

OSHA REVISES RECORDKEEPING RULE



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Beginning on January 1, 2015, the Occupational Safety and Health Administration (OSHA) will require expanded injury reporting from employers under Federal OSHA jurisdiction. Previously, employers were required to report fatalities and catastrophes within 8 hours of being made aware. A catastrophe was defined as

“an incident which leads to the inpatient hospitalization of three or more employees.” The revised rule still requires employers to report fatalities; however, the inpatient hospitalization of a single employee is now required to be reported to OSHA. Additionally, all work-related amputations and loss of a single eye are now required to be reported. An amputation is defined as the traumatic loss of a limb or external body part regardless of whether or not it is reattached, a medical amputation as the result of irreparable damage, or the loss of any part of a finger regardless as to whether or not there is bone loss. Essentially, if an employee loses a quarter-inch of flesh from the tip of his finger, you must report it. If an employee gets all of his teeth knocked out, it is not required to be reported because teeth are not an “external body part.”

As previously stated, employer reports must be made within 8 hours of an employer being made aware that there was an event which would trigger the requirement to report. However, there are some exceptions. Employers must report fatalities within 8 hours if the fatality occurs within 30 days of the incident which led to the fatality. In the case of hospitalizations, amputations, or loss of an eye, an employer is not required to report the incident if the hospitalization, amputation, or loss of an eye occurs more than 24 hours after the incident which led to the medical care. Employers are not required to report any incident which occurs on a public roadway or on a public transportation system (including plane, bus, train, or taxi). However, if the incident is a vehicular accident in a work zone or on a job site, a report is required under the aforementioned time line. Employers do not have to report inpatient hospitalizations for the purpose of diagnostic testing or observational purposes. For example, if an employee suffers a blunt force trauma to the head and

is admitted to the hospital overnight for observation, it is not reportable. If at any point the employee is treated for a concussion or brain swelling during the hospital stay, it is reportable. Employers must report heart attacks which were caused by a work-related incident.

Using a hypothetical incident for illustrative purposes, if an employee suffers a laceration to the leg, which requires medical treatment to close the wound, and as long as the employee isn't admitted to the hospital for the procedure, it is not reportable. If that injury should become infected (for any reason), which requires amputation of the leg more than 24 hours after the incident, it is not reportable. If that same employee should suffer a heart attack and perish as a result of the infection, or treatment of the infection, within 30 days of the laceration, then the incident is reportable. The case study in this example is somewhat extreme but demonstrates some of the complications associated with the new rule.

When an employer makes a report, they can call the national 24-hour OSHA hotline at (800) 321-OSHA (6742) or call the nearest OSHA Area Office during normal business hours. When making the report, the employer must furnish their name; location of the work-related incident; time of the incident; type of event (fatality, hospitalization, amputation, eye loss); the number of employees who suffered the event; names of the employees; a contact person and their telephone number; and a brief description of the event. Considering that OSHA has always placed a high priority on inspecting worksites where fatalities or catastrophes have occurred, an employer should expect an OSHA inspection soon thereafter.

At this point, the reporting revision only applies to jurisdictions under Federal OSHA. Jurisdictions under approved State OSHA may have different implementation dates. An employer should check with their local state plan office to determine if reporting is required. More information regarding the rule change can be found on OSHA's website, www.osha.gov/recordkeeping2014.

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