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November 15, 2010

Mr. Kenneth M. Colonna
RSC Equipment Rental
6929 East Greenway Parkway, Suite 200
Scottsdale, Arizona 85254

Dear Mr. Colonna:

Thank you for your September 1, 2010 letter to the Occupational Safety and Health Administration (OSHA) regarding the recordkeeping regulation contained in 29 CFR Part 1904 - Recording and Reporting Occupational Injuries and Illnesses. In an effort to provide the public with prompt and accurate responses, we developed and continue to refine a set of Frequently Asked Questions (FAQ), in addition to maintaining a log of Letters of Interpretation (LOI) on the OSHA Recordkeeping web site.

Your letter states an employee was returning to work from his lunch break with two co-workers. After parking in the parking lot, which is open to RSC employees and customers, the employee placed his foot on the running board of his co-worker's truck, caught his heel on the running board and fell breaking his ankle.

Question: Does the incident meet the criteria of occurring in the workplace and thus is a recordable event?

Response: We presume from your letter that the parking lot in question is your company's parking lot. Work-related exposures include most of the employees' activities on the employers' premises as well as situations off premises where employees are engaged in job tasks or are there as a condition of employment. For recordkeeping purposes, company parking lots are part of the employer's premises, and therefore part of the establishment. (See OSHA's Frequently Asked Questions [\(FAQ\) 5-10](#).)

Under Section 1904.5(b)(2)(v), an injury or illness is not work-related if it is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours. In order for this exception to apply, the case must meet both of the stated conditions [i.e., the injury or illness must (1) be solely the result of the employee doing personal tasks (unrelated to their employment), and (2) occur outside of the employee's assigned working hours]. See OSHA's [March 10, 2005 letter of interpretation to Dr. Milagros C. Flores](#). The facts in your scenario do not meet the second criterion of this exemption. Lunch breaks are considered assigned working hours for injury and illness recordkeeping purposes. See OSHA's [February 16, 2010 letter of interpretation to D. Scott Hayes](#). The case is therefore considered work related.

Under section 1904.7(b)(7), a fracture of a bone is considered a significant injury or illness when diagnosed by a physician or other licensed health care professional. Therefore, you must enter the case on your OSHA 300 Form or equivalent as appropriate.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. OSHA requirements are set by statute, standards, and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in responses to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

Sincerely,

Keith Goddard, Director
Directorate of Evaluation and Analysis

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