



U.S. Department of Labor
Occupational Safety & Health Administration

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Standard Interpretations

11/07/2003 - Employee and employee representative access rights to OSHA 300 Log and OSHA 300-A Summary forms.

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• **Standard Number:** 1904; 1904.35; 1904.35(b)(2); 1904.35(b)(2)(v)

November 7, 2003

LaMont Byrd
Director Safety and Health Department
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, D.C. 20001-2198

Dear Mr. Byrd:

Thank you for your April 4, 2003 letter to the Occupational Safety and Health Administration (OSHA) regarding the Injury and Illness Recording and Reporting Requirements contained in 29 CFR Part 1904. Your letter was forwarded to my office by Richard Fairfax, Director, Directorate of Enforcement Programs. The Division of Recordkeeping Requirements is responsible for the administration of the OSHA injury and illness recordkeeping system nationwide. Please excuse the delay in responding to your request.

In your letter, you ask OSHA to clarify the requirements under the access provisions for the OSHA injury and illness records, 29 CFR 1904.35, specifically the OSHA 300-A, the Summary of Work-related Injuries and Illnesses. Under section 1904.35(b)(2), employees, former employees, their personal representatives, and their authorized employee representatives have the right to access the OSHA 300 Log Form and the OSHA 300-A Summary Form. The employer must give the requester a copy of the OSHA 300 Form and the OSHA 300-A Form by the end of the next business day. In addition, employees, former employees, and their representatives have the right to access the OSHA 301 Incident Form with some limitations and provision time frame differences, as set out in Section 1904.35(b)(2)(v) of the recordkeeping regulation.

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. In addition, 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>. If you have any further questions, please contact the Division of Recordkeeping Requirements, at 202-693-1702.

Sincerely,

Frank Frodyma, Acting Director
Directorate of Evaluation and Analysis

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