



COTTINGHAM & BUTLER

RISK MANAGEMENT SAFETY WEBINAR

OSHA Recordkeeping and Recordable
Cases



TODAY'S PRESENTER



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POLL

Who keeps the OSHA log at my location?

- a) I do
- b) Safety
- c) Someone does, but I don't know who
- d) What? We need to keep an OSHA log?

PURPOSE (OF THE RULE)

To require employers to record and report work-related fatalities, injuries and illnesses

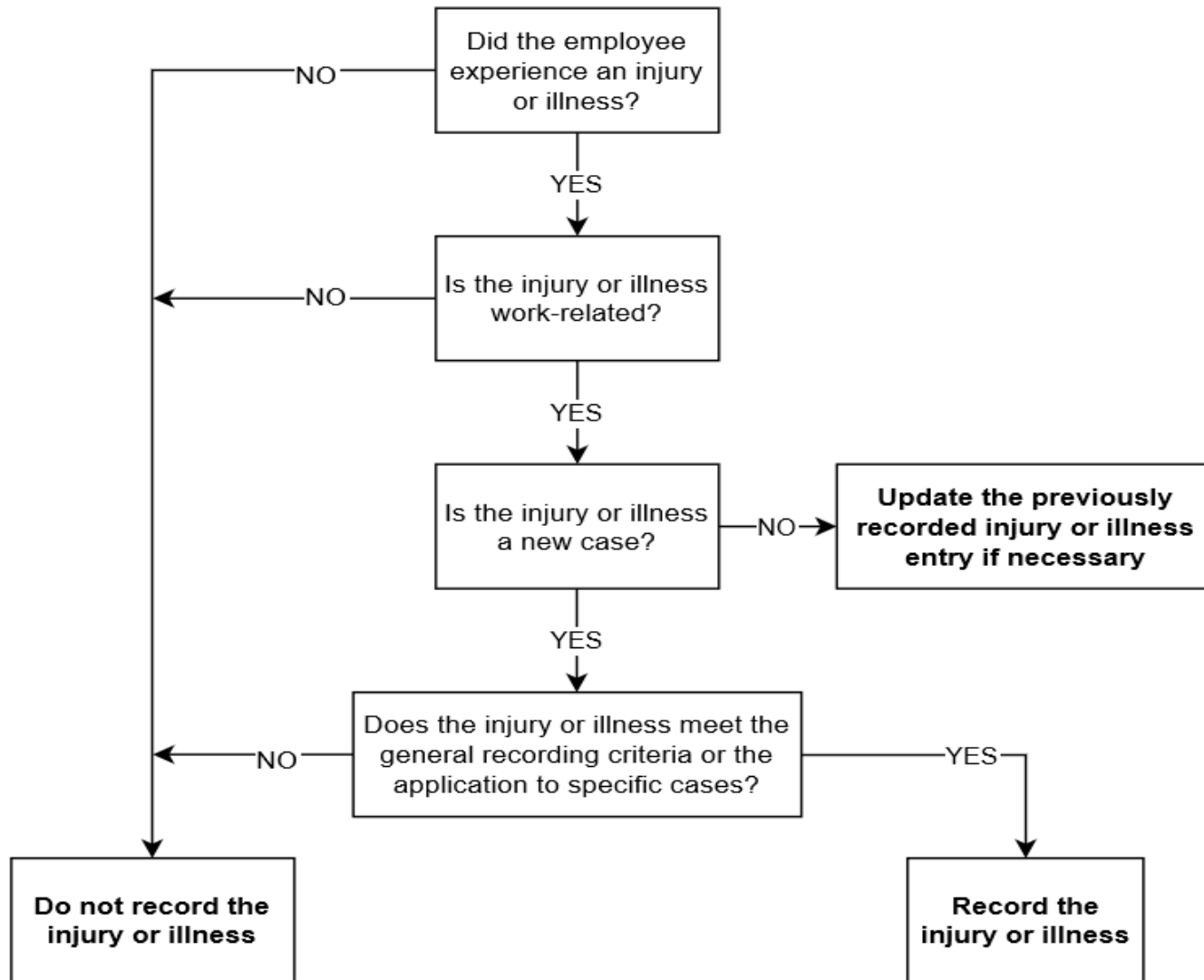
Recording does not mean the employer or employee was at fault, an OSHA rule has been violated, or that the employee is eligible for workers' compensation or other benefits.

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 general recordkeeping criteria

1904.4(B)(2) – IS THE INJURY / ILLNESS RECORDABLE?



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

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
- Voluntary participation in **wellness program**, medical, fitness or recreational activity
- **Eating, drinking** or preparing food or drink for personal consumption

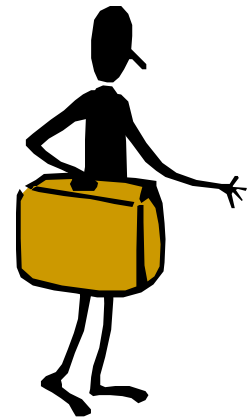


1904.5 - EXCEPTIONS

- **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

1904.5 – TRAVEL STATUS

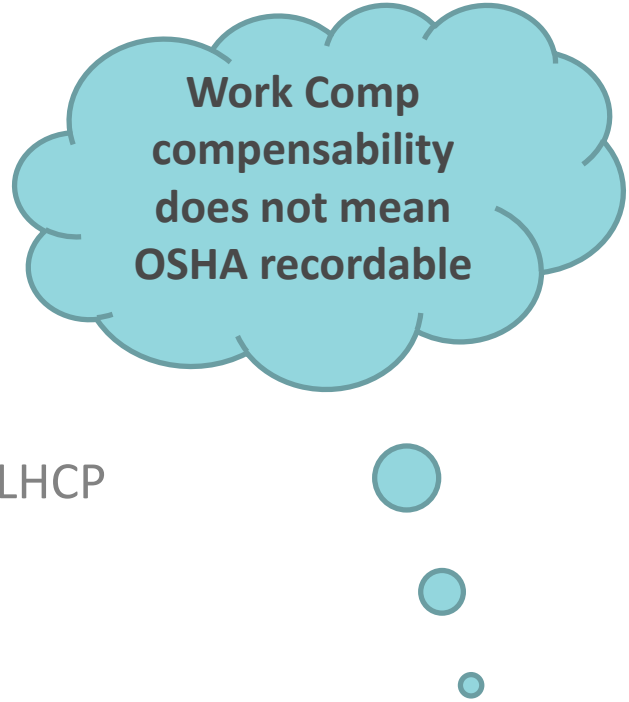
- An injury or illness that occurs while an employee is on travel status is work-related if it occurred while the employee was **engaged in work activities** in the interest of the employer
- **Home away from home**
- **Detour** for personal reasons is not work-related



1904.7 – GENERAL RECORDING CRITERIA

An injury or illness is recordable if it results in one or more of the following:

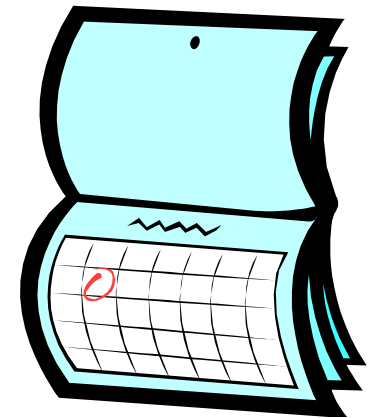
- Death
- Days away from work
- Restricted work activity
- Transfer to another job
- Medical treatment beyond first aid
- Loss of consciousness
- Significant injury or illness diagnosed by a PLHCP



**Work Comp
compensability
does not mean
OSHA recordable**

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
- 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



1904.7(B)(4) - RESTRICTED WORK CASES

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

1904.7(B)(4) – JOB TRANSFER

Job transfer

- 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



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



1904.7(B)(5) – FIRST AID

- Using nonprescription medication at nonprescription strength
- Tetanus immunizations
- Cleaning, flushing, or soaking surface wounds
- Hot or cold therapy
- Wound coverings, butterfly-bandages
- Ace bandages



1904.7(B)(5) – FIRST AID

- 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



	Recordable (Medical Treatment)	Non-recordable (First Aid)
Visits to Health Care Professionals	Any condition that is treated, or that should have been treated, with a treatment not on the first aid list	- Visits solely for observation, testing, or to evaluate diagnostic decisions - Visits solely for counseling - Diagnostic procedures, including prescribing or administering of prescription medications used solely for diagnostic purposes - Procedures defined in the final rule as first aid
Cuts, Lacerations, Punctures, and Abrasions	- Sutures (stitches) - Staples - Surgical glue - Treatment of infection with prescription meds on any visit - Application of prescription antiseptic or a non-prescription antiseptic at prescription strength - Surgical debridement (cutting away dead skin)	- Any wound coverings or bandaging by any medical personnel [below]Liquid bandage - Cleaning, flushing or soaking wounds on the surface of the skin; - Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™
Inoculations	- Hepatitis B vaccine or rabies vaccine - Vaccinations necessary to enable the employee to perform work duties	Tetanus immunizations
Splinters	Foreign bodies which require more than simple means to remove because of their location, depth of penetration, size, or shape	- Removing foreign bodies from the eye using only irrigation or a cotton swab; - Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means (needles, pins or small tools)
Strains, Sprains, and Dislocations	- Casts or immobilization with rigid stays - Chiropractic manipulation - Exercises recommended by a health care professional who trains the worker in the proper frequency, duration and intensity of the exercise - Physical therapy	- Hot or cold therapy - Any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc. - Finger guards - Temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back boards, etc.).
Burns, skin rashes, and blisters	Any conditions that result in days away from work, restricted work, transfer to another job, or medical treatment beyond first aid	Draining fluid from a blister
Bruises/contusions	Draining of bruises by needle	- Soaking therapy - Hot or cold therapy
Medications	- Prescription medication, whether given once or over a longer period of time - Prescription medication, whether that prescription is filled or taken or not - Non-prescription medication administered or prescribed at prescription strength	Non-prescription medicines at non-prescription strength, whether in ointment, cream, pill, liquid, spray, or any other form
Oxygen	Oxygen administered to an employee exposed to a substance who exhibits symptoms of an injury or illness	Oxygen administered purely as a precautionary measure to an employee who does not exhibit any symptoms of an injury or illness
Physical Therapy	- Exercises recommended by a health care professional who trains the worker in the proper frequency, duration and intensity of the exercise - Physical therapy	
Loss of Consciousness	Loss of consciousness which results from a workplace event or exposure (e.g., chemicals, heat, an oxygen deficient environment, a blow to the head)	- Loss of consciousness due solely to epilepsy, diabetes, narcolepsy, or other personal health condition - Due to voluntary participation in a wellness or similar program (e.g., company sponsored blood donation)

1904.7(B)(6) – LOSS OF CONSCIOUSNESS

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



1904.7(B)(7) – SIGNIFICANT DIAGNOSED INJURY OR ILLNESS

The following work-related conditions must always be recorded at the time of diagnosis by a PLHCP:

- Cancer
- Chronic irreversible disease
- Punctured eardrum
- Fractured or cracked bone or tooth

OSHA's Form 300 (Rev. 01/2004)

Log of Work-Related Injuries and Illnesses

Year 20__

You must record information about every work-related death and about every work-related injury or illness that involves loss of consciousness, restricted work activity or job transfer, days away from work, or medical treatment beyond first aid. You must also record significant work-related injuries and illnesses that are diagnosed by a physician or licensed health care professional. You must also record work-related injuries and illnesses that meet any of the specific recording criteria listed in 29 CFR Part 1904.8 through 1904.12. Feel free to use two lines for a single case if you need to. You must complete an injury and illness Incident Report (OSHA Form 301) or equivalent form for each injury or illness recorded on this form. If you're not sure whether a case is recordable, call your local OSHA office for help.

Describe injury or illness, parts of body affected, and object/substance that directly injured or made person ill (e.g. Second degree burns on right forearm from acetylene torch)

OSHA FORM 300A

OSHA's Form 300A (Rev. 01/2004)

Summary of Work-Related Injuries and Illnesses



All establishments covered by Part 1904 must complete this Summary page, even if no work-related injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate before completing this summary.

Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you've added the entries from every page of the Log. If you had no cases, write "0."

Employees, former employees, and their representatives have the right to review the OSHA Form 300 in its entirety. They also have limited access to the OSHA Form 301 or its equivalent. See 29 CFR Part 1904.35, in OSHA's recordkeeping rule, for further details on the access provisions for these forms.

Number of Cases

Total number of deaths	Total number of cases with days away from work	Total number of cases with job transfer or restriction	Total number of other recordable cases
(G)	(H)	(I)	(J)

Number of Days

Total number of days away from work	Total number of days of job transfer or restriction
(K)	(L)

Injury and Illness Types

Total number of ...	(M)
(1) Injuries	(4) Poisonings
(2) Skin disorders	(5) Hearing loss
(3) Respiratory conditions	(6) All other illnesses

These 2 sections should equal the same number

Post this Summary page from February 1 to April 30 of the year following the year covered by the form.

Public reporting burden for this collection of information is estimated to average 50 minutes per response, including time to review the instructions, search existing data sources, gather the data needed, and complete and review the collection of information. Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. If you have any comments about these estimates or any other aspect of this data collection, contact: US Department of Labor, OSHA Office of Statistical Analysis, Room N-3644, 200 Constitution Avenue, NW, Washington, DC 20210. Do not send the completed forms to this office.

Establishment information

Your establishment name _____

Street _____

City _____ State _____ ZIP _____

Industry description (e.g., Manufacture of motor truck trailers)

Standard Industrial Classification (SIC), if known (e.g., 3713)

OR

North American Industrial Classification (NAICS), if known (e.g., 336212)

Employment information (If you don't have these figures, see the instructions on the back of this page to estimate.)

Annual average number of employees _____

Total hours worked by all employees last year _____

Sign here

Knowingly falsifying this document may result in a fine.

I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

Company executive _____ Title _____

Phone _____ Date _____

1904.29 - FORMS

Employers must enter each recordable case on the forms within 7 calendar days of receiving information that a recordable case occurred.

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
- Each employee must be linked with one establishment
- Employers do not have to have an OSHA 300 Log if the employment was less than 10 throughout the entire calendar year for the entire firm.

However, if one location has 7 employees and another location has 5 employees that would be 12 and both locations would need an OSHA 300 Log.

1904.31 – COVERED EMPLOYEES

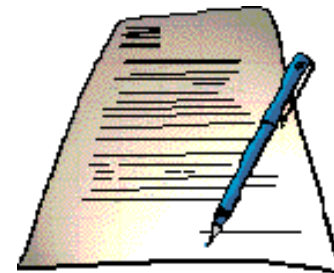
- Employees on payroll
- Employees not on payroll who are supervised on a day-to-day basis
- Exclude self-employed and partners
- Temp agencies should not record the cases experienced by temp workers who are supervised by the using firm
 - Only 1 location should account for the employee

1904.32 – ANNUAL SUMMARY (OSHA 300A OR EQUIVALENT)

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.



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

COVID

- The case is a confirmed case of COVID-19, and
- The case is work-related as defined by OSHA regulations, and
- The case involves one or more of OSHA's general recording criteria such as days away from work, job transfer, and medical treatment.

Tips for Determining:

- Conduct an incident investigation
 - *The reasonableness of the employer's investigation into work-relatedness.*
 - *The evidence available to the employer.*
 - *The evidence that a COVID-19 illness was contracted at work.*
- Determine potential exposure based on tasks, work areas

POLL

Did my company / business electronically submit 2019 OSHA 300A data to OSHA and BLS?

- a) Only BLS
- b) Only OSHA
- c) Submitted to both OSHA and BLS
- d) Don't know

QUESTIONS?