabulated at the establishment level. The data will be made available to the public as it is collected. It is OSHA's intent to publish the data as quickly as possible, however, prior to publication OSHA will ensure the data does not include Personally Identifiable Information (PII). The time required to clean the data will be dependent on the quantity of the data collected and the resources available to clean the data. OSHA does not anticipate publishing any complex analyses of the data.

**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.

The expiration date will be published on the data collection web portal.

**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.