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• Standard Number: 1904.5(b); 1910.141(a); 1910.141(a)

February 1, 2012

Ms. Linda Ballas & Associates
7129 Nightingale Drive
Holland, Ohio 43528

Dear Ms. Ballas:

Thank you for your August 18, 2011, 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.

Scenario: Your letter states an employee had a chemical intolerance to spider bites, and was bitten at work and subsequently had to have treatment beyond first aid.

Question 1: Would the employer still have to record this case or can any work relationship exception be used?

Response 1: The spider bite is considered work related and recordable because the injured employee received medical treatment beyond first aid. OSHA has consistently taken the position that insect bites or animal bites on premises are work related. Sec. OSHA's preamble to the final rule revising the recordkeeping regulation (66 Fed. Reg. at 6079). The case does not meet any of the work-related exceptions in Section 1904.5(b)(2).

Question 2: Any suggestions as to how the employer could prevent this?

Response 2: OSHA notes that many circumstances that lead to a recordable work-related injury or illness are "beyond the employer's control." Nevertheless, because the injury was caused by an event at work, and it required medical treatment, it must be recorded on your OSHA Log. This approach is consistent with the no-fault recordkeeping system OSHA has historically administered, which includes work-related injuries and illnesses, regardless of the level of employer control or non-control involved. Both the Note to Subpart A of the Part 1904 regulation and the OSHA Form 300 expressly state that recording a case does not indicate fault, negligence, or compensability.

Please note, Section 1910.141(a)(5), OSHA's general industry standard, 29 CFR 1910 Subpart J - General Environmental Controls, covers vermin control at permanent places of employment:

Vermin control. Every enclosed workplace shall be so constructed, equipped, and maintained, so far as reasonably practicable, as to prevent the entrance or harborage of rodents, insects, and other vermin. A continuing and effective extermination program shall be instituted where their presence is detected.

For further guidance on section, 1910.141(a)(5), please contact OSHA's Directorate of Enforcement Programs.

Directorate of Enforcement Programs (DEP)
U.S. Dept. of Labor, OSHA
200 Constitution Avenue, NW, RM N-3119
Washington, DC 20210
(202) 693-2100 Phone

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,

Amanda Edens, Acting Director

Directorate of Evaluation and Analysis

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