

**RECORDKEEPING AND REPORTING OCCUPATIONAL INJURIES
AND ILLNESSES (29 CFR PART 1904)**

OMB Control Number: 1218-0176

Expiration Date: April 30, 2025

Note to Reviewer

Concurrent with the publication of the Improve Tracking of Workplace Injuries and illness final rule on July, 21, 2023, OSHA submitted the Improve Tracking Workplaces Injuries and Illnesses (29 CFR Part 1904) Final Rule Information Collection Request to OMB under a new OMB Control number 1218-0279. In this submission, OSHA stated:

The agency plans to combine the collection of information requirements for Improve Tracking of Workplace Injuries and Illnesses, OMB Control Number 1218-0279 with the currently OMB approved paperwork package for [Recordkeeping and Reporting Occupational Injuries and Illnesses \(29 CFR Part 1904\)](#), OMB Control Number 1218-0176 when the final rule for Improve Tracking of Workplace Injuries and Illnesses is published, and the ICR is approved by OMB.

This revision fulfills the above requirement by combining for Improve Tracking of Workplace Injuries and Illnesses, OMB Control Number 1218-0279 into the [Recordkeeping and Reporting Occupational Injuries and Illnesses \(29 CFR Part 1904\)](#), OMB Control Number 1218-0176.

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AND ILLNESSES (29 CFR PART 1904)
OMB Control Number: 1218-0176
Expiration Date: April 30, 2025**

**SUPPORTING STATEMENT FOR
THE INFORMATION REQUIREMENT ON RECORDKEEPING AND REPORTING
OCCUPATIONAL INJURIES AND ILLNESSES (29 CFR PART 1904)
OFFICE OF MANAGEMENT AND BUDGET
(OMB) CONTROL NUMBER 1218-0176
(January 2025)**

The agency requests a revision to the Recordkeeping and Reporting Occupational Injuries and Illnesses (29 CFR Part 1904). The agency proposes to combine Improve Tracking of Workplace Injuries and Illnesses, OMB Control Number 1218-0279 into this package.

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).

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2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

The OSHA Forms package and 29 CFR part 1904 provide employers with the means and specific instructions needed to maintain records of work-related injuries and illnesses. Response to this collection of information is mandatory for employers covered by the regulations, as specified in 29 CFR part 1904, subpart B. Approximately 1,000,000 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 provides access to records for employees, former employees, and their representatives. These employers are also required to comply with the reporting requirements of 29 CFR part 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 an 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 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.

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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 has completed seven years of collecting Form 300A data (form years 2016-2022), which are currently being used for the Site-Specific Targeting (SST) program; collection of data from form year 2023 is underway. The agency is also in its first year of annually collecting Form 300 and 301 data (form year 2023) from establishments with 100 or more employees in certain designated industries. This requirement provides OSHA with systematic access to the establishment-specific, case-specific injury and illness information that these establishments are already required to collect. Access to this data allows the agency to more efficiently focus its enforcement and outreach resources toward establishments experiencing specific types of occupational injury and illness. Expanded public access to establishment-specific, case-specific, injury and illness data will allow employers, employees, potential employees, employee representatives, customers, potential customers, researchers, and the general public to make informed decisions about the workplace safety and health at a given establishment. This accessibility will ultimately result in the reduction of occupational injuries and illnesses. Also, the provision requires establishments that use a code as an establishment name to provide a legal company name.

3. Describe whether, and to what extent, the collection of information 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:

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 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. Using 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

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machine-to-machine Application Programming Interface (API).

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 work-related injury or illness, as defined by 29 CFR part 1904, subpart C, an employer must complete a line item on OSHA Form 300 and 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.

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 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. OSHA has provided the BLS with access to all of the data collected under these provisions.

The BLS has modified their collection to allow respondents that have already provided their data to OSHA to provide their OSHA identification number (OSHA ID) to import to BLS the data that they have submitted to the OSHA ITA in that same year. Additional information may need to be entered manually to complete the Survey of Occupational Injuries and Illnesses (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,

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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 8 million establishments covered by OSHA and the State Plans, almost 7 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 requirement to provide Form 300A data under 1904.41 is limited to establishments with 20 or more employees in a subset of industries covered by the recordkeeping regulation. These size and industry criteria limit the burden on small employers.

Employers required to submit Forms 300, and 301 data are limited to establishments with 100 or more employees in designated industries, all of which are already required to submit Form 300A data to OSHA. 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 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 severely diminished.

For example, with the OSHA Forms 300 and 301 data, having access to case-specific data will also allow OSHA to determine whether workers in particular demographics are being disproportionately sickened or injured. These may be younger or older workers, temporary workers, or workers new to a particular assignment. With this information, OSHA will be able to develop strategies to address the particular demographic factors that lead to these disproportionate outcomes. The data will also allow the agency to identify trends in the types of injuries and illnesses that are occurring, and the agency can identify and assess emerging hazards. Identifying such patterns and trends can also help the agency to engage in longer-term strategic activities, such as through the development of standards, which can help make OSHA a more

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effective agency overall, and in doing so, make all workers safer. Furthermore, other interested parties would lose a valuable resource — an up-to-date “snapshot” of the safety and health at specific establishments — if the Part 1904 records were submitted to OSHA 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 Part 1904 regulations include several provisions to protect the privacy of injured or ill employees. While in the possession of the employer, the records are subject to the access requirements outlined in 29 CFR 1904.35 and 1904.40. Records obtained by OSHA or other government representatives would be disclosed by the government only in accordance with applicable Federal law, including provisions of 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

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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). OSHA is posting certain information from the collected data on a public website after identifying and removing information that could reasonably be expected to identify individuals directly. The posting of such data will be conducted in accordance with applicable federal law, including the provisions of FOIA. This information collection is consistent with 5 CFR 1320.5.

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). The purpose of these provisions is to protect the employee’s privacy.

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

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Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

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

As required by the Paperwork Reduction Act (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the *Federal Register* on November 27, 2024 (89 FR 93666), requesting public comments on its proposed extension of the information collection requirements contained in the Recordkeeping and Reporting Occupational Injuries and Illnesses (29 CFR part 1904) under Docket Number OSHA-2010-0055. The notice was part of a preclearance consultation program intended to provide those interested parties the opportunity to comment on OSHA's request for an extension by the Office of Management and Budget (OMB) of a previous approval of the information collection requirements found in the Recordkeeping and reporting occupational injuries and illnesses regulation. The agency did not receive any public comments in response to this notice.

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

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

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

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

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

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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."

OSHA excludes the following data elements from its § 1904.41 collection of Form 300 and 301 data: 1) Log of Work-Related Injuries and Illnesses (OSHA Form 300): Employee name (column B). 2) Injury and Illness Incident Report (OSHA Form 301): Employee name (field 1), employee address (field 2), name of physician or other health care professional (field 6), facility name and address if treatment was given away from the worksite (field 7).

Additionally, OSHA is identifying and removing information that could reasonably be expected to identify individuals directly before posting certain information from the collected data on its public website. The publication of such data is conducted in accordance with applicable federal law, including provisions of the FOIA. In addition, as discussed in the final rule, OSHA has withheld from publication all of the collected information on the left side of Form 301 (i.e., employee age, calculated from date of birth (Field 3), employee date hired (Field 4), and employee gender (Field 5), as well as whether the employee was treated in emergency room (Field 8) and whether the employee was hospitalized overnight as an in-patient (Field 9)) that could tend to indirectly identify injured or ill employees when combined with other potentially available information. As noted in the final rule, this decision is consistent with OSHA's handling of FOIA requests, in response to which the agency does not release data from Fields 1 through 9.

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,

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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 illnesses, in order “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions. . .” 29 U.S.C. 651.

Further, OSHA believes that the regulation does provide protection against “inappropriate” disclosure. The entire log is not disclosable to anyone 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 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.**

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RESPONDENT BURDEN-HOUR AND COST BURDEN DETERMINATIONS

OSHA estimates approximately 5,113,141 establishments are required to keep work-related injuries and illnesses records under 29 CFR part 1904. This estimate includes establishments with 100 or more employees in certain high-hazard industries that must electronically submit information from their Form 300-Log of Work-Related Injuries and Illnesses, and Form 301-Injury and Illness Incident Report to OSHA once a year. These submissions are in addition to submission of Form 300A-Summary of Work-Related Injuries and Illnesses. Table 2 The Summary of Burden Hours and Cost under Item 12 estimates the burden hours and costs for developing, maintaining, and, when required, transmitting records to OSHA. For the sole purpose of calculating burden hours and costs under the Paperwork Reduction Act, this supporting statement has rounded the totals found in Table 2.

Wage Rates

The agency determined the wage rate from mean hourly wage earnings to represent the cost of employee’s time. For the relevant standard occupational classification category, the agency used the wage rates reported in the Bureau of Labor Statistics (BLS), U.S. Department of Labor, Occupational Employment and Wage Estimates (OEWS), May 2023 [date accessed: July 23, 2024]. (OEWS data is available at <https://www.bls.gov/oes/tables.htm>. To access a wage rate, select the year, “Occupation Profiles,” and the Standard Occupational Classification (SOC) code.)

To derive the loaded hourly wage presented in the table below, the agency used data from the Bureau of Labor Statistics OEWS report, as described in the paragraph above, and applied to the wage rates a fringe benefit markup from the following BLS release: *Employer Costs for Employee Compensation News Release* text, released 10:00 AM (EDT), June 18, 2024, ([Employer Costs for Employee Compensation – March 2024 \(bls.gov\)](#)). BLS reported that fringe benefits accounted for 29.7 percent of total compensation for private industry workers, and wage rates accounted for 70.3 percent. The agency divided the mean hourly wage by one (1) minus the fringe benefits to calculate the loaded hourly wage.

Table 1 – Estimated Wage Rates				
Occupations	SOC Code	Mean hourly wage	Fringe Benefits	Loaded Hourly Wage Rate
		(A)	(B)	(C) = (A)/(1-(B))
Occupational Health and Safety Specialists	19-5011	\$41.14	0.297	\$58.52
Industrial Production	11-3051	\$60.53	0.297	\$86.10

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Table 1 – Estimated Wage Rates				
Occupations	SOC Code	Mean hourly wage	Fringe Benefits	Loaded Hourly Wage Rate
		(A)	(B)	(C) = (A)/(1-(B))
Managers				

BURDEN HOURS

The recordkeeping burden imposed by the electronic submission requirements varies greatly from establishment to establishment, depending upon the number of recordable injuries and illnesses that have occurred at the establishment. For example, an establishment may have 20 recordable cases in one year requiring 20 entries in the OSHA Injury Tracking Application (ITA). In contrast, another establishment may have had zero recordable cases for the year and thus have no cases to enter. The burden will also vary greatly depending on the method used to submit the required data. Data entry using the web forms will generally require more time than submission by batch file or API.

These determinations reflect the adjustments associated with changes to 1) the number of establishments subject to part 1904, 2) the number of injuries and illnesses experienced by workers, and 3) the number of establishments that submitted their form 300A data to OSHA. The currently approved ICR is partially based on estimates and assumptions regarding the number of submittals of Form 300A data to OSHA as required under 1904.41. OSHA now has five years of data collected under these provisions. The estimates are now based on data actually submitted. The currently approved ICR is based on 2016 County Business Patterns (CBP) and BLS SOII survey data. The estimates in this ICR are based on 2019 CBP data and 2020 BLS data.

The burden hours and cost determinations for recordkeeping and reporting are as follows:

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 and electronically submit 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 following table are based on injury and illness statistics from the 2020 BLS Survey of Occupational Injuries and Illnesses (SOII). The establishment data are based on 2019 County Business Pattern (CBP) statistics from the US Census Bureau. OSHA used data from the 2012 Census of

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Agriculture for estimates of farm establishments. Case estimates for the Form 300A reporting requirements are based on 2019 Injury Tracking Application data.

OSHA used the following assumptions to develop the burden estimates:

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(A) § 1904.4 - 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 (14/60 hour);

(B) § 1904.8 Time required to record a needlestick on the OSHA Form 300 averages 5 minutes (5/60 hour);

(C) § 1904.4 Time required completing an entry on the OSHA Form 301 (including research) averages 22 minutes (22/60 hour); 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.

(D) § 1904.29(b)(7) A line entry on a confidential list for a "privacy concern case," as defined under § 1904.29(b)(7), will average 3 minutes (3/60 hour); 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.

(E) § 1904.32 Employers are required by 29 CFR 1904.32 to complete, certify and post a summary of occupational injuries and illnesses for each establishment. This applies to all the establishments covered by the regulation, regardless of whether the establishment experienced a recordable case or not. OSHA estimates it takes 58 minutes to complete: Complete OSHA Form 300A - 20 minutes; Company official certification - 30 minutes; Posting summary - 8 minutes (58/60 hour);

(F) § 1904.35 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 take 5 minutes (5/60 hour) 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.

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

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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)).

(G) § 1904.38 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 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, has placed 0 burden for this section.

(H) § 1904.41 requires establishments with 20 or more employees in certain industries to electronically send their Form 300A data to OSHA annually; in addition, a subset of these establishments are also required to electronically submit their Form 300 and Form 301 data to OSHA annually. OSHA estimates 95% of the establishments covered by the Form 300A requirement have ready access to the internet. The remaining 5% will require 1 hour providing the data from off-site facilities (e.g., library).

(I) § 1904.41(a)(3) The collection of injury and illness data conducted under 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.

(J) § 1904.39 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 (30/60 hour) 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);

(K) OSHA estimates that employers will require 10 minutes to accomplish the task of creating an account in the OSHA ITA and familiarizing themselves with the web site prior to entering and submitting the required data. This was a onetime cost in the initial year of submission, with costs in subsequent years for establishments with employee turnover.

(L) 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 1 hour orientation to learn the basics of the recordkeeping system.

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(M) § 1904.41(a)(1) and (2) Employers are required to include their Employer Identification Number (EIN) with their annual submission of Form 300A data. OSHA estimates an average of 5 minutes (5/60 hour) 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 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.

**Improve Tracking Workplace Injuries and Illnesses
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(N) § 1904.41(a)(2) This paragraph requires establishments with 100 or more employees in certain high-risk industries covered by Appendix B to electronically send their OSHA 300 and 301 Forms, in addition to the already required 300A data, to OSHA once a year. Each establishment subject to this takes 10 minutes (10/60 hour) to familiarize themselves with the reporting website. OSHA assumes half of the covered establishments take 10 minutes (10/60 hours) to submit a batch file of the required form 300/301 information. The other half will submit the required information by data entry in web forms and will require 15 minutes to submit the data for each recordable injury or illness.

(O) § 1904.41(a)(1) and (2) - electronic submission of OSHA Form 300A data) Paragraph 1904.41(a)(2) requires establishments with 100 or more employees in certain high-risk industries covered by Appendix B to electronically send their OSHA 300 and 301 Forms, in addition to the already-required 300A data, to OSHA once a year.

Each establishment subject to this provision will require 10 minutes (10/60 hour) to familiarize themselves with the reporting website. OSHA assumes half of the covered establishments will require 10 minutes to submit a batch file of the required form 300/301 information. The other half will submit the required information by data entry in web forms and will require 15 minutes to submit the data for each recordable injury or illness. -

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Table 2 - Estimated Respondent Burden Hours and Cost Burden Summary

Information Collection Requirement	Type of Respondent	Number of Cases	Frequency per Response	Total Responses	Time per Response (in Hours)	Burden Hours	Loaded Hourly Wage	Burden Cost
Recordkeeping and Reporting Occupational Injuries and Illnesses OMB Control Number 1218-0176								
(A) § 1904.4 - Line entry on OSHA Form 300 other than needlesticks (Includes research of instructions and case details to complete the form)*	Occupational Health and Safety Specialist	1,712,530	1	1,712,530	14/60	399,590	\$58.52	\$23,384,026
(B) § 1904.8 - Line entry on OSHA Form 300 for needlesticks (Includes research of instructions and case details to complete the form)**	Occupational Health and Safety Specialist	337,645	1	337,645	5/60	28,137	\$58.52	\$1,646,582
(C) § 1904.4 - Complete OSHA 301 (Includes research of instructions and case details to complete the form) *	Occupational Health and Safety Specialist	820,070	1	820,070	22/60	300,692	\$58.52	\$17,596,496
(D) § 1904.29(b)(7) - A line entry on a confidential list for a “privacy concern case.”	Occupational Health and Safety Specialist	363,333	1	363,333	3/60	18,167	\$58.52	\$1,063,112
(E) § 1904.32 - Complete, certify and post OSHA Form 300A (Includes research of instructions)	Industrial Production Manager	1,028,988	1	1,028,988	58/60	994,688	\$86.10	\$85,642,671
(F) § 1904.35 - Making records available to employees, former	Occupational Health and	72,029	1	72,029	5/60	6,002	\$58.52	\$351,261

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AND ILLNESSES (29 CFR PART 1904)
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Table 2 - Estimated Respondent Burden Hours and Cost Burden Summary

Information Collection Requirement	Type of Respondent	Number of Cases	Frequency per Response	Total Responses	Time per Response (in Hours)	Burden Hours	Loaded Hourly Wage	Burden Cost
employees, employee representatives upon request	Safety Specialist							
Employee Access to OSHA Form 301	Occupational Health and Safety Specialist	205,018	1	205,018	5/60	17,085	\$58.52	\$999,804
(G) § 1904.38 Maintaining records different than required in this paragraph, Request for Variance	Occupational Health and Safety Specialist	0	0	0	0	0	\$58.52	\$0
(H) § 1904.41(a)(1) and (2) - electronic page submission of OSHA Form 300A data	Occupational Health and Safety Specialist	285,500	1	285,000	10/60	47,500	\$58.52	\$2,784,577
§ 1904.41(a)(2) - electronic submission of OSHA Form 300A data by establishments with no internet connection	Occupational Health and Safety Specialist	15,000	1	15,000	1	15,000	\$58.52	\$877,800
(I) § 1904.41(a)(3) Electronic submission of part 1904 records upon notification	Occupational Health and Safety Specialist			0	0	0	\$58.52	\$0
(J) § 1904.39 - Report fatalities/hospitalizations/	Occupational Health and	20,000	1	20,000	30/60	10,000	\$58.52	\$585,200

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Table 2 - Estimated Respondent Burden Hours and Cost Burden Summary

Information Collection Requirement	Type of Respondent	Number of Cases	Frequency per Response	Total Responses	Time per Response (in Hours)	Burden Hours	Loaded Hourly Wage	Burden Cost
amputations/loss of eye	Safety Specialist							
(K) 1904.41(a)(1) and (2) - create an account and review navigation	Occupational Health and Safety Specialist	23,865	1	23,865	10/60	3,978	\$58.52	\$232,763
(L) Learning Basics of the Recordkeeping System - turnover of personnel	Occupational Health and Safety Specialist	205,798	1	205,798	1	205,798	\$58.52	\$12,043,299
(M) § 1904.41(a)(1) and (2) provide Employer Identification Number (EIN)	Occupational Health and Safety Specialist	23,865	1	23,865	5/60	1,989	\$58.52	\$116,382
<i>OMB 1218-0176 Subtotals</i>				5,113,141		2,048,626		\$147,323
Improved Injury and Illness Tracking OMB Control Number (1218-0279)								
(N) § 1904.41(a) (2) - electronic submission of OSHA Form 300 and 301 data by batch	Occupational Health and Safety Specialist	332,498	13.468000648	24,668*****	10/60	4,111	\$58.52	\$240,595
(O) § 1904.41(a)(2) - electronic submission of OSHA Form 300A data by data-entry	Occupational Health and Safety	433,759	1	433,759	15/60	108,440	\$58.52	\$6,345,909

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Table 2 - Estimated Respondent Burden Hours and Cost Burden Summary

Information Collection Requirement	Type of Respondent	Number of Cases	Frequency per Response	Total Responses	Time per Response (in Hours)	Burden Hours	Loaded Hourly Wage	Burden Cost
	Specialist							
<i>Sub Totals</i>				458,427		112,551		\$6,586,504
GRAND TOTALS				5,571,568		2,161,177		\$6,733,827
*Estimates of recordable cases from the 2020 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.								
*** Estimate based on 40% of cases recorded on OSHA Form 300.								
**** An estimated 24,668 batch files submit 332,498 reportable cases a year.								
Total respondent universe = 1,239,687.								

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13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14.)

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

14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

OSHA estimates a total cost to the government of approximately \$638,364. This estimated cost is comprised of 1) the personnel salaries of 2 FTE dedicated to interpreting the requirements of Part 1904 (\$341,000); 2) the administration of the data collection under 1904.41 at a unit cost estimate of 28 cents per transaction for an estimated 347,730 transactions (\$97,364); and 3) annual help desk costs of \$200,000.

15. Explain the reasons for any program changes or adjustments

The agency is requesting a revision to the approved paperwork package for Recordkeeping and Reporting Standard to include the information collections contain in the Improve Tracking of Injuries and Illnesses, OMB Control Number 1218-0279. OSHA is requesting a program change of 112,551 hours the burden going from 2,048,626 to 2,161,177 hours. The increase in burden results from the adding the burden hours from the Improve Tracking of Injuries and Illnesses Standard.

Also, when adding the burden from OMB Control Number 1218-0279, the agency removed the one-time burdens for employers to become familiarized with the 2023 *Improve Tracking of Workplace Injuries and illness* final rule, and the burden to upgrade the Software.

Finally, OSHA is discontinuing the paperwork package for Improve Tracking of Injuries and Illnesses, OMB Control Number 1218-0279.

Table 3 – Change in Burden Hours			
	Currently Approved	Requested Burden	
Actions entailing paperwork burden	Burden Hours	Burden Hours	Adjustment
(A) § 1904.4 - Line entry on OSHA Form 300 other than needlesticks (Includes	399,590.33	399,590	0

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Table 3 – Change in Burden Hours			
	Currently Approved	Requested Burden	
Actions entailing paperwork burden	Burden Hours	Burden Hours	Adjustment
research of instructions and case details to complete the form)**			
(B) § 1904.8 - Line entry on OSHA Form 300 for needlesticks (Includes research of instructions and case details to complete the form)***	28,137.08	28,137	0
(C) § 1904.4 - Complete OSHA 301 (Includes research of instructions and case details to complete the form) *	300,692.33	300,692	0
(D) § 1904.29(b)(7)) - A line entry on a confidential list for a “privacy concern case.”	18,166.65	18,167	0
(E) § 1904.32 - Complete, certify and post OSHA Form 300A (Includes research of instructions)	994,688.4	994,688	0
(F) § 1904.35 - Employee Access to OSHA Form 300	6,002.42	6,002	0
Employee Access to OSHA Form 301	17,084.83	17,085	
(G) §1904.38 Maintaining records different than required in this paragraph	0	0	0
(H) § 1904.41(a)(1) and (2) - electronic submission of OSHA Form 300A data	47,500	47,500	0
1904.41(a)(2) - electronic submission of OSHA Form 300A data by establishments with no internet connection	15,000	12,000	
(I) § 1904.41(a)(3) <u>Electronic submission of part 1904 records upon notification</u>	0	0	0
(J)§ 1904.39 - Report fatalities/hospitalizations/ amputations/loss of eye	10,000	10,000	0
(K) 1904.41(a)(1) and (2) - create an account and review navigation (Chart: no narrative)	3,977.5	3,978	0
(L) Learning Basics of the Recordkeeping	205,798	205,798	

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Table 3 – Change in Burden Hours			
	Currently Approved	Requested Burden	
Actions entailing paperwork burden	Burden Hours	Burden Hours	Adjustment
System - turnover of personnel			0
(M)§ 1904.41(a)(1) and (2) provide Employer Identification Number (EIN)	1,988.75	1,989	0
(N) § 1904.41(a)(3) - Electronic submission of Part 1904 records upon notification	0	0	0
(P) § 1904.38 - Request for variance	0	0	0
1218-0176 Subtotal	2,048,626	2,048,626	0
(Q) Paragraph 1904.41(a)(2) - Familiarization of new requirements and website (One-Time)**	8,682	0	-8,682
(R) Paragraph 1904.41(a)(2) - electronic submission of OSHA Form 300 and 301 data by batch file (annual)	4,111	4,111	0
Paragraph 1904.41(a)(2) - electronic submission of OSHA Form 300 and 301 data by data entry (annual)	108,440	108,440	0
Paragraph 1904.41(a)(2) – Software Upgrade for Multiple Establishments Firms (one-time)	9,120	0	-9,120
Totals			
1218-0279 Subtotals	130,353	112,551	-17,802
One Time Total	17,802	0	-17,802
Annual Total	112,551	112,551	0
Total Annualized over 3 years	118,485	112,551	-5,934
Total Burden Hours	2,167,111	2,161,177	-5,934

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).

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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. The 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 is published on the data collection web portals for 1904.39 and 1904.41.

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.