



Reply to the attention of:

MAR 08 2007

Mr. Rich Marcotte
Safety Director
Crown Corr Inc.
7100 West 21st Ave.
Gary, IN 46406

Dear Mr. Marcotte:

Thank you for your June 19, 2006 letter concerning the Occupational Safety and Health Administration's (OSHA's) injury and illness recordkeeping requirements at 29 CFR Part 1904. Your letter raises the issue of whether an injury resulting from an accident at work (requiring stitches to a finger) is recordable if the employee failed to wear gloves, failed a post-accident drug test, and was "written-up" for not following the company safety policy.

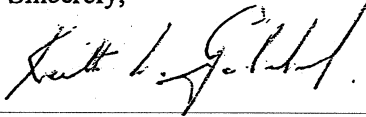
Section 1904.5 sets out the requirements employers must follow in determining whether an injury or illness is work-related. Paragraph 1904.5(a) states that an injury or illness must be considered work-related if an event or exposure in the work environment caused or contributed to the injury or illness or significantly aggravated a pre-existing condition. For OSHA recordkeeping purposes, a work relationship is presumed unless an exemption listed in Section 1904.5(b)(2) specifically applies.

OSHA recognizes that some circumstances that lead to a recordable work-related injury or illness under Part 1904 are "beyond the employer's control." Nevertheless, because such an injury or illness was caused, contributed to, or significantly aggravated by an event or exposure at work, it must be recorded, provided it meets one or more of the recording criteria contained in 1904.7, and does not qualify for an exception to the geographic presumption of work relationship in 1904.5(b)(2). This approach is consistent with the no-fault recordkeeping system OSHA has historically adopted, which includes work-related injuries and illnesses. Both the Note to Subpart A of the Part 1904 regulation and OSHA Form 300, Log of Work-Related Injuries and Illnesses, expressly state: "Recording or reporting a work-related injury, illness, or fatality does not mean that the employer or employee was at fault, that an OSHA rule has been violated, or that the employee is eligible for workers compensation or other benefits." In addition, OSHA recognizes that injury and illness rates do not necessarily indicate a lack of interest in safety and health or success or failure per se. In conclusion, the case you describe would be OSHA recordable regardless of employee fault.

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 OSHA's Office of Statistical Analysis at (202) 693-1875.

Sincerely,

A handwritten signature in dark ink, appearing to read "Keith L. Goddard", written over a horizontal line.

Keith L. Goddard, Director
Directorate of Evaluation and Analysis