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

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

Prepared for:
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Washington, DC

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Contents

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 afternoon of June 3, 2010, at the OSHA Training Institute in Chicago, IL.

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 third and final stakeholder meeting, 14 attendees (panelists and observers), 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. Participants included employer, insurer, and labor representatives, as well as researchers and representatives from relevant interest groups. Due to the small number of observers present (about 5), they were invited to participate in the discussions.[1]

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.

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[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 stressed the importance of the effort for the Agency and noted possible results, including streamlining the data collection process, improving data quality, increasing the scope of the collection and the public availability of data, and gaining a better understanding of incident trends. Mr. Shor explained that the questions listed in the FRN were intentionally broad in order to allow for a wide ranging discussion, since OSHA is interested in any and all ideas for modernizing the data collection process. He noted that this would be the last of the stakeholder meetings convened to help inform OSHA's planned rulemaking on the data collection.

3 Administration of the Meeting

Meeting facilitator Jan Connery (of Eastern Research Group, Inc.) provided attendees with an overview of the meeting format. She emphasized that the meeting was an informal gathering intended to promote a full discussion of topics relevant to modernizing OSHA's data collection process. Ms. Connery noted that oral comments provided during the meeting should not take the place of formal comments submitted to the docket. She encouraged all attendees to participate and share their views, noting that the summary report on the session would not include attributions.

Ms. Connery then reviewed the meeting agenda and suggested a logical order for the discussion. Next, the attendees introduced themselves, briefly stating name and affiliation.

4 Suggested Points for Group Discussion

OSHA representatives sought information regarding the scope of the data collection, uses of the data, methods of data collection, economic impacts, and other topics. The following is a summary of comments from attendees during the meeting. Comments are grouped together 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 on how OSHA identifies establishments for the data collection and about the representativeness of the collection relative to the universe of in-scope industries. He also discussed the differences in coverage, requirements, and uses of information between OSHA's data collection and the Bureau of Labor Statistics' (BLS's) Annual Survey of Occupational Injuries and Illnesses.

4.1.1 What recordkeeping data should the electronic recordkeeping system collect?

- OSHA should capture information on the severity of injury/illness incidents. It might be possible for OSHA to capture this by changing the current reportability requirements.

- Information on near-miss incidents should also be captured, since these can provide useful information about the injury/illness experience at an establishment (e.g., a laceration might be a near miss of an amputation).
- Many injuries are not captured under OSHA's current recordability requirements. This should be addressed by expanding the scope of the data collection.
- Better definitions for injury/illness types would improve data analysis.
- OSHA should provide better and simpler guidance to assist establishments in determining what is considered "recordable" under Agency standards.
- OSHA should collect more of the details recorded by employers in the Form 301 incident report rather than simply relying on the summary information in the Form 300 Log.

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?

- Would modernization of the data collection process include allowing a parent company to report injuries/illnesses for multiple establishments? [*OSA Director Schmidt noted that the key consideration is that OSHA needs injury/illness information at the establishment level for targeting interventions (e.g., for the Site-Specific Targeting (SST) inspection program).*]
- OSHA should expand the data collection to obtain a better representation of all parts of the workforce. [*OSA Director Schmidt noted that OSHA may eliminate the establishment-size cutoff, which would increase the size of the ODI universe.*]
- OSHA's first action should be to require all establishments that must maintain the 300 Log to submit that information to the Agency every year (or at whatever frequency is ultimately decided on) using the electronic data collection system.

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?

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

4.2   Uses of the Data Collected

OSA Director Schmidt noted that currently ODI data are used as the basis for the general industry SST inspection program as well as to target OSHA's outreach efforts, which encourage high-risk industries to contact 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?

- The modernization effort should not focus on collecting more data simply to have more data. Instead, the primary aim should be to create an electronic system where the same

level of effort can result in far greater data coverage. The system should be designed to facilitate the sharing of data between OSHA and other data collectors (e.g., BLS and the National Health Interview Survey (NHIS)).

- If OSHA maintains its primary focus of using collected data primarily for targeting establishments with high injury/illness rates, then the statistical validity of collected data should not be an issue.
- OSHA and BLS should collaborate on collecting injury/illness data where possible, However, OSHA needs establishment-specific data.
- If OSHA shifts the emphasis of its data collection process toward improving the quality of data for use by researchers, this may result in resources being shifted away from enforcement activities (e.g., the SST program).
- Expanding the data collection might help OSHA to better identify high-risk work environments. For instance, OSHA may currently be missing some establishments with high injury frequency ratios.

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

- ODI data has limited research value because it is not statistically representative. [*OSA Director Schmidt noted that OSHA anticipates that a key benefit of increasing the scope of the data collection would be to facilitate higher quality research.*]
- In some instances, potential customers will inquire about a company's safety record before hiring the company to work onsite.
- Because there can be a difference between how small and large companies report the same incident, comparing data on different size groups presents challenges. Small companies often rely on guidance from insurers, while large companies tend to be more knowledgeable and proactive regarding injury/illness incidents. Thus, an incident that might be submitted as a workers compensation claim and reported on the OSHA log for a small company, may not show up on either for a large company.

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. At the outset of a data collection cycle, OSHA mails a data submission request to each establishment that encourages online submission. However, employers have the option to complete a hard copy data collection form.

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

- The Mine Safety and Health Administration (MSHA) uses a more timely reporting system than OSHA and shares the information it collects with BLS. [*OSA Director Schmidt agreed that the MSHA model could provide some useful insights, but noted that MSHA covers a much smaller universe of industry operations.*]
- If OSHA adds or modifies any definitions relevant to the data collection process, to avoid confusion it is essential that the Agency collaborates with organizations that rely on these

definitions (e.g., the International Association of Industrial Accident Boards and Commissions (IAIABC)).

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

- If the quality and accuracy of the data collected by OSHA are not improved, there is no point in continuing to collect the data, let alone modernizing the data collection process.
- OSHA should consider building a user-assistance component into its online data collection system, like the question-and-answer format included in the TurboTax application. [*OSA Director Schmidt noted that OSHA is currently creating an "expert adviser" to walk data submitters through the decision-making process and to help them determine whether an incident is reportable.*]
- Enlisting a good web design team is essential for gathering high quality data, since even the difference between check marks and radio buttons has been found to affect the accuracy of data input.
- The closer OSHA adheres to its current data reporting requirements, the better the quality of data the Agency will receive. There was a significant learning curve for employers in making the change from OSHA's Form 200 Log to the Form 300 Log.

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?*

- An intermediate step OSHA could take to reduce the current 2-year lag in finalizing collected data would be to add a mechanism to the online submission website that would immediately notify submitting establishments if their injury/illness rates—based on entered data—are above industry averages. If so, the online system would present the establishment with recommended next steps.
- Collecting data on an annual basis makes the most sense. Given OSHA's limited resources, the Agency might not be able to make sufficient use of data collected quarterly.
- OSHA could collect data in real time. Then, for example, when an injury occurs, the employer would record it using an online OSHA form, with the information being immediately available to OSHA. This would avoid the duplication of effort associated with maintaining a log and then later submitting the log information to OSHA.
- Although employers might object to submitting injury/illness data more frequently than once a year, it would not be a significant additional burden since other business reporting is on a quarterly basis.
- If the data collection process modernization resulted in real-time submission of recordable incidents, researchers would be provided with valuable information for assessing injury/illness trends.
- OSHA may not have the necessary resources available to develop an enhanced online submission website for handling real-time recordkeeping. [*OSA Director Schmidt noted that OSHA is not yet at the stage where it is estimating the cost of such development.*]

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

- A single data management system for submitting workers compensation claims as well as ODI data would be valuable.
- OSHA should avoid making frequent updates once it deploys an enhanced online submission system, since many large employers have their own data management programs that would need to be reprogrammed every time OSHA makes a change.
- Small- and medium-sized companies have different needs than large companies, which often use their own data management software.

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

- OSHA will need a comprehensive help/support mechanism in place for any electronic submission system that it deploys. Otherwise, employers may be frustrated and be inclined to not use the system.
- OSHA should conduct extensive outreach prior to implementation of any modernization of the data collection process. If the first 30 days of implementation go smoothly for data submitters, OSHA will have greater success with the overall transition.

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?

- Resource issues would require OSHA to increase the breadth and depth of data collection modernization incrementally. First, OSHA should require all establishments that maintain OSHA logs to submit them, then the Agency should combine the BLS and OSHA data collection efforts, and finally OSHA should expand the scope of the data collected.

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?

- Small businesses would welcome an OSHA web portal that would allow them to immediately enter and submit their data. Most small employers already submit information online to a variety of other entities on a day-to-day basis, so they would not see this as an undue burden.
- Some establishments would struggle with the computer-based requirement of an electronic data submission system.
- The economic burden on small business from requiring electronic data submission should not be significant. Typically, smaller establishments only have one to two reportable cases per year.

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?

- Many large companies record more injury/illness information—including near-miss incidents—than OSHA requires and perform in-depth analysis on the data gathered. [*OSA Director Schmidt noted that one aim of the modernization process is to provide establishments with tools that would help them analyze their data.*]
- Resources would be wasted developing analytical tools for small employers, since many small companies have no interest in analyzing their workplace safety data.
- Modernization of the data collection process would gain additional support from industry if OSHA developed an electronic data management system that had the ability to do more than just collect ODI data. For example, employers would value a system that also allowed them to submit workers compensation claims.

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?

- Several stakeholders discussed the merits of basing OSHA's data collection effort on workers compensation claims:
  - Some companies collect workers compensation information and OSHA log information in the same data system, which would facilitate OSHA collecting a subset of data from such repositories.
  - Focusing on workers compensation claims would work against small to mid-size establishments, since they do not know how to mitigate an incident so that it does not rise to the level of a claim, as larger establishments do. Smaller companies tend to have higher workers compensation claims rates than larger companies.
  - Matching workers compensation claims against reported incidents would be a valuable way to identify misreported or underreported data and to generally improve the quality of ODI data.
  - Not all data would match up, especially since the First Report of Injury is frequently not updated following an incident. Also there are differences across states regarding what claims are compensable.
  - OSHA would need to eliminate potential identifiers from workers compensation data.
- By using updated data-gathering technology that encourages the linking of datasets, the Department of Labor (DOL) could use resources more efficiently across its different data collection efforts.
- OSHA should collaborate and cooperate with other agencies that are working to link different datasets, as opposed to operating alone.
- In the future, electronic medical records may allow for collection and analysis of increased data from an occupational safety standpoint. At present, it is difficult to identify what exposure cases are occupationally related. However, designing a protocol for the coding of exposures and injuries could provide OSHA with an expanded, useful database.

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?*

- The majority of establishments want to submit correct information to OSHA, and many reporting mistakes are unintentional.
- Because OSHA targets high-rate establishments, submissions will be less likely to be accurate.
- There is a considerable difference in reporting cultures in regard to compliance with environmental standards and those for occupational safety and health. Addressing these culture issues is different than addressing issues related to the data collection process.
- Small employers often do not report incidents, opting instead to pay medical expenses for injured workers out of pocket. Some establishments are apprehensive about reporting incidents to OSHA, worrying that they will be penalized.
- Health care providers may be pressured to frame an injury in such a way that it is not "reportable." When compelled to weigh treatment decisions against possible consequences for the employer, health care providers may stretch the reasonable limits of minimum treatment options.
- OSHA needs to balance the targeting of flagrant underreporting against opportunities to improve collected data by conveying to employers that the reporting of incidences will not necessarily result in an inspection and fine.
- Ensuring that the responsible party at an establishment completes and signs the log would promote accountability, as would comparing to a parallel source of reported information, if one were available.
- One possibility for gauging the scope of underreporting in OSHA-collected data would be through comparison to data from programs like the National Electronic Injury Surveillance System (NEISS), which monitors injuries and illnesses treated at hospital emergency departments. The NEISS-Work component focuses on work-related injuries and illnesses. At a minimum, such datasets might be useful for validation.
- An electronic system would allow multiple parties to serve as checks on the quality of data submitted by an establishment, as both the data owners as well as the injured employees would be able to review the information online and note if it looks correct.
- Employers might be more careful about recording injury/illness cases if they are entering data for direct submission to OSHA versus simply recording information on an onsite log.

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 outlined the timeline for the process leading up to the anticipated rulemaking and then thanked attendees for their participation.

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?*