



**Injury and Illness Recordkeeping and
Reporting Requirements
29 CFR Part 1904**

July 14, 2021

Topics

- Part 1904 Fact Finders
- Part 1904 Criteria to Record and Report a COVID Case
- Part 1904 Reminders

What is OSHA Recordkeeping?

- Requirements for recording and reporting of work-related fatalities, injuries and illnesses
- A nationally standardized system for employers to keep track of the work-related injuries and illnesses for each business establishment
- A tool for employers to monitor the performance of their workplace safety programs

What is it Not?

- Recordkeeping is NOT a prescription for determining whether an employer and/or employee is at fault
- Recording an injury or illness does NOT mean that an OSHA rule has been violated
- If an employee's injury or illness is recorded, it does NOT mean the employee is eligible for workers' compensation or other benefits

Who must comply with OSHA's Injury and Illness Recording Requirements?

- Many but not ALL Employers
- Exemptions are based on SIZE and Industry

1904.1 – Size Exemption from OSHA Recording Requirements

- If the Company had 10 or fewer employees at ANY time during the previous calendar year, the employer is exempt from OSHA's injury and illness recording requirements
 - based on the number of employees in the entire company
 - includes temporary workers who are supervised on a day-to-day basis

1904.2 – Industry Exemption from OSHA Recording Requirements

- Facilities in certain low hazard industries are exempt from OSHA's injury and illness recording requirements regardless of size
- Partially Exempt Industries listed in Appendix A to 1904 Subpart B

Who must comply with OSHA's Fatality and Injury and Illness Reporting Requirements (1904.39)?

- Every employer in the United States covered by the OSH Act

OSHA Guidance: Recording Work-Related COVID-19 Cases

- COVID-19 can be a recordable illness, and employers are responsible for recording cases of COVID-19 if all of the following are met:
- The case is a confirmed case of COVID-19, as defined by the Centers for Disease Control and Prevention (CDC);
- The case is work-related as defined by 29 CFR 1904.5; and
- The case involves one or more of the general recording criteria set forth in 29 CFR 1904.7

Reporting Work-related COVID-19 Hospitalizations and Fatalities

- A work-related “incident” is an exposure to SARS-CoV-2 in the workplace.
- 29 CFR 1904.39(b)(6) limitation only applies to reporting.
- Employers required to keep OSHA injury and illness records must still record work-related confirmed cases of COVID-19, as required by 29 CFR 1904.4(a).

Reporting Work-related COVID-19 Hospitalizations

- **Reportable incident:** In-patient hospitalization occurs within 24 hours of an exposure to SARS-CoV-2 at work. [29 CFR 1904.39\(b\)\(6\)](#).
- **Employer must report:** within 24 hours of knowing that the employee was in-patient hospitalized and that the reason was a work-related case of COVID-19.

Reporting Work-related COVID-19 Fatalities

- **Reportable incident:** fatality occurs within 30 days of exposure to SARS-CoV-2 at work. [29 CFR 1904.39\(b\)\(6\)](#).
- **Employer must report:** within eight hours of knowing both that the employee has died, and that the cause of death was a work-related case of COVID-19.

Vaccine Related

- Are adverse reactions to the COVID-19 vaccine recordable on the OSHA recordkeeping log?

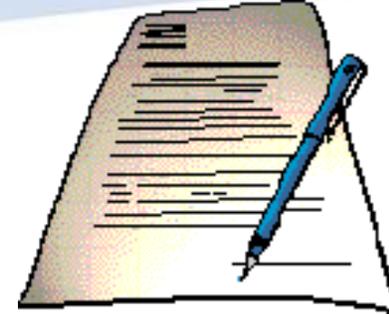
DOL and OSHA, as well as other federal agencies, are working diligently to encourage COVID-19 vaccinations. OSHA does not wish to have any appearance of discouraging workers from receiving COVID-19 vaccination, and also does not wish to disincentivize employers' vaccination efforts. As a result, OSHA will not enforce 29 CFR 1904's recording requirements to require any employers to record worker side effects from COVID-19 vaccination through May 2022. We will reevaluate the agency's position at that time to determine the best course of action moving forward.

Other Part 1904 Requirements

1904.32 – Annual Summary

1904.33 – Retention and Updating

1904.35 Employee Involvement



1904.41 Electronically Report Form 300A Data to OSHA

Many, but not all, establishments must electronically report their Form 300A data to OSHA on an annual basis.

- Establishments with 20-249 employees that are classified in certain industries [certain industries](#)
- Establishments with 250 or more employees that are currently required to keep OSHA injury and illness records

Covered establishments must submit information from their completed Form 300A by March 2 of each year.

OSHA provides a secure website where employers create an account, enter, and submit their data. Information about and access to the Injury Tracking Application (ITA) is available at <https://www.osha.gov/injuryreporting/index.html>

Questions?

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