

## WORKPLACE ADVISORY MEMORANDUM

**DATE:** March 18, 2024

**TO:** All Oregon OSHA Staff

**FROM:** Matt Kaiser, Policy Manager

**SUBJECT:** Electronic submission of injury and illness records for certain schools

Federal OSHA amended its occupational injury and illness recordkeeping [regulations](#) to require certain employers to electronically submit injury and illness information to federal OSHA that employers are already required to keep under the recordkeeping regulation. In response, Oregon OSHA engaged in rulemaking to amend its Recording Workplace Injuries and Illnesses ([OAR 437-001-0700](#)). The updated rules became effective in Oregon on January 1, 2024 ([Administrative Order 4-2023](#)).

In January 2017, the Oregon School Employees Association [petitioned](#) Oregon OSHA to initiate rulemaking to remove NAICS 6111 (Elementary and Secondary Schools), 6116 (Other Schools of Instruction), and 6117 (Educational Support Services) from the exempt status in Table 1 in OAR 437-001-0700. While these three NAICS codes are required to maintain injury and illness records under Oregon OSHA's rules, they are *not* required to electronically submit information to federal OSHA via the [Injury Tracking Application](#) (ITA).

When Administrative Order 4-2023 was promulgated, three NAICS codes — 6111 (Elementary and Secondary Schools), 6116 (Other Schools and Instruction), and 6117 (Educational Support Services) — were inadvertently required under subsection (24)(a) of Oregon OSHA's rule, to electronically submit information from their OSHA 300A form to federal OSHA via the Injury Tracking Application if they had more than 250 employees the previous calendar year. This was not Oregon OSHA's intent. Oregon OSHA will engage in rulemaking during its upcoming federal Minor Corrections project to resolve this issue.

### **Direction to All Oregon OSHA Compliance Officers**

Do not cite employers in NAICS codes 6111, 6116, or 6117 for a failure to submit electronic injury and illness information to federal OSHA under OAR 437-001-0700(24).

This policy will remain in effect until rescinded.

**History:** PG 2024-01 Issued 3/18/2024