

Appendix VI: Comments from the Department of Labor

U.S. Department of Labor

Occupational Safety and Health Administration
U.S. Department of Labor



OCT 2 2009

Revae Moran
Director
Education, Workforce, and Income Security Issues
U.S. Government Accountability Office
441 G Street NW
Washington, DC 20548

Dear Ms. Moran:

Thank you for the opportunity to comment on the Government Accountability Office's (GAO) proposed report, *Enhancing OSHA's Records Audit Process Could Improve the Accuracy of Worker Injury and Illness Data*. OSHA welcomes GAO's analysis and suggestions for improving the accuracy of the occupational injury and illness data.

The Occupational Safety and Health Act of 1970 mandates that both regulatory and non-regulatory measures be taken for assuring workplace safety and health. Accurate injury and illness records are vital to achieving this mandate. The Agency uses these records to allocate both enforcement and outreach resources, evaluate the effectiveness of its programs, and set standards development priorities. Furthermore, these records are used by Congress, researchers, employers, and employees to evaluate the nature and extent of occupational safety and health problems in individual worksites and in the Nation as a whole. GAO's analysis makes clear that there is a need to improve the accuracy of employer-provided injury and illness data.

GAO made the following recommendations to OSHA: 1) require inspectors to interview workers during record audits and interview replacements when selected workers are unavailable; 2) minimize the time between the date injuries and illnesses are recorded by employers and the date they are audited by OSHA; 3) update the list of high hazard industries used to select worksites for records audits and other purposes; and 4) increase education and training to help employers better understand the recordkeeping requirements.

The Agency shares the concerns raised in the GAO's report and will move forward to implement GAO's recommendations as follows. To address the first recommendation, OSHA will require inspectors to interview employees during record audits. Regarding the second recommendation, OSHA will develop policies to conduct record audits inspections in a timely fashion. With respect to the third recommendation, OSHA agrees that it is necessary to pursue rulemaking at the earliest possible date to update the industry coverage of the recordkeeping rule from SIC to NAICS. This will allow the Agency to use current BLS data to redefine the scope of the ODI and

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the recordkeeping audits to include emerging high risk industries. Finally, to fulfill the last recommendation, the Agency will supplement its current educational outreach, and will develop a web based tool to assist employers in meeting the requirements of OSHA's recordkeeping regulation.

I would also like to inform you that OSHA implemented its National Emphasis Program on Recordkeeping effective October 1, 2009. You will be able access the compliance directive from OSHA's website. If you have questions concerning this response, or if we can be of further assistance, please do not hesitate to contact me.

Sincerely,



Jordan Barab
Acting Assistant Secretary