OSHA General Industry Regulations

29 CFR Parts 1903, 1904, and 1910

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► Quick Reference

- **Bold text and italics for subsections**
- **Letters of Interpretation** ✉
- **Recent Changes** ❖

  Information has been updated since the last year.

  The symbols surrounding the text indicate larger sections of text updated within the last year.

  ❖ ❖ ❖

  (1) *This is sample changed text* [§1910.X(a)(1)]

  ❖ ❖ ❖
- **Bracketed revisions in outline format**

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§2635.402 Disqualifying financial interests.

(a) Statutory prohibition. [§2635.402(a)]

(b) Definitions. [§2635.402(b)]

(c) ✉ **Disqualification.** [§2635.402(c)]

(d) Waiver of or exemptions from disqualification. *An employee who would otherwise be disqualified* by 18 U.S.C. 208(a) may be permitted to participate in a particular matter where the otherwise disqualifying financial interest is the subject of a regulatory exemption or individual waiver described in this paragraph, or results from certain Indian birthrights as described in 18 U.S.C. 208(b)(4). [§2635.402(d)]

(1) ❖ *Regulatory exemptions.* Under 18 U.S.C. 208(b)(2), regulatory exemptions of general applicability have been issued by the Office of Government Ethics, based on its determination that particular interests are too remote or too inconsequential to affect the integrity of the services of employees to whom those exemptions apply. See the regulations in subpart B of part 2640 of this chapter, which supersede any preexisting agency regulatory exemptions. [§2635.402(d)(1)]

(2) *Individual waivers.* An individual waiver enabling the employee to participate in one or more particular matters may be issued under 18 U.S.C. 208(b)(1) if, in advance of the employee's participation: [§2635.402(d)(2)]

(i) *The employee* : [§2635.402(d)(2)(i)]

[A] *Advises the Government offical* responsible for the employee's appointment (or other Government official to whom authority to issue such a waiver for the employee has been delegated) about the nature and circumstances of the particular matter or matters; and [§2635.402(d)(2)(i)[A]]

[B] *Makes full disclosure* to such official of the nature and extent of the disqualifying financial interest; and [§2635.402(d)(2)(i)[B]]

(ii) *Such official determines, in writing, that the employee's financial* interest in the particular matter or matters is not so substantial as to be deemed likely to affect the integrity of the services which the Government may expect from such employee. See also subpart C of part 2640 of this chapter, for additional guidance. [§2635.402(d)(2)(ii)]

Recent changes in regulations:

August 18, 2015 (Federal Register Volume 80, No. 159) **[RIN 1218-AC76]**

§§1903.2 and 1904.1213 have been revised to remove the detailed descriptions of State plan coverage, purely historical data, and other unnecessarily codified information. The purpose of these revisions is to eliminate the unnecessary codification of material in the Code of Federal Regulations and thus save the time and funds currently expended in publicizing State plan revisions.

October 5, 2015 (Federal Register Volume 80, No. 192) **[RIN 1218-AA32, 1218-AB67]**

§1910.269 has been modified to correct the electric power generation, transmission, and distribution standards for general industry and construction to provide additional clarification regarding the applicability of the standards to certain operations, including some tree trimming work that is performed near (but that is not on or directly associated with) electric power generation, transmission, and distribution installations.

March 25, 2016 (Federal Register Volume 81, No. 58) **[RIN 1218-AB70]**

§§1910.1000 and 1910.1053 have been revised to amend OSHA's existing standards for occupational exposure to respirable crystalline silica. OSHA has determined that employees exposed to respirable crystalline silica at the previous permissible exposure limits face a significant risk of material impairment to their health. The evidence in the record for this rulemaking indicates that workers exposed to respirable crystalline silica are at increased risk of developing silicosis and other nonmalignant respiratory diseases, lung cancer, and kidney disease. This final rule establishes a new permissible exposure limit of 50 micrograms of respirable crystalline silica per cubic meter of air (50 $\mu g/m^3$) as an 8-hour time-weighted average in all industries covered by the rule. It also includes other provisions to protect employees, such as requirements for exposure assessment, methods for controlling exposure, respiratory protection, medical surveillance, hazard communication, and recordkeeping.

March 25, 2016 (Federal Register Volume 81, No. 58) **[RIN 1218-AC87]**

§§1910.6 and 1910.133 have been revised to update the references in OSHA's eye and face standards to reflect the most recent edition of the ANSI/International Safety Equipment Association (ISEA) eye and face protection standard. The oldest-referenced edition of the same ANSI standard has been removed.

May 12, 2016 (Federal Register Volume 81, No. 92) **[RIN 1218-AC49]**

§§1904.35 and 1904.36 have been modified to update requirements on how employers inform employees to report work-related injuries and illnesses to their employer. The rule requires employers to inform employees of their right to report work-related injuries and illnesses free from retaliation; clarifies the existing implicit requirement that an employer's procedure for reporting work-related injuries and illnesses must be reasonable and not deter or discourage employees from reporting; and incorporates the existing statutory prohibition on retaliating against employees for reporting work-related injuries or illnesses. This rule also amends OSHA's existing recordkeeping regulation to clarify the rights of employees and their representatives to access the injury and illness records.

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Addendum

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✉ Part 1903 – Inspections, Citations, and Proposed Penalties

§1903.1
Purpose and scope

The Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590 et seq., 29 U.S.C. 651 et seq.) requires, in part, that every employer covered under the Act furnish to his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees. The Act also requires that employers comply with occupational safety and health standards promulgated under the Act, and that employees comply with standards, rules, regulations and orders issued under the Act which are applicable to their own actions and conduct. The Act authorizes the Department of Labor to conduct inspections, and to issue citations and proposed penalties for alleged violations. The Act, under section 20(b), also authorizes the Secretary of Health, Education, and Welfare to conduct inspections and to question employers and employees in connection with research and other related activities. The Act contains provisions for adjudication of violations, periods prescribed for the abatement of violations, and proposed penalties by the Occupational Safety and Health Review Commission, if contested by an employer or by an employee or authorized representative of employees, and for judicial review. The purpose of this part 1903 is to prescribe rules and to set forth general policies for enforcement of the inspection, citation, and proposed penalty provisions of the Act. In situations where this part 1903 sets forth general enforcement policies rather than substantive or procedural rules, such policies may be modified in specific circumstances where the Secretary or his designee determines that an alternative course of action would better serve the objectives of the Act.[§1903.1]

§1903.2
✉ Posting of notice; availability of the Act, regulations and applicable standards

(a) (1) ✉ *Each employer shall post and keep posted* a notice or notices, to be furnished by the Occupational Safety and Health Administration, U.S. Department of Labor, informing employees of the protections and obligations provided for in the Act, and that for assistance and information, including copies of the Act and of specific safety and health standards, employees should contact the employer or the nearest office of the Department of Labor. Such notice or notices shall be posted by the employer in each establishment in a conspicuous place or places where notices to employees are customarily posted. Each employer shall take steps to insure that such notices are not altered, defaced, or covered by other material.[§1903.2(a)(1)]

(2) ❖ *Where a State has an approved* poster informing employees of their protections and obligations as defined in §1902.9 of this chapter, such poster, when posted by employers covered by the State plan, shall constitute compliance with the posting requirements of section 8(c)(1) of the Act. Employers whose operations are not within the issues covered by the State plan must comply with paragraph (a)(1) of this section.[§1903.2(a)(2)]

(3) ✉ *Reproductions or facsimiles* of such Federal or State posters shall constitute compliance with the posting requirements of section 8(c)(1) of the Act where such reproductions or facsimiles are at least 8½ inches by 14 inches, and the printing size is at least 10 pt. Whenever the size of the poster increases, the size of the print shall also increase accordingly. The caption or heading on the poster shall be in large type, generally not less than 36 pt.[§1903.2(a)(3)]

(b) Establishment means a single physical location where business is conducted or where services or industrial operations are performed. (For example: A factory, mill, store, hotel, restaurant, movie theatre, farm, ranch, bank, sales office, warehouse, or central administrative office.) Where distinctly separate activities are performed at a single physical location (such as contract construction activities from the same physical location as a lumber yard), each activity shall be treated as a separate physical establishment, and a separate notice or notices shall be posted in each such establishment, to the extent that such notices have been furnished by the Occupational Safety and Health Administration, U.S. Department of Labor. Where employers are engaged in activities which are physically dispersed, such as agriculture, construction, transportation, communications, and electric, gas and sanitary services, the notice or notices required by this section shall be posted at the location to which employees report each day. Where employees do not usually work at, or report to, a single establishment, such as longshoremen, traveling salesmen, technicians, engineers, etc., such notice or notices shall be posted at the location from which the employees operate to carry out their activities. In all cases, such notice or notices shall be posted in accordance with the requirements of paragraph (a) of this section.

(c) Copies of the Act, all regulations published in this chapter and all applicable standards will be available at all Area Offices of the Occupational Safety and Health Administration, U.S. Department of Labor. If an employer has obtained copies of these materials, he shall make them available upon request to any employee or his authorized representative for review in the establishment where the employee is employed on the same day the request is made or at the earliest time mutually convenient to the employee or his authorized representative and the employer.[§1903.2(c)]

(d) Any employer failing to comply with the provisions of this section shall be subject to citation and penalty in accordance with the provisions of section 17 of the Act.[§1903.2(d)]

❖ [36 FR 17850, Sept. 4, 1971, as amended at 39 FR 39036, Nov. 5, 1974; 80 FR 49904, Aug. 18, 2015]

§1903.3
✉ Authority for inspection

(a) Compliance Safety and Health Officers of the Department of Labor are authorized to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment and materials therein; to question privately any employer, owner, operator, agent or employee; and to review records required by the Act and regulations published in this chapter, and other records which are directly related to the purpose of the inspection. Representatives of the Secretary of Health, Education, and Welfare are authorized to make inspections and to question employers and employees in order to carry out the functions of the Secretary of Health, Education, and Welfare under the Act. Inspections conducted by Department of Labor Compliance Safety and Health Officers and representatives of the Secretary of Health, Education, and Welfare under section 8 of the Act and pursuant to this part 1903 shall not affect the authority of any State to conduct inspections in accordance with agreements and plans under section 18 of the Act.[§1903.3(a)]

(b) Prior to inspecting areas containing information which is classified by an agency of the United States Government in the interest of national security, Compliance Safety and Health Officers shall have obtained the appropriate security clearance.[§1903.3(b)]

§1903.4
✉ Objection to inspection

(a) Upon a refusal to permit the Compliance Safety and Health Officer, in exercise of his official duties, to enter without delay and at reasonable times any place of employment or any place therein, to inspect, to review records, or to question any employer, owner, operator, agent, or employee, in accordance with §1903.3 or to permit a representative of employees to accompany the Compliance Safety and Health Officer during the physical inspection of any workplace in accordance with §1903.8, the Safety and Health Officer shall terminate the inspection or confine the inspection to other areas, conditions, structures, machines, apparatus, devices, equipment, materials, records, or interviews concerning which no objection is raised. The Compliance Safety and Health Officer shall endeavor to ascertain the reason for such refusal, and shall immediately report the refusal and the reason therefor to the Area Director. The Area Director shall consult with the Regional Solicitor, who shall take appropriate action, including compulsory process, if necessary.[§1903.4(a)]

(b) Compulsory process shall be sought in advance of an attempted inspection or investigation if, in the judgment of the Area Director and the Regional Solicitor, circumstances exist which make such preinspection process desirable or necessary. Some examples of circumstances in which it may be desirable or necessary to seek compulsory process in advance of an attempt to inspect or investigate include (but are not limited to):[§1903.4(b)]

(1) *When the employer's past practice* either implicitly or explicitly puts the Secretary on notice that a warrantless inspection will not be allowed;[§1903.4(b)(1)]

(2) *When an inspection is scheduled* far from the local office and procuring a warrant prior to leaving to conduct the inspection would avoid, in case of refusal of entry, the expenditure of significant time and resources to return to the office, obtain a warrant and return to the worksite;[§1903.4(b)(2)]

(3) *When an inspection includes* the use of special equipment or when the presence of an expert or experts is needed in order to properly conduct the inspection, and procuring a warrant prior to an attempt to inspect would alleviate the difficulties or costs encountered in coordinating the availability of such equipment or expert.[§1903.4(b)(3)]

(c) With the approval of the Regional Administrator and the Regional Solicitor, compulsory process may also be obtained by the Area Director or his designee.[§1903.4(c)]

(d) For purposes of this section, the term compulsory process shall mean the institution of any appropriate action, including ex parte application for an inspection warrant or its equivalent. Ex parte inspection warrants shall be the preferred form of compulsory process in all circumstances where compulsory process is relied upon to seek entry to a workplace under this section.

[45 FR 65923, Oct. 3, 1980]

§1903.5
Entry not a waiver

Any permission to enter, inspect, review records, or question any person, shal not imply or be conditioned upon a waiver of any cause of action, citation, or penalty under the Act. Compliance Safety and Health Officers are not authorized to grant any such waiver.[§1903.5]

§1903.6
Advance notice of inspections

(a) Advance notice of inspections may not be given, except in the following situations:[§1903.6(a)]

(1) *In cases of apparent imminent danger,* to enable the employer to abate the danger as quickly as possible;[§1903.6(a)(1)]

(2) *In circumstances where the inspection* can most effectively be conducted after regular business hours or where special preparations are necessary for an inspection;[§1903.6(a)(2)]

(3) *Where necessary to assure the presence of representatives* of the employer and employees or the appropriate personnel needed to aid in the inspection; and[§1903.6(a)(3)]

(4) *In other circumstances where the Area Director determines* that the giving of advance notice would enhance the probability of an effective and thorough inspection.[§1903.6(a)(4)]

(b) In the situations described in paragraph (a) of this section, advance notice of inspections may be given only if authorized by the Area Director, except that in cases of apparent imminent danger, advance notice may be given by the Compliance Safety and Health Officer without such authorization if the Area Director is not immediately available. When advance notice is given, it shall be the employer's responsibility promptly to notify the authorized representative of employees of the inspection, if the identity of such representative is known to the employer. (See §1903.8(b) as to situations where there is no authorized representative of employees.) Upon the request of the employer, the Compliance Safety and Health Officer will inform the authorized representative of employees of the inspection, provided that the employer furnishes the Compliance Safety and Health Officer with the identity of such representative and with such other information as is necessary to enable him promptly to inform such representative of the inspection. An employer who fails to comply with his obligation under this paragraph promptly to inform the authorized representative of employees of the inspection or to furnish such information as is necessary to enable the Compliance Safety and Health Officer promptly to inform such representative of the inspection, may be subject to citation and penalty under section 17(c) of the Act. Advance notice in any of the situations described in paragraph (a) of this section shall not be given more than 24 hours before the inspection is scheduled to be conducted, except in apparent imminent danger situations and in other unusual circumstances.[§1903.6(b)]

(c) The Act provides in section 17(f) that any person who gives advance notice of any inspection to be conducted under the Act, without authority from the Secretary or his designees, shall, upon conviction, be punished by fine of not more than $1,000 or by imprisonment for not more than 6 months, or by both.[§1903.6(c)]

§1903.7
✉ Conduct of inspections

(a) Subject to the provisions of §1903.3, inspections shall take place at such times and in such places of employment as the Area Director or the Compliance Safety and Health Officer may direct. At the beginning of an inspection, Compliance Safety and Health Officers shall present their credentials to the owner, operator, or agent in charge at the establishment; explain the nature and purpose of the inspection; and indicate generally the scope of the inspection and the records specified in §1903.3 which they wish to review. However, such designation of records shall not preclude access to additional records specified in §1903.3.[§1903.7(a)]

(b) Compliance Safety and Health Officers shall have authority to take environmental samples and to take or obtain photographs related to the purpose of the inspection, employ other reasonable investigative techniques, and question privately any employer, owner, operator, agent or employee of an establishment. (See §1903.9 on trade secrets.) As used herein, the term employ other reasonable investigative techniques includes, but is not limited to, the use of devices to measure employee exposures and the attachment of personal sampling equipment such as dosimeters, pumps, badges and other similar devices to employees in order to monitor their exposures.[§1903.7(b)]

(c) In taking photographs and samples, Compliance Safety and Health Officers shall take reasonable precautions to insure that such actions with flash, spark-producing, or other equipment would not be hazardous. Compliance Safety and Health Officers shall comply with all employer safety and health rules and practices at the establishment being inspected, and they shall wear and use appropriate protective clothing and equipment.[§1903.7(c)]

(d) The conduct of inspections shall be such as to preclude unreasonable disruption of the operations of the employer's establishment.[§1903.7(d)]

(e) At the conclusion of an inspection, the Compliance Safety and Health Officer shall confer with the employer or his representative and informally advise him of any apparent safety or health violations disclosed by the inspection. During such conference, the employer shall be afforded an opportunity to bring to the attention of the Compliance Safety and Health Officer any pertinent information regarding conditions in the workplace.[§1903.7(e)]

(f) Inspections shall be conducted in accordance with the requirements of this part.[§1903.7(f)]

[36 FR 17850, Sept. 14, 1971, as amended at 47 FR 6533, Feb. 12, 1982; 47 FR 55481, Dec. 10, 1982]

§1903.8
✉ Representatives of employers and employees

(a) Compliance Safety and Health Officers shall be in charge of inspections and questioning of persons. A representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the Compliance Safety and Health Officer during the physical inspection of any workplace for the purpose of aiding such inspection. A Compliance Safety and Health Officer may permit additional employer representatives and additional representatives authorized by employees to accompany him where he determines that such additional representatives will further aid the inspection. A different employer and employee representative may accompany the Compliance Safety and Health Officer during each different phase of an inspection if this will not interfere with the conduct of the inspection.[§1903.8(a)]

(b) Compliance Safety and Health Officers shall have authority to resolve all disputes as to who is the representative authorized by the employer and employees for the purpose of this section. If there is no authorized representative of employees, or if the Compliance Safety and Health Officer is unable to determine with reasonable certainty who is such representative, he shall consult with a reasonable number of employees concerning matters of safety and health in the workplace.[§1903.8(b)]

(c) The representative(s) authorized by employees shall be an employee(s) of the employer. However, if in the judgment of the Compliance Safety and Health Officer, good cause has been shown why accompaniment by a third party who is not an employee of the employer (such as an industrial hygienist or a safety engineer) is reasonably necessary to the conduct of an effective and thorough physical inspection of the workplace, such third party may accompany the Compliance Safety and Health Officer during the inspection.[§1903.8(c)]

(d) Compliance Safety and Health Officers are authorized to deny the right of accompaniment under this section to any person whose conduct interferes with a fair and orderly inspection. The right of accompaniment in areas containing trade secrets shall be subject to the provisions of §1903.9(d). With regard to information classified by an agency of the U.S. Government in the interest of national security, only persons authorized to have access to such information may accompany a Compliance Safety and Health Officer in areas containing such information.[§1903.8(d)]

§1903.9
Trade secrets

(a) Section 15 of the Act provides: "All information reported to or otherwise obtained by the Secretary or his representative in connection with any inspection or proceeding under this Act which contains or which might reveal a trade secret referred to in section 1905 of title 18 of the United States Code shall be considered confidential for the purpose of that section, except that such information may be disclosed to other officers or employees concerned with carrying out this Act or when relevant in any proceeding under this Act. In any such proceeding the Secretary, the Commission, or the court shall issue such orders as may be appropriate to protect the confidentiality of trade secrets." Section 15 of the Act is considered a statute within the meaning of section 552(b)(3) of title 5 of the United States Code, which exempts from the disclosure requirements matters that are "specifically exempted from disclosure by statute."[§1903.9(a)]

(b) Section 1905 of title 18 of the United States Code provides: "Whoever, being an officer or employee of the United States or of any department or agency thereof, publishes, divulges, discloses, or makes known in any manner or to any extent not authorized by law any information coming to him in the course of his employment or official duties or by reason of any examination or investigation made by, or return, report or record made to or filed with, such department or agency or officer or employee thereof, which information concerns or relates to the trade secrets, processes, operations, style of work, or apparatus, or to the identity, confidential statistical data, amount or source of any income, profits, losses, or expenditures of any person, firm, partnership, corporation, or association; or permits any income return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person except as provided by law; shall be fined not more than $1,000, or imprisoned not more than 1 year, or both; and shall be removed from office or employment." [§1903.9(b)]

(c) At the commencement of an inspection, the employer may identify areas in the establishment which contain or which might reveal a trade secret. If the Compliance Safety and Health Officer has no clear reason to question such identification, information obtained in such areas, including all negatives and prints of photographs, and environmental samples, shall be labeled "confidential — trade secret" and shall not be disclosed except in accordance with the provisions of section 15 of the Act.[§1903.9(c)]

(d) Upon the request of an employer, any authorized representative of employees under §1903.8 in an area containing trade secrets shall be an employee in that area or an employee authorized by the employer to enter that area. Where there is no such representative or employee, the Compliance Safety and Health Officer shall consult with a reasonable number of employees who work in that area concerning matters of safety and health. [§1903.9(d)]

§1903.10
✉ Consultation with employees

✉ Compliance Safety and Health Officers may consult with employees concerning matters of occupational safety and health to the extent they deem necessary for the conduct of an effective and thorough inspection. During the course of an inspection, any employee shall be afforded an opportunity to bring any violation of the Act which he has reason to believe exists in the workplace to the attention of the Compliance Safety and Health Officer.[§1903.10]

§1903.11
✉ Complaints by employees

(a) ✉ Any employee or representative of employees who believe that a violation of the Act exists in any workplace where such employee is employed may request an inspection of such workplace by giving notice of the alleged violation to the Area Director or to a Compliance Safety and Health Officer. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or representative of employees. A copy shall be provided the employer or his agent by the Area Director or Compliance Safety and Health Officer no later than at the time of inspection, except that, upon the request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available by the Department of Labor. [§1903.11(a)]

(b) If upon receipt of such notification the Area Director determines that the complaint meets the requirements set forth in paragraph (a) of this section, and that there are reasonable grounds to believe that the alleged violation exists, he shall cause an inspection to be made as soon as practicable, to determine if such alleged violation exists. Inspections under this section shall not be limited to matters referred to in the complaint.[§1903.11(b)]

(c) ✉ Prior to or during any inspection of a workplace, any employee or representative of employees employed in such workplace may notify the Compliance Safety and Health Officer, in writing, of any violation of the Act which they have reason to believe exists in such workplace. Any such notice shall comply with the requirements of paragraph (a) of this section.[§1903.11(c)]

(d) Section 11(c)(1) of the Act provides: "No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this Act or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or others of any right afforded by this Act."[§1903.11(d)]

(Approved by the Office of Management and Budget under control number 1218-0064)

[36 FR 17850, Sept. 4, 1973, as amended at 54 FR 24333, June 7, 1989]

§1903.12
Inspection not warranted; informal review

(a) If the Area Director determines that an inspection is not warranted because there are no reasonable grounds to believe that a violation or danger exists with respect to a complaint under §1903.11, he shall notify the complaining party in writing of such determination. The complaining party may obtain review of such determination by submitting a written statement of position with the Assistant Regional Director and, at the same time, providing the employer with a copy of such statement by certified mail. The employer may submit an opposing written statement of position with the Assistant Regional Director and, at the same time, provide the complaining party with a copy of such statement by certified mail. Upon the request of the complaining party or the employer, the Assistant Regional Director, at his discretion, may hold an informal conference in which the complaining party and the employer may orally present their views. After considering all written and oral views presented, the Assistant Regional Director shall affirm, modify, or reverse the determination of the Area Director and furnish the complaining party and the employer and written notification of this decision and the reasons therefor. The decision of the Assistant Regional Director shall be final and not subject to further review.[§1903.12(a)]

(b) If the Area Director determines that an inspection is not warranted because the requirements of §1903.11(a) have not been met, he shall notify the complaining party in writing of such determination. Such determination shall be without prejudice to the filing of a new complaint meeting the requirements of §1903.11(a). [§1903.12(b)]

§1903.13
Imminent danger

Whenever and as soon as a Compliance Safety and Health Officer concludes on the basis of an inspection that conditions or practices exist in any place of employment which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by the Act, he shall inform the affected employees and employers of the danger and that he is recommending a civil action to restrain such conditions or practices and for other appropriate relief in accordance with the provisions of section 13(a) of the Act. Appropriate citations and notices of proposed penalties may be issued with respect to an imminent danger even though, after being informed of such danger by the Compliance Safety and Health Officer, the employer immediately eliminates the imminence of the danger and initiates steps to abate such danger.[§1903.14]

§1903.14

✉ Citations; notices of de minimis violations; policy regarding employee rescue activities

(a) The Area Director shall review the inspection report of the Compliance Safety and Health Officer. If, on the basis of the report the Area Director believes that the employer has violated a requirement of section 5 of the Act, of any standard, rule or order promulgated pursuant to section 6 of the Act, or of any substantive rule published in this chapter, he shall, if appropriate, consult with the Regional Solicitor, and he shall issue to the employer either a citation or a notice of de minimis violations which have no direct or immediate relationship to safety or health. An appropriate citation or notice of de minimis violations shall be issued even though after being informed of an alleged violation by the Compliance Safety and Health Officer, the employer immediately abates, or initiates steps to abate, such alleged violation. Any citation or notice of de minimis violations shall be issued with reasonable promptness after termination of the inspection. No citation may be issued under this section after the expiration of 6 months following the occurrence of any alleged violation.[§1903.14(a)]

(b) Any citation shall describe with particularity the nature of the alleged violation, including a reference to the provision(s) of the Act, standard, rule, regulation, or order alleged to have been violated. Any citation shall also fix a reasonable time or times for the abatement of the alleged violation.[§1903.14(b)]

(c) If a citation or notice of de minimis violations is issued for a violation alleged in a request for inspection under §1903.11(a) or a notification of violation under §1903.11(c), a copy of the citation or notice of de minimis violations shall also be sent to the employee or representative of employees who made such request or notification.[§1903.14(c)]

(d) After an inspection, if the Area Director determines that a citation is not warranted with respect to a danger or violation alleged to exist in a request for inspection under §1903.11(a) or a notification of violation under §1903.11(c), the informal review procedures prescribed in §1903.12(a) shall be applicable. After considering all views presented, the Assistant Regional Director shall affirm the determination of the Area Director, order a reinspection, or issue a citation if he believes that the inspection disclosed a violation. The Assistant Regional Director shall furnish the complaining party and the employer with written notification of his determination and the reasons therefor. The determination of the Assistant Regional Director shall be final and not subject to review.[§1903.14(d)]

(e) Every citation shall state that the issuance of a citation does not constitute a finding that a violation of the Act has occurred unless there is a failure to contest as provided for in the Act or, if contested, unless the citation is affirmed by the Review Commission.[§1903.14(e)]

(f) ✉ No citation may be issued to an employer because of a rescue activity undertaken by an employee of that employer with respect to an individual in imminent danger unless:[§1903.14(f)]

(1) (i) *Such employee is designated or assigned* by the employer to have responsibility to perform or assist in rescue operations, and[§1903.14(f)(1)(i)]

(ii) *The employer fails to provide protection of the safety* and health of such employee, including failing to provide appropriate training and rescue equipment; or[§1903.14(f)(1)(ii)]

(2) (i) *Such employee is directed by the employer* to perform rescue activities in the course of carrying out the employee's job duties, and[§1903.14(f)(2)(i)]

(ii) *The employer fails to provide protection of the safety* and health of such employee, including failing to provide appropriate training and rescue equipment; or[§1903.14(f)(2)(ii)]

(3) (i) *Such employee is employed in a workplace that* requires the employee to carry out duties that are directly related to a workplace operation where the likelihood of life-threatening accidents is foreseeable, such as a workplace operation where employees are located in confined spaces or trenches, handle hazardous waste, respond to emergency situations, perform excavations, or perform construction over water; and[§1903.14(f)(3)(i)]

(ii) *Such employee has not been designated* or assigned to perform or assist in rescue operations and voluntarily elects to rescue such an individual; and[§1903.14(f)(3)(ii)]

(iii) *The employer has failed to instruct employees not designated* or assigned to perform or assist in rescue operations of the arrangements for rescue, not to attempt rescue, and of the hazards of attempting rescue without adequate training or equipment.[§1903.14(f)(3)(iii)]

(4) *For purposes of this policy, the term "imminent danger"* means the existence of any condition or practice that could reasonably be expected to cause death or serious physical harm before such condition or practice can be abated.[§1903.14(f)(4)]

[36 FR 17850, Sept. 4, 1971, as amended at 59 FR 66613, Dec. 27, 1994]

§1903.14a

Petitions for modification of abatement date

(a) An employer may file a petition for modification of abatement date when he has made a good faith effort to comply with the abatement requirements of a citation, but such abatement has not been completed because of factors beyond his reasonable control.[§1903.14a(a)]

(b) A petition for modification of abatement date shall be in writing and shall include the following information:[§1903.14a(b)]

(1) *All steps taken by the employer,* and the dates of such action, in an effort to achieve compliance during the prescribed abatement period.[§1903.14a(b)(1)]

(2) *The specific additional abatement time necessary* in order to achieve compliance.[§1903.14a(b)(2)]

(3) *The reasons such additional time is necessary,* including the unavailability of professional or technical personnel or of materials and equipment, or because necessary construction or alteration of facilities cannot be completed by the original abatement date.[§1903.14a(b)(3)]

(4) *All available interim steps being taken* to safeguard the employees against the cited hazard during the abatement period.[§1903.14a(b)(4)]

(5) *A certification that a copy of the petition* has been posted and, if appropriate, served on the authorized representative of affected employees, in accordance with paragraph (c)(1) of this section and a certification of the date upon which such posting and service was made.[§1903.14a(b)(5)]

(c) A petition for modification of abatement date shall be filed with the Area Director of the United States Department of Labor who issued the citation no later than the close of the next working day following the date on which abatement was originally required. A later- filed petition shall be accompanied by the employer's statement of exceptional circumstances explaining the delay.[§1903.14a(c)]

(1) *A copy of such petition shall be posted* in a conspicuous place where all affected employees will have notice thereof or near such location where the violation occurred. The petition shall remain posted for a period of ten (10) working days. Where affected employees are represented by an authorized representative, said representative shall be served with a copy of such petition.[§1903.14a(c)(1)]

(2) *Affected employees or their representatives* may file an objection in writing to such petition with the aforesaid Area Director. Failure to file such objection within ten (10) working days of the date of posting of such petition or of service upon an authorized representative shall constitute a waiver of any further right to object to said petition.[§1903.14a(c)(2)]

(3) *The Secretary or his duly authorized agent* shall have the authority to approve any petition for modification of abatement date filed pursuant to paragraphs (b) and (c) of this section. Such uncontested petitions shall become final orders pursuant to sections 10 (a) and (c) of the Act.[§1903.14a(c)(3)]

(4) *The Secretary or his authorized representative* shall not exercise his approval power until the expiration of fifteen (15) working days from the date the petition was posted or served pursuant to paragraphs (c) (1) and (2) of this section by the employer.[§1903.14a(c)(4)]

(d) Where any petition is objected to by the Secretary or affected employees, the petition, citation, and any objections shall be forwarded to the Commission within three (3) working days after the expiration of the fifteen (15) day period set out in paragraph (c)(4) of this section.[§1903.14a(d)]

[40 FR 6334, Feb. 11, 1975; 40 FR 11351, Mar. 11, 1975]

§1903.15

✉ Proposed penalties

(a) ✉ After, or concurrent with, the issuance of a citation, and within a reasonable time after the termination of the inspection, the Area Director shall notify the employer by certified mail or by personal service by the Compliance Safety and Health Officer of the proposed penalty under section 17 of the Act, or that no penalty is being proposed. Any notice of proposed penalty shall state

that the proposed penalty shall be deemed to be the final order of the Review Commission and not subject to review by any court or agency unless, within 15 working days from the date of receipt of such notice, the employer notifies the Area Director in writing that he intends to contest the citation or the notification of proposed penalty before the Review Commission.[§1903.15(a)]

(b) ✉ The Area Director shall determine the amount of any proposed penalty, giving due consideration to the appropriateness of the penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations, in accordance with the provisions of section 17 of the Act.[§1903.15(b)]

(c) Appropriate penalties may be proposed with respect to an alleged violation even though after being informed of such alleged violation by the Compliance Safety and Health Officer, the employer immediately abates, or initiates steps to abate, such alleged violation. Penalties shall not be proposed for de minimis violations which have no direct or immediate relationship to safety or health.[§1903.15(c)]

§1903.16
Posting of citations

(a) Upon receipt of any citation under the Act, the employer shall immediately post such citation, or a copy thereof, unedited, at or near each place an alleged violation referred to in the citation occurred, except as provided below. Where, because of the nature of the employer's operations, it is not practicable to post the citation at or near each place of alleged violation, such citation shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees. For example, where employers are engaged in activities which are physically dispersed (see §1903.2(b)), the citation may be posted at the location to which employees report each day. Where employees do not primarily work at or report to a single location (see §1903.2(b)), the citation may be posted at the location from which the employees operate to carry out their activities. The employer shall take steps to ensure that the citation is not altered, defaced, or covered by other material. Notices of de minimis violations need not be posted.[§1903.16(a)]

(b) Each citation, or a copy thereof, shall remain posted until the violation has been abated, or for 3 working days, whichever is later. The filing by the employer of a notice of intention to contest under §1903.17 shall not affect his posting responsibility under this section unless and until the Review Commission issues a final order vacating the citation.[§1903.16(b)]

(c) An employer to whom a citation has been issued may post a notice in the same location where such citation is posted indicating that the citation is being contested before the Review Commission, and such notice may explain the reasons for such contest. The employer may also indicate that specified steps have been taken to abate the violation.[§1903.16(c)]

(d) Any employer failing to comply with the provisions of paragraphs (a) and (b) of this section shall be subject to citation and penalty in accordance with the provisions of section 17 of the Act.[§1903.16(d)]

§1903.17
Employer and employee contests before the Review Commission

(a) ✉ Any employer to whom a citation or notice of proposed penalty has been issued may, under section 10(a) of the Act, notify the Area Director in writing that he intends to contest such citation or proposed penalty before the Review Commission. Such notice of intention to contest shall be postmarked within 15 working days of the receipt by the employer of the notice of proposed penalty. Every notice of intention to contest shall specify whether it is directed to the citation or to the proposed penalty, or both. The Area Director shall immediately transmit such notice to the Review Commission in accordance with the rules of procedure prescribed by the Commission.[§1903.17(a)]

(b) Any employee or representative of employees of an employer to whom a citation has been issued may, under section 10(c) of the Act, file a written notice with the Area Director alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable. Such notice shall be postmarked within 15 working days of the receipt by the employer of the notice of proposed penalty or notice that no penalty is being proposed. The Area Director shall immediately transmit such notice to the Review Commission in accordance with the rules of procedure prescribed by the Commission.[§1903.17(b)]

§1903.18
Failure to correct a violation for which a citation has been issued

(a) If an inspection discloses that an employer has failed to correct an alleged violation for which a citation has been issued within the period permitted for its correction, the Area Director shall, if appropriate, consult with the Regional Solicitor, and he shall notify the employer by certified mail or by personal service by the Compliance Safety and Health Officer of such failure and of the additional penalty proposed under section 17(d) of the Act by reason of such failure. The period for the correction of a violation for which a citation has been issued shall not begin to run until the entry of a final order of the Review Commission in the case of any review proceedings initiated by the employer in good faith and not solely for delay or avoidance of penalties.[§1903.18(a)]

(b) Any employer receiving a notification of failure to correct a violation and of proposed additional penalty may, under section 10(b) of the Act, notify the Area Director in writing that he intends to contest such notification or proposed additional penalty before the Review Commission. Such notice of intention to contest shall be postmarked within 15 working days of the receipt by the employer of the notification of failure to correct a violation and of proposed additional penalty. The Area Director shall immediately transmit such notice to the Review Commission in accordance with the rules of procedure prescribed by the Commission.[§1903.18(b)]

(c) Each notification of failure to correct a violation and of proposed additional penalty shall state that it shall be deemed to be the final order of the Review Commission and not subject to review by any court or agency unless, within 15 working days from the date of receipt of such notification, the employer notifies the Area Director in writing that he intends to contest the notification or the proposed additional penalty before the Review Commission.[§1903.18(c)]

§1903.19
✉ Abatement verification

✉ Purpose. OSHA's inspections are intended to result in the abatement of violations of the Occupational Safety and Health Act of 1970 (the OSH Act). This section sets forth the procedures OSHA will use to ensure abatement. These procedures are tailored to the nature of the violation and the employer's abatement actions.[§1903.19]

(a) Scope and application. This section applies to employers who receive a citation for a violation of the Occupational Safety and Health Act.[§1903.19(a)]

(b) Definitions.[§1903.19(b)]

(1) Abatement means action by an employer to comply with a cited standard or regulation or to eliminate a recognized hazard identified by OSHA during an inspection.

(2) Abatement date means:

(i) *For an uncontested citation item,* the later of:[§1903.19(b)(2)(i)]

[A] The date in the citation for abatement of the violation;[§1903.19(b)(2)(i)[A]]

[B] The date approved by OSHA or established in litigation as a result of a petition for modification of the abatement date (PMA); or[§1903.19(b)(2)(i)[B]]

[C] The date established in a citation by an informal settlement agreement.[§1903.19(b)(2)(i)[C]]

(ii) *For a contested citation item* for which the Occupational Safety and Health Review Commission (OSHRC) has issued a final order affirming the violation, the later of:[§1903.19(b)(2)(ii)]

[A] The date identified in the final order for abatement; or[§1903.19(b)(2)(ii)[A]]

[B] The date computed by adding the period allowed in the citation for abatement to the final order date;[§1903.19(b)(2)(ii)[B]]

[C] The date established by a formal settlement agreement.[§1903.19(b)(2)(ii)[C]]

(3) Affected employees means those employees who are exposed to the hazard(s) identified as violation(s) in a citation.

(4) Final order date means:

(i) *For an uncontested citation item,* the fifteenth working day after the employer's receipt of the citation;[§1903.19(b)(4)(i)]

(ii) *For a contested citation item:*[§1903.19(b)(4)(ii)]

[A] The thirtieth day after the date on which a decision or order of a commission administrative law judge has been docketed with the commission, unless a member of the commission has directed review; or [§1903.19(b)(4)(ii)[A]]

[B] Where review has been directed, the thirtieth day after the date on which the Commission issues its decision or order disposing of all or pertinent part of a case; or [§1903.19(b)(4)(ii)[B]]

[C] The date on which a federal appeals court issues a decision affirming the violation in a case in which a final order of OSHRC has been stayed.[§1903.19(b)(4)(ii)[C]]

(5) **Movable equipment** means a hand-held or non-hand-held machine or device, powered or unpowered, that is used to do work and is moved within or between worksites.

(c) Abatement certification.[§1903.19(c)]

(1) *Within 10 calendar days after the abatement date,* the employer must certify to OSHA (the Agency) that each cited violation has been abated, except as provided in paragraph (c)(2) of this section.[§1903.19(c)(1)]

(2) *The employer is not required to certify abatement* if the OSHA Compliance Officer, during the on-site portion of the inspection:[§1903.19(c)(2)]

(i) *Observes, within 24 hours after a violation* is identified, that abatement has occurred; and[§1903.19(c)(2)(i)]

(ii) *Notes in the citation that abatement has occurred.* [§1903.19(c)(2)(ii)]

(3) *The employer's certification* that abatement is complete must include, for each cited violation, in addition to the information required by paragraph (h) of this section, the date and method of abatement and a statement that affected employees and their representatives have been informed of the abatement. [§1903.19(c)(3)]

Note to paragraph (c): Appendix A contains a sample Abatement Certification Letter.

(d) Abatement documentation.[§1903.19(d)]

(1) *The employer must submit to the Agency,* along with the information on abatement certification required by paragraph (c)(3) of this section, documents demonstrating that abatement is complete for each willful or repeat violation and for any serious violation for which the Agency indicates in the citation that such abatement documentation is required.[§1903.19(d)(1)]

(2) *Documents demonstrating* that abatement is complete may include, but are not limited to, evidence of the purchase or repair of equipment, photographic or video evidence of abatement, or other written records.[§1903.19(d)(2)]

(e) Abatement plans.[§1903.19(e)]

(1) *The Agency may require an employer to submit* an abatement plan for each cited violation (except an other-than- serious violation) when the time permitted for abatement is more than 90 calendar days. If an abatement plan is required, the citation must so indicate.[§1903.19(e)(1)]

(2) *The employer must submit an abatement plan for* each cited violation within 25 calendar days from the final order date when the citation indicates that such a plan is required. The abatement plan must identify the violation and the steps to be taken to achieve abatement, including a schedule for completing abatement and, where necessary, how employees will be protected from exposure to the violative condition in the interim until abatement is complete.[§1903.19(e)(2)]

Note to paragraph (e): Appendix B contains a Sample Abatement Plan form.

(f) Progress reports.[§1903.19(f)]

(1) *An employer who is required to submit an abatement plan* may also be required to submit periodic progress reports for each cited violation. The citation must indicate:[§1903.19(f)(1)]

(i) *That periodic progress reports are required* and the citation items for which they are required;[§1903.19(f)(1)(i)]

(ii) *The date on which* an initial progress report must be submitted, which may be no sooner than 30 calendar days after submission of an abatement plan;[§1903.19(f)(1)(ii)]

(iii) *Whether additional progress reports are required; and* [§1903.19(f)(1)(iii)]

(iv) *The date(s) on which additional progress reports* must be submitted.[§1903.19(f)(1)(iv)]

(2) *For each violation, the progress report must identify,* in a single sentence if possible, the action taken to achieve abatement and the date the action was taken.[§1903.19(f)(2)]

Note to paragraph (f): Appendix B contains a Sample Progress Report form.

(g) Employee notification.[§1903.19(g)]

(1) *The employer must inform affected employees* and their representative(s) about abatement activities covered by this section by posting a copy of each document submitted to the Agency or a summary of the document near the place where the violation occurred.[§1903.19(g)(1)]

(2) *Where such posting does not effectively inform* employees and their representatives about abatement activities (for example, for employers who have mobile work operations), the employer must:[§1903.19(g)(2)]

(i) *Post each document* or a summary of the document in a location where it will be readily observable by affected employees and their representatives; or[§1903.19(g)(2)(i)]

(ii) *Take other steps to communicate fully* to affected employees and their representatives about abatement activities. [§1903.19(g)(2)(ii)]

(3) *The employer must inform employees and* their representatives of their right to examine and copy all abatement documents submitted to the Agency.[§1903.19(g)(3)]

(i) *An employee or an employee representative* must submit a request to examine and copy abatement documents within 3 working days of receiving notice that the documents have been submitted.[§1903.19(g)(3)(i)]

(ii) *The employer must comply with an employee's or* employee representative's request to examine and copy abatement documents within 5 working days of receiving the request.[§1903.19(g)(3)(ii)]

(4) *The employer must ensure that notice to employees* and employee representatives is provided at the same time or before the information is provided to the Agency and that abatement documents are:[§1903.19(g)(4)]

(i) *Not altered, defaced, or covered by other material; and* [§1903.19(g)(4)(i)]

(ii) *Remain posted for three working days* after submission to the Agency.[§1903.19(g)(4)(ii)]

(h) Transmitting abatement documents.[§1903.19(h)]

(1) *The employer must include,* in each submission required by this section, the following information:[§1903.19(h)(1)]

(i) *The employer's name and address;*[§1903.19(h)(1)(i)]

(ii) *The inspection number* to which the submission relates; [§1903.19(h)(1)(ii)]

(iii) *The citation and item numbers* to which the submission relates;[§1903.19(h)(1)(iii)]

(iv) *A statement* that the information submitted is accurate; and[§1903.19(h)(1)(iv)]

(v) *The signature* of the employer or the employer's authorized representative.[§1903.19(h)(1)(v)]

(2) *The date of postmark is the date of submission* for mailed documents. For documents transmitted by other means, the date the Agency receives the document is the date of submission. [§1903.19(h)(2)]

(i) Movable equipment.[§1903.19(i)]

(1) *For serious, repeat, and willful violations* involving movable equipment, the employer must attach a warning tag or a copy of the citation to the operating controls or to the cited component of equipment that is moved within the worksite or between worksites.[§1903.19(i)(1)]

Note to paragraph (i)(1): Attaching a copy of the citation to the equipment is deemed by OSHA to meet the tagging requirement of paragraph (i)(1) of this section as well as the posting requirement of 29 CFR 1903.16.

(2) *The employer must use a warning tag that* properly warns employees about the nature of the violation involving the equipment and identifies the location of the citation issued. [§1903.19(i)(2)]

Note to paragraph (i)(2): Non-Mandatory Appendix C contains a sample tag that employers may use to meet this requirement.

(3) *If the violation has not already been abated,* a warning tag or copy of the citation must be attached to the equipment: [§1903.19(i)(3)]

(i) *For hand-held equipment,* immediately after the employer receives the citation; or[§1903.19(i)(3)(i)]

(ii) *For non-hand-held equipment,* prior to moving the equipment within or between worksites.[§1903.19(i)(3)(ii)]

(4) *For the construction industry, a tag that is designed and* used in accordance with 29 CFR 1926.20(b)(3) and 29 CFR 1926.200(h) is deemed by OSHA to meet the requirements of this section when the information required by paragraph (i)(2) is included on the tag.[§1903.19(i)(4)]

(5) *The employer must assure that the tag or* copy of the citation attached to movable equipment is not altered, defaced, or covered by other material. **[§1903.19(i)(5)]**

(6) *The employer must assure that the tag or* copy of the citation attached to movable equipment remains attached until: **[§1903.19(i)(6)]**

(i) *The violation has been abated* and all abatement verification documents required by this regulation have been submitted to the Agency; **[§1903.19(i)(6)(i)]**

(ii) *The cited equipment has been permanently removed* from service or is no longer within the employer's control; or **[§1903.19(i)(6)(ii)]**

(iii) *The Commission issues a final order vacating the citation.* **[§1903.19(i)(6)(iii)]**

Appendices to §1903.19 Abatement Verification

Note: Appendices A through C provide information and nonmandatory guidelines to assist employers and employees in complying with the appropriate requirements of this section.

Appendix A to Section 1903.19

Sample Abatement-Certification Letter (non-mandatory)

Area Director – Name
U.S. Department of Labor – OSHA
Address of the Area Office (on the citation)
City State Zip Code
Company Name
Company Address
City State Zip Code
The hazard referenced in Inspection Number [insert 9-digit #] _____ for violation identified as:

Citation #	Item #	Date Corrected	By

I attest that the information contained in this document is accurate.

Signature Title

Typed or Printed Name

*Free forms available at www.oshacfr.com

Appendix B to Section 1903.19

Sample Abatement Plan or Progress Report (Non-Mandatory)

Area Director – Name
U.S. Department of Labor – OSHA
Address of the Area Office (on the citation)
City State Zip Code
Company Name
Company Address
City State Zip Code
Check One:
Abatement Plan: ☐ Progress Report: ☐ Inspection Number: _____
Page ____ of ____
Citation Number(s)* _____ _____
Item Number(s)* _____

	Action	Proposed Completion Date (For Abatement Plans Only)	Completion Date (For Progress Reports Only)
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
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30.			
31.			
32.			

Date required for final abatement: ____/____/____
I attest that the information contained in this document is accurate.

Signature

Typed or Printed Name

Name of primary point of contact for questions: (Optional) _____
Telephone number: (____) ____-____ Ext. ____
* Abatement plans or progress reports for more than one citation item may be combined in a single abatement plan or progress report if the abatement actions, proposed completion dates, and actual completion dates (for progress reports only) are the same for each of the citation items.

*Free forms available at www.oshacfr.com

Appendix C to Section 1903.19

Sample Warning Tag (Non-Mandatory)

WARNING:

EQUIPMENT HAZARD CITED BY OSHA

EQUIPMENT CITED:

_____
_____
_____

HAZARD CITED:

_____
_____
_____

FOR DETAILED INFORMATION SEE OSHA CITATION POSTED AT:

_____
_____

BACKGROUND COLOR - ORANGE
MESSAGE COLOR - BLACK

[62 FR 15337, Mar. 31, 1997]

§1903.20
✉ Informal conferences

✉ At the request of an affected employer, employee, or representative of employees, the Assistant Regional Director may hold an informal conference for the purpose of discussing any issues raised by an inspection, citation, notice of proposed penalty, or notice of intention to contest. The settlement of any issue at such conference shall be subject to the rules of procedure prescribed by the Review Commission. If the conference is requested by the employer, an affected employee or his representative shall be afforded an opportunity to participate, at the discretion of the Assistant Regional Director. If the conference is requested by an employee or representative of employees, the employer shall be afforded an opportunity to participate, at the discretion of the Assistant Regional Director. Any party may be represented by counsel at such conference. No such conference or request for such conference shall operate as a stay of any 15-working-day period for filing a notice of intention to contest as prescribed in §1903.17.[§1903.20]

[36 FR 17850, Sept. 4, 1971. Redesignated at 62 FR 15337, Mar. 31, 1997]

§1903.21
State administration

Nothing in this part 1903 shall preempt the authority of any State to conduct inspections, to initiate enforcement proceedings or otherwise to implement the applicable provisions of State law with respect to State occupational safety and health standards in accordance with agreements and plans under section 18 of the Act and parts 1901 and 1902 of this chapter.[§1903.21]

[36 FR 17850, Sept. 4, 1971. Redesignated at 62 FR 15337, Mar. 31, 1997]

§1903.22
Definitions

(a) **Act** means the Williams-Steiger Occupational Safety and Health Act of 1970. (84 Stat. 1590 et seq., 29 U.S.C. 651 et seq.)[§1903.22(a)]

(b) **The definitions and interpretations** contained in section 3 of the Act shall be applicable to such terms when used in this part 1903. [§1903.22(b)]

(c) **Working days** means Mondays through Fridays but shall not include Saturdays, Sundays, or Federal holidays. In computing 15 working days, the day of receipt of any notice shall not be included, and the last day of the 15 working days shall be included.[§1903.22(a)]

(d) **Compliance Safety and Health Officer** means a person authorized by the Occupational Safety and Health Administration, U.S. Department of Labor, to conduct inspections.[§1903.22(a)]

(e) **Area Director** means the employee or officer regularly or temporarily in charge of an Area Office of the Occupational Safety and Health Administration, U.S. Department of Labor, or any other person or persons who are authorized to act for such employee or officer. The latter authorizations may include general delegations of the authority of an Area Director under this part to a Compliance Safety and Health Officer or delegations to such an officer for more limited purposes, such as the exercise of the Area Director's duties under §1903.14(a). The term also includes any employee or officer exercising supervisory responsibilities over an Area Director. A supervisory employee or officer is considered to exercise concurrent authority with the Area Director.[§1903.22(a)]

(f) **Assistant Regional Director** means the employee or officer regularly or temporarily in charge of a Region of the Occupational Safety and Health Administration, U.S. Department of Labor, or any other person or persons who are specifically designated to act for such employee or officer in his absence. The term also includes any employee or officer in the Occupational Safety and Health Administration exercising supervisory responsibilities over the Assistant Regional Director. Such supervisory employee or officer is considered to exercise concurrent authority with the Assistant Regional Director. No delegation of authority under this paragraph shall adversely affect the procedures for independent informal review of investigative determinations prescribed under §1903.12 of this part.[§1903.22(a)]

(g) **Inspection** means any inspection of an employer's factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer, and includes any inspection conducted pursuant to a complaint filed under §1903.11 (a) and (c), any reinspection, followup inspection, accident investigation or other inspection conducted under section 8(a) of the Act.[§1903.22(a)]

[36 FR 17850, Sept. 4, 1971, as amended at 38 FR 22624, Aug. 23, 1973. Redesignated at 62 FR 15337, Mar. 31, 1997]

❖ Authority: Secs. 8 and 9 (29 U.S.C. 657, 658); 5 U.S.C. 553; Secretary of Labor's Order No. 1-2012 (77 FR 3912, Jan. 25, 2012).

✉ Part 1904 – Recording and Reporting Occupational Injuries and Illnesses

Subpart A – Purpose

§1904.0
Purpose

The purpose of this rule (Part 1904) is to require employers to record and report work-related fatalities, injuries and illnesses.[§1904.0]

Note to §1904.0: Recording or reporting a work-related injury, illness, or fatality does not mean that the employer or employee was at fault, that an OSHA rule has been violated, or that the employee is eligible for workers' compensation or other benefits.

Subpart B – Scope

Note to Subpart B: All employers covered by the Occupational Safety and Health Act (OSH Act) are covered by these Part 1904 regulations. However, most employers do not have to keep OSHA injury and illness records unless OSHA or the Bureau of Labor Statistics (BLS) informs them in writing that they must keep records. For example, employers with 10 or fewer employees and business establishments in certain industry classifications are partially exempt from keeping OSHA injury and illness records.

§1904.1
Partial exemption for employers with 10 or fewer employees

(a) Basic requirement.[§1904.1(a)]

(1) *If your company had ten (10) or fewer employees* at all times during the last calendar year, you do not need to keep OSHA injury and illness records unless OSHA or the BLS informs you in writing that you must keep records under §1904.41 or §1904.42. However, as required by §1904.39, all employers covered by the OSH Act must report to OSHA any workplace incident that results in a fatality or the hospitalization of three or more employees.[§1904.1(a)(1)]

(2) *If your company had more than ten (10) employees* at any time during the last calendar year, you must keep OSHA injury and illness records unless your establishment is classified as a partially exempt industry under §1904.2.[§1904.1(a)(2)]

(b) Implementation[§1904.1(b)]

(1) *Is the partial exemption for size based on the size of my entire company or on the size of an individual business establishment?* The partial exemption for size is based on the number of employees in the entire company.[§1904.1(b)(1)]

(2) *How do I determine the size of my company to find out if I qualify for the partial exemption for size?* To determine if you are exempt because of size, you need to determine your company's peak employment during the last calendar year. If you had no more than 10 employees at any time in the last calendar year, your company qualifies for the partial exemption for size.[§1904.1(b)(2)]

§1904.2
Partial exemption for establishments in certain industries

(a) Basic requirement.[§1904.2(a)]

(1) *If your business establishment is classified* in a specific industry group listed in appendix A to this subpart, you do not need to keep OSHA injury and illness records unless the government asks you to keep the records under §1904.41 or §1904.42. However, all employers must report to OSHA any workplace incident that results in an employee's fatality, in-patient hospitalization, amputation, or loss of an eye (see §1904.39).[§1904.2(a)(1)]

(2) *If one or more of your company's establishments* are classified in a non-exempt industry, you must keep OSHA injury and illness records for all of such establishments unless your company is partially exempted because of size under §1904.1.[§1904.2(a)(2)]

(b) Implementation[§1904.2(b)]

(1) *Is the partial industry classification exemption based on the industry classification of my entire company or on the classification of individual business establishments operated by my company?* The partial industry classification exemption applies to individual business establishments. If a company has several business establishments engaged in different classes of business activities, some of the company's establishments may be required to keep records, while others may be partially exempt.[§1904.2(b)(1)]

(2) *How do I determine the correct NAICS code for my company or for individual establishments?* You can determine your NAICS code by using one of three methods, or you may contact your nearest OSHA office or State agency for help in determining your NAICS code:[§1904.2(b)(2)]

(i) *You can use the search* feature at the U.S. Census Bureau NAICS main Web page: *http://www.census.gov/eos/www/naics/.* In the search box for the most recent NAICS, enter a keyword that describes your kind of business. A list of primary business activities containing that keyword and the corresponding NAICS codes will appear. Choose the one that most closely corresponds to your primary business activity, or refine your search to obtain other choices.[§1904.2(b)(2)(i)]

(ii) *Rather than searching* through a list of primary business activities, you may also view the most recent complete NAICS structure with codes and titles by clicking on the link for the most recent NAICS on the U.S. Census Bureau NAICS main Web page: *http://www.census.gov/eos/www/naics/.* Then click on the two-digit Sector code to see all the NAICS codes under that Sector. Then choose the six-digit code of your interest to see the corresponding definition, as well as cross-references and index items, when available.[§1904.2(b)(2)(ii)]

(iii) *If you know your old* SIC code, you can also find the appropriate 2002 NAICS code by using the detailed conversion (concordance) between the 1987 SIC and 2002 NAICS available in Excel format for download at the "Concordances" link at the U.S. Census Bureau NAICS main Web page: *http://www.census.gov/eos/www/naics/.*[§1904.2(b)(2)(iii)]

[66 FR 6122, Jan. 19, 2001, as amended at 79 FR 56186, Sept. 18, 2014]

§1904.3
✉ Keeping records for more than one agency

✉ If you create records to comply with another government agency's injury and illness recordkeeping requirements, OSHA will consider those records as meeting OSHA's part 1904 recordkeeping requirements if OSHA accepts the other agency's records under a memorandum of understanding with that agency, or if the other agency's records contain the same information as this part 1904 requires you to record. You may contact your nearest OSHA office or State agency for help in determining whether your records meet OSHA's requirements.[§1904.3]

Appendix A to Subpart B of Part 1904
Partially Exempt Industries (Non-Mandatory)

Employers are not required to keep OSHA injury and illness records for any establishment classified in the following North American Industry Classification System (NAICS) codes, unless they are asked in writing to do so by OSHA, the Bureau of Labor Statistics (BLS), or a state agency operating under the authority of OSHA or the BLS. All employers, including those partially exempted by reason of company size or industry classification, must report to OSHA any employee's fatality, in-patient hospitalization, amputation, or loss of an eye (see §1904.39).

NAICS Code	Industry	NAICS Code	Industry
4412	Other Motor Vehicle Dealers.	5411	Legal Services.
4431	Electronics and Appliance Stores.	5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services.
4461	Health and Personal Care Stores.	5413	Architectural, Engineering, and Related Services.
4471	Gasoline Stations.	5414	Specialized Design Services.
4481	Clothing Stores.	5415	Computer Systems Design and Related Services.
4482	Shoe Stores.	5416	Management, Scientific, and Technical Consulting Services.
4483	Jewelry, Luggage, and Leather Goods Stores.	5417	Scientific Research and Development Services.
4511	Sporting Goods, Hobby, and Musical Instrument Stores.	5418	Advertising and Related Services.
4512	Book, Periodical, and Music Stores.	5511	Management of Companies and Enterprises.
4531	Florists.	5611	Office Administrative Services.
4532	Office Supplies, Stationery, and Gift Stores.	5614	Business Support Services.

(continued)

NAICS Code	Industry	NAICS Code	Industry
4812	Nonscheduled Air Transportation.	5615	Travel Arrangement and Reservation Services.
4861	Pipeline Transportation of Crude Oil.	5616	Investigation and Security Services.
4862	Pipeline Transportation of Natural Gas.	6111	Elementary and Secondary Schools.
4869	Other Pipeline Transportation.	6112	Junior Colleges.
4879	Scenic and Sightseeing Transportation, Other.	6113	Colleges, Universities, and Professional Schools.
4885	Freight Transportation Arrangement.	6114	Business Schools and Computer and Management Training.
5111	Newspaper, Periodical, Book, and Directory Publishers.	6115	Technical and Trade Schools.
5112	Software Publishers.	6116	Other Schools and Instruction.
5121	Motion Picture and Video Industries.	6117	Educational Support Services.
5122	Sound Recording Industries.	6211	Offices of Physicians.
5151	Radio and Television Broadcasting.	6212	Offices of Dentists.
5172	Wireless Telecommunications Carriers (except Satellite).	6213	Offices of Other Health Practitioners.
5173	Telecommunications Resellers.	6214	Outpatient Care Centers.
5179	Other Telecommunications.	6215	Medical and Diagnostic Laboratories.
5181	Internet Service Providers and Web Search Portals.	6244	Child Day Care Services.
5182	Data Processing, Hosting, and Related Services.	7114	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures.
5191	Other Information Services.	7115	Independent Artists, Writers, and Performers.
5211	Monetary Authorities — Central Bank.	7213	Rooming and Boarding Houses.
5221	Depository Credit Intermediation.	7221	Full-Service Restaurants.
5222	Nondepository Credit Intermediation.	7222	Limited-Service Eating Places.
5223	Activities Related to Credit Intermediation.	7224	Drinking Places (Alcoholic Beverages).
5231	Securities and Commodity Contracts Intermediation and Brokerage.	8112	Electronic and Precision Equipment Repair and Maintenance.
5232	Securities and Commodity Exchanges.	8114	Personal and Household Goods Repair and Maintenance.
5239	Other Financial Investment Activities.	8121	Personal Care Services.
5241	Insurance Carriers.	8122	Death Care Services.
5242	Agencies, Brokerages, and Other Insurance Related Activities.	8131	Religious Organizations.
5251	Insurance and Employee Benefit Funds.	8132	Grantmaking and Giving Services.
5259	Other Investment Pools and Funds.	8133	Social Advocacy Organizations.
5312	Offices of Real Estate Agents and Brokers.	8134	Civic and Social Organizations.
5331	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works).	8139	Business, Professional, Labor, Political, and Similar Organizations.

[79 FR 56186, Sept. 18, 2014]

Subpart C – Recordkeeping Forms and Recording Criteria

Note to Subpart C: This Subpart describes the work-related injuries and illnesses that an employer must enter into the OSHA records and explains the OSHA forms that employers must use to record work-related fatalities, injuries, and illnesses.

§1904.4

Recording criteria

(a) Basic requirement. Each employer required by this part to keep records of fatalities, injuries, and illnesses must record each fatality, injury and illness that:[§1904.4(a)]

(1) *Is work-related; and*[§1904.4(a)(1)]

(2) *Is a new case; and*[§1904.4(a)(2)]

(3) *Meets one or more of the general recording criteria* of §1904.7 or the application to specific cases of §1904.8 through §1904.12.[§1904.4(a)(3)]

(b) Implementation —[§1904.4(b)]

(1) *What sections of this rule describe recording criteria for recording work-related injuries and illnesses?* The table below indicates which sections of the rule address each topic.[§1904.4(b)(1)]

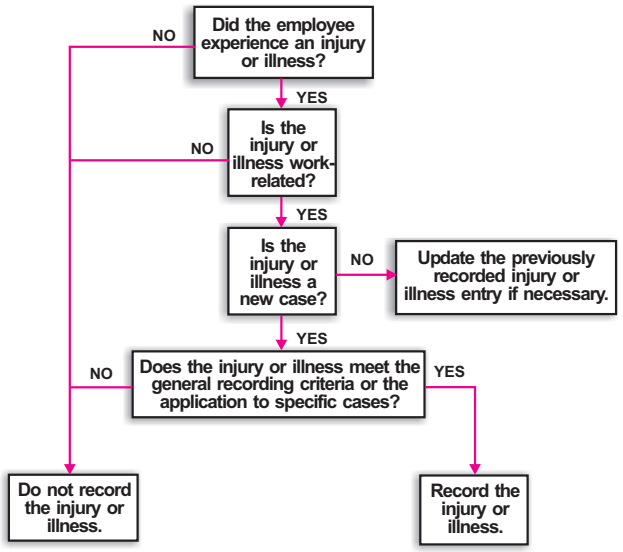
(i) *Determination of work-relatedness.* See §1904.5.[§1904.4(b)(1)(i)]

(ii) *Determination of a new case.* See §1904.6.[§1904.4(b)(1)(ii)]

(iii) *General recording criteria.* See §1904.7.[§1904.4(b)(1)(iii)]

(iv) *Additional criteria.* (Needlestick and sharps injury cases, tuberculosis cases, hearing loss cases, medical removal cases, and musculoskeletal disorder cases). See §1904.8 through §1904.12.[§1904.4(b)(1)(iv)]

(2) *How do I decide whether a particular injury or illness is recordable?* The decision tree for recording work-related injuries and illnesses below shows the steps involved in making this determination.[§1904.4(b)(2)]



§1904.5

✉ Determination of work-relatedness

(a) ✉ Basic requirement. You must consider an injury or illness to be 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 injury or illness. Work-relatedness is presumed for injuries and illnesses resulting from events or exposures occurring in the work environment, unless an exception in §1904.5(b)(2) specifically applies.[§1904.5(a)]

(b) ✉ Implementation.[§1904.5(b)]

(1) ✉ *What is the "work environment"?* OSHA defines the work environment as "the establishment and other locations where one or more employees are working or are present as a condition of their employment. The work environment includes not only physical locations, but also the equipment or materials used by the employee during the course of his or her work."[§1904.5(b)(1)]

(2) ✉ *Are there situations where an injury or illness occurs in the work environment and is not considered work-related?* Yes, an injury or illness occurring in the work environment that falls under one of the following exceptions is not work-related, and therefore is not recordable.[§1904.5(b)(2)]

1904.5(b)(2)	You are not required to record injuries and illnesses if . . .
(i)	At the time of the injury or illness, the employee was present in the work environment as a member of the general public rather than as an employee.
(ii)	The injury or illness involves signs or symptoms that surface at work but result solely from a non-work-related event or exposure that occurs outside the work environment.

(continued)

1904.5(b)(2)	You are not required to record injuries and illnesses if . . .
(iii)	The injury or illness results solely from voluntary participation in a wellness program or in a medical, fitness, or recreational activity such as blood donation, physical examination, flu shot, exercise class, racquetball, or baseball.
(iv)	The injury or illness is solely the result of an employee eating, drinking, or preparing food or drink for personal consumption (whether bought on the employer's premises or brought in). For example, if the employee is injured by choking on a sandwich while in the employer's establishment, the case would not be considered work-related.
	Note: If the employee is made ill by ingesting food contaminated by workplace contaminants (such as lead), or gets food poisoning from food supplied by the employer, the case would be considered work-related.
(v)	The injury or illness is solely the result of an employee doing personal tasks (unrelated to their employment) at the establishment outside of the employee's assigned working hours.
(vi)	The injury or illness is solely the result of personal grooming, self medication for a non-work-related condition, or is intentionally self-inflicted.
(vii)	The injury or illness is caused by a motor vehicle accident and occurs on a company parking lot or company access road while the employee is commuting to or from work.
(viii)	The illness is the common cold or flu (Note: contagious diseases such as tuberculosis, brucellosis, hepatitis A, or plague are considered work-related if the employee is infected at work).
(ix)	The illness is a mental illness. Mental illness will not be considered work-related unless the employee voluntarily provides the employer with an opinion from a physician or other licensed health care professional with appropriate training and experience (psychiatrist, psychologist, psychiatric nurse practitioner, etc.) stating that the employee has a mental illness that is work-related.

(3) ✉ *How do I handle a case if it is not obvious whether the precipitating event or exposure occurred in the work environment or occurred away from work?* In these situations, you must evaluate the employee's work duties and environment to decide whether or not one or more events or exposures in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing condition.[§1904.5(b)(3)]

(4) ✉ *How do I know if an event or exposure in the work environment "significantly aggravated" a preexisting injury or illness?* A preexisting injury or illness has been significantly aggravated, for purposes of OSHA injury and illness recordkeeping, when an event or exposure in the work environment results in any of the following:[§1904.5(b)(4)]

(i) *Death,* provided that the preexisting injury or illness would likely not have resulted in death but for the occupational event or exposure.[§1904.5(b)(4)(i)]

(ii) *Loss of consciousness,* provided that the preexisting injury or illness would likely not have resulted in loss of consciousness but for the occupational event or exposure.[§1904.5(b)(4)(ii)]

(iii) *One or more days away from work, or* days of restricted work, or days of job transfer that otherwise would not have occurred but for the occupational event or exposure.[§1904.5(b)(4)(iii)]

(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.[§1904.5(b)(4)(iv)]

(5) *Which injuries and illnesses are considered pre-existing conditions?* An injury or illness is a preexisting condition if it resulted solely from a non-work-related event or exposure that occured outside the work environment.[§1904.5(b)(5)]

(6) ✉ *How do I decide whether an injury or illness is work-related if the employee is on travel status at the time the injury or illness occurs?* Injuries and illnesses that occur while an employee is on travel status are work-related if, at the time of the injury or illness, the employee was engaged in work activities "in the interest of the employer." Examples of such activities include travel to and from customer contacts, conducting job tasks, and entertaining or being entertained to transact, discuss, or promote business (work-related entertainment includes only entertainment activities being engaged in at the direction of the employer).

Injuries or illnesses that occur when the employee is on travel status do not have to be recorded if they meet one of the exceptions listed below.[§1904.5(b)(6)]

1904.5 (b)(6)	If the employee has . . .	You may use the following to determine if an injury or illness is work-related
(i)	checked into a hotel or motel for one or more days	When a traveling employee checks into a hotel, motel, or into an other temporary residence, he or she establishes a "home away from home." You must evaluate the employee's activities after he or she checks into the hotel, motel, or other temporary residence for their work-relatedness in the same manner as you evaluate the activities of a non- traveling employee. When the employee checks into the temporary residence, he or she is considered to have left the work environment. When the employee begins work each day, he or she re-enters the work environment. If the employee has established a "home away from home" and is reporting to a fixed worksite each day, you also do not consider injuries or illnesses work-related if they occur while the employee is commuting between the temporary residence and the job location.
(ii)	taken a detour for personal reasons	Injuries or illnesses are not considered work-related if they occur while the employee is on a personal detour from a reasonably direct route of travel (e.g., has taken a side trip for personal reasons).

(7) *How do I decide if a case is work-related when the employee is working at home?* Injuries and illnesses that occur while an employee is working at home, including work in a home office, will be considered work-related if the injury or illness occurs while the employee is performing work for pay or compensation in the home, and the injury or illness is directly related to the performance of work rather than to the general home environment or setting. For example, if an employee drops a box of work documents and injures his or her foot, the case is considered work-related. If an employee's fingernail is punctured by a needle from a sewing machine used to perform garment work at home, becomes infected and requires medical treatment, the injury is considered work-related. If an employee is injured because he or she trips on the family dog while rushing to answer a work phone call, the case is not considered work-related. If an employee working at home is electrocuted because of faulty home wiring, the injury is not considered work-related.[§1904.5(b)(7)]

§1904.6

✉ Determination of new cases

(a) ✉ **Basic requirement.** You must consider an injury or illness to be a "new case" if:[§1904.6(a)]

(1) *The employee has not previously experienced a* recorded injury or illness of the same type that affects the same part of the body, or[§1904.6(a)(1)]

(2) *The employee previously experienced a* recorded injury or illness of the same type that affected the same part of the body but had recovered completely (all signs and symptoms had disappeared) from the previous injury or illness and an event or exposure in the work environment caused the signs or symptoms to reappear.[§1904.6(a)(2)]

(b) Implementation — [§1904.6(b)]

(1) *When an employee experiences the signs or symptoms of a chronic work-related illness, do I need to consider each recurrence of signs or symptoms to be a new case?* No, for occupational illnesses where the signs or symptoms may recur or continue in the absence of an exposure in the workplace, the case must only be recorded once. Examples may include occupational cancer, asbestosis, byssinosis and silicosis.[§1904.6(b)(1)]

(2) *When an employee experiences the signs or symptoms of an injury or illness* as a result of an event or exposure in the workplace, such as an episode of occupational asthma, must I treat the episode as a new case? Yes, because the episode or recurrence was caused by an event or exposure in the workplace, the incident must be treated as a new case.[§1904.6(b)(2)]

(3) ✉ *May I rely on a physician or other licensed health care professional to determine whether a case is a new case or a recurrence of an old case?* You are not required to seek the advice of a physician or other licensed health care professional. However, if you do seek such advice, you must follow the physician or other licensed health care professional's recommendation about whether the case is a new case or a recurrence. If you receive recommendations from two or more physicians or other licensed health care professionals, you must make a decision as to which recommendation is the most authoritative (best documented, best reasoned, or most authoritative), and record the case based upon that recommendation.[§1904.6(b)(3)]

§1904.7

✉ General recording criteria

(a) ✉ **Basic requirement.** You must consider an injury or illness to meet the general recording criteria, and therefore to be recordable, if it results in any of the following: death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness. You must also consider a case to meet the general recording criteria if it involves a significant injury or illness diagnosed by a physician or other licensed health care professional, even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness.[§1904.7(a)]

(b) ✉ **Implementation**[§1904.7(b)]

(1) ✉ *How do I decide if a case meets one or more of the general recording criteria?* A work-related injury or illness must be recorded if it results in one or more of the following: [§1904.7(b)(1)]

(i) *Death. See §1904.7(b)(2).*[§1904.7(b)(1)(i)]

(ii) *Days away from work. See §1904.7(b)(3).*[§1904.7(b)(1)(ii)]

(iii) *Restricted work or transfer to another job. See §1904.7(b)(4).*[§1904.7(b)(1)(iii)]

(iv) ✉ *Medical treatment beyond first aid. See §1904.7(b)(5).* [§1904.7(b)(1)(iv)]

(v) ✉ *Loss of consciousness. See §1904.7(b)(6).*[§1904.7(b)(1)(v)]

(vi) *A significant injury or illness* diagnosed by a physician or other licensed health care professional. See §1904.7(b)(7). [§1904.7(b)(1)(vi)]

(2) *How do I record a work-related injury or illness that results in the employee's death?* You must record an injury or illness that results in death by entering a check mark on the OSHA 300 Log in the space for cases resulting in death. You must also report any work-related fatality to OSHA within eight (8) hours, as required by §1904.39.[§1904.7(b)(2)]

(3) ✉ *How do I record a work-related injury or illness that results in days away from work?* When an injury or illness involves one or more days away from work, you must record the injury or illness on the OSHA 300 Log with a check mark in the space for cases involving days away and an entry of the number of calendar days away from work in the number of days column. If the employee is out for an extended period of time, you must enter an estimate of the days that the employee will be away, and update the day count when the actual number of days is known.[§1904.7(b)(3)]

(i) *Do I count the day on which the injury occurred or the illness began?* No, you begin counting days away on the day after the injury occurred or the illness began.[§1904.7(b)(3)(i)]

(ii) ✉ *How do I record* an injury or illness when a physician or other licensed health care professional recommends that the worker stay at home but the employee comes to work anyway? You must record these injuries and illnesses on the OSHA 300 Log using the check box for cases with days away from work and enter the number of calendar days away recommended by the physician or other licensed health care professional. If a physician or other licensed health care professional recommends days away, you should encourage your employee to follow that recommendation. However, the days away must be recorded whether the injured or ill employee follows the physician or licensed health care professional's recommendation or not. If you receive recommendations from two or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.[§1904.7(b)(3)(ii)]

(iii) ✉ *How do I handle a case when a physician or other licensed health care professional recommends that the worker return to work but the employee stays at home anyway?* In this situation, you must end the count of days away from work on the date the physician or other licensed health care professional recommends that the employee return to work.[§1904.7(b)(3)(iii)]

(iv) ✉ *How do I count weekends, holidays, or other days the employee would not have worked anyway?* You must count the number of calendar days the employee was unable to work as a result of the injury or illness, regardless of whether or not the employee was scheduled to work on those day(s). Weekend days, holidays, vacation days or other days off are included in the total number of days recorded if the employee would not have been able to work on those days because of a work-related injury or illness.[§1904.7(b)(3)(iv)]

(v) *How do I record a case in which a worker is injured or becomes ill on a Friday and reports to work on a Monday, and was not scheduled to work on the weekend?* You need to record this case only if you receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the weekend. If so, you must record the injury or illness as a case with days away from work or restricted work, and enter the day counts, as appropriate.[§1904.7(b)(3)(v)]

(vi) *How do I record* a case in which a worker is injured or becomes ill on the day before scheduled time off such as a holiday, a planned vacation, or a temporary plant closing? You need to record a case of this type only if you receive information from a physician or other licensed health care professional indicating that the employee should not have worked, or should have performed only restricted work, during the scheduled time off. If so, you must record the injury or illness as a case with days away from work or restricted work, and enter the day counts, as appropriate.[§1904.7(b)(3)(vi)]

(vii) *Is there a limit to the number of days away from work I must count?* Yes, you may "cap" the total days away at 180 calendar days. You are not required to keep track of the number of calendar days away from work if the injury or illness resulted in more than 180 calendar days away from work and/or days of job transfer or restriction. In such a case, entering 180 in the total days away column will be considered adequate.[§1904.7(b)(3)(vii)]

(viii) ✉ *May I stop counting days if an employee who is away from work because of an injury or illness retires or leaves my company?* Yes, if the employee leaves your company for some reason unrelated to the injury or illness, such as retirement, a plant closing, or to take another job, you may stop counting days away from work or days of restriction/job transfer. If the employee leaves your company because of the injury or illness, you must estimate the total number of days away or days of restriction/job transfer and enter the day count on the 300 Log.[§1904.7(b)(3)(viii)]

(ix) *If a case occurs in one year but results in days away during the next calendar year, do I record the case in both years?* No, you only record the injury or illness once. You must enter the number of calendar days away for the injury or illness on the OSHA 300 Log for the year in which the injury or illness occurred. If the employee is still away from work because of the injury or illness when you prepare the annual summary, estimate the total number of calendar days you expect the employee to be away from work, use this number to calculate the total for the annual summary, and then update the initial log entry later when the day count is known or reaches the 180-day cap.[§1904.7(b)(3)(ix)]

(4) ✉ *How do I record a work-related injury or illness that results in restricted work or job transfer?* When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, you must record the injury or illness on the OSHA 300 Log by placing a check mark in the space for job transfer or restriction and an entry of the number of restricted or transferred days in the restricted workdays column.[§1904.7(b)(4)]

(i) ✉ *How do I decide if the injury or illness resulted in restricted work?* Restricted work occurs when, as the result of a work-related injury or illness:[§1904.7(b)(4)(i)]

[A] *You keep the employee from performing* one or more of the routine functions of his or her job, or from working the full workday that he or she would otherwise have been scheduled to work; or[§1904.7(b)(4)(i)[A]]

[B] *A physician or other licensed health* care professional recommends that the employee not perform one or more of the routine functions of his or her job, or not work the full workday that he or she would otherwise have been scheduled to work.[§1904.7(b)(4)(i)[B]]

(ii) *What is meant by "routine functions"?* For recordkeeping purposes, an employee's routine functions are those work activities the employee regularly performs at least once per week.[§1904.7(b)(4)(ii)]

(iii) *Do I have to record restricted work or job transfer if it applies only to the day on which the injury occurred or the illness began?* No, you do not have to record restricted work or job transfers if you, or the physician or other licensed health care professional, impose the restriction or transfer only for the day on which the injury occurred or the illness began.[§1904.7(b)(4)(iii)]

(iv) ✉ *If you or a physician or other licensed health care professional recommends a work restriction, is the injury or illness automatically recordable as a "restricted work" case?* No, a recommended work restriction is recordable only if it affects one or more of the employee's routine job functions. To determine whether this is the case, you must evaluate the restriction in light of the routine functions of the injured or ill employee's job. If the restriction from you or the physician or other licensed health care professional keeps the employee from performing one or more of his or her routine job functions, or from working the full workday the injured or ill employee would otherwise have worked, the employee's work has been restricted and you must record the case.[§1904.7(b)(4)(iv)]

(v) *How do I record a case where the worker works only for a partial work shift because of a work-related injury or illness?* A partial day of work is recorded as a day of job transfer or restriction for recordkeeping purposes, except for the day on which the injury occurred or the illness began.[§1904.7(b)(4)(v)]

(vi) *If the injured or ill worker* produces fewer goods or services than he or she would have produced prior to the injury or illness but otherwise performs all of the routine functions of his or her work, is the case considered a restricted work case? No, the case is considered restricted work only if the worker does not perform all of the routine functions of his or her job or does not work the full shift that he or she would otherwise have worked.[§1904.7(b)(4)(vi)]

(vii) *How do I handle vague restrictions from a physician or* other licensed health care professional, such as that the employee engage only in "light duty" or "take it easy for a week"? If you are not clear about the physician or other licensed health care professional's recommendation, you may ask that person whether the employee can do all of his or her routine job functions and work all of his or her normally assigned work shift. If the answer to both of these questions is "Yes," then the case does not involve a work restriction and does not have to be recorded as such. If the answer to one or both of these questions is "No," the case involves restricted work and must be recorded as a restricted work case. If you are unable to obtain this additional information from the physician or other licensed health care professional who recommended the restriction, record the injury or illness as a case involving restricted work.[§1904.7(b)(4)(vii)]

(viii) ✉ *What do I do if a physician or other licensed health care* professional recommends a job restriction meeting OSHA's definition, but the employee does all of his or her routine job functions anyway? You must record the injury or illness on the OSHA 300 Log as a restricted work case. If a physician or other licensed health care professional recommends a job restriction, you should ensure that the employee complies with that restriction. If you receive recommendations from two or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.[§1904.7(b)(4)(viii)]

(ix) *How do I decide if an injury or illness involved a transfer to another job?* If you assign an injured or ill employee to a job other than his or her regular job for part of the day, the case involves transfer to another job. Note: This does not include the day on which the injury or illness occurred.[§1904.7(b)(4)(ix)]

(x) *Are transfers to another job recorded in the same way as restricted work cases?* Yes, both job transfer and restricted work cases are recorded in the same box on the OSHA 300 Log. For example, if you assign, or a physician or other licensed health care professional recommends that you assign, an injured or ill worker to his or her routine job duties for part of the day and to another job for the rest of the day, the injury or illness involves a job transfer. You must record an injury or illness that involves a job transfer by placing a check in the box for job transfer.[§1904.7(b)(4)(x)]

(xi) ✉ *How do I count days of job transfer or restriction?* You count days of job transfer or restriction in the same way you count days away from work, using §1904.7(b)(3)(i) to (viii), above. The only difference is that, if you permanently assign the injured or ill employee to a job that has been modified or permanently changed in a manner that eliminates the routine functions the employee was restricted from performing, you may stop the day count when the modification or change is made permanent. You must count at least one day of restricted work or job transfer for such cases.[§1904.7(b)(4)(xi)]

(5) ✉ *How do I record an injury or illness that involves medical treatment beyond first aid?* If a work-related injury or illness results in medical treatment beyond first aid, you must record it on the OSHA 300 Log. If the injury or illness did not involve death, one or more days away from work, one or more days of restricted work, or one or more days of job transfer, you enter a check mark in the box for cases where the employee received medical treatment but remained at work and was not transferred or restricted.[§1904.7(b)(5)]

(i) ✉ *What is the definition of medical treatment?* [§1904.7(b)(5)(i)]

✉ **"Medical treatment"** means the management and care of a patient to combat disease or disorder. For the purposes of part 1904, medical treatment does not include:

[A] Visits to a physician or other licensed health care professional solely for observation or counseling; [§1904.7(b)(5)(i)[A]]

[B] The conduct of diagnostic procedures, such as x-rays and blood tests, including the administration of prescription medications used solely for diagnostic purposes (e.g., eye drops to dilate pupils); or[§1904.7(b)(5)(i)[B]]

[C] "First aid" as defined in paragraph (b)(5)(ii) of this section.[§1904.7(b)(5)(i)[C]]

(ii) ✉ *What is "first aid"?* For the purposes of part 1904, "first aid" means the following:[§1904.7(b)(5)(ii)]

[A] ✉ *Using a non-prescription medication at nonprescription* strength (for medications available in both prescription and non-prescription form, a recommendation by a physician or other licensed health care professional to use a non-prescription medication at prescription strength is considered medical treatment for recordkeeping purposes);[§1904.7(b)(5)(ii)[A]]

[B] ✉ *Administering tetanus immunizations* (other immunizations, such as Hepatitis B vaccine or rabies vaccine, are considered medical treatment);[§1904.7(b)(5)(ii)[B]]

[C] Cleaning, flushing or soaking wounds on the surface of the skin;[§1904.7(b)(5)(ii)[C]]

[D] ✉ *Using wound coverings such* as bandages, Band-Aids™, gauze pads, etc.; or using butterfly bandages or Steri- Strips™ (other wound closing devices such as sutures, staples, etc., are considered medical treatment);[§1904.7(b)(5)(ii)[D]]

[E] Using hot or cold therapy;[§1904.7(b)(5)(ii)[E]]

[F] Using any non-rigid means of support, such as elastic bandages, wraps, non-rigid back belts, etc. (devices with rigid stays or other systems designed to immobilize parts of the body are considered medical treatment for recordkeeping purposes);[§1904.7(b)(5)(ii)[F]]

[G] Using temporary immobilization devices while transporting an accident victim (e.g., splints, slings, neck collars, back boards, etc.).[§1904.7(b)(5)(ii)[G]]

[H] Drilling of a fingernail or toenail to relieve pressure, or draining fluid from a blister;[§1904.7(b)(5)(ii)[H]]

[I] Using eye patches;[§1904.7(b)(5)(ii)[I]]

[J] Removing foreign bodies from the eye using only irrigation or a cotton swab;[§1904.7(b)(5)(ii)[J]]

[K] Removing splinters or foreign material from areas other than the eye by irrigation, tweezers, cotton swabs or other simple means;[§1904.7(b)(5)(ii)[K]]

[L] Using finger guards;[§1904.7(b)(5)(ii)[L]]

[M] ✉ *Using massages* (physical therapy or chiropractic treatment are considered medical treatment for recordkeeping purposes); or[§1904.7(b)(5)(ii)[M]]

[N] Drinking fluids for relief of heat stress.[§1904.7(b)(5)(ii)[N]]

(iii) ✉ *Are any other procedures included in first aid?* No, this is a complete list of all treatments considered first aid for part 1904 purposes.[§1904.7(b)(5)(iii)]

(iv) *Does the professional status of the person providing the treatment have any effect on what is considered first aid or medical treatment?* No, OSHA considers the treatments listed in §1904.7(b)(5)(ii) of this part to be first aid regardless of the professional status of the person providing the treatment. Even when these treatments are provided by a physician or other licensed health care professional, they are considered first aid for the purposes of part 1904. Similarly, OSHA considers treatment beyond first aid to be medical treatment even when it is provided by someone other than a physician or other licensed health care professional.[§1904.7(b)(5)(iv)]

(v) *What if a physician or other licensed health care professional recommends medical treatment but the employee does not follow the recommendation?* If a physician or other licensed health care professional recommends medical treatment, you should encourage the injured or ill employee to follow that recommendation. However, you must record the case even if the injured or ill employee does not follow the physician or other licensed health care professional's recommendation.[§1904.7(b)(5)(v)]

(6) ✉ *Is every work-related injury or illness case involving a loss of consciousness recordable?* Yes, you must record a work-related injury or illness if the worker becomes unconscious, regardless of the length of time the employee remains unconscious.[§1904.7(b)(6)]

(7) ✉ *What is a "significant" diagnosed injury or illness that is recordable* under the general criteria even if it does not result in death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness? Work-related cases involving cancer, chronic irreversible disease, a fractured or cracked bone, or a punctured eardrum must always be recorded under the general criteria at the time of diagnosis by a physician or other licensed health care professional.[§1904.7(b)(7)]

Note to §1904.7: OSHA believes that most significant injuries and illnesses will result in one of the criteria listed in §1904.7(a): death, days away from work, restricted work or job transfer, medical treatment beyond first aid, or loss of consciousness. However, there are some significant injuries, such as a punctured eardrum or a fractured toe or rib, for which neither medical treatment nor work restrictions may be recommended. In addition, there are some significant progressive diseases, such as byssinosis, silicosis, and some types of cancer, for which medical treatment or work restrictions may not be recommended at the time of diagnosis but are likely to be recommended as the disease progresses. OSHA believes that cancer, chronic irreversible diseases, fractured or cracked bones, and punctured eardrums are generally considered significant injuries and illnesses, and must be recorded at the initial diagnosis even if medical treatment or work restrictions are not recommended, or are postponed, in a particular case.

§1904.8

✉ Recording criteria for needlestick and sharps injuries

(a) Basic requirement. You must record all work-related needlestick injuries and cuts from sharp objects that are contaminated with another person's blood or other potentially infectious material (as defined by 29 CFR 1910.1030). You must enter the case on the OSHA 300 Log as an injury. To protect the employee's privacy, you may not enter the employee's name on the OSHA 300 Log (see the requirements for privacy cases in paragraphs 1904.29(b)(6) through 1904.29(b)(9)).[§1904.8(a)]

(b) Implementation — [§1904.8(b)]

(1) *What does "other potentially infectious material" mean?* The term "other potentially infectious materials" is defined in the OSHA Bloodborne Pathogens standard at §1910.1030(b). These materials include:[§1904.8(b)(1)]

(i) *Human bodily fluids, tissues and organs, and*[§1904.8(b)(1)(i)]

(ii) *Other materials infected with the HIV* or hepatitis B (HBV) virus such as laboratory cultures or tissues from experimental animals.[§1904.8(b)(1)(ii)]

(2) *Does this mean that I must record all cuts, lacerations, punctures, and scratches?* No, you need to record cuts, lacerations, punctures, and scratches only if they are work-related and involve contamination with another person's blood or other potentially infectious material. If the cut, laceration, or scratch involves a clean object, or a contaminant other than blood or other potentially infectious material, you need to record the case only if it meets one or more of the recording criteria in §1904.7.[§1904.8(b)(2)]

(3) *If I record an injury and the employee is later diagnosed with an infectious bloodborne disease, do I need to update the OSHA 300 Log?* Yes, you must update the classification of the case on the OSHA 300 Log if the case results in death, days away from work, restricted work, or job transfer. You must also update the description to identify the infectious disease and change the classification of the case from an injury to an illness.[§1904.8(b)(3)]

(4) *What if one of my employees is splashed or exposed to blood or other potentially infectious material without being cut or scratched? Do I need to record this incident?* You need to record such an incident on the OSHA 300 Log as an illness if: [§1904.8(b)(4)]

(i) *It results in the diagnosis of a bloodborne illness,* such as HIV, hepatitis B, or hepatitis C; or[§1904.8(b)(4)(i)]

(ii) *It meets one or more of the recording criteria in §1904.7.* [§1904.8(b)(4)(ii)]

§1904.9

Recording criteria for cases involving medical removal under OSHA standards

(a) Basic requirement. If an employee is medically removed under the medical surveillance requirements of an OSHA standard, you must record the case on the OSHA 300 Log. [§1904.9(a)]

(b) Implementation — [§1904.9(b)]

(1) *How do I classify medical removal cases on the OSHA 300 Log?* You must enter each medical removal case on the OSHA 300 Log as either a case involving days away from work or a case involving restricted work activity, depending on how you decide to comply with the medical removal requirement. If the medical removal is the result of a chemical exposure, you must enter the case on the OSHA 300 Log by checking the "poisoning" column. [§1904.9(b)(1)]

(2) *Do all of OSHA's standards have medical removal provisions?* No, some OSHA standards, such as the standards covering bloodborne pathogens and noise, do not have medical removal provisions. Many OSHA standards that cover specific chemical substances have medical removal provisions. These standards include, but are not limited to, lead, cadmium, methylene chloride, formaldehyde, and benzene. [§1904.9(b)(2)]

(3) *Do I have to record a case where I voluntarily removed the employee from exposure before the medical removal criteria in an OSHA standard are met?* No, if the case involves voluntary medical removal before the medical removal levels required by an OSHA standard, you do not need to record the case on the OSHA 300 Log. [§1904.9(b)(3)]

§1904.10

✉ Recording criteria for cases involving occupational hearing loss

(a) ✉ **Basic requirement.** If an employee's hearing test (audiogram) reveals that the employee has experienced a work-related Standard Threshold Shift (STS) in hearing in one or both ears, and the employee's total hearing level is 25 decibels (dB) or more above audiometric zero (averaged at 2000, 3000, and 4000 Hz) in the same ear(s) as the STS, you must record the case on the OSHA 300 Log. [§1904.10(a)]

(b) Implementation — [§1904.10(b)]

(1) *What is a Standard Threshold Shift?* A Standard Threshold Shift, or STS, is defined in the occupational noise exposure standard at 29 CFR 1910.95(g)(10)(i) as a change in hearing threshold, relative to the baseline audiogram for that employee, of an average of 10 decibels (dB) or more at 2000, 3000, and 4000 hertz (Hz) in one or both ears. [§1904.10(b)(1)]

(2) *How do I evaluate the current audiogram to determine whether an employee has an STS and a 25-dB hearing level?* [§1904.10(b)(2)]

(i) *STS.* If the employee has never previously experienced a recordable hearing loss, you must compare the employee's current audiogram with that employee's baseline audiogram. If the employee has previously experienced a recordable hearing loss, you must compare the employee's current audiogram with the employee's revised baseline audiogram (the audiogram reflecting the employee's previous recordable hearing loss case). [§1904.10(b)(2)(i)]

(ii) *25-dB loss.* Audiometric test results reflect the employee's overall hearing ability in comparison to audiometric zero. Therefore, using the employee's current audiogram, you must use the average hearing level at 2000, 3000, and 4000 Hz to determine whether or not the employee's total hearing level is 25 dB or more. [§1904.10(b)(2)(ii)]

(3) *May I adjust the current audiogram to reflect the effects of aging on hearing?* Yes. When you are determining whether an STS has occurred, you may age adjust the employee's current audiogram results by using Tables F-1 or F-2, as appropriate, in appendix F of 29 CFR 1910.95. You may not use an age adjustment when determining whether the employee's total hearing level is 25 dB or more above audiometric zero. [§1904.10(b)(3)]

(4) ✉ *Do I have to record the hearing loss if I am going to retest the employee's hearing?* No, if you retest the employee's hearing within 30 days of the first test, and the retest does not confirm the recordable STS, you are not required to record the hearing loss case on the OSHA 300 Log. If the retest confirms the recordable STS, you must record the hearing loss illness within seven (7) calendar days of the retest. If subsequent audiometric testing performed under the testing requirements of the §1910.95 noise standard indicates that an STS is not persistent, you may erase or line-out the recorded entry. [§1904.10(b)(4)]

(5) ✉ *Are there any special rules for determining whether a hearing loss case is work-related?* No. You must use the rules in §1904.5 to determine if the hearing loss is work-related. If an event or exposure in the work environment either caused or contributed to the hearing loss, or significantly aggravated a pre-existing hearing loss, you must consider the case to be work related.[§1904.10(b)(5)]

(6) ✉ *If a physician or other licensed health care professional determines the hearing loss is not work-related,* do I still need to record the case? If a physician or other licensed health care professional determines that the hearing loss is not work-related or has not been significantly aggravated by occupational noise exposure, you are not required to consider the case work-related or to record the case on the OSHA 300 Log.[§1904.10(b)(6)]

(7) *How do I complete the 300 Log for a hearing loss case?* When you enter a recordable hearing loss case on the OSHA 300 Log, you must check the 300 Log column for hearing loss.[§1904.10(b)(7)]

(Note: §1904.10(b)(7) is effective beginning January 1, 2004.)

[67 FR 44047, July 1, 2002, as amended at 67 FR 77170, Dec. 17, 2002]

§1904.11

✉ Recording criteria for work-related tuberculosis cases

(a) Basic requirement. If any of your employees has been occupationally exposed to anyone with a known case of active tuberculosis (TB), and that employee subsequently develops a tuberculosis infection, as evidenced by a positive skin test or diagnosis by a physician or other licensed health care professional, you must record the case on the OSHA 300 Log by checking the "respiratory condition" column.[§1904.11(a)]

(b) Implementation — [§1904.11(b)]

(1) *Do I have to record, on the Log, a positive TB skin test result obtained at a pre-employment physical?* No, you do not have to record it because the employee was not occupationally exposed to a known case of active tuberculosis in your workplace.[§1904.11(b)(1)]

(2) *May I line-out or erase a recorded TB case if I obtain evidence that the case was not caused by occupational exposure?* Yes, you may line-out or erase the case from the Log under the following circumstances:[§1904.11(b)(2)]

(i) *The worker is living in a household with a person who* has been diagnosed with active TB;[§1904.11(b)(2)(i)]

(ii) *The Public Health Department has identified the worker* as a contact of an individual with a case of active TB unrelated to the workplace; or[§1904.11(b)(2)(ii)]

(iii) *A medical investigation shows* that the employee's infection was caused by exposure to TB away from work, or proves that the case was not related to the workplace TB exposure.[§1904.11(b)(2)(iii)]

§§1904.13 — 1904.28

[Reserved]

§1904.29

✉ Forms

(a) ✉ **Basic requirement.** You must use OSHA 300, 300-A, and 301 forms, or equivalent forms, for recordable injuries and illnesses. The OSHA 300 form is called the Log of Work-Related Injuries and Illnesses, the 300-A is the Summary of Work-Related Injuries and Illnesses, and the OSHA 301 form is called the Injury and Illness Incident Report.[§1904.29(a)]

(b) ✉ **Implementation —** [§1904.29(b)]

(1) *What do I need to do to complete the OSHA 300 Log?* You must enter information about your business at the top of the OSHA 300 Log, enter a one or two line description for each recordable injury or illness, and summarize this information on the OSHA 300-A at the end of the year.[§1904.29(b)(1)]

(2) ✉ *What do I need to do to complete the OSHA 301 Incident Report?* You must complete an OSHA 301 Incident Report form, or an equivalent form, for each recordable injury or illness entered on the OSHA 300 Log.[§1904.29(b)(2)]

(3) *How quickly must each injury or illness be recorded?* You must enter each recordable injury or illness on the OSHA 300 Log and 301 Incident Report within seven (7) calendar days of receiving information that a recordable injury or illness has occurred.[§1904.29(b)(3)]

(4) *What is an equivalent form?* An equivalent form is one that has the same information, is as readable and understandable, and is completed using the same instructions as the OSHA form it replaces. Many employers use an insurance form instead of the OSHA 301 Incident Report, or supplement an insurance form by adding any additional information required by OSHA.[§1904.29(b)(4)]

(5) *May I keep my records on a computer?* Yes, if the computer can produce equivalent forms when they are needed, as described under §§1904.35 and 1904.40, you may keep your records using the computer system.[§1904.29(b)(5)]

(6) ✉ *Are there situations where I do not put the employee's name on the forms for privacy reasons?* Yes, if you have a "privacy concern case," you may not enter the employee's name on the OSHA 300 Log. Instead, enter "privacy case" in the space normally used for the employee's name. This will protect the privacy of the injured or ill employee when another employee, a former employee, or an authorized employee representative is provided access to the OSHA 300 Log under §1904.35(b)(2). You must keep a separate, confidential list of the case numbers and employee names for your privacy concern cases so you can update the cases and provide the information to the government if asked to do so.[§1904.29(b)(6)]

(7) *How do I determine if an injury or illness is a privacy concern case?* You must consider the following injuries or illnesses to be privacy concern cases:[§1904.29(b)(7)]

(i) *An injury or illness to an intimate body part or the reproductive system;*[§1904.29(b)(7)(i)]

(ii) *An injury or illness resulting from a sexual assault;*[§1904.29(b)(7)(ii)]

(iii) *Mental illnesses;*[§1904.29(b)(7)(iii)]

(iv) *HIV infection, hepatitis, or tuberculosis;*[§1904.29(b)(7)(iv)]

(v) *Needlestick injuries and cuts* from sharp objects that are contaminated with another person's blood or other potentially infectious material (see §1904.8 for definitions); and[§1904.29(b)(7)(v)]

(vi) *Other illnesses,* if the employee voluntarily requests that his or her name not be entered on the log.[§1904.29(b)(7)(vi)]

(8) *May I classify any other types of injuries and illnesses as privacy concern cases?* No, this is a complete list of all injuries and illnesses considered privacy concern cases for part 1904 purposes.[§1904.29(b)(8)]

(9) ✉ *If I have removed the employee's name,* but still believe that the employee may be identified from the information on the forms, is there anything else that I can do to further protect the employee's privacy? Yes, if you have a reasonable basis to believe that information describing the privacy concern case may be personally identifiable even though the employee's name has been omitted, you may use discretion in describing the injury or illness on both the OSHA 300 and 301 forms. You must enter enough information to identify the cause of the incident and the general severity of the injury or illness, but you do not need to include details of an intimate or private nature. For example, a sexual assault case could be described as "injury from assault," or an injury to a reproductive organ could be described as "lower abdominal injury."[§1904.29(b)(9)]

(10) ✉ *What must I do to protect employee privacy* if I wish to provide access to the OSHA Forms 300 and 301 to persons other than government representatives, employees, former employees or authorized representatives? If you decide to voluntarily disclose the Forms to persons other than government representatives, employees, former employees or authorized representatives (as required by §§1904.35 and 1904.40), you must remove or hide the employees' names and other personally identifying information, except for the following cases. You may disclose the Forms with personally identifying information only:[§1904.29(b)(10)]

(i) *to an auditor or consultant hired* by the employer to evaluate the safety and health program;[§1904.29(b)(10)(i)]

(ii) *to the extent necessary for processing* a claim for workers' compensation or other insurance benefits; or[§1904.29(b)(10)(ii)]

(iii) *to a public health authority* or law enforcement agency for uses and disclosures for which consent, an authorization, or opportunity to agree or object is not required under Department of Health and Human Services Standards for Privacy of Individually Identifiable Health Information, 45 CFR 164.512.[§1904.29(b)(10)(iii)]

[66 FR 6122, Jan. 19, 2001, as amended at 66 FR 52034, Oct. 12, 2001; 67 FR 77170, Dec. 17, 2002; 68 FR 38607, June 30, 2003]

Subpart D – Other OSHA Injury and Illness Recordkeeping Requirements

§1904.30

✉ Multiple business establishments

(a) ✉ **Basic requirement.** You must keep a separate OSHA 300 Log for each establishment that is expected to be in operation for one year or longer.[§1904.30(a)]

(b) Implementation — [§1904.30(b)]

(1) ✉ *Do I need to keep OSHA injury and illness records for short-term establishments (i.e., establishments that will exist for less than a year)?* Yes, however, you do not have to keep a separate OSHA 300 Log for each such establishment. You may keep one OSHA 300 Log that covers all of your short-term establishments. You may also include the short-term establishments' recordable injuries and illnesses on an OSHA 300 Log that covers short-term establishments for individual company divisions or geographic regions. [§1904.30(b)(1)]

(2) ✉ *May I keep the records for all of my establishments at my headquarters location or at some other central location?* Yes, you may keep the records for an establishment at your headquarters or other central location if you can:[§1904.30(b)(2)]

(i) *Transmit information about the injuries* and illnesses from the establishment to the central location within seven (7) calendar days of receiving information that a recordable injury or illness has occurred; and[§1904.30(b)(2)(i)]

(ii) *Produce and send the records* from the central location to the establishment within the time frames required by (§)(§)1904.35 and 1904.40 when you are required to provide records to a government representative, employees, former employees or employee representatives. [§1904.30(b)(2)(ii)]

(3) ✉ *Some of my employees work at several different locations or do not work at any of my establishments at all. How do I record cases for these employees?* You must link each of your employees with one of your establishments, for recordkeeping purposes. You must record the injury and illness on the OSHA 300 Log of the injured or ill employee's establishment, or on an OSHA 300 Log that covers that employee's short- term establishment.[§1904.30(b)(3)]

(4) *How do I record an injury or illness* when an employee of one of my establishments is injured or becomes ill while visiting or working at another of my establishments, or while working away from any of my establishments? If the injury or illness occurs at one of your establishments, you must record the injury or illness on the OSHA 300 Log of the establishment at which the injury or illness occurred. If the employee is injured or becomes ill and is not at one of your establishments, you must record the case on the OSHA 300 Log at the establishment at which the employee normally works. [§1904.30(b)(4)]

§1904.31

✉ Covered employees

(a) ✉ **Basic requirement.** You must record on the OSHA 300 Log the recordable injuries and illnesses of all employees on your payroll, whether they are labor, executive, hourly, salary, part-time, seasonal, or migrant workers. You also must record the recordable injuries and illnesses that occur to employees who are not on your payroll if you supervise these employees on a day-to-day basis. If your business is organized as a sole proprietorship or partnership, the owner or partners are not considered employees for recordkeeping purposes.[§1904.31(a)]

(b) ✉ **Implementation —** [§1904.31(b)]

(1) *If a self-employed person is injured or becomes ill while doing work at my business, do I need to record the injury or illness?* No, self-employed individuals are not covered by the OSH Act or this regulation.[§1904.31(b)(1)]

(2) ✉ *If I obtain employees from a temporary help service, employee leasing service, or personnel supply service, do I have to record an injury or illness occurring to one of those employees?* You must record these injuries and illnesses if you supervise these employees on a day- to-day basis. [§1904.31(b)(2)]

(3) ✉ *If an employee in my establishment is a contractor's employee, must I record an injury or illness occurring to that employee?* If the contractor's employee is under the day-to-day supervision of the contractor, the contractor is responsible for recording the injury or illness. If you supervise the contractor employee's work on a day-to-day basis, you must record the injury or illness.[§1904.31(b)(3)]

(4) ✉ *Must the personnel supply service,* temporary help service, employee leasing service, or contractor also record the injuries or illnesses occurring to temporary, leased or contract employees that I supervise on a day-to-day basis? No, you and the temporary help service, employee leasing service, personnel supply service, or contractor should coordinate your efforts to make sure that each injury and illness is recorded only once: either on your OSHA 300 Log (if you provide day-to-day supervision) or on the other employer's OSHA 300 Log (if that company provides day-to-day supervision).[§1904.31(b)(4)]

§1904.32

Annual summary

(a) Basic requirement. At the end of each calendar year, you must: [§1904.32(a)]

(1) *Review the OSHA 300* Log to verify that the entries are complete and accurate, and correct any deficiencies identified; [§1904.32(a)(1)]

(2) *Create an annual summary* of injuries and illnesses recorded on the OSHA 300 Log; [§1904.32(a)(2)]

(3) *Certify the summary; and* [§1904.32(a)(3)]

(4) ✉ *Post the annual summary.* [§1904.32(a)(4)]

(b) ✉ **Implementation —** [§1904.32(b)]

(1) *How extensively do I have to review the OSHA 300 Log entries at the end of the year?* You must review the entries as extensively as necessary to make sure that they are complete and correct. [§1904.32(b)(1)]

(2) *How do I complete the annual summary? You must:* [§1904.32(b)(2)]

(i) *Total the columns on the OSHA* 300 Log (if you had no recordable cases, enter zeros for each column total); and [§1904.32(b)(2)(i)]

(ii) *Enter the calendar year* covered, the company's name, establishment name, establishment address, annual average number of employees covered by the OSHA 300 Log, and the total hours worked by all employees covered by the OSHA 300 Log. [§1904.32(b)(2)(ii)]

(iii) *If you are using an equivalent form* other than the OSHA 300-A summary form, as permitted under §1904.6(b)(4), the summary you use must also include the employee access and employer penalty statements found on the OSHA 300-A Summary form. [§1904.32(b)(2)(iii)]

(3) *How do I certify the annual summary?* A company executive must certify that he or she has examined the OSHA 300 Log and that he or she reasonably believes, based on his or her knowledge of the process by which the information was recorded, that the annual summary is correct and complete. [§1904.32(b)(3)]

(4) *Who is considered a company executive?* The company executive who certifies the log must be one of the following persons: [§1904.32(b)(4)]

(i) *An owner of the company* (only if the company is a sole proprietorship or partnership); [§1904.32(b)(4)(i)]

(ii) *An officer of the corporation;* [§1904.32(b)(4)(ii)]

(iii) *The highest ranking company official working at the establishment; or* [§1904.32(b)(4)(iii)]

(iv) *The immediate supervisor of the highest* ranking company official working at the establishment. [§1904.32(b)(4)(iv)]

(5) *How do I post the annual summary?* You must post a copy of the annual summary in each establishment in a conspicuous place or places where notices to employees are customarily posted. You must ensure that the posted annual summary is not altered, defaced or covered by other material. [§1904.32(b)(5)]

(6) ✉ *When do I have to post the annual summary?* You must post the summary no later than February 1 of the year following the year covered by the records and keep the posting in place until April 30. [§1904.32(b)(6)]

§1904.33
✉ Retention and updating

(a) Basic requirement. You must save the OSHA 300 Log, the privacy case list (if one exists), the annual summary, and the OSHA 301 Incident Report forms for five (5) years following the end of the calendar year that these records cover.[§1904.33(a)]

(b) Implementation — [§1904.33(b)]

(1) ✉ *Do I have to update the OSHA 300 Log during the five-year storage period?* Yes, during the storage period, you must update your stored OSHA 300 Logs to include newly discovered recordable injuries or illnesses and to show any changes that have occurred in the classification of previously recorded injuries and illnesses. If the description or outcome of a case changes, you must remove or line out the original entry and enter the new information.[§1904.33(b)(1)]

(2) *Do I have to update the annual summary?* No, you are not required to update the annual summary, but you may do so if you wish.[§1904.33(b)(2)]

(3) *Do I have to update the OSHA 301 Incident Reports?* No, you are not required to update the OSHA 301 Incident Reports, but you may do so if you wish.[§1904.33(b)(3)]

§1904.34
✉ Change in business ownership

✉ If your business changes ownership, you are responsible for recording and reporting work-related injuries and illnesses only for that period of the year during which you owned the establishment. You must transfer the part 1904 records to the new owner. The new owner must save all records of the establishment kept by the prior owner, as required by §1904.33 of this Part, but need not update or correct the records of the prior owner.[§1904.34]

§1904.35
✉ Employee involvement

❖ ❖ ❖

(a) Basic requirement. Your employees and their representatives must be involved in the recordkeeping system in several ways.[§1904.35(a)]

(1) *You must inform each employee of how he or she is to report* a work-related injury or illness to you.[§1904.35(a)(1)]

(2) *You must provide employees with the information* described in paragraph (b)(1)(iii) of this section.[§1904.35(a)(2)]

(3) *You must provide access to your* injury and illness records for your employees and their representatives as described in paragraph (b)(2) of this section.[§1904.35(a)(3)]

(b) Implementation[§1904.35(b)]

(1) *What must I do to make sure that employees report work-related injuries and illnesses to me?*[§1904.35(b)(1)]

(i) *You must establish a reasonable procedure* for employees to report work-related injuries and illnesses promptly and accurately. A procedure is not reasonable if it would deter or discourage a reasonable employee from accurately reporting a workplace injury or illness;[§1904.35(b)(1)(i)]

(ii) *You must inform each employee of your* procedure for reporting work-related injuries and illnesses;[§1904.35(b)(1)(ii)]

(iii) *You must inform each employee that:*[§1904.35(b)(1)(iii)]

(A) *Employees have the right* to report work-related injuries and illnesses; and[§1904.35(b)(1)(iii)(A)]

(B) *Employers are prohibited from discharging* or in any manner discriminating against employees for reporting work-related injuries or illnesses; and[§1904.35(b)(1)(iii)(B)]

(iv) *You must not discharge or in any manner discriminate* against any employee for reporting a work-related injury or illness.[§1904.35(b)(1)(iv)]

❖ ❖ ❖

(2) ✉ *Do I have to give my employees and their representatives access to the OSHA injury and illness records?* Yes, your employees, former employees, their personal representatives, and their authorized employee representatives have the right to access the OSHA injury and illness records, with some limitations, as discussed below. [§1904.35(b)(2)]

(i) *Who is an authorized employee representative?* An authorized employee representative is an authorized collective bargaining agent of employees. [§1904.35(b)(2)(i)]

(ii) *Who is a "personal representative" of an employee or former employee?* A personal representative is: [§1904.35(b)(2)(ii)]

(A) *Any person that the employee or former* employee designates as such, in writing; or [§1904.35(b)(2)(ii)(A)]

(B) *The legal representative of a deceased* or legally incapacitated employee or former employee. [§1904.35(b)(2)(ii)(B)]

(iii) *If an employee or representative asks for access to the OSHA 300 Log, when do I have to provide it?* When an employee, former employee, personal representative, or authorized employee representative asks for copies of your current or stored OSHA 300 Log(s) for an establishment the employee or former employee has worked in, you must give the requester a copy of the relevant OSHA 300 Log(s) by the end of the next business day. [§1904.35(b)(2)(iii)]

(iv) ❖ ✉ *May I remove the names of the employees or any other information from the OSHA 300 Log before I give copies to an employee, former employee, or employee representative?* No, you must leave the names on the 300 Log. However, to protect the privacy of injured and ill employees, you may not record the employee's name on the OSHA 300 Log for certain "privacy concern cases," as specified in §1904.29(b)(6) through (9). [§1904.35(b)(2)(iv)]

(v) ✉ *If an employee or representative asks for access to the OSHA 301 Incident Report, when do I have to provide it?* [§1904.35(b)(2)(v)]

(A) ❖ *When an employee,* former employee, or personal representative asks for a copy of the OSHA 301 Incident Report describing an injury or illness to that employee or former employee, you must give the requester a copy of the OSHA 301 Incident Report containing that information by the end of the next business day. [§1904.35(b)(2)(v)(A)]

(B) ❖ *When an authorized employee representative* asks for copies of the OSHA 301 Incident Reports for an establishment where the agent represents employees under a collective bargaining agreement, you must give copies of those forms to the authorized employee representative within 7 calendar days. You are only required to give the authorized employee representative information from the OSHA 301 Incident Report section titled "Tell us about the case." You must remove all other information from the copy of the OSHA 301 Incident Report or the equivalent substitute form that you give to the authorized employee representative. [§1904.35(b)(2)(v)(B)]

(vi) *May I charge for the copies?* No, you may not charge for these copies the first time they are provided. However, if one of the designated persons asks for additional copies, you may assess a reasonable charge for retrieving and copying the records. [§1904.35(b)(2)(vi)]

§1904.36
Prohibition against discrimination

❖ In addition to §1904.35, section 11(c) of the OSH Act also prohibits you from discriminating against an employee for reporting a work-related fatality, injury, or illness. That provision of the Act also protects the employee who files a safety and health complaint, asks for access to the part 1904 records, or otherwise exercises any rights afforded by the OSH Act.[§1904.36]

§1904.37
State recordkeeping requirements

(a) ❖ **Basic requirement.** Some States operate their own OSHA programs, under the authority of a State plan as approved by OSHA. States operating OSHA-approved State plans must have occupational injury and illness recording and reporting requirements that are substantially identical to the requirements in this part (see 29 CFR 1902.3(j), 29 CFR 1902.7, and 29 CFR 1956.10(i)).[§1904.37(a)]

(b) Implementation.[§1904.37(b)]

(1) *State-Plan States must have* the same requirements as Federal OSHA for determining which injuries and illnesses are recordable and how they are recorded.[§1904.37(b)(1)]

(2) *For other part 1904 provisions* (for example, industry exemptions, reporting of fatalities and hospitalizations, record retention, or employee involvement), State-Plan State requirements may be more stringent than or supplemental to the Federal requirements, but because of the unique nature of the national recordkeeping program, States must consult with and obtain approval of any such requirements. [§1904.37(b)(2)]

(3) *Although State and local government employees* are not covered Federally, all State-Plan States must provide coverage, and must develop injury and illness statistics, for these workers. State Plan recording and reporting requirements for State and local government entities may differ from those for the private sector but must meet the requirements of paragraphs 1904.37(b)(1) and (b)(2).[§1904.37(b)(3)]

(4) *A State-Plan State may not issue* a variance to a private sector employer and must recognize all variances issued by Federal OSHA.[§1904.37(b)(4)]

(5) *A State Plan State may only grant* an injury and illness recording and reporting variance to a State or local government employer within the State after obtaining approval to grant the variance from Federal OSHA.[§1904.37(b)(5)]

❖ [66 FR 6122, Jan. 19, 2001, as amended at 80 FR 49904, Aug. 18, 2015]

§1904.38

Variances from the recordkeeping rule

(a) Basic requirement. If you wish to keep records in a different manner from the manner prescribed by the part 1904 regulations, you may submit a variance petition to the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, Washington, DC 20210. You can obtain a variance only if you can show that your alternative recordkeeping system: [§1904.38(a)]

(1) *Collects the same information as this part requires;* [§1904.38(a)(1)]

(2) *Meets the purposes of the Act; and* [§1904.38(a)(2)]

(3) *Does not interfere with the administration of the Act.* [§1904.38(a)(3)]

(b) Implementation — [§1904.38(b)]

(1) *What do I need to include in my variance petition?* You must include the following items in your petition: [§1904.38(b)(1)]

(i) *Your name and address;* [§1904.38(b)(1)(i)]

(ii) *A list of the State(s) where the variance would be used;* [§1904.38(b)(1)(ii)]

(iii) *The address(es) of the business establishment(s) involved;* [§1904.38(b)(1)(iii)]

(iv) *A description of why you are seeking a variance;* [§1904.38(b)(1)(iv)]

(v) *A description of the different recordkeeping procedures you propose to use;* [§1904.38(b)(1)(v)]

(vi) *A description of how your proposed procedures* will collect the same information as would be collected by this part and achieve the purpose of the Act; and [§1904.38(b)(1)(vi)]

(vii) *A statement that you have informed* your employees of the petition by giving them or their authorized representative a copy of the petition and by posting a statement summarizing the petition in the same way as notices are posted under §1903.2(a). [§1904.38(b)(1)(vii)]

(2) *How will the Assistant Secretary handle my variance petition?* The Assistant Secretary will take the following steps to process your variance petition. [§1904.38(b)(2)]

(i) *The Assistant Secretary will offer* your employees and their authorized representatives an opportunity to submit written data, views, and arguments about your variance petition. [§1904.38(b)(2)(i)]

(ii) *The Assistant Secretary may allow* the public to comment on your variance petition by publishing the petition in the Federal Register. If the petition is published, the notice will establish a public comment period and may include a schedule for a public meeting on the petition. [§1904.38(b)(2)(ii)]

(iii) *After reviewing your variance petition* and any comments from your employees and the public, the Assistant Secretary will decide whether or not your proposed recordkeeping procedures will meet the purposes of the Act, will not otherwise interfere with the Act, and will provide the same information as the part 1904 regulations provide. If your procedures meet these criteria, the Assistant Secretary may grant the variance subject to such conditions as he or she finds appropriate. [§1904.38(b)(2)(iii)]

(iv) *If the Assistant Secretary* grants your variance petition, OSHA will publish a notice in the Federal Register to announce the variance. The notice will include the practices the variance allows you to use, any conditions that apply, and the reasons for allowing the variance. [§1904.38(b)(2)(iv)]

(3) *If I apply for a variance, may I use my proposed recordkeeping procedures while the Assistant Secretary is processing the variance petition?* No, alternative recordkeeping practices are only allowed after the variance is approved. You must comply with the part 1904 regulations while the Assistant Secretary is reviewing your variance petition. [§1904.38(b)(3)]

(4) *If I have already been cited by OSHA for not following the part 1904 regulations, will my variance petition have any effect on the citation and penalty?* No, in addition, the Assistant Secretary may elect not to review your variance petition if it includes an element for which you have been cited and the citation is still under review by a court, an Administrative Law Judge (ALJ), or the OSH Review Commission. [§1904.38(b)(4)]

(5) *If I receive a variance, may the Assistant Secretary revoke the variance at a later date?* Yes, the Assistant Secretary may revoke your variance if he or she has good cause. The procedures revoking a variance will follow the same process as OSHA uses for reviewing variance petitions, as outlined in paragraph 1904.38(b)(2). Except in cases of willfulness or where necessary for public safety, the Assistant Secretary will: [§1904.38(b)(5)]

(i) *Notify you in writing of the facts* or conduct that may warrant revocation of your variance; and [§1904.38(b)(5)(i)]

(ii) *Provide you, your employees,* and authorized employee representatives with an opportunity to participate in the revocation procedures. [§1904.38(b)(5)(ii)]

Subpart E – Reporting Fatality, Injury and Illness Information to the Government

§1904.39

✉ Reporting fatalities, hospitalizations, amputations, and losses of an eye as a result of work-related incidents to OSHA

(a) Basic requirement. [§1904.39(a)]

(1) *Within eight (8)* hours after the death of any employee as a result of a work-related incident, you must report the fatality to the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor. [§1904.39(a)(1)]

(2) *Within twenty-four (24)* hours after the in-patient hospitalization of one or more employees or an employee's amputation or an employee's loss of an eye, as a result of a work-related incident, you must report the in-patient hospitalization, amputation, or loss of an eye to OSHA. [§1904.39(a)(2)]

(3) *You must report the fatality,* in-patient hospitalization, amputation, or loss of an eye using one of the following methods: [§1904.39(a)(3)]

(i) *By telephone or in person to the OSHA* Area Office that is nearest to the site of the incident. [§1904.39(a)(3)(i)]

(ii) *By telephone to the OSHA toll-free* central telephone number, 1-800-321-OSHA (1-800-321-6742). [§1904.39(a)(3)(ii)]

(iii) *By electronic submission using the reporting* application located on OSHA's public Web site at *www.osha.gov.* [§1904.39(a)(3)(iii)]

(b) Implementation [§1904.39(b)]

(1) *If the Area Office is closed,* may I report the fatality, in-patient hospitalization, amputation, or loss of an eye by leaving a message on OSHA's answering machine, faxing the Area Office, or sending an email? No, if the Area Office is closed, you must report the fatality, in-patient hospitalization, amputation, or loss of an eye using either the 800 number or the reporting application located on OSHA's public Web site at *www.osha.gov.* [§1904.39(b)(1)]

(2) *What information do I need to give to OSHA about the in-patient hospitalization, amputation, or loss of an eye?* You must give OSHA the following information for each fatality, in-patient hospitalization, amputation, or loss of an eye: [§1904.39(b)(2)]

(i) *The establishment name;* [§1904.39(b)(2)(i)]

(ii) *The location of the work-related incident;* [§1904.39(b)(2)(ii)]

(iii) *The time of the work-related incident;* [§1904.39(b)(2)(iii)]

(iv) *The type of reportable event* (i.e., fatality, in-patient hospitalization, amputation, or loss of an eye); [§1904.39(b)(2)(iv)]

(v) *The number of employees who suffered* a fatality, in-patient hospitalization, amputation, or loss of an eye; [§1904.39(b)(2)(v)]

(vi) *The names of the employees who suffered* a fatality, in-patient hospitalization, amputation, or loss of an eye; [§1904.39(b)(2)(vi)]

(vii) *Your contact person* and his or her phone number; and [§1904.39(b)(2)(vii)]

(viii) *A brief description of the work-related incident.* [§1904.39(b)(2)(viii)]

(3) *Do I have to report the fatality, in-patient hospitalization, amputation, or loss of an eye if it resulted from a motor vehicle accident on a public street or highway?* If the motor vehicle accident occurred in a construction work zone, you must report the fatality, in-patient hospitalization, amputation, or loss of an eye. If the motor vehicle accident occurred on a public street or highway, but not in a construction work zone, you do not have to report the fatality, in-patient hospitalization, amputation, or loss of an eye to OSHA. However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records. [§1904.39(b)(3)]

(4) *Do I have to report the fatality, in-patient hospitalization, amputation, or loss of an eye if it occurred on a commercial or public transportation system?* No, you do not have to report the fatality, in-patient hospitalization, amputation, or loss of an eye to OSHA if it occurred on a commercial or public transportation system (e.g., airplane, train, subway, or bus). However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records. [§1904.39(b)(4)]

(5) *Do I have to report a work-related fatality or in-patient hospitalization caused by a heart attack?* Yes, your local OSHA Area Office director will decide whether to investigate the event, depending on the circumstances of the heart attack. [§1904.39(b)(5)]

(6) *What if the fatality, in-patient hospitalization, amputation, or loss of an eye does not occur during or right after the work-related incident?* You must only report a fatality to OSHA if the fatality occurs within thirty (30) days of the work-related incident. For an in-patient hospitalization, amputation, or loss of an eye, you must only report the event to OSHA if it occurs within twenty-four (24) hours of the work-related incident. However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records. [§1904.39(b)(6)]

(7) *What if I don't learn about a reportable fatality, in-patient hospitalization, amputation, or loss of an eye right away?* If you do not learn about a reportable fatality, in-patient hospitalization, amputation, or loss of an eye at the time it takes place, you must make the report to OSHA within the following time period after the fatality, in-patient hospitalization, amputation, or loss of an eye is reported to you or to any of your agent(s): Eight (8) hours for a fatality, and twenty-four (24) hours for an in-patient hospitalization, an amputation, or a loss of an eye. [§1904.39(b)(7)]

(8) *What if I don't learn right away that the reportable fatality, in-patient hospitalization, amputation, or loss of an eye was the result of a work-related incident?* If you do not learn right away that the reportable fatality, in-patient hospitalization, amputation, or loss of an eye was the result of a work-related incident, you must make the report to OSHA within the following time period after you or any of your agent(s) learn that the reportable fatality, in-patient hospitalization, amputation, or loss of an eye was the result of a work-related incident: Eight (8) hours for a fatality, and twenty-four (24) hours for an in-patient hospitalization, an amputation, or a loss of an eye. [§1904.39(b)(8)]

(9) *How does OSHA define "in-patient hospitalization"?* OSHA defines in-patient hospitalization as a formal admission to the in-patient service of a hospital or clinic for care or treatment. [§1904.39(b)(9)]

(10) *Do I have to report an in-patient hospitalization that involves only observation or diagnostic testing?* No, you do not have to report an in-patient hospitalization that involves only observation or diagnostic testing. You must only report to OSHA each in-patient hospitalization that involves care or treatment. [§1904.39(b)(10)]

(11) *How does OSHA define "amputation"?* An amputation is the traumatic loss of a limb or other external body part. Amputations include a part, such as a limb or appendage, that has been severed, cut off, amputated (either completely or partially); fingertip amputations with or without bone loss; medical amputations resulting from irreparable damage; amputations of body parts that have since been reattached. Amputations do not include avulsions, enucleations, deglovings, scalpings, severed ears, or broken or chipped teeth. [§1904.39(b)(11)]

[79 FR 56187, Sept. 18, 2014]

§1904.40

✉ Providing records to government representatives

(a) Basic requirement. When an authorized government representative asks for the records you keep under part 1904, you must provide copies of the records within four (4) business hours. [§1904.40(a)]

(b) ✉ Implementation — [§1904.40(b)]

(1) *What government representatives have the right to get copies of my part 1904 records?* The government representatives authorized to receive the records are: [§1904.40(b)(1)]

(i) *A representative of the Secretary of Labor* conducting an inspection or investigation under the Act; [§1904.40(b)(1)(i)]

(ii) *A representative of the Secretary of Health* and Human Services (including the National Institute for Occupational Safety and Health — NIOSH) conducting an investigation under section 20(b) of the Act, or [§1904.40(b)(1)(ii)]

(iii) *A representative of a State agency* responsible for administering a State plan approved under section 18 of the Act. [§1904.40(b)(1)(iii)]

(2) *Do I have to produce the records within four (4) hours if my records are kept at a location in a different time zone?* OSHA will consider your response to be timely if you give the records to the government representative within four (4) business hours of the request. If you maintain the records at a location in a different time zone, you may use the business hours of the establishment at which the records are located when calculating the deadline. [§1904.40(b)(2)]

§1904.41

✉ Annual OSHA injury and illness survey of ten or more employers

(a) Basic requirement. If you receive OSHA's annual survey form, you must fill it out and send it to OSHA or OSHA's designee, as stated on the survey form. You must report the following information for the year described on the form: [§1904.41(a)]

(1) *the number of workers you employed;* [§1904.41(a)(1)]

(2) *the number of hours worked by your employees; and* [§1904.41(a)(2)]

(3) *the requested information from the records that you keep under part 1904.* [§1904.41(a)(3)]

(b) Implementation — [§1904.41(b)]

(1) *Does every employer have to send data to OSHA?* No, each year, OSHA sends injury and illness survey forms to employers in certain industries. In any year, some employers will receive an OSHA survey form and others will not. You do not have to send injury and illness data to OSHA unless you receive a survey form. [§1904.41(b)(1)]

(2) *How quickly do I need to respond to an OSHA survey form?* You must send the survey reports to OSHA, or OSHA's designee, by mail or other means described in the survey form, within 30 calendar days, or by the date stated in the survey form, whichever is later. [§1904.41(b)(2)]

(3) *Do I have to respond to an OSHA survey form if I am normally exempt from keeping OSHA injury and illness records?* Yes, even if you are exempt from keeping injury and illness records under §1904.1 to §1904.3, OSHA may inform you in writing that it will be collecting injury and illness information from you in the following year. If you receive such a letter, you must keep the injury and illness records required by §1904.5 to §1904.15 and make a survey report for the year covered by the survey. [§1904.41(b)(3)]

(4) *Do I have to answer the OSHA survey form if I am located in a State-Plan State?* Yes, all employers who receive survey forms must respond to the survey, even those in State-Plan States.[§1904.41(b)(4)]

(5) *Does this section affect OSHA's authority to inspect my workplace?* No, nothing in this section affects OSHA's statutory authority to investigate conditions related to occupational safety and health.[§1904.41(b)(5)]

§1904.42

✉ Requests from the Bureau of Labor Statistics for data

(a) Basic requirement. If you receive a Survey of Occupational Injuries and Illnesses Form from the Bureau of Labor Statistics (BLS), or a BLS designee, you must promptly complete the form and return it following the instructions contained on the survey form.[§1904.42(a)]

(b) Implementation — [§1904.42(b)]

(1) *Does every employer have to send data to the BLS?* No, each year, the BLS sends injury and illness survey forms to randomly selected employers and uses the information to create the Nation's occupational injury and illness statistics. In any year, some employers will receive a BLS survey form and others will not. You do not have to send injury and illness data to the BLS unless you receive a survey form.[§1904.42(b)(1)]

(2) *If I get a survey form from the BLS, what do I have to do?* If you receive a Survey of Occupational Injuries and Illnesses Form from the Bureau of Labor Statistics (BLS), or a BLS designee, you must promptly complete the form and return it, following the instructions contained on the survey form.[§1904.42(b)(2)]

(3) *Do I have to respond to a BLS survey form if I am normally exempt from keeping OSHA injury and illness records?* Yes, even if you are exempt from keeping injury and illness records under §1904.1 to §1904.3, the BLS may inform you in writing that it will be collecting injury and illness information from you in the coming year. If you receive such a letter, you must keep the injury and illness records required by §1904.5 to §1904.15 and make a survey report for the year covered by the survey.[§1904.42(b)(3)]

(4) *Do I have to answer the BLS survey form if I am located in a State-Plan State?* Yes, all employers who receive a survey form must respond to the survey, even those in State-Plan States.[§1904.42(b)(4)]

Subpart F – Transition From the Former Rule

§1904.43

Summary and posting of the 2001 data

(a) Basic requirement. If you were required to keep OSHA 200 Logs in 2001, you must post a 2000 annual summary from the OSHA 200 Log of occupational injuries and illnesses for each establishment. [§1904.43(a)]

(b) Implementation — [§1904.43(b)]

(1) *What do I have to include in the summary?* [§1904.43(b)(1)]

(i) *You must include a copy of the totals from the 2001 OSHA 200 Log and the following information from that form:* [§1904.43(b)(1)(i)]

[A] The calendar year covered; [§1904.43(b)(1)(i)[A]]

[B] Your company name; [§1904.43(b)(1)(i)[B]]

[C] The name and address of the establishment; and [§1904.43(b)(1)(i)[C]]

[D] The certification signature, title and date. [§1904.43(b)(1)(i)[D]]

(ii) *If no injuries or illnesses* occurred at your establishment in 2001, you must enter zeros on the totals line and post the 2001 summary. [§1904.43(b)(1)(ii)]

(2) *When am I required to summarize and post the 2001 information?* [§1904.43(b)(2)]

(i) *You must complete the summary by February 1, 2002; and* [§1904.43(b)(2)(i)]

(ii) *You must post a copy of the summary* in each establishment in a conspicuous place or places where notices to employees are customarily posted. You must ensure that the summary is not altered, defaced or covered by other material. [§1904.43(b)(2)(ii)]

(3) *You must post the 2001 summary* from February 1, 2002 to March 1, 2002. [§1904.43(b)(3)]

§1904.44

Retention and updating of old forms

You must save your copies of the OSHA 200 and 101 forms for five years following the year to which they relate and continue to provide access to the data as though these forms were the OSHA 300 and 301 forms. You are not required to update your old 200 and 101 forms.[§1904.44]

§1904.45

OMB control numbers under the Paperwork Reduction Act

The following sections each contain a collection of information requirement which has been approved by the Office of Management and Budget under the control number listed.[§1904.45]

29 CFR citation	OMB Control No.
1904.4-35	1218-0176
1904.39-41	1218-0176
1904.42	1220-0045
1904.43-44	1218-0176

Subpart G – Definitions

§1904.46

✉ Definitions

The Act. The Act means the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.). The definitions contained in section 3 of the Act (29 U.S.C. 652) and related interpretations apply to such terms when used in this part 1904.

Establishment. An establishment is a single physical location where business is conducted or where services or industrial operations are performed. For activities where employees do not work at a single physical location, such as construction; transportation; communications, electric, gas and sanitary services; and similar operations, the establishment is represented by main or branch offices, terminals, stations, etc. that either supervise such activities or are the base from which personnel carry out these activities.

(1) Can one business location include two or more establishments? Normally, one business location has only one establishment. Under limited conditions, the employer may consider two or more separate businesses that share a single location to be separate establishments. An employer may divide one location into two or more establishments only when:

(i) *Each of the establishments represents a distinctly separate business;*

(ii) *Each business is engaged in a different economic activity;*

(iii) *No one industry description* in the Standard Industrial Classification Manual (1987) applies to the joint activities of the establishments; and

(iv) *Separate reports are routinely* prepared for each establishment on the number of employees, their wages and salaries, sales or receipts, and other business information. For example, if an employer operates a construction company at the same location as a lumber yard, the employer may consider each business to be a separate establishment.

(2) Can an establishment include more than one physical location? Yes, but only under certain conditions. An employer may combine two or more physical locations into a single establishment only when:

(i) *The employer operates the locations* as a single business operation under common management;

(ii) *The locations are all located in close* proximity to each other; and

(iii) *The employer keeps one set of business records* for the locations, such as records on the number of employees, their wages and salaries, sales or receipts, and other kinds of business information. For example, one manufacturing establishment might include the main plant, a warehouse a few blocks away, and an administrative services building across the street.

(3) ✉ If an employee telecommutes from home, is his or her home considered a separate establishment? No, for employees who telecommute from home, the employee's home is not a business establishment and a separate 300 Log is not required. Employees who telecommute must be linked to one of your establishments under §1904.30(b)(3).

Injury or illness. An injury or illness is an abnormal condition or disorder. Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation. Illnesses include both acute and chronic illnesses, such as, but not limited to, a skin disease, respiratory disorder, or poisoning.

(Note: Injuries and illnesses are recordable only if they are new, work- related cases that meet one or more of the part 1904 recording criteria.)

Physician or Other Licensed Health Care Professional. A physician or other licensed health care professional is an individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows him or her to independently perform, or be delegated the responsibility to perform, the activities described by this regulation.

You. "You" means an employer as defined in section 3 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 652).

❖ Authority: 29 U.S.C. 657, 658, 660, 666, 669, 673, Secretary of Labor's Order No. 1-2012 (77 FR 3912, Jan. 25, 2012).

Notes

Subpart A – General

§1910.1

✉ Purpose and scope

(a) Section 6(a) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593) provides that "without regard to chapter 5 of title 5, United States Code, or to the other subsections of this section, the Secretary shall, as soon as practicable during the period beginning with the effective date of this Act and ending 2 years after such date, by rule promulgate as an occupational safety or health standard any national concensus standard, and any established Federal standard, unless he determines that the promulgation of such a standard would not result in improved safety or health for specifically designated employees." The legislative purpose of this provision is to establish, as rapidly as possible and without regard to the rule-making provisions of the Administrative Procedure Act, standards with which industries are generally familiar, and on whose adoption interested and affected persons have already had an opportunity to express their views. Such standards are either [§1910.1(a)]

- **(1)** *National concensus standards* on whose adoption affected persons have reached substantial agreement, or[§1910.1(a)(1)]
- **(2)** *Federal standards* already established by Federal statutes or regulations.[§1910.1(a)(2)]

(b) This part carries out the directive to the Secretary of Labor under section 6(a) of the Act. It contains occupational safety and health standards which have been found to be national consensus standards or established Federal standards.[§1910.1(b)]

§1910.2

Definitions

As used in this part, unless the context clearly requires otherwise:

(a) Act means the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590).

(b) Assistant Secretary of Labor means the Assistant Secretary of Labor for Occupational Safety and Health;

(c) Employer means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State;

(d) Employee means an employee of an employer who is employed in a business of his employer which affects commerce;

(e) Commerce means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States (other than the Trust Territory of the Pacific Islands), or between points in the same State but through a point outside thereof;

(f) Standard means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment;

(g) National consensus standard means any standard or modification thereof which

- **(1)** *has been adopted and promulgated* by a nationally recognized standards-producing organization under procedures whereby it can be determined by the Secretary of Labor or by the Assistant Secretary of Labor that persons interested and affected by the scope or provisions of the standard have reached substantial agreement on its adoption,[§1910.2(g)(1)]
- **(2)** *was formulated in a manner* which afforded an opportunity for diverse views to be considered, and[§1910.2(g)(2)]
- **(3)** *has been designated* as such a standard by the Secretary or the Assistant Secretary, after consultation with other appropriate Federal agencies; and[§1910.2(g)(3)]

(h) Established Federal standard means any operative standard established by any agency of the United States and in effect on April 28, 1971, or contained in any Act of Congress in force on the date of enactment of the Williams-Steiger Occupational Safety and Health Act.

§1910.3

Petitions for the issuance, amendment, or repeal of a standard

(a) Any interested person may petition in writing the Assistant Secretary of Labor to promulgate, modify, or revoke a standard. The petition should set forth the terms or the substance of the rule desired, the effects thereof if promulgated, and the reasons therefor.[§1910.3(a)]

(b) (1) *The relevant legislative history of the Act* indicates congressional recognition of the American National Standards Institute and the National Fire Protection Association as the major sources of national consensus standards. National consensus standards adopted on May 29, 1971, pursuant to section 6(a) of the Act are from those two sources. However, any organization which deems itself a producer of national consensus standards, within the meaning of section 3(9) of the Act, is invited to submit in writing to the Assistant Secretary of Labor at any time prior to February 1, 1973, all relevant information which may enable the Assistant Secretary to determine whether any of its standards satisfy the requirements of the definition of "national consensus standard" in section 3(9) of the Act.[§1910.3(b)(1)]

- **(2)** *Within a reasonable time* after the receipt of a submission pursuant to paragraph (b)(1) of this section, the Assistant Secretary of Labor shall publish or cause to be published in the Federal Register a notice of such submission, and shall afford interested persons a reasonable opportunity to present written data, views, or arguments with regard to the question whether any standards of the organization making the submission are national consensus standards.[§1910.3(b)(2)]

§1910.4

Amendments to this part

(a) The Assistant Secretary of Labor shall have all of the authority of the Secretary of Labor under sections 3(9) and 6(a) of the Act.[§1910.4(a)]

(b) The Assistant Secretary of Labor may at any time before April 28, 1973, on his own motion or upon the written petition of any person, by rule promulgate as a standard any national consensus standard and any established Federal standard, pursuant to and in accordance with section 6(a) of the Act, and, in addition, may modify or revoke any standard in this part 1910. In the event of conflict among any such standards, the Assistant Secretary of Labor shall take the action necessary to eliminate the conflict, including the revocation or modification of a standard in this part, so as to assure the greatest protection of the safety or health of the affected employees.[§1910.4(b)]

§1910.5

✉ Applicability of standards

(a) Except as provided in paragraph (b) of this section, the standards contained in this part shall apply with respect to employments performed in a workplace in a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnston Island, and the Canal Zone.[§1910.5(a)]

(b) None of the standards in this part shall apply to working conditions of employees with respect to which Federal agencies other than the Department of Labor, or State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021), exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.[§1910.5(b)]

(c) (1) ✉ *If a particular standard* is specifically applicable to a condition, practice, means, method, operation, or process, it shall prevail over any different general standard which might otherwise be applicable to the same condition, practice, means, method, operation, or process. For example, §1915.23(c)(3) of this title prescribes personal protective equipment for certain ship repairmen working in specified areas. Such a standard shall apply, and shall not be deemed modified nor superseded by any different general standard whose provisions might otherwise be applicable, to the ship repairmen working in the areas specified in §1915.23(c)(3).[§1910.5(c)(1)]

(2) *On the other hand,* any standard shall apply according to its terms to any employment and place of employment in any industry, even though particular standards are also prescribed for the industry, as in subpart B or subpart R of this part, to the extent that none of such particular standards applies. To illustrate, the general standard regarding noise exposure in §1910.95 applies to employments and places of employment in pulp, paper, and paperboard mills covered by §1910.261.[§1910.5(c)(2)]

(d) **In the event a standard protects** on its face a class of persons larger than employees, the standard shall be applicable under this part only to employees and their employment and places of employment.[§1910.5(d)]

(e) **[Reserved]**[§1910.5(e)]

(f) ✉ **An employer who is in compliance** with any standard in this part shall be deemed to be in compliance with the requirement of section 5(a)(1) of the Act, but only to the extent of the condition, practice, means, method, operation, or process covered by the standard.[§1910.5(f)]

[39 FR 23502, June 27, 1974, as amended at 58 FR 35308, June 30, 1993]

§1910.6

✉ Incorporation by reference

(a) (1) *The standards of agencies of the U.S. Government,* and organizations which are not agencies of the U.S. Government which are incorporated by reference in this part, have the same force and effect as other standards in this part. Only the mandatory provisions (i.e., provisions containing the word "shall" or other mandatory language) of standards incorporated by reference are adopted as standards under the Occupational Safety and Health Act.[§1910.6(a)(1)]

(2) *Any changes in the standards incorporated* by reference in this part and an official historic file of such changes are available for inspection in the Docket Office at the national office of the Occupational Safety and Health Administration, U.S. Department of Labor, Washington, DC 20910; telephone: 202-693-2350 (TTY number: 877-889-5627).[§1910.6(a)(2)]

(3) *The materials listed in paragraphs* (b) through (w) of this section are incorporated by reference in the corresponding sections noted as they exist on the date of the approval, and a notice of any change in these materials will be published in the Federal Register. These incorporations by reference were approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51.[§1910.6(a)(3)]

(4) *Copies of standards listed* in this section and issued by private standards organizations are available for purchase from the issuing organizations at the addresses or through the other contact information listed below for these private standards organizations. In addition, these standards are available for inspection at any Regional Office of the Occupational Safety and Health Administration (OSHA), or at the OSHA Docket Office, U.S. Department of Labor, 200 Constitution Avenue NW., Room N-2625, Washington, DC 20210; telephone: 202-693-2350 (TTY number: 877-889-5627). They are also available for inspection at the National Archives and Records Administration (NARA). For information on the availability of these standards at NARA, telephone: 202-741-6030, or go to *http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*[§1910.6(a)(4)]

(b) **The following material is available** for purchase from the American Conference of Governmental Industrial Hygienists (ACGIH), 1014 Broadway, Cincinnati OH 45202:[§1910.6(b)]

(1) *"Industrial Ventilation: A Manual of Recommended Practice"* (22nd ed., 1995), incorporation by reference (IBR) approved for §1910.124(b)(4)(iii).[§1910.6(b)(1)]

(2) *Threshold Limit Values and Biological Exposure Indices* for 1986-87 (1986), IBR approved for §1910.120, PEL definition.[§1910.6(b)(2)]

(c) **The following material is available** for purchase from the American Society of Agricultural Engineers (ASAE), 2950 Niles Road, Post Office Box 229, St. Joseph, MI 49085:[§1910.6(c)]

(1) *ASAE Emblem for Identifying Slow Moving Vehicles,* ASAE S276.2 (1968), IBR approved for §1910.145(d)(10).[§1910.6(c)(1)]

(2) *[Reserved]*[§1910.6(c)(2)]

(d) **The following material is available** for purchase from the Agriculture Ammonia Institute-Rubber Manufacturers (AAI-RMA) Association, 1400 K St. NW, Washington DC 20005:[§1910.6(d)]

(1) *AAI-RMA Specifications for Anhydrous Ammonia Hose,* IBR approved for §1910.111(b)(8)(i).[§1910.6(d)(1)]

(2) *[Reserved]*[§1910.6(d)(2)]

(e) **Except as noted,** copies of the standards listed below in this paragraph are available for purchase from the American National Standards Institute (ANSI), 25 West 43rd Street, 4th Floor, New York, NY 10036; telephone: 212-642-4900; fax: 212-398-0023; Web site: *http://www.ansi.org.*[§1910.6(e)]

(1) *[Reserved]*[§1910.6(e)(1)]

(2) *[Reserved]*[§1910.6(e)(2)]

(3) *ANSI A11.1-65* (R 70) Practice for Industrial Lighting, IBR approved for §§1910.219(c)(5)(iii); 1910.261 (a)(3)(i), (c)(10), and (k)(21); and 1910.265(c)(2).[§1910.6(e)(3)]

(4) *ANSI A11.1-65* Practice for Industrial Lighting, IBR approved for §§1910.262(c)(6) and 1910.265(d)(2)(i)(a).[§1910.6(e)(4)]

(5) *[Reserved]*[§1910.6(e)(5)]

(6) *ANSI A13.1-56* Scheme for the Identification of Piping Systems, IBR approved for §§1910.253(d)(4)(ii); 1910.261(a)(3)(iii); 1910.262(c)(7).[§1910.6(e)(6)]

(7) *ANSI A14.1-68* Safety Code for Portable Wood Ladders, Supplemented by ANSI A14.1a-77, IBR approved for §1910.261 (a)(3)(iv) and (c)(3)(i).[§1910.6(e)(7)]

(8) *ANSI A14.2-56* Safety Code for Portable Metal Ladders, Supplemented by ANSI A14.2a-77, IBR approved for §1910.261 (a)(3)(v) and (c)(3)(i).[§1910.6(e)(8)]

(9) *ANSI A14.3-56* Safety Code for Fixed Ladders, IBR approved for §§1910.68(b)(4) and (12); 1910.179(c)(2); and 1910.261 (a)(3)(vi) and (c)(3)(i).[§1910.6(e)(9)]

(10) *ANSI A17.1-65* Safety Code for Elevators, Dumbwaiters and Moving Walks, Including Supplements, A17.1a (1967); A17.1b (1968); A17.1c (1969); A17.1d (1970), IBR approved for §1910.261 (a)(3)(vii), (g)(11)(i), and (l)(4).[§1910.6(e)(10)]

(11) *ANSI A17.2-60* Practice for the Inspection of Elevators, Including Supplements, A17.2a (1965), A17.2b (1967), IBR approved for §1910.261(a)(3)(viii).[§1910.6(e)(11)]

(12) *ANSI A90.1-69* Safety Standard for Manlifts, IBR approved for §1910.68(b)(3).[§1910.6(e)(12)]

(13) *ANSI A92.2-69* Standard for Vehicle Mounted Elevating and Rotating Work Platforms, IBR approved for §1910.67 (b)(1), (2), (c)(3), and (4) and 1910.268(s)(1)(v).[§1910.6(e)(13)]

(14) *ANSI A120.1-70* Safety Code for Powered Platforms for Exterior Building Maintenance, IBR approved for §1910.66 app. D (b) through (d).[§1910.6(e)(14)]

(15) *ANSI B7.1-70* Safety Code for the Use, Care and Protection of Abrasive Wheels, IBR approved for §§1910.215(b)(12) and 1910.218(j).[§1910.6(e)(15)]

(16) *ANSI B15.1-53* (R 58) Safety Code for Mechanical Power Transmission Apparatus, IBR approved for §§1910.68(b)(4) and 1910.261 (a)(3)(ix), (b)(1), (e)(3), (e)(9), (f)(4), (j)(5)(iv), (k)(12), and (l)(3).[§1910.6(e)(16)]

(17) *ANSI B20.1-57* Safety Code for Conveyors, Cableways, and Related Equipment, IBR approved for §§1910.218(j)(3); 1910.261 (a)(3)(x), (b)(1), (c)(15)(iv), (f)(4), and (j)(2); 1910.265(c)(18)(i).[§1910.6(e)(17)]

(18) *ANSI B30.2-43* (R 52) Safety Code for Cranes, Derricks, and Hoists, IBR approved for §1910.261 (a)(3)(xi), (c)(2)(vi), and (c)(8)(i) and (iv).[§1910.6(e)(18)]

(19) *ANSI B30.2.0-67* Safety Code for Overhead and Gantry Cranes, IBR approved for §§1910.179(b)(2); 1910.261 (a)(3)(xii), (c)(2)(v), and (c)(8)(i) and (iv).[§1910.6(e)(19)]

(20) *ANSI B30.5-68* Safety Code for Crawler, Locomotive, and Truck Cranes, IBR approved for §§1910.180(b)(2) and 1910.261(a)(3)(xiii).[§1910.6(e)(20)]

(21) *ANSI B30.6-69* Safety Code for Derricks, IBR approved for §§1910.181(b)(2) and 1910.268(j)(4)(iv)(E) and (H).[§1910.6(e)(21)]

(22) *ANSI B31.1-55* Code for Pressure Piping, IBR approved for §1910.261(g)(18)(iii).[§1910.6(e)(22)]

(23) *ANSI B31.1-67,* IBR approved for §1910.253(d)(1)(i)(A)[§1910.6(e)(23)]

(24) *ANSI B31.1a-63* Addenda to ANSI B31.1 (1955), IBR approved for §1910.261(g)(18)(iii).[§1910.6(e)(24)]

(25) *ANSI B31.1-67* and Addenda B31.1 (1969) Code for Pressure Piping, IBR approved for §§1910.103(b)(1)(iii)(b); 1910.104(b)(5)(ii); 1910.218 (d)(4) and (e)(1)(iv); and 1910.261 (a)(3)(xiv) and (g)(18)(iii).[§1910.6(e)(25)]

(26) *ANSI B31.2-68* Fuel Gas Piping, IBR approved for §1910.261(g)(18)(iii).[§1910.6(e)(26)]

(27) *ANSI B31.3-66* Petroleum Refinery Piping, IBR approved for §1910.103(b)(3)(v)(b).[§1910.6(e)(27)]

(28) *ANSI B31.5-66* Addenda B31.5a (1968) Refrigeration Piping, IB approved for §§1910.103(b)(3)(v)(b) and 1910.111(b)(7)(iii).[§1910.6(e)(28)]

(29) *ANSI B56.1-69* Safety Standard for Powered Industrial Trucks, IBR approved for §§1910.178(a)(2) and (3) and 1910.261 (a)(3)(xv), (b)(6), (m)(2), and (m)(5)(iii).[§1910.6(e)(29)]

(30) *ANSI B57.1-65* Compressed Gas Cylinder Valve Outlet and Inlet Connections, IBR approved for §1910.253(b)(1)(iii).[§1910.6(e)(30)]

(31) *[Reserved]*[§1910.6(e)(31)]

(32) *ANSI B175.1-1991,* Safety Requirements for Gasoline-Powered Chain Saws 1910.266(e)(2)(i).[§1910.6(e)(32)]

(33) *[Reserved]*[§1910.6(e)(33)]

(34) *ANSI C33.2-56* Safety Standard for Transformer-Type Arc Welding Machines, IBR approved for §1910.254(b)(1).[§1910.6(e)(34)]

(35) *[Reserved]*[§1910.6(e)(35)]

(36) *ANSI H23.1-70* Seamless Copper Water Tube Specification, IBR approved for §1910.110(b)(8)(ii) and (13)(ii)(b)(1).[§1910.6(e)(36)]

(37) *ANSI H38.7-69* Specification for Aluminum Alloy Seamless Pipe and Seamless Extruded Tube, IBR approved for §1910.110(b)(8)(i).[§1910.6(e)(37)]

(38) *ANSI J6.4-71* Standard Specification for Rubber Insulating Blankets, IBR approved for §1910.268 (f)(1) and (n)(11)(v).[§1910.6(e)(38)]

(39) *ANSI J6.6-71* Standard Specification for Rubber Insulating Gloves, IBR approved for §1910.268 (f)(1) and (n)(11)(iv).[§1910.6(e)(39)]

(40) *ANSI K13.1-67* Identification of Gas Mask Canisters, IBR approved for §1910.261 (a)(3)(xvi) and (h)(2)(iii).[§1910.6(e)(40)]

(41) *ANSI K61.1-60* Safety Requirements for the Storage and Handling of Anhydrous Ammonia, IBR approved for §1910.111(b)(11)(i).[§1910.6(e)(41)]

(42) *ANSI K61.1-66* Safety Requirements for the Storage and Handling of Anhydrous Ammonia, IBR approved for §1910.111(b)(11)(i).[§1910.6(e)(42)]

(43) *ANSI O1.1-54* (R 61) Safety Code for Woodworking Machinery, IBR approved for §1910.261 (a)(3)(xvii), (e)(7), and (i)(2).[§1910.6(e)(43)]

(44) *ANSI S1.4-71* (R 76) Specification for Sound Level Meters, IBR approved for §1910.95 appendixes D and I.[§1910.6(e)(44)]

(45) *ANSI S1.11-71* (R 76) Specification for Octave, Half-Octave and Third-Octave Band Filter Sets, IBR approved for §1910.95 appendix D.[§1910.6(e)(45)]

(46) *ANSI S3.6-69* Specifications for Audiometers, IBR approved for §1910.95(h)(2) and (5)(ii) and appendix D.[§1910.6(e)(46)]

(47) *ANSI Z4.1-68* Requirements for Sanitation in Places of Employment, IBR approved for §1910.261 (a)(3)(xviii) and (g)(15)(vi).[§1910.6(e)(47)]

(48) *[Reserved]*[§1910.6(e)(48)]

(49) *ANSI Z9.1-51* Safety Code for Ventilation and Operation of Open Surface Tanks, IBR approved for 1910.261(a)(3)(xix), (g)(18)(v), and (h)(2)(i).[§1910.6(e)(49)]

(50) *ANSI Z9.1-71* Practices for Ventilation and Operation of Open-Surface Tanks, IBR approved for §1910.124(b)(4)(iv).[§1910.6(e)(50)]

(51) *ANSI Z9.2-60* Fundamentals Governing the Design and Operation of Local Exhaust Systems, IBR approved for §§1910.94(a)(4)(i) introductory text, (a)(6) introductory text, (b)(3)(ix), (b)(4)(i) and (ii), (c)(3)(i) introductory text, (c)(5)(iii)(b), and (c)(7)(iv)(a); 1910.261(a)(3)(xx), (g)(1)(i) and (iii), and (h)(2)(ii).[§1910.6(e)(51)]

(52) *ANSI Z9.2-79* Fundamentals Governing the Design and Operation of Local Exhaust Systems, IBR approved for §1910.124(b)(4)(i).[§1910.6(e)(52)]

(53) *ANSI Z12.12-68* Standard for the Prevention of Sulfur Fires and Explosions, IBR approved for §1910.261 (a)(3)(xxi), (d)(1)(i), (f)(2)(iv), and (g)(1)(i).[§1910.6(e)(53)]

(54) *ANSI Z12.20-62* (R 69) Code for the Prevention of Dust Explosions in Woodworking and Wood Flour Manufacturing Plants, IBR approved for §1910.265(c)(20)(i).[§1910.6(e)(54)]

(55) *ANSI Z21.30-64* Requirements for Gas Appliances and Gas Piping Installations, IBR approved for §1910.265(c)(15).[§1910.6(e)(55)]

(56) *ANSI Z24.22-57* Method of Measurement of Real-Ear Attenuation of Ear Protectors at Threshold, IBR approved for §1910.261(a)(3)(xxii).[§1910.6(e)(56)]

(57) *ANSI Z33.1-61* Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying, IBR approved for §§1910.94(a)(4)(i); 1910.261 (a)(3)(xxiii) and (f)(5); and 1910.265(c)(20)(i).[§1910.6(e)(57)]

(58) *ANSI Z33.1-66* Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying, IBR approved for §1910.94(a)(2)(ii).[§1910.6(e)(58)]

(59) *ANSI Z35.1-1968,* Specifications for Accident Prevention Signs; IBR approved for §1910.261(c). Copies available for purchase from the IHS Standards Store, 15 Inverness Way East, Englewood, CO 80112; telephone: 1-877-413-5184; Web site: *www.global.ihs.com.*[§1910.6(e)(59)]

(60) *ANSI Z41-1999,* American National Standard for Personal Protection — Protective Footwear; IBR approved for §1910.136(b)(1)(ii). Copies of ANSI Z41-1999 are available for purchase only from the National Safety Council, P.O. Box 558, Itasca, IL 60143-0558; telephone: 1-800-621-7619; fax: 708-285-0797; Web site: *http://www.nsc.org.*[§1910.6(e)(60)]

(61) *ANSI Z41-1991,* American National Standard for Personal Protection — Protective Footwear; IBR approved for §1910.136(b)(1)(iii). Copies of ANSI Z41-1991 are available for purchase only from the National Safety Council, P.O. Box 558, Itasca, IL 60143-0558; telephone: 1-800-621-7619; fax: 708-285-0797; Web site: *http://www.nsc.org.*[§1910.6(e)(61)]

(62) *[Reserved]*[§1910.6(e)(62)]

(63) *[Reserved]*[§1910.6(e)(63)]

(64) *ANSI Z49.1-67* Safety in Welding and Cutting, IBR approved for §1910.252(c)(1)(iv)(A) and (B).[§1910.6(e)(64)]

(65) *USAS Z53.1-1967* (also referred to as ANSI Z53.1-1967), Safety Color Code for Marking Physical Hazards, ANSI approved October 9, 1967; IBR approved for §1910.97(a) and 1910.145(d). Copies available for purchase from the IHS Standards Store, 15 Inverness Way East, Englewood, CO 80112; telephone: 1-877-413-5184; Web site: *www.global.ihs.com.*[§1910.6(e)(65)]

(66) *ANSI Z535.1-2006 (R2011),* Safety Colors, reaffirmed July 19, 2011; IBR approved for §§1910.97(a) and 1910.145(d). Copies available for purchase from the:[§1910.6(e)(66)]

- **(i)** *American National Standards* Institute's e-Standards Store, 25 W 43rd Street, 4th Floor, New York, NY 10036; telephone: 212-642-4980; Web site: *http://webstore.ansi.org/;*[§1910.6(e)(66)(i)]
- **(ii)** *IHS Standards Store,* 15 Inverness Way East, Englewood, CO 80112; telephone: 877-413-5184; Web site: *www.global.ihs.com;* or[§1910.6(e)(66)(ii)]
- **(iii)** *TechStreet Store,* 3916 Ranchero Dr., Ann Arbor, MI 48108; telephone: 877-699-9277; Web site: *www.techstreet.com.*[§1910.6(e)(66)(iii)]

(67) ✉ *ANSI Z535.2-2011,* Environmental and Facility Safety Signs, published September 15, 2011; IBR approved for §1910.261(c). Copies available for purchase from the:[§1910.6(e)(67)]

- **(i)** *American National Standards* Institute's e-Standards Store, 25 W 43rd Street, 4th Floor, New York, NY 10036; telephone: 212-642-4980; Web site: *http://webstore.ansi.org/;*[§1910.6(e)(67)(i)]
- **(ii)** *IHS Standards Store,* 15 Inverness Way East, Englewood, CO 80112; telephone: 877-413-5184; Web site: *www.global.ihs.com;* or[§1910.6(e)(67)(ii)]
- **(iii)** *TechStreet Store,* 3916 Ranchero Dr., Ann Arbor, MI 48108; telephone: 877-699-9277; Web site: *www.techstreet.com.*[§1910.6(e)(67)(iii)]

(68) *ANSI Z54.1-63* Safety Standard for Non-Medical X-Ray and Sealed Gamma Ray Sources, IBR approved for §1910.252(d)(1)(vii) and (2)(ii).[§1910.6(e)(68)]

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(69) *ANSI/ISEA Z87.1-2010,* Occupational and Educational Personal Eye and Face Protection Devices, Approved April 13, 2010; IBR approved for §1910.133(b). Copies are available for purchase from:[§1910.6(e)(69)]

- **(i)** *American National Standards* Institute's e-Standards Store, 25 W 43rd Street, 4th Floor, New York, NY 10036; telephone: (212) 642-4980; Web site: *http://webstore.ansi.org/;*[§1910.6(e)(69)(i)]

(ii) *IHS Standards Store,* 15 Inverness Way East, Englewood, CO 80112; telephone: (877) 413-5184; Web site: *http://global.ihs.com;* or[§1910.6(e)(69)(ii)]

(iii) *TechStreet Store,* 3916 Ranchero Dr., Ann Arbor, MI 48108; telephone: (877) 699-9277; Web site: *http://techstreet.com.*[§1910.6(e)(69)(iii)]

(70) *ANSI Z87.1-2003,* Occupational and Educational Eye and Face Personal Protection Devices Approved June 19, 2003; IBR approved for §§1910.133(b). Copies available for purchase from the:[§1910.6(e)(70)]

(i) *American National Standards* Institute's e-Standards Store, 25 W 43rd Street, 4th Floor, New York, NY 10036; telephone: (212) 642-4980; Web site: *http://webstore.ansi.org/;* [§1910.6(e)(70)(i)]

(ii) *IHS Standards Store,* 15 Inverness Way East, Englewood, CO 80112; telephone: (877) 413-5184; Web site: *http://global.ihs.com;* or[§1910.6(e)(70)(ii)]

(iii) *TechStreet Store,* 3916 Ranchero Dr., Ann Arbor, MI 48108; telephone: (877) 699-9277; Web site: *http://techstreet.com.*[§1910.6(e)(70)(iii)]

(71) *ANSI Z87.1-1989 (R-1998),* Practice for Occupational and Educational Eye and Face Protection, Reaffirmation approved January 4, 1999; IBR approved for §1910.133(b). Copies are available for purchase from:[§1910.6(e)(71)]

(i) *American National Standards* Institute's e-Standards Store, 25 W 43rd Street, 4th Floor, New York, NY 10036; telephone: (212) 642-4980; Web site: *http://webstore.ansi.org/*; [§1910.6(e)(71)(i)]

(ii) *IHS Standards Store,* 15 Inverness Way East, Englewood, CO 80112; telephone: (877) 413-5184; Web site: *http://global.ihs.com;* or[§1910.6(e)(71)(ii)]

(iii) *TechStreet Store,* 3916 Ranchero Dr., Ann Arbor, MI 48108; telephone: (877) 699-9277; Web site: *http://techstreet.com.*[§1910.6(e)(71)(iii)]

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(72) *ANSI Z88.2-1969,* Practices for Respiratory Protection; IBR approved for §§1910.94(c)(6)(iii)(*a*), 1910.134(c); and 1910.261(a)(3)(xxvi), (b)(2), (f)(5), (g)(15)(v), (h)(2)(iii), (h)(2)(iv), and (i)(4). [§1910.6(e)(72)]

(73) *American National Standards Institute (ANSI) Z89.1-2009,* American National Standard for Industrial Head Protection, approved January 26, 2009; IBR approved for §1910.135(b)(1)(i). Copies of ANSI Z89.1-2009 are available for purchase only from the International Safety Equipment Association, 1901 North Moore Street, Arlington, VA 22209-1762; telephone: 703-525-1695; fax: 703-528-2148; Web site: www.safetyequipment.org. [§1910.6(e)(73)]

(74) *American National Standards Institute (ANSI) Z89.1-2003,* American National Standard for Industrial Head Protection; IBR approved for §1910.135(b)(1)(ii). Copies of ANSI Z89.1-2003 are available for purchase only from the International Safety Equipment Association, 1901 North Moore Street, Arlington, VA 22209- 1762; telephone: 703-525-1695; fax: 703-528-2148; Web site: www.safetyequipment.org. [§1910.6(e)(74)]

(75) *American National Standards Institute (ANSI) Z89.1-1997,* American National Standard for Personnel Protection — Protective Headwear for Industrial Workers — Requirements; IBR approved for §1910.135(b)(1)(iii). Copies of ANSI Z89.1-1997 are available for purchase only from the International Safety Equipment Association, 1901 North Moore Street, Arlington, VA 22209-1762; telephone: 703-525-1695; fax: 703-528-2148; Web site: www.safetyequipment.org. [§1910.6(e)(75)]

(76) *ANSI Z41.1-1967 Men's* Safety Toe Footwear; IBR approved for §1910.261(i)(4). [§1910.6(e)(76)]

(77) *ANSI Z87.1-1968 Practice* of Occupational and Educational Eye and Face Protection; IBR approved for §1910.261(a)(3)(xxv), (d)(1)(ii), (f)(5), (g)(1), (g)(15)(v), (g)(18)(ii), and (i)(4). [§1910.6(e)(77)]

(78) *ANSI Z89.1-1969 Safety* Requirements for Industrial Head Protection; IBR approved for §1910.261(a)(3)(xxvii), (b)(2), (g)(15)(v), and (i)(4). [§1910.6(e)(78)]

(79) *ANSI Z89.2-1971 Safety* Requirements for Industrial Protective Helmets for Electrical Workers, Class B; IBR approved for §1910.268(i)(1). [§1910.6(e)(79)]

(f) The following material is available for purchase from the American Petroleum Institute (API), 1220 L Street NW, Washington DC 20005:[§1910.6(f)]

(1) *[Reserved]*[§1910.6(f)(1)]

(2) *API 12B (May 1958)* Specification for Bolted Production Tanks, 11th Ed., With Supplement No. 1, Mar. 1962, IBR approved for §1910.106(b)(1)(i)(a)(3).[§1910.6(f)(2)]

(3) *API 12D (Aug. 1957)* Specification for Large Welded Production Tanks, 7th Ed., IBR approved for §1910.106(b)(1)(i)(a)(3). [§1910.6(f)(3)]

(4) *API 12F (Mar. 1961)* Specification for Small Welded Production Tanks, 5th Ed., IBR approved for §1910.106(b)(1)(i)(a)(3). [§1910.6(f)(4)]

(5) *API 620,* Fourth Ed. (1970) Including appendix R, Recommended Rules for Design and Construction of Large Welded Low Pressure Storage Tanks, IBR approved for §§1910.103(c)(1)(i)(a); 1910.106(b)(1)(iv)(b)(1); and 1910.111(d)(1)(ii) and (iii).[§1910.6(f)(5)]

(6) *API 650 (1966)* Welded Steel Tanks for Oil Storage, 3rd Ed., IBR approved for §1910.106(b)(1)(iii)(a)(2).[§1910.6(f)(6)]

(7) *API 1104 (1968)* Standard for Welding Pipelines and Related Facilities, IBR approved for §1910.252(d)(1)(v).[§1910.6(f)(7)]

(8) *API 2000 (1968)* Venting Atmospheric and Low Pressure Storage Tanks, IBR approved for §1910.106(b)(2)(iv)(b)(1). [§1910.6(f)(8)]

(9) *API 2201 (1963)* Welding or Hot Tapping on Equipment Containing Flammables, IBR approved for §1910.252(d)(1)(vi). [§1910.6(f)(9)]

(g) The following material is available for purchase from the American Society of Mechanical Engineers (ASME), United Engineering Center, 345 East 47th Street, New York, NY 10017:[§1910.6(g)]

(1) *ASME Boiler and Pressure Vessel Code,* §VIII, 1949, 1950, 1952, 1956, 1959, and 1962 Ed., IBR approved for §§1910.110 (b)(10)(iii) (Table H-26), (d)(2) (Table H-31); (e)(3)(i) (Table H-32), (h)(2) (Table H-34); and 1910.111(b)(2)(vi);[§1910.6(g)(1)]

(2) *ASME Code for Pressure Vessels,* 1968 Ed., IBR approved for §§1910.106(i)(3)(i); 1910.110(g)(2)(iii)(b)(2); and 1910.217(b)(12);[§1910.6(g)(2)]

(3) *ASME Boiler and Pressure Vessel Code,* §VIII, 1968, IBR approved for §§1910.103; 1910.104(b)(4)(ii); 1910.106 (b)(1)(iv)(b)(2) and (i)(3)(ii); 1910.107; 1910.110(b)(11)(i)(b) and (iii)(a)(1); 1910.111(b)(2)(i), (ii), and (iv); and 1910.169(a)(2)(i) and (ii);[§1910.6(g)(3)]

(4) *ASME Boiler and Pressure Vessel Code,* §VIII, Paragraph UG- 84, 1968, IBR approved for §1910.104 (b)(4)(ii) and (b)(5)(iii);[§1910.6(g)(4)]

(5) *ASME Boiler and Pressure Vessel Code,* §VIII, Unfired Pressure Vessels, Including Addenda (1969), IBR approved for §§1910.261; 1910.262; 1910.263(i)(24)(ii);[§1910.6(g)(5)]

(6) *Code for Unfired Pressure Vessels* for Petroleum Liquids and Gases of the API and the ASME, 1951 Ed., IBR approved for §1910.110(b)(3)(iii); and[§1910.6(g)(6)]

(7) *ASME B56.6-1992 (with addenda),* Safety Standard for Rough Terrain Forklift Trucks, IBR approved for §1910.266(f)(4). [§1910.6(g)(7)]

(h) Copies of the standards listed below in this paragraph (h) are available for purchase from ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959; Telephone: 610-832-9585; Fax: 610-832-9555; Email: *seviceastm.org;* Web site: *http://www.astm.org.* Copies of historical standards or standards that ASTM does not have may be purchased from Information Handling Services, Global Engineering Documents, 15 Inverness Way East, Englewood, CO 80112; Telephone: 1-800-854-7179; Email: *global@ihs.com;* Web sites: *http://global.ihs.com* or *http://www.store.ihs.com.*[§1910.6(h)]

(1) *ASTM A 47-68,* Malleable Iron Castings, IBR approved for §1910.111.[§1910.6(h)(1)]

(2) *ASTM A 53-69,* Welded and Seamless Steel Pipe, IBR approved for §§1910.110 and 1910.111.[§1910.6(h)(2)]

(3) *ASTM A 126-66,* Gray Iron Casting for Valves, Flanges and Pipe Fitting, IBR approved for §1910.111.[§1910.6(h)(3)]

(4) *ASTM A 391-65 (ANSI G61.1-1968),* Alloy Steel Chain, IBR approved for §1910.184.[§1910.6(h)(4)]

(5) *ASTM A 395-68,* Ductile Iron for Use at Elevated Temperatures, IBR approved for §1910.111.[§1910.6(h)(5)]

(6) *ASTM B 88-66A,* Seamless Copper Water Tube, IBR approved for §1910.252.[§1910.6(h)(6)]

(7) *ASTM B 88-69,* Seamless Copper Water Tube, IBR approved for §1910.110.[§1910.6(h)(7)]

(8) *ASTM B 117-64,* Salt Spray (Fog) Test, IBR approved for §1910.268.[§1910.6(h)(8)]

(9) *ASTM B 210-68,* Aluminum-Alloy Drawn Seamless Tubes, IBR approved for §1910.110.[§1910.6(h)(9)]

(10) *ASTM B 241-69,* Standard Specifications for Aluminum-Alloy Seamless Pipe and Seamless Extruded Tube, IBR approved for §1910.110.[§1910.6(h)(10)]

(11) *ASTM D 5-65,* Test for Penetration by Bituminous Materials, IBR approved for §1910.106.[§1910.6(h)(11)]

(12) *ASTM D 56-70,* Test for Flash Point by Tag Closed Tester, IBR approved for §1910.106.[§1910.6(h)(12)]

(13) *ASTM D 56-05,* Standard Test Method for Flash Point by Tag Closed Cup Tester, Approved May 1, 2005, IBR approved for Appendix B to §1910.1200.[§1910.6(h)(13)]

(14) *ASTM D 86-62,* Test for Distillation of Petroleum Products, IBR approved for §§1910.106 and 1910.119.[§1910.6(h)(14)]

(15) *ASTM D 86-07a,* Standard Test Method for Distillation of Petroleum Products at Atmospheric Pressure, Approved April 1, 2007, IBR approved for Appendix B to §1910.1200.[§1910.6(h)(15)]

(16) *ASTM D 88-56,* Test for Saybolt Viscosity, IBR approved for §1910.106.[§1910.6(h)(16)]

(17) *ASTM D 93-71,* Test for Flash Point by Pensky Martens, IBR approved for §1910.106.[§1910.6(h)(17)]

(18) *ASTM D 93-08,* Standard Test Methods for Flash Point by Pensky-Martens Closed Cup Tester, Approved Oct. 15, 2008, IBR approved for Appendix B to §1910.1200.[§1910.6(h)(18)]

(19) *ASTM D 240-02* (Reapproved 2007), Standard Test Method for Heat of Combustion of Liquid Hydrocarbon Fuels by Bomb Calorimeter, Approved May 1, 2007, IBR approved for Appendix B to §1910.1200.[§1910.6(h)(19)]

(20) *ASTM D 323-68,* Standard Test Method of Test for Vapor Pressure of Petroleum Products (Reid Method), IBR approved for §1910.106.[§1910.6(h)(20)]

(21) *ASTM D 445-65,* Test for Viscosity of Transparent and Opaque Liquids, IBR approved for §1910.106.[§1910.6(h)(21)]

(22) *ASTM D 1078-05,* Standard Test Method for Distillation Range of Volatile Organic Liquids, Approved May 15, 2005, IBR approved for Appendix B to §1910.1200.[§1910.6(h)(22)]

(23) *ASTM D 1692-68,* Test for Flammability of Plastic Sheeting and Cellular Plastics, IBR approved for §1910.103.[§1910.6(h)(23)]

(24) *ASTM D 2161-66,* Conversion Tables for SUS, IBR approved for §1910.106.[§1910.6(h)(24)]

(25) *ASTM D 3278-96* (Reapproved 2004) E1, Standard Test Methods for Flash Point of Liquids by Small Scale Closed-Cup Apparatus, Approved November 1, 2004, IBR approved for Appendix B to §1910.1200.[§1910.6(h)(25)]

(26) *ASTM D 3828-07a,* Standard Test Methods for Flash Point by Small Scale Closed Cup Tester, Approved July 15, 2007, IBR approved for Appendix B to §1910.1200.[§1910.6(h)(26)]

(27) *ASTM F-2412-2005,* Standard Test Methods for Foot Protection, IBR approved for §1910.136.[§1910.6(h)(27)]

(28) *ASTM F-2413-2005,* Standard Specification for Performance Requirements for Protective Footwear, IBR approved for §1910.136.[§1910.6(h)(28)]

(i) The following material is available for purchase from the American Welding Society (AWS), 550 NW, LeJeune Road, P.O. Box 351040, Miami FL 33135:[§1910.6(i)]

(1) *[Reserved]*[§1910.6(i)(1)]

(2) *[Reserved]*[§1910.6(i)(2)]

(3) *AWS B3.0-41* Standard Qualification Procedure, IBR approved for §1910.67(c)(5)(i).[§1910.6(i)(3)]

(4) *AWS D1.0-1966* Code for Welding in Building Construction, IBR approved for §1910.27(b)(6).[§1910.6(i)(4)]

(5) *AWS D2.0-69* Specifications for Welding Highway and Railway Bridges, IBR approved for §1910.67(c)(5)(iv).[§1910.6(i)(5)]

(6) *AWS D8.4-61* Recommended Practices for Automotive Welding Design, IBR approved for §1910.67(c)(5)(ii).[§1910.6(i)(6)]

(7) *AWS D10.9-69* Standard Qualification of Welding Procedures and Welders for Piping and Tubing, IBR approved for §1910.67(c)(5)(iii).[§1910.6(i)(7)]

(j) The following material is available for purchase from the Department of Commerce:[§1910.6(j)]

(1) *Commercial Standard,* CS 202-56 (1961) "Industrial Lifts and Hinged Loading Ramps," IBR approved for §1910.30(a)(3).[§1910.6(j)(1)]

(2) *Publication* "Model Performance Criteria for Structural Fire Fighters' Helmets," IBR approved for §1910.156(e)(5)(i).[§1910.6(j)(2)]

(k) The following material is available for purchase from the Compressed Gas Association (CGA), 1235 Jefferson Davis Highway, Arlington, VA 22202:[§1910.6(k)]

(1) *CGA C-6 (1968)* Standards for Visual Inspection of Compressed Gas Cylinders, IBR approved for §1910.101(a).[§1910.6(k)(1)]

(2) *CGA C-8 (1962)* Standard for Requalification of ICC-3HT Cylinders, IBR approved for §1910.101(a).[§1910.6(k)(2)]

(3) *CGA G-1-2009 Acetylene,* Twelfth Edition, IBR approved for §1910.102(a). Copies of CGA Pamphlet G-1-2009 are available for purchase from the: Compressed Gas Association, Inc., 4221 Walney Road, 5th Floor, Chantilly, VA 20151; telephone: (703) 788-2700; fax: (703) 961-1831; email: *cga@cganet.com.*[§1910.6(k)(3)]

(4) *CGA G-7.1* (1966) Commodity Specification, IBR approved for §1910.134(d)(1).[§1910.6(k)(4)]

(5) *CGA G-8.1* (1964) Standard for the Installation of Nitrous Oxide Systems at Consumer Sites, IBR approved for §1910.105.[§1910.6(k)(5)]

(6) *CGA P-1 (1965)* Safe Handling of Compressed Gases, IBR approved for §1910.101(b).[§1910.6(k)(6)]

(7) *CGA P-3 (1963)* Specifications, Properties, and Recommendations for Packaging, Transportation, Storage and Use of Ammonium Nitrate, IBR approved for §1910.109(i)(1)(ii)(b).[§1910.6(k)(7)]

(8) *CGA S-1.1* (1963) and 1965 Addenda. Safety Release Device Standards — Cylinders for Compressed Gases, IBR approved for §§1910.101(c); 1910.103(c)(1)(iv)(a)(2).[§1910.6(k)(8)]

(9) *CGA S-1.2* (1963) Safety Release Device Standards, Cargo and Portable Tanks for Compressed Gases, IBR approved for §§1910.101(c); 1910.103(c)(1)(iv)(a)(2).[§1910.6(k)(9)]

(10) *CGA S-1.3* (1959) Safety Release Device Standards-Compressed Gas Storage Containers, IBR approved for §§1910.103(c)(1)(iv)(a)(2); 1910.104(b)(6)(iii); and 1910.111(d)(4)(ii)(b).[§1910.6(k)(10)]

(11) *CGA 1957 Standard* Hose Connection Standard, IBR approved for §1910.253(e)(4)(v) and (5)(iii).[§1910.6(k)(11)]

(12) *CGA and RMA (Rubber* Manufacturer's Association) Specification for Rubber Welding Hose (1958), IBR approved for §1910.253(e)(5)(i).[§1910.6(k)(12)]

(13) *CGA 1958 Regulator* Connection Standard, IBR approved for §1910.253(e)(4)(iv) and (6).[§1910.6(k)(13)]

(l) The following material is available for purchase from the Crane Manufacturer's Association of America, Inc. (CMAA), 1 Thomas Circle NW, Washington DC 20005:[§1910.6(l)]

(1) *CMAA Specification 1B61,* Specifications for Electric Overhead Traveling Cranes, IBR approved for §1910.179(b)(6)(i).[§1910.6(l)(1)]

(2) *[Reserved]*[§1910.6(l)(2)]

(m) The following material is available for purchase from the General Services Administration:[§1910.6(m)]

(1) *GSA Pub.* GG-B-0067b, Air Compressed for Breathing Purposes, or Interim Federal Specifications, Apr. 1965, IBR approved for §1910.134(d)(4).[§1910.6(m)(1)]

(2) *[Reserved]*[§1910.6(m)(2)]

(n) The following material is available for purchase from the Department of Health and Human Services:[§1910.6(n)]

(1) *Publication No.* 76-120 (1975), List of Personal Hearing Protectors and Attenuation Data, IBR approved for §1910.95 App. B.[§1910.6(n)(1)]

(2) *[Reserved]*[§1910.6(n)(2)]

(o) The following material is available for purchase from the Institute of Makers of Explosives (IME), 420 Lexington Avenue, New York, NY 10017:[§1910.6(o)]

(1) *IME Pamphlet No.* 17, 1960, Safety in the Handling and Use of Explosives, IBR approved for §§1910.261 (a)(4)(iii) and (c)(14)(ii).[§1910.6(o)(1)]

(2) *[Reserved]*[§1910.6(o)(2)]

(p) The following material is available for purchase from the National Electrical Manufacturer's Association (NEMA):[§1910.6(p)]

(1) *NEMA EW-1 (1962)* Requirements for Electric Arc Welding Apparatus, IBR approved for §§1910.254(b)(1).[§1910.6(p)(1)]

(2) *[Reserved]*[§1910.6(p)(2)]

(q) The following material is available for purchase from the National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02269; Telephone: 800-344-3555 or 617-770-3000; Fax: 1-800-593-6372 or 1-508-895-8301; Email: *custserv@nfpa.org;* Web site: *http://www.nfpa.org.*[§1910.6(q)]

(1) *NFPA 30 (1969)* Flammable and Combustible Liquids Code, IBR approved for §1910.178(f)(1).[§1910.6(q)(1)]

(2) *NFPA 32-1970 Standard* for Dry Cleaning Plants, IBR approved for §1910.106(j)(6)(i).[§1910.6(q)(2)]

(3) *NFPA 33-1969* Standard for Spray Finishing Using Flammable and Combustible Material, IBR approved for §1910.94(c)(2).[§1910.6(q)(3)]

(4) *NFPA 34-1966 Standard* for Dip Tanks Containing Flammable or Combustible Liquids, IBR approved for §1910.124(b)(4)(iv).[§1910.6(q)(4)]

(5) *NFPA 34-1995 Standard* for Dip Tanks Containing Flammable or Combustible Liquids, IBR approved for §1910.124(b)(4)(ii).[§1910.6(q)(5)]

(6) *NFPA 35-1970 Standard* for the Manufacture of Organic Coatings, IBR approved for §1910.106(j)(6)(ii).[§1910.6(q)(6)]

(7) *NFPA 36-1967 Standard* for Solvent Extraction Plants, IBR approved for §1910.106(j)(6)(iii).[§1910.6(q)(7)]

(8) *NFPA 37-1970 Standard* for the Installation and Use of Stationary Combustion Engines and Gas Turbines, IBR approved for §§1910.106(j)(6)(iv) and 1910.110 (b)(20)(iv)(c) and (e)(11).[§1910.6(q)(8)]

(9) *NFPA 51B-1962 Standard* for Fire Protection in Use of Cutting and Welding Processes, IBR approved for §1910.252(a)(1) introductory text.[§1910.6(q)(9)]

(10) *NFPA 54-1969 Standard* for the Installation of Gas Appliances and Gas Piping, IBR approved for §1910.110(b)(20)(iv)(a).[§1910.6(q)(10)]

(11) *NFPA 54A-1969 Standard* for the Installation of Gas Piping and Gas Equipment on Industrial Premises and Certain Other Premises, IBR approved for §1910.110(b)(20)(iv)(b).[§1910.6(q)(11)]

(12) *NFPA 58-1969 Standard* for the Storage and Handling of Liquefied Petroleum Gases (ANSI Z106.1-1970), IBR approved for §§1910.110 (b)(3)(iv) and (i)(3)(i) and (ii); and 1910.178(f)(2).[§1910.6(q)(12)]

(13) *NFPA 59-1968 Standard* for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants, IBR approved for §§1910.110 (b)(3)(iv) and (i)(2)(iv).[§1910.6(q)(13)]

(14) *NFPA 62-1967 Standard* for the Prevention of Dust Explosions in the Production, Packaging, and Handling of Pulverized Sugar and Cocoa, IBR approved for §1910.263(k)(2)(i).[§1910.6(q)(14)]

(15) *NFPA 68-1954 Guide* for Explosion Venting, IBR approved for §1910.94(a)(2)(iii).[§1910.6(q)(15)]

(16) *[Reserved]*[§1910.6(q)(16)]

(17) *NFPA 78-1968 Lightning* Protection Code, IBR approved for §1910.109(i)(6)(ii).[§1910.6(q)(17)]

(18) *NFPA 80-1968 Standard* for Fire Doors and Windows, IBR approved for §1910.106(d)(4)(i).[§1910.6(q)(18)]

(19) *NFPA 80-1970 Standard* for the Installation of Fire Doors and Windows, IBR approved for §1910.253(f)(6)(i)(I).[§1910.6(q)(19)]

(20) *NFPA 86A-1969 Standard* for Oven and Furnaces Design, Location and Equipment, IBR approved for §§1910.107 (j)(1) and (l)(3) and 1910.108 (b)(2) and (d)(2).[§1910.6(q)(20)]

(21) *NFPA 91-1961 Standard* for the Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying (ANSI Z33.1-61), IBR approved for §1910.107(d)(1).[§1910.6(q)(21)]

(22) *NFPA 91-1969 Standards* for Blower and Exhaust Systems, IBR approved for §1910.108(b)(1).[§1910.6(q)(22)]

(23) *NFPA 96-1970 Standard* for the Installation of Equipment for the Removal of Smoke and Grease Laden Vapors from Commercial Cooking Equipment, IBR approved for §1910.110(b)(20)(iv)(d).[§1910.6(q)(23)]

(24) *NFPA 101-1970 Code* for Life Safety From Fire in Buildings and Structures, IBR approved for §1910.261(a)(4)(ii).[§1910.6(q)(24)]

(25) *NFPA 101-2009,* Life Safety Code, 2009 edition, IBR approved for §§1910.34, 1910.35, 1910.36, and 1910.37.[§1910.6(q)(25)]

(26) *NFPA 203M-1970* Manual on Roof Coverings, IBR approved for §1910.109(i)(1)(iii)(c).[§1910.6(q)(26)]

(27) *NFPA 251-1969 Standard* Methods of Fire Tests of Building Construction and Materials, IBR approved for §§1910.106 (d)(3)(ii) introductory text and (d)(4)(i).[§1910.6(q)(27)]

(28) *NFPA 302-1968 Fire* Protection Standard for Motor-Craft (Pleasure and Commercial), IBR approved for §1910.265(d)(2)(iv) introductory text.[§1910.6(q)(28)]

(29) *NFPA 385-1966 Recommended* Regulatory Standard for Tank Vehicles for Flammable and Combustible Liquids, IBR approved for §1910.106(g)(1)(i)(e)(1).[§1910.6(q)(29)]

(30) *NFPA 496-1967 Standard* for Purged Enclosures for Electrical Equipment in Hazardous Locations, IBR approved for §1910.103(c)(1)(ix)(e)(1).[§1910.6(q)(30)]

(31) *NFPA 505-1969 Standard* for Type Designations, Areas of Use, Maintenance, and Operation of Powered Industrial Trucks, IBR approved for §1910.110(e)(2)(iv).[§1910.6(q)(31)]

(32) *NFPA 566-1965 Standard* for the Installation of Bulk Oxygen Systems at Consumer Sites, IBR approved for §§1910.253 (b)(4)(iv) and (c)(2)(v).[§1910.6(q)(32)]

(33) *NFPA 656-1959 Code* for the Prevention of Dust Ignition in Spice Grinding Plants, IBR approved for §1910.263(k)(2)(i).[§1910.6(q)(33)]

(34) *NFPA 1971-1975 Protective* Clothing for Structural Fire Fighting, IBR approved for §1910.156(e)(3)(ii) introductory text.[§1910.6(q)(34)]

(35) *NFPA 51A (2001)* Standard for Acetylene Cylinder Charging Plants, IBR approved for §1910.102(b) and (c). Copies of NFPA 51A-2001 are available for purchase from the: National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471; telephone: 1-800-344-35557; e-mail: *custserv@nfpa.org.*[§1910.6(q)(35)]

(36) *NFPA 51A (2006)* Standard for Acetylene Cylinder Charging Plants, IBR approved for §1910.102(b) and (c). Copies of NFPA 51A-2006 are available for purchase from the: National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169-7471; telephone: 1-800-344-35557; e-mail: *custserv@nfpa.org.*[§1910.6(q)(36)]

(37) *NFPA 30B,* Code for the Manufacture and Storage of Aerosol Products, 2007 Edition, Approved August 17, 2006, IBR approved for Appendix B to §1910.1200.[§1910.6(q)(37)]

(r) The following material is available for purchase from the National Food Plant Institute, 1700 K St. NW., Washington, DC 20006:[§1910.6(r)]

(1) *Definition and Test Procedures* for Ammonium Nitrate Fertilizer (Nov. 1964), IBR approved for §1910.109 Table H-22, ftn. 3.[§1910.6(r)(1)]

(2) *[Reserved]*[§1910.6(r)(2)]

(s) The following material is available for purchase from the National Institute for Occupational Safety and Health (NIOSH):[§1910.6(s)]

(1) *Registry of Toxic Effects* of Chemical Substances, 1978, IBR approved for §1910.20(c)(13)(i) and appendix B.[§1910.6(s)(1)]

(2) *Development of Criteria for Fire* Fighters Gloves; Vol. II, Part II; Test Methods, 1976, IBR approved for §1910.156(e)(4)(i) introductory text.[§1910.6(s)(2)]

(3) *NIOSH Recommendations for Occupational* Safety and Health Standards (Sept. 1987), IBR approved for §1910.120 PEL definition.[§1910.6(s)(3)]

(t) The following material is available for purchase from the Public Health Service:[§1910.6(t)]

(1) *U.S.* Pharmacopeia, IBR approved for §1910.134(d)(1).[§1910.6(t)(1)]

(2) *Publication No.* 934 (1962), Food Service Sanitation Ordinance and Code, Part V of the Food Service Sanitation Manual, IBR approved for §1910.142(i)(1).[§1910.6(t)(2)]

(u) The following material is available for purchase from the Society of Automotive Engineers (SAE), 485 Lexington Avenue, New York, NY 10017:[§1910.6(u)]

(1) *SAE J185,* June 1988, Recommended Practice for Access Systems for Off-Road Machines, IBR approved for §1910.266(f)(5)(i).[§1910.6(u)(1)]

(2) *SAE J231,* January 1981, Minimum Performance Criteria for Falling Object Protective Structure (FOPS), IBR approved for §1910.266(f)(3)(ii).[§1910.6(u)(2)]

(3) *SAE J386,* June 1985, Operator Restraint Systems for Off-Road Work Machines, IBR approved for §1910.266(d)(3)(iv). [§1910.6(u)(3)]

(4) *SAE J397,* April 1988, Deflection Limiting Volume-ROPS/FOPS Laboratory Evaluation, IBR approved for §1910.266(f)(3)(iv).[§1910.6(u)(4)]

(5) *SAE 765 (1961)* SAE Recommended Practice: Crane Loading Stability Test Code, IBR approved for §1910.180 (c)(1)(iii) and (e)(2)(iii)(a).[§1910.6(u)(5)]

(6) *SAE J1040,* April 1988, Performance Criteria for Rollover Protective Structures (ROPS) for Construction, Earthmoving, Forestry and Mining Machines, IBR approved for §1910.266(f)(3)(ii).[§1910.6(u)(6)]

(v) The following material is available for purchase from the Fertilizer Institute, 1015 18th Street NW, Washington, DC 20036:[§1910.6(v)]

(1) *Standard M-1 (1953,* 1955, 1957, 1960, 1961, 1963, 1965, 1966, 1967, 1968), Superseded by ANSI K61.1-1972, IBR approved for §1910.111(b)(1)(i) and (iii).[§1910.6(v)(1)]

(2) *[Reserved]*[§1910.6(v)(2)]

(w) The following material is available for purchase from Underwriters Laboratories (UL), 207 East Ohio Street, Chicago, IL 60611:[§1910.6(w)]

(1) *UL 58-61 Steel* Underground Tanks for Flammable and Combustible Liquids, 5th Ed., IBR approved for §1910.106(b)(1)(iii)(a)(1).[§1910.6(w)(1)]

(2) *UL 80-63 Steel* Inside Tanks for Oil-Burner Fuel, IBR approved for §1910.106(b)(1)(iii)(a)(1).[§1910.6(w)(2)]

(3) *UL 142-68 Steel* Above Ground Tanks for Flammable and Combustible Liquids, IBR approved for §1910.106(b)(1)(iii)(a)(1).[§1910.6(w)(3)]

(x) The following material is available for purchase from the: International Code Council, Chicago District Office, 4051 W. Flossmoor Rd., Country Club Hills, IL 60478; *telephone:* 708-799-2300, x3-3801; *facsimile:* 001-708-799-4981; *e-mail: order@iccsafe.org.*[§1910.6(x)]

(1) *IFC-2009, International Fire* Code, copyright 2009, IBR approved for §§1910.34, 1910.35, 1910.36, and 1910.37. [§1910.6(x)(1)]

(2) *[Reserved]*[§1910.6(x)(2)]

(y) (1) *The following materials are available* for purchase from the International Standards Organization (ISO) through ANSI, 25 West 43rd Street, Fourth Floor, New York, NY 10036-7417; Telephone: 212-642-4980; Fax: 212-302-1286; Email: *info@ansi.org;* Web site: *http://www.ansi.org.*[§1910.6(y)(1)]

(2) *Documents not available in the ANSI* store may be purchased from:[§1910.6(y)(2)]

(i) *Document Center Inc.,* 111 Industrial Road, Suite 9, Belmont, 94002; Telephone: 650-591-7600; Fax: 650-591-7617; Email: *info@document-center.com; Web site: www.document-center.com.*[§1910.6(y)(2)(i)]

(ii) *DECO — Document Engineering Co.,* Inc., 15210 Stagg Street, Van Nuys, CA 91405; Telephone: 800-645-7732 or 818-782-1010; Fax: 818-782-2374; Email: *doceng@doceng.com;* Web site: *www.doceng.com*[§1910.6(y)(2)(ii)]

(iii) *Global Engineering Documents,* 15 Inverness Way East, Englewood, CO 80112; Telephone: 1-800-854-7179 or 303-397-7956; Fax: 303-397-2740; Email: *global@ihs.com;* Web sites: *http://global.ihs.com* or *http://www.store.ihs.com;*[§1910.6(y)(2)(iii)]

(iv) *ILI Infodisk,* Inc., 610 Winters Avenue, Paramus, NJ 07652; Telephone: 201-986-1131; Fax: 201-986-7886; Email: *sales@ili-info.com;* Web site: *www.ili-info.com.*[§1910.6(y)(2)(iv)]

(v) *Techstreet, a business of Thomson* Reuters, 3916 Ranchero Drive, Ann Arbor, MI 48108; Telephone: 800-699-9277 or 734-780-8000; Fax: 734-780-2046; Email: *techstreet.service@thomsonreuters.com;* Web site: *www.Techstreet.com.*[§1910.6(y)(2)(v)]

(3) *ISO 10156:1996 (E),* Gases and Gas Mixtures — Determination of Fire Potential and Oxidizing Ability for the Selection of Cylinder Valve Outlets, Second Edition, Feb. 15, 1996, IBR approved for Appendix B to §1910.1200.[§1910.6(y)(3)]

(4) *ISO 10156-2:2005 (E),* Gas cylinders — Gases and Gas Mixtures — Part 2: Determination of Oxidizing Ability of Toxic and Corrosive Gases and Gas Mixtures, First Edition, Aug. 1, 2005, IBR approved for Appendix B to §1910.1200.[§1910.6(y)(4)]

(5) *ISO 13943:2000 (E/F),* Fire Safety — Vocabulary, First Edition, April, 15, 2000, IBR approved for Appendix B to §1910.1200. [§1910.6(y)(5)]

(z) (1) *The following document is available* for purchase from United Nations Publications, Customer Service, c/o National Book Network, 15200 NBN Way, PO Box 190, Blue Ridge Summit, PA 17214; telephone: 1-888-254-4286; fax: 1-800-338-4550; email: *unpublications@nbnbooks.com*. Other distributors of United Nations Publications include:[§1910.6(z)(1)]

(i) *Bernan, 15200 NBN* Way, Blue Ridge Summit, PA 17214; telephone: 1-800-865-3457; fax: 1-800-865-3450; email: *customercare@bernan;* Web site: *http://www.bernan.com;* and[§1910.6(z)(1)(i)]

(ii) *Renouf Publishing Co.* Ltd., 812 Proctor Avenue, Ogdensburg, NY 13669-2205; telephone: 1-888-551-7470; Fax: 1-888-551-7471; email: *orders@renoufbooks.com;* Web site: *http://www.renoufbooks.com.*[§1910.6(z)(1)(ii)]

(2) *UN ST/SG/AC.10/Rev.4,* The UN Recommendations on the Transport of Dangerous Goods, Manual of Tests and Criteria, Fourth Revised Edition, 2003, IBR approved for Appendix B to §1910.1200.[§1910.6(z)(2)]

[39 FR 23502, June 27, 1974]

§1910.7

✉ Definition and requirements for a nationally recognized testing laboratory

(a) ✉ Application. This section shall apply only when the term nationally recognized testing laboratory is used in other sections of this part.[§1910.7(a)]

(b) Laboratory requirements.[§1910.7(b)]

The term nationally recognized testing laboratory (NRTL) means an organization which is recognized by OSHA in accordance with appendix A of this section and which tests for safety, and lists or labels or accepts, equipment or materials and which meets all of the following criteria:

(1) *For each specified item of equipment* or material to be listed, labeled or accepted, the NRTL has the capability (including proper testing equipment and facilities, trained staff, written testing procedures, and calibration and quality control programs) to perform:

(i) *Testing and examining of equipment* and materials for workplace safety purposes to determine conformance with appropriate test standards; or

(ii) *Experimental testing and examining* of equipment and materials for workplace safety purposes to determine conformance with appropriate test standards or performance in a specified manner.

(2) *The NRTL shall provide,* to the extent needed for the particular equipment or materials listed, labeled, or accepted, the following controls or services:

(i) *Implements control procedures* for identifying the listed and labeled equipment or materials;

(ii) *Inspects the run of production* of such items at factories for product evaluation purposes to assure conformance with the test standards; and

(iii) *Conducts field inspections* to monitor and to assure the proper use of its identifying mark or labels on products;

(3) *The NRTL is completely independent* of employers subject to the tested equipment requirements, and of any manufacturers or vendors of equipment or materials being tested for these purposes; and,

(4) *The NRTL maintains effective* procedures for:

(i) *Producing creditable findings* or reports that are objective and without bias; and

(ii) *Handling complaints and disputes* under a fair and reasonable system.

(c) Test standards. An appropriate test standard referred to in §1910.7(b)(1)(i) and (ii) is a document which specifies the safety requirements for specific equipment or class of equipment and is:[§1910.7(c)]

(1) *Recognized in the United States* as a safety standard providing an adequate level of safety, and[§1910.7(c)(1)]

(2) *Compatible with and maintained current* with periodic revisions of applicable national codes and installation standards, and[§1910.7(c)(2)]

(3) *Developed by a standards developing organization* under a method providing for input and consideration of views of industry groups, experts, users, consumers, governmental authorities, and others having broad experience in the safety field involved, or[§1910.7(c)(3)]

A

General

(4) *In lieu of paragraphs* (c)(1), (2), and (3), the standard is currently designated as an American National Standards Institute (ANSI) safety-designated product standard or an American Society for Testing and Materials (ASTM) test standard used for evaluation of products or materials.[§1910.7(c)(4)]

(d) Alternative test standard. If a testing laboratory desires to use a test standard other than one allowed under paragraph (c) of this section, then the Assistant Secretary of Labor shall evaluate the proposed standard to determine that it provides an adequate level of safety before it is used.[§1910.7(d)]

(e) Implementation. A testing organization desiring recognition by OSHA as an NRTL shall request that OSHA evaluate its testing and control programs against the requirements in this section for any equipment or material it may specify. The recognition procedure shall be conducted in accordance with appendix A to this section.[§1910.7(e)]

(f) Fees.[§1910.7(f)]

(1) *Each applicant for NRTL recognition* and each NRTL must pay fees for services provided by OSHA in advance of the provision of those services. OSHA will assess fees for the following services:[§1910.7(f)(1)]

(i) *Processing of applications for initial* recognition, expansion of recognition, or renewal of recognition, including on-site reviews; review and evaluation of the applications; and preparation of reports, evaluations and Federal Register notices; and[§1910.7(f)(1)(i)]

(ii) *Audits of sites.*[§1910.7(f)(1)(ii)]

(2) *The fee schedule established by OSHA* reflects the full cost of performing the activities for each service listed in paragraph (f)(1) of this section. OSHA calculates the fees based on either the average or actual time required to perform the work necessary; the staff costs per hour (which include wages, fringe benefits, and expenses other than travel for personnel that perform or administer the activities covered by the fees); and the average or actual costs for travel when on-site reviews are involved. The formula for the fee calculation is as follows:[§1910.7(f)(2)]

Activity Fee = [Average (or Actual) Hours to Complete the Activity × Staff Costs per Hour] + Average (or Actual) Travel Costs

(3) (i) *OSHA will review the full* costs periodically and will propose a revised fee schedule, if warranted. In its review, OSHA will apply the formula established in paragraph (f)(2) of this section to the current estimated full costs for the NRTL Program. If a change is warranted, OSHA will follow the implementation shown in paragraph (f)(4) of this section.[§1910.7(f)(3)(i)]

(ii) *OSHA will publish all fee schedules* in the Federal Register. Once published, a fee schedule remains in effect until it is superseded by a new fee schedule. Any member of the public may request a change to the fees included in the current fee schedule. Such a request must include appropriate documentation in support of the suggested change. OSHA will consider such requests during its annual review of the fee schedule.[§1910.7(f)(3)(ii)]

(4) *OSHA will implement periodic* review, and fee assessment, collection, and payment, as follows:[§1910.7(f)(4)]

Milestones/Dates	Action required
I. Periodic Review of Fee Schedule	
When review completed	OSHA will publish any proposed new fee schedule in the Federal Register if OSHA determines that costs warrant changes in the fee schedule.
Fifteen days after publication	Comments due on the proposed new fee schedule.
When OSHA approves the fee schedule	OSHA will publish the final fee schedule in the Federal Register, making the fee schedule effective on a specific date.
II. Application Processing Fees	
Time of application	Applicant must pay the applicable fees in the fee schedule that are due when submitting an application; OSHA will not begin processing the application until it receives the fees.
Before assessment performed	Applicant must pay the estimated staff time and travel costs for its assessment based on the fees in effect at the time of the assessment. Applicant also must pay the fees for the final report and Federal Register notice, and other applicable fees, as specified in the fee schedule. OSHA may cancel an application if the applicant does not pay these fees, or any balance of these fees, when due.

(continued)

Milestones/Dates	Action required
III. Audit Fees	
Before audit performed	NRTL must pay the estimated staff time and travel costs for its audit based on the fees in effect at the time of the audit. NRTL also must pay other applicable fees, as specified in the fee schedule. After the audit, OSHA adjusts the audit fees to account for the actual costs for travel and staff time.
On due date	NRTL must pay the estimated audit fees, or any balance due, by the due date established by OSHA; OSHA will assess a late fee if NRTL does not pay audit fees (or any balance of fees due) by the due date. OSHA may still perform the audit when an NRTL does not pay the fees or does not pay them on time.
Thirty days after due date or, if earlier, date NRTL refuses to pay	OSHA will begin processing a notice for publication in the Federal Register announcing its plan to revoke recognition for NRTLs that do not pay the estimated audit fees and any balance of audit fees due.

Note: For the purposes of 29 CFR 1910.7(f)(4), **"days"** means "calendar days," and **"applicant"** means "the NRTL" or "an applicant for NRTL recognition."

(5) *OSHA will provide details* about how to pay the fees through appropriate OSHA Program Directives, which will be available on the OSHA web site.[§1910.7(f)(5)]

§1910.7 Appendix A

OSHA Recognition Process for Nationally Recognized Testing Laboratories

Introduction

This appendix provides requirements and criteria which OSHA will use to evaluate and recognize a Nationally Recognized Testing Laboratory (NRTL). This process will include the evaluation of the product evaluation and control programs being operated by the NRTL, as well as the NRTL's testing facilities being used in its program. In the evaluation of the NRTLs, OSHA will use either consensus-based standards currently in use nationally, or other standards or criteria which may be considered appropriate. This appendix implements the definition of NRTL in 29 CFR 1910.7 which sets out the criteria that a laboratory must meet to be recognized by OSHA (initially and on a continuing basis). The appendix is broader in scope, providing procedures for renewal, expansion and revocation of OSHA recognition. Except as otherwise provided, the burden is on the applicant to establish by a preponderance of the evidence that it is entitled to recognition as an NRTL. If further detailing of these requirements and criteria will assist the NRTLs or OSHA in this activity, this detailing will be done through appropriate OSHA Program Directives.

I. Procedures for Initial OSHA Recognition.

A. *Applications.*

1. *Eligibility.*

a. *Any testing agency or organization* considering itself to meet the definition of nationally recognized testing laboratory as specified in §1910.7 may apply for OSHA recognition as an NRTL.

b. *However,* in determining eligibility for a foreign-based testing agency or organization, OSHA shall take into consideration the policy of the foreign government regarding both the acceptance in that country of testing data, equipment acceptances, and listings, and labeling, which are provided through nationally recognized testing laboratories recognized by the Assistant Secretary, and the accessibility to government recognition or a similar system in that country by U.S.-based safety-related testing agencies, whether recognized by the Assistant Secretary or not, if such recognition or a similar system is required by that country.

2. *Content of application.*

a. *The applicant shall provide sufficient* information and detail demonstrating that it meets the requirements set forth in §1910.7, in order for an informed decision concerning recognition to be made by the Assistant Secretary.

b. *The applicant also shall identify* the scope of the NRTL-related activity for which the applicant wishes to be recognized. This will include identifying the testing methods it will use to test or judge the specific equipment and materials for which recognition is being requested, unless such test methods are already specified in the test standard. If

requested to do so by OSHA, the applicant shall provide documentation of the efficacy of these testing methods.

c. *The applicant may include whatever* enclosures, attachments, or exhibits the applicant deems appropriate. The application need not be submitted on a Federal form.

3. *Filing office location.* The application shall be filed with: NRTL Recognition Program, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210.

4. *Amendments and withdrawals.*

a. *An application may be revised by an applicant* at any time prior to the completion of activity under paragraph I.B.4. of this appendix.

b. *An application may be withdrawn by an applicant,* without prejudice, at any time prior to the final decision by the Assistant Secretary in paragraph I.B.7.c. of this appendix.

B. *Review and Decision Process;* Issuance or Renewal.

1. *Acceptance and on-site review.*

a. *Applications submitted by eligible* testing agencies will be accepted by OSHA, and their receipt acknowledged in writing. After receipt of an application, OSHA may request additional information if it believes information relevant to the requirements for recognition has been omitted.

b. *OSHA shall,* as necessary, conduct an on-site review of the testing facilities of the applicant, as well as the applicant's administrative and technical practices, and, if necessary, review any additional documentation underlying the application.

c. *These on-site reviews* will be conducted by qualified individuals technically expert in these matters, including, as appropriate, non-Federal consultants/contractors acceptable to OSHA. The protocol for each review will be based on appropriate national consensus standards or international guides, with such additions, changes, or deletions as may be considered necessary and appropriate in each case by OSHA. A written report shall be made of each on-site review and a copy shall be provided to the applicant.

2. *Positive finding by staff.* If, after review of the application, and additional information, and the on-site review report, the applicant appears to have met the requirements for recognition, a written recommendation shall be submitted by the responsible OSHA personnel to the Assistant Secretary that the application be approved, accompanied by a supporting explanation.

3. *Negative finding by staff.*

a. *Notification to applicant.* If, after review of the application, any additional information and the on-site review report, the applicant does not appear to have met the requirements for recognition, the responsible OSHA personnel shall notify the applicant in writing, listing the specific requirements of §1910.7 and this appendix which the applicant has not met, and allow a reasonable period for response.

b. *Revision of application.*

[i] *After receipt of a notification* of negative finding (i.e., for intended disapproval of the application), and within the response period provided, the applicant may:

[a] *Submit a revised application* for further review, which could result in a positive finding by the responsible OSHA personnel pursuant to subsection I.B.2. of this appendix; or

[b] *Request that the original application* be submitted to the Assistant Secretary with an attached statement of reasons, supplied by the applicant of why the application should be approved.

[ii] *This procedure for applicant notification* and potential revision shall be used only once during each recognition process.

4. *Preliminary finding by Assistant Secretary.*

a. *The Assistant Secretary,* or a special designee for this purpose, will make a preliminary finding as to whether the applicant has or has not met the requirements for recognition, based on the completed application file, the written staff recommendation, and the statement of reasons supplied by the applicant if there remains a staff recommendation of disapproval.

b. *Notification of this preliminary finding* will be sent to the applicant and subsequently published in the Federal Register.

c. *This preliminary finding shall not be considered* an official decision by the Assistant Secretary or OSHA, and does not confer any change in status or any interim or temporary recognition for the applicant.

5. *Public review and comment period*

a. *The Federal Register notice* of preliminary finding will provide a period of not less than 30 calendar days for written comments on the applicant's fulfillment of the requirements for recognition. The application, supporting documents, staff recommendation, statement of applicant's reasons, and any comments received, will be available for public inspection in the OSHA Docket Office.

b. *Any member of the public,* including the applicant, may supply detailed reasons and evidence supporting or challenging the sufficiency of the applicant's having met the requirements of the definition in 29 CFR §1910.7 and this appendix. Submission of pertinent documents and exhibits shall be made in writing by the close of the comment period.

6. *Action after public comment*

a. *Final decision by Assistant* Secretary. Where the public review and comment record supports the Assistant Secretary's preliminary finding concerning the application, i.e., absent any serious objections or substantive claims contrary to the preliminary finding having been received in writing from the public during the comment period, the Assistant Secretary will proceed to final written decision on the application. The reasons supporting this decision shall be derived from the evidence available as a result of the full application, the supporting documentation, the staff finding, and the written comments and evidence presented during the public review and comment period.

b. *Public announcement.* A copy of the Assistant Secretary's final decision will be provided to the applicant. Subsequently, a notification of the final decision shall be published in the Federal Register. The publication date will be the effective date of the recognition.

c. *Review of final decision.* There will be no further review activity available within the Department of Labor from the final decision of the Assistant Secretary.

7. *Action after public objection.*

a. *Review of negative information.* At the discretion of the Assistant Secretary or his designee, OSHA may authorize Federal or contract personnel to initiate a special review of any information provided in the public comment record which appears to require resolution, before a final decision can be made.

b. *Supplementation of record.* The contents and results of special reviews will be made part of this record by the Assistant Secretary by either:

[i] *Reopening the written comment* period for public comments on these reviews; or

[ii] *Convening an informal hearing to accept* public comments on these reviews, conducted under applicable OSHA procedures for similar hearings.

c. *Final decision by the Assistant* Secretary. The Assistant Secretary shall issue a decision as to whether it has been demonstrated, based on a preponderance of the evidence, that the applicant meets the requirements for recognition. The reasons supporting this decision shall be derived from the evidence available as a result of the full application, the supporting documentation, the staff finding, the comments and evidence presented during the public review and comment period, and written to transcribed evidence received during any subsequent reopening of the written comment period or informal public hearing held.

d. *Public announcement.* A copy of the Assistant Secretary's final decision will be provided to the applicant, and a notification will be published in the Federal Register subsequently announcing the decision.

e. *Review of final decision.* There will be no further review activity available within the Department of Labor from the final decision of the Assistant Secretary.

C. *Terms and conditions of recognition.* The following terms and conditions shall be part of every recognition:

1. *Letter of recognition.* The recognition by OSHA of any NRTL will be evidenced by a letter of recognition from OSHA. The letter will provide the specific details of the scope of the OSHA recognition, including the specific equipment or materials for which OSHA recognition has been granted, as well as any specific conditions imposed by OSHA.

2. *Period of recognition.* The recognition by OSHA of each NRTL will be valid for five years, unless terminated before the expiration of the period. The dates of the period of recognition will be stated in the recognition letter.

3. *Constancy in operations.* The recognized NRTL shall continue to satisfy all the requirements or limitations in the letter of recognition during the period of recognition.
4. *Accurate publicity.* The OSHA-recognized NRTL shall not engage in or permit others to engage in misrepresentation of the scope or conditions of its recognition.
5. *Temporary Recognition of Certain NRTLs.*
   a. *Notwithstanding all other requirements and provisions* of §1910.7 and this appendix, the following two organizations are recognized temporarily as nationally recognized testing laboratories by the Assistant Secretary for a period of five years beginning June 13, 1988 and ending on July 13, 1993:
      [i] *Underwriters Laboratories,* Inc., 333 Pfingsten Road, Northbrook, Illinois 60062.
      [ii] *Factory Mutual Research* Corporation, 1151 Boston-Providence Turnpike, Norwood, Massachusetts 02062.
   b. *At the end of the five-year period,* the two temporarily recognized laboratories shall apply for renewal of OSHA recognition utilizing the following procedures established for renewal of OSHA recognition.

II. Supplementary Procedures.

A. *Test standard changes.*

A recognized NRTL may change a testing standard or elements incorporated in the standard such as testing methods or pass-fail criteria by notifying the Assistant Secretary of the change, certifying that the revised standard will be at least as effective as the prior standard, and providing the supporting data upon which its conclusions are based. The NRTL need not inform the Assistant Secretary of minor deviations from a test standard such as the use of new instrumentation that is more accurate or sensitive than originally called for in the standard. The NRTL also need not inform the Assistant Secretary of its adoption of revisions to third-party testing standards meeting the requirements of §1910.7(c)(4), if such revisions have been developed by the standards developing organization, or of its adoption of revisions to other third-party test standards which the developing organization has submitted to OSHA. If, upon review, the Assistant Secretary or his designee determines that the proposed revised standard is not "substantially equivalent" to the previous version with regard to the level of safety obtained, OSHA will not accept the proposed testing standard by the recognized NRTL, and will initiate discontinuance of that aspect of OSHA-recognized activity by the NRTL by modification of the official letter of recognition. OSHA will publicly announce this action and the NRTL will be required to communicate this OSHA decision directly to affected manufacturers.

B. *Expansion of current recognition.*

1. *Eligibility.* A recognized NRTL may apply to OSHA for an expansion of its current recognition to cover other categories of NRTL testing in addition to those included in the current recognition.
2. *Procedure.*
   a. *OSHA will act upon* and process the application for expansion in accordance with subsection I.B. of this appendix, except that the period for written comments, specified in paragraph 5.a of subsection I.B. of this appendix, will be not less than 15 calendar days.
   b. *In that process,* OSHA may decide not to conduct an on-site review, where the substantive scope of the request to expand recognition is closely related to the current area of recognition.
   c. *The expiration date for each expansion* of recognition shall coincide with the expiration date of the current basic recognition period.

C. *Renewal of OSHA recognition.*

1. *Eligibility.* A recognized NRTL may renew its recognition by filing a renewal request at the address in paragraph I.A.3. of this appendix not less than nine months, nor more than one year, before the expiration date of its current recognition.
2. *Procedure.*
   a. *OSHA will process the renewal* request in accordance with subsection I.B. of this appendix, except that the period for written comments, specified in paragraph 5.a of subsection I.B. of this appendix, will be not less than 15 calendar days.
   b. *In that process,* OSHA may determine not to conduct the on-site reviews in I.B.1.a. where appropriate.
   c. *When a recognized NRTL has* filed a timely and sufficient renewal request, its current recognition will not expire until a final decision has been made by OSHA on the request.
   d. *After the first renewal* has been granted to the NRTL, the NRTL shall apply for a continuation of its recognition status every five years by submitting a renewal request. In lieu of submitting a renewal request after the initial renewal, the NRTL may certify its continuing compliance with the terms of its letter of recognition and 29 CFR 1910.7.
3. *Alternative procedure.* After the initial recognition and before the expiration thereof, OSHA may (for good cause) determine that there is a sufficient basis to dispense with the renewal requirement for a given laboratory and will so notify the laboratory of such a determination in writing. In lieu of submitting a renewal request, any laboratory so notified shall certify its continuing compliance with the terms of its letter of recognition and 29 CFR 1910.7.

D. *Voluntary termination of recognition.*

At any time, a recognized NRTL may voluntarily terminate its recognition, either in its entirety or with respect to any area covered in its recognition, by giving written notice to OSHA. The written notice shall state the date as of which the termination is to take effect. The Assistant Secretary shall inform the public of any voluntary termination by Federal Register notice.

E. *Revocation of recognition by OSHA.*

1. *Potential causes.* If an NRTL either has failed to continue to substantially satisfy the requirements of §1910.7 or this appendix, or has not been reasonably performing the NRTL testing requirements encompassed within its letter of recognition, or has materially misrepresented itself in its applications or misrepresented the scope or conditions of its recognition, the Assistant Secretary may revoke the recognition of a recognized NRTL, in whole or in part. OSHA may initiate revocation procedures on the basis of information provided by any interested person.
2. *Procedure.*
   a. *Before proposing to revoke* recognition, the Agency will notify the recognized NRTL in writing, giving it the opportunity to rebut or correct the alleged deficiencies which would form the basis of the proposed revocation, within a reasonable period.
   b. *If the alleged deficiencies* are not corrected or reconciled within a reasonable period, OSHA will propose, in writing to the recognized NRTL, to revoke recognition. If deemed appropriate, no other announcement need be made by OSHA.
   c. *The revocation shall be effective in 60* days unless within that period the recognized NRTL corrects the deficiencies or requests a hearing in writing.
   d. *If a hearing is requested,* it shall be held before an administrative law judge of the Department of Labor pursuant to the rules specified in 29 CFR part 1905, subpart C.
   e. *The parties shall be OSHA and the recognized* NRTL. The Assistant Secretary may allow other interested persons to participate in these hearings if such participation would contribute to the resolution of issues germane to the proceeding and not cause undue delay.
   f. *The burden of proof shall be on OSHA* to demonstrate by a preponderance of the evidence that the recognition should be revoked because the NRTL is not meeting the requirements for recognition, has not been reasonably performing the product testing functions as required by §1910.7, this appendix A, or the letter of recognition, or has materially misrepresented itself in its applications or publicity.
3. *Final decision.*
   a. *After the hearing,* the Administrative Law Judge shall issue a decision stating the reasons based on the record as to whether it has been demonstrated, based on a preponderance of evidence, that the applicant does not continue to meet the requirements for its current recognition.
   b. *Upon issuance of the decision,* any party to the hearing may file exceptions within 20 days pursuant to 29 CFR 1905.28. If no exceptions are filed, this decision is the final decision of the Assistant Secretary. If objections are filed, the Administrative Law Judge shall forward the decision, exceptions and record to the Assistant Secretary for the final decision on the proposed revocation.
   c. *The Assistant Secretary will review* the record, the decision by the Administrative Law Judge, and the exceptions filed. Based on this, the Assistant Secretary shall issue the final decision as to whether it has been demonstrated, by a preponderance of evidence, that the recognized NRTL has not continued to meet the requirements for OSHA recognition. If the Assistant Secretary finds that the NRTL does not meet the NRTL recognition requirements, the recognition will be revoked.