

OSHA REPORTING & RECORDKEEPING REQUIREMENTS

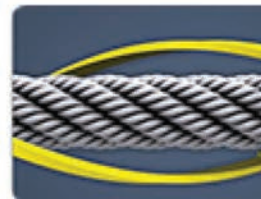
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Introduction [page 4](#)**1. What Are Reporting & Recordkeeping?** [page 6](#)

- 1-A. Reporting of Specific Incident Types
- 1-B. Annual Online Reporting of Incident *Summary* Data

2. OSHA Reporting Requirements [page 8](#)

- 2-1. What Are Reporting & Recordkeeping?

3. OSHA Recordkeeping Requirements: An Introduction [page 10](#)

- 3-A. Who Has to Keep Records?
- 3-B. What To Record
- 3-C. What Does “Work-Related” Mean?
- 3-D. What Is a “New Case?”
- 3-E. What Are the “General Recording Criteria” in 1904.7?
- 3-F. What Are the Criteria Related to Application of “Specific Cases” in 1904.8-1904.12?
- 3-G. Needlestick and Sharps Injuries
- 3-H. Medical Removal under OSHA Standards
- 3-I. Cases Involving Occupational Hearing Loss
- 3-J. Tuberculosis Cases
- 3-K. OSHA Recordable Incident Flow Chart

4. The OSHA Recordkeeping Forms [page 17](#)

- 4-A. OSHA 301: *The Injury and Illness Incident Report*
- 4-B. OSHA 300: *The Log of Work-Related Injuries and Illnesses*
- 4-C. Privacy Concern Cases and the 300 *Log*
- 4-D. Entering a Privacy Concern Case On the 300 *Log*
- 4-E. OSHA 300-A: *The Summary of Work-Related Injuries & Illnesses*
- 4-F. Certifying the 300-A *Summary*
- 4-G. Posting the 300-A *Summary*

5. Additional Recordkeeping Requirements [page 25](#)

- 5-A. Organizations with Multiple Establishments
- 5-B. Covered Employees
- 5-C. Record Retention and Updating
- 5-D. Change in Business Ownership
- 5-E. Employee Involvement
- 5-F. Making Sure Employees Report Work-Related Injuries and Illnesses
- 5-G. Giving Employees and/or Their Representatives Access to Your OSHA Injury & Illness Records
- 5-H. How Quickly Must You Provide the Requested Forms?
- 5-I. Prohibition against Discrimination
- 5-J. State Recordkeeping Regulations
- 5-K. Variances from the Recordkeeping

6. Annual Online Reporting of Yearly *Summary* Data [page 31](#)**7. Glossary** [page 31](#)

We'll explain what reporting and recording are and how they're different; we'll explain the things you need to report and the things you need to record; we'll walk you through the three OSHA recordkeeping forms (the 301 *Incident Report*, 300 *Log*, and 300-A *Summary*) and show you how to use each; we'll tell you everything you need to know about the still-somewhat-new annual online reporting requirements; we'll make sure you know all the deadlines you have to meet; and we'll provide a helpful glossary of terms at the end of the guide.

We hope you find this guide helpful. Also, know that our [Vector EHS safety management software](#) can help you manage and even automate parts of the OSHA reporting & recordkeeping requirements, keeping you in compliance while saving time and money you might otherwise spend filling out paper-based forms or wrestling with spreadsheets.



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PART I

WHAT ARE REPORTING & RECORDKEEPING?



WHAT ARE REPORTING & RECORDKEEPING?

Reporting and recordkeeping (sometimes known as recording) are related but different.

Reporting means notifying OSHA in one way or another. For example, if any employee dies of as a result of a work-related incident, you have to report that to OSHA. In addition, many companies are required to report incident data annually to OSHA using OSHA's new online reporting website.

Recordkeeping means keeping a written record. For example, every time there's a work-related injury at your workplace, you have to record that. But in many cases, it's not necessary to also immediately report that injury to OSHA.

We'll explain reporting, recording, and online reporting requirements in more detail in the rest of this guide.

Reporting and recording are not an admission of guilty or responsibility. As OSHA explains in 1904:

"Recording or reporting a work-related injury, illness, or fatality does not mean that the employer or employee was

at fault, that an OSHA rule has been violated, or that the employee is eligible for workers' compensation or other benefits."

You can review the OSHA reporting & recordkeeping requirements yourself in [29 CFR 1904](#). It's also wise to be familiar with the [OSHA letters of interpretation related to Part 1904](#).

PART II

OSHA REPORTING REQUIREMENTS

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OSHA REPORTING REQUIREMENTS

OSHA's reporting requirements for work-related fatalities, injuries, and illnesses can be broken down into two categories:

- Reporting of specific types of incidents within the first 24 hours
- Annual online reporting of all incidents from the previous year

We'll look at each in the sections below.

Reporting of Specific Incident Types

You must report any of the following work-related incidents to OSHA whenever they occur:

- Death
- In-patient hospitalization of one or more employee
- Amputation
- Loss of an eye

You must report a death within eight (8) hours. You must report an in-patient hospitalization, amputation, and loss of an eye within twenty-four (24) hours.

You must report the incident in one of the following ways:

- In person to the OSHA Area Office that is nearest to the site of the incident
- By telephone to the OSHA Area Office nearest the site of the incident
- By telephone to the OSHA toll-free central telephone number: 1-800-321-OSHA | 1-800-321-6742
- By electronic submission using the reporting application on OSHA's web site at www.osha.gov

Annual Online Reporting of Incident *Summary Data*

In addition, OSHA requires many companies submit a summary of their annual incident data once a year. This includes establishments that:

- Had 250 or more employees at any time during a year
- Had 20-250 employees at any time during a year AND are in a high-risk industry as listed in Appendix A of 1904

In addition, OSHA may specifically notify some establishments to do so.

Please see the Online Incident Reporting section of this guide for all the details about this.

PART III

OSHA RECORDKEEPING REQUIREMENTS: AN INTRODUCTION

OSHA RECORDKEEPING REQUIREMENTS: AN INTRODUCTION

In this section, we'll begin to introduce you to the OSHA incident recordkeeping requirements. We'll continue in the following two sections, which address the recordkeeping forms and additional recordkeeping requirements.

Who Has to Keep Records?

Many employers are required to comply with the OSHA recording requirements. However, there are exemptions for:

- Companies that had ten (10) or fewer employees at all times in the previous calendar year (see [1904.1](#))
- Companies in industries exempted from recordkeeping requirements as listed in [1904 Subpart B App A](#)

Even if one of these two exemptions apply to your company, you may still have to comply with the recordkeeping requirements if OSHA or the Bureau of Labor Statistics (BLS) informs you that you must do so. See [1904.41](#) and [1904.42](#) to learn more about this.

If neither of these exemptions apply to your company, you're required to comply with the recordkeeping requirements.

What To Record

As explained in [1904.4](#), each employer required by 1904 to keep records of fatalities, injuries, and illnesses must record each fatality, injury, and illness that is:

- Work-related, and
- A new case, and
- Meets one or more of the general recording criteria of 1904.7 or criteria related to the application to specific cases as listed in 1904.8 through 1904.12

Let's take a closer look at each of those below.

What Does “Work-Related” Mean?

In 1904.5(a), OSHA explains that:

“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.”

The quote above uses the phrase “work environment.” In 1904.5(b), OSHA defines “work environment” this way:

“What is the ‘work environment’? OSHA defines the work environment 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.”

See [1904.5](#) for more on this.

What Is a “New Case?”

In 1904.6(a), OSHA explains these two basic requirements to be a new case:

- 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.

See [1904.6](#) for more on this.

What Are the “General Recording Criteria” in 1904.7?

In 1904.7, OSHA lists several “general recording criteria.” Here’s how they explain the general recording criteria in 1904.7(a):

“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.”

So to summarize that OSHA quote, these general recording criteria include:

- Death
- Days away from work
- Restricted work or transfer to another job
- Medical treatment beyond first aid
- Loss of consciousness
- Significant injury or illness diagnosed by a physician or other licensed health care professional

One of the items in the list above is “medical treatment beyond first aid.” In 1904.7(b)(5)(ii), OSHA defines “first aid” as:

- Using a non-prescription medication at non-prescription strength
- Administering tetanus immunizations
- Cleaning, flushing, or soaking wounds on the surface of the skin

- Using wound coverings such as bandages, gauze pads, butterfly bandages, or Steri-Strips
- Using hot or cold therapy
- Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc.
- Using temporary immobilization devices while transporting an accident victim, such as splints, slings, neck collars, and back boards
- Drilling a fingernail or toenail to relieve pressure
- 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 recording purposes)
- Drinking fluids for relief of heat stress

See [1904.7](#) for more on this.

What Are the Criteria Related to Application of “Specific Cases” in 1904.8-1904.12?

The “specific cases” listed in 1904.8 through 1904.12 include:

- Criteria for needlestick and sharps injuries (1904.8)
- Cases involving medical removal under OSHA standards (1904.9)
- Criteria for cases involving occupational hearing loss (1904.10)
- Criteria for work-related tuberculosis cases (1904.11)

Although the OSHA regulation still refers to 1904.12, it’s worth noting there current is NO 190.12. That’s why it’s not included in the bulleted list above.

Let’s take a closer look at each of these specific cases.

Needlestick and Sharps Injuries

In 1904.8, OSHA has this to say about needlestick and sharps injuries:

“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). 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*.”

Because OSHA uses the phrase “other potentially infectious material” in the quote above, they note that the phrase is defined in the OSHA Bloodborne Pathogens standard in [1910.1030\(b\)](#) and in 1904.8(b)(1) OSHA says these materials include:

- Human bodily fluids, tissues, and organs, and
- Other materials infected with the HIV or hepatitis B (HBV) virus such as laboratory cultures or tissues from experimental animals

For more on this, read [1904.8.](#)

Medical Removal under OSHA Standards

In 1904.9, regarding cases involving medical removal under OSHA standards, OSHA explains:

“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*.”

Also in 1904.9, in addressing which OSHA standards have medical removal provisions, OSHA explains:

“...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.”

For more on this, read [1904.9](#).

Cases Involving Occupational Hearing Loss

In [1904.10](#), OSHA has this to say about cases involving occupational hearing loss:

“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*.”

In addition, this is how OSHA defines 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) 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.”

For more on this, read [1904.10](#).

Tuberculosis Cases

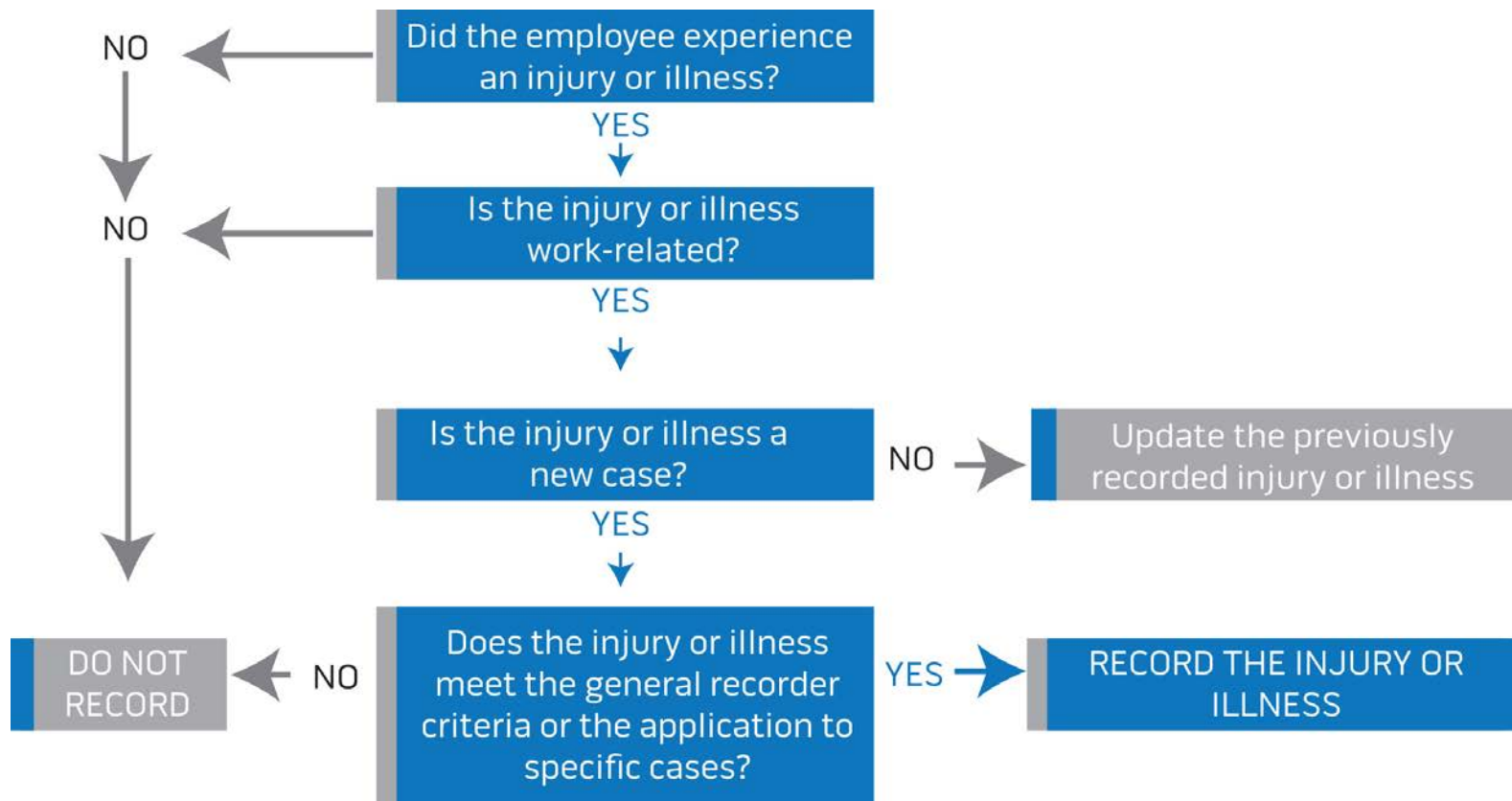
In [1904.11](#), OSHA has this to say about work-related tuberculosis cases:

“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.”

For more on this, read [1904.11](#).

OSHA Recordable Incident Flow Chart

Here's a helpful flow chart to help you determine what's an OSHA recordable incident and what's not.



PART IV

THE OSHA RECORDKEEPING FORMS

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THE OSHA RECORDKEEPING FORMS

In 1904.29, OSHA explains that you must use three forms (or their equivalents) for recordable injuries and illnesses. Those three forms are:

- OSHA 301, the *Injury and Illness Incident Report*
- OSHA 300, the *Log of Work-Related Injuries and Illnesses*
- OSHA 300-A, the *Summary of Work-Related Injuries and Illnesses*

You can download each of these forms, as well as get helpful information on OSHA Recordkeeping requirements, at this [OSHA Injury & Illness Recordkeeping Forms](#) webpage.

You may be wondering what an “equivalent form” is. Here’s how OSHA explains that in 1904.29:

“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.”

You may also wonder if you have to keep paper-based forms or if they can be on a computer. Here’s what OSHA says about that in 1904.29:

“...if the computer can produce equivalent forms when they are needed, as described under §§1904.35 and 1904.40, you may keep your records using the computer system.”

We’ll explain each of the three OSHA recordkeeping forms in the following pages.

OSHA 301: The *Injury and Illness Incident Report*

Every time you have a work-related injury or illness (remember to use the flowchart and definitions we’ve provided earlier to determine if you’ve had a work-related injury or illness), you need to record that injury or illness on its own unique OSHA Form 301 *Injury and Illness Incident Report*.

That means you’ll record every work-related injury or illness in a year on its own Form 301. For example, if you had 10 work-related injuries or illnesses in a year, you’ll need to complete 10 different Form 301s (or an equivalent).

You must enter each recordable injury or illness in its own Form 301 *Incident Report* within seven (7) calendar days of receiving information that a recordable injury or illness occurred. Additionally, once you've completed the 301 for an incident, you'll also have to transfer some of that information over to your OSHA 300 *Log* (which we'll discuss in more detail in the next section). So for example, if you receive information on Monday, January 1 that a recordable injury or illness has occurred, you must document that incident in a 301 *Incident Report* by Monday, January 8 at the latest.

Below is an image of the 301 *Injury and Illness Incident Report*. See this [OSHA Recordkeeping](#) webpage to download a 301 *Incident Report* and for more information on 301 *Incident Reports*.

OSHA's Form 301 Injuries and Illnesses Incident Report

This *Injury and Illness Incident Report* is one of the first forms you must fill out when a recordable work-related injury or illness has occurred. Together with the *Log of Work-Related Injuries and Illnesses* and the accompanying *Summary*, these forms help the employer and OSHA develop a picture of the extent and severity of work-related incidents.

Within 7 calendar days after you receive information that a recordable work-related injury or illness has occurred, you must fill out this form or an equivalent. Some state workers' compensation, insurance, or other reports may be acceptable substitutes. To be considered an equivalent form, any substitute must contain all the information asked for on this form.

According to Public Law 91-596 and 29 CFR 1904, OSHA's recordkeeping rule, you must keep this form on file for 5 years following the year to which it pertains.

If you need additional copies of this form, you may photocopy and use as many as you need.

Completed by _____
 Title _____
 Phone _____ Date _____

Attention: This form contains information relating to employee health and must be used in a manner that protects the confidentiality of employees to the extent possible while the information is being used for occupational safety and health purposes.

U.S. Department of Labor
Occupational Safety and Health Administration
Form approved OMB no. 1218-0176

Information about the employee

1) Full Name _____

2) Street _____
City _____ State _____ Zip _____

3) Date of birth _____

4) Date hired _____

5) ☐ Male
☐ Female

Information about the physician or other health care professional

6) Name of physician or other health care professional _____

7) If treatment was given away from the worksite, where was it given?
Facility _____
Street _____
City _____ State _____ Zip _____

8) Was employee treated in an emergency room?
☐ Yes
☐ No

9) Was employee hospitalized overnight as an in-patient?
☐ Yes
☐ No

Information about the case

10) Case number from the Log _____ *(Transfer the case number from the Log after you record the case.)*

11) Date of injury or illness _____

12) Time employee began work _____ AM/PM

13) Time of event _____ AM/PM ☐ Check if time cannot be determined

*Please do not include any personally identifiable information (PII) pertaining to worker(s) involved in the incident (e.g., no names, phone numbers, or SSNs) in the following fields.

*14) **What was the employee doing just before the incident occurred?** Describe the activity, as well as the tools, equipment or material the employee was using. Be specific. Examples: "climbing a ladder while carrying roofing materials"; "spraying chlorine from hand sprayer"; "daily computer key-entry."

*15) **What happened?** Tell us how the injury occurred. Examples: "When ladder slipped on wet floor, worker fell 20 feet"; "Worker was sprayed with chlorine when gasket broke during replacement"; "Worker developed soreness in wrist over time."

*16) **What was the injury or illness?** Tell us the part of the body that was affected and how it was affected. Examples: "strained back"; "chemical burn, hand"; "carpal tunnel syndrome."

*17) **What object or substance directly harmed the employee?** Examples: "concrete floor"; "chlorine"; "radial arm saw." If this question does not apply to the incident, leave it blank.

18) **If the employee died, when did death occur?** Date of death _____

Public reporting burden for this collection of information is estimated to average 22 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Persons are not required to respond to the collection of information unless it displays a current valid OMB control number. If you have any comments about this estimate or any other aspects of this data collection, including suggestions for reducing this burden, contact: US Department of Labor, OSHA Office of Statistics, Room N-3644, 200 Constitution Ave, NW, Washington, DC 20210. Do not send the completed forms to this office.

OSHA 300: The *Log of Work-Related Injuries and Illnesses*

You're required to complete one 301 *Incident Report* for each incident, but you're also required to include information about each incident at each establishment in your organization in one OSHA Form 300 *Log of Work-Related Injuries and Illnesses*. The 300 *Log* is a rolling total of your incidents throughout a year.

So for example, if you have 10 work-related incidents at an establishment in a year, you'll create 10 different 301 *Incident Reports* and also include information about those 10 different incidents in one 300 *Log* for that establishment.

Just as you have 7 calendar days after learning about a workplace incident to record that incident in a 301 *Incident Report*, you also have 7 calendar days to record that incident in the 300 *Log*.

Here's how OSHA explains the information you must enter on your 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."

At the end of every calendar year, as [1904.32](#) explains, an employer must "review the OSHA 300 *Log* to verify that the entries are complete and accurate, and correct any deficiencies identified."

Here's what the OSHA Form 300 *Log* looks like (below).

See this [OSHA Recordkeeping](#) webpage to download a 300 Log and for more information on 300 Logs.

See [1904.29](#) for more on the 300 Log.

Privacy Concern Cases and the 300 Log

There are times when you're forbidden to specifically identify by name a person involved in a work-related incident on your 300 Log. These are known as "privacy concern cases" and they typically deal with things like injuries or illnesses to intimate body parts or similar issues.

The point of properly addressing privacy concern cases on your 300 Log is that it protects the privacy of the employee(s) involved in case anyone else sees the OSHA 300 Log, including any employees, former employees, or authorized employee representatives who ask to see the 300 Log (which Part 1904 guarantees them the legal right to do).

Here are the injuries or illnesses that OSHA says you must treat as privacy concern cases:

- Injury or illness to an intimate body part
- Injury or illness to the reproductive system
- Injury or illness resulting from a sexual assault
- Mental illnesses
- HIV infection
- Hepatitis
- Tuberculosis
- Needlestick injuries and cuts from sharp objects that

are contaminated with another person's blood or other potentially infectious materials (see [1904.8](#) for definitions)

- Other illnesses, if the employee voluntarily requests that his or her name not be entered on the Log

Entering a Privacy Concern Case On the 300 Log

In a privacy concern case, don't enter the employee's name on the 300 Log. Instead, in the space where you'd normally write the name, write "privacy case." Additionally, you must keep a separate, confidential list of the case numbers and employee names for your privacy concern cases. This will allow you to update the cases and provide the information to the government if you're asked to do so.

In some cases, you may have removed the employee's name but still think it may be possible to identify the employee by using other information on the 300 Log. In those cases, OSHA says:

"...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.'"

See [1904.29](#) for even more on the 300 Log and privacy concern cases.

OSHA 300-A: The *Summary of Work-Related Injuries & Illnesses*

Once a calendar year has ended, you'll take information in your 300 Log and use it to complete a 300-A *Summary of Work-Related Injuries & Illnesses*. You'll complete one 300-A *Summary* for each establishment.

You make a 300-A *Summary* every year, and that 300-A *Summary* summarizes (as you'd guess) work-related injuries and illnesses from the previous calendar year. For example, in 2020 you'd create a 300-A *Summary* that summarizes all of the work-related incidents that occurred in 2019.

Here's what the 300-A *Summary* looks like (below).

OSHA's Form 300A (Rev. 01/2004)
Summary of Work-Related Injuries and Illnesses

All establishments covered by Part 1904 must complete this Summary page, even if no injuries or illnesses occurred during the year. Remember to review the Log to verify that the entries are complete and accurate.

Using the Log, count the individual entries you made for each category. Then write the totals below, making sure you've added the entries from every page of the log. If you had no cases write "0."

Employees, former employees, and their representatives have the right to review the OSHA Form 300 in its entirety. They also have limited access to the OSHA Form 301 or its equivalent. See 29 CFR 1904.35, in OSHA's Recordkeeping rule, for further details on the access provisions for these forms.

Number of Cases			
Total number of deaths	Total number of cases with days away from work	Total number of cases with job transfer or restriction	Total number of other recordable cases
0	0	0	0
(G)	(H)	(I)	(J)

Number of Days	
Total number of days away from work	Total number of days of job transfer or restriction
0	0
(K)	(L)

Year _____

U.S. Department of Labor
Occupational Safety and Health Administration

Form approved OMB no. 1218-0176

Establishment information

Your establishment name _____

Street _____

City _____ State _____ Zip _____

Industry description (e.g., Manufacture of motor truck trailers)

Standard Industrial Classification (SIC), if known (e.g., SIC 3715)

OR North American Industrial Classification (NAICS), if known (e.g., 336212)

Employment information

Annual average number of employees _____

Total hours worked by all employees last year _____

See this [OSHA Recordkeeping](#) webpage to download a 300-A *Summary* and for more information on 300-A *Summaries*.

Certifying the 300-A Summary

A company executive, such as the CEO, must review your 300 *Log* thoroughly to make sure it is complete and correct and certify your 300-A *Summary* by signing it. According to OSHA:

“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.”

A company executive can be:

- An owner of the company (only if the company is a sole proprietorship or partnership)
- An officer of the corporation
- The highest ranking company official working at the establishment

- The immediate supervisor of the highest-ranking company official working at the establishment

Posting the 300-A Summary

You must post the 300-A *Summary* of each establishment in that establishment no later than February 1 of year that follows the year covered in the *Summary* and you must keep the *Summary* posted until April 30 of that year. This means the summary will be posted for a three-month period (February, March, and April).

The summary must be posted in a “conspicuous place or places where notices to employees are customarily posted.”

In addition, you must make certain that the posted annual summary is not altered, defaced, or covered by other material.

For more on this, read [1904.32](#).

PART V

ADDITIONAL INJURY & ILLNESS RECORDKEEPING REQUIREMENTS

ADDITIONAL INJURY & ILLNESS RECORDKEEPING REQUIREMENTS

In 1904 Subpart D, OSHA addresses additional recordkeeping requirements (1904.30 – 1904.38).

These additional requirements pertain to:

- Organizations with multiple establishments (1904.30)
- Covered employees (1904.31)
- Annual summary (1904.32)
- Record retention and updating (1904.33)
- Change in business ownership (1904.34)
- Employee involvement (1904.35)
- Prohibition against discrimination (1904.36)
- State recordkeeping regulations (1904.37)
- Variances from the recordkeeping rule (1904.38)

The 1904.32 rules related to the annual 300-A *Summary* are covered in the section of this guide that addresses the 300-

A Summary. We'll take a closer look at the other additional recordkeeping requirements below.

Organizations with Multiple Establishments

An employer may conduct business at one or more “establishments.” In this standard, here’s how OSHA defines establishment:

“An establishment is a single physical location where business is conducted or where services or industrial operations are performed.”

See the glossary at the end of this guide for a longer definition of establishment.

For employers with multiple establishments, OSHA notes “You must keep a separate OSHA 300 *Log* for each establishment that is expected to be in operation for one year or longer.”

For more on this, read [1904.30](#).

Covered Employees

If an employer is required to keep records of recordable injuries and illnesses of all employees, it’s important for the employer to know who OSHA considers to be a covered employee. Here’s how OSHA in 1904.31 explains that:

“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.”

For more on this, read [1904.31](#).

Record Retention and Updating

1904.33 explains that 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.”

Additionally, during the five-year 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.”

Although you may also choose to update the annual 301-*A Summary* or your 301 *Incident Reports*, but you are not required to do so.

For more on this, read [1904.33](#).

Change in Business Ownership

How do the responsibilities for OSHA injury & illness recordkeeping and reporting change when a business changes ownership? Here’s how OSHA explains it:

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

For more on this, read [1904.34](#).

Employee Involvement

In 1904.35, OSHA explains that “Your employees and their representatives must be involved in the recordkeeping system in several ways.” Specifically:

- You must inform each employee of how he or she is to report a work-related injury or illness to you
- You must provide employees with the information described in paragraph 1904.35(b)(1)(iii)—see below
- You must provide access to your injury and illness records for your employees and their representatives as described in paragraph 1904.35 (b)(2)—see below

Making Sure Employees Report Work-Related Injuries and Illnesses

1904.35(b)(1) explains what you must do “to make sure that employees report work-related injuries and illnesses to” you. These requirements are:

- You must establish a reasonable procedure for employees to report work-related injuries and illnesses promptly and accurately
- You must inform each employee that:
 - Employees have the right to report work-related injuries and illnesses
 - Employers are prohibited from discharging or in

any manner discriminating against employees for reporting work-related injuries or illnesses

- You must not discharge or in any manner discriminate against any employee for reporting a work-related injury or illness

Giving Employees and/or Their Representatives Access to Your OSHA Injury & Illness Records

Employers must grant employees, former employees, their personal representatives, and their authorized employee representatives access to their OSHA injury and illness records (with a few limitations explained in 1904.35).

Below are some definitions to help understand those terms.

- **An authorized employee representative:** An authorized employee representative is an authorized collective bargaining agent of employees.
- **Personal representative of an employee or former employee:** Any person that the employee or former employee designates as such, in writing; or the legal representative of a deceased or legally incapacitated employee or former employee.

See the section of this guide that covers the 300 Log and how to handle privacy concern cases for information relevant to this.

How Quickly Must You Provide the Requested Forms?

If an employee or representative asks to access your OSHA 300 *Log*, you must give that person the relevant documents by the end of the next business day.

If an employee, former employee, or personal representative asks for a copy of the OSHA 301 *Incident Reports* 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.

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.

For more on this, read [1904.35](#).

Prohibition against Discrimination

We've already mentioned this issue, but OSHA prohibits employers from "discriminating against an employee for

reporting a work-related fatality, injury, or illness" and in addition protects the employee who:

- Files a safety and health complaint
- Asks for access to the Part 1904 injury & illness data records
- Otherwise exercises any rights afforded by the [OSHA Act](#)

For more on this, read [1904.36](#).

State Recordkeeping Regulations

In states that operate their own OSHA programs, the state plan is required to have occupational injury and illness recording and reporting requirements that are "substantially identical to the requirements" in 29 CFR 1904.

If you're under the jurisdiction of a State plan, follow the reporting and recordkeeping requirements of that plan. [Click here](#) to find a list of state plans and to get contact information.

For more on this, read [1904.37](#).

Variances from the Recordkeeping Rule

A variance is a "regulatory action[s] that permit an employer to deviate from the requirements of an OSHA standard under specified conditions."

You can apply to OSHA for a variance allowing you to keep records in a manner that's different than prescribed in 1904. To learn more, read this [How to Apply for a Variance](#) page from OSHA.

Part 1904 notes you can obtain a variance only if you can show that your alternative recordkeeping system:

- Collects the same information that 1904 requires
- Meets the purposes of the Act
- Does not interfere with administration of the Act

For more on this, read [1904.38](#).

PART VI

ANNUAL ONLINE REPORTING OF YEARLY SUMMARY DATA

ANNUAL ONLINE REPORTING OF YEARLY SUMMARY DATA

Some companies are required to submit their annual injury & illness summary data to OSHA online at [OSHA's Incident Tracking Application \(ITA\)](#) website.

You must report your annual summary data online if your establishment:

- Had 250 or more employees at any time during the previous calendar year
- Had 20 or more but fewer than 250 employees at any time in the previous year, and if the establishment is classified in specific, high-risk industries OSHA lists in 1904.41 [Appendix A](#).

Additionally, 1904.41(a)(3) explains that other establishments may receive notifications, and be required, to report this same information online even if neither of the two requirements above apply.

If you're required to report your annual summary data online, you must do so by March 2 of the year following the

year covered by your data. For example, if you're required to report your 2020 injury & illness summary data, you must submit that data by March 2, 2021.

The information you submit is the information from your OSHA 300-A *Summary*. Reporting requirements are establishment-based, though OSHA's ITA allows you to submit data for a single establishment or for multiple establishments that are part of one organization.

To submit, you must first register your establishment with OSHA by creating an ITA account. Once your account is set up, you can then enter your data. To enter the data, you can:

- Enter the data manually by filling in fields on the website
- Upload a file in CSV format
- Submit the data via an application programming interface, or API

Once you've submitted your data, you'll get an email from OSHA. The email will confirm the submission if it was a success or will list errors if it was not a success.

For more on this, read this [OSHA Online Reporting webpage](#) and [1904.41](#).

Glossary

OSHA helpfully provides definitions for the terms below in [1904.46](#):

Establishment. An 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. 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.)

Physician or Other Licensed Health Care Professional. A physician or other licensed health care professional is 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.

You. “You” means an employer as defined in Section 3 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652).

CONVERGENCE SAFETY MANAGEMENT & SAFETY TRAINING SOLUTIONS:

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