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# **OSHA RECORDKEEPING**

## **CLASS AGENDA**

### **SECTION/TOPIC**

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- |                           |  |
|---------------------------|--|
| <b>Introduction Tab 1</b> | <ul style="list-style-type: none"><li>- <b>Review Of The Facility</b></li><li>- <b>Instructors Introduced</b></li><li>- <b>Student Introductions/Flip Chart Questions</b></li><li>- <b>Review The Index/Manual</b></li><li>- <b>Cover The Objectives Of The Class</b></li><li>- <b>Safety Agencies in Ohio</b></li></ul> |
| <b>Section/Tab 2</b>      | <ul style="list-style-type: none"><li>- <b>OSHA Trends</b></li><li>- <b>Penalties</b></li><li>- <b>Other Recordkeeping Requirements</b></li><li>- <b>Poster Requirements/Posters</b></li><li>- <b>Four Scenarios</b></li></ul>   |
| <b>Section/Tab 3</b>      | <ul style="list-style-type: none"><li>- <b>Review Of The OSHA Act</b></li></ul>  |
| <b>Section/Tab 4</b>      | <ul style="list-style-type: none"><li>- <b>OSHA Forms</b></li><li>- <b>Quiz</b></li><li>- <b>Highlights of the Rule</b></li><li>- <b>Standards Exercises</b></li></ul>   |
| <b>Section/Tab 5</b>      | <ul style="list-style-type: none"><li>- <b>Review Of The Regulations on Recordkeeping</b></li><li>- <b>Flow Chart</b></li><li>- <b>Medical and First Aid</b></li></ul>   |
| <b>Section/Tab 6</b>      | <ul style="list-style-type: none"><li>- <b>Note Pages</b></li></ul>  |
| <b>Section/Tab 7</b>      | <ul style="list-style-type: none"><li>- <b>Quizzes and Workshops</b></li></ul>   |

# **OSHA RECORDKEEPING CLASS**

## **OBJECTIVES**

Upon completing this class you should have the knowledge to do the following things:

1. Be able to maintain the required OSHA recordkeeping forms.
2. Have an understanding of what is an OSHA Recordable Injury & Illness.
3. How to use the OSHA recordkeeping forms to help with risk reduction/loss prevention.
4. Understand where to find references to OSHA record keeping requirements.

## **OSHA Recordkeeping**

### **Follow-up Activities**

- Researched injury and accident statistics (incident rates, OSHA logs, types of accidents) at my workplace and identified problem areas.
- Talked to management about accident trends based on research of OSHA logs, incident rates, etc...
- Conducted recordkeeping training for our in-house staff.



## Resources Available from the Division of Safety & Hygiene (DSH) Libraries

(800) 644-6292 (614) 466-7388

[library@bwc.state.oh.us](mailto:library@bwc.state.oh.us)

[www.ohiobwc.com](http://www.ohiobwc.com)

### Safety training:

- Safety talks, outlines and scripts - DSH Safety leader's discussion guide, Training Center's One-hour safety presentations, reference books, web resources
- Videos – hundreds of safety and health topics
- Books and articles on training techniques

### Machine and equipment safety:

- Safety standards (ANSI, NFPA, CGA)
- Books and articles on power presses, material handling equipment, lockout/tagout, etc.

### Sample written programs:

- DSH program profiles and sample written programs
- Reference books
- Internet resources

### Illness and injury statistics:

- Statistics from the U.S. Bureau of Labor Statistics
- National Safety Council's *Injury Facts*
- National Institute of Occupational Safety & Health (NIOSH) studies

### Hazard communication and chemical safety:

- Chemical safety information
- Material safety data sheets (MSDSs)
- Sample written programs
- Videos
- Internet resources

### Safety standards

- American National Standards Institute (ANSI) standards (including standards for construction, machinery and equipment, personal protective equipment)
- National Fire Protection Association (NFPA) fire codes (including the Life Safety Code and the National Electrical Code)
- Compressed Gas Association (CGA) standards

### Other topics of interest (books, articles, magazines, videos and standards):

- Confined spaces
- Electrical safety
- Job safety analysis
- New employee orientation
- Powered industrial trucks
- Respiratory protection
- Safety culture
- Scaffolds

Directories and lists of vendors of safety equipment

Occupational Safety & Health Administration (OSHA) regulations

*Manual of Uniform Traffic Control Devices (MUTCD)*

Recommendations of useful Internet sites

BWC publications

**INTERNET WEB SITES  
FOR  
OCCUPATIONAL SAFETY & HEALTH INFORMATION  
April 2005**

**GENERAL**

**NATIONAL SAFETY COUNCIL (NSC)**

<http://www.nsc.org/>

The NSC has a user friendly web site for innovative and current information on home, farm and community, on the road and workplace safety and as well statistical data and charts.

**NORTH DAKOTA WORKFORCE SAFETY & INSURANCE**

<http://www.workforcesafety.com/>

For workplace safety, North Dakota's WSI site puts forth their "safe operating procedures" page where they give information on accident and near miss reports, substance abuse, material handling and storage, walking and working surfaces, and safety program development and orientation.

**OCCUPATIONAL & INDUSTRIAL SAFETY RESOURCES**

<http://www.khake.com/page59.html>

Maintained by a Vocational Information Center, this web site provides links to occupational and industrial safety with lists of directories, national centers, hotlines and help lines as well as specific area coverage such as emergency, disaster and natural hazards, and tool, machine and equipment safety options.

**OKLAHOMA STATE UNIVERSITY**

<http://www.pp.okstate.edu/ehs/>

The Department of Environmental Health & Safety at OSU offers an online safety resource library that is constantly being updated with topics from A-Z including specific areas of safety such as fire, construction, HAZCOM and training. Go to the "Links Library" option.

**SAFETY DIRECTORY**

<http://www.safetydirectory.com/>

Safety Directory.com is an Internet gateway to occupational health & safety sites. This web site is indexed with information on industry specific topics, training, illness and injury, as well as safety publications and resources.

**FEDERAL GOVERNMENT**

**CENTERS FOR DISEASE CONTROL & PREVENTION (CDC)**

<http://www.cdc.gov/>

The CDC is always a good resource for current medical issues throughout the United States. Health topics from A-Z give an in-depth look at most communicable diseases as well as topics such as safe driving, violence, and air pollution, and workplace safety and health topics.

### **FEDERAL EMERGENCY MANAGEMENT ASSOCIATION (FEMA)**

<http://www.fema.gov/>

For up-to-date information on active disasters and emergencies nationwide access this web site first. Publications include options for emergency preparedness and prevention, response and recovery, disaster fact sheets, and public awareness information.

### **NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY & HEALTH (NIOSH)**

<http://www.cdc.gov/niosh/homepage.html>

NIOSH's web site provides current information on many services as well as safety research, including ergonomics programs, respirators, and mining safety. At the chemical page you will find databases and other helpful resources, information on personal protective equipment, as well as government agency web sites of interest.

### **OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION (OSHA)**

<http://www.osha.gov>

OSHA'S official web site includes media releases, online publications, statistics, standards & directives, "Technical Links," training center courses, "hot topics," and "what's new" as well a very useful A-Z index page.

### **INTERNATIONAL RESOURCES**

#### **HEALTH & SAFETY EXECUTIVE (HSE)**

<http://www.hse.gov.uk/>

The United Kingdom has an international safety web site with a good deal to offer on occupational safety & health. Drop down boxes offer A-Z industry information, health and safety topics, tools, research, as well as publications and statistics.

#### **ERGNET**

<http://www.sunderland.ac.uk/~ts0qli/ergnet.htm>

The University of Sunderland in the UK is an international web site directory of "places for ergonomics and human factors". Featuring lists of sources such as societies, organizations, government bodies, institutes, centers and laboratories, this site also gives links to journals, a research database and other general ergonomic sites.

### **OHIO**

#### **OHIO EPA (OEPA)**

<http://www.epa.state.oh.us>

At the official web site for Ohio's Environmental Protection Agency; use the "Topic Index" to find regulations and information on permits, hazardous waste, pollution prevention, wastewater, wetlands, and much more.

### **OHIO STATE LIBRARY/OHIOLINK**

<http://winslo.state.oh.us>

At **OhioLink**, a statewide library and information network, you can search the State Library of Ohio's collection for the BWC's Division of Safety & Hygiene library books as well as other Ohio College and university library collections. Also available at this web site are searchable versions of Ohio Administrative laws and rules, electronic databases, and other Ohio library directories.

## ***SPECIFIC (BY SUBJECT)***

### **CONSTRUCTION**

<http://www.cdc.gov/elcosh/index.html>

CDC's **eLCOSH** is a comprehensive library of construction-related safety information presented in both English and Spanish with items listed under trade, hazard, job site, and others. Also see: The Construction Industry Safety Council, a Center to Protect Workers' Rights resource center at <http://www.buildsafe.org/RSC.htm> for OSHA publications in PDF and hazard alerts.

### **ERGONOMICS**

<http://www.ergoweb.com>

**ERGOWEB** provides current information on ergonomics and human factor science. Offered are: research, case studies, reference material and a forum for questions, answers and discussion.

### **LABORATORY SAFETY**

<http://safety.science.tamu.edu/>

Texas A&M University College of Science is an optional choice for safety in the laboratory information. From hazard identification to waste disposal this web site offers thorough coverage of laboratory safe practices.

### **MATERIAL SAFETY SHEETS**

<http://www.ilpi.com/msds/index.html>

This web site offers many solutions for finding MSDS (100 free sites) as well as chemical manufacturers and suppliers, pesticides including fertilizers, government sites, and other miscellaneous locations for chemical data. Also check any toxicological effects at <http://www.atsdr.cdc.gov/toxprofiles/> and health and safety information on household chemical ingredients at <http://householdproducts.nlm.nih.gov/>.

### **MOTOR CARRIER SAFETY PROGRAMS**

<http://www.fmcsa.dot.gov/safetyprogs/saftprogs.htm>

The Federal Motor Carrier Safety Administration (FMCSA), an administration within the U.S. Department of Transportation, regulates and supports the Nation's interstate commercial carrier industry. The FMCSA web page offers several safety programs in PDF format such as brake safety, fatigue, HAZMAT safety, speed management, sharing the road safely, and other insurance and licensing information.

## **RADIATION**

<http://www.physics.isu.edu/radinf/>

The Radiation Information Network offers a web site that is in-depth with information on radiation topics and issues. In addition to what's new in the field and general information there are regulatory, organizational and society links as well as research and educational resources available to access.

## **SAFETY STATISTICS**

<http://stats.bls.gov/>

Occupational health and safety statistics by industry and occupation can be researched for injuries, illnesses, and fatality data at this web site starting with the "Overview of BLS Statistics on Worker Safety and Health" page.

## ***SAFETY BRIEFINGS, MANUALS, PRODUCTS & PROGRAMS***

## **OSHA POWERPOINT SAFETY PRESENTATIONS**

<http://esf.uvm.edu/siript/powerpt.html>

An extensive safety PowerPoint presentation library is available at this web site featuring A-Z topics such as accident investigations, bomb threats, chemical spills, construction, electrical, hand tools, emergency response, fire safety, forklifts, JSA, laser, OSHA compliance, PPE, razor knife safety, safe lifting, and many more.

## **SAFETY PUBLICATIONS & VIDEO RESOURCES**

<http://www.cbs.state.or.us/external/osha/standards/pub.htm>

A valuable resource for safety resources, the Oregon State's Department of Consumer and Business Publications web site is packed with downloadable information. Areas covered are agriculture, asbestos abatement, occupational exposures, HAZCOM, HAZMAT, HAZWOPER, safety practices, writing manuals and programs, tools of the trade, workers' compensation and ergonomics.

Ohio Bureau of Workers' Compensation, Div. of Safety & Hygiene Library  
30 W. Spring St., L-3, Columbus, OH 43215-2256  
(800) 644-6292, press option 2 - 2  
(614) 466-7388/ (614) 644-9634 (fax)  
E-Mail: [library@bwc.state.oh.us](mailto:library@bwc.state.oh.us)

## **Saving You Time and Research**

Requests for copies of OSHA standards, information on starting a safety committee, a video on accident investigation techniques -- these are some of the thousands of inquiries BWC's Division of Safety & Hygiene (DSH) libraries receive each year.

### **DSH has two libraries to serve you:**

- The central library in the William Green Building in downtown Columbus;
- The resource center and video library located at the Ohio Center for Occupational Safety and Health (OCOSH) in Pickerington.

Both libraries are open 8 a.m. to 4:45 p.m., Monday through Friday. Your need for information does not require a visit to the library. You can phone, fax, or e-mail your requests and receive a quick response.

**The central library** provides free information services on the topics of occupational safety and health, workers' compensation and rehabilitation.

**The OCOSH resource center** provides similar services for those who visit OCOSH for meetings and training center classes.

**The video library** offers an extensive collection of videotapes to supplement your organization's safety and health training program. It is a convenient and popular source for Ohio employers to borrow quality occupational safety- and health-related training aids.

Visit our Web site at **[www.ohiobwc.com](http://www.ohiobwc.com)**.

Central library  
30 W. Spring St., Third Floor  
Columbus OH 43215-2256  
**1-800-OHIOBWC**  
(614) 466-7388  
(614) 644-9634 (fax)  
[library@bwc.state.oh.us](mailto:library@bwc.state.oh.us)

OCOSH resource center  
13430 Yarmouth Drive  
Pickerington OH 43147  
**1-800-OHIOBWC**  
Resource center (614) 728-6464  
Video library (614) 644-0018

# WHERE CAN I GET ANSWERS TO OSHA RECORDKEEPING QUESTIONS?

- Contact the local office of the Division of Safety & Hygiene
- Contact the local OSHA office
  1. Toledo 419-259-7542
  2. Cleveland 216-522-3818
  3. Columbus 614-469-5582
  4. Cincinnati 513-841-4132
- Contact the Bureau of Labor Statistics in Washington DC at 202-693-1702
  - Bob Whitmore 202-693-1876 or [bob.whitmore@osha.gov](mailto:bob.whitmore@osha.gov)
  - Valerie Struve 202-693-1882 or [valarie.struve@osha.gov](mailto:valarie.struve@osha.gov)



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Listed below are the standards which were cited by **Federal OSHA** for the specified SIC during the period October 2003 through September 2004. Penalties shown reflect current rather than initial amounts. For more information, see [definitions](#).

<b>Standard</b>	<b>#Cited</b>	<b>#Insp</b>	<b>\$Penalty</b>	<b>Description</b>
<a href="#">Total</a>	42767	6980	26517587	
<a href="#">19100147</a>	3878	1994	3302033	The Control of Hazardous Energy, Lockout/Tagout
<a href="#">19101200</a>	3426	1809	1065937	Hazard Communication
<a href="#">19100212</a>	2885	2267	3587057	Machines, General Requirements
<a href="#">19100134</a>	2520	1107	720847	Respiratory Protection
<a href="#">19100305</a>	2248	1343	849259	Electrical, Wiring Methods, Components and Equipment
<a href="#">19100219</a>	2032	1073	1022447	Mechanical Power-Transmission Apparatus
<a href="#">19100178</a>	1737	1156	1005528	Powered Industrial Trucks
<a href="#">19100303</a>	1627	1181	766924	Electrical Systems Design, General Requirements
<a href="#">19100215</a>	1260	764	420865	Abrasive Wheel Machinery
<a href="#">19100217</a>	1230	390	1425507	Mechanical Power Presses
<a href="#">19100213</a>	1122	586	565602	Woodworking Machinery Requirements
<a href="#">19100132</a>	1110	810	595884	Personal Protective Equipment, General Requirements
<a href="#">19100095</a>	1021	537	798504	Occupational Noise Exposure
<a href="#">19100023</a>	1001	756	832003	Guarding Floor and Wall Openings and Holes
<a href="#">19100146</a>	848	320	631724	Permit-Required Confined Spaces
<a href="#">19100157</a>	793	610	190436	Portable Fire Extinguishers
<a href="#">19100266</a>	730	124	259557	Pulpwood Logging
<a href="#">19100022</a>	728	633	344587	Walking-Working Surfaces, General Requirements
<a href="#">19100037</a>	709	509	369153	Means of Egress, General
<a href="#">19100107</a>	707	269	270491	Spray Finishing with Flammable/Combustible Materials
<a href="#">19100106</a>	603	349	499038	Flammable and Combustible Liquids
<a href="#">5A0001</a>	519	458	788674	General Duty Clause (Section of OSHA Act)
<a href="#">19100179</a>	510	243	176928	Overhead and Gantry Cranes
<a href="#">19100304</a>	500	426	252987	Electrical, Wiring Design and Protection

<a href="#">19100242</a>	476	468	244215	Hand and Portable Powered Tools and Equipment, General
<a href="#">19100119</a>	447	65	792370	Process Safety Management, Highly Hazardous Chem's
<a href="#">19100253</a>	430	333	162354	Oxygen-Fuel Gas Welding and Cutting
<b><a href="#">19040029</a></b>	<b>373</b>	<b>339</b>	<b>190255</b>	
<a href="#">19100133</a>	369	340	187358	Eye and Face Protection
<a href="#">19101025</a>	366	124	374356	Lead
<a href="#">19100184</a>	302	181	139211	Slings
<a href="#">19101000</a>	295	145	276146	Air Contaminants
<a href="#">19100036</a>	256	222	140882	Means of Egress, General Requirements
<a href="#">19101030</a>	252	142	68623	Bloodborne Pathogens
<a href="#">19100141</a>	247	172	63895	Sanitation
<a href="#">19100252</a>	191	155	131804	Welding, Cutting and Brazing, General Requirements
<a href="#">19101052</a>	185	53	72863	
<a href="#">19100038</a>	182	138	64295	Employee Emergency Plans and Fire Prevention Plans
<a href="#">19100176</a>	181	170	182695	Materials Handling, General
<a href="#">19100024</a>	174	145	84096	Fixed Industrial Stairs
<a href="#">19100334</a>	157	140	48806	Electrical, Use of Equipment
<a href="#">19100120</a>	152	81	265972	Hazardous Waste Operations and Emergency Response
<a href="#">19040032</a>	147	123	15005	
<a href="#">19100138</a>	143	142	55573	Hand Protection
<a href="#">19100101</a>	130	126	46842	Compressed Gases, General Requirements
<a href="#">19100243</a>	116	105	57232	Guarding of Portable Powered Tools
<a href="#">19100110</a>	114	89	41991	Storage and Handling of Liquefied Petroleum Gases
<b><a href="#">19040002</a></b>	<b>109</b>	<b>109</b>	<b>17960</b>	<b>Log and Summary of Occupational Injuries and Illnesses</b>
<a href="#">19100333</a>	109	96	95887	Electrical, Selection and Use of Work Practices
<a href="#">19100265</a>	105	55	55564	Sawmills
<a href="#">19100332</a>	102	96	60375	Electrical, Training
<a href="#">19101048</a>	96	37	44532	Formaldehyde
<a href="#">19100335</a>	84	56	81337	Electrical, Safeguards for Personnel Protection
<a href="#">19100027</a>	82	59	41203	Fixed Ladders
<a href="#">19100254</a>	80	62	41142	Arc Welding and Cutting

<a href="#">19101001</a>	77	32	24071	Asbestos Tremolite, Anthophyllite and Actinolite
<a href="#">19100124</a>	72	48	25979	
<b><a href="#">19040004</a></b>	<b>70</b>	<b>70</b>	<b>8460</b>	<b>Supplementary Record</b>
<a href="#">19101027</a>	70	18	32463	Cadmium
<a href="#">19100180</a>	69	35	39943	Crawler Locomotive and Truck Cranes
<a href="#">19101020</a>	66	44	5950	
<a href="#">19100307</a>	63	60	44810	Electrical, Hazardous (Classified) Locations
<a href="#">19040041</a>	60	60	30400	
<a href="#">19100255</a>	59	40	56994	Resistance Welding
<a href="#">19100145</a>	54	52	8043	Specifications, Accident Prevention Signs and Tags
<a href="#">19100026</a>	50	40	22401	Portable Metal Ladders
<a href="#">19100094</a>	49	40	14669	Ventilation
<a href="#">19150073</a>	49	35	71629	Guarding of Desk Openings and Edges
<a href="#">19100067</a>	48	44	40514	Vehicle-Mounted Elevating/Rotating Work Platforms
<a href="#">19030019</a>	37	37	13200	
<a href="#">19100136</a>	37	37	18485	Occupational Foot Protection
<a href="#">19100272</a>	37	11	17275	Grain Handling Facilities
<b><a href="#">19040007</a></b>	<b>35</b>	<b>28</b>	<b>12600</b>	<b>Access to Records</b>
<a href="#">19040010</a>	34	34	73490	
<a href="#">19261101</a>	34	8	21713	Asbestos
<b><a href="#">19040001</a></b>	<b>31</b>	<b>31</b>	<b>2950</b>	
<a href="#">19100125</a>	31	15	8830	
<a href="#">19100025</a>	29	28	9874	Portable Wood Ladders
<a href="#">19100169</a>	28	22	9208	Compressed Air Receivers
<a href="#">19150071</a>	28	12	20293	Scaffolds or Staging
<a href="#">19100028</a>	25	19	13304	Safety Requirements for Scaffolding
<a href="#">19100263</a>	25	18	14156	Bakery Equipment
<a href="#">19260453</a>	25	23	13654	Manually Propelled Mobile Ladder Stnds and Scaffolds
<a href="#">19100029</a>	23	15	15307	Manually Propelled Mobile Ladder Stnds and Scaffolds
<a href="#">19260451</a>	22	7	10103	Scaffolding
<a href="#">19100039</a>	21	16	7203	
<a href="#">19100135</a>	20	20	13504	Occupational Head Protection
<a href="#">19100165</a>	19	13	17484	Employee Fire Protection Alarm Systems

<a href="#">19100261</a>	18	12	103835	Pulp, Paper, and Paperboard Mills
<a href="#">19040031</a>	17	17	1375	
<a href="#">19040040</a>	17	17	7250	
<a href="#">19100218</a>	17	7	13476	Forging Machines
<a href="#">19150091</a>	17	15	8614	Housekeeping
<a href="#">19260501</a>	17	14	26325	Fall Protection Scope/Applications/Definitions
<a href="#">19101450</a>	16	10	3604	Occupational Exposure, Hazardous Chemicals in Laboratories
<a href="#">19150007</a>	15	11	5625	Competent Person
<a href="#">19150012</a>	15	10	10808	Precautions Before Entering
<a href="#">19150152</a>	15	10	14025	Respiratory Protection
<b><a href="#">19040039</a></b>	<b>14</b>	<b>14</b>	<b>13590</b>	
<a href="#">19100142</a>	13	7	15955	Temporary Labor Camps
<a href="#">19100244</a>	13	13	16333	Other Portable Tools and Equipment
<a href="#">19040030</a>	12	12	0	
<a href="#">19150075</a>	12	12	6700	Access to and Guarding of Dry Docks and Marine Railways
<a href="#">19100126</a>	11	11	5853	
<a href="#">19150077</a>	11	11	7833	Working Surfaces
<a href="#">19150158</a>	11	9	7113	
<a href="#">19100144</a>	10	10	5810	Safety Color Code for Marking Physical Hazards
<a href="#">19100156</a>	10	4	9400	Fire Brigades
<a href="#">19150055</a>	10	8	713	Gas Welding and Cutting
<a href="#">19150072</a>	10	9	5640	Ladders
<a href="#">19100269</a>	9	3	11250	Electric Power Generation/Transmission/Distribution
<a href="#">19100306</a>	9	9	1582	Specific Purpose Electrical Equip. and Installations
<a href="#">19101017</a>	9	5	13780	Vinyl Chloride
<a href="#">19150074</a>	9	9	8020	Access to Vessels
<a href="#">19150116</a>	9	5	22100	Use of Gear
<a href="#">19261053</a>	9	8	1343	Ladders
<a href="#">19040044</a>	8	8	400	
<a href="#">19100109</a>	8	3	22088	Explosives and Blasting Agents
<a href="#">19100262</a>	8	8	10106	Textiles
<a href="#">19101047</a>	8	4	5520	Ethylene Oxide
<a href="#">19150098</a>	8	8	1460	First Aid

<a href="#">19150115</a>	8	7	2705	Hoisting and Hauling Equipment
<a href="#">19150134</a>	8	7	0	Abrasive Wheels
<a href="#">19040033</a>	7	7	1525	
<a href="#">19100137</a>	7	7	3688	Electrical Protective Devices
<a href="#">19100159</a>	7	7	1610	Automatic Sprinkler Systems
<a href="#">19260550</a>	7	6	8862	Cranes and Derricks
<a href="#">19101096</a>	6	3	5000	
<a href="#">19150014</a>	6	6	3150	Certificate Before Hot Work Is Begun
<a href="#">19150056</a>	6	5	3288	Arc Welding and Cutting
<a href="#">19150159</a>	6	5	3075	
<a href="#">19151200</a>	6	2	115	Hazard Communication
<a href="#">19260062</a>	6	2	5825	Lead
<a href="#">19260251</a>	6	3	6500	Rigging Equipment for Material Handling
<a href="#">19030016</a>	5	5	6600	Posting of Citations
<a href="#">19100030</a>	5	5	7778	Other Working Surfaces
<a href="#">19100103</a>	5	2	1968	Hydrogen
<a href="#">19101028</a>	5	3	60	Benzene
<a href="#">19260020</a>	5	5	6060	Construction, General Safety and Health Provisions
<a href="#">19260021</a>	5	5	3400	Construction, Safety Training and Education
<a href="#">19260454</a>	5	5	250	
<a href="#">19260503</a>	5	5	7375	Fall Protection Training Requirements
<a href="#">19100102</a>	4	4	2075	Acetylene
<a href="#">19100104</a>	4	2	3150	Oxygen
<a href="#">19100216</a>	4	4	3230	Mills and Calenders in Rubber and Plastics Industries
<a href="#">19150111</a>	4	3	4155	Inspection
<a href="#">19170045</a>	4	2	3088	Cranes and Derricks
<a href="#">19260404</a>	4	4	2585	Electrical, Wiring Design and Protection
<a href="#">19260502</a>	4	3	3620	Fall Protection Systems Criteria and Practices
<a href="#">19030002</a>	<b>3</b>	<b>3</b>	<b>0</b>	<b>Posting of Notice, Avail. of Act and Applic. Stands</b>
<a href="#">19040006</a>	<b>3</b>	<b>3</b>	<b>0</b>	<b>Retention of Records</b>
<a href="#">19040008</a>	<b>3</b>	<b>3</b>	<b>2500</b>	<b>Fatality/Multiple Hospitalization Accident Reportg</b>
<a href="#">19100020</a>	3	2	0	Access to Employee Exposure and Medical Records
<a href="#">19100160</a>	3	3	5600	Fixed Extinguishing Systems, General

<a href="#">19150015</a>	3	3	500	Maintaining Gas-Free Conditions
<a href="#">19150052</a>	3	2	5500	Fire Prevention
<a href="#">19150092</a>	3	3	188	Illumination
<a href="#">19150112</a>	3	3	3090	Ropes, Chains and Slings
<a href="#">19150153</a>	3	3	1775	Head, Foot and Body Protection
<a href="#">19150157</a>	3	3	0	
<a href="#">19150181</a>	3	2	6400	Electrical Circuits and Distribution Boards
<a href="#">19180062</a>	3	3	825	Fiber Rope and Fiber Rope Slings
<a href="#">19260403</a>	3	3	1719	Electrical, General Requirements
<a href="#">19261060</a>	3	3	300	Stairways and Ladders, Training Requirements
<a href="#">19040005</a>	2	2	0	<b>Annual Summary, Occupational Injuries and Illnesses</b>
<a href="#">19040009</a>	2	2	0	<b>Falsification or Failure to Keep Records, Reports</b>
<a href="#">19100111</a>	2	1	150	Storage and Handling of Anhydrous Ammonia
<a href="#">19100158</a>	2	2	700	Standpipe and Hose Systems
<a href="#">19100177</a>	2	1	788	Servicing Multi-Piece and Single Piece Rim Wheels
<a href="#">19100241</a>	2	2	1400	Grinding Type 11 Flaring Cup Wheels
<a href="#">19100268</a>	2	1	3000	Telecommunications
<a href="#">19101018</a>	2	2	700	Inorganic Arsenic
<a href="#">19150034</a>	2	2	675	Mechanical Paint Removers
<a href="#">19150131</a>	2	2	2600	Tools and Related Equipment, General Precautions
<a href="#">19150132</a>	2	2	1260	Portable Electric Tools
<a href="#">19150155</a>	2	2	1000	
<a href="#">19170043</a>	2	1	600	Powered Industrial Trucks
<a href="#">19170048</a>	2	1	518	Conveyors
<a href="#">19170050</a>	2	2	0	Certifica Marine Terminal Material Handl'g Devices
<a href="#">19170112</a>	2	2	3660	Guarding of Edges
<a href="#">19180035</a>	2	2	3505	Open Hatches
<a href="#">19180097</a>	2	1	1553	Qualifications of Machinery Operators
<a href="#">19180103</a>	2	2	5750	Protective Clothing
<a href="#">19260095</a>	2	2	640	Criteria for Personal Protective Equipment
<a href="#">19260100</a>	2	2	780	Head Protection
<a href="#">19260300</a>	2	2	1450	Hand and Power Tools, General Requirements
<a href="#">19260351</a>	2	1	2200	Arc Welding and Cutting

<a href="#">19260405</a>	2	1	450	Elec. Wiring Methods, Components and Equip, Gen'l Use
<a href="#">19260552</a>	2	1	6300	Material Hoists, Personnel Hoists and Elevators
<a href="#">19260850</a>	2	1	683	Demolition, Preparatory Operations
<a href="#">19261052</a>	2	1	675	Stairways
<a href="#">19261127</a>	2	1	0	Cadmium
<a href="#">19100162</a>	1	1	488	Gaseous Agent Fixed Extinguishing Systems
<a href="#">19100181</a>	1	1	540	Derricks
<a href="#">19101045</a>	1	1	0	Acrylonitrile
<a href="#">19101051</a>	1	1	0	
<a href="#">19150036</a>	1	1	1000	Flammable Liquids
<a href="#">19150096</a>	1	1	6300	Work in or On Lifeboats
<a href="#">19150117</a>	1	1	0	Qualifications of Operators
<a href="#">19151001</a>	1	1	0	Asbestos
<a href="#">19170030</a>	1	1	0	
<a href="#">19170042</a>	1	1	1035	Miscellaneous Auxiliary Gear
<a href="#">19170095</a>	1	1	2625	Other Protective Measures
<a href="#">19180011</a>	1	1	0	Gangways
<a href="#">19180021</a>	1	1	0	Gangways and Other Means of Access
<a href="#">19180022</a>	1	1	1035	Jacob's Ladders
<a href="#">19180024</a>	1	1	1313	Bridge Plates and Ramps
<a href="#">19180032</a>	1	1	2625	Stowed Cargo and Temporary Landing Platforms
<a href="#">19180061</a>	1	1	400	Cargo Handling Gear, Other Than Ship's, General
<a href="#">19180064</a>	1	1	518	Chains and Chain Slings
<a href="#">19180091</a>	1	1	500	Housekeeping
<a href="#">19180105</a>	1	1	650	Head Protection
<a href="#">19260050</a>	1	1	0	Medical Services and First Aid
<a href="#">19260051</a>	1	1	0	Sanitation
<a href="#">19260102</a>	1	1	700	Eye and Face Protection
<a href="#">19260200</a>	1	1	0	Accident Prevention Signs and Tags
<a href="#">19260250</a>	1	1	0	Materials Handling, General Req'ts for Storage
<a href="#">19260416</a>	1	1	500	Electrical, Safety-Related Work Practices, Gen Rqts
<a href="#">19260452</a>	1	1	750	
<a href="#">19260701</a>	1	1	875	Concrete/Masonry, General Requirements

<a href="#">19260753</a>	1	1	0	Safety Nets
<a href="#">19260754</a>	1	1	0	
<a href="#">19260755</a>	1	1	263	
<a href="#">19260759</a>	1	1	2500	
<a href="#">19260761</a>	1	1	3000	
<a href="#">19600067</a>	1	1	0	Record of Log of Occupational Injuries and Illnesses

## OSHA PENALTIES

Willful, Repeat	\$ 70,000
Serious	\$ 7,000
Failure to Abate	\$ 210,000
Failure to Report Fatality	\$ 5,000
Failure to Post Citation	\$ 3,000
Failure to Post OSHA Poster	\$ 1,000
OSHA Recordkeeping Log	\$ 1,000
Failure to Post Log Summary	\$ 1,000

# Where OSHA Requires Records Per The General Industry Standards 29 CFR 1910

**These are general guidelines to help you to determine where you must keep training records, maintenance records and written programs. Some standards do not say that records are specifically required, but it may be implied and/or recommended. There may be other standards specifically required by certain industries which are not covered in this list.**

<b>STANDARD</b>	<b>SUBJECT</b>	<b>IS A WRITTEN PROGRAM NEEDED</b>	<b>ARE TRAINING RECORDS NEEDED</b>	<b>ARE MAINTENANCE RECORDS NEEDED</b>
1904	Occupational Injuries & Illness	Recommended	Recommended	Yes
1910.28	Scaffolds	No	Recommended	Yes
1910.38	Emergency Action	Yes	Recommended	No
1910.66	Powered Platforms	No	Yes	Yes
1910.68	Manlifts	No	Recommended	Yes
1910.95	Hearing Conservation	Recommended	Recommended	Yes
1910.96	Radiation	Yes	Recommended	Yes
1910.109	Explosives & Blasting Agents	Recommended	Yes	Yes
1910.119	Process Safety	Yes	Yes	Yes
1910.120	Hazwoper	Yes	Yes	Yes
1910.132 1910.133 1910.135 1910.136	Personal Protective Equipment	Yes	Yes	Yes
1910.137 1910.138	Personal Protective Equipment	Yes	Yes	Yes
1910.134	Respirators	Yes	Yes	Yes
1910.146	Confined Spaces	Yes	Yes	Yes

<b>STANDARD</b>	<b>SUBJECT</b>	<b>IS A WRITTEN PROGRAM NEEDED</b>	<b>ARE TRAINING RECORDS NEEDED</b>	<b>ARE MAINTENANCE RECORDS NEEDED</b>
1910.147	Lockout/Tagout	Yes	Yes	Yes
1910.151	Medical & First Aid	No	Recommended	Yes
1910.156	Fire Brigades	Yes	Yes	No
1910.157	Fire Extinguishers	Recommended	Recommended	Yes
1910.160	Fixed Extinguishing Systems	No	No	Yes
1910.164	Fire Detection Systems	No	Under Emergency Action Plan	Recommended
1910.165	Employee Alarm Systems	Yes	Recommended	Recommended
1910.177	Servicing Wheel Rims	Yes	Recommended	Recommended
1910.178	Powered Industrial Trucks	Yes	Yes	Yes
1910.179	Cranes	No	Recommended	Yes
1910.180	Crawler Locomotive & Truck Cranes	No	Recommended	Yes
1910.181	Derricks	No	Recommended	Yes
1910.184	Slings	No	Recommended	Yes
1910.217	Mechanical Power Presses	Yes	Recommended	Yes
1910.218	Forging Machines	No	Recommended	Yes
1910.219	Mechanical Power-transmission Apparatus	No	No	Recommended
1910.253	Gas Welding	No	Recommended	Recommended
1910.254	Arc Welding	No	Recommended	Recommended
1910.255	Resistance Welding	No	Recommended	Yes

<b>STANDARD</b>	<b>SUBJECT</b>	<b>IS A WRITTEN PROGRAM NEEDED</b>	<b>ARE TRAINING RECORDS NEEDED</b>	<b>ARE MAINTENANCE RECORDS NEEDED</b>
1910.264	Laundry Operations	No	Recommended	No
1910.266	Pulpwood Logging	Recommended	Yes	No
1910.268	Telecommunications	No	Yes	Yes
1910.269	Electric Power Generation	Yes	Yes	Yes
1910.272	Grain Handling Facilities	Yes	Recommended	Yes
1910.331-.335	Electrical Safe Work Practices	Yes	Recommended	Recommended
1910.402-.440	Diving Operations	Yes	Yes	Yes
1910.1001	Asbestos	Yes	Yes	Yes
1910.1003-.1016	Carcinogens	Yes	Yes	Yes
1910.1017	Vinyl Chloride	Yes	Yes	Yes
1910.1018	Inorganic	Yes	Yes	Yes
1910.1020	Medical & Exposure Records	No	Recommended	Yes
1910.1025	Lead	Yes	Yes	Yes
1910.1027	Cadmium	Yes	Yes	Yes
1910.1028	Benzene	Yes	Yes	Yes
1910.1029	Coke Ovens	Yes	Yes	Yes
1910.1030	Bloodborne Pathogens	Yes	Yes	Yes
1910.1043	Cotton Dust	Yes	Yes	Yes
1910.1044	1,2-dibromo-3-chloropropane	Yes	Yes	Yes
1910.1045	Acrylonitrile	Yes	Yes	Yes
1910.1047	Ethylene Oxide	Yes	Yes	Yes
1910.1048	Formaldehyde	Yes	Yes	Yes
1910.1050	Methylene-dianiline	Yes	Yes	Yes

<b>STANDARD</b>	<b>SUBJECT</b>	<b>IS A WRITTEN PROGRAM NEEDED</b>	<b>ARE TRAINING RECORDS NEEDED</b>	<b>ARE MAINTENANCE RECORDS NEEDED</b>
1910.1052	Methylene Chloride	Yes	Yes	Yes
1910.1200	Hazard Communications	Yes	Yes	No
1910.1450	Laboratories	Yes	Yes	Yes

This document was prepared for the OSHA Record Keeping Class by George Kunz and Mike Marr

# Where OSHA Requires Records Per The Construction Standards 29 CFR 1926

**These are general guidelines to help you to determine where you must keep training records, maintenance records and written programs. Some standards do not say that records are specifically required, but it may be implied and/or recommended. There may be other standards specifically required by certain industries which are not covered in this list.**

**Note: There are general industry standards that apply to construction as well as the following.**

<b>STANDARD</b>	<b>SUBJECT</b>	<b>IS A WRITTEN PROGRAM NEEDED</b>	<b>ARE TRAINING RECORDS NEEDED</b>	<b>ARE MAINTENANCE RECORDS NEEDED</b>
1926.20	General Safety & Health Provisions	Yes	Recommended	Recommended
1926.21	Safety Training & Education	Recommended	Recommended	No
1926.24	Fire Protection & Prevention	Written	Recommended	No
1926.29	Acceptable Certifications	Recommended	No	Yes
1926.33	Exposure & Medical Records	Yes	Recommended	Yes
1926.35	Emergency Action Plan	Yes	Recommended	No
1926.50	First Aid	Yes	Yes	No
1926.53	Radiation	Yes	Recommended	Yes
1926.54	Lasers	Recommended	Yes	Recommended
1926.59	Hazard Communication	Yes	Recommended	Yes

<b>STANDARD</b>	<b>SUBJECT</b>	<b>IS A WRITTEN PROGRAM NEEDED</b>	<b>ARE TRAINING RECORDS NEEDED</b>	<b>ARE MAINTENANCE RECORDS NEEDED</b>
1926.60	Methylene-dianiline	Yes	Yes	Yes
1926.62	Lead	Yes	Recommended	Yes
1926.64	Process Safety Management	Yes	Yes	Recommended
1926.65	Hazwoper	Yes	Yes	Yes
1926.103	Respirators	Yes	Yes	Yes
1926.150	Fire Protection	Yes	Recommended	Yes
1926.156	Fixed Extinguishing Systems	Yes	Recommended	Yes
1926.158	Fire Detection Systems	No	Recommended	Yes
1926.159	Employee Alarm Systems	Recommended	Recommended	Yes
1926.251	Slings	No	No	Yes
1926.302	Powder Actuated Tools	No	Recommended	No
1926.350	Gas Welding & Cutting	No	Recommended	No
1926.351	Arc Welding & Cutting	No	Recommended	No
1926.404	Wiring Design & Protection	Yes	Recommended	Yes
1926.417	Lockout & Tagging Of Circuits	Yes	Recommended	No
1926.502	Fall Protection Systems Criteria & Practices	Yes	No	Yes
1926.503	Fall Protection Training Requirements	No	Yes	No
1926.550	Cranes & Derricks	No	No	Yes

<b>STANDARD</b>	<b>SUBJECT</b>	<b>IS A WRITTEN PROGRAM NEEDED</b>	<b>ARE TRAINING RECORDS NEEDED</b>	<b>ARE MAINTENANCE RECORDS NEEDED</b>
1926.552	Material Hoists, Personnel Hoists & Elevators	Yes	No	No
1926.556	Aerial Lifts	No	Recommended	Recommended
1926.651	Excavations General Requirements	Yes	No	Yes
1926.652	Requirements for Protective Systems	Yes	No	No
1926.800	Underground Construction	No	Recommended	Yes
1926.803	Compressed Air	Yes	Yes	Yes
1926.850	Demolition	Yes	No	No
1926.900	Explosives	Yes	Recommended	Yes
1926.901	Blaster Qualifications	No	Yes	No
1926.903	Underground Transportation Of Explosives	No	No	Yes
1926.905	Loading Of Explosives Or Blasting Agents	Yes	No	Yes
1926.955	Overhead Lines	No	Recommended	No
1926.1060	Ladder Training Requirements	No	Recommended	No
1926.1076	Qualifications Of Dive Teams	No	Recommended	No
1926.1080	Safe Practices Manual	Yes	No	No
1926.1081	Pre-Dive Procedure	Yes	No	Recommended
1926.1082	Procedures During Dive	Yes	No	No
1926.1083	Dive Records	Yes	No	No

<b>STANDARD</b>	<b>SUBJECT</b>	<b>IS A WRITTEN PROGRAM NEEDED</b>	<b>ARE TRAINING RECORDS NEEDED</b>	<b>ARE MAINTENANCE RECORDS NEEDED</b>
1926.1090	Dive Equipment Records	No	No	Yes
1926.1091	Diving Injury Records	No	No	Yes
1926.1101	Asbestos	Yes	Yes	Yes
1926.1103-.1116	Carcinogens	Yes	Recommended	Yes
1926.1117	Vinyl Chloride	Yes	Yes	Yes
1926.1118	Inorganic Arsenic	Yes	Yes	Yes
1926.1127	Cadmium	Yes	Yes	Yes
1926.1128	Benzene	Yes	Recommended	Yes
1926.1129	Coke Ovens	Yes	Recommended	Yes
1926.1144	1, 2-dibromo-3-chloropropane	Yes	Yes	Yes
1926.1145	Acrylonitrile	Yes	Yes	Yes
1926.1147	Ethylene Oxide	Yes	Yes	Yes
1926.1148	Formaldehyde	Yes	Yes	Yes

This document was prepared for the OSHA Record Keeping Class by George Kunz and Mike Marr



## OSHA Regulations (Standards - 29 CFR) Purpose and scope. - 1903.1

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- **Standard Number:** 1903.1
  - **Standard Title:** Purpose and scope.
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The Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590 et seq., 29 U.S.C. 651 et seq.) requires, in part, that every employer covered under the Act furnish to his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees. The Act also requires that employers comply with occupational safety and health standards promulgated under the Act, and that employees comply with standards, rules, regulations and orders issued under the Act which are applicable to their own actions and conduct. The Act authorizes the Department of Labor to conduct inspections, and to issue citations and proposed penalties for alleged violations. The Act, under section 20(b), also authorizes the Secretary of Health, Education, and Welfare to conduct inspections and to question employers and employees in connection with research and other related activities. The Act contains provisions for adjudication of violations, periods prescribed for the abatement of violations, and proposed penalties by the Occupational Safety and Health Review Commission, if contested by an employer or by an employee or authorized representative of employees, and for judicial review. The purpose of this Part 1903 is to prescribe rules and to set forth general policies for enforcement of the inspection, citation, and proposed penalty provisions of the Act. In situations where this Part 1903 sets forth general enforcement policies rather than substantive or procedural rules, such policies may be modified in specific circumstances where the Secretary or his designee determines that an alternative course of action would better serve the objectives of the Act.

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This document can be found at [http://www.osha-slc.gov/OshStd\\_data/1903\\_0001.html](http://www.osha-slc.gov/OshStd_data/1903_0001.html).



## OSHA Regulations (Standards - 29 CFR) Posting of notice; availability of the Act, regulations and applicable standards. - 1903.2

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- **Standard Number:** 1903.2
  - **Standard Title:** Posting of notice; availability of the Act, regulations and applicable standards.
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(a)

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(a)(1)

Each employer shall post and keep posted a notice or notices, to be furnished by the Occupational Safety and Health Administration, U.S. Department of Labor, informing employees of the protections and obligations provided for in the Act, and that for assistance and information, including copies of the Act and of specific safety and health standards, employees should contact the employer or the nearest office of the Department of Labor. Such notice or notices shall be posted by the employer in each establishment in a conspicuous place or places where notices to employees are customarily posted. Each employer shall take steps to insure that such notices are not altered, defaced, or covered by other material.

(a)(2)

Where a State has an approved poster informing employees of their protections and obligations as defined in §1952.10 of this chapter, such poster, when posted by employers covered by the State plan, shall constitute compliance with the posting requirements of section 8(c)(1) of the Act. Employers whose operations are not within the issues covered by the State plan must comply with paragraph (a)(1) of this section.

(a)(3)

Reproductions or facsimiles of such Federal or State posters shall constitute compliance with the posting requirements of section 8(c)(1) of the Act where such reproductions or facsimiles are at least 8 1/2 inches by 14 inches, and the printing size is at least 10 pt. Whenever the size of the poster increases, the size of the print shall also increase accordingly. The caption or heading on the poster shall be in large type, generally not less than 36 pt.

(b)

Establishment means a single physical location where business is conducted or where services or industrial operations are performed. (For example: A factory, mill, store, hotel, restaurant, movie theatre, farm, ranch, bank, sales office, warehouse, or central administrative office.) Where distinctly separate activities are performed at a single physical location (such as contract construction activities from the same physical location as a lumber yard), each activity shall be treated as a separate physical establishment, and a separate notice or notices shall be posted in each such establishment, to the extent that such notices have been furnished by the Occupational

Safety and Health Administration, U.S. Department of Labor. Where employers are engaged in activities which are physically dispersed, such as agriculture, construction, transportation, communications, and electric, gas and sanitary services, the notice or notices required by this section shall be posted at the location to which employees report each day. Where employees do not usually work at, or report to, a single establishment, such as longshoremen, traveling salesmen, technicians, engineers, etc., such notice or notices shall be posted at the location from which the employees operate to carry out their activities. In all cases, such notice or notices shall be posted in accordance with the requirements of paragraph (a) of this section.

**(c)**

Copies of the Act, all regulations published in this chapter and all applicable standards will be available at all Area Offices of the Occupational Safety and Health Administration, U.S. Department of Labor. If an employer has obtained copies of these materials, he shall make them available upon request to any employee or his authorized representative for review in the establishment where the employee is employed on the same day the request is made or at the earliest time mutually convenient to the employee or his authorized representative and the employer.

**(d)**

Any employer failing to comply with the provisions of this section shall be subject to citation and penalty in accordance with the provisions of section 17 of the Act.

[36 FR 17850, Sept. 4, 1971, as amended at 39 FR 39036, Nov. 5, 1974]

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This document can be found at [http://www.osha-slc.gov/OshStd\\_data/1903\\_0002.html](http://www.osha-slc.gov/OshStd_data/1903_0002.html).



## OSHA Regulations (Standards - 29 CFR) Authority for inspection. - 1903.3

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- **Standard Number:** 1903.3
  - **Standard Title:** Authority for inspection.
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**(a)**

Compliance Safety and Health Officers of the Department of Labor are authorized to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment and materials therein; to question privately any employer, owner, operator, agent or employee; and to review records required by the Act and regulations published in this chapter, and other records which are directly related to the purpose of the inspection. Representatives of the Secretary of Health, Education, and Welfare are authorized to make inspections and to question employers and employees in order to carry out the functions of the Secretary of Health, Education, and Welfare under the Act. Inspections conducted by Department of Labor Compliance Safety and Health Officers and representatives of the Secretary of Health, Education, and Welfare under section 8 of the Act and pursuant to this Part 1903 shall not affect the authority of any State to conduct inspections in accordance with agreements and plans under section 18 of the Act.

**(b)**

Prior to inspecting areas containing information which is classified by an agency of the United States Government in the interest of national security, Compliance Safety and Health Officers shall have obtained the appropriate security clearance.

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This document can be found at [http://www.osha-slc.gov/OshStd\\_data/1903\\_0003.html](http://www.osha-slc.gov/OshStd_data/1903_0003.html).

# You Have a Right to a Safe and Healthful Workplace. IT'S THE LAW!

You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.

You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in the inspection.

You can file a complaint with OSHA within 30 days of discrimination by your employer for making safety and health complaints or for exercising your rights under the *OSH Act*.

You have a right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violation.

Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.

You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or conditions.

Your employer must post this notice in your workplace.



The *Occupational Safety and Health Act of 1970 (OSH Act)*, P.L. 91-596, assures safe and healthful working conditions for working men and women throughout the Nation. The Occupational Safety and Health Administration, in the U.S. Department of Labor, has the primary responsibility for administering the *OSH Act*. The rights listed here may vary depending on the particular circumstances. To file a complaint, report an emergency, or seek OSHA advice, assistance, or products, call 1-800-321-OSHA or your nearest OSHA office: • Atlanta (404) 562-2300 • Boston (617) 565-9860 • Chicago (312) 353-2220 • Dallas (214) 767-4731 • Denver (303) 844-1600 • Kansas City (816) 426-5861 • New York (212) 337-2378 • Philadelphia (215) 861-4900 • San Francisco (415) 975-4310 • Seattle (206) 553-5930. Teletypewriter (TTY) number is 1-877-889-5627. To file a complaint online or obtain more information on OSHA federal and state programs, visit OSHA's website at [www.osha.gov](http://www.osha.gov). If your workplace is in a state operating under an OSHA-approved plan, your employer must post the required state equivalent of this poster.

## 1-800-321-OSHA [www.osha.gov](http://www.osha.gov)

# JOB SAFETY & HEALTH PROTECTION

The Occupational Safety and Health Act of 1970 provides job safety and health protection for workers by promoting safe and healthful working conditions throughout the Nation. Provisions of the Act include the following:

## Employers

All employers must furnish to employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious harm to employees. Employers must comply with occupational safety and health standards issued under the Act.

## Employees

Employees must comply with all occupational safety and health standards, rules, regulations and orders issued under the Act that apply to their own actions and conduct on the job.

The Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor has the primary responsibility for administering the Act. OSHA issues occupational safety and health standards, and its Compliance Safety and Health Officers conduct jobsite inspections to help ensure compliance with the Act.

## Inspection

The Act requires that a representative of the employer and a representative authorized by the employees be given an opportunity to accompany the OSHA inspector for the purpose of aiding the inspection.

Where there is no authorized employee representative, the OSHA Compliance Officer must consult with a reasonable number of employees concerning safety and health conditions in the workplace.

## Complaint

Employees or their representatives have the right to file a complaint with the nearest OSHA office requesting an inspection if they believe unsafe or unhealthful conditions exist in their workplace. OSHA will withhold, on request, names of employees complaining.

The Act provides that employees may not be discharged or discriminated against in any way for filing safety and health complaints or for otherwise exercising their rights under the Act.

Employees who believe they have been discriminated against may file a complaint with their nearest OSHA office within 30 days of the alleged discriminatory action.

## Citation

If upon inspection OSHA believes an employer has violated the Act, a citation alleging such violations will be issued to the employer. Each citation will specify a time period within which the alleged violation must be corrected.

The OSHA citation must be prominently displayed at or near the place of alleged violation for three days, or until it is corrected, whichever is later, to warn employees of dangers that may exist there.

## Proposed Penalty

The Act provides for mandatory civil penalties against employers of up to \$7,000 for each serious violation and for optional penalties of up to \$7,000 for each nonserious violation. Penalties of up to \$7,000 per day may be proposed for failure to correct violations within the proposed time period and for each day the violation continues beyond the prescribed abatement date. Also, any employer who willfully or repeatedly violates the Act may be assessed penalties of up to \$70,000 for each such violation. A minimum penalty of \$5,000 may be imposed for each willful violation. A violation of posting requirements can bring a penalty of up to \$7,000.

There are also provisions for criminal penalties. Any willful violation resulting in the death of any employee, upon conviction, is punishable by a fine of up to \$250,000 (or \$500,000 if the employer is a corporation), or by imprisonment for up to six months, or both. A second conviction of an employer doubles the possible term of imprisonment. Falsifying records, reports, or applications is punishable by a fine of \$10,000 or up to six months in jail or both.

## Voluntary Activity

While providing penalties for violations, the Act also encourages efforts by labor and management, before an OSHA inspection, to reduce workplace hazards voluntarily and to develop and improve safety and health programs in all workplaces and industries. OSHA's Voluntary Protection Programs recognize outstanding efforts of this nature.

OSHA has published Safety and Health Program Management Guidelines to assist employers in establishing or perfecting programs to prevent or control employee exposure to workplace hazards. There are many public and private organizations that can provide information and assistance in this effort, if requested. Also, your local OSHA office can provide considerable help and advice on solving safety and health problems or can refer you to other sources for help such as training.

## Consultation

Free assistance in identifying and correcting hazards and in improving safety and health management is available to employers, without citation or penalty, through OSHA-supported programs in each State. These programs are usually administered by the State Labor or Health department or a State university.

## Posting Instructions

Employers in States operating OSHA approved State Plans should obtain and post the State's equivalent poster.

*Under provisions of Title 29, Code of Federal Regulations, Part 1903.2(a)(1) employers must post this notice (or facsimile) in a conspicuous place where notices to employees are customarily posted.*

## More Information

Additional information and copies of the Act, OSHA safety and health standards, and other applicable regulations may be obtained from your employer or from the nearest OSHA Regional Office in the following locations:

Atlanta, GA	(404) 562-2300
Boston, MA	(617) 565-9860
Chicago, IL	(312) 353-2220
Dallas, TX	(214) 767-4731
Denver, CO	(303) 844-1600
Kansas City, MO	(816) 426-5861
New York, NY	(212) 337-2378
Philadelphia, PA	(215) 596-1201
San Francisco, CA	(415) 975-4310
Seattle, WA	(206) 553-5930

Washington, DC  
1997 (Reprinted)  
OSHA 2203



Alexis M. Herman, Secretary of Labor

**U.S. Department of Labor**  
Occupational Safety and Health Administration



# OHIO PUBLIC EMPLOYMENT RISK REDUCTION PROGRAM SAFETY AND HEALTH PROTECTION ON THE JOB

**THE PUBLIC EMPLOYMENT RISK REDUCTION ACT WAS ENACTED TO PROVIDE SAFE AND HEALTHFUL WORKING CONDITIONS FOR OHIO'S PUBLIC EMPLOYEES.**

**Employer Duties: Each public employer shall provide a place of employment free from recognized hazards.**

**Employee Duties: Each employee shall comply with all safety and health standards, rules, and regulations.**

**Enforcement:** The Ohio Bureau of Employment Services will:

1. Inspect job sites for unsafe and unhealthful conditions following a request to do so by a public employee, public employee representative, or public employer.
2. Issue citations requiring public employers to correct safety and health violations.

**Refusal to Work:** Any public employee acting in good faith may refuse work under conditions reasonably believed to present an imminent danger of death or serious physical harm, provided that the condition is not such as normally exists or reasonably might be expected to occur in the normal and regular duties of the public employee. In the case of a refusal to work, the public employee must follow these three steps and if all of the conditions in this rule are not met, the public employee may be subject to disciplinary action pursuant to law or agreement:

1. Notify his or her immediate supervisor of the imminent danger condition.
2. If the employer declines to correct or disputes the condition, the employee must attempt to contact the Director of the Division of Occupational Safety and Health and/or a representative of the Division knowledgeable of Risk Reduction Standards and workplace hazards.
3. Submit a written statement of the imminent danger to the Director of the Division of Occupational Safety and Health as soon as practical.

**Complaints:** Any public employee or employee representative may file a complaint with the Ohio Bureau of Employment Services of any unsafe or unhealthful condition or practice by letter, or by fax. Employees should initially attempt to have unsafe or unhealthful conditions corrected through their own procedures by contacting their immediate supervisor.

**Inspections:** The inspector will question privately a representative number of employees and management personnel concerning safety and health conditions in the workplace.

**Citations:** Following an inspection by the Ohio Bureau of Employment Services, notice of violations issued to the public employer must be prominently posted at or near the place where the hazard was found.

**Protection:** Employees cannot be discharged or otherwise discriminated against in any manner for filing a complaint in accordance with the Act or by instituting or causing to be instituted any provision of the Act. Discrimination complaints must be filed with the State Personnel Board of Review within 60 days of the discriminatory act or be pursued through provisions under a collective bargaining agreement.

**For additional information contact:** Ohio Bureau of Employment Services  
Division of Occupational Safety and Health  
145 South Front Street  
P.O. Box 1618  
Columbus, Ohio 43216-1618  
Phone: (614) 644-2246  
(800) 671-6858  
Fax: (614) 644-3133  
Refusal to Work Phone: (614) 731-4380

*Under provisions of Rule 4167-4-01 of the Ohio Administrative Code, public employers must post this notice (or facsimile) in a conspicuous place where notices to employees are customarily posted. Minimum reproduction size of this poster is 8 1/2 by 14 inches. Alternatively, a copy of this notice can be given to each employee provided each employee is informed of the provisions of this notice at the time of initial hire and at least annually thereafter.*

# OSHA Recordkeeping Examples

## **CASE #1**

Pete Barnett, a grinder operator, in Department 6, lacerated his left forefinger at 9:00am on Tuesday, January 6, 2004. He was sent to the Walk-In Department at the local clinic. It took eight (8) stitches to close the wound. When he returned to work the next day the doctor's slip asked him to return in ten (10) days for removal of the stitches. It also said to keep the hand clean.

## **CASE #2**

Mike Hartman, a powered industrial truck operator, in the Packing Department, reported on Tuesday, March 9, 2004, that his left hand was sore. He did not relate to a specific incident. He said it had become increasingly worse over the past week. He was sent to the doctor and returned with a note requesting that he receive therapy twice a week; wear a brace on his hand; and return to work in two (2) weeks.

## **CASE #3**

Bob Miller, a Maintenance worker, parked his car and was walking into work on Friday, April 2<sup>nd</sup>, 2004. He slipped and fell breaking his left arm in the parking lot. He was taken to the hospital; a cast was applied and he returned to work on April 5<sup>th</sup>. He was placed on restricted duty until May 7<sup>th</sup>, when the cast was to be removed.

## **CASE #4**

Barb Johnson, a packer in the shipping department, was lifting a box on Wednesday, June 9, 2004, when she felt a pain in her back. She reported it immediately to her supervisor. Her supervisor asked her if she wanted to see a doctor and she said "no". Two days later she said it still hurt so she went to the doctor. The doctor diagnosed a strain and recommended she avoid lifting for a week and said to return if it did not improve.





Public Law 91 - 596  
91st Congress, S. 2193  
December 29, 1970  
As Amended by Public Law 101-552,  
Section 3101, November 5, 1990  
As Amended by Public Law 105-198,  
July 16, 1998  
As Amended by Public Law 105-241  
September 29, 1998  
An Act

## **1. Introduction**

To assure safe and healthful working conditions for working men and women; by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the States in their efforts to assure safe and healthful working conditions; by providing for research, information, education, and training in the field of occupational safety and health; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Occupational Safety and Health Administration Compliance Assistance Authorization Act of 1998".

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## **2. Congressional Findings and Purpose**

(a) The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

(b) The Congress declares it to be its purpose and policy, through the exercise of its powers to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources -

(1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate

employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(2) by providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions;

(3) by authorizing the Secretary of Labor to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce, and by creating an Occupational Safety and Health Review Commission for carrying out adjudicatory functions under the Act;

(4) by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions;

(5) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;

(6) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(7) by providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;

(8) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health;

(9) by providing for the development and promulgation of occupational safety and health standards;

(10) by providing an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and sanctions for any individual violating this prohibition;

(11) by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;

(12) by providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem;

(13) by encouraging joint labor management efforts to reduce injuries and disease arising out of employment.

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### **3. Definitions**

(1) The term "Secretary" means the Secretary of Labor.

(2) The term "Commission" means the Occupational Safety and Health Review Commission established under this Act.

(3) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States (other than the Trust Territory of the Pacific Islands), or between points in the same State but through a point outside thereof.

(4) The term "person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, or any organized group of persons.

(5) The term "employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States (not including the United States Postal Service) or any State or political subdivision of a State.

(6) The term "employee" means an employee of an employer who is employed in a business of his employer which affects commerce.

(7) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(8) The term "occupational safety and health standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment.

(9) The term "national consensus standard" means any occupational safety and health standard or modification thereof which (1), has been adopted and promulgated by a nationally recognized standards-producing organization under procedures whereby it can be determined by the Secretary that persons interested and affected by the scope or provisions of the standard have reached substantial agreement on its adoption, (2) was formulated in a manner which afforded an opportunity for diverse

views to be considered and (3) has been designated as such a standard by the Secretary, after consultation with other appropriate Federal agencies.

**(10)** The term "established Federal standard" means any operative occupational safety and health standard established by any agency of the United States and presently in effect, or contained in any Act of Congress in force on the date of enactment of this Act.

**(11)** The term "Committee" means the National Advisory Committee on Occupational Safety and Health established under this Act.

**(12)** The term "Director" means the Director of the National Institute for Occupational Safety and Health.

**(13)** The term "Institute" means the National Institute for Occupational Safety and Health established under this Act.

**(14)** The term "Workmen's Compensation Commission" means the National Commission on State Workmen's Compensation Laws established under this Act.

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#### **4. Applicability of This Act**

**(a)** This Act shall apply with respect to employment performed in a workplace in a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, the Trust Territory of the Pacific Islands, Wake Island, Outer Continental Shelf Lands defined in the Outer Continental Shelf Lands Act, Johnston Island, and the Canal Zone. The Secretary of the Interior shall, by regulation, provide for judicial enforcement of this Act by the courts established for areas in which there are no United States district courts having jurisdiction.

**(b)(1)** Nothing in this Act shall apply to working conditions of employees with respect to which other Federal agencies, and State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021), exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

**(2)** The safety and health standards promulgated under the Act of June 30, 1936, commonly known as the Walsh-Healey Act (41 U.S.C. 35 et seq.), the Service Contract Act of 1965 (41 U.S.C. 351 et seq.), Public Law 91-54, Act of August 9, 1969 (40 U.S.C. 333), Public Law 85-742, Act of August 23, 1958 (33 U.S.C. 941), and the National Foundation on Arts and Humanities Act (20 U.S.C. 951 et seq.) are superseded on the effective date of corresponding standards, promulgated under this Act, which are determined by the Secretary to be more effective. Standards issued under the laws listed in this paragraph and in effect on or after the effective date of this Act shall be deemed to be occupational safety and health standards issued under this Act, as well as under such other Acts.

(3) The Secretary shall, within three years after the effective date of this Act, report to the Congress his recommendations for legislation to avoid unnecessary duplication and to achieve coordination between this Act and other Federal laws.

(4) Nothing in this Act shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties, or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment.

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## **5. Duties**

(a) Each employer -

(1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;

(2) shall comply with occupational safety and health standards promulgated under this Act.

(b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

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## **6. Occupational Safety and Health Standards**

(a) Without regard to chapter 5 of title 5, United States Code, or to the other subsections of this section, the Secretary shall, as soon as practicable during the period beginning with the effective date of this Act and ending two years after such date, by rule promulgate as an occupational safety or health standard any national consensus standard, and any established Federal standard, unless he determines that the promulgation of such a standard would not result in improved safety or health for specifically designated employees. In the event of conflict among any such standards, the Secretary shall promulgate the standard which assures the greatest protection of the safety or health of the affected employees.

(b) The Secretary may by rule promulgate, modify, or revoke any occupational safety or health standard in the following manner:

(1) Whenever the Secretary, upon the basis of information submitted to him in writing by an interested person, a representative of any organization of employers or employees, a nationally recognized

standards-producing organization, the Secretary of Health, Education, and Welfare, the National Institute for Occupational Safety and Health, or a State or political subdivision, or on the basis of information developed by the Secretary or otherwise available to him, determines that a rule should be promulgated in order to serve the objectives of this Act, the Secretary may request the recommendations of an advisory committee appointed under section 7 of this Act. The Secretary shall provide such an advisory committee with any proposals of his own or of the Secretary of Health, Education, and Welfare, together with all pertinent factual information developed by the Secretary or the Secretary of Health, Education, and Welfare, or otherwise available, including the results of research, demonstrations, and experiments. An advisory committee shall submit to the Secretary its recommendations regarding the rule to be promulgated within ninety days from the date of its appointment or within such longer or shorter period as may be prescribed by the Secretary, but in no event for a period which is longer than two hundred and seventy days.

(2) The Secretary shall publish a proposed rule promulgating, modifying, or revoking an occupational safety or health standard in the Federal Register and shall afford interested persons a period of thirty days after publication to submit written data or comments. Where an advisory committee is appointed and the Secretary determines that a rule should be issued, he shall publish the proposed rule within sixty days after the submission of the advisory committee's recommendations or the expiration of the period prescribed by the Secretary for such submission.

(3) On or before the last day of the period provided for the submission of written data or comments under paragraph (2), any interested person may file with the Secretary written objections to the proposed rule, stating the grounds therefor and requesting a public hearing on such objections. Within thirty days after the last day for filing such objections, the Secretary shall publish in the Federal Register a notice specifying the occupational safety or health standard to which objections have been filed and a hearing requested, and specifying a time and place for such hearing.

(4) Within sixty days after the expiration of the period provided for the submission of written data or comments under paragraph (2), or within sixty days after the completion of any hearing held under paragraph (3), the Secretary shall issue a rule promulgating, modifying, or revoking an occupational safety or health standard or make a determination that a rule should not be issued. Such a rule may contain a provision delaying its effective date for such period (not in excess of ninety days) as the Secretary determines may be necessary to insure that affected employers and employees will be informed of the existence of the standard and of its terms and that employers affected are given an opportunity to familiarize themselves and their employees with the existence of the requirements of the standard.

(5) The Secretary, in promulgating standards dealing with toxic materials or harmful physical agents under this subsection, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard dealt with by such standard for the period of his working life. Development of standards under this subsection shall be based upon research, demonstrations, experiments, and such other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other

considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the standard promulgated shall be expressed in terms of objective criteria and of the performance desired.

**(6)(A)** Any employer may apply to the Secretary for a temporary order granting a variance from a standard or any provision thereof promulgated under this section. Such temporary order shall be granted only if the employer files an application which meets the requirements of clause (B) and establishes that (i) he is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date, (ii) he is taking all available steps to safeguard his employees against the hazards covered by the standard, and (iii) he has an effective program for coming into compliance with the standard as quickly as practicable. Any temporary order issued under this paragraph shall prescribe the practices, means, methods, operations, and processes which the employer must adopt and use while the order is in effect and state in detail his program for coming into compliance with the standard. Such a temporary order may be granted only after notice to employees and an opportunity for a hearing: Provided, That the Secretary may issue one interim order to be effective until a decision is made on the basis of the hearing. No temporary order may be in effect for longer than the period needed by the employer to achieve compliance with the standard or one year, whichever is shorter, except that such an order may be renewed not more than twice (I) so long as the requirements of this paragraph are met and (II) if an application for renewal is filed at least 90 days prior to the expiration date of the order. No interim renewal of an order may remain in effect for longer than 180 days.

**(B)** An application for temporary order under this paragraph (6) shall contain:

- (i) a specification of the standard or portion thereof from which the employer seeks a variance,
- (ii) a representation by the employer, supported by representations from qualified persons having firsthand knowledge of the facts represented, that he is unable to comply with the standard or portion thereof and a detailed statement of the reasons therefor,
- (iii) a statement of the steps he has taken and will take (with specific dates) to protect employees against the hazard covered by the standard,
- (iv) a statement of when he expects to be able to comply with the standard and what steps he has taken and what steps he will take (with dates specified) to come into compliance with the standard, and
- (v) a certification that he has informed his employees of the application by giving a copy thereof to their authorized representative, posting a statement giving a summary of the application and specifying where a copy may be examined at the place or places where notices to employees are normally posted, and by other appropriate means.

A description of how employees have been informed shall be contained in the certification. The information to employees shall also inform them of their right to petition the Secretary for a hearing.

(C) The Secretary is authorized to grant a variance from any standard or portion thereof whenever he determines, or the Secretary of Health, Education, and Welfare certifies, that such variance is necessary to permit an employer to participate in an experiment approved by him or the Secretary of Health, Education, and Welfare designed to demonstrate or validate new and improved techniques to safeguard the health or safety of workers.

(7) Any standard promulgated under this subsection shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure. Where appropriate, such standard shall also prescribe suitable protective equipment and control or technological procedures to be used in connection with such hazards and shall provide for monitoring or measuring employee exposure at such locations and intervals, and in such manner as may be necessary for the protection of employees. In addition, where appropriate, any such standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available, by the employer or at his cost, to employees exposed to such hazards in order to most effectively determine whether the health of such employees is adversely affected by such exposure. In the event such medical examinations are in the nature of research, as determined by the Secretary of Health, Education, and Welfare, such examinations may be furnished at the expense of the Secretary of Health, Education, and Welfare. The results of such examinations or tests shall be furnished only to the Secretary or the Secretary of Health, Education, and Welfare, and, at the request of the employee, to his physician. The Secretary, in consultation with the Secretary of Health, Education, and Welfare, may by rule promulgated pursuant to section 553 of title 5, United States Code, make appropriate modifications in the foregoing requirements relating to the use of labels or other forms of warning, monitoring or measuring, and medical examinations, as may be warranted by experience, information, or medical or technological developments acquired subsequent to the promulgation of the relevant standard.

(8) Whenever a rule promulgated by the Secretary differs substantially from an existing national consensus standard, the Secretary shall, at the same time, publish in the Federal Register a statement of the reasons why the rule as adopted will better effectuate the purposes of this Act than the national consensus standard.

(c)(1) The Secretary shall provide, without regard to the requirements of chapter 5, title 5, United States Code, for an emergency temporary standard to take immediate effect upon publication in the Federal Register if he determines (A) that employees are exposed to grave danger from exposure to substances or agents determined to be toxic or physically harmful or from new hazards, and (B) that such emergency standard is necessary to protect employees from such danger.

(2) Such standard shall be effective until superseded by a standard promulgated in accordance with the procedures prescribed in paragraph (3) of this subsection.

**(3)** Upon publication of such standard in the Federal Register the Secretary shall commence a proceeding in accordance with section 6(b) of this Act, and the standard as published shall also serve as a proposed rule for the proceeding. The Secretary shall promulgate a standard under this paragraph no later than six months after publication of the emergency standard as provided in paragraph (2) of this subsection.

**(d)** Any affected employer may apply to the Secretary for a rule or order for a variance from a standard promulgated under this section. Affected employees shall be given notice of each such application and an opportunity to participate in a hearing. The Secretary shall issue such rule or order if he determines on the record, after opportunity for an inspection where appropriate and a hearing, that the proponent of the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations, or processes used or proposed to be used by an employer will provide employment and places of employment to his employees which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations, and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, employees, or by the Secretary on his own motion, in the manner prescribed for its issuance under this subsection at any time after six months from its issuance.

**(e)** Whenever the Secretary promulgates any standard, makes any rule, order, or decision, grants any exemption or extension of time, or compromises, mitigates, or settles any penalty assessed under this Act, he shall include a statement of the reasons for such action, which shall be published in the Federal Register.

**(f)** Any person who may be adversely affected by a standard issued under this section may at any time prior to the sixtieth day after such standard is promulgated file a petition challenging the validity of such standard with the United States court of appeals for the circuit wherein such person resides or has his principal place of business, for a judicial review of such standard. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary. The filing of such petition shall not, unless otherwise ordered by the court, operate as a stay of the standard. The determinations of the Secretary shall be conclusive if supported by substantial evidence in the record considered as a whole.

**(g)** In determining the priority for establishing standards under this section, the Secretary shall give due regard to the urgency of the need for mandatory safety and health standards for particular industries, trades, crafts, occupations, businesses, workplaces or work environments. The Secretary shall also give due regard to the recommendations of the Secretary of Health, Education, and Welfare regarding the need for mandatory standards in determining the priority for establishing such standards.

## **7. Advisory Committees; Administration**

**(a)(1)** There is hereby established a National Advisory Committee on Occupational Safety and Health consisting of twelve members appointed by the Secretary, four of whom are to be designated by the Secretary of Health, Education, and Welfare, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and composed of representatives of management, labor, occupational safety and occupational health professions, and of the public. The Secretary shall designate one of the public members as Chairman. The members shall be selected upon the basis of their experience and competence in the field of occupational safety and health.

**(2)** The Committee shall advise, consult with, and make recommendations to the Secretary and the Secretary of Health, Education, and Welfare on matters relating to the administration of the Act. The Committee shall hold no fewer than two meetings during each calendar year. All meetings of the Committee shall be open to the public and a transcript shall be kept and made available for public inspection.

**(3)** The members of the Committee shall be compensated in accordance with the provisions of section 3109 of title 5, United States Code.

**(4)** The Secretary shall furnish to the Committee an executive secretary and such secretarial, clerical, and other services as are deemed necessary to the conduct of its business.

**(b)** An advisory committee may be appointed by the Secretary to assist him in his standard setting functions under section 6 of this Act. Each such committee shall consist of not more than fifteen members and shall include as a member one of more designees of the Secretary of Health, Education, and Welfare, and shall include among its members an equal number of persons qualified by experience and affiliation to present the viewpoint of the employers involved, and of persons similarly qualified to present the viewpoint of the workers involved, as well as one or more representatives of health and safety agencies of the States. An advisory committee may also include such other persons as the Secretary may appoint who are qualified by knowledge and experience to make a useful contribution to the work of such committee, including one or more representatives of professional organizations of technicians or professionals specializing in occupational safety or health, and one or more representatives of nationally recognized standards-producing organizations, but the number of persons so appointed to any such advisory committee shall not exceed the number appointed to such committee as representatives of Federal and State agencies. Persons appointed to advisory committees from private life shall be compensated in the same manner as consultants or experts under section 3109 of title 5, United States Code. The Secretary shall pay to any State which is the employer of a member of such a committee who is a representative of the health or safety agency of that State, reimbursement sufficient to cover the actual cost to the State resulting from such representative's membership on such committee. Any meeting of such committee shall be open to the public and an accurate record shall be kept and made available to the public. No member of such committee (other than representatives of employers and employees) shall have an economic interest in any proposed rule.

**(c)** In carrying out his responsibilities under this Act, the Secretary is authorized to -

(1) use, with the consent of any Federal agency, the services, facilities, and personnel of such agency, with or without reimbursement, and with the consent of any State or political subdivision thereof, accept and use the services, facilities, and personnel of any agency of such State or subdivision with reimbursement; and

(2) employ experts and consultants or organizations thereof as authorized by section 3109 of title 5, United States Code, except that contracts for such employment may be renewed annually; compensate individuals so employed at rates not in excess of the rate specified at the time of service for grade GS-18 under section 5332 of title 5, United States Code, including traveltime, and allow them while away from their homes or regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

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## **8. Inspections, Investigations and Recordkeeping**

(a) In order to carry out the purposes of this Act, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized -

(1) to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; and

(2) to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employee.

(b) In making his inspections and investigations under this Act the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of a contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(c)(1) Each employer shall make, keep and preserve, and make available to the Secretary or the Secretary of Health, Education, and Welfare, such records regarding his activities relating to this Act as

the Secretary, in cooperation with the Secretary of Health, Education, and Welfare, may prescribe by regulation as necessary or appropriate for the enforcement of this Act or for developing information regarding the causes and prevention of occupational accidents and illnesses. In order to carry out the provisions of this paragraph such regulations may include provisions requiring employers to conduct periodic inspections. The Secretary shall also issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under this Act, including the provisions of applicable standards.

**(2)** The Secretary, in cooperation with the Secretary of Health, Education and Welfare, shall prescribe regulations requiring employers to maintain accurate records of, and to make periodic reports on, work-related deaths, injuries and illnesses other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job.

**(3)** The Secretary, in cooperation with the Secretary of Health, Education, and Welfare, shall issue regulations requiring employers to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under section 6. Such regulations shall provide employees or their representatives with an opportunity to observe such monitoring or measuring, and to have access to the records thereof. Such regulations shall also make appropriate provision for each employee or former employee to have access to such records as will indicate his own exposure to toxic materials or harmful physical agents. Each employer shall promptly notify any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by an applicable occupational safety and health standard promulgated under section 6, and shall inform any employee who is being thus exposed of the corrective action being taken.

**(d)** Any information obtained by the Secretary, the Secretary of Health, Education and Welfare, or a State agency under this Act shall be obtained with a minimum burden upon employers, especially those operating small businesses. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

**(e)** Subject to regulations issued by the Secretary, a representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the Secretary or his authorized representative during the physical inspection of any workplace under subsection (a) for the purpose of aiding such inspection. Where there is no authorized employee representative, the Secretary or his authorized representative shall consult with a reasonable number of employees concerning matters of health and safety in the workplace.

**(f)(1)** Any employees or representative of employees who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or representative of employees, and a copy shall be provided the employer or his agent no later than at the time of inspection, except that, upon the request

of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available pursuant to subsection (g) of this section. If upon receipt of such notification the Secretary determines there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if such violation or danger exists. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists he shall notify the employees or representative of the employees in writing of such determination.

(2) Prior to or during any inspection of a workplace, any employees or representative of employees employed in such workplace may notify the Secretary or any representative of the Secretary responsible for conducting the inspection, in writing, of any violation of this Act which they have reason to believe exists in such workplace. The Secretary shall, by regulation, establish procedures for informal review of any refusal by a representative of the Secretary to issue a citation with respect to any such alleged violation and shall furnish the employees or representative of employees requesting such review a written statement of the reasons for the Secretary's final disposition of the case.

(g)(1) The Secretary and Secretary of Health, Education, and Welfare are authorized to compile, analyze, and publish, either in summary or detailed form, all reports or information obtained under this section.

(2) The Secretary and the Secretary of Health, Education, and Welfare shall each prescribe such rules and regulations as he may deem necessary to carry out their responsibilities under this Act, including rules and regulations dealing with the inspection of an employer's establishment.

(h) The Secretary shall not use the results of enforcement activities, such as the number of citations issued or penalties assessed, to evaluate employees directly involved in enforcement activities under this Act or to impose quotas or goals with regard to the results of such activities.

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## 9. Citations

(a) If, upon inspection or investigation, the Secretary or his authorized representative believes that an employer has violated a requirement of section 5 of this Act, of any standard, rule or order promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, he shall with reasonable promptness issue a citation to the employer. Each citation shall be in writing and shall describe with particularity the nature of the violation, including a reference to the provision of the Act, standard, rule, regulation, or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation. The Secretary may prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimis violations which have no direct or immediate relationship to safety or health.

(b) Each citation issued under this section, or a copy or copies thereof, shall be prominently posted, as prescribed in regulations issued by the Secretary, at or near each place a violation referred to in the citation occurred.

(c) No citation may be issued under this section after the expiration of six months following the occurrence of any violation.

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## **10. Procedures for Enforcement**

(a) If, after an inspection or investigation, the Secretary issues a citation under section 9(a), he shall, within a reasonable time after the termination of such inspection or investigation, notify the employer by certified mail of the penalty, if any, proposed to be assessed under section 17 and that the employer has fifteen working days within which to notify the Secretary that he wishes to contest the citation or proposed assessment of penalty. If, within fifteen working days from the receipt of the notice issued by the Secretary the employer fails to notify the Secretary that he intends to contest the citation or proposed assessment of penalty, and no notice is filed by any employees or representative of employees under subsection (c) within such time, the citation and the assessment, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency.

(b) If the Secretary has reason to believe that an employer has failed to correct a violation for which a citation has been issued within the period permitted for its correction (which period shall not begin to run until the entry of a final order by the Commission in the case of any review proceedings under this section initiated by the employer in good faith and not solely for delay or avoidance of penalties), the Secretary shall notify the employer by certified mail of such failure and of the penalty proposed to be assessed under section 17 by reason of such failure, and that the employer has fifteen working days within which to notify the Secretary that he wishes to contest the Secretary's notification or the proposed assessment of penalty. If, within fifteen working days from the receipt of notification issued by the Secretary, the employer fails to notify the Secretary that he intends to contest the notification or proposed assessment of penalty, the notification and assessment, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency.

(c) If an employer notifies the Secretary that he intends to contest a citation issued under section 9(a) or notification issued under subsection (a) or (b) of this section, or if, within fifteen working days of the issuance of a citation under section 9(a), any employee or representative of employees files a notice with the Secretary alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable, the Secretary shall immediately advise the Commission of such notification, and the Commission shall afford an opportunity for a hearing (in accordance with section 554 of title 5, United States Code, but without regard to subsection (a)(3) of such section). The Commission shall thereafter issue an order, based on findings of fact, affirming, modifying, or vacating the Secretary's citation or proposed penalty, or directing other appropriate relief, and such order shall become final thirty days

after its issuance. Upon a showing by an employer of a good faith effort to comply with the abatement requirements of a citation, and that abatement has not been completed because of factors beyond his reasonable control, the Secretary, after an opportunity for a hearing as provided in this subsection, shall issue an order affirming or modifying the abatement requirements in such citation. The rules of procedure prescribed by the Commission shall provide affected employees or representatives of affected employees an opportunity to participate as parties to hearings under this subsection.

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## **11. Judicial Review**

(a) Any person adversely affected or aggrieved by an order of the Commission issued under subsection (c) of section 10 may obtain a review of such order in any United States court of appeals for the circuit in which the violation is alleged to have occurred or where the employer has its principal office, or in the Court of Appeals for the District of Columbia Circuit, by filing in such court within sixty days following the issuance of such order a written petition praying that the order be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Commission and to the other parties, and thereupon the Commission shall file in the court the record in the proceeding as provided in section 2112 of title 28, United States Code. Upon such filing, the court shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such record a decree affirming, modifying, or setting aside in whole or in part, the order of the Commission and enforcing the same to the extent that such order is affirmed or modified. The commencement of proceedings under this subsection shall not, unless ordered by the court, operate as a stay of the order of the Commission. No objection that has not been urged before the Commission shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Commission with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive. If any party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Commission, the court may order such additional evidence to be taken before the Commission and to be made a part of the record. The Commission may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact, if supported by substantial evidence on the record considered as a whole, shall be conclusive, and its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it, the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the Supreme Court of the United States, as provided in section 1254 of title 28, United States Code.

(b) The Secretary may also obtain review or enforcement of any final order of the Commission by filing a petition for such relief in the United States court of appeals for the circuit in which the alleged violation occurred or in which the employer has its principal office, and the provisions of subsection (a) shall govern such proceedings to the extent applicable. If no petition for review, as provided in subsection (a), is filed within sixty days after service of the Commission's order, the Commission's findings of fact and order shall be conclusive in connection with any petition for enforcement which is filed by the Secretary after the expiration of such sixty-day period. In any such case, as well as in the case of a noncontested citation or notification by the Secretary which has become a final order of the Commission under subsection (a) or (b) of section 10, the clerk of the court, unless otherwise ordered by the court, shall forthwith enter a decree enforcing the order and shall transmit a copy of such decree to the Secretary and the employer named in the petition. In any contempt proceeding brought to enforce a decree of a court of appeals entered pursuant to this subsection or subsection (a), the court of appeals may assess the penalties provided in section 17, in addition to invoking any other available remedies.

(c)(1) No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act.

(2) Any employee who believes that he has been discharged or otherwise discriminated against by any person in violation of this subsection may, within thirty days after such violation occurs, file a complaint with the Secretary alleging such discrimination. Upon receipt of such complaint, the Secretary shall cause such investigation to be made as he deems appropriate. If upon such investigation, the Secretary determines that the provisions of this subsection have been violated, he shall bring an action in any appropriate United States district court against such person. In any such action the United States district courts shall have jurisdiction, for cause shown to restrain violations of paragraph (1) of this subsection and order all appropriate relief including rehiring or reinstatement of the employee to his former position with back pay.

(3) Within 90 days of the receipt of a complaint filed under this subsection the Secretary shall notify the complainant of his determination under paragraph 2 of this subsection.

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## **12. The Occupational Safety and Health Review Commission**

(a) The Occupational Safety and Health Review Commission is hereby established. The Commission shall be composed of three members who shall be appointed by the President, by and with the advice and consent of the Senate, from among persons who by reason of training, education, or experience are qualified to carry out the functions of the Commission under this Act. The President shall designate one of the members of the Commission to serve as Chairman.

**(b)** The terms of members of the Commission shall be six years except that (1) the members of the Commission first taking office shall serve, as designated by the President at the time of appointment, one for a term of two years, one for a term of four years, and one for a term of six years, and (2) a vacancy caused by the death, resignation, or removal of a member prior to the expiration of the term for which he was appointed shall be filled only for the remainder of such unexpired term. A member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

**(c)(1)** Section 5314 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

**"(57)** Chairman, Occupational Safety and Health Review Commission."

**(2)** Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraph:

**"(94)** Members, Occupational Safety and Health Review Commission."

**(d)** The principal office of the Commission shall be in the District of Columbia. Whenever the Commission deems that the convenience of the public or of the parties may be promoted, or delay or expense may be minimized, it may hold hearings or conduct other proceedings at any other place.

**(e)** The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission and shall appoint such administrative law judges and other employees as he deems necessary to assist in the performance of the Commission's functions and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification and General Schedule pay rates: Provided, That assignment, removal and compensation of administrative law judges shall be in accordance with sections 3105, 3344, 5362, and 7521 of title 5, United States Code.

**(f)** For the purpose of carrying out its functions under this Act, two members of the Commission shall constitute a quorum and official action can be taken only on the affirmative vote of at least two members.

**(g)** Every official act of the Commission shall be entered of record, and its hearings and records shall be open to the public. The Commission is authorized to make such rules as are necessary for the orderly transaction of its proceedings. Unless the Commission has adopted a different rule, its proceedings shall be in accordance with the Federal Rules of Civil Procedure.

**(h)** The Commission may order testimony to be taken by deposition in any proceedings pending before it at any state of such proceeding. Any person may be compelled to appear and depose, and to produce books, papers, or documents, in the same manner as witnesses may be compelled to appear and testify and produce like documentary evidence before the Commission. Witnesses whose depositions are taken under this subsection, and the persons taking such depositions, shall be entitled to the same fees as are paid for like services in the courts of the United States.

(i) For the purpose of any proceeding before the Commission, the provisions of section 11 of the National Labor Relations Act (29 U.S.C. 161) are hereby made applicable to the jurisdiction and powers of the Commission.

(j) A administrative law judge appointed by the Commission shall hear, and make a determination upon, any proceeding instituted before the Commission and any motion in connection therewith, assigned to such administrative law judge by the Chairman of the Commission, and shall make a report of any such determination which constitutes his final disposition of the proceedings. The report of the administrative law judge shall become the final order of the Commission within thirty days after such report by the administrative law judge, unless within such period any Commission member has directed that such report shall be reviewed by the Commission.

(k) Except as otherwise provided in this Act, the administrative law judges shall be subject to the laws governing employees in the classified civil service, except that appointments shall be made without regard to section 5108 of title 5, United States Code. Each administrative law judge shall receive compensation at a rate not less than that prescribed for GS-16 under section 5332 of title 5, United States Code.

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### **13. Procedures to Counteract Imminent Dangers**

(a) The United States district courts shall have jurisdiction, upon petition of the Secretary, to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this Act. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct, or remove such imminent danger and prohibit the employment or presence of any individual in locations or under conditions where such imminent danger exists, except individuals whose presence is necessary to avoid, correct, or remove such imminent danger or to maintain the capacity of a continuous process operation to resume normal operations without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner.

(b) Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to this Act. The proceeding shall be as provided by Rule 65 of the Federal Rules, Civil Procedure, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

(c) Whenever and as soon as an inspector concludes that conditions or practices described in subsection (a) exist in any place of employment, he shall inform the affected employees and employers of the danger and that he is recommending to the Secretary that relief be sought.

(d) If the Secretary arbitrarily or capriciously fails to seek relief under this section, any employee who may be injured by reason of such failure, or the representative of such employees, might bring an action against the Secretary in the United States district court for the district in which the imminent danger is alleged to exist or the employer has its principal office, or for the District of Columbia, for a writ of mandamus to compel the Secretary to seek such an order and for such further relief as may be appropriate.

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#### **14. Representation in Civil Litigation**

Except as provided in section 518(a) of title 28, United States Code, relating to litigation before the Supreme Court, the Solicitor of Labor may appear for and represent the Secretary in any civil litigation brought under this Act but all such litigation shall be subject to the direction and control of the Attorney General.

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#### **15. Confidentiality of Trade Secrets**

All information reported to or otherwise obtained by the Secretary or his representative in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. In any such proceeding the Secretary, the Commission, or the court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets.

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#### **16. Variations, Tolerances and Exemptions**

The Secretary, on the record, after notice and opportunity for a hearing may provide such reasonable limitations and may make such rules and regulations allowing reasonable variations, tolerances, and exemptions to and from any or all provisions of this Act as he may find necessary and proper to avoid serious impairment of the national defense. Such action shall not be in effect for more than six months without notification to affected employees and an opportunity being afforded for a hearing.

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## **17. Penalties**

**(a)** Any employer who willfully or repeatedly violates the requirements of section 5 of this Act, any standard, rule, or order promulgated pursuant to section 6 of this Act, or regulations prescribed pursuant to this Act, may be assessed a civil penalty of not more than \$70,000 for each violation, but not less than \$5,000 for each willful violation.

**(b)** Any employer who has received a citation for a serious violation of the requirements of section 5 of this Act, of any standard, rule, or order promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, shall be assessed a civil penalty of up to \$7,000 for each such violation.

**(c)** Any employer who has received a citation for a violation of the requirements of section 5 of this Act, of any standard, rule, or order promulgated pursuant to section 6 of this Act, or of regulations prescribed pursuant to this Act, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to \$7,000 for each violation.

**(d)** Any employer who fails to correct a violation for which a citation has been issued under section 9(a) within the period permitted for its correction (which period shall not begin to run until the date of the final order of the Commission in the case of any review proceeding under section 10 initiated by the employer in good faith and not solely for delay or avoidance of penalties), may be assessed a civil penalty of not more than \$7,000 for each day during which such failure or violation continues.

**(e)** Any employer who willfully violates any standard, rule, or order promulgated pursuant to section 6 of this Act, or of any regulations prescribed pursuant to this Act, and that violation caused death to any employee, shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than six months, or by both; except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine of not more than \$20,000 or by imprisonment for not more than one year, or by both.

**(f)** Any person who gives advance notice of any inspection to be conducted under this Act, without authority from the Secretary or his designees, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months, or by both.

**(g)** Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Act shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by both.

**(h)(1)** Section 1114 of title 18, United States Code, is hereby amended by striking out "designated by the Secretary of Health, Education, and Welfare to conduct investigations, or inspections under the

Federal Food, Drug, and Cosmetic Act" and inserting in lieu thereof "or of the Department of Labor assigned to perform investigative, inspection, or law enforcement functions".

(2) Notwithstanding the provisions of sections 1111 and 1114 of title 18, United States Code, whoever, in violation of the provisions of section 1114 of such title, kills a person while engaged in or on account of the performance of investigative, inspection, or law enforcement functions added to such section 1114 by paragraph (1) of this subsection, and who would otherwise be subject to the penalty provisions of such section 1111, shall be punished by imprisonment for any term of years or for life.

(i) Any employer who violates any of the posting requirements, as prescribed under the provisions of this Act, shall be assessed a civil penalty of up to \$7,000 for each violation.

(j) The Commission shall have authority to assess all civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

(k) For purposes of this section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

(l) Civil penalties owed under this Act shall be paid to the Secretary for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil action in the name of the United States brought in the United States district court for the district where the violation is alleged to have occurred or where the employer has its principal office.

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## **18. State Jurisdiction and State Plans**

(a) Nothing in this Act shall prevent any State agency or court from asserting jurisdiction under State law over any occupational safety or health issue with respect to which no standard is in effect under section 6.

(b) Any State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement.

(c) The Secretary shall approve the plan submitted by a State under subsection (b), or any modification thereof, if such plan in his judgement -

(1) designates a State agency or agencies as the agency or agencies responsible for administering the plan throughout the State,

(2) provides for the development and enforcement of safety and health standards relating to one or more safety or health issues, which standards (and the enforcement of which standards) are or will be at least as effective in providing safe and healthful employment and places of employment as the standards promulgated under section 6 which relate to the same issues, and which standards, when applicable to products which are distributed or used in interstate commerce, are required by compelling local conditions and do not unduly burden interstate commerce,

(3) provides for a right of entry and inspection of all workplaces subject to the Act which is at least as effective as that provided in section 8, and includes a prohibition on advance notice of inspections,

(4) contains satisfactory assurances that such agency or agencies have or will have the legal authority and qualified personnel necessary for the enforcement of such standards,

(5) gives satisfactory assurances that such State will devote adequate funds to the administration and enforcement of such standards,

(6) contains satisfactory assurances that such State will, to the extent permitted by its law, establish and maintain an effective and comprehensive occupational safety and health program applicable to all employees of public agencies of the State and its political subdivisions, which program is as effective as the standards contained in an approved plan,

(7) requires employers in the State to make reports to the Secretary in the same manner and to the same extent as if the plan were not in effect, and

(8) provides that the State agency will make such reports to the Secretary in such form and containing such information, as the Secretary shall from time to time require.

(d) If the Secretary rejects a plan submitted under subsection (b), he shall afford the State submitting the plan due notice and opportunity for a hearing before so doing.

(e) After the Secretary approves a State plan submitted under subsection (b), he may, but shall not be required to, exercise his authority under sections 8, 9, 10, 13, and 17 with respect to comparable standards promulgated under section 6, for the period specified in the next sentence. The Secretary may exercise the authority referred to above until he determines, on the basis of actual operations under the State plan, that the criteria set forth in subsection (c) are being applied, but he shall not make such determination for at least three years after the plan's approval under subsection (c). Upon making the determination referred to in the preceding sentence, the provisions of sections 5(a)(2), 8 (except for the purpose of carrying out subsection (f) of this section), 9, 10, 13, and 17, and standards promulgated under section 6 of this Act, shall not apply with respect to any occupational safety or health issues

covered under the plan, but the Secretary may retain jurisdiction under the above provisions in any proceeding commenced under section 9 or 10 before the date of determination.

(f) The Secretary shall, on the basis of reports submitted by the State agency and his own inspections make a continuing evaluation of the manner in which each State having a plan approved under this section is carrying out such plan. Whenever the Secretary finds, after affording due notice and opportunity for a hearing, that in the administration of the State plan there is a failure to comply substantially with any provision of the State plan (or any assurance contained therein), he shall notify the State agency of his withdrawal of approval of such plan and upon receipt of such notice such plan shall cease to be in effect, but the State may retain jurisdiction in any case commenced before the withdrawal of the plan in order to enforce standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

(g) The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part the action of the Secretary. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28, United States Code. Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan is not supported by substantial evidence the court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(h) The Secretary may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more occupational health and safety standards in effect in such State until final action is taken by the Secretary with respect to a plan submitted by a State under subsection (b) of this section, or two years from the date of enactment of this Act, whichever is earlier.

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## **19. Federal Agency Safety Programs and Responsibilities**

(a) It shall be the responsibility of the head of each Federal agency (not including the United States Postal Service) to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 6. The head of each agency shall (after consultation with representatives of the employees thereof) -

(1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 6;

- (2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;
- (3) keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action;
- (4) consult with the Secretary with regard to the adequacy as to form and content of records kept pursuant to subsection (a)(3) of this section; and
- (5) make an annual report to the Secretary with respect to occupational accidents and injuries and the agency's program under this section. Such report shall include any report submitted under section 7902(e)(2) of title 5, United States Code.

(b) The Secretary shall report to the President a summary or digest of reports submitted to him under subsection (a)(5) of this section, together with his evaluations of and recommendations derived from such reports.

(c) Section 7902(c)(1) of title 5, United States Code, is amended by inserting after "agencies" the following: "and of labor organizations representing employees".

(d) The Secretary shall have access to records and reports kept and filed by Federal agencies pursuant to subsections (a)(3) and (5) of this section unless those records and reports are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, in which case the Secretary shall have access to such information as will not jeopardize national defense or foreign policy.

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## **20. Research and Related Activities**

(a)(1) The Secretary of Health, Education, and Welfare, after consultation with the Secretary and with other appropriate Federal departments or agencies, shall conduct (directly or by grants or contracts) research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems.

(2) The Secretary of Health, Education, and Welfare shall from time to time consult with the Secretary in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria, including criteria identifying toxic substances, enabling the Secretary to meet his responsibility for the formulation of safety and health standards under this Act; and the Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments and any other information available to him, shall develop and publish at least annually such criteria as will effectuate the purposes of this Act.

(3) The Secretary of Health, Education, and Welfare, on the basis of such research, demonstrations, and experiments, and any other information available to him, shall develop criteria dealing with toxic materials and harmful physical agents and substances which will describe exposure levels that are safe for various periods of employment, including but not limited to the exposure levels at which no employee will suffer impaired health or functional capacities or diminished life expectancy as a result of his work experience.

(4) The Secretary of Health, Education, and Welfare shall also conduct special research, experiments, and demonstrations relating to occupational safety and health as are necessary to explore new problems, including those created by new technology in occupational safety and health, which may require ameliorative action beyond that which is otherwise provided for in the operating provisions of this Act. The Secretary of Health, Education, and Welfare shall also conduct research into the motivational and behavioral factors relating to the field of occupational safety and health.

(5) The Secretary of Health, Education, and Welfare, in order to comply with his responsibilities under paragraph (2), and in order to develop needed information regarding potentially toxic substances or harmful physical agents, may prescribe regulations requiring employers to measure, record, and make reports on the exposure of employees to substances or physical agents which the Secretary of Health, Education, and Welfare reasonably believes may endanger the health or safety of employees. The Secretary of Health, Education, and Welfare also is authorized to establish such programs of medical examinations and tests as may be necessary for determining the incidence of occupational illnesses and the susceptibility of employees to such illnesses. Nothing in this or any other provision of this Act shall be deemed to authorize or require medical examination, immunization, or treatment for those who object thereto on religious grounds, except where such is necessary for the protection of the health or safety of others. Upon the request of any employer who is required to measure and record exposure of employees to substances or physical agents as provided under this subsection, the Secretary of Health, Education, and Welfare shall furnish full financial or other assistance to such employer for the purpose of defraying any additional expense incurred by him in carrying out the measuring and recording as provided in this subsection.

(6) The Secretary of Health, Education, and Welfare shall publish within six months of enactment of this Act and thereafter as needed but at least annually a list of all known toxic substances by generic family or other useful grouping, and the concentrations at which such toxicity is known to occur. He shall determine following a written request by any employer or authorized representative of employees, specifying with reasonable particularity the grounds on which the request is made, whether any substance normally found in the place of employment has potentially toxic effects in such concentrations as used or found; and shall submit such determination both to employers and affected employees as soon as possible. If the Secretary of Health, Education, and Welfare determines that any substance is potentially toxic at the concentrations in which it is used or found in a place of employment, and such substance is not covered by an occupational safety or health standard promulgated under section 6, the Secretary of Health, Education, and Welfare shall immediately submit such determination to the Secretary, together with all pertinent criteria.

(7) Within two years of enactment of the Act, and annually thereafter the Secretary of Health, Education, and Welfare shall conduct and publish industrywide studies of the effect of chronic or low-level exposure to industrial materials, processes, and stresses on the potential for illness, disease, or loss of functional capacity in aging adults.

(b) The Secretary of Health, Education, and Welfare is authorized to make inspections and question employers and employees as provided in section 8 of this Act in order to carry out his functions and responsibilities under this section.

(c) The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies relating to his responsibilities under this Act. In carrying out his responsibilities under this subsection, the Secretary shall cooperate with the Secretary of Health, Education, and Welfare in order to avoid any duplication of efforts under this section.

(d) Information obtained by the Secretary and the Secretary of Health, Education, and Welfare under this section shall be disseminated by the Secretary to employers and employees and organizations thereof.

(e) The functions of the Secretary of Health, Education, and Welfare under this Act shall, to the extent feasible, be delegated to the Director of the National Institute for Occupational Safety and Health established by section 22 of this Act.

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## **21. Training and Employee Education**

(a) The Secretary of Health, Education, and Welfare, after consultation with the Secretary and with other appropriate Federal departments and agencies, shall conduct, directly or by grants or contracts (1) education programs to provide an adequate supply of qualified personnel to carry out the purposes of this Act, and (2) informational programs on the importance of and proper use of adequate safety and health equipment.

(b) The Secretary is also authorized to conduct, directly or by grants or contracts, short-term training of personnel engaged in work related to his responsibilities under this Act.

(c) The Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall (1) provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in employments covered by this Act, and (2) consult with and advise employers and employees, and organizations representing employers and employees as to effective means of preventing occupational injuries and illnesses.

**(d)(1)** The Secretary shall establish and support cooperative agreements with the States under which employers subject to this Act may consult with State personnel with respect to --

**(A)** the application of occupational safety and health requirements under this Act or under State plans approved under section 18; and

**(B)** voluntary efforts that employers may undertake to establish and maintain safe and healthful employment and places of employment. Such agreements may provide, as a condition of receiving funds under such agreements, for contributions by States towards meeting the costs of such agreements.

**(2)** Pursuant to such agreements the State shall provide on-site consultation at the employer's worksite to employers who request such assistance. The State may also provide other education and training programs for employers and employees in the State. The State shall ensure that on-site consultations conducted pursuant to such agreements include provision for the participation by employees.

**(3)** Activities under this subsection shall be conducted independently of any enforcement activity. If an employer fails to take immediate action to eliminate employee exposure to an imminent danger identified in a consultation or fails to correct a serious hazard so identified within a reasonable time, a report shall be made to the appropriate enforcement authority for such action as is appropriate.

**(4)** The Secretary shall, by regulation after notice and opportunity for comment, establish rules under which an employer --

**(A)** which requests and undergoes an on-site consultative visit provided under this subsection;

**(B)** which corrects the hazards that have been identified during the visit within the time frames established by the State and agrees to request a subsequent consultative visit if major changes in working conditions or work processes occur which introduce new hazards in the workplace; and

**(C)** which is implementing procedures for regularly identifying and preventing hazards regulated under this Act and maintains appropriate involvement of, and training for, management and non-management employees in achieving safe and healthful working conditions, may be exempt from an inspection (except an inspection requested under section 8(f) or an inspection to determine the cause of a workplace accident which resulted in the death of one or more employees or hospitalization for three or more employees) for a period of 1 year from the closing of the consultative visit.

**(5)** A State shall provide worksite consultations under paragraph (2) at the request of an employer. Priority in scheduling such consultations shall be assigned to requests from small businesses which are in higher hazard industries or have the most hazardous conditions at issue in the request.

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## **22. National Institute for Occupational Safety and Health**

**(a)** It is the purpose of this section to establish a National Institute for Occupational Safety and Health in the Department of Health and Human Services in order to carry out the policy set forth in section 2 of this Act and to perform the functions of the Secretary of Health, Education, and Welfare under sections 20 and 21 of this Act.

**(b)** There is hereby established in the Department of Health and Human Services, a National Institute for Occupational Safety and Health. The Institute shall be headed by a Director who shall be appointed by the Secretary of Health, Education, and Welfare, and who shall serve for a term of six years unless previously removed by the Secretary of Health, Education, and Welfare.

**(c)** The Institute is authorized to -

**(1)** develop and establish recommended occupational safety and health standards; and

**(2)** perform all functions of the Secretary of Health, Education, and Welfare under sections 20 and 21 of this Act.

**(d)** Upon his own initiative, or upon the request of the Secretary of Health, Education, and Welfare, the Director is authorized (1) to conduct such research and experimental programs as he determines are necessary for the development of criteria for new and improved occupational safety and health standards, and (2) after consideration of the results of such research and experimental programs make recommendations concerning new or improved occupational safety and health standards. Any occupational safety and health standard recommended pursuant to this section shall immediately be forwarded to the Secretary of Labor, and to the Secretary of Health, Education, and Welfare.

**(e)** In addition to any authority vested in the Institute by other provisions of this section, the Director, in carrying out the functions of the Institute, is authorized to -

**(1)** prescribe such regulations as he deems necessary governing the manner in which its functions shall be carried out;

**(2)** receive money and other property donated, bequeathed, or devised, without condition or restriction other than that it be used for the purposes of the Institute and to use, sell, or otherwise dispose of such property for the purpose of carrying out its functions;

**(3)** receive (and use, sell, or otherwise dispose of, in accordance with paragraph (2)), money and other property donated, bequeathed, or devised to the Institute with a condition or restriction, including a condition that the Institute use other funds of the Institute for the purposes of the gift;

(4) in accordance with the civil service laws, appoint and fix the compensation of such personnel as may be necessary to carry out the provisions of this section;

(5) obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code;

(6) accept and utilize the services of voluntary and noncompensated personnel and reimburse them for travel expenses, including per diem, as authorized by section 5703 of title 5, United States Code;

(7) enter into contracts, grants or other arrangements, or modifications thereof to carry out the provisions of this section, and such contracts or modifications thereof may be entered into without performance or other bonds, and without regard to section 3709 of the Revised Statutes, as amended (41 U.S.C. 5), or any other provision of law relating to competitive bidding;

(8) make advance, progress, and other payments which the Director deems necessary under this title without regard to the provisions of section 3648 of the Revised Statutes, as amended (31 U.S.C. 529); and

(9) make other necessary expenditures.

(f) The Director shall submit to the Secretary of Health, Education, and Welfare, to the President, and to the Congress an annual report of the operations of the Institute under this Act, which shall include a detailed statement of all private and public funds received and expended by it, and such recommendations as he deems appropriate.

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### **23. Grants to the State**

(a) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States which have designated a State agency under section 18 to assist them -

(1) in identifying their needs and responsibilities in the area of occupational safety and health,

(2) in developing State plans under section 18, or

(3) in developing plans for -

(A) establishing systems for the collection of information concerning the nature and frequency of occupational injuries and diseases;

(B) increasing the expertise and enforcement capabilities of their personnel engaged in occupational safety and health programs; or

(C) otherwise improving the administration and enforcement of State occupational safety and health laws, including standards thereunder, consistent with the objectives of this Act.

(b) The Secretary is authorized, during the fiscal year ending June 30, 1971, and the two succeeding fiscal years, to make grants to the States for experimental and demonstration projects consistent with the objectives set forth in subsection (a) of this section.

(c) The Governor of the State shall designate the appropriate State agency for receipt of any grant made by the Secretary under this section.

(d) Any State agency designated by the Governor of the State desiring a grant under this section shall submit an application therefore to the Secretary.

(e) The Secretary shall review the application, and shall, after consultation with the Secretary of Health, Education, and Welfare, approve or reject such application.

(f) The Federal share for each State grant under subsection (a) or (b) of this section may not exceed 90 per centum of the total cost of the application. In the event the Federal share for all States under either such subsection is not the same, the differences among the States shall be established on the basis of objective criteria.

(g) The Secretary is authorized to make grants to the States to assist them in administering and enforcing programs for occupational safety and health contained in State plans approved by the Secretary pursuant to section 18 of this Act. The Federal share for each State grant under this subsection may not exceed 50 per centum of the total cost to the State of such a program. The last sentence of subsection (f) shall be applicable in determining the Federal share under this subsection.

(h) Prior to June 30, 1973, the Secretary shall, after consultation with the Secretary of Health, Education, and Welfare, transmit a report to the President and to the Congress, describing the experience under the grant programs authorized by this section and making any recommendations he may deem appropriate.

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## 24. Statistics

(a) In order to further the purposes of this Act, the Secretary, in consultation with the Secretary of Health, Education, and Welfare, shall develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics. Such program may cover all

employments whether or not subject to any other provisions of this Act but shall not cover employments excluded by section 4 of the Act. The Secretary shall compile accurate statistics on work injuries and illnesses which shall include all disabling, serious, or significant injuries and illnesses, whether or not involving loss of time from work, other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job.

**(b)** To carry out his duties under subsection (a) of this section, the Secretary may -

**(1)** promote, encourage, or directly engage in programs of studies, information and communication concerning occupational safety and health statistics;

**(2)** make grants to States or political subdivisions thereof in order to assist them in developing and administering programs dealing with occupational safety and health statistics; and

**(3)** arrange, through grants or contracts, for the conduct of such research and investigations as give promise of furthering the objectives of this section.

**(c)** The Federal share for each grant under subsection (b) of this section may be up to 50 per centum of the State's total cost.

**(d)** The Secretary may, with the consent of any State or political subdivision thereof, accept and use the services, facilities, and employees of the agencies of such State or political subdivision, with or without reimbursement, in order to assist him in carrying out his functions under this section.

**(e)** On the basis of the records made and kept pursuant to section 8(c) of this Act, employers shall file such reports with the Secretary as he shall prescribe by regulation, as necessary to carry out his functions under this Act.

**(f)** Agreements between the Department of Labor and States pertaining to the collection of occupational safety and health statistics already in effect on the effective date of this Act shall remain in effect until superseded by grants or contracts made under this Act.

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## **25. Audits**

**(a)** Each recipient of a grant under this Act shall keep such records as the Secretary or the Secretary of Health, Education, and Welfare shall prescribe, including records which fully disclose the amount and disposition by such recipient of the proceeds of such grant, the total cost of the project or undertaking in connection with which such grant is made or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

(b) The Secretary or the Secretary of Health, Education, and Welfare, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipients of any grant under this Act that are pertinent to any such grant.

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## **26. Annual Report**

Within one hundred and twenty days following the convening of each regular session of each Congress, the Secretary and the Secretary of Health, Education, and Welfare shall each prepare and submit to the President for transmittal to the Congress a report upon the subject matter of this Act, the progress toward achievement of the purpose of this Act, the needs and requirements in the field of occupational safety and health, and any other relevant information. Such reports shall include information regarding occupational safety and health standards, and criteria for such standards, developed during the preceding year; evaluation of standards and criteria previously developed under this Act, defining areas of emphasis for new criteria and standards; an evaluation of the degree of observance of applicable occupational safety and health standards, and a summary of inspection and enforcement activity undertaken; analysis and evaluation of research activities for which results have been obtained under governmental and nongovernmental sponsorship; an analysis of major occupational diseases; evaluation of available control and measurement technology for hazards for which standards or criteria have been developed during the preceding year; description of cooperative efforts undertaken between Government agencies and other interested parties in the implementation of this Act during the preceding year; a progress report on the development of an adequate supply of trained manpower in the field of occupational safety and health, including estimates of future needs and the efforts being made by Government and others to meet those needs; listing of all toxic substances in industrial usage for which labeling requirements, criteria, or standards have not yet been established; and such recommendations for additional legislation as are deemed necessary to protect the safety and health of the worker and improve the administration of this Act.

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## **27. National Commission on State Workmen's Compensation Laws**

(a)(1) The Congress hereby finds and declares that -

(A) the vast majority of American workers, and their families, are dependent on workmen's compensation for their basic economic security in the event such workers suffer disabling injury or death in the course of their employment; and that the full protection of American workers from job-related injury or death requires an adequate, prompt, and equitable system of

workmen's compensation as well as an effective program of occupational health and safety regulation; and

**(B)** in recent years serious questions have been raised concerning the fairness and adequacy of present workmen's compensation laws in the light of the growth of the economy, the changing nature of the labor force, increases in medical knowledge, changes in the hazards associated with various types of employment, new technology creating new risks to health and safety, and increases in the general level of wages and the cost of living.

**(2)** The purpose of this section is to authorize an effective study and objective evaluation of State workmen's compensation laws in order to determine if such laws provide an adequate, prompt, and equitable system of compensation for injury or death arising out of or in the course of employment.

**(b)** There is hereby established a National Commission on State Workmen's Compensation Laws.

**(c)(1)** The Workmen's Compensation Commission shall be composed of fifteen members to be appointed by the President from among members of State workmen's compensation boards, representatives of insurance carriers, business, labor, members of the medical profession having experience in industrial medicine or in workmen's compensation cases, educators having special expertise in the field of workmen's compensation, and representatives of the general public. The Secretary, the Secretary of Commerce, and the Secretary of Health, Education, and Welfare shall be ex officio members of the Workmen's Compensation Commission:

**(2)** Any vacancy in the Workmen's Compensation Commission shall not affect its powers.

**(3)** The President shall designate one of the members to serve as Chairman and one to serve as Vice Chairman of the Workmen's Compensation Commission.

**(4)** Eight members of the Workmen's Compensation Commission shall constitute a quorum.

**(d)(1)** The Workmen's Compensation Commission shall undertake a comprehensive study and evaluation of State workmen's compensation laws in order to determine if such laws provide an adequate, prompt, and equitable system of compensation. Such study and evaluation shall include, without being limited to, the following subjects: (A) the amount and duration of permanent and temporary disability benefits and the criteria for determining the maximum limitations thereon, (B) the amount and duration of medical benefits and provisions insuring adequate medical care and free choice of physician, (C) the extent of coverage of workers, including exemptions based on numbers or type of employment, (D) standards for determining which injuries or diseases should be deemed compensable, (E) rehabilitation, (F) coverage under second or subsequent injury funds, (G) time limits on filing claims, (H) waiting periods, (I) compulsory or elective coverage, (J) administration, (K) legal expenses, (L) the feasibility and desirability of a uniform system of reporting information concerning job-related injuries and diseases and the operation of workmen's compensation laws, (M) the resolution of conflict of laws, extra territoriality and similar problems arising from claims with multistate aspects, (N) the extent to which private insurance carriers are excluded from supplying workmen's compensation coverage and

the desirability of such exclusionary practices, to the extent they are found to exist, (O) the relationship between workmen's compensation on the one hand, and old-age, disability, and survivors insurance and other types of insurance, public or private, on the other hand, (P) methods of implementing the recommendations of the Commission.

(2) The Workmen's Compensation Commission shall transmit to the President and to the Congress not later than July 31, 1972, a final report containing a detailed statement of the findings and conclusions of the Commission, together with such recommendations as it deems advisable.

(e)(1) The Workmen's Compensation Commission or, on the authorization of the Workmen's Compensation Commission, any subcommittee or members thereof, may, for the purpose of carrying out the provisions of this title, hold such hearings, take such testimony, and sit and act at such times and places as the Workmen's Compensation Commission deems advisable. Any member authorized by the Workmen's Compensation Commission may administer oaths or affirmations to witnesses appearing before the Workmen's Compensation Commission or any subcommittee or members thereof.

(2) Each department, agency, and instrumentality of the executive branch of the Government, including independent agencies, is authorized and directed to furnish to the Workmen's Compensation Commission, upon request made by the Chairman or Vice Chairman, such information as the Workmen's Compensation Commission deems necessary to carry out its functions under this section.

(f) Subject to such rules and regulations as may be adopted by the Workmen's Compensation Commission, the Chairman shall have the power to -

(1) appoint and fix the compensation of an executive director, and such additional staff personnel as he deems necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS-18 of the General Schedule under section 5332 of such title, and

(2) procure temporary and intermittent services to the same extent as is authorized by section 3109 of title 5, United States Code.

(g) The Workmen's Compensation Commission is authorized to enter into contracts with Federal or State agencies, private firms, institutions, and individuals for the conduct of research or surveys, the preparation of reports, and other activities necessary to the discharge of its duties.

(h) Members of the Workmen's Compensation Commission shall receive compensation for each day they are engaged in the performance of their duties as members of the Workmen's Compensation Commission at the daily rate prescribed for GS-18 under section 5332 of title 5, United States Code, and shall be entitled to reimbursement for travel, subsistence, and other necessary expenses incurred by them in the performance of their duties as members of the Workmen's Compensation Commission.

(i) There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this section.

(j) On the ninetieth day after the date of submission of its final report to the President, the Workmen's Compensation Commission shall cease to exist.

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## **28. Economic Assistance to Small Businesses**

(a) Section 7(b) of the Small Business Act, as amended, is amended -

(1) by striking out the period at the end of "paragraph (5)" and inserting in lieu thereof "; and"; and;

(2) by adding after paragraph (5) a new paragraph as follows:

"(6) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in effecting additions to or alterations in the equipment, facilities, or methods of operation of such business in order to comply with the applicable standards promulgated pursuant to section 6 of the Occupational Safety and Health Act of 1970 or standards adopted by a State pursuant to a plan approved under section 18 of the Occupational Safety and Health Act of 1970, if the Administration determines that such concern is likely to suffer substantial economic injury without assistance under this paragraph."

(b) The third sentence of section 7(b) of the Small Business Act, as amended, is amended by striking out "or (5)" after "paragraph (3)" and inserting a comma followed by "(5) or (6)".

(c) Section 4(c)(1) of the Small Business Act, as amended, is amended by inserting "7(b)(6)," after "7(b)(5)".

(d) Loans may also be made or guaranteed for the purposes set forth in section 7(b)(6) of the Small Business Act, as amended, pursuant to the provisions of section 202 of the Public Works and Economic Development Act of 1965, as amended.

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## **29. Additional Assistant Secretary of Labor**

(a) Section 2 of the Act of April 17, 1946 (60 Stat. 91) as amended (29 U.S.C. 553) is amended by -

(1) striking out "four" in the first sentence of such section and inserting in lieu thereof "five"; and

(2) adding at the end thereof the following new sentence, "One of such Assistant Secretaries shall be an Assistant Secretary of Labor for Occupational Safety and Health."

(b) Paragraph (20) of section 5315 of title 5, United States Code, is amended by striking out "(4)" and inserting in lieu thereof "(5)".

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### **30. Additional Positions**

Section 5108(c) of title 5, United States Code, is amended by -

(1) striking out the word "and" at the end of paragraph (8);

(2) striking out the period at the end of paragraph (9) and inserting in lieu thereof a semicolon and the word "and"; and

(3) by adding immediately after paragraph (9) the following new paragraph:

"(10)(A) the Secretary of Labor, subject to the standards and procedures prescribed by this chapter, may place an additional twenty-five positions in the Department of Labor in GS-16, 17, and 18 for the purposes of carrying out his responsibilities under the Occupational Safety and Health Act of 1970;

"(B) the Occupational Safety and Health Review Commission, subject to the standards and procedures prescribed by this chapter, may place ten positions in GS-16, 17, and 18 in carrying out its functions under the Occupational Safety and Health Act of 1970."

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### **31. Emergency Locator Beacons**

Section 601 of the Federal Aviation Act of 1958 is amended by inserting at the end thereof a new subsection as follows:

#### **"EMERGENCY LOCATOR BEACONS**

"(d)(1) Except with respect to aircraft described in paragraph (2) of this subsection, minimum standards pursuant to this section shall include a requirement that emergency locator beacons shall be installed -

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"(A) on any fixed-wing, powered aircraft for use in air commerce the manufacture of which is completed, or which is imported into the United States, after one year following the date of enactment of this subsection; and

"(B) on any fixed-wing, powered aircraft used in air commerce after three years following such date.

"(2) The provisions of this subsection shall not apply to jet-powered aircraft; aircraft used in air transportation (other than air taxis and charter aircraft); military aircraft; aircraft used solely for training purposes not involving flights more than twenty miles from its base; and aircraft used for the aerial application of chemicals."

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### **32. Separability**

If any provision of this Act, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

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### **33. Appropriations**

There are authorized to be appropriated to carry out this Act for each fiscal year such sums as the Congress shall deem necessary.

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### **34. Effective Date**

This Act shall take effect one hundred and twenty days after the date of its enactment.

Approved December 29, 1970.

Amended November 5, 1990.

LEGISLATIVE HISTORY:

HOUSE REPORTS: No. 91-1291 accompanying H.R. 16785

(Comm. on Education and Labor) and No. 91-1765 (Comm. of Conference).

SENATE REPORT: No. 91-1282 (Comm. on Labor and Public Welfare).

CONGRESSIONAL RECORD, Vol. 116 (1970):

Oct. 13, Nov. 16, 17, considered and passed Senate.

Nov. 23, 24, considered and passed House, amended, in lieu of H.R. 16785.

Dec. 16, Senate agreed to conference report.

Dec. 17, House agreed to conference report.

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This document can be found at  
[http://www.osha-slc.gov/OshAct\\_data/OSHACT.html](http://www.osha-slc.gov/OshAct_data/OSHACT.html)



# OSHA Forms for Recording Work-Related Injuries and Illnesses

## What's Inside...

In this package, you'll find everything you need to complete OSHA's *Log* and the *Summary of Work-Related Injuries and Illnesses* for the next several years. On the following pages, you'll find:

- ▼ **An Overview: Recording Work-Related Injuries and Illnesses** — General instructions for filling out the forms in this package and definitions of terms you should use when you classify your cases as injuries or illnesses.
- ▼ **How to Fill Out the Log** — An example to guide you in filling out the *Log* properly.
- ▼ **Log of Work-Related Injuries and Illnesses** — Several pages of the *Log* (but you may make as many copies of the *Log* as you need.) Notice that the *Log* is separate from the *Summary*.
- ▼ **Summary of Work-Related Injuries and Illnesses** — Removable *Summary* pages for easy posting at the end of the year. Note that you post the *Summary* only, not the *Log*.
- ▼ **Worksheet to Help You Fill Out the Summary** — A worksheet for figuring the average number of employees who worked for your establishment and the total number of hours worked.
- ▼ **OSHA's 301: Injury and Illness Incident Report** — A copy of the OSHA 301 to provide details about the incident. You may make as many copies as you need or use an equivalent form.

Take a few minutes to review this package. If you have any questions, **visit us online at [www.osha.gov](http://www.osha.gov) OR call your local OSHA office.** We'll be happy to help you.

## Dear Employer:

This booklet includes the forms needed for maintaining occupational injury and illness records for 2004. These new forms have changed in several important ways from the 2003 recordkeeping forms.

In the December 17, 2002 Federal Register (67 FR 77165-77170), OSHA announced its decision to add an occupational hearing loss column to OSHA's Form 300, Log of Work-Related Injuries and Illnesses. This forms package contains modified Forms 300 and 300A which incorporate the additional column M(5) Hearing Loss. Employers required to complete the injury and illness forms must begin to use these forms on January 1, 2004.

In response to public suggestions, OSHA also has made several changes to the forms package to make the recordkeeping materials clearer and easier to use:

- On Form 300, we've switched the positions of the day count columns. The days "away from work" column now comes before the days "on job transfer or restriction."
- We've clarified the formulas for calculating incidence rates.
- We've added new recording criteria for occupational hearing loss to the "Overview" section.
- On Form 300, we've made the column heading "Classify the Case" more prominent to make it clear that employers should mark only one selection among the four columns offered.

The Occupational Safety and Health Administration shares with you the goal of preventing injuries and illnesses in our nation's workplaces. Accurate injury and illness records will help us achieve that goal.

*Occupational Safety and Health Administration*  
*U.S. Department of Labor*





# An Overview:

## Recording Work-Related Injuries and Illnesses

The Occupational Safety and Health (OSH) Act of 1970 requires certain employers to prepare and maintain records of work-related injuries and illnesses. Use these definitions when you classify cases on the Log. OSHA's recordkeeping regulation (see 29 CFR Part 1904) provides more information about the definitions below.

The *Log of Work-Related Injuries and Illnesses* (Form 300) is used to classify work-related injuries and illnesses and to note the extent and severity of each case. When an incident occurs, use the *Log* to record specific details about what happened and how it happened.

The *Summary* — a separate form (Form 300A) — shows the totals for the year in each category. At the end of the year, post the *Summary* in a visible location so that your employees are aware of the injuries and illnesses occurring in their workplace.

Employers must keep a *Log* for each establishment or site. If you have more than one establishment, you must keep a separate *Log* and *Summary* for each physical location that is expected to be in operation for one year or longer.

Note that your employees have the right to review your injury and illness records. For more information, see 29 Code of Federal Regulations Part 1904.35, *Employee Involvement*.

Cases listed on the *Log of Work-Related Injuries and Illnesses* are not necessarily eligible for workers' compensation or other insurance benefits. Listing a case on the *Log* does not mean that the employer or worker was at fault or that an OSHA standard was violated.

### When is an injury or illness considered work-related?

An injury or illness is considered work-related if an event or exposure in the work environment caused or contributed to the condition or significantly aggravated a preexisting condition. Work-relatedness is

presumed for injuries and illnesses resulting from events or exposures occurring in the workplace, unless an exception specifically applies. See 29 CFR Part 1904.5(b)(2) for the exceptions. The work environment includes the establishment and other locations where one or more employees are working or are present as a condition of their employment. See 29 CFR Part 1904.5(b)(1).

### Which work-related injuries and illnesses should you record?

Record those work-related injuries and illnesses that result in:

- ▼ death,
- ▼ loss of consciousness,
- ▼ days away from work,
- ▼ restricted work activity or job transfer, or
- ▼ medical treatment beyond first aid.

You must also record work-related injuries and illnesses that are significant (as defined below) or meet any of the additional criteria listed below.

You must record any significant work-related injury or illness that is diagnosed by a physician or other licensed health care professional. You must record any work-related case involving cancer, chronic irreversible disease, a fractured or cracked bone, or a punctured eardrum. See 29 CFR 1904.7.

### What are the additional criteria?

You must record the following conditions when they are work-related:

- ▼ any needlestick injury or cut from a sharp object that is contaminated with another person's blood or other potentially infectious material;
- ▼ any case requiring an employee to be medically removed under the requirements of an OSHA health standard;
- ▼ tuberculosis infection as evidenced by a positive skin test or diagnosis by a physician or other licensed health care professional after exposure to a known case of active tuberculosis.
- ▼ an employee's hearing test (audiogram) reveals 1) that the employee has experienced a Standard Threshold Shift (STS) in hearing in one or both ears (averaged at 2000, 3000, and 4000 Hz) and 2) the employee's total hearing level is 25 decibels (dB) or more above audiometric zero (also averaged at 2000, 3000, and 4000 Hz) in the same ear(s) as the STS.

### What is medical treatment?

Medical treatment includes managing and caring for a patient for the purpose of combating disease or disorder. The following are not considered medical treatments and are NOT recordable:

- ▼ visits to a doctor or health care professional solely for observation or counseling;

### What do you need to do?

1. Within 7 calendar days after you receive information about a case, decide if the case is recordable under the OSHA recordkeeping requirements.
2. Determine whether the incident is a new case or a recurrence of an existing one.
3. Establish whether the case was work-related.
4. If the case is recordable, decide which form you will fill out as the injury and illness incident report.  
You may use *OSHA's 301: Injury and Illness Incident Report* or an equivalent form. Some state workers compensation, insurance, or other reports may be acceptable substitutes, as long as they provide the same information as the OSHA 301.

### How to work with the Log

1. Identify the employee involved unless it is a privacy concern case as described below.
2. Identify when and where the case occurred.
3. Describe the case, as specifically as you can.
4. Classify the seriousness of the case by recording the **most serious outcome** associated with the case, with column G (Death) being the most serious and column J (Other recordable cases) being the least serious.
5. Identify whether the case is an injury or illness. If the case is an injury, check the injury category. If the case is an illness, check the appropriate illness category.





- ▼ diagnostic procedures, including administering prescription medications that are used solely for diagnostic purposes; and
- ▼ any procedure that can be labeled first aid. *(See below for more information about first aid.)*

### What is first aid?

If the incident required only the following types of treatment, consider it first aid. Do NOT record the case if it involves only:

- ▼ using non-prescription medications at non-prescription strength;
- ▼ administering tetanus immunizations;
- ▼ cleaning, flushing, or soaking wounds on the skin surface;
- ▼ using wound coverings, such as bandages, BandAids™, gauze pads, etc., or using SteriStrips™ or butterfly bandages.
- ▼ using hot or cold therapy;
- ▼ using any totally non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc.;
- ▼ using temporary immobilization devices while transporting an accident victim (splints, slings, neck collars, or back boards).
- ▼ drilling a fingernail or toenail to relieve pressure, or draining fluids from blisters;
- ▼ using eye patches;
- ▼ using simple irrigation or a cotton swab to remove foreign bodies not embedded in or adhered to the eye;
- ▼ using irrigation, tweezers, cotton swab or other simple means to remove splinters or foreign material from areas other than the eye;

- ▼ using finger guards;
- ▼ using massages;
- ▼ drinking fluids to relieve heat stress

### How do you decide if the case involved restricted work?

Restricted work activity occurs when, as the result of a work-related injury or illness, an employer or health care professional keeps, or recommends keeping, an employee from doing the routine functions of his or her job or from working the full workday that the employee would have been scheduled to work before the injury or illness occurred.

### How do you count the number of days of restricted work activity or the number of days away from work?

Count the number of calendar days the employee was on restricted work activity or was away from work as a result of the recordable injury or illness. Do not count the day on which the injury or illness occurred in this number. Begin counting days from the day after the incident occurs. If a single injury or illness involved both days away from work and days of restricted work activity, enter the total number of days for each. You may stop counting days of restricted work activity or days away from work once the total of either or the combination of both reaches 180 days.

### Under what circumstances should you NOT enter the employee's name on the OSHA Form 300?

You must consider the following types of injuries or illnesses to be privacy concern cases:

- ▼ an injury or illness to an intimate body part or to the reproductive system,
  - ▼ an injury or illness resulting from a sexual assault,
  - ▼ a mental illness,
  - ▼ a case of HIV infection, hepatitis, or tuberculosis,
  - ▼ a needlestick injury or cut from a sharp object that is contaminated with blood or other potentially infectious material (see 29 CFR Part 1904.8 for definition), and
  - ▼ other illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the log.
- You must not enter the employee's name on the OSHA 300 Log for these cases. Instead, enter "privacy case" in the space normally used for the employee's name. You must keep a separate, confidential list of the case numbers and employee names for the establishment's privacy concern cases so that you can update the cases and provide information to the government if asked to do so.

If you have a reasonable basis to believe that information describing the privacy concern case may be personally identifiable even though the employee's name has been omitted, you may use discretion in describing the injury or illness on both the OSHA 300 and 301 forms. You must enter enough information to identify the cause of the incident and the general severity of

the injury or illness, but you do not need to include details of an intimate or private nature.

### What if the outcome changes after you record the case?

If the outcome or extent of an injury or illness changes after you have recorded the case, simply draw a line through the original entry or, if you wish, delete or white-out the original entry. Then write the new entry where it belongs. Remember, you need to record the most serious outcome for each case.

### Classifying injuries

An injury is any wound or damage to the body resulting from an event in the work environment.

**Examples:** Cut, puncture, laceration, abrasion, fracture, bruise, contusion, chipped tooth, amputation, insect bite, electrocution, or a thermal, chemical, electrical, or radiation burn. Sprain and strain injuries to muscles, joints, and connective tissues are classified as injuries when they result from a slip, trip, fall or other similar accidents.







## Classifying illnesses

### Skin diseases or disorders

Skin diseases or disorders are illnesses involving the worker's skin that are caused by work exposure to chemicals, plants, or other substances.

**Examples:** Contact dermatitis, eczema, or rash caused by primary irritants and sensitizers or poisonous plants; oil acne; friction blisters, chrome ulcers; inflammation of the skin.

### Respiratory conditions

Respiratory conditions are illnesses associated with breathing hazardous biological agents, chemicals, dust, gases, vapors, or fumes at work.

**Examples:** Silicosis, asbestosis, pneumonitis, pharyngitis, rhinitis or acute congestion; farmer's lung, beryllium disease, tuberculosis, occupational asthma, reactive airways dysfunction syndrome (RADS), chronic obstructive pulmonary disease (COPD), hypersensitivity pneumonitis, toxic inhalation injury, such as metal fume fever, chronic obstructive bronchitis, and other pneumoconioses.

### Poisoning

Poisoning includes disorders evidenced by abnormal concentrations of toxic substances in blood, other tissues, other bodily fluids, or the breath that are caused by the ingestion or absorption of toxic substances into the body.

**Examples:** Poisoning by lead, mercury,

cadmium, arsenic, or other metals; poisoning by carbon monoxide, hydrogen sulfide, or other gases; poisoning by benzene, benzol, carbon tetrachloride, or other organic solvents; poisoning by insecticide sprays, such as parathion or lead arsenate; poisoning by other chemicals, such as formaldehyde.

### Hearing Loss

Noise-induced hearing loss is defined for recordkeeping purposes as a change in hearing threshold relative to the baseline audiogram of an average of 10 dB or more in either ear at 2000, 3000 and 4000 hertz, and the employee's total hearing level is 25 decibels (dB) or more above audiometric zero (also averaged at 2000, 3000, and 4000 hertz) in the same ear(s).

### All other illnesses

All other occupational illnesses.

**Examples:** Heatstroke, sunstroke, heat exhaustion, heat stress and other effects of environmental heat; freezing, frostbite, and other effects of exposure to low temperatures; decompression sickness; effects of ionizing radiation (isotopes, x-rays, radium); effects of nonionizing radiation (welding flash, ultra-violet rays, lasers); anthrax; bloodborne pathogenic diseases, such as AIDS, HIV, hepatitis B or hepatitis C; brucellosis; malignant or benign tumors; histoplasmosis; coccidioidomycosis.

## When must you post the Summary?

You must post the *Summary* only — not the *Log* — by February 1 of the year following the year covered by the form and keep it posted until April 30 of that year.

## How long must you keep the Log and Summary on file?

You must keep the *Log* and *Summary* for 5 years following the year to which they pertain.

## Do you have to send these forms to OSHA at the end of the year?

No. You do not have to send the completed forms to OSHA unless specifically asked to do so.

## How can we help you?

If you have a question about how to fill out the *Log*,

- visit us online at [www.osha.gov](http://www.osha.gov) or
- call your local OSHA office.



## Optional

# Calculating Injury and Illness Incidence Rates

### What is an incidence rate?

An incidence rate is the number of recordable injuries and illnesses occurring among a given number of full-time workers (usually 100 full-time workers) over a given period of time (usually one year). To evaluate your firm's injury and illness experience over time or to compare your firm's experience with that of your industry as a whole, you need to compute your incidence rate. Because a specific number of workers and a specific period of time are involved, these rates can help you identify problems in your workplace and/or progress you may have made in preventing work-related injuries and illnesses.

### How do you calculate an incidence rate?

You can compute an occupational injury and illness incidence rate for all recordable cases or for cases that involved days away from work for your firm quickly and easily. The formula requires that you follow instructions in paragraph (a) below for the total recordable cases or those in paragraph (b) for cases that involved days away from work, and for both rates the instructions in paragraph (c).

(a) To find out the total number of recordable injuries and illnesses that occurred during the year, count the number of line entries on your OSHA Form 300, or refer to the OSHA Form 300A and sum the entries for columns (G), (H), (I), and (J).

(b) To find out the number of injuries and illnesses that involved days away from work, count the number of line entries on your OSHA Form 300 that received a check mark in column (H), or refer to the entry for column

(H) on the OSHA Form 300A.

(c) The number of hours all employees actually worked during the year. Refer to OSHA Form 300A and optional worksheet to calculate this number.

You can compute the incidence rate for all recordable cases of injuries and illnesses using the following formula:

$$\frac{\text{Total number of injuries and illnesses} \times 200,000}{\text{Number of hours worked by all employees}} = \text{Total recordable case rate}$$

(The 200,000 figure in the formula represents the number of hours 100 employees working 40 hours per week, 50 weeks per year would work, and provides the standard base for calculating incidence rates.)

You can compute the incidence rate for recordable cases involving days away from work, days of restricted work activity or job transfer (DART) using the following formula:

$$\frac{\text{Number of entries in column H} + \text{Number of entries in column I} \times 200,000}{\text{Number of hours worked by all employees}} = \text{DART incidence rate}$$

You can use the same formula to calculate incidence rates for other variables such as cases involving restricted work activity (column (I) on Form 300A), cases involving skin disorders (column (M-2) on Form 300A), etc. Just substitute the appropriate total for these cases, from Form 300A, into the formula in place of the total number of injuries and illnesses.

### What can I compare my incidence rate to?

The Bureau of Labor Statistics (BLS) conducts a survey of occupational injuries and illnesses each year and publishes incidence rate data by

various classifications (e.g., by industry, by employer size, etc.). You can obtain these published data at [www.bls.gov/iif](http://www.bls.gov/iif) or by calling a BLS Regional Office.

## Worksheet

Total number of injuries and illnesses

X 200,000

÷

Number of hours worked by all employees

=

Total recordable case rate

Number of entries in Column H + Column I

X 200,000

÷

Number of hours worked by all employees

=

DART incidence rate





# How to Fill Out the Log

The *Log of Work-Related Injuries and Illnesses* is used to classify work-related injuries and illnesses and to note the extent and severity of each case. When an incident occurs, use the *Log* to record specific details about what happened and how it happened.

If your company has more than one establishment or site, you must keep separate records for each physical location that is expected to remain in operation for one year or longer.

We have given you several copies of the *Log* in this package. If you need more than we provided, you may photocopy and use as many as you need.

The *Summary* — a separate form — shows the work-related injury and illness totals for the year in each category. At the end of the year, count the number of incidents in each category and transfer the totals from the *Log* to the *Summary*. Then post the *Summary* in a visible location so that your employees are aware of injuries and illnesses occurring in their workplace.

**You don't post the Log. You post only the Summary at the end of the year.**

OSHA's Form 300 (Rev. 01/2004)

## Log of Work-Related Injuries and Illnesses

You must record information about every work-related death and about every work-related injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid. You must also record significant work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional. You must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in 29 CFR Part 1904.8 through 1904.12. Feel free to use two lines for a single case if you need to. You must complete an injury and illness record for each injury or illness recorded on this form. If you're not sure whether a case is recordable, call your local OSHA office for help.

**Attention:** This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.



Year 20       
U.S. Department of Labor  
Occupational Safety and Health Administration

Form approved OMB no. 1218-0176

Establishment name XYZ Company State MA  
City Anytown

### Identify the person

(A) Case no.	(B) Employee's name	(C) Job title (e.g. Welder)	(D) Date of injury or onset of illness	(E) Where the event occurred (e.g. Loading dock, north end)	(F) Describe injury or illness, parts of body affected, and object/substance that directly injured or made person ill (e.g. Second degree burns on right forearm from acetylene torch)
1	Mark Babin	Welder	5 / 23 month/day	basement	fracture, left arm and left leg, fell from ladder
2	Shana Alexander	Foundry man	7 / 2 month/day	pouring deck	poisoning from lead fumes
3	Sam Sauder	Electrician	8 / 5 month/day	2nd floor stairwell	broken left foot, fell over box
4	Ralph Bocella	Laborer	9 / 17 month/day	packaging dept	Back strain lifting boxes
5	Jared Daniels	Machine opt.	10 / 23 month/day	production floor	dust in eye

### Describe the case

Death (G)	Days away from work (H)		Job transfer or restriction (I)		Other recordable cases (J)	
	(+)	(-)	(1)	(2)	(3)	(4)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Classify the case

CHECK ONLY ONE box for each case based on the most serious outcome for that case:

Away from work (K)	On job transfer or restriction (L)	Check the "injury" column or choose one type of illness:					
		(1) Injury	(2) Skin disorders	(3) Respiratory conditions	(4) Poisoning	(5) Hearing loss	(6) All other illnesses
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Enter the number of days the injured or ill worker was:

(M)	(N)	(O)	(P)	(Q)	(R)	(S)	(T)
12 days	15 days	30 days	30 days	3 days	days	days	days
<input type="checkbox"/>							
<input type="checkbox"/>							
<input type="checkbox"/>							
<input type="checkbox"/>							
<input type="checkbox"/>							

Be as specific as possible. You can use two lines if you need more room.

Revise the log if the injury or illness progresses and the outcome is more serious than you originally recorded for the case. Cross out, erase, or white-out the original entry.

Choose ONLY ONE of these categories. Classify the case by recording the most serious outcome of the case, with column G (Death) being the most serious and column J (Other recordable cases) being the least serious.

Note whether the case involves an injury or an illness.









# Summary of Work-Related Injuries and Illnesses

Year 20 \_\_\_\_\_

All establishments covered by Part 1904 must complete this Summary page, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.

Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you've added the entries from every page of the Log. If you had no cases, write "0."

Employees, former employees, and their representatives have the right to review the OSHA Form 300 in its entirety. They also have limited access to the OSHA Form 301 or its equivalent. See 29 CFR Part 1904.35, in OSHA's recordkeeping rule, for further details on the access provisions for these forms.

## Number of Cases

Total number of deaths	Total number of cases with days away from work	Total number of cases with job transfer or restriction	Total number of other recordable cases
(G) _____	(H) _____	(I) _____	(J) _____

## Number of Days

Total number of days away from work	Total number of days of job transfer or restriction
(K) _____	(L) _____

## Injury and Illness Types

Total number of . . . (M)	(4) Poisonings	_____
(1) Injuries	(5) Hearing loss	_____
(2) Skin disorders	(6) All other illnesses	_____
(3) Respiratory conditions		_____

**Post this Summary page from February 1 to April 30 of the year following the year covered by the form.**

Public reporting burden for this collection of information is estimated to average 50 minutes per response, including time to review the instructions, search and gather the data needed, and complete and review the collection of information. Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. If you have any comments about these estimates or any other aspects of this data collection, contact: US Department of Labor, OSHA Office of Statistical Analysis, Room N-3644, 200 Constitution Avenue, NW, Washington, DC 20210. Do not send the completed forms to this office.

## Establishment information

Your establishment name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

ZIP \_\_\_\_\_

Industry description (e.g., *Manufacture of motor truck trailers*) \_\_\_\_\_

Standard Industrial Classification (SIC), if known (e.g., 3715) \_\_\_\_\_

OR \_\_\_\_\_

North American Industrial Classification (NAICS), if known (e.g., 336212) \_\_\_\_\_

**Employment information** (If you don't have these figures, see the Worksheet on the back of this page to estimate.)

Annual average number of employees \_\_\_\_\_

Total hours worked by all employees last year \_\_\_\_\_

## Sign here

**Knowingly falsifying this document may result in a fine.**

I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

Company executive \_\_\_\_\_

( \_\_\_\_\_ ) \_\_\_\_\_

Title \_\_\_\_\_

/ /

Date \_\_\_\_\_



# Worksheet to Help You Fill Out the Summary

At the end of the year, OSHA requires you to enter the average number of employees and the total hours worked by your employees on the summary. If you don't have these figures, you can use the information on this page to estimate the numbers you will need to enter on the Summary page at the end of the year.

## How to figure the average number of employees who worked for your establishment during the year:

- 1 **Add** the total number of employees your establishment paid in all pay periods during the year. Include all employees: full-time, part-time, temporary, seasonal, salaried, and hourly.
- 2 **Count** the number of pay periods your establishment had during the year. Be sure to include any pay periods when you had no employees.
- 3 **Divide** the number of employees by the number of pay periods.
- 4 **Round the answer** to the next highest whole number. Write the rounded number in the blank marked *Annual average number of employees*.

For example, Acme Construction figured its average employment this way:

<b>For pay period...</b>	<b>Acme paid this number of employees...</b>	
1	10	1
2	0	
3	15	2
4	30	
5	40	3
▼	▼	
24	20	4
25	15	
26	+10	
	830	

Number of employees paid =	830
Number of pay periods =	26
$830 \div 26 =$	31.92
	26
31.92 rounds to	32
32 is the annual average number of employees	

## How to figure the total hours worked by all employees:

Include hours worked by salaried, hourly, part-time and seasonal workers, as well as hours worked by other workers subject to day to day supervision by your establishment (e.g., temporary help services workers).

Do not include vacation, sick leave, holidays, or any other non-work time, even if employees were paid for it. If your establishment keeps records of only the hours paid or if you have employees who are not paid by the hour, please estimate the hours that the employees actually worked.

If this number isn't available, you can use this optional worksheet to estimate it.

### Optional Worksheet

\_\_\_\_\_ **Find** the number of full-time employees in your establishment for the year.

**X** \_\_\_\_\_ **Multiply** by the number of work hours for a full-time employee in a year.

\_\_\_\_\_ This is the number of full-time hours worked.

**+** \_\_\_\_\_ **Add** the number of any overtime hours as well as the hours worked by other employees (part-time, temporary, seasonal)

\_\_\_\_\_ **Round** the answer to the next highest whole number. Write the rounded number in the blank marked *Total hours worked by all employees last year*.





# OSHA's Form 301 Injury and Illness Incident Report

This *Injury and Illness Incident Report* is one of the first forms you must fill out when a recordable work-related injury or illness has occurred. Together with the *Log of Work-Related Injuries and Illnesses* and the accompanying *Summary*, these forms help the employer and OSHA develop a picture of the extent and severity of work-related incidents.

Within 7 calendar days after you receive information that a recordable work-related injury or illness has occurred, you must fill out this form or an equivalent. Some state workers' compensation, insurance, or other reports may be acceptable substitutes. To be considered an equivalent form, any substitute must contain all the information asked for on this form.

According to Public Law 91-596 and 29 CFR 1904, OSHA's recordkeeping rule, you must keep this form on file for 5 years following the year to which it pertains.

If you need additional copies of this form, you may photocopy and use as many as you need.

Completed by \_\_\_\_\_ Date \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Title \_\_\_\_\_  
 Phone (\_\_\_\_) \_\_\_\_\_

**Attention:** This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.



Form approved OMB no. 1218-0176

## Information about the employee

- 1) Full name \_\_\_\_\_
- 2) Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_
- 3) Date of birth \_\_\_\_/\_\_\_\_/\_\_\_\_
- 4) Date hired \_\_\_\_/\_\_\_\_/\_\_\_\_
- 5)  Male  Female

## Information about the physician or other health care professional

- 6) Name of physician or other health care professional \_\_\_\_\_
- 7) If treatment was given away from the worksite, where was it given?  
Facility \_\_\_\_\_  
Street \_\_\_\_\_  
City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_
- 8) Was employee treated in an emergency room?  
 Yes  No
- 9) Was employee hospitalized overnight as an in-patient?  
 Yes  No

## Information about the case

- 10) Case number from the Log \_\_\_\_\_ (Transfer the case number from the Log after you record the case.)
- 11) Date of injury or illness \_\_\_\_/\_\_\_\_/\_\_\_\_ AM / PM
- 12) Time employee began work \_\_\_\_\_ AM / PM  Check if time cannot be determined
- 13) Time of event \_\_\_\_\_ AM / PM
- 14) **What was the employee doing just before the incident occurred?** Describe the activity, as well as the tools, equipment, or material the employee was using. Be specific. *Examples:* "climbing a ladder while carrying roofing materials"; "spraying chlorine from hand sprayer"; "daily computer key-entry."
- 15) **What happened?** Tell us how the injury occurred. *Examples:* "When ladder slipped on wet floor, worker fell 20 feet"; "Worker was sprayed with chlorine when gasket broke during replacement"; "Worker developed soreness in wrist over time."
- 16) **What was the injury or illness?** Tell us the part of the body that was affected and how it was affected; be more specific than "hurt," "pain," or "sore." *Examples:* "strained back"; "chemical burn, hand"; "carpal tunnel syndrome."
- 17) **What object or substance directly harmed the employee?** *Examples:* "concrete floor"; "chlorine"; "radial arm saw." If this question does not apply to the incident, leave it blank.
- 18) **If the employee died, when did death occur?** Date of death \_\_\_\_/\_\_\_\_/\_\_\_\_



# If You Need Help...

If you need help deciding whether a case is recordable, or if you have questions about the information in this package, feel free to contact us. We'll gladly answer any questions you have.

▼ Visit us online at [www.osha.gov](http://www.osha.gov)

▼ Call your OSHA Regional office and ask for the recordkeeping coordinator

or

▼ Call your State Plan office

## Federal Jurisdiction

Region 1 - 617 / 565-9860  
**Connecticut; Massachusetts; Maine; New Hampshire; Rhode Island**

Region 2 - 212 / 337-2378  
**New York; New Jersey**

Region 3 - 215 / 861-4900  
**DC; Delaware; Pennsylvania; West Virginia**

Region 4 - 404 / 562-2300  
**Alabama; Florida; Georgia; Mississippi**

Region 5 - 312 / 353-2220  
**Illinois; Ohio; Wisconsin**

Region 6 - 214 / 767-4731  
**Arkansas; Louisiana; Oklahoma; Texas**

Region 7 - 816 / 426-5861  
**Kansas; Missouri; Nebraska**

Region 8 - 303 / 844-1600  
**Colorado; Montana; North Dakota; South Dakota**

Region 9 - 415 / 975-4310

Region 10 - 206 / 553-5930  
**Idaho**

## State Plan States

Alaska - 907 / 269-4957

Arizona - 602 / 542-5795

California - 415 / 703-5100

\*Connecticut - 860 / 566-4380

Hawaii - 808 / 586-9100

Indiana - 317 / 232-2688

Iowa - 515 / 281-3661

Kentucky - 502 / 564-3070

Maryland - 410 / 767-2371

Michigan - 517 / 322-1848

Minnesota - 651 / 284-5050

Nevada - 702 / 486-9020

\*New Jersey - 609 / 984-1389

New Mexico - 505 / 827-4230

\*New York - 518 / 457-2574

North Carolina - 919 / 807-2875

Oregon - 503 / 378-3272

Puerto Rico - 787 / 754-2172

South Carolina - 803 / 734-9669

Tennessee - 615 / 741-2793

Utah - 801 / 530-6901

Vermont - 802 / 828-2765

Virginia - 804 / 786-6613

Virgin Islands - 340 / 772-1315

Washington - 360 / 902-5554

Wyoming - 307 / 777-7786

\*Public Sector only







### **Have questions?**

If you need help in filling out the *Log* or *Summary*, or if you have questions about whether a case is recordable, contact us. We'll be happy to help you. You can:

- ▼ Visit us online at: **[www.osha.gov](http://www.osha.gov)**
- ▼ Call your regional or state plan office. You'll find the phone number listed inside this cover.



Tear off this sheet and return completed form to your employer's managed care organization (MCO) or to your local BWC customer service office.



Better Workers' Compensation

Built with you in mind.



# First Report of an Injury, Occupational Disease or Death

## WARNING:

Any person who obtains compensation from BWC or self-insuring employers by: knowingly misrepresenting or concealing facts, making false statements, or accepting compensation to which he/she is not entitled, is subject to felony criminal prosecution for fraud.

(R.C. 2913.48)

Injured Worker and Injury/Disease/Death Info.

Last name, first name, middle initial			Social Security number		Marital status <input type="checkbox"/> Single <input type="checkbox"/> Married <input type="checkbox"/> Divorced <input type="checkbox"/> Separated <input type="checkbox"/> Widowed		Date of birth		
Home mailing address				Sex <input type="checkbox"/> Male <input type="checkbox"/> Female		Number of dependents			
City		State	9-digit ZIP code		Country if different from USA		Department name		
Wage rate \$ _____ Per: <input type="checkbox"/> Hour <input type="checkbox"/> Month <input type="checkbox"/> Week <input type="checkbox"/> Year <input type="checkbox"/> Other _____			What days of the week do you usually work? <input type="checkbox"/> Sun <input type="checkbox"/> Mon <input type="checkbox"/> Tues <input type="checkbox"/> Wed <input type="checkbox"/> Thur <input type="checkbox"/> Fri <input type="checkbox"/> Sat				Regular work hours From _____ To _____		
Have you been offered or do you expect to receive payment or wages for this claim from anyone other than the Ohio Bureau of Workers' Compensation? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, please explain.							Occupation or job title		
Employer name									
Mailing address (number and street, city or town, state, ZIP code and county)									
Location, if different from mailing address									
Was place of accident or exposure on employer's premises? <input type="checkbox"/> YES <input type="checkbox"/> NO If no, give accident location, street address, city, state and ZIP code)									
Date of injury/disease		Time of injury _____ <input type="checkbox"/> AM <input type="checkbox"/> PM		If fatal, give date of death		Time employee began work _____ <input type="checkbox"/> AM <input type="checkbox"/> PM		Date last worked	Date returned to work
Date hired			State where hired			Date employer notified			
Description of accident (Describe the sequence of events that directly injured the employee, or caused the disease or death)						Type of injury/disease and part(s) of body affected (For example: sprain of lower left back, etc.)			
<p><b>Benefit Application/Medical Release</b> – I am applying for recognition of my claim under the Ohio Workers' Compensation Act for work-related injuries that I did not purposely inflict. I request payment for compensation and/or medical expenses as allowable. Direct payment(s) to the providers of any medical services are authorized. I understand that I am allowing any provider who attends to, treats or examines me to release all medical, psychological, and/or psychiatric information that is related causally or historically to physical or mental injuries relevant to issues necessary to the administration of my workers' compensation claim to the Ohio Bureau of Workers' Compensation, the Industrial Commission of Ohio, the employer listed in this claim, that employer's managed care organization, and any authorized representatives. I further authorize the Ohio Rehabilitation Services Commission to release information about my physical, mental, vocational and social conditions that is related causally and historically to physical or mental injuries relevant to issues necessary for the administration of my workers' compensation claim to the aforementioned parties.</p>									
Injured worker signature				Date		Telephone number ( ) ( )		Work number ( ) ( )	

Treatment Info.

Health care provider name			Telephone number ( ) ( )		Fax number ( ) ( )		Initial treatment date	
Street address				City		State		9-digit ZIP code
Diagnosis(es): Include ICD code(s)								
<p>Will the incident cause the injured worker to miss eight or more days of work? <input type="checkbox"/> YES <input type="checkbox"/> NO</p> <p>Is the injury causally related to the industrial incident? <input type="checkbox"/> YES <input type="checkbox"/> NO</p>								
Health care provider signature				11-digit BWC provider number			Date	

Employer Info.

Employer policy number			<input type="checkbox"/> Employer is self-insuring <input type="checkbox"/> Injured worker is Owner/Partner/Member of Firm					
Telephone number ( ) ( )		Fax number ( ) ( )		E-mail address		Federal ID number		Manual number
Was employee treated in an emergency room? <input type="checkbox"/> YES <input type="checkbox"/> NO				Was employee hospitalized overnight as an in-patient? <input type="checkbox"/> YES <input type="checkbox"/> NO				
If treatment was given away from worksite, provide the facility name, street address, city, state, ZIP code								
<input type="checkbox"/> <b>CERTIFICATION</b> - The employer certifies that the facts in this application are correct and valid.			<input type="checkbox"/> <b>REJECTION</b> - The employer rejects the validity of this claim for the following reason(s) below:			<b>FOR SELF-INSURING EMPLOYERS ONLY</b> <input type="checkbox"/> <b>CLARIFICATION</b> - The employer clarifies and allows the claim for the condition(s) below:		
<p>_____</p> <p>_____</p>								
Employer signature and title						Date		OSHA case number





## **PART 1904 -- Recording and Reporting Occupational Injuries and Illnesses**

Sec.

### **Subpart A -- Purpose**

1904.0 Purpose

### **Subpart B -- Scope**

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1904.2 Partial exemption for establishments in certain industries.

1904.3 Keeping records for more than one agency.

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### **Subpart C -- Recordkeeping Forms and Recording Criteria**

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1904.12 [Removed]

1904.13-1904.28 [Reserved]

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### **Subpart G -- Definitions**

## **Subpart A -- Purpose**

### **§ 1904.0 Purpose.**

The purpose of this rule (Part 1904) is to require employers to record and report work-related fatalities, injuries and illnesses.

**Note to § 1904.0:** Recording or reporting a work-related injury, illness, or fatality does not mean that the employer or employee was at fault, that an OSHA rule has been violated, or that the employee is eligible for workers' compensation or other benefits.  
[66 FR 6122, Jan. 19, 2001]

## Partially Exempt Industries - 1904 Subpart B App A

### Non-Mandatory Appendix A to Subpart B -- Partially Exempt Industries

Employers are not required to keep OSHA injury and illness records for any establishment classified in the following Standard Industrial Classification (SIC) codes, unless they are asked in writing to do so by OSHA, the Bureau of Labor Statistics (BLS), or a state agency operating under the authority of OSHA or the BLS. All employers, including those partially exempted by reason of company size or industry classification, must report to OSHA any workplace incident that results in a fatality or the hospitalization of three or more employees (see § 1904.39).

SIC code	Industry description	SIC code	Industry description
525	Hardware Stores	725	Shoe Repair and Shoeshine Parlors
542	Meat and Fish Markets	726	Funeral Service and Crematories
544	Candy, Nut, and Confectionery Stores	729	Miscellaneous Personal Services
545	Dairy Products Stores	731	Advertising Services
546	Retail Bakeries	732	Credit Reporting and Collection Services
549	Miscellaneous Food Stores	733	Mailing, Reproduction, & Stenographic Services
551	New and Used Car Dealers	737	Computer and Data Processing Services
552	Used Car Dealers	738	Miscellaneous Business Services
554	Gasoline Service Stations	764	Reupholstery and Furniture Repair
557	Motorcycle Dealers	78	Motion Picture
56	Apparel and Accessory Stores	791	Dance Studios, Schools, and Halls
573	Radio, Television, & Computer Stores	792	Producers, Orchestras, Entertainers
58	Eating and Drinking Places	793	Bowling Centers
591	Drug Stores and Proprietary Stores	801	Offices & Clinics Of Medical Doctors
592	Liquor Stores	802	Offices and Clinics Of Dentists
594	Miscellaneous Shopping Goods Stores	803	Offices Of Osteopathic
599	Retail Stores, Not Elsewhere Classified	804	Offices Of Other Health Practitioners
60	Depository Institutions (banks & savings institutions)	807	Medical and Dental Laboratories
61	Nondepository	809	Health and Allied Services, Not Elsewhere Classified
2	Security and Commodity Brokers	81	Legal Services
63	Insurance Carriers	82	Educational Services (schools, colleges, universities and libraries)
64	Insurance Agents, Brokers & Services	832	Individual and Family Services
653	Real Estate Agents and Managers	835	Child Day Care Services
654	Title Abstract Offices	839	Social Services, Not Elsewhere Classified
67	Holding and Other Investment Offices	841	Museums and Art Galleries
722	Photographic Studios, Portrait	86	Membership Organizations
723	Beauty Shops	87	Engineering, Accounting, Research, Management, and Related Services
724	Barber Shops	899	Services, not elsewhere classified

## **Partial exemption for employers with 10 or fewer employees. - 1904.1**

**Note to Subpart B:** All employers covered by the Occupational Safety and Health Act (OSH Act) are covered by these Part 1904 regulations. However, most employers do not have to keep OSHA injury and illness records unless OSHA or the Bureau of Labor Statistics (BLS) informs them in writing that they must keep records. For example, employers with 10 or fewer employees and business establishments in certain industry classifications are partially exempt from keeping OSHA injury and illness records.

### **1904.1(a)**

#### ***Basic requirement.***

##### **1904.1(a)(1)**

If your company had ten (10) or fewer employees at all times during the last calendar year, you do not need to keep OSHA injury and illness records unless OSHA or the BLS informs you in writing that you must keep records under § 1904.41 or § 1904.42. However, as required by § 1904.39, all employers covered by the OSH Act must report to OSHA any workplace incident that results in a fatality or the hospitalization of three or more employees.

##### **1904.1(a)(2)**

If your company had more than ten (10) employees at any time during the last calendar year, you must keep OSHA injury and illness records unless your establishment is classified as a partially exempt industry under § 1904.2.

### **1904.1(b)**

#### ***Implementation.***

##### **1904.1(b)(1)**

***Is the partial exemption for size based on the size of my entire company or on the size of an individual business establishment?*** The partial exemption for size is based on the number of employees in the entire company.

##### **1904.1(b)(2)**

***How do I determine the size of my company to find out if I qualify for the partial exemption for size?*** To determine if you are exempt because of size, you need to determine your company's peak employment during the last calendar year. If you had no more than 10 employees at any time in the last calendar year, your company qualifies for the partial exemption for size.

## **Partial exemption for establishments in certain industries. - 1904.2**

### **1904.2(a)**

#### ***Basic requirement.***

##### **1904.2(a)(1)**

If your business establishment is classified in a specific low hazard retail, service, finance, insurance or real estate industry listed in Appendix A to this Subpart B, you do not need to keep OSHA injury and illness records unless the government asks you to keep the records under § 1904.41 or § 1904.42. However, all employers must report to OSHA any workplace incident that results in a fatality or the hospitalization of three or more employees (see § 1904.39).

1904.2(a)(2)

If one or more of your company's establishments are classified in a non-exempt industry, you must keep OSHA injury and illness records for all of such establishments unless your company is partially exempted because of size under § 1904.1.

1904.2(b)

**Implementation.**

1904.2(b)(1)

***Does the partial industry classification exemption apply only to business establishments in the retail, services, finance, insurance or real estate industries (SICs 52-89)?*** Yes, business establishments classified in agriculture; mining; construction; manufacturing; transportation; communication, electric, gas and sanitary services; or wholesale trade are not eligible for the partial industry classification exemption.

1904.2(b)(2)

***Is the partial industry classification exemption based on the industry classification of my entire company or on the classification of individual business establishments operated by my company?*** The partial industry classification exemption applies to individual business establishments. If a company has several business establishments engaged in different classes of business activities, some of the company's establishments may be required to keep records, while others may be exempt.

1904.2(b)(3)

***How do I determine the Standard Industrial Classification code for my company or for individual establishments?*** You determine your Standard Industrial Classification (SIC) code by using the Standard Industrial Classification Manual, Executive Office of the President, Office of Management and Budget. You may contact your nearest OSHA office or State agency for help in determining your SIC.

**Keeping records for more than one agency. - 1904.3**

If you create records to comply with another government agency's injury and illness recordkeeping requirements, OSHA will consider those records as meeting OSHA's Part 1904 recordkeeping requirements if OSHA accepts the other agency's records under a memorandum of understanding with that agency, or if the other agency's records contain the same information as this Part 1904 requires you to record. You may contact your nearest OSHA office or State agency for help in determining whether your records meet OSHA's requirements.

**Recording criteria. - 1904.4**

**Note to Subpart C:** This Subpart describes the work-related injuries and illnesses that an employer must enter into the OSHA records and explains the OSHA forms that employers must use to record work-related fatalities, injuries, and illnesses.

1904.4(a)

**Basic requirement.**

Each employer required by this Part to keep records of fatalities, injuries, and illnesses must record each fatality, injury and illness that:

**1904.4(a)(1)**

Is work-related; and

**1904.4(a)(2)**

Is a new case; and

**1904.4(a)(3)**

Meets one or more of the general recording criteria of § 1904.7 or the application to specific cases of § 1904.8 through § 1904.12.

**1904.4(b)**

***Implementation.***

**1904.4(b)(1)**

***What sections of this rule describe recording criteria for recording work-related injuries and illnesses?*** The table below indicates which sections of the rule address each topic.

**1904.4(b)(1)(i)**

Determination of work-relatedness. See § 1904.5.

**1904.4(b)(1)(ii)**

Determination of a new case. See § 1904.6.

**1904.4(b)(1)(iii)**

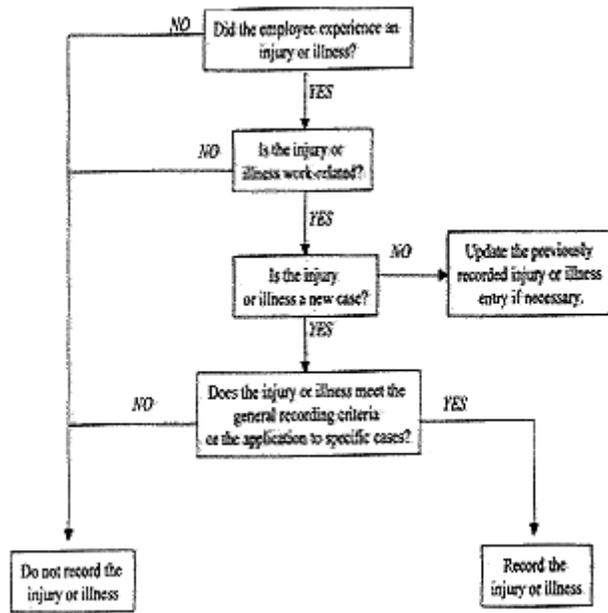
General recording criteria. See § 1904.7.

**1904.4(b)(1)(iv)**

Additional criteria. (Needlestick and sharps injury cases, tuberculosis cases, hearing loss cases, medical removal cases, and musculoskeletal disorder cases). See § 1904.8 through § 1904.12.

**1904.4(b)(2)**

***How do I decide whether a particular injury or illness is recordable?*** The decision tree for recording work-related injuries and illnesses below shows the steps involved in making this determination.



## Determination of work-relatedness. - 1904.5

### 1904.5(a)

#### ***Basic requirement.***

You must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or 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, unless an exception in § 1904.5(b)(2) specifically applies.

### 1904.5(b)

#### **Implementation.**

##### 1904.5(b)(1)

What is the "work environment"? OSHA defines the work environment as "the establishment and other locations where one or more employees are working or are present as a condition of their employment. The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of his or her work."

##### 1904.5(b)(2)

#### **Are there situations where an injury or illness occurs in the work environment and is not considered work-related?**

Yes, an injury or illness occurring in the work environment that falls under one of the following exceptions is not work-related, and therefore is not recordable.

##### 1904.5(b)(2)

You are not required to record injuries and illnesses if . . .

(i)

At the time of the injury or illness, the employee was present in the work environment as a member of the general public rather than as an employee.

(ii)

The injury or illness involves signs or symptoms that surface at work but result solely from a non-work-related event or exposure that occurs outside the work environment.

(iii)

The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball, or baseball.

(iv)

The injury or illness is solely the result of an employee eating, drinking, or preparing food or drink for personal consumption (whether bought on the employer's premises or brought in). For example, if the employee is injured by choking on a sandwich while in the employer's establishment, the case would not be considered work-related.

**Note:** If the employee is made ill by ingesting food contaminated by workplace contaminants (such as lead), or gets food poisoning from food supplied by the employer, the case would be considered work-related.

(v)

The injury or illness is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours.

(vi)

The injury or illness is solely the result of personal grooming, self medication for a non-work-related condition, or is intentionally self-inflicted.

(vii)

The injury or illness is caused by a motor vehicle accident and occurs on a company parking lot or company access road while the employee is commuting to or from work.

(viii)

The illness is the common cold or flu (Note: contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work).

(ix)

The illness is a mental illness. Mental illness will not be considered work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, etc.) stating that the employee has a mental illness that is work-related.

1904.5(b)(3)

***How do I handle a case if it is not obvious whether the precipitating event or exposure occurred in the work environment or occurred away from work?***

In these situations, you must evaluate the employee's work duties and environment to decide whether or not one or more events or exposures in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing condition.

1904.5(b)(4)

***How do I know if an event or exposure in the work environment "significantly aggravated" a preexisting injury or illness?***

A preexisting injury or illness has been significantly aggravated, for purposes of OSHA injury and illness recordkeeping, when an event or exposure in the work environment results in any of the following:

**1904.5(b)(4)(i)**

Death, provided that the preexisting injury or illness would likely not have resulted in death but for the occupational event or exposure.

**1904.5(b)(4)(ii)**

Loss of consciousness, provided that the preexisting injury or illness would likely not have resulted in loss of consciousness but for the occupational event or exposure.

**1904.5(b)(4)(iii)**

One or more days away from work, or days of restricted work, or days of job transfer that otherwise would not have occurred but for the occupational event or exposure.

**1904.5(b)(4)(iv)**

Medical treatment in a case where no medical treatment was needed for the injury or illness before the workplace event or exposure, or a change in medical treatment was necessitated by the workplace event or exposure.

1904.5(b)(5)

***Which injuries and illnesses are considered pre-existing conditions?***

An injury or illness is a preexisting condition if it resulted solely from a non-work-related event or exposure that occurred outside the work environment.

1904.5(b)(6)

***How do I decide whether an injury or illness is work-related if the employee is on travel status at the time the injury or illness occurs?***

Injuries and illnesses that occur while an employee is on travel status are work-related if, at the time of the injury or illness, the employee was engaged in work activities "in the interest of the employer." Examples of such activities include travel to and from customer contacts, conducting job tasks, and entertaining or being entertained to transact, discuss, or promote business (work-related entertainment includes only entertainment activities being engaged in at the direction of the employer).

Injuries or illnesses that occur when the employee is on travel status do not have to be recorded if they meet one of the exceptions listed below.

1904.5(b)(6)  
If the employee  
has . . .

You may use the following to determine if an injury or illness is work-related

(i)

checked into a hotel or motel for one or more days.

When a traveling employee checks into a hotel, motel, or into a other temporary residence, he or she establishes a "home away from home." You must evaluate the employee's activities after he or she checks into the hotel, motel, or other temporary residence for their work-relatedness in the same manner as you evaluate the activities of a non-traveling employee. When the employee checks into the temporary residence, he or she is considered to have left the work environment. When the employee begins work each day, he or she re-enters the work environment. If the employee has established a "home away from home" and is reporting to a fixed worksite each day, you also do not consider injuries or illnesses work-related if they occur while the employee is commuting between the temporary residence and the job location.

(ii)

taken a detour for personal reasons.

Injuries or illnesses are not considered work-related if they occur while the employee is on a personal detour from a reasonably direct route of travel (**e.g.**, has taken a side trip for personal reasons).

1904.5(b)(7)

***How do I decide if a case is work-related when the employee is working at home?***

Injuries and illnesses that occur while an employee is working at home, including work in a home office, will be considered work-related if the injury or illness occurs while the employee is performing work for pay or compensation in the home, and the injury or illness is directly related to the performance of work rather than to the general home environment or setting. For example, if an employee drops a box of work documents and injures his or her foot, the case is considered work-related. If an employee's fingernail is punctured by a needle from a sewing machine used to perform garment work at home, becomes infected and requires medical treatment, the injury is considered work-related. If an employee is injured because he or she trips on the family dog while rushing to answer a work phone call, the case is not considered work-related. If an employee

working at home is electrocuted because of faulty home wiring, the injury is not considered work-related.

## **Determination of new cases. - 1904.6**

### 1904.6(a)

#### ***Basic requirement.***

You must consider an injury or illness to be a "new case" if:

#### **1904.6(a)(1)**

The employee has not previously experienced a recorded injury or illness of the same type that affects the same part of the body, or

#### **1904.6(a)(2)**

The employee previously experienced a recorded injury or illness of the same type that affected the same part of the body but had recovered completely (all signs and symptoms had disappeared) from the previous injury or illness and an event or exposure in the work environment caused the signs or symptoms to reappear.

#### **1904.6(b)**

#### ***Implementation.***

#### **1904.6(b)(1)**

***When an employee experiences the signs or symptoms of a chronic work-related illness, do I need to consider each recurrence of signs or symptoms to be a new case?***

No, for occupational illnesses where the signs or symptoms may recur or continue in the absence of an exposure in the workplace, the case must only be recorded once. Examples may include occupational cancer, asbestosis, byssinosis and silicosis.

#### **1904.6(b)(2)**

***When an employee experiences the signs or symptoms of an injury or illness as a result of an event or exposure in the workplace, such as an episode of occupational asthma, must I treat the episode as a new case?***

Yes, because the episode or recurrence was caused by an event or exposure in the workplace, the incident must be treated as a new case.

#### **1904.6(b)(3)**

***May I rely on a physician or other licensed health care professional to determine whether a case is a new case or a recurrence of an old case?***

You are not required to seek the advice of a physician or other licensed health care professional. However, if you do seek such advice, you must follow the physician or other licensed health care professional's recommendation about whether the case is a new case or a recurrence. If you receive recommendations from two or more physicians or other licensed health care professionals, you must make a decision as to which recommendation is the most authoritative (best

documented, best reasoned, or most authoritative), and record the case based upon that recommendation.

## **General recording criteria. - 1904.7**

1904.7(a)

### ***Basic requirement.***

You must consider an injury or illness to meet the general recording criteria, and therefore to be recordable, if it results in any of the following: death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness. You must also consider a case to meet the general recording criteria if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.

1904.7(b)

### ***Implementation.***

1904.7(b)(1)

#### ***How do I decide if a case meets one or more of the general recording criteria?***

A work-related injury or illness must be recorded if it results in one or more of the following:

1904.7(b)(1)(i)

Death. See § 1904.7(b)(2).

1904.7(b)(1)(ii)

Days away from work. See § 1904.7(b)(3).

1904.7(b)(1)(iii)

Restricted work or transfer to another job. See § 1904.7(b)(4).

1904.7(b)(1)(iv)

Medical treatment beyond first aid. See § 1904.7(b)(5).

1904.7(b)(1)(v)

Loss of consciousness. See § 1904.7(b)(6).

1904.7(b)(1)(vi)

A significant injury or illness diagnosed by a physician or other licensed health care professional. See § 1904.7(b)(7).

1904.7(b)(2)

***How do I record a work-related injury or illness that results in the employee's death?***

You must record an injury or illness that results in death by entering a check mark on the OSHA 300 Log in the space for cases resulting in death. You must also report any work-related fatality to OSHA within eight (8) hours, as required by § 1904.39.

1904.7(b)(3)

***How do I record a work-related injury or illness that results in days away from work?***

When an injury or illness involves one or more days away from work, you must record the injury or illness on the OSHA 300 Log with a check mark in the space for cases involving days away and an entry of the number of calendar days away from work in the number of days column. If the employee is out for an extended period of time, you must enter an estimate of the days that the employee will be away, and update the day count when the actual number of days is known.

1904.7(b)(3)(i)

***Do I count the day on which the injury occurred or the illness began?***

No, you begin counting days away on the day after the injury occurred or the illness began.

1904.7(b)(3)(ii)

***How do I record an injury or illness when a physician or other licensed health care professional recommends that the worker stay at home but the employee comes to work anyway?***

You must record these injuries and illnesses on the OSHA 300 Log using the check box for cases with days away from work and enter the number of calendar days away recommended by the physician or other licensed health care professional. If a physician or other licensed health care professional recommends days away, you should encourage your employee to follow that recommendation. However, the days away must be recorded whether the injured or ill employee follows the physician or licensed health care professional's recommendation or not. If you receive recommendations from two or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.

1904.7(b)(3)(iii)

***How do I handle a case when a physician or other licensed health care professional recommends that the worker return to work but the employee stays at home anyway?***

In this situation, you must end the count of days away from work on the date the physician or other licensed health care professional recommends that the employee return to work.

1904.7(b)(3)(iv)

***How do I count weekends, holidays, or other days the employee would not have worked anyway?***

You must count the number of calendar days the employee was unable to work as a result of the injury or illness, regardless of whether or not the employee was scheduled to work on those day(s). Weekend days, holidays, vacation days or other days off are included in the total number

of days recorded if the employee would not have been able to work on those days because of a work-related injury or illness.

1904.7(b)(3)(v)

***How do I record a case in which a worker is injured or becomes ill on a Friday and reports to work on a Monday, and was not scheduled to work on the weekend?***

You need to record this case only if you receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the weekend. If so, you must record the injury or illness as a case with days away from work or restricted work, and enter the day counts, as appropriate.

1904.7(b)(3)(vi)

***How do I record a case in which a worker is injured or becomes ill on the day before scheduled time off such as a holiday, a planned vacation, or a temporary plant closing?***

You need to record a case of this type only if you receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the scheduled time off. If so, you must record the injury or illness as a case with days away from work or restricted work, and enter the day counts, as appropriate.

1904.7(b)(3)(vii)

***Is there a limit to the number of days away from work I must count?***

Yes, you may "cap" the total days away at 180 calendar days. You are not required to keep track of the number of calendar days away from work if the injury or illness resulted in more than 180 calendar days away from work and/or days of job transfer or restriction. In such a case, entering 180 in the total days away column will be considered adequate.

1904.7(b)(3)(viii)

***May I stop counting days if an employee who is away from work because of an injury or illness retires or leaves my company?***

Yes, if the employee leaves your company for some reason unrelated to the injury or illness, such as retirement, a plant closing, or to take another job, you may stop counting days away from work or days of restriction/job transfer. If the employee leaves your company because of the injury or illness, you must estimate the total number of days away or days of restriction/job transfer and enter the day count on the 300 Log.

1904.7(b)(3)(ix)

***If a case occurs in one year but results in days away during the next calendar year, do I record the case in both years?***

No, you only record the injury or illness once. You must enter the number of calendar days away for the injury or illness on the OSHA 300 Log for the year in which the injury or illness occurred. If the employee is still away from work because of the injury or illness when you prepare the annual summary, estimate the total number of calendar days you expect the employee to be away from work, use this number to calculate the total for the annual summary, and then update the initial log entry later when the day count is known or reaches the 180-day cap.

1904.7(b)(4)

***How do I record a work-related injury or illness that results in restricted work or job transfer?***

When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, you must record the injury or illness on the OSHA 300 Log by placing a check mark in the space for job transfer or restriction and an entry of the number of restricted or transferred days in the restricted workdays column.

1904.7(b)(4)(i)

***How do I decide if the injury or illness resulted in restricted work?***

Restricted work occurs when, as the result of a work-related injury or illness:

1904.7(b)(4)(i)(A)

You keep the employee from performing one or more of the routine functions of his or her job, or from working the full workday that he or she would otherwise have been scheduled to work; or

1904.7(b)(4)(i)(B)

A physician or other licensed health care professional recommends that the employee not perform one or more of the routine functions of his or her job, or not work the full workday that he or she would otherwise have been scheduled to work.

1904.7(b)(4)(ii)

***What is meant by "routine functions"?***

For recordkeeping purposes, an employee's routine functions are those work activities the employee regularly performs at least once per week.

1904.7(b)(4)(iii)

***Do I have to record restricted work or job transfer if it applies only to the day on which the injury occurred or the illness began?***

No, you do not have to record restricted work or job transfers if you, or the physician or other licensed health care professional, impose the restriction or transfer only for the day on which the injury occurred or the illness began.

1904.7(b)(4)(iv)

***If you or a physician or other licensed health care professional recommends a work restriction, is the injury or illness automatically recordable as a "restricted work" case?***

No, a recommended work restriction is recordable only if it affects one or more of the employee's routine job functions. To determine whether this is the case, you must evaluate the restriction in light of the routine functions of the injured or ill employee's job. If the restriction from you or the physician or other licensed health care professional keeps the employee from performing one or more of his or her routine job functions, or from working the full workday the injured or ill employee would otherwise have worked, the employee's work has been restricted and you must record the case.

1904.7(b)(4)(v)

***How do I record a case where the worker works only for a partial work shift because of a work-related injury or illness?***

A partial day of work is recorded as a day of job transfer or restriction for recordkeeping purposes, except for the day on which the injury occurred or the illness began.

1904.7(b)(4)(vi)

***If the injured or ill worker produces fewer goods or services than he or she would have produced prior to the injury or illness but otherwise performs all of the routine functions of his or her work, is the case considered a restricted work case?***

No, the case is considered restricted work only if the worker does not perform all of the routine functions of his or her job or does not work the full shift that he or she would otherwise have worked.

1904.7(b)(4)(vii)

***How do I handle vague restrictions from a physician or other licensed health care professional, such as that the employee engage only in "light duty" or "take it easy for a week"?***

If you are not clear about the physician or other licensed health care professional's recommendation, you may ask that person whether the employee can do all of his or her routine job functions and work all of his or her normally assigned work shift. If the answer to both of these questions is "Yes," then the case does not involve a work restriction and does not have to be recorded as such. If the answer to one or both of these questions is "No," the case involves restricted work and must be recorded as a restricted work case. If you are unable to obtain this additional information from the physician or other licensed health care professional who recommended the restriction, record the injury or illness as a case involving restricted work.

1904.7(b)(4)(viii)

***What do I do if a physician or other licensed health care professional recommends a job restriction meeting OSHA's definition, but the employee does all of his or her routine job functions anyway?***

You must record the injury or illness on the OSHA 300 Log as a restricted work case. If a physician or other licensed health care professional recommends a job restriction, you should ensure that the employee complies with that restriction. If you receive recommendations from two or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.

1904.7(b)(4)(ix)

***How do I decide if an injury or illness involved a transfer to another job?***

If you assign an injured or ill employee to a job other than his or her regular job for part of the day, the case involves transfer to another job. Note: This does not include the day on which the injury or illness occurred.

1904.7(b)(4)(x)

***Are transfers to another job recorded in the same way as restricted work cases?***

Yes, both job transfer and restricted work cases are recorded in the same box on the OSHA 300 Log. For example, if you assign, or a physician or other licensed health care professional recommends that you assign, an injured or ill worker to his or her routine job duties for part of the day and to another job for the rest of the day, the injury or illness involves a job transfer. You must record an injury or illness that involves a job transfer by placing a check in the box for job transfer.

1904.7(b)(4)(xi)

***How do I count days of job transfer or restriction?***

You count days of job transfer or restriction in the same way you count days away from work, using § 1904.7(b)(3)(i) to (viii), above. The only difference is that, if you permanently assign the injured or ill employee to a job that has been modified or permanently changed in a manner that eliminates the routine functions the employee was restricted from performing, you may stop the day count when the modification or change is made permanent. You must count at least one day of restricted work or job transfer for such cases.

1904.7(b)(5)

***How do I record an injury or illness that involves medical treatment beyond first aid?***

If a work-related injury or illness results in medical treatment beyond first aid, you must record it on the OSHA 300 Log. If the injury or illness did not involve death, one or more days away from work, one or more days of restricted work, or one or more days of job transfer, you enter a check mark in the box for cases where the employee received medical treatment but remained at work and was not transferred or restricted.

1904.7(b)(5)(i)

***What is the definition of medical treatment?***

"Medical treatment" means the management and care of a patient to combat disease or disorder. For the purposes of Part 1904, medical treatment does not include:

1904.7(b)(5)(i)(A)

Visits to a physician or other licensed health care professional solely for observation or counseling;

1904.7(b)(5)(i)(B)

The conduct of diagnostic procedures, such as x-rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes (*e.g.*, eye drops to dilate pupils); or

1904.7(b)(5)(i)(C)

"First aid" as defined in paragraph (b)(5)(ii) of this section.

1904.7(b)(5)(ii)

***What is "first aid"?***

For the purposes of Part 1904, "first aid" means the following:

**1904.7(b)(5)(ii)(A)**

Using a non-prescription medication at nonprescription strength (for medications available in both prescription and non-prescription form, a recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for recordkeeping purposes);

**1904.7(b)(5)(ii)(B)**

Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);

**1904.7(b)(5)(ii)(C)**

Cleaning, flushing or soaking wounds on the surface of the skin;

**1904.7(b)(5)(ii)(D)**

Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™ (other wound closing devices such as sutures, staples, etc., are considered medical treatment);

**1904.7(b)(5)(ii)(E)**

Using hot or cold therapy;

**1904.7(b)(5)(ii)(F)**

Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes);

**1904.7(b)(5)(ii)(G)**

Using temporary immobilization devices while transporting an accident victim (*e.g.*, splints, slings, neck collars, back boards, etc.).

**1904.7(b)(5)(ii)(H)**

Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;

**1904.7(b)(5)(ii)(I)**

Using eye patches;

**1904.7(b)(5)(ii)(J)**

Removing foreign bodies from the eye using only irrigation or a cotton swab;

**1904.7(b)(5)(ii)(K)**

Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means;

**1904.7(b)(5)(ii)(L)**

Using finger guards;

1904.7(b)(5)(ii)(M)

Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); or

1904.7(b)(5)(ii)(N)

Drinking fluids for relief of heat stress.

1904.7(b)(5)(iii)

***Are any other procedures included in first aid?***

No, this is a complete list of all treatments considered first aid for Part 1904 purposes.

1904.7(b)(5)(iv)

***Does the professional status of the person providing the treatment have any effect on what is considered first aid or medical treatment?***

No, OSHA considers the treatments listed in § 1904.7(b)(5)(ii) of this Part to be first aid regardless of the professional status of the person providing the treatment. Even when these treatments are provided by a physician or other licensed health care professional, they are considered first aid for the purposes of Part 1904. Similarly, OSHA considers treatment beyond first aid to be medical treatment even when it is provided by someone other than a physician or other licensed health care professional.

1904.7(b)(5)(v)

***What if a physician or other licensed health care professional recommends medical treatment but the employee does not follow the recommendation?***

If a physician or other licensed health care professional recommends medical treatment, you should encourage the injured or ill employee to follow that recommendation. However, you must record the case even if the injured or ill employee does not follow the physician or other licensed health care professional's recommendation.

1904.7(b)(6)

***Is every work-related injury or illness case involving a loss of consciousness recordable?***

Yes, you must record a work-related injury or illness if the worker becomes unconscious, regardless of the length of time the employee remains unconscious.

1904.7(b)(7)

***What is a "significant" diagnosed injury or illness that is recordable under the general criteria even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness?***

Work-related cases involving cancer, chronic irreversible disease, a fractured or cracked bone, or a punctured eardrum must always be recorded under the general criteria at the time of diagnosis by a physician or other licensed health care professional.

**Note to § 1904.7:** OSHA believes that most significant injuries and illnesses will result in one of the criteria listed in § 1904.7(a): death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness. However, there are some significant injuries, such as a punctured eardrum or a fractured toe or rib, for which neither medical treatment nor work restrictions may be recommended. In addition, there are some significant

progressive diseases, such as byssinosis, silicosis, and some types of cancer, for which medical treatment or work restrictions may not be recommended at the time of diagnosis but are likely to be recommended as the disease progresses. OSHA believes that cancer, chronic irreversible diseases, fractured or cracked bones, and punctured eardrums are generally considered significant injuries and illnesses, and must be recorded at the initial diagnosis even if medical treatment or work restrictions are not recommended, or are postponed, in a particular case.

## **Recording criteria for needlestick and sharps injuries. - 1904.8**

### **1904.8(a)**

#### ***Basic requirement.***

You must record all work-related needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (as defined by 29 CFR 1910.1030). You must enter the case on the OSHA 300 Log as an injury. To protect the employee's privacy, you may not enter the employee's name on the SHA 300 Log (see the requirements for privacy cases in paragraphs 1904.29(b)(6) through 1904.29(b)(9)).

### **1904.8(b)**

#### ***Implementation.***

##### **1904.8(b)(1)**

#### ***What does "other potentially infectious material" mean?***

The term "other potentially infectious materials" is defined in the OSHA Bloodborne Pathogens standard at § 1910.1030(b). These materials include:

##### **1904.8(b)(1)(i)**

Human bodily fluids, tissues and organs, and

##### **1904.8(b)(1)(ii)**

Other materials infected with the HIV or hepatitis B (HBV) virus such as laboratory cultures or tissues from experimental animals.

##### **1904.8(b)(2)**

#### ***Does this mean that I must record all cuts, lacerations, punctures, and scratches?***

No, you need to record cuts, lacerations, punctures, and scratches only if they are work-related and involve contamination with another person's blood or other potentially infectious material. If the cut, laceration, or scratch involves a clean object, or a contaminant other than blood or other potentially infectious material, you need to record the case only if it meets one or more of the recording criteria in § 1904.7.

##### **1904.8(b)(3)**

#### ***If I record an injury and the employee is later diagnosed with an infectious bloodborne disease, do I need to update the OSHA 300 Log?***

Yes, you must update the classification of the case on the OSHA 300 Log if the case results in death, days away from work, restricted work, or job transfer. You must also update the description

to identify the infectious disease and change the classification of the case from an injury to an illness.

1904.8(b)(4)

***What if one of my employees is splashed or exposed to blood or other potentially infectious material without being cut or scratched?***

Do I need to record this incident? You need to record such an incident on the OSHA 300 Log as an illness if:

1904.8(b)(4)(i)

It results in the diagnosis of a bloodborne illness, such as HIV, hepatitis B, or hepatitis C; or

1904.8(b)(4)(ii)

It meets one or more of the recording criteria in § 1904.7.

**Recording criteria for cases involving medical removal under OSHA standards. - 1904.9**

1904.9(a)

***Basic requirement.***

If an employee is medically removed under the medical surveillance requirements of an OSHA standard, you must record the case on the OSHA 300 Log.

1904.9(b)

***Implementation.***

1904.9(b)(1)

***How do I classify medical removal cases on the OSHA 300 Log?***

You must enter each medical removal case on the OSHA 300 Log as either a case involving days away from work or a case involving restricted work activity, depending on how you decide to comply with the medical removal requirement. If the medical removal is the result of a chemical exposure, you must enter the case on the OSHA 300 Log by checking the "poisoning" column.

1904.9(b)(2)

***Do all of OSHA's standards have medical removal provisions?***

No, some OSHA standards, such as the standards covering bloodborne pathogens and noise, do not have medical removal provisions. Many OSHA standards that cover specific chemical substances have medical removal provisions. These standards include, but are not limited to, lead, cadmium, methylene chloride, formaldehyde, and benzene.

1904.9(b)(3)

***Do I have to record a case where I voluntarily removed the employee from exposure before the medical removal criteria in an OSHA standard are met?***

No, if the case involves voluntary medical removal before the medical removal levels required by an OSHA standard, you do not need to record the case on the OSHA 300 Log.

## **Recording criteria for cases involving occupational hearing loss. - 1904.10**

### **1904.10(a)**

Basic requirement.

If an employee's hearing test (audiogram) reveals that the employee has experienced a work-related Standard Threshold Shift (STS) in hearing in one or both ears, and the employee's total hearing level is 25 decibels (dB) or more above audiometric zero (averaged at 2000, 3000, and 4000 Hz) in the same ear(s) as the STS, you must record the case on the OSHA 300 Log.

### **1904.10(b)**

#### ***Implementation.***

#### **1904.10(b)(1)**

##### ***What is a Standard Threshold Shift?***

A Standard Threshold Shift, or STS, is defined in the occupational noise exposure standard at 29 CFR 1910.95(g)(10)(i) as a change in hearing threshold, relative to the baseline audiogram for that employee, of an average of 10 decibels (dB) or more at 2000, 3000, and 4000 hertz (Hz) in one or both ears.

#### **1904.10(b)(2)**

##### ***How do I evaluate the current audiogram to determine whether an employee has an STS and a 25-dB hearing level?***

#### **1904.10(b)(2)(i)**

**STS.** If the employee has never previously experienced a recordable hearing loss, you must compare the employee's current audiogram with that employee's baseline audiogram. If the employee has previously experienced a recordable hearing loss, you must compare the employee's current audiogram with the employee's revised baseline audiogram (the audiogram reflecting the employee's previous recordable hearing loss case).

#### **1904.10(b)(2)(ii)**

**25-dB loss.** Audiometric test results reflect the employee's overall hearing ability in comparison to audiometric zero. Therefore, using the employee's current audiogram, you must use the average hearing level at 2000, 3000, and 4000 Hz to determine whether or not the employee's total hearing level is 25 dB or more.

#### **1904.10(b)(3)**

##### ***May I adjust the current audiogram to reflect the effects of aging on hearing?***

Yes. When you are determining whether an STS has occurred, you may age adjust the employee's current audiogram results by using Tables F-1 or F-2, as appropriate, in Appendix F of 29 CFR 1910.95. You may not use an age adjustment when determining whether the employee's total hearing level is 25 dB or more above audiometric zero.

1904.10(b)(4)

***Do I have to record the hearing loss if I am going to retest the employee's hearing?***

No, if you retest the employee's hearing within 30 days of the first test, and the retest does not confirm the recordable STS, you are not required to record the hearing loss case on the OSHA 300 Log. If the retest confirms the recordable STS, you must record the hearing loss illness within seven (7) calendar days of the retest. If subsequent audiometric testing performed under the testing requirements of the § 1910.95 noise standard indicates that an STS is not persistent, you may erase or line-out the recorded entry.

1904.10(b)(5)

***Are there any special rules for determining whether a hearing loss case is work-related?***

No. You must use the rules in § 1904.5 to determine if the hearing loss is work-related. If an event or exposure in the work environment either caused or contributed to the hearing loss, or significantly aggravated a pre-existing hearing loss, you must consider the case to be work related.

1904.10(b)(6)

***If a physician or other licensed health care professional determines the hearing loss is not work-related, do I still need to record the case?***

If a physician or other licensed health care professional determines that the hearing loss is not work-related or has not been significantly aggravated by occupational noise exposure, you are not required to consider the case work-related or to record the case on the OSHA 300 Log.

1904.10(b)(7)

***How do I complete the 300 Log for a hearing loss case?***

When you enter a recordable hearing loss case on the OSHA 300 Log, you must check the 300 Log column for hearing loss. (Note: § 1904.10(b)(7) is effective beginning January 1, 2004.)

## **Recording criteria for work-related tuberculosis cases. - 1904.11**

1904.11(a)

***Basic requirement.***

If any of your employees has been occupationally exposed to anyone with a known case of active tuberculosis (TB), and that employee subsequently develops a tuberculosis infection, as evidenced by a positive skin test or diagnosis by a physician or other licensed health care professional, you must record the case on the OSHA 300 Log by checking the "respiratory condition" column.

1904.11(b)

***Implementation.***

1904.11(b)(1)

***Do I have to record, on the Log, a positive TB skin test result obtained at a pre-employment physical?***

No, you do not have to record it because the employee was not occupationally exposed to a known case of active tuberculosis in your workplace.

1904.11(b)(2)

***(May I line-out or erase a recorded TB case if I obtain evidence that the case was not caused by occupational exposure?)***

Yes, you may line-out or erase the case from the Log under the following circumstances:

1904.11(b)(2)(i)

The worker is living in a household with a person who has been diagnosed with active TB;

1904.11(b)(2)(ii)

The Public Health Department has identified the worker as a contact of an individual with a case of active TB unrelated to the workplace; or

1904.11(b)(2)(iii)

A medical investigation shows that the employee's infection was caused by exposure to TB away from work, or proves that the case was not related to the workplace TB exposure.

[Reserved]. - 1904.13

[Reserved]. - 1904.14

[Reserved]. - 1904.15

[Reserved]. - 1904.16

[Reserved]. - 1904.17

[Reserved]. - 1904.18

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[Reserved]. - 1904.25

[Reserved]. - 1904.26

[Reserved]. - 1904.27

[Reserved]. - 1904.28

**Forms. - 1904.29**

1904.29(a)

***Basic requirement.***

You must use OSHA 300, 300-A, and 301 forms, or equivalent forms, for recordable injuries and illnesses. The OSHA 300 form is called the Log of Work-Related Injuries and Illnesses, the 300-A is the Summary of Work-Related Injuries and Illnesses, and the OSHA 301 form is called the Injury and Illness Incident Report.

1904.29(b)

***Implementation.***

1904.29(b)(1)

***What do I need to do to complete the OSHA 300 Log?***

You must enter information about your business at the top of the OSHA 300 Log, enter a one or two line description for each recordable injury or illness, and summarize this information on the OSHA 300-A at the end of the year.

1904.29(b)(2)

***What do I need to do to complete the OSHA 301 Incident Report?***

You must complete an OSHA 301 Incident Report form, or an equivalent form, for each recordable injury or illness entered on the OSHA 300 Log.

1904.29(b)(3)

***How quickly must each injury or illness be recorded?***

You must enter each recordable injury or illness on the OSHA 300 Log and 301 Incident Report within seven (7) calendar days of receiving information that a recordable injury or illness has occurred.

1904.29(b)(4)

***What is an equivalent form?***

An equivalent form is one that has the same information, is as readable and understandable, and is completed using the same instructions as the OSHA form it replaces. Many employers use an insurance form instead of the OSHA 301 Incident Report, or supplement an insurance form by adding any additional information required by OSHA.

1904.29(b)(5)

***May I keep my records on a computer?***

Yes, if the computer can produce equivalent forms when they are needed, as described under §§ 1904.35 and 1904.40, you may keep your records using the computer system.

1904.29(b)(6)

***Are there situations where I do not put the employee's name on the forms for privacy reasons?***

Yes, if you have a "privacy concern case," you may not enter the employee's name on the OSHA 300 Log. Instead, enter "privacy case" in the space normally used for the employee's name. This will protect the privacy of the injured or ill employee when another employee, a former employee, or an authorized employee representative is provided access to the OSHA 300 Log under § 1904.35(b)(2). You must keep a separate, confidential list of the case numbers and employee names for your privacy concern cases so you can update the cases and provide the information to the government if asked to do so.

1904.29(b)(7)

***How do I determine if an injury or illness is a privacy concern case?***

You must consider the following injuries or illnesses to be privacy concern cases:

1904.29(b)(7)(i)

An injury or illness to an intimate body part or the reproductive system;

1904.29(b)(7)(ii)

An injury or illness resulting from a sexual assault;

1904.29(b)(7)(iii)

Mental illnesses;

1904.29(b)(7)(iv)

HIV infection, hepatitis, or tuberculosis;

1904.29(b)(7)(v)

Needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (see § 1904.8 for definitions); and

1904.29(b)(7)(vi)

Other illnesses, if the employee voluntarily requests that his or her name not be entered on the log.

1904.29(b)(8)

***May I classify any other types of injuries and illnesses as privacy concern cases?***

No, this is a complete list of all injuries and illnesses considered privacy concern cases for Part 1904 purposes.

1904.29(b)(9)

***If I have removed the employee's name, but still believe that the employee may be identified from the information on the forms, is there anything else that I can do to further protect the employee's privacy?***

Yes, if you have a reasonable basis to believe that information describing the privacy concern case may be personally identifiable even though the employee's name has been omitted, you may use discretion in describing the injury or illness on both the OSHA 300 and 301 forms. You must enter

enough information to identify the cause of the incident and the general severity of the injury or illness, but you do not need to include details of an intimate or private nature. For example, a sexual assault case could be described as "injury from assault," or an injury to a reproductive organ could be described as "lower abdominal injury."

**1904.29(b)(10)**

***What must I do to protect employee privacy if I wish to provide access to the OSHA Forms 300 and 301 to persons other than government representatives, employees, former employees or authorized representatives?***

If you decide to voluntarily disclose the Forms to persons other than government representatives, employees, former employees or authorized representatives (as required by §§ 1904.35 and 1904.40), you must remove or hide the employees' names and other personally identifying information, except for the following cases. You may disclose the Forms with personally identifying information only:

**1904.29(b)(10)(i)**

to an auditor or consultant hired by the employer to evaluate the safety and health program;

**1904.29(b)(10)(ii)**

to the extent necessary for processing a claim for workers' compensation or other insurance benefits; or

**1904.29(b)(10)(iii)**

to a public health authority or law enforcement agency for uses and disclosures for which consent, an authorization, or opportunity to agree or object is not required under Department of Health and Human Services Standards for Privacy of Individually Identifiable Health Information, 45 CFR 164.512.

## **Multiple business establishments. - 1904.30**

**1904.30(a)**

***Basic requirement.***

You must keep a separate OSHA 300 Log for each establishment that is expected to be in operation for one year or longer.

**1904.30(b)**

***Implementation.***

**1904.30(b)(1)**

***Do I need to keep OSHA injury and illness records for short-term establishments (i.e., establishments that will exist for less than a year)?***

Yes, however, you do not have to keep a separate OSHA 300 Log for each such establishment. You may keep one OSHA 300 Log that covers all of your short-term establishments. You may also include the short-term establishments' recordable injuries and illnesses on an OSHA 300 Log that covers short-term establishments for individual company divisions or geographic regions.

1904.30(b)(2)

***May I keep the records for all of my establishments at my headquarters location or at some other central location?***

Yes, you may keep the records for an establishment at your headquarters or other central location if you can:

1904.30(b)(2)(i)

Transmit information about the injuries and illnesses from the establishment to the central location within seven (7) calendar days of receiving information that a recordable injury or illness has occurred; and

1904.30(b)(2)(ii)

Produce and send the records from the central location to the establishment within the time frames required by § 1904.35 and § 1904.40 when you are required to provide records to a government representative, employees, former employees or employee representatives.

1904.30(b)(3)

***Some of my employees work at several different locations or do not work at any of my establishments at all. How do I record cases for these employees?***

You must link each of your employees with one of your establishments, for recordkeeping purposes. You must record the injury and illness on the OSHA 300 Log of the injured or ill employee's establishment, or on an OSHA 300 Log that covers that employee's short-term establishment.

1904.30(b)(4)

***How do I record an injury or illness when an employee of one of my establishments is injured or becomes ill while visiting or working at another of my establishments, or while working away from any of my establishments?***

If the injury or illness occurs at one of your establishments, you must record the injury or illness on the OSHA 300 Log of the establishment at which the injury or illness occurred. If the employee is injured or becomes ill and is not at one of your establishments, you must record the case on the OSHA 300 Log at the establishment at which the employee normally works.

## **Covered employees. - 1904.31**

1904.31(a)

***Basic requirement.***

You must record on the OSHA 300 Log the recordable injuries and illnesses of all employees on your payroll, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant workers. You also must record the recordable injuries and illnesses that occur to employees who are not on your payroll if you supervise these employees on a day-to-day basis. If your business is organized as a sole proprietorship or partnership, the owner or partners are not considered employees for recordkeeping purposes.

1904.31(b)

***Implementation.***

1904.31(b)(1)

***If a self-employed person is injured or becomes ill while doing work at my business, do I need to record the injury or illness?***

No, self-employed individuals are not covered by the OSH Act or this regulation.

1904.31(b)(2)

***If I obtain employees from a temporary help service, employee leasing service, or personnel supply service, do I have to record an injury or illness occurring to one of those employees?***

You must record these injuries and illnesses if you supervise these employees on a day-to-day basis.

1904.31(b)(3)

***If an employee in my establishment is a contractor's employee, must I record an injury or illness occurring to that employee?***

If the contractor's employee is under the day-to-day supervision of the contractor, the contractor is responsible for recording the injury or illness. If you supervise the contractor employee's work on a day-to-day basis, you must record the injury or illness.

1904.31(b)(4)

***Must the personnel supply service, temporary help service, employee leasing service, or contractor also record the injuries or illnesses occurring to temporary, leased or contract employees that I supervise on a day-to-day basis?***

No, you and the temporary help service, employee leasing service, personnel supply service, or contractor should coordinate your efforts to make sure that each injury and illness is recorded only once: either on your OSHA 300 Log (if you provide day-to-day supervision) or on the other employer's OSHA 300 Log (if that company provides day-to-day supervision).

## **Annual summary. - 1904.32**

1904.32(a)

### ***Basic requirement.***

At the end of each calendar year, you must:

1904.32(a)(1)

Review the OSHA 300 Log to verify that the entries are complete and accurate, and correct any deficiencies identified;

1904.32(a)(2)

Create an annual summary of injuries and illnesses recorded on the OSHA 300 Log;

**1904.32(a)(3)**

Certify the summary; and

**1904.32(a)(4)**

Post the annual summary.

**1904.32(b)**

***Implementation.***

**1904.32(b)(1)**

***How extensively do I have to review the OSHA 300 Log entries at the end of the year?***

You must review the entries as extensively as necessary to make sure that they are complete and correct.

**1904.32(b)(2)**

***How do I complete the annual summary?***

You must:

**1904.32(b)(2)(i)**

Total the columns on the OSHA 300 Log (if you had no recordable cases, enter zeros for each column total); and

**1904.32(b)(2)(ii)**

Enter the calendar year covered, the company's name, establishment name, establishment address, annual average number of employees covered by the OSHA 300 Log, and the total hours worked by all employees covered by the OSHA 300 Log.

**1904.32(b)(2)(iii)**

If you are using an equivalent form other than the OSHA 300-A summary form, as permitted under § 1904.6(b)(4), the summary you use must also include the employee access and employer penalty statements found on the OSHA 300-A Summary form.

**1904.32(b)(3)**

***How do I certify the annual summary?***

A company executive must certify that he or she has examined the OSHA 300 Log and that he or she reasonably believes, based on his or her knowledge of the process by which the information was recorded, that the annual summary is correct and complete.

**1904.32(b)(4)**

***Who is considered a company executive?***

The company executive who certifies the log must be one of the following persons:

**1904.32(b)(4)(i)**

An owner of the company (only if the company is a sole proprietorship or partnership);

1904.32(b)(4)(ii)

An officer of the corporation;

1904.32(b)(4)(iii)

The highest ranking company official working at the establishment; or

1904.32(b)(4)(iv)

The immediate supervisor of the highest ranking company official working at the establishment.

1904.32(b)(5)

***How do I post the annual summary?***

You must post a copy of the annual summary in each establishment in a conspicuous place or places where notices to employees are customarily posted. You must ensure that the posted annual summary is not altered, defaced or covered by other material.

1904.32(b)(6)

***When do I have to post the annual summary?***

You must post the summary no later than February 1 of the year following the year covered by the records and keep the posting in place until April 30.

## **Retention and updating. - 1904.33**

1904.33(a)

***Basic requirement.***

You must save the OSHA 300 Log, the privacy case list (if one exists), the annual summary, and the OSHA 301 Incident Report forms for five (5) years following the end of the calendar year that these records cover.

1904.33(b)

***Implementation.***

1904.33(b)(1)

***Do I have to update the OSHA 300 Log during the five-year storage period?***

Yes, during the storage period, you must update your stored OSHA 300 Logs to include newly discovered recordable injuries or illnesses and to show any changes that have occurred in the classification of previously recorded injuries and illnesses. If the description or outcome of a case changes, you must remove or line out the original entry and enter the new information.

1904.33(b)(2)

***Do I have to update the annual summary?***

No, you are not required to update the annual summary, but you may do so if you wish.

1904.33(b)(3)

***Do I have to update the OSHA 301 Incident Reports?***

No, you are not required to update the OSHA 301 Incident Reports, but you may do so if you wish.

**Change in business ownership. - 1904.34**

If your business changes ownership, you are responsible for recording and reporting work-related injuries and illnesses only for that period of the year during which you owned the establishment. You must transfer the Part 1904 records to the new owner. The new owner must save all records of the establishment kept by the prior owner, as required by § 1904.33 of this Part, but need not update or correct the records of the prior owner.

**Employee involvement. - 1904.35**

1904.35(a)

***Basic requirement.***

Your employees and their representatives must be involved in the recordkeeping system in several ways.

1904.35(a)(1)

You must inform each employee of how he or she is to report an injury or illness to you.

1904.35(a)(2)

You must provide limited access to your injury and illness records for your employees and their representatives.

1904.35(b)

***Implementation.***

1904.35(b)(1)

***What must I do to make sure that employees report work-related injuries and illnesses to me?***

1904.35(b)(1)(i)

You must set up a way for employees to report work-related injuries and illnesses promptly; and

1904.35(b)(1)(ii)

You must tell each employee how to report work-related injuries and illnesses to you.

1904.35(b)(2)

***Do I have to give my employees and their representatives access to the OSHA injury and illness records?***

Yes, your employees, former employees, their personal representatives, and their authorized employee representatives have the right to access the OSHA injury and illness records, with some limitations, as discussed below.

1904.35(b)(2)(i)

***Who is an authorized employee representative?***

An authorized employee representative is an authorized collective bargaining agent of employees.

1904.35(b)(2)(ii)

***Who is a "personal representative" of an employee or former employee?***

A personal representative is:

1904.35(b)(2)(ii)(A)

Any person that the employee or former employee designates as such, in writing; or

1904.35(b)(2)(ii)(B)

The legal representative of a deceased or legally incapacitated employee or former employee.

1904.35(b)(2)(iii)

***If an employee or representative asks for access to the OSHA 300 Log, when do I have to provide it?***

When an employee, former employee, personal representative, or authorized employee representative asks for copies of your current or stored OSHA 300 Log(s) for an establishment the employee or former employee has worked in, you must give the requester a copy of the relevant OSHA 300 Log(s) by the end of the next business day.

1904.35(b)(2)(iv)

***May I remove the names of the employees or any other information from the OSHA 300 Log before I give copies to an employee, former employee, or employee representative?***

No, you must leave the names on the 300 Log. However, to protect the privacy of injured and ill employees, you may not record the employee's name on the OSHA 300 Log for certain "privacy concern cases," as specified in paragraphs 1904.29(b)(6) through 1904.29(b)(9).

1904.35(b)(2)(v)

***If an employee or representative asks for access to the OSHA 301 Incident Report, when do I have to provide it?***

1904.35(b)(2)(v)(A)

When an employee, former employee, or personal representative asks for a copy of the OSHA 301 Incident Report describing an injury or illness to that employee or former employee, you must give the requester a copy of the OSHA 301 Incident Report containing that information by the end of the next business day.

**1904.35(b)(2)(v)(B)**

When an authorized employee representative asks for a copies of the OSHA 301 Incident Reports for an establishment where the agent represents employees under a collective bargaining agreement, you must give copies of those forms to the authorized employee representative within 7 calendar days. You are only required to give the authorized employee representative information from the OSHA 301 Incident Report section titled "Tell us about the case." You must remove all other information from the copy of the OSHA 301 Incident Report or the equivalent substitute form that you give to the authorized employee representative.

**1904.35(b)(2)(vi)**

***May I charge for the copies?***

No, you may not charge for these copies the first time they are provided. However, if one of the designated persons asks for additional copies, you may assess a reasonable charge for retrieving and copying the records.

**Prohibition against discrimination. - 1904.36**

Section 11(c) of the Act prohibits you from discriminating against an employee for reporting a work-related fatality, injury or illness. That provision of the Act 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.

**State recordkeeping regulations. - 1904.37**

**1904.37(a)**

***Basic requirement.***

Some States operate their own OSHA programs, under the authority of a State Plan approved by OSHA. States operating OSHA-approved State Plans must have occupational injury and illness recording and reporting requirements that are substantially identical to the requirements in this Part (see 29 CFR 1902.3(k), 29 CFR 1952.4 and 29 CFR 1956.10(i)).

**1904.37(b)**

**Implementation.**

**1904.37(b)(1)**

State-Plan States must have the same requirements as Federal OSHA for determining which injuries and illnesses are recordable and how they are recorded.

**1904.37(b)(2)**

For other Part 1904 provisions (for example, industry exemptions, reporting of fatalities and hospitalizations, record retention, or employee involvement), State-Plan State requirements may be more stringent than or supplemental to the Federal requirements, but because of the unique nature of the national recordkeeping program, States must consult with and obtain approval of any such requirements.

**1904.37(b)(3)**

Although State and local government employees are not covered Federally, all State-Plan States must provide coverage, and must develop injury and illness statistics, for these workers. State Plan recording and reporting requirements for State and local government entities may differ from those for the private sector but must meet the requirements of paragraphs 1904.37(b)(1) and (b)(2).

**1904.37(b)(4)**

A State-Plan State may not issue a variance to a private sector employer and must recognize all variances issued by Federal OSHA.

**1904.37(b)(5)**

A State Plan State may only grant an injury and illness recording and reporting variance to a State or local government employer within the State after obtaining approval to grant the variance from Federal OSHA.

## **Variances from the recordkeeping rule. - 1904.38**

**1904.38(a)**

***Basic requirement.***

If you wish to keep records in a different manner from the manner prescribed by the Part 1904 regulations, you may submit a variance petition to the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, DC 20210. You can obtain a variance only if you can show that your alternative recordkeeping system:

**1904.38(a)(1)**

Collects the same information as this Part requires;

**1904.38(a)(2)**

Meets the purposes of the Act; and

**1904.38(a)(3)**

Does not interfere with the administration of the Act.

**1904.38(b)**

***Implementation.***

**1904.38(b)(1)**

***What do I need to include in my variance petition?***

You must include the following items in your petition:

**1904.38(b)(1)(i)**

Your name and address;

**1904.38(b)(1)(ii)**

A list of the State(s) where the variance would be used;

**1904.38(b)(1)(iii)**

The address(es) of the business establishment(s) involved;

**1904.38(b)(1)(iv)**

A description of why you are seeking a variance;

**1904.38(b)(1)(v)**

A description of the different recordkeeping procedures you propose to use;

**1904.38(b)(1)(vi)**

A description of how your proposed procedures will collect the same information as would be collected by this Part and achieve the purpose of the Act; and

**1904.38(b)(1)(vii)**

A statement that you have informed your employees of the petition by giving them or their authorized representative a copy of the petition and by posting a statement summarizing the petition in the same way as notices are posted under § 1903.2(a).

**1904.38(b)(2)**

***How will the Assistant Secretary handle my variance petition?***

The Assistant Secretary will take the following steps to process your variance petition.

**1904.38(b)(2)(i)**

The Assistant Secretary will offer your employees and their authorized representatives an opportunity to submit written data, views, and arguments about your variance petition.

**1904.38(b)(2)(ii)**

The Assistant Secretary may allow the public to comment on your variance petition by publishing the petition in the **Federal Register**. If the petition is published, the notice will establish a public comment period and may include a schedule for a public meeting on the petition.

**1904.38(b)(2)(iii)**

After reviewing your variance petition and any comments from your employees and the public, the Assistant Secretary will decide whether or not your proposed recordkeeping procedures will meet the purposes of the Act, will not otherwise interfere with the Act, and will provide the same information as the Part 1904 regulations provide. If your procedures meet these criteria, the Assistant Secretary may grant the variance subject to such conditions as he or she finds appropriate.

**1904.38(b)(2)(iv)**

If the Assistant Secretary grants your variance petition, OSHA will publish a notice in the **Federal Register** to announce the variance. The notice will include the practices the variance allows you to use, any conditions that apply, and the reasons for allowing the variance.

1904.38(b)(3)

***If I apply for a variance, may I use my proposed recordkeeping procedures while the Assistant Secretary is processing the variance petition?***

No, alternative recordkeeping practices are only allowed after the variance is approved. You must comply with the Part 1904 regulations while the Assistant Secretary is reviewing your variance petition.

1904.38(b)(4)

***If I have already been cited by OSHA for not following the Part 1904 regulations, will my variance petition have any effect on the citation and penalty?***

No, in addition, the Assistant Secretary may elect not to review your variance petition if it includes an element for which you have been cited and the citation is still under review by a court, an Administrative Law Judge (ALJ), or the OSH Review Commission.

1904.38(b)(5)

***If I receive a variance, may the Assistant Secretary revoke the variance at a later date?***

Yes, the Assistant Secretary may revoke your variance if he or she has good cause. The procedures revoking a variance will follow the same process as OSHA uses for reviewing variance petitions, as outlined in paragraph 1904.38(b)(2). Except in cases of willfulness or where necessary for public safety, the Assistant Secretary will:

1904.38(b)(5)(i)

Notify you in writing of the facts or conduct that may warrant revocation of your variance; and

1904.38(b)(5)(ii)

Provide you, your employees, and authorized employee representatives with an opportunity to participate in the revocation procedures.

## **Reporting fatalities and multiple hospitalization incidents to OSHA. - 1904.39**

1904.39(a)

### ***Basic requirement.***

Within eight (8) hours after the death of any employee from a work-related incident or the in-patient hospitalization of three or more employees as a result of a work-related incident, you must orally report the fatality/multiple hospitalization by telephone or in person to the Area Office of the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor, that is nearest to the site of the incident. You may also use the OSHA toll-free central telephone number, 1-800-321-OSHA (1-800-321-6742).

1904.39(b)

### ***Implementation.***

1904.39(b)(1)

***If the Area Office is closed, may I report the incident by leaving a message on OSHA's answering machine, faxing the area office, or sending an e-mail?***

No, if you can't talk to a person at the Area Office, you must report the fatality or multiple hospitalization incident using the 800 number.

1904.39(b)(2)

***What information do I need to give to OSHA about the incident?***

You must give OSHA the following information for each fatality or multiple hospitalization incident:

1904.39(b)(2)(i)

The establishment name;

1904.39(b)(2)(ii)

The location of the incident;

1904.39(b)(2)(iii)

The time of the incident;

1904.39(b)(2)(iv)

The number of fatalities or hospitalized employees;

1904.39(b)(2)(v)

The names of any injured employees;

1904.39(b)(2)(vi)

Your contact person and his or her phone number; and

1904.39(b)(2)(vii)

A brief description of the incident.

1904.39(b)(3)

***Do I have to report every fatality or multiple hospitalization incident resulting from a motor vehicle accident?***

No, you do not have to report all of these incidents. If the motor vehicle accident occurs on a public street or highway, and does not occur in a construction work zone, you do not have to report the incident to OSHA. However, these injuries must be recorded on your OSHA injury and illness records, if you are required to keep such records.

1904.39(b)(4)

***Do I have to report a fatality or multiple hospitalization incident that occurs on a commercial or public transportation system?***

No, you do not have to call OSHA to report a fatality or multiple hospitalization incident if it involves a commercial airplane, train, subway or bus accident. However, these injuries must be recorded on your OSHA injury and illness records, if you are required to keep such records.

1904.39(b)(5)

***Do I have to report a fatality caused by a heart attack at work?***

Yes, your local OSHA Area Office director will decide whether to investigate the incident, depending on the circumstances of the heart attack.

1904.39(b)(6)

***Do I have to report a fatality or hospitalization that occurs long after the incident?***

No, you must only report each fatality or multiple hospitalization incident that occurs within thirty (30) days of an incident.

1904.39(b)(7)

***What if I don't learn about an incident right away?***

If you do not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under paragraphs (a) and (b) of this section, you must make the report within eight (8) hours of the time the incident is reported to you or to any of your agent(s) or employee(s).

## **Providing records to government representatives. - 1904.40**

1904.40(a)

***Basic requirement.***

When an authorized government representative asks for the records you keep under Part 1904, you must provide copies of the records within four (4) business hours.

1904.40(b)

***Implementation.***

1904.40(b)(1)

***What government representatives have the right to get copies of my Part 1904 records?***

The government representatives authorized to receive the records are:

1904.40(b)(1)(i)

A representative of the Secretary of Labor conducting an inspection or investigation under the Act;

1904.40(b)(1)(ii)

A representative of the Secretary of Health and Human Services (including the National Institute for Occupational Safety and Health -- NIOSH) conducting an investigation under section 20(b) of the Act, or

1904.40(b)(1)(iii)

A representative of a State agency responsible for administering a State plan approved under section 18 of the Act.

1904.40(b)(2)

***Do I have to produce the records within four (4) hours if my records are kept at a location in a different time zone?***

OSHA will consider your response to be timely if you give the records to the government representative within four (4) business hours of the request. If you maintain the records at a location in a different time zone, you may use the business hours of the establishment at which the records are located when calculating the deadline.

## **Annual OSHA injury and illness survey of ten or more employers. - 1904.41**

1904.41(a)

### ***Basic requirement.***

If you receive OSHA's annual survey form, you must fill it out and send it to OSHA or OSHA's designee, as stated on the survey form. You must report the following information for the year described on the form:

1904.41(a)(1)

the number of workers you employed;

1904.41(a)(2)

the number of hours worked by your employees; and

1904.41(a)(3)

the requested information from the records that you keep under Part 1904.

1904.41(b)

### ***Implementation.***

1904.41(b)(1)

### ***Does every employer have to send data to OSHA?***

*No, each year, OSHA sends injury and illness survey forms to employers in certain industries. In any year, some employers will receive an OSHA survey form and others will not. You do not have to send injury and illness data to OSHA unless you receive a survey form.*

1904.41(b)(2)

### ***How quickly do I need to respond to an OSHA survey form?***

*You must send the survey reports to OSHA, or OSHA's designee, by mail or other means described in the survey form, within 30 calendar days, or by the date stated in the survey form, whichever is later.*

1904.41(b)(3)

**Do I have to respond to an OSHA survey form if I am normally exempt from keeping OSHA injury and illness records?**

*Yes, even if you are exempt from keeping injury and illness records under § 1904.1 to § 1904.3, OSHA may inform you in writing that it will be collecting injury and illness information from you in the following year. If you receive such a letter, you must keep the injury and illness records required by § 1904.5 to § 1904.15 and make a survey report for the year covered by the survey.*

1904.41(b)(4)

**Do I have to answer the OSHA survey form if I am located in a State-Plan State?**

*Yes, all employers who receive survey forms must respond to the survey, even those in State-Plan States.*

1904.41(b)(5)

**Does this section affect OSHA's authority to inspect my workplace?**

*No, nothing in this section affects OSHA's statutory authority to investigate conditions related to occupational safety and health.*

## **Requests from the Bureau of Labor Statistics for data. - 1904.42**

1904.42(a)

**Basic requirement.**

If you receive a Survey of Occupational Injuries and Illnesses Form from the Bureau of Labor Statistics (BLS), or a BLS designee, you must promptly complete the form and return it following the instructions contained on the survey form.

1904.42(b)

**Implementation.**

1904.42(b)(1)

**Does every employer have to send data to the BLS?**

*No, each year, the BLS sends injury and illness survey forms to randomly selected employers and uses the information to create the Nation's occupational injury and illness statistics. In any year, some employers will receive a BLS survey form and others will not. You do not have to send injury and illness data to the BLS unless you receive a survey form.*

1904.42(b)(2)

**If I get a survey form from the BLS, what do I have to do?**

*If you receive a Survey of Occupational Injuries and Illnesses Form from the Bureau of Labor Statistics (BLS), or a BLS designee, you must promptly complete the form and return it, following the instructions contained on the survey form.*

1904.42(b)(3)

**Do I have to respond to a BLS survey form if I am normally exempt from keeping OSHA injury and illness records?**

*Yes, even if you are exempt from keeping injury and illness records under § 1904.1 to § 1904.3, the BLS may inform you in writing that it will be collecting injury and illness information from you in the coming year. If you receive such a letter, you must keep the injury and illness records required by § 1904.5 to § 1904.15 and make a survey report for the year covered by the survey.*

1904.42(b)(4)

**Do I have to answer the BLS survey form if I am located in a State-Plan State? Yes, all employers who receive a survey form must respond to the survey, even those in State-Plan States.**

## **Summary and posting of 2001 data. - 1904.43**

1904.43(a)

### ***Basic requirement.***

If you were required to keep OSHA 200 Logs in 2001, you must post a 2000 annual summary from the OSHA 200 Log of occupational injuries and illnesses for each establishment.

1904.43(b)

### ***Implementation.***

1904.43(b)(1)

### ***What do I have to include in the summary?***

1904.43(b)(1)(i)

You must include a copy of the totals from the 2001 OSHA 200 Log and the following information from that form:

1904.43(b)(1)(i)(A)

The calendar year covered;

1904.43(b)(1)(i)(B)

Your company name;

1904.43(b)(1)(i)(C)

The name and address of the establishment; and

1904.43(b)(1)(i)(D)

The certification signature, title and date.

**1904.43(b)(1)(ii)**

If no injuries or illnesses occurred at your establishment in 2001, you must enter zeros on the totals line and post the 2001 summary.

**1904.43(b)(2)**

***When am I required to summarize and post the 2001 information?***

**1904.43(b)(2)(i)**

You must complete the summary by February 1, 2002; and

**1904.43(b)(2)(ii)**

You must post a copy of the summary in each establishment in a conspicuous place or places where notices to employees are customarily posted. You must ensure that the summary is not altered, defaced or covered by other material.

**1904.43(b)(3)**

You must post the 2001 summary from February 1, 2002 to March 1, 2002.

**Retention and updating of old forms. - 1904.44**

You must save your copies of the OSHA 200 and 101 forms for five years following the year to which they relate and continue to provide access to the data as though these forms were the OSHA 300 and 301 forms. You are not required to update your old 200 and 101 forms.

**OMB control numbers under the Paperwork Reduction Act. - 1904.45**

The following sections each contain a collection of information requirement which has been approved by the Office of Management and Budget under the control number listed

29 CFR citation	OMB Control No.
1904.4-35	1218-0176
1904.39-41	1218-0176
1904.42	1220-0045
1904.43-44	1218-0176

**Definitions. - 1904.46**

**The Act.** The Act means the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*). The definitions contained in section 3 of the Act (29 U.S.C. 652) and related interpretations apply to such terms when used in this Part 1904.

**Establishment.** An establishment is a single physical location where business is conducted or where services or industrial operations are performed. For activities where employees do not work at a single physical location, such as construction; transportation; communications, electric, gas and sanitary services; and similar operations, the establishment is represented by main or branch offices, terminals, stations, etc. that either supervise such activities or are the base from which personnel carry out these activities.

**1904.46(1)**

**Can one business location include two or more establishments?** Normally, one business location has only one establishment. Under limited conditions, the employer may consider two or more separate businesses that share a single location to be separate establishments. An employer may divide one location into two or more establishments only when:

**1904.46(1)(i)**

Each of the establishments represents a distinctly separate business;

**1904.46(1)(ii)**

Each business is engaged in a different economic activity;

**1904.46(1)(iii)**

No one industry description in the Standard Industrial Classification Manual (1987) applies to the joint activities of the establishments; and

**1904.46(1)(iv)**

Separate reports are routinely prepared for each establishment on the number of employees, their wages and salaries, sales or receipts, and other business information. For example, if an employer operates a construction company at the same location as a lumber yard, the employer may consider each business to be a separate establishment.

**1904.46(2)**

**Can an establishment include more than one physical location?**

Yes, but only under certain conditions. An employer may combine two or more physical locations into a single establishment only when:

**1904.46(2)(i)**

The employer operates the locations as a single business operation under common management;

**1904.46(2)(ii)**

The locations are all located in close proximity to each other; and

**1904.46(2)(iii)**

The employer keeps one set of business records for the locations, such as records on the number of employees, their wages and salaries, sales or receipts, and other kinds of business information. For example, one manufacturing establishment might include the main plant, a warehouse a few blocks away, and an administrative services building across the street.

1904.46(3)

***If an employee telecommutes from home, is his or her home considered a separate establishment?***

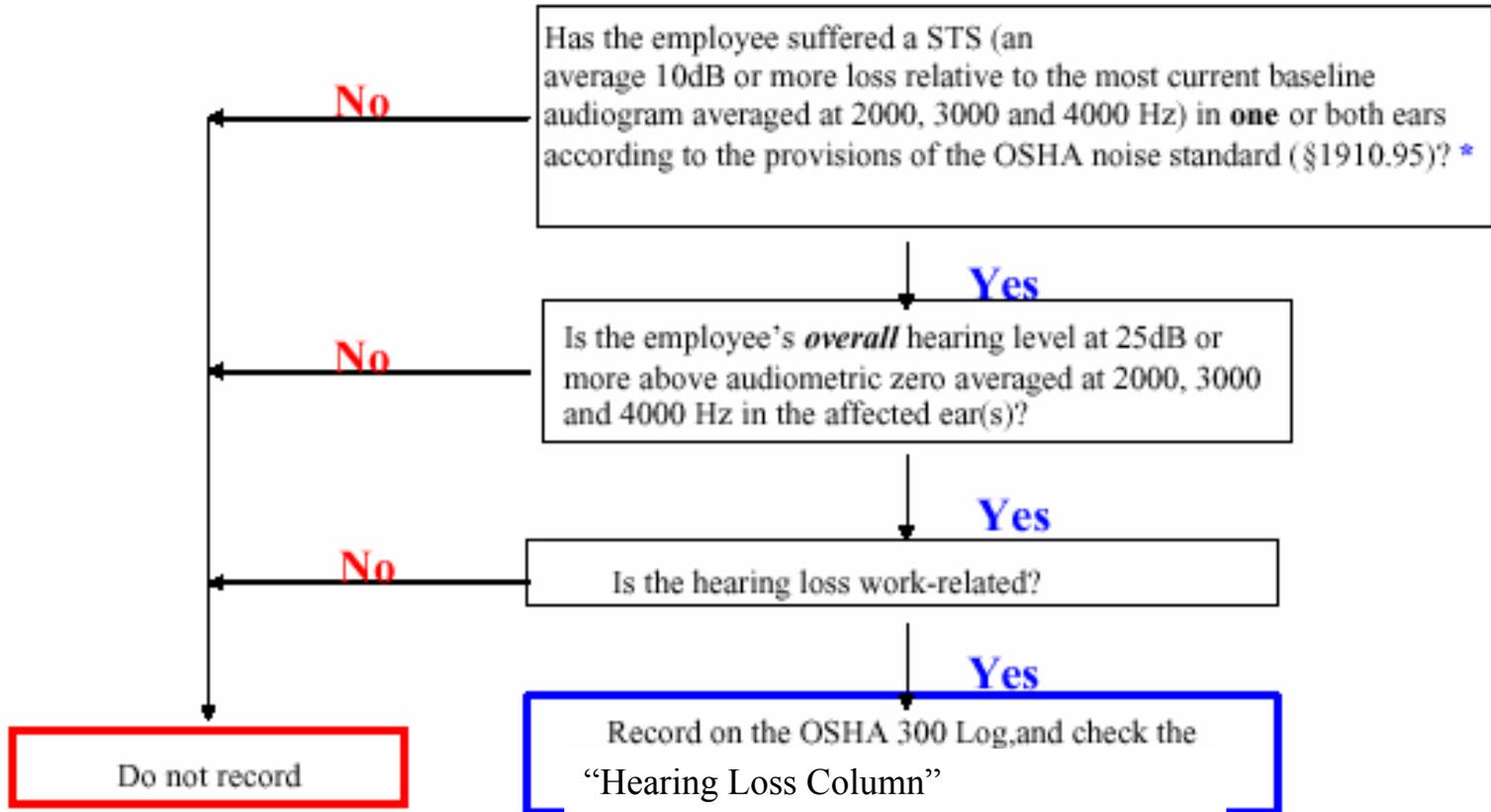
No, for employees who telecommute from home, the employee's home is not a business establishment and a separate 300 Log is not required. Employees who telecommute must be linked to one of your establishments under § 1904.30(b)(3).

***Injury or illness.*** An injury or illness is an abnormal condition or disorder. Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation. Illnesses include both acute and chronic illnesses, such as, but not limited to, a skin disease, respiratory disorder, or poisoning. (Note: Injuries and illnesses are recordable only if they are new, work-related cases that meet one or more of the Part 1904 recording criteria.)

***Physician or Other Licensed Health Care Professional.*** A physician or other licensed health care professional is an individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows him or her to independently perform, or be delegated the responsibility to perform, the activities described by this regulation.

***You.*** "You" means an employer as defined in Section 3 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652).

Use this ‘**decision tree**’ to determine whether the results of an audiometric exam given on or after January 1, 2003 reveal a recordable STS.



Note: In all cases, use the most current baseline to determine recordability as you would to calculate a STS under the hearing conservation provisions of the noise standard (§1910.95). If an STS occurs in only one ear, you may only revise the baseline audiogram for that ear.

\* The audiogram may be adjusted for presbycusis (aging) as set out in 1910.95.

\*\* A separate hearing loss column on the OSHA 300 Log beginning in Calendar year 2004.



# OSHA Recordkeeping

**OSHA RECORD KEEPING**

**How to Maintain the Logs and Other Forms**



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**OSHA RECORDKEEPING CLASS OBJECTIVES**

Upon completing this class you should have the knowledge to do the following things.

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**OSHA RECORDKEEPING CLASS OBJECTIVES**

- Be able to maintain the required OSHA recordkeeping forms.
- Have an understanding of what is an OSHA Recordable Injury & Illness.(Event)
- How to use the OSHA recordkeeping forms to help with risk reduction/loss prevention.
- Understand where to find references to OSHA record keeping requirements.

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# OSHA Recordkeeping

## ***SAFETY AGENCIES IN THE STATE OF OHIO***

### **THE DIVISION OF SAFETY & HYGIENE:**

- S&H
- Part of the Bureau Of Workers' Compensation
- Non-Enforcement
- Consulting Group for Public & Private
- Services Prepaid through BWC
- Use all applicable Standards
- Rule 4121:37 Of Ohio Revised Code

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## ***SAFETY AGENCIES IN THE STATE OF OHIO***

### **Occupational Safety & Health Administration:**

- OSHA
- Part of the Department Of Labor
- Enforcement for Private Employers
- Enforce 29 CFR (Code Of Federal Regulations)
- The OSHA Act Public Law 91-596

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## **OSHA AREA OFFICES**

TOLEDO AREA OFFICE  
420 Madison Avenue  
Toledo, Ohio 43604  
(419)259-7542

CLEVELAND AREA OFFICE  
FEDERAL OFFICE BLDG. ROOM 899  
1240 EAST NINTH STREET  
CLEVELAND, OHIO 44199  
(216) 522-3818



CINCINNATI AREA OFFICE  
36 TRIANGLE PARK DRIVE  
CINCINNATI, OHIO 45246  
(513) 841-4132

COLUMBUS AREA OFFICE  
FEDERAL OFFICE BLDG. ROOM 620  
200 NORTH HIGH STREET  
COLUMBUS, OHIO 43215  
(614) 469-5582

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# OSHA Recordkeeping

## SAFETY AGENCIES IN THE STATE OF OHIO

### Division Of Labor & Workers Safety:

- Part of the BWC
- PERRP - Ohio Public Employment Risk Reduction Program
- Enforcement for Public Employers
- Enforce 29 CFR (Code Of Federal Regulations)
- Rule 4167:-4-01

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## SAFETY AGENCIES IN THE STATE OF OHIO

### OSHA On-site

- Part of the BWC
- Consultative Group
- Consultative for the Private Sector
- Enforce 29 CFR (Code Of Federal Regulations)

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## OSHA TRENDS

#	Std.	Description	Amount
1	1910.1200	Hazard Communication	\$649,189
2	1910.147	Lockout Tagout	\$2,952,988
3	1910.134	Respiratory Protection	\$730,063
4	1910.212	Machine Guarding	\$3,314,044
5	1910.305	Electrical Wiring	\$732,416
6	1910.219	Mechanical Power Trans.	\$1,014,358
7	1910.303	Electrical Systems Design	\$727,723
8	1910.178	Powered Industrial Trucks	\$752,361
9	1910.217	Mechanical Power Presses	\$1,051,454
10	1910.95	Occupational Noise Expos.	\$706,510
32	1904.2	Log & Summary	\$36,123

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# OSHA Recordkeeping

## OSHA PENALTIES

■ Willful, Repeat	\$ 70,000
■ Serious	\$ 7,000
■ Failure to Abate	\$210,000
■ Failure to Report Fatality	\$ 5,000
■ Failure to Post Citation	\$ 3,000
■ Failure to Post OSHA Poster	\$ 1,000
■ OSHA Recordkeeping Log	\$ 1,000
■ Failure to Post Log Summary	\$ 1,000

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## OSHA REGULATIONS PART 1903

- **1903.1** Purpose and scope.
- **1903.2** Posting of Notice.
- **1903.3** Authority for Inspection

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### Case #1

Pete Barnett, a grinder operator, in Department 6, lacerated his left forefinger at 9:00am on Tuesday, January 6, 2004. He was sent to the Walk-In Department at the local clinic. It took eight (8) stitches to close the wound. When he returned to work the next day the doctor's slip asked him to return in ten (10) days for removal of the stitches. It also said to keep the hand clean.

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# OSHA Recordkeeping

## Case #2

Mike Hartman, a powered industrial truck operator, in the Packing Department, reported on Tuesday, March 9, 2004, that his left hand was sore. He did not relate to a specific incident. He said it had become increasingly worse over the past week. He was sent to the doctor and returned with a note requesting that he receive therapy twice a week; wear a brace on his hand; and return to work in two (2) weeks.

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## Case #3

Bob Miller, a Maintenance worker, parked his car and was walking into work on Friday, April 2<sup>nd</sup>, 2004. He slipped and fell breaking his left arm in the parking lot. He was taken to the hospital; a cast was applied and he returned to work on April 5<sup>th</sup>. He was placed on restricted duty until May 7<sup>th</sup>, when the cast was to be removed.

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## Case #4

Barb Johnson, a packer in the shipping department, was lifting a box on Wednesday, June 9, 2004, when she felt a pain in her back. She reported it immediately to her supervisor. Her supervisor asked her if she wanted to see a doctor and she said "no". Two days later she said it still hurt so she went to the doctor. The doctor diagnosed a strain and recommended she avoid lifting for a week and said to return if it did not improve.

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# OSHA Recordkeeping

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**Recordkeeping Quiz**

<u>Question</u>	<u>True/False</u>
1. Other forms may be used for OSHA recordkeeping if they contain the same information.	True
2. Injury and illness records must be kept at each establishment where services are performed.	False
3. The annual summary(300A Form) must be posted every year for a three month period.	True

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**Recordkeeping Quiz**

<u>Question</u>	<u>True/False</u>
4. Injury & Illness records must be retained for three (3) years.	False
5. Completed incident report must be present in the establishment within 6 workdays after the employer has received information of an injury or illness.	False
6. Old 300 forms must be updated within the 5 year retention period.	True

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# OSHA Recordkeeping

**Recordkeeping Quiz**

<u>Question</u>	<u>True/False</u>
7. Work related deaths must be reported within 8 hours.	True
8. An employee goes to or is sent to a hospital for observation, it is always recordable.	False
9. If an employee has a fatal heart attack in the workplace, you must report it within 8 hours.	True
10. All injuries treated by a doctor must be recorded on the 300 log.	False

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**Recordkeeping Quiz**

<u>Question</u>	<u>True/False</u>
11. An employer has to provide access or copies of the 300/301 forms to an employee within the next business day.	True
12. If you are required to maintain the 200 logs in 2001, you are required to update them over the 5 year retention period.	False
13. Records must be kept on a calendar year basis.	True

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**Recordkeeping Quiz**

<u>Question</u>	<u>True/False</u>
14. You must provide copies of records to government representatives within 4 business hours.	True
15. If a physician recommends days away from work, but the employee elects not to take time off this is considered a recordable case.	True

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# OSHA Recordkeeping

## *Highlights of OSHA's New Rule*

- Requires employers to remove employee names before providing the data to persons not provided access rights under the rule.
- Summary must be posted for three months.
- Requires certification of Summary by Company Executive.
- Changes the reporting of fatalities & Catastrophes to exclude some motor carrier and motor vehicle accidents.

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## *Highlights of OSHA's New Rule*

- This new standard updates these forms.
  - The 200 Log to the 300.
  - The 101 form to the 301.
  - Adds the 300A to replace the 200 Summary.
- **It Eliminates the need to separate Illnesses from Injuries.**
- **Requires records on any work injury or illness (only change here is if a doctor/health care person diagnosis a significant injury/illness.**

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## *Highlights of OSHA's New Rule*

- Includes new definitions of medical & first aid.
- Requires a significant degree of aggravation before preexisting injury or illness is recordable.
- Adds exemptions on work-relationship to limit recording of certain cases.
- Clarifies the recording of "Light Duty".

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# OSHA Recordkeeping

## *Highlights of OSHA's New Rule*

- Requires logging all needle and sharp injuries that have been contaminated with blood or body fluids.
- Logging Standard Threshold Shifts of 10 dBA.
- Continues to require logging of all MSD's.
- Has special provision for the recording Tuberculosis.

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## *Highlights of OSHA's New Rule*

- Eliminates the term "Lost Workdays";
  - Focuses on days away
  - days of restricted or transferred.
  - New counting (rely on calendar days)
- Requires employers to establish a procedure for employees to report injuries and illnesses.
  - Prohibit discriminating against an employee that reports either.
  - Representatives have rights to view parts of 301.

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## *Highlights of OSHA's New Rule*

- Protects employee privacy by;
  - Prohibiting entering names on 300 for certain cases;
    - » sexual assaults
    - » HIV infections
    - » mental illnesses, etc.
  - Allows employers not to describe the nature of sensitive injuries.
  - Gives employee representatives access only to the portion of 301 which contain no identifiers.

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# OSHA Recordkeeping

## OSHA Injury/Illness Recordkeeping Exercise

1. What is the purpose of 1904?  
■ **A: Require employers to record and report work related fatalities, injuries, and illnesses.** Page 2
2. What 2 factors determine whether a company is required to track occupational injuries/ illnesses on the OSHA 300 log?  
■ **A: SIC and number of employees 11 or more** Page 3 & 4
3. Are medical and dental laboratories required to keep injury/illness records?  
■ **A: No** Page 3 Chart

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## OSHA Injury/Illness Recordkeeping Exercise

4. What 2 government agencies may request injury/illness records from an employer?  
■ **A: OSHA & Bureau of Labor Statistics.** Page 4
5. Where is the specific section of the recordkeeping standard which lists situations that occur in the work environment but are not considered work related?  
■ **A: 1904.5 (b) (2).** Page 8
6. Which injuries are considered pre-existing conditions?  
■ **A: an injury or illness is a pre-existing condition if it resulted solely from a non work related event or exposure that occurred outside the work environment.** 1904.5(b)(5) Page 10

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## OSHA Injury/Illness Recordkeeping Exercise

7. What section of the standard discusses work relatedness of an employee in travel status?  
■ **A: 1904.5 (b) (6)** Page 10
8. What section of the standard discusses work relatedness when employees are working at home?  
■ **A: 1904.5 (b) (7)** Page 10
9. What section of the standard discusses the determination of new cases?  
■ **A: 1904.6** Page 12

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# OSHA Recordkeeping

## OSHA Injury/Illness Recordkeeping Exercise

10. When an employee experiences the signs or symptoms of a chronic work related illness, do you need to consider each reoccurrence of signs or symptoms as a new case?

■ **A: No** 1904.6(b)(1) Page 11

11. What section of the standard discusses the general recording criteria?

■ **A: 1904.7** Page 12

12. List the 5 main general recording criteria:

■ **A: 1. death**  
**2. days away from work** **3. restricted work or transfer**  
**4. medical treatment beyond first aid** **5. loss of consciousness** Page 12

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## OSHA Injury/Illness Recordkeeping Exercise

13. Do I count the day on which the injury occurred or the illness began?

■ **A: No** 1904.7(b)(3)(i) Page 13

14. Is there a limit to recording days away from work and/or restricted workdays?

■ **A: Yes, 180** 1904.7(b)(3)(vii) Page 14

15. What is meant by routine functions?

■ **A: Those work activities the employee regularly performs at least once per week** 1904.7(b)(4)(B) Page 15

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## OSHA Injury/Illness Recordkeeping Exercise

16. Is the use of a butterfly bandage considered first aid?

■ **A: Yes** 1904.7(b)(5)(ii)(D) Page 18

17. If irrigation at a med. center is used to flush out dirt particles in an employee's eye and there are no general recording criteria resulting, is this a recordable case?

■ **A: No** 1904.7(b)(5)(ii)(J) Page 18

18. What section of the standard discusses the recording criteria for needlesticks and sharps injuries?

■ **A: 1904.8** Page 20

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# OSHA Recordkeeping

## OSHA Injury/Illness Recordkeeping Exercise

19. If I record an injury and the employee is later diagnosed with an infectious bloodborne disease, do you need to update the OSHA 300 log?
- **A: Yes** 1904.8(b)(3) Page 20
20. Do all of OSHA's standards have medical removal provisions?
- **A: No** 1904.9(b)(2) Page 21
21. At what dBA shift would an employer need to log a hearing loss?
- **A: 25 dBA** 1904.10(a) Page 23

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## OSHA Injury/Illness Recordkeeping Exercise

22. May an employer adjust the audiogram results to reflect the results of aging on hearing?
- **A: Yes** 1904.10(b)(3) Page 23
23. Do I have to record the hearing loss if employee's hearing will be retested?
- **A: No** 1904.10(b)(4) Page 24
24. Do I have to record a positive TB skin test result obtained at a pre-employment physical?
- **A: No** 1904.11(b)(1) Page 25

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## OSHA Injury/Illness Recordkeeping Exercise

25. How quickly must each injury/illness be recorded?
- **A: Within 7 calendar days** 1904.29(b)(3) Page 27
26. May an employer keep records on a computer?
- **A: Yes** 1904.29(b)(5) Page 27
27. What form is posted for the annual summary?
- **A: 300A** 1904.32(b)(2)(ii) Page 32
28. Who must sign the summary form?
- **A: Company executive, highest ranking company official at that establishment** 1904.32(b)(3)&(4) Page 32

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# OSHA Recordkeeping

## OSHA Injury/Illness Recordkeeping Exercise

29. When does the annual summary form need to be posted?

- **A: By Feb 1 through April 30** 1904.32(b)(6) Page 33

30. How long do employers need to retain the OSHA recordkeeping forms?

- **A: 5 years** 1904.33 (a) Page 33

31. Does an employer need to update the OSHA 300 log during the storage period?

- **A: Yes** 1904.33(b)(1) Page 33

32. Does an employer need to update the annual summary?

- **A: No** 1904.33(b)(2) Page 33

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## OSHA Injury/Illness Recordkeeping Exercise

33. May employees and their representatives have access to OSHA injury/illness records?

- **A: Yes** 1904.35(b)(2) Page 35

34. Within what time frame does an employer need to provide access to the OSHA 300 log for a current employee?

- **A: By end of the next business day** 1904.35 (b)(2)(iii) Page 35

35. Does an employer who is normally exempt from OSHA recordkeeping need to respond to an OSHA survey?

- **A: Yes, same with BLS survey** Page 43 1904.41(b)(3)

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## OSHA 29 CFR

### Part 1904

## Recording and Reporting Occupational Injuries and Illnesses

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# OSHA Recordkeeping

## OSHA REGULATION PART 1904

- 1904.0 Purpose
- 1904.1 Partial exemption, 10 or fewer employees
- 1904.2 Partial exemption, certain industries
- 1904.3 Keeping records for more than one agency
- 1904.4 Recording Criteria

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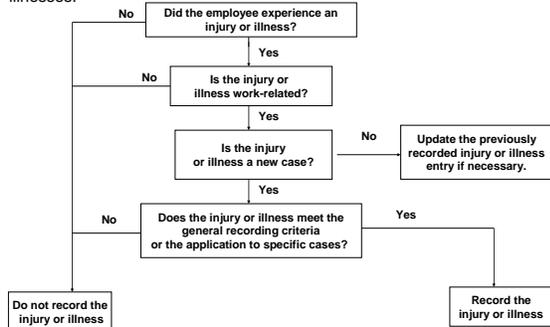
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Chart 1. The decision tree for recording work-related injuries and illnesses.



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## OSHA REGULATION PART 1904

- 1904.5 Determination of work-relatedness
- 1904.6 Determination of new cases
- 1904.7 General recording criteria
- 1904.8 Recording criteria for needlestick and sharps injuries
- 1904.9 Recording criteria for cases involving medical removal under OSHA standards

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# OSHA Recordkeeping

## *Medical Treatment*

- Defined as - means the management and care of a patient to combat disease or disorder.
- Does not include;
  - Visit to physician or other medical professional solely for observation or counseling.
  - When diagnostic procedures, such as x-rays and blood tests, including prescription medication used solely for diagnostics.

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## *First-Aid Treatment*

The following is the list of first-aid treatment;

- Non-prescription drugs in non-prescription strength.
- Administering a tetanus, (others like Hep B and Rabies are recordable).
- Cleaning, Flushing or soaking wounds on the surface of the skin.

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## *First-Aid Treatment*

- Using wound coverings such as bandages, band-aids, gauze pads, etc.; or using butterfly bandages or steri-strips. (Sutures and staples, etc. used to close wounds are recordable.)
- Using Hot or Cold therapy.
- Using non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc. (Rigid devices used to immobilize are considered medical treatment.)

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# OSHA Recordkeeping

## *First-Aid Treatment*

- Drilling of a fingernail or toenail or draining a blister.
- Using an eye patch.
- Removing foreign body from the eye using only irrigation or a cotton swab.
- Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs, or other simple means;

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## *First-Aid Treatment*

- Use of finger guards.
- Using massages (physical therapy and chiropractic treatment are considered medical treatment.
- Drinking fluids for relief of heat stress.

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## **OSHA REGULATION PART 1904**

- **1904.5 Determination of work-relatedness**
- **1904.6 Determination of new cases**
- **1904.7 General recording criteria**
- **1904.8 Recording criteria for needlestick and sharps injuries**
- **1904.9 Recording criteria for cases involving medical removal under OSHA standards**

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# OSHA Recordkeeping

## OSHA REGULATION PART 1904

- **1904.10 Recording criteria for cases involving occupational hearing loss**

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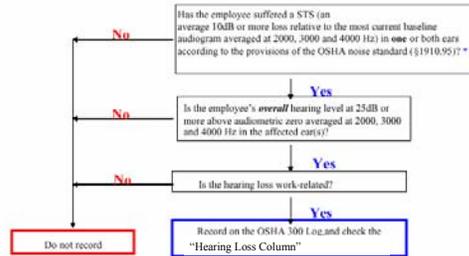
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Use this "decision tree" to determine whether the results of an audiometric exam given on or after January 1, 2003 reveal a recordable STS.



Note: In all cases, use the most current baseline to determine recordability as you would to calculate a STS under the hearing conservation provisions of the noise standard (§1910.95). If an STS occurs in only one ear, you may only revise the baseline audiogram for that ear.  
\* The audiogram may be adjusted for presbycusis (aging) as set out in 1910.95.  
\*\* A separate hearing loss column on the OSHA 300 Log beginning in Calendar year 2004.

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## OSHA REGULATION PART 1904

- **1904.11 Recording criteria for work-related tuberculosis cases.**
- **1904.13-.28 (Reserved)**

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# OSHA Recordkeeping

## *OSHA REGULATION PART 1904*

- 1904.29 Forms
- 1904.30 Multiple business establishments
- 1904.31 Covered employees
- 1904.32 Annual Summary
- 1904.33 Retention and updating
- 1904.34 Change in business ownership
- 1904.35 Employee involvement
- 1904.36 Prohibition against discrimination

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## *OSHA REGULATION PART 1904*

- 1904.37 State recordkeeping regulations
- 1904.38 Variances from the recordkeeping rule
- 1904.39 Reporting fatalities/multiple hospitalization
- 1904.40 Providing records to government representatives
- 1904.41 Annual OSHA injury/illness survey of ten or more employers

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## *OSHA REGULATION PART 1904*

- 1904.42 Requests from BLS for data
- 1904.43 Summary and posting of year 2001 data
- 1904.44 Retention and updating old forms
- 1904.45 OMB control numbers under the Paperwork Reduction Act
- 1904.46 Definitions

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# OSHA Recordkeeping

**04-1 B.J. Bobb, a painter in the paint shop reported on 1-05-04 that he was exposed to paint thinner while using thinner to clean hands. This exposure caused dermatitis to both hands. (employee was away from work for 4 days - restricted for 5 days)**

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**04-2 Ron Todd (truck mechanic) had eye injuries on 02-03-04 while working in the garage. Hospital treatment resulted with two follow-up visits to the doctor for foreign bodies embedded in the eyes. (no lost workdays)**

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**04-3 On 04-05-04, O.L. Mott, a press operator in the stamping department missed 60 days of work due to amputation of left hand in the point of operation of a power press. When returning to work he was put on restrictions for 60 days.**

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# OSHA Recordkeeping

**04-4 R.J. McDuck, a warehouse worker, stepped on a board with exposed nails on 04-08-04 cutting his left foot. He was sent to the hospital and received 7 stitches and a tetanus shot. ( he had no days away from work or restricted work.)**

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**04-5 On 05-05-04, Emily Horner, a grinder in the buffing department, went to the local med center to have some particles removed from both eyes. Both eyes were irrigated and she returned to work the next day with no restrictions.**

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**04-6 On 07-08-04, Don Dawn, a press operator in the press department cut his right thumb on sheet metal and received 27 stitches. The treating physician recommended that he stay home for 10 days and return for a evaluation before returning to work. Don talked his employer into letting him stay at work for those 10 days.**

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# Recordkeeping Quiz

## True or False

1.    \_\_\_\_\_    \_\_\_\_\_    Other forms may be used for OSHA recordkeeping if they contain the same information.
2.    \_\_\_\_\_    \_\_\_\_\_    Injury and illness records must be kept at each establishment where services are performed
3.    \_\_\_\_\_    \_\_\_\_\_    The annual summary(300A Form) must be posted every year for a three-month period.
4.    \_\_\_\_\_    \_\_\_\_\_    Injury & Illness records must be retained for three (3) years.
5.    \_\_\_\_\_    \_\_\_\_\_    Completed incident report must be present in the establishment within 6 workdays after the employer has received information of an injury or illness.
6.    \_\_\_\_\_    \_\_\_\_\_    Old 300 forms must be updated within the 5-year retention period.
7.    \_\_\_\_\_    \_\_\_\_\_    Work related deaths must be reported within 8 hours.
8.    \_\_\_\_\_    \_\_\_\_\_    An employee goes to or is sent to a hospital for observation, it is always recordable.
9.    \_\_\_\_\_    \_\_\_\_\_    If an employee has a fatal heart attack in the workplace, you must report it within 8 hours.
10.    \_\_\_\_\_    \_\_\_\_\_    All injuries treated by a doctor must be recorded on the 300 log.
11.    \_\_\_\_\_    \_\_\_\_\_    An employer has to provide access or copies of the 300/301 forms to an employee within the next business day.
12.    \_\_\_\_\_    \_\_\_\_\_    If you are required to maintain the 200 logs in 2001, you are required to update them over the 5-year retention period.
13.    \_\_\_\_\_    \_\_\_\_\_    Records must be kept on a calendar year basis.
14.    \_\_\_\_\_    \_\_\_\_\_    You must provide copies of records to government representatives within 4 business hours.
15.    \_\_\_\_\_    \_\_\_\_\_    If a physician recommends days away from work, but the employee elects not to take time off this is considered a recordable case.

# *OSHA Injury/Illness Recordkeeping Exercise*

1. What is the purpose of 1904?
2. What 2 factors determine whether a company is required to track occupational injuries/ illnesses on the OSHA 300 log?
3. Are medical and dental laboratories required to keep injury/illness records?
4. What 2 government agencies may request injury/illness records from an employer?
5. Where is the specific section of the recordkeeping standard which lists situations that occur in the work environment but are not considered work related?
6. Which injuries are considered pre-existing conditions?
7. What section of the standard discusses work relatedness of an employee in travel status?
8. What section of the standard discusses work relatedness when employees are working at home?
9. What section of the standard discusses the determination of new cases?
10. When an employee experiences the signs or symptoms of a chronic work related illness, do you need to consider each reoccurrence of signs or symptoms as a new case?
11. What section of the standard discusses the general recording criteria?
12. List the 5 main general recording criteria: 1

2

3

4

5

13. Do I count the day on which the injury occurred or the illness began?
14. Is there a limit to recording days away from work and/or restricted workdays?
15. What is meant by routine functions?
16. Is the use of a butterfly bandage considered first aid?
17. If irrigation at a med. center is used to flush out dirt particles in an employee's eye and there are no general recording criteria resulting, is this a recordable case?
18. What section of the standard discusses the recording criteria for needlesticks and sharps injuries?
19. If I record an injury and the employee is later diagnosed with an infectious bloodborne disease, do I need to update the OSHA 300 log?
20. Do all of OSHA's standards have medical removal provisions?
21. At what dBA shift would an employer need to log a hearing loss?
22. May an employer adjust the audiogram results to reflect the results of aging on hearing?

23. Do I have to record the hearing loss if employee's hearing will be retested?
24. Do I have to record a positive TB skin test result obtained at a pre-employment physical?
25. How quickly must each injury/illness be recorded?
26. May an employer keep records on a computer?
27. What form is posted for the annual summary?
28. Who must sign the annual summary form?
29. When does the annual summary form need to be posted?
30. How long do employers need to retain the OSHA recordkeeping forms?
31. Does an employer need to update the OSHA 300 log during the storage period?
32. Does an employer need to update the annual summary?
33. May employees and their representatives have access to OSHA injury/illness records?
34. Within what time frame does an employer need to provide access to the OSHA 300 log for a current employee?
35. Does an employer who is normally exempt from OSHA recordkeeping need to respond to an OSHA survey?

## 300 Log Exercise

- 04-1 B.J. Bobb, a painter in the paint shop reported on 1-05-04 that he was exposed to paint thinner while using thinner to clean hands. This exposure caused dermatitis to both hands. (employee was away from work for 4 days - restricted for 5 days)
- 04-2 Ron Todd (truck mechanic) had eye injuries on 02-03-04 while working in the garage. Hospital treatment resulted with two follow-up visits to the doctor for foreign bodies embedded in the eyes. (no lost workdays)
- 04-3 On 04-05-04, O.L. Mott, a press operator in the stamping department missed 60 days of work due to amputation of left hand in the point of operation of a power press. When returning to work he was put on restrictions for 60 days.
- 04-4 R.J. McDuck, a warehouse worker, stepped on a board with exposed nails on 04-08-04 cutting his left foot. He was sent to the hospital and received 7 stitches and a tetanus shot. ( he had no days away from work or restricted work.)
- 04-5 On 05-05-04, Emily Horner, a grinder in the buffing department, went to the local med center to have some particles removed from both eyes. Both eyes were irrigated and she returned to work the next day with no restrictions.
- 04-6 On 07-08-04, Don Dawn, a press operator in the press department cut his right thumb on sheet metal and received 27 stitches. The treating physician recommended that he stay home for 10 days and return for a evaluation before returning to work. Don talked his employer into letting him stay at work for those 10 days.











# Summary of Work-Related Injuries and Illnesses

Year 20 \_\_\_\_\_

All establishments covered by Part 1904 must complete this Summary page, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.

Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you've added the entries from every page of the Log. If you had no cases, write "0."

Employees, former employees, and their representatives have the right to review the OSHA Form 300 in its entirety. They also have limited access to the OSHA Form 301 or its equivalent. See 29 CFR Part 1904.35, in OSHA's recordkeeping rule, for further details on the access provisions for these forms.

## Number of Cases

Total number of deaths	Total number of cases with days away from work	Total number of cases with job transfer or restriction	Total number of other recordable cases
(G) _____	(H) _____	(I) _____	(J) _____

## Number of Days

Total number of days away from work	Total number of days of job transfer or restriction
(K) _____	(L) _____

## Injury and Illness Types

Total number of . . . (M)	(4) Poisonings	_____
(1) Injuries	(5) Hearing loss	_____
(2) Skin disorders	(6) All other illnesses	_____
(3) Respiratory conditions		_____

**Post this Summary page from February 1 to April 30 of the year following the year covered by the form.**

Public reporting burden for this collection of information is estimated to average 50 minutes per response, including time to review the instructions, search and gather the data needed, and complete and review the collection of information. Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. If you have any comments about these estimates or any other aspects of this data collection, contact: US Department of Labor, OSHA Office of Statistical Analysis, Room N-3644, 200 Constitution Avenue, NW, Washington, DC 20210. Do not send the completed forms to this office.

## Establishment information

Your establishment name \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_

State \_\_\_\_\_

ZIP \_\_\_\_\_

Industry description (e.g., *Manufacture of motor truck trailers*) \_\_\_\_\_

Standard Industrial Classification (SIC), if known (e.g., 3715) \_\_\_\_\_

OR \_\_\_\_\_

North American Industrial Classification (NAICS), if known (e.g., 336212) \_\_\_\_\_

**Employment information** (If you don't have these figures, see the Worksheet on the back of this page to estimate.)

Annual average number of employees \_\_\_\_\_

Total hours worked by all employees last year \_\_\_\_\_

## Sign here

**Knowingly falsifying this document may result in a fine.**

I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

Company executive \_\_\_\_\_

( \_\_\_\_\_ ) \_\_\_\_\_

Title \_\_\_\_\_

/ /

Date \_\_\_\_\_



## Optional

# Calculating Injury and Illness Incidence Rates

### What is an incidence rate?

An incidence rate is the number of recordable injuries and illnesses occurring among a given number of full-time workers (usually 100 full-time workers) over a given period of time (usually one year). To evaluate your firm's injury and illness experience over time or to compare your firm's experience with that of your industry as a whole, you need to compute your incidence rate. Because a specific number of workers and a specific period of time are involved, these rates can help you identify problems in your workplace and/or progress you may have made in preventing work-related injuries and illnesses.

### How do you calculate an incidence rate?

You can compute an occupational injury and illness incidence rate for all recordable cases or for cases that involved days away from work for your firm quickly and easily. The formula requires that you follow instructions in paragraph (a) below for the total recordable cases or those in paragraph (b) for cases that involved days away from work, and for both rates the instructions in paragraph (c).

(a) To find out the total number of recordable injuries and illnesses that occurred during the year, count the number of line entries on your OSHA Form 300, or refer to the OSHA Form 300A and sum the entries for columns (G), (H), (I), and (J).

(b) To find out the number of injuries and illnesses that involved days away from work, count the number of line entries on your OSHA Form 300 that received a check mark in column (H), or refer to the entry for column

(H) on the OSHA Form 300A.

(c) The number of hours all employees actually worked during the year. Refer to OSHA Form 300A and optional worksheet to calculate this number.

You can compute the incidence rate for all recordable cases of injuries and illnesses using the following formula:

$$\frac{\text{Total number of injuries and illnesses} \times 200,000}{\text{Number of hours worked by all employees}} = \text{Total recordable case rate}$$

(The 200,000 figure in the formula represents the number of hours 100 employees working 40 hours per week, 50 weeks per year would work, and provides the standard base for calculating incidence rates.)

You can compute the incidence rate for recordable cases involving days away from work, days of restricted work activity or job transfer (DART) using the following formula:

$$\frac{\text{Number of entries in column H} + \text{Number of entries in column I} \times 200,000}{\text{Number of hours worked by all employees}} = \text{DART incidence rate}$$

You can use the same formula to calculate incidence rates for other variables such as cases involving restricted work activity (column (I) on Form 300A), cases involving skin disorders (column (M-2) on Form 300A), etc. Just substitute the appropriate total for these cases, from Form 300A, into the formula in place of the total number of injuries and illnesses.

### What can I compare my incidence rate to?

The Bureau of Labor Statistics (BLS) conducts a survey of occupational injuries and illnesses each year and publishes incidence rate data by

various classifications (e.g., by industry, by employer size, etc.). You can obtain these published data at [www.bls.gov/iif](http://www.bls.gov/iif) or by calling a BLS Regional Office.

## Worksheet

Total number of injuries and illnesses

X 200,000

÷

Number of hours worked by all employees

=

Total recordable case rate

Number of entries in Column H + Column I

X 200,000

÷

Number of hours worked by all employees

=

DART incidence rate





# OSHA's Form 301 Injury and Illness Incident Report

**Attention:** This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.



U.S. Department of Labor  
Occupational Safety and Health Administration

Form approved OMB no. 1218-0176

This *Injury and Illness Incident Report* is one of the first forms you must fill out when a recordable work-related injury or illness has occurred. Together with the *Log of Work-Related Injuries and Illnesses* and the accompanying *Summary*, these forms help the employer and OSHA develop a picture of the extent and severity of work-related incidents.

Within 7 calendar days after you receive information that a recordable work-related injury or illness has occurred, you must fill out this form or an equivalent. Some state workers' compensation, insurance, or other reports may be acceptable substitutes. To be considered an equivalent form, any substitute must contain all the information asked for on this form.

According to Public Law 91-596 and 29 CFR 1904, OSHA's recordkeeping rule, you must keep this form on file for 5 years following the year to which it pertains.

If you need additional copies of this form, you may photocopy and use as many as you need.

Completed by George Kunz  
Title Safety Manager  
Phone ( 614 ) 728-3008 Date 02/03/04

## Information about the employee

- 1) Full name Ron Todd  
2) Street 123 Cherry Street  
City Alton State OH ZIP 43119  
3) Date of birth 06/19/53  
4) Date hired 05/01/73  
5)  Male  
 Female

## Information about the physician or other health care professional

- 6) Name of physician or other health care professional Dr. Jay Smith  
7) If treatment was given away from the worksite, where was it given?  
Facility Mount Carmel Hospital  
Street 6900 East Broad Street  
City Columbus State OH ZIP 43219  
8) Was employee treated in an emergency room?  
 Yes  
 No  
9) Was employee hospitalized overnight as an in-patient?  
 Yes  
 No

## Information about the case

- 10) Case number from the Log 04-2 (Transfer the case number from the Log after you record the case.)  
11) Date of injury or illness 02/03/04  
12) Time employee began work 7:00  AM  PM  
13) Time of event 8:30  AM  PM  Check if time cannot be determined  
14) **What was the employee doing just before the incident occurred?** Describe the activity, as well as the tools, equipment, or material the employee was using. Be specific. Examples: "climbing a ladder while carrying roofing materials"; "spraying chlorine from hand sprayer"; "daily computer key-entry."  
**Removing brake drums with impact wrench.**  
15) **What happened?** Tell us how the injury occurred. Examples: "When ladder slipped on wet floor, worker fell 20 feet"; "Worker was sprayed with chlorine when gasket broke during replacement"; "Worker developed soreness in wrist over time."  
**Air from the impact wrench blew dirt particles into the eyes.**  
16) **What was the injury or illness?** Tell us the part of the body that was affected and how it was affected; be more specific than "hurt," "pain," or "sore." Examples: "strained back"; "chemical burn, hand"; "carpal tunnel syndrome."  
**Foreign bodies embedded in both eyes.**  
17) **What object or substance directly harmed the employee?** Examples: "concrete floor"; "chlorine"; "radial arm saw." If this question does not apply to the incident, leave it blank.  
**Dirt particles.**  
18) **If the employee died, when did death occur?** Date of death \_\_\_\_/\_\_\_\_/\_\_\_\_