



Standard Interpretations - Table of Contents

• Standard Number: 1904.5

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>

August 23, 2016

Mr. Gary Smiley
Dannon
216 Southgate Dr.
Minster, OH 45865

Dear Mr. Smiley:

Thank you for your letter to the Occupational Safety and Health Administration (OSHA) regarding 29 CFR Part 1904 - Recording and Reporting Occupational Injuries and Illnesses.

In your letter, you request an interpretation from OSHA on whether the following injury is considered work-related and recordable: An employee was operating a powered industrial truck (a "walkie"). Her foot became jammed between the walkie and a pallet and her steel toed shoe bent and cut the top of her toe. She received four stitches for the laceration. At the time of the incident, the employee was taking prescription medication for a non-work related condition, which had the potential to cause loss of awareness of her surroundings. You believe this meets the work-related exception in Section 1904.5(b)(2)(ii) where the injury or illness involves signs or symptoms that surface at work but result solely from a non-work-related event or exposure that occurs outside the work environment.

This case meets OSHA's definition of work-relationship. Because the case involved medical treatment beyond first aid it must be recorded on your OSHA Form 300.

Section 1904.5(a) states, "[the employer] must consider an injury or illness to be work-related if an event or exposure in the work environment either caused or contributed to the resulting condition. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in Section 1904.5(b)(2) specifically applies." Under this language, a case is presumed work-related if an event or exposure in the work environment is a discernible cause of the injury or illness or of a significant aggravation to a pre-existing condition. The work event or exposure need only be one of the discernable causes; it need not be the sole or predominant cause.

Under Section 1904.5(b)(2)(ii), you are not required to record a case if the injury or illness involves signs or symptoms that surface at work but result solely from a non-work-related event or exposure that occurs outside the work environment. For this exemption to apply, the resultant injury must be **solely** due to the employee's non-work related condition. In other words, an event or exposure in the work environment can play no part in the injury. The facts of your scenario do not meet this exception because the injury described resulted from operation of workplace equipment.

Likewise, the exemption to work relatedness under Section 1904.5(b)(2)(vi) would not apply for the same reason. Under Section 1904.5(b)(2)(vi) you are not required to record an injury or illness if the injury or illness is **solely** the result of self-medication for a non-work-related condition. The injury described in your scenario resulted from operation of workplace equipment.

OSHA's no-fault recordkeeping system requires the recording of injuries and illnesses that result from work-related events or exposures, regardless of the level of employer control or non-control involved. The fact that the employee received training on the equipment, and the equipment was inspected and in proper working order, are not considerations for determining work-relationship for OSHA recordkeeping purposes.

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,

Amanda Edens, Director
Directorate of Technical Support and Emergency Management

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200 Constitution Ave., NW,
Washington, DC 20210
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TTY
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