



## Compliance Bulletin

# OSHA Issues New Recordkeeping and Reporting Requirements

Provided by Scott Risk Performance

### Quick Facts

- Employers will have to report work-related fatality within eight hours
- Employers will have to report any in-patient hospitalization, amputation or loss of an eye within 24 hours
- Employers can notify OSHA of reportable events by phone, calling or visiting a local office or through a website
- OSHA has also revised its list of partially exempt industries

OSHA will require employers to report work-related employee fatalities within eight hours and losses of an eye, hospitalizations and amputations within 24 hours.

Effective **Jan. 1, 2015**, the Occupational Safety and Health Administration (OSHA) will require employers to report any work-related employee fatality **within eight hours** and in-patient hospitalization, amputation or loss of an eye **within 24 hours**. Employers will be required to submit these reports to OSHA by telephone at 1-800-321-OSHA (6742), by calling or visiting the nearest area office during normal business hours or through a [website](#) that is currently under development.

This new requirement came as part of a new [final rule](#) that also updates the list of employers that are partially exempt from OSHA's recordkeeping requirements. As a result, many employers that are not currently required to maintain injury and illness records will lose their exempt status and will be expected to create and maintain in their establishments OSHA Forms 300, 300A and 301. OSHA will provide compliance assistance by reaching out and making training available to affected employers.

### Current Requirements

Presently, OSHA requires employers to report work-related fatalities and in-patient hospitalizations of three or more employees within eight hours of the event. The new rule

maintains the requirement to report fatalities within eight hours, but requires reporting hospitalizations (regardless of how many employees are hospitalized), amputations and any loss of an eye within 24 hours.

In addition, OSHA currently allows certain employers to be partially exempt from its recordkeeping and reporting requirements. Qualifying employers are partially exempt because reporting requirements still apply, even though they are not required to maintain work-related injury and illness records. Employers qualify for a partial exemption if they:

- Have fewer than 10 employees (unless otherwise directed by OSHA or the Bureau of Labor Statistics); or
- Their establishments are classified as being part of a partially exempt industry.

Under the new final rule, the qualifications for partially exempt employers remain the same, but the list of partially exempt industries has been updated.

### The Final Rule

The final rule will enable OSHA to conduct more accurate, timely investigations of the



hazards that lead to serious injuries and illnesses in the workplace. The rule will also make OSHA's reporting requirements more consistent with other federal and state agency requirements.

States with OSHA-approved state plans are required to notify OSHA **within 60 days** on whether they intend to adopt a standard or regulation that is identical or at least as effective as the new rule. State plans then have **up to six months** to adopt the new standard. State plans that adopt recordkeeping requirements that differ from federal requirements must identify and post on their website the differences between the federal and state requirements or submit the differences to OSHA with information on how the public can obtain this information. While state plans are merely encouraged to comply with the new rule by Jan. 1, 2015, their compliance is required by Jan. 1, 2016.

#### **Revised Reporting Requirement**

The final rule sets new time requirements for notifying OSHA of **reportable events** (fatality, in-patient hospitalization, amputation or loss of an eye). A fatality must be reported whether it occurs immediately or if it occurs within 30 days of when the work-related incident took place. An in-patient hospitalization, amputation or loss of an eye is a reportable event only if it takes place within 24 hours of the incident.

OSHA defines an in-patient hospitalization as "a formal admission to the in-patient service of a hospital or clinic for care or treatment." Hospitalizations for observation or diagnostic testing are not reportable events. An amputation is the traumatic loss of a limb or other external body part. Amputations can be full or partial, and they can happen with or without bone. Amputations do not include avulsions, enucleations, degloving, scalping, severed ears or broken (or chipped) teeth.

Employers are not required to notify OSHA of a reportable event if the event is the result of a motor vehicle accident on a public street or

highway, unless the accident took place in a construction work zone. However, unless partially exempt, employers will need to keep a record of the incident. The same is true for incidents that occur on commercial or public transportation systems.

The reporting clock does not begin until the employer or its agents learn about the reportable event. OSHA offers the following illustration:

If an employee suffers a work-related injury at 9:00 a.m. and dies from that injury at 10:00 a.m., and the employer or the employer's agent(s) learn of the fatality (the reportable event) at 10:00 a.m., then the employer would be required to report the fatality (the reportable event) to OSHA within eight hours of the fatality (the reportable event) – i.e., 6:00 p.m.

A complete report under the final rule must include:

- The employer's name;
- The location of the reportable event;
- The time of the reportable event;
- The type of reportable event (fatality, hospitalization, amputation, loss of an eye);
- The number of employees affected by a reportable event;
- The names of all employees affected by a reportable event;
- The employer's contact person and his or her phone number; and
- A brief description of the work-related incident.

#### **Revised List of Partially Exempt Industries**

To create its list of partially exempt industries, OSHA uses data from a three-year sampling period. Industries with a DART rate lower than 75 percent of the average DART for the sampling period are allowed a partial exemption.

Currently this list uses DART rates from the 1996-1998 sampling period. The codes used to



classify these industries are from the Standard Industrial Classification (SIC) system.

The new list uses data from the 2007-2009 sampling period. The codes used for the new list match the codes used by the North American Industry Classification System (NAICS). The new list of partially exempt industries allows OSHA to account for changes in the labor market and provides a refreshed perspective on low-hazard industries.

The one exception for the list of low-hazard industries is the “Employment Services” industry (NAICS 5613). This industry is not partially exempt under the new final rule. While the DART rate for this industry is technically under the 75 percentile, many employees within this industry may actually be required to work in non-exempt establishments, such as manufacturing.

Below is the new list of partially exempt industries:

NAICS Code	Industry
4412	Other Motor Vehicle Dealers
4431	Electronics and Appliance Stores
4461	Health and Personal Care Stores
4471	Gasoline Stations
4481	Clothing Stores
4482	Shoe Stores
4483	Jewelry, Luggage, and Leather Goods Stores
4511	Sporting Goods, Hobby, and Musical Instrument Stores
4512	Book, Periodical, and Music Stores
4531	Florists
4532	Office Supplies, Stationery, and Gift Stores
4812	Nonscheduled Air Transportation
4861	Pipeline Transportation of Crude Oil
4862	Pipeline Transportation of Natural Gas
4869	Other Pipeline Transportation
4879	Scenic and Sightseeing Transportation, Other
4885	Freight Transportation Arrangement
5111	Newspaper, Periodical, Book, and Directory Publishers
5112	Software Publishers
5121	Motion Picture and Video Industries
5122	Sound Recording Industries
5151	Radio and Television Broadcasting
5172	Wireless Telecommunications Carriers (except Satellite)
5173	Telecommunications Resellers
5179	Other Telecommunications
5181	Internet Service Providers and Web Search Portals
5182	Data Processing, Hosting, and Related Services
5191	Other Information Services
5211	Monetary Authorities - Central Bank
5221	Depository Credit Intermediation
5222	Nondepository Credit Intermediation
5223	Activities Related to Credit Intermediation
5231	Securities and Commodity Contracts Intermediation and Brokerage
5232	Securities and Commodity Exchanges
5239	Other Financial Investment Activities
5241	Insurance Carriers
5242	Agencies, Brokerages, and Other Insurance Related Activities
5251	Insurance and Employee Benefit Funds
5259	Other Investment Pools and Funds



NAICS Code	Industry
5312	Offices of Real Estate Agents and Brokers
5331	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
5411	Legal Services
5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services
5413	Architectural, Engineering, and Related Services
5414	Specialized Design Services
5415	Computer Systems Design and Related Services
5416	Management, Scientific, and Technical Consulting Services
5417	Scientific Research and Development Services
5418	Advertising and Related Services
5511	Management of Companies and Enterprises
5611	Office Administrative Services
5614	Business Support Services
5615	Travel Arrangement and Reservation Services
5616	Investigation and Security Services
6111	Elementary and Secondary Schools
6112	Junior Colleges
6113	Colleges, Universities, and Professional Schools
6114	Business Schools and Computer and Management Training
6115	Technical and Trade Schools
6116	Other Schools and Instruction
6117	Educational Support Services
6211	Offices of Physicians
6212	Offices of Dentists
6213	Offices of Other Health Practitioners
6214	Outpatient Care Centers
6215	Medical and Diagnostic Laboratories
6244	Child Day Care Services
7114	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures
7115	Independent Artists, Writers, and Performers
7213	Rooming and Boarding Houses
7221	Full-Service Restaurants
7222	Limited-Service Eating Places
7224	Drinking Places (Alcoholic Beverages)
8112	Electronic and Precision Equipment Repair and Maintenance
8114	Personal and Household Goods Repair and Maintenance
8121	Personal Care Services
8122	Death Care Services
8131	Religious Organizations
8132	Grantmaking and Giving Services
8133	Social Advocacy Organizations
8134	Civic and Social Organizations
8139	Business, Professional, Labor, Political, and Similar Organizations

