

OSHA recordkeeping requirements

A typical employer must develop and maintain OSHA recordkeeping systems of two types. The general recording of injuries and illnesses is required of all employers with 11 or more employees. Specific OSHA forms, or forms containing equivalent information, are required by the agency for this purpose (see Appendix B, **OSHA Form 300**). In addition, most employers must keep records required by one or more specific standards on particular hazards or work operations. These standards, such as those addressing workplace exposure to noise or work in hazardous environments or operations, require preparation of various documents and recording of much information, but the employer normally can determine the form of the required documents and records.

General recording of illnesses and injuries

Most non-governmental employers must maintain records of workplace illnesses and injuries under a standard promulgated by OSHA. Two significant exceptions are:

employers that had no more than 10 employees at any time in the previous calendar year

those employers in the list of partially exempt industries listed by their Standard Industrial Classifications (SICs) (56 in retail trade; finance, insurance, and real estate; and services are exempt). See Appendix D, **Partially exempt industries from OSHA recordkeeping requirements**.

However, exempt employers must report to OSHA catastrophic events involving fatalities or hospitalization of three or more of their employees (see Appendix C, Reporting fatalities and multiple hospitalization incidents). Also, the exemption can be lost, in part, if the employer is selected for participation in a survey of occupational illness or injury conducted by the Bureau of Labor Statistics.

Covered employers must maintain injury and illness records for each “establishment,” which is defined in the following way:

“An establishment is a single physical location where business is conducted or where services or industrial operations are performed. For activities where employees do not work at a single physical location, such as construction; transportation; communications, electric, gas and sanitary services; and similar operations, the establishment is represented by main or branch offices, terminals, stations, etc. that either supervise such activities or are the base from which personnel carry out these activities.”

When employees work in scattered locations, the records must be maintained in a location to which they report each day. If this is not applicable because there is no such central gathering place, then the records must be maintained at the location from which employees are paid or at the location that serves as the base of operations. This would be appropriate for a traveling sales force or a staff of consulting engineers who normally travel from their homes to clients' facilities.

The basic records of workplace illnesses and injuries must be retained at each establishment for five years following the end of the year in which the entries were made. Calendar years must be used, not an employer's fiscal year that differs from the calendar year. Complete sets of these records must be provided upon request to an OSHA inspector or a representative of NIOSH. The log and summary but not the more detailed supplemental reports on each accident or illness, must be made available for copying by employees, former employees, or their representatives, upon request. Such a request must relate to an establishment at which the employee now works or previously worked.

The log of occupational injuries and illnesses

OSHA form 300 must be used to record every “recordable” occupational injury or illness within six working days after the employer learns of the occurrence. Although the definitions of recordable injury and illness are straightforward, the application of the definitions often is not. According to the OSHA regulation, the following occurrences are recordable:

- death of an employee regardless of the time between the injury and death, or the length of the illness
- non-fatal injuries or illnesses involving one or more lost work days
- any non-fatal occupational disease that is not a lost workday case, plus any other case:
 - that results in transfer to another job
 - or
 - that results in termination of employment
 - or

- that requires medical treatment (other than first aid)
- or
- that involves loss of consciousness
- or
- that involves restriction of work or motion
- or
- that results in significant injury or illness diagnosed by a licensed care provider.

“Lost” work days include not only days away from work, but also days on which the employee’s condition prevented performance of any part of the normal assignments during any part of the shift. The day of the accident or onset of illness is not counted as a lost work day. Lost work days accumulate even if they are not consecutive, such as, when the employee returns to work and then suffers a relapse.

First aid is not “medical treatment“ for the purpose of incident recording. First aid is considered one-time treatment (and possibly subsequent observation) of minor injuries. The treatments considered to be “first aid” are specifically described in the regulations at 29 C.F.R. 1904.7 (b)(5)(C)(ii). An injury is **not** “minor” if it may be treated only by a physician or other licensed medical professional, or if it impairs a bodily function or produces non-superficial damage to a physical structure (for example, a fracture), or if its nature is such that follow-up medical treatment is anticipated. Treatment by a medical doctor does not transform first aid into medical treatment for the purpose of recording. A visit to a medical doctor for observation is not medical treatment.

Basic information about each recordable occupational illness or injury must be entered on a line of OSHA form 300. The left portion of the form is used for recording the date; description of injury or illness; and the employee’s name, occupation, and department.

The right portion of the form is used to record details on the severity of an injury or illness. The employer must classify each incident in terms of days away from work and days of restricted work activity. In addition, the date of death from the injury or illness – if applicable – must be entered. The classifications of injury and illness are entered in different sections of the right side of OSHA form 300.

In the case of an occupational illness, the employer must provide information as to the classification of the nature of the illness in addition to the number of restricted or lost work days. The general classifications employed by OSHA for this purpose include:

- systemic poisoning from exposure to a toxic chemical (for example, unconsciousness from excessive inhalation of carbon monoxide)
 - respiratory condition due to inhalation of toxic agents (for example, excessive exposure to airborne chlorine)
 - disorders due to physical agents (for example, hearing loss resulting from *chronic* noise exposure)
- and
- others.

Any diagnosed abnormal condition or disorder – even one that causes no symptoms, impairment, or lost work days – is recordable if it is caused by conditions in the work environment. Conversely, a death or severe manifestation of disease in the workplace is not recordable unless a causal relationship with conditions at work exists.

The annual summary

The OSHA form 300 also provides the mechanism for reporting the required annual summary of occupational illnesses and injuries. When nothing has been reported in a column, then a zero should be entered for the total.

The annual summary form 300A for a calendar year must be posted at the facility in the location where the OSHA poster and similar notices are posted. It must be posted on or before February 1 of the following year, and must remain on display until April 30 of that year. (See Appendix A, **Required postings.**)

Note:

The annual summary must be certified by a company executive who must be either:

- owner of the company
- or
- an officer of the corporation
- or
- the high ranking company official working at the establishment

or

- the immediate supervisor of the highest ranking company official working at the establishment.

The supplemental record of illness or injury

A more detailed record of each recordable injury or illness must be prepared using the OSHA form 301, unless the same information is recorded by the employer on a comparable form, such as one used for workers' compensation insurance claims, commonly called the "first report of injury" form. This form, like the corresponding entries on the form 300, must be completed within seven calendar days after the employer learns of the recordable occurrence. The "case or file number" should allow an inspector to relate each supplementary record with its corresponding horizontal entries on the OSHA form 300.

The required information is simple. It includes more detailed identification of the employee involved and a brief description of the accident, exposure, or condition that caused the injury or illness. The identification of any treating physician or hospital is required as well.

Records required by specific standards

Many OSHA standards addressing specific hazards or specific work operations impose upon covered employers additional recordkeeping requirements. Employers covered by these standards generally must prepare documents describing a compliance plan or records demonstrating compliance, and maintain records that are much more detailed and burdensome than those discussed previously. Even if the employees are not exposed to the covered hazard to the degree necessary to trigger the requirements of these standards, the employer often must have documentation of the basis for such a determination.

The OSHA standard on occupational exposure to noise is one that affects many employers, and requires an additional level of document preparation and recordkeeping. The same is true for many standards regulating workplace exposure to specific toxic substances, such as:

- asbestos
- cadmium
- lead
- benzene
- cotton dust

- methylene chloride.
- vinyl chloride
- inorganic arsenic.

In addition, many employers have work operations regulated to which specific standards apply, for example:

- chemical hazard communication
- work in hazardous waste operations
- work requiring the use of respirators
- work exposing employees to bloodborne pathogens
- laboratory work involving exposure to hazardous chemicals.
- work in confined spaces
- commercial driving
- grain handling facilities
- electric power generation.

Most of the standards regulating a specific substance or a specific work operation require the creation of a compliance plan covering specified topics. In addition, most require that employers keep detailed records on training, exposure monitoring, medical monitoring, and other program elements, as well as reports on technical assessments of hazards in the workplace. If an employer's assessment of the level of exposure to the hazard leads to a conclusion that some provisions of a standard do not apply, then a record of this determination must be made and maintained.

Retention of and access to medical and exposure records

The OSHA standard on medical and exposure records mandates that, in most cases, an employee's medical records created on account of an OSHA standard be kept for the duration of employment plus 30 years. Records of employee exposures to workplace contaminants must be maintained for 30 years after their creation. The standard also contains provisions for retention of records on the identity of chemicals in the workplace. Other standards regulating specific hazards can impose additional or more stringent requirements for management of records relating to that hazard.

Employees must be permitted access to their own medical records as well as certain exposure records, and employees must be informed annually of their rights under this OSHA regulation. An employee's designated representative also may receive the records, but written consent of the employee is required if medical records are provided. The employer must provide the reports within 15 days. Health professionals – including epidemiologists and industrial hygienists – working on behalf of the employee also may obtain the records, under the rules applicable to an employee representative. Personal medical information must be protected. Even OSHA investigators must adhere to strict procedures to obtain a medical access order to ensure that its confidentiality is maintained.

OSHA permits employers to safeguard trade secrets, unless an emergency makes disclosure to a treating physician or nurse essential (in the opinion of the physician or nurse). If no emergency exists, the request must be in writing and it must state a legitimate need related to health. The employer may require that those who receive the information sign confidentiality agreements. If an employer believes that alternative information will suffice to meet the stated need, then it can deny the request. Such denials can be appealed to OSHA for a final decision.