



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

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Standard Interpretations

12/18/2003 - Posting requirements for the OSHA 300 Log and OSHA 300-A Summary Form.

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● **Standard Number:** 1904; 1904.32(a)(4); 1904.32(b)(6); 1904.26(b)(6) ; 1904.29(b)(10)

December 18, 2003

Ms. Alana Greer
American Civil Liberties Union of Florida
4500 Biscayne Boulevard, Suite 340
Miami, FL 33137-3227
Dear Ms. Greer:

This is in response to your letter dated July 9, 2003. Please excuse the delay in our response. Thank you for your comments pertaining to the Occupational Safety and Health Administration's (OSHA) Injury and Illness Recording and Reporting requirements contained in 29 CFR Part 1904. You state that your office has received several complaints regarding the medical privacy of employees regarding the recordkeeping requirements. Specifically, you ask OSHA to clarify the appropriateness of posting the entire OSHA 300 form (the Log of Work-Related Injuries and Illnesses) at the employer's establishment.

You are correct in your understanding that, while employers are required to complete both OSHA Form 300 Log of Work-Related Injuries and Illnesses and OSHA Form 300-A Summary of Work-Related Injuries and Illnesses, only the latter, Form 300-A, is required to be posted in the workplace.

Despite the fact that only the Summary Form 300-A is required to be posted, some employers apparently have posted both the Form 300 and Form 300-A in the workplace. You suggest that further clarification is needed with the recordkeeping forms or elsewhere, making clear to employers that the Form 300 should not be posted along with the Summary Form 300-A.

The instructions that accompany the OSHA recordkeeping forms do include the following Question and Answer: "When must you post the Summary? You must post the Summary only--not the Log--by February 1 of the year following the year covered by the form and keep it posted until April 30 of that year."

We will take additional steps to emphasize the distinction between the Form 300 and the Form 300-A and the fact that only the latter is required to be posted in the workplace, through News Releases that we issue that remind employers of the posting requirement, and including this issue under the Frequently Asked Questions on the Recordkeeping Section of our website. Your assistance in also making employers aware of this distinction is appreciated.


I do want to make one further point of clarification. While our rules do not require the Form 300 to be posted (and we will attempt to communicate that more clearly, as described above), the regulation also does not prohibit an employer from posting the Form 300 along with the Form 300-A. However, if the employer does choose to post the full Form 300 Log, they should post the Log in an area only accessible by those granted access under the rule

(i.e., employees, former employees, employee representatives, and an authorized employee representative). If the posting area is accessible by others (e.g., members of the public) the employer must remove or hide all names of the injured or ill employees as set out in Section 1904.29(b)(10). In addition, 1910.29 prohibits the employer from including the employee's name for "privacy concern" cases whenever the Form 300 Log is made available to coworkers, former employees, or employee representatives.

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 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,

John L. Henshaw
Assistant Secretary

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