



MASSACHUSETTS DEPARTMENT OF LABOR STANDARDS ON-SITE CONSULTATION PROGRAM

29 CFR PART 1904 **RECORDING AND REPORTING** **OCCUPATIONAL INJURIES AND ILLNESSES**



Revised 9/2025

FULL DISCLAIMER

These materials were developed by OSHA's Office of Training and Education and can be found on OSHA.gov recordkeeping web page. The purpose of this PowerPoint is 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, OSHA 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 OSHA's website at www.osha.gov.

ADDITIONAL INFORMATION

- OSHA's Recordkeeping Page
 - <https://www.osha.gov/recordkeeping>
- MA On-Site Consultation Program
 - 508-616-0461 (Press Option #2)
 - E-mail: MA-OSHAConsultation@mass.gov
 - <https://www.mass.gov/on-site-consultation-program>
- OSHA Training Institute Education Centers
 - <https://oshaedne.com/>

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 the MA On-Site Consultation Program that can provide recordkeeping information and assistance.

Finally, the OSHA Training Institute Education Center that Keene State College operates covers the New England region. This center provide training on safety and health topics, including recordkeeping, to employers and employees.

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



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.

PURPOSE (OF THE RULE)

- To require employers to record and report work-related fatalities, injuries and illnesses
 - Note: Recording or reporting a work-related injury, illness, or fatality does not mean the employer or employee was at fault, an OSHA rule has been violated, or that the employee is eligible for workers' compensation or other benefits.
- OSHA injury and illness recordkeeping and Workers' Compensation are independent of each other

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



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 7.5 million U.S. establishments, about 1.5 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, amputations, the loss of an eye, or the in-patient hospitalization of one or more employees
 - 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)

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 work-related fatalities to OSHA within 8 hours of learning of the incident. Work-related amputations, loss of an eye , or the in-patient hospitalization of one or more employees must be reported to OSHA within 24 hours of learning of the incident. Partially exempt employers may need to keep injury and illness records when the government asks them to do so.

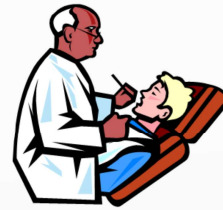
1904.1 – SIZE EXEMPTION

- 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

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, utilities and wholesale trade sectors **are covered**
- In the transportation, retail and service sectors, some industries are partially exempt
- Appendix A to Subpart B lists partially exempt industries



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 transportation, retail and service industries were chosen by comparing the Days Away, Restricted Work Activity and Job Transfer (DART) injury and illness experience of the industry with the national average. If the industry's DART 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 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

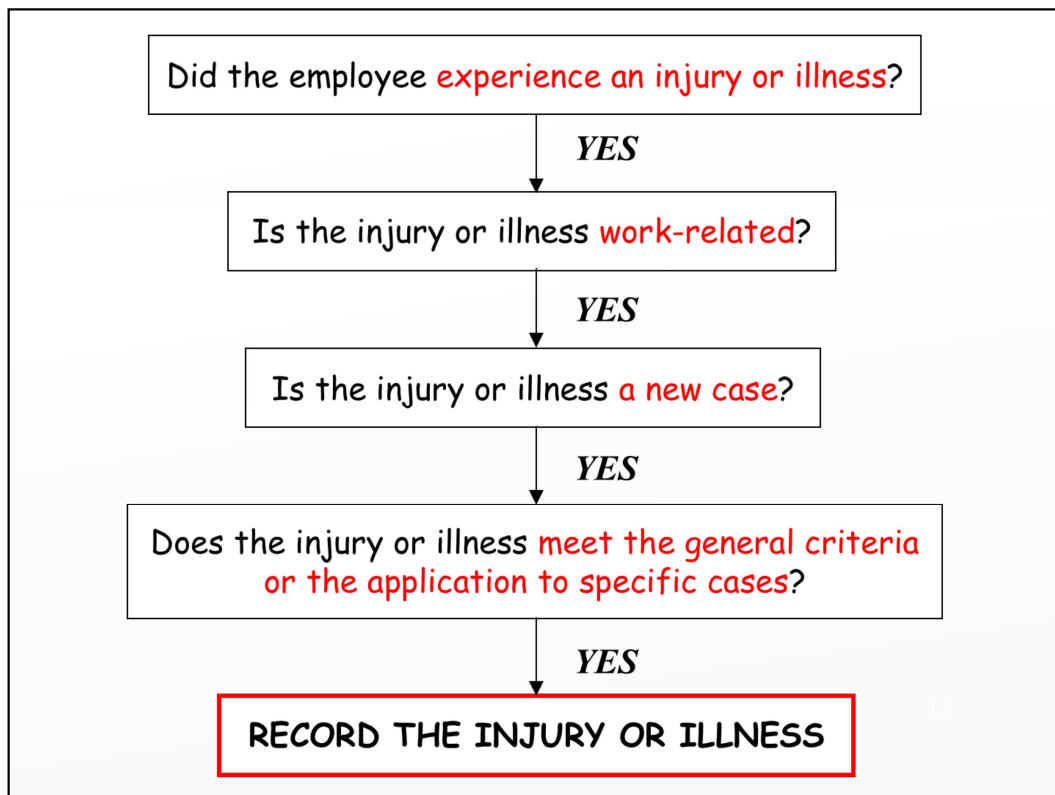
- Covered employers must record each fatality, injury or illness that:
 - is work-related, and
 - is a new case, and
 - meets one or more of the criteria contained in sections 1904.7 through 1904.11.

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.

OSHA INJURY AND ILLNESS RECORDKEEPING 5 STEP PROCESS





STEP 1:

Did the employee **experience an injury or illness?**

Definition [1904.46]

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.

STEP 1:

Did the employee **experience an injury or illness?**

Scenario A:

A worker reports to nurses' station with complaint of painful wrists. Employee given 2 Advil™ and returned to job.

**Stop Here
OR
Go On To The Next Step?**

Answer: Go on to the next step.

Why: Painful wrists was the injury experienced.

STEP 1:

Did the employee **experience an injury or illness?**

Scenario B:

There is a chlorine gas leak at XYZ establishment and the two employees in the area are rushed to the hospital. They are told to stay home the next day as a precautionary measure.

Stop Here

OR

Go On To The Next Step?

Answer: It depends !! We need more information

Why: We need to know if either employee exhibited signs or symptoms of an injury/illness. If yes, then go to the next step. If no, STOP. We have an event or exposure only.

Did the employee **experience an injury or illness?**

YES

Is the injury or illness **work-related?**

STEP 2:
Is the injury or illness **work-related**?

Determination of Work-Relatedness [1904.5]

Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the **work environment** unless an exception specifically applies.

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 a pre-existing condition.

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

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



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



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



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



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.

STEP 2:
Is the injury or illness **work-related**?

Scenario A:

Employee gives blood at voluntary employer-sponsored blood drive and passes out (loss of consciousness).

**Stop Here
OR
Go On To The Next Step?**

Answer: Stop Here

Why?: Exception - The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball, or baseball.

STEP 2:
Is the injury or illness **work-related**?

Scenario B:

Employee sprains ankle in company parking lot on his way in to work.

**Stop Here
OR
Go On To The Next Step?**

Answer: Go on

Why?: There is no exception that applies. Parking lot exception applies only to motor vehicle accidents during commute.

STEP 2:

Is the injury or illness **work-related**?

Scenario C:

Employee slips and falls in hallway, breaking arm while working on daughter's science project on Saturday, employee's day off.

**Stop Here
OR
Go On To The Next Step?**

Answer: Stop

Why?: Exception - The injury or illness is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours.

Did the employee **experience an injury or illness?**

YES

Is the injury or illness **work-related?**

YES

Is the injury or illness **a new case?**

STEP 3:

Is the injury or illness **a new case?**

Determination of a new case

Consider an injury or illness a “new case” if the employee has not previously experienced a recorded injury or illness of the same type that affects the same part of the body,

OR

the employee previously experienced a recorded injury or illness of the same type that affected the same part of body but had recovered completely (all signs and symptoms had disappeared) from the previous injury or illness and an event or exposure in the work environment caused the signs or 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.

STEP 3:

Is the injury or illness **a new case?**

Scenario A: Five weeks ago, employee sprained wrist at work and received support, prescription medication, and "light duty." Two weeks ago employee was back on normal job and completely recovered. Today (5 weeks after the injury) employee complains of pain in same wrist after moving boxes.

**Stop Here
OR
Go On to the Next Step?**

Answer: Go on

Why?: Employee had completely recovered from the previous injury and a new event or exposure occurred in the work environment.

STEP 3:

Is the injury or illness **a new case?**

Scenario B: Five weeks ago, employee sprained wrist at work and received support, prescription medication, and "light duty." Two weeks ago, employee was back on normal job, but continued to take prescription medication. Today (5 weeks after the injury) employee complains of pain in same wrist after moving boxes.

**Stop Here
OR
Go On to the Next Step?**

Answer: Stop

Why?: Employee had not completely recovered from the previous injury or illness. Update the previously recorded entry, if necessary.

STEP 3:

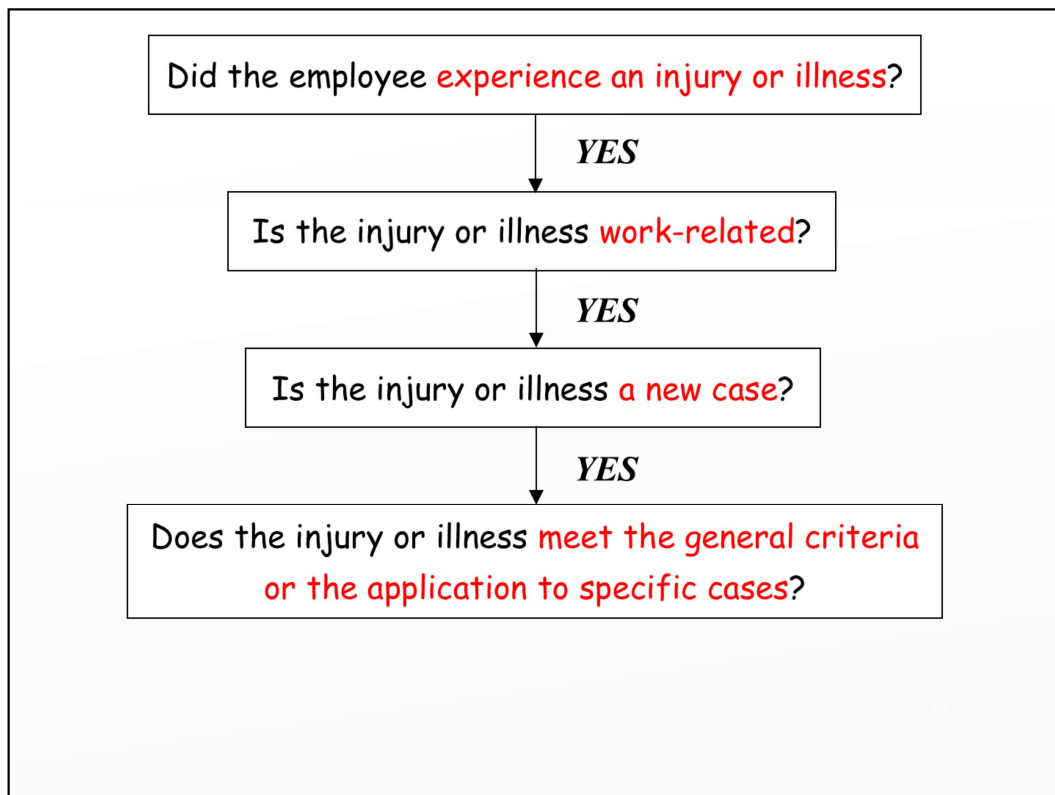
Is the injury or illness **a new case?**

Scenario C: Employee fractures foot at work. Every six months or so it bothers him and he is placed on light duty for a day or two.

**Stop Here
OR
Go On to the Next Step?**

Answer: It depends. We need more information

Why?: Was the employee completely recovered? If no, stop. If yes, was there a new event or exposure in the work environment?



Step 4:
Does the injury or illness **meet the general criteria**
or the application to specific cases?

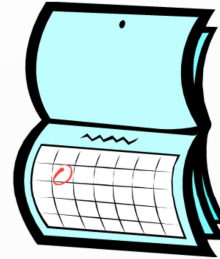
General Recording Criteria 1904.7

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



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

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 (2)

- 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

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:

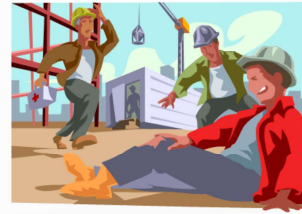
- the employee experiences minor musculoskeletal discomfort,
- a health care professional determines that the employee is fully able to perform all of his or her routine job functions, and
- the employer assigns a work restriction to that employee for the purpose of preventing a more serious condition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

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



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



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



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, CONT'D.

- 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



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



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

The length of time the person is unconscious is irrelevant.

OTHER RECORDING CRITERIA

- Significant diagnosed injury or illness
- Needlestick and sharps injuries
 - Section 1904.8
- Medical removal
 - Section 1904.9
- Hearing loss
 - Section 1904.10
- Tuberculosis
 - Section 1904.11

Work-related cases of cancer, chronic irreversible disease, fractured or cracked bones or teeth, or a punctured ear drum must be entered on the OSHA forms. These are considered significant injuries and illnesses.

Needle sticks-You must record all work-related needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (as defined by 29 CFR 1910.1030). You must enter the case on the OSHA 300 Log as an injury. To protect the employee's privacy, you may not enter the employee's name on the OSHA 300 Log

Medical Removal 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.

Hearing Loss - 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. More details can be found in 1910.95

Tuberculosis- 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.

COVID-19 RECORDABLE ILLNESS

- Confirmed Case of Covid-19
- Case Determined to be Work Related
 - Defined by 1910.5
- Case involves one or more relevant recording criteria
 - Follow 1910.7 (e.g. medical treatment, days away from work)

COVID-19 can be a recordable illness if a worker is infected as a result of performing their work-related duties. However, employers are only responsible for recording cases of COVID-19 if all of the following are true:

- (1)the case is a confirmed case of COVID-19;
- (2)the case is work related (as defined by 29 CFR 1910.5); and
- (3)the case involves one or more relevant recording criteria (set forth in 29 CFR 1904.7) (e.g., medical treatment beyond first aid, days away from work)

Employers should also report outbreaks to health departments as required and support their contact tracing efforts.

DETERMINING WORK RELATED COVID-19 EXPOSURE

- Type, extent and duration of contact in the work environment
- Physical distancing and other controls
- Extent and duration of time spent in indoor space
- Work-related contact with anyone showing signs/symptoms of Covid-19

Because an employee can contract COVID-19 from an exposure at work or outside of the workplace, employers needs to consider the following:

- The type, extent, and duration of contact the employee had at the work environment with other people, particularly the general public;
- Physical distancing and other controls that impact the likelihood of work-related exposure;
- The extent and duration of time spent in a shared indoor space with limited ventilation; and
- Whether the employee had work-related contact with anyone who exhibited signs and symptoms of COVID-19

ADVERSE REACTIONS TO COVID-19 VACCINATIONS

- OSHA does not intend to enforce the recordkeeping requirement for any employer to record worker side effects from the Covid 19 vaccination.

DOL and OSHA, as well as other federal agencies, are working diligently to encourage COVID-19 vaccinations. OSHA does not wish to have any appearance of discouraging workers from receiving COVID-19 vaccination, and also does not wish to disincentivize employers' vaccination efforts. As a result, OSHA does not intend to enforce 29 CFR 1904's recording requirements to require any employers to record worker side effects from COVID-19 vaccination.

1904.29 – FORMS (1)

- OSHA Form 300, *Log of Work-Related Injuries and Illnesses*
- OSHA Form 300A, *Summary of Work-Related Injuries and Illnesses*
- OSHA Form 301, *Injury and Illness Incident Report*

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.

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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. 1218-0175

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.

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 workplace, 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 stressors 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 ____/____/____

Completed by _____

Title _____

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

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. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington, DC 20503. Do not send the completed form to this office.

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.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time to review the instructions, search existing data sources, gathering the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to Washington, DC 20503. Do not send the collection of information to this office.

Company executive	Title
()	/ /
()	/ /

1904.29 – FORMS (2)

- 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 (3)

- 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)



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 (1)

- 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



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.

1904.29 – PRIVACY PROTECTION (2)

- 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

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.

1904.29 – PRIVACY PROTECTION (3)

- 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

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
- 1904.38 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, 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



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.

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

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

A thumbnail image of the OSHA Form 300A, titled "Summary of Work-Related Injuries and Illnesses". The form is a structured document with various sections for recording data, including "Establishment Information", "Summary of Injuries and Illnesses", and "Certification". It includes fields for dates, employee counts, and specific injury/illness details.

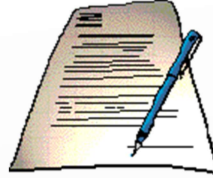
The annual summary requirements lay out a process for completing the end-of-year processing.

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, CONT'D.

- 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, CONT'D.

- 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

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

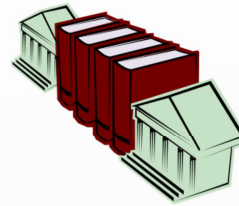
- Section 11(c) of the Act prohibits you from discriminating against an employee for reporting a work-related fatality, injury or illness
- Section 11(c) also protects the employee who files a safety and health complaint, asks for access to the Part 1904 records, or otherwise exercises any rights afforded 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.

This rule also states that employers may not discriminate against an employee who files a safety and health complaint as well as requesting records associated with part 1904 or exercises any rights given by the OSH Act.

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



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 within 8 hours any work-related fatality
 - Including Work-Related Covid 19 cases
- Report within 24 hours any work-related amputation, loss of an eye, or in-patient hospitalization of one or more employees
 - Includes Work-Related Covid 19 cases
- 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

All employers are required to report work-related fatalities to OSHA within 8 hours. Work-related amputations, loss of an eye , or the in-patient hospitalization of one or more employees must be reported to OSHA within 24 hours of learning of the incident.

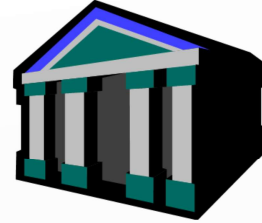
This includes work related Covid-19 fatalities or in-patient hospitalization.

The case can be called in to the local area office or phoned in to 1-800-321-OSHA. The case can also be reported to OSHA using the web application available from OSHA's public website.

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



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 since those records are located in New York

ELECTRONICALLY REPORT FORM 300A DATA TO OSHA

Many, but not all, establishments must electronically report their Form 300A data to OSHA on an annual basis.

- Establishments with 20-249 employees that are classified in certain industries.
- Establishments with 250 or more employees that are currently required to keep OSHA injury and illness records

Covered establishments must submit information from their completed Form 300A by March 2 of each year.

OSHA provides a secure website where employers create an account, enter, and submit their data. Information about and access to the Injury Tracking Application (ITA) is available at <https://www.osha.gov/injuryreporting>

There are some establishments that OSHA required them to electronically report their Form 300A data to OSHA on an annual basis. These establishments that have to electronically report either will have 20-249 employees and are classified in certain industries – OR-

they have 250 or more employees and are required to keep OSHA injury and illness records.

Establishments that fall into these categories must electronically submit information from their completed 300A form by March 2nd of each year.

OSHA has a secured website available for companies to use to electronically report their 300A data. This website allows employers to create an account for their establishment, enter and submit their data.

Further information regarding this website and access to the Injury Tracking Application is available at www.osha.gov/injuryreporting/index.html.

NEW REQUIREMENTS FOR SUBMITTING INJURY AND ILLNESS INFORMATION

- Establishments with 100 or more employees in certain high-hazard industries must electronically submit information from their Form 300-Log of Work-Related Injuries and Illnesses, and Form 301-Injury and Illness Incident Report to OSHA once a year.
 - Includes the date, physical location, and severity of the injury or illness; details about the worker who was injured; and details about how the injury or illness occurred.
 - March 2nd of each year.
- The designated industries are listed in Appendix B to Subpart E of 29 CFR Part 1904.
- OSHA has an ITA Coverage Application on OSHA.gov <https://www.osha.gov/itareportapp> to help establishments determine whether they have to comply with these new requirements.

Starting on January 2, 2024, establishments with 100 or more employees (including a peak employment of 100 or more employees any time during the previous calendar year) in certain high-hazard industries must electronically submit information from their Form 300-Log of Work-Related Injuries and Illnesses, and Form 301-Injury and Illness Incident Report to OSHA once a year. These submissions are in addition to submission of Form 300A-Summary of Work-Related Injuries and Illnesses.

The information needs to include the date, physical location and severity of the injury or illness. It also needs to include details about the worker who was injured and how they were injured. To improve data quality, establishments are required to include their legal company name when making electronic submissions to OSHA from their injury and illness records.

OSHA will publish some of the data collected on its website to allow employers, employees, potential employees, employee representatives, current and potential customers, researchers and the general public to use information about a company's workplace safety and health record to make informed decisions. OSHA believes that providing public access to the data will ultimately reduce occupational injuries and illnesses. OSHA will not publish any names of the employees, birth dates, gender, date hired, the type of medical treatment, or anything that would directly identify these employees.

OSHA has provided an Injury Tracking Application (ITA) coverage application for employers to use to determine which forms they are required electronically submit.

OSHA RECORDKEEPING ADVISOR

- Assist employers to determine if an injury/illness is recordable
- Presents questions and relies on responses to determine the appropriate course of action
- Does not store any information
- <https://webapps.dol.gov/elaws/OSHARecordkeeping.htm>

The Occupational Safety & Health Administration (OSHA) Recordkeeping Advisor provides employers information on how to address the Federal requirement to report and record work-related injuries and illnesses. The OSHA Recordkeeping Advisor is intended to help determine:

- Whether an injury or illness (or related event) is work-related
- Whether an event or exposure at home or on travel is work-related
- Whether an exception applies to the injury or illness
- Whether a work-related injury or illness needs to be recorded
- Which provisions of the regulations apply when recording a work-related case

The OSHA Recordkeeping Advisor presents questions and relies on responses to determine the appropriate course of action. The Advisor does not store any information. If the Advisor does not address the circumstances of a particular case, please contact OSHA, the On-Site Consultation program or obtain expert advice.

FOR ADDITIONAL HELP

- OSHA's Recordkeeping Page
 - <https://www.osha.gov/recordkeeping>
- MA On-Site Consultation Program
 - 508-616-0461 (Press Option #2)
 - E-mail: MA-OSHAConsultation@mass.gov
 - <https://www.mass.gov/on-site-consultation-program>
- OSHA Training Institute Education Centers
 - <https://oshaedne.com/>

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.

There is also the MA On-Site Consultation Program that can provide recordkeeping information and assistance. You can call us at 508-616-0461 and press option 2 or e-mail us at MA-OSHAConsultation@mass.gov

Finally, the OSHA Training Institute Education Center that Keene State College operates covers the New England region. This OSHA Training Institute center can provide training on safety and health topics, including recordkeeping, to employers and employees. Additional information on the center can be found at <http://oshaedne.com>.