

## 29 CFR 1904 – Recordkeeping

### OSHA STANDARDS WITH SPECIAL REQUIREMENTS

These webpages are designed to assist employers in complying with standards that have "special requirements". For the purpose of this technical guidance, special requirements includes programs, plans, procedures, policies, inspections, certifications, competent persons, qualified persons, training, medical surveillance, exposure monitoring, signs, tags, markings, tests, records and recordkeeping requirements that are applicable in meeting the requirements of OSHA standards by industry. *If a standard or subpart are not listed, it did not have one of these types of special requirements.*

**Note:** *While all attempts have been made to ensure the accuracy of the content and completeness in the information provided, it may not include all the specific standards that have special requirements that may be required by an OSHA standard. To ensure completeness in meeting each standard's requirement, the specific standard should be referenced.*

This webpage ([Printable Version](#)) is to be used in conjunction with the [Which OSHA Standards Apply](#) webpages for [Recordkeeping Standards](#) (29 CFR Part 1904).

### SPECIAL REQUIREMENTS

#### **29 CFR 1904 – Recordkeeping Standards**

These webpages are to be used in conjunction with the [Which OSHA Standards Apply](#) webpages for [Recordkeeping Standards](#) (29 CFR Part 1904).

- [\*\*Subpart B - Scope\*\*](#)
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#### **Subpart B - Scope**

Subpart B provides the scope for the recordkeeping requirements for employers covered by the Occupational Safety and Health Act (OSHA). According to the scope, all employers covered by the Occupational Safety and Health Act (OSH Act) are covered by these standards. Most employers do not have to keep OSHA injury and illness records unless OSHA or the Bureau of Labor Statistics (BLS) informs them in writing that they must keep records.

To learn if subpart B applies to you, go to [Does "Subpart B - Scope" Apply to You?](#)

## **1904.1 – Partial Exemption for Employers With 10 or Fewer Employees**

**Scope:** This [section](#) provides the recordkeeping requirements for partial exemptions for employers with 10 or fewer employees.

**Special Requirements:** Records, informed in writing, report to OSHA

[1904.1\(a\)\(1\)](#) - If your company had *10 or fewer employees* at all times during the last calendar year, you do not need to keep *OSHA injury and illness records* unless OSHA or the Bureau of Labor Statistics *informs* you in *writing* that you must keep *records* under [1904.41](#) or [1904.42](#). However, as required by [1904.39](#), all employers covered by the OSH Act must *report to OSHA any work-related incident that results in a fatality, the in-patient hospitalization of one or more employees, an employee amputation, or an employee loss of an eye*.

[1904.1\(a\)\(2\)](#) - If your company had *more than ten (10) employees* at any time during the last calendar year, you must keep *OSHA injury and illness records* unless your establishment is classified as a partially exempt industry under [1904.2](#).

## **1904.2 - Partial Exemption for Establishments in Certain Industries**

**Scope:** This [section](#) provides recordkeeping requirements for partial exemptions for employers in certain industries.

**Special Requirements:** Records, report to OSHA, references other standards

[1904.2\(a\)\(1\)](#) - If your business establishment is classified in a specific industry group listed in [appendix A](#) - Partially Exempt Industries, to this subpart, you do not need to keep OSHA injury and illness *records* unless the government asks you to keep the *records* under [1904.41](#) or [1904.42](#). However, all employers must *report to OSHA any workplace incident that results in an employee's fatality, in-patient hospitalization, amputation, or loss of an eye* (see [1904.39](#)).

[1904.2\(a\)\(2\)](#) - If one or more of your company's establishments are classified in a non-exempt industry, you must keep *OSHA injury and illness records* for all of such establishments unless your company is partially exempted because of size under [1904.1](#).

[1904.2\(b\)\(1\)](#) - Is the partial industry classification exemption based on the industry classification of my entire company or on the classification of individual business establishments operated by my company? The partial industry classification exemption applies to individual business establishments. If a company has several business establishments engaged in different classes of business activities, some of the company's establishments may be required to keep *records*, while others may be partially exempt.

### **1904.3 - Keeping Records for More Than One Agency**

**Scope:** This [section](#) provides the recordkeeping requirements for keeping records for more than one agency.

**Special Requirements:** Records, information

[1904.3](#) - If you create *records* to comply with another government agency's injury and illness *recordkeeping* requirements, OSHA will consider those *records* as meeting OSHA's Part 1904 recordkeeping requirements if OSHA accepts the other agency's *records* under a memorandum of understanding with that agency, or if the other agency's *records* contain the same *information* as this Part 1904 requires you to *record*. You may contact your nearest OSHA office or State agency for help in determining whether your *records* meet OSHA's requirements.

### **Subpart C - Recordkeeping Forms and Recording Criteria**

[Subpart C](#) describes the work-related injuries and illnesses that an employer must enter into the OSHA records and explains the OSHA forms that employers must use to record work-related fatalities, injuries, and illnesses.

[Injury or illness](#). An injury or illness is an abnormal condition or disorder. Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation. Illnesses include both acute and chronic illnesses, such as, but not limited to, a skin disease, respiratory disorder, or poisoning. (Note: Injuries and illnesses are recordable only if they are new, work-related cases that meet one or more of the part 1904 recording criteria.)

To learn if subpart C applies to you, go to [Does "Subpart C - Recordkeeping Forms and Recording Criteria" Apply to You?](#)

## Special Requirements

### 1904.4 - Recording Criteria

**Scope:** This [standard](#) provides the recoding criteria for the OSHA logs.

**Special Requirements:** Records, references other standards

[1904.4\(a\)](#) - Basic requirement. Each employer required by this part to keep *records* of fatalities, injuries, and illnesses must *record* each fatality, injury and illness that:

- [1904.4\(a\)\(1\)](#) - Is work-related; and
- [1904.4\(a\)\(2\)](#) - Is a new case; and
- [1904.4\(a\)\(3\)](#) - Meets one or more of the general *recording* criteria of [1904.7](#) or the application to specific cases of [1904.8](#), [1904.9](#), [1904.10](#) and [1904.11](#).

### 1904.5 - Determination of Work-relatedness

**Scope:** This [standard](#) provides the requirements for determination of work-relatedness.

**Special Requirements:** Exposures, evaluate, not recordable

[Work environment](#) is defined as "the establishment and other locations where one or more employees are working or are present as a condition of their employment. The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of his or her work."

An injury or illness is a [preexisting condition](#) if it resulted solely from a non-work-related event or exposure that occurred outside the work environment.

[1904.5\(a\)](#) - Basic requirement. You must consider an injury or illness to be work-related if an event or *exposure* in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or *exposures* occurring in the work environment, unless an exception in [1904.5\(b\)\(2\)](#) specifically applies.

[1904.\(b\)\(2\)](#) - Are there situations where an injury or illness occurs in the work environment and is not considered work-related? Yes, an injury or illness occurring in the work environment that falls under one of the following exceptions is not work-related, and therefore is not *recordable*. [Reference [paragraph \(b\)\(2\)\(i\) - \(ix\)](#)].

1904.5(b)(3) - How do I handle a case if it is not obvious whether the precipitating event or exposure occurred in the work environment or occurred away from work? In these situations, you must *evaluate* the employee's work duties and environment to decide whether or not one or more events or exposures in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing condition.

## 1904.6 - Determination of New Cases

**Scope:** This standard provides the requirements for the determination of new cases.

**Special Requirements:** Recorded, exposures, physician, licensed healthcare provider, recommendations, documented

1904.6(a) - Basic requirement. You must consider an injury or illness to be a "new case" if:

- 1904.6(a)(1) - The employee has not previously experienced a *recorded* injury or illness of the same type that affects the same part of the body, or
- 1904.6(a)(2) - The employee previously experienced a *recorded* injury or illness of the same type that affected the same part of the body but had recovered completely (all signs and symptoms had disappeared) from the previous injury or illness and an event or *exposure in the work environment* caused the signs or symptoms to reappear.

1904.6(b)(1) - When an employee experiences the signs or symptoms of a chronic work-related illness, do I need to consider each recurrence of signs or symptoms to be a new case? No, for occupational illnesses where the signs or symptoms may recur or continue in the absence of an *exposure in the workplace*, the case must only be *recorded* once. Examples may include occupational cancer, asbestosis, byssinosis and silicosis.

1904.6(b)(3) - May I rely on a *physician or other licensed health care professional* to determine whether a case is a new case or a recurrence of an old case? You are not required to seek the advice of a *physician or other licensed health care professional*. However, if you do seek such advice, you must follow the *physician or other licensed health care professional's recommendation* about whether the case is a new case or a recurrence. If you receive *recommendations* from two or more *physicians or other licensed health care professionals*, you must make a *decision* as to which *recommendation* is the most authoritative (*best documented*, *best reasoned*, or *most authoritative*), and *record* the case based upon that *recommendation*.

## 1904.7 - General Recording Criteria

**Scope:** This [standard](#) provides the general recording criteria.

**Special Requirements:** Recordable, criteria, physician, licensed healthcare provider, record, check mark, OSHA 300 log, report, estimate, encourage, recommendation, references other standards

[1904.7\(a\)](#) - Basic requirement. You must consider an injury or illness to meet the general *recording criteria*, and therefore to be *recordable*, if it results in any of the following: death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness. You must also consider a case to meet the general *recording criteria* if it involves a significant injury or illness diagnosed by a *physician or other licensed health care professional*, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.

[1904.7\(b\)\(1\)](#) - How do I decide if a case meets one or more of the *general recording criteria*? A work-related injury or illness must be *recorded* if it results in one or more of the following: [Reference [paragraph \(b\)\(1\)\(i\) - \(v\)](#)].

[1904.7\(b\)\(2\)](#) - How do I *record* a work-related injury or illness that results in the employee's death? You must *record* an injury or illness that results in death by entering a *check mark* on the *OSHA 300 Log* in the space for cases resulting in death. You must also *report* any work-related fatality to OSHA within eight (8) hours, as required by [1904.39 - reporting fatalities, hospitalizations, amputations, and losses of an eye as a result of work-related incidents to OSHA](#).

[1904.7\(b\)\(3\)](#) - How do I *record* a work-related injury or illness that results in days away from work? When an injury or illness involves one or more days away from work, you must *record* the injury or illness on the *OSHA 300 Log* with a *check mark* in the space for cases involving days away and an entry of the number of calendar days away from work in the number of days column. If the employee is out for an extended period of time, you must enter an *estimate* of the days that the employee will be away, and update the day count when the actual number of days is known. [Reference [paragraph \(b\)\(3\)\(i\) - \(ix\)](#)].

[1904.7\(b\)\(4\)](#) - How do I *record* a work-related injury or illness that results in restricted work or job transfer? When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, you must *record* the injury or illness on the *OSHA 300 Log* by placing a *check mark* in the space for job transfer or restriction and an entry of the number of restricted or transferred days in the restricted workdays column. [Reference [paragraph \(b\)\(4\)\(i\) - \(xi\)](#)].

1904.7(b)(5) - How do I *record* an injury or illness that involves medical treatment beyond first aid? If a work-related injury or illness results in medical treatment beyond first aid, you must *record* it on the *OSHA 300 Log*. If the injury or illness did not involve death, one or more days away from work, one or more days of restricted work, or one or more days of job transfer, you enter a *check mark* in the box for cases where the employee received medical treatment but remained at work and was not transferred or restricted.

1904.7(b)(5)(iv) - Does the professional status of the person providing the treatment have any effect on what is considered first aid or medical treatment? No, OSHA considers the treatments listed in 1904.7(b)(5)(ii) - *first aid*, of this part to be first aid regardless of the professional status of the person providing the treatment. Even when these treatments are provided by a *physician or other licensed health care professional*, they are considered first aid for the purposes of part 1904. Similarly, OSHA considers treatment beyond first aid to be medical treatment even when it is provided by someone other than a *physician or other licensed health care professional*.

1904.7(b)(5)(v) - What if a *physician or other licensed health care professional* *recommends* medical treatment but the employee does not follow the *recommendation*? If a *physician or other licensed health care professional* *recommends* medical treatment, you should *encourage* the injured or ill employee to follow that *recommendation*. However, you must *record* the case even if the injured or ill employee does not follow the *physician or other licensed health care professional's recommendation*.

1904.7(b)(6) - Is every work-related injury or illness case involving a loss of consciousness *recordable*? Yes, you must *record* a work-related injury or illness if the worker becomes unconscious, regardless of the length of time the employee remains unconscious.

1904.7(b)(7) - What is a "significant" diagnosed injury or illness that is *recordable* under the general criteria even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness? Work-related cases involving cancer, chronic irreversible disease, a fractured or cracked bone, or a punctured eardrum must always be *recorded* under the general criteria at the time of diagnosis by a *physician or other licensed health care professional*.

**Note to 1904.7:** OSHA believes that most significant injuries and illnesses will result in one of the criteria listed in 1904.7(a): *death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness*. However, there are some significant injuries, such as a punctured eardrum or a fractured toe or rib, for which

neither medical treatment nor work restrictions may be *recommended*. In addition, there are some significant progressive diseases, such as byssinosis, silicosis, and some types of cancer, for which medical treatment or work restrictions may not be *recommended* at the time of diagnosis but are likely to be *recommended* as the disease progresses. OSHA believes that cancer, chronic irreversible diseases, fractured or cracked bones, and punctured eardrums are generally considered significant injuries and illnesses, and must be *recorded* at the initial diagnosis even if medical treatment or work restrictions are not *recommended*, or are postponed, in a particular case.

## **1904.8 - Recording Criteria for Needlestick and Sharps Injuries**

**Scope:** This [standard](#) provides the requirements for recording criteria for needlestick and sharps injuries.

**Special Requirements:** Record, OSHA 300 Log, employee's name, enter, update, description, classification, references other standards

[1904.8\(a\)](#) - Basic requirement. You must *record* all work-related needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (as defined by [29 CFR 1910.1030](#) - *bloodborne pathogens*). You must *enter* the case on the *OSHA 300 Log* as an injury. To protect the employee's privacy, you *may not enter* the *employee's name* on the *OSHA 300 Log* [see the requirements for privacy cases in paragraphs [1904.29\(b\)\(6\) through 1904.29\(b\)\(9\)](#)].

[1904.8\(b\)\(2\)](#) - Does this mean that I must *record* all cuts, lacerations, punctures, and scratches? No, you need to *record* cuts, lacerations, punctures, and scratches only if they are work-related and involve contamination with another person's blood or other potentially infectious material. If the cut, laceration, or scratch involves a clean object, or a contaminant other than blood or other potentially infectious material, you need to record the case only if it meets one or more of the recording criteria in [1904.7](#) - *general recording criteria*.

[1904.8\(b\)\(3\)](#) - If I *record* an injury and the employee is later diagnosed with an infectious bloodborne disease, do I need to update the *OSHA 300 Log*? Yes, you must *update* the *classification* of the case on the *OSHA 300 Log* if the case results in death, days away from work, restricted work, or job transfer. You must also *update* the *description* to identify the infectious disease and change the *classification* of the case from an injury to an illness.

1904.8(b)(4) - What if one of my employees is splashed or exposed to blood or other potentially infectious material without being cut or scratched? Do I need to *record* this incident? You need to *record* such an incident on the *OSHA 300 Log* as an illness if: [Reference [paragraph \(b\)\(4\)\(i\) - \(ii\)](#)].

## **1904.9 - Recording Criteria for Cases Involving Medical Removal Under OSHA standards**

**Scope:** This [standard](#) provides the requirements for recording criteria for cases involving medical removal under OSHA standards.

**Special Requirements:** Record, medical surveillance, OSHA 300 Log, checking, enter case, medical removal cases, references other standards

1904.9(a) - Basic requirement. If an employee is *medically removed* under the *medical surveillance* requirements of an *OSHA standard*, you must *record* the case on the *OSHA 300 Log*.

1904.9(b)(1) - How do I classify *medical removal* cases on the *OSHA 300 Log*? You must *enter* each *medical removal* case on the *OSHA 300 Log* as either a case involving days away from work or a case involving restricted work activity, depending on how you decide to comply with the *medical removal* requirement. If the *medical removal* is the result of a chemical exposure, you must *enter the case* on the *OSHA 300 Log* by *checking* the "poisoning" column.

1904.9(b)(2) - Do all of OSHA's *standards* have *medical removal provisions*? No, some OSHA *standards*, such as the *standards* covering *bloodborne pathogens and noise*, do not have *medical removal provisions*. Many OSHA *standards* that cover specific chemical substances have *medical removal provisions*. These *standards* include, but are not limited to, *lead, cadmium, methylene chloride, formaldehyde, and benzene*.

1904.9(b)(3) - Do I have to *record* a case where I voluntarily removed the employee from exposure before the *medical removal criteria* in an *OSHA standard* are met? No, if the case involves *voluntary medical removal* before the *medical removal* levels required by an *OSHA standard*, you do not need to *record* the case on the *OSHA 300 Log*.

## **1904.10 - Recording Criteria for Cases Involving Occupational Hearing Loss**

**Scope:** This [standard](#) provides the requirements for recording criteria for cases involving occupational hearing loss.

**Special Requirements:** Record, OSHA 300 Log, audiogram, evaluate, tables, age adjustment, retests, audiometric testing, check, physician, licensed health care professional, determining, references other standards

1904.10(a) - Basic requirement. If an employee's *hearing test (audiogram)* reveals that the employee has experienced a work-related Standard Threshold Shift (STS) in hearing in one or both ears, and the employee's total hearing level is 25 decibels (dB) or more above audiometric zero (averaged at 2000, 3000, and 4000 Hz) in the same ear(s) as the STS, you must *record* the case on the *OSHA 300 Log*.

1904.10(b)(1) - What is a Standard Threshold Shift? A Standard Threshold Shift, or STS, is defined in the *occupational noise exposure standard* at 29 CFR 1910.95(g)(10)(i), *occupational noise exposure, standard threshold shift*, as a change in hearing threshold, relative to the baseline *audiogram* for that employee, of an average of 10 decibels (dB) or more at 2000, 3000, and 4000 hertz (Hz) in one or both ears.

1904.10(b)(2) - How do I *evaluate* the current *audiogram* to determine whether an employee has an STS and a 25-dB hearing level? [Reference paragraph (b)(2)(i) - (ii)].

1904.10(b)(3) - May I *adjust* the current *audiogram* to reflect the effects of aging on hearing? Yes. When you are determining whether an STS has occurred, you may age adjust the employee's current *audiogram* results by using *Tables F-1 or F-2, as appropriate, in appendix F - calculations and application of age corrections to audiograms*, of 29 CFR 1910.95 - occupational noise exposure. You may not use an age *adjustment* when *determining* whether the employee's total hearing level is 25 dB or more above audiometric zero.

1904.10(b)(4) - Do I have to *record* the hearing loss if I am going to *retest* the employee's hearing? No, if you *retest* the employee's hearing within 30 days of the first *test*, and the *retest* does not confirm the *recordable* STS, you are not required to *record* the hearing loss case on the *OSHA 300 Log*. If the *retest* confirms the *recordable* STS, you must *record* the hearing loss illness within *seven (7) calendar days of the retest*. If subsequent *audiometric testing* performed under the testing requirements of the 29 CFR 1910.95 - occupational noise exposure standard indicates that an STS is not persistent, you may *erase* or *line-out* the *recorded entry*.

1904.10(b)(5) - Are there any *special rules* for determining whether a hearing loss case is work-related? No. You must use the *rules* in 1904.5 - determination of work-relatedness, to *determine* if the hearing loss is work-related. If an event or exposure in the work

environment either caused or contributed to the hearing loss, or significantly aggravated a pre-existing hearing loss, you must consider the case to be work related.

[1904.10\(b\)\(6\)](#) - If a *physician or other licensed health care professional* determines the hearing loss is not work-related, do I still need to *record* the case? If a *physician or other licensed health care professional* determines, following the *rules* set out in [1904.5](#) - *determination of work-relatedness*, that the hearing loss is not work-related or that occupational noise exposure did not significantly aggravate the hearing loss, you do not have to consider the case work-related or *record* the case on the *OSHA 300 Log*.

[1904.10\(b\)\(7\)](#) - How do I complete the *300 Log* for a hearing loss case? When you enter a *recordable* hearing loss case on the *OSHA 300 Log*, you must *check* the *300 Log column* for hearing loss.

## **1904.11 - Recording Criteria for Work-related Tuberculosis Cases**

**Scope:** This standard provides the requirements for recording criteria for work-related tuberculosis cases.

**Special Requirements:** Record, OSHA 300 Log, checking, physician, licensed health care professional, line-out, erase, skin test

[1904.11\(a\)](#) - Basic requirement. If any of your employees has been occupationally exposed to anyone with a known case of active tuberculosis (TB), and that employee subsequently develops a tuberculosis infection, as evidenced by a positive *skin test* or diagnosis by a *physician or other licensed health care professional*, you must *record* the case on the *OSHA 300 Log* by *checking* the "respiratory condition" column.

[1904.11\(b\)\(1\)](#) - Do I have to *record*, *on the Log*, a positive TB *skin test* result obtained at a pre-employment physical? No, you do not have to *record* it because the employee was not occupationally exposed to a known case of active tuberculosis in your workplace.

[1904.11\(b\)\(2\)](#) - May I *line-out or erase a recorded* TB case if I obtain evidence that the case was not caused by occupational exposure? Yes, you may *line-out or erase* the case from the *Log* under the following circumstances: [Reference paragraph (b)(2)(i) - (iii)].

## **1904.29 – Forms**

**Scope:** This standard provides the requirements for forms.

**Special Requirements:** OSHA 300 Log, OSHA 300-A, OSHA 301, recordable, information, description, instructions, list, classify, forms, authorized, references other standards

1904.29(a) - Basic requirement. You must use OSHA 300, 300-A, and 301 forms, or equivalent forms, for recordable injuries and illnesses. The OSHA 300 form is called the *Log of Work-Related Injuries and Illnesses*, the 300-A is the *Summary of Work-Related Injuries and Illnesses*, and the OSHA 301 form is called the *Injury and Illness Incident Report*.

1904.29(b)(1) - What do I need to do to complete the OSHA 300 Log? You must enter *information* about your business at the top of the OSHA 300 Log, enter a one or two line *description* for each recordable injury or illness, and summarize this *information* on the OSHA 300-A at the end of the year.

1904.29(b)(2) - What do I need to do to complete the OSHA 301 Incident Report? You must complete an OSHA 301 *Incident Report form*, or an equivalent *form*, for each recordable injury or illness entered on the OSHA 300 Log.

1904.29(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.

1904.29(b)(4) - What is an equivalent *form*? An equivalent *form* is one that has the same *information*, is as readable and understandable, and is completed using the same *instructions* as the OSHA *form* it replaces. Many employers use an insurance *form* instead of the OSHA 301 *Incident Report*, or supplement an insurance *form* by adding any additional *information* required by OSHA.

1904.29(b)(5) - May I keep my *records* on a computer? Yes, if the computer can produce equivalent *forms* when they are needed, as described under 1904.35 - *employee involvement* and 1904.40 - *providing records to government representatives*, you may keep your *records* using the computer system.

1904.29(b)(6) - Are there situations where I do not put the employee's name on the *forms* for privacy reasons? Yes, if you have a "privacy concern case," you may not enter the employee's name on the OSHA 300 Log. Instead, enter "privacy case" in the space normally used for the employee's name. This will protect the privacy of the injured or ill employee when another employee, a former employee, or an *authorized employee representative* is provided access to the OSHA 300 Log under 1904.35(b)(2) - *employee involvement*. You must keep a separate, confidential *list* of the case numbers and employee *names* for your privacy concern cases so you can *update* the cases and provide the *information* to the government if asked to do so.

1904.29(b)(8) - May I *classify* any other types of injuries and illnesses as privacy concern cases? No, this is a complete *list* of all injuries and illnesses considered privacy concern cases for part 1904 purposes.

1904.29(b)(9) - If I have removed the employee's name, but still believe that the employee may be identified from the *information* on the *forms*, is there anything else that I can do to further protect the employee's privacy? Yes, if you have a reasonable basis to believe that *information describing* the privacy concern case may be personally identifiable even though the employee's *name* has been omitted, you may use discretion in *describing* the injury or illness on both the *OSHA 300 and 301 forms*. You must enter enough *information* to identify the cause of the incident and the general severity of the injury or illness, but you do not need to include details of an intimate or private nature. For example, a sexual assault case could be described as "injury from assault," or an injury to a reproductive organ could be described as "lower abdominal injury."

1904.29(b)(10) - What must I do to protect employee privacy if I wish to provide access to the *OSHA Forms 300 and 301* to persons other than government representatives, employees, former employees or *authorized representatives*? If you decide to voluntarily disclose the *Forms* to persons other than government representatives, employees, former employees or *authorized representatives* (as required by 1904.35 - *employee involvement* and 1904.40 - *providing records to government representatives*), you must remove or hide the employees' *names* and other personally identifying *information*, except for the following cases. You may disclose the *Forms* with personally identifying *information* only:

[Reference paragraph (b)(10)(i) - (iii)].

## **Subpart D - Other OSHA Injury and Illness and Recordkeeping Requirements**

Subpart D provides requirements for covered employees (i.e., temporary employees, labor, management, seasonal, migrant, part-time, contractor's employees), annual summary (i.e., completing, posting, certifying), retention and updating (i.e., 5 year retention, updating logs and records), employee involvement (i.e., reporting injuries and illnesses by employees, reporting procedures, record access, charging for copies, employee rights, employee representatives) prohibition against discrimination (for reporting injuries or illnesses), state recordkeeping regulations (i.e., state plans recordkeeping requirements) and variances from the recordkeeping rule (i.e., requesting a variance from the recordkeeping rule).

To learn if subpart D applies to you, go to [Does "Subpart D - Other OSHA Injury and Illness Recordkeeping Requirements" Apply to You?](#)

## Special Requirements

### 1904.30 - Multiple Business Establishments

**Scope:** This [standard](#) provides the requirements pertaining to multiple business establishments.

**Special Requirements:** OSHA 300 Log, records, recordable, transmit information, OSHA injury and illness records, references other standards

[1904.30\(a\)](#) - Basic requirement. You must keep a separate *OSHA 300 Log* for each establishment that is expected to be in operation for *one year or longer*.

[1904.30\(b\)\(1\)](#) - Do I need to keep *OSHA injury and illness records* for short-term establishments (i.e., establishments that will exist for less than a year)? Yes, however, you do not have to keep a separate *OSHA 300 Log* for each such establishment. You may keep one *OSHA 300 Log* that covers all of your short-term establishments. You may also include the short-term establishments' *recordable injuries and illnesses* on an *OSHA 300 Log* that covers short-term establishments for individual company divisions or geographic regions.

[1904.30\(b\)\(2\)](#) - May I keep the *records* for all of my establishments at my headquarters location or at some other central location? Yes, you may keep the *records* for an establishment at your headquarters or other central location if you can:

- [1904.30\(b\)\(2\)\(i\)](#) - *Transmit information* about the injuries and illnesses from the establishment to the central location within *seven (7) calendar days* of receiving *information* that a *recordable* injury or illness has occurred; and
- [1904.30\(b\)\(2\)\(ii\)](#) - Produce and send the *records* from the central location to the establishment within the time frames required by [1904.35](#) - *employee involvement*, and [1904.40](#) - *providing records to government representatives*, when you are required to provide *records* to a government representative, employees, former employees or employee representatives.

[1904.30\(b\)\(3\)](#) - Some of my employees work at several different locations or do not work at any of my establishments at all. How do I *record* cases for these employees? You must link each of your employees with one of your establishments, for *recordkeeping* purposes. You must *record* the injury and illness on the *OSHA 300 Log* of the injured or ill employee's

establishment, or on an *OSHA 300 Log* that covers that employee's short-term establishment.

**1904.30(b)(4)** - How do I *record* an injury or illness when an employee of one of my establishments is injured or becomes ill while visiting or working at another of my establishments, or while working away from any of my establishments? If the injury or illness occurs at one of your establishments, you must *record* the injury or illness on the *OSHA 300 Log* of the establishment at which the injury or illness occurred. If the employee is injured or becomes ill and is not at one of your establishments, you must *record* the case on the *OSHA 300 Log* at the establishment at which the employee normally works.

## **1904.31 - Covered Employees**

**Scope:** This [standard](#) provides the requirements for covered employees.

**Special Requirements:** Record, *OSHA 300 log*, recordable, supervise, recordkeeping, sole proprietorship, leasing service, partnership, owner, contractor, references other standards

**1904.31(a)** - Basic requirement. You must *record* on the *OSHA 300 Log* the *recordable* injuries and illnesses of all employees on your payroll, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant workers. You also must *record* the *recordable* injuries and illnesses that occur to employees who are not on your payroll if you *supervise* these employees on a day-to-day basis. If your business is organized as a *sole proprietorship or partnership*, the *owner or partners* are not considered employees for *recordkeeping* purposes.

**1904.31(b)(1)** - If a self-employed person is injured or becomes ill while doing work at my business, do I need to *record* the injury or illness? No, self-employed individuals are not covered by the *OSH Act* or this *regulation*.

**1904.31(b)(2)** - If I obtain employees from a temporary help service, employee leasing service, or personnel supply service, do I have to *record* an injury or illness occurring to one of those employees? You must *record* these injuries and illnesses if you *supervise* these employees on a day-to-day basis.

**1904.31(b)(3)** - If an employee in my establishment is a *contractor's* employee, must I *record* an injury or illness occurring to that employee? If the *contractor's* employee is under the *day-to-day supervision* of the *contractor*, the *contractor* is responsible for *recording* the injury or illness. If you *supervise* the *contractor* employee's work on a day-to-day basis, you must *record* the injury or illness.

1904.31(b)(4) - Must the personnel supply service, temporary help service, employee *leasing service, or contractor* also *record* the injuries or illnesses occurring to temporary, leased or *contract* employees that I *supervise* on a day-to-day basis? No, you and the temporary help service, employee leasing service, personnel supply service, or *contractor* should coordinate your efforts to make sure that each injury and illness is *recorded* only once: either on your *OSHA 300 Log* (if you provide day-to-day supervision) or on the other employer's *OSHA 300 Log* (if that company provides day-to-day supervision).

## **1904.32 - Annual Summary**

**Scope:** This [standard](#) provides the requirements for the annual summary.

**Special Requirements:** Review, OSHA 300 Log, certify, post, verify, recorded, copy, annual summary, information, owner, officer, company executive, references other standards

1904.32(a) - Basic requirement. At the end of each calendar year, you must:

- 1904.32(a)(1) - Review the *OSHA 300 Log* to *verify* that the entries are complete and accurate, and correct any deficiencies identified;
- 1904.32(a)(2) - Create an *annual summary* of injuries and illnesses *recorded* on the *OSHA 300 Log*;
- 1904.32(a)(3) - *Certify* the *summary*; and
- 1904.32(a)(4) - *Post* the *annual summary*.

1904.32(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.

1904.32(b)(2) - How do I complete the *annual summary*? You must: [Reference [paragraph \(b\)\(2\)\(i\) - \(iii\)](#)].

1904.32(b)(3) - How do I *certify* the *annual summary*? A *company executive* must *certify* that he or she has examined the *OSHA 300 Log* and that he or she reasonably believes, based on his or her knowledge of the process by which the *information* was *recorded*, that the *annual summary* is correct and complete.

1904.32(b)(4) - Who is considered a *company executive*? The *company executive* who *certifies* the *log* must be one of the following persons: [Reference [paragraph \(b\)\(4\)\(i\) - \(iv\)](#)].

1904.32(b)(5) - How do I post the *annual summary*? You must *post a copy of the annual summary* in each establishment in a conspicuous place or places where notices to employees are customarily *posted*. You must ensure that the *posted annual summary* is not altered, defaced or covered by other material.

1904.32(b)(6) - When do I have to post the *annual summary*? You must *post the summary* no later than February 1 of the year following the year covered by the *records* and keep the *posting* in place until April 30.

## **1904.33 - Retention and Updating**

**Scope:** This [standard](#) provides the requirements for retention and updating.

**Special Requirements:** OSHA 300 log, privacy case list, annual summary, OSHA 301 incident report forms, records, classification, recorded, enter information, description, line out, update

1904.33(a) - Basic requirement. You must save the *OSHA 300 Log*, *the privacy case list* (if one exists), the *annual summary*, and the *OSHA 301 Incident Report forms* for *five (5) years* following the end of the calendar year that these *records* cover.

1904.33(b)(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*.

1904.33(b)(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.

1904.33(b)(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.

## **1904.34 - Change in Business Ownership**

**Scope:** This [standard](#) provides the requirements pertaining to a change in business ownership.

**Special Requirements:** Recording, reporting, records, owner, update, correct, transfer, reference other standards

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 - retention and updating](#), of this part, but need not *update or correct the records* of the prior owner.

## **1904.35 - Employee Involvement**

**Scope:** This [standard](#) provides the requirements for employee involvement.

**Special Requirements:** Involved, recordkeeping system, inform, report/reporting, information, OSHA 300 Log, records, establish procedures, provide access, authorized, designates, writing, OSHA 301 Incident Report, designated persons, references other standards

[1904.35\(a\)](#) - Basic requirement. Your employees and their representatives must be *involved* in the *recordkeeping system* in several ways.

- [1904.35\(a\)\(1\)](#) - You must *inform* each employee of how he or she is to *report* a work-related injury or illness to you.
- [1904.35\(a\)\(2\)](#) - You must *provide* employees with the *information* described in paragraph (b)(1)(iii) of this section.
- [1904.35\(a\)\(3\)](#) - You must *provide access* to your injury and illness *records* for your employees and their representatives as described in [paragraph \(b\)\(2\)](#) of this section.

[1904.35\(b\)\(1\)](#) - *What must I do to make sure that employees report work-related injuries and illnesses to me?*

- [1904.35\(b\)\(1\)\(i\)](#) - You must *establish a reasonable procedure* for employees to *report* work-related injuries and illnesses promptly and accurately. A *procedure* is not reasonable if it would deter or discourage a reasonable employee from accurately *reporting* a workplace injury or illness;
- [1904.35\(b\)\(1\)\(ii\)](#) - You must *inform* each employee of your *procedure* for *reporting* work-related injuries and illnesses;
- [1904.35\(b\)\(1\)\(iii\)](#) - You must *inform* each employee that: [Reference [paragraph \(b\)\(1\)\(iii\)\(A\) - \(B\)](#)].

- [1904.35\(b\)\(1\)\(iv\)](#) - You must not discharge or in any manner discriminate against any employee for *reporting* a work-related injury or illness.

[1904.35\(b\)\(2\)](#) - Do I have to give my employees and their representatives access to the *OSHA injury and illness records*? Yes, your employees, former employees, 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.

- [1904.35\(b\)\(2\)\(i\)](#) - Who is an *authorized employee representative*? An *authorized employee representative* is an *authorized* collective bargaining agent of employees.
- [1904.35\(b\)\(2\)\(ii\)](#) - Who is a "*personal representative*" of an employee or former employee? A *personal representative* is:
  - [1904.35\(b\)\(2\)\(ii\)\(A\)](#) - Any person that the employee or former employee *designates* as such, in *writing*.
- [1904.35\(b\)\(2\)\(iii\)](#) - 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.
- [1904.35\(b\)\(2\)\(iv\)](#) - May I remove the names of the employees or any other *information* from the *OSHA 300 Log* before I give *copies* to an employee, former employee, or employee representative? No, you must leave the *names* on the *300 Log*. However, to protect the privacy of injured and ill employees, you may not *record* the employee's *name* on the *OSHA 300 Log* for certain "privacy concern cases," as specified in [1904.29\(b\)\(6\) through \(9\) - forms](#).
- [1904.35\(b\)\(2\)\(v\)](#) - If an employee or representative asks for access to the *OSHA 301 Incident Report*, when do I have to provide it?
  - [1904.35\(b\)\(2\)\(v\)\(A\)](#) - When an employee, former employee, or personal representative asks for a *copy* of the *OSHA 301 Incident Report* describing an injury or illness to that employee or former employee, you must give the requester a *copy* of the *OSHA 301 Incident Report* containing that *information* by the end of the *next business day*.
  - [1904.35\(b\)\(2\)\(v\)\(B\)](#) - When an *authorized* employee representative asks for *copies* of the *OSHA 301 Incident Reports* for an establishment where the

agent represents employees under a collective bargaining agreement, you must give *copies* of those *forms* to the *authorized* employee representative within *7 calendar days*. You are only required to give the *authorized* employee representative information from the OSHA 301 Incident Report section titled "Tell us about the case." You must remove all other *information* from the *copy* of the OSHA 301 *Incident Report* or the equivalent *substitute form* that you give to the *authorized* employee representative.

- [1904.35\(b\)\(2\)\(vi\)](#) - May I charge for the *copies*? No, you may not charge for these *copies* the first time they are provided. However, if one of the *designated persons* asks for additional *copies*, you may assess a reasonable charge for retrieving and *copying the records*.

## **1904.36 - Prohibition Against Discrimination**

**Scope:** This [standard](#) provides requirements pertaining to prohibition against discrimination.

**Special Requirements:** Files, access, records, reporting, references other standards

In addition to [1904.35](#) - *employee involvement, section 11(c) of the OSH Act* also prohibits you from discriminating against an employee for *reporting* a work-related fatality, injury, or illness. That provision of the Act also protects the employee who *files* a safety and health complaint, asks for access to the part *1904 records*, or otherwise exercises any rights afforded by the OSH Act.

## **1904.37 - State Recordkeeping Regulations**

**Scope:** This [standard](#) provides the requirements for State recordkeeping regulations.

**Special Requirements:** OSHA programs, authority, State plan, consult, approved, record, recordable, recording and reporting requirements, record retention, employee involvement, statistics, variances, approval, references other standards

[1904.37\(a\)](#) - Basic requirement. Some States operate their own OSHA *programs*, under the *authority* of a *State plan as approved* by OSHA. States *operating OSHA-approved State plans* must have occupational injury and illness *recording and reporting requirements* that are substantially identical to the requirements in this part [see [29 CFR 1902.3\(j\)](#) - *Specific criteria, employer records and reports, 29 CFR 1902.7 - Injury and illness recording and reporting requirements, and 29 CFR 1956.10(i)* - *criteria, State agency reports to the Assistant Secretary.*].

[1904.37\(b\)\(1\)](#) - *State-Plan States must have the same requirements as Federal OSHA for determining which injuries and illnesses are recordable and how they are recorded.*

[1904.37\(b\)\(2\)](#) - *For other part 1904 provisions (for example, industry exemptions, reporting of fatalities and hospitalizations, record retention, or employee involvement), State-Plan State requirements may be more stringent than or supplemental to the Federal requirements, but because of the unique nature of the national recordkeeping program, States must consult with and obtain approval of any such requirements.*

[1904.37\(b\)\(3\)](#) - *Although State and local government employees are not covered Federally, all State-Plan States must provide coverage, and must develop injury and illness statistics, for these workers. State Plan recording and reporting requirements for State and local government entities may differ from those for the private sector but must meet the requirements of paragraphs [1904.37\(b\)\(1\)](#) and [\(b\)\(2\)](#).*

[1904.37\(b\)\(4\)](#) - *A State-Plan State may not issue a variance to a private sector employer and must recognize all variances issued by Federal OSHA.*

[1904.37\(b\)\(5\)](#) - *A State Plan State may only grant an injury and illness recording and reporting variance to a State or local government employer within the State after obtaining approval to grant the variance from Federal OSHA.*

## **1904.38 - Variances From the Recordkeeping Rule**

**Scope:** This [standard](#) provides the requirements pertaining to variances from the recordkeeping rule.

**Special Requirements:** Records, variance, variance petition, recordkeeping system, writing, procedures, recordkeeping practices

[1904.38\(a\)](#) - *Basic requirement. If you wish to keep records in a different manner from the manner prescribed by the part 1904 regulations, you may submit a variance petition to the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, DC 20210. You can obtain a variance only if you can show that your alternative recordkeeping system: [Reference [paragraph \(a\)\(1\) - \(3\)](#)].*

[1904.38\(b\)\(1\)](#) - *What do I need to include in my variance petition? You must include the following items in your petition: [Reference [paragraph \(b\)\(1\)\(i\) - \(vii\)](#)].*

1904.38(b)(2) - How will the Assistant Secretary handle my *variance petition*? The Assistant Secretary will take the following steps to process your *variance petition*.

[Reference [paragraph \(b\)\(2\)\(i\) - \(iv\)](#)].

1904.38(b)(3) - If I apply for a *variance*, may I use my proposed *recordkeeping procedures* while the Assistant Secretary is processing the *variance petition*? No, alternative *recordkeeping practices* are only allowed after the *variance is approved*. You must comply with the *part 1904 regulations* while the Assistant Secretary is reviewing your *variance petition*.

1904.38(b)(4) - If I have already been cited by OSHA for not following the *part 1904 regulations*, will my *variance petition* have any effect on the citation and penalty? No, in addition, the Assistant Secretary may elect not to review your *variance petition* if it includes an element for which you have been cited and the citation is still under review by a court, an Administrative Law Judge (ALJ), or the OSH Review Commission.

1904.38(b)(5) - If I receive a *variance*, may the Assistant Secretary revoke the *variance* at a later date? Yes, the Assistant Secretary may revoke your *variance* if he or she has good cause. The *procedures* revoking a *variance* will follow the same process as OSHA uses for reviewing *variance petitions*, as outlined in paragraph 1904.38(b)(2). Except in cases of willfulness or where necessary for public safety, the Assistant Secretary will:

[Reference [paragraph \(b\)\(5\)\(i\) - \(ii\)](#)].

## **Subpart D - Other OSHA Injury and Illness and Recordkeeping Requirements**

Subpart D provides requirements for covered employees (i.e., temporary employees, labor, management, seasonal, migrant, part-time, contractor's employees), annual summary (i.e., completing, posting, certifying), retention and updating (i.e., 5 year retention, updating logs and records), employee involvement (i.e., reporting injuries and illnesses by employees, reporting procedures, record access, charging for copies, employee rights, employee representatives) prohibition against discrimination (for reporting injuries or illnesses), state recordkeeping regulations (i.e., state plans recordkeeping requirements) and variances from the recordkeeping rule (i.e., requesting a variance from the recordkeeping rule).

To learn if subpart D applies to you, go to [Does "Subpart D - Other OSHA Injury and Illness Recordkeeping Requirements" Apply to You?](#)

## Special Requirements

### 1904.30 - Multiple Business Establishments

**Scope:** This [standard](#) provides the requirements pertaining to multiple business establishments.

**Special Requirements:** OSHA 300 Log, records, recordable, transmit information, OSHA injury and illness records, references other standards

[1904.30\(a\)](#) - Basic requirement. You must keep a separate *OSHA 300 Log* for each establishment that is expected to be in operation for *one year or longer*.

[1904.30\(b\)\(1\)](#) - Do I need to keep *OSHA injury and illness records* for short-term establishments (i.e., establishments that will exist for less than a year)? Yes, however, you do not have to keep a separate *OSHA 300 Log* for each such establishment. You may keep one *OSHA 300 Log* that covers all of your short-term establishments. You may also include the short-term establishments' *recordable injuries and illnesses* on an *OSHA 300 Log* that covers short-term establishments for individual company divisions or geographic regions.

[1904.30\(b\)\(2\)](#) - May I keep the *records* for all of my establishments at my headquarters location or at some other central location? Yes, you may keep the *records* for an establishment at your headquarters or other central location if you can:

- [1904.30\(b\)\(2\)\(i\)](#) - *Transmit information* about the injuries and illnesses from the establishment to the central location within *seven (7) calendar days* of receiving *information* that a *recordable* injury or illness has occurred; and
- [1904.30\(b\)\(2\)\(ii\)](#) - Produce and send the *records* from the central location to the establishment within the time frames required by [1904.35](#) - *employee involvement*, and [1904.40](#) - *providing records to government representatives*, when you are required to provide *records* to a government representative, employees, former employees or employee representatives.

[1904.30\(b\)\(3\)](#) - Some of my employees work at several different locations or do not work at any of my establishments at all. How do I *record* cases for these employees? You must link each of your employees with one of your establishments, for *recordkeeping* purposes. You must *record* the injury and illness on the *OSHA 300 Log* of the injured or ill employee's establishment, or on an *OSHA 300 Log* that covers that employee's short-term establishment.

1904.30(b)(4) - How do I *record* an injury or illness when an employee of one of my establishments is injured or becomes ill while visiting or working at another of my establishments, or while working away from any of my establishments? If the injury or illness occurs at one of your establishments, you must *record* the injury or illness on the *OSHA 300 Log* of the establishment at which the injury or illness occurred. If the employee is injured or becomes ill and is not at one of your establishments, you must *record* the case on the *OSHA 300 Log* at the establishment at which the employee normally works.

## **1904.31 - Covered Employees**

**Scope:** This [standard](#) provides the requirements for covered employees.

**Special Requirements:** Record, OSHA 300 log, recordable, supervise, recordkeeping, sole proprietorship, leasing service, partnership, owner, contractor, references other standards

1904.31(a) - Basic requirement. You must *record* on the *OSHA 300 Log* the *recordable* injuries and illnesses of all employees on your payroll, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant workers. You also must *record* the *recordable* injuries and illnesses that occur to employees who are not on your payroll if you *supervise* these employees on a day-to-day basis. If your business is organized as a *sole proprietorship or partnership*, the *owner or partners* are not considered employees for *recordkeeping* purposes.

1904.31(b)(1) - If a self-employed person is injured or becomes ill while doing work at my business, do I need to *record* the injury or illness? No, self-employed individuals are not covered by the *OSH Act* or this *regulation*.

1904.31(b)(2) - If I obtain employees from a temporary help service, employee leasing service, or personnel supply service, do I have to *record* an injury or illness occurring to one of those employees? You must *record* these injuries and illnesses if you *supervise* these employees on a day-to-day basis.

1904.31(b)(3) - If an employee in my establishment is a *contractor's* employee, must I *record* an injury or illness occurring to that employee? If the *contractor's* employee is under the *day-to-day supervision* of the *contractor*, the *contractor* is responsible for *recording* the injury or illness. If you *supervise* the *contractor* employee's work on a day-to-day basis, you must *record* the injury or illness.

1904.31(b)(4) - Must the personnel supply service, temporary help service, employee leasing service, or contractor also *record* the injuries or illnesses occurring to

temporary, leased or *contract* employees that I *supervise* on a day-to-day basis? No, you and the temporary help service, employee leasing service, personnel supply service, or *contractor* should coordinate your efforts to make sure that each injury and illness is *recorded* only once: either on your *OSHA 300 Log* (if you provide day-to-day supervision) or on the other employer's *OSHA 300 Log* (if that company provides day-to-day supervision).

## **1904.32 - Annual Summary**

**Scope:** This [standard](#) provides the requirements for the annual summary.

**Special Requirements:** Review, *OSHA 300 Log*, certify, post, verify, recorded, copy, annual summary, information, owner, officer, company executive, references other standards

[1904.32\(a\)](#) - Basic requirement. At the end of each calendar year, you must:

- [1904.32\(a\)\(1\)](#) - Review the *OSHA 300 Log* to *verify* that the entries are complete and accurate, and correct any deficiencies identified;
- [1904.32\(a\)\(2\)](#) - Create an *annual summary* of injuries and illnesses *recorded* on the *OSHA 300 Log*;
- [1904.32\(a\)\(3\)](#) - *Certify* the *summary*; and
- [1904.32\(a\)\(4\)](#) - *Post* the *annual summary*.

[1904.32\(b\)\(1\)](#) - 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.

[1904.32\(b\)\(2\)](#) - How do I complete the *annual summary*? You must: ([Reference [paragraph \(b\)\(2\)\(i\) - \(iii\)](#)].

[1904.32\(b\)\(3\)](#) - How do I *certify* the *annual summary*? A *company executive* must *certify* that he or she has examined the *OSHA 300 Log* and that he or she reasonably believes, based on his or her knowledge of the process by which the *information* was *recorded*, that the *annual summary* is correct and complete.

[1904.32\(b\)\(4\)](#) - Who is considered a *company executive*? The *company executive* who *certifies* the *log* must be one of the following persons: [Reference [paragraph \(b\)\(4\)\(i\) - \(iv\)](#)].

[1904.32\(b\)\(5\)](#) - How do I *post* the *annual summary*? You must *post* a *copy* of the *annual summary* in each establishment in a conspicuous place or places where notices to

employees are customarily *posted*. You must ensure that the *posted annual summary* is not altered, defaced or covered by other material.

[1904.32\(b\)\(6\)](#) - When do I have to *post the annual summary*? You must *post the summary* no later than February 1 of the year following the year covered by the *records* and keep the *posting* in place until April 30.

### **1904.33 - Retention and Updating**

**Scope:** This [standard](#) provides the requirements for retention and updating.

**Special Requirements:** OSHA 300 log, privacy case list, annual summary, OSHA 301 incident report forms, records, classification, recorded, enter information, description, line out, update

[1904.33\(a\)](#) - Basic requirement. You must save the *OSHA 300 Log, the privacy case list* (if one exists), the *annual summary*, and the *OSHA 301 Incident Report forms* for *five (5) years* following the end of the calendar year that these *records* cover.

[1904.33\(b\)\(1\)](#) - 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*.

[1904.33\(b\)\(2\)](#) - 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.

[1904.33\(b\)\(3\)](#) - 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.

### **1904.34 - Change in Business Ownership**

**Scope:** This [standard](#) provides the requirements pertaining to a change in business ownership.

**Special Requirements:** Recording, reporting, records, owner, update, correct, transfer, reference other standards

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](#) - *retention and updating*, of this part, but need not *update or correct the records* of the prior owner.

## **1904.35 - Employee Involvement**

**Scope:** This [standard](#) provides the requirements for employee involvement.

**Special Requirements:** Involved, recordkeeping system, inform, report/reporting, information, OSHA 300 Log, records, establish procedures, provide access, authorized, designates, writing, OSHA 301 Incident Report, designated persons, references other standards

[1904.35\(a\)](#) - Basic requirement. Your employees and their representatives must be *involved* in the *recordkeeping system* in several ways.

- [1904.35\(a\)\(1\)](#) - You must *inform* each employee of how he or she is to *report* a work-related injury or illness to you.
- [1904.35\(a\)\(2\)](#) - You must *provide* employees with the *information* described in paragraph (b)(1)(iii) of this section.
- [1904.35\(a\)\(3\)](#) - You must *provide access* to your injury and illness *records* for your employees and their representatives as described in [paragraph \(b\)\(2\)](#) of this section.

[1904.35\(b\)\(1\)](#) - *What must I do to make sure that employees report work-related injuries and illnesses to me?*

- [1904.35\(b\)\(1\)\(i\)](#) - You must *establish a reasonable procedure* for employees to *report* work-related injuries and illnesses promptly and accurately. A *procedure* is not reasonable if it would deter or discourage a reasonable employee from accurately *reporting* a workplace injury or illness;
- [1904.35\(b\)\(1\)\(ii\)](#) - You must *inform* each employee of your *procedure for reporting* work-related injuries and illnesses;
- [1904.35\(b\)\(1\)\(iii\)](#) - You must *inform* each employee that: [Reference [paragraph \(b\)\(1\)\(iii\)\(A\) - \(B\)](#)].
- [1904.35\(b\)\(1\)\(iv\)](#) - You must not discharge or in any manner discriminate against any employee for *reporting* a work-related injury or illness.

[1904.35\(b\)\(2\)](#) - Do I have to give my employees and their representatives access to the *OSHA injury and illness records*? Yes, your employees, former employees, 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.

- [1904.35\(b\)\(2\)\(i\)](#) - Who is an *authorized employee representative*? An *authorized employee representative* is an *authorized* collective bargaining agent of employees.
- [1904.35\(b\)\(2\)\(ii\)](#) - Who is a "*personal representative*" of an employee or former employee? A *personal representative* is:
  - [1904.35\(b\)\(2\)\(ii\)\(A\)](#) - Any person that the employee or former employee *designates* as such, in *writing*.
- [1904.35\(b\)\(2\)\(iii\)](#) - 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.
- [1904.35\(b\)\(2\)\(iv\)](#) - May I remove the names of the employees or any other *information* from the *OSHA 300 Log* before I give *copies* to an employee, former employee, or employee representative? No, you must leave the *names* on the *300 Log*. However, to protect the privacy of injured and ill employees, you may not *record* the employee's *name* on the *OSHA 300 Log* for certain "privacy concern cases," as specified in [1904.29\(b\)\(6\) through \(9\)](#) - *forms*.
- [1904.35\(b\)\(2\)\(v\)](#) - If an employee or representative asks for access to the *OSHA 301 Incident Report*, when do I have to provide it?
  - [1904.35\(b\)\(2\)\(v\)\(A\)](#) - When an employee, former employee, or personal representative asks for a *copy* of the *OSHA 301 Incident Report* describing an injury or illness to that employee or former employee, you must give the requester a *copy* of the *OSHA 301 Incident Report* containing that *information* by the end of the *next business day*.
  - [1904.35\(b\)\(2\)\(v\)\(B\)](#) - When an *authorized* employee representative asks for *copies* of the *OSHA 301 Incident Reports* for an establishment where the agent represents employees under a collective bargaining agreement, you must give *copies* of those *forms* to the *authorized* employee representative within *7 calendar days*. You are only required to give the *authorized* employee representative information from the *OSHA 301 Incident Report* section titled

"Tell us about the case." You must remove all other *information* from the *copy* of the *OSHA 301 Incident Report* or the equivalent *substitute form* that you give to the *authorized employee representative*.

- [1904.35\(b\)\(2\)\(vi\)](#) - May I charge for the *copies*? No, you may not charge for these *copies* the first time they are provided. However, if one of the *designated persons* asks for additional *copies*, you may assess a reasonable charge for retrieving and *copying the records*.

## **1904.36 - Prohibition Against Discrimination**

**Scope:** This [standard](#) provides requirements pertaining to prohibition against discrimination.

**Special Requirements:** Files, access, records, reporting, references other standards

In addition to [1904.35](#) - *employee involvement, section 11(c) of the OSH Act* also prohibits you from discriminating against an employee for *reporting* a work-related fatality, injury, or illness. That provision of the Act also protects the employee who *files* a safety and health complaint, asks for *access* to the part *1904 records*, or otherwise exercises any rights afforded by the OSH Act.

## **1904.37 - State Recordkeeping Regulations**

**Scope:** This [standard](#) provides the requirements for State recordkeeping regulations.

**Special Requirements:** OSHA programs, authority, State plan, consult, approved, record, recordable, recording and reporting requirements, record retention, employee involvement, statistics, variances, approval, references other standards

[1904.37\(a\)](#) - Basic requirement. Some States operate their own *OSHA programs*, under the *authority* of a *State plan as approved* by OSHA. *States operating OSHA-approved State plans* must have occupational injury and illness *recording and reporting requirements* that are substantially identical to the requirements in this part [see [29 CFR 1902.3\(j\)](#) - *Specific criteria, employer records and reports, 29 CFR 1902.7 - Injury and illness recording and reporting requirements, and 29 CFR 1956.10(i)* - *criteria, State agency reports to the Assistant Secretary*.].

[1904.37\(b\)\(1\)](#) - *State-Plan States* must have the same requirements as Federal OSHA for determining which injuries and illnesses are *recordable* and how they are *recorded*.

[1904.37\(b\)\(2\)](#) - For other *part 1904 provisions* (for example, industry exemptions, *reporting* of fatalities and hospitalizations, *record retention*, or *employee involvement*), State-Plan State requirements may be more stringent than or supplemental to the Federal requirements, but because of the unique nature of the *national recordkeeping program*, States must *consult* with and obtain *approval* of any such requirements.

[1904.37\(b\)\(3\)](#) - Although State and local government employees are not covered Federally, all State-Plan States must provide coverage, and must *develop* *injury and illness statistics*, for these workers. *State Plan recording and reporting requirements* for State and local government entities may differ from those for the private sector but must meet the requirements of paragraphs [1904.37\(b\)\(1\)](#) and [\(b\)\(2\)](#).

[1904.37\(b\)\(4\)](#) - A State-Plan State may not issue a *variance* to a private sector employer and must recognize all *variances* issued by Federal OSHA.

[1904.37\(b\)\(5\)](#) - A *State Plan State* may only grant an *injury and illness recording and reporting variance* to a State or local government employer within the State after obtaining *approval* to grant the variance from Federal OSHA.

## **1904.38 - Variances From the Recordkeeping Rule**

**Scope:** This [standard](#) provides the requirements pertaining to variances from the recordkeeping rule.

**Special Requirements:** Records, variance, variance petition, recordkeeping system, writing, procedures, recordkeeping practices

[1904.38\(a\)](#) - Basic requirement. If you wish to keep *records* in a different manner from the manner prescribed by the *part 1904 regulations*, you may submit a variance petition to the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, DC 20210. You can obtain a *variance* only if you can show that your alternative *recordkeeping system*: [Reference [paragraph \(a\)\(1\) - \(3\)](#)].

[1904.38\(b\)\(1\)](#) - What do I need to include in my *variance petition*? You must include the following items in your petition: [Reference [paragraph \(b\)\(1\)\(i\) - \(vii\)](#)].

[1904.38\(b\)\(2\)](#) - How will the Assistant Secretary handle my *variance petition*? The Assistant Secretary will take the following steps to process your *variance petition*.  
[Reference [paragraph \(b\)\(2\)\(i\) - \(iv\)](#)].

1904.38(b)(3) - If I apply for a *variance*, may I use my proposed *recordkeeping procedures* while the Assistant Secretary is processing the *variance petition*? No, alternative *recordkeeping practices* are only allowed after the *variance is approved*. You must comply with the part 1904 *regulations* while the Assistant Secretary is reviewing your *variance petition*.

1904.38(b)(4) - If I have already been cited by OSHA for not following the *part 1904 regulations*, will my *variance petition* have any effect on the citation and penalty? No, in addition, the Assistant Secretary may elect not to review your *variance petition* if it includes an element for which you have been cited and the citation is still under review by a court, an Administrative Law Judge (ALJ), or the OSH Review Commission.

1904.38(b)(5) - If I receive a *variance*, may the Assistant Secretary revoke the *variance* at a later date? Yes, the Assistant Secretary may revoke your *variance* if he or she has good cause. The *procedures* revoking a *variance* will follow the same process as OSHA uses for reviewing *variance petitions*, as outlined in paragraph 1904.38(b)(2). Except in cases of willfulness or where necessary for public safety, the Assistant Secretary will:  
[Reference paragraph (b)(5)(i) - (ii)].

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

Subpart E provides the reporting requirements for work-related fatalities, hospitalizations, amputations and loss of an eye. It also includes providing records to government representatives (i.e., providing records within four business hours), electronic submission of injury and illness records, and requests from the Bureau of Labor Statistics (BLS).

To learn if subpart E applies to you, go to Does "Subpart E - Reporting Fatality, Injury and Illness Information to the Government" Apply to You?

### **Special Requirements**

#### **1904.39 - Reporting Fatalities, Hospitalizations, Amputations, and Losses of an Eye as a Result of Work-related Incidents to OSHA**

**Scope:** This standard provides the requirements for reporting fatalities, hospitalizations, amputations, and losses of an eye as a result of work-related incidents to OSHA.

**Note:** In North Carolina, please report fatality, inpatient hospitalization, amputation, or loss of an eye following this [online guidance](#).

**Special Requirements:** Reporting, methods, reporting application, recorded, report,

[1904.39\(a\)\(1\)](#) - Within *eight (8) hours* after the death of any employee as a result of a work-related incident, you must *report* the fatality to the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

[1904.39\(a\)\(2\)](#) - Within *twenty-four (24) hours* after the in-patient hospitalization of one or more employees or an employee's amputation or an employee's loss of an eye, as a result of a work-related incident, you must *report* the in-patient hospitalization, amputation, or loss of an eye to OSHA.

[1904.39\(a\)\(3\)](#) - You must *report* the fatality, inpatient hospitalization, amputation, or loss of an eye using one of the following *methods*: [Reference [paragraph \(a\)\(3\)\(i\) - \(iii\)](#)].

[1904.39\(b\)\(1\)](#) - If the Area Office is closed, may I *report* the fatality, in-patient hospitalization, amputation, or loss of an eye by leaving a message on OSHA's answering machine, faxing the Area Office, or sending an email? No, if the Area Office is closed, you must *report* the fatality, in-patient hospitalization, amputation, or loss of an eye using either the 800 number or the *reporting application* located on OSHA's public Web site at [www.osha.gov](http://www.osha.gov).

[1904.39\(b\)\(2\)](#) - What *information* do I need to give to OSHA about the in-patient hospitalization, amputation, or loss of an eye? You must give OSHA the following *information* for each fatality, in-patient hospitalization, amputation, or loss of an eye: [Reference [paragraph \(b\)\(2\)\(i\) - \(viii\)](#)].

[1904.39\(b\)\(3\)](#) - Do I have to *report* the fatality, inpatient hospitalization, amputation, or loss of an eye if it resulted from a motor vehicle accident on a public street or highway? If the motor vehicle accident occurred in a construction work zone, you must *report* the fatality, in-patient hospitalization, amputation, or loss of an eye. If the motor vehicle accident occurred on a public street or highway, but not in a construction work zone, you do not have to *report* the fatality, inpatient hospitalization, amputation, or loss of an eye to OSHA. However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be *recorded* on your OSHA injury and illness *records*, if you are required to keep such *records*.

[1904.39\(b\)\(4\)](#) - Do I have to *report* the fatality, inpatient hospitalization, amputation, or loss of an eye if it occurred on a commercial or public transportation system? No, you do not

have to *report* the fatality, in-patient hospitalization, amputation, or loss of an eye to OSHA if it occurred on a commercial or public transportation system (e.g., airplane, train, subway, or bus). However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be *recorded* on your OSHA injury and illness *records*, if you are required to keep such *records*.

[1904.39\(b\)\(5\)](#) - Do I have to *report* a work-related fatality or in-patient hospitalization caused by a heart attack? Yes, your local OSHA Area Office director will decide whether to investigate the event, depending on the circumstances of the heart attack.

[1904.39\(b\)\(6\)](#) - What if the fatality, in-patient hospitalization, amputation, or loss of an eye does not occur during or right after the work-related incident? You must only *report* a fatality to OSHA if the fatality occurs within *thirty (30) days* of the work-related incident. For an in-patient hospitalization, amputation, or loss of an eye, you must only *report* the event to OSHA if it occurs within *twenty-four (24) hours* of the work-related incident. However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be *recorded* on your OSHA injury and illness *records*, if you are required to keep such *records*.

[1904.39\(b\)\(7\)](#) - What if I don't learn about a *reportable* fatality, in-patient hospitalization, amputation, or loss of an eye right away? If you do not learn about a *reportable* fatality, in-patient hospitalization, amputation, or loss of an eye at the time it takes place, you must make the *report* to OSHA within the following time period after the fatality, in-patient hospitalization, amputation, or loss of an eye is *reported* to you or to any of your agent(s): *Eight (8) hours* for a fatality, and *twenty-four (24) hours* for an in-patient hospitalization, an amputation, or a loss of an eye.

[1904.39\(b\)\(8\)](#) - What if I don't learn right away that the reportable fatality, in-patient hospitalization, amputation, or loss of an eye was the result of a work-related incident? If you do not learn right away that the reportable fatality, in-patient hospitalization, amputation, or loss of an eye was the result of a work-related incident, you must make the *report* to OSHA within the following time period after you or any of your agent(s) learn that the reportable fatality, in-patient hospitalization, amputation, or loss of an eye was the result of a work-related incident: *Eight (8) hours* for a fatality, and *twenty-four (24) hours* for an inpatient hospitalization, an amputation, or a loss of an eye.

[1904.39\(b\)\(10\)](#) - Do I have to *report* an in-patient hospitalization that involves only observation or diagnostic testing? No, you do not have to *report* an in-patient hospitalization that involves only observation or diagnostic testing. You must only *report* to OSHA each inpatient hospitalization that involves care or treatment.

## 1904.40 - Providing Records to Government Representatives

**Scope:** This [standard](#) provides the requirements for providing records to government representatives.

**Special Requirements:** Authorized, records, copies

[1904.40\(a\)](#) - 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*.

[1904.40\(b\)\(1\)](#) - What government representatives have the right to get *copies* of my *part 1904 records*? The government representatives *authorized* to receive the *records* are: [Reference [paragraph \(b\)\(1\)\(i\) - \(iii\)](#)].

[1904.40\(b\)\(2\)](#) - Do I have to produce the *records* within *four (4) hours* if my *records* are kept at a location in a different time zone? OSHA will consider your response to be timely if you give the *records* to the government representative within *four (4) business hours* of the request. If you maintain the *records* at a location in a different time zone, you may use the business hours of the establishment at which the *records* are located when calculating the deadline.

## 1904.41 - Electronic Submission of Employer Identification Number (EIN) and Injury and Illness Records to OSHA

**Scope:** This [standard](#) provides the requirements for electronic submission of Employer Identification Number (EIN) and injury and illness records to OSHA.

**Special Requirements:** Electronic submission, information, OSHA Form 300A Summary of Work-Related Injuries and Illnesses, Part 1904 records, submit, classified, form, OSHA Forms 300 and 301, notify, notification, EIN, three categories, injury and illness records, OSHA, classification, individual data collection, informs, writing, numbers, codes, references other standards

[1904.41\(a\)\(1\)](#) - Annual electronic submission of information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses.

- [1904.41\(a\)\(1\)\(i\)](#) - If your establishment had 20–249 employees at any time during the previous calendar year, and your establishment is *classified* in an industry listed in [appendix A](#) to *subpart E* of this part (1904), then you must *electronically submit information* from OSHA Form 300A Summary of Work Related Injuries and Illnesses to OSHA or OSHA's designee. You must *submit the information once a*

year, no later than the date listed in [paragraph \(c\)](#) of this section of the year after the calendar year covered by the *form*.

- [1904.41\(a\)\(1\)\(ii\)](#) - If your establishment had *250 or more employees* at any time during the previous calendar year, and this part requires your establishment to keep records, then you must *electronically submit information* from *OSHA Form 300A Summary of Work-Related Injuries and Illnesses* to OSHA or OSHA's designee. You must submit the *information* once a year, no later than the date listed in [paragraph \(c\)](#) of this section of the year after the calendar year covered by the *form*.

[1904.41\(a\)\(2\)](#) - *Annual electronic submission of information* from *OSHA Form 300 Log of Work-Related Injuries and Illnesses and OSHA Form 301 Injury and Illness Incident Report* by establishments with *100 or more employees* in designated industries. If your establishment had *100 or more employees* at any time during the previous calendar year, and your establishment is *classified* in an industry listed in [appendix B](#) to *subpart E* of this part, then you must *electronically submit information* from *OSHA Forms 300 and 301* to OSHA or OSHA's designee. You must *submit the information* once a year, no later than the date listed in [paragraph \(c\)](#) of this section of the year after the calendar year covered by the *forms*.

[1904.41\(a\)\(3\)](#) - *Electronic submission of part 1904 records upon notification.*

Upon *notification*, you must *electronically submit* the requested information from your *part 1904 records* to OSHA or OSHA's designee.

[1904.41\(a\)\(4\)](#) - *Electronic submission of the Employer Identification Number (EIN).* For each establishment that is subject to these *reporting requirements*, you must *provide the EIN* used by the establishment.

[1904.41\(b\)\(1\)](#) - Does every employer have to routinely make an *annual electronic submission of information* from *part 1904 injury and illness recordkeeping forms* to OSHA? No, only *three categories* of employers must routinely *submit information* from these *forms*. The first category is establishments that had *20–249 employees* at any time during the previous calendar year, and are *classified* in an industry listed in [appendix A](#) to this subpart; establishments in this category must *submit* the required *information* from *Form 300A* to OSHA once a year. The second category is establishments that had *250 or more employees* at any time during the previous calendar year, and are required by this part to keep *records*; establishments in this category must *submit* the required *information* from *Form 300A* to OSHA once a year. The third category is establishments that had *100 or more employees* at any time during the previous calendar year, and are *classified* in an industry listed in [appendix B](#) to this subpart;

establishments in this category must also *submit the required information from Forms 300 and 301* to OSHA once a year, in addition to the required information from *Form 300A*. Employers in these *three categories* must submit the required *information* by the date listed in [paragraph \(c\)](#) of this section of the year after the calendar year covered by the *form* [for example, 2024 for the 2023 form(s)]. If your establishment is not in any of these *three categories*, then you must *submit the information to OSHA only if OSHA notifies you to do so for an individual data collection*.

[1904.41\(b\)\(3\)](#) - How will OSHA *notify* me that I must *submit information* as part of an *individual data collection* under [paragraph \(a\)\(3\)](#) of this section? OSHA will *notify* you by mail if you will have to submit *information* as part of an *individual data collection* under [paragraph \(a\)\(3\)](#). OSHA will also announce *individual data collections* through publication in the Federal Register and the OSHA newsletter, and announcements on the OSHA website. If you are an employer who must routinely submit the *information*, then OSHA will not *notify* you about your routine submittal.

[1904.41\(b\)\(4\)](#) - When do I have to *submit the information*? If you are required to *submit information* under [paragraph \(a\)\(1\)](#) or [\(2\)](#) of this section, then you must *submit the information* once a year, by the date listed in [paragraph \(c\)](#) of this section of the year after the calendar year covered by the *form* (for example, 2019 for the 2018 form). If you are *submitting information* because OSHA *notified* you to *submit information* as part of an *individual data collection* under [paragraph \(a\)\(3\)](#) of this section, then you must *submit the information* as specified in the *notification*.

[1904.41\(b\)\(5\)](#) - How do I *submit the information*? You must *submit the information electronically*. OSHA will provide a secure website for the *electronic submission of information*. For *individual data collections* under [paragraph \(a\)\(3\)](#) of this section, OSHA will include the website's location in the *notification for the data collection*.

[1904.41\(b\)\(6\)](#) - Do I have to *submit information* if my establishment is partially exempt from keeping OSHA *injury and illness records*? If you are partially exempt from keeping *injury and illness records* under [1904.1](#) - *partial exemption for employers with 10 or fewer employees*, and/or [1904.2](#) - *partial exemption for establishments in certain industries*, then you do not have to routinely submit information under [paragraph \(a\)\(1\)](#) or [\(2\)](#) of this section. You will have to *submit information* under [paragraph \(a\)\(3\)](#) of this section if OSHA *informs you in writing* that it will collect *injury and illness information* from you. If you receive such a notification, then you must keep the *injury and illness records* required by this part and *submit information* as directed.

1904.41(b)(7) - Do I have to *submit information* if I am located in a State Plan State?

Yes, the *requirements* apply to employers located in State Plan States.

1904.41(b)(8) - May an enterprise or corporate office *electronically submit information* for its establishment(s)? Yes, if your enterprise or corporate office had ownership of or control over one or more establishments required to *submit information* under paragraph (a) of this section, then the enterprise or corporate office may collect and *electronically submit the information* for the establishment(s).

1904.41(b)(9) - If I have to *submit information* under paragraph (a)(2) of this section, do I have to *submit all of the information* from the *recordkeeping forms*? No, you are required to *submit all of the information* from the *forms* except the following: [Reference paragraph (b)(9)(i) - (ii)].

1904.41(b)(10) - My company uses *numbers or codes* to identify our establishments. May I use *numbers or codes* as the establishment name in my *submission*? Yes, you may use *numbers or codes* as the *establishment name*. However, the *submission* must include a legal company name, either as part of the *establishment name* or separately as the *company name*.

1904.41(c) - *Reporting* dates. Establishments that are required to *submit* under paragraph (a)(1) or (2) of this section must *submit* all of the required *information* by March 2 of the year after the calendar year covered by the *form(s)* (for example, by March 2, 2024, for the *forms* covering 2023).

## **1904.42 - Requests From the Bureau of Labor Statistics for Data**

**Scope:** This standard provides the requirements pertaining to requests from the Bureau of Labor Statistics for data.

**Special Requirements:** Survey, survey report, injuries and illness form, BLS, form, information, instructions, data, statistics, records, respond, references other standards

1904.42(a) - Basic requirement. If you receive a *Survey of Occupational Injuries and Illnesses Form* from the *Bureau of Labor Statistics (BLS)*, or a BLS designee, you must promptly *complete the form* and return it following the *instructions* contained on the *survey form*.

1904.42(b)(1) - Does every employer have to send *data* to the *BLS*? No, each year, the *BLS* sends *injury and illness survey forms* to randomly selected employers and uses the information to create the Nation's occupational injury and illness *statistics*. In any year,

some employers will receive a *BLS survey form* and others will not. You do not have to send *injury and illness data to the BLS* unless you receive a *survey form*.

[1904.42\(b\)\(2\)](#) - If I get a *survey form* from the *BLS*, what do I have to do? If you receive a *Survey of Occupational Injuries and Illnesses Form* from the *Bureau of Labor Statistics (BLS)*, or a *BLS* designee, you must promptly complete the *form* and return it, following the *instructions* contained on the *survey form*.

[1904.42\(b\)\(3\)](#) - Do I have to respond to a *BLS survey form* if I am normally exempt from keeping *OSHA injury and illness records*? Yes, even if you are exempt from keeping *injury and illness records* under [1904.1](#) - *partial exemption for employers with 10 or fewer employees*, [1904.2](#) - *partial exemption for establishments in certain industries*, and [1904.3](#) - *keeping records for more than one agency*, the *BLS* may inform you in writing that it will be collecting *injury and illness information* from you in the coming year. If you receive such a *letter*, you must keep the *injury and illness records* required by [1904.5 to 1904.15](#) and make a *survey report* for the year covered by the survey.

[1904.42\(b\)\(4\)](#) - Do I have to answer the *BLS survey form* if I am located in a State-Plan State? Yes, all employers who receive a *survey form* must *respond* to the *survey*, even those in State-Plan States.

## **Additional Assistance for Recordkeeping**

If the employer still has questions regarding the *OSHA standards* or *North Carolina state-specific standards*, they can submit an inquiry about safety and health requirements to Ask OSH through the [online form](#) or by phone at 919-707-7876.

Resource information can be found on the webpages for [Which OSHA Standards Apply](#) and [OSHA Standards With Special Requirements](#). These webpages should be used with [General Industry Training Requirements](#), [General Industry Inspection Requirements](#), [Construction Industry Training Requirements](#), [Construction Industry Inspection Requirements](#) and *Programs, Plans and Procedures* (requirements for [General Industry](#) and [Construction](#)).

Also reference the [safety and health topics pages](#) including [Recordkeeping Resources](#) (Scan [QR Code](#)) for additional information. Example safety and health [programs](#) and [presentations \(pre-recorded webinars\)](#) along with [publications](#) are available to assist the employer in meeting standards requirements. Specifically, the brochure on [top ten most frequently cited serious violations](#) can be useful in identifying



frequently cited violations by industry. For more information regarding the required state and federal workplace posters, go to the [NCDOL State and Federal workplace posters](#) webpage.

The [NCDOL Library](#) also offers free safety and health videos and related research assistance on consensus standards (i.e., ANSI, NFPA, NEC). The education, training and technical assistance bureau provides [free online safety and health training](#) and [outreach services](#) (i.e., speaker's bureau requests, safety booths) upon request. In addition, the [consultative services bureau](#) provides free confidential on-site employer assistance.