



March 7, 2014

OSHA Docket Office  
Docket No. OSHA-2013-0023  
U.S. Department of Labor  
Room N-2625  
200 Constitution Avenue, NW  
Washington, DC 20210

Submission via electronic means

Docket Officer:

*The American Industrial Hygiene Association (AIHA) expresses its appreciation to the Occupational Safety and Health Administration (OSHA) for the opportunity to comment on the OSHA Proposed Rule to Improve Tracking of Workplace Injuries and Illnesses. The Proposed Rule was published in the Federal Register on November 8, 2013, Volume 78, No. 217, beginning on Page 67254.*

*AIHA is the premier association serving the needs of professionals practicing industrial hygiene in industry, government, labor, academic institutions, and independent organizations. The AIHA mission is to promote healthy and safe working environments by advancing the science, principles, practice, and value of industrial hygiene. A healthy workforce is essential to the success of American industry, our economic recovery, and our future position in the global economy.*

*In announcing the proposed rule, OSHA stated that “with the proposed changes being proposed in this rule, employers, employees, the government and researchers will have better access to data that will encourage earlier abatement of hazards and result in improved programs to reduce workplace hazards and prevent injuries, illnesses and fatalities. The proposed rule does not add any new requirement to keep records; it only modifies an employer’s obligation to transmit these records to OSHA”.*

*OSHA requested input on the proposed rule.*

## **AIHA Comments on the Proposed Rule**

- *AIHA acknowledges the need to encourage employers to reduce injuries and illnesses in the workplace and agrees that three million workers per year getting hurt, sick or killed in the workplace is too many. There is a continuing need to increase the focus of senior managers on injury and illness processes, the resulting data, and encourage both employers and employees alike to “do the right thing” for their colleagues.*

- *AIHA is pleased that the proposed rule does not place any additional burden on employers to collect and record specific injury and illness data beyond what is now already required under existing standards. AIHA also welcomes OSHA's effort to "broaden transparency" in the reporting of worker injuries and illnesses.*
- *The question of whether or not injury and illness data collected should be reported electronically is one that is difficult for AIHA to answer. While we support the use of technology that would make the reporting requirements much easier and timelier, AIHA is more concerned that the data collected is accurate and meaningful. There may be a valid concern that requiring electronic reporting and posting the data online could result in some employers "underreporting" injuries and illnesses. We are sure this is not the intent of the proposed rule and hope this would not be an unfortunate result of OSHA's intent. This concern might be addressed by other commenters.*
- *The following comments are offered with regard to the specific requirements to electronically submit the records to OSHA on a quarterly basis, with application to those establishments with more than 250 employees (who are already required to keep records), as well as establishments with 20 or more employees in certain industries with high injury and illness rates:*
  - *The cost estimate of \$183 for affected establishments with 250 or more employees appears to be very low. The frequency (quarterly) of the data collection and submission would involve significant updating of data submitted previously. AIHA has received input from some members representing these establishments who state there does not appear to be a corresponding benefit to the quarterly electronic submission, and only a downside from investment in software and hardware and additional efforts to upload information manually. OSHA needs to provide greater clarity in demonstrating how submitting the data quarterly and electronically will result in safer and healthier workplaces.*
  - *The cost estimate of \$9 per year for affected establishments with 20 or more employees in designated industries also appears very low. These establishments are less likely to have software, hardware and labor available to collect and submit this data. Submission on an annual basis would still require an ongoing collection effort.*
- *AIHA has some concern that shifting resources from prevention activities to data management in all size establishments would be detrimental to making the workplace safer.*
- *Some of our stakeholders have expressed concern that posting this data may result in business trade secret and individual privacy concerns. Whether or not this may also be a violation of existing legislation is not an issue AIHA is capable of addressing. On the other hand there are some AIHA members who believe that the posting of this information would result in employers' ability to compare their injury and illness rates with similar employers, providing information that may result in some employers increasing efforts to protect workers. AIHA leaves this issue for OSHA and others to address.*

### Conclusion

*With this proposed rule OSHA is hoping to improve the health and safety of workers. In this effort we are all in agreement. AIHA agrees that disclosure of this information should increase the focus of senior managers and employees alike on injury and illness data and as a result, should increase efforts to protect workers. It should also enable employers to benchmark*

*against others in their industry. The sharing of statistics could also identify solid performers who might help others upgrade their processes and outcomes. However, whether or not this proposed rule fulfills this intent is an issue AIHA does not believe it is qualified to address. As mentioned earlier, AIHA's concern is more in line with assurance that the data collected is accurate and meaningful. Accurate data is useful in anticipating and preventing future injuries and illnesses. Whether or not this data is publicly available is less critical.*

*As an organization, AIHA's members and goals focus on preventing occupational illness and injury as a fundamental principle of the industrial hygiene field. AIHA also develops science-based public policy and practice through collaboration across scientific and technical communities, and works to ensure that safe and healthy environments are provided for all workers and communities.*

*AIHA appreciates the opportunity to work with OSHA to help achieve the mutual goal of protecting American workers from workplace injuries and illnesses. As the agency moves forward, the AIHA offers its breadth of experience as a resource and we look forward to further opportunities to work with the agency on this and similar issues.*

*If AIHA can be of any further assistance, please contact me. Thank you.*

*Sincerely,*

A handwritten signature in cursive script that reads "Barbara J. Dawson".

*Barbara J. Dawson, CIH, CSP  
AIHA President*

*cc: AIHA Board of Directors  
Peter O'Neil, AIHA Executive Director*