

FOR IMMEDIATE RELEASE

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Senators Murray and Kennedy Call for GAO Investigation into Underreporting of Workplace Injuries and Illnesses

As stories of underreporting spread, OSHA's efforts to audit injury and illness records have declined

(Washington, D.C.) – Today, U.S. Senators Patty Murray (D-WA), Chairman of the Senate HELP Subcommittee on Employment and Workplace Safety and U.S. Senator Edward Kennedy (D-WA), Chairman of the Senate Health, Education, Labor and Pensions Committee asked the U.S. Government Accountability Office (GAO) to investigate whether the Occupational Safety and Health Administration (OSHA) is effectively working to ensure that employers are accurately reporting injuries and illnesses in the workplace.

Murray and Kennedy are concerned that underreporting has become more prevalent in recent years while OSHA's efforts to monitor the accuracy of reporting have diminished. If injuries and illnesses go underreported, OSHA cannot perform its mission to protect workers from workplace hazards like chemical exposure and dangerous machinery.

"When it comes to the health and safety of American workers, we can't allow OSHA to just take employers at their word," said Senator Murray. "We need an agency that takes the initiative to keep businesses honest about the dangers their workers face."

Senator Kennedy said, "More than 40 years after landmark occupational safety legislation was enacted, the workplace is still too dangerous for too many American workers. OSHA can't do its job to protect these workers if it doesn't know what is really going on. That's why this GAO report is important. It will give us the information we need to hold OSHA and employers accountable."

Because OSHA uses the illness and injury information that businesses provide to determine who to inspect, there is an incentive for businesses to underreport. For this reason, Senators Murray and Kennedy believe that OSHA must be more proactive in regulating industries and verifying injury and illness report claims.

"I want the GAO to take a good hard look at injury and illness reporting because frankly, it's a system that seems all too easy to game," said Senator Murray. "In my hearings and in discussions with occupational health experts, I have heard about the shadowy practice of underreporting and I think it's time to shed some light on this process."

In testimony before Senator Murray's subcommittee last April, Dr. David Michaels, a Professor of Occupational Health at George Washington University, said that two-thirds of injuries and illnesses are being missed under current reporting methods.

Below is the text of the letter sent today to the GAO requesting the report:

April 22, 2008

Gene Dodaro
Acting Comptroller General
U.S. General Accounting Office
441 G Street, N.W.
Washington, D.C. 20548

Dear Mr. Dodaro:

The Department of Labor's Occupational Safety and Health Administration (OSHA) is responsible for protecting the safety and health of workers by ensuring that the provisions of the Occupational Safety and Health Act of 1970 that require employers to provide safe, healthy workplaces for their workers are met. OSHA's efforts include developing regulations and standards, including recordkeeping requirements for employers; working with employers to help them provide safe and healthy working conditions; and inspecting worksites to ensure compliance with these requirements. One of OSHA's recordkeeping requirements is for employers to maintain logs of injuries and illnesses sustained by workers.

Because OSHA uses the information on injuries and illnesses to target employer worksites with high injury and illness rates for inspection, there is a clear incentive for employers to underreport such injuries and illnesses. We are concerned that, in recent years, the incidence of underreporting has become more widespread and that OSHA's efforts to ensure that employers are recording injuries and illnesses as required have declined. For example, OSHA currently conducts few recordkeeping audits designed to ensure that injuries and illnesses are being properly recorded. This is of particular concern because the Department of Labor frequently points to the decline in injury and illness rates as evidence of the effectiveness of OSHA's work.

We would like GAO to review OSHA's efforts to ensure that employers are reporting injuries and illnesses as required. Specially, we would like you to (1) evaluate OSHA's efforts to ensure that employers are properly recording injuries and illnesses; (2) assess the trends in the number and types of recordkeeping audits and targeted inspections OSHA has conducted; (3) provide information on any studies or research available on the extent to which employers underreport injuries and illnesses; (4) conduct a survey of

occupational physicians in professional associations such as the American College of Occupational and Environmental Medicine (ACOEM) who have expressed concerns about employer underreporting; and (5) provide suggestions on how to improve OSHA's efforts.

Sincerely,

Patty Murray
U.S. Senator

Edward M. Kennedy
U.S. Senator