

# Oregon OSHA – Adopted Changes to Recordkeeping and Reporting Requirements In Division 1, General Administrative Rules

## Oregon OSHA Administrative Order 2-2015 Adopted March 18, 2015, effective January 1, 2016

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

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

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Federal Register used in this rulemaking:

September 18, 2014. Occupational Injury and Illness Recording and Reporting Requirements – NAICS Update and Reporting Revisions. Final Rule.

[https://www.osha.gov/FedReg\\_osha\\_pdf/FED20140918.pdf](https://www.osha.gov/FedReg_osha_pdf/FED20140918.pdf)

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### Division 1, General Administrative Rules

437-001-0015 Definitions. The following definitions shall apply to OAR 437, unless the context requires otherwise:

Abatement – Action by an employer to comply with a cited violation of the Oregon Safe Employment Act.

Accepted disabling claims – Claims accepted for disabling occupational injuries or illnesses only. A disabling injury or illness entitles the worker to compensation for disability or fatality. This type of claim excludes temporary total disability suffered during the first three calendar days after the employee leaves work as a result of the injury unless the worker is an inpatient in a hospital.

Accepted disabling claims rate – The ratio of accepted disabling claims to annual average employment, times 100. Claims and employment figures are based upon the best knowledge of the Department at the time the rate is calculated (ADCR = Number of claims times 100 divided by the number of employees).

Act – The Oregon Safe Employment Act (ORS 654.001 to 654.295, 654.750 to 654.780, and 654.991).

Administrator – The Administrator of the Oregon Occupational Safety and Health Division (Oregon OSHA).

Affected employee – An employee who, in the course and scope of employment, may be or may have been exposed to a condition or practice described in a citation, order, application for an extension date, or variance.

Agent of the employer – Any supervisor or person in charge or control of the work or place of employment including, but not limited to, any manager, superintendent, foreperson, or lead worker.

Appeal – A written request for a hearing to contest a citation, notice or order, a proposed assessment of civil penalty, and the period of time fixed for correction of a violation, or any of these, by filing with Oregon OSHA, within 30 days after receipt of the citation, notice or order, a written request for a hearing before the Workers' Compensation Board. Such a request need not be in any particular form, but must specify the alleged violation that is contested and the grounds upon which the employer considers the citation or proposed penalty or correction period unjust or unlawful.

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

Board – The Workers' Compensation Board created by ORS 656.712.

Catastrophe – An accident in which two or more employees are fatally injured, or three or more employees are admitted to a hospital or to an equivalent medical facility.

Citation – A document issued by Oregon OSHA according to ORS 654.071 to cite a violation. A citation may include a notice of penalty and a correction order.

Complaint – A written or oral report from an employee, employee representative or other person that an occupational safety or health violation may exist at a place of employment. A complaint may be classified as one of the following:

- (a) Imminent danger
- (b) Serious
- (c) Other than serious

Compliance officer – A designated Oregon OSHA employee responsible for conducting inspections or investigations; identifying possible violations and hazards; proposing citations, penalties, and correction dates; and to assist employers and employees with information to correct violations and hazards.

Comprehensive consultation – A consultation to cover the entire establishment and entails a physical hazard assessment evaluation and a review of records, written programs, and the employer's illness and injury prevention plan. Comprehensive consultations include a written report by the provider including findings, recommendations, and the guidance necessary to resolve the problems noted in the report.

Comprehensive inspection – A substantially complete inspection of the establishment. An inspection may be comprehensive even though, as a result of the exercise of professional judgment, not all potentially hazardous conditions, operations, and practices within those areas are inspected.

Consultant – A designated Oregon OSHA employee whose responsibility is to provide a full range of occupational safety and health assistance including, but not limited to, providing employers, employees, and other agency staff with information, advice, and recommendations on maintaining safe employment or a place of employment; on correcting violations or hazards; and on applicable occupational safety and health rules, techniques, devices, methods, practices, and development of safety and health programs.

DART (Days Away, Restricted, or Transferred) – The number of lost workday injury and illness cases experienced by 100 full-time workers (DART rate = Number of lost workday cases times 200,000 divided by the number of employee hours worked).

NOTE: Lost workday cases include both days away from work and days of restricted time.

Decibel (dB) – Unit of measurement of sound level. For purposes of this rule, decibels refer to the combined average of the readings at 2000, 3000, and 4000 Hz on the audiogram.

Department – The Department of Consumer and Business Services.

Director – The Director of the Department of Consumer and Business Services, or the director's designee.

Division – The Oregon Occupational Safety and Health (Oregon OSHA) Division of the Department of Consumer and Business Services.

Emphasis Program – A special program that targets Oregon OSHA activity to industries that have a high potential for serious injuries or illnesses, according to national or state data.

Employee – Any individual, including a minor, whether lawfully or unlawfully employed, who engages to furnish services for a remuneration, financial or otherwise and who is subject to the direction and control of an employer, and includes:

Salaried, elected and appointed officials of the state, state agencies, counties, cities, school districts, and other public corporations.

Any person provided with workers' compensation coverage as a subject worker under ORS Chapter 656, whether by operation of law or by election.

Employee exposure record – A record of monitoring or measuring that contains qualitative or quantitative information indicative of employee exposures to toxic materials or harmful physical agents. This includes both individual exposure records and general research or statistical studies based on information collected from exposure records.

Employee medical record – A record that contains information concerning the health status of an employee or employees exposed or potentially exposed to toxic materials or harmful physical agents. These records may include, but are not limited to:

- (a) The results of medical examinations and tests;

(b) Any opinions or recommendations of a physician or other health professional concerning the health of an employee or employees; and

(c) Any employee medical complaints relating to workplace exposure. Employee medical records include both individual medical records and general research or statistical studies based on information collected from medical records.

Employee representative – A bargaining unit representative, or an individual selected by employees, who serves as their spokesperson.

Employer –

(a) Any person who has one or more employees, or

(b) Any sole proprietor or member of a partnership who elects workers' compensation coverage as a subject worker according to ORS 656.128, or

(c) Any corporation in relation to the exposure of its corporate officers except for corporations without workers' compensation coverage under ORS 656.128 and whose only employee is the sole owner of the corporation, or

(d) Any successor or assignee of an employer. For purposes of this definition and ORS 654.005(5)(c), a business or enterprise is substantially the same entity as the predecessor employer if:

(A) A majority of the current business or enterprise is owned by the former owners or their immediate family members, and

(B) One or more of the following criteria exist for both the current and predecessor business or other enterprise:

Substantially the same type of business or enterprise.

Similar jobs and working conditions.

A majority of the machinery, equipment, facility, or methods of operation.

Similar product or service.

A majority of the same supervisory personnel.

A majority of the same officers and directors.

NOTE: Not every element needs to be present for an employer to be a successor. The cumulative facts will determine the employer's status.

Employer representative – An individual selected by the employer, to serve as spokesperson or, in the absence of a selected spokesperson, the person in charge of the place of employment at the time of the inspection.

Environmental exposure sampling – Sampling of the workplace environment, performed for a variety of reasons including identifying of contaminants and their sources, determining worker exposures, and checking the effectiveness of controls.

Establishment – An establishment is a single physical location doing business, offering services, or having industrial operations. For activities where employees do not work at a single physical location, such as construction; transportation; communications, electric, gas, and sanitary services; and similar operations, the establishment is the main or branch office, terminal,

station, etc. that either supervise such activities or are the base for personnel to carry out these activities.

(a) One location/multiple establishments. Normally, one business location has only one establishment. Under limited conditions, two or more separate businesses that share a single location are separate establishments. An employer may divide one location into two or more establishments only when:

(A) Each of the establishments represents a distinctly separate business;

(B) Each business is engaged in a different economic activity;

(C) Separate reports are routinely prepared for each establishment on the number of employees, their wages and salaries, sales or receipts, and other business information. For example, if an employer operates a construction company at the same location as a lumber yard, each business can be a separate establishment.

(b) Multiple locations/one establishment. Only under certain conditions. An employer may combine two or more physical locations into a single establishment only when:

(A) The employer operates the locations as a single business operation under common management;

(B) The locations are all near each other; and

(C) The employer keeps one set of business records for all the locations, such as records on the number of employees, their wages and salaries, sales or receipts, and other kinds of business information. For example, one manufacturing establishment might include the main plant, a warehouse a few blocks away, and an administrative services building across the street.

(c) Telecommuting from home. For employees who telecommute from home, the employee's home is not a business establishment, and a separate 300 Log is not required. Employees who telecommute must be linked to one of the business' establishments under 437-001-0700(15)(c).

Farm operation – Any operation involved in the growing or harvesting of crops or the raising of livestock or poultry.

Filed – A document is considered to have been filed on the date of postmark if mailed, or on the date of receipt, if transmitted by other means to Oregon OSHA, DCBS, or the WCB.

First aid – Any one-time treatment and subsequent observation of minor scratches, cuts, burns, splinters, or similar injuries that do not ordinarily require medical care. Such one-time treatment and subsequent observation is considered first aid even though it is provided by a physician or registered professional personnel.

Fixed place of employment – The entire facility maintained by an employer at one general location, and operations provided from that facility, regardless of the size or number of departments or buildings in the facility. For the purpose of determining repeat violations, fixed place of employment includes employers or owners engaged in construction activity who will be

at a single worksite continuously for more than 24 months. Forest activities are excluded as are construction sites established for a period of 24 months or less.

Hazard – A condition, practice, or act that could result in an injury or illness to an employee.

Health hazard – Health hazards mean carcinogens, lead, silica, toxic metals and fumes, vapors or gases, toxic or highly corrosive liquids or chemicals, chemical sensitizers, pesticides, fungicides, solvents, biological agents, and harmful physical stress agents.

Imminent danger – A condition, practice, or act that exists in any place of employment and could reasonably be expected to cause death or serious physical harm immediately.

Injury or illness – An injury or illness is an abnormal condition or disorder. Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation. Illnesses include both acute and chronic illnesses, such as, but not limited to, skin disease, respiratory disorder, or poisoning. (Note: Record injuries and illnesses only if they are new, work-related cases that meet one or more of the recording criteria.)

Inspection – An official examination of a place of employment by a compliance officer to determine if an employer is in compliance with the Act.

(a) Programmed. Inspections conducted under the provisions of OAR 437-001-0057.

(b) Unprogrammed.

(A) Follow-up inspection – An inspection to determine if a previously identified violation has been corrected.

(B) Complaint inspection – An inspection made in response to a complaint.

(C) Accident investigation – A systematic appraisal of an accident sequence to determine causal factors, corrective actions and preventative measures.

(D) Referral inspection – An inspection made in response to a referral.

Letter of corrective action – A letter stating the corrective action(s) taken by the employer to comply with the violation(s) that were not corrected at the time of the inspection.

Lost workdays – The actual number of days after, but not including, the day of injury or illness when the employee would have worked, but could not perform all or any part of their normal assignment during all or any part of the employee's next regular workday or shift because of the occupational injury or illness.

Medical treatment – Treatment administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first aid treatment even though provided by a physician or registered professional personnel, nor does it include treatment ordinarily considered diagnostic or preventative in nature.

MOD (Experience Rating Modification Factor) – Experience rating recognizes the differences among individual insureds with respect to safety and loss prevention. It compares the experience of individual insureds with the average insured in the same classification. The differences are reflected by an experience rating modification, based on individual payroll and loss records, that may result in an increase, decrease, or no change in premium.

North American Industry Classification System (NAICS) – A classification system developed by the Executive Office of the President/Office of Management and Budget, for use in classifying establishments by the type of activity in which they are engaged. Each establishment is assigned an industry code for its major activity. The 2002 edition of the NAICS manual is used for coding.

Order to correct – A written Oregon OSHA order that directs an employer to abate a violation within a given period of time.

Owner – Every person having ownership, control, or custody of any place of employment or of the construction, repair, or maintenance of any place of employment.

Partial inspection – An inspection with focus limited to certain potentially hazardous areas, operations, conditions, or practices at the establishment. The inspection may include review of injury and illness records and any required programs relative to the inspection.

Person – One or more individuals, legal representatives, partnerships, joint ventures, associations, corporations (whether or not organized for profit), business trusts, or any organized group of persons, and includes the state, state agencies, counties, municipal corporations, school districts, and other public corporations or subdivisions.

Personal exposure samples – Measurement of contaminants or physical agents to characterize the environment in the breathing or hearing zone of individual workers in order to evaluate their specific work exposures. Personal samplers are placed on the worker to obtain either one continuous sample covering a portion of the workday or consecutive samples covering a stated time period.

Physician or other licensed health care professional – A physician or other licensed health care professional is an individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows them to independently perform, or be delegated the responsibility to perform, the activities described by this regulation.

Place of employment –

(a) Includes every place that is fixed or movable; indoors, outdoors, or underground; and the premises and structures appurtenant thereto.

(b) Includes every place where an employee works or intends to work either temporarily or permanently.

(c) Includes every place where there is any process, operation, or activity related, either directly or indirectly, to an employer's industry, trade, business, or occupation, including a labor camp provided by an employer for their employees or by another person engaged in providing living quarters or shelters for employees.

(d) Does not include any place where the only employment involves nonsubject workers employed in or around a private home.

(e) Does not include any corporate farm where the only employment involves the farm's family members, including parents, spouses, sisters, brothers, daughters, sons, daughters-in-law, sons-in-law, nieces, nephews, or grandchildren.

Record – Any recorded information regardless of its physical form or character.

Recordable occupational injuries or illnesses – Any occupational injuries or illnesses that result in:

- (a) Fatalities, regardless of the time between the injury and death, or the length of the illness;
- (b) Lost workday cases, other than fatalities, that prevent the employee from performing their normal assignment during any part of the employee's next regular, or any subsequent workday or shift; or
- (c) Nonfatal cases without lost workdays that result in transferring to another job or terminating employment, require medical treatment (other than first aid), or involve loss of consciousness or restriction of work or motion. This category also includes any diagnosed occupational illnesses that are reported to the employer but are not classified as fatalities or lost workday cases.

Referral – A notification made to the responsible agency of safety or health violations observed by an Oregon OSHA employee, other federal, state or local government representatives, or the media.

Rule – Any agency directive, standard, regulation or statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of the agency and is adopted according to the Administrative Procedure Act. The term includes the amendment or repeal of a prior rule, but does not include, unless a hearing is required by statute, internal management directives, regulations, or statements that do not substantially affect the interests of the public.

Scheduling list – An electronic or paper list of places of employment or employers scheduled for inspection.

Serious physical harm:

- (a) Injuries that could shorten life or significantly reduce physical or mental efficiency by inhibiting, either temporarily or permanently, the normal function of a part of the body. Examples of such injuries are amputations, fractures (both simple and compound) of bones, cuts involving significant bleeding or extensive suturing, disabling burns, concussions, internal injuries, and other cases of comparable severity.
- (b) Illnesses that could shorten life or significantly reduce physical or mental efficiency by inhibiting, either temporarily or permanently, the normal function of a part of the body, even though the effects may be cured by halting exposure to the cause or by medical treatment. Examples of such illnesses are cancer, pneumoconiosis, narcosis, or occupational infections (caused by biological agents), and other cases of comparable severity.

~~[Standard industrial classification (SIC) — A classification system developed by the Office of Statistical Standards, Executive Office of the President/Office of Management and Budget, for classifying establishments by the type of activity in which they are engaged. Each establishment is assigned an industry code for its major activity, that is determined by the value of receipts or revenue for services rendered or products produced, or in some cases by the employment or payroll. The 1987 edition of the SIC manual is used for coding.]~~



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.

Substantially similar – As it relates to a repeat violation, a second violation that is closely related in substance or form to a previous violation.

Suspended penalty – A penalty that is determined but not assessed.

Variance – The written authority given by Oregon OSHA to an employer permitting the use of a specific alternative means or method to comply with the intent of a rule. Specific types of variances are:

(a) Permanent – A variance that remains in effect until modified or revoked according to OAR 437-001-0430;

(b) Temporary – A variance granted for a stated period of time to permit the employer to achieve compliance with a new rule;

(c) Research – A variance granted for a stated period of time to allow industrial or governmental research designed to demonstrate or validate new and improved safety or health techniques or products; and

(d) Interim order – The temporary authority for an employer to use an alternative means or method by which the employer effectively safeguards the safety and health of employees until final action can be taken on the variance request.

Violation – The breach of a person's duty to comply with an Oregon occupational safety or health statute, regulation, rule, standard, or order.

(a) Specific classifications of violations are:

(a) Serious violation – A violation where there is substantial probability that death or serious physical harm could result from an existing condition, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use in a place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know about the violation;

(b) Other than serious violation – A violation that is other than a serious or minimal violation; and

(c) Minimal violation – A violation that does not have a direct or immediate relationship to the safety or health of employees.

(b) Specific types of the above classifications are:

(A) Willful violation – A violation that is committed knowingly by an employer or supervisory employee who, having a free will or choice, intentionally or knowingly disobeys or recklessly disregards the requirements of a statute, regulation, rule, standard, or order.

(B) Unabated violation – A violation that has not been fully corrected by the date ordered.

(C) Repeat violation –

(i) An employer’s second or subsequent violation involving a substantially similar violation as the earlier violation or violations.

(ii) In these rules, repeat, repeated and repeatedly are used synonymously.

(D) First-instance violation – An employer’s first violation of a particular statute, regulation, rule, standard, or order.

(E) Egregious – Those conditions that normally constitute a flagrant violation of the Oregon Safe Employment Act, or Oregon OSHA standards, or regulations such that each instance of the violation is cited separately.

(c) Combined violation – Multiple violations of the same statute, regulation, rule, standard, or order within an establishment that have been combined as one violation to indicate an overall lack of compliance with a safety or health statute, regulation, rule, standard, or order.

(d) Grouped violation – Multiple violations of different statutes, regulations, rules, standards or orders, within an establishment that have been combined as one violation:

(A) To indicate an increase in the severity or probability of the violation, or

(B) Recordkeeping and posting requirements involving the same document, or

(C) The violations are so closely related as to constitute a single hazardous condition.

Stat. Auth.: ORS 654.025(2) and 656.726(4).

Stats. Implemented: ORS 654.001 through 654.326, 654.412 through .423, 654.991.

Hist: WCB Admin. Order, 19-1974, f. 6-5-74, ef. 7-1-74.

WCB Admin. Order, Safety 8-1975, f. 8-5-75, ef. 9-1-75.

WCD Admin. Order, Safety 5-1978, f. 6-22-78, ef. 8-15-78.

WCD Admin. Order, Safety 7-1979, f. 8-20-79, ef. 9-1-79.

WCD Admin. Order, Safety 4-1981, f. 5-22-81, ef. 7-1-81.

WCD Admin. Order, Safety 6-1982, f. 6-28-82, ef. 8-1-82.

WCD Admin. Order, Safety 9-1983, f. 11-15-83, ef. 11-15-83.

WCD Admin. Order, Safety 2-1984, f. 3-2-84, ef. 3-15-84.

WCD Admin. Order, Safety 12-1984, f. 9-20-84, ef. 11-1-84.

WCD Admin. Order, Safety 9-1986, f. 10-7-86, ef. 12-1-86.

APD Admin. Order 6-1987, f. 12-23-87, ef. 1-1-88.

APD Admin. Order 7-1988, f. 6-17-88, ef. 7-1-74.

OR-OSHA Admin. Order 10-1990, f. 5/31/90, ef. 5/31/90 (temp).

OR-OSHA Admin. Order 24-1990, f. 10/10/90, ef. 10/10/90 (perm).

OR-OSHA Admin. Order 7-1992, f. 7/31/92, ef. 10/1/92.

**OR-OSHA Admin. Order 2-2015, f. 3/18/15, ef. 1/1/16.**

OR-OSHA Admin. Order 6-1994, f. 9/30/94, ef. 9/30/94.

OR-OSHA Admin. Order 2-1996, f. 6/13/96, ef. 6/13/96.

OR-OSHA Admin. Order 5-1998, f. 10/15/98, ef. 10/15/98.

OR-OSHA Admin. Order 7-1999, f. 7/15/99, ef. 7/15/99.

OR-OSHA Admin. Order 11-1999, f. 10/20/99, ef. 10/20/99 (temp).

OR-OSHA Admin. Order 4-2000, f. 4/14/00, ef. 4/15/00.

OR-OSHA Admin. Order 11-2001, f. 9/14/01, ef. 1/1/02.

OR-OSHA Admin. Order 7-2002, f. 11/15/02, ef. 11/15/02.

OR-OSHA Admin. Order 6-2003, f. 11/26/03, ef. 11/26/03.

OR-OSHA Admin. Order 7-2006, f. 9/6/06, ef. 9/6/06.

OR-OSHA Admin. Order 5-2007, f. 9/5/07, ef. 9/5/07 (temp).

OR-OSHA Admin. Order 1-2008, f. 2/22/08, ef. 3/1/08 (perm).

OR-OSHA Admin. Order 2-2009, f. 1/27/09, ef. 2/3/09.

OR-OSHA Admin. Order 10-2009, f. 10/5/09, ef. 10/5/09.

OR-OSHA Admin. Order 2-2012, f. 5/11/12, ef. 7/1/12.

## 437-001-0700 Record~~keeping and Reporting~~ing Workplace Injuries and Illnesses.

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

Note: Recording ~~or reporting~~ a work-related injury, illness, or fatality does not assign fault to anybody, does not prove the violation of an OSHA rule, nor 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**. ~~[However, most employers do not have to keep OR-OSHA injury and illness records unless the Director informs them in writing that they must keep records. For example, employers with 10 or fewer employees and business establishments in certain industry classifications are partially exempt from keeping OR-OSHA injury and illness records.]~~

(3) ~~Partial~~ 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 ~~[R-]~~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.** ~~[However, all employers covered by the Oregon Safe Employment Act must report to OR-OSHA any workplace fatality, the hospitalization of three or more employees, or overnight hospitalizations. (See (21) below)]~~

~~[(A) The partial exemption for size is based on the number of employees in the entire company.]~~

(b) If your company had more than ten (10) employees at any time during the last calendar year, you must keep Oregon ~~[R-]~~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 ~~[R-]~~OSHA injury and illness records unless the government asks you to keep the records under 437-001-0700(2~~3~~)**2**.

(c) If one or more of your company's establishments are classified in a nonexempt industry, you must keep Oregon ~~[R-]~~OSHA injury and illness records for all of such establishments unless your company is ~~partially~~ 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 ~~[R-]~~OSHA's recordkeeping requirements if Oregon ~~[R-]~~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 ~~[your nearest]~~ Oregon ~~[R-]~~OSHA ~~[office]~~ for help in determining if your records meet Oregon ~~[R-]~~OSHA's requirements.

**Table 1 - Partially Exempt Industries**

Employers need not keep OR-OSHA injury and illness records for any establishment in the following Standard Industrial Classification (SIC) codes, unless OR-OSHA or the Department of Consumer and Business Services asks them in writing to do so.

<b>SIC Code</b>	<b>Industry Description</b>	<b>SIC Code</b>	<b>Industry Description</b>
525	Hardware Stores	726	Funeral Service and Crematories
542	Meat and Fish Markets	729	Miscellaneous Personal Services
544	Candy, Nut, and Confectionery Stores	731	Advertising Services
545	Dairy Products Stores	732	Credit Reporting and Collection Services
546	Retail Bakeries	733	Mailing, Reproduction, & Stenographic — Services
549	Miscellaneous Food Stores	737	Computer and Data Processing Services
551	New and Used Car Dealers	738	Miscellaneous Business Services
552	Used Car Dealers	764	Reupholstery and Furniture Repair
554	Gasoline Service Stations	78	Motion Picture
557	Motorcycle Dealers	791	Dance Studios, Schools, and Halls
56	Apparel and Accessory Stores	792	Producers, Orchestras, Entertainers
573	Radio, Television, & Computer Stores	793	Bowling Centers
58	Eating and Drinking Places	801	Offices & Clinics Of Medical Doctors
591	Drug Stores and Proprietary Stores	802	Offices and Clinics Of Dentists
592	Liquor Stores	803	Offices Of Osteopathic Physicians
594	Miscellaneous Shopping Goods Stores	804	Offices Of Other Health Practitioners
599	Retail Stores, Not Elsewhere Classified	807	Medical and Dental Laboratories
60	Depository Institutions (banks & savings — institutions)	809	Health and Allied Services, Not Elsewhere — Classified
61	Nondepository Institutions (credit — institutions)	81	Legal Services
62	Security and Commodity Brokers	82	Educational Services (schools, colleges, — universities and libraries)
63	Insurance Carriers	832	Individual and Family Services
64	Insurance Agents, Brokers, & Services	835	Child Day Care Services
653	Real Estate Agents and Managers	839	Social Services, Not Elsewhere Classified
654	Title Abstract Offices	841	Museums and Art Galleries
67	Holding and Other Investment Offices	86	Membership Organizations
722	Photographic Studios, Portrait	87	Engineering, Accounting, Research, — Management, and Related Services
723	Beauty Shops	899	Services, not elsewhere classified
724	Barber Shops		
725	Shoe Repair and Shoeshine Parlors		

**Table 1 - Exempt Industries**

**Employers do not need to keep Oregon OSHA injury and illness records for any establishment in the following North American Industry Classification System (NAICS), unless Oregon OSHA or the Department of Consumer and Business Services asks them in writing to do so.**

<u>NAICS Code</u>	<u>Industry Description</u>	<u>NAICS Code</u>	<u>Industry Description</u>
<u>4412</u>	<u>Other Motor Vehicle Dealers</u>	<u>5412</u>	<u>Accounting, Tax Preparation,</u>
<u>4431</u>	<u>Electronics and Appliance Stores</u>		<u>Bookkeeping, and Payroll Services</u>
<u>4461</u>	<u>Health and Personal Care Stores</u>	<u>5413</u>	<u>Architectural, Engineering, and Related</u>
<u>4471</u>	<u>Gasoline Stations</u>		<u>Services</u>
<u>4481</u>	<u>Clothing Stores</u>	<u>5414</u>	<u>Specialized Design Services</u>
<u>4482</u>	<u>Shoe Stores</u>	<u>5415</u>	<u>Computer Systems Design and Related</u>
<u>4483</u>	<u>Jewelry, Luggage, and Leather Goods</u>		<u>Services</u>
	<u>Stores</u>	<u>5416</u>	<u>Management, Scientific, and Technical</u>
<u>4511</u>	<u>Sporting Goods, Hobby, and Musical</u>		<u>Consulting Services</u>
	<u>Instrument Stores</u>	<u>5417</u>	<u>Scientific Research and Development</u>
<u>4512</u>	<u>Book, Periodical, and Music Stores</u>		<u>Services.</u>
<u>4531</u>	<u>Florists</u>	<u>5418</u>	<u>Advertising and Related Services</u>
<u>4532</u>	<u>Office Supplies, Stationery, and Gift</u>	<u>5511</u>	<u>Management of Companies and</u>
<u>4812</u>	<u>Stores</u>		<u>Enterprises</u>
<u>4861</u>	<u>Nonscheduled Air Transportation</u>	<u>5611</u>	<u>Office Administrative Services</u>
<u>4862</u>	<u>Pipeline Transportation of Crude Oil</u>	<u>5614</u>	<u>Business Support Services</u>
<u>4869</u>	<u>Pipeline Transportation of Natural Gas</u>	<u>5615</u>	<u>Travel Arrangement and Reservation</u>
<u>4879</u>	<u>Other Pipeline Transportation</u>		<u>Services</u>
	<u>Scenic and Sightseeing Transportation,</u>	<u>5616</u>	<u>Investigation and Security Services</u>
	<u>Other</u>	<u>6111</u>	<u>Elementary and Secondary Schools</u>
<u>4885</u>	<u>Other</u>	<u>6112</u>	<u>Junior Colleges</u>
<u>5111</u>	<u>Freight Transportation Arrangement</u>	<u>6113</u>	<u>Colleges, Universities, and Professional</u>
	<u>Newspaper, Periodical, Book, and</u>		<u>Schools</u>
	<u>Directory Publishers</u>	<u>6114</u>	<u>Business Schools and Computer and</u>
<u>5112</u>	<u>Software Publishers</u>		<u>Management Training</u>
<u>5121</u>	<u>Motion Picture and Video Industries</u>	<u>6115</u>	<u>Technical and Trade Schools</u>
<u>5122</u>	<u>Motion Picture and Video Industries</u>	<u>6116</u>	<u>Other Schools and Instruction</u>
<u>5151</u>	<u>Sound Recording Industries</u>	<u>6117</u>	<u>Educational Support Services</u>
<u>5172</u>	<u>Radio and Television Broadcasting</u>	<u>6211</u>	<u>Offices of Physicians</u>
	<u>Wireless Telecommunications Carriers</u>	<u>6212</u>	<u>Offices of Dentists</u>
	<u>(except Satellite)</u>	<u>6213</u>	<u>Offices of Other Health Practitioners</u>
<u>5173</u>	<u>Telecommunications Resellers</u>	<u>6214</u>	<u>Outpatient Care Centers</u>
<u>5179</u>	<u>Other Telecommunications</u>	<u>6215</u>	<u>Medical and Diagnostic Laboratories</u>
<u>5181</u>	<u>Internet Service Providers and Web</u>	<u>6244</u>	<u>Child Day Care Services</u>
	<u>Search Portals</u>	<u>7114</u>	<u>Agents and Managers for Artists,</u>
<u>5182</u>	<u>Data Processing, Hosting, and Related</u>		<u>Athletes, Entertainers, and Other</u>
	<u>Services</u>	<u>7115</u>	<u>Public Figures</u>
<u>5191</u>	<u>Other Information Services</u>		<u>Independent Artists, Writers, and</u>
<u>5211</u>	<u>Monetary Authorities—Central Bank</u>	<u>7213</u>	<u>Performers</u>
<u>5221</u>	<u>Depository Credit Intermediation</u>	<u>7221</u>	<u>Rooming and Boarding Houses</u>
<u>5222</u>	<u>Nondepository Credit Intermediation</u>	<u>7222</u>	<u>Full-Service Restaurants</u>
<u>5223</u>	<u>Activities Related to Credit</u>	<u>7224</u>	<u>Limited-Service Eating Places</u>
<u>5231</u>	<u>Intermediation</u>	<u>8112</u>	<u>Drinking Places (Alcoholic Beverages)</u>
	<u>Securities and Commodity Contracts</u>		<u>Electronic and Precision Equipment</u>
<u>5232</u>	<u>Intermediation and Brokerage</u>	<u>8114</u>	<u>Repair and Maintenance</u>
<u>5239</u>	<u>Securities and Commodity Exchanges</u>		<u>Personal and Household Goods Repair</u>
<u>5241</u>	<u>Other Financial Investment Activities</u>		<u>and Maintenance</u>
<u>5242</u>	<u>Insurance Carriers</u>	<u>8121</u>	<u>Personal Care Services</u>
	<u>Agencies, Brokerages, and Other</u>	<u>8122</u>	<u>Death Care Services</u>
<u>5251</u>	<u>Insurance Related Activities</u>	<u>8131</u>	<u>Religious Organizations</u>
<u>5259</u>	<u>Insurance and Employee Benefit Funds</u>	<u>8132</u>	<u>Grantmaking and Giving Services</u>
<u>5312</u>	<u>Other Investment Pools and Funds</u>	<u>8133</u>	<u>Social Advocacy Organizations</u>
<u>5331</u>	<u>Offices of Real Estate Agents and</u>	<u>8134</u>	<u>Civic and Social Organizations</u>
	<u>Brokers.</u>	<u>8139</u>	<u>Business, Professional, Labor, Political,</u>
<u>5411</u>	<u>Lessors of Nonfinancial Intangible</u>		<u>and Similar Organizations.</u>
	<u>Assets (except Copyrighted Works)</u>		
	<u>Legal Services</u>		

(5) Recording Criteria and Forms. [~~This describes the work-related injuries and illnesses that an employer must enter on the OR-OSHA records and explains the OR-OSHA forms that employers must use to record work-related fatalities, injuries, and illnesses.~~]

(a) Each employer required to keep records of fatalities, injuries, and illnesses must record each fatality, injury and illness that:

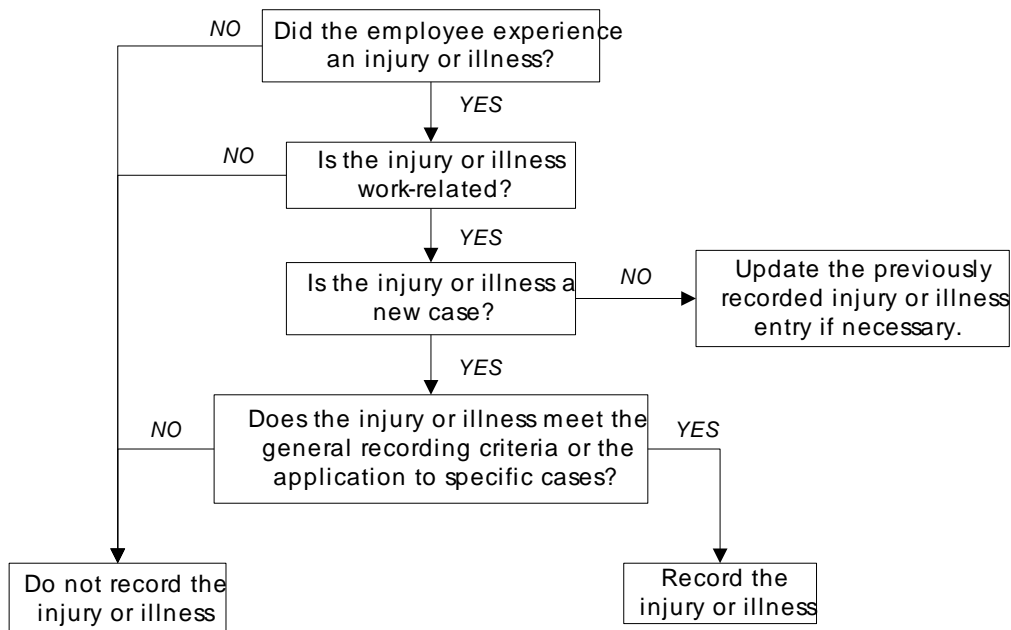
(A) Is work-related; and

(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[3]).

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[3]).

The decision tree for recording work-related injuries and illnesses below shows the steps involved in making this determination.



(6) Work-Related. **You must consider** [A]an injury or illness **to be**[is] 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 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) ~~[If you are notified that a former employee has had a work related injury or illness, 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.~~

NOTE: ]Oregon [R-]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. [~~The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of their work. Injuries 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.~~]

**(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 ~~[any of the following:]~~ **(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.**

<b>Table 3 – Work environment exceptions</b>
<del>[An injury or illness occurring in the work environment that falls under one of the following exceptions is not work-related, and is not recordable.]</del>
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. <p style="margin-left: 40px;">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.</p>
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: 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.**

<b>Table 4 – Travel status exemptions</b>	
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).

([e]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 has had a work related injury or illness when they were your employee, 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.

[NOTE:](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 ~~[meets the general recording criteria, and]~~ 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: Oregon ~~[R-]~~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:** You must also report any work-related fatality to Oregon ~~[R-]~~OSHA within 8 hours. See OAR 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. ~~[(A)]~~ Restricted work occurs when, as the result of a work-related injury or illness:

~~[(i)]~~**(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

~~[(ii)]~~**(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: For recordkeeping purposes, an employee's routine functions are those work activities the employee regularly performs at least once per week.

~~[(iii)]~~**(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.

~~[(iv)]~~**(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.

(~~v~~)**E** Record job transfer and restricted work cases in the same box on the OSHA 300 Log.

(~~v~~)**E** [~~You e~~]**C** 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: 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 OAR 437-002-1910.1030). 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)(a) through (14)(i)).

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 [R-]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.

([A]b) If the case involves voluntary medical removal before reaching the medical removal levels required by an Oregon [R-]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: 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) In 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.

(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 (OAR 437-002-1910.95) 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 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** ~~U~~ 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: 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(20) and OAR 437-001-0700(2[2]1) 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 ~~[problems;]~~**deficiencies identified.**

(b) Use the OSHA 300A **Summary** ~~[or equivalent]~~ form to create an annual summary of injuries and illnesses ~~[from]~~**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) ~~[certify that one of the following examined the OSHA 300 log and believe, based on knowledge of the process by which the information was recorded, that it is correct and complete.]~~ **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) ~~[The highest ranking manager at the location where the log is compiled.]~~ **An owner of the company when the company is a sole proprietorship or partnership;**

(B) ~~[If there is no management at the compiling location, any manager with jurisdiction over that location.]~~**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) ~~[You must p]~~**Post** a copy of the ~~[annual summary]~~**300A Summary form** in each establishment in a conspicuous place or places where notices to employees are customarily posted. ~~[You must e]~~**Ensure** that the posted annual summary is not altered, defaced or covered by other material.

~~[A]~~**e** ~~[You must p]~~**Post** the **300A S**~~[s]~~**ummary** 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 ~~[annual summary]~~**300A Summary form**, and the DCBS Form 801 or equivalent forms for 5 years following the end of the calendar year that they cover.

**(a)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: For more information on retention of medical and exposure records, see OAR 437-002-1910.1020.

(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) Employee Involvement. You must involve your employees and their representatives in the recordkeeping system.

(a) Inform each employee of how they are to report an injury or illness to you.

(b) Provide limited access to your injury and illness records for your employees and their representatives.

**(A)c** Your employees, former employees, their personal representatives, and their authorized collective bargaining representatives have the right to access the OSHA injury and illness records, ~~[with some limitations, as]~~**in accordance with (d) through (h)** below.

**(+)Note:** A personal representative is anybody designated in writing by the employee or former employee~~[- it also is]~~, **as well as** the legal representative of a deceased or legally incapacitated employee.

**(e)d** 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.

**(A)e** 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."

**(d)f** 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.

~~([e]g)~~ 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 or equivalent section titled "Tell us about the case" or a similar 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.

~~([f]h)~~ 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.

~~[(21) Reporting Fatalities and Hospitalizations to Oregon OSHA. You must report the following to Oregon OSHA at 1-800-922-2689 or 503-378-3272 within the given time limits:~~

~~(a) Fatalities ————— 8 hours after occurrence or employer knowledge~~

~~You must report a fatality caused by a heart attack at work. You must report a fatality resulting from motor vehicle accidents that happen during the employee's work shift. The local OR OSHA field office safety or health manager will decide whether to investigate the incident, depending on the circumstances of the heart attack or motor vehicle accident. Report a fatality only if it occurs within 30 days of the accident.~~

~~(b) Catastrophe ————— 8 hours after occurrence or employer knowledge.~~

~~For the ease of the reader the Definition for Catastrophe is — An accident in which two or more employees are fatally injured, or three or more employees are admitted to a hospital or an equivalent medical facility.~~

~~(c) Overnight Hospitalization — 24 hours after occurrence or employer knowledge of one or more employees.~~

~~Overnight hospitalization is for medical treatment only. Hospitalization for observation is not reportable, nor is emergency room treatment. You must report injuries related to a heart attack or motor vehicle accident as well as other work related injuries.~~

~~Report overnight hospitalizations to the nearest Oregon OSHA field office (Portland, Salem, Bend, Eugene or Medford).~~

~~NOTE: Oregon OSHA Field Office locations, telephone and Fax numbers are:~~

~~Salem Central Office  
350 Winter Street NE, Room 430  
Salem OR 97301-3882  
(503)-378-3272  
Toll Free: (800) 922-2689  
Fax: (503) 947-7461~~

~~Eugene  
1140 Willagillespie, Suite 42  
Eugene OR 97401-2104  
(541)-686-7562  
Fax: (541) 686-7933~~

~~Medford  
1840 Barnett Road, Suite D  
Medford OR 97504-8250  
(541)-776-6030  
Fax: (541)-776-6246~~

~~Portland  
Fremont Place, Building I  
1750 NW Naito Parkway, Suite 112  
Portland OR 97209-2533  
(503)-229-5910  
Fax: (503) 229-6492~~

~~Bend  
Red Oaks Square  
1230 NE Third Street, Suite A-115  
Bend OR 97701-4374  
(541)-388-6066  
Fax: (541) 388-6203~~

~~Pendleton  
721 SE Third Street, Suite 306  
Pendleton OR 97801-3056  
(541)-276-9175  
Fax: (541)-276-6869~~

Salem  
1340 Tandem Avenue NE, Suite 160  
Salem OR 97309-0417  
(503) 378-3274  
Fax: (503) 378-4924

~~(d) Effective date. The effective date for reporting of a fatality resulting from motor vehicle accidents that happen during the employee's work shift is January 1, 2007.]~~

(2[2]1) 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. [~~(a)~~] Authorized government representatives are:

([A]a) A representative of the Oregon Department of Consumer and Business Services.

([B]b) A representative of the Secretary of Labor conducting an inspection or investigation under the Act.

([C]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.

(2[3]2) 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.

(2[4]3) 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.

Stat. Auth.: ORS 654-025(2) and 656.726(4).

Stats. Implemented: ORS 654.001 to 654.295.

Hist: WCB Admin. Order 19-1974, f. 6-5-74, ef. 7-1-74.  
WCD Admin. Order, Safety 7-1979, f. 8-20-79, ef. 9-1-79.  
WCD Admin. Order, Safety 4-1981, f. 5-22-81, ef. 7-1-81.  
APD Admin. Order 7-1988, f. 6-17-88, ef. 7-1-74.  
OR-OSHA Admin. Order 11-2001, f. 9/14/01, ef. 1/1/02.  
OR-OSHA Admin. Order 2-2002, f. 3/12/02, ef. 3/12/02.  
OR-OSHA Admin. Order 7-2002, f. 11/15/02, ef. 11/15/02.  
OR-OSHA Admin. Order 6-2003, f. 11/26/03, ef. 11/26/03.  
OR-OSHA Admin. Order 7-2006, f. 9/6/06, ef. 9/6/06.  
OR-OSHA Admin. Order 11-2007, f. 12/21/07, ef. 1/1/08.  
OR-OSHA Admin. Order 8-2008, f. 7/14/08, ef. 7/14/08.  
**OR-OSHA Admin. Order 2-2015, f. 3/18/15, ef. 1/1/16.**

## 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 Tables 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	9	9	22
Baseline Audiogram	0	0	5
Shift	9	9	17

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**

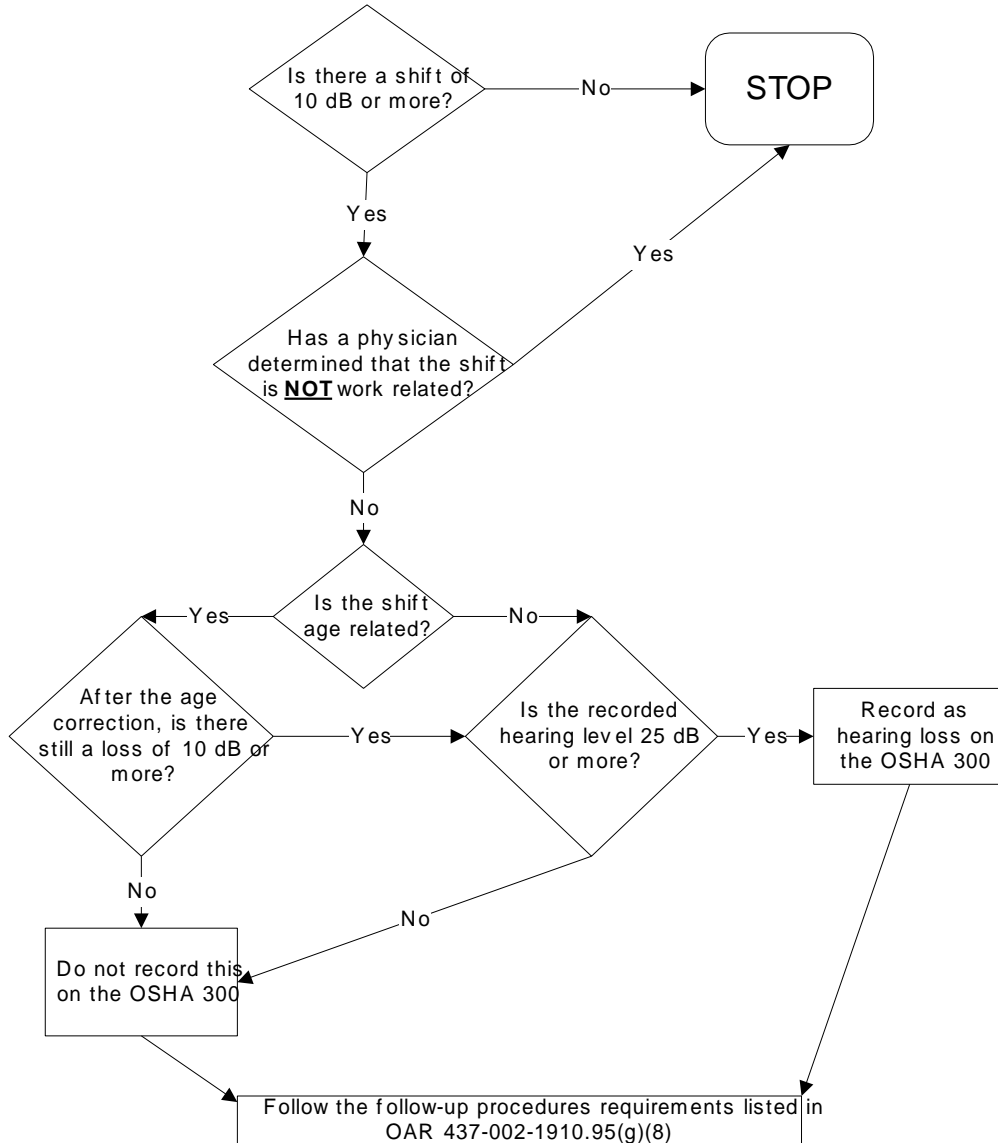
Years	Audiometric Test Frequency (Hz)			Years	Audiometric Test Frequency (Hz)		
	2000	3000	4000		2000	3000	4000
20 or younger	4	3	3	41	8	8	8
21	4	4	3	42	8	9	9
22	4	4	4	43	8	9	9
23	5	4	4	44	8	9	9
24	5	4	4	45	8	10	10
25	5	4	4	46	9	10	10
26	5	5	4	47	9	10	11
27	5	5	5	48	9	11	11
28	5	5	5	49	9	11	11
29	5	5	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	7	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				

Stat. Auth.: ORS 654.025(2) and 656.726(4).  
 Stats. Implemented: ORS 654.001 through 654.295.  
 Hist: OR-OSHA Admin. Order 7-2002, f. 11/15/02, ef. 11/15/02.



## 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.

**Stat. Auth.:** ORS 654.025(2) and 656.726(4).  
**Stats. Implemented:** ORS 654.001 through 654.295.  
**Hist:** OR-OSHA Admin. Order 7-2002, f. 11/15/02, ef. 11/15/02.

## 437-001-0704 Reporting Fatalities and Injuries to Oregon OSHA

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

**Note: Reporting 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.**

**(3) You must report fatalities and catastrophes to Oregon OSHA only in person or by telephone within 8 hours of occurrence or employer knowledge (reported to you or any of your agents) of a fatality or catastrophe:**

### **(a) Fatalities**

**You must report all work-related fatalities. You must report all fatalities caused by a heart attack at work. Report a fatality only if death occurs within 30 days of the incident.**

**Note: Work-related fatalities include those caused by a motor vehicle accident that happens during the employee's work shift.**

### **(b) Catastrophe**

**A catastrophe is an incident in which two or more employees are fatally injured, or three or more employees are admitted to a hospital or an equivalent medical facility (for example, a clinic) as a result of the same incident.**

**(4) You must report in-patient hospitalizations, loss of an eye, and either amputations or avulsions that result in bone loss, to Oregon OSHA within 24 hours after occurrence of the work related incident or employer knowledge (reported to you or any of your agents) of the event. When an amputation, avulsion or loss of an eye involves in-patient hospitalization, you need only to make a single report.**

### **(a) In-Patient Hospitalization**

**In-patient hospitalization is the formal admission to the in-patient service of a hospital or clinic for care or medical treatment (includes first-aid). Hospitalization for observation only is not reportable, nor is emergency room treatment. In-patient hospitalization for any reason after emergency room treatment is reportable. You must report all incidents that result in in-patient hospitalization, including heart attacks and motor vehicle accidents. Report in-patient hospitalizations only if they occur within 24 hours of the incident that caused the hospitalization.**

### **(b) Loss of an eye**

**Report the loss of an eye only if it occurs within 24 hours of the incident that caused the loss.**

### **(c) Amputations and avulsions**

**An amputation is the traumatic loss of a limb or other external body part, including a fingertip. Amputations include loss of a body part due to a traumatic incident, a gunshot wound, and medical amputations due to irreparable traumatic injuries.**

**An avulsion is the tearing away or forcible separation of any body part by trauma.**

**Report an amputation or avulsion only if it includes bone and/or cartilage loss.**

**Report an amputation or avulsion only if it occurs within 24 hours of the incident that caused the amputation or avulsion.**

**Note: There are additional reporting requirements for injuries relating to Mechanical Power Presses, 1910.217(g).**

**Oregon OSHA Office locations and telephone numbers are:**

**Salem Central Office**  
**350 Winter Street NE, Room 430**  
**Salem OR 97301-3882**  
**(503) 378-3272**  
**Toll Free: (800) 922-2689**

**Eugene**  
**1140 Willagillespie, Suite 42**  
**Eugene OR 97401-2101**  
**(541) 686-7562**

**Medford**  
**1840 Barnett Road, Suite D**  
**Medford OR 97504-8250**  
**(541) 776-6030**

**Portland**  
**Fremont Place, Building I**  
**1750 NW Naito Parkway, Suite 112**  
**Portland OR 97209-2533**  
**(503) 229-5910**

**Bend**  
**Red Oaks Square**  
**1230 NE Third Street, Suite A-115**  
**Bend OR 97701-4374**  
**(541) 388-6066**

**Pendleton**  
**721 SE Third Street, Suite 306**  
**Pendleton OR 97801-3056**  
**(541) 276-9175**

**Salem**  
**1340 Tandem Avenue NE, Suite 160**  
**Salem OR 97309-0417**  
**(503) 378-3274**

**Stat. Auth.: ORS 654.025(2) and 656.726(4).**

**Stats. Implemented: ORS 654.001 through 654.295.**

**Hist: OR-OSHA Admin. Order 2-2015, f. 3/18/15, ef. 1/1/16.**