

Workplace Injuries and Illnesses Recordkeeping RAC
September 15, 2023 / 9 a.m. – 11 a.m.
Meeting via Zoom

Attendees

Oregon OSHA: Dave McLaughlin, Theodore Bunch, Alta Schafer, Kate Ryan

Allyn Toering, Andrea Fogue, Ashley Dubisar, Barbra Anderson, Carol Trenga, Catie Theisen, Curtis, Derek Sangston, Doug Buman, Erika Robinson, Erin Seiler, Jason, Jason Mateo, Jennifer Thomason, Jenny Dresler, Jim Anderson, Joaquin Diaz, Julia Smiley, Kate Suisman, Ramiero Leon, Steve Eversmeyer, Wayne Oja

Federal OSHA's final rule Electronic submission

- Effective date – January 1, 2024
- Before: No specific previous requirement for a threshold of 100 or more employees at any time during the previous calendar year
 - After: New reporting requirement for 100 or more employees AND the NAICS codes appear on federal OSHA's new appendix B (subset of industries listed on appendix A)
 - Submit 300, 300A, and 301 (DCBS form 801 in Oregon) to OSHA
 - Applies to 100 or more employees at an establishment, not company wide
- Current: (a) If your establishment had 250 or more employees at any time during the previous calendar year
 - No change (submit 300A information)
- Current (b) If your establishment had 20 or more employees but fewer than 250 employees
 - No change (submit 300A information)
- Before: For each establishment that is subject to these reporting requirements, you must provide the Employer Identification Number (EIN) used by the establishment.
 - After: Each establishment must provide their legal company name (either as part of the establishment name or separately as the company name) when submitting their data.
- During this rulemaking process, Oregon OSHA identified two NAICS codes in Table 7 that do not appear on federal OSHA's current appendix A; it is Oregon OSHA's intent to remove these during this rulemaking.
 - 4521 Department Stores
 - 4529 Other General Merchandise Stores
- Draft language for OAR 437-001-0700(24) was reviewed. Oregon OSHA will have a new Table 8 which will match federal OSHA's appendix B.
- Questions/comments
 - Q. Can you confirm that we are talking about submitting to OSHA's injury tracking application?
 - A. Yes, and federal OSHA intends to update that application so this information can be submitted. This new rule would go into effect January 1, 2024.
 - Q. Can you give some context on what the data is being used for and why it is being submitted?
 - A. This information is listed in federal registrar notice. To my knowledge, federal OSHA used three criteria to determine the new reporting requirements for establishments with 100 or more employees.
 - A. This is to track workplace injuries and illnesses. In Oregon, OSHA is tied in to system with Workers' Compensation. But federal OSHA does not have access to that kind of data. This is a way for federal

OSHA to collect that data nationally. This will also give Oregon OSHA more data than currently available.

- Q. Is Oregon OSHA prohibited to providing information to federal OSHA?
- A. There is no mechanism for federal OSHA to access that. This collects data in a very specific way that Oregon OSHA needs to fall in line with.
- Q. Do employers submit the whole 801 form or just the information above the black line? What does Oregon OSHA require?
- A. Fed OSHA has not finished their system so we do not know how that process will work yet. The rule would require that employers go through the injury tracking system and do what it asks them to do.
- Comment. Rule should point to the reporting application instead of pointing to the forms.
- Q. What is the information contained in the portion above the line of the 801 form?
- A. Information above the line was listed. Personally identifiable information is below the line.
- Comment. Member in support to gather more and better data.
- Q. For employers with 101-250 workers seem to have increased reporting requirements?
- A. New reporting requirement for establishments that had 100 or more employees the previous calendar year AND the NAICS codes appear on federal OSHA's new appendix B (subset of industries listed on appendix A) -- Submit 300, 300A, and 301 (DCBS form 801 in Oregon) to OSHA. Applies to 100 or more employees at an establishment, not companywide.
- Q. When will we have additional information/data to look at that members can provide feedback on?
- A. Draft language will show in proposed language before it is adopted. Proposed rule has to remain open over a month before it can be adopted. Once proposed, anyone can make comments.
- Comment. Desire to be able to submit comments before language is proposed.
- A. Give feedback in one week by Friday 9/22/23 by 5 p.m. Work off document that was previously emailed.
- A. Definition of employee hasn't changed. Everything currently required on the 300 log remains the same.
- Comment. Might be a typo on the NAICS code for 39 instead of 29.
- A: The code is correct.
- Note that federal OSHA uses the 2012 NAICS codes.

Meeting adjourned