



U.S. Department of Labor
Occupational Safety & Health Administration

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Standard Interpretations

07/22/2003 - Clarification of Recordkeeping's work-related exception.

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• **Standard Number:** 1904; 1904.5(b)(2)

This letter constitutes OSHA's interpretation only of the requirements discussed and may not be applicable to any situation not delineated within the original correspondence.

July 22, 2003

Jeff Romine, CSP, CPEA
Safety Manager
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Dear Mr. Romine:

Thank you for your May 9, 2003 letter to the Occupational Safety and Health Administration (OSHA) regarding the Injury and Illness Recording and Reporting requirements contained in 29 CFR Part 1904.


Specifically, you ask OSHA to clarify the work-related exception specified at 1904.5(b)(2)(v) in which an injury or illness is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours. You indicate an employee experienced an injury in the work environment during his or her assigned working hours, but feel the task was unrelated to the employee's job, therefore would not be considered work-related. In order to correctly apply the work-related exception 1904.5(b)(2)(v), the case must meet both of the following conditions. The case must involve first, personal tasks at the establishment and second, must have occurred outside of the employee's assigned working hours. The nature of the activity in which the employee is engaged in at the time of the event or exposure, the degree of employer control over the employee's activity, the preventability of the incident, or the concept of fault do not affect the determination of work-relationship. For purposes of OSHA recordkeeping, the case did not meet the entire criteria under section 1904.5(b)(2)(v).

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 response to new information. To keep appraised of such developments, you can consult OSHA's website at <http://www.osha.gov>. If you have any further questions, please contact the Division of Recordkeeping Requirements at 202-693-1702.

Sincerely,

John L. Henshaw
Assistant Secretary

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