

**North Carolina Department of Labor  
Occupational Safety & Health Division**

**Raleigh, NC**

Chapter 7  
Subchapter 7A

CFR Revision 127K

Field Information System  
*Clarification of Employer's Continuing Obligation to Make and Maintain  
an Accurate Record of Each Recordable Injury and Illness*

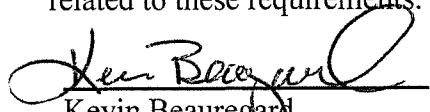
**Final Rule**

**A. Discussion:**

Under the Congressional Review Act, Congress has passed, and the President signed, Public Law 115-21, a resolution disapproving the Occupational Safety and Health Administration's (OSHA) final rule titled, "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of each Recordable Injury and Illness," which was promulgated on December 19, 2016. This final rule had been a response to a 2012 decision of the United States Court of Appeals for the District of Columbia Circuit (Volks II decision) in which OSHA amended its recordkeeping regulations to clarify that the duty of employers to make and maintain accurate records of work-related injuries and illnesses is an ongoing obligation during the five year period for which recordkeeping forms must be maintained. This included the requirement to enter any recordable case that occurred during a calendar year for which logs must be maintained. Because Public Law 115-21 invalidates these amendments, this new final rule removes those amendments from the Code of Federal Regulations.

**B. Action:**

In accordance with 13 NCAC 7A. 0301(a), the N.C. Commissioner of Labor automatically adopted the correction to the federal Recording and Reporting Occupational Injuries and Illnesses Standard with an effective date of May 3, 2017. Reference the *Federal Register* (Volume 82, No. 84) for the details related to these requirements.

  
Kevin Beauregard  
Director

5/8/17  
Date of Signature

N.C. Effective Date: May 3, 2017

NCAC Number: 13 NCAC 7A. 0301(a)

(16) *N*-(4-fluorophenyl)-*N*-(1-phenethylpiperidin-4-yl)isobutyramide, its isomers, esters, ethers, salts and salts of isomers, esters and ethers (Other names: 4-fluoroisobutyryl fentanyl, *para*-fluoroisobutyryl fentanyl) .....

(9824)

Dated: April 27, 2017.

**Chuck Rosenberg,**  
Acting Administrator.

[FR Doc. 2017-08943 Filed 5-2-17; 8:45 am]

BILLING CODE 4410-09-P

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

#### 29 CFR Part 1904

[Docket No. OSHA-2015-0006]

RIN 1218-AC84

#### Clarification of Employer's Continuing Obligation To Make and Maintain an Accurate Record of Each Recordable Injury and Illness

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Final rule.

**SUMMARY:** Under the Congressional Review Act, Congress has passed, and the President has signed, Public Law 115-21, a resolution of disapproval of OSHA's final rule titled, "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of each Recordable Injury and Illness." OSHA published the rule, which contained various amendments to OSHA's recordkeeping regulations, on December 19, 2016. The amendments became effective on January 18, 2017. Because Public Law 115-21 invalidates the amendments to OSHA's recordkeeping regulations contained in the rule promulgated on December 19, 2016, OSHA is hereby removing those amendments from the Code of Federal Regulations.

**DATES:** This final rule becomes effective on May 3, 2017.

#### FOR FURTHER INFORMATION CONTACT:

*Press inquiries:* Mr. Frank Meilinger, Director, Office of Communications, OSHA, U.S. Department of Labor, Room N-3647, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-1999; email [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*Technical inquiries:* Ms. Mandy Edens, Director, Directorate of Technical Support and Emergency Management, OSHA, U.S. Department of Labor, Room N-3653, 200 Constitution Avenue NW., Washington, DC 20210; telephone (202) 693-2270; email [edens.mandy@dol.gov](mailto:edens.mandy@dol.gov).

*Copies of this Federal Register notice and news releases:* Electronic copies of these documents are available at OSHA's Web page at <http://www.osha.gov>.

**SUPPLEMENTARY INFORMATION:** On December 19, 2016, OSHA issued a final rule titled, "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness." See 81 FR 91792. The final rule, which became effective on January 18, 2017, resulted in various amendments to OSHA's recordkeeping regulations clarifying that the duty to make and maintain accurate records of work-related injuries and illnesses is an ongoing obligation. On March 1, 2017 (Cong. Rec. pp. H1421-H1430), the House of Representatives passed a resolution of disapproval (H.J. Res. 83) of the rule under the Congressional Review Act (5 U.S.C. 801 *et seq.*). The Senate then passed H.J. Res. 83 on March 22, 2017. President Trump signed the resolution into law as Public Law 115-21 on April 3, 2017. Accordingly, OSHA is hereby removing the affected amendments to the recordkeeping regulations from the Code of Federal Regulations.

#### List of Subjects in 29 CFR Part 1904

Health statistics, Occupational safety and health, Safety, Reporting and recordkeeping requirements, State plans.

Accordingly, the Occupational Safety and Health Administration amends part 1904 of title 29 of the Code of Federal Regulations as follows:

#### PART 1904—RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

■ 1. Revise the authority citation for part 1904 to read as follows:

**Authority:** 29 U.S.C. 657, 658, 660, 666, 669, 673, Secretary of Labor's Order No. 1-2012 (77 FR 3912, Jan. 25, 2012).

■ 2. Revise § 1904.0 to read as follows:

#### § 1904.0 Purpose.

The purpose of this rule (part 1904) is to require employers to record and report work-related fatalities, injuries, and illnesses.

**Note to § 1904.0:** Recording or reporting a work-related injury, illness, or fatality does not mean that the employer or employee was at fault, that an OSHA rule has been violated,

or that the employee is eligible for workers' compensation or other benefits.

#### Subpart C—Recordkeeping Forms and Recording Criteria

■ 3. Revise the heading of subpart C to read as set forth above.

■ 4. In § 1904.4, remove the note to § 1904.4(a) and revise paragraph (a) introductory text to read as follows:

#### § 1904.4 Recording criteria.

(a) *Basic requirement.* Each employer required by this part to keep records of fatalities, injuries, and illnesses must record each fatality, injury and illness that:

\* \* \* \* \*

■ 5. Revise § 1904.29(b)(3) to read as follows:

#### § 1904.29 Forms.

\* \* \* \* \*

(b) \* \* \*

(3) *How quickly must each injury or illness be recorded?* You must enter each recordable injury or illness on the OSHA 300 Log and 301 Incident Report within seven (7) calendar days of receiving information that a recordable injury or illness has occurred.

\* \* \* \* \*

■ 6. Revise the heading and paragraphs (a) and (b)(1) of § 1904.32 to read as follows:

#### § 1904.32 Annual summary.

(a) *Basic requirement.* At the end of each calendar year, you must:

(1) Review the OSHA 300 Log to verify that the entries are complete and accurate, and correct any deficiencies identified;

(2) Create an annual summary of injuries and illnesses recorded on the OSHA 300 Log;

(3) Certify the summary; and

(4) Post the annual summary

(b) \* \* \*

(1) *How extensively do I have to review the OSHA 300 Log entries at the end of the year?* You must review the entries as extensively as necessary to make sure that they are complete and correct.

\* \* \* \* \*

■ 7. Revise the heading and paragraph (b) of § 1904.33 to read as follows:

#### § 1904.33 Retention and updating.

\* \* \* \* \*

(b) *Implementation*—(1) *Do I have to update the OSHA 300 Log during the five-year storage period?* Yes, during the storage period, you must update your stored OSHA 300 Logs to include newly discovered recordable injuries or illnesses and to show any changes that have occurred in the classification of previously recorded injuries and illnesses. If the description or outcome of a case changes, you must remove or line out the original entry and enter the new information.

(2) *Do I have to update the annual summary?* No, you are not required to update the annual summary, but you may do so if you wish.

(3) *Do I have to update the OSHA 301 Incident Reports?* No, you are not required to update the OSHA 301 Incident Reports, but you may do so if you wish.

■ 8. Revise § 1904.34 to read as follows:

**§ 1904.34 Change in business ownership.**

If your business changes ownership, you are responsible for recording and reporting work-related injuries and illnesses only for that period of the year during which you owned the establishment. You must transfer the part 1904 records to the new owner. The new owner must save all records of the establishment kept by the prior owner, as required by § 1904.33 of this part, but need not update or correct the records of the prior owner.

■ 9. Revise paragraphs (b)(2) introductory text and (b)(2)(iii) of § 1904.35 to read as follows:

**§ 1904.35 Employee involvement.**

\* \* \* \* \*

(b) \* \* \*

(2) *Do I have to give my employees and their representatives access to the OSHA injury and illness records?* Yes, your employees, former employees, and their personal representatives, and their authorized employee representatives have the right to access the OSHA injury and illness records, with some limitations, as discussed below.

\* \* \* \* \*

(iii) *If an employee or representative asks for access to the OSHA 300 Log, when do I have to provide it?* When an employee, former employee, personal representative, or authorized employee representative asks for copies of your current or stored OSHA 300 Log(s) for an establishment the employee or former employee has worked in, you must give the requester a copy of the relevant OSHA 300 Log(s) by the end of the next business day.

\* \* \* \* \*

**Subpart E—Reporting Fatality, Injury and Illness Information to the Government**

■ 10. Revise the heading of subpart E to read as set forth above.

■ 11. Revise the heading and paragraph (a) of § 1904.40 to read as follows:

**§ 1904.40 Providing records to government representatives.**

(a) *Basic requirement.* When an authorized government representative asks for the records you keep under part 1904, you must provide copies of the records within four (4) business hours.

\* \* \* \* \*

Signed at Washington, DC, on April 25, 2017.

**Dorothy Dougherty,**  
Deputy Assistant Secretary of Labor for  
Occupational Safety and Health.

[FR Doc. 2017–08754 Filed 5–2–17; 8:45 am]

BILLING CODE 4510–26–P

**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

**49 CFR Part 243**

[Docket No. FRA–2009–0033, Notice No. 4]

RIN 2130–AC68

**Training, Qualification, and Oversight for Safety-Related Railroad Employees**

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Final rule; delay of implementation dates.

**SUMMARY:** This document delays the implementation dates in the final rule published November 7, 2014, because model training program developers alerted FRA they will not be able to timely produce model programs that an estimated 1,459 railroads and contractors are expected to use to comply with the rule's program submission requirements.

**DATES:** This regulation is effective June 2, 2017. Petitions for reconsideration of this delay must be received on or before May 23, 2017. Petitions for reconsideration will be posted in the docket for this proceeding. Comments on any submitted petition for reconsideration must be received on or before June 19, 2017.

**ADDRESSES:** Petitions for reconsideration or comments on such petitions: Any petitions and any comments on petitions related to Docket No. FRA–2009–0033 may be submitted by any of the following methods:

- *Online:* Comments should be filed at the Federal eRulemaking Portal, <http://www.regulations.gov>. Follow the online instructions for submitting comments.

- *Fax:* 202–493–2251.

- *Mail:* Docket Management Facility, U.S. DOT, 1200 New Jersey Avenue SE., W12–140, Washington, DC 20590.

- *Hand Delivery:* Room W12–140 on the Ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. Monday through Friday, except federal holidays.

*Instructions:* All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. All petitions and comments received will be posted without change to <http://www.regulations.gov>; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted petitions or materials.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov> at any time or to Room W12–140 on the Ground level of the West Building, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m. Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Robert J. Castiglione, Staff Director—Technical Training, U.S. Department of Transportation, Federal Railroad Administration, 4100 International Plaza, Suite 450, Fort Worth, TX 76109–4820 (telephone: 817–447–2715); or Alan H. Nagler, Senior Trial Attorney, U.S. Department of Transportation, Federal Railroad Administration, Office of Chief Counsel, RCC–10, Mail Stop 10, West Building 3rd Floor, Room W31–309, 1200 New Jersey Avenue SE., Washington, DC 20590 (telephone: 202–493–6038).

**SUPPLEMENTARY INFORMATION:** FRA issued a final rule establishing minimum training standards for each category and subcategory of safety-related railroad employees and requiring railroad carriers, contractors, and subcontractors to submit training programs to FRA for FRA approval. The final rule was published November 7, 2014 (79 FR 66459) and was effective on January 6, 2015 (2014 Final Rule). The 2014 Final Rule was required by section 401(a) of the Rail Safety Improvement Act of 2008, Public Law 110–432, 122 Stat. 4883 (Oct. 16, 2008), codified at 49 U.S.C. 20162, and the Secretary of