



Reply to the attention of:

MAY 8 - 2009

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

Dear Ms. Ballas:

Thank you for your 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 you with prompt and accurate responses, we developed, and continue to refine, a set of Frequently Asked Questions (FAQs). In addition, we maintain a log of Letters of Interpretation (LOI) on the OSHA Recordkeeping website.

You requested specific guidance on recordkeeping requirements relating to the administration of oxygen. Specifically, you ask whether the administration of oxygen in the following scenarios must be classified as a recordable injury:

1. An EMT gives oxygen to an employee per "State protocol or standing order" after a workplace exposure, when the employee is "no longer experiencing signs or symptoms of needing oxygen."

**Response 1:** The employer must record this case on its OSHA Log. Under 29 CFR Subpart C, "Recordkeeping Forms and Recording Criteria," an injury must be recorded if it is work-related, is a new case, and meets one or more of the general recording criteria (such as resulting in medical treatment beyond first aid). See 29 CFR §1904.4(a). When OSHA revised its recordkeeping rules in 2001, it determined that the use of oxygen is "medical treatment," not first aid. 66 Fed. Reg. 5988 (Jan. 19, 2001).

Although the employee in the scenario you describe "no longer" exhibits symptoms from a work-related exposure, the implication is that the employee had exhibited symptoms as a result of the workplace exposure, and a licensed health care professional administered oxygen shortly after the exhibition of those symptoms.

OSHA has addressed this specific issue in FAQ 7-15 regarding the Part 1904 recordkeeping requirements, available in OSHA's Recordkeeping Handbook on OSHA's website at [www.osha.gov/recordkeeping](http://www.osha.gov/recordkeeping).

**Question 7-15. If an employee is exposed to chlorine or some other substance at work and oxygen is administered as a precautionary measure, is the case recordable?**

If oxygen is administered as a purely precautionary measure to an employee who does not exhibit any symptoms of an injury or illness, the case is not recordable. If the employee exposed to a substance exhibits symptoms of an injury or illness, the administration of oxygen makes the case recordable.

2. A doctor orders a transport of an employee "involved in an incident" to a local medical facility for observation. The doctor specifies that oxygen and other medical treatment is not necessary. However, the ambulance company's established standing order, based on state protocol, is to administer oxygen to anyone being transported for observation. The EMT follows the standing order and administers oxygen and an IV. The employee arrives for observation "without complication and without the need for oxygen." Should the case, be recorded as medical treatment per the recordkeeping guidelines?

**Response 2:** In the second scenario, your reference to an employee's involvement in an "incident" does not provide sufficient information for OSHA to make a determination about whether recording is necessary. The administration of oxygen, absent an injury or illness, is not recordable. Employees must have sustained an injury or illness, as defined by the recordkeeping rule, before the administration of oxygen, or any other medical treatment, makes the case recordable. Please see OSHA's Letter of Interpretation dated November 19, 2002, on OSHA's website at <http://www.osha.gov/recordkeeping>.

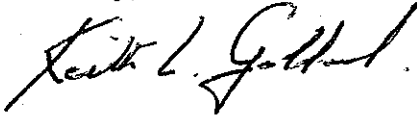
3. You ask OSHA to comment on what you imply are differences in OSHA's positions with respect to the administration of oxygen "as a prophylaxis" and the administration of a tetanus shot "as a prophylaxis."

**Response 3:** The meaning of "as a prophylaxis" is not entirely clear, but as explained above, the administration of oxygen as a purely precautionary measure to an employee who had not been injured nor exhibited any symptoms of injury or illness is not a recordable event. The administration of a tetanus immunization is always "first aid" and thus is never, by itself, a recordable event. See 29 CFR 1904.7(b)(5)(ii)(C) and (b)(5)(ii)(B). It is therefore unclear what "differences" you perceive in OSHA positions in this area. For a full explanation of why OSHA determined the administration of oxygen to be "medical treatment" beyond first aid, while the administration of tetanus immunizations is not; please refer to the preamble of the Recordkeeping Final rule at 66 Fed. Reg. 5988.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. 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>.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith L. Goddard". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

Keith Goddard, Director  
Directorate of Evaluation and Analysis