



U.S. Department of Labor
Occupational Safety & Health Administration

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Standard Interpretations

09/01/2005 - 29 CFR Part 1904 OSHA Recordkeeping Regulation applies only within the jurisdictional boundaries of the United States and certain locations listed in OSHAct Sec. 4(a).

[← Standard Interpretations - Table of Contents](#)

• **Standard Number:** 1904; 1904.5

September 1, 2005

Mr. Roy Kader

Health, Safety and Environment Manager
JGC Corporation
P.O. Box 422, Falaj Al-Qabail
Postal Code-322
Sohar, Sultanate of Oman

Dear Mr. Kader:

Thank you for your April 15, 2005, letter to the Occupational Safety and Health Administration (OSHA) regarding the Injury and Illness Recording and Reporting Requirements contained in 29 CFR Part 1904. Specifically, you are requesting guidance on the recordability of a recent motor vehicle fatality that occurred at one of your project locations.

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. From your letter it appears that the accident occurred in a foreign country. Accordingly, the fatalities are not recordable.

If the accident had occurred in location subject to OSHA jurisdiction, the fatalities would appear, from the facts recounted in your letter, to be recordable. Since the driver's job was to drive the water truck between the project site and the well, his death in an accident that occurred in the course of a two-way trip to collect water is clearly work related under 29 CFR §1904.5. The facts disclosed in your investigation of the accident — that the trip was not completed within the normal two hours, that the driver had an unofficial passenger, and that the sand at the accident scene was dry — would not be a basis to apply any exception to the work-relationship rule.

Assuming the passenger was an employee, his death would be recordable unless the trip was unrelated to the passenger's employment and occurred outside his normal working hours, e.g., the passenger was being given a ride home after his work shift.

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 202-693-1876.

Sincerely,

Keith Goddard, Director
Directorate of Evaluation and Analysis

 [Standard Interpretations - Table of Contents](#)



[Back to Top](#)

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