

Ex. 1
ACCSH 1994-5

WORKGROUP DRAFT #3
12/08/94

**RECORD KEEPING WORK GROUP REPORT
TO FULL ACCSH COMMITTEE**

WORKGROUP MEMBERS:

0 STEW BURKHAMMER, CHAIR
0 STEVE CLOUTIER
0 ALLEN MEIER
0 JOHN MORAN
0 JACK POMPEI

WORKGROUP SCOPE:

CONTINUE, FROM THE PREVIOUS ACCSH RECORD KEEPING WORKGROUP, TO WORK WITH THE OFFICE OF STATISTICS ON ASSISTING IN THE DEVELOPMENT AND REVISION OF THE OSHA RECORD KEEPING REQUIREMENTS.

WORKGROUP OPERATIONS:

SINCE THE LAST ACCSH MEETING, THE WORKGROUP HAS DRAFTED A REVISED RECORD KEEPING REVISION, 29 CFR PART 1904. CORRESPONDENCE HAS BEEN BY PHONE AND FAX. THE WORKGROUP MET ON DECEMBER 8, 1994 WITH STEVE NEWELL AND BOB WHITMORE. A COMPREHENSIVE REVIEW OF THE WORKGROUP'S RECOMMENDATIONS WAS CONDUCTED.

WORKGROUP RECOMMENDATION:

THE WORKGROUP RECOMMENDS THAT ACCSH APPROVE THE REVISED RECORD KEEPING REVISIONS AND RECOMMENDATIONS, AS STATED AND FORWARD THE RECOMMENDATION TO OSHA AND THE OFFICE OF STATISTICS. IN ADDITION, THE WORKGROUP RECOMMENDS THAT OSHA, BASED ON YESTERDAYS MEETING, IMMEDIATELY PUBLISH THE NPR ON RECORD KEEPING FOR PUBLIC COMMENT.

**REVISION TO DRAFT RECORD KEEPING STANDARD
29 CFR PART 1904**

ISSUES WITH PARTICULAR SIGNIFICANCE TO THE CONSTRUCTION INDUSTRY:

COMPREHENSIVE INJURY AND ILLNESS RECORDS FOR "OTHER WORKERS" THE OSHA DRAFT PROPOSAL INCLUDES A REQUIREMENT FOR SITE CONTROLLING EMPLOYERS (e.g. GENERAL CONTRACTORS) IN THE CONSTRUCTION INDUSTRY, TO RECORD INJURIES AND ILLNESSES FOR CONTRACT WORKERS WHOM THEY DO NOT SUPERVISE ON A DAY-TO-DAY BASIS AT THEIR CONSTRUCTION SITES. (SUBCONTRACTORS). OSHA'S DRAFT PROPOSAL WOULD REQUIRE EACH SITE CONTROLLING EMPLOYER TO MAINTAIN TWO SETS OF RECORDS: ONE FOR THEIR OWN EMPLOYEES AND ONE FOR CONTRACT WORKERS. THE RECORDS FOR THE CONTRACT WORKERS WOULD BE ABBREVIATED AND ONLY REQUIRE THE EMPLOYER TO ENTER THE NAME OF THE INJURED OR ILL CONTRACT WORKER, HIS OR HER EMPLOYER, THE DATE OF INJURY OR ILLNESS, A BRIEF

RECORD KEEPING WORKGROUP REPORT
PAGE 2

DESCRIPTION OF THE INJURY OR ILLNESS, AND WHETHER OR NOT THE EMPLOYEE DIED OR WAS HOSPITALIZED.

THE WORKGROUP BELIEVES THE RESPONSIBILITY FOR GETTING CONTRACTORS/SUBCONTRACTORS TO COMPLY WITH OSHA RECORD KEEPING REQUIREMENTS IS NOT THE INTENT OF THE OSHA ACT. EACH EMPLOYER IS REQUIRED TO COMPLETE AND MAINTAIN REQUISITE RECORDS. THIS SHOULD REMAIN THE CASE. IN MANY CASES, CONTRACTS ARE LET BY THE OWNERS OR AN AGENT FOR THE OWNER WHOM MAY OR MAY NOT BE ON THE CONSTRUCTION PROJECT. IN ADDITION, THEIR MAY BE SEVERAL PRIME OR GENERAL CONTRACTORS PERFORMING A PART OF THE PROJECT'S SCOPE ON SITE AT THE SAME TIME. ALSO, IN TODAY'S CONSTRUCTION MARKET, MOST CONTRACTS ARE LET AS A LUMP SUM CONTRACT. IF THE CONTRACT LANGUAGE DOES NOT CONTAIN SPECIFIC LANGUAGE REQUIRING A SUBCONTRACTOR TO PROVIDE WHOEVER WITH INJURY AND ILLNESS DATA, IT WILL NOT BE PROVIDED. SUGGESTED LANGUAGE - EACH CONTRACTOR WITH 10 OR MORE EMPLOYEES ON AN INDIVIDUAL PROJECT, SHALL YEARLY OR UPON COMPLETION OF THEIR SCOPE OF WORK, PROVIDE THE PROJECT OWNER, OR AGENT FOR THE OWNER, WITH A COPY OF THEIR PROJECT SPECIFIC OSHA 300 LOG. THE PROJECT OWNER WOULD HAVE THE RESPONSIBILITY TO COLLECT THE DATA AND SEND IT INTO OSHA AS REQUIRED.

DEFINITION OF ESTABLISHMENT: THE DEFINITION OF AN ESTABLISHMENT DESCRIBES THE LOCATIONS THE RECORDS COVER. OSHA'S PROPOSAL DEFINES "ESTABLISHMENT" TO MEAN A SINGLE PHYSICAL LOCATION THAT IS IN OPERATION FOR 30 CALENDAR DAYS OR LONGER WHERE BUSINESS IS CONDUCTED OR WHERE SERVICES OR INDUSTRIAL OPERATIONS ARE PERFORMED.

THE WORKGROUP SEES THE NEED TO CAPTURE MEANINGFUL DATA. THE CURRENT REQUIREMENT OF 1 YEAR MAY BE LONGER THAN NEEDED AND MISS A LARGE PORTION OF THE DATA THAT IS REQUIRED. HOWEVER 30 DAYS ALSO MISSES A LARGE PORTION OF DATA SUCH AS OUTAGE WORK, DEMOLITION TYPE WORK, SOME RENOVATIONS, SHORT TERM TRENCHING AND POWER LINE WORK, AND SITE CLEARING AND EARTHMOVING TYPE OPERATIONS. SUGGESTED LANGUAGE - ESTABLISHMENT IS DEFINED AS ANY PHYSICAL WORK LOCATION THAT SOME FORM OF WORK IS BEING PERFORMED ON FOR A PERIOD OF LONGER THAN FIVE WORKING DAYS FROM START OF SAID WORK.

COVERAGE: THE OSHA PROPOSAL WOULD ELIMINATE THE CURRENT RECORD KEEPING EXEMPTIONS FOR SPECIFIC INDUSTRIES (SICs) IN THE RETAIL AND SERVICE INDUSTRIES. AN ADDITIONAL 700,000 EMPLOYERS WOULD BE REQUIRED TO MAINTAIN RECORDS.

THE WORKGROUP FINDS THIS INTERESTING AND WOULD LIKE TO KNOW HOW MUCH OF OSHA'S TIME IS SPENT INSPECTING THE PRIVATE SECTOR SERVICE INDUSTRY. IN ADDITION, HOW MANY CITATIONS AND OR FINES ARE ISSUED IN THAT INDUSTRY. BASICALLY, WHAT WOULD OSHA DO WITH THIS DATA?

RECORD KEEPING WORKGROUP REPORT
PAGE 3

SUMMARY INFORMATION: BECAUSE OF THE TRANSIENT NATURE OF CONSTRUCTION SITES AND THE MOBILITY OF CONSTRUCTION WORKERS, FURNISHING YEAR-END SUMMARY INFORMATION TO WORKERS POSES A UNIQUE PROBLEM. ESTABLISHMENTS/SITES THAT END OPERATIONS BEFORE THE MONTH OF FEBRUARY ARE NOT REQUIRED TO POST YEAR-END TOTALS. FURTHERMORE, THE REGULATION DOES NOT STATE WHICH SUMMARY INFORMATION MUST BE PRESENTED/MAILED TO EMPLOYEES WHO HAVE WORKED AT SITES WHICH ARE CLOSED AT THE TIME OF POSTING OR WHO HAVE WORKED AT SEVERAL SITES THROUGHOUT THE YEAR.

THE WORKGROUP AGREES THAT DUE TO THE TRANSIENT NATURE OF CONSTRUCTION, POSTING OF THE OSHA 300 FORM COULD BE A PROBLEM. SUGGESTED LANGUAGE: BASED ON THE WORKGROUP'S SUGGESTED REVISED ESTABLISHMENT LANGUAGE, CONTRACTORS ARE REQUIRED TO MAINTAIN AND POST AN OSHA 300 LOG BASED ON INJURIES AND OR ILLNESSES INCURRED WHILE WORKING ON A PROJECT. THE 300 LOG WILL BE REVISED AND POSTED AT THE END OF EACH WEEK IN A LOCATION ACCESSIBLE TO THE EMPLOYEES. WHEN THE CONTRACTOR HAS COMPLETED ITS CONTRACT ON SAID PROJECT, THE CONTRACTOR WILL FORWARD A TOTAL OSHA 300 LOG COVERING ALL INJURIES AND ILLNESSES FOR THAT CONTRACTOR ON SAID PROJECT TO THE OWNER OR AGENT FOR THE OWNER AS PREVIOUSLY STATED ABOVE.

EMPLOYEE NOTIFICATION: THE OSHA PROPOSAL INCLUDES A REQUIREMENT FOR EMPLOYERS TO NOTIFY EACH INJURED OR ILL EMPLOYEE THAT THEIR CASE HAS BEEN ENTERED INTO THE OSHA 300 LOG.

THE WORKGROUP SEES NO NEED FOR THIS REQUIREMENT CHANGE. ALL EMPLOYEES HAVE THE RIGHT TO ASK TO SEE THEIR INJURY AND ILLNESS RECORDS. EMPLOYERS ARE REQUIRED TO MAINTAIN THESE RECORDS AND PROVIDE THEM TO EMPLOYEES OR THEIR DESIGNEE UPON REQUEST. PROVIDING THESE RECORDS DOES NOTHING TO IMPROVE THE ACCIDENT PERFORMANCE ON ANY PROJECT AND IS AN ADDED BURDEN TO EMPLOYERS.

POSTING OF THE ANNUAL SUMMARY: THE OSHA PROPOSAL INCLUDES REQUIREMENTS TO POST THE ANNUAL SUMMARY WHICH WILL INCLUDE EMPLOYMENT AND HOURS WORKED.

THE WORKGROUP CAN SEE NO NEED FOR ADDITIONAL POSTING REQUIREMENTS. THE WORKGROUP'S SUGGESTION TO REVISE POSTING REQUIREMENTS OF THE OSHA 300 LOG SHOULD SATISFY ANY EMPLOYEE CONCERNS REGARDING THE MAINTENANCE OF RECORDS.

CERTIFICATION: THE OSHA PROPOSAL INCLUDES A REQUIREMENT FOR A RESPONSIBLE CORPORATE OFFICIAL TO CERTIFY THAT THE ENTRIES AND THE SUMMARY ARE TRUE AND CORRECT. A RESPONSIBLE CORPORATE OFFICIAL MUST BE EITHER AN OWNER OR A CORPORATE OFFICER.

RECORD KEEPING WORKGROUP REPORT
PAGE 4

THE WORKGROUP SEES THIS AS NOT REALISTIC NOR HAVING ANY MEANINGFUL EFFECT ON THE VALIDITY OF THE RECORDS. MOST CORPORATE OFFICERS AND /OR OWNERS ARE NOT ON THE PROJECT OR SITE WHERE THE WORK IS BEING PREFORMED.

SUGGESTED LANGUAGE: THE RESPONSIBLE SENIOR CONTRACTOR REPRESENTATIVE WHO IS ADMINISTERING/MANAGING/DIRECTING/SUPERVISING THE WORK OPERATION ON A SPECIFIC SITE MUST VALIDATE AND SIGN THE OSHA RECORD KEEPING ANNUAL SUMMARY.

ACCESS TO RECORDS BY EMPLOYEES: THE OSHA PROPOSAL WOULD CONTINUE THE POLICY OF ALLOWING EMPLOYEES ACCESS TO THE ENTIRE OSHA LOG, INCLUDING THE NAMES OF INJURED OR ILL CO-WORKERS.

THE WORKGROUP AGREES WITH THE CURRENT PROVISION OF ALLOWING EMPLOYEES ACCESS TO THEIR MEDICAL/ACCIDENT/INJURY/ILLNESS RECORDS. HOWEVER, WE DISAGREE WITH THE OPENNESS OF ANY WORKERS' RECORDS TO ANOTHER WORKER. EMPLOYEES HAVE THE RIGHT OF PRIVACY REGARDING THEIR INJURIES AND ILLNESSES. IF A INJURED OR ILL EMPLOYEE DESIGNATES THAT HIS RECORDS CAN BE MADE AVAILABLE THAT IS ONE ISSUE; BUT, OPENLY MAKING THEM AVAILABLE TO ANYONE IS ANOTHER ISSUE. WE DO NOT SEE HOW DISREGARDING ONES PRIVACY WILL MAKE A DIFFERENCE REGARDING THE SAFETY OF THE WORK ENVIRONMENT. MAKING RECORDS AVAILABLE TO THE ENTIRE WORKFORCE DOES NOTHING TO MAKE THE JOBSITE SAFE. CONTRACTORS WHO VIOLATE SAFETY AND HEALTH REQUIREMENTS WILL CONTINUE TO DO SO AND STILL NOT MAKE RECORDS AVAILABLE.

COMPUTERIZATION OF THE RECORDS: OSHA PROPOSES TO CONTINUE ALLOWING COMPUTERIZATION OF THE RECORD KEEPING FORMS. IN ADDITION, THE COMPUTERIZED FORM MUST BE MADE AVAILABLE TO A GOVERNMENTAL OFFICIAL WITH IN FOUR HOURS OF THE REQUEST.

THE WORKGROUP AGREES WITH ALLOWING CONTRACTORS THE FLEXIBILITY OF COMPUTERIZATION OF ITS RECORD KEEPING SYSTEM. THE REQUIREMENT OF FOUR HOUR PRODUCING OF THE FORM SEEMS UNREALISTIC FOR REMOTE SITES THAT DO NOT HAVE FAX CAPABILITIES.

SUGGESTED LANGUAGE - THE CONTRACTOR MUST PRODUCE ALL REQUISITE RECORDS, REQUIRED BY A GOVERNMENTAL OFFICIAL UPON REQUEST, WITHIN EIGHT HOURS OR ONE WORKING DAY WHICHEVER COMES FIRST.

RECORD KEEPING WORKGROUP REPORT
PAGE 5

DEFINITIONS AFFECTING RECORDABLE INJURIES AND ILLNESSES:

A RECORDABLE INJURY OR ILLNESS IS ONE WHICH MEETS ALL OF THE FOLLOWING FOUR CRITERIA:

- (1) AN INJURY OR ILLNESS EXISTS; AND
- (2) THE INJURY OR ILLNESS IS WORK-RELATED; AND
- (3) THE INJURY OR ILLNESS IS NEW. (DOES NOT RESULT FROM THE RECURRENCE OF A PRE-EXISTING CONDITION); AND
- (4) THE INJURY OR ILLNESS MEETS ON OR MORE OF THE FOLLOWING:
 - A. RESULTS IN DEATH, LOSS OF CONSCIOUSNESS, OR INPATIENT HOSPITALIZATION
 - B. RESULTS IN DAY(S) AWAY FROM WORK, DAY(S) OF RESTRICTED WORK ACTIVITY OR JOB TRANSFER
 - C. REQUIRES MEDICAL TREATMENT
 - D. IS A RECORDABLE CONDITION LISTED IN MANDATORY APPENDIX B

THE WORKGROUP RECOMMENDS THAT (4) A BE REVISED TO READ: RESULTS IN DEATH, LOSS OF CONSCIOUSNESS, OR INPATIENT HOSPITALIZATION FOR OTHER THAN OBSERVATION.
IN ADDITION, THE WORKGROUP WANTS TO NOTE THAT IT WILL BE VERY DIFFICULT FOR AN EMPLOYER TO DETERMINE PRE-EXISTING CONDITIONS.

"FIRST AID" MEANS THE FOLLOWING TREATMENTS FOR INJURIES AND ILLNESSES:

1. NONPRESCRIPTION MEDICATIONS
2. CLEANING, FLUSHING OR SOAKING WOUNDS ON SKIN SURFACE
3. WOUND COVERINGS SUCH AS BANDAGES, GAUZE PADS, ETC.
4. COMPRESSES (HOT/COLD) OR NONPRESCRIPTION SKIN CREAMS/LOTIONS FOR LOCAL RELIEF (ITCH, PAIN ETC.)
5. SPLINTS, ELASTIC BANDAGES OR OTHER MEANS OF IMMOBILIZATION USED FOR LESS THAN 48 HOURS.
6. DRILLING OF A NAIL TO RELIEVE PRESSURE FOR SUBUNGUAL HEMATOMA
7. REMOVAL OF SPLINTERS OR FOREIGN MATERIAL FROM AREAS OTHER THAN THE EYES BY IRRIGATION, TWEEZERS, COTTON SWABS OR OTHER SIMPLE MEANS
8. VISIT(S) TO A HEALTH CARE PROFESSIONAL LIMITED TO OBSERVATION

THIS LIST IS A COMPREHENSIVE LIST OF ALL TREATMENTS CONSIDERED FIRST AID FOR RECORD KEEPING PURPOSES. THESE TREATMENTS ARE CONSIDERED "FIRST AID", REGARDLESS OF THE PROVIDER, THUS THEY MAY BE PROVIDED BY A PHYSICIAN, NURSE, OR OTHER HEALTH CARE PROFESSIONAL AND ARE STILL CONSIDERED FIRST AID.

RECORD KEEPING WORKGROUP REPORT
PAGE 6

THE WORKGROUP WOULD LIKE TO RECOMMEND TWO ADDITIONAL "FIRST AID" TYPES TO BE INCLUDED IN THE DRAFT:

9. REMOVAL OF FOREIGN BODIES IN THE EYE BY FLUSHING THE EYE WITH AN IRRIGATION SOLUTION.

10. HEAT/COLD PACKS FOR THE PURPOSE OF MUSCLE PAIN/STRAIN RELIEF FOR NO LONGER THAN 72 HOURS. (FURTHER DEFINITION REQUIRED)

"MEDICAL TREATMENT" INCLUDES ANY MEDICAL CARE OR TREATMENT BEYOND "FIRST AID" THAT IS PROVIDED, OR SHOULD HAVE BEEN PROVIDED, REGARDLESS OF THE PROVIDER OF SUCH TREATMENT.

THE WORKGROUP HAS TROUBLE WITH THE WORDING "SHOULD HAVE BEEN PROVIDED". HOW IS THIS TO BE DETERMINED ? IF A CONTRACTOR DOESN'T SEND AN EMPLOYEE TO THE DOCTOR, HOSPITAL, CLINIC OR OTHER MEDICAL PROVIDER, AND THE EMPLOYEE DOESN'T EXERCISE HIS RIGHT TO GO TO A DOCTOR FOR TREATMENT, HOW CAN IT BE RECORDED ?

"DAYS OF RESTRICTED WORK ACTIVITY" MEANS THE NUMBER OF CALENDAR DAYS ON WHICH THE EMPLOYEE IS NOT CAPABLE OF PERFORMING AT FULL CAPACITY FOR A FULL SHIFT EITHER:

(1) THE TASK HE OR SHE WAS ENGAGED IN AT THE TIME OF INJURY OR ONSET OF ILLNESS (THE TASK INCLUDES ALL FACETS OF THE ASSIGNMENT THE EMPLOYEE WAS PERFORMING); OR

(2) HIS OR HER DAILY WORK ACTIVITY (DAILY WORK ACTIVITY INCLUDES ALL ASSIGNMENTS THE EMPLOYEE WAS EXPECTED TO PERFORM ON THE DAY OF INJURY OR ON SET OF ILLNESS).

DAYS OF RESTRICTED WORK ACTIVITY MAY INCLUDE, BUT ARE NOT LIMITED TO: JOB MODIFICATIONS, JOB RESTRICTIONS, ALTERNATIVE DUTY ASSIGNMENT, JOB ROTATION, ALTERNATIVE WORK, LIGHT DUTY, AND PARTIAL WORK DAYS. WHENEVER THE EMPLOYER INSTITUTES ONE OF THESE ACTIONS FOLLOWING AN INJURY OR ILLNESS , RESTRICTED WORK ACTIVITY WILL BE PRESUMED TO EXIST.

DAYS OF RESTRICTED WORK ACTIVITY DO NOT INCLUDE THE DAY OF THE INJURY OR THE DAY THE EMPLOYEE BECOMES ILL. DAYS OF RESTRICTED WORK ACTIVITY DO NOT INCLUDE DAYS AFTER THE EMPLOYER'S ACTION HAS BEEN MADE PERMANENT OR THE EMPLOYEE HAS BEEN PERMANENTLY TRANSFERRED TO ANOTHER JOB.

THE WORKGROUP BELIEVES THAT THE DEFINITION OF RESTRICTED WORK ACTIVITY IS OF PARAMOUNT CONCERN TO EMPLOYERS. THEIR ARE TWO MAIN ISSUES HERE. FIRST, THE ASSIGNING OF WORK BASED ON CRAFT JURISDICTION LINES, AND SECOND, THE USE OF LIGHT OR ALTERNATIVE DUTY WORK ASSIGNMENTS. THE WORKGROUP BELIEVES THAT ALL EMPLOYEES ARE ENTITLED TO EARN A WAGE FOR WORK PERFORMED PROVIDING THAT EMPLOYEE IS CAPABLE OF PERFORMING A SPECIFIED WORK TASK. WITHIN ONES EMPLOYMENT IN THE CONSTRUCTION INDUSTRY, THEIR ARE SEVERAL JOBS THAT ONE CAN PERFORM ALONG HIS/HER CRAFT LINES. AN EXAMPLE OF THIS IS A PIPEFITTER WELDER WHO IS GIVEN A WORK RESTRICTION THAT HE/SHE CAN NOT CLIMB. HE/SHE IS ASSIGNED A WELDING TASK ON THE GROUND LEVEL THAT REQUIRES NO CLIMBING. HE SHOULD NOT BE

RECORD KEEPING WORKGROUP REPORT
PAGE 7

CLASSIFIED AS RESTRICTED BASED ON THE FACT THAT HE/SHE IS PERFORMING A FULL WORK RELATED TASK WITHIN HIS/HER WORK JURISDICTION. ANOTHER EXAMPLE IS A IRONWORKER WHO IS INJURED DOING BOLT UP WORK. HE/SHE IS GIVEN A WORK RESTRICTION THAT HE/SHE CAN NOT CLIMB. WHEN HE/SHE RETURNS TO THE WORKSITE, HE/SHE IS ASSIGNED THE IRONWORKER TASK OF SHAKING OUT STEEL IN THE FAB YARD. THIS SHOULD NOT BE A RESTRICTED CASE DUE TO THE FACT THAT THE EMPLOYEE WAS GIVEN A FULL IRONWORKER JOB THAT WOULD HAVE TO BE PERFORMED. IN ADDITION THIS REQUIREMENT ENCOURAGES EMPLOYERS TO ELIMINATE ALL "ALTERNATIVE WORK" PROGRAMS. IF OSHA WERE TO REVIEW THE RECORD KEEPING PRACTICES OF MOST CONTRACTORS, WE BELIEVE THAT A LEVEL PLAYING FIELD DOES NOT EXIST. SINCE ONLY A SMALL PERCENTAGE OF CONTRACTORS EVER GET AN INSPECTION, MOST DO NOT RECORD RESTRICTED CASES AT ALL. SINCE OSHA'S RECORD KEEPING DEFINITION OF RESTRICTED CASES IS TO COMBINED THEM WITH LOST WORKDAY CASES TO FORMULATE THE LOST WORKDAY CASE RATE OF CONTRACTORS IT DOES NOT REPRESENT A TRUE MEANING OF A LOST WORKDAY CASE. THE WORKGROUP RECOMMENDS A CLEAR SIMPLE SOLUTION. OSHA REQUIRE THREE TYPES OF RECORDABLE CASES: 1. MEDICAL CASE - ANY CASE THAT REQUIRES OFF SITE MEDICAL TREATMENT (PER THE DEFINITION OF MEDICAL CASE) FOR A WORK RELATED INJURY OR ILLNESS. 2. LOST WORKDAY CASE - ANY CASE THAT REQUIRES AN EMPLOYEE TO MISS HIS/HER NEXT REGULAR SCHEDULED SHIFT DUE TO A WORK RELATED INJURY OF ILLNESS. 3. RESTRICTED WORK DAY CASE - ANY EMPLOYEE, WHO IS GIVEN A WORK RESTRICTION DUE TO A WORK RELATED INJURY OR ILLNESS, TO THE EXTENT THAT HE/SHE CAN NOT PERFORM A REGULARLY SCHEDULED TASK WITHIN HIS/HER CRAFT JURISDICTION.

REQUIREMENTS FOR RECORDING SPECIFIC INJURIES AND ILLNESSES:
THE OSHA PROPOSAL INCLUDES A MANDATORY APPENDIX WITH CRITERIA FOR RECORDING SPECIFIC TYPES OF INJURIES AND ILLNESSES THAT MAY BE MISSED WITH GENERAL DEFINITIONS.

THE WORKGROUP AGREES WITH INCLUDING A MANDATORY APPENDIX, AND WOULD LIKE TO WORK WITH OSHA IN ESTABLISHING THIS APPENDIX.

FORMS:

THE OSHA PROPOSAL INCLUDES REVISED FORMS FOR THE OSHA 200 REVISED TO OSHA 300, AND OSHA 101 REVISED TO OSHA 301. IN ADDITION, THE OSHA 300 LOG WILL BE REDUCED TO 8 1/2 X 11.

THE WORKGROUP AGREES WITH THE CONCEPT OF THE REVISED FORMS, ESPECIALLY THE 8 1/2 X 11 OSHA 300 FORM.

INJURY/ILLNESS DISTINCTION:

THE OSHA PROPOSAL WOULD COMBINE INJURY AND ILLNESS CRITERIA INTO A SINGLE SET OF CRITERIA FOR DETERMINING RECORDABILITY.

THE WORKGROUP DISAGREES WITH COMBINING THE TWO CATEGORIES AND RECOMMENDS KEEPING THE SEPARATE CATEGORIES FOR CLARITY IN DISTINGUISHING INJURIES FROM ILLNESSES.

QUESTIONS/ISSUES SECTION:

THE WORKGROUP RECOMMENDS THAT NO PARTIAL RECORD KEEPING EXEMPTIONS SHOULD BE GRANTED. WE RECOMMEND THE ALL OR NONE THEORY.

THE WORKGROUP DISAGREES THAT EMPLOYEES SHOULD HAVE ACCESS TO OTHER EMPLOYEES MEDICAL RECORDS AND ACCESS TO THE 300 LOG.

THE WORKGROUP QUESTIONS OSHA ABILITY TO CHANGE THE CONCEPT OF RECORDABILITY SINCE IT WAS ESTABLISHED IN THE ORIGINAL OSHA ACT.

IN REGARD TO THE ISSUE OF MENTAL HEALTH CONDITIONS, THE WORKGROUP RECOMMENDS THAT OSHA MAKE IT CLEAR THAT RECORDABILITY PERTAINS TO THOSE CASES THAT ARE DIAGNOSED AS WORK RELATED. IF THE CASES ARE NOT DIAGNOSED AS WORK RELATED, THEY SHOULD NOT BE RECORDABLE.

THE WORKGROUP AGREES WITH OSHA THAT THE FLOW CHART ON ATTACHMENT ONE IS WORTHWHILE AND SHOULD BE INCLUDED IN THE FINAL NPR.

ON ATTACHMENT 2, WORK-RELATEDNESS, THE WORKGROUP OFFERS THE FOLLOWING:

A. WORK-RELATED INJURIES AND ILLNESSES -

* WHILE THE EMPLOYEE IS ENGAGED IN WORK RELATED ACTIVITY. APPRENTICESHIP ACTIVITIES THAT ARE NOT IN CONJUNCTION WITH DAILY WORK RELATED ACTIVITIES ARE NOT CONSIDERED WORK RELATED: AND, ANY OFF SITE NON WORK RELATED TRAINING, TESTING, OR OTHER UNION ACTIVITY SHALL NOT BE CONSIDERED WORK RELATED.

* IN COMPANY PARKING LOTS AS LONG AS A WORK TASK IS BEING PERFORMED. INJURIES/ILLNESSES INCURRED WHILE TRAVELING TO AND FROM WORK SHALL NOT BE CONSTRUED AS RECORDABLE.

* THE EMPLOYER HAS NO CONTROL OF EMPLOYEES WHILE THEY ARE OFF SITE. IF THE INJURY OCCURS OFF SITE WHILE PERFORMING A WORK RELATED TASK, THE CASE SHOULD BE CONSIDERED RECORDABLE.

* INJURIES/ILLNESSES THAT OCCUR WHILE AN EMPLOYEE IS NOT INVOLVED IN A WORK RELATED ACTIVITY BUT IS HOUSED IN A JOBSITE CAMP OR HOUSING OR AN OFF-SHORE OIL RIG SHOULD NOT BE CONSTRUED AS RECORDABLE DUE TO THE FACT THAT THE INJURY/ILLNESS WAS NOT WORK RELATED.

B. NON WORK-RELATED INJURIES AND ILLNESSES:

* THE WORKGROUP AGREES WITH THE FIVE CRITERIA LISTED IN THIS SECTION.

C. TRAVEL STATUS:

* THE WORKGROUP AGREES WITH THE CRITERIA LISTED IN THIS SECTION.

AFTER REVIEW OF THE ATTACHMENT THREE, CONDITIONS FOR RECORDABILITY THE WORKGROUP OFFERS THE FOLLOWING COMMENTS:

SKIN DISORDERS FOR THE PURPOSE OF MONITORING OR OBSERVATION BY A HEALTH CARE PROFESSIONAL SHOULD BE EXTENDED TO 72 HOURS TO BE IN LINE WITH THE WORKGROUP'S OTHER RECOMMENDATIONS.

STERI STRIPS AND BUTTERFLY CLOSURES THAT ARE FIRST AID RELATED AND DO NOT REQUIRE A HEALTH CARE PROFESSIONAL TO INSTALL, SHOULD NOT BE CLASSIFIED AS RECORDABLE.

OSHA 300 FORM SHOULD INCLUDE A COLUMN FOR INJURY AND ILLNESS. A CHECK THE BOX WOULD BE ACCEPTABLE.

GENERAL WORKGROUP COMMENTS:

OSHA NEEDS TO TAKE INTO CONSIDERATION WHY INJURY AND ILLNESS DATA IS IMPORTANT TO EMPLOYERS, AND HOW THIS DATA CAN ASSIST EMPLOYERS IN IMPROVING THEIR SAFETY AND HEALTH PERFORMANCE. GOOD INJURY AND ILLNESS DATA PROVIDES THE VEHICLE FOR EMPLOYERS TO EFFECTIVELY TARGET PREVENTION PROGRAMS AND ACTIVITIES.

ALL EMPLOYERS MUST BE REQUIRED TO MAINTAIN INJURY/ILLNESS FATALITY RECORDS. THEIR SHOULD BE NO EXCEPTIONS IN THIS REGARD.

SMALL EMPLOYERS COULD UTILIZE THE REQUIREMENT THAT THEY MAINTAIN AN "ESTABLISHMENT" RECORD. THIS WOULD ESPECIALLY ASSIST THE SMALL EMPLOYER WHO WORKS OUT OF A PICK-UP TRUCK AND HAS RESPONSIBILITY FOR SEVERAL PROJECTS.

RECORD KEEPING WORKGROUP REPORT
PAGE 10

THE STATE PLAN STATES SHOULD BE ALLOWED TO SUBSTITUTE FOR THE 301 FORM. IN ADDITION, STATE PLANS SHOULD BE GIVEN FLEXIBILITY IN DESIGNING THEIR REVISED FORMS.

CONCLUSION:

IN CONCLUSION, THE WORKGROUP WANTS TO COMMEND OSHA AND ESPECIALLY BOB WHITMORE AND STEVE NEWELL FOR DEVELOPING THE DRAFT THAT THE WORKGROUP REVIEWED. WE LOOK FORWARD TO OSHA PUBLISHING THE NPR ON RECORD KEEPING SO THE WORKGROUP CAN CONTINUE WORKING WITH STEVE AND BOB TO FINALIZE A WORKABLE, COST EFFECTIVE REVISION TO THIS STANDARD. IN ADDITION, WE BELIEVE THE REVISIONS WILL CREATE A "LEVEL PLAYING FIELD" AMONG ALL EMPLOYERS IN REGARD TO RECORD KEEPING.

RESPECTIVELY SUBMITTED,

S. C. BURKHAMMER
WORKGROUP CHAIRMAN