



Occupational Safety and Health Programs

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OSHA Recordkeeping National Emphasis

Introduction

Effective 9/30/09, a new National Emphasis Program was established by OSHA on injury and illness recordkeeping. This directive, numbered 09-08 (CPL 02) will consist of a number of inspections at facilities to determine whether injury and illness recordkeeping (e.g. Forms 300, 300-A, and 301) is accurate. This brief summary gives bulletized information on some of the elements of this new emphasis program.

Summary Points

- Effective date is 9/30/09. Expires on 9/30/10.
- List of In-Scope Industries includes animal slaughtering, scheduled passenger air transportation, steel foundries, other nonferrous industries, concrete pipe manufacturing, soft drink manufacturing, couriers, manufactured home manufacturing, rolling mill machinery and equipment manufacturing, iron foundries, nursing care facilities, fluid milk manufacturing, seafood canning, marine cargo handling, copper foundries, bottled water manufacturing, refrigerated warehousing, motor vehicle seating and interior trim, pet and pet supply stores, poultry processing, support activities for animal production.
- State plan participation is not required but strongly encouraged. State notice of intent regarding directive is required.
- NEP will also initially include several inspections (no more than 5) of construction establishments to determine how to approach on a broad scale.
- Establishment selection based on NAICS codes from Appendix A. Establishment selection will be limited to establishments with 40 or more employees.
- An area office will receive no more than 5 assigned establishments for inspections.
- Establishments that have reported a DART rate between 0.0 and 4.2 and are included in Appendix A will be available for selection.
- Excluded employers include public sector, establishments participating in a strategic partnership, VPP or SHARP establishments, establishments that are only offices and establishments that are not in Appendix A.
- In the opening conference, the CSHO will verify the actions that are taken when an employee experiences an injury or illness. CSHO will also verify the NAICS code of the establishment and determine whether there has been a change of ownership that may affect the inspection.
- Other components of the inspection may include records inspection and walk around inspection. Walk around inspection may begin during the 4-hour access period to attain the 300, 301, and 300-A forms.

- Prior to the records inspection, the 300, 301, and 300A for 2007 and 2008 will be reviewed. If the DART rate is at least 2 times the national average, the records inspection will not be conducted and only the limited walk-around will be done.
- Records to be reviewed will include medical records, workers' comp records, insurance records, payroll/absentee records, company safety incident reports, company 1st aid logs, alternate duty rosters, and disciplinary records pertaining to injuries and illnesses.
- The CSHO will select a sample of employees based on establishment size. The sample will be 100 % for establishments of 100 employees or less, 50 % for 101-250 employee establishments, and 33 % for establishments with greater than 250 employees.
- The CSHO will reconstruct the log using the sampled employee information (records review). CSHO will visit off-site clinics for medical records if necessary. The CSHO will compare the reconstructed log to the actual employer log and note any discrepancies, with possible citations. No employee identifiers will be included in paperwork done by CSHO, unique codes will be used.
- The CSHO can expand inspection beyond sampled employees if under-recording exists.
- If significant portion of injuries/illnesses are ergonomics related, CSHO will calculate DART rate for musculoskeletal disorders and include additional questions in interviewing if the calculated rate is greater than or equal to 2 times the industry rate listed in Appendix E.
- Over-recording will be documented, discussed with the employer, but not cited.
- The CSHO will interview the recordkeeper to determine procedures and if there are any policies to discourage recording an injury or illness.
- The CSHO will interview employees from the list of sampled employees. For establishments of 100 or less, 10 interviews will be conducted. For 101-250, 15 interviews. For greater than 250, 20 interviews. Interviews will not be random. CSHO will focus on employees likely to be injured or ill based on high hazard areas, absentee records, etc.
- CSHO will interview management representative to determine how injuries or illnesses are recorded and whether there are any disciplinary or incentive programs that may influence recordkeeping. They will also look at extent to which management may influence medical treatment of injured or ill employee.
- CSHO will interview first-aid providers and health care professionals to determine consistency of information and determine whether there are any incentive or disciplinary programs that may influence recordkeeping.
- A limited walk-around inspection of the main plant operation areas will also be conducted. The CSHO is looking for consistency with the recorded injuries and illnesses but will address any violations observed in plain view while conducted the limited walk-around. The CSHO may, upon consultation with the Area Office, expand the scope of the inspection or make a referral to address other areas of the plant that may pose safety or health risks.
- Citations found will typically be classified as "Other Than Serious". If violations are characterized as "willful", "repeat", or "failure to abate", the Regional Administrator or Regional Solicitor will be contacted for guidance. The CSHO will take into account any

incentive or disciplinary programs that affect recording of injuries/illnesses when classifying citations.

References (for further information)

News Release on New Emphasis Program,

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=NEWS_RELEASE&p_id=16488

Recordkeeping National Emphasis Program – Directive 09-08 (CPL 02),

http://www.osha.gov/OshDoc/Directive_pdf/CPL_02_09-08.pdf

OSHA website, Recordkeeping Page, <http://www.osha.gov/recordkeeping/index.html>

OSHA Recordkeeping Handbook,

<http://www.osha.gov/recordkeeping/handbook/index.html>

OSHA Recordkeeping Compliance Directive,

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3205