

**DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH**

California Code of Regulations

Title 8, Division 1, Chapter 7, Subchapter 1, Article 2, Section 14300.41.

Text of Proposed Regulations

Language proposed to be added is underlined;

Language proposed to be deleted is in ~~strikethrough~~;

§ 14300.41. Electronic Submission of Injury and Illness Records to OSHA.

(a) Basic requirement.

(1) Annual electronic submission of Cal/OSHA Form 300A Summary of Work-Related injury and illness records ~~by establishments with 250 or more employees.~~

(i) If your establishment had 250 or more employees at any time during the previous calendar year, and this article requires your establishment to keep records, then you must electronically submit information from the Cal/OSHA Form 300A Summary of Work-Related Injuries and Illnesses that you keep under this part to OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in paragraph (c) of this section of the year after the calendar year covered by the forms.

~~(2) (ii) Annual electronic submission of Cal/OSHA Form 300A Summary of Work-Related Injuries and Illnesses by establishments with 20 or more employees but fewer than 250 employees in designated industries.~~ If your establishment had 20 or more employees but fewer than 250 employees at any time during the previous calendar year, and your establishment is classified in an industry listed in Appendix H for Title 8 Sections 14300 – 14300.48, then you must electronically submit information from Cal/OSHA Form 300A Summary of Work-Related Injuries and Illnesses to OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in paragraph (c) of this section of the year after the calendar year covered by the form.

(2) Annual electronic submission of information from Cal/OSHA 300 Log of Work-Related Injuries and Illnesses and Cal/OSHA Form 301 Injury and Illness Incident Report by establishments with 100 or more employees in designated industries. If your establishment had 100 or more employees at any time during the previous calendar year, and your establishment is classified in an industry listed in Appendix H I for Title 8 Sections 14300 – 14300.48, then you must electronically submit information from Cal/OSHA 300 Log of Work-Related Injuries and Illnesses and Cal/OSHA Form 301 Injury and Illness Incident Report to OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in paragraph (c) of this section of the year after the calendar year covered by the forms.

- (3) Electronic submission of records upon notification. Upon notification, you must electronically submit the requested information from your Cal/OSHA injury and illness records to OSHA or OSHA's designee.
- (4) Electronic submission of the Employer Identification Number (EIN). For each establishment that is subject to these reporting requirements, you must provide the EIN used by the establishment.

(b) Implementation.

- (1) Does every employer have to routinely submit information from the Cal/OSHA injury and illness records to OSHA or its designee?

No, only ~~two~~ three categories of employers must routinely submit information from their Cal/OSHA injury and illness records. First, if your establishment had 250 or more employees at any time during the previous calendar year, and this article requires your establishment to keep then you must submit the required Cal/OSHA Form 300A information to OSHA once a year. Second, if your establishment had 20 or more employees but fewer than 250 employees at any time during the previous calendar year, and your establishment is classified in an industry listed in Appendix H for Title 8 Sections 14300 – 14300.48, then you must submit the required Cal/OSHA Form 300A information to OSHA once a year. Third, if your establishment had 100 or more employees at any time during the previous calendar year, and your establishment is classified in an industry listed in Appendix I for Title 8 Sections 14300 – 14300.48, then you must submit the required Cal/OSHA Form 300 Log of Work-Related Injuries and Illnesses and Cal/OSHA Form 301 Injury and Illness Incident Report information to OSHA once a year, in addition to the required information from Form 300A. Employers in these ~~two~~ three categories must submit the required information by the date listed in paragraph (c) of this section of the year after the calendar year covered by the form or forms (for example, ~~2018~~ 2024 for the ~~2017~~ 2023 forms). If you are not in ~~either~~ any of these ~~two~~ three categories, then you must submit information from the injury and illness records to OSHA only if OSHA notifies you to do so for an individual data collection.

- (2) If I have to submit information under paragraph (a)(1) of this section, do I have to submit all of the information from the recordkeeping form?

Yes, you are required to submit all of the information from the Form 300A.

- (3) Do part-time, seasonal, or temporary workers count as employees in the criteria for number of employees in paragraph (a) of this section?

Yes, each individual employed in the establishment at any time during the calendar year counts as one employee, including full-time, part-time, seasonal, and temporary workers.

- (4) How will OSHA notify me that I must submit information from the injury and illness records as part of an individual data collection under paragraph (a)(3) of this section?

OSHA will notify you by mail if you will have to submit information as part of an individual data collection under paragraph (a)(3). OSHA will also announce individual data collections through publication in the Federal Register and the OSHA newsletter, and announcements on the OSHA Web site. If you are an employer who must routinely submit the information, then OSHA will not notify you about your routine submittal.

- (5) Does this section affect the Division of Occupational Safety and Health's authority to inspect my workplace?

No.7 Nothing in this section affects the Division of Occupational Safety and Health's statutory authority to investigate conditions related to occupational safety and health.

- (6) How often do I have to submit the information from the injury and illness records?

If you are required to submit information under paragraph (a)(1) or (2) of this section, then you must submit the information once a year, by the date listed in paragraph (c) of this section of the year after the calendar year covered by the form or forms. If you are submitting information because OSHA notified you to submit information as part of an individual data collection under paragraph (a)(3) of this section, then you must submit the information as often as specified in the notification.

- (7) How do I submit the information?

You must submit the information electronically. OSHA will provide a secure ~~Web site~~ website for the electronic submission of information. For individual data collections under paragraph (a)(3) of this section, OSHA will include the ~~Web site's~~ website's location in the notification for the data collection.

- (8) Do I have to submit information if my establishment is partially exempt from keeping Cal/OSHA injury and illness records?

If you are partially exempt from keeping injury and illness records under §§ 14300.1 and/or 14300.2, then you do not have to routinely submit Article 2 information under paragraphs (a)(1) and (2) of this section. You will have to submit information under paragraph (a)(3) of this section if OSHA informs you in writing that it will collect injury and illness information from you. If you receive such a notification, then you must keep the Cal/OSHA injury and illness records required by Article 2 and submit information as directed.

- (9) Do I have to submit information if I am located in a State Plan State?

Yes, the requirements apply to employers located in State Plan States.

(10) May an enterprise or corporate office electronically submit Cal/OSHA injury and illness records for its establishment(s)?

Yes, if your enterprise or corporate office had ownership of or control over one or more establishments required to submit information under paragraph (a)(1) or (2) of this section, then the enterprise or corporate office may collect and electronically submit the information for the establishment(s).

(11) If I have to submit information under paragraph (a)(2) of this section, do I have to submit all of the information from the recordkeeping forms?

No, you are required to submit all of the information from the forms *except* the following:

(i) Log of Work-Related Injuries and Illnesses (OSHA Form 300): Employee name (Column B).

(ii) Injury and Illness Incident Report (OSHA Form 301): Employee name (field 1), employee address (field 2), name of physician or other health care professional (field 6), facility name and address if treatment was given away from the worksite (field 7).

(12) May I use numbers or codes as the establishment name in my submission?

Yes, you may use numbers or codes as the establishment name. However, the submission must include a legal company name, either as part of the establishment name or separately as the company name.

(c) Reporting dates. ~~(1) In 2018,~~ Establishments required to submit under paragraph (a)(1) or (2) of this section must submit all the required information for 2017 according to the table in this paragraph (c)(1) by March 2 of the year after the calendar year covered by the form(s) (for example, by March 2, 2024, for the forms covering 2023):

<u>Submission year</u>	<u>Establishments submitting under paragraph (a)(1) of this section must submit the required information from this form/these forms:</u>	<u>Establishments submitting under paragraph (a)(2) of this section must submit the required information from this form:</u>	<u>Submission deadline</u>
2018	300A	300A	December 31, 2018

~~(2) Beginning in 2019, establishments that are required to submit under paragraph (a)(1) or (2) of this section will have to submit all of the required information by March 2 of the year after the calendar year covered by the form or forms (for example, by March 2, 2019, for the forms covering 2018).~~

Note: Authority cited: Sections 50.7, 150(b) and 6410, Labor Code. Reference: Section 6410, Labor Code.

Appendix H

Designated Industries for § 14300.41(a)~~(2)~~(1)(ii) Annual Electronic Submission of Cal/OSHA Form 300A Summary of Work-Related Injuries and Illnesses by Establishments With 20 or More Employees but Fewer Than 250 Employees in Designated Industries

NAICS	Industry
11	Agriculture, forestry, fishing and hunting.
22	Utilities.
23	Construction.
31-33	Manufacturing.
42	Wholesale trade.
4413	Automotive parts, accessories, and tire stores.
4421	Furniture stores.
4422	Home furnishings stores.
4441	Building material and supplies dealers.
4442	Lawn and garden equipment and supplies stores.
4451	Grocery stores.
4452	Specialty food stores.
4521 4522	Department stores.
4529	Other general merchandise stores.
4523	General Merchandise Stores, including Warehouse Clubs and Supercenters.
4533	Used merchandise stores.
4542	Vending machine operators.
4543	Direct selling establishments.
4811	Scheduled air transportation.
4841	General freight trucking.
4842	Specialized freight trucking.
4851	Urban transit systems.
4852	Interurban and rural bus transportation.
4853	Taxi and limousine service.

NAICS	Industry
4854	School and employee bus transportation.
4855	Charter bus industry.
4859	Other transit and ground passenger transportation.
4871	Scenic and sightseeing transportation, land.
4881	Support activities for air transportation.
4882	Support activities for rail transportation.
4883	Support activities for water transportation.
4884	Support activities for road transportation.
4889	Other support activities for transportation.
4911	Postal service.
4921	Couriers and express delivery services.
4922	Local messengers and local delivery.
4931	Warehousing and storage.
5152	Cable and other subscription programming.
5311	Lessors of real estate.
5321	Automotive equipment rental and leasing.
5322	Consumer goods rental.
5323	General rental centers.
5617	Services to buildings and dwellings.
5621	Waste collection.
5622	Waste treatment and disposal.
5629	Remediation and other waste management services.
6219	Other ambulatory health care services.
6221	General medical and surgical hospitals.
6222	Psychiatric and substance abuse hospitals.
6223	Specialty (except psychiatric and substance abuse) hospitals.
6231	Nursing care facilities (skilled nursing facilities).
6232	Residential mental retardation intellectual and developmental disability, mental health and substance abuse facilities.

NAICS	Industry
6233	Community Continuing care retirement communities and assisted living facilities for the elderly.
6239	Other residential care facilities.
6242	Community food and housing, and emergency and other relief services.
6243	Vocational rehabilitation services.
7111	Performing arts companies.
7112	Spectator sports.
7121	Museums, historical sites, and similar institutions.
7131	Amusement parks and arcades.
7132	Gambling industries.
7211	Traveler accommodation.
7212	RV (recreational vehicle) parks and recreational camps.
7213	Rooming and boarding houses.
7223	Special food services.
8113	Commercial and industrial machinery and equipment (except automotive and electronic) repair and maintenance.
8123	Dry-cleaning and laundry services.

Note: Authority cited: Section 6410, Labor Code. Reference: Section 6410, Labor Code.

Appendix I

Designated Industries for § 14300.41(a)(2) Annual Electronic Submission of information from Cal/OSHA Form 300 Log of Work-Related Injuries and Illnesses and Cal/OSHA Form 301 Injury and Illness Incident Report by Establishments With 100 or More Employees in Designated Industries

NAICS	Industry
1111	Oilseed and grain farming.
1112	Vegetable and melon farming.
1113	Fruit and tree nut farming.
1114	Greenhouse, nursery, and floriculture production.
1119	Other crop farming.
1121	Cattle ranching and farming.
1122	Hog and pig farming.
1123	Poultry and egg production.
1129	Other animal production.
1133	Logging.
1141	Fishing.
1142	Hunting and trapping.
1151	Support activities for crop production.
1152	Support activities for animal production.
1153	Support activities for forestry.
2213	Water, sewage and other systems.
2381	Foundation, structure, and building exterior contractors.
3111	Animal food manufacturing.
3113	Sugar and confectionery product manufacturing.
3114	Fruit and vegetable preserving and specialty food manufacturing.
3115	Dairy product manufacturing.
3116	Animal slaughtering and processing.
3117	Seafood product preparation and packaging.

NAICS	Industry
3118	Bakeries and tortilla manufacturing.
3119	Other food manufacturing.
3121	Beverage manufacturing.
3161	Leather and hide tanning and finishing.
3162	Footwear manufacturing.
3211	Sawmills and wood preservation.
3212	Veneer, plywood, and engineered wood product manufacturing.
3219	Other wood product manufacturing.
3261	Plastics product manufacturing.
3262	Rubber product manufacturing.
3271	Clay product and refractory manufacturing.
3272	Glass and glass product manufacturing.
3273	Cement and concrete product manufacturing.
3279	Other nonmetallic mineral product manufacturing.
3312	Steel product manufacturing from purchased steel.
3314	Nonferrous metal (except aluminum) production and processing.
3315	Foundries.
3321	Forging and stamping.
3323	Architectural and structural metals manufacturing.
3324	Boiler, tank, and shipping container manufacturing.
3325	Hardware manufacturing.
3326	Spring and wire product manufacturing.
3327	Machine shops; turned product; and screw, nut, and bolt manufacturing.
3328	Coating, engraving, heat treating and allied activities.
3331	Agriculture, construction, and mining machinery manufacturing.
3335	Metalworking machinery manufacturing.
3361	Motor vehicle manufacturing.
3362	Motor vehicle body and trailer manufacturing.

NAICS	Industry
3363	Motor vehicle parts manufacturing.
3366	Ship and boat building.
3371	Household and institutional furniture and kitchen cabinet manufacturing.
3372	Office furniture (including fixtures) manufacturing.
3379	Other furniture related product manufacturing.
4231	Motor vehicle and motor vehicle parts and supplies merchant wholesalers.
4233	Lumber and other construction materials merchant wholesalers.
4235	Metal and mineral (except petroleum) merchant wholesalers.
4239	Miscellaneous durable goods merchant wholesalers.
4244	Grocery and related product merchant wholesalers.
4248	Beer, wine, and distilled alcoholic beverage merchant wholesalers.
4413	Automotive parts, accessories, and tire stores.
4422	Home furnishing stores.
4441	Building material and supplies dealers.
4442	Lawn and garden equipment and supplies stores.
4451	Grocery stores.
4522	Department stores
4529	Other general merchandise stores.
4523	General Merchandise Stores, including Warehouse Clubs and Supercenters.
4533	Used merchandise stores.
4542	Vending machine operators.
4543	Direct selling establishments.
4811	Scheduled air transportation.
4841	General freight trucking.
4842	Specialized freight trucking.
4851	Urban transit systems.
4852	Interurban and rural bus transportation.

NAICS	Industry
4853	Taxi and limousine service.
4854	School and employee bus transportation.
4859	Other transit and ground passenger transportation.
4871	Scenic and sightseeing transportation, land.
4881	Support activities for air transportation.
4883	Support activities for water transportation.
4889	Other support activities for transportation.
4911	Postal service.
4921	Couriers and express delivery services.
4931	Warehousing and storage.
5322	Consumer goods rental.
5621	Waste collection.
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6219	Other ambulatory health care services.
6221	General medical and surgical hospitals.
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6223	Specialty (except psychiatric and substance abuse) hospitals.
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6232	Residential intellectual and developmental disability, mental health and substance abuse facilities.
6233	Continuing care retirement communities and assisted living facilities for the elderly.
6239	Other residential care facilities.
6243	Vocational rehabilitation services.
7111	Performing arts companies.
7112	Spectator sports.
7131	Amusement parks and arcades.
7132	Gambling industries.
7211	Traveler accommodation.

NAICS	Industry
7212	RV (recreational vehicle) parks and recreational camps.
7223	Special food services.

Note: Authority cited: Section 6410, Labor Code. Reference: Section 6410, Labor Code.

Regularity	Passed	Tables must contain the same number of columns in each row and rows in each column
Summary	Passed	Tables must have a summary

Lists

Rule Name	Status	Description
List items	Passed	LI must be a child of L
Lbl and LBody	Passed	Lbl and LBody must be children of LI

Headings

Rule Name	Status	Description
Appropriate nesting	Passed	Appropriate nesting

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