



## Labor & Employment ADVISORY ■

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### OSHA Changes Reporting and Recordkeeping Requirements

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In a new rule published on September 11, 2014, the federal Occupational Safety and Health Administration (OSHA) has changed the reporting and recordkeeping requirements for employers by expanding the reasons employers must report incidents directly to OSHA. The new rule also changes which establishments are exempt from keeping injury and illness logs. The new rule has not yet been published in the *Federal Register* and will take effect on January 1, 2015.

#### **New Requirements for Reporting Incidents to OSHA**

Under the new rule, OSHA will require employers to report: (1) within eight hours, any work-related fatality; and (2) within 24 hours, any work-related in-patient hospitalization of one or more employees or work-related amputations or loss of an eye by employees. Currently, only work-related fatalities and in-patient hospitalizations of three or more employees must be immediately reported to OSHA.<sup>1</sup> The new rule retains the requirement to report fatalities caused by heart attacks, even if not apparently work-related. Further, the new rule excludes reporting fatalities and other covered events if they occurred on a public street not in a construction work zone or if they occurred on commercial or public transportation. Reporting to OSHA is to be made to the OSHA Area Office nearest to the site of the incident, at 1-800-321-OSHA (6742) or by electronic submission at [www.osha.gov](http://www.osha.gov).

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<sup>1</sup> Note that OSHA's mechanical power press standard, at 29 C.F.R. § 1910.217(g)(1), continues to require employers to report, within 30 days of the occurrence, all point-of-operation injuries to operators or other employees.

## Changes in Establishments That Are Partially Exempt from Recordkeeping Requirements

In addition to the expansion of requirements for reporting incidents to OSHA, the exemptions previously afforded to industries regarding recordkeeping have also changed. The current OSHA regulation exempts the following from keeping injury and illness logs, unless requested to do so: (1) all employers with 10 or fewer employees; and (2) all establishments in specified low-hazard industry sectors. The new rule keeps the partial exemption for employers with 10 or fewer employees, but makes some significant changes to the list of exempted industries.

The new rule specifies that establishments that fall into one of the 82 listed National American Industry Classification System codes are exempt from the requirement to maintain injury and illness records, unless requested to do so. Further, these establishments are required, as with other employers, to report work-related fatalities, hospitalizations, amputations or loss of an eye. According to OSHA, the new list of exempted industries excludes 36 industries previously required to keep injury and illness records and adds a new list of 25 industries that were previously exempt.

This new final rule is separate from the [previously-proposed OSHA rule](#) that would require quarterly electronic filing of injury and illness records for employers with 250 or more workers and would allow public access to company-specific injury and illness information to “encourage employers to maintain and improve workplace safety/health in order to support their reputations as good places to work and/or do business with.” That proposed rule, first published on November 3, 2013, with a comment period to end on October 14, 2014, is still pending in the rulemaking process. See 78 Fed. Reg. 67254 (November 8, 2013) and 79 Fed. Reg. 47605 (August 14, 2014).

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