

# OSHA Recordkeeping Rule

The following information is for reference in working with the OSHA Recordkeeping rule and is effective January 1, 2002. Further information is available on the OSHA website at: [www.osha.gov/](http://www.osha.gov/)

## Effective Date

The new OSHA recordkeeping rule will become effective January 1, 2002.

## Who must record work-related injuries and illnesses and who is exempt?

All employers covered by the Occupational Safety and Health Act (OSH Act) are covered by the 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. The following are exempt:

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 notified to do so *in writing* as mentioned above.
2. All employers that are listed in the following list of Standard Industrial Classification (SIC) codes are not required to keep OSHA injury and illness records unless asked *in writing* to do so as mentioned above.

SIC	Industry Description
525	Hardware Stores
542	Meat and Fish Markets
544	Candy, Nut, and Confectionery Stores
545	Dairy Products Stores
546	Retail Bakeries
549	Miscellaneous Food Stores
551	New and Used Car Dealers
552	Used Car Dealers
554	Gasoline Service Stations
557	Motorcycle Dealers
56	Apparel and Accessory Stores
573	Radio, Television, & Computer Stores
58	Eating and Drinking Places
591	Drug Stores and Proprietary Stores
592	Liquor Stores
594	Miscellaneous Shopping Goods Stores
599	Retail Stores, Not Elsewhere Classified
60	Depository Institutions (Banks & Savings Inst.)
61	Nondepository Institutions (Credit Institutions)
62	Security and Commodity Brokers
63	Insurance Carriers
64	Insurance Agents, Brokers & Services
653	Real Estate Agents and Managers
654	Title Abstract Offices
67	Holding and Other Investment Offices
722	Photographic Studios, Portrait
723	Beauty Shops
724	Barber Shops
725	Shoe Repair and Shoeshine Parlors
726	Funeral Service and Crematories

SIC	Industry Description
729	Miscellaneous Personal Services
731	Advertising Services
732	Credit Reporting and collection Services
733	Mailing, Reproduction & Stenographic Services
737	Computer and Data Processing Services
738	Miscellaneous Business Services
764	Reupholstery and Furniture Repair
78	Motion Picture
791	Dance Studios, Schools and Halls
792	Producers, Orchestras, Entertainers
793	Bowling Centers
801	Offices & Clinics of Medical Doctors
802	Offices and Clinics of Dentists
803	Offices of Osteopathic Physicians
804	Offices of Other Health Practitioners
807	Medical and Dental Laboratories
809	Health and Allied Services, Not Elsewhere Classified
81	Legal Services
82	Educational Services (schools, colleges, universities and libraries)
832	Individual and Family Services
835	Child Day Care Services
839	Social Services, Not Elsewhere Classified
841	Museums and Art Galleries
86	Membership Organizations
87	Engineering, Accounting, Research, Management, and Related Services
899	Services, not elsewhere classified

## Forms

The OSHA 200 log and summary and the OSHA 101 supplemental record have been replaced with the new OSHA 300 *Log of Work-Related Injuries and Illnesses*, the new OSHA 300A *Summary*, and the new OSHA 301 *Injury and Illness Incident Report*.

Note: New OSHA 300 forms are found in SafetyStrategy under the menu item "compliance" then documents.

### OSHA 300

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.

### OSHA 300A

The *Summary* is a separate form and shows the totals for the year in each category. At the end of the year, the *Summary* must be posted in a visible location so that your employees are aware of the injuries and illnesses occurring in their workplace.

Employers must keep a *Log* (OSHA 300) for each establishment or site. If you have more than one establishment, you must keep a separate *Log* (OSHA 300) and *Summary* (OSHA 300A) for each physical location that is expected to be in operation for one year or longer.

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. 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.

### Recordkeeping Forms and Recording Criteria

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

1. Is work-related; and
2. Is a new case; and
3. Meets one or more of the general recording criteria or the application to specific cases as listed below:

#### General Recording Criteria

An injury or illness is recordable if it results in:

- a. death
- b. days away from work
- c. restricted work or transfer to another job
- d. medical treatment beyond first aid
- e. loss of consciousness
- f. if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional, even if it doesn't result in one of the items listed as (a) through (e) above.

## Specific Cases

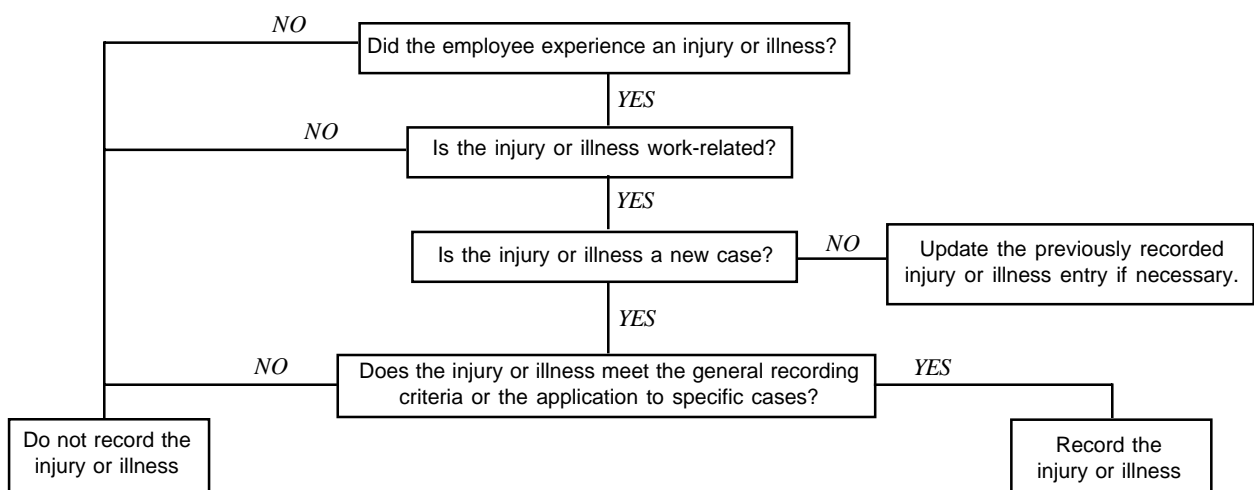
1. **Needlestick and sharps injury.** You must record all work-related needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material.
2. **Medical removal cases.** If an employee is medically removed under the medical surveillance requirements of an OSHA standard, you must record the case on the OSHA 300 log as either a case involving days away from work or a case involving restricted work activity. If the medical removal is the result of a chemical exposure, you must enter the case on the log by checking the "poisoning" column.
3. **Hearing loss cases.** If an employee's hearing test (audiogram) reveals that a Standard Threshold Shift (STS) has occurred, you must record the case on the OSHA 300 log by checking the "hearing loss" column.

NOTE: A Standard Threshold Shift (STS) is defined as a change in hearing threshold, relative to the most recent audiogram for that employee, of an average of 10 decibels (dB) or more at 2000, 3000, and 4000 hertz in one or both ears.

4. **Tuberculosis cases.** 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.
5. **Musculoskeletal disorder cases.** If any of your employees experiences a recordable work-related musculoskeletal disorder (MSD), you must record it on the OSHA 300 log by checking the "musculoskeletal disorder" column.

NOTE: Musculoskeletal disorders (MSDs) are disorders of the muscles, nerves, tendons, ligaments, joints, cartilage and spinal discs. MSDs do not include disorders caused by slips, trips, falls, motor vehicle accidents, or other similar accidents. Examples of MSDs include: Carpal tunnel syndrome, Rotator cuff syndrome, De Quervain's disease, Trigger finger, Tarsal tunnel syndrome, Sciatica, Epicondylitis, Tendinitis, Raynaud's phenomenon, Carpet layers knee, Herniated spinal disc, and Low back pain.

## Deciding whether a particular injury or illness is recordable



Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in an 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 equipment or materials used by the employee during the course of his or her work. However, there are exceptions where an injury or illness would not be considered work-related, and therefore is not recordable.

**You are not required to record injuries and illnesses, if:**

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

## Employees on travel status at the time of the injury or illness.

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 below:

### If the employee has ...

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

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

When a traveling employee checks into a hotel, motel, or 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 reenters 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.

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).

## Recording 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.

**Note: Do not count the day of the injury.** You begin counting days away on the day after the injury occurred or the illness began. Counting calendar days would include weekends, holidays or other days the employee may not have ordinarily worked but was unable to work as a result of the injury or illness. The maximum limit of days recorded is 180 calendar days, regardless of whether or not the length of time exceeds that number.

## **Definition of Medical Treatment.**

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

1. Visits to a physician or other licensed health care professional for observation or counseling;
2. 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
3. "First aid" as defined in this code.

## **First Aid Defined.**

1. **Using a nonprescription medication at nonprescription strength** (for medications available in both prescription and nonprescription form, a recommendation by a physician or other licensed health care professional to use a nonprescription medication at prescription strength is considered medical treatment for recordkeeping purposes);
2. **Administering tetanus immunizations** (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);
3. **Cleaning, flushing or soaking wounds on the surface of the skin;**
4. **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);
5. **Using hot or cold therapy;**
6. **Using any nonrigid means of support, such as elastic bandages, wraps, nonrigid back belts, etc.** (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes.
7. **Using temporary immobilization devices while transporting an accident victim** (e.g., splints, slings, neck collars, back boards, etc.);
8. **Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;**
9. **Using eye patches;**
10. **Removing foreign bodies from the eye using only irrigation or a cotton swab;**
11. **Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means;**
12. **Using finger guards;**
13. **Using massages** (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); or
14. **Drinking fluids for relief of heat stress.**

## Other Important Notes

### 1. When must the OSHA 301 Incident Report be completed?

The OSHA 301 Incident Report Form or an equivalent form must be completed for each recordable injury or illness entered on the OSHA 300 Log.

### 2. 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.

### 3. 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.

### 4. May I keep records on a computer?

Yes, if the computer can produce equivalent forms when they are needed, as described in the code.

### 5. 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. 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.

### 6. Determining if an injury or illness is a privacy concern case.

The following injuries or illnesses are considered *privacy concern cases*:

- a. An injury or illness to an intimate body part or the reproductive system;
- b. An injury or illness resulting from a sexual assault;
- c. Mental illness;
- d. HIV infection, hepatitis, or tuberculosis
- e. Needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material; and
- f. Other illnesses, if the employee independently and voluntarily requests that his or her name not be entered on the log. Musculoskeletal disorders (MSDs) are not considered privacy concern cases.

### 7. Who are covered employees for OSHA 300 Log recording purposes?

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.

## **8. Annual Summary.**

At the end of each year you must:

- (1) Review the OSHA 300 Log to verify that the entries are complete and accurate, and correct any deficiencies identified;
- (2) Create an annual summary of injuries and illnesses recorded on the OSHA 300 Log;
- (3) Certify the summary; and
- (4) Post the annual summary.

How to complete the annual summary.

- (1) Total the columns on the OSHA 300 Log (if you had no recordable cases, enter zeros for each column total); and
- (2) 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.

You certify the annual summary by having a company executive 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. A company executive is: (a) an owner of the company (sole proprietorship or partnership); (b) an officer of the corporation; (c) the highest ranking company official working at the establishment; or (d) the immediate supervisor of the highest ranking company official working at the establishment.

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 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.

## **9. Record Retention and Updating.**

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.

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. Neither the annual summary nor the OSHA 301 reports have to be updated.

## **10. Employee Involvement.**

You must inform each employee of how he or she is to report an injury or illness to you and you must set up a way for employees to report work-related injuries and illnesses promptly. You must also provide limited access to your injury and illness records for your employees and their representatives.