**OSHA RECORDKEEPING**

**What do you need to know?**

Mike Marr  
Safety Consultant  
BWC, Division of Safety & Hygiene

**BWC or OSHA?**

You cannot determine one based on the other!

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### Who is Required to Keep Logs?

- Employers with 11 or more employees in the previous calendar year.
- Employers in certain service industries are partially exempt.
- Employer requested to keep logs by OSHA or the BLS.

#### Non-Mandatory Appendix A to Subpart B — Partially Exempt Industries 2015

Employers are not required to keep OSHA injury and illness records for any establishment classified in the following North American Industry Classification System (NAICS), unless they are asked in writing to do so by OSHA, the Bureau of Labor Statistics (BLS), or a state agency operating under the authority of OSHA or the BLS. All employers, including those partially exempted by reason of company size or industry classification, must report to OSHA any workplace incident that results in a fatality, in-patient hospitalization, amputation, or loss of an eye (see §1904.39).

<table>
<thead>
<tr>
<th>NAICS Code</th>
<th>Industry Description</th>
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<tr>
<td>4412</td>
<td>Other Motor Vehicle Dealers</td>
<td>5411</td>
<td>Legal Services</td>
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<td>4431</td>
<td>Electronics and Appliance Stores</td>
<td>5412</td>
<td>Health and Personal Care Services</td>
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<td>4461</td>
<td>Communication, Fax, Telephone, Internet Services</td>
<td>5413</td>
<td>Specialized Design Services</td>
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<td>4471</td>
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<td>5416</td>
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<td>Scientific Research and Development Services</td>
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<td>Jewelry Stores</td>
<td>5418</td>
<td>Advertising and Related Services</td>
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<td>4483</td>
<td>Jewelry Stores</td>
<td>5419</td>
<td>Management of Companies and Enterprises</td>
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<td>Rental and Leasing</td>
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<td>Travel Arrangement and Reservation Services</td>
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<td>5447</td>
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Chart 1. The decision tree for recording work-related injuries and illnesses.

- Did the employee experience an injury or illness?
  - No
  - Yes
    - Is the injury or illness work-related?
      - No
      - Yes
        - Is the injury or illness a new case?
          - No
          - Yes
            - Update the previously recorded injury or illness entry if necessary.
        - Yes
          - Does the injury or illness meet the general recording criteria or the application to specific cases?
            - No
            - Yes
              - Record the injury or illness

When To Log?
- Work Related
- New Case
- Death
- Days Away
- Restricted days/Transfer
- Medical Treatment beyond first aid
- Loss of consciousness
- Needle sticks and sharps, tuberculosis, hearing loss, medical removal cases
### Medical Treatment
- Defined as - means the management and care of a patient to combat disease or disorder.
- Does not include:
  - Visit to physician or other medical professional solely for observation or counseling.
  - When diagnostic procedures, such as x-rays and blood tests, including prescription medication used solely for diagnostics.

### First-Aid Treatment
- Using wound coverings such as bandages, band-aids, gauze pads, etc.; or using butterfly bandages or steri-strips. (Sutures and staples, etc. used to close wounds are recordable.)
- Using Hot or Cold therapy.
- Using non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc. (Rigid devices used to immobilize are considered medical treatment.)
First-Aid Treatment

- Use of finger guards.
- Using massages (physical therapy and chiropractic treatment are considered medical treatment.)
- Drinking fluids for relief of heat stress.

2015 Reporting Requirements

- Changes to partially exempt industries.
- All fatalities – Report within 8 hours.
- Work related inpatient hospitalization (1+ employee), amputation, all loss of an eye within 24 hours.

Partially Exempt Industries

- OSHA switched from SIC to NAICS
- Still have to report fatalities, hospitalizations, amputation and loss of eye to OSHA
- Still have to provide information/and or keep records if requested from OSHA

Fatalities

- 8 hour report to OSHA
- Occur within 30 days of the work related incident
- Same as the current regulation

Hospitalization

- Definition – a formal admission to the in-patient service of a hospital or clinic for care or treatment (Not for observation or diagnostic testing)
- Admission with in 24 hour of the work-related incident
- REPORT within 24 HOURS

Amputation

- Definition – the traumatic loss of a limb or other external body part. Amputations include a part, such as a limb or appendage, that has been severed, cut off, amputated (either completely or partially), fingertip amputation with or without bone loss, medical amputation resulting from irreparable damage, amputation of body parts that have been attached,
Amputation – DO NOT INCLUDE
- Avulsions – layers or skin torn away exposing underlying structure
- Enucleations – eye popping out
- Deglovings – loosing the skin
- Scalping – loosing the hair or scalp
- Severed ears
- Broken or chipped teeth

Amputation
- Amputate with in 24 hour of the work-related incident
- REPORT within 24 HOURS

Loss of an eye
- Lose eye with in 24 hour of the work-related incident
- REPORT within 24 HOURS
- Does not include Enucleation –(eye popping out)

How to Report to OSHA
- Call OSHA’s  free and confidential number 1-800-321-OSHA (6742)
- Call your closest OSHA Area office during normal business hours
- Use “NEW” online form

2017 Reporting Requirements
- Provisions call for employers to electronically submit injury and illness data.
- Why is OSHA issuing this rule?
- What does the rule require?
- How will electronic submission work?
- Anti-retaliation protections required.
- Compliance schedule.

Why is OSHA issuing this rule?
- Will improve safety for workers across the country.
- Behavioral economics tells us that making injury information publicly available will “nudge” employers to focus on safety.
- More attention to safety will save the lives and limbs of many workers, and will ultimately help the employer’s bottom line as well.
- This regulation will improve the accuracy of this data by ensuring that workers will not fear retaliation for reporting injuries or illnesses.
What does the rule require?

- Requires certain employers to electronically submit injury and illness data that they are already required to record on their onsite OSHA Injury and Illness forms.
- Will enable OSHA to use its enforcement and compliance assistance resources more efficiently.
- Will encourage employers to improve workplace safety and provide valuable information to workers, job seekers, customers, researchers and the general public.

How will electronic submission work?

- OSHA will provide a secure website that offers three options for data submission.
- Users will be able to manually enter data into a web form.
- Users will be able to upload a CSV file to process single or multiple establishments at the same time.
- Users of automated recordkeeping systems will have the ability to transmit data electronically via an API (application programming interface).

(The site is scheduled to go live in February 2017.)

Anti-retaliation protections

- The rule also prohibits employers from discouraging workers from reporting an injury or illness.
- Requires employers to inform employees of their right to report work-related injuries and illnesses free from retaliation, which can be satisfied by posting the already-required OSHA workplace poster.
- Clarifies the existing requirement that an employer’s procedure for reporting work-related injuries and illnesses must be reasonable and not deter or discourage employees from reporting; and incorporates the prohibition on retaliating.
- Drug testing Questions

(These provisions become effective August 10, 2016, but OSHA has delayed their enforcement until Dec. 1, 2016.)

Compliance Schedule

The new reporting requirements will be phased in over two years:

- Establishments with **250** or more employees in industries covered by the recordkeeping regulation;
  - Must submit information from their 2016 Form 300A by July 1, 2017.
  - These same employers will be required to submit information from all 2017 forms (300A, 300, and 301) by July 1, 2018.
  - Beginning in 2019 and every year thereafter, the information must be submitted by March 2.

- Establishments with **20-249** employees in certain high-risk industries must submit information from their 2016 Form 300A by July 1, 2017.
- Their 2017 Form 300A by July 1, 2018.
- Beginning in 2019 and every year thereafter, the information must be submitted by March 2.

(OSHA State Plan states must adopt requirements that are substantially identical to the requirements in this final rule within 6 months after publication of this final rule.)

QUESTIONS??????