

# COMPLIANCE BULLETIN

January 29, 2010

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## OSHA INJURY AND ILLNESS REPORTING REQUIREMENTS

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**ISSUE:** The 2009 posting cycle for OSHA's workplace injury and illness reporting rule begins on February 1, 2010. The 2009 cycle is the eighth posting since OSHA finalized major revisions to the reporting rule in 2001. The rule applies to workplaces with more than 10 employees.

**COMPLIANCE:** Establishments identified by NAICS Codes with more than 10 employees must maintain injury and illness reports and records. An "establishment" is an economic unit, generally at a single physical location where business is conducted or services rendered. **Any single establishment with 10 or fewer employees is exempt from the OSHA injury and illness reporting requirements.**

- **Gasoline Service Stations (without c-stores) (NAICS Code 447190)** are exempt from the OSHA injury and illness reporting requirements regardless of the number of employees.
- **Convenience Food Stores with Gasoline Stations (NAICS Code 447110).** Where a convenience store and gasoline station is combined, exemption from the OSHA injury and illness reporting rule will depend on the "primary activity" at the establishment. The primary activity of an establishment is determined by value of receipts for each business activity. If the value of receipts for fuel sales is greater than c-store sales, then the establishment classified as a Gasoline Service Station and **exempt** from injury and illness reporting rule. If the c-store gross receipts are greater then you must comply.
- **Petroleum Bulk Plants (NAICS Code 424710)** are **not exempt** from the OSHA injury and illness recording rule unless there are 10 or fewer employees working at the bulk plant or company headquarters. This category includes motor fuel, heating oil and propane bulk facilities.
- **Petroleum and Petroleum Products Merchant Wholesalers - No Bulk Facilities (NAICS 424720):** are **not exempt** from the OSHA injury and illness recording rule unless there are 10 or fewer employees working at the company headquarters. This category includes motor fuel, heating oil and propane wholesalers.
- **Heating Oil Dealers (NAICS Code 454311)** are **not exempt** from the OSHA injury and illness recording rule unless there are 10 or fewer employees working at the company headquarters.

**FORMS: OSHA FORM 301:** Used to record a work related injury or illness. Fill out this form no later than seven days after the injury or illness was first reported. **OSHA Form 300:** This is the "log" in which all work related injuries and illnesses must be recorded during a reporting cycle. **OSHA FORM 300A:** This is the form that contains a summary of all work related injuries and illness from the previous calendar year as recorded in the 300 log and **must be posted in a conspicuous place** such as an employee bulletin board from February 1 to April 1.

**OBTAINING FORMS AND INSTRUCTIONS:** Forms, instructions and a Q&A on the OSHA injury and illness reporting rule can be downloaded at <http://www.osha.gov>. For forms go to the OSHA website, click on "F" in the "A to Z" alphabet index at the top of the OSHA page, scroll down to "F" and then click on "Forms". In the search field enter "OSHA 300" click search and download all three forms and instructions.

**CAUTION!** AK, AZ, CA, HA, IN, IA, KY, MD, MI, MN, NV, NM, NC, OR, SC, TN UT, VT, VA, WA and WY have their own state OSHA programs for private employees. These states follow federal rules but may vary slightly. Got to the OSHA Website to find contact information for state programs.