

**Oregon**

Tina Kotek, Governor

Department of Consumer
and Business Services

October 31, 2023

Proposed Adoption of Federal OSHA Amendments: Improve Tracking of Workplace Injuries and Illnesses

Virtual Public Hearing Scheduled for:

<u>Hearing Date</u>	<u>Time</u>	<u>Location</u>	<u>Hearings Officer</u>
Friday, Nov. 17, 2023	10:00 AM	Virtual	OSHA Staff

Register in advance for this webinar:

https://www.zoomgov.com/webinar/register/WN_SfRhYkHgQp63BgS8wv0Nhw

After registering, you will receive a confirmation email containing information about joining the webinar.

Rulemaking Summary:

This rulemaking is to keep Oregon OSHA in harmony with recent changes to federal OSHA standards.

On July 21st, 2023, federal OSHA adopted amendments to their injury and illness recordkeeping regulations, announced in the Federal Register (Vol. 88, No. 139). Due to the unique nature of the national recordkeeping program, states with OSHA state plans must promulgate recordkeeping and recording requirements that are substantially identical to 29 CFR part 1904.

As a result, this rulemaking establishes two new requirements in Oregon OSHA's equivalent rule OAR 437-001-0700, Recording workplace injuries and illnesses:

- All employers with 100 or more employees in high-hazard industries (a subset of those who are already required to submit their OSHA Form 300A data) to electronically submit their OSHA Form 300 and DCBS Form 801 for case-specific data. Proposed Table 8 defines high-hazard industries in Oregon OSHA's rule.
- Employers must include their legal company name in their electronic submission of injury and illness data, along with the existing requirement of providing their Employer Identification Number (EIN).

350 Winter St. NE
P.O. Box 14480
Salem, OR 97309

503-378-3272



tech.web@dcbs.oregon.gov



osha.oregon.gov

Additionally, during this rulemaking process, Oregon OSHA identified two NAICS codes (4529 – Other general merchandise stores, and 7213 – Rooming and boarding houses) that were listed under Table 7 that were left over from a previous rulemaking (2019). These two NAICS codes do not appear on federal OSHA’s appendix A and they will be removed from the corresponding Table 7. Additionally, the NAICS code 4522 – Department stores, was mistakenly listed in Table 7 of OAR 437-001-0700 as NAICS code 4521 and it will be corrected.

Oregon OSHA also makes minor typographical changes and updates the rule outlining to accommodate the new requirements.

No changes in the proposed rule revoke an employer’s duty to maintain forms 300, 300A, and 801 for Oregon OSHA inspection.

Please visit our website osha.oregon.gov/rules to view our proposed rules, or select other rule activity from this page.

When does this happen: Adoption of proposed changes will tentatively be in December 2023.

To get a copy: Our web site – osha.oregon.gov Rules and laws, then, Proposed rules.
Or call 503-947-7449

To comment: Department of Consumer and Business Services/
Oregon OSHA
PO BOX 14480
Salem OR 97309-0405
Email – OSHA.rulemaking@dcbs.oregon.gov
Fax – 503-947-7461

Comment period closes: December 1, 2023 at 5:00 PM

Oregon OSHA contact: Theodore (Ted) Bunch, Salem Central Office @ 503-378-3272, or email at theodore.bunch@dcbs.oregon.gov.

Note: In compliance with the Americans with Disabilities Act (ADA), this publication is available in alternative formats by calling 503-378-3272.

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services/Oregon OSHA
Agency and Division

OAR 437
Administrative Rules Chapter Number

Lisa Appel
Rules Coordinator

350 Winter Street NE Salem OR 97301-3882
Address

503-947-7449
Telephone

RULE CAPTION

Proposed Adoption of Federal OSHA Amendments: Improve Tracking of Workplace Injuries and Illnesses

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Virtual Public Hearing Scheduled for:

Hearing Date	Time	Location	Hearings Officer
November 17, 2023	10 AM	Virtual - Zoom Gov Webinar	OSHA Staff

Register in advance for this webinar:

https://www.zoomgov.com/webinar/register/WN_SfRhYkHgQp63BgS8wv0Nhw

After registering, you will receive a confirmation email containing information about joining the webinar.

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

Amend: OAR 437-001-0700

ORS 654.025(2) & 656.726(4)

Stat. Auth.

Other Authority

ORS 654.001 through 654.295, 654.412 – 654.423 & 654.750 – 780

Stats. Implemented

RULEMAKING SUMMARY

INDIVIDUAL RULE SUMMARY (By rule number)

Provide a brief summary of the rule (if new adoption), or a brief summary of changes made to the rule (if amending)


The following changes were made to OAR 437-001-0700:

- Throughout the document, uppercase "NOTE" is changed to "Note."
- In section (5), the references to Table 2 and Figure 1 are updated.
- In (11), a reference to nonmandatory Appendix B is added.
- In (24), a correction to the naming of rule outline division level from "paragraph" to "subsection" is made.
- Adds new (24)(c) to align with federal OSHA changes, requiring all employers with 100 or more employees in high-hazard industries (a subset of those who are already required to submit their OSHA Form 300A data) to electronically submit their OSHA Form 300 and DCBS Form 801 for case-specific data. A new Table 8 defines "high-hazard industries" by NAICS code and is added to this rule.
- Added a note to clarify that employers are required to submit electronically the OSHA Form 300A summary under either (24)(a) or (24)(b) depending on the size of the establishment. This same note was added to Table 8 to provide clarity.
- (24)(d) adds the requirement to provide your legal company name, along with your EIN.
- The outlining from subsections (24)(d) to (h) is updated.
- Other changes are made to update subsection references throughout, particularly new (24)(h), which was (24)(g) (defines reporting dates.)
- NAICS Code corrections are made to Table 7.

12/1/2023 at 5 PM

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator


Signature

Renee Stapleton 12/31/23
Printed name Date

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday. ARC 920-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services/Oregon OSHA
Agency and Division

OAR 437
Administrative Rules Chapter Number

In the Matter of:

Adopting:

Amending: OAR 437-001-0700

Repealing:

Rule Caption: Proposed Adoption of Federal OSHA Amendments: Improve Tracking of Workplace Injuries and Illnesses

Statutory Authority: ORS 654.025(2) & 656.726(4)

Stats. Implemented: ORS 654.001 through 654.295, 654.412 – 654.423 & 654.750 – 780

Need for the Rule(s):

This rulemaking is to keep Oregon OSHA in harmony with recent changes to federal OSHA standards. On July 21st, 2023, federal OSHA adopted amendments to their injury and illness recordkeeping regulations, announced in the Federal Register (Vol. 88, No. 139). Due to the unique nature of the national recordkeeping program, states with OSHA state plans must promulgate recordkeeping and recording requirements that are substantially identical to 29 CFR part 1904.

As a result, this rulemaking establishes two new requirements in Oregon OSHA's equivalent rule OAR 437-001-0700, Recording workplace injuries and illnesses:

- All employers with 100 or more employees in high-hazard industries (a subset of those who are already required to submit their OSHA Form 300A data) to electronically submit their OSHA Form 300 and DCBS Form 801 for case-specific data. Proposed Table 8 defines high-hazard industries in Oregon OSHA's rule.
- Employers must include their legal company name in their electronic submission of injury and illness data, along with the existing requirement of providing their Employer Identification Number (EIN).

Additionally, during this rulemaking process, Oregon OSHA identified two NAICS codes (4529 – Other general merchandise stores, and 7213 – Rooming and boarding houses) that were listed under Table 7 that were left over from a previous rulemaking (2019). These two NAICS codes do not appear on federal OSHA's appendix A and they will be removed from the corresponding Table 7. Additionally, the NAICS code 4522 – Department stores, was mistakenly listed in Table 7 of OAR 437-001-0700 as NAICS code 4521 and it will be corrected.

Oregon OSHA also makes minor typographical changes and updates the rule outlining to accommodate the new requirements.

No changes in the proposed rule revoke an employer's duty to maintain forms 300, 300A, and 801 for Oregon OSHA inspection.

Documents Relied Upon, and where they are available:

Federal Register Notice/ Vol. 88, No. 139 / Friday, July 21, 2023; available online at:

Statement Identifying How Adoption of Rule(s) Will Affect Racial Equity in This State:

The proposed rule changes are not expected to impact racial equity in the workplace for underrepresented communities, as the proposed rule changes apply to all workers covered under the Oregon Safe Employment Act (OSEAct).

Fiscal and Economic Impact:

See statements in paragraphs below.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

All state agencies and local government units are affected by the rules in the sense that they are employers under the Oregon Safe Employment Act (OSEAct) and may be subject to Oregon OSHA's recordkeeping requirements. The public as a whole will be affected only to the degree that members of the public are employers and employees.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

According to the Oregon Employment Department, "A Snapshot of Oregon Firms by Size Class, 2022," (published December 8, 2022) there were 2,177 firms with more than 100 employees in Oregon in March 2022. These firms accounted for 96 percent of all firms statewide and 40% of employees in the state of Oregon.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

Per the Federal Register Notice, federal OSHA estimates that this rule will have economic costs average costs of \$136 per year for affected establishments with 100 or more employees, annualized over 10 years with a discount rate of seven percent.

c. Equipment, supplies, labor and increased administration required for compliance:

Costs for administration and labor are addressed in paragraph (b) listed above.

How were small businesses involved in the development of this rule?

A stakeholder meeting was held on September 15, 2023, and several organizations that work with small businesses were involved including: Skanska USA, Public Affairs Counsel, Northwest Workers' Justice Project, and Oregon AFL-CIO. Oregon OSHA contacted other Rulemaking and Standing Committees and invited members to participate in the stakeholder meeting, including members of the Oregon OSHA Construction Advisory Committee, Fire Service Advisory Committee, Forest Activities Advisory Committee, and Agriculture Labor Housing Advisory Committee. Participation was open to all interested individuals, employers, and organizations. Comments were accepted during the September 15th meeting and through emails or phone calls. Stakeholders were given a deadline of September 22, 2023, to submit feedback and none was received. Federal OSHA, who promulgated this rule, involved stakeholders who represented small business owners as well.

Administrative Rule Advisory Committee consulted?

Yes

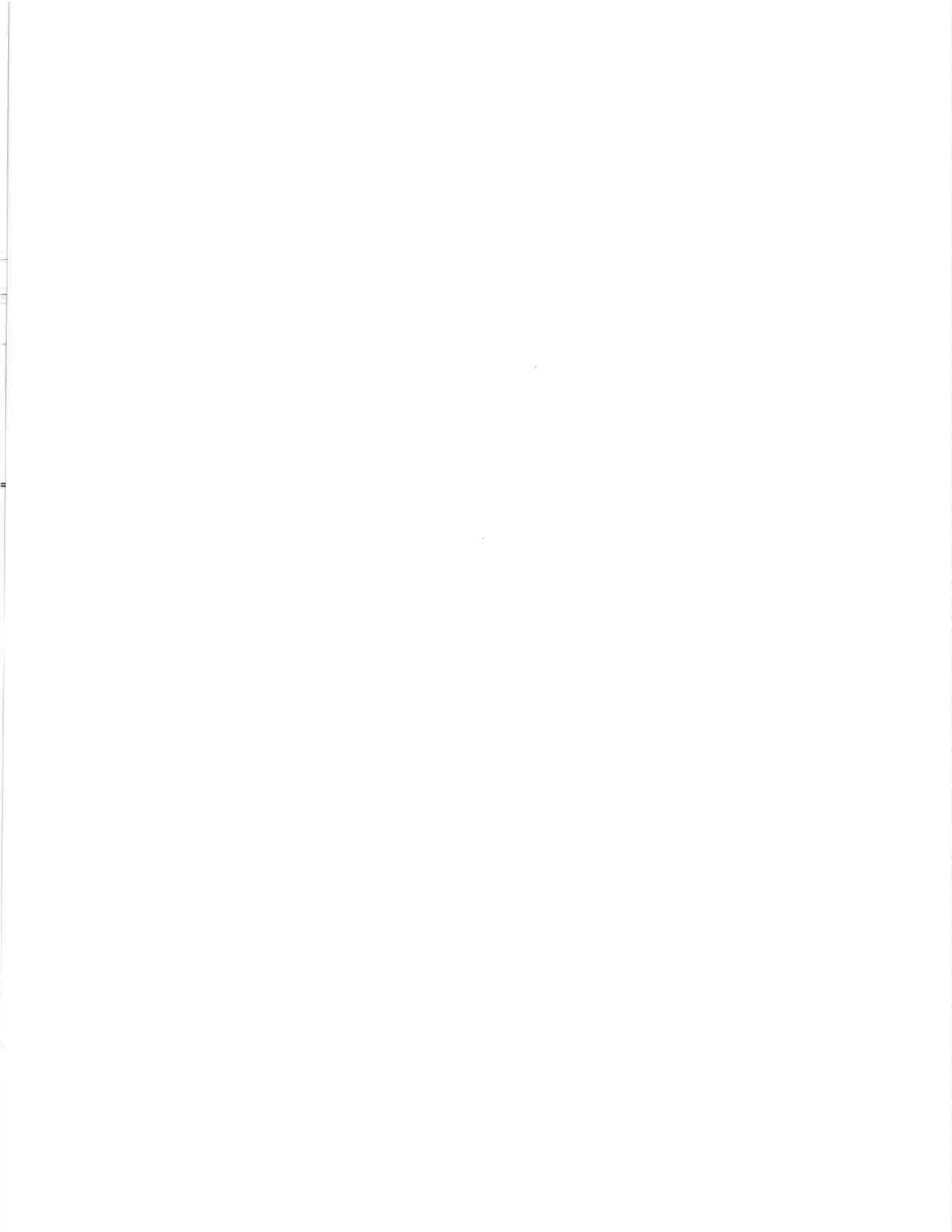
The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.


Signature

Rene Stapleton
Printed name

10/31/23
Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007



HOUSING COST IMPACT STATEMENT

FOR ESTIMATING THE EFFECT OF A PROPOSED RULE OR ORDINANCE ON THE COST OF DEVELOPING
A *TYPICAL 1,200 SQ FT DETACHED SINGLE FAMILY DWELLING ON A 6,000 SQ FT PARCEL OF LAND.
(ORS 183.534)
FOR ADMINISTRATIVE RULES

AGENCY NAME: DCBS/Oregon OSHA

PERMANENT: X

HEARING DATE: 11/17/2023

ADDRESS: 350 Winter Street NE

CITY/STATE: Salem OR 97301-3882

PHONE: 503-947-7449

TEMPORARY:

EFFECTIVE DATE:

BELOW PLEASE PROVIDE A DESCRIPTION OF THE ESTIMATED SAVINGS OR ADDITIONAL COSTS THAT WILL RESULT FROM THIS PROPOSED CHANGE.

PROVIDE A BRIEF EXPLANATION OF HOW THE COST OR SAVINGS ESTIMATE WAS DETERMINED.

IDENTIFY HOW CHANGE IMPACTS COSTS IN CATEGORIES SPECIFIED

Description of proposed change: (Please attach any draft or permanent rule or ordinance)

See attached Statement of Need and Fiscal Impact and Notice of Proposed Rulemaking.

Description of the need for, and objectives of the rule:

See attached Statement of Need and Fiscal Impact and Notice of Proposed Rulemaking.

List of rules adopted or amended:

Amend OAR 437-001-0700

Materials and labor costs increase or savings:
None

Estimated administrative construction or other costs increase or savings:
None

Land costs increase or savings:
Oregon OSHA does not foresee any effect on land costs.

Other costs increase or savings:
Oregon OSHA does not foresee any additional costs.

*Typical-Single story 3 bedrooms, 1 1/2 bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

PREPARERS NAME: Theodore Bunch

EMAIL ADDRESS: theodore.bunch@dcbs.oregon.gov.

Oregon OSHA

Text of Changes for Proposed Adoption of Federal OSHA Amendments: Improve Tracking of Workplace Injuries and Illnesses

Proposed Rule Changes
October 31, 2023

Text removed is in ~~[brackets with line through]~~.

Text added is in **bold and underline**.

437-001-0700 Recording Workplace Injuries and Illnesses

- (1) Purpose. This rule requires employers to record work-related fatalities, injuries, and illnesses.

[NOTE]Note: Recording a work-related injury, illness, or fatality does not assign fault to anybody, does not prove the violation of an OSHA rule, and does not establish the employee's eligibility for workers' compensation or other benefits.

- (2) Scope. This standard covers all employers covered by the Oregon Safe Employment Act, except for the exemptions below.
- (3) Exemptions.
- (a) If your company never had more than ten (10) employees during the last calendar year, including temporary employees, you do not need to keep Oregon OSHA injury and illness records unless the Director informs you in writing that you must keep records. The exemption for size is based on the number of employees in the entire company within the state of Oregon.
 - (b) If your company had more than ten (10) employees at any time during the last calendar year, you must keep Oregon OSHA injury and illness records unless your business is in a specific low hazard retail, service, finance, insurance, or real estate industry in Table 1. If so, you do not need to keep Oregon OSHA injury and illness records unless the government asks you to keep the records under 437-001-0700(22).
 - (c) If one or more of your company's establishments are classified in a nonexempt industry, you must keep Oregon OSHA injury and illness records for all of such establishments unless your company is exempted because of size under 437-001-

0700(3)(a). If a company has several business establishments engaged in different classes of business activities, some of the company's establishments may be required to keep records, while others may be exempt.

- (4) **Alternate or Duplicate Records.** If you create records to comply with another government agency's injury and illness recordkeeping requirements, those records meet Oregon OSHA's recordkeeping requirements if Oregon OSHA accepts the other agency's records under a memorandum of understanding with that agency, or if the other agency's records contain the same information as this standard requires you to record. Contact Oregon OSHA for help in determining if your records meet Oregon OSHA's requirements.

Table 1 - Exempt industries

Employers do not need to keep Oregon OSHA injury and illness records for any establishment in the following 2007 North American Industry Classification System (NAICS) codes. Subsequent codes that are added with further revisions of the NAICS codes would apply to this exemption list, unless Oregon OSHA or the Department of Consumer and Business Services asks them in writing to keep these records.

NAICS Code	Industry Description	NAICS Code	Industry Description
4412	Other Motor Vehicle Dealers	5111	Newspaper, Periodical, Book, and Directory Publishers
4431	Electronics and Appliance Stores	5112	Software Publishers
4461	Health and Personal Care Stores	5121	Motion Picture and Video Industries
4471	Gasoline Stations	5122	Sound Recording Industries
4481	Clothing Stores	5151	Radio and Television Broadcasting
4482	Shoe Stores	5172	Wireless Telecommunications Carriers (except Satellite)
4483	Jewelry, Luggage, and Leather Goods Stores	5173	Telecommunications Resellers
4511	Sporting Goods, Hobby, and Musical Instrument Stores	5179	Other Telecommunications
4512	Book, Periodical, and Music Stores	5181	Internet Service Providers and Web Search Portals
4531	Florists	5182	Data Processing, Hosting, and Related Services
4532	Office Supplies, Stationary, and Gift Stores	5191	Other Information Services
4812	Nonscheduled Air Transportation	5211	Monetary Authorities - Central Bank
4861	Pipeline Transportation of Crude Oil	5221	Depository Credit Intermediation
4862	Pipeline Transportation of Natural Gas	5222	Nondepository Credit Intermediation
4869	Other Pipeline Transportation	5223	Activities Related to Credit Intermediation
4879	Scenic and Sightseeing Transportation, Other	5231	Securities and Commodity Contracts Intermediation and Brokerage
4885	Freight Transportation Arrangement	5232	Securities and Commodity Exchanges

NAICS Code	Industry Description	NAICS Code	Industry Description
5239	Other Financial Investment Activities	6113	Colleges, Universities, and Professional Schools
5241	Insurance Carriers	6114	Business Schools and Computer and Management Training
5242	Agencies, Brokerages, and Other Insurance Related Activities	6115	Technical and Trade Schools
5251	Insurance and Employee Benefit Funds	6211	Offices of Physicians
5259	Other Investment Pools and Funds	6212	Offices of Dentists
5312	Offices of Real Estate Agents and Brokers	6213	Offices of Other Health Practitioners
5331	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)	6214	Outpatient Care Centers
5411	Legal Services	6215	Medical and Diagnostic Laboratories
5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services	6244	Child Day Care Services
5413	Architectural, Engineering, and Related Services	7114	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures
5414	Specialized Design Services	7115	Independent Artists, Writers, and Performers
5415	Computer Systems Design and Related Services	7213	Rooming and Boarding Houses
5416	Management, Scientific, and Technical Consulting Services	7221	Full-Service Restaurants
5417	Scientific Research and Development Services	7222	Limited-Services Eating Places
5418	Advertising and Related Services	7224	Drinking Places (Alcoholic Beverages)
5511	Management of Companies and Enterprises	8112	Electronic and Precision Equipment Repair and Maintenance
5611	Office Administrative Services	8114	Personal and Household Goods Repair and Maintenance
5614	Business Support Services	8121	Personal Care Services
5615	Travel Arrangement and Reservation Services	8122	Death Care Services
5616	Investigation and Security Services	8131	Religious Organizations
6112	Junior Colleges	8132	Grantmaking and Giving Services
		8133	Social Advocacy Organizations
		8134	Civic and Social Organizations
		8139	Business, Professional, Labor, Political, and Similar Organizations

(5) Recording Criteria and Forms. Each employer required to keep records of fatalities, injuries, and illnesses must record each fatality, injury, and illness that:

- (a) Is work-related; and

- (b) Is a new case; and
- (c) Meets one or more of the general recording criteria of OAR 437-001-0700(8) or the application to specific cases of OAR 437-001-0700(9) through (12), **see Table 2.**

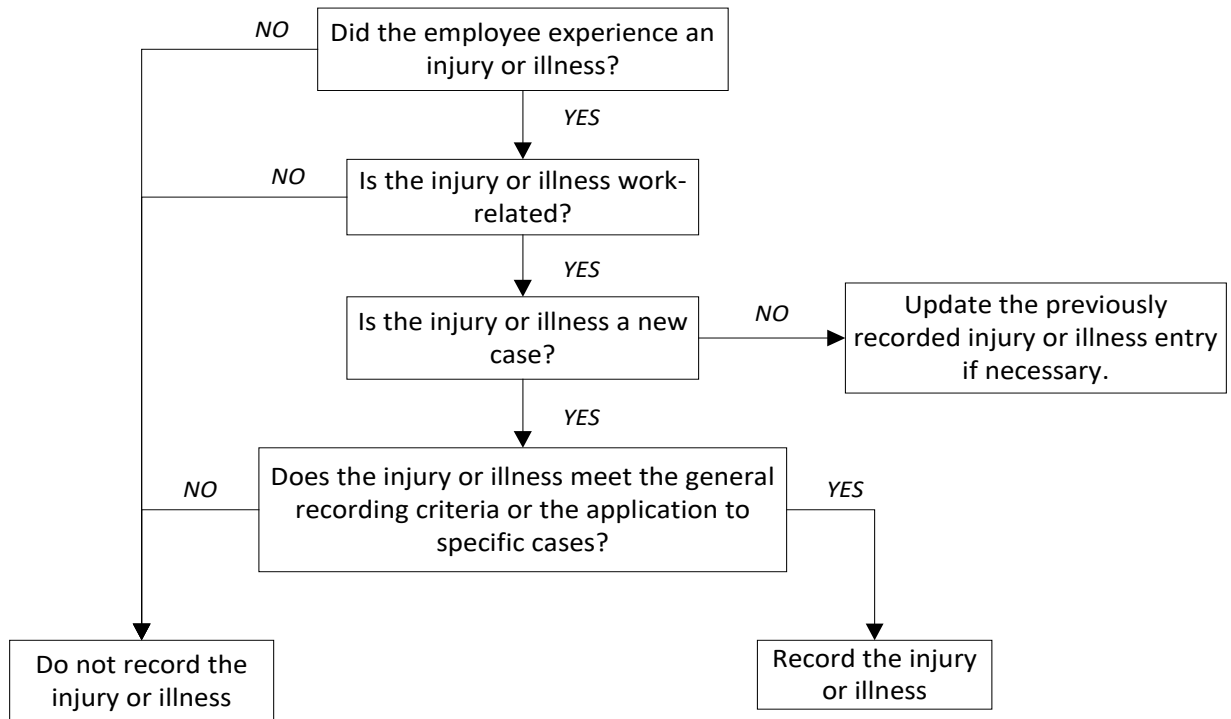
Note: The decision tree for recording work-related injuries and illnesses below shows the steps involved in making this determination, **see Figure 1.**

Table 2 - Related rules

This table indicates which sections of the rule address each topic.

(i)	Determination of work-relatedness.	See 437-001-0700(6)
(ii)	Determination of a new case.	See 437-001-0700(7)
(iii)	General recording criteria.	See 437-001-0700(8)
(iv)	Additional criteria. (Needlestick and sharps injury cases, tuberculosis cases, hearing loss cases, medical removal cases, and musculoskeletal disorder cases)	See 437-001-0700(9) through (12)

Figure 1 -Decision tree



- (6) Work-Related. You must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing injury or illness. You must presume work-

relatedness for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in Table 3 specifically applies.

- (a) Oregon OSHA defines the work environment as the establishment and other locations where one or more employees work or are present as a condition of their employment.
- (b) If it is not obvious where the precipitating event occurred you must evaluate the employee's work duties and environment to decide whether events or exposures in the work environment either caused or contributed to the condition or significantly aggravated a pre-existing condition.
- (c) A pre-existing injury or illness is significantly aggravated when an event or exposure in the work environment results in (A) through (D) below. Oregon OSHA considers an injury or illness to be a pre-existing if it resulted solely from a non-work-related event or exposure that occurred outside the work environment.
 - (A) Death, provided that the pre-existing injury or illness would likely not have resulted in death but for the occupational event or exposure.
 - (B) Loss of consciousness, provided that the pre-existing injury or illness would likely not have resulted in loss of consciousness but for the occupational event or exposure.
 - (C) One or more days away from work, or days of restricted work, or days of job transfer that otherwise would not have occurred but for the occupational event or exposure.
 - (D) Medical treatment in a case where no medical treatment was needed for the injury or illness before the workplace event or exposure, or a change in medical treatment was necessitated by the workplace event or exposure.
- (d) An injury or illness occurring in the work environment that falls under one of the following exceptions found in Table 3 is not work-related, and is not recordable.

Table 3 - Work environment exceptions

Do not record injuries and illnesses if . . .

At the time of the injury or illness, the employee was present in the work environment as a member of the general public rather than as an employee.

The injury or illness involves signs or symptoms that surface at work but result solely from a nonwork-related event or exposure that occurs outside the work environment.

The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball, or baseball.

The injury or illness is solely the result of an employee eating, drinking, or preparing food or drink for personal consumption (whether bought on the employer's premises or brought in). For example, if the employee is injured by choking on a sandwich while in the employer's establishment, the case is not work-related.

[NOTE]Note: If the employee becomes ill by ingesting food contaminated by workplace contaminants (such as lead), or gets food poisoning from food supplied by the employer, the case is work-related.

The injury or illness is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours.

The injury or illness is solely the result of personal grooming, self-medication for a nonwork-related condition, or is intentionally self-inflicted.

The injury or illness is caused by a motor vehicle accident and occurs on a company parking lot or company access road while the employee is commuting to or from work.

The illness is the common cold or flu (**[NOTE]Note:** contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are work-related if the employee is infected at work).

The illness is a mental illness. Mental illness is not work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, etc.) stating that the employee has a work-related mental illness.

- (e) Travel. Injuries or illnesses occurring during travel are work-related if the employee was engaged in work activities in the interest of the employer and it is not one of the exceptions in Table 4 - **Travel status exemptions.**

Table 4 - Travel status exemptions

Do not record injuries or illnesses that occur when the employee is on travel status if they meet one of the exceptions listed below.	
If the employee . . .	You may use the following to determine if an injury or illness is work-related.
checked into a hotel or motel for one or more days.	When a traveling employee checks into a hotel, motel, or other temporary residence, they establish a “home away from home.” You must evaluate the employee’s activities after they check into the hotel, motel, or other temporary residence for their work-relatedness in the same manner as you evaluate the activities of a nontraveling employee. When the employee checks into the temporary residence, they have left the work environment. When the employee begins work each day, they re-enter the work environment. If the employee has established a “home away from home” and is reporting to a fixed worksite each day, you also do not consider injuries or illnesses work-related if they occur while the employee is commuting between the temporary residence and the job location.
took a detour for personal reasons.	Injuries or illnesses are not work-related if they occur while the employee is on a personal detour from a reasonably direct route of travel (e.g., took a side trip for personal reasons).

- (f) Work at home. Injuries and illnesses that occur while an employee works at home, including work in a home office, is work-related if the injury or illness relates directly to the work rather than to the general home environment or setting.
 - (g) Former employees. If you are notified that a former employee had a work related injury or illness when in your employment, record the date of the incident on the appropriate OSHA 300 log for the date of the injury. If the date is not known, use the last day of employment.
- (7) New Cases. An injury or illness is a “new case” if:
- (a) The employee has no previous recorded injury or illness of the same type that affects the same part of the body, or
 - (b) The employee previously had a recorded injury or illness of the same type that affected the same part of the body but recovered completely (all signs and symptoms disappeared) from the previous injury or illness and an event or exposure in the work environment caused the signs or symptoms to reappear.
 - (A) For occupational illnesses where the signs or symptoms may recur or continue in the absence of a workplace exposure, record the case only once when it is diagnosed. Examples include occupational cancer, asbestosis, byssinosis, and silicosis.
 - (B) You are not required to seek the advice of a physician or other licensed health care professional. If you do seek such advice, you must follow their recommendation about whether the case is a new case or a recurrence.
- (8) General Recording Criteria. A work-related injury or illness is recordable if it results in any of the following: death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness. You must record a case if it

involves a significant injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.

[NOTE]Note: Oregon OSHA believes that most significant injuries and illnesses will result in one of the events listed below. However, there are some significant injuries, such as a punctured eardrum or a fractured toe or rib, for which neither medical treatment nor work restrictions may be recommended. In addition, there are some significant progressive diseases, such as byssinosis, silicosis, and some types of cancer, for which medical treatment or work restrictions may not be recommended at the time of diagnosis but are likely to be recommended as the disease progresses. Cancer, chronic irreversible diseases, fractured or cracked bones, and punctured eardrums are generally considered significant injuries and illnesses, and must be recorded at the initial diagnosis even if medical treatment or work restrictions are not recommended, or are postponed, in a particular case.

Table 5 - General recording criteria

Record a work-related injury or illness if it results in one or more of the following:	
(i) Death,	See 437-001-0700(8)(a)
(ii) Days away from work,	See 437-001-0700(8)(b)
(iii) Restricted work or transfer to another job,	See 437-001-0700(8)(c)
(iv) Medical treatment beyond first aid,	See 437-001-0700(8)(d)
(v) Loss of consciousness,	See 437-001-0700(8)(e)
(vi) A significant injury or illness diagnosed by a physician or other licensed health care professional.	See 437-001-0700(8)(f)

(a) Death. You must record an injury or illness that results in death by entering a check mark on the OSHA 300 Log in the space for cases resulting in death.

[NOTE]Note: You must also report any work-related fatality to Oregon OSHA within 8 hours. See 437-001-0704.

(b) Days Away from Work. When an injury or illness involves one or more days away from work, you must record the injury or illness on the OSHA 300 Log with a check mark in the space for cases involving days away and an entry of the number of calendar days away from work in the number of days column. If the employee is out for an extended period of time, you must enter an estimate of the days that the employee will be away, and update the day count when the actual number of days is known.

(A) Begin counting days away on the day after the injury occurred or the illness began.

(B) End the count of days away from work on the date the physician or other licensed health care professional recommends that the employee return to work. This applies regardless of whether the employee returns earlier or later than recommended. If there is no recommendation from the physician or licensed health care professional, enter the actual number of days the employee is off work.

- (C) You must count the number of calendar days the employee was unable to work as a result of the injury or illness, regardless of whether or not the employee was scheduled to work on those day(s). Include weekend days, holidays, vacation days or other days off in the total number of days recorded if the employee would not have been able to work on those days because of a work-related injury or illness.
 - (D) You may stop tracking of the number of calendar days away from work once the total reaches 180 days away from work and/or days of job transfer or restriction. Entering 180 in the total days away column is adequate.
 - (E) If the employee leaves your company for a reason unrelated to the injury or illness, such as retirement, a plant closing, or to take another job, you may stop counting days away from work or days of restriction/job transfer. If the employee leaves your company because of the injury or illness, you must estimate the total number of days away or days of restriction/job transfer and enter the day count on the 300 Log.
 - (F) You must enter the number of calendar days away for the injury or illness on the OSHA 300 Log that you prepare for the year in which the incident occurred. If the time off extends into a new year, estimate the number of days for that year and add that amount to the days from the year of occurrence. Do not split the days between years and enter amounts on the logs for two different years. Use this number to calculate the total for the annual summary, and then update the initial log entry later when the day count is known or reaches the 180-day cap.
- (c) Restricted Work or Job Transfer. When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, you must record the injury or illness on the OSHA 300 Log by placing a check mark in the space for job transfer or restriction and an entry of the number of restricted or transferred days in the restricted workdays column. Restricted work occurs when, as the result of a work-related injury or illness:
- (A) You keep the employee from performing one or more of the routine functions of their job, or from working the full day that they would otherwise work; or
 - (B) A physician or other licensed health care professional recommends that the employee not perform one or more of the routine functions of their job, or not work the full workday that they would otherwise work.
- [NOTE]Note:** For recordkeeping purposes, an employee's routine functions are those work activities the employee regularly performs at least once per week.
- (C) A recommended work restriction is recordable only if it affects one or more of the employee's routine job functions. To determine whether this is the case, you must evaluate the restriction in light of the routine functions of the injured or ill employee's job.

- (D) A partial day of work is recorded as a day of job transfer or restriction for recordkeeping purposes, except for the day on which the injury occurred or the illness began.
 - (E) Record job transfer and restricted work cases in the same box on the OSHA 300 Log.
 - (F) Count days of job transfer or restriction in the same way you count days away from work. The only difference is that, if you permanently assign the injured or ill employee to a job modified or permanently changed to eliminate the routine functions the employee was restricted from performing, you may stop the day count when the modification or change is permanent. You must count at least 1-day of restricted work or job transfer for such cases.
- (d) Medical Treatment. If a work-related injury or illness results in medical treatment beyond first aid, you must record it on the OSHA 300 Log. If the employee received medical treatment but remained at work without transfer or restriction and the injury or illness did not involve death, one or more days away from work, one or more days of restricted work, or one or more days of job transfer, you enter a check mark in the box for other recordable cases.

[NOTE]Note: You must record the case even if the injured or ill employee does not follow the physician or other licensed health care professional's recommendation.

- (A) "Medical treatment" is the management and care of a patient to combat disease or disorder. For this rule, medical treatment does not include:
 - (i) Visits to a physician or other licensed health care professional solely for observation or counseling;
 - (ii) The conduct of diagnostic procedures, such as x-rays and blood tests, including the administration of prescription medications solely for diagnostic purposes (e.g., eye drops to dilate pupils); or
 - (iii) "First aid" as in (B) below.
- (B) First aid is any of the conditions listed in Table 6. This is a complete list of all first aid treatments for this standard. These treatments are considered first aid regardless of the professional status of the person providing the treatment.

Table 6 - First aid treatment

(A)	Using a nonprescription medication at nonprescription strength (for medications available in both prescription and nonprescription form, a recommendation by a physician or other licensed health care professional to use a nonprescription medication at prescription strength is medical treatment for recordkeeping purposes);	(H)	Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;
(B)	Administering tetanus immunizations (other immunizations, such as Hepatitis B vaccine or rabies vaccine, is medical treatment);	(I)	Using eye patches;
(C)	Cleaning, flushing or soaking wounds on the surface of the skin;	(J)	Removing foreign bodies from the eye using only irrigation or a cotton swab;
(D)	Using wound coverings such as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri-Strips™ (other wound closing devices such as sutures, staples, etc. are medical treatment);	(K)	Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means;
(E)	Using hot or cold therapy;	(L)	Using finger guards;
(F)	Using any nonrigid means of support, such as elastic bandages, wraps, nonrigid back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are medical treatment for recordkeeping purposes);	(M)	Using massages (physical therapy or chiropractic treatment are medical treatment for recordkeeping purposes); or
(G)	Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back boards, etc.).	(N)	Drinking fluids for relief of heat stress.

This is a complete list of all first aid treatments for this standard. These treatments are considered first aid regardless of the professional status of the person providing the treatment.

- (e) Loss of Consciousness. You must record a work-related injury or illness if the worker becomes unconscious, regardless of the length of time they remain unconscious.
 - (f) Other Injuries and Illnesses. Work-related cases involving cancer, chronic irreversible disease, a fractured or cracked bone, or a punctured eardrum must always be recorded under the general criteria at the time of occurrence.
- (9) Needlestick and Sharps Injury Recording Criteria.
- (a) When an injury is diagnosed later as an infectious bloodborne disease, you must update the classification on the 300 log to reflect the new status or classification.

- (b) You must record all work-related needlestick injuries and cuts from sharp objects contaminated with another person's blood or other potentially infectious material (as defined by 1910.1030). You must enter the case on the OSHA 300 Log as an injury. To protect the employee's privacy, do not enter the employee's name on the OSHA 300 Log (see the requirements for privacy cases in OAR 437-001-0700(14)).

[NOTE]Note: If you have an exposure incident that is not a needlestick, you must still record it if it results in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, loss of consciousness, or diagnosis of a significant injury or illness, such as HIV, hepatitis B, or hepatitis C.

- (10) Medical Removal Recording Criteria. If another Oregon OSHA standard requires the medical removal of an employee, you must record the case on the OSHA 300 Log.

- (a) You must enter each medical removal case on the OSHA 300 Log as either a case involving days away from work or a case involving restricted work activity, depending on how you decide to comply with the medical removal requirement. If the medical removal is the result of a chemical exposure, you must enter the case on the OSHA 300 Log by checking the "poisoning" column.

- (b) If the case involves voluntary medical removal before reaching the medical removal levels required by an Oregon OSHA standard, do not record the case on the OSHA 300 Log.

- (11) Occupational Hearing Loss Recording Criteria.

- (a) Hearing loss must be recorded on the OSHA 300 Log by checking the hearing loss column when:

- (A) An annual audiogram reveals a Standard Threshold Shift (STS) in either or both ears; and

- (B) The hearing level in the same ear is 25 dB above audiometric zero.

[NOTE]Note: For the ease of the reader the definitions for STS and audiometric zero are provided here.

Standard Threshold Shift (STS) – A change in hearing threshold relative to the baseline audiogram of an average of 10 dB or more in either ear.

Audiometric Zero – The lowest sound pressure level that the average, young adult with normal hearing can hear.

- (b) determining whether an STS has occurred, you may correct for the age of the employee. Use the appropriate table in Appendix A to determine the age adjustment. If the STS is 10 dB or more after the age correction, it still meets the criteria for recordability.

Employers may use the flowchart in Appendix B (non-mandatory) to determine if hearing loss is recordable on the OSHA 300 form.

- (c) If you retest the employee's hearing within 30 days of the first test, and the retest does not confirm the recordable STS, you are not required to record the hearing

loss case on the OSHA 300 Log. If the retest confirms the recordable STS, you must record the hearing loss case within 7 calendar days of the retest. If subsequent audiometric testing performed under the testing requirements of the noise standard (1910.95) indicates that an STS is not persistent, you may erase, delete, or line-out the recorded entry.

- (d) If a physician or other licensed health care professional determines, following the rules set out in OAR 437-001-0700 (6), that the hearing loss is not work-related or has not been significantly aggravated by occupational noise exposure, the case is not work-related. Do not record it on the OSHA 300 Log.
- (12) Tuberculosis Reporting Criteria. If any of your employees has an occupational exposure to anyone with a known case of active tuberculosis (TB), and that employee subsequently develops a tuberculosis infection, as evidenced by a positive skin test or diagnosis by a physician or other licensed health care professional, you must record the case on the OSHA 300 Log by checking the “respiratory condition” column.
- (a) Do not record a pre-employment positive skin test because the exposure was not in your workplace.
 - (b) Line out or erase a recorded case if you prove that:
 - (A) The worker lives in a household with a person diagnosed with active TB;
 - (B) The Public Health Department identifies the worker as a contact of an individual with a case of active TB unrelated to the workplace; or
 - (C) A medical investigation shows that the employee’s infection was caused by exposure to TB away from work, or proves that the case was not related to the workplace TB exposure.
- (13) Removed.
- (14) Forms.
- (a) You must use OSHA 300, 300A, and DCBS Form 801, or equivalent forms, for recordable injuries and illnesses. The OSHA 300 form is the Log of Work-Related Injuries and Illnesses, the 300A is the Summary of Work-Related Injuries and Illnesses, and the DCBS Form 801 or equivalent is the Worker’s and Employer’s Report of Occupational Injury or Disease. The OSHA 300 and 300A Summary forms must be kept on a calendar year basis.
 - (A) Even if you are exempt from recordkeeping, you must have at each establishment, a copy of DCBS Form 801 or equivalent for each occupational injury or illness that may result in a compensable claim.
 - (B) You must enter information about your business at the top of the OSHA 300 Log, enter a one or two line description for each recordable injury or illness, and summarize this information on the OSHA 300A Summary form at the end of the year.

- (C) You must complete a DCBS Form 801 or equivalent form, for each recordable injury or illness entered on the OSHA 300 Log.
- (D) You must enter each recordable injury or illness on the OSHA 300 Log and DCBS Form 801 or equivalent within 7 calendar days of receiving information that a recordable injury or illness has occurred.
- (E) An equivalent form is one that has the same information, is as readable and understandable, and is completed using the same instructions as the OSHA form it replaces. Many employers use an insurance form instead of the DCBS Form 801, or supplement an insurance form by adding any additional information required by OSHA.
- (F) You may use a computer to keep your records if it can produce equivalent forms when needed.
- (G) Privacy Concern Cases. If you have a “privacy concern case,” do not enter the employee’s name on the OSHA 300 Log. Instead, enter “privacy case” in the space normally used for the employee’s name. This will protect the privacy of the injured or ill employee when another employee, a former employee, or an authorized employee representative has access to the OSHA 300 Log. You must keep a separate, confidential list of the case numbers and employee names for your privacy concern cases so you can update the cases and provide the information to the government if asked to do so.
- (H) The following injuries or illnesses are privacy concern cases:
 - (i) An injury or illness to an intimate body part or the reproductive system;
 - (ii) An injury or illness resulting from a sexual assault;
 - (iii) Mental illnesses;
 - (iv) HIV infection, hepatitis, or tuberculosis;
 - (v) Needlestick injuries and cuts from sharp objects contaminated with another person’s blood or other potentially infectious material; and
 - (vi) Other illnesses, if the employee voluntarily requests that his or her name not be entered on the log.

[NOTE]Note: This is a complete list of all injuries and illnesses that are privacy concern cases.

- (I) If you reasonably believe that information describing the privacy concern case may be personally identifiable even though the employee’s name is omitted, use discretion in describing the injury or illness on both the OSHA 300 and DCBS 801 Forms. You must enter enough information to identify the cause of the incident and the general severity of the injury or illness, but you do not need to include details of an intimate or private nature. For example, describe a sexual assault case as “injury from assault,” or an injury to a reproductive organ could be described as “lower abdominal injury.”

- (J) If you voluntarily disclose the forms to persons other than government representatives, employees, former employees or authorized representatives, you must remove or hide the employees' names and other personally identifying information, except for the following cases:
 - (i) To an auditor or consultant hired by the employer to evaluate the safety and health program;
 - (ii) To the extent necessary for processing a claim for workers' compensation or other insurance benefits; or
 - (iii) To a public health authority or law enforcement agency for uses and disclosures for which consent, an authorization, or opportunity to agree or object is not required under Department of Health and Human Services Standards for Privacy of Individually Identifiable Health Information, 45 CFR.164.512.
 - (b) In addition, health care employers as defined in ORS 654.412 must record assaults against employees on the Health Care Assault Log. See OAR 437-001-0706.
- (15) Multiple Business Establishments. You must keep a separate OSHA 300 Log for each establishment that you expect to operate for 1-year or longer.
- (a) You may keep one OSHA 300 Log that covers all of your short-term establishments. You may also include the short-term establishments' recordable injuries and illnesses on an OSHA 300 Log that covers short-term establishments for individual company divisions or geographic regions.
 - (b) You may keep the records for an establishment at your headquarters or other central location if you can:
 - (A) Transmit information about the injuries and illnesses from the establishment to the central location within 7 calendar days of receiving information that a recordable injury or illness has occurred; and
 - (B) Produce and send the records from the central location to the establishment within the time frames required by OAR 437-001-0700(22) when you are required to provide records to a government representative, employees, former employees or employee representatives.
 - (c) You must link each employee with one of your establishments, for recordkeeping purposes. You must record the injury and illness on the OSHA 300 Log of the injured or ill employee's establishment, or on an OSHA 300 Log that covers that employee's short-term establishment.
 - (d) If the injury or illness occurs at one of your establishments, you must record the injury or illness on the OSHA 300 Log of the establishment where the injury or illness occurred. If the employee is injured or becomes ill and is not at one of your establishments, you must record the case on the OSHA 300 Log at the establishment where the employee normally works.

- (16) Covered Employees. You must record on the OSHA 300 Log the recordable injuries and illnesses of all employees on your payroll, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant workers. You also must record the recordable injuries and illnesses that occur to employees who are not on your payroll if you supervise these employees on a day-to-day basis. If your business is organized as a sole proprietorship or partnership, the owner or partners are not considered employees for recordkeeping purposes.
- (a) Record the injuries and illnesses to workers from temporary help agencies or employee leasing services only if you supervise these employees on a day-to-day basis.
 - (b) If a contractor's employee is under the day-to-day supervision of the contractor, the contractor is responsible for recording the injury or illness. If you supervise the contractor employee's work on a day-to-day basis, you must record the injury or illness.
 - (c) You and the temporary help service, employee leasing service, personnel supply service, or contractor should coordinate your efforts to make sure that each injury and illness is recorded only once: either on your OSHA 300 Log (if you provide day-to-day supervision) or on the other employer's OSHA 300 Log (if that company provides day-to-day supervision).
- (17) Annual Summary and Posting Requirements. At the end of each calendar year, you must:
- (a) Review the OSHA 300 Log to verify that the entries are complete and accurate, and correct any deficiencies identified.
 - (b) Use the OSHA 300A Summary form to create an annual summary of injuries and illnesses recorded on the OSHA 300 Log:
 - (A) Total the columns on the OSHA 300 Log (if you had no recordable cases, enter zeros for each column total); and
 - (B) Enter the calendar year covered, the company's name, establishment name, establishment address, annual average number of employees covered by the OSHA 300 Log, and the total hours worked by all employees covered by the OSHA 300 Log.
 - (C) If you are using an equivalent form other than the OSHA 300A Summary form, the summary you use must also include the employee access and employer penalty statements found on the OSHA 300A Summary form.
 - (c) Sign or have a representative sign the 300A Summary to certify that the OSHA 300 Log is correct to the best of the signer's knowledge. If the summary is signed by a person other than a company executive, a company executive must also review the OSHA 300 Log in order to be generally familiar with its contents. A company executive is:
 - (A) An owner of the company when the company is a sole proprietorship or partnership;

- (B) An officer of the corporation;
 - (C) The highest ranking company official working at the establishment; or
 - (D) The immediate supervisor of the highest ranking company official working at the establishment.
- (d) Post a copy of the 300A Summary form in each establishment in a conspicuous place or places where notices to employees are customarily posted. Ensure that the posted annual summary is not altered, defaced or covered by other material.
- (e) Post the 300A Summary no later than February 1 of the year following the year covered by the records and keep it posted until April 30.
- (f) When you maintain records for all of your establishments at your headquarters or other central location, each 300A Summary form must be specific to each separate establishment.
- (18) Paperwork Retention and Updating.
- (a) You must save the OSHA 300 Log, the privacy case list (if any), the 300A Summary form, and the DCBS Form 801 or equivalent forms for 5 years following the end of the calendar year that they cover.
 - (b) During the storage period, you must update your stored OSHA 300 Logs to include newly discovered recordable injuries or illnesses and to show any changes that have occurred in the classification of previously recorded injuries and illnesses. If the description or outcome of a case changes, you must remove or line out the original entry and enter the new information.
- [NOTE]Note:** For more information on retention of medical and exposure records, see [1910.1020](#).
- (19) Change of Business Ownership. If your business changes ownership, you must record and report work-related injuries and illnesses only for the time you owned the establishment. You must transfer the records to the new owner. The new owner must save all records of the establishment kept by the prior owner, but need not update or correct the records of the prior owner.
- (20) Prohibition against discrimination. Oregon Revised Statute 654.062(5) prohibits discrimination against an employee for reporting a work-related fatality, injury or illness. It also protects the employee who files a safety and health complaint, asks for access to this rule, records, or otherwise exercises any rights afforded by law or rule.
- (21) Employee Involvement. You must involve your employees and their representatives in the recordkeeping system.
- (a) You must establish a reasonable procedure for employees to report work-related injuries and illnesses promptly and accurately. A procedure is not reasonable if it would deter or discourage a reasonable employee from accurately reporting a workplace injury or illness.

- (b) You must inform each employee of your procedure for reporting work related injuries and illnesses and tell each employee how they are to report an injury or illness to you.
- (c) You must inform employees that they have the right to report work-related injuries and illnesses; and that employers are prohibited from discharging or in any manner discriminating against employees for reporting work-related injuries and illnesses.
- (d) You must leave the names on the 300 Log. However, to protect the privacy of injured and ill employees, do not record the employee's name on the OSHA 300 Log for certain "privacy concern cases."
- (e) You must provide limited access to your injury and illness records for your employees and their representatives.

- (A) Your employees, former employees, their personal representatives, and their authorized collective bargaining representatives have the right to access the OSHA injury and illness records, in accordance with (B) through (E) below.

[NOTE]Note: A personal representative is anybody designated in writing by the employee or former employee, as well as the legal representative of a deceased or legally incapacitated employee.

- (B) When an employee, former employee, personal representative, or authorized employee representative asks for copies of your current or stored OSHA 300 Log(s) for an establishment the employee or former employee has worked in, you must give the requester a copy of the relevant OSHA 300 Log(s) by the end of the next business day.
- (C) When an employee, former employee, or personal representative asks for a copy of the DCBS Form 801 or equivalent describing an injury or illness to that employee or former employee, you must give the requester a copy of the DCBS Form 801 or equivalent containing that information by the end of the next business day.
- (D) When an authorized employee representative asks for copies of the DCBS Form 801 or equivalent for an establishment where the agent represents employees under a collective bargaining agreement, you must give copies of those forms to the authorized employee representative within 7 calendar days. You are only required to give the authorized employee representative information from the releasable part of the DCBS Form 801 indicated in the "Worker" section. You must remove all other information from the copy of the DCBS Form 801 or equivalent form that you give to the authorized employee representative.
- (E) You may not charge for these copies the first time. However, if one of the designated persons asks for additional copies, you may assess a reasonable charge for retrieving and copying the records.

(22) Providing Records to Government Representatives. When an authorized government representative asks for the records you keep in compliance with this standard, you must

provide copies of the records within 4 business hours. Authorized government representatives are:

- (a) A representative of the Oregon Department of Consumer and Business Services.
 - (b) A representative of the Secretary of Labor conducting an inspection or investigation under the Act.
 - (c) A representative of the Secretary of Health and Human Services (including the National Institute for Occupational Safety and Health - NIOSH) conducting an investigation under Section 20(b) of the Act.
- (23) Requests from the Bureau of Labor Statistics or DCBS. If you receive a Survey of Occupational Injuries and Illnesses Form from the Bureau of Labor Statistics (BLS), or a BLS designee, or a request for data from the Oregon Department of Consumer and Business Services, you must promptly complete the form and return it following the instructions on the survey form.
- (24) Electronic submission of injury and illness records to OSHA.
- (a) If your establishment had 250 or more employees at any time during the previous calendar year, and you are required to maintain an OSHA 300 log **per section (2) of this rule**, then you must electronically submit information from the 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 **subsection [paragraph] (24)([g]h)** of the year after the calendar year covered by the forms.
 - (b) 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 Table 7, then you must electronically submit information from 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 **subsection [paragraph] (24)([g]h)** of the year after the calendar year covered by the form.
 - (c) 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 Table 8, then you must electronically submit information from OSHA Forms 300 and DCBS Form 801 to OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in (24)(h) of this section of the year after the calendar year covered by the forms.**
- Note: If subsection (24)(c) applies then your establishment is also required to electronically submit the OSHA Form 300A summary in accord with either subsection (24)(a) or (24)(b) depending on the size of the establishment.**
- (d)** For each establishment that is subject to these reporting requirements, you must provide the Employer Identification Number (EIN) used by the establishment and **your legal company name.**

[NOTE]Note: 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.

- (~~ed~~) If you are required to submit information under **subsection[paragraph] (24)(a)**, [~~er~~] (24)(b), **or 24(c)**, then you must submit the information once a year, by the date listed in **subsection[paragraph] (24)(~~hg~~)** 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 **subsection[paragraph] (24)(~~hg~~)**, then you must submit the information as often as specified in the notification.
- (~~f~~~~e~~) You must submit the information electronically. Federal OSHA will provide a secure website for the electronic submission of information.
- (~~g~~~~f~~) If your enterprise or corporate office had ownership of or control over one or more establishments required to submit information under **subsection[paragraph] (24)(a)**, [~~er~~] (24)(b), **or 24(c)**, then the enterprise or corporate office may collect and electronically submit the information for the establishment(s).
- (~~h~~~~g~~) Reporting Dates. Beginning in 2020, establishments that are required to submit under **subsection[paragraph] (24)(a)**, [~~er~~] (24)(b), **or (24)(c)** 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, 2020, for the forms covering 2019).

Table 7 – 24(b) Designated Industries

Annual Electronic Submission of OSHA Form 300A Summary of Work-Related Injuries and Illnesses by Establishments With 20 or More Employees in Designated Industries

NAICS	Industry	NAICS	Industry
11	Agriculture, F [f]orestry, F [f]ishing and H [h]unting.	4871	Scenic and S [s]ightseeing T [t]ransportation, L [l]and.
22	Utilities.	4881	Support A [a]ctivities for A [a]ir T [t]ransportation.
23	Construction.	4882	Support A [a]ctivities for R [r]ail T [t]ransportation.
31-33	Manufacturing.	4883	Support A [a]ctivities for W [w]ater T [t]ransportation.
42	Wholesale T [t]rade.	4884	Support A [a]ctivities for R [r]oad T [t]ransportation.
4413	Automotive P [p]arts, A [a]ccessories, and T [t]ire S [s]tores.	4889	Other S [s]upport A [a]ctivities for T [t]ransportation.
4421	Furniture S [s]tores.	4911	Postal S [s]ervice.
4422	Home F [f]urnishings S [s]tores.	4921	Couriers and E [e]xpress D [d]elivery S [s]ervices.
4441	Building M [m]aterial and S [s]upplies D [d]ealers.	4922	Local M [m]essengers and L [l]ocal D [d]elivery.
4442	Lawn and G [g]arden E [e]quipment and S [s]upply[ies] S [s]tores.	4931	Warehousing and S [s]torage.
4451	Grocery S [s]tores.	5152	Cable and O [o]ther S [s]ubscription P [p]rogramming.
4452	Specialty F [f]ood S [s]tores.	5311	Lessors of R [r]eal E [e]state.
4522[4]	Department S [s]tores.	5321	Automotive E [e]quipment R [r]ental and L [l]easing.
[4529	Other general merchandise stores	5322	Consumer G [g]oods R [r]ental.
4523	General Merchandise Stores, including Warehouse Clubs and Supercenters.	5323	General R [r]ental C [c]enters.
4533	Used M [m]erchandise S [s]tores.	5617	Services to B [b]uildings and D [d]wellings.
4542	Vending M [m]achine O [o]perators.	5621	Waste C [c]ollection.
4543	Direct S [s]elling E [e]stablishments.	5622	Waste T [t]reatment and D [d]isposal.
4811	Scheduled A [a]ir T [t]ransportation.	5629	Remediation and O [o]ther W [w]aste M [m]anagement S [s]ervices.
4841	General F [f]reight T [t]rucking.	6219	Other A [a]mbulatory H [h]ealth C [c]are S [s]ervices.
4842	Specialized F [f]reight T [t]rucking.	6221	General M [m]edical and S [s]urgical H [h]ospitals.
4851	Urban T [t]ransit S [s]ystems.	6222	Psychiatric and S [s]ubstance A [a]buse H [h]ospitals.
4852	Interurban and R [r]ural B [b]us T [t]ransportation.		
4853	Taxi and L [l]imousine S [s]ervice.		
4854	School and E [e]mployee B [b]us T [t]ransportation.		
4855	Charter B [b]us I [i]ndustry.		
4859	Other T [t]ransit and G [g]round P [p]assenger T [t]ransportation.		

NAICS	Industry
6223	Specialty (except P sychediatric and S ubstance A busive) H ospitals.
6231	Nursing C are F acilities (Skilled Nursing Facilities).
6232	Residential I ntellectual and D evelopmental D isability [Mental retardation], M ental H ealth and S ubstance A busive F acilities.
6233	Continuing Care Retirement Communities and [Community] Assisted Living Facilities [care] F acilities for the E lderly.
6239	Other R esidential C are F acilities.
6242	Community F ood and H ousing, and E mergency and O ther R elief S ervices.
6243	Vocational R ehabilitation S ervices.
7111	Performing A rts C ompanies.

NAICS	Industry
7112	Spectator S ports.
7121	Museums, H istorical S ites, and S imilar I nstitutions.
7131	Amusement P arks and A rcades.
7132	Gambling I ndustries.
7211	Traveler A ccommodation.
7212	RV (R ecreational V ehicle) P arks and R ecreational C amps.
7213	Rooming and boarding houses.
7223	Special F ood S ervices.
8113	Commercial and I ndustrial M achinery and E quipment (except A utomotive and E lectronic) R epair and M aintenance.
8123	Dry[-]cleaning and L aundry S ervices.

Table 8 – 24(c) Designated Industries

Designated Industries for Annual Electronic Submission of information from OSHA Form 300 Log of Work-Related Injuries and Illnesses and DCBS Form 801 by Establishments With 100 or More Employees in Designated Industries

Note: If subsection (24)(c) applies then your establishment is also required to electronically submit the OSHA Form 300A summary in accord with either subsection (24)(a) or (24)(b) depending on the size of the establishment.

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

NAICS	Industry
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

<u>NAICS</u>	<u>Industry</u>
<u>1153</u>	<u>Support Activities for Forestry</u>
<u>2213</u>	<u>Water, Sewage and Other Systems</u>
<u>2381</u>	<u>Foundation, Structure, and Building Exterior Contractors</u>
<u>3111</u>	<u>Animal Food Manufacturing</u>
<u>3113</u>	<u>Sugar and Confectionery Product Manufacturing</u>
<u>3114</u>	<u>Fruit and Vegetable Preserving and Specialty Food Manufacturing</u>
<u>3115</u>	<u>Dairy Product Manufacturing</u>
<u>3116</u>	<u>Animal Slaughtering and Processing</u>
<u>3117</u>	<u>Seafood Product Preparation and Packaging</u>
<u>3118</u>	<u>Bakeries and Tortilla Manufacturing</u>
<u>3119</u>	<u>Other Food Manufacturing</u>
<u>3121</u>	<u>Beverage Manufacturing</u>
<u>3161</u>	<u>Leather and Hide Tanning and Finishing</u>
<u>3162</u>	<u>Footwear Manufacturing</u>
<u>3211</u>	<u>Sawmills and Wood Preservation</u>
<u>3212</u>	<u>Veneer, Plywood, and Engineered Wood Product Manufacturing</u>
<u>3219</u>	<u>Other Wood Product Manufacturing</u>
<u>3261</u>	<u>Plastics Product Manufacturing</u>
<u>3262</u>	<u>Rubber Product Manufacturing</u>
<u>3271</u>	<u>Clay Product and Refractory Manufacturing</u>
<u>3272</u>	<u>Glass and Glass Product Manufacturing</u>

<u>NAICS</u>	<u>Industry</u>
<u>3273</u>	<u>Cement and Concrete Product Manufacturing</u>
<u>3279</u>	<u>Other Nonmetallic Mineral Product Manufacturing</u>
<u>3312</u>	<u>Steel Product Manufacturing from Purchased Steel</u>
<u>3314</u>	<u>Nonferrous Metal (except Aluminum) Production and Processing</u>
<u>3315</u>	<u>Foundries</u>
<u>3321</u>	<u>Forging and Stamping</u>
<u>3323</u>	<u>Architectural and Structural Metals Manufacturing</u>
<u>3324</u>	<u>Boiler, Tank, and Shipping Container Manufacturing</u>
<u>3325</u>	<u>Hardware Manufacturing</u>
<u>3326</u>	<u>Spring and Wire Product Manufacturing</u>
<u>3327</u>	<u>Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing</u>
<u>3328</u>	<u>Coating, Engraving, Heat Treating, and Allied Activities</u>
<u>3331</u>	<u>Agriculture, Construction, and Mining Machinery Manufacturing</u>
<u>3335</u>	<u>Metalworking Machinery Manufacturing</u>
<u>3361</u>	<u>Motor Vehicle Manufacturing</u>
<u>3362</u>	<u>Motor Vehicle Body and Trailer Manufacturing</u>
<u>3363</u>	<u>Motor Vehicle Parts Manufacturing</u>
<u>3366</u>	<u>Ship and Boat Building</u>
<u>3371</u>	<u>Household and Institutional Furniture and Kitchen Cabinet Manufacturing</u>

<u>NAICS</u>	<u>Industry</u>
<u>3372</u>	<u>Office Furniture (including Fixtures) Manufacturing</u>
<u>3379</u>	<u>Other Furniture Related Product Manufacturing</u>
<u>4231</u>	<u>Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers</u>
<u>4233</u>	<u>Lumber and Other Construction Materials Merchant Wholesalers</u>
<u>4235</u>	<u>Metal and Mineral Merchant Wholesalers</u>
<u>4239</u>	<u>Miscellaneous Durable Goods Merchant Wholesalers</u>
<u>4244</u>	<u>Grocery and Related Product Merchant Wholesalers</u>
<u>4248</u>	<u>Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers</u>
<u>4413</u>	<u>Automotive Parts, Accessories, and Tire Stores</u>
<u>4422</u>	<u>Home Furnishings Stores</u>
<u>4441</u>	<u>Building Material and Supplies Dealers</u>
<u>4442</u>	<u>Lawn and Garden Equipment and Supplies Stores</u>
<u>4451</u>	<u>Grocery Stores</u>
<u>4522</u>	<u>Department Stores</u>
<u>4523</u>	<u>General Merchandise Stores, including Warehouse Clubs and Supercenters</u>
<u>4533</u>	<u>Used Merchandise Stores</u>
<u>4543</u>	<u>Direct Selling Establishments</u>
<u>4811</u>	<u>Scheduled Air Transportation</u>
<u>4841</u>	<u>General Freight Trucking</u>
<u>4842</u>	<u>Specialized Freight Trucking</u>
<u>4851</u>	<u>Urban Transit Systems</u>

<u>NAICS</u>	<u>Industry</u>
<u>4852</u>	<u>Interurban and Rural Bus Transportation</u>
<u>4853</u>	<u>Taxi and Limousine Service</u>
<u>4854</u>	<u>School and Employee Bus Transportation</u>
<u>4859</u>	<u>Other Transit and Ground Passenger Transportation</u>
<u>4871</u>	<u>Scenic and Sightseeing Transportation, Land</u>
<u>4881</u>	<u>Support Activities for Air Transportation</u>
<u>4883</u>	<u>Support Activities for Water Transportation</u>
<u>4889</u>	<u>Other Support Activities for Transportation</u>
<u>4911</u>	<u>Postal Service</u>
<u>4921</u>	<u>Couriers and Express Delivery Services</u>
<u>4931</u>	<u>Warehousing and Storage</u>
<u>5322</u>	<u>Consumer Goods Rental</u>
<u>5621</u>	<u>Waste Collection</u>
<u>5622</u>	<u>Waste Treatment and Disposal</u>
<u>6219</u>	<u>Other Ambulatory Health Care Services</u>
<u>6221</u>	<u>General Medical and Surgical Hospitals</u>
<u>6222</u>	<u>Psychiatric and Substance Abuse Hospitals</u>
<u>6223</u>	<u>Specialty (except Psychiatric and Substance Abuse) Hospitals</u>
<u>6231</u>	<u>Nursing Care Facilities (Skilled Nursing Facilities)</u>
<u>6232</u>	<u>Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities</u>

<u>NAICS</u>	<u>Industry</u>	<u>NAICS</u>	<u>Industry</u>
<u>6233</u>	<u>Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly</u>	<u>7112</u>	<u>Spectator Sports</u>
<u>6239</u>	<u>Other Residential Care Facilities</u>	<u>7131</u>	<u>Amusement Parks and Arcades</u>
<u>6243</u>	<u>Vocational Rehabilitation Services</u>	<u>7211</u>	<u>Traveler Accommodation</u>
<u>7111</u>	<u>Performing Arts Companies</u>	<u>7212</u>	<u>RV (Recreational Vehicle) Parks and Recreational Camps</u>
		<u>7223</u>	<u>Special Food Services</u>

Appendix A (Nonmandatory) to 437-001-0700, Age Related Hearing Loss

You cannot use age correction for determining whether an employee has reached the 25 dB threshold above audiometric zero. You cannot age-correct an audiogram for determining a Standard Threshold Shift (STS) for purposes of OAR 437-002-1910.95, "Occupational Noise Exposure."

When determining whether you must record an STS on the OSHA 300 Log, you can allow for the contribution of aging by adjusting the current audiogram. If you choose to adjust the audiogram, follow the procedure described below. This procedure and the age correction tables were developed by the National Institute for Occupational Safety and Health in the criteria document entitled "Criteria for a Recommended Standard . . . Occupational Exposure to Noise," ((HSM)-11001).

For each ear;

- (i) Determine from Table F-1 (for males) or F-2 (for females) the age correction values for the employee by:
 - (A) Finding the age at which the current audiogram was taken and recording the corresponding values of age corrections at 2000 Hz, 3000 Hz, and 4000 Hz;
 - (B) Finding the age at which the baseline audiogram was taken and recording the corresponding values of age corrections at 2000 Hz, 3000 Hz, and 4000 Hz.
 - (ii) Subtract the values in the baseline from the values in the current audiogram.
 - (iii) The calculated difference represents the portion of the change in hearing that may be due to aging.
 - (iv) An STS is a loss of 10 dB as an average of the 2000 Hz, 3000 Hz, and 4000 Hz between the baseline audiogram and the current audiogram. Once you have performed the age correction, add up the results of the age-corrected audiogram and divide by three. If the result is 10 or larger, then it is still an STS.
- Example: Employee is a 32-year-old male. The audiometric history for his right ear is shown in decibels below.

Employee's age	Audiometric test frequency (hz)		
	2000	3000	4000
*27	0	0	5
28	0	0	10
29	0	5	15
30	5	10	20
31	10	20	15
*32	10	10	25

The audiogram at age 27 is considered the baseline since it was the initial audiogram. Asterisks have been used to identify the baseline and current audiogram. A threshold shift of 10 dB exists at both the 2000 Hz and 3000 Hz, and a 20 dB shift exists at 4000 Hz between the audiograms taken at ages 27 and 32.

(The threshold shift is computed by subtracting the hearing threshold at age 27, which was 0, 0, 5, from the hearing threshold at age 32, which is 10, 10, and 25). A retest audiogram has confirmed this shift. The contribution of aging to this change in hearing may be estimated in the following manner:

Go to [Table F-1](#) and find the age correction values at age 27 and age 32.

	Frequency (Hz)		
	2000	3000	4000
Age 32	5	7	10
Age 27	4	6	7
Difference	1	1	3

The difference represents the amount of hearing loss that may be attributed to aging in the time period between the baseline audiogram and the current audiogram.

In this example, the difference at 2000 Hz is 1 dB, the difference at 3000 Hz is 1dB, and the difference at 4000 Hz is 3 dB. These values are subtracted from the respective hearing levels of the current audiogram.

Once you have done the age correction, compare the age-corrected audiogram to the baseline to determine the severity of the shift. There is no need to age-correct the baseline for this purpose because the calculation above already took that into consideration.

	Frequency (Hz)		
	2000	3000	4000
Age-corrected Current Audiogram	5	7	10
Baseline Audiogram	4	6	7
Difference	1	1	3

An STS is present when the difference between the current audiogram and the baseline audiogram is 10 dB averaged from the 2000 Hz, 3000 Hz, and 4000 Hz readings. In this

instance, the average of 9 dB (from the 2000 Hz reading), 9 dB (from the 3000 Hz reading), and 17 dB (from the 4000 Hz reading) is 11.7 dB. This is an STS because the shift is more than 10 dB, even after the age correction.

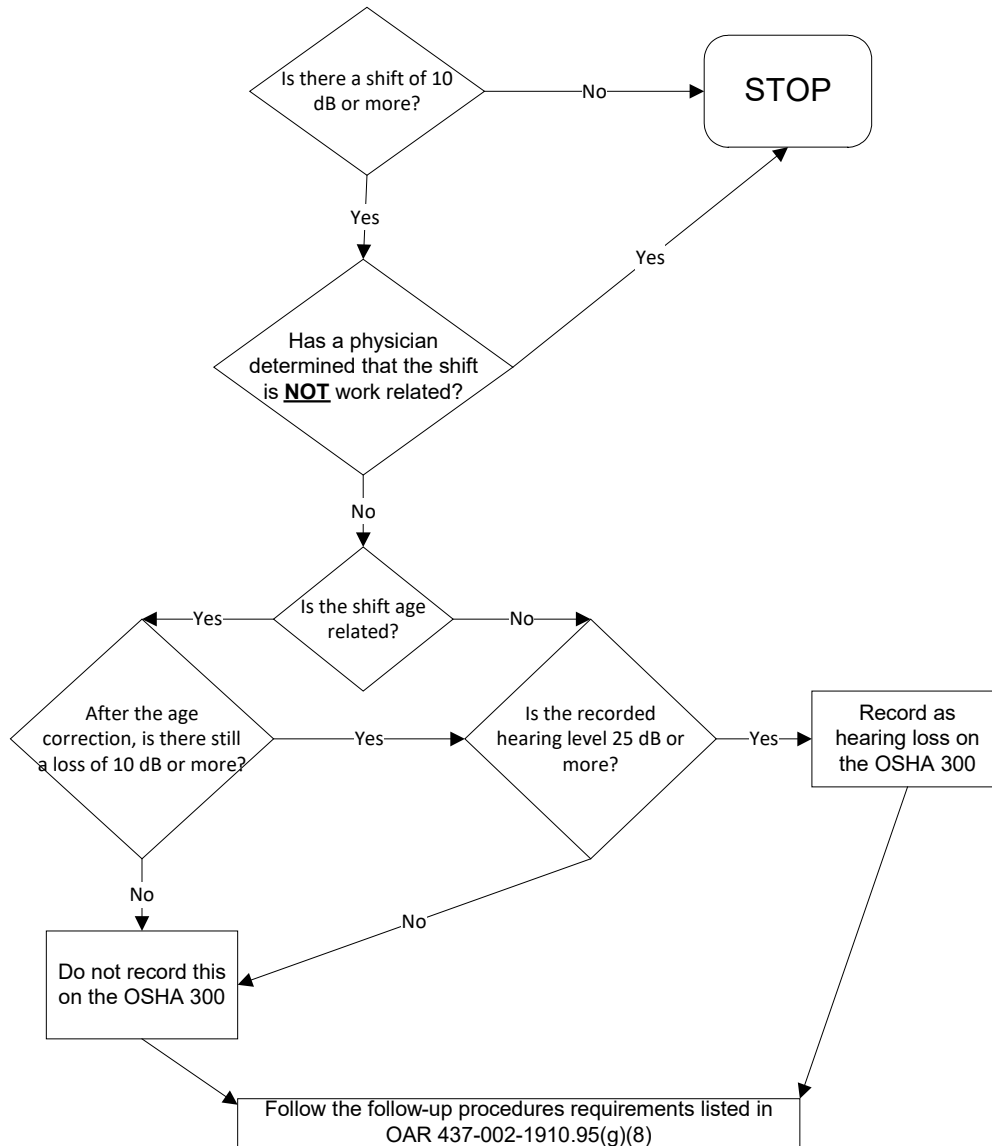
Table F 1 - Age correction values in decibels for males

Years	Audiometric Test Frequency (Hz)			Years	Audiometric Test Frequency (Hz)		
	2000	3000	4000		2000	3000	4000
20 or younger	3	4	5	41	6	10	14
21	3	4	5	42	7	11	16
22	3	4	5	43	7	12	16
23	3	4	6	44	7	12	17
24	3	5	6	45	7	13	18
25	3	5	7	46	8	13	19
26	4	5	7	47	8	14	19
27	4	6	7	48	8	14	20
28	4	6	8	49	9	15	21
29	4	6	8	50	9	16	22
30	4	6	9	51	9	16	23
31	4	7	9	52	10	17	24
32	5	7	10	53	10	18	25
33	5	7	10	54	10	18	26
34	5	8	11	55	11	19	27
35	5	8	11	56	11	20	28
36	5	9	12	57	11	21	29
37	6	9	12	58	12	22	31
38	6	9	13	59	12	22	32
39	6	10	14	60 or older	13	23	33
40	6	10	14				

Table F 2 - Age correction values in decibels for females

Years	Audiometric Test Frequency (Hz)			Years	Audiometric Test Frequency (Hz)		
	2000	3000	4000		2000	3000	4000
20 or younger	4	3	3	41	8	8	8
21	4	4	3	42	8	9	9
22	4	4	4	43	8	9	9
23	5	4	4	44	8	9	9
24	5	4	4	45	8	10	10
25	5	4	4	46	9	10	10
26	5	5	4	47	9	10	11
27	5	5	5	48	9	11	11
28	5	5	5	49	9	11	11
29	5	5	5	50	10	11	12
30	6	5	5	51	10	12	12
31	6	6	5	52	10	12	13
32	6	6	6	53	10	13	13
33	6	6	6	54	11	13	14
34	6	6	6	55	11	14	14
35	6	7	7	56	11	14	15
36	6	7	7	57	11	15	15
37	7	7	7	58	12	15	16
38	7	7	7	59	12	16	16
39	7	8	8	60 or older	12	16	17
40	7	8	8				

Appendix B (Nonmandatory) to 437-001-0700, Hearing Loss Recordability Flowchart



All numbers referenced below are taken as an average of the 2K, 3K, and 4K Hx. levels of the audiogram.

* 1910.95 assumes that any shift is workplace-induced unless a physician determines otherwise.

Statutory/Other Authority: ORS 654-025(2) and 656.726(4).

Statutes/Other Implemented: ORS 654.001 to 654.295.

History: WCB Admin. Order 19-1974, filed 6-5-74, effective 7-1-74.

WCD Admin. Order, Safety 7-1979, filed 8-20-79, effective 9-1-79.

WCD Admin. Order, Safety 4-1981, filed 5-22-81, effective 7-1-81.

APD Admin. Order 7-1988, filed 6-17-88, effective 7-1-74.

OSHA 11-2001, filed 9/14/01, effective 1/1/02.

OSHA 2-2002, filed 3/12/02, effective 3/12/02.
OSHA 7-2002, filed 11/15/02, effective 11/15/02.
OSHA 6-2003, filed 11/26/03, effective 11/26/03.
OSHA 7-2006, filed 9/6/06, effective 9/6/06.
OSHA 11-2007, filed 12/21/07, effective 1/1/08.
OSHA 8-2008, filed 7/14/08, effective 7/14/08.
OSHA 2-2015, filed 3/18/15, effective 1/1/16.
OSHA 6-2016, f.11/10/16. ef. 5/1/17.
OSHA 5-2017, filed 8/1/17, effective 1/1/18.
OSHA 5-2018, filed 11/29/18, effective 12/17/18.
OSHA 2-2019, filed 6/24/19, effective 6/24/19.
OSHA 3-2019, filed 10/29/19, effective 10/29/19.
OSHA X-2023, filed XX/XX/XX, effective XX/XX/XXXX