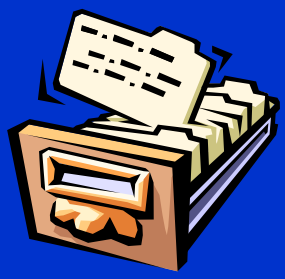
29 CFR Part 1904

Recording and Reporting Occupational Injuries and Illnesses



Revised 1/1/04

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This program discusses the provisions of OSHA's Recordkeeping Rule and incorporates the following changes effective January 1, 2004:

- Section 1904.12, Recording criteria for cases involving work-related musculoskeletal disorders, is deleted.
- The requirement in section 1904.29(b)(7)(vi) stating that MSD injuries and illnesses are not to be considered privacy concern cases is deleted.
- A column for recording hearing loss cases has been added to the OSHA Form 300 log.
- An entry for hearing loss cases has been added to the OSHA Form 300A Summary. [Employers should use the old 300A Summary Form (without the hearing loss entry) to post as required in February 2004. The new 300A form that includes the hearing loss entry should be used to post in February 2005.]

Note to Instructor: Prior to the presentation, it is suggested that instructors review the latest information on the recordkeeping rule at OSHA's Recordkeeping page. In addition, instructors should print copies of this page as a handout to inform audience members of the latest information available on the website.

Organization of the Rule

- Subpart A - Purpose
- Subpart B - Scope
- Subpart C - Forms and recording criteria
- Subpart D - Other requirements
- Subpart E - Reporting to the government
- Subpart F - Transition
- Subpart G - Definitions

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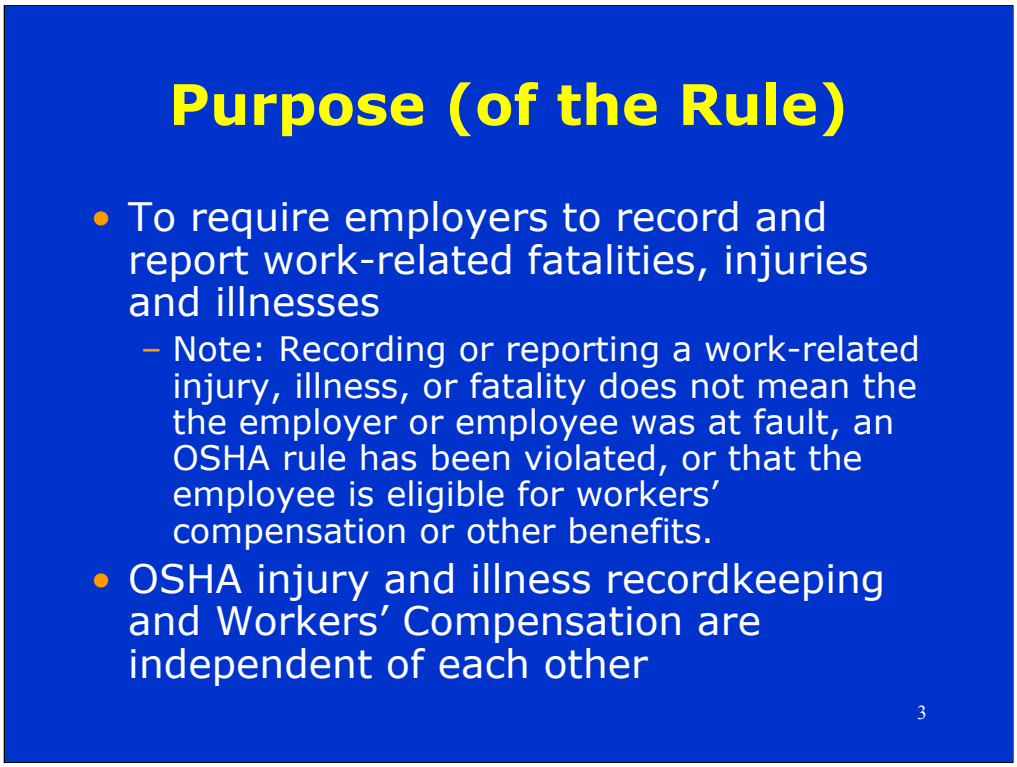
The rule is organized into seven sections, or subparts.

The regulation is written in a question and answer format to make it easy for people to understand and follow. The "definitions" section contains only a few terms because most definitions are included where the terms are used. However, three important terms: establishment, injury or illness, and physician or other licensed health care professional (referred to as a PLHCP) are included in Subpart G.



The "purpose" section states the basic purpose of the rule: to require employers to collect injury and illness data and report it to the government, but it doesn't tell how the data are used or why they are important. The records provide the base data for the BLS survey of occupational injuries and illnesses, the Nation's primary source of occupational injury and illness statistics.

The records are also used by employers and employees to manage safety and health programs at individual workplaces. Analysis of the data is a widely recognized method for discovering workplace safety and health problems, and for tracking progress in solving those problems.

Finally, the data are used by OSHA. We collect the data to help us direct our programs and measure our own performance, and our inspectors use the data during inspections to help direct their efforts to the hazards that are hurting workers.

The purpose section also includes a note to make it clear that recording an injury or illness does not have any effect on workers' compensation nor prove violation of an OSHA rule. Hopefully, this will reduce the stigma some employers feel accompanies the recording of a work-related injury or illness.

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

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The "scope" section includes an exemption for smaller employers and for establishments in certain industrial classifications. The scope section also deals with injury and illness recordkeeping requirements from multiple government agencies.

Out of 7 million U.S. establishments, about 1.4 million are required to keep records. This means that about 20% of American workplaces must keep OSHA records, and about 80% are partially exempt.

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)

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While the 1904 regulation exempts many employers from keeping records at all times, these employers are not exempted from all of the 1904 requirements.

All employers are required to report fatalities and the in-patient hospitalization of 3 or more employees within 8 hours. Partially exempt employers may need to keep injury and illness records when the government asks them to do so.

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

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The size exemption is based on the company's peak employment during the last calendar year. If, at any time last year, the company reached 11 or more workers, the company is not size exempt. However, the company, or some of its individual establishments, may still be exempt because of industry classification.

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

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Appendix A to Subpart B lists the partially exempt service and retail industries. Establishments in these industries are exempt even if they are very large. For example, a very large chain of shoe stores or a very large bank is exempt. Some of the State Plan States have different industry exemptions.

The exempt retail and service industries were chosen by comparing the lost workday injury and illness experience of the industry with the national average. If the industry's lost workday case rate for the last 3 years was below 75% of the national average, the industry was exempted. As an example, sectors such as doctors' and dentists' offices and medical and dental laboratories are exempted.

The industry exemption applies to individual establishments, so a company that is engaged in several lines of business could have some establishments that keep records, and others that do not.

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

For the injury and illness statistics, Subpart C is the most important section of the rule, because it defines which cases should be recorded on the OSHA 300 Log and which should not be recorded.

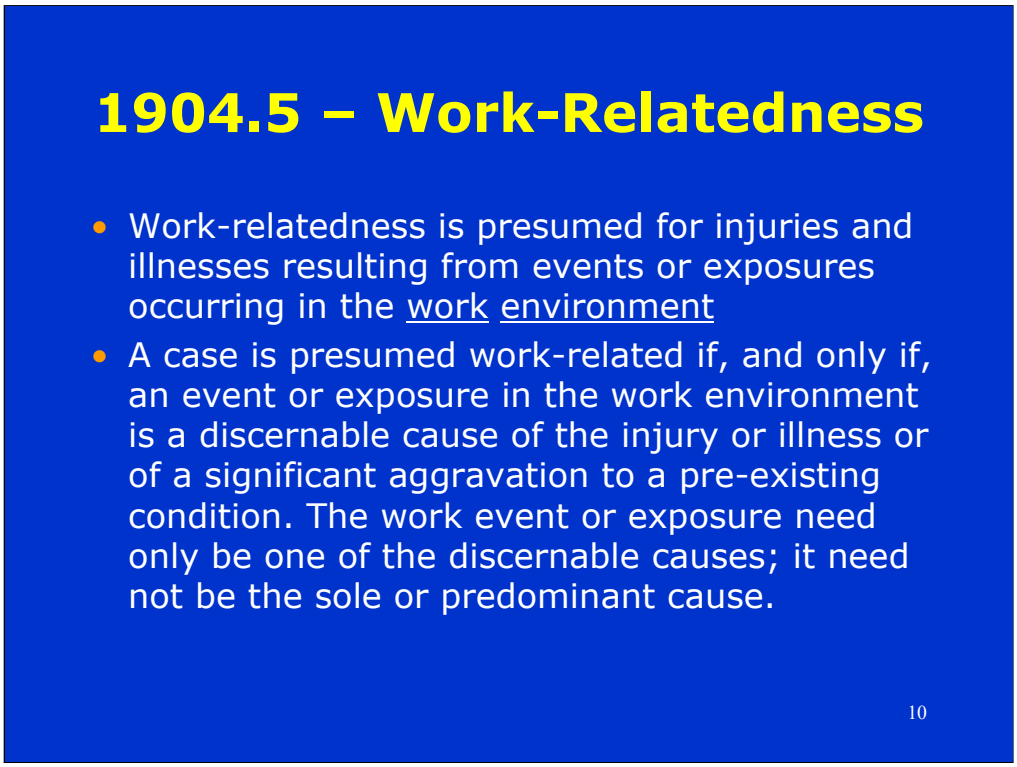
The sections of the rule follow the process for deciding if a case is recordable: determining work-relatedness, if it is a new case, if it meets the general recording criteria, and whether it has special criteria for a specific injury/illness type.

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 1904.11.

Paragraph 1904.4 explains the overall process for deciding whether or not to record a case. All cases (both injury and illness cases) are analyzed using the same criteria. Illness cases are only recorded if they meet the same criteria as injury cases.

1904.4 also includes a flowchart that provides a visual representation of the overall process for deciding whether or not to record an injury or illness.



Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment. However, a case is presumed work-related if, and only if, an event or exposure in the work environment is a discernable cause of the injury or illness or of a significant aggravation to pre-existing condition. The work event or exposure need only be one of the discernable causes; it need not be the sole or predominant cause.

For further guidance regarding the determination of work relationship, please see OSHA Compliance Directive CPL 2-0.131, Chapter 2, Section IC.

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

When employees are at the establishment, they are in the work environment. When employees are working away from the establishment, they carry a "bubble" of work environment wherever they go.

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

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There must be significant aggravation of a pre-existing injury or illness to establish work-relatedness. The workplace event or exposure must aggravate a pre-existing injury or illness enough that it results in greater consequences than what would have occurred but for that event or exposure. This means that the pre-existing condition requires more medical treatment than otherwise needed; more restrictions, more days away, etc.

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 (Regardless of where signs or symptoms surface, a case is work-related only if a work event or exposure is a discernable cause of the injury or illness or of a significant aggravation to a pre-existing condition.)
- Voluntary participation in wellness program, medical, fitness or recreational activity
- Eating, drinking or preparing food or drink for personal consumption

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Cases meeting the conditions of the listed exceptions to work relationship in the rule are not considered work-related and are, therefore, not recordable.

For example, if a grocery store employee is shopping in the store after work, falls and is injured, the employee is present as a member of the general public and the case is not work-related.

Likewise, if an employee has a diabetic episode and must be given prescription medications, the diabetes is solely due to a non-work-related event or exposure, and is not work-related.

Regardless of where signs or symptoms surface, a case is work-related only if a work event or exposure is a discernable cause of the injury or illness or of a significant aggravation to a pre-existing condition.

If an employee passes out giving blood or is injured playing basketball – the case is due to voluntary participation in a wellness or fitness program and is not work-related.

If an employee burns his lip on a cup of coffee or chokes on a sandwich – the case is due to eating food or drink for personal consumption, and is not work-related.

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

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If an employee uses the employer's sewing machine to make tents for the Girl Scouts after the shift has ended, this is a personal task outside of assigned working hours and any injury that would occur during that task is not work-related.

If an employee has a negative reaction to asthma medication for personal allergies, gets mascara in the eye, or commits suicide – the cases are from self medication for a non-work-related condition, personal grooming, or intentionally self-inflicted and are not work-related.

If an employee is injured in a motor vehicle accident going to or leaving work at the beginning or end of the shift, or for a personal errand – the case is not work-related. However, if the employee slips on the ice in the parking lot, or is in a car wreck doing business - the case is work-related.

If an employee catches a cold or the flu, the case is not work-related.

Mental illness is work-related only if the employee voluntarily provides the employer with a written opinion from a PLHCP with appropriate qualifications and experience that affirms a work-related mental illness. The employer is under no responsibility to seek out mental illnesses. In addition, the employer may also get a second opinion from another PLHCP and accept the opinion of the most qualified PLHCP.

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

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When employees are traveling, an injury or illness that occurs while the employee is engaged in work activities for the employer is considered work-related.

Travel to and from customer contacts and entertaining or being entertained at the direction of the employer are work-related. For example, if an employee falls in the airport while on a business trip, the case is work-related.

When an employee checks into a hotel or motel, he/she establishes a "home away from home." While they're in that "home away from home" status, cases that occur are not work-related. For example, if an employee slips in the hotel shower and is injured, the case is not work-related.

Likewise, if the employee takes a side trip while in transit for a vacation, to go sightseeing or shopping, etc., and is injured, the case 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
  - are directly related to the performance of work rather than the general home environment

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When employees are working at home, a case is work-related when an employee is injured or becomes ill while working for pay or compensation. Cases are not work-related if they are related to the general home environment.

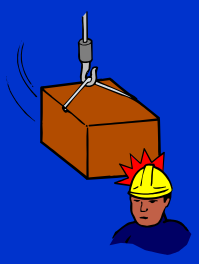
For example, if an employee drops a box of work documents and injures her foot, the case would be considered work-related. If an employee's fingernail was punctured and became infected by a needle from a sewing machine used to perform garment work at home, the injury would be considered work-related.

If an employee was injured because he tripped on the family dog while rushing to answer a work phone call, the case would not be considered work-related. If an employee working at home is electrocuted because of faulty home wiring, the injury would not be considered work-related.

OSHA Directive CPL 2-0.125 gives guidance on OSHA's policy for employees who are working at home and explains that OSHA will not conduct inspections at home offices.

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
  - 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.



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The issue of whether a case is new or recurring is not a problem for most injury cases. A burn, cut, fracture, or bruise is clearly a new case.

The new case decision is more difficult for long-term illnesses and injuries that tend to recur, like back cases. Obviously, if the employee has never had a recordable case like the one now causing problems, the case is new.

If the employee has had a like case in the past, the new case decision involves two questions:

1. Has the employee recovered from the old case? ,and

2. Did events or exposures at work cause 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)

If there is a medical opinion regarding resolution of a case, the employer must follow that opinion.

If two or more PLHCPs make conflicting recommendations, the employer is required to base the decision on the best documented and most well reasoned evidence.

Generally, if an exposure triggers the recurrence, it is a new case. This is generally the case in asthma or occupational dermatitis cases.

If signs and symptoms recur even in the absence of exposure, it is not a new case. This is commonly the case for silicosis or tuberculosis.

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

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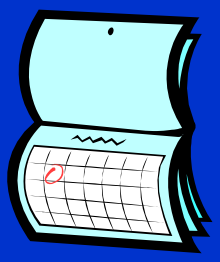
The general recording criteria are articulated in the OSH Act. Of course, all occupational deaths are recordable, as are cases with days away from work, restricted work, transfer to another job, medical treatment beyond first aid and loss of consciousness.

A significant injury or illness diagnosed by a physician or other licensed health care professional is also recordable. These are significant injuries and illnesses that are not always captured by the general recording criteria. This is a very limited criterion that includes cancer, chronic irreversible disease (such as chronic beryllium disease), a fractured or cracked bone or a punctured eardrum.

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



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Cases that result in days away from work are recordable. The employer is to check the box for days away cases and count the number of days away. The day of the injury or illness is not counted as a day away.

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

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For days away or days restricted, count calendar days.

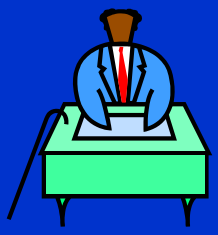
Under this system, a special case arises when an employee is injured on a Friday or right before a vacation, and returns on the next scheduled day. If a PLHCP gives information that the employee should not have worked during those days off, then the days should be counted.

The employer may stop counting days when they reach 180 days away from work or days of restricted work or both. We then know that this was a serious case. The employer may also stop counting days if the employee leaves the company for some reason not related to the injury or illness – for example, a plant shutdown.

If the employee is away from work for an extended time, the employer must record the case within 7 days with an estimate of the days away and then must update the day count when the actual number of days away or restricted becomes known.

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



Cases that result in days of restricted work or job transfer are recordable. The employer is to check the box for restricted work cases and count the number of days restricted or transferred. The day of injury/illness is not counted as a day of restriction. A restriction that is limited only to the day of injury or illness does not make a case recordable.

1904.7(b)(4) - Restricted Work Cases

- Restricted work activity exists if the employee is:
  - Unable to work the full workday he or she would otherwise have been scheduled to work; or
  - Unable to perform one or more routine job functions
- An employee's routine job functions are those activities the employee regularly performs at least once per week

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Restricted work activity is evaluated by looking at two components: time and job functions. If, because of a work-related injury or illness, an employee is unable to work the full shift he or she was scheduled to work, then that worker is considered to be on restricted work activity. For example, if the employee was scheduled to work an 8-hour day, but is only able to work 4 hours, then his work activity is restricted.

If an employee is able to work a full shift, but is unable to perform all of his or her routine job functions, then the worker is also considered to be on restricted work activity.

OSHA has defined *routine job functions* as work that an employee would regularly have performed at least once per week, because OSHA believes that the range of activities captured by this interval of time will generally reflect the range of an employee's usual work activities. Activities performed less frequently than once per week reflect more uncommon work activities that are not considered routine duties for the purposes of this rule.

1904.7(b)(4) – Restricted Work

A case is not recordable under 1904.7(b)(4) as a restricted work case if:

- the employee experiences minor musculoskeletal discomfort,
- a health care professional determines that the employee is fully able to perform all of his or her routine job functions, and
- the employer assigns a work restriction to that employee for the purpose of preventing a more serious condition from developing.

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OSHA's policy regarding preventive transfers is explained in the recordkeeping compliance directive (CPL 2-0.131). Under that policy, a case is not recordable under 1904.7(b)(4) as a restricted work case if three conditions are met:

1. the employee experiences minor musculoskeletal discomfort,
2. a health care professional determines that the employee is fully able to perform all or his or her routine job functions, and
3. the employer assigns a work restriction to that employee for the purpose of preventing a more serious condition from developing.

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

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Most job transfers involve some type of restriction. Even if they don't, job transfers due to an injury or illness are recordable events. If an injured or ill employee is transferred to another job for half days, this is also a job transfer.

If a permanent job transfer is made immediately, that is, on the day of injury or illness, at least one day of restricted work activity must be recorded.

1904.7(b)(5) – Medical Treatment

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

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Medical treatment is the management and care of a patient to combat disease or disorder. Medical treatment does not include visits to a PLHCP solely for observation and counseling, including follow-up visits.

Medical treatment also does not include diagnostic procedures, such as x-rays, blood tests, or MRIs. Use of prescription medications for diagnostic purposes is also not considered medical treatment; for example, prescription eye drops used to dilate the pupils.

Finally, medical treatment does not include first aid procedures.

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




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First Aid is defined using a list of procedures that are all-inclusive. If a procedure is not on the list, it is not considered first aid for record keeping purposes.

The first item in the list is using nonprescription medication at nonprescription strength. This means that if an employee is provided prescription medications or non-prescription medications at prescription strength, it is considered medical treatment.

The rule also makes it clear that wound coverings, butterfly bandages, and Steri-Strips are first aid. Use of wound closure methods such as sutures, medical glues or staples is considered medical treatment.

The rule also makes it clear that hot or cold therapy is first aid regardless of how many times it is used.

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

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Removing foreign bodies from the eye using irrigation or a cotton swab is first aid. Using other methods to remove materials from the eye is medical treatment.

Massage therapy is first aid. Physical therapy or chiropractic treatment is considered medical treatment.

Drinking fluids for relief of heat stress is first aid, but administering fluids through an IV is medical treatment.

1904.7(b)(6) – Loss of Consciousness

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

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

The length of time the person is unconscious is irrelevant.

1904.7(b)(7) – Significant Diagnosed Injury or Illness

- The following work-related conditions must always be recorded at the time of diagnosis by a PLHCP:
  - Cancer
  - Chronic irreversible disease
  - Punctured eardrum
  - Fractured or cracked bone or tooth

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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.

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

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The rule requires the recording of all work-related needlesticks and cuts from contaminated sharp objects. This provision has the greatest effect on the health care sector, especially hospitals and nursing homes.

The requirements of the bloodborne pathogen standard for sharps injury logs are linked to the recordkeeping rule. If the establishment is exempted from the 1904 requirements, it is also exempted from the sharps injury log requirements of 1910.1030.

An employer can use the 300 Log to meet the requirements for a sharps log. To do so, the employer must be able to segregate the sharps injury data and must include information on the type and brand of device that caused the injury.

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

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1904.9 requires the employer to record cases where an employee is medically removed under an OSHA standard. Several OSHA standards have medical removal criteria, including the lead, cadmium, and benzene standards.

The case is recorded as a days away or restricted work case depending on how the employer deals with the removal.

If employers voluntarily remove employees below the thresholds in the standards, the case does not need to be recorded under this paragraph.

1904.10 – Hearing Loss

- Must record all work-related hearing loss cases where:
  - Employee has experienced a Standard Threshold Shift (STS)[1], and
  - Employee's hearing level is 25 decibels (dB) or more above audiometric zero [averaged at 2000, 3000, and 4000 hertz (Hz)] in the same ears as the STS

[1] An STS is defined in OSHA's noise standard at 29 CFR 1910.95(g)(10)(i) as a change in hearing threshold, relative to the baseline audiogram, of an average of 10 dB or more at 2000, 3000, and 4000 Hz in one or both ears.

Employers must record work-related hearing loss cases when an employee's hearing test shows a marked decrease in overall hearing.

If an event or exposure in the work environment caused or contributed to the hearing loss, or significantly aggravated a pre-existing hearing loss, the case is work related. 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, employers are not required to record the case.

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 hearing level is 25 decibels (dB) or more above audiometric zero [averaged at 2000, 3000, and 4000 Hertz (Hz)] in the same ear(s) as the STS, you must record the case on the OSHA 300 Log.

A Standard Threshold Shift, or STS, is defined in OSHA's general industry noise 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 dB or more at 2000, 3000, and 4000 Hz in one or both ears.

1904.10 – Hearing Loss (cont'd)

- Must compute the STS in accordance with OSHA's noise standard, 1910.95
- Compare employee's current audiogram to the original baseline audiogram or the revised baseline audiogram allowed by 1910.95(g)(9)
- May adjust for aging to determine whether an STS has occurred using tables in Appendix F of 1910.95
- May not adjust for aging to determine whether or not hearing level is 25 dB or more above audiometric zero

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Paragraph 1910.95(g)(9) of OSHA's noise standard states:

(9) Revised baseline. An annual audiogram may be substituted for the baseline audiogram when, in the judgment of the audiologist, otolaryngologist, or physician who is evaluating the audiogram:

(i) The standard threshold shift revealed by the audiogram is persistent, or

(ii) The hearing threshold shown in the annual audiogram indicates significant improvement over the baseline audiogram.

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 hearing level is 25 dB or more above audiometric zero.

In short, a recordable hearing loss case occurs when an employee experiences an STS (as defined in 1910.95), the STS is work-related, and the employee's aggregate hearing loss exceeds 25 dB from audiometric zero.

1904.11 - Tuberculosis

- Record a case where an employee is exposed at work 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

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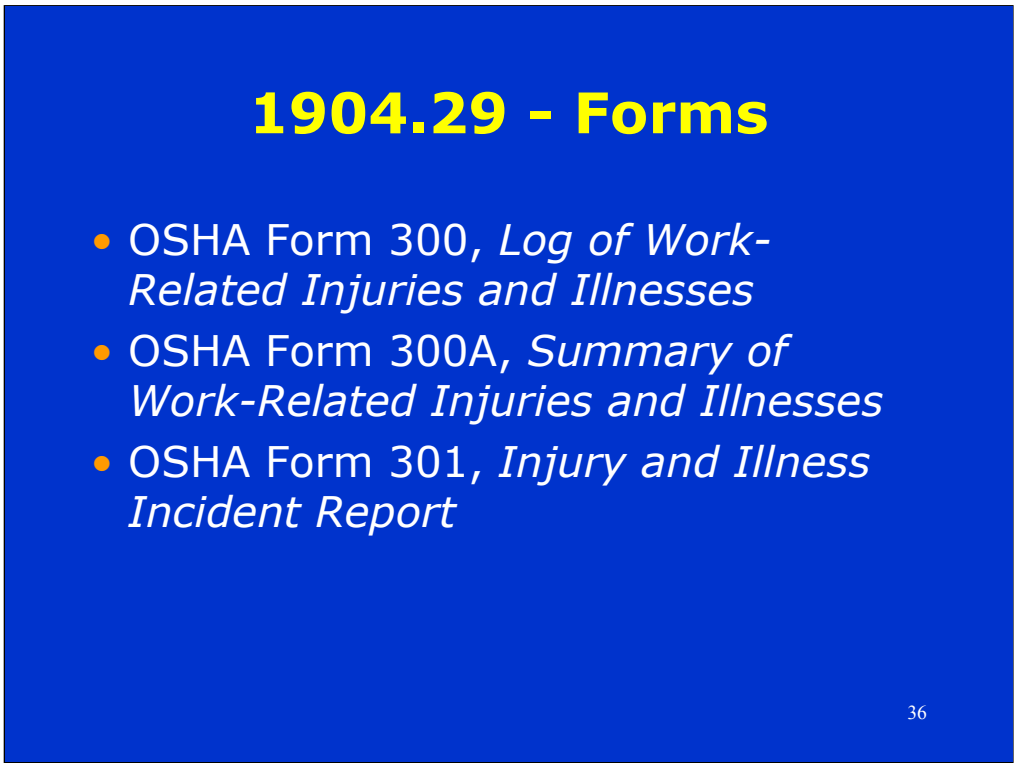
If an employee is exposed to an active case of tuberculosis at work, and then has a positive TB skin test or becomes an active case, then it must be recorded.

The case does not have to be recorded if there is evidence that the case did not arise from a workplace exposure.



The rule requires employers to keep 3 forms: a 300 Log, a 300A Summary form, and a 301 Incident Report.

The forms are included in a forms package which contains:

- enough 300 and 300A forms for the average employer to keep records for 3 years

- instructions and examples

- a worksheet for calculating injury and illness rates, and

- a worksheet to help employers fill out the summary.

The package also includes references to tell employers where they can get more help.

The 300 Log and 300A Summary were revised January 1, 2004.

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

Log of Work-Related Injuries and Illnesses

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

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 Incident Report (OSHA Form 301) or equivalent form 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.

Establishment name ______________

City ______________ State ______________

Identify the person			Describe the case			Classify the case — CHECK ONLY ONE box for each case based on the most serious outcome for that case:				Enter the number of days the injured or ill worker was:		Check the "Injury" column or choose one type of illness: (M)					
								Remained at Work									
(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*)	(G) Death	(H) Days away from work	(I) Job transfer or restriction	(J) Other record-able cases	(K) Away from work	(L) On job transfer or restriction	(1) Injury	(2) Skin disorder	(3) Respiratory condition	(4) Poisoning	(5) Hearing loss	(6) All other illnesses
			/ month/day			☐	☐	☐	☐	___ days	___ days	☐	☐	☐	☐	☐	☐
			/ month/day			☐	☐	☐	☐	___ days	___ days	☐	☐	☐	☐	☐	☐
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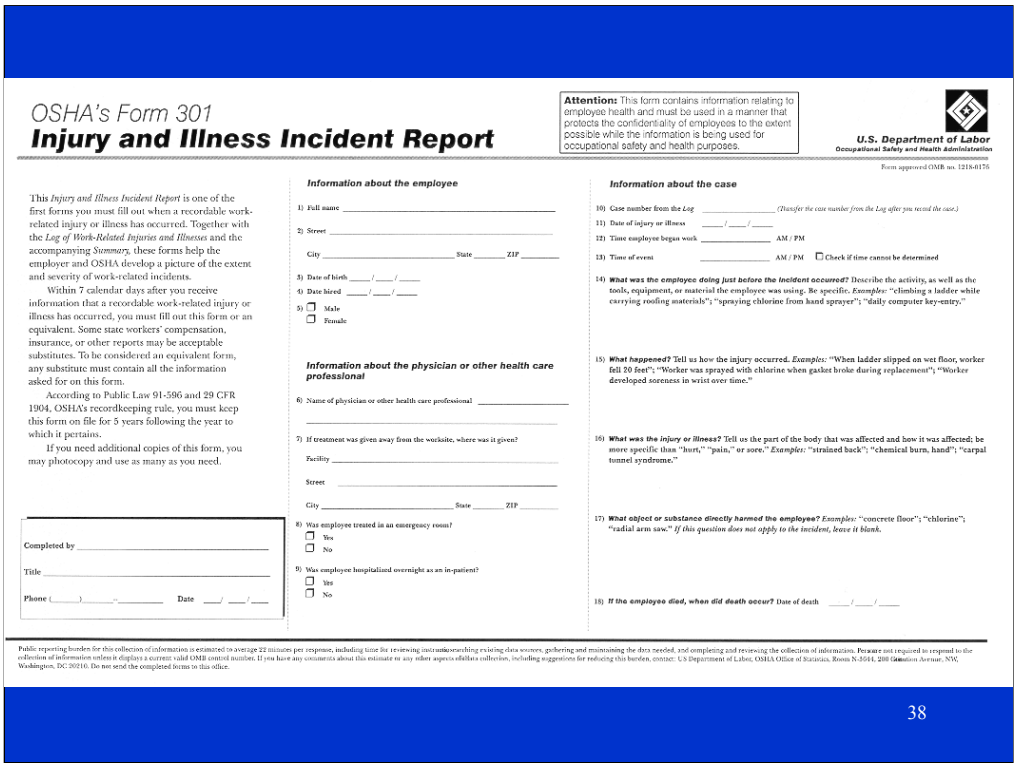
			/ month/day			☐	☐	☐	☐	___ days	___ days	☐	☐	☐	☐	☐	☐
					Page totals	___	___	___	___	___	___	Injury (1)	Skin disorder (2)	Respiratory condition (3)	Poisoning (4)	Hearing loss (5)	All other illnesses (6)

Be sure to transfer these totals to the Summary page (Form 300A) before you post it.

Public reporting burden for this collection of information is estimated to average 14 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.

Page ___ of ___

On the 300 Log, the employer checks one and only one of the outcome columns for each case, the one representing the most serious outcome of the case. If the status of the case changes, then the entry must be changed. For example, if the injured employee is experiencing days away from work, then dies, the employer must remove (or line out) the days away entry and the day count and check the box for a fatality.



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 _____

Title _____

Phone (_____) _____ Date ____/____/____

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 ____/____/____

12) Time employee began work _____ AM / PM

13) Time of event _____ 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."

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 ____/____/____

Public reporting burden for this collection of information is estimated to average 22 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Persons are not required to respond to the collection of information unless it displays a current valid OMB control number. If you have any comments about this estimate or any other aspects of this collection, including suggestions for reducing this burden, contact: U.S. Department of Labor, OSHA Office of Statistics, Room N-3644, 200 Constitution Avenue, NW, Washington, DC 20210. Do not send the completed forms to this office.

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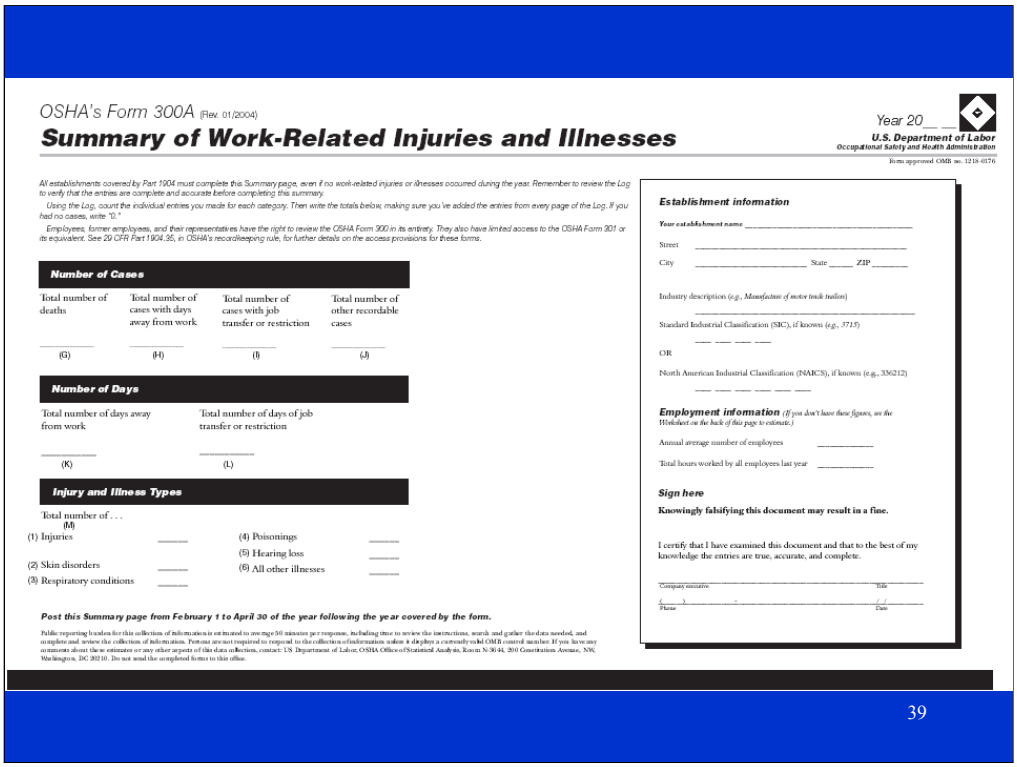
The 301 form captures data on each injury and illness (the length of service, what time the injury occurred, what time the employee started work, etc.).

The questions about how the person was injured or became ill are identical to the BLS survey questions, which makes it easier for employers to complete the survey forms when they receive them.

Many employers use a Worker's Compensation Report, a First Report of Injury or a Company Accident Report as an equivalent form, and they can continue to do this. They just need to make sure that their form includes all of the same data that is found on the 301 form or can be supplemented so that that data is attached to it.



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

Summary of Work-Related Injuries and Illnesses

Year 20__ __

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

Form approved: OMB no. 1218-0176

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)

(1) Injuries
(2) Skin disorders
(3) Respiratory conditions
(4) Poisonings
(5) Hearing loss
(6) All other illnesses

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 _____

(____) ____ - ____ Phone _____ / / Date _____

There is a separate form for the summary, the 300A. This makes it easier to protect the privacy of injured or ill workers.

The form asks for additional data on the average number of employees and hours worked to make it easier to calculate rates.

Incidence rates are the best way to compare an establishment or an individual company's data to the national statistics and to their prior performance.

1904.29 - Forms

- Employers must enter each recordable case on the forms within 7 calendar days of receiving information that a recordable case occurred

The employer is required to record a case within 7 calendar days.

1904.29 - Forms

- 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 as long as they can be produced when they are needed (i.e., meet the access provisions of 1904.35 and 1904.40)

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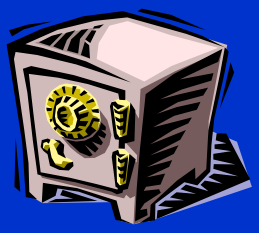
Employers can keep their records on equivalent forms, on a computer, or at a central location provided that they can get information into the system within 7 calendar days after an injury or illness occurs, and they can produce the data at the establishment when required.

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



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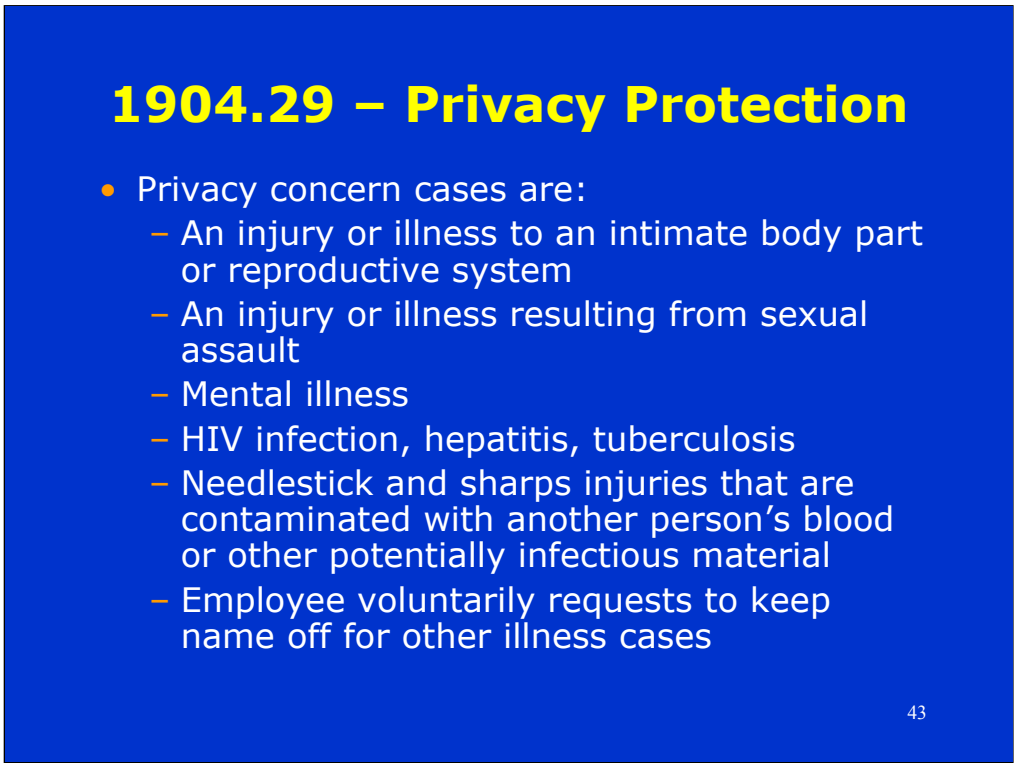
For certain "privacy concern cases," employers must not enter the employee's name on the 300 form. Instead, they are to enter "privacy case."

A separate, confidential list of the employee's names and case numbers must be kept by the employer and provided to an OSHA inspector upon request.



Privacy concern cases are defined very specifically in the rule. Privacy concern cases are:

- an injury or illness to an intimate body part or the reproductive system,

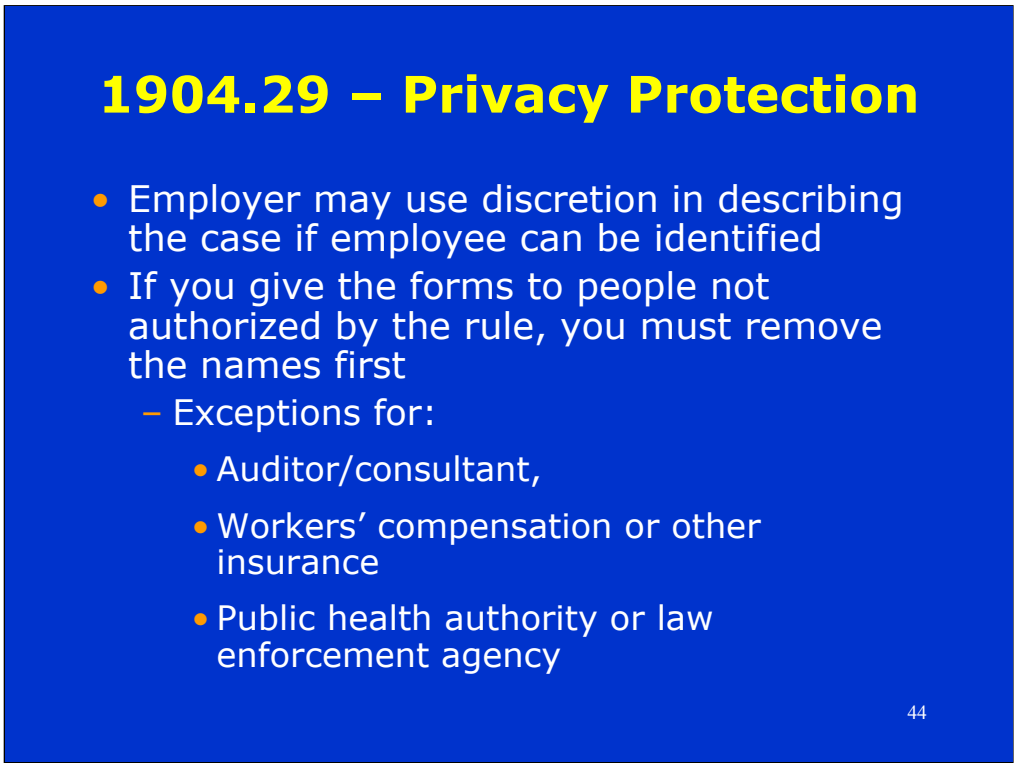
- an injury or illness resulting from sexual assault,

- mental illness,

- HIV infection, hepatitis or tuberculosis,

- needlestick and sharps injuries that are contaminated with another person's blood or other potentially infectious material, or

- illness cases where employees independently and voluntarily request that their names not be entered on the log.



For a privacy concern case, if the employee's identity can still be implied, the employer may use some discretion in describing the case.

The rule requires that enough information be entered to identify the cause and general severity of the incident. For example, a sexual assault can be entered as "assault" or an injury to a reproductive organ can be entered as a "lower abdominal injury." The employer is not required to go into graphic detail in these types of cases.

If the employer gives out the forms to the public, the names must be removed first. There are exceptions for employee access, OSHA access, auditors, insurance, or law enforcement personnel.

Subpart D - Other Requirements

- 1904.30 Multiple business establishments
- 1904.31 Covered employees
- 1904.32 Annual summary
- 1904.33 Retention and updating
- 1904.34 Change of ownership
- 1904.35 Employee involvement
- 1904.36 Discrimination
- 1904.37 State plans
- 1904.38 Variances

Subpart D includes other requirements, telling the employer how to handle multiple business establishments and temporary employees, how to summarize and store the data, what to do if the business is sold, employee involvement, state plans and variances.

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

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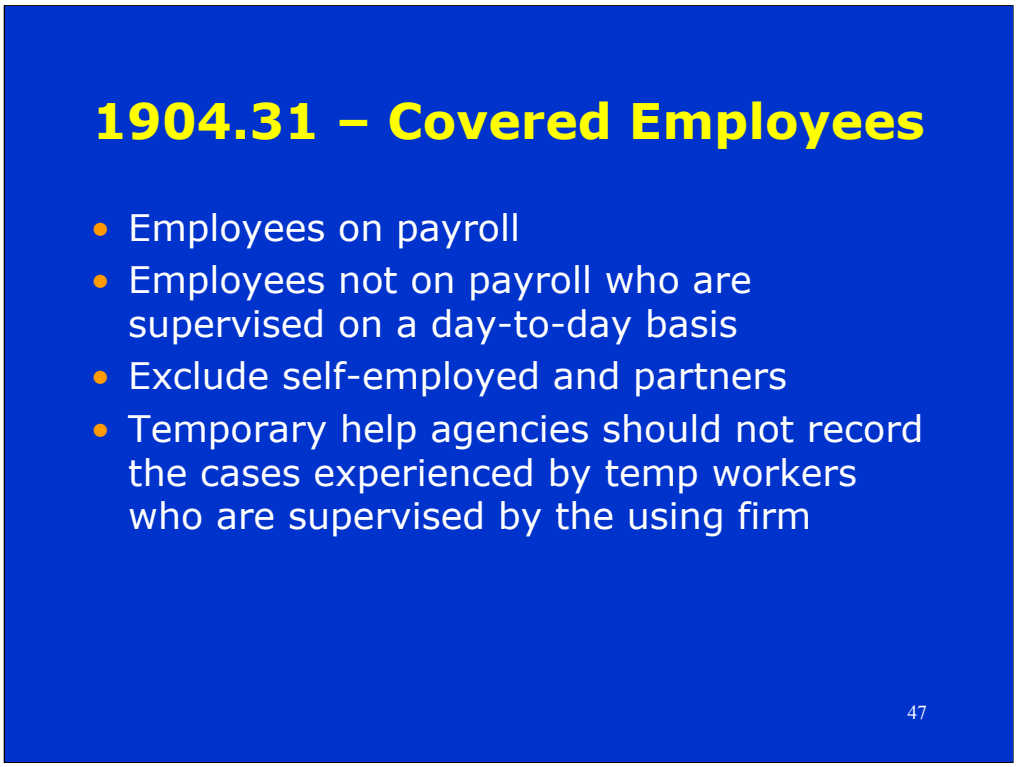
When the employer has more than one establishment, a separate log must be kept for each establishment expected to be in operation for more than a year.

For the short term establishments (those expected to be in operation for less than a year), the employer may keep one log that includes all of the injuries and illnesses at the short term establishments, or keep logs by state or district.

An employer with multiple lines of business may have some exempt and some covered establishments, and each employee must be linked to an establishment for recordkeeping purposes.



Employees on the payroll must be included in the employer's records, unless the company is acting as a temporary help service.

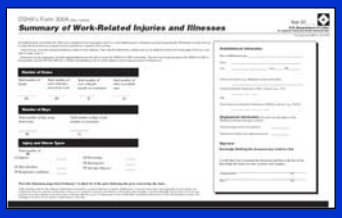
Employees not covered in the OSH Act are also not included in the OSHA records. These include unpaid volunteers, sole proprietors, family members on family farms, domestic workers in residential settings.

Temporary workers will be the employees of the party exercising day-to-day control over them, and the supervising party will record their injuries and illnesses.

The employer and the temporary help service can discuss each case to see who is recording it. We do not want a case to be recorded twice if it can be avoided.

1904.32 – Annual Summary

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



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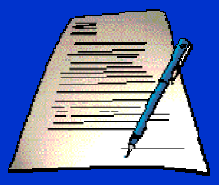
The annual summary requirements lay out a process for completing the end-of-year processing.

The employer must first review the records and correct them if necessary, then complete the form, certify the form, and post it for 3 months.

The form includes data on average employment and hours worked to make it easier to calculate incidence rates. The employer may estimate these figures using the optional worksheet provided in the forms package.

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



The rule requires certification by a company executive to help improve management involvement in the records.

A company executive is narrowly defined as:

- an owner of the company,

- an officer of the corporation

- the highest ranking person at the establishment, or

- his or her boss.

The records must be posted for 3 months.

1904.33 – Retention and Updating

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

The records must be retained for five years.

During the retention period, the employer must update the 300 form to include any cases that are newly discovered or whose status has changed, but does not have to change the summary or the 301 form.

1904.35 – Employee Involvement

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

The rule requires each employer to set up a way for employees to report injuries and illnesses. Employers also must tell each employee how to report. This is a very basic step to make sure employees report cases so they can get into the records.

1904.35 – Employee Involvement

- Must provide limited access to injury and illness records to employees, former employees and their personal and authorized 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

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Employers are also required to provide the records to employees. The 300 Log is available to employees, former employees, or employee representatives by the end of the next business day.

An employee, former employee or personal representative is allowed to receive a copy of his or her own 301 form.

An authorized representative can get 301 information for all the injuries and illnesses at the establishment, but only the information about the injury or illness. That information is provided on the right side of the 301 form.

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

The rule reminds employers about the anti-discrimination provisions of the OSH Act. Employers may not discriminate against an employee for reporting a work-related injury or illness case.

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

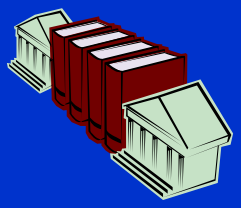
The State Plan States must collect the same information as federal OSHA.

However, the States may have more stringent or supplemental requirements on other matters, such as industry and size exemptions, the reporting of fatalities and catastrophes, and the access provisions.

The State Plan States must cover public sector employees, so in these states records are kept by state and local government agencies.

Subpart E - Reporting Information to the Government

- 1904.39 Fatality and catastrophe reporting
- 1904.40 Access for Government representatives
- 1904.41 OSHA Survey
- 1904.42 BLS Survey



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Subpart E includes the requirements for providing information to the government.

The federal government conducts two surveys of 1904 information – one by OSHA and one by the Bureau of Labor Statistics. If employers receive a form for either survey in the mail, they must complete and return the form using the instructions on the form.

1904.39 – Fatality/Catastrophe Reporting

- Report orally within 8 hours any work-related fatality or incident involving 3 or more in-patient hospitalizations
- 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

Employers must report fatality and catastrophe incidents to OSHA within 8 hours, verbally discussing the case with OSHA. The case can be called in to the local area office or phoned in to 1-800-321-OSHA.

Cases may be recordable but not reportable, for example, a fatality due to a motor vehicle accident on a public highway does not have to be reported within 8 hours, but it is a recordable fatality on the 300 Log.

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

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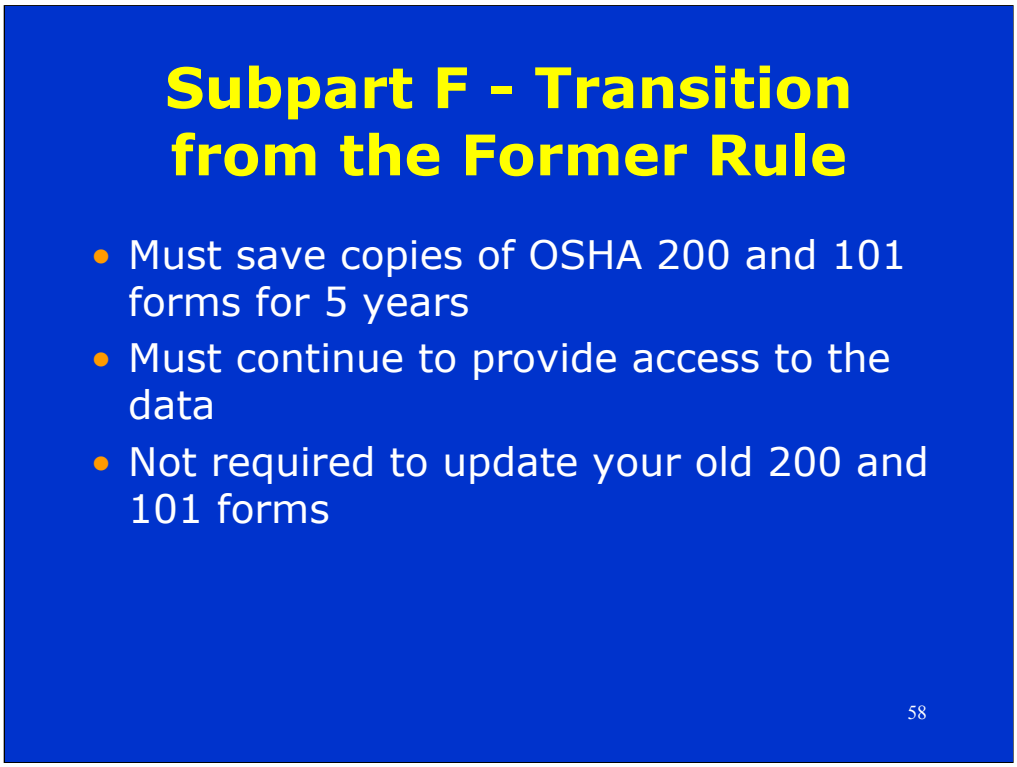
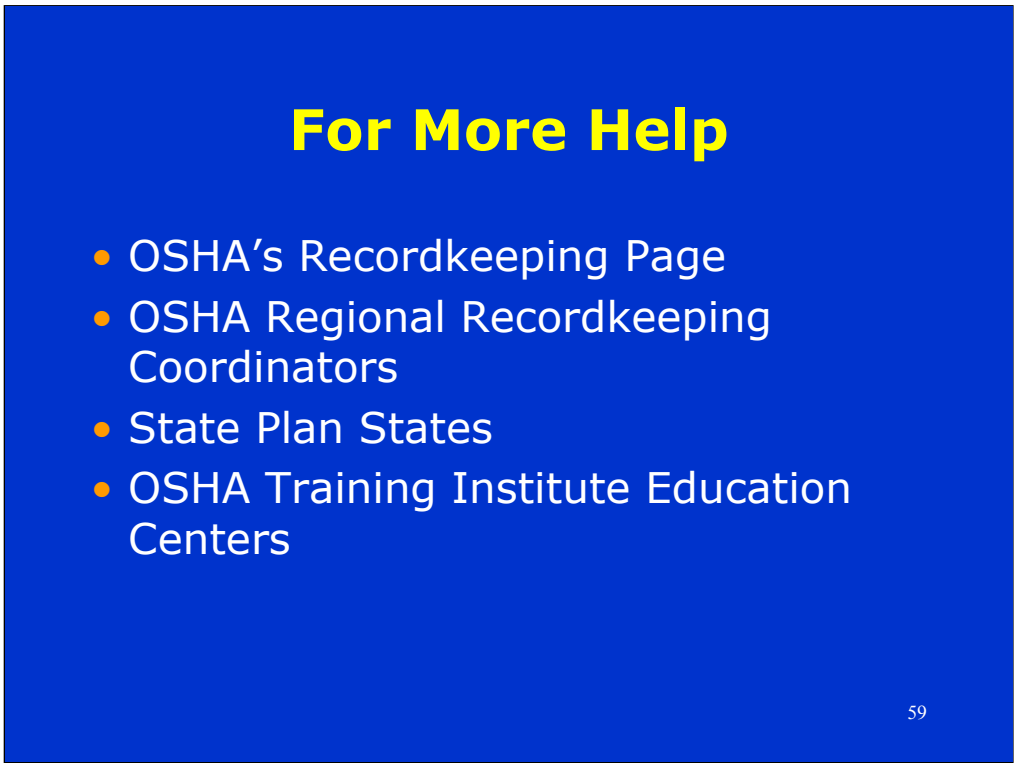
Employers must provide the records within 4 business hours of a request by an OSHA or NIOSH official. If an inspection is in Texas and the records are in New York, use the business hours of New York.



Subpart F tells the employer how to handle data collected under OSHA's old rule. 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.



The best source of current information on OSHA recordkeeping requirements is OSHA's Recordkeeping page. Here you will find regulatory and compliance information, frequently asked questions, forms, contact information and training materials.

You may also contact your OSHA Regional Office or Area Office. Those of you in State Plan States can contact your State Plan Office. There are also State Consultation Programs that can provide recordkeeping information and assistance.

Finally, there are OSHA Training Institute Education Centers located throughout the country (see OSHA's web page). These centers provide training on safety and health topics, including recordkeeping, to employers and employees.