

SUPPORTING STATEMENT FOR Employer Adoption of Voluntary Health and Safety Standards

OMB CONTROL NO. 1290-0NEW

This Information Collection Request seeks to receive OMB clearance for the following data collection tools as part of the implementation evaluation: Survey of entities certified in conformance with occupational health and safety management systems (OHSMS) consensus standards.

The U.S. Department of Labor's (DOL's) Chief Evaluation Office (CEO), in collaboration with the Occupational Safety and Health Administration (OSHA), has commissioned an evaluation of the use of voluntary consensus standards for OHSMS. Such standards have been developed at the national and international level in recent years, and proponents believe they represent a superior approach to managing safety and health risks in the workplace. Further promotion and adoption of OHSMSs could help industry better anticipate, identify, and control risks; risks that can not only cause harm to workers but often result in substantial costs, disruptions, and reputational impacts on firms themselves. Robust evidence of the effectiveness of OHSMSs, particularly in the U.S., is limited. This evaluation will help both industry and policymakers better understand the motivations for entities that have adopted OHSMSs, the costs and benefits of doing so, and the potential contribution of OHSMSs to improved workplace safety and health. Eastern Research Group, Inc. (ERG) and its subcontractor Icarus Environmental have been contracted to conduct an implementation evaluation.

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.

CEO undertakes a learning agenda process each year to identify departmental priorities for program evaluations. This evaluation was prioritized as part of that process. Division H, Title I, Section 107 of Public Law 115-31, the Consolidated Appropriations Act of 2017, authorizes the secretary of labor to reserve not more than 0.75 percent from special budget accounts for transfer to and use by CEO for departmental program evaluation. Further, 29 USC 3224(a)(1) authorizes the secretary of labor to conduct ongoing evaluation of programs and activities to improve the management and effectiveness of these programs.

Overview of the Study

In recent years, standards-setting organizations in the U.S. and abroad have developed consensus standards that specify requirements for occupational health and safety management systems

(OHSMSs). These standards apply principles similar to those that were previously developed to guide the management of quality and environmental performance and that have been adopted by businesses starting in the late 1970s. Supporters of these standards suggest they can be an effective way to integrate quality, environmental and occupational health and safety in to day to day business operations and help organizations achieve continual improvement in their performance in these areas.

Organizations that choose to do so can have their systems reviewed and certified by an accredited third-party auditor and, if successful, use their certification as a differentiator in the marketplace. Some customers may show preference for doing business with suppliers that have such certifications, and in some supply chains (e.g. the automotive sector) certifications are becoming a requirement of the large organizations.

Historically, most U.S. businesses have operated in a reactive mode when it comes to taking a compliance-oriented approach to managing workplace safety and health. (Occupational Safety and Health Administration, 2016). The business hires or designates individuals who can interpret regulations and put programs in place to ensure compliance. These programs often include a combination of engineering controls, work procedures, and training. The safety and health specialists then take on the role of internal compliance officer, monitoring worker behavior and stepping in when needed. The management systems approach in the existing consensus standards differs in that management systems emphasize management leadership, worker participation, and a continual focus on identifying and correcting workplace hazards. Management's commitment and leadership sends a signal that safety and health is a top priority. They establish goals for the program, provide necessary resources, and monitor system performance. Workers participate in all aspects of the system, giving them a sense of ownership and tapping into their unique knowledge of workplace hazards and controls. The focus on all hazards, whether previously recognized or not, helps the organization eliminate hazards before workers are injured or become ill.

OHSMS proponents believe this approach helps identify and eliminate risks that might otherwise go undetected. Collaboration between management and workers can lead to improved communication and morale. There is an emphasis on learning, not just from incidents where things go wrong but also from positive outcomes. Linking safety and health to other organizational priorities and integrating it into other business functions helps keep it in the forefront. (See, for example, American Society of Safety Professionals, 2019).

OHSMS adoption has been linked to a variety of positive business outcomes: improved risk management, reduced incidence of injuries and illness, lower insurance and other costs, improved labor productivity, improved product or service quality, better worker morale and retention, and enhanced reputation (Lee, 2018; Robson et al., 2007; Tompa et al., 2009). Yet evidence of the effectiveness of OHSMSs, particularly in the U.S., is limited. To date, although interest in the standard is high, the number of organizations certified has been limited (Fisher, 2019). Most recently, in 2018, the International Organization for Standardization (ISO) published ISO 45001, the first truly global OHSMS standard.

The literature on the effects of OHSMS adoption includes studies that examine effects on numerous business outcomes, but surprisingly few that include effects on safety and health outcomes.

The purpose of this requested data collection effort is to collect and then evaluate objective evidence on the effects of adopting voluntary, consensus-based OHSMS standards. This information will help inform industry about whether adoption of an OHSMS can help them achieve occupational safety and health and other organizational goals.

This information collection will also add to the knowledge base regarding employer preparedness for, and responses to, the COVID-19 pandemic. As noted above, an OHSMS involves a more systematic approach to identifying and controlling occupational safety and health risks. This information collection will include questions such as:

- Whether the OHSMS identified infectious diseases such as COVID-19 as a business risk.
- Whether specific plans had been developed under the OHSMS to aid in responding to a pandemic.
- Whether the OHSMS helped the organization:
 - identify resources needed to respond to the pandemic
 - make decisions on whether to continue operations under the pandemic
 - monitor and respond to worker concerns about the pandemic
 - communicate throughout the organization during the pandemic
 - operate more safely during the pandemic

The data collection needs to start in October 2021.

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.

DOL will be collecting the following information from entities who have adopted OHSMS standards and been certified by accredited third party auditors:

- Scope of the organization's certification. The first survey question asks the respondent about the scope of their certification. The scope defines the physical and organizational boundaries around their OHSMS and the activities covered by their OHSMS. All OHSMS standards require the scope to be defined and the scope is included on the certificate issued by the certification body. The respondent can simply read or provide the scope from this certificate.
- Single or multi-establishment. Larger organizations with more than one establishment, location or business unit may implement a single OHSMS that covers multiple locations.
- Name of certifier and certification number. This will help confirm information provided by the certifiers.
- Year and month of initial certification and year and month OHSMS implementation began. This will provide DOL with information about how long implementation usually takes and how long each organization has been certified. With this information DOL can determine the

baseline year to use when comparing performance before and after OHSMS certification later in the survey.

- Facility and organizational characteristics. This set of questions will be used to determine the size of the organization, industry classification (NAICS code), ownership status, and exposure to international markets – essential demographic characteristics to help DOL understand what kinds of organizations have adopted OHSMS.
- Other management system certifications held. DOL is interested in whether OHSMS certification is more prevalent among organizations that hold other, similar certifications such as ISO 9001 (quality management systems) and ISO 14001 (environmental management systems).
- Motivation for OHSMS. This question will help establish the primary reason the organization implemented its OHSMS and sought certification. This will help DOL determine, for example, whether outcomes or performance varies depending on whether there were internal or external drivers for the OHSMS.
- Safety and health resources. This set of questions will help DOL determine whether there is a threshold level of resources or expertise associated with successful OHSMS implementation efforts. This section also asks about the resources specifically used to support OHSMS implementation and certification.
- Performance data. This section requests the organization to provide two standard safety and health metrics (the Total Case Incident Rate [TCIR] and the Days Away, Restricted or Transferred [DART] rate) for as many prior years as the respondent has available. This will be used to compare performance before and after OHSMS adoption and certification, and to compare performance among adopters and non-adopters (e.g., using industry average TCIR and DART rates from BLS).
- Non safety-related outcomes. This section requests respondent input on whether OHSMS implementation and certification has impacted other aspects of their business, such as productivity, costs, reputation, or worker morale.
- Relationship to COVID-19. The survey will ask a few questions on the extent to which entities' OHSMS helped them respond to and manage their resources during the COVID-19 pandemic.

In addition to data collected through the survey, DOL will extract data on respondents' compliance history from existing OSHA databases. DOL will link this data to respondent responses about OHSMS implementation and outcomes in order to examine relationships between OHSMS adoption and compliance. DOL will disclose this plan to respondents as part of the survey instructions.

It is anticipated that a summary of the information collected will be disseminated to the public or used to support publicly disseminated information. Individual responses will not be disseminated, and individual respondents will not be identified.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

The survey will be collected using the Qualtrics, Inc. online web data collection platform. All responses will be collected via the Qualtrics platform.

No forms are involved, only an online survey instrument. It is not possible to generate a printable version of the form that is easily fillable by respondents.

The results will be made available to the public in the form of a report with raw data tabulations provided in an appendix.

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

The data being collected for this survey are not otherwise available from existing sources. No other studies or data collection efforts have been performed that focus on this type of information for OHSMS-certified organizations in the United States. There are only a limited number of studies of OHSMS adoption among U.S. organizations, but the study populations were small and more limited in terms of their outcome investigations (Lo et al., 2014). In one of the most widely cited systematic reviews of this topic (Robson et al., 2007), the authors did a thorough scan of the literature and found 23 studies of OHSMS adoption effectiveness, of which 13 met the reviewer's data quality criteria. Two of the 13 studies focused on worksites in the United States. One U.S. study analyzed a single organization (with multiple worksites) (Bunn et al., 2001) and the other examined 15 worksites subject to intervention by the study authors (LaMontagne et al., 2004). Neither of these studies collected the same type of data or as extensive a dataset as the present study would produce.

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

Based on ERG's discussions with OHSMS certification bodies, we expect that only a small proportion of OHSMS-certified organizations would be classified as small businesses. To reduce the burden on those entities, we have designed a simple survey that asks only a few key questions. We expect most organizations will be able to complete the survey within 30 minutes. To facilitate responses, the survey uses a screening question to confirm the individual responding is responsible for safety and health for the organization. Those individuals are likely to have most of the information readily available. As noted above, the survey does ask them to review records related to workplace injuries and illnesses, but these are required by law to be recorded in a standard format and retained for a minimum of five years. Such records should be readily available and accessible to the respondent.

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

The data being collected under this survey effort will be valuable to DOL in understanding what kinds of organizations adopt industry consensus-based OHSMS standards, their motivations for doing so, the resources involved, and the outcomes they deliver, particularly in terms of reduced occupational safety and health risks. This information will help inform industry about whether adoption of an OHSMS can help them achieve occupational safety and health goals. If the evidence collected indicates OHSMS is associated with significant improvements in safety and health performance, such evidence could inform policy decisions.

Without these data, and assuming that they show positive effects, a significant tool for reducing the annual number of workplace fatalities, injuries and illnesses could be underutilized. Furthermore, without the results of this information collection the Federal decision-making on encouraging or discouraging the use of an OHSMS would not be well supported and would be less effective.

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

There are no inconsistencies with OMB guidelines.

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.

1. *Federal Register* announcement

A Federal Register Notice published on December 19, 2019 (84 FR 69779) solicited public comments. One comment was received expressing support for this collection.

2. Consultation outside of the agency

A technical working group (TWG) has been established to review and provide guidance on proposed methodologies, data collection instruments, and data analysis methods. The TWG consists of experts in OHSMS and evaluation methods. The TWG members are listed below.

Name	Affiliation
Vic Toy, CIH, CSP, FAIHA	Principal, Insys OH&S Manager, Global Transformation and Strategy, Integrated Health Systems IBM (Retired)
Kathy Seabrook, CSP, CFIOSH, EurOSHM	President, Global Solutions, Inc. Past President, American Society of Safety Engineers.
Linda Goldenhar, Ph.D.	Director, Research and Evaluation, The Center for Construction Research and Training (CPWR).
Jonathan Thomas, MS	Senior Director, Research & Survey Services, National Safety Council
James Thornton, CSP, CIH	Director, EH&S At HII (Norfolk Naval Shipyard) (retired)

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

There are no gifts or payments being made to respondents.

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

Information collected will be kept private to the extent permitted by law. DOL has subcontracted with ERG to collect the data. ERG will use its online survey provider, Qualtrics, to implement the survey among OHSMS-certified organizations. To access the survey population, ERG will work with OHSMS certification bodies and request they distribute the survey link to their OHSMS certification customers. ERG will see the names and other identifying information related to the respondents but will not be providing this to any DOL agency. Instead, ERG will replace identifying information with a unique respondent code that only ERG will retain. ERG will include an explanation of this process with the survey instrument.

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.

The survey does not involve any sensitive questions.

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 burdens, 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 cost should be included in Item 14.**

Estimated Annualized Respondent Cost and Hour Burden

Error: Reference source not found provides an estimate of the burden hours for this data collection, annualized over a three year collection period. Based on information provided to date from OHSMS certification bodies, DOL expects to collect responses from a maximum of 1,000 certified organizations, or 333 organizations on an annualized basis. However, this is potentially an overestimate since not all certification bodies have agreed to participate and the total number of certified organizations in the U.S. is unknown. Nevertheless, the estimates outlined below provide a conservative estimate of total response, and hence, burden. The estimated number of responses results in 500 burden hours based on our assumed average 30-minute response time, or 167 hours on an annualized basis.

Table 1. Estimated Annualized Respondent Hour and Cost Burden

Collection	Number of respondents	Number of responses per respondent	Total number of Responses	Average burden Time per Response (in hours)	Total Burden Hours [a]	Average Hourly Rate [b]	Total Annual Cost
Survey of OHSMS certified organizations	333	1	333	0.5	167	\$39.08	\$6,526
Totals	333	--	333	--	167	--	\$6,526

[a] Rounded up to nearest whole hour.

[b] Cost was calculated using the median annual wage for Occupational Safety and Health Specialists in May 2020 of \$76,340, derived from here: <https://www.bls.gov/ooh/healthcare/occupational-health-and-safety-specialists-and-technicians.htm>. The annual wage was then divided by 2,080 hours per year to get a median hourly wage of \$36.70. To account for inflation from when this hourly rate was calculated, DOL adjusted the rate of \$36.70 to \$39.08 using changes in the Consumer Price Index between May 2020 and July 2021 (see

https://www.bls.gov/data/inflation_calculator.htm)

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).

- **The cost estimate should be split into two components: (a) a total capital and start up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
- **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
- **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

There are no direct costs to respondents other than their time.

14. Provide estimates of the 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), 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 into a single table.

The total annualized cost to the federal government is \$101,715.07. Costs result from the following categories:

The estimated cost to the federal government for the contractor to carry out the study is \$247,478.00. Annualized, this comes to \$82,492.67.

The annual cost borne by DOL for federal technical staff to oversee the contract is estimated to be \$19,222.40. We expect the annual level of effort to perform these duties will require 200 hours for one federal GS 14 step 2 employee based in Washington, D.C., earning \$60.07 per hour.¹ To account for fringe benefits and other overhead costs, the agency has applied a multiplication factor of 1.6:

$$200 \text{ hours} \times \$60.07 \times 1.6 = \$19,222.40$$

Thus the total annualized federal cost is \$82,492.67 + \$19,222.40 = \$101,715.07.

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

This is a new information collection.

16. For collections of information whose results will be published, outline plans for tabulations, 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 of information, completion of report, publication dates, and other actions.

DOL will develop tabulations and cross-tabulations of the collected data as needed. These will be summarized and presented as part of a full project report, expected to be completed in 2023.

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

DOL will display the expiration date.

18. Explain each exception to the certification statement.

DOL is seeking no exceptions.

¹ See Office of Personnel Management 2020 Hourly Salary Table at https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2020/DCB_h.pdf