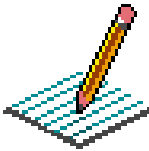


29 CFR PART 1904

Recording and Reporting Occupational Injuries and Illnesses



Jim Maddux

2

Today We Are Going to Discuss

- Who has to keep records
- Where do they have to be kept
- A short review of what makes a case recordable
- The new reporting requirements

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
- List of exempt industries based on BLS statistics from 2007, 2008 & 2009 (lost workday rate less than 75% of the national average)



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**



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 Needle sticks 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



1904.5 – Exceptions

- *Eating, drinking or preparing food or drink for personal consumption*
- Personal tasks outside assigned working hours
- Personal grooming, self medication for non-work-related condition, or intentionally self-inflicted

1904.5 – Exceptions

- 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



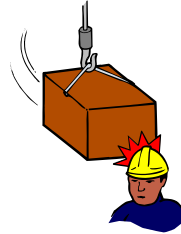
1904.5 – Work at Home

- 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

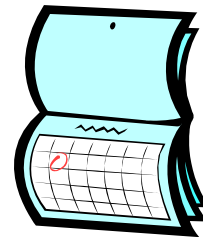
- If there is a medical opinion regarding resolution of a case, the employer must follow that opinion
- If an exposure triggers the recurrence, it is a new case (e.g., asthma, rashes)
- If signs and symptoms recur even in the absence of exposure, it is not a new case (e.g., silicosis, tuberculosis, asbestosis)

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

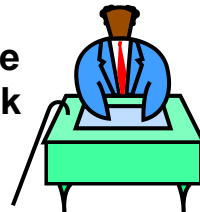


1904.7(b)(3) – Days Away Cases

- 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**
- **This means that using nonprescription drugs at prescription strength is medical treatment**



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

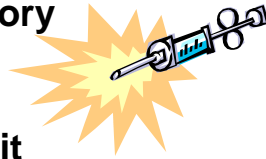


1904.7(b)(7) – General Criteria

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

1904.8 – Bloodborne Pathogens

- Record all work-related needle sticks 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).



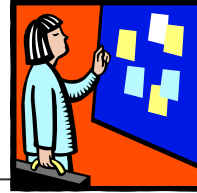
1904.11 - Tuberculosis

- 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



LESSON 3

POSTING



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

36

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



- ✓ Reporting fatalities
- ✓ and hospitalizations
- ✓ 1904.39



1904.39 – Fatality/Catastrophe Reporting

- **Report orally within 8 hours any work-related fatality**
- **Report orally within 24 hours employee incident hospitalization, amputation or loss of an eye.**
- **Must report fatal heart attacks**

1904.39 – Fatality/Catastrophe Reporting

- **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

Report to:

- OSHA (Region 3) 215.861.4900
- MOSH 410.527.4499
- VOSH (Richmond) 804.226.2453
- Online reporting is available at [OSHA.gov](https://www.osha.gov)

1904.41 - On-line Reporting Requirements

- Submit records on the internet
- Only certain industry sectors (appendix A)
- Establishments 20 to 250 employees (beginning in 2017)
 - 300A summary
- Establishments 250 or more employees
 - 300A summary (beginning in 2017)
 - 300 log (beginning in 2018)
 - 301 detailed report (beginning in 2018)

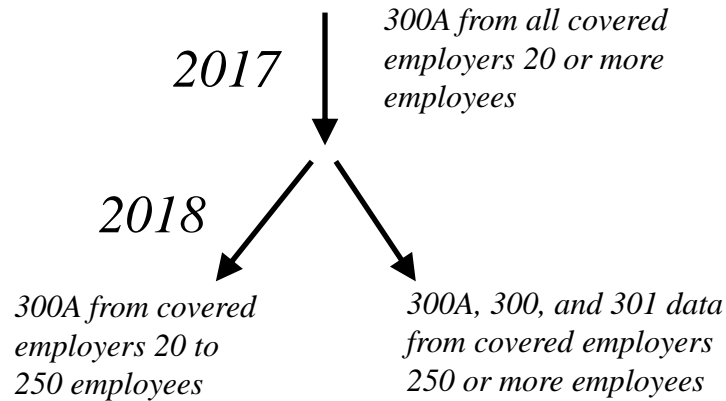
1904.41 - On-line Reporting Requirements for Establishments (250 or More)

- Certain information is not reported
- 300 Log
 - Employee name (column B).
- Form 301 incident report
 - Employee name (field 1)
 - employee address (field 2)
 - name of physician or other health care professional (field 6)
 - Facility name and address if treatment was given away from the worksite (field 7)

1904.41 - On-line Reporting Requirements

- July 1 2017
 - 300A from all covered employers 20 or more employees
- July 1 2018
 - 300A from covered employers 20 to 250 employees
 - 300A, 300, and 301 data from covered employers 250 or more employees
- Submit records by March 2 of each year 2019 and beyond

1904.41 - On-line Reporting Requirements



For More Help

- OSHA's Home Page: www.osha.gov
- OSHA Area Offices
- State Plans and State Consultation



Thanks

- Jmaddux56@gmail.com
- Connect on LinkedIn