

RECORDKEEPING: OSHA 1904

Recording and Reporting Occupational Injuries and Illnesses

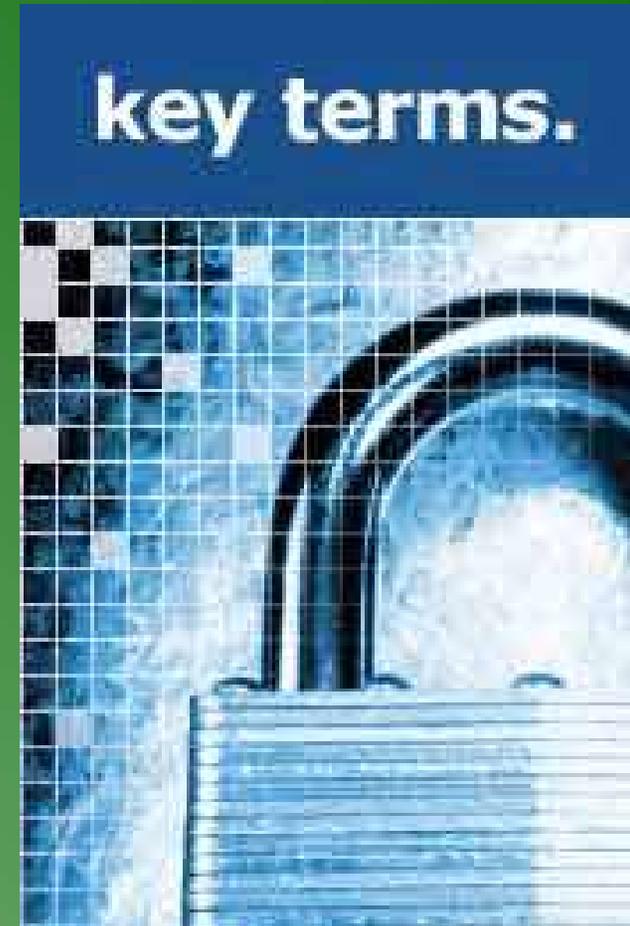
LEARNING OBJECTIVES

- o Identify the OSHA requirements for recordkeeping, posting and reporting
- o Identify employers' requirements for recording and reporting work-related fatalities, injuries and illnesses
- o Introduce the different recordkeeping forms and recording criteria
- o Determine which injuries and illnesses fall under the classification of being work related
- o Establish the correct criteria for form completion
- o Outline the government regulations for recordkeeping
- o Cover OSHA's regulations for reporting to other government agencies

KEY TERMS

Work environment: The establishment and other locations where one or more employees are working or present as a condition of employment; includes not only physical locations, but also the equipment or materials used by employees during the course of their work

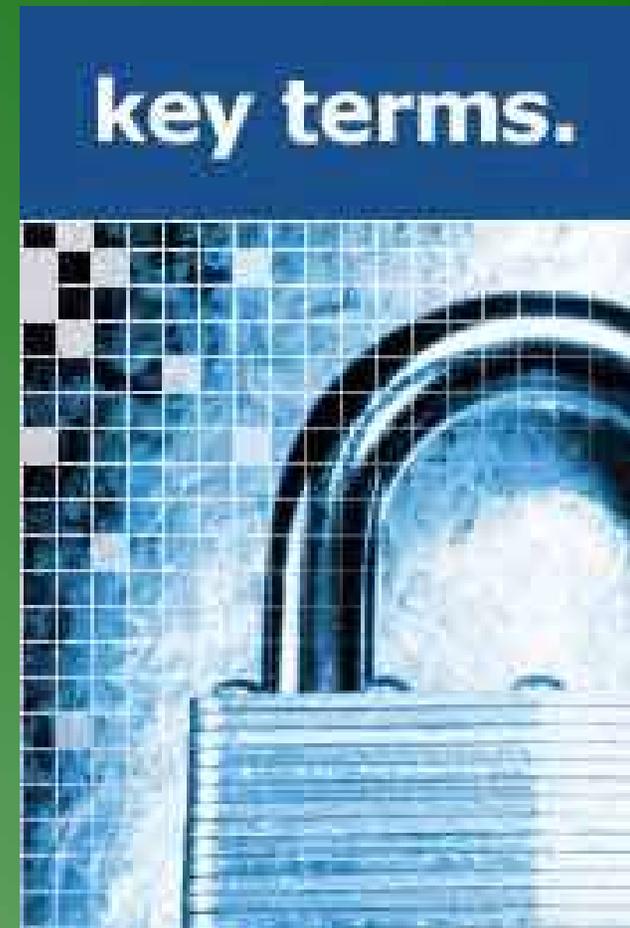
Job transfer: Case where an injured or ill employee is assigned to a job other than his or her regular job for part of the day



KEY TERMS

New Cases: the employee has not previously experienced a recordable injury or illness of the same type that affects the same part of the body

Covered Employees: employees on payroll and employees not on payroll who are supervised on a day-to-day basis by the hiring company



Lesson 1

RULES AND GUIDELINES

This lesson focuses on the following topics:

- Purpose of 29 CFR Part 1904
- Partial Exemption
- 1904.1 – Size Exemption
- 1904.2 - Industry Exemption

PURPOSE OF 29 CFR PART 1904

OSHA



OSHA's new standards for Recording and Reporting Occupational Injuries and Illnesses were published January 19, 2001, and were effective January 1, 2002.

The purpose of the standards is to require employers to record and report work-related fatalities, injuries and illnesses. OSHA injury and illness recordkeeping and Workers' Compensation are independent of each other.

PURPOSE OF 29 CFR PART 1904

The scope of Subpart B regarding Recordkeeping is based on the following subsections:

- 1904.1 – partial exemption for employers with 10 or fewer employees
- 1904.2 – partial exemption for establishments in certain industries
- 1904.3 – keeping records for more than one agency

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Recording or reporting a work-related injury, illness, or fatality does not mean the employer or employee was at fault, an OSHA rule has been violated, or that the employee is eligible for workers' compensation or other benefits

PARTIAL EXEMPTION DUE TO SIZE OR INDUSTRY

Employers that are partially exempt from the recordkeeping requirements because of their size or industry must continue to comply with the following:

- 1904.39, Reporting fatalities and multiple hospitalization incidents
- 1904.41, Annual OSHA injury and illness survey (if specifically requested to do so by OSHA)
- 1904.42, BLS Annual Survey (if specifically requested to do so by BLS)

1904.1 – SIZE EXEMPTION



According to the subsection regarding size exemption:

- If your company had 10 or fewer employees at **all** times during the last calendar year, you do not need to keep the injury and illness records unless surveyed by OSHA or BLS
- The size exemption is based on the number of employees in the **entire** company
- Include, in the employee count, temporary employees who you have supervised on a day to day basis

1904.2 – PARTIAL EXEMPTION FOR ESTABLISHMENTS IN CERTAIN INDUSTRIES

According to the subsection regarding industry exemption, the following guidelines have been established:

- All industries in agriculture, construction, manufacturing, transportation, utilities and wholesale trade sectors are covered
- In the retail and service sectors, some industries are partially exempt

1904.2 – PARTIAL EXEMPTION FOR ESTABLISHMENTS IN CERTAIN INDUSTRIES

Newly Covered

Among the industries newly covered under this subsection are the following:

- 553 Auto and home supply stores
- 555 Boat Dealers
- 556 Recreational vehicle dealers
- 559 Automotive dealers not elsewhere classified
- 571 Home furniture and furnishing stores
- 572 Household appliance stores



1904.2 – PARTIAL EXEMPTION FOR ESTABLISHMENTS IN CERTAIN INDUSTRIES



Newly Covered

- 593 Used merchandise stores
- 596 Non-store retailers
- 598 Fuel dealers
- 651 Real estate operators and lessors
- 655 Land sub dividers and developers
- 721 Laundry, cleaning, and garment services

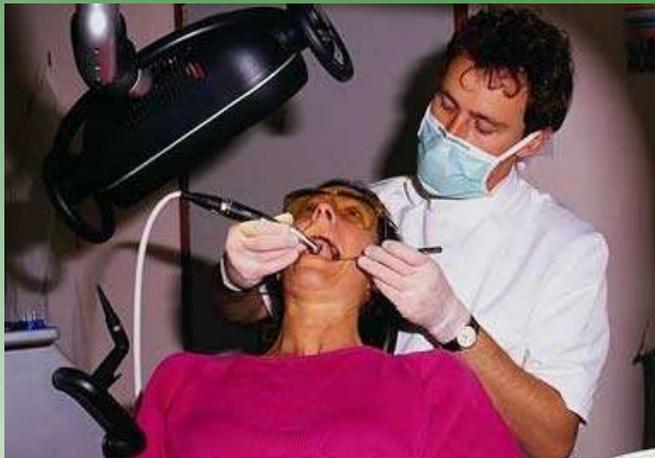
1904.2 NEW PARTIALLY EXEMPTED INDUSTRIES

Included under the provision of new partially exempted industries are the following:

- 525 hardware stores
- 542 meat and fish markets
- 544 candy nut, and confectionary stores
- 545 dairy products stores
- 546 retail bakeries



1904.2 NEW PARTIALLY EXEMPTED INDUSTRIES

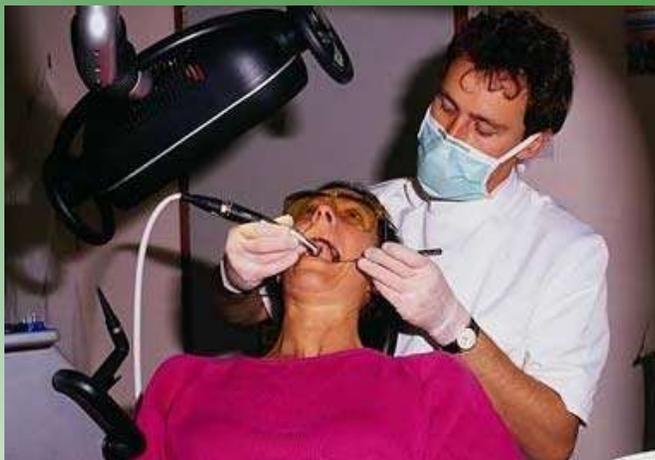


- 549 miscellaneous food stores
- 764 re-upholstery and furniture repair
- 791 dance studios, schools, and halls
- 792 producers, orchestras, entertainers
- 793 bowling centers

1904.2 NEW PARTIALLY EXEMPTED INDUSTRIES



- 801 offices and clinics of medical doctors
- 802 offices and clinics of dentists
- 803 offices of osteopathic physicians



1904.31 – COVERED EMPLOYEES

Employees covered in this subsection include employees on payroll and employees not on payroll who are supervised on a day-to-day basis by the hiring company.

Those who are not covered include self-employed persons and partners. Temporary help agencies should not record the cases experienced by temp workers who are supervised by the using firm

1904.30 – MULTIPLE BUSINESS ESTABLISHMENTS

- Keep a separate OSHA Form 300 for each establishment that is expected to be in operation for more than a year
- May keep one OSHA Form 300 for all short-term establishments
- Each employee must be linked with one establishment

Lesson 2

RECORDKEEPING CRITERIA

This Lesson Focuses on the Following Topics:

- Recordkeeping forms
- 1904.5 – Work-relatedness
- 1904.7 – General recording criteria

RECORDKEEPING FORMS

1904.29 – Forms

OSHA subsection 1904.29 is based on the following forms:

- **OSHA Form 300, Log of Work-Related Injuries and Illnesses**
- **OSHA Form 300A, Summary of Work-Related Injuries and Illnesses**
- **OSHA Form 301, Injury and Illness Incident Report**

Complete 300 & 301 for each recordable case within 7 calendar days of receiving information that a recordable case occurred

[Click to view popup](#)

An equivalent form that has the same information, is as readable and understandable, and uses the same instructions as the OSHA form it replaces can be used.

Forms can be kept on a computer or at another location as long as they can be produced when they are needed (i.e., meet the access provisions of 1904.35 and

RECORDKEEPING FORMS

Subpart C: Recordkeeping Forms and Recording Criteria

Subpart C, regarding recordkeeping forms and recording criteria covers the following:

- 1904.4 Recording criteria
- 1904.5 Work-relatedness
- 1904.6 New cases
- 1904.7 General recording criteria
- 1904.8 Needle sticks and sharps
- 1904.9 Medical removal
- 1904.10 Hearing loss
- 1904.11 Tuberculosis
- 1904.12 Musculoskeletal disorders
- 1904.29 Forms



1904.5 – WORK-RELATEDNESS

A case is considered work-related if an event or exposure in the work environment either caused or contributed to the resulting condition

A case is considered work-related if an event or exposure in the work environment significantly aggravated a pre-existing injury or illness

Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment



1904.5 – WORK-RELATEDNESS

Significant Aggravation

A pre-existing injury or illness is significantly aggravated when an event or exposure in the work environment results in any of the following (which otherwise would not have occurred):

- Death
- Loss of consciousness
- Days away, days restricted or job transfer
- Medical treatment

1904.5 – WORK-RELATEDNESS

Exceptions

Exceptions to the regulations regarding work-relatedness include the following:

- The employee is present as a member of the general public
- The employee shows symptoms arising in the work environment that are solely due to non-work-related event or exposure
- The employee voluntarily participates in a wellness program, medical, fitness or recreational activity



1904.5 – WORK-RELATEDNESS

- Injury or illness results from eating, drinking or preparing food or drink for personal consumption
- Injury or illness due to personal tasks outside assigned working hours
- Injury or illness resulting from personal grooming, self medication for non-work-related condition, or intentionally self-inflicted
- Motor vehicle accident in parking lot/access road during commute
- Common cold or flu
- Mental illness, unless employee voluntarily provides a medical opinion from a physician or licensed health care professional (PLHCP) having appropriate qualifications and experience that affirms work relatedness

1904.5 – WORK-RELATEDNESS

Travel Status



An injury or illness that occurs while an employee is on travel status is work-related if it occurred while the employee was engaged in work activities in the interest of the employer. Travel conditions are considered a “home away from home,” and should be regulated as such. A detour for personal reasons is not work-related.

1904.5 – WORK-RELATEDNESS

Work at Home

Injuries and illnesses that occur while an employee is working at home are work-related if they occur while the employee is performing work for pay or compensation in the home, and they are directly related to the performance of work rather than the general home environment.



1904.5 – WORK-RELATEDNESS

1904.6 – New Cases

A case is considered a New Case if:

- The employee has not previously experienced a recordable injury or illness of the same type that affects the same part of the body; or
- The employee previously experienced a recordable injury or illness of the same type that affects the same part of the body, but had recovered completely and an event or exposure in the work environment caused the signs and symptoms to reappear

1904.5 – WORK-RELATEDNESS

1904.6 – New Cases

If there is a medical opinion regarding resolution of a case, the employer must follow that opinion. If an exposure triggers the recurrence, it is a new case (e.g., asthma, rashes)

If signs and symptoms recur even in the absence of exposure, it is not a new case (e.g., silicosis, tuberculosis, asbestosis)

1904.7 – GENERAL RECORDING CRITERIA

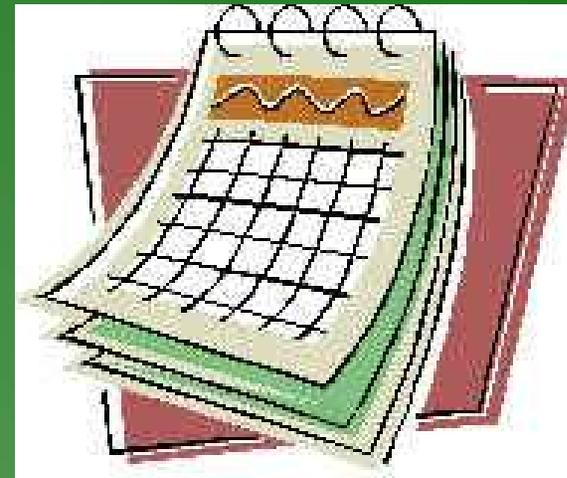
An injury or illness is recordable if it results in one or more of the following:

- Death
- Days away from work
- Restricted work activity
- Transfer to another job
- Medical treatment beyond first aid
- Loss of consciousness
- Significant injury or illness diagnosed by a PLHCP

1904.7 – GENERAL RECORDING CRITERIA

1904.7(b)(3) Days Away Cases

Cases shall be recorded as Days Away Cases if the case involves one or more days away from work. Check the box for days away cases and count the number of calendar days. Do not include the day of injury/illness



1904.7 – GENERAL RECORDING CRITERIA

When performing day counts (days away or days restricted):

- Count the number of calendar days the employee was unable to work (include weekend days, holidays, vacation days, etc.)
- Cap the day count at 180 days away and/or days restricted
- Day count may stop if employee leaves company for a reason unrelated to the injury or illness
- If a medical opinion exists, the employer must follow that opinion

1904.7 – GENERAL RECORDING CRITERIA

1904.7(b)(4) – Restricted work cases

Record if the case involves one or more days of restricted work or job transfer. Check the box for restricted/transfer cases and count the number of calendar days.

- Do not include the day of injury/illness

1904.7 – GENERAL RECORDING CRITERIA

Restricted work activity occurs when:

- An employee is kept from performing one or more routine functions (work activities the employee regularly performs at least once per week) of his or her job; or
- An employee is kept from working a full workday; or
- A PLHCP recommends either of the above

1904.7 – GENERAL RECORDING CRITERIA

1904.7(b)(4) – Job Transfer

- Job transfer refers to a case where an injured or ill employee is assigned to a job other than his or her regular job for part of the day
- A case is recordable if the injured or ill employee performs his or her routine job duties for part of a day and is assigned to another job for the rest of the day

1904.7 – GENERAL RECORDING CRITERIA

1904.7(b)(5) – Medical Treatment

Medical treatment is the management and care of a patient to combat disease or disorder. It does not include:

- Visits to a PLHCP solely for observation or counseling
- Diagnostic procedures
- First aid

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All work-related cases involving loss of consciousness must be recorded

1904.7 – GENERAL RECORDING CRITERIA

Methods of first aid covered under this section include:

- Using nonprescription medication at nonprescription strength
- Tetanus immunizations
- Cleaning, flushing, or soaking surface wounds
- Wound coverings, butterfly bandages, Steri-Strips
- Hot or cold therapy

1904.7 – GENERAL RECORDING CRITERIA

- Non-rigid means of support
- Temporary immobilization device used to transport accident victims
- Drilling of fingernail or toenail, draining fluid from blister
- Eye patches
- Removing foreign bodies from eye using irrigation or cotton swab



1904.7 – GENERAL RECORDING CRITERIA

- Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means
- Finger guards
- Massages
- Drinking fluids for relief of heat stress



1904.7 – GENERAL RECORDING CRITERIA

1904.7(b)(7) – General Criteria

Significant diagnosed injuries and illnesses are:

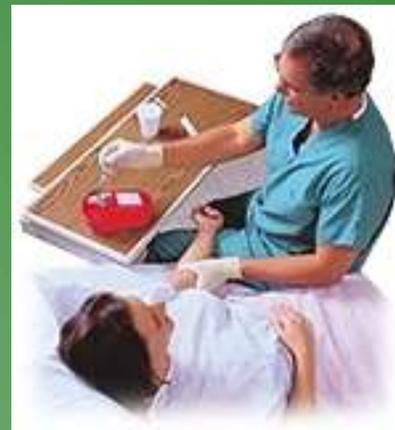
- Cancer
- Chronic irreversible disease
- Fractured or cracked bone
- Punctured eardrum



1904.7 – GENERAL RECORDING CRITERIA

1904.8 – Bloodborne Pathogens

- Record all work-related needlesticks and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (includes human bodily fluids, tissues and organs; other materials infected with HIV or HBV such as laboratory cultures)
- Record splashes or other exposures to blood or other potentially infectious material if it results in diagnosis of a bloodborne disease or meets the general recording criteria



1904.7 – GENERAL RECORDING CRITERIA

1904.9 – Medical Removal

- If an employee is medically removed under the medical surveillance requirements of an OSHA standard, you must record the case
- The case is recorded as either one involving days away from work or days of restricted work activity
- If the case involves voluntary removal below the removal levels required by the standard, the case need not be recorded



OTHER MEDICAL CONDITIONS

Here is a list of other medical conditions covered by this section. Scroll over each one to find out more about the regulations of each condition:

- 1904.10 – Hearing Loss
- 1904.11 – Tuberculosis
- 1904.12 – Musculoskeletal Disorders

OTHER MEDICAL CONDITIONS

1904.10 – Hearing Loss

- o Recording of Standard Threshold Shift under consideration (July 3rd FR notice)
- o If delayed, record 25 dB shifts

OTHER MEDICAL CONDITIONS

1904.11 – Tuberculosis

Record a case where an employee is exposed to someone (**at work**) with a known case of active tuberculosis, and subsequently develops a TB infection. A case is not recordable when:

- o The worker is living in a household with a person who is diagnosed with active TB
- o The Public Health Department has identified the worker as a contact of an individual with active TB
- o A medical investigation shows the employee's infection was caused by exposure away from work

OTHER MEDICAL CONDITIONS

1904.12 – Musculoskeletal Disorders

- o Definition and “MSD Illness Column” under further consideration
- o If delayed, record using the new rule - no special recording criteria

LESSON 3

FORMS COMPLETION

This Lesson Focuses on the following topics:

- 1904.29 – Privacy protection
- 1904.35 – Employee involvement
- Government regulations

1904.29 – PRIVACY PROTECTION

Do not enter the name of an employee on the OSHA Form 300 for “privacy concern cases” Enter “privacy case” in the name column. Keep a separate confidential list of the case numbers and employee names



1904.29 – PRIVACY PROTECTION

Privacy concern cases are:

- An injury or illness to an intimate body part or reproductive system
- An injury or illness resulting from sexual assault
- Mental illness
- HIV infection, hepatitis, tuberculosis
- Needlesticks and sharps injuries that are contaminated with another person's blood or other potentially infectious material
- Employee voluntarily requests to keep name off for other illness cases

1904.29 – PRIVACY PROTECTION

Employer may use discretion in describing the case if employee can be identified

If you give the forms to people not authorized by the rule, you must remove the names first, but exceptions are made for:

- Auditor/consultant
- Workers' compensation or other insurance
- Public health authority or law enforcement agency

1904.35 – EMPLOYEE INVOLVEMENT

Each employee must be informed of how to report an injury or illness:

- A procedure must be set up for employees to report work-related injuries and illnesses promptly;
- You must tell each employee how to report work-related injuries and illnesses to you/the employer

1904.35 – EMPLOYEE INVOLVEMENT

You must provide limited access to injury and illness records to employees, former employees and their personal and authoritative representatives

- Provide copy of OSHA Form 300 by end of next business day
- Provide copy of OSHA Form 301 to employee, former employee or personal representative by end of next business day
- Provide copies of OSHA Form 301 to authorized representative within 7 calendar days. Provide only “Information about the case” section of form.

GOVERNMENT REGULATIONS

The following are provisions that cover government procedures for recordkeeping:

- 1904.40 – Providing Records to Government Representatives
- 1904.33 – Retention and Updating
- 1904.36 – Prohibition Against Discrimination
- 1904.37 – State Plans



GOVERNMENT REGULATIONS

1904.40 – Providing Records to Government Representatives

- Must provide copies of the records within 4 business hours
- Use the business hours of the establishment where the records are located

GOVERNMENT REGULATIONS

1904.33 – Retention and Updating

- Retain forms for 5 years following the year that they cover
- Update the OSHA Form 300 during that period
- Do not need to update the OSHA Form 300A or OSHA Form 301

GOVERNMENT REGULATIONS

1904.36 – Prohibition Against Discrimination

- Section 11(c) of the Act prohibits you from discriminating against an employee for reporting a work-related fatality, injury or illness
- Section 11(c) also protects the employee who files a safety and health complaint, asks for access to the Part 1904 records, or otherwise exercises any rights afforded by the OSH Act

GOVERNMENT REGULATIONS

1904.37 – State Plans

- State-Plan States must have the same requirements as Federal OSHA for determining which injuries and illnesses are recordable and how they are recorded
- For other Part 1904 requirements, State-Plan requirements may be more stringent
- 1952.4 has been modified to reflect these concepts

GOVERNMENT REGULATIONS

Subpart F - Transition from the Former Rule

- Must post summary of OSHA Log 200 from February 1, 2002 to March 1, 2002
- Must retain OSHA No. 200 and OSHA No. 101 forms for 5 years - you are not required to update these forms

LESSON 4

POSTING AND REPORTING

This Lesson Focuses on the following topics

- 1904.32 – Annual summary
- Reporting
- For more help

1904.32 – ANNUAL SUMMARY

According to guidelines, make sure the following steps are taken when creating an annual summary:

- Review OSHA Form 300 for completeness and accuracy, and correct deficiencies
- Complete OSHA Form 300A
- Certify summary
- Post summary



1904.32 – ANNUAL SUMMARY

A company executive must certify the summary. This executive may be any of the following:

- An owner of the company
- An officer of the corporation
- The highest ranking company official working at the establishment, or
- His or her supervisor



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Summaries must be posted for a 3 month period from February 1 to April 30 of the year following the year covered by the summary

REPORTING

OSHA's regulations for reporting are covered by the following standards:

- Reporting fatalities and multiple hospitalizations - 1904.39
- Annual OSHA injury and illness surveys - 1904.41
- BLS annual survey - 1904.42
- Providing records to NIOSH/OSHA - 1904.40

REPORTING

1904.39 – Fatality/Catastrophe Reporting

- Report orally within 8 hours any work-related fatality or incident involving 3 or more in-patient hospitalizations
- Must report fatal heart attacks
- There is no need to report highway or public street motor vehicle accidents (outside of a construction work zone)
- Do not need to report commercial airplane, train, subway or bus accidents



FOR MORE HELP

For more information regarding OSHA's Recordkeeping regulations, please contact any of the following:

- OSHA's Home Page: [OSHA](#)
- Regional recordkeeping coordinators
- State Plans and State Consultation