

# 29 CFR Part 1904

## Recording and Reporting Occupational Injuries and Illnesses



# Objectives



At the end of this session,  
participants will be able to

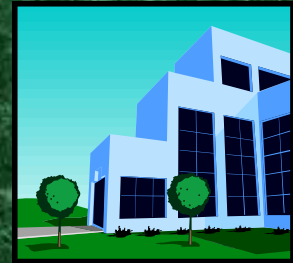
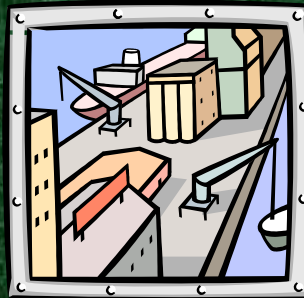
- Identify the OSHA requirements for recordkeeping, posting and reporting
- Correctly complete each of the three forms required by OSHA—the 300, 300A, and 301



# *Lesson 1 - Recordkeeping*

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## Purpose and Scope



# Purpose (of the rule)

- To require employers to record and report work-related fatalities, injuries and illnesses
  - Note: Recording or reporting a work-related injury, illness, or fatality does not mean the the employer or employee was at fault, an OSHA rule has been violated, or that the employee is eligible for workers' compensation or other benefits.
- OSHA injury and illness recordkeeping and Workers' Compensation are independent of each other

# Subpart B. Scope

- 1904.1 – Small employer partial exemptions
- 1904.2 – Industry partial exemptions (see Appendix A to Subpart B for complete list)
- 1904.3 – Keeping records for other Federal agencies



# Partial Exemption

- Employers that are partially exempt from the recordkeeping requirements because of their size or industry must continue to comply with:
  - 1904.39, Reporting fatalities and multiple hospitalization incidents
  - 1904.41, Annual OSHA injury and illness survey (if specifically requested to do so by OSHA)
  - 1904.42, BLS Annual Survey (if specifically requested to do so by BLS)

# 1904.1 – Size Exemption

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

# 1904.2 Industry Exemption

- All industries in agriculture, construction, manufacturing, transportation, utilities and wholesale trade sectors are covered
- In the retail and service sectors, some industries are partially exempt
- Appendix A to Subpart B lists partially exempt industries





# 1904.31 – Covered Employees

- Employees on payroll
- Employees not on payroll who are supervised on a day-to-day basis
- Exclude self-employed and partners
- Temporary help agencies should not record the cases experienced by temp workers who are supervised by the using firm

# 1904.30 – Multiple Business Establishments

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



# *Lesson 2 - Recordkeeping Forms and Recording Criteria*



✓ OSHA 300

✓ OSHA 300A

✓ OSHA 301

# 1904.29 - Forms

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

# 1904.29 - Forms



- Complete 300 & 301 for each recordable case within 7 calendar days of receiving information that a recordable case occurred
- An equivalent form has the same information, is as readable and understandable, and uses the same instructions as the OSHA form it replaces
- Forms can be kept on a computer or at another location as long as they can be produced when they are needed (i.e., meet the access provisions of 1904.35 and 1904.40)

# Recording Criteria

- Subpart C: Recordkeeping forms and recording criteria
  - 1904.4 Recording criteria
  - 1904.5 Work-relatedness
  - 1904.6 New case
  - 1904.7 General recording criteria
  - 1904.8 Needlesticks and sharps
  - 1904.9 Medical removal
  - 1904.10 Hearing loss
  - 1904.11 Tuberculosis
  - 1904.29 Forms

# 1904.4 – Recording Criteria

- Covered employers must record each fatality, injury or illness that:
  - Is work-related, and
  - Is a new case, and
  - Meets one or more of the criteria contained in sections 1904.7 through 1904.12

# 1904.5 – Work-Relatedness

- A case is considered work-related if an event or exposure in the work environment either caused or contributed to the resulting condition
- A case is considered work-related if an event or exposure in the work environment *significantly* aggravated a pre-existing injury or illness
- Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment



# 1904.5 – Work Environment

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

# 1904.5 – Significant Aggravation

- A pre-existing injury or illness is *significantly* aggravated when an event or exposure in the work environment results in any of the following (which otherwise would not have occurred):
  - Death
  - Loss of consciousness
  - Days away, days restricted or job transfer
  - Medical treatment

# 1904.5 – Exceptions

- Present as a member of the general public
- Symptoms arising in work environment that are solely due to non-work-related event or exposure
- Voluntary participation in wellness program, medical, fitness or recreational activity
- Eating, drinking or preparing food or drink for personal consumption



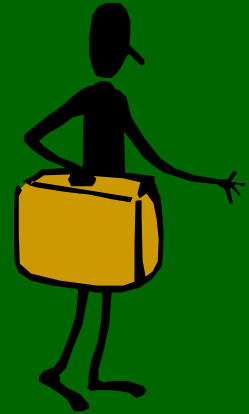
# 1904.5 – Exceptions

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



# 1904.5 – Travel Status

- An injury or illness that occurs while an employee is on travel status is work-related if it occurred while the employee was engaged in work activities in the interest of the employer
- Home away from home
- Detour for personal reasons is not work-related



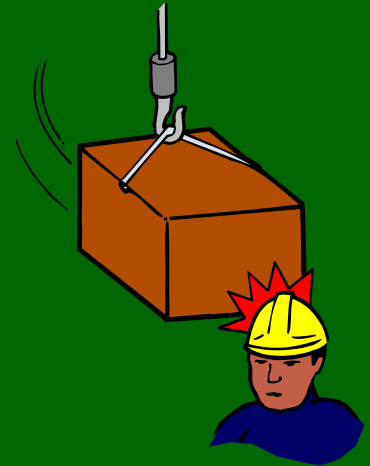
# 1904.5 – Work at Home

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



# 1904.6 – New Case

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



# 1904.6 – New Case

- If there is a medical opinion regarding resolution of a case, the employer must follow that opinion
- If an exposure triggers the recurrence, it is a new case (e.g., asthma, rashes)
- If signs and symptoms recur even in the absence of exposure, it is not a new case (e.g., silicosis, tuberculosis, asbestosis)

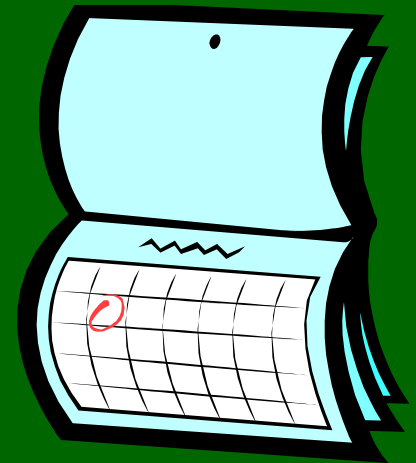


# 1904.7 – General Recording Criteria

- An injury or illness is recordable if it results in one or more of the following:
  - Death
  - Days away from work
  - Restricted work activity
  - Transfer to another job
  - Medical treatment beyond first aid
  - Loss of consciousness
  - Significant injury or illness diagnosed by a PLHCP

# 1904.7(b)(3) Days Away Cases

- Record if the case involves one or more days away from work
- Check the box for days away cases and count the number of days
- Do not include the day of injury/illness

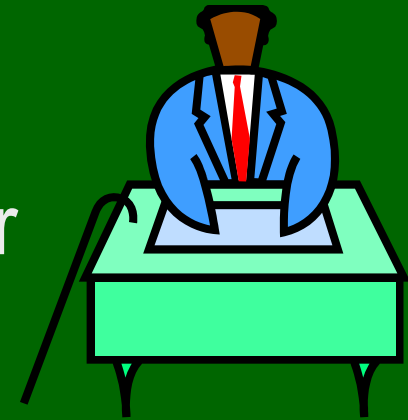


# 1904.7(b)(3) – Days Away Cases

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

# 1904.7(b)(4) - Restricted Work Cases

- Record if the case involves one or more days of restricted work or job transfer
- Check the box for restricted/transfer cases and count the number of days
- Do not include the day of injury/illness



# 1904.7(b)(4) – Restricted Work

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

# 1904.7(b)(4) – Job Transfer

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



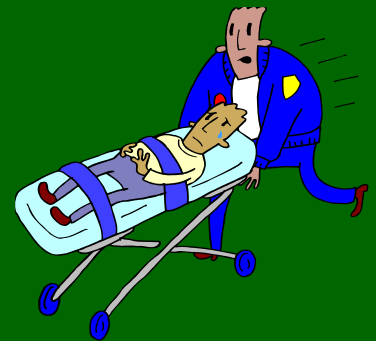
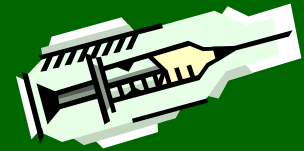
# 1904.7(b)(5) – Medical Treatment

- Medical treatment is the management and care of a patient to combat disease or disorder.
- It does not include:
  - Visits to a PLHCP solely for observation or counseling
  - Diagnostic procedures
  - First aid



# 1904.7(b)(5) – First Aid

- Using nonprescription medication at nonprescription strength
- Tetanus immunizations
- Cleaning, flushing, or soaking surface wounds
- Wound coverings, butterfly bandages, Steri-Strips
- Hot or cold therapy
- Non-rigid means of support
- Temporary immobilization device used to transport accident victims





# 1904.7(b)(5) – First Aid

- Drilling of fingernail or toenail, draining fluid from blister
- Eye patches
- Removing foreign bodies from eye using irrigation or cotton swab
- Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means
- Finger guards
- Massages
- Drinking fluids for relief of heat stress



# 1904.7(b)(6) – Loss of Consciousness

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



# 1904.7(b)(7) – General Criteria

- Significant diagnosed injuries and illnesses:
  - Cancer
  - Chronic irreversible disease
  - Fractured or cracked bone
  - Punctured eardrum

# 1904.8 – Bloodborne Pathogens

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



# 1904.9 – Medical Removal

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



# 1904.10 – Hearing Loss

- A change in hearing threshold relative to baseline audiogram of an average of 10 dB or more in either ear at 2000, 3000, & 4000 hertz; and
- Employee's total hearing level is 25 decibels (dB) or more above the audiometric zero in the same ear(s).



# 1904.11 - Tuberculosis

- Record a case where an employee is exposed to someone with a known case of active tuberculosis, and subsequently develops a TB infection
- A case is not recordable when:
  - The worker is living in a household with a person who is diagnosed with active TB
  - The Public Health Department has identified the worker as a contact of an individual with active TB
  - A medical investigation shows the employee's infection was caused by exposure away from work



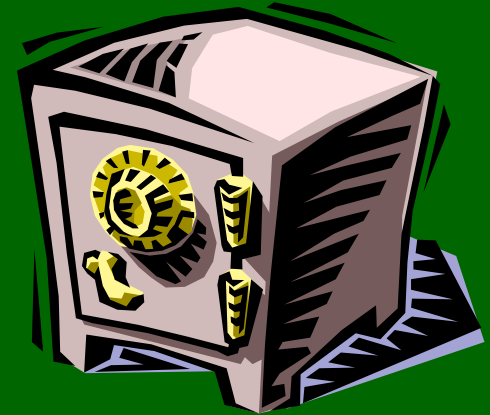
# Forms Completion

- Medical or first aid treatment
- Days away from work, restricted work or job transfer
- Counting the days
- Privacy cases



# 1904.29 – Privacy Protection

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



# 1904.29 – Privacy Protection

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

# 1904.29 – Privacy Protection

- Employer may use discretion in describing the case if employee can be identified
- If you give the forms to people not authorized by the rule, you must remove the names first
  - Exceptions for:
    - Auditor/consultant,
    - Workers' compensation or other insurance
    - Public health authority or law enforcement agency

# 1904.35 – Employee Involvement

- Must inform each employee of how to report an injury or illness
  - You must set up a way for employees to report work-related injuries and illnesses promptly; and
  - You must tell each employee how to report work-related injuries and illnesses to you

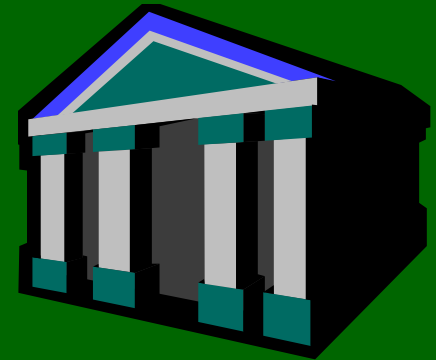


# 1904.35 – Employee Involvement

- Must provide limited access to injury and illness records to employees, former employees and their personal and authoritative representatives
  - Provide copy of OSHA Form 300 by end of next business day
  - Provide copy of OSHA Form 301 to employee, former employee or *personal* representative by end of next business day
  - Provide copies of OSHA Form 301 to *authorized* representative within 7 calendar days. Provide only “Information about the case” section of form.

# 1904.40 – Providing Records to Government Representatives

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



# 1904.33 – Retention and Updating

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

# 1904.36 – Prohibition Against Discrimination

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



# 1904.37 – State Plans

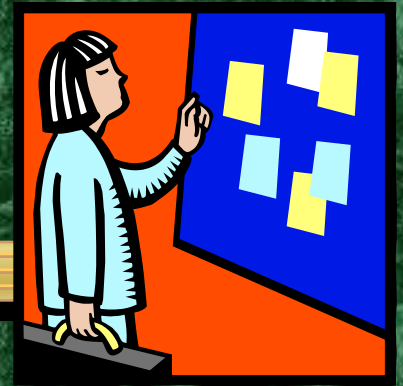
- State-Plan States must have the same requirements as Federal OSHA for determining which injuries and illnesses are recordable and how they are recorded
- For other Part 1904 requirements, State-Plan requirements may be more stringent
- 1952.4 has been modified to reflect these concepts

# Subpart F - Transition from the Former Rule

- Must post OSHA Form 300A Summary from February 1<sup>st</sup> to April 30<sup>th</sup>;
- Must retain OSHA No. 300 Log and OSHA No. 300A forms for 5 years.

## *Lesson 3 - Posting*

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- ✓ Annual summary, OSHA 300A
- ✓ Job safety/health poster
- ✓ Citations and corresponding documents

# 1904.32 – Annual Summary

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

# 1904.32 – Annual Summary

- A company executive must certify the summary:
  - An owner of the company
  - An officer of the corporation
  - The highest ranking company official working at the establishment, or
  - His or her supervisor
- Must post for 3 month period from February 1 to April 30 of the year following the year covered by the summary



# *Lesson 4 - Reporting*



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- ✓ Reporting fatalities and multiple hospitalizations 1904.39



# 1904.39 – Fatality/Catastrophe Reporting

- Report orally within 8 hours any work-related fatality or incident involving 3 or more in-patient hospitalizations
- Must report fatal heart attacks
- Do not need to report highway or public street motor vehicle accidents (outside of a construction work zone)
- Do not need to report commercial airplane, train, subway or bus accidents

# 1904.39 – Fatality / Catastrophe Reporting

- Call local Area Office  
(if you can speak to a live person – no answering machines); or
- **Call 1-800-321-OSHA (6742).**



# 1904.41 – Electronic Reporting

- Why is OSHA issuing this rule?
- Behavioral economics tells us that making injury information publicly available will “nudge” employers to focus on safety.

# 1904.41 – Electronic Reporting

- What does the rule require?
- The new rule, which takes effect Jan. 1, 2017, requires certain employers to electronically submit injury and illness data that they are already required to record on their onsite OSHA Injury and Illness forms.

# 1904.41 – Electronic Reporting

- How will electronic submission work?
  - Webform.
  - Upload a CSV file to process single or multiple establishments at the same time.
  - Last, users of automated recordkeeping systems will have the ability to transmit data electronically via an API (application programming interface). The site is scheduled to go live in February 2017.

# 1904.41 – Electronic Reporting

- Anti-retaliation protections
- The rule also prohibits employers from discouraging workers from reporting an injury or illness. The final rule requires employers to inform employees of their right to report work-related injuries and illnesses free from retaliation, which can be satisfied by posting the already-required [OSHA workplace poster](#)



## Job Safety and Health IT'S THE LAW!

### All workers have the right to:

- A safe workplace.
- Raise a safety or health concern with your employer or OSHA, or report a work-related injury or illness, without being retaliated against.
- Receive information and training on job hazards, including all hazardous substances in your workplace.
- Request an OSHA inspection of your workplace if you believe there are unsafe or unhealthy conditions. OSHA will keep your name confidential. You have the right to have a representative contact OSHA on your behalf.
- Participate (or have your representative participate) in an OSHA inspection and speak in private to the inspector.
- File a complaint with OSHA within 30 days (by phone, online or by mail) if you have been retaliated against for using your rights.
- See any OSHA citations issued to your employer.
- Request copies of your medical records, tests that measure hazards in the workplace, and the workplace injury and illness log.

The poster is available free from OSHA.

### Employers must:

- Provide employees a workplace free from recognized hazards. It is illegal to retaliate against an employee for using any of their rights under the law, including raising a health and safety concern with you or with OSHA, or reporting a work-related injury or illness.
- Comply with all applicable OSHA standards.
- Report to OSHA all work-related fatalities within 8 hours, and all inpatient hospitalizations, amputations, and losses of an eye within 24 hours.
- Provide required training to all workers in a language and readability they can understand.
- Promptly abate the hazard in the workplace.
- Post OSHA citations at or near the place of the alleged violations.

**FREE ASSISTANCE** to identify and control hazards is available to small and medium-sized employers, without charge or penalty, through OSHA-approved consultation programs in every state.



Contact OSHA. We can help.

1-800-321-OSHA (6342) • TTY 1-877-889-5627 • [www.osha.gov](http://www.osha.gov)

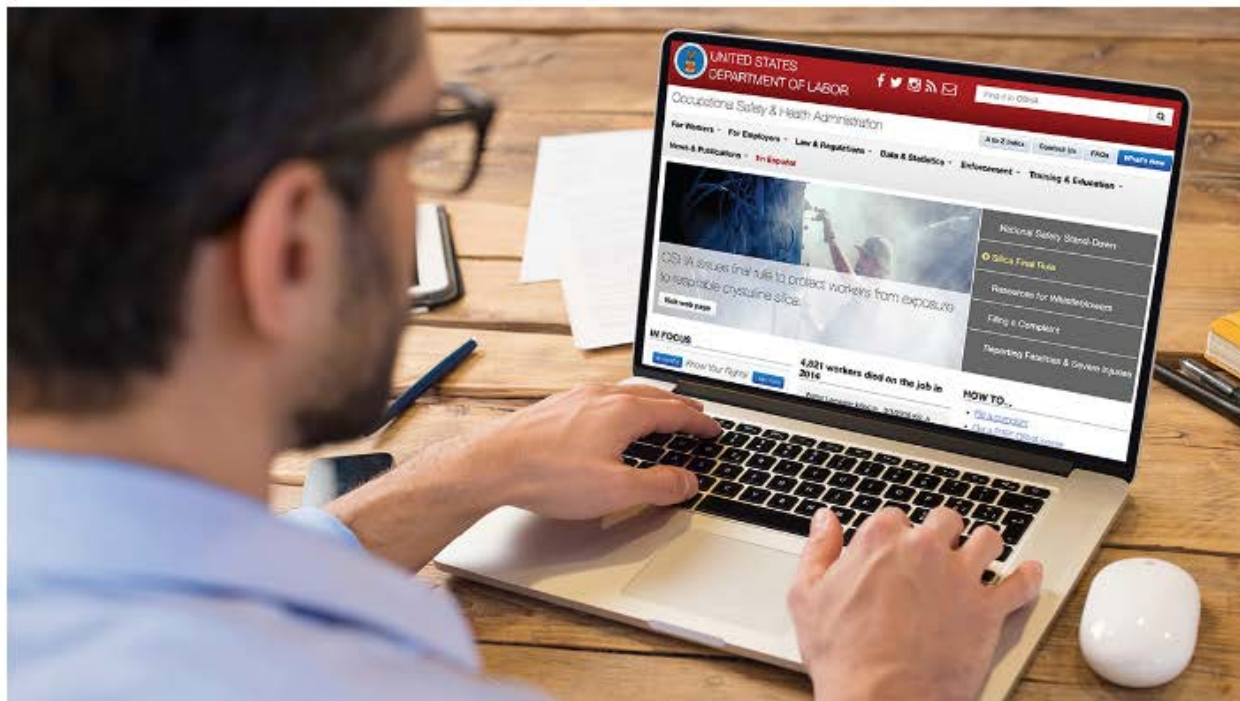
# 1904.41 – Electronic Reporting

- Anti-retaliation protections
- It also clarifies the existing implicit requirement that an employer's procedure for reporting work-related injuries and illnesses must be reasonable and not deter or discourage employees from reporting; and incorporates the existing statutory prohibition on retaliating against

# 1904.41 – Electronic Reporting

[Home](#) / [Recordkeeping](#) / [Final Rule to Improve Tracking of Workplace Injuries and Illnesses](#)

## Final Rule Issued to Improve Tracking of Workplace Injuries and Illnesses



Provisions call for employers to electronically submit injury and illness data that they already record

### About

[Read the Rule](#)

[Regulatory Text for Recordkeeping Standard - Part 1904 - \[Amended\]](#)

[Corrected Text](#)

**NEW** [Employee Involvement](#) (Employee's right to report injuries and illnesses free from retaliation) (1904.35)

[Fact Sheet](#)

[Frequently Asked Questions](#)

[Blog by Deputy Secretary Chris Lu](#)

[Blog by Paul O'Neill](#)

### Related Links

[Recordkeeping Webpage](#)

[Recordkeeping Forms](#)

[Examples of Rate-Based Incentive Programs Submitted to OSHA Regulatory Docket](#)

[Injury Tracking Application](#)

# 1904.41 – Electronic Reporting

- Anti-retaliation protections and Post Accident Drug and Alcohol Testing



# 1904.41 – Electronic Reporting

2016	By July 1, 2017			
Establishments	OSHA 300A	OSHA 300	OSHA 301	
➤ 250	X			
20 – 249	X			
2017	By July 1, 2018			
Establishments	OSHA 300A	OSHA 300	OSHA 301	
➤ 250	X	X	X	
20 – 249	X			
2018 +++	By March 1, 2019			
Establishments	OSHA 300A	OSHA 300	OSHA 301	
➤ 250	X	X	X	
20 – 249	X			

# 1904.41 – Electronic Reporting

- What is considered an Establishment?
- Previously, in construction, a project running more than 1 year and now better defined: 20 employees for more.

# For More Help

- OSHA's Home Page: [www.osha.gov](http://www.osha.gov)
- OSHA Area Offices
- State Plans and State Consultation

