

January 11, 2023 (revised May 9, 2023)

MEMORANDUM FOR : Reviewer of 1220-0133

FROM : Tiffany Pinkney, Chief  
Division of Collection and Review  
Office of Safety and Health Statistics  
Office of Compensation and Working Conditions  
Bureau of Labor Statistics

SUBJECT : Nonsubstantive change request for the Census  
of Fatal Occupational Injuries

The Bureau of Labor Statistics (BLS) seeks approval for nonsubstantive changes for the Census of Fatal Occupational Injuries (CFOI). These changes are not expected to impact respondent burden and have been discussed with BLS's Technical Advisory Committee, State Agency stakeholders, and the BLS Office of Survey Methods Research (OSMR). BLS noted these potential changes in the clearance package cleared by OMB in October 2022. These changes will first be reflected in CFOI data collected for Reference Year 2023 that will be published in December 2024.

The nonsubstantive changes for the CFOI are:

- Discontinue the variables: Time Workday Began, Impairment Code, and Time in Position for which data are significantly missing or unknown. These variables have been historically used for researcher purposes only but provide little utility.
- Update options for coding decedent Birthplace to include an "Unknown" category. Currently, fatalities where decedent birthplace is unknown is collapsed into United States and cannot be broken out separately.
- Update options for coding gender to include a category for "Non-binary or another gender identity." Updated category labels will include Male, Female, Non-binary or another gender identity, and Unknown. The new "Non-binary or another gender identity" category will accommodate states that have begun to include categories other than male and female on official source documents.
  - Note that Male, Female, and Unknown are existing codes for gender in CFOI. Unknown does not represent a separate gender identify, rather is used whenever gender cannot be identified from available data sources or (with the requested change) potentially where contradictory information from different source documents makes it impossible to definitively determine gender. Unknown is seldom used currently, except in rare circumstances where we may be unable to determine gender of a decedent from available information. Due to the extremely small number of cases for which gender is coded as unknown, a count for this category cannot be published.
- Update gender categories on the CFOI follow back questionnaire (attached).
- Removed the physical address for public comments in the burden statement and replaced with an email address in the CFOI follow back questionnaire.

Additional information on change to gender:

The program consulted the Office of Survey Methods Research (OSMR) regarding potential changes to gender for the CFOI, who agreed that including an additional selection for gender in CFOI was advisable. The program understands that there is limited research to guide these changes and even less so for decedents. Until formal recommendations are determined, it is the program's intent with this change to add an additional gender category to help accommodate the small number of states (7 at the time of this request) in the CFOI collection that have begun to add additional categories to official documents (e.g., birth/death certificates). There is inconsistency among states that have begun to include additional gender categories, so it is the program's hope to find a feasible option for accurately capturing additional gender information where it is available. The program recognizes that further changes may be required in the future when formal recommendations are established.

CFOI is unlike other traditional federal surveys in that it does not involve direct collection from respondents, rather uses administrative data from multiple data sources (e.g., death certificates, medical examiner/coroner reports, OSHA fatality reports, obituaries, etc.) to identify workplace fatalities and to code details for each case. The one exception is use of the CFOI follow-back questionnaire. This form is used for a small percentage of cases annually that lack other substantiating source data, to seek further details (usually from an employer or family member) for the case or to substantiate its work-relatedness. The program consulted with OSMR regarding potential concerns that the new gender category (i.e., Non-binary or another gender identity) could be very small and risk reidentification in death or result in a category that may not be publishable or need to be collapsed. As noted above, due to the extremely small number of cases for which gender is coded as unknown, the program currently is unable to publish counts for this category. The program anticipates this new gender category, if approved, will also be very small. This category will not be nationally representative, given the small number of states that have begun to add new gender categories, and is unlikely to be published. However, if added, it would be included in data available to approved researchers. The program will document limitations of these data.

Workplace fatalities are relatively rare, and each case receives multiple layers of review. Cases for which there are questions regarding coding typically receive additional review from coding experts. The program expects the number of cases impacted by the proposed change to include the one new gender category will be relatively small. The program will be able to review coding for this new gender option and could follow back with coders to ensure that available source data were used appropriately for cases where gender is coded anything other than Male or Female. Doing so may provide observational information on how gender was determined, ensure that appropriate records were consulted, and determine how any potentially conflicting information on the decedent's gender identity was handled. Ultimately, evaluation of coding for gender (or any variable collected for CFOI) is dependent on available data sources and further evaluation beyond available source data and assigned coding may be limited.

If you have any questions about this request, please contact Tiffany Pinkney by telephone at 202-691-6218 or by e-mail at [pinkney.tiffany@bls.gov](mailto:pinkney.tiffany@bls.gov).

Attachment(s)

CFOI Follow back Questionnaire (revised May 9, 2023)