

Which OSHA Standards Apply

29 CFR 1904—RECORDKEEPING STANDARDS

OVERVIEW:

North Carolina is an [OSHA-approved State Plan](#) that covers both private and state and local government workers. With certain exceptions, the N.C. Department of Labor (NCDOL) adopts federal OSHA standards verbatim. [Standards information and activity](#) provides the status of the Occupational Safety and Health (OSH) Division's adoption of federal standards and compliance dates. When OSH Administrative rules differ from federal OSHA standards, employers must comply with the state-specific rules.

The OSH Division [enforcement procedures](#) provide guidance to compliance personnel, to ensure responsibilities related to enforcement of the OSHA standards are carried out in an effective, efficient and consistent manner. Some of the guidance documents are federal documents that have been adopted for use in N.C. while others have been created specifically for N.C. To learn more about the inspection process, go to the [compliance inspection process](#) webpage.

Many employers have questions regarding which Occupational Safety and Health standards apply to them. For this reason, the OSH Division has put together information at the following links that will help the employer determine which standards apply to them as it pertains to [recordkeeping](#), [general industry](#), [construction](#), [agriculture](#), [shipyard employment](#) (public sector only) and [marine terminals](#) (public sector only). This includes [North Carolina state-specific](#) standards. The OSH Division *does not* have enforcement jurisdiction for the longshoring standards.

This document will address standards applicable to **Recordkeeping** standards. All employers covered by the Occupational Safety and Health Act (OSH Act) are covered by [Recordkeeping](#) standards. However, many 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.

All employers covered by the Occupational Safety and Health Act (OSH Act) are covered by [Recordkeeping](#) standards. However, many 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. **Note:** The following exemptions **do not** apply to Public Sector employers in North Carolina. Reference [NCGS 95-148](#), [Operational Procedure Notice 128](#) and [Standards Notice 75](#).

Subpart B provides the [Scope](#) and is as follows:

- According to [partial exemption for employers with 10 or fewer employees](#), if your company had ten 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 BLS informs you in writing that you must keep records under [electronic submission of injury and illness records to OSHA](#) or [requests from the Bureau of Labor Statistics for data](#). However, as required by [reporting fatalities, hospitalizations, amputations, and losses of an eye as a result of work-related incidents to OSHA](#), **all** employers covered by the OSH Act must report to OSHA any workplace incident that results in a fatality, the hospitalization of one or more employees, an amputation or loss of an eye.

Note: This document is intended to be consistent with existing OSHA standards; therefore, if an area is considered by the reader to be inconsistent with a standard, then the OSHA standard should be followed.

- If your company had more than ten 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 [partial exemption for establishments in certain industries](#).
- If your business establishment is classified in a partially exempt industry group listed in [appendix A](#) to this subpart, you do not need to keep OSHA injury and illness records unless the government asks you to keep the records under [electronic submission of injury and illness records to OSHA](#) or [requests from the Bureau of Labor Statistics for data](#). However, all employers must report to OSHA any workplace incident that results in an employee's fatality, inpatient hospitalization, amputation, or loss of an eye.

To identify the specific standards within Part 1904 that apply to you, go to the [Recordkeeping Standards](#) webpage. Additional information on recordkeeping requirements can also be found on the safety and health topics page for [Recordkeeping Resources](#) and [Recording and Reporting](#). More resources can be found on the webpage on [QR Codes](#).

INSTRUCTIONS:

To assist the employer in identifying which **Recordkeeping and N.C. state-specific** standards apply to them, questions regarding the subparts and subsequent standards are provided to help the employer identify which are applicable to the worksite. Once the standards have been identified, the employer is better able to develop their own safety and health management program.

To start this process, please go through each subpart below to identify the standards that apply to your organization by answering yes, no, or unsure. Be sure to come back to the subpart or standard for any answers that were identified as “unsure”.

KEY POINTS:

- Whenever a standard provides a “scope” and/or “application”, be sure to read it. The scope and application state who, what or how a standard applies. It also provides any exemptions from the standard. In some cases, you may find that a standard does not apply to your organization based on the scope and application.
- If a standard provides “definitions”, be sure to read them. Information about a standard such as who and how it applies can also be found in a definition.
- Any time you see “general requirements” listed as a standard in a subpart that you need to comply with, that will generally be an automatic “yes”.
- Most standards have interpretations which should be referenced when available for clarification of the standard. Other useful compliance enforcement documents to reference include compliance directives (CPL), field operations manual (FOM), standards directives (STD), and operational procedure notices (OPN).

Note: These pages are to be used in conjunction with the [OSHA Standards With Special Requirements](#) webpages and [Recordkeeping Standards With Special Requirements](#) (29 CFR Part 1904). More resources can be found on the webpage on [QR Codes](#) and [Recordkeeping Resources](#).

Note: This document is intended to be consistent with existing OSHA standards; therefore, if an area is considered by the reader to be inconsistent with a standard, then the OSHA standard should be followed.

29 CFR Part 1904 - Recordkeeping Standards

- *Subpart B - Scope*
- *Subpart C - Recordkeeping Forms and Recording Criteria*
- *Subpart D - Other OSHA Injury and Illness and Recordkeeping Requirements*
- *Subpart E - Reporting Fatality, Injury and Illness Information to the Government*
- *General Duty Clause*
- *Additional Assistance for Recordkeeping*
- *Special Emphasis Programs*

Please note: Subpart A covers the purpose of the rule which "is to require employers to record and report work-related fatalities, injuries, and illnesses", subpart F provides requirements related to the transition from the OSHA 200 logs to the OSHA 300 logs, and subpart G provides definitions related to establishments, a physician and other licensed health care professional, and an injury or illness.

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“WHICH OSHA STANDARDS APPLY”—EXERCISE

Subpart B—Scope

Does “[Subpart B](#)—Scope” apply to you?

This subpart provides the scope for the recordkeeping standards. It states that all employers covered by the Occupational Safety and Health Act (OSH Act) are covered by part 1904 regulations. However, 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.

Note: *If this subpart applies to your workplace, then most of the standards within this part will apply. Appendices and references applicable to this subpart are located at the end of this section.*

Yes / No / Unsure If yes, please continue.

Did you have ten or fewer employees at all times during the last calendar year? Yes / No / Unsure

The following standard states that if your company had ten or fewer employees at all times during the last calendar year, you do not need to keep OSHA injury and illness records (i.e., OSHA 300 logs) unless OSHA or the BLS informs you in writing that you must keep records under 1904.41—[electronic submission of injury and illness records to OSHA](#) or 1904.42—[requests from the Bureau of Labor Statistics for data](#). However, as required by 1904.39—[reporting fatalities, hospitalizations, amputations, and losses of an eye as a result of work-related incidents to OSHA](#), all employers covered by the OSH Act must report to OSHA any workplace incident that results in a fatality, the hospitalization of one or more employees, an amputation or loss of an eye.

[1904.1](#)—Partial exemption for employers with 10 or fewer employees.

Did you have more than ten employees at any time during the last calendar year? Yes / No / Unsure

The following standard states that if your company had more than ten employees at any time during the last calendar year, you must keep OSHA injury and illness records (i.e., OSHA 300 logs) unless your establishment is classified as a partially exempt industry listed in [appendix A](#).

If you are partially exempted industry based on appendix A, you do not need to keep OSHA injury and illness records unless OSHA or the BLS informs you in writing that you must keep records under 1904.41—[electronic submission of injury and illness records to OSHA](#) or 1904.42—[requests from the Bureau of Labor Statistics for data](#). However, as required by 1904.39—[reporting fatalities, hospitalizations, amputations, and losses of an eye as a result of work-related incidents to OSHA](#), all employers covered by the OSH Act must report to OSHA any workplace incident that results in a fatality, the hospitalization of one or more employees, an amputation or loss of an eye.

[1904.2](#)—Partial exemption for establishments in certain industries.

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Did you have more than ten employees at any time during the last calendar year? Yes / No / Unsure

The following standard states that 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.

1904.3—Keeping records for more than one agency.

SUBPART B APPENDICES:

Subpart B, [appendix A](#) provides the list of partially exempt industries.

SUBPART B REFERENCES:

[Recordkeeping resources](#)

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Subpart C—Recordkeeping Forms and Recording Criteria

Does “[Subpart C—Recordkeeping Forms and Recording Criteria](#)” apply to you?

This subpart provides standards for recording fatalities, injuries and illnesses that are work-related, new cases, and those that meet one or more of the general recording criteria on the OSHA 300 logs. It also provides the standards for recording needlestick and sharps injuries, criteria for cases involving medical removal under OSHA standards, cases involving occupational hearing loss, and recording criteria for work-related tuberculosis cases.

Note: *If this part applies to your workplace, then most of the standards within this subpart will apply. Appendices and references applicable to this subpart are located at the end of this section.*

Yes / No / Unsure If yes, please continue.

Are you required to maintain OSHA 300 logs? Yes / No / Unsure

The following standard provides the basic requirements for recording fatalities, injuries and illnesses that are work-related, a new case, and that meet one or more of the general recording criteria which includes death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness.

It also states that 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.

Injury or illness - Defined as 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.

Physician or other licensed health care professional - An individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows him or her to independently perform, or be delegated the responsibility to perform, the activities described by this regulation.

[1904.4](#)—Recording criteria.

Are you required to maintain OSHA 300 logs? Yes / No / Unsure

The following standard provides the requirements for determining if an injury or illness is work-related. It also includes requirements for recording injuries involving employees working from home, in travel status, and pre-existing conditions.

Work-relatedness - An injury or illness is considered 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

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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 (listed below) specifically applies:

- *At the time of the injury or illness, the employee was present in the work environment as a member of the general public rather than as an employee.*
- *The injury or illness involves signs or symptoms that surface at work but result solely from a non-work-related event or exposure that occurs outside the work environment.*
- *The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball, or baseball.*
- *The injury or illness is solely the result of an employee eating, drinking, or preparing food or drink for personal consumption (whether bought on the employer's premises or brought in). For example, if the employee is injured by choking on a sandwich while in the employer's establishment, the case would not be considered work-related. **Note:** If the employee is made ill by ingesting food contaminated by workplace contaminants (such as lead), or gets food poisoning from food supplied by the employer, the case would be considered work-related.*
- *The injury or illness is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours.*
- *The injury or illness is solely the result of personal grooming, self medication for a non-work-related condition, or is intentionally self-inflicted.*
- *The injury or illness is caused by a motor vehicle accident and occurs on a company parking lot or company access road while the employee is commuting to or from work.*
- *The illness is the common cold or flu. **Note:** Contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work.*
- *The illness is a mental illness. **Note:** Mental illness is not considered work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, etc.) stating that the employee has a mental illness that is work-related.*

Work environment - 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.

1904.5—Determination of work-relatedness.

Are you required to maintain OSHA 300 logs? Yes / No / Unsure

The following standard provides the requirements for determining if an injury or illness is a new case. Injuries and illnesses are recordable only if they are new, work-related cases that meet one or more of the recording criteria.

New case - If:

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- *The employee has not previously experienced a recorded injury or illness of the same type that affects the same part of the body, or*
- *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—Determination of new cases.

Are you required to maintain OSHA 300 logs? Yes / No / Unsure

The following standard provides the general criteria for recording injury and illness cases. It states that if an injury or illness results in any of the following, it is recordable:

- *Death;*
- *Days away from work;*
- *Restricted work or transfer to another job;*
- *Medical treatment beyond first aid;*
- *Loss of consciousness; or*
- *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.*

The standard also covers how to record an employee's death, injuries/illnesses resulting in days away from work, counting days (i.e.; day of injury, weekends, holidays), employee not following recommendations provided by licensed healthcare professional, recording injuries/illnesses that result in restricted work or job transfer, and definitions. Also reference 1904.39—[Reporting fatalities, hospitalizations, amputations, and losses of an eye](#) as a result of work-related incidents to OSHA.

Medical treatment - Means the management and care of a patient to combat disease or disorder. For the purposes of the recordkeeping standard, medical treatment does not include:

- *Visits to a physician or other licensed health care professional solely for observation or counseling;*
- *The conduct of diagnostic procedures, such as x-rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes (e.g., eye drops to dilate pupils); or*
- *"First aid" as defined below.*

First aid - Means the following:

- *Using a non-prescription medication at nonprescription strength (for medications available in both prescription and non-prescription form, a recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for recordkeeping purposes);*
- *Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);*

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- *Cleaning, flushing or soaking wounds on the surface of the skin;*
- *Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™ (other wound closing devices such as sutures, staples, etc., are considered medical treatment);*
- *Using hot or cold therapy;*
- *Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes);*
- *Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back boards, etc.).*
- *Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;*
- *Using eye patches;*
- *Removing foreign bodies from the eye using only irrigation or a cotton swab;*
- *Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means;*
- *Using finger guards;*
- *Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); or*
- *Drinking fluids for relief of heat stress.*

Significant injury or illness - Means 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.

1904.7—General recording criteria.

If you maintain OSHA logs, are your employees exposed to injuries from a needlestick or cut from a sharp object contaminated with blood or OPIM? Yes / No / Unsure

The following standard provides requirements for recording needlestick and sharps injuries. All work-related needlestick injuries and cuts (i.e., cuts, lacerations, punctures, scratches) from sharp objects that are contaminated with another person's blood or other potentially infectious material must be recorded on the OSHA 300 log as an injury. To protect the employee's privacy, you are not to enter the employee's name on the OSHA 300 log.

Other potentially infectious materials (OPIM) - Means:

- *The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids;*
- *Any unfixed tissue or organ (other than intact skin) from a human (living or dead); and*
- *HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture*

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medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV.

1904.8—Recording criteria for needlestick and sharps injuries.

Does your workplace fall under any OSHA health standards? Yes / No / Unsure

The following standard provides requirements for recording medical removal cases on the OSHA 300 log. Many of the health standards found in part 1910—[general industry](#), part 1926—[construction](#), and past 1915—[shipyard employment](#) have medical surveillance requirements that pertain to medical removal.

1904.9—Recording criteria for cases involving medical removal under OSHA standards.

If you maintain OSHA 300 logs, are your employees exposed to injury involving hearing loss? Yes / No / Unsure

The following standard provides requirements for recording a hearing loss due to occupational noise exposure. If the employee's hearing test (audiogram) reveals that the employee 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, then the case needs to be on your OSHA 300 log. It includes requirements pertaining to baseline audiograms, adjustment for the effects of aging on hearing, and retesting.

Standard threshold shift - Defined 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.

Also reference the general industry standard, 1910.95—[Occupational noise exposure](#) and the construction standard, 1926.52—[Occupational noise exposure](#).

1904.10—Recording criteria for cases involving occupational hearing loss.

If you maintain OSHA 300 logs, are your employees occupationally exposed to injury involving tuberculosis? Yes / No / Unsure

The following standard requires that after an exposure, if an employee subsequently develops a tuberculosis infection, as evidenced by a positive skin test or diagnosis by a physician or other licensed health care professional, then the case needs to be recorded on the OSHA 300 log by checking the "respiratory condition" column.

1904.11—Recording criteria for work-related tuberculosis cases.

Are you required to maintain OSHA 300 logs? Yes / No / Unsure

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The following standard covers the use of the OSHA 300 - [Log of Work-Related Injuries and Illnesses](#), 300-A - [Summary of Work-Related Injuries and Illnesses](#), and 301 forms - [Injury and Illness Incident Report \(or equivalent forms\)](#), for recordable injuries and illnesses. Besides covering the use of each form, it also provides criteria regarding entering each recordable injury or illness within seven calendar days, using equivalent forms, handling privacy concern cases, and maintaining records on the computer.

[1904.29](#)—Forms.

SUBPART C REFERENCES:

[*Bloodborne pathogens*](#)

[*Employee exposure and medical records*](#)

[*Medical services and first aid*](#)

[*Noise*](#)

[*Recordkeeping resources*](#)

[*Tuberculosis*](#)

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Subpart D—Other OSHA Injury and Illness Recordkeeping Requirements

Does “[Subpart D—Other OSHA Injury and Illness Recordkeeping Requirements](#)” apply to you?

This subpart provides the standards 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).

Note: *If this part applies to your workplace, then most of the standards within this subpart will apply. References applicable to this subpart are located at the end of this section.*

Yes / No / Unsure If yes, please continue.

Do you have multiple business establishments? Yes / No / Unsure

The following standard states that an employer must keep a separate OSHA 300 log for each establishment that is expected to be in operation for one year or longer. If the business establishment is expected to be in operation for less than one year, 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 keep the records for an establishment at your headquarters or other central location if you can:

- *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*
- *Produce and send the records from the central location to the establishment within the time frames required by the standards on 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.*

This rule also addresses recording injuries and illnesses for employees that work at multiple establishments.

Establishment - *A single physical location where business is conducted or where services or industrial operations are performed. For activities where employees do not work at a single physical location, such as construction; transportation; communications, electric, gas and sanitary services; and similar operations, the establishment is represented by main or branch offices, terminals, stations, etc. that either supervise such activities or are the base from which personnel carry out these activities.*

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1904.30—Multiple business establishments.

Do you have employees? Yes / No / Unsure

The following standard states that the employer must record on the OSHA 300 log, the recordable injuries and illnesses of all employees on the payroll, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant workers. The employer must also record the recordable injuries and illnesses that occur to employees who are not on their payroll if they 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—Covered employees.

Are you required to maintain an OSHA 300 log? Yes / No / Unsure

The following standard states that the log must be reviewed at the end of each calendar year, an annual summary created and certified, and then posted.

1904.32—Annual summary.

Are you required to maintain an OSHA 300 log? Yes / No / Unsure

The following standard requires that the OSHA 300 log be retained for five years and updated during those five years as needed.

1904.33—Retention and updating.

Did you have a change in business ownership? Yes / No / Unsure

The following standard states that 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, but they do not need to update or correct the records of the prior owner.

1904.34—Change in business ownership.

Are employees involved in the recordkeeping system? Yes / No / Unsure

The following standard states that employees must be informed on how to report work-related illnesses or injuries and how to get access to the records.

1904.35—Employee involvement.

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Have employees reported work-related injuries or illnesses? Yes / No / Unsure

The following standard states that the OSH Act prohibits an employer from discriminating against an employee for reporting a work-related fatality, injury, or illness. It 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.

1904.36—Prohibition against discrimination.

Is your state a State OSHA Plan? Yes / No / Unsure

The following standard requires that any State that operates their own OSHA programs must have occupational injury and illness recording and reporting requirements that are substantially identical to the requirements in this part

1904.37—State recordkeeping regulations.

Are you required to maintain an OSHA 300 log? Yes / No / Unsure

The following standard states that if an employer wants to keep records in a different manner from the manner prescribed by the part 1904 regulations, you may submit a variance to OSHA.

1904.38—Variances from the recordkeeping rule.

SUBPART D REFERENCES:

[Recordkeeping resources](#)

[Reporting a workplace accident](#)

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

Does “[Subpart E—Reporting Fatality, Injury and Illness Information to the Government](#)” apply to you?

This subpart provides standards for 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 4 business hours), electronic submission of injury and illness records, and requests from the Bureau of Labor Statistics (BLS).

Note: *If this part applies to your workplace, then most of the standards within this subpart will apply. Appendices and references applicable to this subpart are located at the end of this section.*

Yes / No / Unsure If yes, please continue.

Are you covered by the OSH Act? Yes / No / Unsure

The following standard requires employers to report fatalities to OSHA within 8 hours after the death of any employee as a result of a work-related incident. It also requires employers to report work-related hospitalizations, loss of an eye and amputations to OSHA within twenty-four hours after the incident. If you are required to maintain an OSHA 300 log, these injuries and illnesses must also be recorded on the log.

[1904.39](#)—Reporting fatalities, hospitalizations, amputations, and losses of an eye as a result of work-related incidents to OSHA.

Are you required to maintain an OSHA 300 log? Yes / No / Unsure

The following standard requires that copies of the records must be available within 4 hours of a request by an authorized government representative.

[1904.40](#)—Providing records to government representatives.

Do you have 250 or more employees? Yes / No / Unsure

The following standard requires that employers that are required to maintain injury and illness records must submit injury and illness data from their [OSHA form 300A](#) if their establishment has 250 or more employees at any time during the calendar year.

[1904.41](#)—Electronic submission of Employer Identification Number (EIN) and injury and illness records to OSHA.

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Are you in a high hazard industry with between 20 and 249 employees? Yes / No / Unsure

The following standard requires that employers that are in appendix A—[high hazard industry](#) to maintain injury and illness records and submit injury and illness data from their [OSHA form 300A](#) if their establishment has between 20 and 249 employees at any time during the calendar year.

[1904.41](#)—Electronic submission of Employer Identification Number (EIN) and injury and illness records to OSHA.

Are you in a high hazard industry and have 100 or more employees at your establishment? Yes / No / Unsure

The following standard requires that employers that are in appendix B—[high hazard industry](#) to maintain injury and illness records and submit injury and illness data from their [OSHA form 300 Log](#) and [OSHA form 301](#) if their establishment has between 20 and 249 employees at any time during the calendar year.

[1904.41](#)—Electronic submission of Employer Identification Number (EIN) and injury and illness records to OSHA.

Did you receive a Survey of Occupational Injuries and Illnesses Form from the Bureau of Labor Statistics? Yes / No / Unsure

The following standard requires that if you receive the BLS survey, you must complete it. 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.

Note: *Even if you are normally exempt from keeping injury and illness records, 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 and make a survey report for the year covered by the survey.*

[1904.42](#)—Requests from the Bureau of Labor Statistics for data.

SUBPART E APPENDICES:

Electronic submission:

1904.41, [appendix A](#), provides the list of high hazard industries for the annual electronic submission of OSHA form 300a summary of work-related injuries and illnesses by establishments with 20 or more employees but fewer than 250 employees in designated industries.

Note: *This document is intended to be consistent with existing OSHA standards; therefore, if an area is considered by the reader to be inconsistent with a standard, then the OSHA standard should be followed.*

SUBPART E REFERENCES:

Amputations special emphasis program

Medical services and first aid

Recordkeeping Resources

Reporting a workplace accident

***Note:** This document is intended to be consistent with existing OSHA standards; therefore, if an area is considered by the reader to be inconsistent with a standard, then the OSHA standard should be followed.*

Subpart G—Definitions

Does “Subpart G—Definitions” apply to you?

This subpart provides the definitions for this part 1904—recordkeeping standards.

Yes / No / Unsure If yes, please continue.

Note: *If this part applies to your workplace, then the standard within this subpart will apply. References applicable to this subpart are located at the end of this section.*

Are you covered by the OSH Act? Yes / No / Unsure

The following standard provides the definitions applicable to this part.

Establishment - *Is a single physical location where business is conducted or where services or industrial operations are performed. For activities where employees do not work at a single physical location, such as construction; transportation; communications, electric, gas and sanitary services; and similar operations, the establishment is represented by main or branch offices, terminals, stations, etc. that either supervise such activities or are the base from which personnel carry out these activities.*

Injury or illness - *Defined as 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.*

Physician or other licensed health care professional - *An individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows him or her to independently perform, or be delegated the responsibility to perform, the activities described by this regulation.*

Medical treatment - *Means the management and care of a patient to combat disease or disorder. For the purposes of the recordkeeping standard, medical treatment does not include:*

- *Visits to a physician or other licensed health care professional solely for observation or counseling;*
- *The conduct of diagnostic procedures, such as x-rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes (e.g., eye drops to dilate pupils); or*
- *"First aid" as defined below.*

First aid - *Means the following:*

- *Using a non-prescription medication at nonprescription strength (for medications available in both prescription and non-prescription form, a recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for recordkeeping purposes);*

Note: *This document is intended to be consistent with existing OSHA standards; therefore, if an area is considered by the reader to be inconsistent with a standard, then the OSHA standard should be followed.*

- *Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);*
- *Cleaning, flushing or soaking wounds on the surface of the skin;*
- *Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™ (other wound closing devices such as sutures, staples, etc., are considered medical treatment);*
- *Using hot or cold therapy;*
- *Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes);*
- *Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back boards, etc.).*
- *Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;*
- *Using eye patches;*
- *Removing foreign bodies from the eye using only irrigation or a cotton swab;*
- *Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means;*
- *Using finger guards;*
- *Using massages (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); or*
- *Drinking fluids for relief of heat stress.*

Significant injury or illness - Means 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.

1904.46—Definitions.

SUBPART E REFERENCES:

Medical services and first aid

Recordkeeping Resources

Reporting a workplace accident

Note: This document is intended to be consistent with existing OSHA standards; therefore, if an area is considered by the reader to be inconsistent with a standard, then the OSHA standard should be followed.

NORTH CAROLINA GENERAL STATUTE (NCGS)

NCGS 95-129—Rights and Duties of Employers

Does “[NCGS 95-129](#)—Rights and Duties of Employers” apply to you?

The General Duty Clause is used only where there is no standard that applies to the particular hazard. Employers can be cited for violation of the General Duty Clause if a recognized serious hazard exists in their workplace and the employer does not take reasonable steps to prevent or abate the hazard.

Note: References applicable to this subchapter are located at the end of this section.

Yes / No / Unsure If yes, please continue.

Are you covered by the OSH Act? Yes / No / Unsure

The following standard applies to everyone covered under the OSH Act. The GDC is used when there isn't a standard for a recognized hazard that can cause death or serious injury or serious physical harm. Examples of GDC violations can include hazards such as heat stress, seatbelt not on a forklift, and ergonomics.

"Each employer shall furnish to each of his employees conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or serious physical harm to his employees."

[NCGS 95-129\(1\)](#)—General Duty Clause.

SUBPART E REFERENCES:

[Recordkeeping Resources](#)

[Reporting a workplace accident](#)

Note: This document is intended to be consistent with existing OSHA standards; therefore, if an area is considered by the reader to be inconsistent with a standard, then the OSHA standard should be followed.

OSH DIVISION OUTREACH RESOURCES AND SERVICES:

[Safety and health programs and plans](#) (i.e., example programs to be made site-specific)

[Safety and health topics](#) (i.e., learn more about safety and health topics)

[Which OSHA standards apply?](#) (identify the standards applicable to your worksite)

[OSHA standards with special requirements](#) (identify standards that have programs, plans, training, etc.)

[Safety and health presentations](#) (downloadable presentations to be made site-specific)

[OSH training calendar](#) (i.e., register for webinars, in-person classroom training, virtual events)

[Streaming video services](#) (on-demand training)

[Request outreach services](#) (i.e., request training, booths, guest speaker)

[AskOSHA](#) (interpretations)

[NCDOL library](#) (i.e., consensus standards, research assistance)

[Inspections](#) (general industry standards that require inspections)

[Programs, plans and procedures](#) (general industry standards that require programs, plans, procedures)

[Training](#) (general industry standards that require training)

[OSHA enforcement procedures](#) (e.g., compliance directives, operational procedure notices)

[OSH division resources](#) (provides all training and resources available on the NCDOL website via QR Codes)

OTHER OUTREACH RESOURCES:

[Establishment search](#) (search OSHA enforcement inspections nationwide)

[Interpretations](#) (federal OSHA interpretations for general industry)

[Training](#) (Susan Harwood Grant PowerPoints)

Note: This document is intended to be consistent with existing OSHA standards; therefore, if an area is considered by the reader to be inconsistent with a standard, then the OSHA standard should be followed.