



## U.S. Department of Labor

### Occupational Safety & Health Administration

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#### Standard Interpretations

### 08/26/2004 - Recordability of a fatal traffic accident in a foreign project location.

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• **Standard Number:** 1904.5(b)(6)

**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.**

August 26, 2004

Mr. John A. Dempsey, Jr.  
Vice President  
PFD International LLC  
One Fluor Daniel Drive  
Sugarland, TX 77478

Dear Mr. Dempsey:

We in OSHA's Directorate of Evaluation and Analysis are responding to your letter dated Friday, April 16, 2004 in which you request guidance on the proper recordability classification of a recent motor vehicle fatality that occurred in one of your foreign project locations.

I will assume that you realize that the Occupational Safety and Health Act, and therefore the 29 CFR Part 1904 OSHA Recordkeeping Regulation, apply only within the jurisdictional boundaries of the United States and certain locations listed in Section 4(a), 29 USC §653(a) of the Act.

If the accident had occurred in a location subject to OSHA jurisdiction, the fatality appears, from the facts recounted in your letter, to be recordable. A fatality is work-related, and therefore recordable, if it occurred while the employee was traveling "in the interest of the employer," such as driving to attend a work meeting, see 29 CFR §1904.5(b)(6). Please note that the employee's pay status at the time of the accident does not affect the work relatedness of the case. An exception would apply if the accident occurred while the employee was on a personal detour from a reasonably direct route of travel, see 29 CFR §1904.5(b)(6)(ii). Since you stated that you do not know whether or not the employee took any personal side trip(s) from the normal highway route to the meeting, the exception would not apply.

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. In addition, 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>. If you have any further questions, please contact the Division of Recordkeeping Requirements at 202 693-1702.

Sincerely,

Keith Goddard, Director  
Directorate of Evaluation and Analysis

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Occupational Safety & Health Administration  
200 Constitution Avenue, NW  
Washington, DC 20210