



January 6, 2020

The Honorable Elizabeth Warren
United States Senate
309 Hart Senate Office Building
Washington, DC 20510

The Honorable Edward Markey
United States Senate
255 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Joseph Kennedy III
United States House of Representatives
304 Cannon House Office Building
Washington, DC 20515

Dear Senator Warren, Senator Markey, and Representative Kennedy,

We appreciate the opportunity to share information about Amazon's fulfillment center in Fall River, Massachusetts (BOS7), and respond to the questions in your letter dated December 20, 2019.

We are proud of our facility in Fall River and excited to see how our investment has helped the community prosper. Amazon opened BOS7, a million-square-foot fulfillment center, in 2016, making it one of the biggest economic development projects in the city's recent history. We have directly invested over \$300 million in the Fall River facility and created over 1,300 direct full-time jobs at the site. Amazon's presence in Fall River and Bristol County spurred an additional \$175 million of local economic activity and led to the creation of almost 1,000 related jobs.

Our associates at the Fall River facility earn between \$15 - \$18.25 an hour, on top of our industry-leading benefits, which include medical, vision, and dental insurance, generous parental leave benefits, and a network of support programs. Our benefits program is egalitarian, meaning hourly employees have the same benefits as corporate employees, ensuring every Amazonian has access to the best health care and insurance programs.

In addition to Amazon's industry leading wages and benefits, we provide new career training opportunities to our employees. We offer Career Choice, in which Amazon pays up to 95% of tuition and fees towards a certificate or diploma in qualified fields of study, leading to in-demand jobs. Since launching Career Choice in 2012, over 25,000 Amazonians have received training for high-demand occupations including aircraft maintenance, computer-aided design technician, commercial driving, and nursing.

Safety is Amazon's number one priority, at Fall River and all of our facilities. We have one of the largest environmental, health, and safety (EHS) organizations in the United States, focused on ensuring all our employees have the safest and healthiest work environment. Last year, we provided more than one million hours of safety training to employees and invested more than \$55 million on safety improvement projects. We continue to test and refine processes aimed at constant improvement of the working conditions in our facilities.

601 New Jersey Ave NW
Washington, DC 20001

For us, one incident is too many. We believe that all workers should come to work and return home safely. This is why every shift meeting starts with safety training.

We also have a culture of continuous improvement. We thoroughly investigate incidents, including “near misses” that do not result in incidents or Occupational Safety and Health Administration (OSHA) recordkeeping requirements, and use the data to refine our policies, trainings, and processes to increase the quality of the working conditions in our facilities. The technology we use every day is designed to protect and promote our employees, and keep them healthy and safe. We utilize industry-leading technology to provide ergonomic assessments for our buildings, workstation, and process designs. We developed a method to automate job rotations so that associates frequently rotate between various roles in fulfillment centers, reducing muscle fatigue. In addition, we have launched a number of proactive health and wellness activities, which include stretching programs where we have seen a significant benefit to associates in injury reduction. Our onboarding programs specifically focus on both workplace safety and general health promotion, and we constantly survey our leaders and associates about their sentiment around workplace safety, while acting on opportunities to improve.

Answers to your specific questions follow.

1. Why is the serious injury rate at BOS7 so much higher than industry average?

We again emphasize that safety is Amazon’s number one priority. We are committed to continuous improvement and raising the bar. However, the injury data by itself does not tell the full story without the background surrounding our practices regarding restricted duty injury accommodation and our stance on recordkeeping.

There is no injury metric called the “serious injury rate” that is recorded on OSHA injury logs kept by employers, nor do the OSHA injury recording forms contain fields for “severe” or “serious” injury. Instead, employers record ANY work-related injury, if it requires more than first aid or results in days away from work, among other recordable criteria.¹

The *Center for Investigative Reporting* (CIR) article cited in your letter incorrectly uses a non-existent federal OSHA definition: “serious injury rate.” From the context of the article, we believe that CIR is referring to industry injury rates contained in a November 2019 report from the U.S. Bureau of Labor Statistics (BLS), tracking 2017 and 2018 injury data from U.S. employers. The BLS report groups *all* injury types together in compiling a total recordable injury number—the recordable injury rate. An employer’s total recordable injury rate does not distinguish between a lower severity incident, like a complaint of soreness, versus a more serious incident, such as a bone fracture.²

OSHA regulations require employer notification of “severe injuries”—those resulting in an “in-patient hospitalization, amputation, or eye loss.” Since the Fall River facility opened, there have been no incidents that meet this definition triggering notification to OSHA.

In addition to CIR’s characterization of all injuries, regardless of severity, as “serious,” the article also inaccurately uses the term “serious injury” when discussing incidents resulting in lost time from work. The Fall

¹ As an example of the difference between “first aid,” which is not recorded, and “medical treatment beyond first aid,” which is recorded, OSHA does not require recording a case where non-prescription medication is given at non-prescription strength. However, the same non-prescription medication given at prescription strength is considered “medical treatment” and is recordable.

² <https://www.bls.gov/news.release/osh.t03.htm>.

River facility's lost time incident rates reflect our abundance of caution against placing associates with work restrictions back at work before they are ready, as opposed to our rates being driven by injury severity. More than 70% of the cases on our logs are related to strains/sprains, where the associate has complaints of soreness or stiffness. Treating physicians often prescribe lifting and other movement restrictions while the associate is recovering. Because our focus is first on the health and safety of our associates, we differ from companies who take aggressive measures to avoid recording a lost time injury, such as requiring employees to come back to work immediately after injury, and before they have had sufficient time to work through their treating physician's treatment plan. When our facilities cannot place the associate in a role that meets their work restrictions, we do not create "light duty" work, even if this means that we record a lost time injury as a result.³ With the exception of a few cases where the associates never returned back to work (job abandonment)—on average these associates returned to normal duties in under 35 days.

We know that by making a choice to *not* place an injured associate back into a job, we are elevating restricted and lost time rates as a company, but ensuring the associate is getting the care and attention they need to be healthy. This approach to work restrictions allows us to accurately understand where our teams need to focus to improve workplace conditions and take targeted actions that lead to continuous improvements. We err on the side of what is best for the associate, even if doing so results in a higher lost time metric.

Our illness and injury rates also reflect our aggressive stance on recording injuries. As noted in several published studies, there is a dramatic level of under-recording of safety incidents across all industries in recordkeeping logs of U.S. companies, from 20% to as high as 70%.⁴ Amazon recognized this in 2016 and began to take an aggressive stance on recording injuries—no matter how big or small—and that makes comparisons between Amazon facilities and other companies difficult.

We believe so strongly in the workplace environment and safety culture that we provide to fulfillment center employees that we offer public tours where anyone can come see one of our sites for themselves. In 2019, 316,000 people took tours of Amazon fulfillment centers across the country. We gladly welcome you all again to tour our Fall River fulfillment center at your convenience.

a. What analyses have you conducted to determine why the injury rate is so high at this facility?

As stated above, Amazon's injury rate might appear higher due to our overabundance of caution in returning associates to work, consistent with their physical restrictions, and taking a comprehensive approach in how we record workplace illnesses and injuries. All injury reports and near misses, regardless of how OSHA defines a recordable injury, are investigated and corrective actions are taken to eliminate or reduce the hazards. We benchmark with other sites and share lessons learned to reduce risk. The responses to the questions below also provide more detail regarding tools in place to identify, investigate, and learn from injuries to guide future training and prevention.

³ See response to question 7, discussing a new program that we launched at the Fall River facility in late 2019 to place associates into meaningful work assignments with non-profits, in cases where the non-profit can accommodate the associate's work restrictions, until they can return to their regular role at Amazon.

⁴ A 2009 Government Accounting Office report, along with numerous published studies, documented that many workplace injuries are not recorded on employers' recordkeeping logs required by the OSHA and consequently are under-reported to the Bureau of Labor Statistics, resulting in a substantial undercount of occupational injuries in the United States. See *Under-Recording of Work-Related Injuries and Illnesses: An OSHA Priority*, JOURNAL OF SAFETY RESEARCH (2016) at https://www.osha.gov/ooc/underrecording_fagan_hodgson.pdf. See also <https://www.bloomberg.com/news/articles/2019-12-04/-culture-of-fear-grips-ups-workers-say-injuries-underreported>.

b. What analyses have you conducted to determine where the most significant safety hazards exist at this facility?

We completed risk assessments that comply with OSHA regulations, but we also go beyond compliance. We created mechanisms to drive continuous improvements in our safety processes. In 2019, Amazon utilized a Global Management EHS System that breaks down health and safety standards into audit elements and self-assessments. These self-assessments are part of the continuous improvement cycle “plan, do, check, and act” to ensure effectiveness of our programs, which are externally audited each year to verify the quality of the self-assessments performed at the site level. The verification audits are conducted via well-known external audit companies to ensure that the results of self-assessments match with the verification audit results.

In addition, the Fall River facility conducts workplace audits on a daily basis to proactively identify hazards. In 2019, the Fall River facility conducted 2,500 audits covering 40 different focus areas. Every daily production meeting starts with a review of recent incidents or near misses. Corrective actions to prevent similar incidents are discussed and managers are assigned the task of completing these actions. The site examines their injury data at weekly Safety Review Board meetings and creates injury reduction plans and actions from this data.

c. How do you use injury and illness reporting data to identify problems and make changes at Amazon facilities?

We use injury and illness data to continuously improve the working conditions for our associates. Not only do we analyze actual incidents, but we spend a significant amount of time diving into near misses. For example, several near miss reports involving falling objects at our robotics sites led to an investment of \$9.8 million to install an engineering control to eliminate the risk. These controls were implemented without ever having an injury take place, and speaks to how seriously we take near misses and how we utilize the learnings from these occurrences even though they do not trigger OSHA recordkeeping requirements. The reporting and investigation of near misses is a cornerstone of any strong safety program.

d. What other methods do you use to iteratively evaluate the safety of workers at your facilities, and what is your process for making changes in response to those evaluations?

We are constantly identifying new processes and projects that improve worker safety. We have changed management processes that identify risks to any new process or operation. The Fall River facility has completed risk assessments for all of its associates’ roles and uses engineering controls to remove or reduce risks. For example, the facility successfully implemented guide-wire navigation for industrial equipment on the production floor, improving site safety. This technology has been incorporated into all similar new Amazon facilities.

In addition, we continually engage associates in the improvement of safety at our facilities. Through a program we developed called the Safety Leadership Index (SLI), we ask associates a series of safety questions each day as they log-in, such as, “do you have everything that you need to perform your job safely?” We use the responses we receive to quickly spot potential problems and remediate them. As one example of improvements driven by SLI feedback in 2019, we made personal protective equipment available through vending machines placed in fulfillment centers in several U.S. locations. This allows associates to efficiently (and with no charge to the associates) get new safety equipment at any time. In 2018, we developed and deployed a network escalation tool in response to input from technicians requesting greater ease in escalating safety concerns and applying corrective actions. Through this tool, we have taken several corrective actions across our network.

2. What was the serious injury rate at BOS7 during the most recent peak period ending in December 2019? How did this compare to injury rates for each of the last three years?

As discussed in response to question 1, we do not report a “serious injury rate” on our OSHA injury recording logs, but we have provided our Lost Time Injury rates below. We have had zero severe injuries in 2019 at the Fall

River facility per criteria discussed in response to question one. The Lost Time Injury rate at the Fall River facility during the peak season of 2019 was 11.64.⁵ This is a 34.3% reduction from 2018 (17.70) due to the continuous improvement initiatives executed locally and companywide. The rate in 2017 was 7.39. This comparatively lower rate was due to both our transition to our current recordkeeping strategy based on our lessons learned from our previous OSHA interactions and the relatively low levels of Peak hiring and overtime in 2017 for the Fall River facility. The facility was launched in late 2016 and held a high headcount of associates throughout 2017 to reach full production capabilities, which led to a reduced need for hiring during Peak.

3. What changes are you going to make, or have you made, at BOS7 to identify and address the high rate of serious injuries?

Amazon is continuously working to improve the safety and well-being of our associates. We strive to establish an injury free work environment through proactively eliminating risks, engaging associates, teaching safety and health principles, and holding leaders accountable for safety compliance. We identify at risk conditions through program reviews, audits, peer reviews, evaluation of safety training, and execution of standard work. We evaluate, prioritize, and fix physical conditions and at risk behaviors by performing risk and ergonomic assessments and analyzing safety data. When a physical condition or at risk behavior exists, we stop the process immediately and fix the issue. We are constantly making process and engineering changes to improve the health and well-being of our associates.

4. What are injury rates at other Amazon fulfillment centers in Massachusetts?

The Fall River facility is Amazon's only fulfillment center in Massachusetts. We have a smaller facility in Stoughton that is not a fulfillment center.

a. Please provide a list of all Amazon fulfillment centers in Massachusetts, and the number of workers at each of those facilities.

See answer above.

b. What was the serious injury rate at each of these facilities in each of the last three years including 2019, for the full year, and during the peak season?

See answer above.

c. Please provide the most recent OSHA Form 300 for each of these facilities.

The requested documents were submitted to OSHA under an assurance of confidentiality and privacy, provided by regulatory guidance and statutory language. Like many employers, it has been Amazon's longstanding policy to treat the OSHA 300 Log Form and OSHA 300-A Summary Form as confidential and not share them publicly, because the forms contain private and sensitive information, such as names of injured associates and a description of their injuries. In four particular circumstances, these forms are shared on a limited basis pursuant to OSHA regulations: (1) upon request to current or former employees; (2) upon request to OSHA through inspection or enforcement actions; (3) through electronic submission to OSHA to comply with OSHA's recordkeeping requirements; and (4) through posting in each fulfillment center for the required three month period between February 1 and April 30 each year.

⁵ Note that our 2019 injury logs have not yet been closed out and reconciled as part of our ongoing recordkeeping processes, and this data could change as we receive updated reports from associates and physicians for any recent injuries or lost time cases. The rate represents an incidence rate of injuries and illnesses based on the following: (number of injuries and illnesses x 200,000/employee hours worked). See <https://www.bls.gov/iif/osheval.htm>.

5. How does Amazon consider worker safety in the development of production quotas for fulfillment or distribution center workers?

Amazon utilizes a target performance expectation that is developed based on demonstrated performance aggregated over time across the network and each individual site's performance. Our associates' performance expectations for each task are compared to other associates' performance for those same tasks. We prioritize the safety of our associates in evaluating their target performance expectations, and managers regularly provide coaching and training to drive continuous improvement.

a. Has Amazon conducted overall or site-specific studies for different job positions to determine quotas that ensure the safety of workers performing those jobs?

Amazon has utilized ergonomic assessments to study all job functions and ensure they are performed safely. All associates are taught the proper way to perform the job they are tasked to perform as part of their onboarding or cross training to different functions at a later date.

b. If not, what data is Amazon using to determine production quotas for workers?

Amazon uses a rate methodology to analyze each job to set a target performance expectation for all job functions. Like most companies, Amazon measures productivity, and most of our associates have no problem meeting performance expectations. If, however, associates struggle to meet our performance expectations, managers provide coaching and training to support their development and success.

c. If production quotas are revised, how is worker safety considered?

Safety is incorporated into all changes of target performance expectations. Associates are trained in safety standards to conduct the job, and incident trends are reviewed and actioned on by site leaders.

d. Have you considered revising your production quotas in response to the high rate of serious injuries sustained by workers at your fulfillment and distribution centers?

As mentioned above, Amazon does not utilize quota requirements for our associates. Safety is our number one priority; it is of foremost importance in any decision about rate assessments.

6. What is Amazon's safety training protocol at BOS7 and other Amazon fulfillment and distribution centers in Massachusetts?

Safety training at Amazon starts on day one in the building and is a continuous part of the job. New Amazon associates receive formal classroom training on their first two days at the location. During their second week, new associates receive an audit where safe working techniques and rules are reiterated to ensure retention and comprehension. Every shift meeting begins with a safety discussion about new procedures or techniques. Throughout the year, associates attend safety school in small groups of no more than five associates to receive role specific training from a site training ambassador.

As a company, we are always looking at ways to improve training, and we initiate new training programs multiple times a year to improve safety. For instance, we recently updated our powered industrial truck training to provide a more interactive experience with the inclusion of three hours of full motion video. The training program was designed after hours of face-to-face interviews with powered industrial truck operators and trainers. The curriculum consists of 32 courses, and they are tailored to the exact equipment type and make. The videos were filmed using Amazon trainers and operators and were reviewed by over 200 trainers, safety specialists, and operators.

a. How does Amazon account for an influx in part-time workers in ensuring robust and appropriate safety training?

All seasonal and part-time workers receive the same training as full-time associates. Seasonal and part-time workers make up only a small fraction of the work force at the Fall River facility.

7. How does Amazon support workers who suffer serious injuries and illnesses on the job?

Amazon supports all workers who suffer injuries or illnesses on the job. We have Onsite Medical Representatives (OMRs) who follow protocols for both occupational and non-occupational illnesses and injuries. These care protocols provide guidance to our OMRs on how they should be handling specific illnesses or injuries and when these situations should be escalated to outside medical treatment. These protocols have been created in partnership with a third party medical company. Through these protocols, our OMRs have 24/7 access to a telemedicine hotline to get immediate direction from a physician, but OMRs can only assist associates by providing care up to first aid. Any associate who needs treatment greater than first aid is sent to a local clinic. For occupational injuries, this external care is paid for by workers' compensation.

If the associate receives work restrictions from a medical provider, Amazon has a process called Return to Work where we can match their restrictions to a job that has passed an ergonomic assessment. If an associate's restriction does not allow them to be placed in a normal job function, there are a variety of temporary positions that they can work, including an option to volunteer at a local non-profit providing low impact labor while earning their full Amazon wages as they recover from injury. This non-profit program was launched at the Fall River facility within the past few months and will expand throughout the U.S. in 2020. If we cannot find an opportunity that meets the restrictions of associates, they are placed on a medical leave of absence. While on a leave of absence, their medical bills and compensation are paid through Amazon's workers' compensation program and the associates' positions are protected until they are medically cleared to return. This program meets or exceeds all state and federal laws regulating workers' compensation.

In addition to the OMR staff, the Fall River facility has an Injury Prevention Specialist who works with associates to identify ergonomic risks, help with stretching programs, and ensure recently injured associates are taking proper care of their bodies as they heal. Injury Prevention Specialist are certified athletic trainers who proactively address conditions that contribute to the development and exacerbation of soft tissue injuries and musculoskeletal disorders. The Fall River facility has rolled out a micro stretching program to be completed at breaks and is in the process of adding a new stretching area for all associates to participate in stretching and wellness programs that will be led by the Injury Prevention Specialist.

a. How and when do you notify workers of their rights under state law?

Workers are notified of their rights under state law any time they request outside treatment. We review the workers' compensation packet with each associate before it is sent out. In addition, the site has posters explaining their rights under state and federal law.

b. What are your policies guiding when and how long workers are away from work, or receive a job transfer or restriction?

Amazon follows the treating physician's recommendations for any time away from work. If the restrictions cannot be accommodated onsite, the Fall River facility offers placement services for the associate to work at a local non-profit organization within their restrictions. This innovative program allows associates to continue working (and to continue to receive pay and benefits without exercising time off) while contributing to the work of non-profits in their community. Since the launch of this program in the fall 2019, Amazon has worked directly with the local non-profits Gifts to Give, Old Colony Habitat for Humanity, St Vincent De Paul Thrift, and Pantry Great Catholic Charities to ensure our associates can receive full compensation while they recover and also help

the community. In addition, this program helps associates return to work at Amazon sooner than they would have without participation.

c. What rehabilitation do you provide for workers who suffer serious injuries or illnesses while on the job? What are your policies governing this? How do you ensure they are adequately enforced at every facility?

As part of the comprehensive medical benefits associates have access to on day one, there is a menu of rehabilitation services available both through health care insurance and Amazon.

Amazon will explicitly follow the medical direction of the associate's treating physician. If the treating physician recommends that the associate enter a physical therapy program or see a specialist, our workers' compensation team will provide the legal and financial support to provide this care. However, it is the responsibility of the associates to follow the treating physician's instruction.

Onsite, our treatment options are limited to only first aid care. This includes heat and cold therapy and basic over the counter medications. We also have stretching activities that are taught and performed at stand up meetings after breaks and a micro stretching program that associates can perform throughout the shift; however, this is not mandatory. The Injury Prevention Specialists are also available to assist with more intensive stretching and body movement techniques.

Please let us know if you have additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Huseman". The signature is fluid and cursive, with a large initial "B" and "H".

Brian Huseman,
Vice President, Public Policy