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

Meeting Summary for
Session Convened at:
Washington, DC
May 25, 2010

Prepared for:
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Occupational Safety and Health Administration
Washington, DC

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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 May 25, 2010, at the U.S. Department of Labor in Washington, DC.

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 first meeting, a panel of nine stakeholders and two representatives from OSHA's Office of Statistical Analysis (OSA)—the office that organized the series of stakeholder meetings—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, software developers, 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 30 people attended the meeting as observers.[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] In the FRN, OSHA indicated its plan to convene two DC stakeholder sessions on the same day (i.e., morning and afternoon sessions, respectively). OSHA subsequently decided to consolidate the two sessions into one afternoon session based on the number of registrants, and after contacting morning registrants about their ability to shift to the afternoon timeslot. Two other stakeholder sessions were convened in Chicago on June 3, 2010.

2   Opening Remarks

Keith Goddard, Director of OSHA's Directorate of Evaluation and Analysis (which includes OSA), welcomed attendees to the stakeholder meeting. Next, Jordan Barab, Deputy Assistant Secretary of Labor for Occupational Safety and Health, provided opening remarks about the official launch of the data collection modernization effort. He noted that OSHA keeps injury and illness records in order to assess how well the Agency is doing and to help target the Agency's limited resources. He added, however, that the current system of recordkeeping may have issues related to accuracy and accessibility and that it might benefit from technological enhancement. Mr. Barab remarked that the notice of stakeholder meetings was intentionally general in order to encourage a broad 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. Mr. Barab concluded by affirming that the modernization effort is an important priority for OSHA.

3   Administration of the Meeting

Meeting facilitator Elizabeth Vasquez (of Management Consulting Associates) provided the stakeholders with an overview of the meeting format. Ms. Vasquez explained that the meeting should be considered an informal forum to present comments, and that oral comments provided during the meeting should not take the place of formal comments submitted to the docket. Ms. Vasquez encouraged the stakeholders to provide their points of view, explaining that no attribution would be made to individual commenters in the summary report. Ms. Vasquez informed the observers that OSHA would invite questions and comments from them at the end of the meeting, if time allowed.

Ms. Vasquez also provided the stakeholders with an overview of the agenda and presented the specific questions from the FRN that OSHA requested stakeholders to address. 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 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.

4.1.1   What recordkeeping data should the electronic recordkeeping system collect?

- OSHA should stop collecting summary data and start collecting detailed data that drills down to the specifics of the hazard, injury/illness, occupation, etc. The potential uses of the data flow from the level of detail collected. Using the data for interventions requires a high level of detail.

- The data collection should attempt to limit duplication with the Bureau of Labor Statistics (BLS) Survey of Occupational Injuries and Illnesses (SOII). *(Note: OSA Director Schmidt noted that BLS is restricted from releasing establishment-level data to OSHA or to the public. However, OSHA could collect the data and give it to BLS as a way to avoid duplication.)*
- Collecting BLS data through OSHA could make it appear that OSHA is trying to circumvent the confidentiality requirement that restricts release of the establishment-level BLS data. The main thing is expanding the ODI to collect data from more establishments, not replacing the BLS Survey of Injuries and Illnesses.
- To increase the value of collection efforts, OSHA should maximize use of the data both within and outside the Agency.
- Efforts to improve recordkeeping and data systems should include exposure data and medical monitoring data. The prioritization of injuries and acute illnesses seems out of line when OSHA knows much less about occupational exposures than it does about injuries and acute illnesses. If OSHA decides to ask for exposure data, companies that decline to submit exposure data could be targeted for inspection.
- Collecting exposure data is an important long-term objective, but it cannot be addressed as readily as collecting injury and illness data. However, the proposed data collection system possibly could be expanded to accommodate all types of incident reports (e.g., data reporting requirements under the process safety management standard), not just injury reports. If the system has the capability of including incident reports, then it will be ready to collect data from future standards written to include incident reporting.
- Implementation of recordkeeping modernization should proceed in stages. Improvements should be made incrementally to accommodate OSHA's resource limitations.
- OSHA should focus data collection on leading indicators as opposed to lagging indicators. Injuries/illnesses are lagging indicators. Leading indicators are necessary for preventive action.
- Leading indicators are not useful in isolation. Outcome data (i.e., injury/illness data) are also required to assess the effectiveness of preventive actions.
- OSHA's emphasis in data collection should be prevention, rather than just reporting.
- The purpose of OSHA's data collection should primarily be enforcement, not research. In addition, publishing the data so that it is available for researchers may reveal proprietary information.
- OSHA collects a vast amount of data that should be available for research.
- OSHA should collect any data that are needed for workplace safety/health (e.g., exposure, PPE use, training programs).
- Data collected for research should be kept separate from data collected for enforcement.
- Unsafe acts and behavior could be interesting to study.

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?*

- OSHA needs to set priorities so that data collection will yield useful information. Data already show that overall injury/illness rates have been decreasing. OSHA needs to

focus on specific injuries and types of establishments in order to get a manageable amount of data.

- OSHA needs to determine the amount of data they are able to handle, and then not ask for more than that amount.
- The modernized process will require OSHA to make a large and sustained capital investment in systems and personnel. OSHA's record on this is not good.

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?

- The Freedom of Information Act and the Privacy of Information Act together dictate to OSHA what information can be released.
- Precise injury/illness rates will not improve safety. Firms only need to be classified to the level of small, medium, or large. Injury rates are meaningless for the smallest companies, although it is unlikely that OSHA will ever collect data at that resolution.
- Hours worked is proprietary information and should not be disclosed (i.e., gives insight into processes, throughput). It has no value to safety. It opens potential for hostile takeover by competitors. Businesses feel strongly that this is confidential data.
- Hours worked data allow companies to compare themselves to others in the industry. It is not proprietary.
- One way to decrease the reported injury rate is to overreport hours worked.
- Web-based access to the collected data could be limited to only basic information. Other parts of the database (including potentially sensitive information) would have restricted access.
- A Rand Corporation study showed that lost workday case rates are predictive of lost workday cases (i.e., establishments with high rates tend to continue to have high rates), but are not predictive of fatalities.
- Site-specific data are not necessary for research purposes.

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. Data are also used for internal analysis for accountability. In the future, OSHA is hoping to operate in a timelier manner 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?

- Data collection should be used to leverage other OSHA efforts. For example, OSHA's Alliance Program should use data to analyze why some firms have better safety records than others.

- Collected data should be useful not just for OSHA, but should be made available in a stand-alone tool for all interested parties (for example, unions).
- The data should be used to support interventions. Data supporting interventions need to have a high level of detail.
- Targeting is a critical use of the data. OSHA is in the unique position of both issuing and enforcing standards. Targeting for enforcement should be the most important use for the data.
- Data should be used for internal evaluation of OSHA's effectiveness as an Agency: Are baseline statistics of injuries and illness going up or down?
- OSHA needs to be clear to employers about how the collected data will be used (e.g., interventions, enforcement); otherwise employers will fear "Big Brother"-type abuses of the system.
- Data can be used for evaluation and spotting trends.
- Data can be used for National Emphasis Programs (NEPs), Local Emphasis Programs (LEPs), and for developing standards.

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

Note: Stakeholders did not specifically address this question.

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.

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

- OSHA can refer to electronic recordkeeping systems in Washington State, California, and British Columbia for ideas.
- OSHA could refer to the Mine Safety and Health Administration (MSHA) as a model for recordkeeping. However, MSHA collects a greater level of detail, which is possible since MSHA regulates vastly fewer mines than OSHA does establishments. Using a data collection structure similar to MSHA would facilitate analysis of hazards.
- OSHA can refer to systems used by the Federal Railroad Administration and the Federal Aviation Administration, which use employer reporting.
- The Department of Energy has similar data quality concerns as OSHA.

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

- Validating injury/illness records will be difficult, resource intensive, and time-consuming.

- Validation will be especially challenging for less severe injuries that occur very frequently. OSHA may not be able to validate these records.
- Severe injuries and deaths are easier to validate with hospital and medical records. OSHA should determine for which injuries they can validate data.
- Some employers (especially small businesses) manage risk based on workers compensations claims (i.e., lost revenue), not the injuries reported on the OSHA 300 log. Thus, workers compensation claims could be used to help verify data.
- OSHA should not attempt to combine workers compensation with OSHA data collection.
- OSHA should be more concerned about whether injuries are being appropriately classified as occupational injuries at all. Validating with workers compensation data will not get at underreporting because if the case was not recorded on the log, then the worker most likely did not receive compensation.
- OSHA could follow up with injured workers as a form of quality check. This type of function was originally founded in the 1970s and has been discussed by BLS as an important function for the past decade (from a different perspective than data validation).
- Following up with injured workers will run into privacy issues and may not provide good value for the cost.
- Employer reports should be available to employees so that employees can act as a check against underreporting. Employees need to be informed of and plugged into the reporting system.
- OSHA will never know the true number of injuries, so the real question of interest is what part of the data should OSHA check up on. OSHA needs to explore access to medical records (despite privacy issues) if the agency is serious about systematically verifying recordkeeping. There is some exception in HIPAA for OSHA recordkeeping. The only other alternative is hoping that fines and enforcement produce accurate records.

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?

- Timely data collection will enable OSHA to respond more quickly to emerging hazards and to better address risk. Theoretically, electronic submission could be required on the same time frame as recording the incident in the log (i.e., within 6 days of injury). Automatically coded data will help OSHA to spot trends as they emerge.
- The time to submission could be layered depending on the type of event that occurred. Fatalities could be required to be submitted within 15 minutes to 8 hours, reporting requirements for hospitalizations could be longer, etc.
- Submitting data on a flow basis would not permit sufficient time for employers to complete incident investigations. Often employers only partially enter a case in the log and then reassess and update after the case has matured and the investigation is complete. Submitting data on a periodic basis (as frequently as quarterly) would be acceptable.
- Most firms have at most one reportable event a year. Frequent data collection will cause OSHA to collect a large number of empty reports.
- The intended use of the data should dictate the frequency of data collection.

- The frequency of data collection could vary by industry sector (and level of hazard). For example, high hazard industries could report data as frequently as monthly and other industries only annually.
- Data collection could be paired with existing duties (e.g., payroll) to facilitate the process.
- Frequency of data collection should reflect the employer's ability to comply.
- Periodic reporting could be abused by employers to deny access to data to employees. Already, some employers make false claims about the availability of the illness and injury logs; periodic reporting could be used to further confuse employees.

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

- The usefulness of the data is entirely dependent on being able to validate the data.

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

- Training employers to fill out the OSHA logs properly and completely will help improve accuracy. Usually, the most important section of the log (column F, relating to type of injury, body part, and how the injury occurred) is the least accurately filled out. Employers should also be trained on how to use the information from OSHA logs to intervene effectively.
- An "expert system" could be implemented to assist employers with recordkeeping.
- Website training would be effective for teaching employers how to use the new software.

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.*

- For large companies with multiple establishments, OSHA should work to identify an information flow through the existing corporate structure. OSHA should maximize the potential of intra-corporation communication to reduce duplication in recordkeeping. This will reduce the burden on employers filling out ODI and BLS forms. In addition, having data compiled in one corporate location to transmit to OSHA would encourage corporate officers to pay attention to variation within their offices and to respond internally.
- OSHA should minimize employer data entry by allowing companies with multiple establishments to submit a single data file.
- OSHA should work with BLS so that employers only have to fill out an injury report one time for the government. Duplication in the system hurts U.S. competitiveness. *(Note: OSA Director Schmidt noted that a one-form approach for the ODI and BLS had*

been tried in the past, but the overlap between the two surveys was too small to make it worthwhile.)

- Employers already fill out an incident at least three to four times: federal, state, insurers, and to meet workers compensation requirements. There should be some way that companies can fill out one report and send copies to all the relevant parties
- Streamlining the data collection process will reduce the burden on employers and enable them to collect more detailed data.
- Some states (approximately 20) are aligning workers compensation with state agencies. In these states, information from the states could be directly forwarded to OSHA.
- An electronic system that automatically codes data into a limited number of choices will be a huge data processing relief.
- OSHA should consider a registration system for construction contractors.
- OSHA should ensure that existing data systems and software can integrate with the new system and new software.
- OSHA reporting software should be open source. Open-source software can be adapted without licensing problems. It is also simpler to merge with existing systems.
- Telephone reporting should be expanded to include hospitalizations.
- OSHA could collect specific data from Special Emphasis Programs.

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?

- Data collection could be scaled by size, since OSHA has different needs to communicate with large versus small companies.
- Small businesses, especially those without dedicated health and safety officers, will not implement recordkeeping changes that they perceive as overly complicated. OSHA should convene a small business review panel to address the needs of small businesses.
- OSHA should define "small business" differently by industry.
- OSHA should use the Small Business Administration's (SBA's) definition of "small business."

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?

- OSHA should create an e-tool to help users with input and analysis.
- OSHA reporting software should provide limited analytical tools for in-house use by the company.

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?

- Linked datasets (e.g., exposure, outcomes, demographics, management of health and safety, technology) are important for greater depth of understanding. This may be too complex for a national system, but a few states could be funded to enrich their data collection system with multiple datasets.
- OSHA should consider linking to other systems (e.g., lead reports, health reports, NIOSH, states, EPA).

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?

- Employers need training to understand what they need to report.
- OSHA needs to be aggressive in enforcing the recordkeeping standard. This will help resolve issues of completeness and accuracy. Employers should feel that OSHA is watching over their shoulder as they complete their logs.
- The National Emphasis Program on recordkeeping will have a big impact on data quality by providing encouragement and enforcement.
- The act of collecting and reporting data may inadvertently produce changes in the behavior of employers (the so-called Hawthorne effect).
- Not all employers are fearful of OSHA. Some employers take pride in employee safety (to maintain a good reputation and save money) and are not motivated by fear of OSHA enforcement actions.
- It is overly optimistic to assume that no one cheats the system, but it is misunderstood why employers are trying to cheat the system. Employers try to cheat the system because data originally intended for surveillance are being used as a performance measure. Holding managers accountable for surveillance data is an inappropriate use of the data.
- OSHA needs to ensure that the data collected are used fairly. Employers feel that injury and illness data are being abused as a performance metric. The original intent of collecting injury and illness data was for surveillance; now, it is has morphed into an accountability metric. Employers and OSHA need to agree on fair use of the data. Employers will comply with requirements that they understand and believe to be fair.
- OSHA should discourage behavior-based management systems and prohibit any program that incentivizes falsified reporting. Improved management practices will improve the quality of data collected.
- OSHA should remove disincentives to recordkeeping.
- The fundamental issue driving data quality is whether OSHA uses data for enforcement or surveillance.
- The most cost-effective way of improving data quality is educating workers about what to report.
- An electronic data system may drive small employers to underreport. Already, small businesses are apprehensive about going to the OSHA website for fear of being tracked by IP address and drawing undue attention to themselves. There is no way that these employers will voluntarily input safety data online that they fear will lead to enforcement actions. Employers might report the data if the OSHA data collection was tied to workers compensation.

- Lack of data validation means that everyone has their own beliefs about the system (e.g., BLS assumes that small facilities overreport, not underreport, in order to keep government off their back).
- Although there is research to back a legitimate critique of underreporting, there is no research investigating trends of underreporting over time.
- Data quality should not be an issue. Data should be collected anyway, with the understanding that they are not perfect.

5   Observer Comments

Meeting facilitator Vasquez opened the floor briefly to observer questions and comments. One observer remarked that OSHA should limit themselves to defining their dataset, and let the software developers handle software design. Software vendors provide services that will significantly enhance a data collection program, the observer contended.

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.

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?*