



OSHA Focusing on Recordkeeping of Employee Injuries & Illnesses

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The Occupational Safety and Health Administration (OSHA) announced on October 1, 2009 that it will begin a national emphasis program (NEP) to assess the accuracy of injury and illness data recorded by employers. This emphasis program was commenced due to concerns of under-reporting of employee injury and illnesses by employers.

In general, employers are required by 29 C.F.R. § 1904.4 to maintain an OSHA injury and illness record for all of their establishments, unless (1) they have ten or fewer employees at all times during the last calendar year for their entire company; or (2) all of their establishments are in partially exempt industry establishments. The partially exempt industry establishments are specified by OSHA according to the establishment's Standard Industrial Classification (SIC) code and are set forth in Appendix A to Subpart B of Part 1904 of the OSHA standard. Employers who are otherwise exempt from the recordkeeping requirement under § 1904.4 may be required to keep such records if the government requests them to do so under § 1904.41 or § 1904.42.

The partial exemption for size applies to the size of the employer's entire company, and is not a per establishment exemption, whereas the partial exemption based upon SIC code is establishment specific. Employers who are not exempt for size and who have establishments classified under an SIC code which is not partially exempt (those establishments classified in agriculture, mining, construction, manufacturing, transportation, communication, electric, gas and sanitary services, or wholesale trade are not partially exempt) must comply with the recordkeeping requirements under § 1904.4 for each such establishment which is not partially exempt. However, employers are not required to comply with the requirements under § 1904.4 for those establishments which are partially exempt.



The following health care providers establishments (with the respective SIC noted) are among the establishments which are partially exempt from the requirements under § 1904.4: SIC 591 Drug Stores & Proprietary Stores; SIC 801 Offices & Clinics of Medical Doctors; SIC 802 Offices and Clinics of Dentists; SIC 803 Offices of Osteopathic; SIC 804 Offices of Other Health Practitioners; SIC 807 Medical and Dental Laboratories; and 809 Health and Allied Services, Not Elsewhere Classified. Unless requested by the government to do so, providers are not required to comply with the recordkeeping requirements under § 1904.4 for those partially exempt establishments.

All employers, including those who are partially exempt, must report to OSHA any workplace incident that results in a fatality or hospitalization of three or more employees. The report must be made to the OSHA office nearest to the site where the incident occurred within 8 hours of the death or inpatient hospitalization and can be made by calling the following toll-free number: 1-800-321-OSHA (or 1-800-321-6742).

Additionally, health care providers (and other covered employers) are also required to comply with the requirements under 29 C.F.R. § 1910.1030 of the OSHA bloodborne pathogens standard, which contains recordkeeping requirements for occupational exposure to blood and potentially infectious materials. The standard at § 1910.1030 sets forth, among other requirements, engineering and work practice controls, personal protective equipment, hazard communication, housekeeping, labeling, requirements pertaining to Hepatitis training & vaccinations, education, training, recordkeeping, and maintenance of a sharps injury log.

Although most healthcare providers are partially exempt from the requirements under 29 C.F.R. § 1904, they should be aware that other employers may utilize information from them to complete their recordkeeping requirements. Such information may include whether the injury or illness is a new case or recurrence of an old case and when the physician recommends the employee be returned to work.

References:

OSHA Directive 09-08 (CPL 02), September 30, 2009, "Injury and Illness Recordkeeping National Emphasis Program (RK NEP)": http://osha.gov/OshDoc/Directive_pdf/CPL_02_09-08.pdf

OSHA Press Release, October 1, 2009:



http://osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASES&p_id=16488

OSHA CFR: <http://www.access.gpo.gov/cgi-bin/cfrassemble.cgi?title=200829>

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