

U.S. Department of Labor

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



Reply to the attention of:

July 16, 2014

Josh Chaffin, CSP
James Ratledge, CSP
URS Safety Department
8480 DuPont Rd B104
Washington, WV 26181

Dear Mr. Chaffin and Mr. Ratledge:

Thank you for your February 21, 2014, letter to the Occupational Safety and Health Administration (OSHA). You requested information regarding OSHA's occupational injury and illness recordkeeping regulation at 29 CFR 1904. Specifically, you requested information on examples of "hot and cold therapy" as used in Section 1904.7(b)(5)(ii)(E).

Section 1904.7(a) requires an employer to consider an injury or illness to meet the general recording criteria if it results in "medical treatment beyond first aid." For purposes of Part 1904, medical treatment means "the management and care of a patient to combat disease or disorder." This section of the recordkeeping regulation also states that first aid, as defined by Section 1904.7(b)(5)(ii), does not fall within the definition of medical treatment. OSHA also explained in the January 19, 2001, preamble to the final rule revising the Part 1904 regulation that the list of first aid treatments included in Section 1904.7(b)(5)(ii) is comprehensive. This means that any treatment not included on the list is not considered first aid for purposes of Part 1904. See, 66 Fed. Reg. 5984.

Section 1904.7(b)(5)(ii)(E) provides that the definition of "first aid" includes using "hot or cold therapy." OSHA stated in the 2001 preamble to the final rule that hot and cold treatment is first aid regardless of the number of times it is applied, where it is applied, or the injury or illness to which it is applied. See, 66 Fed. Reg. 5990. It is OSHA's judgment that hot and cold treatment is simple to apply, does not require special training, and is rarely used as the only treatment for any significant injury or illness.

Question: What constitutes hot and cold therapy? For example, does the hot/cold therapy have to be applied by a trained and licensed medical professional in order for it to become first aid, or is self-applied hot/cold also considered first aid

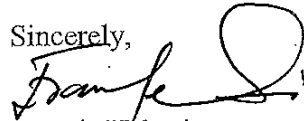
Response: OSHA considers the treatments listed in §1904.7(b)(5)(ii) to be first aid regardless of the professional status of the person providing the treatment. Even when these treatments are provided by a physician or other licensed health care professional, they are considered first aid for the purposes of Part 1904. Similarly, OSHA considers treatment beyond first aid to be medical treatment even when it is provided by someone other than a physician or other licensed health care professional.

Question: If self-applied hot/cold therapy is considered first-aid, what type of product is included in the first aid treatment category? For example, is holding your hand under cold water from the tap considered cold therapy and/or first aid? Is holding an ice cube or Popsicle on your skin considered cold therapy? Does it have to be an item manufactured for the express purpose of first aid treatment in order to be reported as first aid?

Response: Hot and cold treatment is first aid regardless of the number of times it is applied, where it is applied, who applies it, or the injury or illness to which it is applied. A device or product does not have to be expressly designed as a hot or cold therapy to be considered hot or cold therapy. Examples of heat or cold therapy include compresses, soaking, ice bags, and non-prescription skin creams/lotions for local relief. On the other hand, please be aware that whirlpool treatments and ultrasound therapies are both considered forms of physical therapy, and are therefore medical treatment for purposes of OSHA recordkeeping.

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 www.osha.gov.

Sincerely,

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

Francis Yebesi

Acting Director, Directorate of Evaluation and Analysis