

# Recordkeeping

## How to Comply With OSHA's Records, Reports and Notices

■ OSHA issued a final rule on Occupational Injury and Illness Recording and Reporting Requirements (66 FR 5916, Jan. 19, 2001), which took effect Jan. 1, 2002. The final rule is the result of an effort begun in the 1980s, involving businesses, labor organizations, health professionals and others, to improve the quality of the injury and illness records maintained under the OSH Act.

The rule (29 CFR 1904) simplifies the recordkeeping process by making the record requirements more logical and coherent, by explaining the requirements in plain language, by consolidating the interpretations and guidance previously found in a host of secondary sources and by providing new recordkeeping forms that are easier to understand and complete.

Although this new OSHA standard went into effect Jan. 1, 2002, the agency's review identified grounds for reconsidering the following two elements of the final rule and, as a result, the effective date of the requirements related to these elements was delayed.

First, the DOL determined, at that time, that criteria for recording work-related hearing loss (1904.10) should not be implemented pending further investigation into the level of hearing loss that should be recorded as a "significant" health condition. This investigation has determined that the criteria for recording work-related hearing loss is valid. Effective beginning January 1, 2004, employers must check the 300 Log column for hearing loss when entering a recordable hearing loss case on the OSHA 300 Log.

Second, the DOL determined, at that time, to delay the recordkeeping rule's definition of "musculoskeletal disorder" (MSD) and the requirement that employers check the MSD column on the OSHA Log (1904.12). This one-year delay was over in June 2003, with the DOL's final ruling not to modify the form which employers use to record workplace injuries and illnesses to include a separate column for musculoskeletal disorders. The DOL announced its intention to develop a comprehensive plan to address ergonomic hazards. Issues to be decided include appropriate definitions for "ergonomic injury" and MSD.

**Editor's Note:** This decision does not change the current way injuries or illnesses are recorded and does not affect an employer's obligation to record work-related injuries, including musculoskeletal disorders; they will continue to check the column for "injury" or "all other illnesses" depending on the case.

The records, reports and notices that OSHA requires are as much a part of the employer's obligation as compliance with safety and health standards.

### Notices

Notices are used to keep employees informed of their rights under the Act and keep them posted on the progress of any negotiations between OSHA and their employer in which they might have an interest.

The employer must post most required notices in a conspicuous place where other employee notices are usually posted. If the workplace is not a single location where all employees report daily, the employer may be required to take additional steps to see that all workers are informed. Regulations governing the posting of some notices are in Part 1903.

OSHA requires the employer to post the following information:

1. **Official poster explaining rights and obligations.** The official notice informing employees of their protections and obligations under the Act is supplied by OSHA and must be kept posted for as long as the employer is in business. If the state has an approved poster, it must cover all aspects of OSHA's notification compliance. If not, additional notification may be required.

**Editor's Note:** On Aug. 9, 2000, OSHA introduced a new workplace poster for informing workers of their rights to a safe workplace. The posters are free and may be downloaded from the OSHA Web site ([www.osha.gov.oshpubs/poster.html](http://www.osha.gov.oshpubs/poster.html)). The new poster tells workers in plain language that they have the right to a safe workplace, how they may file a complaint, report an emergency or seek OSHA advice, and that they have a right to confidentiality. Employers are not obliged to replace the posters they already have, but they are required to post an OSHA notice of employee rights in a prominent location. Employers in states operating OSHA-approved state plans should obtain and post the state's equivalent poster, if there is one.

2. **Annual summary of injuries and illnesses.** For the rules governing the posting of the annual summary of injuries and illnesses, see Part 1904.32 summarized in this chapter.

3. **Citations issued to the employer.** Copies of citations must be posted at or near each place of an alleged violation or, if that is not practical, in a prominent place. Whether or not a citation is contested, it must remain posted for at least three working days or until the violation is abated, whichever is later.

4. **Amended citations.** Employers must post an amended citation along with the original so that specific changes and citation items can be better identified.

5. **Employer's contest of citations.** Notice that the citation that is being contested must be posted wherever the citation is posted.

6. **Employee contest of abatement date (supplied by the employees but posted by the employer).** Notice of an employee contest of an abatement date must be posted where the citation is posted if there are any employees who do not have an authorized representative. The notice must inform such employees of their right to request party status.

7. **Variance applications.** A variance application must be posted or the employer must post a summary of the application noting where employees can go to examine the complete document. A copy of the variance application must also be given to the employee representative. The employer is also responsible for informing employees of their right to petition for a hearing on the variance.

8. **Request for recordkeeping exception.** For the rules governing the posting of petitions for recordkeeping exceptions, see Part 1904.38, summarized in this chapter.

In addition to posted material, any copies of the standards that the employer has must be made available to employees. Notices of exposure to toxic substances and other harmful agents must be provided in writing to affected employees. If exposures have exceeded safe levels, the em-