

The Occupational Safety & Health Administration (OSHA) recently issued a Final Rule regarding changes to the notification requirements on serious injuries and fatalities. A summary of those changes can be seen below. When in doubt, companies should make the conservative call and notify OSHA if they have concerns. Companies should also be knowledgeable about the OSHA regulations and conduct your own due diligence regarding these rule changes rather than rely solely upon this summary. These changes became effective January 1, 2015.

Summary of Final Rule on Occupational Injury and Illness Recording and Reporting Requirements

On September 18, 2014, the Occupational Health and Safety Administration (OSHA) issued a Final Rule on Occupational Injury and Illness Recording and Reporting Requirements. These requirements are effective as of January 1, 2015. The following provides a summary of the pertinent provisions within the Final Rule. Please note that when in doubt about any of these requirements, you should make the conservative call and notify OSHA rather than to rely solely upon this information.

1. Under the new OSHA Recordkeeping rule effective January 1, 2015 what types of employee injuries or illnesses must be reported to OSHA?

- A work-related death; or
- The in-patient hospitalization of an employee; or
- An amputation injury; or
- An injury involving the loss of an eye.

Only when the in-patient hospitalization, amputation or loss of eye occurs within 24 hours of the event.

2. What it meant by “in-patient hospitalization”?

OSHA defines in-patient hospitalization as a formal admission to the in-patient service of a hospital or clinic for care or treatment.

3. Do I have to report an in-patient hospitalization that involves only observation or diagnostic testing?

No, you do not have to report an in-patient hospitalization that involves only observation or diagnostic testing. You must only report to OSHA each in-patient hospitalization that involves care or treatment.

4. If an employee death, in-patient hospitalization, amputation or loss of eye was the result of a motor vehicle collision must it be reported to OSHA?

No, employers are not required to report events resulting from motor vehicle accidents which occurred on a public street or highway.

Please note six States have requirements to report these events even when caused by a motor vehicle collision:

- California
- Oregon
- Washington
- Alaska
- Kentucky
- Utah

5. If an employee death or in-patient hospitalization appears to be the result of a medical event (e.g. heart attack or stroke), must it be reported to OSHA?

Yes, if it occurred at the workplace or during work-hours. Your local OSHA Area Office director will decide whether to investigate the event, depending on the circumstances.

6. What are the required time-frames to notify OSHA of these reportable events?

- A work-related death – 8 hours
- In-patient hospitalization, amputation or loss of eye – 24 hours¹

7. What if I don't learn right away that the reportable fatality, in-patient hospitalization, amputation, or loss of an eye was the result of a work-related incident?

If you do not learn right away that the reportable fatality, in-patient hospitalization, amputation, or loss of an eye was the result of a work-related incident, you must make the report to OSHA within the following time period after you or any of your agent(s) learn that the reportable fatality, in-patient hospitalization, amputation, or loss of an eye was the result of a work-related incident: eight (8) hours for a fatality, and twenty-four (24) hours for an in-patient hospitalization, an amputation, or a loss of an eye.

8. What methods must I use to notify OSHA of fatalities or reportable injury events?

You must report the fatality, in-patient hospitalization, amputation, or loss of an eye using one of the following methods:

- By telephone or in person to the OSHA Area Office that is nearest to the site of the incident.
- By telephone to the OSHA toll-free central telephone number, 1-800-321-OSHA (1-800-321-6742).
- By electronic submission using the reporting application located on OSHA's public website at www.osha.gov

9. What information do I need to give to OSHA about the in-patient hospitalization, amputation, or loss of an eye?

You must give OSHA the following information for each fatality, in-patient hospitalization, amputation, or loss of an eye:

- The establishment name;
- The location of the work-related incident;
- The time of the work-related incident;
- The type of reportable event (i.e., fatality, in-patient hospitalization, amputation, or loss of an eye);
- The number of employees who suffered a fatality, in-patient hospitalization, amputation, or loss of an eye;
- The names of the employees who suffered a fatality, in-patient hospitalization, amputation, or loss of an eye;
- Your contact person and his or her phone number; and
- A brief description of the work-related incident.

¹ *Alaska, Washington and Utah* each require notification of in-patient hospitalization of any employee within 8 hours. *Oregon and Kentucky* require notification within 8 hours of an event which resulted in the in-patient hospitalization of 3 or more employees, or within 72 hours for the in-patient hospitalization of 2 or fewer employees.