

Standard Interpretations / Clarification on the use of a cold therapy only setting on a therapeutic device is first-aid

• Standard Number: 1904.7(b)(5)(ii)

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 9, 2018

Tomasina Barton
CoolSystems, Inc. DBA Game Ready
1800 Sutter St. Suite 500
Concord, California 94520

Dear Mr. Barton:

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. Specifically, you ask whether the use of a cold therapy only setting on a therapeutic device is considered first aid for purposes of OSHA recordkeeping.

In your letter, you state that your company has developed a care system device that has a dual modality, offering a separate cold therapy and compression therapy functionality. We understand that when treating an injury, cold water flows from a device through a hose onto one side of a wrap, and that air flows from the device through a hose to the other side of the wrap. The cold and compression components are operated independently and the user can experience the benefits of active cold therapy with "pressure off" selected. You also state that the "pressure off" setting does not affect the functionality of the cold therapy delivered through the wrap.

Section 1904.7(b)(5)(ii) of OSHA's recordkeeping regulation requires employers to record work-related injuries and illnesses that result in medical treatment beyond first aid. Under Part 1904, medical treatment does not include "first aid" as defined in paragraph 1904.7(b)(5)(ii). The section specifically states that "using hot or cold therapy" is first aid. See, subparagraph (E). Section 1904.7(b)(5)(iii) goes on to state that the list of first aid treatments in section 1904.7(b)(5)(ii) is a comprehensive list of first aid treatments. Any treatment not included on the list is not considered first aid for OSHA recordkeeping purposes.

In determining whether the use of the cold therapy only setting on your device constitutes first aid or medical treatment under the recordkeeping regulation, OSHA's Directorate of Technical Support and Emergency Management consulted with the OSHA Office of Occupational Medicine and Nursing (OOMN). A review of the literature description on your care system was discussed and analyzed.

After completing the review, OSHA has determined that applying only the cold therapy component of your device (with no compression) is first-aid for injury and illness recordkeeping purposes. As noted above, section 1904.7(b)(5)(ii)(E) states that the use of cold therapy to treat a work-related injury or illness is first aid. However, please note

that the use of air compression therapy is not included on the list of first aid treatments in section 1904.7(b)(5)(ii). Accordingly, when the air compression component of your device is used, either with or without cold therapy, to treat a work-related injury or illness, the case must be recorded on the OSHA 300 log.

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.

Sincerely,

Amanda L. Edens, Director
Directorate of Technical Support and Emergency Management
