

Subject: Workplace injury data 'grossly inaccurate'

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Workplace injury data 'grossly inaccurate'

Hearing prompted by Observer poultry series

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WASHINGTON --

Federal regulators should stop relying solely on employers to honestly report work-related injuries and illnesses, experts said Thursday.

Instead, they said, the government should also talk to workers and examine other data, such as hospital records, to see how many Americans are injured each year on the job.

The remarks were made during a House Education and Labor Committee hearing held to explore why growing evidence points to undercounting of even serious injuries. It was a first step toward re-examining the way the government determines if employers are keeping their workers safe.

The hearing was prompted by the Observer's series "The Cruellest Cuts," which documented how some on-the-job injuries haven't been reported in the poultry industry.

More than a dozen committee members, mostly Democrats, attended. The half dozen who spoke agreed there was a problem and said the recordkeeping system must be examined.

"I'm thoroughly convinced there's underreporting going on," said Rep. Phil Hare, D-Ill.

Said Rep. George Miller, D-Calif., the committee chairman: "OSHA refuses to recognize that the problem exists. We simply must not allow the lack of information to allow hazardous conditions to exist, putting workers' lives and limbs at risk."

Rep. Howard McKeon of California, the ranking Republican on the committee, and Baruch Fellner, who testified on behalf of the U.S. Chamber of Commerce, urged lawmakers to learn more before drawing broad conclusions about corporate behavior when it comes to reporting injuries.

McKeon said more hearings might be needed.

Hare said afterward that he hoped to work with Miller on legislation that would tackle factors contributing to accidents being unreported on company injury and illness logs. Requiring employees be involved in job site audits is one possibility. Examining the unintended consequences of employers giving prizes to work teams for being “injury free” is another.

“We need to beef OSHA up. I think they’ve done quite frankly a miserable job in many respects,” Hare told the Observer. “We need more OSHA standards, we need to put more money into OSHA inspections, into hiring more people. If someone says where are we going to get the money, well, we’re spending \$4,000 a second in Iraq.”

During the hearing, witnesses described how the government has failed to accurately count the number of Americans hurt each year on the job. Ken Rosenman, a researcher from Michigan State University who has studied underreporting, said he and other researchers in Minnesota found the government failed to count one-third of amputations in their respective states.

Rosenman said his study found 693 amputations occurred on the job in Michigan in 1997. That same year, the Bureau of Labor Statistics reported 404.

“... How can you say there’s no evidence of significant underreporting when you see something like this?” he said.

Rosenman said the government should include other available information – such as workers’ compensation data and hospital records – when counting work-related injuries and illnesses. The government started using additional information in 1992 when counting workplace-related deaths.

Fellner, an attorney representing the U.S. Chamber of Commerce, agreed some underreporting occurs but said most employers are doing a “good and conscientious job.”

He also said the recordkeeping rules can be hard to understand. An example: How much prescription Motrin must one give before it’s recordable, he asked.

“Put your shoes in the shoes of the staff who is trying to make these decisions on a daily basis,” he said. Fellner also questioned studies on underreporting, saying it was wrong for researchers to compare workers’ compensation records with OSHA data because the systems use the data differently.

Bureau of Labor Statistics assistant commissioner John Ruser said his agency takes claims of underreporting seriously and has plans to study the issue. The BLS this year will interview employers about their recordkeeping procedures, he said.

When Ruser told the committee the agency would not interview workers, chairman Miller said: “It will only have half the picture when this study is done.”

Companies that report low injury and illness rates can save money on workers’ compensation costs and reduce Occupational Safety and Health Administration scrutiny. OSHA targets companies reporting high rates for inspection.

Robert McLellan, the immediate past president of the American College of Occupational and Environmental Medicine, said he hears from doctors complaining about the pressures companies place on employees to not report injuries. Sometimes the pressure comes in the form of an award.

McLellan said one doctor told him an injured worker asked that physician to pretend an injury wasn’t work-related because “it would mean his entire team would miss out on an opportunity for a steak dinner.”

One of the more outspoken witnesses was Bob Whitmore, an OSHA recordkeeping expert who is on paid leave from //the// agency. He testified as a private citizen, not as a U.S. Labor Department employee.

He held up a photograph of a House of Raeford Farms poultry worker whose ankle was shattered in a 2006 N.C. plant accident and whose injury was not recorded on company logs. The company has said the omission was an isolated case and it has included it on its logs.

In a statement issued Thursday, the company said: "We work hard to comply with state and federal agency requirements and have not been informed of significant problems in our current reporting system by any responsible agency."

Whitmore told lawmakers OSHA fails to aggressively seek out underreporting because falling injury and illness rates make the agency look like it's doing a good job protecting workers.

"The mission of OSHA is to take care of American workers. I want my agency to do its job. Effectively, honestly and openly," Whitmore said. "If OSHA can't or won't do it's job, it's up to you all to make it do the job that we're paid by the American people to do."

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