



**AMERICAN SOCIETY
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The Honorable David Michaels
Assistant Secretary
Occupational Safety and Health Administration
U. S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

By <http://www.regulations.gov>

RE: ASSE Comment on OSHA Proposed
Rule *Occupational Injury and Illness
Recording and Reporting
Requirements* (OSHA-2010-0019)

Dear Assistant Secretary Michaels:

On behalf of the nearly 34,000 member safety, health and environmental (SH&E) professionals of the American Society of Safety Engineers (ASSE), the following comments are offered for the record of the Occupational Safety and Health Administration (OSHA) rulemaking concerning *Occupational Injury and Illness Recording and Reporting Requirements* (OSHA-2010-0019).

ASSE comments concern in particular changes to Section 1904.39 -- Reporting Fatality, In-Patient Hospitalization, and Amputation Incidents to OSHA. As you well know, OSHA currently requires employers to report any

work-related events or exposures involving fatalities or in-patient hospitalization of three or more employees to OSHA within eight hours. The

proposed rule would require employers to report within eight hours work-related incidents that result in the death of an employee or in the in-patient hospitalization of one or more employees, and within 24 hours a work-related amputation suffered by an employee.

Despite what we view as a good faith intention on OSHA's part to more definitively understand and respond to particularly significant workplace deaths and injuries, ASSE does not believe, given OSHA's current resources and the practical difficulties employers face in reporting, that the enhanced reporting requirements proposed in this rulemaking will result in the kind of improved safety that OSHA intends. OSHA would be correct in measuring the value of these changes against a burden it calculates as "an average of 15 minutes per reported incident" if simply making a phone call were the only factor our members see employers having to deal with in reporting. In their minds, that measure underestimates how complex in practice reporting hospitalizations and amputations can be. The measure also fails to take into account the increased confusion that our members believe will result from an additional reporting deadline, not among employers already engaged in meeting OSHA's requirements, but among those employers, for whatever reason, are not adequately engaged with OSHA in protecting their workers. While ASSE does not argue any employer's incapability as a defense against a regulatory change, such a result would bring into question how valuable any new data will be to OSHA in helping better protect workers.

As to the specific changes OSHA proposes, ASSE is not necessarily opposed in theory to reducing the threshold for reporting of hospitalizations from three employees to one. However, ASSE's members report skeptic