

## OSHA'S PART 1904 – INJURY AND ILLNESS REPORTING AND RECORDKEEPING RULES REVISED AND EXPANDED

The Occupational Safety and Health Administration's (OSHA) revised injury and illness reporting and recordkeeping rule, published in the Federal Register on September 18, 2014 (FR Doc# 2014-21514), includes two key changes.

- **First, it expands the list of severe work-related injuries and illnesses that all covered employers must report to OSHA.** Furthermore, while retaining the current requirement to report all fatalities within eight hours, the revised rule adds a requirement to report all inpatient hospitalizations, amputations, and loss of an eye within 24 hours to OSHA.
- **Second, it updates the list of industries exempt from the requirement to routinely keep OSHA injury and illness records due to relatively low occupational injury and illness rates.** The previous list of industries was based on the old Standard Industrial Classification (SIC) system and injury and illness data from the Bureau of Labor Statistics (BLS) from 1996-1998. This new list of industries is based on the North American Industry Classification System (NAICS) and BLS injury and illness data from 2007-2009. The rule also retains the routine injury and illness recordkeeping exemption for any establishment with 10 or fewer employees, regardless of their industry classification.

**The new requirements will take effect on January 1, 2015. Establishments located in states under federal OSHA jurisdiction must begin to comply with the new requirements on this date.** Establishments located in the 25 states and two territories (Puerto Rico and the US Virgin Islands) that operate their own safety and health programs should check with their state plan for the implementation date of these requirements.

### CHANGES TO REPORTING REQUIREMENTS

#### WHAT NEEDS TO BE REPORTED TO OSHA AND HOW SOON?

Previously, employers had to report the following to OSHA:

- All work-related fatalities.
- Work-related hospitalizations of three or more employees.

OSHA's updated recordkeeping rule expands the list of severe injuries and illnesses that employers must report to OSHA upon finding out about them. Starting on January 1, 2015, all employers must report:

- All work-related fatalities within eight hours.
- All work-related inpatient hospitalizations of one or more employees, all amputations, and all losses of an eye within 24 hours.

#### WHEN DON'T I NEED TO REPORT?

Employers do not have to report a fatality, inpatient hospitalization, amputation, or loss of an eye if it:

- Resulted from a motor vehicle accident on a public street or highway (unless it happened in a construction work zone).
- Occurred on a commercial or public transportation system (i.e., airplane, subway, bus, ferry, streetcar, light rail, or train).
- Occurred more than 30 days after the work-related incident in the case of a fatality or more than 24 hours after the work-related incident in the case of an inpatient hospitalization, amputation, or loss of an eye.

Additionally, an inpatient hospitalization does not need to be reported if it is for diagnostic testing or observation only. An inpatient hospitalization is defined as a formal admission to the inpatient service of a hospital or clinic for care or treatment.

However, employers do have to report an inpatient hospitalization due to a heart attack, if the heart attack resulted from a work-related incident.

## WHO IS COVERED UNDER THE NEW RULE?

All employers under OSHA jurisdiction must report all work-related fatalities, hospitalizations, amputations, and losses of an eye, even employers who are exempt from routinely keeping OSHA injury and illness records due to company size or industry.

An amputation is defined as the traumatic loss of a limb or other external body part. Amputations include:

- A part, such as a limb or appendage, which has been severed, cut off, or amputated (either completely or partially).
- Fingertip amputations with or without bone loss.
- Medical amputations resulting from irreparable damage.
- Amputations of body parts that have since been reattached.

## HOW DO I REPORT AN EVENT TO OSHA?

Employers have three options for reporting the event:

- By telephone to the nearest OSHA Area Office during normal business hours.
- By telephone to the 24-hour OSHA hotline at 1 800-321-OSHA (6742).
- Through a new digital reporting system being developed by OSHA, which will be available soon at [www.osha.gov](http://www.osha.gov).

Employers reporting a fatality, inpatient hospitalization, amputation, or loss of an eye to OSHA must report the following information:

- Establishment name.
- Location of the work-related incident.
- Time of the work-related incident.

- Type of reportable event (i.e., fatality, inpatient hospitalization, amputation, or loss of an eye).
- Number of employees who suffered the event.
- Names of the employees who suffered the event.
- Contact person and his or her phone number.
- Brief description of the work-related incident.

## CHANGES TO RECORDKEEPING REQUIREMENTS

### WHO IS REQUIRED TO KEEP RECORDS?

OSHA regulations require certain employers to routinely keep records of employee injuries and illnesses. However, there are two classes of employers that are partially exempt from routinely keeping records.

- First, employers with 10 or fewer employees at all times during the previous calendar year. OSHA's revised recordkeeping regulation maintains this exemption.
- Second, establishments in certain low-hazard industries. OSHA's revised recordkeeping regulation provides an updated list of exempt low hazard industries, now classified by NAICS, the standard used by federal statistical agencies to classify business establishments. The injury and illness rate threshold for an exemption is based on recent BLS data. See Table 1 for a list of these low hazard industries. Table 2 lists industries that include establishments that now are no longer exempt from the recordkeeping requirements.

Table 1: New List of Partially Exempt Industries

NAICS Code and Industry Description							
4412	Other Motor Vehicle Dealers	5151	Radio and Television Broadcasting	5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services	6213	Offices of Other Health Practitioners
4431	Electronics and Appliance Stores	5172	Wireless Telecommunications Carriers (except Satellite)	5413	Architectural, Engineering, and Related Services	6214	Outpatient Care Centers
4461	Health and Personal Care Stores	5173	Telecommunications Resellers	5414	Specialized Design Services	6215	Medical and Diagnostic Laboratories
4471	Gasoline Stations	5179	Other Telecommunications	5415	Computer Systems Design and Related Services	6244	Child Day Care Services
4481	Clothing Stores	5181	Internet Service Providers and Web Search Portals	5416	Management, Scientific, and Technical Consulting Services	7114	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures
4482	Shoe Stores	5182	Data Processing, Hosting, and Related Services	5417	Scientific Research and Development Services	7115	Independent Artists, Writers, and Performers
4483	Jewelry, Luggage, and Leather Goods Stores	5191	Other Information Services	5418	Advertising and Related Services	7213	Rooming and Boarding Houses
4511	Sporting Goods, Hobby, and Musical Instrument Stores	5211	Monetary Authorities - Central Bank	5511	Management of Companies and Enterprises	7221	Full-Service Restaurants
4512	Book, Periodical, and Music Stores	5221	Depository Credit Intermediation	5611	Office Administrative Services	7222	Limited-Service Eating Places
4531	Florists	5222	Nondepository Credit Intermediation	5614	Business Support Services	7224	Drinking Places (Alcoholic Beverages)
4532	Office Supplies, Stationery, and Gift Stores	5223	Activities Related to Credit Intermediation	5615	Travel Arrangement and Reservation Services	8112	Electronic and Precision Equipment Repair and Maintenance
4812	Nonscheduled Air Transportation	5231	Securities and Commodity Contracts Intermediation and Brokerage	5616	Investigation and Security Services	8114	Personal and Household Goods Repair and Maintenance
4861	Pipeline Transportation of Crude Oil	5232	Securities and Commodity Exchanges	6111	Elementary and Secondary Schools	8121	Personal Care Services
4862	Pipeline Transportation of Natural Gas	5239	Other Financial Investment Activities	6112	Junior Colleges	8122	Death Care Services
4869	Other Pipeline Transportation	5241	Insurance Carriers	6113	Colleges, Universities, and Professional Schools	8131	Religious Organizations
4879	Scenic and Sightseeing Transportation, Other	5242	Agencies, Brokerages, and Other Insurance Related Activities	6114	Business Schools and Computer and Management Training	8132	Grantmaking and Giving Services
4885	Freight Transportation Arrangement	5251	Insurance and Employee Benefit Funds	6115	Technical and Trade Schools	8133	Social Advocacy Organizations
5111	Newspaper, Periodical, Book, and Directory Publishers	5259	Other Investment Pools and Funds	6116	Other Schools and Instruction	8134	Civic and Social Organizations
5112	Software Publishers	5312	Offices of Real Estate Agents and Brokers	6117	Educational Support Services	8139	Business, Professional, Labor, Political, and Similar Organizations
5121	Motion Picture and Video Industries	5331	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	6211	Offices of Physicians		
5122	Sound Recording Industries	5411	Legal Services	6212	Offices of Dentists		

Table 2: Industries That Include Establishments Newly Required to Keep Records

NAICS Code and Industry Description	
3118	Bakeries and Tortilla Manufacturing
4411	Automobile Dealers
4413	Automotive Parts, Accessories, and Tire Stores
4441	Building Material and Supplies Dealers
4452	Specialty Food Stores
4453	Beer, Wine, and Liquor Stores
4539	Other Miscellaneous Store Retailers
4543	Direct Selling Establishments
5311	Lessors of Real Estate
5313	Activities Related to Real Estate
5322	Consumer Goods Rental
5324	Commercial and Industrial Machinery and Equipment Rental and Leasing
5419	Other Professional, Scientific, and Technical Services
5612	Facilities Support Services
5617	Services to Buildings and Dwellings
5619	Other Support Services
6219	Other Ambulatory Health Care Services
6241	Individual and Family Services
6242	Community Food and Housing, and Emergency and Other Relief Services
7111	Performing Arts Companies
7113	Promoters of Performing Arts, Sports, and Similar Events
7121	Museums, Historical Sites, and Similar Institutions
7139	Other Amusement and Recreation Industries
7223	Special Food Services
8129	Other Personal Services

## WHERE CAN I FIND MORE INFORMATION?

For more information about the new reporting requirements and updated industry lists, visit OSHA's webpage on the revised recordkeeping rule at [www.osha.gov/recordkeeping2014](http://www.osha.gov/recordkeeping2014).

## MRC CAN HELP

Marsh Risk Consulting's (MRC) Workforce Strategies Practice can conduct health and safety recordkeeping and reporting system audits and provide implementation support and training for any affected organization concerned about the revised rule and OSHA's impending compliance deadline. Our experts can also help with assessing the current state of an organization's health and safety programs and developing strategic solutions aimed at reducing injury rates and associated costs.

These solutions are part of MPACT<sup>SM</sup>, our holistic and integrated process to manage workers' compensation total cost of risk. MPACT<sup>SM</sup> digs deep into the details on loss drivers – providing clients with a complete understanding of retained and transferred risk – and incorporates predictive modeling to uncover potentially severe claims and identifies protocols to improve workplace safety and reduce program costs. MPACT<sup>SM</sup> delivers integrated analytical reviews, customized solutions, and sustainable and competitive program pricing, terms, and conditions.

For more information about these solutions, please contact your local MRC or Marsh representative.

You can also speak with one of MRC's Workforce Strategies Practice experts by calling us at 866-9AtRisk (866-928-7475) or by sending an e-mail to [At.Risk@marsh.com](mailto:At.Risk@marsh.com).

Additional information can be found on [marshriskconsulting.com](http://marshriskconsulting.com) and [www.marsh.com](http://www.marsh.com).

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