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Standard Interpretations - Table of Contents

• **Standard Number:** 1904; 1904.7(b)(5)

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>.

December 21, 2017

Eric Blankenheim
Blankenheim Services
1650 Tri Park Way
Suite A
Appleton, WI 54914

Dear Mr. Blankenheim:

Thank you for your letter to the Occupational Safety and Health Administration (OSHA) regarding 29 CFR Part 1904 - Recording and Reporting Occupational Injuries and Illnesses. Specifically, you ask whether the use of a cold compression therapy device is medical treatment for OSHA recordkeeping purposes.

In your letter, you state that a cold compression therapy device uses cold therapy, non-rigid wraps, and compression to treat an injury. In general, cold therapy is used in response to inflammation and pain experienced by an individual. This therapy lowers the temperature while slowing the metabolic rate of the tissues, and allows for the survival of those tissues. You also state that non-rigid supports assist in the reduction of an individual's physical symptoms through support and protection of an injured muscle without limiting range of motion of the joint or muscle tissues involved. Also, according to your letter, "compression treatment" includes the use of elastic wraps and massage. Compression produces a force that helps decrease swelling within the injured tissues.

Section 1904.7(a) of OSHA's recordkeeping regulation requires employers to record work-related injuries and illnesses that result in medical treatment beyond first aid. Section 1904.7(b)(5)(i) states that medical treatment means "the management and care of a patient to combat disease or disorder." Under Part 1904, medical treatment does not include "first aid" as defined in paragraph 1904.7(b)(5)(ii). Section 1904.7(b)(5)(iii) goes on to state that the list of treatments in Section 1904.7(b)(5)(ii) is a comprehensive list of first aid treatments. Any treatment not included on this list is not considered first aid for OSHA recordkeeping purposes.

Several individual components of a cold compression therapy device are included on the list of first aid treatments. For example, the use of cold therapy (1904.7(b)(5)(ii)(E)), non-rigid means of support (such as elastic wraps) (1904.7(b)(5)(ii)(F)), and massage (1904.7(b)(ii)(M)) are considered first aid when treating a work-related injury or illness. However, please note that Section 1904.7(b)(5)(ii)(M) states that physical therapy is considered medical treatment and is not considered first aid. Physical therapy is used for more serious injuries, and is provided by licensed personnel with advanced training and therefore rises to the level of medical treatment beyond first aid. See, the preamble to OSHA's January 19, 2001 final rule revising the recordkeeping regulation (66 Federal Register 5915, at 5952).

Additionally, in the 2001 preamble to the final rule, OSHA explained the reasoning behind the list of first aid treatments in Section 1904.7(b)(5)(ii). The Agency stated that, in general, first aid can be distinguished from medical treatment as follows:

1. First aid is usually administered after the injury or illness occurs and at the location (e.g., workplace) where the injury or illness occurred.
2. First aid generally consists of one-time or short-term treatment.
3. First aid treatments are usually simple and require little or no technology.
4. First aid can be administered by people with little training (beyond first aid training) and even by the injured or ill person.
5. First aid is usually administered to keep the condition from worsening, while the injured or ill person is awaiting medical treatment. (See, 66 Federal Register 5915 at 5985).

To determine whether cold compression therapy devices constitute medical treatment or first aid under the definitions in the recordkeeping regulation, OSHA's Directorate of Technical Support and Emergency Management consulted with the OSHA Office of Occupational Medicine and Nursing (OOMN). Based on the definitions in Section 1904.7(b)(5), the factors for distinguishing medical treatment from first aid set forth in the 2001 preamble, and an extensive review of the available literature by the OOMN, OSHA concludes that cold compression therapy devices are medical treatment for purposes of OSHA recordkeeping.


In some cases, cold compression therapy devices are used in a doctor's office or hospital setting as part of medical care for a significant injury, trauma, or post-surgery. However, in most cases these devices are used in therapy departments or offices performing physical therapy or occupational therapy. Typically, the device is used to reduce a patient's pain, swelling, or inflammation after therapy. In addition, unlike the first aid treatments listed in Section 1904.7(b)(5)(ii), cold compression therapy devices are not simple to operate. Administering this type of treatment requires specialized training and is applied by a licensed professional.

As noted above, some of the individual components of cold compression therapy devices are included on the Part 1904 first aid list. However, cold compression therapy devices also include a component of physical therapy, and physical therapy is not included on the first aid list. Accordingly, since one of its components involves physical therapy, when cold compression therapy devices are used to treat a work-related injury or illness, such devices constitute medical treatment beyond first aid.


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Sincerely,

Amanda L. Edens, Director
Directorate of Technical Support and Emergency Management

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