

American Federation of Labor and Congress of Industrial Organizations



815 Sixteenth Street, N.W.
Washington, D.C. 20006
(202) 637-5000
www.aflcio.org

October 14, 2014

OSHA Docket Office
Docket No. OSHA-2010-0023
U.S. Department of Labor
Room N-2625
200 Constitution Avenue, N.W.
Washington, DC 20210

Re: Occupational Safety and Health Administration's Proposed Rule on Improve Tracking of Workplace Injuries and Illnesses, Docket No. OSHA-2010-0023, Supplemental Notice.

Dear Sir or Madam:

The AFL-CIO is submitting comments on OSHA's Proposed Rule on Improve Tracking of Workplace Injuries and Illnesses, Supplemental Notice of Proposed Rulemaking (79 Fed.Reg. 47605 (Aug. 14, 2014), Docket No. OSHA-2010-0023).

The AFL-CIO is also submitting documentary evidence, a list of which is attached along with the evidence.

Please contact Peg Seminario, AFL-CIO Safety and Health Department if you have any questions regarding this testimony (Pseminar@aflcio.org or 202-637-5366).

Thank you.

Peg Seminario, Director
Safety & Health Department

PS:pzb
Opeiu#2, aflcio
Attachments

List of Attachments

AFL-CIO on The Occupational Safety and Health Administration's Proposed Rule on Improve Tracking of Workplace Injuries and Illnesses, Docket No. OSHA - 2013-0023

Supplemental Notice (79 Fed. Reg. Aug. 14, 2014, pp. 47605 - 10)

1. California State Auditor, Bureau of State Audits. *San-Francisco-Oakland Bay Bridge Worker Safety: Better State Oversight Is Needed to Ensure That Injuries Are Reported Properly and That Safety Issues Are Addressed*. Report 2005-119. February 2006. Report available at www.bsa.ca.gov/pdfs/reports/2005-119.pdf
2. American National Standard- Occupational Health and Safety Management Systems, ANSI/AIHA Z10-2012.
- 3-6. AT&T Servs. Inc. and Chris Aggeler, No. D-11-242-1 (Mich. Occ. Health and Safety Admin., Jan. 13, 2013); AT&T Servs. Inc. and Dale Wright, No. D-11-101-1 (Mich. Occ. Health and Safety Admin., Apr. 8, 2013); AT&T Servs. Inc. and Duane Swift, No. D-11-200-1 (Mich. Occ. Health and Safety Admin., Mar. 6, 2013) and AT&T Servs. Inc. and Harry West, No. D-11-311-1 (Mich. Occ. Health and Safety Admin., Apr. 23, 2013).
7. Boden L , Nestoriak N and Pierce B. Using Capture-Recapture Analysis to Identify Factors Associated with Differential Reporting of Workplace Injuries and Illnesses. 2010 October. Section on Survey Research Methods – *JSM*.
8. Boden L, and Ozonoff A, Capture-recapture estimates of nonfatal workplace injuries and illnesses. *Ann Epidemiol*. 2008 Jun;18(6):500-6. Epub 2008 Feb 20.
9. Lashuay N and Harrison R. *Barriers to Occupational Health Services for Low-Wage Workers in California*, A Report to the Commission on Health and Safety and Workers' Compensation, California Department of Industrial Relations. 2006.
10. Federal Railroad Administration, U.S. Department of Transportation, *CSX Transportation Harassment and Intimidation Investigation*, March 2008, p. 1.
11. Dong XS, Fujimoto A, Ringen K, Stafford E, Platner JW, Gittleman JL, Wang X. Injury underreporting among small establishments in the construction industry. *Am J Ind Med* 2011 May; 54(5):339-349.
12. Compilation of press releases, FRSA anti-retaliation cases.
13. Compilation of Examples of Employer Policies, Programs and Practices that Discourage Injury Reporting or Retaliate Against Workers for Injury Reporting.
14. Memorandum for Regional Administrators, Whistleblower Managers from Richard E. Fairfax, Deputy Assistant Secretary, Occupational Safety and Health Administration, *Employer Safety Incentive and Disincentive Policies and Practices*, March 12, 2012.
15. Union Leader Injury and Illness reporting Survey, Results, May 5, 2010.
16. Memorandum of Agreement between The Federal Railroad Administration, U.S. Department of Transportation and the Occupational Safety and Health Administration, U.S. Department of

Labor, July 16, 2012

https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=MOU&p_id=1125

17. Occupational Safety and Health Administration, Whistleblower Investigation Data, Report Period: 10/01/2012 to 09/30/2013, page 3 of 4.

18. Galizzi M, Miesmaa P, Punnett L, Slatin C, and The Phase in Healthcare Research Team. Injured Workers' Underreporting in the Health Care Industry: An Analysis Using Quantitative, Qualitative, and Observational Data. *Industrial Relations, A Journal of Economy and Society*. 2009 Dec; 49(1):22-43.

19. GAO, *Workplace Safety and Health: Better OSHA Guidance Needed on Safety Incentive Programs*, GAO-12-329, (Washington, D.C. April 2012), p. 21.
<http://www.gao.gov/products/GAO-12-329>

20. U.S. House of Representatives. *Hidden Tragedy: Underreporting of Workplace Injuries and Illnesses*. 2008 June.

21. Leigh JP, Marcin JP, Miller TR. An Estimate of the U.S. Government's Undercount of Nonfatal Occupational Injuries. 2004 Jan. *J Occup Environ Med*, 46(1):10-18.

22. McLellan, Robert K., MD, MPH, FACOEM, representing the American College of Occupational and Environmental Medicine, Statement to the U.S. House of Representatives, Committee on Education and Labor. *Hidden Tragedy: Underreporting of Workplace Injuries and Illnesses*, Hearing, June 19, 2008.

23. Moore JT, Cigularov KP, Sampson JM, Rosecrance JC, Chen PY. Construction workers' reasons for not reporting work-related injuries: An exploratory study. 2013. *JOSE*, 19(1):97-105.

24. Nestoriak N and Pierce B. Comparing Workers' Compensation claims with establishments' responses to the SOII. *Monthly Labor Review*. 2009 May, 57-64.

25. Perez v. The Ohio Bell Tel. Co., No. 1:14-cv-269 (N.D. Ohio. filed, Feb. 10, 2014).

26. Ruser J. Examining evidence on whether BLS undercounts workplace injuries and illnesses. 2008 August. *Monthly Labor Review*. 20-32.

27. Scherzer T, Rugulies R, Krause N. Work-related pain and injury and barriers to workers' compensation among Las Vegas Hotel Room Cleaners. 2005 March. *Am J Public Health* 95(3): 483-88.

28. Southern Poverty Law Center et al. Letter to the Department of Labor and Department of Agriculture. September 3, 2013.

29. Tucker S, Diekrager D, Turner N, Kelloway EK (2014). Work-related injury underreporting among young workers: Prevalence, gender differences, and explanations for underreporting. *Journal of Safety Research*, Vol. 50, pp 67-73.