OSHA Makes Changes to Recordkeeping Rules

OSHA has announced changes to its recordkeeping regulations which make changes to the types of injuries which get reported directly to OSHA and when they’re required to be reported. There are other changes to the rule which also revise the list of industries exempt from keeping OSHA logs. All changes to these rules, 29 CFR 1904, go into effect January 1, 2015.

Change 1: What Needs to Be Reported to OSHA and When

As an employer, you currently are required to report to OSHA all work-related fatalities and work-related hospitalizations of 3 or more employees. Starting January 1, 2015 you will now be required to report:

* All work-related fatalities (within 8 hours of notification)
* All work-related in-patient hospitalizations of 1 or more employees (within 24 hours of notification)
* All work-related amputations or losses of an eye (within 24 hours of notification)

The hospitalizations need to be in-patient, that is, a formal admission to the in-patient service of a hospital or clinic for care/treatment. An amputation is defined as a traumatic loss of a limb or external body part, so a lost arm, fingertip, or other appendage would count under this rule.

If any of these occur, you will need to report to OSHA using one of the following methods: calling the local OSHA office, calling the 24-hour OSHA hotline, or filling out a new online form within the time frames dictated above. When you make your report, you will need to provide:

* Company Name
* Location and Time of Incident
* Type of Reportable Event
* Number and Names of Employees Affected and Which are Fatalities, In-Patient Hospitalizations, Amputations or Eye Losses
* Your Contact Person and Their Phone Number
* Brief Description of the Incident

However, with all regulations, there are some exceptions.

There are time exceptions. For instance, if the fatality occurs more than 30 days after the incident, direct reporting to OSHA is NOT required. Reporting will only be required within those 30 days. Also, if the hospitalization, amputation or loss of an eye occurred more than 24 hours after the incident, it’s NOT necessary to report it to OSHA. In this case, the hospitalization, amputation or loss of an eye needs to occur within 24 hours of the workplace incident. However, regardless of when it occurs, these incidents would still need to be recorded on your injury/illness logs.

There are situational exceptions as well. If the event occurs as a result of an accident on a public highway, reporting is NOT required unless it occurred within a construction zone. If it occurred on public transportation, such as an airplane, train, bus, ferry, etc., it doesn’t need to be reported. If the in-patient hospitalization is for testing or observation only, it’s not necessary to report to OSHA and if the hospitalization was for a heart attack, only a heart attack caused by a work-related incident would count under this reporting rule.

Change 2: Some Industries Now are Exempt From OSHA Recordkeeping While Others Have Lost Their Exemption

Some companies have been exempt from routinely keeping track of OSHA injury and illness records. These have included two categories of companies. The first is companies with 10 or fewer employees. These companies are going to remain exempt under the new rules.

The other group of companies considered partially exempt were in industries with historically low occupational injury and illness rates and were chosen based on the primary Standard Industrial Classification (SIC) code they fell under.

OSHA has revised their regulations to incorporate the North American Industry Classification System (NAICS) codes of 2007-2009 rather than using the old SIC codes of 1996-1998. They’ve taken into account more recent Bureau of Labor data as well. As a result, some industries are now required to keep records. These include (terminology taken from SIC Code description):

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| --- | --- | --- | --- |
| Industries Which Lost the Exemption and Now Are Required to Keep OSHA Logs | | | |
| Food/Retail   * Bakeries and Tortilla Manufacturing * Specialty Food Stores * Beer, Wine and Liquor Stores * Special Food Services * Other Miscellaneous Store Retailers * Direct Selling Establishments | **Entertainment**   * Performing Arts Companies * Promoters of Performing Arts, Sports and Similar Events * Museums, Historical Sites, and Similar Institutions * Other Amusement and Recreation Industries | **Professional Services**   * Facilities Support Services * Other Professional, Scientific and Technical Services * Other Support Services | **Health/Human Services**   * Other Ambulatory Health Care Services * Individual and Family Services * Community Food and Housing and Other Emergency and Other Relief Services * Other Personal Services |
| Equipment   * Consumer Goods Rental * Commercial and Industrial Machinery and Equipment Rental and Leasing | **Construction**   * Building Material and Supplies Dealers * Services to Buildings and Dwellings | **Real Estate**   * Lessors of Real Estate * Activities Related to Real Estate | **Automotive**   * Automobile Dealers * Automotive Parts, Accessories and Tire Stores |



As there have been industries who now are required to record their OSHA injuries and illnesses, there is a list of 37 industries who will now become exempt from reporting requirements in 2015. These include:

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| --- | --- | --- | --- |
| Industries Who Gained an Exemption and No Longer Need to Keep OSHA Logs | | | |
| **Transportation  and Travel**   * Scenic and Sightseeing Transportation * Freight Transportation Arrangement; * Travel Arrangement and Reservation Services; * Rooming and Boarding Houses; * Other Motor Vehicle Dealers; * Gas Stations | **Communication  and Tech**   * Radio and TV Broadcasting; Wireless Telecommunications Carriers (Except Satellite); * Other Telecommunications; * Other Information Services; * Computer Systems Design and Related Services; * Electronic and Precision Equipment Repair and Maintenance; * Sound Recording Industries | **Professional Services**   * Architectural, Engineering and Related Services * Advertising and Related Services * Management, Scientific and Technical Consulting Services * Management of Companies and Enterprises * Business Support Services * Business Support Services * Investigation and Security Services | **Retail and Personal**   * Electronics and Appliance Stores * Health and Personal Care Stores * Sporting Goods, Hobby, and Musical Instrument Stores * Shoe Stores * Office Supplies, Stationery, and Gift Stores * Death Care Services * Personal and Household Goods Repair and Maintenance |
| **Financial**   * Depository and Credit Institutions * Depository Credit Intermediation * Other Investment Pools and Funds * Insurance Carriers * Other Financial Investment Activities | **Organizational**   * Civic and Social Organizations * Business, Professional, Labor, Political, and Similar Organizations * Other Schools and Institutions | **Industrial**   * Pipeline Transportation  of Crude Oil * Pipeline Transportation  of Natural Gas * Other Pipeline Transportation |  |

Although these companies are not required to keep routine records of injuries and illnesses, they are still required to follow the new fatality, hospitalization, and amputation rules.

For more information, or for a list of affected industries, please read OSHA’s fact sheets or visit the OSHA’s webpage about these new rules (www.osha.gov/recordkeeping2014/index.html). Download OSHA’s fact sheet about the notification requirements at https://www.osha.gov/recordkeeping2014/OSHA3745.pdf and who’s required to now do (or not do) routine reporting at https://www.osha.gov/ recordkeeping2014/OSHA3744.pdf.

If you are a company who now is required to keep OSHA logs and would like to learn how to do so, if you are required to report and want to learn more about what is and isn’t recordable, or if you have any questions, please contact iSi at training@iSienvironmental.com. 