

UNITED STATES
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• **Standard Number:** [1904.41](#); [1904.42](#); [1904.32\(b\)](#); [1904.40\(b\)](#); [1904.35](#)

August 13, 2012

Naohisa Inoue
Miami Dolphins
Assistant Athletic Trainer
7500 S.W. 30th Street
Davie, FL 33314

Dear Mr. Inoue:

Thank you for your March 7, 2012 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. Specifically, you are requesting an interpretation on the requirements of submitting OSHA's Recordkeeping Forms to the United States Department of Labor/OSHA. In an effort to provide the public 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 web site.

The occupational injury and illness recordkeeping regulations (29 CFR 1904) require injury and illness records be located and maintained at the establishment to assist government agencies in administering and enforcing the OSH Act, to increase employer-employee awareness, and to promote injury and illness prevention. These records of injuries and illnesses are not sent to OSHA unless specifically asked to do so as part of a survey or an investigation. Establishments selected to submit this data to OSHA or to the Bureau of Labor Statistics (BLS), agencies of the US Department of Labor, will receive a separate survey reporting form in the mail. Response to these two surveys is mandatory (See 1904.41 and 1904.42). If an establishment does not receive a survey form, the employer is not required to submit the data; the employer need only maintain and retain the records according to the regulation.

Section 1904.32(b)(6) requires the OSHA Form 300A (Annual Summary) be posted no later than February 1 of the year following the year covered by the records and keep the posting in place until April 30. It further states in Section 1904.33 that you must save the OSHA Form 300 log, the privacy case list (if one exists), the OSHA Form 300A, Annual Summary, and the OSHA Form 301 Incident Report for five (5) years following the end of the calendar year that these records cover.

Employers are required to update the 300 logs to include newly discovered recordable injuries or illnesses and to show any changes that have occurred in the classification of previously recorded injuries and illnesses. If the description or outcome of a case changes, you must remove or line out the original entry and enter the new information. You are not required to update the annual summary or the OSHA 301 Incident Reports, but you may do so if you wish.


All forms in this series, Form 300, Form 300A and Form 301, must be available for inspection and copying by authorized government representatives as described in Section 1904.40(b) of the regulation. OSHA forms must also be provided to employees, former employees and their representatives according to the rules of access as stated in Section 1904.35.

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 responses to new information. To keep apprised of such developments, you can consult

OSHA's website at <http://www.osha.gov>.

Sincerely,

Jens Svenson, Acting Director
Directorate of Evaluation and Analysis

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