

Reply to the attention of:



JUL 28 2009

COPY

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

Dear Ms. Ballas:

Thank you for your June 8, 2009 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 (FAQ), in addition to maintaining a log of Letters of Interpretation (LOI) on the OSHA Recordkeeping website.

Scenario: An employee was assisting two other employees to put out a fire. All three employees were exposed to smoke, and were sent to a local hospital for precautionary reasons. Would the case be recordable if the ambulance driver administered oxygen to all three employees, not based on the symptoms presented by the injured, but merely based on local emergency responder ordinance, ambulance service protocol or general standing orders? The competent health care providers makes no decision, just follows the written rule, regardless of symptoms.

Response: The administration of oxygen is considered medical treatment for OSHA injury and illness recordkeeping purposes. If an employee is symptomatic of a work-related injury or illness (e.g., respiratory distress from smoke inhalation) and is administered oxygen, the case is recordable. The fact that the EMT administered the oxygen based on local emergency responder ordinance is not relevant.

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.

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 long horizontal stroke at the end.

Keith Goddard, Director
Directorate of Evaluation and Analysis