

Recording and Reporting Occupational Injuries and Illness -- OSHA Standard 1904 ¹

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The Impact of Safety on Florida Agriculture

Florida agriculture, including forestry and seafood, made an annual economic impact of \$53 billion in 1998. More than 81,000 people work on the 40,000 farms in the state, and more than 50,000 are employed in other activities related to agriculture. The state's agricultural enterprises range from large citrus, vegetable and cattle operations to small family-operated farms.

From 1989 to 1998, there were approximately 240 deaths related to agriculture in Florida, according to data compiled by the Deep South Center for Agricultural Health and Safety. In addition, agriculture has one of the highest injury and death rates among U.S. industries.

Safety in Florida agriculture is challenging because:

- the state's agricultural enterprises are diverse,
- safety knowledge among workers varies,

- manual labor is used extensively,
- the climate creates year-round heat stress.

Therefore, it is vital to assist the public in learning about OSHA documents related to agriculture. More related information is available at the following Web sites:

Florida AgSafe:

<<http://agen.ufl.edu/~clehtola/agsaferef.htm>>

OSHA Regulations:

<<http://www.osha.gov/comp-links.html>>

Overview

This document, a condensation of Section 1904 of the Occupational Safety and Health Act, is not intended to be totally inclusive but rather to highlight the information and requirements in the complete OSHA standard that owners and managers of agricultural businesses should understand.

1. This document is ABE206, one of a series of the Agricultural and Biological Engineering Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida. Original publication date April 2000. Reviewed February 2008. Visit the EDIS Web Site at <http://edis.ifas.ufl.edu>.

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NOTE: Some sections of OSHA standards are labeled "Reserved." This label implies either that information has been deleted from the previous version of the standard or that additions to the standard are anticipated. Because standards often reference other standards, it is important that paragraph numbers remain consistent.

Section 1904.1 -- Purpose and Scope

These regulations provide for recordkeeping and reporting by employers covered under the Occupational Safety and Health Act of 1970 as necessary or appropriate for enforcement of the act, for developing information regarding the causes and prevention of occupational accidents and illnesses and for maintaining a program of collection, compilation and analysis of occupational safety and health statistics. The regulations in this part were promulgated with the cooperation of the Secretary of Health, Education, and Welfare.

Section 1904.2 -- Log and Summary of Occupational Injuries and Illnesses

1904.2(a) -- Each employer must, except as provided in the third paragraph of this section,

(1) -- Maintain in each establishment a log and summary of all recordable occupational injuries and illnesses for that establishment; and

(2) -- Enter each recordable injury and illness on the log and summary as early as practicable but no later than six working days after receiving information that a recordable injury or illness has occurred. For this purpose, form OSHA No. 200 or an equivalent which is as readable and comprehensible to a person not familiar with it must be used. The log and summary must be completed in the detail provided in the form and instructions on form OSHA No. 200.

1904.2(b) -- Any employer may maintain the log of occupational injuries and illnesses at a place other than the establishment or by means of

data-processing equipment, or both, under the following circumstances:

(1) -- There is available at the place where the log is maintained sufficient information to complete the log to a date within six working days after receiving information that a recordable case has occurred, as required by this section.

(2) -- At each of the employer's establishments, there is available a copy of the log which reflects separately the injury and illness experience of that establishment complete and current to a date within 45 calendar days.

Section 1904.3 -- Period Covered

Records shall be established on a calendar year basis.

Section 1904.4 -- Supplementary Record

In addition to the log of occupational injuries and illnesses provided for under 1904.2, each employer must have available for inspection at each establishment within six working days after receiving information that a recordable case has occurred, a supplementary record for each occupational injury or illness for that establishment. The record shall be completed in the detail prescribed in the instructions accompanying Occupational Safety and Health Administration Form OSHA No. 101. Workmen's compensation, insurance or other reports are acceptable alternative records if they contain the information required by Form OSHA No. 101. If no acceptable alternative record is maintained for other purposes, Form OSHA No. 101 must be used or the necessary information shall be otherwise maintained.

Section 1904.5 -- Annual summary

1904.5(a) -- Each employer must post an annual summary of occupational injuries and illnesses for each establishment. This summary must consist of a copy of the year's totals from the form OSHA No. 200 and the following information from that form: Calendar year covered, company name, establishment

name, establishment address, certification signature, title and date. A form OSHA No. 200 must be used in presenting the summary. If no injuries or illnesses occurred in the year, zeros must be entered on the totals line and the form must be posted.

1904.5(b) -- The summary for the preceding year must be completed by Feb. 1 of each year.

1904.5(c) -- Each employer, or the officer or employee of the employer who supervises the preparation of the log and summary of occupational injuries and illnesses, must certify that the annual summary of occupational injuries and illnesses is true and complete. The certification must be accomplished by affixing the signature of the employer or the officer or employer who supervises the preparation of the annual summary of occupational injuries and illnesses at the bottom of the last page of the log and summary or by appending a separate statement to the log and summary certifying that the summary is true and complete.

1904.5(d)(1) -- Each employer must post a copy of the establishment's summary in each establishment in the same manner that notices are required to be posted under OSHA Standard 1903.2(a)(1). The summary covering the previous calendar year must be posted no later than Feb. 1, and it must remain in place until March 1. For employees who do not primarily report or work at a single establishment or who do not report to any fixed establishment on a regular basis, employers must satisfy this posting requirement by presenting or mailing a copy of the summary during the month of February of the following year to each such employee who receives pay during that month. For multi-establishment employers where operations have closed down in some establishments during the calendar year, it is not necessary to post summaries for those establishments.

1904.5(d)(2) -- A failure to post a copy of the establishment's annual summary may result in the issuance of citations and assessment of penalties.

Section 1904.6 -- Retention of Records

Records provided for in 1904.2, 1904.4 and 1904.5 (including form OSHA No. 200 and its predecessor forms OSHA No. 100 and OSHA No. 102) must be retained in each establishment for five years following the end of the year to which they relate.

Section 1904.7 -- Access to Records

1904.7(a) -- Each employer must provide, upon request, records provided for in 1904.2, 1904.4, and 1904.5 for inspection and copying by any representative of the Secretary of Labor for the purpose of carrying out the provisions of the act, and by representatives of the Secretary of Health, Education, and Welfare during any investigation under the act, or by any representative of a State accorded jurisdiction for occupational safety and health inspections or for statistical compilation under the act.

1904.7(b)(1) -- The log and summary of all recordable occupational injuries and illnesses (OSHA No. 200) (the log) provided for in 1904.2 must, upon request, be made available by the employer to any employee and former employee and to their representatives for examination and copying in a reasonable manner and at reasonable times. The employee, former employee and his or her representatives must have access to the log for any establishment in which the employee is or has been employed.

1904.7(b)(2) -- Nothing in this section shall be deemed to preclude employees and employee representatives from collectively bargaining to obtain access to information relating to occupational injuries and illnesses in addition to the information made available under this section.

1904.7(b)(3) -- Access to the log provided under this section pertains to all logs retained under the requirements of 1904.6.

Section 1904.8 -- Reporting of Fatality or Multiple Hospitalization Accidents

1904.8(a) -- Within eight hours after the death of any employee from a work-related incident or the in-patient hospitalization of three or more employees as a result of a work-related incident, the employer of any employees so affected shall orally report the fatality/multiple hospitalization by telephone or in person to the area OSHA office nearest the incident or by using the OSHA toll-free central telephone number.

1904.8(b) -- This requirement applies to each such fatality or hospitalization of three or more employees which occurs within 30 days of an incident.

1904.8(c) -- Exception: If the employer does not learn of a reportable incident at the time it occurs and the incident would otherwise be reportable under this section, the employer must make the report within eight hours of the time the incident is reported to any agent or employee of the employer.

1904.8(d) -- Each report required by this section shall relate the following information:

- establishment name,
- location of incident,
- time of the incident,
- number of fatalities or hospitalized employees,
- contact person,
- phone number, and
- a brief description of the incident.

Section 1904.9 -- Falsification, or Failure to Keep Records or Reports

1904.9(a) -- The OSHA Act provides that "Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Act shall,

upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment, for not more than 6 months or both."

1904.9(b) -- Failure to maintain records or file reports required by this part or in the details required by forms and instructions issued under this part may result in the issuance of citations and assessment of penalties as provided for in the act.

Section 1904.10 -- Recordkeeping under Approved State Plans

Records maintained by an employer and reports submitted pursuant to and in accordance with the requirements of an approved state plan under section 18 of the act shall be regarded as compliance with this Part 1904.

Section 1904.11 -- Change of Ownership

Where an establishment has changed ownership, the employer shall be responsible for maintaining records and filing reports only for that period of the year during which he owned such establishment. However, in the case of any change in ownership, the employer must preserve those records, if any, of the prior ownership which are required to be kept under this part. These records must be retained at each establishment to which they relate, for the period, or remainder thereof, required under 1904.6.

Section 1904.12 -- Definitions

The definitions and interpretations contained in section (2) of the act shall be applicable to such terms when used in this Part 1904.

Act -- means the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590 et seq., 29 U.S.C. 651 et seq.).

Establishment --

- A single physical location where business is conducted or where services or industrial operations are performed. (For example: A factory, mill, store, hotel, restaurant, movie theater, farm, ranch, bank, sales office, warehouse or central administrative office.) Where distinctly separate activities are

performed at a single physical location (such as contract construction activities operated from the same physical location as a lumber yard), each activity shall be treated as a separate establishment.

- For firms engaged in activities such as agriculture, construction, transportation and communications and electric, gas and sanitary services which may be physically dispersed, records may be maintained at a place to which employees report each day.
- Records for personnel who do not primarily report or work at a single establishment, and who are generally not supervised in their daily work, such as traveling salesmen, technicians, engineers, etc., shall be maintained at the location from which they are paid or the base from which personnel operate to carry out their activities.

Establishments Classified in Standard Industrial Classification Codes --

- Establishments whose primary activity constitutes retail trade; finance, insurance, real estate and services are classified in SIC's 52-89.
- Retail trades are classified as SIC's 52-59 and for the most part include establishments engaged in selling merchandise to the general public for personal or household consumption. Some of the retail trades are:
 - automotive dealers,
 - apparel and accessory stores,
 - furniture and home furnishing stores and
 - eating and drinking places.
- Finance, insurance and real estate are classified as SIC's 60-67 and include establishments which are engaged in banking, credit other than banking, security dealings, insurance and real estate.
- Services are classified as SIC's 70-89 and include establishments which provide a variety of services for individuals, businesses,

government agencies and other organizations.

Some of the service industries are:

- Personal and business services, in addition to legal, education, social, and cultural; and membership organizations.
- The primary activity of an establishment is determined as follows: For finance, insurance, real estate and services establishments, the value of receipts or revenue for services rendered by an establishment determines its primary activity. In establishments with diversified activities, the activities determined to account for the largest share of production, sales or revenue will identify the primary activity. In some instances these criteria will not adequately represent the relative economic importance of each of the varied activities. In such cases, employment or payroll should be used in place of the normal basis for determining the primary activity.

First Aid -- Any one-time treatment and any followup visit for the purpose of observation of minor scratches, cuts, burns, splinters and so forth which do not ordinarily require medical care. Such one-time treatment and followup visit for the purpose of observation is considered first aid, even though provided by a physician or registered professional personnel.

Lost workdays -- The number of days (consecutive or not) after, but not including, the day of injury or illness during which the employee would have worked but could not do so; that is, could not perform all or any part of his normal assignment during all or any part of the workday or shift, because of the occupational injury or illness.

Medical treatment -- Includes treatment administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first aid treatment even though provided by a physician or registered professional personnel.

Recordable occupational injuries or illnesses -- Any occupational injuries or illnesses which result in:

- Fatalities, regardless of the time between the injury and death, or the length of the illness; or
- Lost workday cases, other than fatalities, that result in lost workdays; or
- Nonfatal cases without lost workdays which result in transfer to another job or termination of employment, or require medical treatment (other than first aid) or involve loss of consciousness or restriction of work or motion. This category also includes any diagnosed occupational illnesses which are reported to the employer but are not classified as fatalities or lost workday cases.

Section 1904.13 -- Petitions for Recordkeeping Exceptions

1904.13(a) -- Submission of Petition -- Any employer who wishes to maintain records in a manner different from that required by this part may submit a petition containing the information specified in this section to the Regional Commissioner of the Bureau of Labor Statistics wherein the establishment involved is located.

1904.13(b) -- Opportunity for Comment -- Affected employees or their representatives shall have an opportunity to submit written data, views or arguments concerning the petition to the Regional Commissioner involved within 10 working days following the receipt of notice under this section.

1904.13(c) -- Contents of Petition -- A petition filed under this section must include:

1. The name and address of the applicant;
2. The address of the place or places of employment involved;
3. Specifications of the reasons for seeking relief;
4. A description of the different recordkeeping procedures which are proposed by the applicant;

5. A statement that the applicant has informed his affected employees of the petition by giving a copy thereof to them or to their authorized representative and by posting a statement giving a summary of the petition and by other appropriate means. A statement posted pursuant to this section must be posted in each establishment in the same manner that notices are required to be posted under 1903.2(a) of this chapter. The applicant must also state that he has informed his affected employees of their rights under this section;

6. In the event an employer has more than one establishment, he must submit a list of the states in which such establishments are located and the number of establishments in each such state. In the further event that certain of the employer's establishments would not be affected by the petition, the employer must identify every establishment which would be affected by the petition and give the State in which they are located.

1904.13(d) -- Referrals to Assistant

Commissioner -- Whenever a regional commissioner receives a petition from an employer having one or more establishments beyond the geographic boundary of his region or a petition from a class of employers having any establishment beyond the boundary of his region, he must refer the petition to the assistant commissioner for action.

1904.13(e) -- Additional Notice, Conferences

- In addition to the actual notice provided for in this section, the assistant commissioner or the regional commissioner, as the case may be, may provide or cause to be provided such additional notice of the petition as he may deem appropriate.
- The assistant commissioner or the regional commissioner, as the case may be, may also afford an opportunity to interested parties for informal conference or hearing concerning the petition.

1904.13(f) -- Action -- After review of the petition and of any comments submitted in regard thereto and upon completion of any necessary appropriate investigation concerning the petition, if the regional commissioner or the assistant commissioner, as the case may be, finds that the alternative procedure proposed will not hamper or interfere with the purposes of the act and will provide equivalent information, he may grant the petition, subject to such conditions as he may determine appropriate, and subject to revocation for cause.

1904.13(g) -- Publication -- Whenever any relief is granted to an applicant under this act, notice of such relief, and the reasons therefor, shall be published in the Federal Register.

1904.13(h) -- Revocation -- Whenever any relief under this section is sought to be revoked for any failure to comply with the conditions thereof, an opportunity be afforded to the employers and affected employees, or their representatives. Except in cases of willfulness or where public safety or health requires otherwise, before the commencement of any such informal proceeding, the employer must:

- be notified in writing of the facts or conduct which may warrant the action; and
- be given an opportunity to demonstrate or achieve compliance.

1904.13(i) -- Compliance after Submission of Petitions -- The submission of a petition or any delay by the regional commissioner or the assistant commissioner, as the case may be, in acting upon a petition shall not relieve any employer from any obligation to comply with this part. However, the regional commissioner or the assistant commissioner, as the case may be, shall give notice of the denial of any petition within a reasonable time.

1904.13(j) -- Consultation -- There must be consultation between the appropriate representatives of the Occupational Safety and Health Administration and the Bureau of Labor Statistics in order to insure the effective implementation of this section.

Section 1904.14 -- Employees Not in Fixed Establishments

Employers of employees engaged in physically dispersed operations such as occur in construction, installation, repair or service activities who do not report to any fixed establishment on a regular basis but are subject to common supervision may satisfy the provisions of 1904.2, 1904.4, and 1904.6 with respect to such employees by:

- Maintaining the required records for each operation or group of operations which is subject to common supervision (field superintendent, field supervisor, etc.) in an established central place;
- Having the address and telephone number of the central place available at each worksite; and
- Having personnel available at the central place during normal business hours to provide information from the records maintained there by telephone and by mail.

Section 1904.15 -- Small Employers

An employer who had no more than 10 employees at any time during the calendar year immediately preceding the current calendar year need not comply with any of the requirements of this part except the following:

- Obligation to report under Section 1904.8 concerning fatalities or multiple hospitalization accidents; and
- Obligation to maintain a log of occupational injuries and illnesses under Section 1904.2 and to make reports under Section 1904.21 upon being notified in writing by the Bureau of Labor Statistics that the employer has been selected to participate in a statistical survey of occupational injuries and illnesses.

Section 1904.16 -- Establishments Classified in Standard Industrial Classification Codes (SIC) 52-89

An employer whose establishment is classified in SIC's 52-89, (excluding 52-54, 70, 75, 76, 79 and 80) need not comply for such establishment with any of the requirements of this part except the following:

- Obligation to report under 1904.8 concerning fatalities or multiple hospitalization accidents; and
- Obligation to maintain a log of occupational injuries and illnesses under 1904.21, upon being notified in writing by the Bureau of Labor Statistics that the employer has been selected to participate in a statistical survey of occupational injuries and illnesses.

Section 1904.17 -- Annual OSHA Injury and Illness Survey of Ten or More Employers

1904.17(a) -- Each employer must, upon receipt of OSHA's Annual Survey Form, report to OSHA or OSHA's designee the number of workers it employed and number of hours worked by its employees for periods designated in the Survey Form and such information OSHA may request from records required to be created and maintained pursuant to 29 CFR part 1904.

1904.17(b) -- Survey reports must be sent to OSHA by mail or other means described in the Survey Form within 30 calendar days or the time stated in the Survey Form, whichever is longer

1904.17(c) -- Employers exempted from keeping injury and illness records under Sections 1904.15 and 1904.16 must maintain injury and illness records required by Sections 1904.2 and 1904.4 and make Survey Reports pursuant to this section upon being notified in writing by OSHA, in advance of the year for which injury and illness records will be required, that the employer has been selected to participate in an information collection.

1904.17(d) -- Nothing in any State plan approved under Section 18 of the Act shall affect the duties of employers to comply with this section.

1904.17(e) -- Nothing in this section shall affect OSHA's exercise of its statutory authorities to investigate conditions related to occupational safety and health.

Section 1904.20 -- Description of Statistical Program

1904.20(a) -- Section 24 of the Act directs the Secretary of Labor, in consultation with the Secretary of Health, Education and Welfare, to develop and maintain a program of collection, compilation and analysis of occupational safety and health statistics. The Commissioner of the Bureau of Labor Statistics has been delegated this authority by the Secretary of Labor. The program shall consist of periodic surveys of occupational injuries and illnesses.

1904.20(b) -- The sample design encompasses probability procedures, detailed stratification by industry and size and a systematic selection within strata. Stratification and sampling will be carried out by state and other jurisdictions in order to provide the most efficient sample for eventual state estimates. Some industries will be sampled more heavily than others, depending on the injury rate level based on previous experience. Nationally, the survey should produce adequate estimates for most four-digit Standard Industrial Classification (SIC) industries in manufacturing and for three-digit SIC classification in nonmanufacturing. In participating states where the sample size has been supplemented significantly, comparable estimates are possible.

Section 1904.21 -- Duties of Employers

Upon receipt of an Occupational Injuries and Illnesses Survey Form, the employer must promptly complete the form in accordance with the instructions contained therein and return it in accordance with the aforesaid instructions.

Section 1904.22 -- Effect of State Plans

Nothing in any state plan approved under section the act shall affect the duties of employers to submit statistical report forms under 1904.21.

Section 1904.30 -- OMB Control Numbers Under the Paperwork Reduction Act

The following sections each contain a collection of information requirement which has been approved by the Office of Management and Budget under the control number listed. See Table 1.

Table 1. OSHA Standard numbers and corresponding OMB Control numbers.

29 CFR Citation	OMB Control No.
1904.2	1218-0176
1904.4-7	1218-0176
1904.8	1218-0007
1904.17	1218-0214
1904.21	1218-0045