

OSHA Recordkeeping

Effective January 1, 2015, The Occupational Safety and Health Administration (OSHA) has expanded its requirement for reporting fatalities and severe injuries, and updated the list of industries exempt from recordkeeping requirements. The rule requires all employers to notify OSHA when an employee is killed on the job or suffers a work-related hospitalization, amputation or loss of an eye and updates the list of employers partially exempt from OSHA recordkeeping requirements.



Updates to OSHA's Reporting and Recordkeeping Rule: An Overview

First, the rule updates the list of industries that are exempt from the requirement to routinely keep OSHA injury and illness records due to relatively low occupational injury and illness rates. The previous list of industries was based on the old Standard Industrial Classification (SIC) system and injury and illness data from the Bureau of Labor Statistics (BLS) from 1996-1998. The new list of industries that are exempt from routinely keeping OSHA injury and illness records is based on the North American Industry Classification System (NAICS) and injury and illness data from the Bureau of Labor Statistics (BLS) from 2007- 2009.

Note: The new rule retains the exemption for any establishment with ten or fewer employees, regardless of their industry classification, from the requirement to routinely keep records.

Second, the rule expands the list of severe work-related injuries and illnesses that all covered employers must report to OSHA. The revised rule retains the current requirement to report all fatalities within 8 hours and adds the requirement to report all inpatient hospitalizations, amputations, and loss of an eye within 24 hours to OSHA.

The final rule will allow OSHA to focus its efforts more effectively to prevent fatalities and severe work-related injuries and illnesses. The final rule will also improve access by employers, employees, researchers, and the public to information about

workplace safety and health and increase their ability to identify and abate serious hazards.

Changes to reporting requirements: What needs to be reported to OSHA?

OSHA's updated recordkeeping rule expands the list of severe injuries and illnesses that employers must report to OSHA.

As of January 1, 2015, all employers must report:

- All work-related fatalities within 8 hours.
- All work-related inpatient hospitalizations, all amputations, and all losses of an eye within 24 hours.

You can report to OSHA by:

- Calling OSHA's free and confidential 24-hour hotline at 1-800-321-OSHA (6742);
- Calling your closest OSHA Area Office during normal business hours; or
- Using the new online form at <https://www.osha.gov/pls/ser/serform.html>.

When reporting, be prepared to supply: Business name; names of employees affected; location and time of the incident, brief description of the incident; contact person and phone number.

Only fatalities occurring within 30 days of the work-related incident must be reported to OSHA. Further, for an inpatient hospitalization, amputation, or loss of an eye, these incidents must be reported to OSHA only if they occur within 24 hours of the work-related incident.

Changes to recording requirements: Who is required to keep records?

OSHA regulations require certain employers to routinely keep records of serious employee injuries and illnesses. However, there are two classes of employers that are partially exempt from routinely keeping records.

First, employers with ten or fewer employees at all times during the previous calendar year are exempt from routinely keeping OSHA injury and illness records. OSHA's revised recordkeeping regulation maintains this exemption.

Second, establishments in certain low-hazard industries are exempt from routinely keeping OSHA injury and illness records. Since 1982, this list has included establishments in the divisions of retail trade; finance, insurance and real estate; and the service industry if the three-year average lost workday case rate for their major industry group was 75 percent less than the overall three-year average of the lost workday case rate for private industry.

OSHA's revised recordkeeping regulation provides an updated list of low-hazard industries that are exempt from routinely keeping OSHA injury and illness records. The new list of exempt industries is now classified by the North American Industry Classification System (NAICS), which is the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. The injury and illness rate threshold for an exemption is based on more recent BLS data.

To find out if you are required to prepare and maintain records under the updated rule, first determine your NAICS code by:

1. Using the search feature at the U.S. Census Bureau NAICS main webpage:
www.census.gov/eos/www/naics
 - i. In the search box for the most recent NAICS, enter a keyword that describes your business.
 - ii. Choose the primary business activity that most closely corresponds to you, or refine your search to get more choices.
2. Viewing the most recent complete NAICS tables on the U.S. Census Bureau NAICS main webpage:
www.census.gov/eos/www/naics
 - i. Select the two-digit sector code and choose a six-digit industry code to read its definition.
3. Using an old Standard Industrial Classification (SIC) code to find your NAICS code using the detailed conversion tables on the U.S. Census Bureau Concordances page:
www.census.gov/eos/www/naics/concordances/concordances.html
4. Contacting your nearest OSHA office or state agency for help.

Once you have found your NAICS code, you can use Table 1 to determine if your industry is exempt from the recordkeeping rule.

NOTE: Establishments of companies with 10 or fewer employees at all times in the previous year continue to be exempt from keeping OSHA injury and illness records, regardless of their industry classification. The partial exemption for size is based on the number of employees in the entire company.

What Forms Do I Need to Complete?

The OSHA injury and illness recordkeeping forms are:

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

Employers must fill out the Log and the Incident Report only if a recordable work-related injury or illness has occurred. Employers must fill out and post the Summary annually, even if no recordable work-related injuries or illnesses occurred during the year.

In place of the OSHA forms, employers may also use equivalent forms (forms that have the same information, are as readable and understandable, and are completed using the same instructions as the OSHA forms they replace). Many employers use an insurance form instead of the Incident Report, or supplement an insurance form by adding information required by OSHA.

Updates to OSHA's Reporting and Recordkeeping Rule: Reporting Fatalities and Severe Injuries

What Am I Required to Report Under the New Rule?

Previously, employers had to report the following to OSHA:

- All work-related fatalities
- Work-related hospitalizations of three or more employees

As of 2015, employers must to report the following to OSHA:

- All work-related fatalities
- All work-related inpatient hospitalizations of one or more employees
- All work-related amputations
- All work-related losses of an eye

Who Is Covered Under the New Rule?

All employers under OSHA jurisdiction must report all work-related fatalities, hospitalizations, amputations, and losses of an eye to OSHA, even employers who are exempt from routinely keeping OSHA injury and illness records due to company size or industry.

An amputation is defined as 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 amputations with or without bone loss; medical amputations resulting from irreparable damage; and amputations of body parts that have since been reattached.

How Soon Must I Report a Fatality or Severe Injury or Illness?

Employers must report work-related fatalities within 8 hours of finding out about them.

What Information Do I Need to Report?

For any fatality that occurs within 30 days of a work-related incident, employers must report the event within 8 hours of finding out about it. For any inpatient hospitalization, amputation, or eye loss that occurs within 24 hours of a work-related incident, employers must report the event within 24 hours of learning about it.

Employers reporting a fatality, inpatient hospitalization, amputation or loss of an eye to OSHA must report the following information:

- Establishment name
- Location of the work-related incident
- Time of the work-related incident
- Type of reportable event (i.e., fatality, inpatient hospitalization, amputation or loss of an eye)
- Number of employees who suffered the event
- Names of the employees who suffered the event
- Contact person and his or her phone number
- Brief description of the work-related incident

Employers do *not* have to report an event if it:

- Resulted from a motor vehicle accident on a public street or highway. However, employers must report the event if it happened in a construction work zone.
- Occurred on a commercial or public transportation system (airplane, subway, bus, ferry, streetcar, light rail, train).

- Occurred more than 30 days after the work-related incident in the case of a fatality or more than 24 hours after the work-related incident in the case of an inpatient hospitalization, amputation, or loss of an eye.

Employers do not have to report an inpatient hospitalization if it was for diagnostic testing or observation only. An inpatient hospitalization is defined as a formal admission to the inpatient service of a hospital or clinic for care or treatment.

Employers *do* have to report an inpatient hospitalization due to a heart attack, if the heart attack resulted from a work-related incident.

For more information on safety topics see the Service Lloyds website. In Risk Control's Training Materials section, we have additional resources including:

- Safety Supervisor Training – Toolbox Talk
- Accident Investigation
- Safety Meetings
- Risk Control Plan – Sample Safety Program

Remember to practice Safety; don't learn it by accident.

Table 1: New List of Partially Exempt Industries

NAICS Code and Industry Description

| | | | | | | | |
|------|--|------|---|------|--|------|---|
| 4412 | Other Motor Vehicle Dealers | 5151 | Radio and Television Broadcasting | 5412 | Accounting, Tax Preparation, Bookkeeping, and Payroll Services | 6213 | Offices of Other Health Practitioners |
| 4431 | Electronics and Appliance Stores | 5172 | Wireless Telecommunications Carriers (except Satellite) | 5413 | Architectural, Engineering, and Related Services | 6214 | Outpatient Care Centers |
| 4461 | Health and Personal Care Stores | 5173 | Telecommunications Resellers | 5414 | Specialized Design Services | 6215 | Medical and Diagnostic Laboratories |
| 4471 | Gasoline Stations | 5179 | Other Telecommunications | 5415 | Computer Systems Design and Related Services | 6244 | Child Day Care Services |
| 4481 | Clothing Stores | 5181 | Internet Service Providers and Web Search Portals | 5416 | Management, Scientific, and Technical Consulting Services | 7114 | Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures |
| 4482 | Shoe Stores | 5182 | Data Processing, Hosting, and Related Services | 5417 | Scientific Research and Development Services | 7115 | Independent Artists, Writers, and Performers |
| 4483 | Jewelry, Luggage, and Leather Goods Stores | 5191 | Other Information Services | 5418 | Advertising and Related Services | 7213 | Rooming and Boarding Houses |
| 4511 | Sporting Goods, Hobby, and Musical Instrument Stores | 5211 | Monetary Authorities - Central Bank | 5511 | Management of Companies and Enterprises | 7221 | Full-Service Restaurants |
| 4512 | Book, Periodical, and Music Stores | 5221 | Depository Credit Intermediation | 5611 | Office Administrative Services | 7222 | Limited-Service Eating Places |
| 4531 | Florists | 5222 | Nondepository Credit Intermediation | 5614 | Business Support Services | 7224 | Drinking Places (Alcoholic Beverages) |

| | | | | | | | |
|------|---|------|--|------|---|------|---|
| 4532 | Office Supplies, Stationery, and Gift Stores | 5223 | Activities Related to Credit Intermediation | 5615 | Travel Arrangement and Reservation Services | 8112 | Electronic and Precision Equipment Repair and Maintenance |
| 4812 | Nonscheduled Air Transportation | 5231 | Securities and Commodity Contracts Intermediation and Brokerage | 5616 | Investigation and Security Services | 8114 | Personal and Household Goods Repair and Maintenance |
| 4861 | Pipeline Transportation of Crude Oil | 5232 | Securities and Commodity Exchanges | 6111 | Elementary and Secondary Schools | 8121 | Personal Care Services |
| 4862 | Pipeline Transportation of Natural Gas | 5239 | Other Financial Investment Activities | 6112 | Junior Colleges | 8122 | Death Care Services |
| 4869 | Other Pipeline Transportation | 5241 | Insurance Carriers | 6113 | Colleges, Universities, and Professional Schools | 8131 | Religious Organizations |
| 4879 | Scenic and Sightseeing Transportation, Other | 5242 | Agencies, Brokerages, and Other Insurance Related Activities | 6114 | Business Schools and Computer and Management Training | 8132 | Grantmaking and Giving Services |
| 4885 | Freight Transportation Arrangement | 5251 | Insurance and Employee Benefit Funds | 6115 | Technical and Trade Schools | 8133 | Social Advocacy Organizations |
| 5111 | Newspaper, Periodical, Book, and Directory Publishers | 5259 | Other Investment Pools and Funds | 6116 | Other Schools and Instruction | 8134 | Civic and Social Organizations |
| 5112 | Software Publishers | 5312 | Offices of Real Estate Agents and Brokers | 6117 | Educational Support Services | 8139 | Business, Professional, Labor, Political, and Similar Organizations |
| 5121 | Motion Picture and Video Industries | 5331 | Lessors of Nonfinancial Intangible Assets (except Copyrighted Works) | 6211 | Offices of Physicians | | |
| 5122 | Sound Recording Industries | 5411 | Legal Services | 6212 | Offices of Dentists | | |

Table 2: Industries That Include Establishments Newly Required to Keep Records

| NAICS Code | Title of NAICS Code |
|-------------------|--|
| 3118 | Bakeries and tortilla manufacturing |
| 4411 | Automobile dealers |
| 4413 | Automotive parts, accessories, and tire stores |
| 4441 | Building material and supplies dealers |
| 4452 | Specialty food stores |
| 4453 | Beer, wine, and liquor stores |
| 4539 | Other miscellaneous store retailers |
| 4543 | Direct selling establishments |
| 5311 | Lessors of real estate |
| 5313 | Activities related to real estate |
| 5322 | Consumer goods rental |
| 5324 | Commercial and industrial machinery and equipment rental and leasing |
| 5419 | Other professional, scientific, and technical services |
| 5612 | Facilities support services |
| 5617 | Services to buildings and dwellings |
| 5619 | Other support services |
| 6219 | Other ambulatory health care services |
| 6241 | Individual and family services |
| 6242 | Community food and housing, and emergency and other relief services |
| 7111 | Performing arts companies |
| 7113 | Promoters of performing arts, sports, and similar events |
| 7121 | Museums, historical sites, and similar institutions |
| 7139 | Other amusement and recreation industries |
| 7223 | Special food services |
| 8129 | Other personal services |