

**OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**

PROGRAM DIRECTIVE

Program Directive: A-297
Issued: May 18, 2016
Revised: August 28, 2018

- SUBJECT:** Reporting Fatalities, Catastrophes, In-patient Hospitalizations, and Reportable Injuries to Oregon OSHA
- PURPOSE:** This instruction gives enforcement information on Oregon OSHA’s reporting regulation OAR 437-001-0704.
- BACKGROUND:** On March 18, 2015, Oregon OSHA adopted changes to the recordkeeping and reporting rules in response to federal OSHA’s Sept. 18, 2014, final rule. The reporting rules were moved from 437-001-0700 to 437-001-0704 as part of these changes.
- ACTION:** The following guidelines apply to enforcement actions relative to employers reporting fatalities and injuries:
- A. Summary of rule:
 - a. OAR 437-001-0704 requires an employer to report any work-related incident that results in the death (fatality) of any employee or the in-patient hospitalization of three or more employees (catastrophe) to Oregon OSHA within 8 hours of the incident or when the employer became aware of the inpatient hospitalization. This includes heart attacks and motor vehicle accidents. Additionally, an employer must report a fatality if it occurs within 30 days of the incident that contributed to an employee’s death.
 - b. OAR 437-001-0704 also requires employers to report any work-related incident that results in an in-patient hospitalization, loss of an eye, or amputation or avulsion that includes bone or cartilage loss to Oregon OSHA within 24 hours of the incident or employer knowledge. Employers must report in-patient hospitalizations if they occur within 24 hours of the incident that led to the hospitalization.

- B. Inspection and citation guidance.
- a. An other than serious citation will normally be issued for failure to report such occurrences. The minimum penalty will be \$250, with a maximum penalty of \$12,675 if the administrator determines that it is appropriate in order to ensure future compliance.
 - b. If Oregon OSHA becomes aware of an incident required to be reported under OAR 437-001-0704 through some means other than an employer report, prior to the elapse of the reporting period and an inspection of the incident is made, a citation for failure to report will normally not be issued.

EFFECTIVE

DATE:

This directive is effective immediately and will remain in effect until canceled or superseded.

History: Issued 5-18-2016 Revised 8-28-2018