

# REGULATORY UPDATE

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## OSHA Reporting and Recordkeeping Overview

The Occupational Safety and Health Act of 1970 (OSH Act) generally requires covered employers to report workplace injuries and illnesses and prepare and maintain records of occupational injuries and illnesses. The Occupational Safety and Health Administration (OSHA) is a part of the U.S. Department of Labor and is responsible for administering the recordkeeping system established by the OSH Act.

The OSH Act and recordkeeping regulations (29 CFR 1904 and 1952) provide **reporting** requirements for all employers covered under the OSH Act and specific **recordkeeping** requirements for certain employers. Employers with 10 or fewer employees and whose establishments are classified as a partially exempt industry are exempt from the recordkeeping requirements.

These requirements provide the framework for the nationwide occupational safety and health recording system. Under this system, the information recorded by employers must be uniform and accurate to ensure consistency and validity of the statistical data.

OSHA also uses this data for a number of functions that impact employers, such as ensuring the consistency and validity of the statistical data which is used by OSHA for many purposes, including:

- Inspection targeting;
- Performance measurement under the Government Performance and Results Act (GPRA);
- Standards development;
- Resource allocation;
- Voluntary Protection Program (VPP) eligibility; and
- "Low-hazard" industry exemptions.

The data also aids employers, employees and compliance officers in analyzing the safety and health environment at the employer's establishment and is the source of information for the OSHA Data Initiative (ODI) and the Bureau of Labor Statistics' (BLS) Annual Survey.

### EMPLOYERS SUBJECT TO OSHA

The OSH Act covers private sector employers and employees in all 50 states, the District of Columbia, and other U.S. jurisdictions, either directly through [federal OSHA](#) or through an [OSHA-approved state program](#). Employees who work for state and local governments are not covered by federal OSHA, but may have OSH Act protections through an [OSHA-approved state program](#).

Federal agencies must have a safety and health program that meets the same standards as those applicable to private employers. Although OSHA does not fine federal agencies, it does monitor federal agencies and responds to workers' complaints. The United States Postal Service (USPS) **is** covered by OSHA.

The following individuals are not covered by the OSH Act:

- Self-employed individuals; and
- Immediate family members of farm employers that do not employ outside employees.

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OSHA does not regulate workplace hazards that are regulated by another federal agency, such as the Mine Safety and Health Administration or the Federal Aviation Administration.

## REPORTING REQUIREMENTS

All employers covered by the OSH Act must verbally report to OSHA:

- The death of **any employee** from a work-related incident; and
- The in-patient hospitalization of **three or more employees** as a result of a work-related incident

These incidents must be reported via telephone **within eight hours**. OSHA has provided the following instructions for emergency reporting:

### EMERGENCY NOTICE:

If you have an **EMERGENCY** (for example: to report a fatality or imminent life-threatening situation), please contact our toll-free number immediately:  
1-800-321-OSHA (6742); TTY 1-877-889-5627

**DO NOT SEND EMAIL**

## Changes to Reporting Requirements

**Effective Jan. 1, 2015**, employers must report:

- Any work-related employee fatality within eight hours; and
- Any inpatient hospitalization, amputation or loss of an eye within 24 hours.

Employers must submit these reports to OSHA by telephone at 1-800-321 OSHA (6742), by calling or visiting the nearest area office during normal business hours or through a [website](#) that is currently under development.

## RECORDKEEPING REQUIREMENTS

Employers with more than 10 employees and whose establishments are not classified as a partially exempt industry must prepare and maintain records of serious occupational injuries and illnesses, using OSHA [Forms 300, 300A and 301](#). This information is important for employers, workers and OSHA in evaluating the safety of a workplace, understanding industry hazards and implementing worker protections to reduce and eliminate hazards.

- **Form 300 (Log of Work-Related Injuries and Illnesses):** Used to classify work-related injuries and illnesses and to note the extent and severity of each case. When an incident occurs, employers must use Form 300 to record specific details about what happened and how it happened.
- **Form 300A (Summary of Work-Related Injuries and Illnesses):** Shows the total number of work-related injuries and illnesses for the year in each category. At the end of the year, employers must post the Form 300A in a visible location so that employees are aware of the injuries and illnesses occurring in their workplace. Employers must keep a log for each establishment or site. When an employer has more than one establishment, a separate log and summary must be kept at each physical location that is expected to be in operation for one year or longer.
- **Form 301 (Injury and Illness Incident Report):** Must be filled out within seven calendar days after an employer receives information that a recordable work-related injury or illness occurred. This report includes information about the employee and the treating physician, and detailed information about the case. Employers must keep this report on file for five years following the year it pertains to.

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**Note:** The [final rule](#) that makes changes to the reporting requirements also updates the employers that are [partially exempt](#) from OSHA's recordkeeping requirements. As a result, **effective Jan. 15, 2015**, many employers lose their exempt status and must create and maintain OSHA Forms 300, 300A and 301.

## GENERAL RECORDING CRITERIA

Employers subject to the recordkeeping requirements must record all work-related injuries or illnesses that meet the general recording criteria. Injuries and illnesses are recordable if they result 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.

## DEFINITIONS

### ***Work-related Injuries, Illnesses and Fatalities:***

An event or exposure in the work environment that either caused or contributed to the condition. In addition, if an event or exposure in the work environment significantly aggravated a pre-existing injury or illness, this is also considered work-related.

### ***First Aid:***

- Using a non-prescription medication at non-prescription 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);
- Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);
- Cleaning, flushing or soaking wounds on the surface of the skin;
- Using wound coverings such as bandages, adhesive bandages, gauze pads, etc.; or using butterfly bandages (other wound closing devices such as sutures, staples, etc., are considered medical treatment);
- Using hot or cold therapy;
- 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);
- Using temporary immobilization devices while transporting an accident victim (such as splints, slings, neck collars, back boards, etc.);
- Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;
- Using eye patches;
- Removing foreign bodies 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;
- Using finger guards;

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- Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); and
- Drinking fluids for relief of heat stress.

## **Partially Exempt Employers:**

Partially exempt industries include establishments in specific low-hazard retail, service, finance, insurance or real estate industries and are listed [here](#).

## **POSTING REQUIREMENTS**

Employers that are required to keep Form 300, the Injury and Illness log, must post Form 300A, the Summary of Work-Related Injuries and Illnesses, in the workplace every year from Feb. 1 to April 30. Current and former employees, or their representatives, have the right to access injury and illness records. Employers must give the requester a copy of the relevant record(s) by the end of the next business day.

## **MORE INFORMATION**

Please contact your SilverStone Group representative for additional information on OSHA reporting and recordkeeping.

*Source: Occupational Safety and Health Administration*