

Shane Mougey BWC Safety Consultant 614-769-2909

OSHA Recordkeeping

OSHA Recordkeeping is not related to Workers Compensation!!!!!!!!!!!!

OSHA

- Part of Dept. of Labor
 - Enforcement
 - Covers Private Employers
 - Enforce 29 CFR (Code of Federal Regulations
-
- Can you have an OSHA recordable and not have a WC claim?

BWC – SAFETY & HYGIENE

- Part of BWC
 - Consultative
 - Work with Public and Private employers
 - Use all applicable standards
-
- Can you have a WC claim and not have an OSHA recordable?

Jan 2015 Reporting Requirements

- Changes to partially exempt industries
- All fatalities – Report within 8 hours
- Work related inpatient hospitalization (1+ employee), all amputation, all loss of an eye within 24 hours



Partially Exempt Industries

- OSHA switched from SIC to NAICS
- Still have to report fatalities, hospitalizations, amputation and loss of eye to OSHA
- Still have to provide information/ and or keep records if requested from OSHA



Non-Mandatory Appendix A to Subpart B -- Partially Exempt Industries 2015

Employers are not required to keep OSHA injury and illness records for any establishment classified in the following North American Industry Classification System (NAICS), unless they are asked in writing to do so by OSHA, the Bureau of Labor Statistics (BLS), or a state agency operating under the authority of OSHA or the BLS. All employers, including those partially exempted by reason of company size or industry classification, must report to OSHA any workplace incident that results in a fatality, in-patient hospitalization, amputation, or loss of an eye (see §1904.39).

NAICS Code	Industry Description	NAICS Code	Industry Description
4412	Other Motor Vehicle Dealers	5411	Legal Services
4431	Electronics and Appliance Stores	5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Svc
4461	Health and Personal Care Stores	5413	Architectural, Engineering, and Related Services
4471	Gasoline Stations	5414	Specialized Design Services
4481	Clothing Stores	5415	Computer Systems Design and Related Services
4482	Shoe Stores	5416	Management, Scientific, and Technical Consulting Services
4483	Jewelry, Luggage, and Leather Stores	5417	Scientific Research and Development Services
4511	Sporting Goods, Hobby, Musical Stores	5418	Advertising and Related Services
4512	Book, Periodical, and Music Stores	5511	Management of Companies and Enterprises
4531	Florists	5611	Office Administrative Services
4532	Office Supplies, Stationery, Gift Stores	5614	Business Support Services
4812	Nonscheduled Air Transportation	5615	Travel Arrangement and Reservation Services
4861	Pipeline Transportation of Crude Oil	5616	Investigation and Security Services
4862	Pipeline Transportation of Natural Gas	6111	Elementary and Secondary Schools
4869	Other Pipeline Transportation	6112	Junior Colleges
4879	Scenic and Sightseeing Transp. Other	6113	Colleges, Universities, and Professional Schools
4885	Freight Transportation Arrangement	6114	Business Schools and Computer and Management Training
5111	Newspaper, Periodical, Book, Publish	6115	Technical and Trade Schools
5112	Software Publishers	6116	Other Schools and Instruction
5121	Motion Picture and Video Industries	6117	Educational Support Services
5122	Sound Recording Industries	6211	Offices of Physicians
5151	Radio and Television Broadcasting	6212	Offices of Dentists

NAICS Code Industry Description**NAICS Code Industry Description**

5172	Wireless Telecomm.Carriers (exc.Satell)	6213	Offices of Other Health Practitioners
5173	Telecommunications Resellers	6214	Outpatient Care Centers
5179	Other Telecommunications	6215	Medical and Diagnostic Laboratories
5181	Internet Serv Providers & Web Search	6244	Child Day Care Services
5182	Data Processing, Hosting & Services	7114	Agents and Mgr for Artists, Athletes, Entertainers, and Other Pub
5191	Other Information Services	7115	Independent Artists, Writers, and Performers
5211	Monetary Authorities - Central Bank	7213	Rooming and Boarding Houses
5221	Depository Credit Intermediation	7221	Full-Service Restaurants
5222	Nondepository Credit Intermediation	7222	Limited-Service Eating Places
5223	Activities Related to Credit Intermediati	7224	Drinking Places (Alcoholic Beverages)
5231	Securities & Commodity Contracts & Br	8112	Electronic and Precision Equipment Repair and Maintenance
5232	Securities and Commodity Exchanges	8114	Personal and Household Goods Repair and Maintenance
5239	Other Financial Investment Activities	8121	Personal Care Services
5241	Insurance Carriers	8122	Death Care Services

Fatalities

- 8 hour report to OSHA
- Occur within 30 days of the work related incident
- Same as the current regulation

Hospitalization

- Definition – a formal admission to the in-patient service of a hospital or clinic for care or treatment (Not for observation or diagnostic testing)
- Admission within 24 hours of the work-related incident
- **REPORT within 24 HOURS**

Amputation

- Definition – the traumatic loss of a limb or other external body part. Amputations include a part, such as a limb or appendage, that has been severed, cut off, amputated (either completely or partially), fingertip amputation with or without bone loss, medical amputation resulting from irreparable damage, amputation of body parts that have been attached

Amputation – DO NOT INCLUDE

- Avulsions – layers or skin torn away exposing underlying structure
- Enucleations – eye popping out
- Degloving – losing the skin
- Scalping – losing the hair or scalp
- Severed ears
- Broken or chipped teeth



How to Report to OSHA

- Call OSHA's free and confidential number
- 1-800-321-OSHA (6742)
- Call your closest OSHA Area office during normal business hours



2017 Reporting Requirements

- Provisions call for employers to electronically submit injury and illness data.
- Why is OSHA issuing this rule?
- What does the rule require?
- How will electronic submission work?
- Anti-retaliation protections required.
- Compliance schedule.



Why is OSHA issuing this rule?

- Will improve safety for workers across the country.
- Behavioral economics tells us that making injury information publicly available will “nudge” employers to focus on safety.
- More attention to safety will save the lives and limbs of many workers, and will ultimately help the employer’s bottom line as well.
- This regulation will improve the accuracy of this data by ensuring that workers will not fear retaliation for reporting injuries or illnesses.



What does the rule require?

- Requires certain employers to electronically submit injury and illness data that they are already required to record on their onsite OSHA Injury and Illness forms.
- Will enable OSHA to use its enforcement and compliance assistance resources more efficiently.
- Will encourage employers to improve workplace safety and provide valuable information to workers, job seekers, customers, researchers and the general public.



How will electronic submission work?

- OSHA will provide a secure website that offers three options for data submission.
- Users will be able to manually enter data into a web form.
- users will be able to upload a CSV file to process single or multiple establishments at the same time.
- users of automated recordkeeping systems will have the ability to transmit data electronically via an API (application programming interface).

(The site is scheduled to go live in February 2017.)

Anti-retaliation protections

- The rule also prohibits employers from discouraging workers from reporting an injury or illness.
- requires employers to inform employees of their right to report work-related injuries and illnesses free from retaliation, which can be satisfied by posting the already-required [OSHA workplace poster](#).
- Clarifies the existing requirement that an employer's procedure for reporting work-related injuries and illnesses must be reasonable and not deter or discourage employees from reporting; and incorporates the prohibition on retaliating
- Drug testing Questions

(These provisions become effective August 10, 2016, but OSHA has [delayed their enforcement](#) until Dec. 1, 2016.)



Compliance Schedule

The new reporting requirements will be phased in over two years:

- Establishments with **250** or more employees in industries covered by the recordkeeping regulation;
 - Must submit information from their 2016 Form 300A by July 1, 2017.
 - These same employers will be required to submit information from all 2017 forms (300A, 300, and 301) by July 1, 2018.
 - Beginning in 2019 and every year thereafter, the information must be submitted by March 2.



Compliance Schedule

- Establishments with **20-249** employees in [certain high-risk industries](#) must submit information from their 2016 Form 300A by July 1, 2017.
- Their 2017 Form 300A by July 1, 2018.
- Beginning in 2019 and every year thereafter, the information must be submitted by March 2.

(OSHA State Plan states must adopt requirements that are substantially identical to the requirements in this final rule within 6 months after publication of this final rule.)



“High Risk Industries”

- Establishments in the following industries with 20 to 249 employees must submit injury and illness summary (Form 300A) data to OSHA electronically

NAICS	Industry
11	Agriculture, forestry, fishing and hunting
22	Utilities
23	Construction
31-33	Manufacturing
42	Wholesale trade
4413	Automotive parts, accessories, and tire stores
4421	Furniture stores

20-249 employees must submit 300A data to OSHA (cont.)

- 4422 Home furnishings stores
- 4441 Building material and supplies dealers
- 4442 Lawn and garden equipment and supplies stores
- 4451 Grocery stores
- 4452 Specialty food stores
- 4521 Department stores
- 4529 Other general merchandise stores
- 4533 Used merchandise stores
- 4542 Vending machine operators
- 4543 Direct selling establishments
- 4811 Scheduled air transportation
- 4841 General freight trucking

20-249 employees must submit 300A data to OSHA (cont.)

- 4842 Specialized freight trucking
- 4851 Urban transit systems
- 4852 Interurban and rural bus transportation
- 4853 Taxi and limousine service
- 4854 School and employee bus transportation
- 4855 Charter bus industry
- 4859 Other transit and ground passenger transportation

- 4871 Scenic and sightseeing transportation, land
- 4881 Support activities for air transportation
- 4882 Support activities for rail transportation

- 4883 Support activities for water transportation

- 4884 Support activities for road transportation

20-249 employees must submit 300A data to OSHA (cont.)

- 4889 Other support activities for transportation
- 4911 Postal service
- 4921 Couriers and express delivery services
- 4922 Local messengers and local delivery
- 4931 Warehousing and storage
- 5152 Cable and other subscription programming
- 5311 Lessors of real estate



Questions?

- Visit www.osha.gov for most up to date information.
- Do not forget that all hospitalizations, amputations, and loss of eye injuries **MUST** be reported to OSHA within 24 hours.
- 7/1/17 Electronic reporting requirements go into effect for those employers with 20-249 employees in the high risk industries.