

# OSHA is Cracking Down on Recordkeeping —

Are you Prepared



# Justin Hypes

Director of Business Development



# Goals for this Meeting



Avoid this...



Review Recordkeeping Rule



Define OSHA Forms 300, 300A and 301



Explain Recordable Criteria



Identify Recordable/ Non-Recordable Cases



Discuss Steps to Ensure Compliance



# Recordkeeping Rule

What is it?

# What is Recordkeeping?



An OSHA regulation

**A.K.A...**

# Injury and Illness Recordkeeping

## Incident Management

Recordkeeping Rule

**OSHA Recordkeeping**

**29 CFR 1904**

**Recordkeeping Standard**

# What is Recordkeeping?



## An OSHA Regulation



## Born from the OSH Act of 1970

- Requires employers to provide safe/ healthful workplaces
- Requires **covered** employers to prepare and maintain records of occupational injuries and illnesses



## OSHA Coverage

- 7.5 million private sector establishments
- 200,000 major construction worksites/ 114 million people
- 2.7 million federal employees
- 7.7 million state and local government employees

# What the Rule is Not

*OSHA makes a special point to state that “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”*

# Why Recordkeeping is Important



## OSHA

- Inspection targeting
- Measure performance
- Standards development
- Resource allocation
- Voluntary Protection Program (VPP) eligibility
- “Low-hazard” industry exemptions



## Employers & Employees

- To identify, assess and correct hazards



## Compliance Officers

- To analyze an establishment’s safety and health environment



## OSHA Data Initiative/ Bureau of Labor Statistics

- Serve as an information source

# Inspection Stats



2008: OSHA conducted 38,591 inspections and state OSHA programs conducted 57,380 state inspections



2009: OSHA planned more than 37,000 inspections



2010: OSHA plans to conduct 40,900 safety and health inspections



# Recordkeeping Stats

“...more than 5,000 Americans died on the job from a work-related injury or an illness, and tens of thousands more got seriously sick or hurt in the honest, simple pursuit of a paycheck.”

– Jordan Barab, Deputy Director for Occupational Health



5,071 worker deaths in 2008



OSHA is continuing efforts to reduce workplace injuries and illnesses, especially those resulting in death



# Recent Recordkeeping Activity



## GAO 2009 Study = Underreporting Concerns =:

- Inspectors to interview workers during records audits
- Minimize time between recorded incidents and OSHA audits
- Update list of high-risk industries for audits, target inspections, etc.
- Increase education/ training around recordable requirements



## SST -09 (Site-Specific Targeting 2009)

- 4,000 locations with high injury and illness rates
- Nursing homes
- Manufacturing



Complete, accurate recordkeeping is more important than ever

# National Emphasis Program (NEP)



Enacted on September 30, 2009

- Assess accuracy of recorded injury and illness data
- Focuses on select industries with high injury and illness rates
- 40 or more employees
- High DART (Days Away, Restricted, or Transferred) rates



Examples of High-Risk Industries:

- Nursing homes
- Soft drink manufacturing
- Steel foundries
- Animal slaughtering



Key Components to NEP Inspection

- Records review
- Employee interviews
- Safety and health inspection of the workplace



# Key Recordkeeping Components



## Partially Exempt Establishments

- 10 or less employees, or
- Low hazard industries:
  - ✓ Retail
  - ✓ Finance
  - ✓ Insurance
  - ✓ More



## ALL establishments MUST report incidents that result in:

- Fatalities
- Hospitalization of 3 or more employees



### \*\*\*\*NOTE\*\*\*\*

If establishments meet the above criteria, they may still need to record at the request of OSHA or BLS

# Timing around Notification



Must notify OSHA of work-related incidents that result in employee deaths or inpatient hospitalization of 3 or more employees within **8 hours after they occur**



Must provide injury and illness records within **4 business hours** of request by an OSHA representative



Must fill out required OSHA recordkeeping forms within **7 days** of a recordable incident



# OSHA Forms 300, 301, 300A

- ✓ Form 300 – Log of Work-Related Injuries and Illnesses
- ✓ Form 301 – Injuries and Illnesses Incident Report
- ✓ Form 300A – Summary of Work-Related Injuries and Illnesses

The image displays three OSHA forms: OSHA's Form 300 (Log of Work-Related Injuries and Illnesses), OSHA's Form 301 (Injuries and Illnesses Incident Report), and OSHA's Form 300A (Summary of Work-Related Injuries and Illnesses). A yellow sticky note with a red pushpin is placed over the forms, containing the text: "If an incident meets OSHA recording criteria, you must enter the details on Forms: 300, 301 (or equivalent) and 300A".

**OSHA's Form 300**  
Log of Work-Related Injuries and Illnesses

**OSHA's Form 301**  
Injuries and Illnesses Incident Report

**OSHA's Form 300A**  
Summary of Work-Related Injuries and Illnesses

*All establishments covered by Part DEM must complete this form annually. Remember to include all injuries and illnesses that occurred during the year. Remember to include all injuries and illnesses that occurred during the year. Remember to include all injuries and illnesses that occurred during the year.*

*Employees (former employees, and their representatives) have the right to review this information. They also have limited access to OSHA's Form 301. For more information, see 29 CFR 1904.35, 1904.36, and 1904.37.*

Number of Cases	
Total number of Deaths	Total number of cases with days away
0 (G)	0 (H)

Number of Days	
Total number of days of job transfer or	Total number of days away from work
0 (I)	0 (J)

Injury and Illness Types	
Total number of (K)	
(1) Injury	0 (L)
(2) Skin Disorder	0 (M)
(3) Respiratory Condition	0 (N)

Post this Summary page from February 1 to April 30 of the year following the year covered by the form

Public reporting burden for this collection of information is estimated to average 50 minutes per response, including time to review the instructions, search and gather the data needed, and complete and review the collection of information. Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. If you have any comments about these estimates or any aspects of this data collection, contact: US Department of Labor, OSHA Office of



# Recordkeeping Form 301

## Injuries and Illnesses Incident Report



### Purpose:

- Captures detailed information about the incident
- Includes details that the 300 Form (or equivalent) does not
  - ✓ Physician contact information
  - ✓ Descriptive explanations of the incident

OSHA's Form 301		U.S. Department of Labor			
Injuries and Illnesses Incident Report		Occupational Safety and Health Administration			
<p><b>Attention:</b> 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.</p>		<p>Form approved OMB no. 1218-0178</p>			
<p>This <i>Injury and Illness Incident Report</i> is one of the first forms you must fill out when a recordable work-related injury or illness has occurred. Together with the <i>Log of Work-Related Injuries and Illnesses</i> and the accompanying <i>Summary</i>, these forms help the employer and OSHA develop a picture of the extent and severity of work-related incidents.</p> <p>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.</p> <p>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.</p> <p>If you need additional copies of this form, you may photocopy and use as many as you need.</p>		<p><b>Information about the employee</b></p> <p>1) Full Name _____</p> <p>2) Street _____</p> <p>City _____ State _____ Zip _____</p> <p>3) Date of birth _____</p> <p>4) Date hired _____</p> <p>5) <input type="checkbox"/> Male <input type="checkbox"/> Female</p> <p><b>Information about the physician or other health care professional</b></p> <p>6) Name of physician or other health care professional _____</p> <p>7) If treatment was given away from the worksite, where was it given?</p> <p>Facility _____</p> <p>Street _____</p> <p>City _____ State _____ Zip _____</p> <p>8) Was employee treated in an emergency room? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>9) Was employee hospitalized overnight as an in-patient? <input type="checkbox"/> Yes <input type="checkbox"/> No</p>		<p><b>Information about the case</b></p> <p>10) Case number from the Log _____ (Transfer the case number from the Log after you record the case.)</p> <p>11) Date of injury or illness _____</p> <p>12) Time employee began work _____ AM/PM</p> <p>13) Time of event _____ AM/PM <input type="checkbox"/> Check if time cannot be determined</p> <p>14) <b>What was the employee doing just before the incident occurred?</b> 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-entries"</p> <p>15) <b>What happened?</b> 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."</p> <p>16) <b>What was the injury or illness?</b> Tell us the part of the body that was affected and how it was affected, be more specific than "hurt", "pain", or "sore." Examples: "strained back"; "chemical burn, hand"; "carpal tunnel syndrome."</p> <p>17) <b>What object or substance directly harmed the employee?</b> Examples: "concrete floor"; "chlorine"; "radial arm saw." If this question does not apply to the incident, leave it blank.</p> <p>18) <b>If the employee died, when did death occur?</b> Date of death _____</p>	
<p>Completed by _____</p> <p>Title _____</p> <p>Phone _____ Date _____</p>					
<p>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.</p>					

**Fill out this form within 7 days of being informed that an injury or illness has occurred**

# Recordkeeping Form 300A

## Summary of Work-Related Injuries and Illnesses



### Purpose:

- Numerical summary of incidents
- Total cases within each category
  - ✓ Deaths
  - ✓ Days away from work
  - ✓ Etc.
- Total days away from work or days of job transfer or restriction
- Total # of Injury and Illness types
  - ✓ Poisonings
  - ✓ Hearing loss
  - ✓ Etc.

**OSHA's Form 300A**  
**Summary of Work-Related Injuries and Illnesses**

Year: \_\_\_\_\_

U.S. Department of Labor  
 Occupational Safety and Health Administration  
 Form 300A-0101B rev. 12/11-01/12

*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 correct.*

*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 1904.38, in OSHA's Recordkeeping rule, for further details on the access provisions for these records.*

Number of Cases			
Total number of deaths	Total number of cases with days away	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 of job transfer or	Total number of days away from work
0	0
(K)	(L)

Injury and Illness Types			
Total number of...	(1) Injury	(4) Poisoning	(5) All other illnesses
(M)	0	0	0
(2) Skin Disorder	0	(3) Respiratory Condition	0
	0		0

Post this Summary page from February 1 to April 30 of the year following the year covered by the form

Public reporting burden for this collection of information is estimated to average 50 minutes per response, including time to review the instruction, search and gather the data needed, and complete and review the collection of information. Persons are not required to respond to the collection of information unless it displays a currently valid OMB control number. If you have any comments about these estimates or any aspects of this data collection, contact: US Department of Labor, OSHA Office of

**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) \_\_\_\_\_

**Employment information**

Annual average number of employees \_\_\_\_\_

Total hours worked by all employees last year \_\_\_\_\_

**Sign here**

Knowingly falsifying this document may result in a fine. \_\_\_\_\_

I certify that I have examined this document and that to the best of my knowledge the entries are true, accurate, and complete.

\_\_\_\_\_  
 Company executive Title

\_\_\_\_\_  
 Phone Date

**Must be posted annually from Feb 1- April 30; Must be clearly visible to employees and applicants for employment**

# Trying to Make it even Easier!



## Recent Rule Proposal

- Restore column on Form 300 for MSDs
  - ✓ Improve accuracy of injury and illness data
  - ✓ Includes request to add entry for MSDs on Form 300A



## MSDs Defined as:

- Injuries caused by repetitive stress to parts of the musculoskeletal system
- Sprains, strains, tears to soft tissue such as carpal tunnel syndrome, tendonitis, etc.
- Does **not** include disorders caused by slips, trips, falls, motor vehicle accidents, or other similar accidents

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

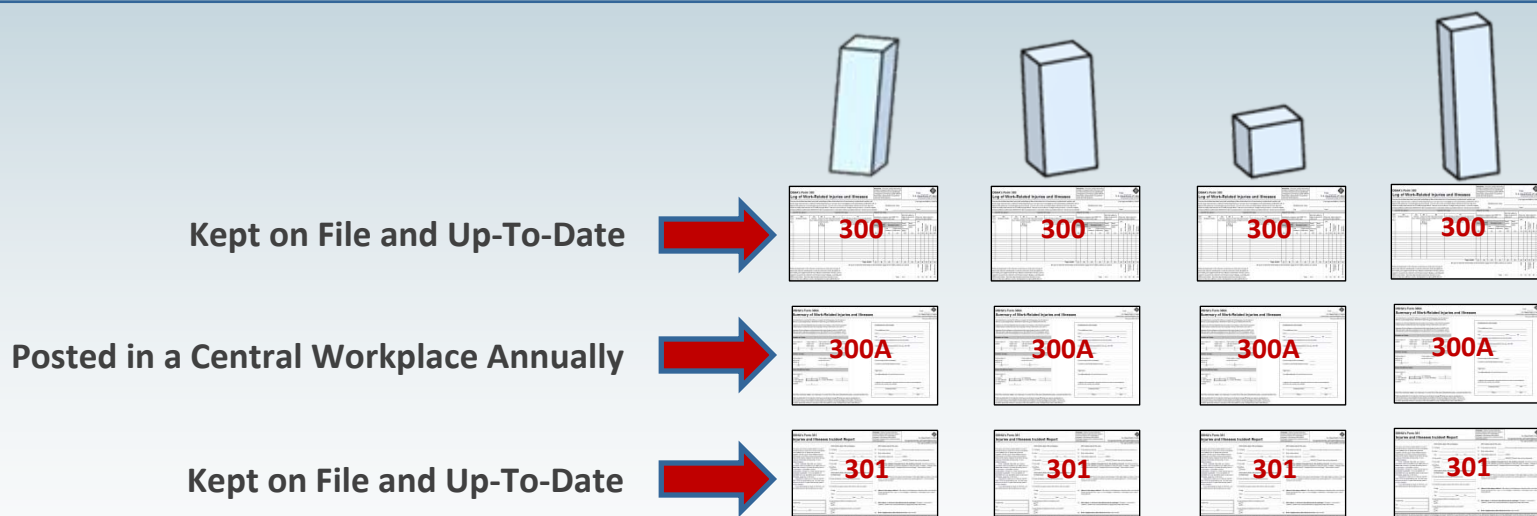
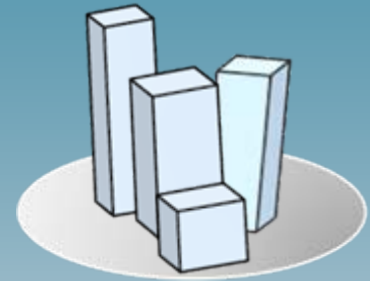
**OSHA 300 Form**

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

**OSHA 300A Form**

# Key Recordkeeping Components

- ✓ Must have Separate Forms for Each Facility
  - Unless open for less than 1 year
- ✓ Must Retain Copies and they Must be Accessible for 5 years Following the Year of the Recorded incident(s)



- Forms completed and incidents recorded within 7 Days
- All records must be retained for 5 years

# Key Recordkeeping Components



## Mandatory Poster

- ✓ OSHA 3165 poster, the *Job Safety and Health* poster
- ✓ Must be in a conspicuous location where employees and applicants for employment can see it
- ✓ Each state or territory with a state plan has a poster that employers covered by the plan must display

**Job Safety and Health**  
**It's the law!**

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

**EMPLOYEES:**

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in that inspection.
- You can file a complaint with OSHA within 30 days of retaliation or discrimination by your employer for making safety and health complaints or for exercising your rights under the *OSH Act*.
- You have the right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violations.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records and records of your exposures to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.
- You must comply with all occupational safety and health standards issued under the *OSH Act* that apply to your own actions and conduct on the job.

**EMPLOYERS:**

- You must furnish your employees a place of employment free from recognized hazards.
- You must comply with the occupational safety and health standards issued under the *OSH Act*.

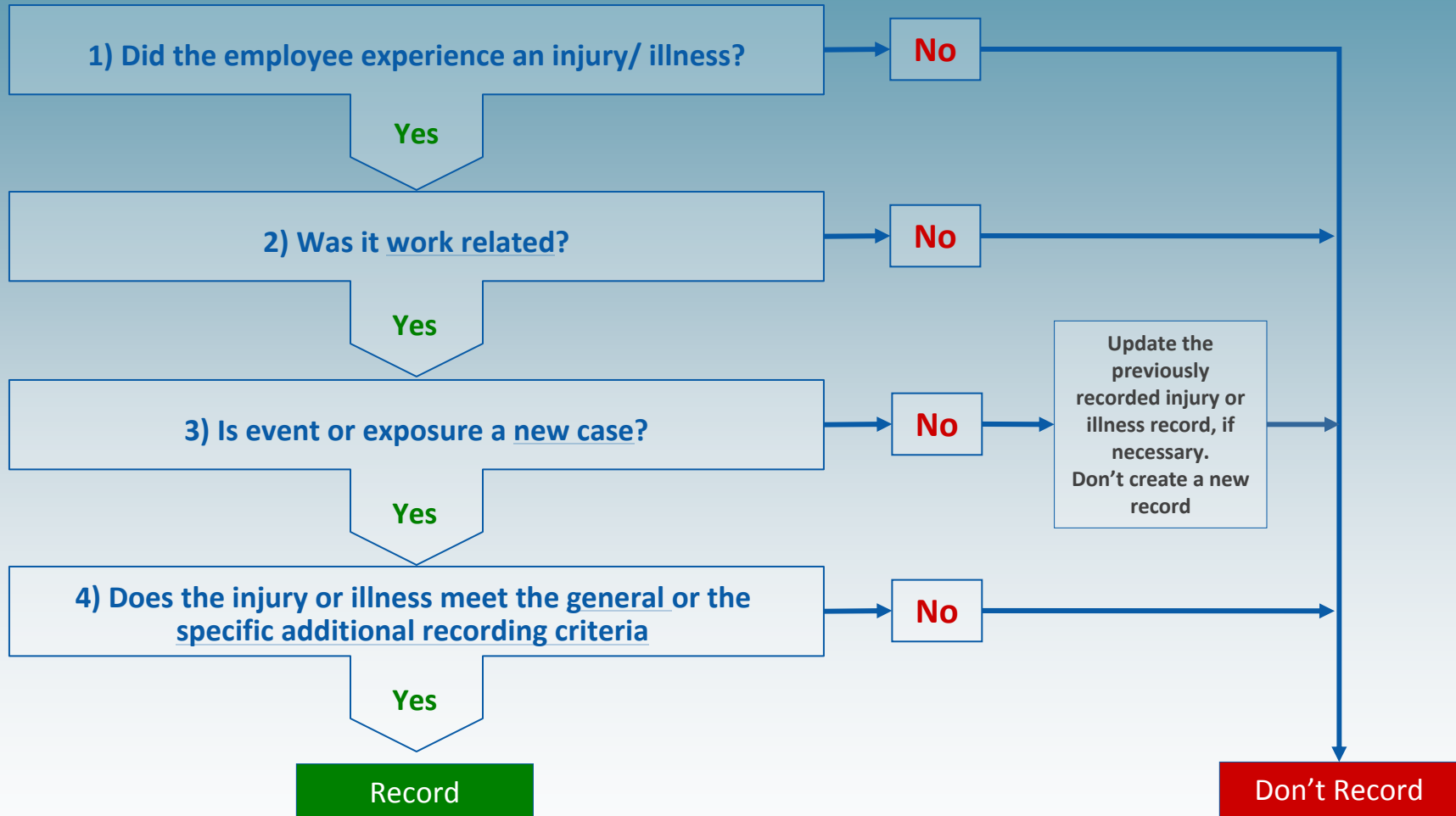
This free poster available from OSHA –  
*The Best Resource for Safety and Health*

Free assistance in identifying and correcting hazards or complying with standards is available to employers, without citation or penalty, through OSHA-supported consultation programs in each state.

1-800-321-OSHA  
www.osha.gov

OSHA 3165 12-08B

# When do I have to Record?

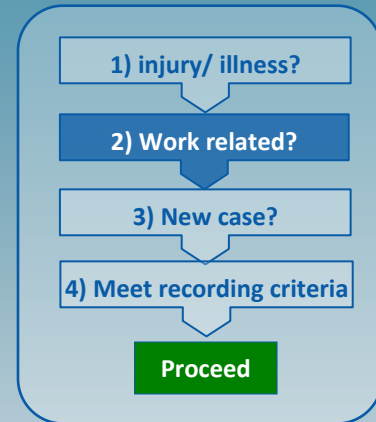


# What is Work Related?



Presume Work-Related if, and only if:

- Event or exposure in the work environment IS the cause of the injury or illness
- Event or exposure LED TO significant aggravation of a pre-existing condition



Geographic Presumption of Work Environment:

- Establishment/ other locations where 1 or more employees are working or present as a condition of employment, including:
  - ✓ Physical location, equipment or materials used by employees
  - ✓ Employee working away from primary work establishment still carries geographical presumption
- Geographical presumption may also include exterior of the establishment
  - ✓ Sidewalks
  - ✓ Employee parking lot
  - ✓ Landscape
  - ✓ Etc.

# Exceptions to Work Related



## Exceptions Include:

- Present as member of general public
- Symptoms arise solely from non-work exposures
- Voluntary participation in recreational activity
  - ✓ Wellness/ Fitness programs
  - ✓ Medical (donating blood)
- Eating/ drinking/ preparing food for **personal use**
- Personal tasks outside working hours
- Personal grooming/ self medication for non work-related condition
- Motor vehicle accident during commute
  - ✓ Parking lot
  - ✓ Access roads
- Common cold or flu
- Mental illness
  - ✓ Unless licensed professional confirms work relatedness



# New Cases



If Employee **Has Not** Previously Experienced a Recorded Injury or Illness of the Same Type that Affects the Same Part of the Body



OR



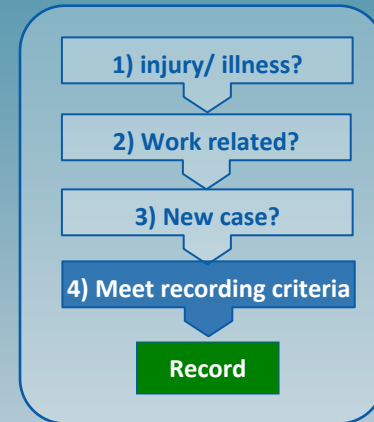
Employee Previously Experienced a Recorded Injury or Illness of the Same Type that Affects the Same Part of the Body **But Had Recovered Completely**

# General Recording Criteria



If it's a New Work-Related Case and Any One of General Recording Criteria are Met, you Must Record Within 7 Days

- Medical treatment beyond first aid is administered
- Results in day(s) away from work/ Restricted work activity/ Transfer
- If there was a loss of consciousness
- Diagnosed by doctor or licensed healthcare professional as a significant injury or illness
- Results in a death



# First Aid vs. Medical Treatment



## First Aid (Non-Recordable)

- Use of non-prescription medications at non-prescription strength
- Administering tetanus immunizations
- Cleaning, flushing or soaking wounds on the surface of the skin
- Use of wound coverings such as bandages, Band-Aids™, etc.
- Use of hot or cold therapy
- Use of any non-rigid means of support
  - ✓ Elastic bandages, wraps, non-rigid back belts, etc.
- Use of temporary immobilization devices while transporting an accident victim
  - ✓ Splints, slings, neck collars, back boards, etc.
- Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister
- Use of eye patches
- Removal of foreign bodies from the eye using only irrigation or a cotton swab
- Removal of splinters or foreign material from areas other than the eye, by irrigation, with tweezers, cotton swabs or other simple means
- Use of finger guards
- Massages
- Drinking fluids for relief of heat stress

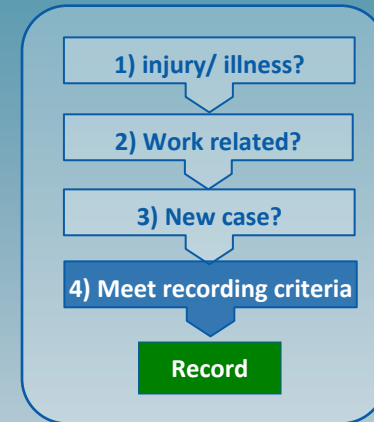


# First Aid vs. Medical Treatment



## Medical Treatment (Recordable)

- Immunizations, such as Hepatitis B vaccine or rabies vaccine
- Debridement
  - ✓ Surgical removal of dead or contaminated tissue from a wound
- Wound closing devices such as sutures, staples, glue, etc.
- Medications in both prescription and non-prescription form
  - ✓ If recommendation by a physician or other licensed healthcare professional
  - ✓ Non-prescription medication at prescription strength
- Physical therapy or chiropractic treatment

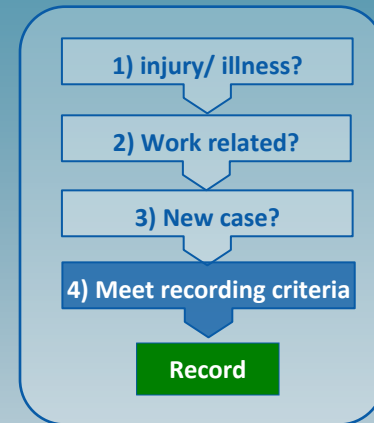


# Specific Additional Criteria



If it's a New Work-Related Case and any One these Specific Conditions are Met, you Must Record Within 7 Days

- H1N1
  - ✓ Confirmed case of 2009 strain
  - ✓ Work-related exposure
  - ✓ Requires days away from work
- Cancer
- Bone cracks or fractures
- Punctured eardrum/ hearing loss
- Chronic irreversible disease
- Needlesticks and cuts from sharp objects contaminated with infectious material including another person's blood
- Tuberculosis – employees exposed to TB in the workplace and subsequently develop TB
- Medical removal – employee is removed by medical personnel



**Time to play**

**Recordable or**

**Non-Recordable**

# Recordable or Non-Recordable?

**Scenario 1:** Employee injures shoulder at work, visits physician and is directed to take over-the-counter ibuprofen and use as directed

## Non-Recordable

*Treatment considered first aid:*

- X** *Saw doctor for diagnosis*
- X** *Medication non-prescription strength*

*If the doctor prescribed a prescription-level dosage of the over-the-counter medication, then case would be recordable.*



# Recordable or Non-Recordable?

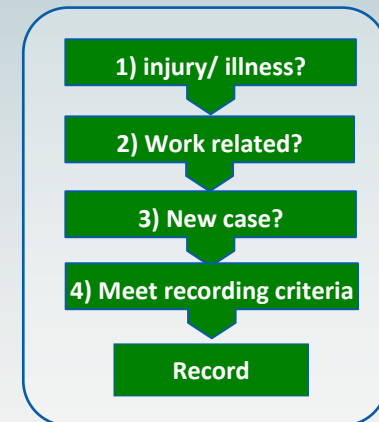
**Scenario 2:** Employee visits doctor for work-related injury. Receives prescription, but chooses not to take it. Employee informs supervisor of his decision and provides prescription. Company doctor reviews case, feels prescription was not necessary. First doctor later agrees.

## Recordable

*Treatment is considered medical*

✓ *Doctor prescribed prescription-strength medication*

*Regardless of employee's decision to take medication, second doctor's disagreement, and first doctor's changed opinion; once a prescription is given the case becomes recordable.*



Source: OSHA Lcl 2/6/07

# Recordable or Non-Recordable?

**Scenario 3:** Employee check-in is at 8:00 am. Employee parks in company parking lot at 7:30 am and while proceeding to work slips on ice covered sidewalk, injures back and misses multiple days of work. Parking lot and sidewalks are privately owned by the facility.

## Recordable

- ✓ *Geographical presumption of work*
- ✓ *Days away from work*

*Regardless of the fact that the employee had not yet checked into work, the employee was on the sidewalk because of work.*



Source: OSHA Recordkeeping Handbook

# Recordable or Non-Recordable?

**Scenario 4:** While at work, employee goes outside for a smoke break, slips on ice covered sidewalk, injures back and misses multiple days of work. Company deems incident non-recordable due to non-work activity. Sidewalks are privately owned by the facility.

## Recordable

- ✓ *Geographical presumption of work*
- ✓ *Normal work hours*
- ✓ *Days away from work*

*Although the employee was doing a personal tasks (unrelated to their employment) at the establishment, the exception does not apply here because the injury or illness occurred within normal working hours.*



Source: OSHA Recordkeeping Handbook

# Recordable or Non-Recordable?

**Scenario 5:** Employee enters company parking lot at 7:30 am for work, parks and exits car. Second employee does the same and approaches first employee. A physical altercation occurs, resulting in first breaking an arm. Injured employee sees doctor and receives medical treatment.

## Recordable

- ✓ *Geographical presumption of work*
- ✓ *Medical treatment*

*Regardless of the fact that employees were engaged in a non-work related activity, the injury meets general recording criteria. It occurred within the work environment, on the employer's property.*



Source: OSHA Recordkeeping Handbook

# Recordable or Non-Recordable?

**Scenario 6:** Two supervisors complete work for the day, enter a trailer to change clothes. An argument leads to a physical altercation. One employee allegedly pulls out a knife and strikes the other in the right bicep, causing a laceration, which requires sutures.

## Recordable

- ✓ *Geographical presumption of work*
- ✓ *Medical treatment*

*Regardless of the fact that employees were engaged in a non-work related activity, the injury meets general recording criteria.*



Source: OSHA Recordkeeping Handbook

# Recordable or Non-Recordable?

**Scenario 7:** An employee with epilepsy, a pre-existing medical condition, falls and breaks his arm during an epileptic seizure at work, resulting in missed days.

## Non-Recordable

- ✓ *Geographic presumption of work*
- X *Exception to work-relatedness*

*Neither the seizure or broken arm are recordable since the injury involves signs or symptoms that surface at work BUT as result of a NON-work-related event or exposure.*



Source: OSHA Recordkeeping Handbook

# Recordable or Non-Recordable?

**Scenario 8:** Company requires employees to attend off-site lunch meeting. Afterward, employees are free to either participate in team-building event; return to office to finish work day; or take a ½-day vacation. Employee gets injured go-carting (event), requiring medical treatment.

## Recordable

- ✓ *Geographic presumption of work*
- ✓ *Medical treatment*

***Since one or more employees were present at the go-cart facility as a condition of employment and not as members of the general public, it is considered part of the work environment.***



Source: OSHA Recordkeeping Handbook

# Recordable or Non-Recordable?

**Scenario 9:** Employee has pre-existing rotator cuff tendonitis. He assists company in move, requiring lifting, etc. Afterward, shoulder is sore, he visits doctor. Doctor determines tendonitis is now rotator cuff tear. Doctor prescribes Naprelan 375 for pain and swelling.

## Recordable

- ✓ *Geographical presumption of work*
- ✓ *Work-related aggravation of an existing condition*
- ✓ *Prescription medication*

***An event in the work environment significantly aggravated a pre-existing injury or illness and the injury went beyond what the worker would have experienced as a result of the pre-existing injury alone***



Source: OSHA Recordkeeping Handbook

# Recordable or Non-Recordable?

**Scenario 10:** A work-from-home employee receives a package during workday – box containing a birthday gift. Employee is startled by phone ringing and cuts her finger while opening box.

## Non-Recordable

- ✓ *Geographical presumption of work*
- X *Exception to work-relatedness*

*While the presumption of geographic environment pertains to this incident, the injury was not caused by work-related activity.*



Source: OSHA Recordkeeping Handbook

# The **Costs** of Non-Compliance Can Add up Quickly

- ✓ Fines
- ✓ Potential Risk & Liability
- ✓ Downtime & Internal Disruption
- ✓ Negative Press & Impact to Corporate Image
- ✓ Lost Revenues

# Penalties are Real



## De Minimus (small violations, not cited)

- Have no direct or immediate relationship to safety or health
- Documented same as any other violation but not included on citation



## Other than Serious

- Direct relationship to job safety/ health, but probably not cause death or serious harm
- Discretionary penalty of up to \$7k for each violation



## Serious

- High probability that death or serious physical harm could result
- Employer knew or should have known of hazard
- Mandatory penalty of up to \$7k for each violation



## Repeated

- Re-inspection finds substantially similar violation
- Up to \$70k fine

# Penalties Continued



## Failure to Abate Prior Violation

- Could bring civil penalty of up to \$7k for each day following prescribed abatement date



## Willful

- Employer knowingly commits or commits with plain indifference to the law
- Minimum penalty of \$5k, up to \$70k for each violation
- Convicted, and an employee death resulted
  - Court-imposed fine or imprisonment for up to 6 months or both
  - Fines up to \$250k for individual or \$500k for corporation



## Additional Fines Upon Conviction

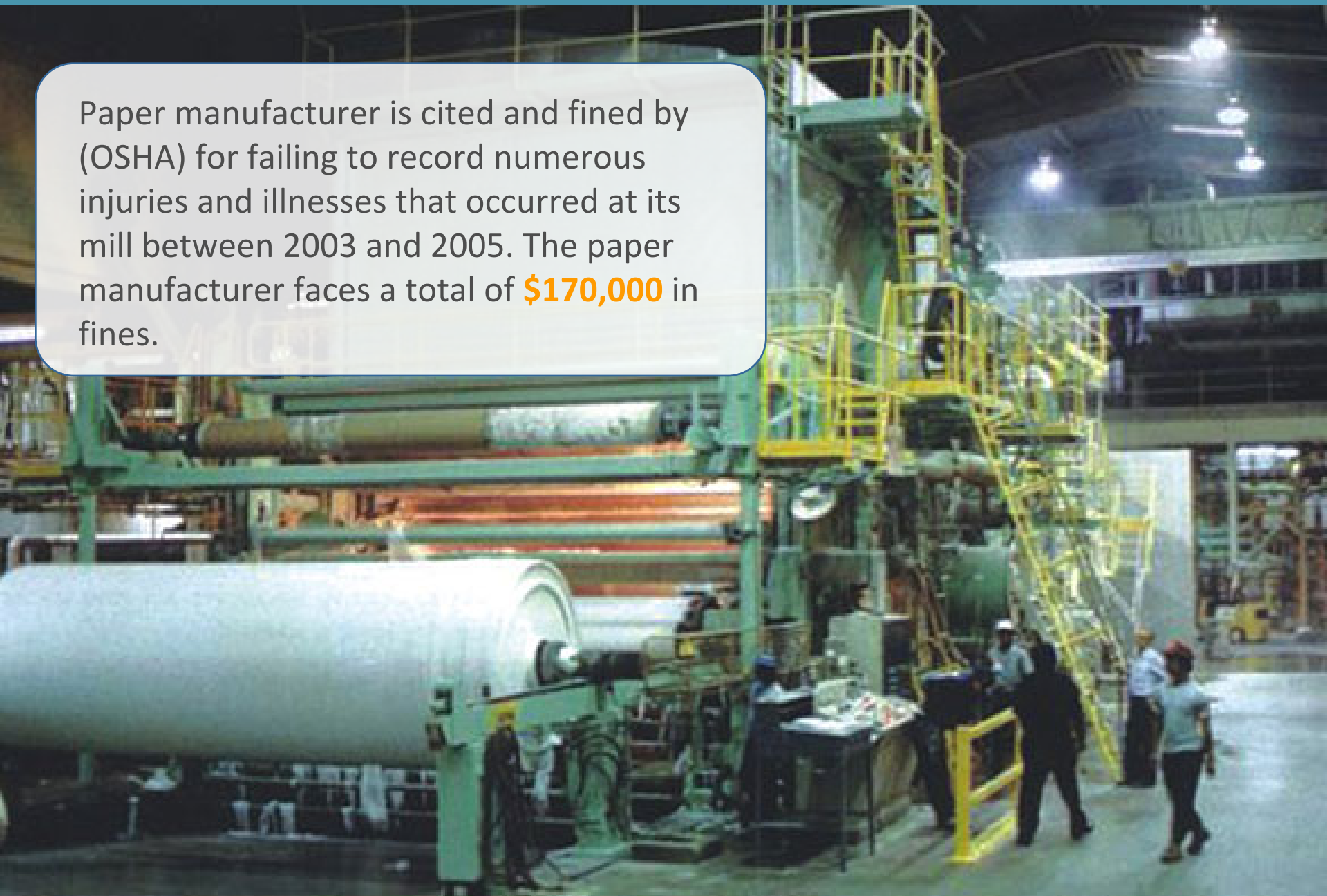
- Fines for falsifying records – up to \$10k
- Citation posting violations – up to \$7k
  - Intimidating or interfering with compliance officer, etc.

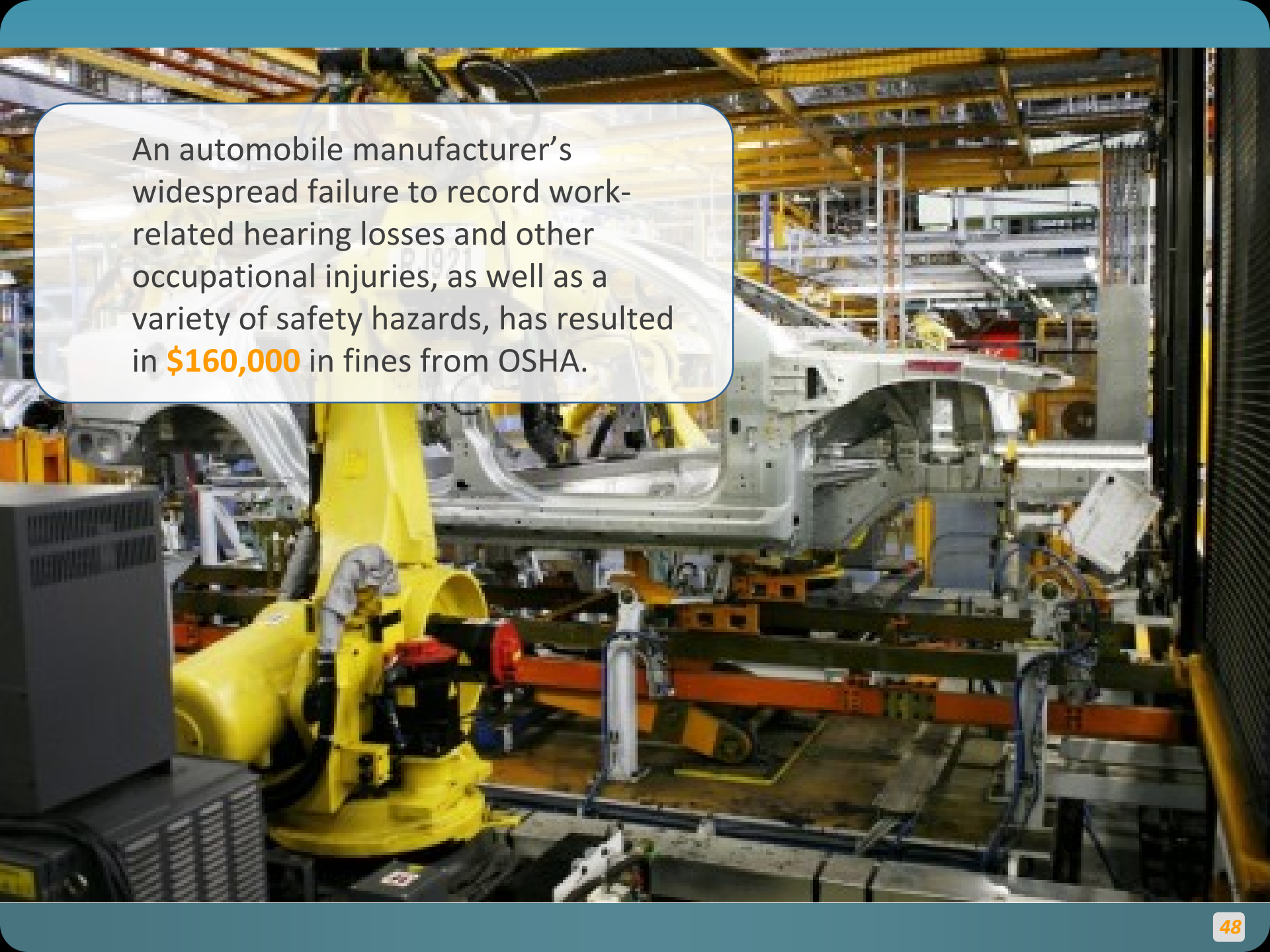
# Recordkeeping Fines

An automotive parts manufacturer's failure to keep proper records of hundreds of workplace injuries and illnesses has resulted in **\$42,000 in proposed penalties** from OSHA.



Paper manufacturer is cited and fined by (OSHA) for failing to record numerous injuries and illnesses that occurred at its mill between 2003 and 2005. The paper manufacturer faces a total of **\$170,000** in fines.





An automobile manufacturer's widespread failure to record work-related hearing losses and other occupational injuries, as well as a variety of safety hazards, has resulted in **\$160,000** in fines from OSHA.

**So how do I make  
sure I'm compliant?...**

# Steps for Achieving Compliance



## **Determine Responsibility for your Recordkeeping Program**

- Set up recordkeeping system that works for your particular organization
- Create reporting rules for incident notification
  - At each facility and throughout organization
- Centralize recordkeeping into one system
  - Consider electronic incident management systems



## **Draft and Internally Publish the Details of your Injury and Illness Prevention Program**

- Some states require it (i.e. California, Nevada)
- Train your employees



## **Ensure Facilities Maintain Recordkeeping Components:**

- 300, 301, 300A forms are complete and accurate
- Mandatory Job Safety and Health poster is posted



## **Utilize Available Resources**

- Use the decision-tree for every case
- Consult OSHA's Recordkeeping Handbook
- Contact OSHA for assistance... they're there to help

**Remember it's not  
just about...**

# Avoiding citations...



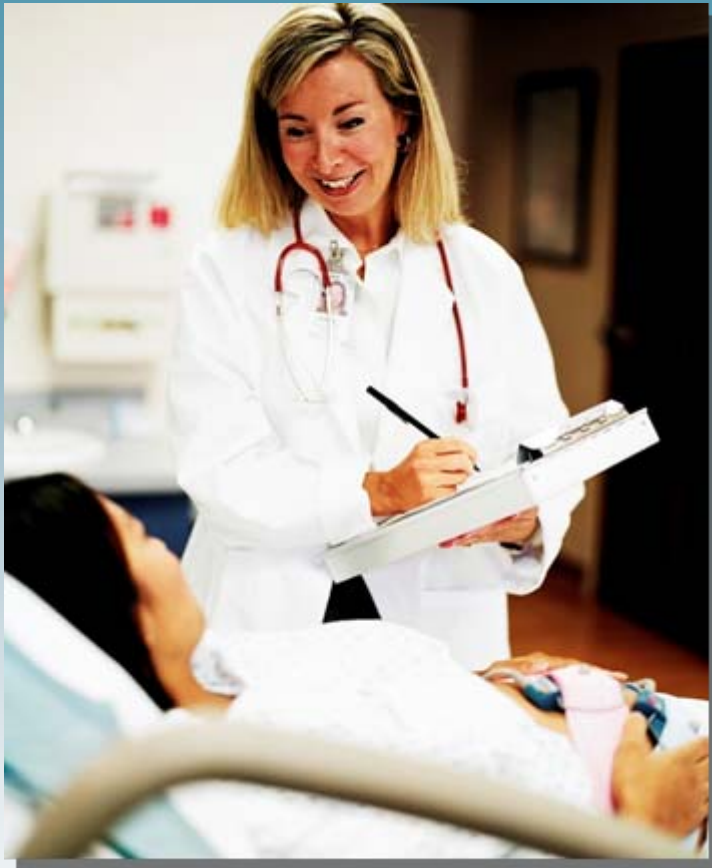


**...and fines**

it's ~~also~~ mostly about...

# our employees...





**our customers...**



**our community...**





# Thank You



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