



March 10, 2014

Occupational Health and Safety Administration
Department of Labor
OSHA-2013-0023
200 Constitution Ave NW
Washington, D.C. 20210

Re: OSHA-2013-0023; IMPROVE TRACKING OF WORKPLACE
INJURIES AND ILLNESSES

To Whom It May Concern:

On behalf of the Risk and Insurance Management Society, Inc. (RIMS), I am pleased to provide comments on OSHA's proposed rule requiring certain employers to submit employee injuries and illnesses electronically. RIMS is the largest not-for-profit organization dedicated to advancing the theory and practice of risk management with over 11,000 members worldwide from more than 3,500 entities. Membership includes both public and private entities and spans the entire economic spectrum from the high-tech sector, real estate, financial, healthcare, energy, transportation, education, and defense.

A key component to any sound risk management program is the effective management of employee safety and management of employee injuries and illnesses; however, we feel that the Administration's proposed rule could have an adverse effect on the way organizations manage these risks. Organizations practicing effective risk management track not only injuries resulting in loss of work, but also those injuries which may only require simply first aid treatment. This practice allows an organization to track potential loss trends in order to avoid potentially larger issues. Should employers be required to publically share this information they would most likely stop trending these minor incidents in order to appear as if their incident rate is lower and more comparable to other companies.

While we appreciate the Administration's effort to increase transparency, we do have concerns with reporting these injuries and illnesses electronically. Making this information available electronically could lead to an organization being targeted for enforcement by the Administration itself, through increased litigation against an organization, or by other organizations looking to disparage a competitor's employment and safety practices. While we do not believe this is the intent of the proposed rule, the potential certainly exists.

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It is also true that electronic submission of injury data for a given year will not provide the whole story regarding any particular injury or illness. Workplace injuries are not always the fault of the employer, but can occur for a variety of different reasons outside of the employer's control. However, this would not be represented in the publically available injury and illness data leading to the misrepresentation that an employer has a worse safety record than they actually do. We believe that the data currently submitted to OSHA, which is used to complete trend analysis, should continue rather than pointing out the record of specific companies.

There is also the potential for increased costs by instituting the proposed rule. Many employers have in place systems to report their injury and illness data through the Electronic Data Interchange. Requiring these employers to also submit their data directly to the OSHA database would be duplicative, time-consuming, and costly. If OSHA decides to move forward with the proposed rule, then an effort should be made to accept data submitted through the current Electronic Data Interchange system.

On behalf of RIMS, I want to thank OSHA for the opportunity to comment on this proposed rule. We appreciate the Administration's consideration of these comments and look forward to working with all interested parties to continue to improve the process. Please contact Nathan Bacchus, senior government affairs manager, at 212-655-6215 or nbacchus@rims.org if you have any questions or would like any further information.

Sincerely,

A handwritten signature in black ink that reads "Carolyn M. Snow".

Carolyn Snow,
RIMS President