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Comments of Change to Win for OSHA rulemaking on Improving Tracking of Workplace Injuries and Illnesses

Docket # OSHA-2013-0023
Washington, DC
March 10, 2014

On behalf of the 5 million workers represented by Change to Win affiliates, we hereby submit our comments on the Nov. 8, 2013 proposal to "improve Tracking of Workplace Injuries and Illnesses."

We also submit these comments on behalf of the millions of other workers in these same industries who lack any meaningful opportunity to complain to their employers about workplace safety and health problems – and about the injuries or illnesses which result from those employers' failure to listen to their workers' complaints. Finally, our comments reflect as well the information that we have learned in representing those workers regarding employer retaliation practices against workers who report injuries and illnesses at work.

We also support the positions taken by our affiliates the Teamsters and the Service Employees International Union, as well as those of the AFL-CIO.

For the sake of brevity, we will not repeat those issues covered in detail in those comments, particularly those regarding many of the specific questions OSHA has posed. However, we endorse the positions taken by the Teamsters and the AFL-CIO on those questions.

These comments address the following issues, and supplement the comments CtW provided at the public meeting on January 9-10, 2014:

- Benefits of the proposed rule and enterprisewide reporting options
- Employer allegations regarding the potential for "reputational damage
- Illegal and abusive employer responses to enhanced transparency
- The potential value of the information for enforcement purposes
- OSHA's need to assure that the information is ultimately available in a searchable format
- Coding of narrative information.

First, we welcome the opportunity to provide public input.
We appreciate OSHA's particular efforts to solicit ideas and reactions from the public, including the 2010 public stakeholder meeting. It is important that the many parties with an interest in this issue, including obviously workers and employers, believe that their views have been

considered, and that OSHA receives the benefit of their experience in creating and learning from these records.

We believe that this proceeding, as well as OSHA's earlier actions, has achieved that goal. This notice of proposal, the 2010 stakeholder meeting, and the decade of publicly-available ODI data have together provided the public, including employers and their associations, with a reasonably clear context for the expansion envisaged by this proposal. Employers are already intimately familiar with their own data, including their use of these data as performance metrics for managerial and organizational performance. As the many industry representatives stated at the January 2014 public meeting, they are focused already on the public significance of these same data. Hence, the expanded availability of these data should not create any significant dilemma for employers, despite their protests. Indeed, if employers have problems with a heightened publicly, it is only because they are indeed so familiar with these data and their significance once made public. That said, however, the employer representatives testifying at the2014 public meeting could not identify any serious or significant incidents in which employers were inappropriately affected by virtue of the public availability of these data.

Benefits of the proposed rule

The preamble discussed the most important benefits from the new availability of the same data that employers and OSHA, among many others, have relied upon for decades. Among the examples OSHA provides is the study that I and others did in the hotel industry relying on the OSHA logs of the five largest hotel companies in the nation (FR 67276):

> Online access to these data will allow the public, including employees and potential employees, researchers, employers, and workplace safety consultants, to use and benefit from the data. It will support the development of innovative ideas and allow everybody with a stake in workplace safety to participate in improving occupational safety and health. The data collected by BLS is mostly used in the aggregate. While BLS makes micro data available in a restricted way to researchers, OSHA will make micro data, including case data, available to researchers and the public with far fewer restrictions. The BLS SOII is used as a basis for much of the research on workplace safety and health in the US. Typical examples include … Occupational Injury Rates in the U.S Hotel Industry, by Susan Buchanan *et al*. in the American Journal of Industrial Medicine (2010).

That study relied heavily on the Form 300 records which those very large and sophisticated employers provided to us. In combination with other employer records on gender and race/ethnicity (which duplicated the same information available on the 301 forms), we were able to do the study and produce what can only be described as landmark findings on issues of race and gender discrimination that have been widely understood for generations as central questions in the creation of workplace hazards.

Among the most urgent findings were as follows:

> RESULTS
> Women workers overall and Asian and Hispanic men were about 1.5 times more likely to have been injured than their referent groups.

Within job categories, non-white female cooks/kitchen workers fared poorly compared to their white counterparts as did non-white male banquet servers.
Female housekeepers had about three times the risk of injury than male housekeepers, and Hispanic housekeepers were 70% more likely to be injured than white female housekeepers.

DISCUSSION
As yet, there has been no evaluation of the causes of differential injury rates by race/ethnicity within job title in this industry. One must question whether discrimination in the treatment of such workers—in the form of disproportionate assignment to high-risk jobs, refusal to fix unsafe conditions, or workers' disempowerment—resulting in unwillingness to speak up about such conditions, is at fault. As Murray [2003] noted, previous studies have observed informal systems of work assignments to non-white workers resulting in greater exposures to the hazards therein. Moreover, US BLS has already found that disproportionate employment of Hispanics in specific jobs is not associated with increased risk of injury after controlling for such employment patterns [Richardson et al., 2003]. In essence, race/ethnicity itself is not an indicator of increased risk.

There were substantial and consistent differences in injury rates among the five companies. These differences persisted for all injuries, for injuries by job title, and by demographic groups. As this study sought to standardize job tasks between companies, this differential suggests the influence of management policies and practices, meaning that workplace intervention has a significant ability to modify the risks identified in this study. These marked differences between companies demonstrate the potential for sharp improvement by individual companies in injury rates. They also underscore the need for companies with high rates to investigate whether discriminatory workplace practices contribute to these disparities—in order to remedy the discrimination and reduce the injury risk accordingly.

CONCLUSION
Injury rates for hotel workers are higher than those in the service sector as a whole.
Characteristics that increased the injury risk among the workers in our study included female sex, Hispanic ethnicity, housekeeper job title, and hotel company. Hispanic banquet servers had the highest risk amongst men ….

To the best of our knowledge, none of the companies involved have since provided publicly any further analysis of the underlying data which would change these results or conclusions – even for their own companies.

These results clearly demonstrate that employers – even very large ones with extensive professional human resource and safety functions – fail to learn the obvious lessons from their own records. It also demonstrates the value of OSHA's proposed transparency effort: allowing others who have access to those records to identify urgent lessons for subsequent action by the employers themselves. Because of the deletion of the personal identifiers like gender, the records which OSHA is proposing to publicly release would not allow public researchers to replicate this study. However, it would still provide a valuable opportunity for workers, researchers and others to observe the sharp disparities in the patterns or trends of injuries among different companies in the same industry – and to ask both why these persist, and what these companies plan to do to reduce the apparent excess risks.

Misleading allegations regarding the potential for "reputational damage"

It was plainly evident at the January public meeting that individual employers (many of whom were relatively uninformed about the actual rule) were strongly focused on their potential reluctance to share with the public non-confidential information about their employees' injuries and illness. While the reasons varied, alleged "reputational damage" was prominent among their expressed concerns.

None of the witnesses tried to define this damage, despite the fact that reputational damage is a well-known concept in corporate management. One only need ask manufactures of consumer products and services about the potential implications of defective product determinations, credit-card security, product recalls, inappropriate political advertising or linkage to corrupted celebrities. Those forms of reputational damage are taken extremely seriously by corporations who spend literally billions to carefully craft their reputations and the immense profits which flow from favorable reputations developed over many years.

However, despite this common complaint, albeit as vaguely and unconvincingly described, none of them could point to a single instance of such damage arising from the release of workplace injury/illness records. They failed to do so despite the many years that much of the very same information has been both available and used by workers, the media, researchers and others to identify and describe the patterns of injuries and illnesses based on these very same records – however those records were obtained. As the hotel industry example above shows, corporations have ample opportunity to explain their view of the issue. In our experience, employer representatives are routinely provided that opportunity by the media among others. Indeed, having reviewed literally thousands of press reports of individual worker injuries as well as studies of such injuries, I can confidently say that rarely does one see a media account of worker injury – especially severe or even fatal cases -- without the accompanying comment from an employer spokesperson to the effect that "the health and safety of our employees is our highest priority," or words to that effect.

Worse, the representatives of several large trade associations, who claim to represent literally millions of employers around the nation both large and small, made the same claim, and offered the same paucity of evidence. These are highly sophisticated participants in this proceeding. Surely, since the proposal was issued, if their members had supposedly "suffered" any alleged "reputational damage" over the last few decades, they would either already know about it or been able to find at least a pattern of compelling examples worthy of the Secretary's consideration in this rulemaking. But they could not offer any at the public meeting, even in response to repeated questions by OSHA.

Far from having any legitimate purpose, this litany of unsupported complaints is designed instead to simply obscure and hide an easily available and highly relevant type of information from the American discourse about the nature of the current workplace: the contributions of individual employers to the millions of workplace injuries and illnesses that American workers, their families suffer every year. In sum, this expressed concern is nothing more that: a scare tactic, designed to convince the Secretary that the good name of American business is somehow at stake here.

This is not to say, however, that American business is free of the risk of reputational damage due to its failures to control workplace hazards. European- and Canadian-based garment retailers, for instance, have a substantial presence in the North American market. But they face different expectations in their home markets regarding their reputations for workplace conditions. These companies -- led by H&M and Inditex (two of the world's largest apparel retailers) -- have had to respond swiftly to the workplace fire safety emergency which they and their US counterparts have created in the Bangladeshi garment industry. Following the murderous fires of recent years, which culminated in the Ran Plaza collapse that killed over 1,100 workers, they have taken extraordinary measures to repair their reputations for social responsibility. These include not only much enhanced transparency along the lines envisioned by the proceeding, but also legally-binding financial commitments to repair the contractor facilities to prevent such insanity in the future.[1]

Sadly, however, the leading US garment retailers have failed to do join in this effort. Their sourcing policies are still obscure, their commitments to abating hazard are incomplete and unenforceable, and their attitude to social responsibility apparently largely unchanged and unmoved by this unprecedented tragedy. These retailers include the largest retailers in the nation and the world. In some cases, they have accumulated their own records of repeated violations of OSHA's basic standards on workplace safety – even ones which later required corporatewide agreements to address what appear to be widespread problems that only came to light after workers complained about hazards in specific locations.

Other major employers and industries have demonstrated clearly their willingness to tolerate media coverage of their failures to prevent worker injuries, such as the McWane Corp. discussed below. Witness the ongoing malfeasance by the oil/gas industry which continues to kill workers in large numbers amidst its many exemptions from federal regulatory and enforcement policies.[2] The fact that OSHA was for years – or in the case of the oil/gas drilling industry, continues to be – unable to stop these abuses speaks clearly to the need for additional tools to assist the public, the media, researchers and not least their workers themselves in identifying these problems.

If some of the world's largest US-based corporate entities are relatively unmoved by these monumental tragedies attributable in part to their own business practices, at least in comparison to their counterparts in Canada and the EU, then the Secretary has little to deter him from merely requiring them to report their non-fatal injury records in a publicly-available format.

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[1] http://online.wsj.com/article/SB10001424127887324867904578591792479066534.html

[2] See recent series by the Houston Chronicle on the continuing abuses of workers in that industry and the limits of OSHA's own enforcement efforts: http://www.houstonchronicle.com/news/special-reports/article/Texas-companies-with-fatalities-not-on-violator-5281494.php?t=ced6789448b05374ef#/0

Indeed, those corporate employers with a valid concern about their reputations have recently addressed the question of transparency of their records on workplace injury and illness. The United Nations' Global Reporting Initiative (GRI) has expressly mandated the release of such information, including at an establishment-level basis. These expectations, and the compliance by major global leaders in corporate sustainability, are discussed in the attached report by the Center for Safety and Health Sustainability (CSHS)[3]. CSHS is a joint project between the American Society of Safety Engineers, the American Industrial Hygiene Association, and the British Institution of Occupational Safety and Health, which collectively "represent more than 85,000 workplace safety and health professionals worldwide."

Referencing the GRI (which CSHS calls "world's most widely used sustainability reporting Framework," CSHS studied the reporting practices on OSH metrics by the Corporate Knights' Global 100 Most Sustainable Corporations in the World. This list includes 10 from the US and Canada, and 9 each from the UK, Australia and France.[4] CSHS found that the most frequently used metric was the overall total worker injury rate – with 75% compliance with this GRI mandate. Eighteen percent even provided this information for the employees of contractors. (However, the report also found far less frequent compliance with the GRI's other OSH metrics.)

The Report offers the following conclusion

> Sustainability reporting at its very core is focused on corporate transparency and the timely disclosure of a company's financial, environmental, and social performance—operating under the premise that transparency deters illegal or unethical behavior as it allows investors, consumers, and other stakeholders meaningful insight into an organization's practices. Beyond transparency, sustainability reporting allows that same organization to improve awareness of its own performance, allowing it to better understand necessary improvements, compare itself to competitors, and gauge performance improvement over time.
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> But corporate transparency is not achieved simply by disclosing information. The information disclosed must also be *meaningful*. To serve stakeholders' desire to evaluate corporate performance, the information an organization discloses must be provided in a format that is readily understood, analyzed, and utilized.

CSHS then offered several recommendations for improved corporate reporting on OSH metrics:

> GRI and other sustainability reporting frameworks [should] better promote the importance of OHS as a major indicator of an organization's overall sustainability and adopt OHS performance indicators meeting the following criteria:
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> • Well-defined and standardized terms and definitions that allow for accurately evaluating an organization's performance across different sectors and geographies.
>
> • Standardized data collection methodology that allows stakeholders to easily compare safety performance across and among organizations.
>
> • The reporting of leading indicators, allowing stakeholders insight into whether corporations are taking meaningful actions to improve OHS performance.

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[3] Current Practices in Occupational Safety and Health Sustainability Reporting", Center for Safety and Health Sustainability, Des Plains, IL. Feb., 2013.

[4] http://www.corporateknights.com/report/9th-annual-global-100/country-representation

• Information reported over multiple years (e.g., 5) enabling internal and external stakeholders to use the information to gauge improvement and compare performance to other organizations over time.
• An extended scope of coverage that includes OHS reporting for contingent workers (including temporary contract and subcontractor workers) as well as workers in the Supply Chain—growing and highly vulnerable segments of the global workforce frequently left out of OHS reports.

Thus, it is clear that corporate entities across the world, including their leading occupational safety and health professionals, who are at least interested in providing their stakeholders with commonly-used metrics on job safety and health are not afraid of reputational damage, and instead invite examination and comparison with other companies. While the proposal including the option for enterprisewide reporting does not fulfill all of these goals, it certainly achieves most of them. It is evident that OSHA is taking a positive leadership role in this effort, even from the standpoint of corporate self-interest.

Illegal and abusive employer responses to enhanced transparency.

As indicated above, we support the comments on by the other unions in the widespread and illegal employer practices to retaliate against workers who report injuries and illnesses, and won't repeat them in detail. We certainly strongly urge OSHA to incorporate regulatory text into this rule to explicitly prohibit both individual cases of retaliatory action and discrimination after workers report injuries or illnesses, as well as policies creating either incentives or disincentives for workers to fail to report injuries and illnesses.

We have now accumulated years of evidence that employers wrongly – and indeed, illegally – retaliate against workers simply because the workers report injuries. Notwithstanding OSHA's decision in 2001 to forego an opportunity to impose a prohibition on such practices, OSHA has recently recognized the threat that such policies and practices pose to the very foundation of the flow of necessary information about the occurrence, causes and prevention of worker injury, illness and death. The so-called Fairfax memo explains in considerable detail the need to prevent such practices from interfering in worker reports of injuries/illnesses, including a broader use of OSHA existing authority.

Many worker advocates in this proceeding have expressed severe concerns that whatever efforts OSHA, labor unions and others may make to stop these practices, employers will nonetheless respond to a final rule by clamping down on worker injury report, by whatever means are at hand. Indeed, given the multitude of statements by employer representatives already in the record in this proceeding about their albeit misinformed fears of "reputational damage," this is in fact a likely outcome and a legitimate fear for workers.

These fears were not unfounded when we asked OSHA to deal with this problem 15 years ago, and OSHA failed to do so then. We are still paying the price for OSHA's misplaced confidence in 2001 that the "growing" problem could be addressed simply by encouraging workers to report their injuries.[5] As is evidenced by its issuance of the recent policy on employer incentive policies

[5] Occupational Injury and Illness Recording and Reporting Requirements; Final Rule. 66 FR 6053. "In view of the evidence that retaliation against employees for reporting injuries is not uncommon and may be ''growing'' …, this

related to injury reporting, OSHA has learned otherwise. We now insist that OSHA come to grips with the problem now rather than delay such action again.

Value for enforcement purposes, particularly at the enterprisewide level

This subject was covered at some length during the public meeting on January 9, 2014. However, Because of the central importance of this issue to OSHA's injury/illness data collection rules, policies and actions, this statement repeats the comments at the public meeting and adds additional material as well.

Two of the most important milestones in OSHA's 40-plus years of enforcing its standards were related to OSHA's use of injury records and the non-reporting of such records. The first is the creation of the so-called "egregious" violation policy in 1986 by Secretary Bill Brock, which penalizes negligent employers for each instance of a violation. That policy was driven in part by the blatant employer practices of falsifying injury records.

The other milestone was the revelation Pulitzer Prize-winning series in January, 2003 by the New York Times and PBS/Frontline about the rampant, undeterred, systematic and egregious violations of OSHA's standards at one of the largest companies in the metalworking industry – McWane Corp.

As detailed by the Times' investigation:[6]

> On June 29, 2000, a maintenance mechanic named Rolan Hoskin was crushed in a conveyor belt at Tyler Pipe in Tyler, Tex. His death was the result of several serious and preventable safety failures. There was no safety guard on the conveyor, though McWane had been cited many times for similar violations. Mr. Hoskin had also been trained to adjust the belt while it was moving, another violation for which McWane had been repeatedly fined.
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> The history of the Tyler plant was a case study of a persistent violator, of fines assessed and paid without any discernible impact. Only nine months before Mr. Hoskin's death, OSHA had announced $169,500 in fines against Tyler Pipe for, among other things, putting employees' lives at risk by allowing them to work on and around unguarded and moving conveyor belts. OSHA officials had been particularly appalled by the case of Ira Cofer, a maintenance mechanic whose arm was torn apart in an unguarded conveyor belt.
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> Now, with Rolan Hoskin's death, federal officials resolved to punish McWane.
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> On Aug. 22, 2000, at Union Foundry in Alabama, Reginald Elston, 27, an ex-Navy man with an infant daughter, was crushed to death while clearing debris from a conveyor belt. As in the Hoskin case, the safety guard had been removed. It was being used as a table for Cokes. The police closed the case in six days.

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section is intended to serve the informational needs of employees who might not otherwise be aware of their rights and to remind employers of their obligation not to discriminate."

[6] Barstow D and Bergman L, "Deaths on the Job, Slaps on the Wrist," New York Times, Jan. 10, 2003.

> When OSHA investigators arrived, they did not know about Mr. Hoskin's death, and Mr. Dorn, the safety director, was careful not to volunteer the information. "You don't tell OSHA, you know, more than they need to know," he said in an interview.

However, notwithstanding the severity of the company's sins, OSHA's own failure to detect the systematic nature of those problems was also clearly revealed to the Times/Frontline investigators:

> OSHA's failure to quickly connect the two deaths — it took at least several weeks, records show — was understandable. There is no centralized rap sheet for corporations as complex as McWane, with its web of subsidiaries under different names. But even if they had a central file, OSHA inspectors have no authority to undertake a comprehensive investigation of a corporation with similar violations in several states, agency officials said. As a result, they said, patterns of misconduct often go undetected. Cooperation between OSHA and other regulatory agencies is all but nonexistent, because of incompatible computer systems and age-old bureaucratic resentments.

At the January public meeting, OSHA inquired regarding the investigators' relative ease or difficulty determining the scope of McWane's holdings. In a recent communication, Robin Stein -- one of the Times investigators – recently commented to me on the difference between their own experience investigating ownership links as compared to OSHA's experience as reflected in the OSHA's case files reviewed by The Times as well as The Times' own interviews:

> It did not take us a long to figure out which foundries were owned by McWane. What we discovered was that because OSHA did not consistently track the different corporate entities or treat them as part of a single company, the agency did not effectively detect or deter very dangerous company-wide patterns and practices.[7]

The problems at McWane sparked the most intensive investigation and criminal prosecutions for "environment" violations in the history of the US Department of Justice. Prosecutors repeatedly referred to the conditions as resembling industrial slavery. Unfortunately, while some of those prosecutions reached all the way to McWane's executive suite in Birmingham, no corporate officials were ever held personally accountable for the company's policies and practices which led to such rampant death and injury.

At the time of the initial Times/PBS investigation, McWane's top executives strongly defended the company's management practices. However, by the time the prosecutions ended, with some of the longest prison sentences in history for plant managers and multi-million-dollar penalties for the corporation, the McWane executives were pleading mea culpa, and begging the judges for understanding and forgiveness. We just expanded too fast, they told the courts.

At the most recent sentencing hearing in 2009, President Ruffner Page told a federal district judge in NJ:

> "I'm not here to offer excuses…. The management system was … spread too thin. … the company had been historically decentralized … the local management had a great deal of

[7] Robin Stein, Personal Communication, March 6, 2014.

> autonomy and there weren't systems in place to be able to look into these operations rather than just taking the local management's word for it…."[8]

OSHA responded to the Times/PBS series a few months later by creating the Enhanced Enforcement Program. In its current form, the Severe Violators Enforcement Program is OSHA's premier effort to detect and stop systematic abuses by negligent employers, including multi-site employers with far-flung operations.

But that program still suffers from the same limitations that hindered the McWane investigations 15 years ago: inadequate information about corporatewide management failures. OSHA is still relegated to an unenviable series of choices when attempting to determine the scope of an employer's operations:

- Rely on OSHA's own enforcement data system, albeit with all the limitations described here and elsewhere
- Rely on publicly available data sources, including the common limitations such sources have imposed when one is investigating private parties who have various interests in limiting disclosures about their operations
- Purchasing commercially-available, proprietary information and data sources, at considerable cost. (It is noteworthy that the ODI information collection for CY 2013 itself was cancelled due to the lack of funds resulting from the sequestration of Congressional appropriations. Nor is it clear that the ODI will be resumed in light of the continuing limitations in the latest Congressional appropriation.)

None of those choices is acceptable. They were not acceptable when the EEOC designed the EEO-1 format for corporatewide reporting, and they are even less acceptable today.

An added reason to assure that corporatewide enterprises self-report measures of their performance on job safety issues is the growing demand from the Congress and others for accountability by Federal contractors for their failures to comply with Federal labor law. In its recent report reviewing the compliance history of Federal contractors under a variety of Federal labor laws, the Majority Staff of the US Senate Committee on Health, Education, Labor and Pensions reported the following findings and conclusions about their search for evidence of contractor compliance failures:

> "Neither the WHD nor OSHA enforcement data provide information that allowed Committee staff to identify the corporate structure of the entity listed in the data. In particular, the data does not establish whether or not the listed entity is a parent company, or a subsidiary or affiliate of a parent company. In order to accurately cross reference the name of the entity responsible for the misconduct with USA Spending, and to get a complete understanding of the corporate structure of the company named in the WHD and OSHA data, Committee staff sought to identify further information about the companies named in the database….

[8] Ruffner Page, USA v Atlantic States et al, Transcript of Sentencing Hearing of Atlantic States, US District Court, District of NJ, April 24, 2009; pp. 126-127.

> Correctly identifying the parent company of the firms listed in the data is difficult for a number of reasons. While in some cases, the entity listed is a parent company without subsidiaries, in general the entity in the data is not a parent company. For example, the company identified as responsible for the violation may be a parent company with subsidiaries, a subsidiary of a parent company, or a brand name under which a parent company, or subsidiary of a parent company, operates. Additionally, in some cases, the entity identified in the WHD or OSHA data may no longer exist as a result of a bankruptcy, may have legally change its name, or may have been purchased following the time in which the listed violation occurred….
>
> Given these challenges, Committee staff separately researched the corporate structure of entities that received large violations or assessments…. The above explanation illustrates the challenges in using existing tools to clearly answer the question of what federal contractors have broken federal labor laws.[9]

The Report also criticized the excessive reliance by government agencies on the ubiquitous DUNS numbering system prepared and sold by the Dun and Bradstreet company, particularly in regard to the identification of parent corporations:

> ***Data Deficiencies***
> Moreover, none of the contracting databases appear to track information in a way that accurately reflects the conduct of the corporate entity as a whole, including conduct by parent and subsidiary companies. This failure leaves contracting officers without a complete record of a prospective contractor's integrity and business ethics. Federal contractors in all three systems, EPLS, PPIRS, and FAPIIS, are tracked primarily by the Dun and Bradstreet Data Universal Number System (DUNS*). However, many corporate entities have multiple DUNS numbers that are used by subsidiaries and affiliates controlled by the same parent company.* For example, according to the Project on Government Oversight, Lockheed Martin has over 200 DUNS numbers among its corporate affiliates. Because the DUNS system fails to provide contracting officers with a way to understand an entity's corporate structure, the full scope of misconduct is not immediately ascertainable.
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> As the analysis above demonstrates, *when violations by parent companies, subsidiaries and affiliates are assessed and attributed up the corporate hierarchy to a single parent company, a dramatically different picture of noncompliance emerges*. This is significant because even though suspensions or debarments may be applied across multiple parts of a corporate entity, *the current system appears to lack the ability to accurately assess repeated violations by a parent company and subsidiaries when multiple subsidiaries hold significant contracts*. Both the GAO and the Project on Government Oversight have highlighted how this inability has led to the government contracting with companies that should have been excluded from receiving contracts.
>
> ***Department of Labor***
> Even if all of the deficiencies in FAPIIS were addressed, it would still be extremely difficult to ensure that a contracting officer could fully consider a prospective contractor's record of compliance with federal labor law because of deficiencies in the publicly available enforcement data published by the Department of Labor. Resource constraints and human error at the Department of Labor result in substantial errors in the databases that track violations of occupational safety and health laws and wage and hour laws. As a result, without improvement,

[9] "Acting Responsibly? Federal Contractors Frequently Put Workers Lives and Livelihoods at Risk," US Senate HELP Committee Majority Staff, Dec. 11, 2013; Appendix 1, pp. iii-v.

these databases cannot be effectively consulted by contracting officers, either independently or through FAPIIS.

The principal issue with these databases is that they fail to accurately identify the name of the company responsible for the violation. Neither WHD nor OSHA enforcement data include any unique identifiers, such as a DUNS number, or any information regarding whether or not the company is an affiliate, subsidiary, or parent company. Complicating matters further, firms appear under multiple names in both the OSHA and WHD data. For example, Pilgrim's Pride Corporation, a subsidiary of Brazilian company JBS S.A., appears in the OSHA database under at least eight different names. Similarly, Manpower Group is listed in at least thirteen different forms in the WHD data.

It is unlikely that the Department of Labor could make needed improvements to the existing data in the absence of additional resources. Yet, without improvements, even if these datasets were consulted as part of a pre-award responsibility determination, the data would prove of little use to the contracting officer. Without unique identification information that provides the ability to compare violations entity by entity, or aggregate violations among corporate affiliates, it is very difficult to determine the extent to which a prospective contractor has a record of compliance with federal labor laws. Similarly, the failure to even properly enter the names of the firms in the system adds complexity and makes it likely that a contracting officer could miss an important piece of information when undertaking a responsibility determination….

Although the Department of Labor is the entity most able to accurately identify, aggregate, and compare violations of labor laws, the current data systems lack of unique identifiers and human error in inputting information into the databases can result in the same firm appearing under multiple names, making it very difficult to provide a full and accurate picture of labor law violations by federal contractors. *In the absence of a uniform database system that clearly identifies corporate entities and subsidiaries that are investigated and penalized for any type of violation of federal labor laws, it is difficult to determine which federal contractors are responsible for large labor law violations*. Moreover, additional information regarding potential violations of labor law from state governments, workers, worker representatives, or employers is not currently being tracked or collected by any government entity.[10] [Emphasis added]

We strongly support OSHA's proposed option to require corporate offices to compile injury/illness data and information across all their locations (within the appropriate size category and industry hazard definitions that OSHA eventually establishes), and to submit that information directly to OSHA.

The SVEP has had its success – intervening in multiple locations within multi-site companies and forcing widespread change. OSHA has likewise had success with some of its "enterprisewide" prosecutions and settlement agreements, albeit only where the employers in question were willing to adopt such far-ranging obligations. But that record is far from adequate to stop the next McWane.

OSHA continues to inspect worksites of multi-site employers with egregious records of misconduct. OSHA often does so in response to worker complaints. As OSHA has already learned from bitter experience, no one enforcement tool is sufficient when dealing with large

[10] Ibid, p. 25-27; footnotes omitted.

entities. SVEP alone is not enough. Enterprisewide enforcement – which is in its infancy – is not enough. Enterprisewide settlements are voluntary, and therefore not enough. Creating a truly comprehensive enforcement strategy requires the application of a multi-faceted enforcement regime. In the 21st Century, that regime must also maintain a variety of information sources including a mandatory self-reporting system. Only such a system will allow OSHA to finally develop the broad understanding of corporate misconduct that it needs to achieve its goals of full compliance and prompt response to emerging patterns of non-compliance.

OSHA must use all of its available authorities to prevent other McWanes by holding corporate managers accountable for basic management functions, and to take responsibility for the actions of those they allegedly supervise. Requiring corporate offices to obtain, and then certify and report, site-specific injury-illness data is an important way to facilitate such accountability.

Finally, any such regime must plan for potential expansion in the future. OSHA requires employers in many industries to keep important records in addition to those covered by 1904. Among the obvious examples are the "sharps Logs" required under the Blood Borne Pathogens standard, and the Incident Reports required under the Process Safety Management Standard. Other such requirements may well emerge in future standards on other hazards. Any of these other types of records could well serve important functions in future years, and therefore require a similar collection scheme. We strongly urge OSHA to incorporate in this rulemaking, and in any future data collection infrastructure, the capacity to expand the data collection to other OSHA-mandated records.

Useability of information as finally released for public view

It is essential that whatever information OSHA requires of the larger (250+ employee) establishments, OSHA must compile the information in a form that allows for easy analysis of wealth of information. Otherwise, much of the value of this large set of data will be lost to most users, including workers, the media and researchers.

The Labor Department has itself taken a pro-active approach to enforcement data which illustrates the benefits of such an effort, even if the resources required to establish such compilations are initially large within OSHA's current statistical efforts. For many years, OSHA provided an exceptional degree of access to its statistical enforcement data, but only in web-based search format: https://www.osha.gov/oshstats/index.html.

The search parameters were narrow: establishment name, industry code, frequently-cited standards, "Accident inspections", "General Duty Clause" violations, or inspection numbers. Furthermore, even within this restricted scope, users were compelled to cut, paste and search multiple times in any effort to compile the resulting information from the search results.

The only alternative to this awkward process was an even worse process: a FOIA request which required OSHA staff to manually construct a search and provide the information requested. Worse the information was provided in a text file, delimited format that required importation into other common data management software.

Another limitation of OSHA's website was its failure to provide all the elements of the IMIS file, including some important ones such as the number of employees in the Establishment.

However, in keeping with the Administration's Open Government Initiative, the same policies which are in part driving OSHA's decision to release these data publicly DOL started the DOL Data Enforcement webpage and search function.[11] Now, for the first time in OSHA's 40-year history, members of the public could easily obtain virtually all the publicly-releasable elements of the IMIS file, in commonly-used spreadsheet formats. (The information is also available in a variety of other formats, both graphic and tabular.) This new resource was ready-made for easy analysis, such as simple sorting functions. This ease of use has offered a major change in the utility of the data to the public, and OSHA should consider the same approach to the development of the website for the 1904 data.

Attached is a set of analytics demonstrating the robust public interest in the data available on this website, provided by DOL's Division of Information Technology, covering the period Jan. 1 – March 10, 2014.[12] At the high end, it shows that on an annual basis, there were over 100,000 instances of visitors retrieving enforcement data from this site. Many of these were for OSHA's own IMIS data. A significant number of visitors even went to the point of retrieving IMIS data in spreadsheet form – roughly 4,000 requests on an annual basis.

DOL's efforts under the President's Open Government Initiative are by no means unique. EPA's ECHO Database has been in existence for many years. Recently, the FDA has also taken steps to promote transparency in its enforcement data as well.[13] See the attached analysis of the value of promoting transparency of enforcement-related information, in which FDA discussed the value of both the EPA and DOL enforcement transparency efforts.

In sum, corporate organizations are by now used to broad public access to detailed quantitative data in a searchable format about issues related to regulatory requirements and policy. OSHA's proposal on collection and dissemination of these injury/illness data is fundamentally no different. The public is entitled to the provision of this information in a user-friendly format, suitable to easy capture and analysis.

Coding of narrative information

The collection of the Form 300 detailed incident case data creates a potential challenge. Since these data include narratives, it could be cumbersome in some situations to construct a ready format for the same kinds of analyses as are readily conceivable for such parameters as numbers of days away from work, length of service, etc. However, there are also obvious and feasible solutions to that challenge as well which should inform OSHA's planning as it moves to

[11] http://ogesdw.dol.gov/views/search.php

[12] Hamid Ouyachi, US DOL Division of Information Technology, Personal Communication, March 10, 2014.

[13] http://www.fda.gov/newsevents/newsroom/pressannouncements/ucm274201.htm

implement the new system. With OSHA expecting roughly 900,000 case reports each year, it is vital that such solutions be developed an implemented on an expedited basis.

The US Bureau of Labor Statistics faced a problem of similar magnitude when constructing the addition to the Annual Survey of Occupational Injuries and Illnesses in the early 1990's – the Detailed Case and Demographic series, based on its sampling of the exact same data types from employers Form 301's. BLS developed and refined the Occupational Injury and Illness Coding System (OIICS).[14] This system is now successfully used annually to code all those cases, with extraordinary benefits for all parties interested in both the BLS survey and the underlying data from the employer sources themselves.

In the BLS case, this was facilitated by BLS' ability to employ coders to do the coding themselves.

However, it would be a serious mistake to assume that employers and their agents do not already code these data routinely themselves. Coding is a completely routine feature of the data handling by many employers and their workers compensation insurance carriers/administrators. These current coding practices cover not only the routine other data elements in the Employer First Reports of Injury but also the narrative information as well. According to the International Association of Industrial Accident Boards and Commissions (IAIABC), the principal organization of state workers compensation agencies, over 36 states have already adopted a standard coding system, called the Electronic Data Interchange.[15] That system provides for coding three of the four narratives on the Form 301: Nature, Part of Body and "Cause" (i.e. "Source") of the case. In 32 of these states, the use of this reporting system is mandatory.

Attached are:

- The IAIABC's list of states using these coded, electronic reporting systems for Employer First Reports of Injuries.[16]
- The Table of "Required Elements" that Rhode Island is implementing under the ODI in 2014, which shows these coding requirements on lines 39-41.
- The coding system adopted by the Workers Compensation Insurance Organizations (WCOI) for these three fields.

The WCIO coding system is not complicated. It is indeed similar in many respects to that used by BLS in the OIICS coding system.

[14] http://www.bls.gov/iif/oshoiics.htm

[15] http://www.iaiabc.org/i4a/pages/index.cfm?pageid=3338

[16] Faith Howe, IAIABC, Personal Communication, March 10, 2014.

Minnesota's EDI reporting system likewise became effective on Jan. 1, 2014 for submission of Employer First Reports of Injury.[17] Among the uses that Minnesota which states for the Employer reports are "to comply with OSHA standards."[18]

It is not possible, obviously, at this moment to identify all the potential complications which would confront OSHA in establishing a coding requirement for the submission of the Form 301 narrative data. However, it is equally obvious that employers and insurance carriers already routinely code many of the elements of the Form 301, for a wide variety of purposes. This widespread practice can provide a critical foundation for a coding requirement and infrastructure under the auspices of the US Department of Labor.

Clearly, the final development of an effective coding system for narrative data – on a par with the accuracy of the BLS Annual Survey – will require the cooperation of multiple agencies, the employer community, and the workers compensation industry. However, the progress to date on employer/carrier coding under the EDI will greatly facilitate that cooperation.

Finally, coding of information has become a common feature of daily life. The purchase of any product or service on the Internet using a credit card, one of the mainstays of US commerce, typically requires the submission of four codes, in addition to the obvious details about the product and buyer. Four codes is not a significant burden, nor a significant training obligation, especially for an organization with at a minimum 250 employees – and thousands more in many cases. And finally, whatever nominal burden this requirement might initially appear to create, coding is also available for other beneficial purposes for the same organization, including improved understanding of the trends in their injury/illness cases as well as compliance with electronic workers compensation reporting procedures.

Economic Analysis

The economic aspects of this rule are relatively minor compared to the other aspects I have highlighted. However, OSHA has asked for comment on OSHA's methodology for assessing the benefits of this proposal, including OSHA's use of the methods developed by Viscusi and Aldi to estimate the value of a human life.
We wish to point out that there are substantial questions about the accuracy, reliability and sensitivity of the Viscusi estimate. Some of these questions were raised almost 20 years ago by Prof. Peter Dorman, in his book "Markets and Mortality."
We urge OSHA to pay close attention to these critiques, and resist efforts to rely on Viscusi's methods as infallible measures of the benefits of workplace safety interventions.

[17] http://www.dli.mn.gov/WC/Edi.asp

[18] http://www.dli.mn.gov/WC/Fr01info.asp

Respectfully Submitted.

/s/ Eric Frumin

Eric Frumin, Health and Safety Director
Change to Win
New York, NY

Attachments

1. Current Practices in Occupational Safety and Health Sustainability Reporting", Center for Safety and Health Sustainability, Des Plains, IL. Feb., 2013.

2. DOL Data Enforcement Webpage traffic, Jan. 1 – March 10, 2014.

3. Food And Drug Administration Transparency Initiative: Draft Proposals For Public Comment To Increase Transparency By Promoting Greater Access To The Agency's Compliance And Enforcement Data, Oct. 3, 2011.

4. IAIABC EDI Claims Usage – March 2014, IAIABC, Madison, WI, March 10, 2014.

5. Rhode Island Department of Labor and Training, "Element Requirements Table;" http://ridltedi.info/node/22; accessed March 9, 2014.

6. Workers Compensation Insurance Organizations, Injury Description Codes: Cause, Part of Body and Nature of Injury, May 18, 2010; https://www.wcio.org/Document%20Library/InjuryDescriptionTablePage.aspx; accessed March 9, 2014.

Current Practices in Occupational Health & Safety Sustainability Reporting

A Report From the Center for Safety and Health Sustainability • February 2013

Center for Safety & Health Sustainability

Ensuring the safety, health, and sustainability of the global workplace.

About This Report

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This research was compiled by Center for Safety and Health Sustainability staff liaisons Dennis Hudson and Laura Clements with the support of Andres Olavi Aya and Brenda Kay Zylstra.

The Center for Safety and Health Sustainability (CSHS), established in 2010, is a 501(c)(3) nonprofit organization committed to advancing the safety, health, and sustainability of the global workplace. CSHS engages safety and health partners around the world to work toward establishing minimum standards that help reduce workplace injuries and ill health. A collaborative effort founded by American Society of Safety Engineers, American Industrial Hygiene Association and Institution of Occupational Safety and Health, CSHS represents more than 85,000 workplace safety and health professionals worldwide.

Contents

Executive Summary

The report that follows aims to provide a "snapshot" of actual occupational health and safety (OHS) sustainability reporting by analyzing reports from organizations currently considered "sustainable." The report presents an analysis of the extent to which organizations report OHS sustainability information, the degree to which information reported provides insight into actual OHS performance and the extent to which information reported lends itself to being compared across organizations. It is also intended to help the Global Reporting Initiative (GRI) improve OHS sustainability indicators in its upcoming version G4 and future iterations. The report achieves this goal by analyzing these organizations' attention to indicators currently recommended in GRI's version 3.1 Labor Aspects (LA) 6-9 (which deal with occupational health and safety), whether GRI indicators are explicitly addressed or not, as well as those recommended by the Center for Safety and Health Sustainability ("the Center").

The study involved the collection of corporate social responsibility, sustainability and annual reports from the Corporate Knights' 2011 *Global 100 Most Sustainable Corporations in the World.* Raw data on metrics pertaining to OHS were collected, analyzed and organized first with regard to GRI's LA6-9 indicators, and second with regard to those of the Center. Included in each section are aggregate summaries on how well the group responds to each indicator. The report concludes with recommendations for optimizing the LA GRI indicators for the purposes of encouraging comprehensive, meaningful reporting.

Key Findings

The sustainability reports collected from the *Global 100* reflect:

- High variability in terms and definitions used to report OHS, making it difficult to use reports to compare OHS performance across organizations, for example:
  - Terms related to "rates of injury," "report-worthy injury or incident," "lost day accidents" and "absenteeism."
  - Formulas used to determine injury rates, occupational disease rates, lost day rates (both workers/employees and contractors) and absentee rates.
- Very low (< 10 corporations) reporting with regard to GRI indicator:
  - LA6 overall
  - LA7's request for occupational disease rate/number of cases and contractor lost day rate
  - LA8 overall
  - LA9's request for percentage of workers covered by collective bargaining agreements.
  - No organization provided a full response to GRI-recommended indicators.
- The highest relative level of reporting for commonly prescribed metrics on worker/employee injury rates. Very few, however, used the formula for calculating injury rates recommended by GRI.
- Compared to that for workers/employees, very low reporting with regard to contract temporary workers' lost day rate and injury rate.
- A high amount of fatalities (10 or more) reported by five organizations. One organization reporting 49 fatalities in a year and another reported 81 fatalities over a 3-year period (2010-12).
- No organization reported on fatal occupational diseases.
- Roughly a third of organizations reported on major topics recommended by the Center, reporting information that complies generally with practices endorsed by the OHS community.

Figure 1. Percentage of organizations reporting on OHS topics covered in GRI 3.1

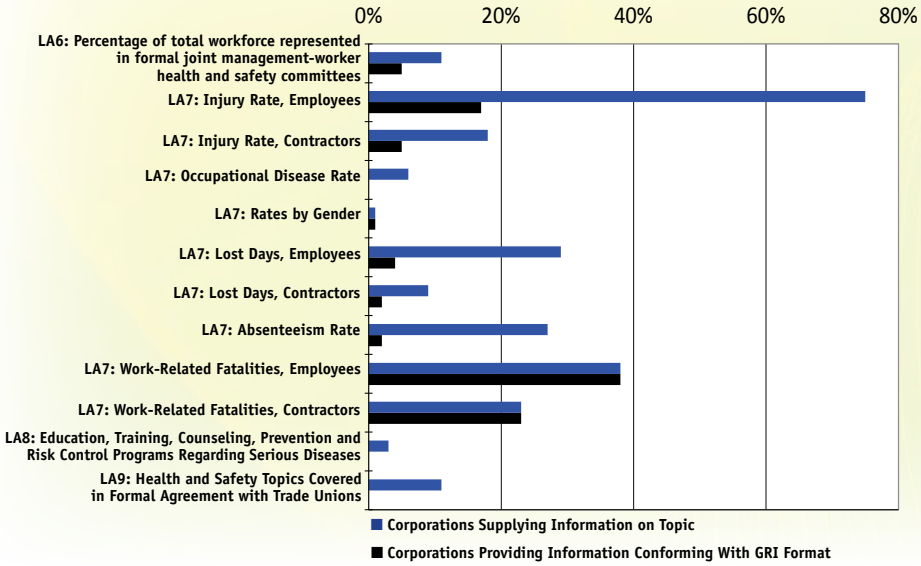
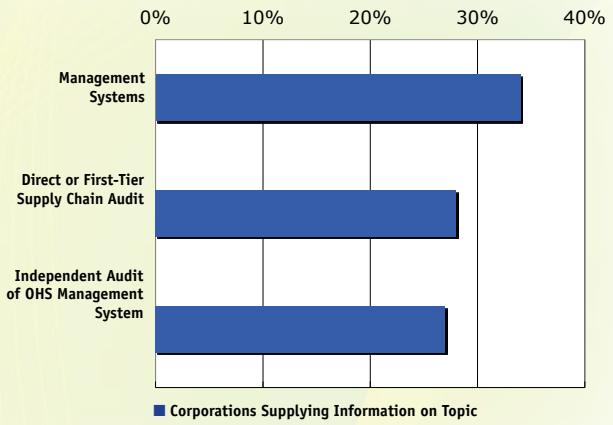


Figure 2. Percentage of organizations reporting on OHS topics recommended by CSHS



"Corporate transparency is not achieved simply by disclosing information. The information disclosed must also be meaningful."

Recommendations

The Center recommends that GRI and other sustainability reporting frameworks better promote the importance of OHS as a major indicator of an organization's overall sustainability and adopt OHS performance indicators meeting the following criteria:

- Well-defined and standardized terms and definitions that allow for accurately evaluating an organization's performance across different sectors and geographies.
- Standardized data collection methodology that allows stakeholders to easily compare safety performance across and among organizations.
- The reporting of leading indicators, allowing stakeholders insight into whether corporations are taking meaningful actions to improve OHS performance.
- Information reported over multiple years (e.g., 5) enabling internal and external stakeholders to use the information to gauge improvement and compare performance to other organizations over time.
- An extended scope of coverage that includes OHS reporting for contingent workers (including temporary contract and subcontractor workers) as well as workers in the supply chain—growing and highly vulnerable segments of the global workforce frequently left out of OHS reports.

Evidence suggests that organizations that internalize proactive OHS tend to be more highly sustainable overall compared to those that do not. Organizations identified by the *Global 100,* however, overwhelmingly do not use OHS indicators compliant with GRI recommendations, and OHS reporting as a whole. The information disclosed frequently lacks meaning with regard to providing a realistic perspective on OHS performance.

Corporate transparency is not achieved simply by disclosing information. The information disclosed must also be *meaningful.*[1] To serve stakeholders' desire to evaluate corporate performance, the information an organization discloses must be provided in a format that is readily understood, analyzed and utilized.

[1]In a recent analysis of the reporting practices of 94 Canadian corporations, 585 different indicators were identified, with 55% of them being used only once. Searcy, Cory, and Roca, Laurence Clement, "Reporting on Corporate Sustainability Performance," The Conference Board, October 2012.

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☐	3. /homePage.php	9,869 (14.56%)	6,856 (21.88%)	00:01:18	6,094 (52.23%)	38.66%	38.
☐	4. /views/results.php	5,974 (8.81%)	2,733 (8.72%)	00:01:39	63 (0.54%)	15.87%	15.
☐	5. /views/searchChooser.php	5,701 (8.41%)	3,499 (11.17%)	00:00:17	212 (1.82%)	12.26%	4.
☐	6. /views/data_catalogs.php	4,769 (7.03%)	3,325 (10.61%)	00:00:42	1,656 (14.19%)	56.22%	30.
☑	7. /views/exportOsha.php	2,500 (3.69%)	880 (2.81%)	00:00:06	13 (0.11%)	7.69%	0.
☐	8. /views/data_summary.php	2,212 (3.26%)	1,483 (4.73%)	00:02:32	146 (1.25%)	11.64%	36.
☐	9. /views/agency_tools.php	1,153 (1.70%)	726 (2.32%)	00:01:11	26 (0.22%)	46.15%	23.
☐	10. /views/exportWhd.php	1,101 (1.62%)	482 (1.54%)	00:00:04	6 (0.05%)	0.00%	0.

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FOOD AND DRUG ADMINISTRATION TRANSPARENCY INITIATIVE:

DRAFT PROPOSALS FOR PUBLIC COMMENT TO INCREASE TRANSPARENCY BY PROMOTING GREATER ACCESS TO THE AGENCY'S COMPLIANCE AND ENFORCEMENT DATA

TRANSPARENCY TASK FORCE
U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
FOOD AND DRUG ADMINISTRATION
OCTOBER 3, 2011

On January 18, 2011, President Obama issued a Presidential Memorandum on Regulatory Compliance,[1] requiring federal agencies to make publicly available compliance information easily accessible, downloadable, and searchable online, to the extent feasible and permitted by law. In that memorandum, the President observed that:

> Greater disclosure of regulatory compliance information fosters fair and consistent enforcement of important regulatory obligations. Such disclosure is a critical step in encouraging the public to hold the Government and regulated entities accountable.[2]

The President also highlighted the achievements of the Environmental Protection Agency (EPA) and the Department of Labor (DOL) in developing websites (www.epa-echo.gov and http://ogesdw.dol.gov, respectively) that make their regulatory compliance information more accessible to the public.[3]

The Food and Drug Administration (FDA or Agency) responded to the Presidential Memorandum on Regulatory Compliance in a memorandum to the Department of Health and Human Services (HHS), on May 6, 2011 (FDA Response).[4] The FDA Response summarized the actions that the Agency already had implemented, as well as those that were underway or proposed, to make its regulatory compliance and enforcement information more accessible to the public. FDA took those actions in response to the Presidential Memorandum on Transparency and Open Government,[5] which the President issued in January 2009, and as part of FDA's own Transparency Initiative, which FDA's Commissioner, Dr. Margaret A. Hamburg, launched in June 2009.

In the FDA Response, the Agency also committed to examining the manner in which EPA and DOL disclose compliance and enforcement information to determine whether there are additional steps FDA could take to make comparable information more accessible. Specifically, FDA stated that it would: (1) within 150 days (by October 3, 2011), issue proposals for public comment, if it concluded that there were additional opportunities to increase the transparency of its compliance and enforcement data, and (2) within 270 days (January 31, 2012), determine whether to adopt those proposals.[6]

After meeting with EPA and DOL to discuss their methods for making compliance and enforcement data more accessible, FDA has determined that there are additional steps that it could take to make its own information more transparent and accessible to the public. Therefore, the Agency is issuing this report, which contains a number of draft proposals for public comment. Section I of this report summarizes the status of the actions that FDA has implemented, undertaken, or proposed, to date, to make its compliance and enforcement data more transparent and accessible; section II summarizes

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[1] Presidential Memoranda-Regulatory Compliance, Jan. 18, 2011, 76 Fed. Reg. 3825 (Jan. 21, 2011).
[2] *Id.*
[3] *See id.*
[4] Memorandum from John M. Taylor, Acting Principal Deputy Commissioner of the FDA, to HHS, dated May 6, 2011 (FDA Response), http://www.fda.gov/downloads/AboutFDA/Transparency/TransparencyInitiative/UCM272653.pdf
[5] Presidential Memorandum on Transparency and Open Government, Jan. 21, 2009, 74 Fed. Reg. 4685 (Jan. 26, 2009).
[6] *See* FDA Response, at 9.

the EPA and DOL activities that have promoted greater public access to their enforcement and compliance data; and section III lists FDA's draft proposals, for public comment.

I. Status of FDA's Current Efforts to Increase Transparency by Promoting Greater Access to Compliance and Enforcement Data

The Commissioner launched FDA's Transparency Initiative[7] in June 2009. As part of the Transparency Initiative, the Commissioner formed an internal task force (the "Task Force") to develop recommendations for enhancing the transparency of FDA's operations and decision-making processes. Since its inception, the Task Force has held two public meetings, launched an online blog, and proceeded with the Transparency Initiative in three phases:

- Phase I: *FDA Basics*[8] – In January 2010, FDA launched a web-based resource called *FDA Basics,* which provides the public with basic information about FDA.

- Phase II: Public Disclosure[9] – In May 2010, the Task Force released a report (Phase II Report) with draft proposals to increase FDA transparency, while protecting confidential information.

- Phase III: Transparency to Regulated Industry[10] – In January 2011, the Task Force released a report (Phase III Report) with action items and draft proposals to make FDA more transparent and to foster a more efficient and cost-effective regulatory process.

In the Phase II and Phase III Reports, the Task Force identified 45 draft proposals and action items to improve transparency. FDA is responsible for a broad range of compliance and enforcement activities, and a number of the Phase II and Phase III draft proposals and action items were intended to expand or improve disclosure of information about FDA's compliance and enforcement activities.

Although the Commissioner is still considering the public comments on some of the draft proposals, as well as their operational feasibility, resource requirements, and relative priority, the Commissioner already has begun to implement some of the draft proposals related to compliance and enforcement.

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[7] *See* Transparency Initiative Homepage, FDA, http://www.fda.gov/AboutFDA/Transparency/default.htm
[8] FDA Basics, FDA, http://www.fda.gov/AboutFDA/Transparency/Basics/default.htm
[9] FDA Transparency Initiative: Draft Proposals for Public Comment Regarding Disclosure Policies of the U.S. Food and Drug Administration (Phase II Report), FDA, http://www.fda.gov/AboutFDA/Transparency/PublicDisclosure/ExecutiveSummary/default.htm
[10] FDA Transparency Initiative: Improving Transparency to Regulated Industry, dated Jan. 2011 (Phase III Report), FDA, http://www.fda.gov/AboutFDA/Transparency/TransparencytoRegulatedIndustry/PhaseIIITransparencyReport/default.htm

In a May 26, 2011 news release,[11] the Agency announced that it already has implemented the following Phase II draft proposals:

(1) Draft Proposal 3 – Previously, FDA generally posted press releases on its website regarding the filing and resolution of enforcement actions filed by the Department of Justice on FDA's behalf. However, there was no comprehensive list of these press releases available to the public. The Agency has implemented Draft Proposal 3 by developing a centralized webpage where stakeholders can easily access these press releases.[12] FDA also has developed and implemented standard operating procedures to ensure that the Agency is posting these press releases more systematically. Disclosing this information in one location provides the public with a more complete picture of industry activities that jeopardize the public health and about the actions that FDA is undertaking to protect the public health;

(2) Draft Proposal 6 - FDA has posted a searchable inspections database that allows users to search by firm name, geographic information, the date of inspection, the FDA-regulated product involved (*e.g.*, by Center and inspection type), and the final inspectional classification.[13] Disclosing this information increases the public's understanding about the actions FDA is undertaking to protect the public health, and it may serve as an incentive for firms to correct violations and improve compliance efforts; and

(3) Draft Proposal 7 - FDA has posted summaries of the most common inspection observations of objectionable conditions to better inform industry compliance efforts.[14]

In the same news release, FDA also announced that it has developed a web portal, entitled "Information about FDA Compliance and Enforcement Actions,"[15] so that stakeholders can access information about key transparency activities related to enforcement and compliance in one place. The web portal provides links to the enforcement action press release webpage, the inspections database, and the common inspection observations discussed above. The portal also discloses, among other things, that FDA has placed a number of enforcement-related datasets on the Data.gov website.[16] These include datasets for major food recalls, including the peanut and shell egg recalls, and the dataset providing information about websites that are, or were, illegally

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[11] "FDA to make enforcement and compliance activities accessible online," News & Events, FDA Note to Correspondents, May 26, 2011, http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm256875.htm
[12] *See* 2011 Enforcement Actions, FDA, http://www.fda.gov/AboutFDA/Transparency/TransparencyInitiative/ucm272028.htm
[13] *See* Inspections Database, FDA, http://www.fda.gov/ICECI/EnforcementActions/ucm222557.htm
[14] *See* Inspection Observations, FDA, http://www.fda.gov/ICECI/EnforcementActions/ucm250720.htm
[15] *See* "FDA to make enforcement and compliance activities accessible online," News & Events, FDA Note to Correspondents, May 26, 2011, http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm256875.htm; *see also* Information About FDA Compliance, FDA, http://www.fda.gov/AboutFDA/Transparency/TransparencyInitiative/ucm254426.htm
[16] *See* US Food and Drug Administration Datasets, Data.gov, http://www.data.gov/list/agency/25/28/catalog/raw/page/1/count/50

marketing unapproved, uncleared, or unauthorized products related to the 2009 H1N1 flu virus. In addition, the web portal notes that the Agency has launched a redesigned webpage and phone app to permit consumers to search more easily and quickly for food and other product recalls, market withdrawals, and safety alerts.[17]

In the May 26, 2011 news release,[18] FDA also announced that by the end of 2011, the Agency will begin to disclose additional information about FDA evaluations of filers, support industry efforts during a food recall to inform consumers about products that are not subject to the recall, in appropriate situations, and expand disclosure of untitled letters. These actions are intended to implement the following draft proposals from the Phase II Report:

(1) Draft Proposal 5 – FDA will disclose the outcome of the filer evaluation for importers or third parties working on behalf of importers. Currently, importers, or third parties working on behalf of importers, file information about products offered for import into the United States. FDA conducts evaluations of those filers who submit information electronically to ensure that they are submitting accurate data, but those evaluations have not been made public, previously. Disclosing the evaluations may increase the accuracy of information submitted to FDA and decrease the number of potentially violative products firms try to import into the United States. It is important for other federal agencies with jurisdiction over FDA-regulated products, as well as for other companies in the supply chain, to have information about the compliance history of these entities;

(2) Draft Proposal 19 – If FDA is aware of confusion in the marketplace about products that may be implicated in a food outbreak, and information gathered by industry or other sources may serve to alleviate that confusion, FDA will support efforts by industry and others to communicate information to consumers about products *not* subject to a recall when sufficiently reliable information about products not connected with the recall exist, if FDA concludes that disclosing the information is in the interest of public health; and

(3) Draft Proposal 21 – FDA will expand its posting of untitled letters on the Internet,[19] and it will post a recipient's response to an untitled letter on the Internet, if the recipient requests it, as appropriate. Currently, FDA posts warning letters on the FDA website, and they are accessible in a searchable database or in various compilations organized by release date, company, issuing office, or subject matter, *etc.*[20] However, only some of the Centers post untitled letters on

[17] *See* Improving Recall Information for Consumers, FDA, http://www.fda.gov/Food/FoodSafety/FSMA/ucm249087.htm#improved

[18] *See* "FDA to make enforcement and compliance activities accessible online," News & Events, FDA Note to Correspondents, May 26, 2011, http://www.fda.gov/NewsEvents/Newsroom/PressAnnouncements/ucm256875.htm

[19] FDA issues an untitled letter to request that the recipient voluntarily correct any violation of the Federal Food, Drug, and Cosmetic Act (FD&C Act) listed in the letter. FDA uses untitled letters for violations that are not as significant as those that trigger warning letters. Unlike a warning letter, an untitled letter does not include a statement that warns the recipient that failure to promptly correct a violation may result in an enforcement action. FDA, generally, is under no legal obligation to warn individuals or firms about violations before taking enforcement actions.

[20] *See* Warning Letters, FDA, http://www.fda.gov/ICECI/EnforcementActions/WarningLetters/default.htm

FDA's website. Expanded posting of untitled letters on the Internet may increase public accountability of firms, which may deter future violations and increase compliance with the law.

Since the May 26, 2011 news release, the Agency also has implemented Draft Proposal 4 in the Phase II Report. The proposal called for FDA to post the Office of Regulatory Affairs Annual Field Workplans that are older than five years, starting with 2001, on the FDA website. These workplans contain information regarding the Agency's planned enforcement priorities. FDA actually has exceeded the draft proposal, and is now posting all of the workplans from 2001-2010.[21] Notably, workplans that are more than five years old (2001-2005) have been posted without redaction. However, any information in the more recent workplans that may interfere with ongoing inspection or enforcement activities has been redacted.[22]

FDA is also working to implement Action Item 16 in the Phase III Report, which directed the Agency to establish a system that would permit interested stakeholders to receive e-mail notifications when an Import Alert is posted on the FDA website, or an existing Import Alert is updated. FDA expects to complete this action item shortly.

In addition, FDA has made considerable progress in implementing other draft proposals and action items in the Phase II and Phase III reports that are not directly related to compliance and enforcement activities. The Agency is in the process of creating a webpage that would allow stakeholders to track FDA's progress as we continue to increase transparency.

II. Summary of EPA and DOL Activities that Have Promoted Greater Access to Compliance and Enforcement Data

In the Presidential Memorandum on Regulatory Compliance, the President highlighted the achievements of EPA and DOL in making compliance and enforcement information more accessible to the public on EPA's Enforcement & Compliance History Online (ECHO) website (www.epa-echo.gov) and DOL's Enforcement Data 2.0 website (http://ogesdw.dol.gov).[23]

This summer, FDA met with the champions of both websites in an effort to learn from, and build upon, their experiences. The conception, maintenance, and enhancement of both websites has required long-term commitment from senior leadership at EPA and DOL, who, like FDA senior leadership, recognize that transparency can drive good behavior and promote regulatory compliance.

EPA first launched ECHO in 2002. ECHO is a web interface that integrates EPA and state compliance and enforcement data for approximately 800,000 regulated facilities in

[21] *See* Office of Regulatory Affairs Annual Field Workplans, Office of Regulatory Affairs (ORA) Workplans, FDA, http://www.fda.gov/AboutFDA/CentersOffices/ORA/ORAElectronicReadingRoom/ucm180154.htm
[22] FDA, generally, posts/updates workplans around the start of the new fiscal year.
[23] *See* Presidential Memoranda-Regulatory Compliance, Jan. 18, 2011, 76 Fed. Reg. at 3825.

the United States. The ECHO site allows users to find inspection, violation, enforcement action, informal enforcement action, and penalty information from the last three years about facilities regulated under the Clean Air Act (CAA) Stationary Source Program, Clean Water Act (CWA) National Pollutant Elimination Discharge System (NPDES), Resource Conservation and Recovery Act (RCRA), and Safe Drinking Water Act (SDWA). ECHO also includes SDWA data, Toxics Release Inventory data, National Emissions Inventory data, and Water Quality Data.[24]

ECHO is innovative in its graphic display of inspection and enforcement data. ECHO uses maps to pinpoint inspection and enforcement data from specific regulated facilities. For example, ECHO's homepage contains an ECHO widget, under "ECHO In My Community," which allows users to search by zip code. When the user types in a zip code, the database will pull up a map pinpointing regulated facilities in the area.[25] These maps use color coding to show each facility's compliance status and numbers to show the number of years since the facility's last inspection. The user can obtain more detailed information by clicking on a particular facility with a mouse.

Another map on the website, among many others, allows the public to get information on all EPA enforcement actions and cases from 2010 in the United States.[26] This map uses color coding to show which environmental statutes are applicable to facilities in a given geographical area. As with the "Echo In My Community" map, the user can obtain more information about a particular facility by clicking on the facility.

ECHO's homepage also allows users to "mouse-over" certain icons to review state-by-state analytics and trends, as well as other contextual reports and information.[27] Although EPA launched ECHO in 2002, its champions noted that the site is a work in progress. They constantly strive to maintain and enhance the interface.

DOL's Enforcement Data 2.0 database is an aggregation of datasets from five separate agency systems (*i.e.*, Employee Benefits Security Administration (EBSA), Mine Safety & Health Administration (MSHA), Office of Federal Contract Compliance Programs (OFCCP), Occupational Safety & Health Administration (OSHA), and the Wage & Hour Division (WHD)). The database posts information about closed cases that includes inspections and violations data. Users can search by agency, state, zip code, company name, violation,[28] penalty amount, industry type (*e.g.*, various types of farming, manufacturing and services),[29] and year, and then, download the results into an Excel file for further manipulation and refinement. Notably, the database helps users analyze compliance information from related companies with predictive name searches.[30]

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[24] *See* ECHO Homepage, EPA, http://www.epa-echo.gov/echo/index.html; *see also* Frequently Asked Questions, ECHO, EPA, http://www.epa-echo.gov/echo/faq.html

[25] *See* ECHO Homepage, EPA, http://www.epa-echo.gov/echo/index.html

[26] *See, e.g.*, ECHO Annual Results Maps, Fiscal Year 2010, EPA, http://www.epa-echo.gov/echo/annual_maps.html

[27] *See* ECHO Homepage, EPA, http://www.epa-echo.gov/echo/index.html

[28] Users can search for facilities where there was or was not a violation; they cannot search by specific statutory or regulatory violation. *See* Search & Share, DOL Enforcement Data 2.0, DOL, http://ogesdw.dol.gov/search.php

[29] DOL utilizes the North American Industry Classification System or the Standard Industrial Classification, depending upon the dataset. *See* FAQ, Enforcement Data 2.0, DOL, http://ogesdw.dol.gov/faq.php#search2

[30] Search & Share, Enforcement Data 2.0, DOL, http://ogesdw.dol.gov/search.php

Similar to ECHO, DOL's Enforcement Data 2.0 often displays data graphically, and it uses a map to depict the location and types of OSHA and MSHA inspections and violations. As with the ECHO maps, the user can obtain more detailed information by clicking on a particular facility on the DOL OSHA/MSHA violation map with a mouse.[31]

DOL launched the Enforcement Data website in April 2010, and the Department acknowledges that its website, like EPA's, is a work in progress. In fact, DOL recently launched the 2.0 version (Enforcement Data 2.0), which added the following features: (1) the map displays of OSHA and MSHA inspection and violation data mentioned above, (2) viewable inspections records and enforcement history for specific companies or mines, (3) keyword searches with year, violation, or penalty filters, (4) a "Labs" section where visitors can create visualizations and animations using historical MSHA data, and (5) downloadable search results and datasets.[32]

DOL's website also has a "Coming Soon" page announcing that DOL will add new functionality and features over the coming months, including: (1) new search criteria, (2) a mashup competition inviting the public to find innovative ways to use DOL's enforcement data, and (3) data that is better integrated with enforcement data from other federal and state agencies.[33] The "Coming Soon" page also solicits comments on additional ways to improve the site. Any user with a comment can click on a link entitled "feedback,"[34] and then can choose whether to submit a comment via e-mail, Twitter, or Facebook.[35]

Although the data on EPA's and DOL's enforcement websites was publicly available through Freedom of Information Act (FOIA) requests, prior to the creation of the websites, the information was not available in a searchable web format. Accordingly, ECHO and Enforcement Data 2.0 made it much easier for the public to obtain the data, and this has a number of benefits. EPA noted that with ECHO, the public can better monitor environmental compliance in communities; firms can better monitor compliance across facilities that they own; and investors can more easily factor environmental compliance into investment decisions.[36] In addition, DOL observed that Enforcement Data 2.0 reduces the number of FOIA requests, the responses to which can be time-consuming and resource-intensive.

During the meetings, EPA and DOL shared the following approaches to data processing and data presentation, as well as general observations, which have helped them make their compliance and enforcement data more accessible to the public.

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[31] *See* Homepage, Enforcement Data 2.0, DOL, http://ogesdw.dol.gov/index.php
[32] *See* "US Department of Labor improves enforcement databases," News Release, DOL, http://www.dol.gov/opa/media/press/opa/OPA20111256.htm
[33] *See* Coming Soon, Enforcement Data 2.0, DOL, http://ogesdw.dol.gov/coming_soon.php
[34] *See id.*
[35] *See* Feedback, Enforcement Data 2.0, DOL, http://ogesdw.dol.gov/feedback.php
[36] *See also* ECHO Frequently Asked Questions, EPA, http://www.epa-echo.gov/echo/faq.html

(1) Posting current and high quality data increases transparency, and a number of process controls can be implemented to improve data quality and expedite disclosure, including:

- Better field technology can speed disclosure – The more quickly inspectors can enter data into the database, the more quickly the agency can disclose it to the public.

- Agencies can improve data quality and expedite data entry by implementing administrative incentives – For example, EPA field investigators do not get credit for inspections unless the field office certifies that the data has been properly recorded in a timely manner.

- Increasing transparency, itself, provides an opportunity to improve data quality – Greater transparency reveals data errors and provides an opportunity to improve data quality if appropriate mechanisms for error reporting and data correction are in place.

  For example, there is a "Report Error" button at the top of each ECHO Detailed Facility Report. If a firm or an individual identifies an error in the report, the firm or individual can click the "Report Error" button to flag the data error. The data error will remain publicly "flagged" until the issue has been investigated and resolved.

(2) Presenting data graphically and providing mobile applications of databases increase transparency by driving more users to the website.

(3) Integrated databases with specific search criteria permit stakeholders and the media to analyze data more easily and better understand compliance and enforcement trends.

(4) Data analysis and/or different compilations of the same data, prepared by the agency/department, also help stakeholders and the media better utilize data and understand compliance and enforcement trends.

(5) All compliance and enforcement data that is disclosed should be placed in context to ensure that the data is not misinterpreted or misused.

III. Draft Proposals to Increase Transparency by Promoting Greater Access to FDA's Compliance and Enforcement Data

After meeting with the EPA and DOL champions of ECHO and Enforcement Data 2.0, the Task Force developed the following draft proposals to further improve the transparency of FDA's compliance and enforcement activities and make its data more accessible to the public.

Draft Proposal 1: FDA should explore different ways to improve data quality and facilitate more timely data disclosure by expediting data entry, expediting inspection review and classification, and/or updating the data more frequently. Tools to improve data quality and speed data disclosure may include, for example, providing new technologies to investigators, introducing other process improvements, and/or implementing administrative incentives. To implement these types of tools effectively, FDA also should explore how frequently data should be updated in order for it to be useful to stakeholders.

Draft Proposal 2: Although FDA's inspections database webpage currently provides an e-mail address where stakeholders can submit questions about the database,[37] FDA should explore whether: (1) reporting buttons, or other tools specifically focused on error reporting, would allow stakeholders to more easily identify potential errors in compliance and enforcement data, and (2) the Agency can implement procedures for investigating potential errors and correcting data, when appropriate, that would enable the Agency to remedy the errors more expeditiously.

Draft Proposal 3: FDA should explore how to present its compliance and enforcement data graphically and better utilize mobile web applications to draw more users to its compliance and enforcement webpages, and to encourage data analysis.

Draft Proposal 4: FDA should explore whether it can better integrate its compliance and enforcement data, as well as its other publicly available data on regulated firms, to make the data more user-friendly and easier to analyze.

Draft Proposal 5: FDA should explore whether additional, or more specific search criteria (*e.g.*, criteria that would enable individual product-specific or violation-specific searches), or more sophisticated search capability (*e.g.*, predictive name searches) would make the inspections database more user-friendly and the data easier to analyze.

Draft Proposal 6: FDA should explore whether posting additional data compilations or analysis, such as the Agency's most common inspections observations[38] or the warning letter compilations,[39] both of which it already posts, would increase transparency or better inform the Agency's own compliance efforts.

Draft Proposal 7: FDA should explore ways to better utilize social media, such as Facebook and Twitter, as well as Agency-sponsored webinars and automatic e-mail notifications, to better communicate with the public regarding its compliance and enforcement efforts.

Draft Proposal 8: FDA should provide appropriate context for the compliance and enforcement data that it discloses, to help ensure that the data is not misinterpreted or

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[37] *See* Inspections Database, FDA, http://wcms.fda.gov/FDAgov/ICECI/EnforcementActions/ucm222557.htm
[38] *See* Inspection Observations, FDA, http://www.fda.gov/ICECI/EnforcementActions/ucm250720.htm
[39] *See* Warning Letters, FDA, http://www.fda.gov/ICECI/EnforcementActions/WarningLetters/default.htm

misused. Depending upon the circumstances, appropriate contextual information may include, for example:

- Information regarding how frequently the data is updated,
- Information regarding the reliability of the data,
- Information regarding the average lapse of time between the inspection and the posting of inspection classification information,
- Definitions of inspection classification types (*i.e.*, Official Action Indicated (OAI), Voluntary Action Indicated (VAI), or No Action Indicated (NAI)), and
- A statement explaining that the website's lack of information regarding a particular facility does not imply compliance or non-compliance (*i.e.*, users should not infer that facilities that have not been inspected recently, or at all, are (or are not) in compliance with FDA's laws and regulations).

FDA is soliciting public comment on these draft proposals for 60 days via www.regulations.gov. The Task Force will recommend specific draft proposals to the Commissioner for consideration based on the public comments, the feasibility of the draft proposal, relative priority, and resource constraints. The Commissioner will determine whether to adopt any of these draft proposals by January 31, 2012.[40]

[40] *See* FDA Response, at 9.

IAIABC EDI Claims Usage – March 2014

	Release 1	Release 2	Release 3
1.	Alabama (and R3) FROI/SROI voluntary	Iowa FROI/SROI mandatory	Alaska FROI/SROI – required
2.	Arkansas FROI voluntary		Florida FROI/SROI mandatory
3.	California FROI/SROI mandatory		Georgia FROI/SROI mandatory
4.	Colorado FROI only, Denial SROI only		Kansas FROI/SROI mandatory
5.	Connecticut FROI mandatory		Kentucky FROI/SROI mandatory
6.	Idaho FROI only		Idaho – Moving to R3 FROI/SROI– probably 2016
7.	Illinois FROI voluntary		Illinois – Moving to R3 – no date known yet
8.	Indiana FROI mandatory		Louisiana FROI mandatory now; SROI to be considered in the future
9.	Missouri FROI mandatory		Maine FROI and SROI 04 mandate; further SROIs voluntary in fall 2014
10.	Montana FROI/SROI mandatory		Massachusetts FROI required
11.	Nebraska FROI/SROI mandatory		Minnesota FROI mandatory
12.	New Mexico FROI/SROI mandatory		Mississippi FROI mandatory
13.	Tennessee FROI/SROI mandatory		Tennessee - Moving to R3 FROI/SROI 7/2016
14.	Texas FROI/SROI mandatory		New Hampshire FROI mandatory
15.	Vermont FROI mandatory		New Jersey FROI/SROI mandatory
16.	Wisconsin FROI/SROI voluntary		New York FROI/SROI mandatory
17.			North Carolina FROI/SROI mandatory
18.			Oklahoma – Moving to R3 – no date known yet
19.			Pennsylvania FROI/SROI mandatory
20.			Rhode Island FROI/SROI voluntary 3/14; mandatory 3/15
21.			South Carolina FROI mandatory
22.			Utah FROI mandatory
23.			Virginia FROI/SROI mandatory
24.			West Virginia FROI/SROI mandatory

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This table provides business data element requirements. It defines the data element requirements for the FROI record down to the Maintenance Type Code (MTC) level. Further, it provides for data element requirements that differ based on Report Type (MTC) criteria established on the Event Table. Refer to the Edit Matrix for the edits that will be applied based on the data element

Requirement Code Values:

	M:	Mandatory (Note: For MTC 02 Change, the Data Element cannot be changed but is Mandatory).	Not Applicable: The data element may or may not be sent, edit will not be applied.
	MC:	Mandatory/Conditional: Conditions are defined on the DOL FROI Conditions Table	Restricted: The data element value cannot be accepted if a stated condition exists
	E:	Expected: Element is expected on the MTC. Edit will be applied and error will be returned (TE).	Fatal: Data elements that are essential for a transmission/transaction to be accepted
	EC:	Expected/Conditional: Conditions are defined on the DOL FROI Conditions Table	Exclude: The data element is not applicable for the indicated MTC
	IA:	If Applicable/Available: Data should be sent if available. Edit will be applied and error will be returned (TE).	Requirements applicable to the MTC being corrected. Edits are based on the MTC report that is being corrected.
	Y:	Yes Change - Data element must be sent on an MTC 02 Change transaction if the data element changes.	Yes Change Conditional - Data element must be sent on an MTC 02 Change transaction if the data element changes under predefined conditions.
	FY:	Fatal Yes Change - Essential data elements which are necessary for a transmission / transaction that can be changed on a MTC 02.	No Change - Data element cannot be changed on an MTC 02 Change transaction.
	FC:	Fatal/Conditional - Limited to 02 Change. Essential data elements that are required for a variable segment to be processed. These data elements must be populated only with previously reported values when the other related data element(s) within the same variable segment have changed.	Note: For MTC 02, per the Match Data Rules, only one Match Data element can be changed per transaction. Lower case requirement codes indicate these Match Data data elements.
		Claim Administrator Postal Code (DN0014) and related address fields should be populated with:	
		☑ Mailing ☐ Physical	

					FROI MTC'S						
REC	**DN#**	**DATA ELEMENT NAME**	**Migration Consideration**	**Match data**	**00**	**01**	**02**	**04**	**AQ**	**AU**	**CO**
148	0001	Transaction Set ID	NI		F	F	F	F	F	F	F
148	0002	Maintenance Type Code	NI	Y	F	F	F	F	F	F	F
148	0003	Maintenance Type Code Date	NI	Y	F	F	F	F	F	F	F
148	0004	Jurisdiction Code	NI	Y	F	F	F	F	F	F	F
148	0005	Jurisdiction Claim Number	NI	Y	mc	m	m	mc	IA	mc	m
148	0006	Insurer FEIN	NI	Y	F	F	FY	F	F	F	F
148	0012	Claim Administrator City	NI		IA	NA	Y	IA	IA	IA	$
148	0013	Claim Administrator State Code	NI		IA	NA	Y	IA	IA	IA	$
148	0014	Claim Administrator Postal Code	NI	Y	F	F	FY	F	F	F	F

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					FROI MTC'S						
REC	DN#	DATA ELEMENT NAME	Migration Consideration	Match data	00	01	02	04	AQ	AU	CO
148	0015	Claim Administrator Claim Number	NI		F	F	FY	F	F	F	F
148	0016	Employer FEIN	NI		M	NA	Y	MC	M	M	$
148	0021	Employer Physical City	NI		IA	NA	Y	IA	IA	IA	$
148	0022	Employer Physical State Code	NI		IA	NA	Y	IA	IA	IA	$
148	0023	Employer Physical Postal Code	NI		IA	NA	Y	IA	IA	IA	$
148	0025	Industry Code (NAICS)	NI		IA	NA	Y	EC	IA	IA	$
148	0027	Insured Location Identifier	NI		NA	NA	NA	NA	NA	NA	$
148	0028	Policy Number Identifier	NI		MC	IA	Y	MC	IA	MC	$
148	0029	Policy Effective Date	NI		MC	IA	Y	MC	IA	MC	$
148	0030	Policy Expiration Date	NI		MC	IA	Y	MC	IA	MC	$
148	0031	Date of Injury	NI	Y	m	m	Y	m	m	m	m
148	0032	Time of Injury	NI		IA	NA	Y	IA	IA	IA	$
148	0033	Accident Site Postal Code	NI		MC	NA	Y	MC	IA	MC	$
148	0035	Nature of Injury Code	NI	Y2	m	NA	Y	m	IA	m	$
148	0036	Part of Body Injury Code	NI		M	NA	Y	M	IA	M	$
148	0037	Cause of Injury Code	NI	Y2	m	NA	Y	m	IA	m	$
148	0039	Initial Treatment Code	NI		IA	NA	Y	IA	IA	IA	$
148	0040	Date Employer Had Knowledge of the Injury	NI		M	NA	Y	M	IA	M	$
148	0041	Date Claim Administrator Had Knowledge of Injury	NI		M	NA	Y	M	IA	M	$
148	0044	Employee First Name	NI	Y	m	m	Y	m	m	m	m
148	0048	Employee Mailing City	NI		M	NA	Y	M	IA	M	$
148	0049	Employee Mailing State Code	NI		M	NA	Y	M	IA	M	$
148	0050	Employee Mailing Postal Code	NI		M	NA	Y	M	IA	M	$
148	0052	Employee Date of Birth	NI		IA	NA	Y	IA	IA	IA	$
148	0053	Employee Gender Code	NI		IA	NA	Y	IA	IA	IA	$
148	0054	Employee Marital Status Code	NI		IA	NA	Y	IA	IA	IA	$
148	0055	Employee Number of Dependents	NI		IA	NA	Y	IA	IA	IA	$
148	0056	Initial Date Disability Began	NI		IA	NA	Y	IA	IA	IA	$
148	0057	Employee Date of Death	NI		MC	NA	Y	MC	IA	MC	$
148	0058	Employment Status Code	NI		IA	NA	Y	IA	IA	IA	$
148	0059	Manual Classification Code	NI		IA	NA	Y	IA	IA	IA	$
148	0061	Employee Date of Hire	NI		IA	NA	Y	IA	IA	IA	$
148	0062	Wage	NI		MC	NA	Y	IA	IA	MC	$

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					FROI MTC'S						
REC	DN#	DATA ELEMENT NAME	Migration Consideration	Match data	00	01	02	04	AQ	AU	CO
148	0063	Wage Period Code	NI		MC	NA	Y	IA	IA	MC	$
148	0064	Number of Days Worked Per Week	NI		IA	NA	Y	IA	IA	IA	$
148	0065	Initial Date Last Day Worked	NI		IA	NA	Y	IA	IA	IA	$
148	0066	Full Wages Paid for Date of Injury Indicator	NI		IA	NA	Y	IA	IA	IA	$
148	0068	Initial Return to Work Date	NI		IA	NA	Y	IA	IA	IA	$
R21	0001	Transaction Set ID	NI		F	F	F	F	F	F	F
R21	0295	Maintenance Type Correction Code	NI	Y	X	X	X	X	X	X	F
R21	0296	Maintenance Type Correction Code Date	NI	Y	X	X	X	X	X	X	F
R21	0186	Jurisdiction Branch Office Code	NI		NA	NA	NA	NA	NA	NA	$
R21	0015	Claim Administrator Claim Number	NI		F	F	FY	F	F	F	F
R21	0187	Claim Administrator FEIN	NI	Y	F	F	FY	F	F	F	F
R21	0188	Claim Administrator Name	NI		M	NA	Y	M	M	M	$
R21	0135	Claim Administrator Information/Attention Line	NI		IA	NA	Y	IA	IA	IA	$
R21	0010	Claim Administrator Primary Address	NI		IA	NA	Y	IA	IA	IA	$
R21	0011	Claim Administrator Secondary Address	NI		IA	NA	Y	IA	IA	IA	$
R21	0136	Claim Administrator Country Code	NI		EC	NA	Y	EC	EC	EC	$
R21	0270	Employee ID Type Qualifier	NI		M	M	Y	M	M	M	M
R21	*	Employee ID			*One of the following Employee ID types may be populated in positions 232-246						
	0042	Employee SSN	NI	Y	mc	mc	Y	mc	mc	mc	>
	0152	Employee Employment Visa	NI		NA	NA	NA	NA	NA	NA	>
	0153	Employee Green Card	NI		NA	NA	NA	NA	NA	NA	>
	0154	Employee ID Assigned by Jurisdiction	NI	Y	mc	mc	Y	mc	mc	mc	>
	0156	Employee Passport Number	NI		NA	NA	NA	NA	NA	NA	>
R21	0255	Employee Last Name Suffix	NI		IA	NA	Y	IA	IA	IA	$
R21	0150	Employee Authorization to Release Medical Records Indicator	L		NA	NA	NA	NA	NA	NA	$
R21	0157	Employee Social Security Number Release Indicator	L		NA	NA	NA	NA	NA	NA	$
R21	0043	Employee Last Name	NI	Y	M	M	Y	M	M	M	M
R21	0045	Employee Middle Name/Initial	NI		IA	IA	Y	IA	IA	IA	$
R21	0046	Employee Mailing Primary Address	NI		M	NA	Y	M	IA	M	$
R21	0047	Employee Mailing Secondary Address	NI		IA	NA	Y	IA	IA	IA	$
R21	0155	Employee Mailing Country Code	NI		MC	NA	Y	MC	IA	MC	$
R21	0051	Employee Phone Number	NI		IA	NA	Y	IA	IA	IA	$

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☑ Mailing

					FROI MTC'S						
REC	DN#	DATA ELEMENT NAME	Migration Consideration	Match data	00	01	02	04	AQ	AU	CO
R21	0146	Death Result of Injury Code	L		MC	NA	Y	MC	IA	MC	$
R21	0290	Type of Loss	L		IA	NA	Y	IA	IA	IA	$
R21	0228	Return to Work with Same Employer Indicator	L		IA	NA	Y	IA	IA	IA	$
R21	0189	Return to Work Type Code	NI		IA	NA	Y	IA	IA	IA	$
R21	0224	Physical Restrictions Indicator	NI		IA	NA	Y	IA	IA	IA	$
R21	0314	Insured FEIN	L		MC	NA	Y	MC	IA	MC	$
R21	0017	Insured Name	NI		MC	NA	Y	MC	IA	MC	$
R21	0184	Insured Type Code	NI		M	NA	Y	MC	IA	M	$
R21	0026	Insured Report Number	NI		NA	NA	NA	NA	NA	NA	$
R21	0007	Insurer Name	NI		M	NA	Y	M	M	M	$
R21	0185	Insurer Type Code	NI		M	NA	Y	M	IA	M	$
R21	0292	Insolvent Insurer FEIN	NI		MC	NA	Y	MC	IA	MC	$
R21	0200	Claim Administrator Alternate Postal Code	NI		M	NA	Y	M	M	M	$
R21	0249	Accident Premises Code	NI		M	NA	Y	MC	IA	M	$
R21	0118	Accident Site County/Parish	L		IA	NA	Y	IA	IA	IA	$
R21	0119	Accident Site Location Narrative	L		IA	NA	Y	IA	IA	IA	$
R21	0120	Accident Site Organization Name	L		IA	NA	Y	IA	IA	IA	$
R21	0121	Accident Site City	L		IA	NA	Y	IA	IA	IA	$
R21	0122	Accident Site Street	L		IA	NA	Y	IA	IA	IA	$
R21	0123	Accident Site State Code	L		M	NA	Y	M	IA	M	$
R21	0280	Accident Site Country Code	L		IA	NA	Y	IA	IA	IA	$
R21	0281	Date Employer Had Knowledge of Date of Disability	L		IA	NA	Y	IA	IA	IA	$
R21	0018	Employer Name	NI		M	NA	Y	M	M	M	$
R21	0329	Employer UI Number	L		IA	NA	Y	IA	IA	IA	$
R21	0019	Employer Physical Primary Address	NI		IA	NA	Y	IA	IA	IA	$
R21	0020	Employer Physical Secondary Address	NI		IA	NA	Y	IA	IA	IA	$
R21	0164	Employer Physical Country Code	L		EC	NA	Y	EC	IA	EC	$
R21	0159	Employer Contact Business Phone Number	L		IA	NA	Y	IA	IA	IA	$
R21	0160	Employer Contact Name	L		IA	NA	Y	IA	IA	IA	$
R21	0163	Employer Mailing Information/Attention Line	L		IA	NA	Y	IA	IA	IA	$
R21	0165	Employer Mailing City	L		M	NA	Y	M	IA	M	$
R21	0166	Employer Mailing Country Code	L		MC	NA	Y	MC	IA	MC	$
R21	0167	Employer Mailing Postal Code	L		M	NA	Y	M	IA	M	$

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					FROI MTC'S						
REC	DN#	DATA ELEMENT NAME	Migration Consideration	Match data	00	01	02	04	AQ	AU	CO
R21	0168	Employer Mailing Primary Address	L		M	NA	Y	M	IA	M	$
R21	0169	Employer Mailing Secondary Address	L		IA	NA	Y	IA	IA	IA	$
R21	0170	Employer Mailing State Code	L		M	NA	Y	M	IA	M	$
R21	0060	Occupation Description	NI		IA	NA	Y	IA	IA	IA	$
R21	0199	Full Denial Effective Date	NI		X	NA	Y	M	X	X	$
R21	0073	Claim Status Code	NI		M	NA	Y	M	IA	M	$
R21	0074	Claim Type Code	NI		M	NA	Y	M	IA	M	$
R21	0077	Late Reason Code	NI		IA	NA	Y	IA	IA	IA	$
R21	0273	Employer Paid Salary in Lieu of Compensation Indicator	NI		MC	NA	Y	MC	IA	MC	$
Variable Segment Counters											
R21	0274	Number of Accident/Injury Description Narratives	NI		F	F	F	F	F	F	F
R21	0277	Number of Full Denial Reason Codes	NI		F	F	F	F	F	F	F
R21	0276	Number of Denial Reason Narratives	NI		F	F	F	F	F	F	F
R21	0278	Number of Managed Care Organizations	NI		F	F	F	F	F	F	F
R21	0279	Number of Witnesses	NI		F	F	F	F	F	F	F
Variable Segments											
	Accident/Injury Description Narratives										
R21	0038	Accident/Injury Description Narrative	NI		M	NA	Y	M	IA	M	$
	Full Denial Reason Codes										
R21	0198	Full Denial Reason Code	NI		X	NA	Y	M	X	X	$
	Full Denial Reason Narratives										
R21	0197	Denial Reason Narrative	NI		X	NA	Y	M	X	X	$
	Managed Care Organizations										
R21	0207	Managed Care Organization Code	L		NA	NA	NA	NA	NA	NA	$
R21	0209	Managed Care Organization Name	L		NA	NA	NA	NA	NA	NA	$
R21	0208	Managed Care Organization Identification Number	L		NA	NA	NA	NA	NA	NA	$
	Witnesses										
R21	0238	Witness Name	L		NA	NA	NA	NA	NA	NA	$
R21	0237	Witness Business Phone Number	L		NA	NA	NA	NA	NA	NA	$

Workers Compensation Insurance Organizations

Injury Description Codes
Cause Of Injury

Code	Narrative Description
I. Burn or Scald – Heat or Cold Exposures– Contact With	*****
01. Chemicals	Includes hydrochloric acid, sulfuric acid, battery acid, methanol, antifreeze.
02. Hot Objects or Substances	*
03. Temperature Extremes	Non-impact injuries resulting in a burn due to hot or cold temperature extremes. Includes freezing or frostbite.
04. Fire or Flame	*
05. Steam or Hot Fluids	*
06. Dust, Gases, Fumes or Vapors	Includes inhalation of carbon dioxide, carbon monoxide, propane, methane, silica (quartz), asbestos dust and smoke.
07. Welding Operation	Includes welder's flash (burns to skin or eyes as a result of exposure to intense light from welding.)
08. Radiation	Includes effects of ionizing radiation found in X-rays, microwaves, nuclear reactor waste, and radiating substances and equipment. Includes non-ionizing radiation such as sunburn.
09. Contact With, NOC	Not otherwise classified in any other code. Includes cleaning agents and fertilizers.
11. Cold Objects or Substances	*
14. Abnormal Air Pressure	*
84. Electrical Current	Includes electric shock, electrocution and lightning.
II. Caught In, Under or Between	*****
10. Machine or Machinery	Running or meshing objects, a moving and a stationary object, two or more moving objects
12. Object Handled	Includes medical hospital bed & parts, wheelchair, clothespin vise.
13. Caught In, Under or Between, NOC	Not otherwise classified in any other code.
20. Collapsing Materials (Slides of Earth)	Either man made or natural.
III. Cut, Puncture, Scrape Injured By	*****
15. Broken Glass	*

16. Hand Tool, Utensil; Not Powered	Includes needle, pencil, knife, hammer, saw, axe, screwdriver.
17. Object Being Lifted or Handled	Includes being cut, punctured or scraped by a person or object being lifted or handled.
18. Powered Hand Tool, Appliance	Includes drill, grinder, sander, iron, blender, welding tools, nail gun.
19. Cut, Puncture, Scrape, NOC	Not otherwise classified in any other code. Includes power actuated tools.
IV. Fall, Slip or Trip Injury	*****
25. From Different Level (Elevation)	Includes collapsing chairs, falling from piled materials, off wall, catwalk, bridge.
26. From Ladder or Scaffolding	*
27. From Liquid or Grease Spills	*
28. Into Openings	Includes mining shafts, excavations, floor openings, elevator shafts.
29. On Same Level	*
30. Slip, or Trip, Did Not Fall	Slip or trip and did not come in contact with the floor or ground.
31. Fall, Slip or Trip, NOC	Not otherwise classified in any other code. Includes tripping over object, slipping on organic material, slip but fall not specified.
32. On Ice or Snow	*
33. On Stairs	*
V. Motor Vehicle	*****
40. Crash of Water Vehicle	*
41. Crash of Rail Vehicle	*
45. Collision or Sideswipe With Another Vehicle	Vehicle collision, both vehicles in motion.
46. Collision with a Fixed Object	Collision occurring with standing vehicle or stationary object.
47. Crash of Airplane	*
48. Vehicle Upset	Includes overturned or jackknifed.
50. Motor Vehicle, NOC	Not otherwise classified in any other code. Includes injuries due to sudden stop or start, being thrown against interior parts of the vehicle and vehicle contents being thrown against occupants.

Workers Compensation Insurance Organizations

Injury Description Codes
Cause Of Injury

VI. Strain or Injury By	*
52. Continual Noise	Injury to ears or hearing due to the cumulative effects of constant or repetitive noise.
53. Twisting	Free bodily motion that imposes stress or strain on some part of body. Includes assumption of unnatural position, involuntary motions induced by sudden noise, fright or loss of balance.
54. Jumping or Leaping	*
55. Holding or Carrying	Applies to objects or people. Includes restraining a person.
56. Lifting	Includes objects or people.
57. Pushing or Pulling	Includes objects or people.
58. Reaching	*
59. Using Tool or Machinery	*
60. Strain or Injury By, NOC	Not otherwise classified in any other code.
61. Wielding or Throwing	Physical effort or overexertion from attempts to resist a force applied by an object being handled.
97. Repetitive Motion	Cumulative injury or condition caused by continual, repeated motions; strain by excessive use. Includes Carpal Tunnel Syndrome.
VII. Striking Against or Stepping On	NOTE: Applies to cases in which the injury was produced by the impact created by the person, rather than by the source.
65. Moving Part of Machine	*
66. Object Being Lifted or Handled	*
67. Sanding, Scraping, Cleaning Operation	Include scratches or abrasions caused by sanding, scraping, cleaning operations.
68. Stationary Object	*
69. Stepping on Sharp Object	*
70. Striking Against or Stepping On, NOC	Not otherwise classified in any other code.
VIII. Struck or Injured By	NOTE: Applies to cases in which the injury was produced by the impact created by the source of injury, rather than by the injured person.
74. Fellow Worker, Patient or Other Person	Struck by co-worker, either on purpose or accidentally. Includes being struck by a patient while lifting or moving them not in act of a crime.

*Description intentionally left blank.

75. Falling or Flying Object	*
76. Hand Tool or Machine in Use	*
77. Motor Vehicle	Applies when a person is struck by a motor vehicle, including rail vehicles, water vehicles, airplanes.
78. Moving Parts of Machine	*
79. Object Being Lifted or Handled	Includes dropping object on body part.
80. Object Handled By Others	Includes another person dropping object on injured person's body part.
81. Struck or Injured, NOC	Not otherwise classified in any other code. Includes kicked, stabbed, bitten.
85. Animal or Insect	Includes bite, sting or allergic reaction.
86. Explosion or Flare Back	Rapid expansion, outbreak, bursting, or upheaval. Includes explosion of cars, bottles, aerosol cans, or buildings. "Flare back" involves superheated air and combustible gases at temperatures just below the ignition temperature.
IX. Rubbed or Abraded By	
94. Repetitive Motion	Caused by repeated rubbing or abrading; applies to non-impact cases in which the injury was produced by pressure, vibration or friction between the person and the source of injury. Includes callous, blister.
95. Rubbed or Abraded, NOC	Not otherwise classified in any other code. Includes foreign body in ears.
X. Miscellaneous Causes	*
82. Absorption, Ingestion or Inhalation, NOC	Not otherwise classified in any other code. Applies only to non-impact cases in which the injury resulted from inhalation, absorption (skin contact), or ingestion of harmful substances.
87. Foreign Matter (Body) in Eye(s)	Injury to eyes resulting from foreign matter that is not otherwise classified in any other code.
88. Natural Disasters	Injury resulting from natural disaster. Includes hurricane, earthquake, tornado, flood, forest fire.
89. Person in Act of a Crime	Specific injury, other than gunshot, caused as a result of contact between injured person and another person in the act of committing a crime. Includes robbery or criminal assault.
90. Other Than Physical Cause of Injury	Stress, shock, or psychological trauma that

	develops in relation to a specific incident or cumulative exposure to conditions.
91. Mold	Includes mildew.
93. Gunshot	Injury is caused by the discharge of a firearm. Includes instances where injury arises from being struck by the fired projectile, burned by muzzle blast or deafened by report of gunshot.
96. Terrorism	An act that causes injury to human life, committed by one or more individuals as part of an effort to coerce a population group(s) or to influence the policy or affect the conduct of any government(s) by coercion.
98. Cumulative, NOC	Cumulative, not otherwise classified in any other code. Involves cases in which the cause of injury occurred over a period of time, any condition increasing in severity over time.
99. Other - Miscellaneous, NOC	Not otherwise classified in any other code.

Workers Compensation Insurance Organizations

Injury Description Codes
Part of Body

Code	Narrative Description
I. Head	*
10. Multiple Head Injury	Any combination of below parts
11. Skull	*
12. Brain	*
13. Ear(s)	Includes: hearing, inside eardrum
IAIABC Subsequent Report of Injury (SROI) Codes:	*
13A.	Total deafness of both ears
13B.	Total deafness of one ear
13C.	Where worker prior to injury has suffered a total loss of hearing in one ear, and as a result of the accident loses total hearing in remaining ear
14. Eye(s)	Includes: optic nerves, vision, eye lids
IAIABC Subsequent Report of Injury (SROI) Codes	*
14A.	The loss of eye by enucleation (including disfigurement resulting there from)
14B.	Total blindness of one eye
14C.	Blindness in both eyes
15. Nose	Includes: nasal passage, sinus, sense of smell
16. Teeth	*
17. Mouth	Includes: lips, tongue, throat, taste
18. Soft Tissue	*
19. Facial Bones	Includes: jaw
II. Neck	*
20. Multiple Neck Injury	Any combination of below parts
21. Vertebrae	Includes: spinal column bone, “cervical segment”
22. Disc	Includes: spinal column cartilage, “cervical segment”
23. Spinal Cord	Includes: nerve tissue, “cervical segment”
24. Larynx	Includes: cartilage and vocal cords
25. Soft Tissue	Other than larynx or trachea
26. Trachea	*
II. Upper Extremities	*

*Description intentionally left blank.

30. Multiple Upper Extremities	Any combination of below parts, excluding hands and wrists combined
31. Upper Arm	Humerus and corresponding muscles, excluding clavicle and scapula
32. Elbow	Radial head
33. Lower Arm	Fore Arm – radius, ulna and corresponding muscles
34. Wrist	Carpals and corresponding muscles
35. Hand	Metacarpals and corresponding muscles – excluding wrist or fingers
36. Finger(s)	Other than thumb and corresponding muscles
IAIABC Subsequent Report of Injury (SROI) Codes:	*
36A.	The loss of an index finger and metacarpal bone there of
36B.	The loss of an index finger at the proximal joint
36C.	The loss of an index finger at the second joint
36D.	The loss of an index finger at the distal joint
36E.	The loss of a second finger and the metacarpal bone there of
36F.	The loss of a middle finger at the proximal joint
36G.	The loss of a middle finger at the second joint
36H.	The loss of a middle finger at the distal joint
36I.	The loss of a third or ring finger and the metacarpal thereof
36J.	The loss of a ring finger at the proximal joint
36K.	The loss of a ring finger at the second joint
36L.	The loss of a ring finger at the distal joint
36M.	The loss of a little finger and the metacarpal bone thereof
36N.	The loss of a little finger at the proximal joint
36O.	The loss of a little finger at the second joint
36P.	The loss of a little finger at the distal joint
37. Thumb	*
IAIABC Subsequent Report of Injury (SROI) Codes	*
37A.	The loss of a thumb and metacarpal bone thereof

Workers Compensation Insurance Organizations
Injury Description Codes
Part of Body

37B.	The loss of a thumb at the proximal joint
37C.	The loss of a thumb at the second or distal joint
38. Shoulder(s)	Armpit, rotator cuff, trapezius, clavicle, scapula
39. Wrist (s) & Hand(s)	*
IV. Trunk	*
40. Multiple Trunk	Any combination of below parts
41. Upper Back Area	(Thoracic Area) Upper back muscles, excluding, vertebrae, disc, spinal cord
42. Lower Back Area	(Lumbar Area and Lumbo Sacral) Lower back muscles, excluding sacrum, coccyx, pelvis, vertebrae, disc, spinal cord
43. Disc	Spinal column cartilage other than cervical segment
44. Chest	Including ribs, sternum, soft tissue
45. Sacrum and Coccyx	Final nine vertebrae-fused
46. Pelvis	*
47. Spinal Cord	Nerve tissue other than cervical segment
48. Internal Organs	Other than heart and lungs
49. Heart	*
60. Lungs	*
61. Abdomen Including Groin	Excluding injury to internal organs
62. Buttocks	Soft tissue
63. Lumbar & or Sacral Vertebrae (Vertebra NOC Trunk)	Bone portion of the spinal column
V. Lower Extremities	*
50. Multiple Lower Extremities	Any combination of below parts
51. Hip	*
52. Upper Leg	Femur and corresponding muscles
53. Knee	Patella
54. Lower Leg	Tibia, fibula and corresponding muscles
55. Ankle	Tarsals

56. Foot	Metatarsals, heel, Achilles tendon and corresponding muscles – excluding ankle or toes
57. Toes	*
IAIABC Subsequent Report of Injury (SROI) Codes:	*
57A.	Little toe metatarsal bone
57B.	Little toe at distal joint
57C.	The loss of any other toe with the metatarsal bone thereof
57D.	The loss of any other toe at the proximal joint
57E.	Other toe at middle joint
57F.	The loss of any other toe at the second or distal joint
57G.	Other toe at distal joint
58. Great Toe	*
IAIABC Subsequent Report of Injury (SROI) Codes:	*
58A.	The loss of a great toe with the metatarsal bone thereof
58B.	The loss of a great toe at the proximal joint
58C.	The loss of a great toe at the second or distal joint
VI. Multiple Body Parts	*****
64. Artificial Appliance	Braces, etc.
65. Insufficient Info to Properly Identify – Unclassified	Insufficient information to identify part affected
66. No Physical Injury	Mental disorder
90. Multiple Body Parts (Including Body Systems & Body Parts)	Applies when more than one major body part has been affected, such as an arm and a leg and multiple internal organs.

91. Body Systems and Multiple Body Systems	Applies to the functioning of an entire body system has been affected without specific injury to any other part, as in the case of poisoning, corrosive action, inflammation, affecting internal organs, damage to nerve centers, etc., does not apply when the systemic damage results from an external injury affecting an external part such as a back injury which includes damage to the nerves of the spinal cord.
99. Whole Body	A code referencing the anatomic classification of the injury. **IAIABC Note:** Approved for IAIABC EDI jurisdictional reporting as a Permanent Impairment Body Part Code Only

Workers Compensation Insurance Organizations

Injury Description Codes
Nature of Injury

Code	Narrative Description
I. Specific Injury	*
01. No Physical Injury	i.e., Glasses, contact lenses, artificial appliance, replacement of artificial appliance
02. Amputation	Cut off extremity, digit, protruding part of body, usually by surgery, i.e. leg, arm
03. Angina Pectoris	Chest pain
04. Burn	(Heat) Burns or scald. The effect of contact with hot substances. (Chemical) burns. tissue damage resulting from the corrosive action chemicals, fume, etc., (acids, alkalies)
07. Concussion	Brain, cerebral
10. Contusion	Bruise - intact skin surface hematoma
13. Crushing	To grind, pound or break into small bits
16. Dislocation	Pinched nerve, slipped/ruptured disc, herniated disc, sciatica, complete tear, HNP subluxtion, MD dislocation
19. Electric Shock	Electrocution
22. Enucleation	Removal of organ or tumor
25. Foreign Body	*
28. Fracture	Breaking of a bone or cartilage
30. Freezing	Frostbite and other effects of exposure to low temperature
31. Hearing Loss or Impairment	Traumatic only. A separate injury, not the sequelae of another injury
32. Heat Prostration	Heat stroke, sun stroke, heat exhaustion, heat cramps and other effects of environmental heat. does not include sunburn
34. Hernia	The abnormal protrusion of an organ or part through the containing wall of its cavity
36. Infection	The invasion of a host by organisms such as bacteria, fungi, viruses, mold, protozoa or insects, with or without manifest disease.
37. Inflammation	The reaction of tissue to injury characterized clinically by heat, swelling, redness and pain

*Description intentionally left blank.

40. Laceration	Cut, scratches, abrasions, superficial wounds, calluses. wound by tearing
41. Myocardial Infarction	Heart attack, heart conditions, hypertension. The inadequate blood flow to the muscular tissue of the heart.
42. Poisoning - General (Not OD or Cumulative Injury)	A systemic morbid condition resulting from the inhalation, ingestion, or skin absorption of a toxic substance affecting the metabolic system, the nervous system, the circulatory system, the digestive system, the respiratory system, the excretory system, the musculoskeletal system, etc. includes chemical or drug poisoning, metal poisoning, organic diseases, and venomous reptile and insect bites. does not include effects of radiation, pneumoconiosis, corrosive effects of chemicals; skin surface irritations, septicemia or infected wounds.
43. Puncture	A hole made by the piercing of a pointed instrument
46. Rupture	*
47. Severance	To separate, divide or take off
49. Sprain or Tear	Internal derangement, a trauma or wrenching of a joint, producing pain and disability depending upon degree of injury to ligaments.
52. Strain or Tear	Internal derangement, the trauma to the muscle or the musculotendinous unit from violent contraction or excessive forcible stretch.
53. Syncope	Swooning, fainting, passing out, no other injury
54. Asphyxiation	Strangulation, drowning
55. Vascular	Cerebrovascular and other conditions of circulatory systems, NOC, excludes heart and hemorrhoids. Includes: strokes, varicose veins - non toxic
58. Vision Loss	*
59. All Other Specific Injuries, NOC	*
II. Occupational Disease or Cumulative Injury	*****
60. Dust Disease, NOC	All other pneumoconiosis
61. Asbestosis	Lung disease, a form of pneumoconiosis, resulting from protracted inhalation of asbestos particles.

62. Black Lung	The chronic lung disease or pneumoconiosis found in coal miners
63. Byssinosis	Pneumoconiosis of cotton, flax and hemp workers
64. Silicosis	Pneumoconiosis resulting from inhalation of silica (quartz) dust.
65. Respiratory Disorders	Gases, fumes, chemicals, etc.
66. Poisoning - Chemical, (Other Than Metals)	Man made or organic
67. Poisoning - Metal	Man made
68. Dermatitis	Rash, skin or tissue inflammation including boils, etc., generally resulting from direct contact with irritants or sensitizing chemicals such as drugs, oils, biologic agents, plants, woods or metals which may be in the form of solids, pastes, liquids or vapors and which may be contacted in the pure state or in compounds or in combination with other materials. do not include skin tissue damage resulting from corrosive action of chemicals, burns from contact with hot substances, effects of exposure to radiation, effects of exposure to low temperatures or inflammation or irritation resulting from friction or impact
69. Mental Disorder	A clinically significant behavioral or psychological syndrome or pattern typically associated with either a distressing symptom or impairment of function. i.e., acute anxiety, neurosis, stress, non-toxic depression
70. Radiation	All forms of damage to tissue, bones or body fluids produced by exposure to radiation
71. All Other Occupational Disease Injury, NOC	*
72. Loss of Hearing	*
73. Contagious Disease	*
74. Cancer	*
75. AIDS	*
76. VDT - Related Diseases	Video display terminal diseases other than carpal tunnel syndrome
77. Mental Stress	*

*Description intentionally left blank.

78. Carpal Tunnel Syndrome	Soreness, tenderness and weakness of the muscles of the thumb caused by pressure on the median nerve at the point at which it goes through the carpal tunnel of the wrist
79. Hepatitis C	*
80. All Other Cumulative Injury, NOC	*
III. Multiple Injuries	*
90. Multiple Physical Injuries Only	*
91. Multiple Injuries Including Both Physical and Psychological	*

*Description intentionally left blank.