



EMA COMPLIANCE BULLETIN

UPDATED WITH COVID-19 REPORTING REQUIREMENTS

January 15, 2021

ANNUAL OSHA WORKPLACE INJURY AND ILLNESS POSTING BEGINS FEBRUARY 1, 2020

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The 2020 posting cycle for OSHA's workplace injury and illness reporting rule begins on February 1, 2021 and runs through April 30, 2021. The OSHA injury and illness recording and posting requirements apply to certain establishments (workplaces) with more than 10 employees. OSHA requires employers to record and post all work-related injuries occurring during the *previous* calendar year.

I. WHO MUST COMPLY?

Exempt Workplaces:

The following workplaces ***are not required to comply*** with OSHA Injury and Illness requirements:

- ***Gasoline Stations (NAICS Code 447190).***
- ***Gasoline Stations with Convenience Stores (NAICS Code 447110).***
- ***Other Gasoline Stations with Auto Repair (NAICS Code 447190).***

Workplaces that Must Comply:

- ***Petroleum Bulk Plants (NAICS Code 424710)*** with more than 10 employees working at the bulk plant or company headquarters must comply with the OSHA injury and illness requirements. This category includes motor fuel, heating oil and propane bulk facilities.
- ***Petroleum and Petroleum Products Merchant Wholesalers - No Bulk Facilities (NAICS 424720)*** with more than 10 employees must comply with the OSHA injury and illness requirements. This category includes motor fuel, heating oil and propane non-bulk facilities.
- ***Fuel Oil Dealers (NAICS Code 454310)*** with more than 10 employees must comply with the OSHA injury and illness requirements. This category includes dealers of heating oil, bottled gas and LPG selling directly to end users.

- **Plumbing, Heating and Air-Conditioning Contractors (NAICS 238220)** with more than 10 employees must comply with the OSHA injury and illness requirements. This industry comprises establishments primarily engaged in installing and servicing plumbing, heating, and air-conditioning equipment. Contractors in this industry may provide both parts and labor when performing work. The work performed may include new work, additions, alterations, maintenance, and repairs.

IMPORTANT! All employers, both exempt and non-exempt, must report the following work-related injuries to OSHA when an employee: is killed on the job or suffers a work-related in-patient hospitalization, amputation or loss of an eye. Fatalities must be reported within 8 hours, an inpatient hospitalization, amputation or loss of an eye must be reported within 24 hours. Any of the following methods comply with the OSHA Reporting Requirement:

- Call the nearest [OSHA Office](#).
- Call the OSHA 24-hour hotline at (800) 321-6742.
- [Report Online](#).

Be prepared to supply: Business name; names of employees affected; location and time of the incident, brief description of the incident; contact person and phone number.

II. HOW DO I COMPLY?

Forms and Posting:

- **Form 300** - Employers are required to keep Form 300, *Injury and Illness Log* listing all injuries and illnesses that occur in the workplace throughout the reporting year.
- **Form 301** - Employers are required to use OSHA Form 301 to record each workplace injury and illness within seven days of occurrence.
- **Form 300A** - Employers are required to post Form 300A, the *Summary of Work-Related Injuries and Illnesses*, in a workplace every year from February 1 to April 30.
- OSHA Forms 300, 300A and 301 and Instructions are available here: [OSHA Injury and Illness Recordkeeping Forms](#).

Employee Access:

- Current and former employees, or their representatives, have the right to access injury and illness records. Upon request, employers must provide a copy of the relevant record(s) by the end of the next business day.

Recordable Injuries and Illnesses:

OSHA's definition of work-related injuries, illnesses and fatalities are those in which an event or exposure in the work environment either *cause or contributes* to the condition. In addition, an event or exposure in the work environment *significantly aggravates* a pre-existing injury or illness is also considered work-related. Injuries include, but not limited to; a cut, fracture, sprain, or amputation.

Illnesses include both acute and chronic illnesses, such as, but not limited to; a skin disease (contact dermatitis), respiratory disorder (occupational asthma, pneumoconiosis), or poisoning (lead poisoning, solvent intoxication).

The following work-related injury and illnesses must be recorded:

- Any work-related fatality.
- Any work-related injury or illness that results in loss of consciousness, days away from work, restricted work, or transfer to another job.
- Any work-related injury or illness requiring medical treatment beyond first aid.
- Any work-related diagnosed case of cancer, chronic irreversible diseases, fractured or cracked bones or teeth, and punctured eardrums.
- There are also special recording criteria for work-related cases involving: [needlesticks and sharps injuries](#); [medical removal](#); [hearing loss](#); and [tuberculosis](#).

A guide to identifying recordable injury and illnesses can be found in the FORM 300, 300A and 301 instructions may be found here: [Identifying Recordable Injuries and Illnesses](#).

State OSHA Requirements:

Some states have their own state OSHA programs covering private sector employees. These states follow federal rules but **may** vary slightly. Check your state OSHA website to determine whether any variations from the federal program exist. Go here to find [OSHA State Program Information](#).

IMPORTANT UPDATE!

Recording COVID-19 Workplace Exposures

For workplaces required to comply with OSHA Injury and Illness requirements, COVID-19 can be a recordable illness if an employee is infected as a result of performing their work-related duties. Recording a COVID-19 illness does not, of itself, mean that the employer has violated any OSHA standard. Employers are only responsible for recording cases of COVID-19 if all of the following are true:

- The case is a confirmed case of COVID-19.
- The case is work-related, and
- The case involves one or more of the general recording criteria set forth in ***Recordable Injury and Illnesses*** above (e.g., medical treatment beyond first aid, days away from work).

Employers should also consult [OSHA's enforcement memo](#) for recording cases of COVID-19, beginning May 26, 2020.

III. WHERE CAN I GET MORE INFORMATION?

For more information go to:

- [OSHA Injury and Illness Information](#).
- Contact Mark S. Morgan, EMA Regulatory Counsel at mmorgan@emamerica.org