

**INITIAL STATEMENT OF REASONS
CHANGES TO REGULATIONS OF THE DIVISION
OF LABOR STATISTICS AND RESEARCH
(TITLE 8, CALIFORNIA CODE OF REGULATIONS, DIVISION 1, CHAPTER 7,
SUBCHAPTER 1, ARTICLE 2)**

Subject Matter of Proposed Regulation: Employer Records of Occupational Injury and Illness

Sections Affected: Article 2 of Subchapter 1, Chapter 7,
Division 1, Title 8.

Problem Addressed:

Pursuant to Labor Code Section 6410, the Division of Labor Statistics and Research (DLSR), a division within the Department of Industrial Relations, is charged with prescribing and providing the forms necessary for maintenance of records of occupational injuries and illnesses required by the United States Department of Labor under the Federal Occupational Safety and Health Act of 1970 (P.L. 91-596). Requirements for fulfilling this mandate are currently found in Article 2 of Subchapter 1, Chapter 7, Division 1 of Title 8 in the California Code of Regulations (“Article 2”).

On January 19, 2001, the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) promulgated revisions to regulations at 29 CFR 1904 addressing Occupational Injury and Illness Recording and Reporting. See Federal Register Volume 66, No. 13, pages 5916-6135. The State of California, through DLSR, is now required by the provisions of 29 CFR 1902.3(k), 29 CFR 1952.4, and 29 CFR 1956.10(i), to adopt regulations for recording of occupational injuries and illnesses that are substantially identical to the requirements of revised 29 CFR 1904.

Specific Purpose of Adoption/Factual Basis: To implement the occupational injury and illness recordkeeping elements of revised 29 CFR 1904 The Division proposes to amend section 14300 and adopt sections 14300.1 through 14300.27, all to be placed within Article 2 as described below.

Amended Section 14300, Purpose. This proposed section would contain the statement of general purpose of the equivalent federal regulation at 29 CFR 1904.0 with respect to recording of work-related fatalities, injuries, and illnesses. However, the reference in the federal rule to “reporting” of these work-related events would not be included in Section 14300 because Article 2 addresses only “recording” of such events. Reporting of workplace fatalities and serious injuries and illnesses is already addressed in Title 8 Section 342. Proposed Section 14300 would also contain two notes for informational purposes only which are without regulatory effect. This section is necessary to clarify the overall purpose of Article 2 and is consistent with language at the equivalent federal rule at 29 CFR 1904.

New Section 14300.1, Partial Exemption for Employers with 10 or Fewer Employees. This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.1, with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. This section would provide that employers with ten or fewer employees in any industry at all times during the calendar year are partially exempted from recordkeeping unless OSHA or the Bureau of Labor Statistics informs them in writing that they must keep such records. The proposed new section retains references in existing Section 14314 to the requirements for all employers, regardless of size, to file reports with DLSR of occupational injuries and illnesses as well as to report to the Division of Occupational Safety and Health every serious occupational injury or illness, or death. This section is necessary so that Article 2 requirements are consistent in scope and application to those contained in the equivalent federal rule at 29 CFR 1904.1.

New Section 14300.2, Partial Exemption for Establishments in Certain Industries.

Existing Section 14316 contains a list of categories of establishments exempted from the provisions of existing Section 14301, which states a general requirement for employers to record occupational injuries and illnesses. The exempted categories are identified by their Standard Industrial Classification (SIC) Codes. The SIC Codes exempted are: 56, 58-69, 72-74, 782-784, and 81-89. These recordkeeping exemptions are considered to be only “partial,” because any employer may be specifically requested by OSHA, the U. S. Bureau of Labor Statistics, or a state designee

to record occupational injuries and illnesses, and no employer is exempt from the requirement to comply with such a request.

This list of exempted SIC Codes, with some modifications made to maintain consistency with the new federal list of partially exempt employer categories, is proposed to be placed in new section 14300.2. The modifications consist of removing a number of specific subcategories from the currently exempted SIC Codes on the list. The subcategories proposed to be removed from the list, and thus no longer exempt from the recordkeeping requirements of Article 2, are shown by SIC Code in Table 1:

Table 1
SIC Codes of Industries No Longer Exempt

- 593 - Used Merchandise Stores
- 596 - Nonstore Retailers
- 598 - Fuel Dealers
- 651 - Real Estate Operators (except Developers) and Lessors
- 655 - Land Subdividers and Developers
- 721 - Laundry, Cleaning, and Garment Services
- 734 - Services to Dwellings and Other Buildings
- 735 - Miscellaneous Equipment Rental and Leasing
- 736 - Personnel Supply Services
- 833 - Job Training and Vocational Rehabilitation Services
- 836 - Residential Care
- 842 - Arboreta and Botanical or Zoological Gardens

In order to maintain consistency with the new OSHA recordkeeping requirements at 29 CFR 1904.2, a number of specific subcategories of establishments that are not within the currently exempted SIC Codes are proposed to be added to the list of exempted industries. Adding these subcategories of newly exempted employers to the list of exempted employers found in existing Section 14316 would make the California list identical to the federal list, with the exception of SIC code 781, Motion Picture Production and Allied Services, which will continue to be required to record in California. The subcategories of establishments proposed to be added to the list of exempted establishments, and thus no longer required to record, are shown by SIC Code in Table 2:

Table 2

SIC Codes of Industries No Longer Required to Record

- 525 - Hardware Stores
- 542 - Meat and Fish Markets
- 544 - Candy, Nut, and Confectionery Stores
- 545 - Dairy Product Stores
- 546 - Retail Bakeries
- 549 - Miscellaneous Food Stores
- 551 - New and Used Car Dealers
- 552 - Used Car Dealers
- 554 - Gasoline Service Stations
- 557 - Motorcycle Dealers
- 573 - Radio, Television, & Computer Stores
- 764 - Reupholstery
- 791 - Dance Studios, Schools, and Halls
- 792 - Producers, Orchestras, Entertainers
- 793 - Bowling Centers
- 801 - Offices and Clinics of Medical Doctors
- 802 - Offices and Clinics of Dentists
- 803 - Offices of Osteopathic Physicians
- 804 - Offices of Other Health Practitioners
- 807 - Medical and Dental Laboratories
- 809 - Health and Allied Services, Not Elsewhere Classified

The effect of this proposed rule is to add to the list of employers required to record those in the industries listed in Table 1 above, and to add to the list of those not required to record those employers in the industries listed in Table 2 above.

Table 3 shows the complete proposed list of employers not required to record unless specifically requested to do so:

TABLE 3
PARTIALLY EXEMPT INDUSTRIES IN
CALIFORNIA

<u>SIC Code</u>	<u>Industry Description</u>	<u>SIC Code</u>	<u>Industry Description</u>
<u>525</u>	<u>Hardware Stores</u>	<u>731</u>	<u>Advertising Services</u>
<u>542</u>	<u>Meat and Fish Markets</u>	<u>732</u>	<u>Credit Reporting and Collection Services</u>
<u>544</u>	<u>Candy, Nut, and Confectionery Stores</u>	<u>733</u>	<u>Mailing, Reproduction and Stenographic</u>
<u>545</u>	<u>Dairy Products Stores</u>		<u>Services</u>
<u>546</u>	<u>Retail Bakeries</u>	<u>737</u>	<u>Computer and Data Processing Services</u>
<u>549</u>	<u>Miscellaneous Food stores</u>	<u>738</u>	<u>Miscellaneous Business Services</u>
<u>551</u>	<u>New and Used car Dealers</u>	<u>764</u>	<u>Reupholstery and Furniture Repair</u>
<u>552</u>	<u>Used Car Dealers</u>	<u>782</u>	<u>Motion Picture Distribution and Allied</u>
<u>554</u>	<u>Gasoline Service Stations</u>		<u>Services</u>
<u>557</u>	<u>Motorcycle Dealers</u>	<u>783</u>	<u>Motion Picture Theaters</u>
<u>56</u>	<u>Apparel and Accessory Stores</u>	<u>784</u>	<u>Video Tape Rental</u>
<u>573</u>	<u>Radio, Television, and Computer Stores</u>	<u>791</u>	<u>Dance Studios, Schools, and Halls</u>
<u>58</u>	<u>Eating and Drinking Places</u>	<u>792</u>	<u>Producers, Orchestras, Entertainers</u>
<u>591</u>	<u>Drug Stores and Proprietary Stores</u>	<u>793</u>	<u>Bowling Centers</u>
<u>592</u>	<u>Liquor Stores</u>	<u>801</u>	<u>Offices and Clinics of Medical Doctors</u>
<u>594</u>	<u>Miscellaneous Shopping Goods Stores</u>	<u>802</u>	<u>Offices and Clinics of Dentists</u>
<u>599</u>	<u>Retail Stores, Not Elsewhere Classified</u>	<u>803</u>	<u>Offices of Osteopathic</u>
<u>60</u>	<u>Depository Institutions (banks and</u>	<u>804</u>	<u>Offices of Other Health Practitioners</u>
	<u>savings institutions)</u>	<u>807</u>	<u>Medical and Dental Laboratories</u>
<u>61</u>	<u>Nondepository</u>	<u>809</u>	<u>Health and Allied Services, Not</u>
<u>62</u>	<u>Security and Commodity Brokers</u>		<u>Elsewhere Classified</u>
<u>63</u>	<u>Insurance Carriers</u>	<u>81</u>	<u>Legal Services</u>
<u>64</u>	<u>Insurance Agents, Brokers and Services</u>	<u>82</u>	<u>Educational Services (schools, colleges,</u>
<u>653</u>	<u>Real Estate Agents and Managers</u>		<u>universities and libraries)</u>
<u>654</u>	<u>Title Abstract Offices</u>	<u>832</u>	<u>Individual and Family Services</u>
<u>67</u>	<u>Holding and Other Investment Offices</u>	<u>835</u>	<u>Child Day Care Services</u>
<u>722</u>	<u>Photographic Studios, Portrait</u>	<u>839</u>	<u>Social Services, Not Elsewhere Classified</u>
<u>723</u>	<u>Beauty Shops</u>	<u>841</u>	<u>Museums and Art Galleries</u>
<u>724</u>	<u>Barber Shops</u>	<u>86</u>	<u>Membership Organizations</u>
<u>725</u>	<u>Shoe Repair and Shoeshine Parlors</u>	<u>87</u>	<u>Engineering, Accounting, Research,</u>
<u>726</u>	<u>Funeral Service and Crematories</u>		<u>Management, and Related Services</u>
<u>729</u>	<u>Miscellaneous Personal Services</u>	<u>899</u>	<u>Services, Not Elsewhere Classified</u>

NOTE: In California, establishments in SIC Code 781 (Motion Picture Production and Allied Services) are required to record. Federal law does not require these establishments to record. This is the only difference between the list of establishments shown in Table 3 above and the list shown in the equivalent federal rule at 29 CFR 1904.2.

New Section 14300.3, Keeping Records for More than One Agency.

This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.3, with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. This section is proposed to state that if employers already create injury and illness records to comply with requirements of another government agency, the Division will consider these as meeting the recordkeeping requirements of this Article if OSHA accepts the other agency's records under a memorandum of understanding with the other agency or if those records contain the same information required by the proposed revisions of Article 2. Language without regulatory effect included as a Note at the beginning of Subpart C of 29 CFR 1904 is not included in DLSR's proposed regulation. This section is necessary for consistency with the equivalent federal rule at 29 CFR 1904.3.

New Section 14300.4, Recording Criteria. With the exception of an informational element proposed to be omitted as described below, this section is proposed to be adopted substantially identical to the equivalent federal rule at 29 CFR 1904.4, with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. This new section states the three basic elements which make an injury or illness recordable: that it be work-related as detailed in proposed Section 14300.5, that it be a new case as detailed in proposed Section 14300.6, and that it meet one of the general recording criteria detailed in proposed Section 14300.7. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.4.

Proposed Sections 14300.5, 14300.6, and 14300.7 would specify in greater detail than does the existing rule the three elements of recordability: 1) work-relatedness; 2) a new case; and 3) meeting one of the criteria for recording (fatality, lost or restricted workday, medical treatment beyond first aid, or loss of consciousness). Also the proposed rule would differ from the provisions of existing Article 2 by applying the same criteria for recordability to illnesses that are currently applied only to injuries. An exception to this would be in proposed Section 14300.4(b)(4) which refers to new criteria for recording of five particular types of injuries and illnesses detailed in proposed sections 14300.8 through 14300.12.

Section 1904.4(b)(2) of the federal rule contains a “decision tree” intended to illustrate the process of deciding if an injury or illness must be recorded. This decision tree would be omitted in proposed Section 14300.4 as it is for information only and has no regulatory effect.

New Section 14300.5, Determination of Work-relatedness.

This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.5, with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. This section would describe the circumstances when an injury or illness would and would not be considered to be work-related for the purposes of recordkeeping. Injuries and illnesses that are not found to be work-related under the provisions of this section, would not be required to be recorded by employers. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.5.

The following subsections of proposed Section 14300.5 would introduce new regulatory language not currently found in existing Article 2:

Proposed Section 14300.5(b)(1) defines the concept of “work environment” for the purposes of recordkeeping.

Proposed Section 14300.5(b)(2) details a list of specific circumstances when an injury or illness of an employee would not be regarded as being work-related for the purposes of recordkeeping

Proposed Section 14300.5(b)(4) details when a workplace event or exposure “significantly aggravates” a pre-existing condition so that it would then need to be recorded as an injury or illness event by the employer.

Proposed Section 14300.5(b)(5) details which injuries and illnesses are considered to be “pre-existing” conditions which when significantly aggravated under the definition of proposed Section 14300.5(b)(4) would be required to be recorded by the employer. Pre-existing conditions are defined by proposed subsection (b)(5) to include only non-work-related events and exposures that occurred outside the work environment.

Proposed Section 14300.5(b)(6) details a list of specific circumstances when an employee is traveling for work purposes and an injury or illness occurs

but would not be regarded as being work-related for the purposes of recordkeeping.

Proposed Section 14300.5(b)(7) describes the circumstances under which an injury or illness occurring when an employee is working at home would and would not be required to be recorded by the employer.

New Section 14300.6, Determination of New Cases.

This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.6, with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. This new section would describe the circumstances when an injury or illness would and would not be considered to be a “new case” for the purposes of recordkeeping. Injuries and illnesses that are not found to be new cases under the provisions of this section, would not be required to be recorded by employers. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.6.

New Section 14300.7, General Recording Criteria.

This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.7, with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. This new section would state that in order for an injury or illness to be recordable it must result in: death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, loss of consciousness, or significant injury or illness as diagnosed by a physician or licensed healthcare professional (these criteria are listed in subsections (b)(1)(A)-(F)). This section is necessary to implement the equivalent federal rule at 29 CFR 1904.6.

The following subsections of proposed Section 14300.7 would introduce new regulatory language and concepts not currently found in existing Article 2:

Proposed subsection (b)(1) would apply the same criteria for recordability to most illnesses as is already applied to injuries. These criteria for recording are: death, loss or restriction of work, medical treatment beyond first aid, or loss of consciousness. Proposed subsection (b)(7), however, details a small number of “significant diagnosed injuries or illnesses” which must be recorded even if they do not meet any of these criteria. In addition proposed

Sections 14300.8 through 14300.12 provide for special criteria and procedures for recording of specifically named health events.

Proposed subsection (b)(3) substitutes a new term, “days away from work,” for the term “lost workdays” defined in existing Section 14311. As defined at proposed subsection (b)(3) and used throughout proposed new sections in Article 2, the term “days away from work” would refer only to days the employee was unable to work at all, and would not include days of restricted work or job transfer.

Proposed subsection (b)(3)(A) provides that an employer must begin counting days away from work on the day after the injury occurred or illness began. This is a detail not included in existing Article 2.

Proposed subsections (b)(3)(B) and (C) would provide new details not currently included in Article 2 addressing the situation when a health care professional provides a recommendation for work restriction and whether it is this recommendation or the employee’s choice in coming to work which determines if an event is recordable.

Proposed subsection (b)(3)(D) would change the way in which days away from work would be counted by the employer when recording injuries and illnesses. The definition of “lost workdays” in existing Title 8 Section 14311 limits days counted away from work to only those days which the employee would have been scheduled to work but could not do so because of their injury or illness. Proposed subsection (b)(3)(C) would require instead that the number of calendar days the employee was unable to work (including holidays, vacation days, and other days off) be counted as time away from work, regardless of whether or not the employee was scheduled to work on those days.

Proposed subsection (b)(3)(F) provides that an employer may limit the days away from work counted to 180. Where an employee is restricted in or away from work because of a work-related injury or illness for more than 180 days an employer need not record a number greater than this. Existing Article 2 does not provide for such a limit on counting.

Proposed Section 14300.7 (b)(4)(A) provides a detailed definition of the term “restricted work,” which is one of the criteria for recordability. The definition of this term is based on the employee’s ability to perform one or

more of the routine functions of their job. The definition of “lost workdays” in existing Section 14311 includes an inability to “perform all or any part of his normal work assignment for any part of the workday or shift because of the occupational injury or illness.”

Proposed subsection (b)(4)(K) provides that an employer begins counting days of job transfer or restriction on the day after the injury occurred or illness began. This is a detail not included in existing Article 2.

Proposed subsection (b)(5) provides definitions of “medical treatment” and “first aid” which expand upon the definitions of these terms at existing Section 14311.

Proposed subsection (b)(7) defines the term “significant diagnosed injury or illness” that is recordable even if it does not result in death, days from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness. This subsection would provide that work-related illnesses involving cancer or other chronic irreversible diseases, and work-related injuries involving a fractured or cracked bone or a punctured eardrum must always be recorded at the time of diagnosis by a physician or other licensed health care professional.

New Section 14300.8, Recording Criteria for Needlestick and Sharps Injuries. This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.8, with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. This new section details specific provisions for recording of work-related needlestick injuries and cuts from sharp objects that are contaminated with another person’s blood or other potentially infectious material as defined in Title 8 Section 5193, Bloodborne Pathogens. This new section would also provide that such injuries qualify for treatment as “privacy cases” under proposed section 14300.29 thus requiring that employers not include the injured employee’s name on the injury and illness log form when recording the case. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.8

New Section 14300.9, Recording Criteria for Cases Involving Medical Removal Under OSHA Standards This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR

1904.9, with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. This new section would provide that every time an employee is medically removed under a medical surveillance provision of a Title 8 standard for occupational safety and health that the case must be recorded on the injury and illness recording log as involving either days away from work or a case involving restricted work activity. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.9.

New Section 14300.10, Reserved. This section is proposed for numbering purposes only and possible future rulemaking. It is not proposed in this rulemaking to contain any regulatory language.

New Section 14300.11, Recording Criteria for Work-Related Tuberculosis Cases. This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.11. This new section details specific provisions for recording of work-related cases of tuberculosis as evidenced by a positive skin test or diagnosis by a physician or other licensed health care professional. These cases must be recorded even if they do not meet any of the criteria for recording of proposed subsections 14300.7(b)(1)(A)-(F). This section is necessary to implement the equivalent federal rule at 29 CFR 1904.11.

New Section 14300.12 through 14300.28. These sections are proposed for numbering purposes only and possible future rulemaking. They are not proposed to contain any regulatory language in this rulemaking.

New Section 14300.29, Forms. This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.29, with the exception of minor modifications as described below and with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.29.

Provisions of existing Article 2 require the use of two specific forms for recording of occupational injuries and illnesses: Form 200, which is used as a log of injuries and illnesses as required by existing Section 14301(b), and an annual summary form, which is used as required by existing Section 14305(a). In addition, existing Section 14304 requires the keeping of a

supplementary record for each recorded occupational injury or illness, indicates three forms that are acceptable for this purpose, and allows use of any form that contains all of the information required by OSHA Form 101, Supplementary Record of Occupational Injuries and Illnesses. Proposed Section 14300.29 would revise Form 200 and rename it “Form 300,” provide for a new “Form 300A” to be used as an annual summary, and provide for a new “Form 301” to be used as a supplementary record. Proposed Section 14300.29 would allow the use of forms other than those specified, provided that they record the same information as the specified forms require and are as readable and understandable to a person not familiar with them. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.29.

The forms specified in proposed Section 14300.29 would be shown in Appendices A, B, and C to Section 14300.29. In addition, lists of essential informational elements that must be included in forms used as equivalents are shown in Appendices D, E, and F to Section 14300.29. Each of these proposed appendices are described in greater detail below and in the Informative Digest. Attached for reference as Exhibit 1 are copies of existing Form 200, the existing instructions for filling out Form 200, and the OSHA Form 101 referred to in existing Section 14304.

The following subsections of proposed Section 14300.29 would substantially change regulatory requirements of existing Article 2:

Proposed subsection (b)(3) would change the timeframe for recording of injuries and illnesses from that at existing Section 14301(a)(2) of six (6) working days after receiving information that a recordable case has occurred to seven (7) calendar days.

Proposed subsection (b)(4) retains the allowance found at existing Title 8 Sections 14301, 14304, and 14305 to use for recordkeeping purposes forms equivalent to those prescribed by the standard. One element of existing Section 14301 with respect to form equivalency of the injury and illness log which is not found in the federal rule is the requirement at existing Section 14301(b)(4) that the form not only be readable and understandable in general, but that it be readable and understandable “to a person not familiar with it.” It is proposed to retain this additional requirement in proposed Section 14300.20 (b)(4) for all of the recordkeeping forms required by Article 2.

Proposed subsections (b)(6) through (b)(10) would introduce new regulatory language and concepts related to protection of employee privacy not currently found in Article 2 requirements but which are substantially identical to those found in the equivalent federal rule. These subsections would define a “privacy concern case” and how an employer must treat these cases when recording them on the injury and illness log. The effect of these new requirements to protect privacy would be to clarify for employers the circumstances under which they must not enter the name of an injured or ill employee on the recordkeeping forms. These new provisions would also detail how employers must go about keeping employee identities confidential in privacy concern cases, separate from the recordkeeping forms but retainable for future use as well as disclosable to the injured or ill employee, authorized government representatives, and personal representatives of the employee.

Proposed Appendix A would introduce the Cal/OSHA Form 300 (Log of Work-related Injuries and Illnesses) that is specified in subsection (a). This form is substantially identical to the federal form 300.

Proposed Appendix B would introduce the Cal/OSHA Form 300A (Summary of Work-related Injuries and Illnesses) that is specified in subsection (a). This form is substantially identical to the federal form 300A.

Proposed Appendix C would introduce the Cal/OSHA Form 301 (Injury and Illness Incident Report) that is specified in subsection (a). This form is substantially identical to the federal form 301.

Proposed Appendix G would provide a worksheet to assist employers with filling out the Cal/OSHA Form 300A (Summary of Work-related Injuries and Illnesses). This worksheet is substantially identical to its federal equivalent entitled Worksheet to Help You Fill Out the Summary.

Proposed Appendix E would introduce the required information that a form would need to contain to be equivalent to the Cal/OSHA Form 300A. The appendix provides a list of the specific items that are to be entered and the instructions that are to accompany an equivalent form.

Proposed Appendix F would introduce the required information that a form would need to be equivalent to the Cal/OSHA 301. The appendix provides a

list of the specific items that are to be entered and the instructions that are to accompany an equivalent form.

Proposed Appendix G would provide a worksheet to assist employers with filling out the Cal/OSHA Form 300A (Summary of Work-related Injuries and Illnesses). This worksheet is substantially identical to its federal equivalent entitled Worksheet to Help You Fill Out the Summary.

New Section 14300.30, Multiple Business Establishments. This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.30, with the exception of minor modifications as described below and with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. Existing Section 14313 addresses injury and illness recordkeeping requirements for employers with employees working in non-fixed locations. Proposed Section 14300.30 would provide that for establishments expected to be in operation less than one year an employer may choose to keep one set of records covering all such establishments.

Proposed Section 14300.30 would also provide that employers with multiple locations would be allowed to maintain records at a central location provided the employer transmits information from the establishment where an injury or illness occurred to the central recordkeeping location within seven (7) calendar days of receiving information that an injury or illness has occurred. The employer must also satisfy the requirements of proposed sections 14300.35 and 14300.40 for timely provision of requested records to employees, their representatives, and government representatives. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.30.

This proposed section differs from the equivalent federal rule by retaining and renumbering from existing Section 14313, and applying to both fixed and non-fixed worksites, provisions that for establishments for which records are kept at another location the address and telephone number of that central recordkeeping location is kept available, and that at the central recordkeeping location personnel be available during normal business hours to transmit to the non-fixed establishment applicable injury and illness records when requested by employees, their representatives, and authorized government personnel. These additional requirements beyond what is found in the equivalent federal rule are necessary to ensure an undiminished level

of access to injury and illness records by employees and their representatives.

New Section 14300.31, Covered employees. This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.31, with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. Proposed Section 14330.31 clarifies that it is the party providing day-to-day supervision of an injured or ill employee who must maintain the record of their occupational injury or illness. This point is clarified for a variety of employment situations including temporary help, contract labor, and employee leasing services. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.31.

New Section 14300.32, Annual Summary. This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.32, with the exception of minor modifications as described below and with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. This section would retain the requirements of existing Section 14305 for completion and posting of a summary of the injury and illness records maintained for the prior calendar year. This section would extend the required period for posting the summary so that it included not only the month of February but also the months of March and April. This section would also add the new provision that the individual certifying that the annual summary is correct and complete must be an officer of the company or at least the highest ranking official at the establishment for which the records are maintained. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.32.

This section would differ from the federal rule by retaining at subsection (b)(7) the requirement of existing Section 14305(d)(1) for providing in person or by mail the annual summary to employees who do not primarily work at the location where records are kept. This modification of federal language is necessary to ensure that access to recordkeeping documents of employees who do not work at the location where records are maintained is not diminished from its existing level.

This section would also differ from the federal rule by including at subsection (b)(8) the provision at existing Section 14305(d)(1) that

employers are not required to post annual summaries for locations where they no longer have operations or employees. This modification of federal language is necessary for clarity.

New Section 14300.33, Retention and Updating. This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.33, with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. This section would contain the provisions currently found at Section 14307 for employers to retain injury and illness records for five (5) years following the end of the calendar year that the records cover. In addition, this section would add a new requirement for updating of stored injury and illness logs to include newly discovered recordable injuries or illnesses and to show any changes that had occurred in the classification of previously recorded injuries and illnesses. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.33.

New Section 14300.34, Change in Business Ownership. This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.34, with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. This section would contain provisions currently found at Section 14310 for how employers are to handle injury and illness records when a business changes ownership. The effect of this proposed section is to require former owners of a business to transfer injury and illness records to any new owner and for the new owner to retain such records in accordance with provisions of proposed Section 14300.33. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.34.

New Section 14300.35, Employee Involvement. This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.35, with the exception of minor modifications as described below and with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. Existing Section 14308 addresses employee access to injury and illness records. Proposed Section 14300.35 would expand the access of employees and their representatives to include access to the supplementary information to be found on the incident report for the injury or illness. In addition, proposed Section 14300.35 would require employers to tell each

employee how to report work-related injuries and illnesses to the employer. Proposed Section 14330.35 would clarify that the first copy of recordkeeping documents requested by the employee or other person authorized by this section to have access to the records would be required to be provided free of charge. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.35.

Proposed Section 14330.35 would differ from the equivalent federal rule at 29 CFR 1904.35 by retaining and renumbering the following provisions from Section 14308:

1. The provision of existing Section 14308(b) that access be provided to the annual summary record of injuries and illnesses. The annual summary would be one of the records that employees and their representative would have access to under the provisions of proposed Section 14300.35(b)(2)(C). This modification of federal language is necessary to ensure that access of employees to recordkeeping documents is not diminished from its existing level.
2. With modification to protect employee privacy, the provision of existing Section 14308(c) is retained as proposed Section 14300.35(c). The provisions of this subsection would provide that, with the exception of provisions to protect employee privacy, nothing in proposed Section 14300.35 would be deemed to preclude employees and their representatives from collectively bargaining to obtain access to information relating to occupational injuries and illnesses in addition to the information made available under this section. This modification of federal language is necessary for clarity.

New Section 14300.36, Prohibition Against Discrimination. This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.36, with the exception of additions of references to applicable California authority. This section would inform employers of legal protections against discrimination related to an employee's exercising their rights including reporting a work-related fatality, injury or illness or filing of a complaint of unsafe working conditions with the Division of Occupational Safety and Health. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.36.

New Section 14300.37. This section is proposed for numbering purposes only and for possible future rulemaking. It is not proposed in this rulemaking to contain any regulatory language.

New Section 14300.38, Variances from the Recordkeeping Rule. This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.38, with the exception of the addition of a provision addressing public agency employer recordkeeping and with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. This section would retain the requirement of existing Section 14312 that private employers wishing to keep records in a manner different from that prescribed in Article 2 may submit a variance request to the U.S. Department of Labor, modifying the addressee of the request to be the Assistant Secretary of Labor for Occupational Safety and Health. Proposed Section 14300.38 would provide substantially more detail as to what should be included in such a variance request as well as the procedure that would be followed by the Assistant Secretary in processing the request. This section would also provide that a private employer may not use the proposed alternative recordkeeping system while the variance request is being processed and that a variance request will not have any effect on citations or penalties previously issued to an employer for violation of provisions of Article 2. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.38.

This section would modify the provision of existing Section 14312(b) that if a public agency wishes to keep records of occupational injuries and illnesses suffered in performing like functions in more than one physical location, the agency must submit a plan for doing so to DLSR for approval. The proposed language would provide that a public agency employer wishing to keep records in a manner different than that described in Article 2 may write a letter to the Chief of DLSR with the same information required of private employers applying to OSHA for a variance from the recordkeeping requirements of Article 2.

New Section 14300.39. This section is proposed for numbering purposes only and for possible future rulemaking. It is not proposed in this rulemaking to contain any regulatory language.

New Section 14300.40, Providing Records to Government

Representatives. This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.40, with the exception of minor modifications as described below and with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. Existing Section 14308(a) addresses access of specified government representatives to injury and illness records maintained in accordance with Article 2. Proposed Section 14300.40 would retain these provisions and add a provision for access to records by representatives of the Director of the California Department of Health Services. Additionally, proposed Section 14300.40 would specify a new requirement that records be produced within four (4) business hours when requested by an authorized government representative. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.40.

Proposed Section 14300.40 would differ from the equivalent federal rule at 29 CFR 1904.40 in the following ways:

1. By specifying that one set of copies of records requested be provided free of charge.
2. By clarifying that in addition to providing copies of requested records, employers would be required to provide government representatives with access to original recordkeeping documents, if such access is requested.
3. By including representatives of the Director of the Department of Health Services among those to whom records are required to be provided when requested.

These modifications of federal language are necessary to clarify that the first set of copies of records required to be provided to authorized government representatives are to be provided free of charge, that in addition to being required to provide copies employers must also provide access to original recordkeeping documents when requested by authorized government representatives, and that representatives of the Director of the Department of Health Services must also be provided with records upon their request.

New Section 14300.41, Annual OSHA Injury and Illness. This section is proposed to be adopted with language substantially identical to the

equivalent federal rule at 29 CFR 1904.41, with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. Existing Section 14400 provides that employers must respond as instructed to any federally required requests for information related to injury and illness recordkeeping. Proposed Section 14300.41 would retain this requirement as it would apply to the annual survey of occupational injuries and illnesses conducted by federal OSHA. This section would provide additional information as to employer responsibilities for responding to this survey. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.41.

New Section 14300.42, Requests from the Bureau of Labor Statistics for

Data. This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.42, with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. Existing Section 14400 provides that employers must respond as instructed to any federally required requests for information related to injury and illness recordkeeping. Proposed Section 14300.42 would retain this requirement as it would apply to requests for data for the Survey of Occupational Injuries and Illness conducted by the Bureau of Labor Statistics or its designee, which in California is currently DLSR. This section would provide additional information as to employer responsibilities for responding to this survey. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.42.

New Section 14300.43, Summary and Posting of the 2001 Data. This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.43, with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. Existing Section 14305 addresses completion and posting of an annual summary of injury and illness recordkeeping information. Proposed Section 14300.43 would retain substantially identical provisions specifically for posting of the annual summary for injury and illness records for calendar year 2001, the last year of recordkeeping under the provisions of existing Article 2. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.43.

New Section 14300.44, Retention and Updating of Old Forms. This section is proposed to be adopted with language substantially identical to the

equivalent federal rule at 29 CFR 1904, with the exception of references to federal agencies and authority, which have been changed to their California equivalents where applicable. Existing Section 14307 requires employers to retain all injury and illness records required by Article 2 for five (5) years following the end of the year to which they relate. Proposed Section 14300.44 would retain these requirements for the log and incident reports completed under the provisions of existing Article 2 for calendar years prior to 2002. This proposed section would also clarify that employers are not required to update stored logs and incident reports for calendar years prior to 2002. This section is necessary to implement the equivalent federal rule at 29 CFR 1904.44.

New Section 14300.45. This section is proposed for numbering purposes only and for possible future rulemaking. It is not proposed in this rulemaking to contain any regulatory language.

New Section 14300.46, Definitions. This section is proposed to be adopted with language substantially identical to the equivalent federal rule at 29 CFR 1904.46, with the exception of modifications as described below and with the exception of references to federal agencies and authority which have been changed to their California equivalents where applicable. Existing Section 14311 provides definitions for the terms “recordable occupational injuries or illnesses,” “medical treatment,” “first aid,” “lost workdays,” and “establishment.” This section is necessary to implement the equivalent federal rule at 29 CFR 1904.46.

Proposed Section 14300.46 would make the following changes to these definitions consistent with the equivalent federal rule at 29 CFR 1904.46:

1. The term “injury or illness” would replace “recordable occupational injuries or illnesses.” The new term would be much more limited in its scope, with the bulk of the meaning of the definition of “recordable occupational injuries or illnesses” in existing Section 14311 being found as subsections in proposed Section 14300.7.
2. In place of the existing definition of “lost workdays,” Section 14300.45 would contain references to new definitions of:
 - a. “days away from work” at proposed Section 14300.7(b)(3)
 - b. “restricted work” at proposed Section 14300.7(b)(4)(A)

- c. “transfer to another job” at proposed Section 14300.7(b)(4)(I)
3. Section 14300.46 would contain a new definition of “establishment” which would be applicable to private employers and to public agency employers. The revised definition of “establishment” would address businesses with establishments at more than one location, and employees telecommuting from home.
4. Definitions of “medical treatment” and “first aid” in existing Section 14311 would be changed to refer to their definitions in proposed Section 14300.7.

In addition to the above definitions, proposed Section 14300.46 would include the following new definitions also contained in the federal rule at 29 CFR 1904.46:

1. A definition of “The Act” as meaning the Occupational Safety and Health Act of 1970.
2. A definition of “physician or other licensed health care professional” as an individual whose legally permitted scope of practice allows them to independently perform, or be delegated the responsibility to perform, the activities described in Article 2.
3. A definition of “you” as meaning the employer as defined in Labor Code Sections 3300 and 3301.

The following definitions do not appear in the equivalent federal rule definitions at 29 CFR 1901.46 but are proposed to be included in Section 14300.46:

1. A definition of “fatality” as any occupational injury or illness which results in death, regardless of the time between injury and death, or the length of the illness. This is the definition of fatality at existing Section 14311. It is necessary to retain this definition not found in 29 CFR 1904.46 so that it is clear that fatalities are required to be recorded regardless of the time between injury and death or the length of a work-related illness.
2. A definition of “certify” as being to attest by means of affixing a signature that the entries in the annual summary Form 300-A or

equivalent are true, accurate, and complete to the best of the signatory's knowledge. It is necessary to include a definition of this term not found in 29 CFR 1904.46 so that it is clear that the certification of the annual summary required by proposed section 14300.32(b)(3) must include a signature.

In addition to the above, for clarity proposed Section 14300.46 would contain references to definitions of a number of specialized terms found in various sections in Article 2. Inclusion of these references in section 14300.46 is necessary for clarity.

New Section 14300.47, Employers Covered by the Federal Mine Safety and Health Act. This section has no federal equivalent. It would retain and renumber the language of existing Section 14315. This section would inform employers covered by the federal Mine Safety and Health Act that they are not required to comply with recordkeeping requirements adopted pursuant to Section 6410 of the California Labor Code, to the extent that so complying would result in duplicating information, provided that access to the records maintained under federal regulations implementing the federal Mine Safety and Health Act is granted to authorized representatives of the official mine safety agency of the State of California. It is necessary to retain and renumber this section of existing Article 2 to clarify that duplicate recordkeeping is not required of employers covered by the Mine Safety and Health Act provided they grant access to records maintained under that Act to authorized state authorities.

Specific Technology or Equipment: This proposal will not mandate the use of specific technologies or equipment.

Identified Alternatives that Would Lessen Adverse Impact on Small Businesses: No alternatives would lessen economic impact. No adverse impact on small businesses is anticipated from the implementation of the proposed regulation. Therefore, no alternatives which would lessen the impact on small businesses have been identified.

Underlying Data: None.

Business Impact: This regulation will not have a significant adverse economic impact on businesses.

EXHIBIT 1
EXISTING FORMS TO BE MODIFIED BY
PROPOSED SECTION 14300.29

Attached after this page are seven pages of forms, and instructions for their use, as discussed above with respect to new Section 14300.29.

Log and Summary of Occupational Injuries and illnesses					
NOTE:		This form is required by Public Law 91-596 and must be kept in the establishment for 5 years. Failure to maintain and post can result in issuance of citations and assessment of penalties. (See posting requirements on the other side of form)		RECORDABLE CASES: You are required to record information about every occupational death; every nonfatal occupational illness; and those nonfatal occupational injuries which involve one or more of the following: loss of consciousness, restriction of work or motion, transfer to another job, or medical treatment (other than first aid) (See definitions on the other side of form)	
Case or File Number	Date of Injury or Onset of Illness	Employee's Name	Occupation	Department	Description of Injury or Illness
Enter a nonduplicating number which will facilitate comparisons with supplementary records.	Enter Mo/Day	Enter first name or initial, middle initial, last name	Enter regular job title, not activity employee was performing when injury occurred or at onset of illness. In the absence of a formal title, enter a brief description of the employee's duties.	Enter department in which the employee is regularly employed or a description of normal workplace to which employee is assigned, even though temporarily working in another department at the time of injury or illness.	Enter a brief description of the injury or illness and indicate the part or parts of the body affected. Typical entries for this column might be: Amputation of 1st joint right forefinger; Strain of lower back; Contact dermatitis on both hands; Electrocution - body.
(A)	(B)	(C)	(D)	(E)	(F)
					PREVIOUS PAGE TOTALS =>
					TOTALS (Instructions on other side of form) ==>
OSHA No. 200					

OMB DISCLOSURE STATEMENT

Public reporting burden for this collection of information is estimated to vary from 4 to 30 (time in minutes) per response with an average of 15 (time in minutes) per response, including the 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 currently valid OMB control number. If you have any comments regarding this estimate or any other aspect of this information collection, including suggestions for reducing this burden, please send them to the OSHA Office of Statistics, Room N-3644, 200 Constitution Avenue, N.W. Washington, D.C. 20210

Instructions for OSHA No. 200

I. Log and Summary of Occupational Injuries and Illnesses

Each employer who is subject to the recordkeeping requirements of the Occupational Safety and Health Act of 1970 must maintain for each establishment, a log of all recordable occupational injuries and illnesses. This form (OSHA No. 200) may be used for that purpose. A substitute for the OSHA No. 200 is acceptable if it is as detailed, easily readable, and understandable as the OSHA No. 200.

Enter each recordable case on the log within six (6) workdays after learning of its occurrence. Although other records must be maintained at the establishment to which they refer, it is possible to prepare and maintain the log at another location, using data processing equipment if desired. If the log is prepared elsewhere, a copy updated to within 45 calendar days must be present at all times in the establishment.

Logs must be maintained and retained for five (5) years following the end of the calendar year to which they relate. Logs must be available (normally at the establishment) for inspection and copying by representatives of the Department of Labor, or the Department of Health and Human Services, or States accorded jurisdiction under the Act. Access to the log is also provided to employees, former employees and their representatives.

II. Changes in Extent of or Outcome of Injury or Illness

If, during the 5-year period the log must be retained, there is a change in an extent and outcome of an injury or illness which affects entries in columns 1, 2, 6, 8, 9, or 13, the first entry should be lined out and a new entry made. For example, if an injured employee at first required only medical treatment but later lost workdays away from work, the check in column 6 should be lined out and checks entered in columns 2 and 3 and the number of lost workdays entered in column 4.

In another example, if an employee with an occupational illness lost workdays, returned to work, and then died of the illness, any entries in columns 9 through 12 would be lined out and the date of death entered in column 8.

The entire entry for an injury or illness should be lined out if later found to be nonrecordable. For example, an injury which is later determined not to be work related, or which was initially thought to involve medical treatment but later was determined to have involved only first aid.

III. Posting Requirements

A copy of the totals and information following the total line of the last page for the year, must be posted at each establishment in the place or places where notices to employees are customarily posted. This copy must be posted no later than February 1 and must remain in place until March 1. Even though there were no injuries or illnesses during the year, zeros must be entered on the totals line, and the form posted.

The person responsible for the annual summary totals shall certify that the totals are true and complete by signing at the bottom of the form.

IV. Instructions for Completing Log and Summary of Occupational injuries and illnesses

Column A - CASE OR FILE NUMBER. Self Explanatory

Column B - DATE OF INJURY OR ONSET OF ILLNESS

For occupational injuries, enter the date of the work accident which resulted in the injury. For occupational illnesses, enter the date of initial diagnosis of illness, or, if absence from work occurred before diagnosis, enter the first day of the absence attributable to the illness which was later diagnosed or recognized.

Columns C through F - Self Explanatory

Columns 1 and 8 - INJURY OR ILLNESS-RELATED DEATHS - Self Explanatory

Columns 2 and 9 - INJURIES OR ILLNESSES WITH LOST WORKDAYS - Self Explanatory

Any injury which involves days away from work, or days of restricted work activity, or both, must be recorded since it always involves one or more of the criteria for recordability.

Columns 3 and 10 - INJURIES OR ILLNESSES INVOLVING DAYS AWAY FROM WORK - Self Explanatory

Columns 4 and 11 - LOST WORKDAYS -- DAYS AWAY FROM WORK.

Enter the number of workdays (consecutive or not) on which the employee would have worked but could not because of occupational injury or illness. The number of lost workdays should not include the day of injury or onset of illness or any days on which the employee would not have worked even though able to work. NOTE: For employees not having a regularly scheduled shift, such as certain truck drivers, construction workers, farm labor, casual labor, part-time employees, etc., it may be necessary to estimate the number of lost workdays. Estimates of lost workdays shall be based on prior work history of the employee AND days worked by employees, not ill or injured, working in the department and/or occupation of the ill or injured employee.

Columns 5 and 12 - LOST WORKDAYS -- DAYS OF RESTRICTED WORK ACTIVITY.

Enter the number of workdays (consecutive or not) on which because of injury or illness:

- (1) the employee was assigned to another job on a temporary basis, or
- (2) the employee worked at a permanent job less than full time, or
- (3) the employee worked at a permanently assigned job but could not perform all duties normally connected with it.

The number of lost workdays should not include the day of injury or onset of illness or any days on which the employee would not have worked even though able to work.

Columns 6 and 13 - INJURIES OR ILLNESSES WITHOUT LOST WORKDAYS - Self Explanatory

Columns 7a through 7g - TYPE OF ILLNESS. Enter a check in only *one* column for each illness.

TERMINATION OR PERMANENT TRANSFER - Place an asterisk to the right of the entry in columns 7a through 7g (type of illness) which represented a termination of employment or permanent transfer.

V. Totals

Add number of entries in columns 1 and 8.

Add number of checks in columns 2, 3, 6, 7, 9, 10 and 13.

Add number of days in columns 4, 5, 11 and 12.

Yearly totals for each column (1-13) are required for posting. Running or page totals may be generated at the discretion of the employer.

In an employee's loss of workdays is continuing at the time the totals are summarized, estimate the number of future workdays the employee will lose and add that estimate to the workdays already lost and include this figure in the annual totals. No further entries are to be made with respect to such cases in the next year's log.

VI. Definitions

OCCUPATIONAL INJURY is any injury such as a cut, fracture, sprain, amputation, etc. which results from a work accident or from an exposure involving a single incident in the work environment. NOTE: Conditions resulting from animal bites, such as insect or snake bites or from one-time exposure to chemicals, are considered to be injuries.

OCCUPATIONAL ILLNESS of an employee is any abnormal condition or disorder, other than one resulting from an occupational injury, caused by exposure to environmental factors associated with employment. It includes acute and chronic illnesses or diseases which may be caused by inhalation, absorption, ingestion, or direct contact.

The following listing gives the categories of occupational illnesses and disorders that will be utilized for the purpose of classifying recordable illnesses. For purposes of information, examples of each category are given. These are typical examples, however, and are not to be considered the complete listing of the types of illnesses and disorders that are to be counted under each category.

7a. Occupational Skin Diseases or Disorders. Examples: Contact dermatitis, eczema, or rash caused by primary irritants and sensitizers or poisonous plants; oil acne; chrome ulcers; chemical burns or inflammation, etc.

7b. Dust Diseases of the Lungs (Pneumoconioses). Examples: Silicosis, asbestosis and other asbestos-related diseases, coal worker's pneumoconioses, byssinosis, siderosis, and other pneumoconioses.

7c. Respiratory Conditions Due to Toxic Agents. Examples: Pneumonitis, pharyngitis, rhinitis or acute congestion due to chemicals, dusts, gases, or fumes; farmer's lung; etc.

7d. Poisoning (Systemic Effects of Toxic Materials). Examples: Poisoning by lead, mercury, cadmium, arsenic, or other metals; poisoning by

carbon monoxide, hydrogen sulfide, or other gases; poisoning by benzol, carbon tetrachloride, or other organic solvents; poisoning by insecticide sprays such as parathion, lead arsenate; poisoning by other chemicals such as formaldehyde, plastics, and resins; etc.

7e. Disorders Due to Physical Agents (Other than Toxic Materials). Examples: Heatstroke, sunstroke, heat exhaustion, and other effects of environmental heat, freezing, frostbite, and effects of exposure to low temperatures; caisson disease; effects of ionizing radiation (isotopes, X-rays, radium); effects of nonionizing radiation (welding flash, ultraviolet rays, microwaves, sunburn); etc.

7f. Disorders Associated with Repeated Trauma. Examples: Noise-induced hearing loss; synovitis, tenosynovitis, and bursitis. Raynaud's phenomena; and other conditions due to repeated motion, vibration, or pressure.

7g. All Other Occupational Illnesses. Examples: Anthrax, brucellosis, infectious hepatitis, malignant and benign tumors, food poisoning, histoplasmosis, coccidioidomycosis, etc.

MEDICAL TREATMENT includes treatment (other than first aid) administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does NOT include first aid treatment (one-time treatment and subsequent observation of minor scratches, cuts, burns, splinters, and so forth, which do not ordinarily require medical care) even though provided by a physician or registered professional personnel.

ESTABLISHMENT: A single physical location where business is conducted or where services or industrial operations are performed (for example: a factory, mill, store, hotel, restaurant, movie theater, farm, ranch, bank, sales office, warehouse, or central administrative office). Where distinctly separate activities are performed at a single physical location, such as construction activities operated from the same physical locations as a lumber yard, each activity shall be treated as a separate establishment.

For firms engaged in activities which may be physically dispersed, such as agriculture; construction; transportation; communications and electric, gas, and sanitary services, records may be maintained at a place to which employees report each day.

Records for personnel who do not primarily report or work at a single establishment, such as traveling salesmen, technicians, engineers, etc., shall be maintained at the location from which they are paid or the base from which personnel operate to carry out their activities.

WORK ENVIRONMENT is comprised of the physical location, equipment, materials processed or used, and the kinds of operations performed in the course of an employee's work, whether on or off the employer's premises.

**Occupational Safety and Health Administration
Supplementary Record of
Occupational Injuries and Illnesses**

U.S. Department of Labor



This form is required by Public Law 91-596 and must be kept in the establishment for 5 years.
Failure to maintain can result in the issuance of citations and assessment of penalties.

Case or File No.

Form Approved
O.M.B. No. 1218-0176

Employer

See OMB Disclosure
Statement on reverse.

1. Name

2. Mail address (No. and street, city or town, State, and zip code)

3. Location, if different from mail address

Injured or Ill Employee

4 Name (First, middle, and last)

Social Security No.

5. Home address (No. and street, city or town, State, and zip code)

6. Age

7. Sex (Check one)

Male _____

Female _____

8. Occupation (Enter regular job title, not the specific activity he was performing at the time of injury.)

9. Department (Enter name of department or division in which the injured person is regularly employed, even though he may have been temporarily working in another department at the time of injury.)

The Accident or Exposure to Occupational Illness

If accident or exposure occurred on employer's premises, give address of plant or establishment in which it occurred. Do not indicate department or division within the plant or establishment.

If accident occurred outside employer's premises at an identifiable address, give that address. If it occurred on a public highway or at any other place which cannot be identified by number and street, please provide place references locating the place of injury as accurately as possible.

10. Place of accident or exposure (No. and street, city or town, State, and zip code)

11. Was place of accident or exposure on employer's premises?

Yes _____

No _____

12. What was the employee doing when injured? (Be specific. If he was using tools or equipment or handling material, name them and tell what he was doing with them.)

13. How did the accident occur? (Describe fully the events which resulted in the injury or occupational illness. Tell what happened and how it happened. Name any objects or substances involved and tell how they were involved. Give full details on all factors which led or contributed to the accident. Use separate sheet for additional space.)

Occupational Injury or Occupational Illness

14. Describe the injury or illness in detail and indicate the part of body affected. (E.g., amputation of right index finger at second joint; fracture of ribs; lead poisoning; dermatitis of left hand, etc.)

15. Name the object or substance which directly injured the employee. (For example, the machine or thing he struck against or which struck him; the vapor or poison he inhaled or swallowed; the chemical or radiation which irritated his skin; or in cases of strains, hernias, etc., the thing he was lifting, pulling, etc.)

16. Date of injury or initial diagnosis of occupational illness

17. Did employee die? (Check one)

Yes _____

No _____

Other

18. Name and address of physician

19. If hospitalized, name and address of hospital

Date of report

Prepared by

Official position

SUPPLEMENTARY RECORD OF OCCUPATIONAL INJURIES AND ILLNESSES

To supplement the Log and Summary of Occupational Injuries and Illnesses (OSHA No. 200), each establishment must maintain a record of each recordable occupational injury or illness. Worker's compensation, insurance, or other reports are acceptable as records if they contain all facts listed below or are supplemented to do so. If no suitable report is made for other purposes, this form (OSHA No. 101) may be used or the necessary facts can be listed on a separate plain sheet of paper. These records must also be available in the establishment without delay and at reasonable times for examination by representatives of the Department of Labor and the Department of Health and Human Services, and States accorded jurisdiction under the Act. The records must be maintained for a period of not less than five years following the end of the calendar year to which they relate.

Such records must contain at least the following facts:

- 1) About the employer - name, mail address, and location if different from mail address.
- 2) About the injured or ill employee - name, social security number, home address, age, sex, occupation, and department.
- 3) About the accident or exposure to occupational illness - place of accident or exposure, whether it was on employer's premises, what the employee was doing when injured, and how the accident occurred.
- 4) About the occupational injury or illness - description of the injury or illness, including part of the body affected, name of the object or substance which directly injured the employee; and date of injury or diagnosis of illness.
- 5) Other - name and address of physician; if hospitalized, name and address of hospital, date of report; and name and position of person preparing the report.

SEE *DEFINITIONS* ON THE BACK OF OSHA FORM 200.

OMB DISCLOSURE STATEMENT

Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the 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 currently valid OMB control number. If you have any comments regarding this estimate or any other aspect of this information collection, including suggestions for reducing this burden, please send them to the OSHA Office of Statistics, Room N3644, 200 Constitution Avenue, NW, Washington, DC 20210

DO NOT SEND THE COMPLETED FORM TO THE OFFICE SHOWN ABOVE