

# OSHA'S NEW RECORDKEEPING and REPORTING REQUIREMENTS

# Presenter

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# Agenda

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- Updates to OSHA's Recordkeeping and Reporting Requirements
  - ▣ Revisions of Exempt Industries for Recordkeeping
  - ▣ New Reporting Requirements
  - ▣ Frequently Asked Questions
- Enforcement and Current Data

# UPDATES TO OSHA'S REPORTING REQUIREMENTS

# Updates to OSHA's Recordkeeping and Reporting Rule

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OSHA has **expanded** the list of severe injuries & illnesses that employers must report & **updated** the list of industries who are partially exempt from routinely keeping OSHA records.

**"OSHA will now receive crucial reports of fatalities and severe work-related injuries and illnesses that will significantly enhance the agency's ability to target our resources to save lives and prevent further injury and illness. This new data will enable the agency to identify the workplaces where workers are at the greatest risk and target our compliance assistance and enforcement resources accordingly."**

*— Assistant Secretary of Labor for Occupational Safety and Health, Dr. David Michaels*

# Effective date

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- For workplaces under Federal OSHA jurisdiction
  - ▣ Final rule became effective **January 1, 2015**
- For workplaces in State Plan States
  - ▣ States encouraged to implement new provisions on **January 1, 2015, or as soon after as possible.**
  - ▣ Check with your State Plan for their implementation date of the new requirements.

# Industry exemptions

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- The previous list of exempt industries was based on the old Standard Industrial Classification (SIC) system, as well as injury & illness data from the Bureau of Labor Statistics (BLS) from 1996, 1997 & 1998.
- The new list is based on the North American Industry Classification System (NAICS), as well as BLS data from 2007, 2008 & 2009.
- A post card was mailed to newly covered establishments
- Automobile Dealerships are newly covered
- Restaurants continue to be exempt
  - 2007 NAICS = 7222 and 7224
  - 2012 NAICS = 7229

# Expanded reporting requirements

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The rule expands the list of severe work-related injuries and illnesses that **all covered employers** must report to OSHA.

Employers **must report** the following to OSHA:

- All work-related fatalities within 8 hours (same as current requirement)
- All work-related in-patient hospitalizations of one or more employees within 24 hours
- All work-related amputations within 24 hours
- All work-related losses of an eye within 24 hours

# How can employers report to OSHA?

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- By telephone to the nearest OSHA office during normal business hours
- By telephone to the 24-hour OSHA hotline (1-800-321-OSHA or 1-800-321-6742)
- Online: OSHA is developing a new means of reporting events electronically which will be available in the future.

# What information must employers provide?

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- **You must give OSHA the following information for each fatality, in-patient hospitalization, amputation, or loss of an eye:**
  - The establishment name;
  - The location of the work-related incident;
  - The time of the work-related incident;
  - The type of reportable event (i.e., fatality, in-patient hospitalization, amputation, or loss of an eye);
  - The number of employees who suffered a fatality, in-patient hospitalization, amputation, or loss of an eye;
  - The names of the employees who suffered a fatality, in-patient hospitalization, amputation, or loss of an eye;
  - Your contact person and his or her phone number; and
  - A brief description of the work-related incident.

# Frequently Asked Questions

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- **How does OSHA define “in-patient hospitalization”?**
  - OSHA defines in-patient hospitalization as a formal admission to the in-patient service of a hospital or clinic for care or treatment.
- **Who determines whether an employee was formally admitted to the in-patient service of a hospital or clinic for care or treatment?**
  - The hospital or clinic makes the determination.
- **What is meant by the “loss of an eye”?**
  - Loss of an eye is the physical removal of the eye. This includes enucleation and evisceration. Loss of sight (blindness) without the physical removal of the eye is not reportable under the requirements of section 1904.39. A case involving loss of sight that results in the in-patient hospitalization of the worker within 24 hours of the work-related incident is reportable.
- **What is the difference between an amputation without bone loss and an avulsion?**
  - If and when there is a health care professional's diagnosis available, the employer should rely on that diagnosis. If the diagnosis is avulsion, the event does not need to be reported. If the diagnosis is amputation, the event must be reported. If there is no available diagnosis by a health care professional, the employer should rely on the definition and examples of amputation included in the regulatory text. Examples of avulsion that do not need to be reported include degloving, scalping, fingernail and toenail avulsions, eyelid avulsions, tooth avulsions, and severed ears. Remember, employers are required to report amputations to OSHA when they **learn** that the reportable event occurred. The employer must report the event when he or she has information that the injury is a work-related **amputation**.



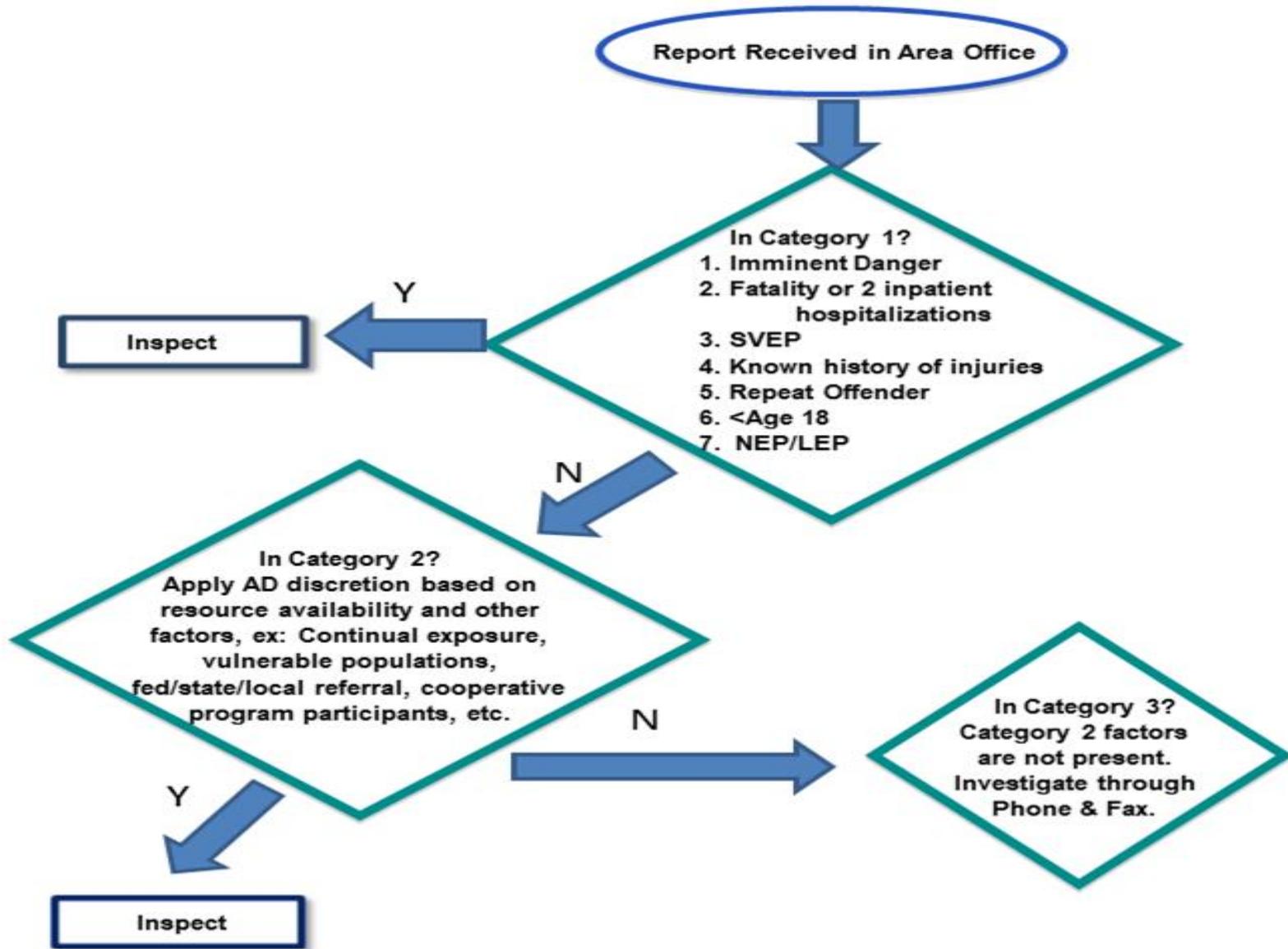
# ENFORCEMENT AND CURRENT DATA

# Severe injury reporting rule

- Triaging employer reports:
  - Mandatory Inspections
  - Discretionary Inspections based on various criteria
  - No inspection but conducting rapid response investigation (RRI) based on the Area Office's discretion.
- Inspections vs RRI based on addressing the Root Cause of injuries rather than the severity of injuries.
  - Incidents resulting in similar injuries may not be handled the same by OSHA
  - An RRI encourages the employer to conduct an incident investigation of what led to the injury

# Full Triage Diagram

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# Rapid Response Investigation

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## □ WHAT IS A RAPID RESPONSE INVESTIGATION?

- In an RRI, the Area Office does not inspect the employer but contacts the employer to encourage the employer to address and abate the issues surrounding the injury.

Employers are encouraged to conduct their own incident investigations, report their findings to us and confirm abatement. And at all stages, the Area Office serves as a resource to assist employers.

# Outreach

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- To ensure that the public is informed of the new requirements under 29 C.F.R. 1904.39, OSHA will engage in outreach to industry and interested parties.
- Further resources are located below:
- [NSC Journey](#)
- [OSHA's 2014 Recordkeeping Website](#)



\*A reporting webpage will be developed to include additional outreach sources and information .

# Severe injury reporting rule

- Currently, receiving between 200 and 250 reports a week
  - ~12,000 reports annually
- About 40% of reports have resulted in inspections
  - ~5,000 inspections annually
- About 45% of reports have resulted in RRI's
  - ~ 5,400 inspections annually
- Remainder of reports were determined NOT to be work-related or not reportable

***NOTE: Numbers are estimates***

Any Questions???