

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210



Reply to the attention of:

June 23, 2014

Timothy Hayes
Covance Inc.
210 Carnegie Center
Princeton, New Jersey 08540-6233

Dear Mr. Hayes:

Thank you for your letter dated May 16, 2014 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. Please note that an OSHA letter of interpretation pertaining to a similar scenario is available at http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=INTERPRETATIONS&p_id=24732.

In your letter, you indicated your company is a laboratory services company. Please note that establishments classified in Standard Industrial Classification (SIC) 873, Research, Development and Testing Services are partially exempt from OSHA's injury and illness recordkeeping requirements under Section 1904.2 (Partial exemptions for establishments in certain industries).

Scenario: An employee receives a work-related minor scratch (a red mark on the skin with no obvious skin breaks) from an animal that is potentially naturally infected with Macacine herpesvirus 1. The health care provider offers an anti-viral injection out of an abundance of caution. Both the employee and the primate later test negative for the infection.

OSHA Response: The scenario described above resulted in a work related injury involving medical treatment beyond first aid. This meets OSHA's injury and illness recording criteria and must be entered on the OSHA Form 300.

OSHA's regulation at Section 1904.46(3) states:

"An injury or illness is an abnormal condition or disorder. Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation. Illnesses include both acute and chronic illnesses, such as, but not limited to, a skin disease, respiratory disorder, or poisoning. (Note: injuries and illnesses are recordable only if they are new, work-related cases that meet one or more of the Part 1904 recording criteria)."

For purposes of OSHA recordkeeping, a scratch is considered an abnormal condition that meets the very inclusive definition in Section 1904.46(3).

As you point out in your letter, Section 1904.7(b)(5)(ii)(B) states that the definition of "first aid" includes: "Administering tetanus immunizations (other immunizations, such as Hepatitis B

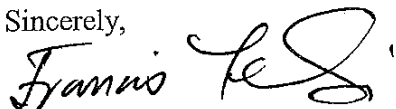
vaccine or rabies vaccine, are considered medical treatment)." Also, in the preamble to the 2001 final rule revising OSHA's injury and illness recordkeeping regulation, OSHA stated "...when inoculations such as gamma globulin, rabies, etc. are given to treat a specific injury or illness, or in response to workplace exposure, medical treatment has been rendered and the case must be recorded." See, 66 Federal Register 5989.

Please note that tetanus immunizations are included as item B on the first aid list because these immunizations are often administered to a worker routinely to maintain the required level of immunity to the tetanus bacillus. These immunizations are thus based not on the severity of the injury, but on the length of time since the worker has last been immunized. See, 66 Federal Register 5988.

The tetanus immunization is the **only** immunization considered first aid for OSHA recordkeeping purposes. The anti-viral provided in your scenario is not administered routinely, but was provided to meet a specific injury involving a potentially fatal contagion.

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>.

Sincerely,

A handwritten signature in black ink, appearing to read "Francis Yebesi", with a stylized flourish at the end.

Francis Yebesi, Acting Director
Directorate of Evaluation and Analysis