OSHA Recordkeeping Requirements
Understanding Some Common Misconceptions

Contact Information

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TRAINING DISCLAIMER

These materials were developed by K & A First Aid, LLC, and are intended to assist employers, workers, and others as they strive to improve workplace health and safety. While we attempt to thoroughly address specific topics, it is not possible to include discussion of everything necessary to ensure a healthy and safe working environment in a presentation of this nature. Thus, this information must be understood as a tool for addressing workplace hazards, rather than an exhaustive statement of an employer’s legal obligations, which are defined by statute, regulations, and standards. Likewise, to the extent that this information references practices or procedures that may enhance health or safety, but which are not required by a statute, regulation, or standard, it cannot, and does not, create additional legal obligations. Finally, over time, regulators may modify rules and interpretations in light of new technology, information, or circumstances; to keep apprised of such developments, or to review information on a wide range of occupational safety and health topics, you can visit regulatory web sites such as the Department of Transportation at www.dot.gov or OSHA's website at www.osha.gov.

Agenda

› Who are you responsible for?
› Definitions
› First Aid vs. Medical Treatment
› Days Away? Restricted? Other?
› Injury vs. Illness
› What is recordable?
› Paperwork
› Optional Topics (time dependent)
   ◦ Open Forum Questions
   ◦ Special Circumstances as defined by OSHA)
Self Introduction

- Name (what do you want to be called?)
- Title
- Where you work (not DC Water 😊)
- Self Assessment of OSHA Standards (1 – 10)
- Why are you here?
- What do you want to get out of this class?
- Interesting fact that the person next to you does not know.

Bruce Donato

- Chemical Engineer
- Worked in
  - Chemical industry
  - Textiles
  - R&D, Tech Services
  - Hazardous Waste
  - Shipping
  - Biotech
  - Construction
  - Safety
- CSP, CHMM, CECD

- Officer in 6 Associations
- BSA/GSA
- ARC/AHA/ASHI
- Wilderness Activities
- Married over 30 years
- 2 children (1 married)
OSHA RECORDKEEPING REQUIREMENTS

Who are you responsible for?

- Employees on payroll
- Employees not on payroll who are supervised on a day-to-day basis
- Temporary help agencies should not record the cases experienced by temp workers who are supervised by the using firm
You are required to record injuries if the contract employee is under your direct supervision!

Definitions/Rules

- Establishments
- First aid/Medical treatment
- Days away case
- Restricted work case
- Job transfer
- Injury vs. illness
- Pre-existing condition
- How to count days
Establishments

A physical location where business is conducted or where services or operations are performed.

Distinctly different activities at the same physical location should be treated as separate establishments.

1st AID

- Using nonprescription medication at nonprescription strength
- Tetanus immunizations
- Cleaning, flushing, or soaking surface wounds
- Wound coverings, butterfly bandages, Steri-Strips
1st AID

- Hot or cold therapy
- Non-rigid means of support
- Temporary immobilization device used to transport accident victims
- Drilling of fingernail or toenail, draining fluid from blister
- Eye patches

1st AID

- 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
1st AID

- Finger guards
- Massages
- Drinking fluids for relief of heat stress

Medical treatment

- 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
If an injury is not First Aid or Diagnostic, then it is Medical Treatment

Days away case

- 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
Days away case

- 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
Restricted work case

- Not workday
- 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

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
Injury vs. Illness

An injury or illness is an abnormal condition or disorder.

Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation.

Illnesses include both acute and chronic illnesses, such as, but not limited to, a skin disease, respiratory disorder, or poisoning.

Pre-existing condition

- 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
WHAT IS RECORDABLE?

- 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.

WHAT IS RECORDABLE?

- Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment.
WHAT IS RECORDABLE? (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 a case is new if:
  - 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
WHAT IS RECORDABLE? (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)

WHAT IS RECORDABLE? (Exemptions)

- 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
WHAT IS RECORDABLE? (Exemptions)

- 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

WHAT IS RECORDABLE? (Exemptions)

- 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
**OSHA's Form 301**

**Injury and Illness Incident Report**

This incident and illness incident report is one of the few times you may have to file out a reportable work-related injury or illness that has occurred. Together with the list of forms (Form 300A, 300, and A) and the record of cases and were filled, this information helps to keep record of work-related accidents.

Within two weeks, after the injury or illness has occurred, you must fill out this form or an equivalent, document, work-related compensation, insurance, or other reports, as acceptable substitute. This considered as equivalent form, any substance contains all the information added for on the form.

According to Public Law 91-59, 29CFR 1901.200(a), OSHA's record-keeping rule, you must keep this form for at least 5 years following the year in which the injury occurs. If you need additional copies of this form, you may photocopy and use as many as you need.

<table>
<thead>
<tr>
<th>Information about the employee</th>
<th>Information about the case</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Name of the employee</td>
<td>(11) Who was the employee?</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) Name of the employer</td>
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<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(12) Was the injury or illness new?</td>
</tr>
<tr>
<td></td>
<td>(b) Address of employer</td>
</tr>
</tbody>
</table>

**Information about the physician or other healthcare professional**

- Name of physician or other healthcare professional
- Date of last visit
- Date of latest physical examination
- Date of last checkup

**OSHA's Form 300A**

**Summary of Work-Related Injuries and Illnesses**

Year: 201__

<table>
<thead>
<tr>
<th>Number of Cases</th>
<th>Total number of cases with days away from work</th>
<th>Total number of cases with restricted work or transfer restrictions</th>
<th>Total number of cases with job-related illnesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>(9)</td>
<td></td>
<td></td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of Days</th>
<th>Total number of days away from work</th>
<th>Total number of days with restricted work or transfer restrictions</th>
</tr>
</thead>
<tbody>
<tr>
<td>(10)</td>
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</tbody>
</table>

**Injury and Illness Types**

<table>
<thead>
<tr>
<th>Total number of...</th>
<th>(1) Severe injuries</th>
<th>(2) Permanent injuries</th>
<th>(3) Hearing loss</th>
<th>(4) Non-malignant</th>
<th>(5) Respiratory conditions</th>
<th>(6) All other illnesses</th>
</tr>
</thead>
<tbody>
<tr>
<td>(11)</td>
<td></td>
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</tr>
</tbody>
</table>

Part this Summary page from February 1 to April 30 of the year following the year covered by the form.
Incident Rates

- Based on 200,000 hours
- Assumes 2,000 hour work year/employee
- Rate assumes 100 employees

Incident Rates

To calculate

Total number of recordables \times 200,000

Total hours worked

Calculate rate for:
150 employees average 5% OT
10 recordables

\[
10 \times 200,000 = 2,000,000 \\
150 \times 1.05 \times 2,000 = 315,000 \\
2,000,000 + 315,000 = 6.35
\]
Optional Topics
(time permitting)

Open Forum Questions
Special Cases as Defined by OSHA

1904.7(b)(6) – Loss of Consciousness

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

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

- 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.
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

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
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

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
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

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
1904.32 – 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

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
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

1904.30 – 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
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

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
1904.5 – 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
  - are directly related to the performance of work rather than the general home environment
PARKING LOTS/EXERCISE ROOMS, REC. CLUBS

- Motor vehicle accident in parking lot/access road during commute
- Voluntary participation in wellness program, medical, fitness or recreational activity

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
Contact Information

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