



Reply to the attention of:

NOV 16 2009

**COPY FOR YOUR
INFORMATION**

Mr. Ron C. Lewis
Manager, Operational Excellence,
Support & Reviews
Chevron Phillips
10001 Six Pines Drive
Room 4118
The Woodlands, TX 77380

Dear Mr. Lewis:

Thank you for your September 25, 2009 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 you 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 website.

Scenario: A contract worker sustained a dislocated left thumb during excavation work. A physician realigned the worker's thumb by reduction (i.e., manual joint manipulation). The procedure was non-operative and no prescription medication was administered. The physician released the employee for work but restricted the use of the employee's left hand for approximately two weeks. A subsequent determination was made by the contractor's employer that this employee could perform all routine functions of his job.

Given this information, would this injury be characterized as a significant injury as described in 1904.7(b)(7) and thus requiring classification as a recordable injury?

Answer: The scenario you presented does not meet the requirements of 1904.7(b)(7). The conditions listed under 1904.7(b)(7) are comprehensive, dislocations are not included on that list. However, reduction is not a treatment included on the first aid list under 1904.7(b)(5) and therefore it is considered medical treatment for OSHA recordkeeping purposes. When medical treatment beyond first aid is administered the case becomes recordable.

Since the restriction did not affect the employees' routine functions the case does not involve restricted work.

1904.7(b)(4)(iv)

If you or a physician or other licensed health care professional recommends a work restriction, is the injury or illness automatically recordable as a "restricted work" case? No, a recommended work restriction is recordable only if it affects one or more of the employee's routine job functions. To determine whether this is the case, you must evaluate the restriction in light of the routine functions of the injured or ill employee's job. If the restriction from you or the physician or other licensed health care professional keeps the employee from performing one or more of his or her routine job functions or from working the full workday the injured or ill employee would otherwise have worked, the employee's work has been restricted and you must record the case.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. 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 response 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