

Stakeholder Meeting
on
**Modernization of OSHA's
Injury and Illness Data Collection Process**

**Meeting Summary for
Session Convened at:
Chicago, IL
June 3, 2010: *Morning Session***

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1 Introduction

This report summarizes key discussion points from one in a series of stakeholder meetings convened by the Occupational Safety and Health Administration (OSHA) in anticipation of its proposed rulemaking on modernization of the Agency's injury and illness data collection process. The 3-hour meeting was held on the morning of June 3, 2010, at the OSHA Training Institute in Chicago, IL.¹

The purpose of the session was to obtain input from stakeholders on questions presented in OSHA's Federal Register Notice (FRN) announcing the meetings with a request for public comment (http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=21470). The FRN was published on May 5, 2010, explaining that parties interested in participating in an informal panel discussion or in observing the discussion should register in advance of the meeting. For this second meeting, a panel of 15 stakeholders, two representatives from OSHA's Office of Statistical Analysis (OSA)—the office that organized the series of stakeholder meetings—and one representative from OSHA's Office of the Assistant Secretary participated in discussions. Panel participants included employer and labor representatives from industries that could be affected by changes to the data collection system as well as researchers, advisors, and other parties. All panel participants were given the opportunity to provide oral comments at the meeting. Observers were allowed to attend the meeting on a first-come, first-served basis as space permitted, without participating directly in the discussions. About 16 people attended the meeting as observers.

The meeting provided an opportunity for interested parties to provide oral comments on a range of topics related to modernization of OSHA's data collection process. To encourage group interaction, OSHA did not allow formal presentations at the meeting. Rather, the Agency encouraged stakeholders to submit any formal written statements to a docket (identified in the FRN) by June 18, 2010.

Eastern Research Group, Inc. (ERG) provided logistical support for the stakeholder meetings, and a technical writer from ERG attended the meeting and prepared this summary report. The report captures the main discussion points that stakeholders raised during the meeting, rather than providing a verbatim transcript of the discussion.

¹ Two stakeholder sessions, including this one, were convened in Chicago on June 3, 2010. A single session was convened in DC on May 25, 2010.

2 Opening Remarks

Glenn Shor, Special Assistant from OSHA’s Office of the Assistant Secretary, welcomed attendees to the stakeholder meeting and provided opening remarks about the data collection modernization effort. He noted the importance to OSHA of accurately tracking establishment injury and illness rates and acknowledged that there may be issues with the data collection process and the accuracy of reporting. Mr. Shor stated that OSHA is willing to consider developing new tools and methods that could help update the data collection effort for the 21st century, while taking into account limited resources. He pointed out that the notice of stakeholder meetings was intentionally general in order to encourage a broad-based discussion. The Agency is open to all ideas, he added, and is interested in the implications of any proposed changes for the Agency and for industry.

3 Administration of the Meeting

Meeting facilitator Jan Connery (of Eastern Research Group, Inc.) provided the stakeholders with an overview of the meeting format. She began by explaining that the goal of the meeting was to broadly discuss ideas relating to the data collection process, and she encouraged all points of view. Ms. Connery noted that comments would be included in a summary report but without attribution. She added that discussion comments should not take the place of formal comments submitted to the docket.

Ms. Connery then reviewed the meeting agenda and suggested a logical order for the discussion. Next, the participants introduced themselves in turn, and observers briefly stated name and affiliation.

4 Suggested Points for Group Discussion

OSHA representatives sought information regarding the scope of data collection, uses of the data, methods of data collection, economic impacts, and other topics. The following is a summary of comments from panelists during the meeting. Comments are grouped by topic, without reference to the identity of the commenter.

4.1 Scope of the Data Collected

Dave Schmidt, Director of OSA, briefly noted that the current data collection effort—the OSHA Data Initiative (ODI)—collects summary data from about 80,000 establishments annually. He addressed questions relating to what OSHA considers an “establishment” and how OSHA identifies establishments for the data collection. He also discussed the differences in coverage, requirements, and uses of data between OSHA’s data collection and the Bureau of Labor Statistics’ (BLS’s) Annual Survey of Occupational Injuries and Illnesses. OSA Director Schmidt noted that discussions at the stakeholder meeting held a week earlier in DC indicated considerable interest in OSHA collecting more information (e.g., exposure information).

4.1.1 *What recordkeeping data should the electronic recordkeeping system collect?*

- OSHA’s request form does not collect enough information to capture an accurate sense of the injury/illness landscape. If employers were to submit data electronically, OSHA would be able to gather more information and get a clearer picture.
- Expanding the scope of information gathered could improve the utility of the data. For example, to better understand ergonomics, data would need to be collected on the equipment used by the injured employee. Additionally, sufficient information must be collected to allow for comparison of trends in lost work days, worker safety, and compensation pay-outs.
- OSHA should collect information about mechanism of injury—not just collect data on the injuries themselves—to create a database that would help researchers identify trends. For example, at present, it is difficult to get useful information on injuries occurring due to frequent, low-impact activities.
- Information on incidents such as those involving days away from work due to over-exertion—especially as it pertains to small businesses—is very difficult to gather. [*OSA Director Schmidt noted that BLS provides some information on over-exertion and resulting days away from work.*]
- For OSHA to provide meaningful information to employers about injuries and illnesses, it needs to continue collecting industry-specific data. Without such information, it would be very difficult to determine best practices within industries.
- OSHA should limit the scope of the collection because industry-specific data could quickly become very complex and difficult to code and analyze.
- OSHA should not expand the scope of the data collection to require a more detailed response than what is required by other entities (e.g., the states).
- There is a difference between modernizing the data collection process and revolutionizing what data are being collected. While larger companies would likely support changes to the data collection process, they might react negatively to significant expansion of the data collected.
- Data collected in a First Report of Injury should not be considered the goal in terms of extent of information collected. Researchers are frustrated by what is collected in these forms.
- The effort to modernization OSHA’s data collection process needs to involve assessing the quality of data currently collected (e.g., considering how to increase the input of descriptive information into the fields that already exist) and considering whether to expand the number of data elements collected (e.g., to collect data on near-miss incidents).
- If OSHA required establishments to submit more of the information covered by the 300 Log—rather than just the summary line—OSHA would significantly increase its knowledge base about injuries and illnesses (e.g., the nature of injuries).

4.1.2 *Should the electronic recordkeeping system collect data from every employer under OSHA jurisdiction for every case, or should it be limited to a subset of employers and/or cases, for example based on size, industry, incidence rate, occupation, or case severity?*

- A primary aim of modernizing the data collection process should be for OSHA to collect data from all of the establishments that are currently required to maintain logs.

- With the omission of the contract workforce, OSHA’s current data collection misses an entire group of workers. This should be addressed in the modernization.
- OSHA should continue to monitor workers who have been exposed to potentially harmful chemicals during their careers following retirement. [*OSA Director Schmidt noted that OSHA does perform some look-back studies, but resources limit the number and extent of such projects.*]
- If the scope of data collected is not expanded—both in terms of information gathered as well as number of establishments covered—then the modernization will be a waste of time, since there is little to gain from the information currently collected.

4.1.3 Would publishing data indicating the number of employees and number of employee hours worked at specific establishments disclose confidential commercial or trade secret information?

- When OSHA publishes hours worked data for establishments, it creates issues that have nothing to do with the original intent of the data collection effort.
- Publishing rolled-up data rather than establishment-specific information would afford establishments some measure of confidentiality, while still providing useful information.

4.2 Uses of the Data Collected

OSA Director Schmidt noted that currently ODI data are used as the basis for the general industry Site-Specific Targeting (SST) inspection program as well as to target OSHA’s outreach efforts, which encourage high-risk industries to get in contact with OSHA’s Consultation Program. In the future, OSHA is hoping to operate in a timelier manner than the current 2-year lag in order to improve outreach and enforcement. The Agency also hopes to make data available to researchers, employers, and employees in support of President Obama’s Open Government Initiative. Stakeholders had the following opinions on the uses of the collected data.

4.2.1 What purposes could the collected recordkeeping data serve for OSHA as well as other users?

- OSHA should know how it plans to use additional data before undertaking to collect it, since knowing this would affect how or what the Agency decides to collect.
- The primary use of the data collected by OSHA should be prevention of injuries and illnesses.
- A modernized data collection process could make it easier for collected data to be made publicly available, enabling the public to help serve as a check on potentially underreporting establishments.
- Small employers would benefit from researchers having access to the collected data for conducting analyses, since small operations do not have the resources to perform such studies themselves (e.g., research studies on the frequency of certain types of injuries when workers are not periodically re-trained).
- OSHA must function as a gatekeeper for collected information, increasing transparency so that industries cannot keep the information to themselves.
- Providing access to collected data would allow for in-depth analysis of injury/illness information, since any number of research groups could perform studies.

- OSHA should use the collected data to create exposure standards, conduct further updating of existing standards, and evaluate the success of older standards.
- By making as much information available to the public as possible, OSHA would be able to direct its limited resources to where they are most needed, since outside parties would be able to perform research in important areas.
- Increasing the visibility of injury/illness data could have an interesting and varied impact on industries, which is something that would be difficult to predict.
- By relying on electronic data submission, OSHA would be able to control who sees the data—from only the submitter, to all submitters, to making it widely available to the public.
- Some establishments seem to be on the SST list only because one out of a small number of employees sustains an injury, making the establishment’s incident rate appear high. Modernization of the data collection process needs to address this.
- There appears to be a lack of representation at the stakeholder meeting from the National Institute for Occupational Safety and Health (NIOSH), which would seem to have an interest in the data given the agency’s research focus. [*OSA Director Schmidt noted that NIOSH has been involved in discussions. Representatives from the agency attended an experts meeting that OSHA convened in January and submitted comments to the docket. He noted that NIOSH is particularly interested in OSHA collecting exposure information.*]

4.2.2 *How could the collected data be used to make national or sector-specific estimates of injury and illness?*

- OSHA does not need to do any root-cause analyses. Many larger companies already conduct significant analyses, relying on personally gathered and far more in-depth data than OSHA currently collects.

4.3 **Methods of Data Collection**

OSA Director Schmidt noted that currently approximately 70 percent of ODI respondents submit data via the web, and the remainder mail or fax their submissions. The ODI data-processing system has a series of internal checks that alert OSHA when data are deficient. OSHA follows up with companies that have errors in their data. Director Schmidt noted that data collectors currently follow-up with approximately 30 percent of respondents to confirm or clarify submitted data.

4.3.1 *How can OSHA use state and other federal agency data collection experience in developing an electronic recordkeeping system?*

- The most accurate information in terms of occupational diseases is in the hands of insurance agencies. OSHA should consider the information collection system used by the Medical Information Bureau (MIB).
- OSHA should consider such electronic data collection systems as TurboTax and the one used for the U.S. Environmental Protection Agency’s Toxic Release Inventory (TRI) Program.
- OSHA could require companies to register with the government, issue them specific identifying codes, and have them submit injury/illness data electronically based on the

company-specific code. Apparently Canada, England, and Germany use this type of approach for collecting data on workplace injuries and illnesses.

- OSHA should assess states' injury/illness data collection systems to identify best practices. Also, OSHA should assess differences between federal and state requirements regarding what data are collected.
- OSHA should ensure that any published data are understandable to the public. For example, BLS data can be too complex for the general public to understand.
- OSHA should allow companies with multiple establishments to submit a single data file versus multiple sub-files (i.e., provided that establishment-identifying information is included in the dataset).

4.3.2 *How should OSHA design an effective quality assurance program for data entered into the electronic recordkeeping system?*

- The input of data can be a problem, since insufficient detail about an establishment's injury/illness experience can undermine the utility of the submitted information.
- OSHA should focus on deploying a data collection system that it is not cumbersome for employers entering data. The more efficient the system, the more likely submitters will enter accurate information.
- It is difficult to legislate the quality of data collected, especially given the complexity of collecting data from the wide range of industries included in the scope of the ODI.
- Modernization of the data collection process does not address the question of accurate reporting, which is a completely separate issue that also must be addressed.
- It would be very difficult—if not impossible—for OSHA to collect and process all of the injury/illness information that individual companies maintain.
- OSHA could minimize the burden for establishments while improving data quality by deploying a data collection module the workers could use voluntarily to report their injuries/illnesses. Workers' submission could then be cross-checked against employer submissions.
- Non-mandatory programs traditionally do not yield a high response rate. Thus, a module for voluntary submissions may not support quality assurance as envisioned. However, OSHA could consider requiring that workers submit workers compensation claim information to the Agency (i.e., via a collective bargaining rule).
- Workers might get confused about who they need to report workers compensation claim to, possibly resulting in some claims not getting filed.
- Some recordkeeping flaws are unintentional and arise from users not understanding how to properly fill out the required forms. OSHA should strive for an electronic data collection system that is fool-proof, with internal checks on whether entered data make sense.

4.3.3 *Should data be collected on a flow basis or periodically, e.g., quarterly? What are the advantages and disadvantages of each approach to data collection?*

- Data should be collected annually, not more frequently. While it might be valuable for OSHA to collect the information more frequently, it would be a burden on companies.
- The rate of errors in submitted information might increase if data were collected more frequently because establishments will not always have sufficient time to confirm the accuracy of the original reports.

4.3.4 *What would be the strengths and limitations of the collected data?*

- OSHA could collect more information if employers' names were not attached to the submissions. [*OSA Director Schmidt acknowledged that information gathered might be improved if submissions were anonymous. But, he noted, establishment-identifying information is needed for OSHA to conduct onsite interventions.*]
- If OSHA decides to collect more data from more establishments, it must ensure that its electronic data collection system allows for easy data entry. Also, the data need to be well organized in the submission database, so that the Agency is not overwhelmed by the sheer volume of information.
- An OSHA electronic submission system that allows for collecting case-level information would need to allow two-way communication, since cases often get updated over time as incident investigations proceed or the result of an incident becomes more fully known. Thus, OSHA would need to enable case data updates by submitters.
- The Section 508 accessibility law often limits how intuitive an electronic system can be, despite the best initial design intentions.

4.3.5 *What training and outreach will be necessary for employers to comply with the requirements of the electronic recordkeeping system?*

- Any changes to OSHA's current data collection process would require changes to data management systems used by industry, including commercial systems. Appropriate parties would need to be informed of the changes in functional requirements, so that commercial or proprietary systems could be updated.
- Data management vendors should already be responsive to changes in OSHA submission requirements, since states change requirements on a regular basis.

4.3.6 *What would be the benefits and disadvantages of implementing a new electronic recordkeeping system incrementally, e.g., starting with the largest employers or the most severe injuries?*

- Note: Stakeholders did not specifically address this question during the meeting.

4.3.7 *Additional comments related to methods of data collection.*

- Collected data would be most useful if it were presented pre-coded. But it could still be aggregated by researchers if presented in a narrative format.
- Many third-party tools exist for managing data. It would be easy to include compliance reporting as part of a vendor's package. If an employer has to file information with the state, OSHA, and other entities, seamless data sharing should be the goal so that one original source of information on the employer's side could provide the relevant information for each recipient.

4.4 Economic Impacts

4.4.1 *How can OSHA ensure that small-business employers are able to comply with the requirements of the electronic recordkeeping system?*

- Switching to an entirely electronic data collection process could have a potential economic impact on some establishments, particularly small employers. OSHA should provide companies with a data management application (with OSHA bearing the cost of development), if they do not already have one in place.
- The greater the economic burden for employers in complying with a modernized data collection process, the greater the challenges for the data collection.

4.4.2 *What analytical tools could be developed and provided to employers to increase their ability to effectively use the injury and illness data?*

- For OSHA's modernization to be successfully implemented, it must provide clear value to employers. All submitting entities should be allowed access to an information portal where data are provided in a structured format that makes the information useful for employers (e.g., providing the ability for an establishment to compare its injury/illness experience to similar establishments).
- Large companies would not need OSHA to provide an information portal, since most already perform their own analyses. However, the concept would be useful for small businesses.

4.5 Additional Topics

4.5.1 *Would linking the recordkeeping data with other sources (e.g., medical records, workers' compensation records) increase its usefulness and/or accuracy? If so, which sources? What potential technical and legal hurdles exist in linking to other data sources, and how might these be overcome?*

- Linking to workers compensation claims data would be useful. However, reportable injuries do not always overlap with workers compensation cases. So one dataset could not serve as a direct substitute for the other.
- Linking to National Council on Compensation Insurance, Inc. (NCCI) data could be useful as an informational resource for OSHA [*OSA Director Schmidt noted that NCCI does not release specific information to OSHA.*]
- Comparing data from multiple linked sources can be particularly challenging because few entities collect data in the same way.
- OSHA should collaborate with other agencies and organizations to create a national database of injury/illness-related information from multiple sources, organized by industry sector. [*OSHA Special Assistant Shor noted that OSHA has considered integrating sector-specific sources. But he pointed out that it can be difficult to find data sources that are applicable across industries.*]

4.5.2 *How can OSHA improve the accuracy of recordkeeping data by encouraging reporting and recording of work-related injuries and illnesses and discouraging underreporting and underrecording of work-related injuries and illnesses?*

- OSHA's SST system encourages underreporting because establishments that diligently report injuries are likely to show higher rates than those that do not accurately report. Thus, establishments may be punished for complying. [*OSA Director Schmidt noted that the Injury and Illness Recordkeeping National Emphasis Program (NEP) specifically targets establishments with exceptionally low Days Away, Restricted, or Transferred (DART) rates in an effort to identify noncompliance with recordkeeping requirements.*]
- The more the data collection process is based on common sense, the better compliance will be. Conversely, the more OSHA strays from the current 300 Log, the more difficult it will be for industry to comply and the more resistant industry will be to the changes.
- The more readily accessible the data and the more transparent the Agency, the more likely employees will be able to serve as a check on the quality of data submitted by their employers by identifying injuries or illnesses that were not reported.

5 Observer Comments

Note: No observers made public comments following the conclusion of the stakeholder discussion.

6 Closing Remarks

OSHA noted that these stakeholder meetings are not in lieu of an Advance Notice of Proposed Rulemaking. The deadline for submitting formal comments to the docket is June 18, 2010. OSHA thanked the stakeholders for their participation and the observers for their attendance.

Appendix: Meeting Agenda

Agenda for stakeholder meetings on Modernization of OSHA's Injury and Illness Data Collection Process

Washington, D.C., May 25, 2010

Chicago, IL, June 3, 2010

- INTRODUCTION
- SCOPE OF THE DATA COLLECTED. Questions include:
 - *What recordkeeping data should the electronic recordkeeping system collect?*
 - *Should the electronic recordkeeping system collect data from every employer under OSHA jurisdiction for every case, or should it be limited to a subset of employers and/or cases, for example based on size, industry, incidence rate, occupation, or case severity?*
 - *Would publishing data indicating the number of employees and number of employee hours worked at specific establishments disclose confidential commercial or trade secret information?*
- USES OF THE DATA COLLECTED. Questions include:
 - *What purposes could the collected recordkeeping data serve for OSHA as well as other users?*
 - *How could the collected data be used to make national or sector-specific estimates of injury and illness?*
- METHODS OF DATA COLLECTION. Questions include:
 - *How can OSHA use state and other federal agency data collection experience in developing an electronic recordkeeping system?*
 - *How should OSHA design an effective quality assurance program for data entered into the electronic recordkeeping system?*
 - *Should data be collected on a flow basis or periodically, e.g., quarterly? What are the advantage and disadvantages of each approach to data collection?*
 - *What would be the strengths and limitations of the collected data?*
 - *What training and outreach will be necessary for employers to comply with the requirements of the electronic recordkeeping system?*
 - *What would be the benefits and disadvantages of implementing a new electronic recordkeeping system incrementally, e.g., starting with the largest employers or the most severe injuries?*
- ECONOMIC IMPACTS. Questions include:
 - *How can OSHA ensure that small-business employers are able to comply with the requirements of the electronic recordkeeping system?*
 - *What analytical tools could be developed and provided to employers to increase their ability to effectively use the injury and illness data?*
- ADDITIONAL TOPICS. Questions include:
 - *Would linking the recordkeeping data with other sources (e.g., medical records, workers' compensation records) increase its usefulness and/or accuracy? If so, which sources? What potential technical and legal hurdles exist in linking to other data sources, and how might these be overcome?*
 - *How can OSHA improve the accuracy of recordkeeping data by encouraging reporting and recording of work-related injuries and illnesses and discouraging underreporting and underrecording of work-related injuries and illnesses?*