

## Standard Interpretations

/ Prescription medications, such as an Epi-Pen considered medical treatment beyond first-aid.

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### ▪ **Standard Number:** 1904.7

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Rock Zierman  
California Independent Petroleum Association  
1001 K Street, Sixth Floor  
Sacramento, CA 95814

Dear Mr. Zierman:

Thank you for your 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. You request clarification concerning the recordability of a case when prescription allergy medicine is administered to treat an injury at work, either on a precautionary basis with no symptoms or following the appearance of symptoms.

In your letter, you describe a scenario where an employee is working outdoors as a lease operator in the oil and gas industry and is stung by a bee. The employee has had allergic reactions to bee stings in the past while not at work and carries a personal Epi Pen (epinephrine) with him. Just after the bee sting at work, and before any allergic symptoms arise, the employee injects himself with the Epi Pen as a precaution. His job functions have nothing to do with the keeping of bees, removing bees or the handling of bees.

**Question 1:** Where a prescription for an Epi Pen auto injector was not written for a work-related cause or event, and the job functions are unrelated to the handling of bees, would any subsequent precautionary usage of the personal Epi Pen at work after a bee stung without symptoms be recordable?

**Response:** Section 1904.5(a) of OSHA's recordkeeping regulation provides that an injury or illness must be considered work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing condition. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures in the work environment, unless an exception in section 1904.5(b)(2) specifically applies. Under OSHA's recordkeeping system, work-relatedness is established if there is an identifiable event or exposure in the work environment, such as a bee sting, that either caused or contributed to the employee's injury or illness. Any work contribution makes a case work related for OSHA recordkeeping purposes, it need not be the sole or predominant cause.

Under section 1904.5(b)(5), an injury or illness is a pre-existing condition if it results solely from a non-work-related event or exposure that occurs outside the work environment. Section 1904.5(b)(4) provides that a pre-existing injury or illness has been significantly aggravated when an event or exposure in the work environment results in

“... (iv) medical treatment in a case where no medical treatment was needed for the injury or illness before the workplace event or exposure, or a change in medical treatment was necessitated by the workplace event or exposure.

For example, under OSHA’s recordkeeping regulation, the issuance of prescription medication is considered medical treatment beyond first aid, and work-related injuries or illnesses involving medical treatment beyond first aid must be recorded on the OSHA Form 300. See, section 1904.7(a).

The case described in your letter is a recordable injury. The employee has a known pre-existing condition (allergic to bee stings) and that condition was significantly aggravated by an event or exposure in the work environment. Specifically, a prescription Epi Pen was used to treat a bee sting injury that occurred in the work environment. The fact that the prescription medication was used as a precautionary measure, without any allergic symptoms, is not relevant to the determination that a prescription was used to treat the employee’s injury. See, OSHA’s October 20, 2014 Letter of Interpretation addressing “Prescription medications including preventative antibiotics are considered medical treatment and are recordable.” <https://www.osha.gov/laws-regs/standardinterpretations/2014-10-20-0>.

**Question 2:** Would the recordability change if the employee used the personal Epi Pen at work after symptoms ensued?

**Response:** No. The case is recordable regardless of whether the employee suffers an allergic reaction to the bee sting. Again, under your scenario, work contributed to the employee’s injury (i.e., the bee sting is an event that took place while the employee was working in the work environment). The case met the general recording criteria in section 1904.7 (medical treatment beyond first aid) when the injured employee injects himself with the prescription Epi Pen to treat the work-related injury. Accordingly, if the employee injected himself after an allergic reaction occurred, the case would still be recordable. See, OSHA’s August 18, 2014, Letter of Interpretation addressing “Work-relatedness for a pre-existing condition.” <https://www.osha.gov/laws-regs/standardinterpretations/2014-08-18>

The State of California operates its own occupational safety and health program under a plan approved and monitored by OSHA. California Division of Occupational Safety and Health (Cal/OSHA) adopts and enforces standards and investigates safety and health concerns in workplaces throughout the state. State Plans are required to have standards and enforcement programs that are at least as effective as OSHA’s, but may have different or additional requirements.

You may wish to contact Cal/OSHA at:

Division of Occupational Safety and Health  
1515 Clay Street, 19th floor  
Oakland, California 94612  
Telephone: 510-622-8965  
<http://www.osha.gov/dcsp/osp/stateprogs/california.htm>

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Sincerely,

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