

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 2018

Note to Reviewer

OSHA is proposing to revise its Occupational Injury and Illness Recording and Reporting (Recordkeeping) regulation (29 CFR Part 1904) to rescind the requirement that certain employers submit electronically to OSHA information captured on their completed OSHA 300 and 301 Forms. These requirements are contained under 1904.41(a)(1) (see attachment 1). OSHA estimates that rescinding these reporting requirements will result in a savings of 155,042 burden hours per year. This change is reflected in section 12, item J of this Information Collection Request (ICR). The proposed rule also includes a proposal to require employers to include their Employer Identification Number (EIN) with their annual submission of Form 300A data. This new requirement would be contained in 1904.41 if adopted and result in 38,445 additional burden hours. This change is discussed in section 12, item O of this ICR. The rule does not add to or change any employer's obligation to complete and retain the injury and illness records. The rule also does not add to or change the recording criteria or definitions for these records.

Sections 2, 4, 12, 14, and 15 of this Supporting Statement were modified to specifically address the changes imposed by this proposed 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 2018

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.

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 2018

The OSHA Forms package and 29 CFR Part 1904 provide employers with the means and specific instructions needed to maintain records of work-related injuries and illnesses. Response to this collection of information is mandatory for employers covered by the regulations, as specified in 29 CFR Part 1904, subpart B. Approximately 1,000,000 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 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.

The records kept pursuant to Part 1904 are used primarily 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.

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 2018

The regulation's provisions requiring regular electronic submission of injury and illness data allow OSHA to acquire information about injuries and illnesses in the workplace. This provides the Agency the ability to identify, target, and remove safety and health hazards, thereby preventing workplace injuries, illnesses, and deaths. The Agency is currently in its second year of collecting Form 300A data which will be used for a core inspection targeting program.

The proposed rule would amend OSHA's recordkeeping regulation by rescinding the requirement for establishments with 250 or more employees to electronically submit information from OSHA Forms 300 and 301 to OSHA annually. OSHA has preliminarily determined that other priorities outweigh a major effort to collect and use the information from the OSHA Forms 300 and 301. OSHA acknowledges that there are benefits to collecting these data, but there are also costs associated with collecting the data and limitations to using these data for OSHA compliance assistance and enforcement efforts given the costs associated with preparing these data for use. In addition to the \$450,000 required to add functionality to collect these data through the Injury Tracking Application (ITA), OSHA believes it would require several dedicated full time employees to collect, process, analyze, distribute, and programmatically apply these data in a meaningful way.

In addition, OSHA asks for public comment on whether to require covered employers to submit their Employer Identification Number (EIN) electronically along with their injury and illness data submission. Collecting EINs would increase the likelihood that the Bureau of Labor Statistics (BLS) would be able to match data collected by OSHA under the electronic reporting requirements to data collected by BLS for the Survey of Occupational Injury and Illness (SOII). The ability to accurately match the OSHA-collected data to the BLS-collected data is critical for evaluating how BLS might use OSHA-collected data to supplement the SOII, potentially enhancing the ability of OSHA and other users of the data to identify occupational injury and illness trends and emerging issues. Furthermore, the ability of BLS to match the OSHA-collected data also has the potential to reduce the burden on employers who are required to report injury and illness data both to OSHA (for the electronic recordkeeping requirement) and to BLS (for the SOII).

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.

Section 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:

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 2018

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 an online form accessible on OSHA's website at <https://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.

Section 1904.41 requires certain employers to submit requested data electronically. OSHA provides a secure website for the electronic submission of data. The website allows for both direct data entry and submission of data through a batch file upload, as appropriate. OSHA also offers a direct submission option via a machine-to-machine Application Programming Interface (API) for employers that have existing OSHA recordkeeping software.

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.

The information collected from establishments under 1904.41 overlaps with what is collected by the BLS Survey of Occupational Injuries and Illnesses (1220-0045). However, BLS also collects data from OSHA Form 300A and Form 301 for many employers not subject to 1904.41. 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

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 2018

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 inspection 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. Collecting EINs would increase the likelihood that the Bureau of Labor Statistics (BLS) would be able to match data collected by OSHA under the electronic reporting requirements to data collected by BLS for the Survey of Occupational Injury and Illness (SOII). The ability to accurately match the OSHA-collected data to the BLS-collected data is critical for evaluating how BLS might use OSHA-collected data to supplement the SOII, potentially enhancing the ability of OSHA and other users of the data to identify occupational injury and illness trends and emerging issues. Furthermore, the ability of BLS to match the OSHA-collected data also has the potential to reduce the burden on employers who are required to report injury and illness data both to OSHA (for the electronic recordkeeping requirement) and to BLS (for the SOII).

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 7.7 million establishments covered by OSHA and the State Plans, more than 6.6 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.

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

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

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 2018

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**
- **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."

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 2018

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

Employers under 29 CFR Part 1904.29(b)(3) are required to enter each recordable injury or illness on the OSHA 300 Log and 301 Incident Report within seven (7) calendar days of receiving information that a recordable injury or illness has occurred. Also, 1904.39(a) requires employers to report work-related fatalities incidents to OSHA within 8 hours of occurrence, and work-related 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 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.

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 2018

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

OSHA published a request for comment on the currently approved version of the ICR in the September 14, 2017 Federal Register (82 FR 43255). One set of comments was submitted in response to the request for comment by the Daniel Kelly of Lonestar College. The comments were supportive of the data collection: “I think this can be beneficial, it saves a lot of time and effort.” No comments were received with respect to the subsequent 30-day FRN published March 14, 2018 (83 FR 11249).

OSHA published a Notice of Proposed Rulemaking that is the subject of this request on July 30, 2018 (83 FR 36494). The NPRM invited comments on the ICR as it would be revised by the rule. Commenters were informed they could file comments with OMB and directly with OSHA.

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

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

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

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

As discussed in question 7 of this supporting statement, §§ 1904.29 (b)(6) through (b)(9) provide for the confidentiality of employees who experience 6 different types of injuries and illnesses, including any illness case for which an employee voluntarily requests that his or her name not be entered on the log. Employers are required to code these injury and illness cases and maintain a separate confidential list of employee names associated with the codes. Also, § 1904.29 (b)(10) requires that, if an employer voluntarily discloses the forms to persons other than those granted access under §§ 1904.35 and 1904.40, the employer must remove or hide the employees’ names and other personally identifying information, except under the limited circumstances contained

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 2018

in §§ 1904.29(b)(10)(i) through (iii).

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

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

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

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

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

OSHA's historical practice of allowing employee access to information on the log -- including

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 2018

the description of the injuries and illnesses -- permits employees and their designated representatives to be informed about the occupational injuries and illnesses recorded in the workplace as well as the employer's recordkeeping practices.

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

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage-rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this should be included in Item 13.**

The recordkeeping burden varies greatly from establishment to establishment, depending upon industry, size, expertise, the use of equivalent forms and computer resources. 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 may 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 2015 BLS Survey of Occupational Injuries and Illnesses (SOII). The establishment data are based on 2015 County Business Pattern (CBP) statistics from the US Census Bureau.

The following assumptions are used to develop the burden estimates:

(A) Time required to complete an entry (other than a needlestick) on the OSHA Form 300 (including research in the regulation) ranges from 5 minutes to 30 minutes and averages 14 minutes;

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

(C) Time required completing an entry on the OSHA 301 (including research) averages 22 minutes;

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 2018

(D) Based on information gathered from 800 recordkeeping audit inspections, OSHA estimates approximately 40 percent of the cases will be recorded on the OSHA Form 301. Many employers will use an equivalent form such as a State workers' compensation form, insurance form, etc.;

(E) A line entry on a confidential list for a "privacy concern case," as defined under §1904.29(b)(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 also 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 rule inform employers that they can meet this obligation by posting 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 these requirements;

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 2018

(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 illness recorded on these forms. The proposed rule would rescind the requirement that certain employers submit electronically to OSHA the information captured on their completed OSHA 300 and 301 Forms.

(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 2016, 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.

(O) The proposed rule also includes an alternative proposal to require employers to include their Employer Identification Number (EIN) with their annual submission of Form 300A data. OSHA estimates an average of 5 minutes for an employee to find out his or her employer's EIN and to enter it on the submission form. Note that because employers would only have to provide OSHA

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 2018

their EIN once, this would not be a recurring cost. However, it would be an additional one-time cost for employers who are newly reporting data because, for example, the establishment is new or the employer newly reached the reporting threshold for employment size.

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 2018

Estimated Burden Hours	Current Approval			Proposed Rule		
	Number of cases	Unit hours per case	Total burden hours	Number of cases	Unit hours per case	Total burden hours
Actions entailing paperwork burden						
1904.4 - Complete OSHA 301 (Includes research of instructions and case details to complete the form)*	872,423	0.367	320,179	872,423	0.367	320,179
1904.4 - Line entry on OSHA Form 300 other than needlesticks (Includes research of instructions and case details to complete the form)**	1,843,412	0.233	429,515	1,843,412	0.233	429,515
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	365,296	0.05	18,265	365,296	0.05	18,265
1904.32 - Complete, certify and post OSHA Form 300A (Includes research of instructions)	1,002,912	0.967	969,816	1,002,912	0.967	969,816
1904.35 - Employee Access to the OSHA Form 300	70,204	0.083	5,827	70,204	0.083	5,827
1904.35 - Employee Access to the OSHA Form 301	218,106	0.083	18,103	218,106	0.083	18,103
1904.39 - Report fatalities/hospitalizations/amputations/loss of eye	20,000	0.5	10,000	20,000	0.5	10,000
1904.41(a)(1) - create an account and review navigation	3,690	0.167	616	3,690	0.167	616
1904.41(a)(1) - provide Employer Identification Number (EIN)	0	0.083	0	36,903	0.083	3,063

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 2018

1904.41(a)(1) - electronic submission of OSHA Form 300A data by establishments with 250 or more employees	36,903	0.167	6,163	36,903	0.167	6,163
1904.41(a)(1) - electronic submission of injury and illness case data by establishments with 250 or more employees	775,210	0.2	155,042	0	0.2	0
1904.41(a)(2) - create an account and review navigation	40,567	0.167	6,775	40,567	0.167	6,775
1904.41(a)(2) - provide Employer Identification Number (EIN)	0	0.083	0	426,289	0.083	35,382
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	385,383	0.167	64,359	385,383	0.167	64,359
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	20,283	1	20,283	20,283	1	20,283
1904.41(a)(3) - Electronic submission of Part 1904 records upon notification	0	0	0	0	0	0
Learning Basics of the Recordkeeping System - turnover of personnel	200,582	1	200,582	200,582	1	200,582
1904.38 - Request for variance	0	0	0	0	0	0
Total Burden Hours			2,253,550			2,136,953

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 2018

*Estimate based on 40% of cases recorded on OSHA Form 300.
**Estimates of recordable cases from the 2015 Annual Survey of Occupational Injuries and Illnesses.
***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 NOTE: Totals may not sum exactly due to rounding.

OSHA expects the following two job categories to be involved with the injury and illness recordkeeping requirements of this ICR: the employer’s Industrial Health and Safety Specialist - day-to-day recordkeeping duties (i.e. all items included in the Estimated Burden Hours table except for 484,908 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 Industrial Health and Safety Specialists (SOC code 29-9011) is estimated to be \$50.18. The average hourly rate for an industrial production manager (including a 44% addition for benefits) is estimated to be \$74.11 (SOC code 11-3051). May 2016 BLS OES estimates are used for these calculations. For historical data see <http://www.bls.gov/oes/tables.htm>.

Occupation	Current Approval			Proposed Rule		
	Time (hours)	Rate	Total	Time (hours)	Rate	Total
Occupational Health and Safety Specialist	1,768,641	\$50.18	\$88,750,417	1,652,044	\$50.18	\$82,899,576
Industrial Production Manager	484908	\$71.12	\$34,486,654	484908	\$71.12	\$34,486,654
Total			\$123,237,071			\$117,386,230

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.

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 2018

Administration of the recordkeeping system requires three full-time-equivalent workers (FTEs) at the GS-13 level. These FTEs will cost the government \$150,000 each, including salary and benefits, for a total of \$450,000 per year. In addition, administration of the data collection under 1904.41 entails annual costs. BLS has 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 its data collection. This would amount to \$352,800 per year for about 1.26 million transactions. Rescinding the requirement to provide case specific data would reduce the number of transactions to 485,000, for a cost of \$135,800. Annual help desk costs are estimated at \$200,000. The total annualized cost would amount to \$1,002,800 (rounded), or just over one million dollars. The total annualized cost of the proposed rule would amount to \$785,800 (rounded).

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

This ICR includes only program changes. OSHA estimates a decrease of 116,597 burden hours from the currently approved estimate of 2,253,550 hours to 2,136,953 hours.

There is a program change decrease of 155,042 hours for rescinding the additional reporting requirements contained in the 1904.41.

There is a program change increase of 38,445 hours for the collection of the Employer Identification Number (EIN).

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 Section 1904.41 based on the conditions discussed in questions 7 and 10 of this Supporting Statement. The released data will be tabulated at the establishment level. 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 OSHA forms 300, 301 and 300A. 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

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 2018

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.