



## Legislative & Regulatory Action Center

# COMPLIANCE BULLETIN

January 17, 2008

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### OSHA INJURY AND ILLNESS REPORTING REQUIREMENTS

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#### WHO THIS APPLIES TO:

All petroleum marketers and retailers, including heating oil and propane dealers, with establishments that have more than ten (10) employees. These establishments must maintain injury and illness reports and records. An “establishment” is an economic unit (identified by NAICS code), generally at a **single physical location** where business is conducted or services rendered.

#### BACKGROUND:

The U.S. Occupational Health and Safety Administration (OSHA) requires that employers record, maintain and post records of injuries and illnesses occurring in the workplace for each calendar year. The 2007 posting cycle for OSHA’s workplace injury and illness reporting rule beings on February 1, 2008. The 2007 cycle is the sixth posting since OSHA finalized major revisions to the reporting rule in 2001.

#### COMPLIANCE DEADLINE: February 1, 2008

#### EXEMPTIONS:

Any *single* establishment with ten or fewer employees is exempt.

Additionally, please make note of the following:

- **Gasoline Service Stations (NAICS Code 447190)** are **exempt** from the OSHA injury and illness reporting requirements.
- **Convenience Food Stores with Gasoline Service Stations (NAICS Code 447110)**, where the c-store and station are combined at the same establishment, exemption will then depend on the “primary activity.” The “primary activity” is determined by value of receipts for each business activity. If the value of the receipts for the gasoline sales is greater than c-store sales, then the establishment is classified as a Gasoline Service Station and is **exempt** from the requirement.
- **Petroleum Bulk Plants (NAICS Code 424710)** are **NOT exempt** from the recording rule unless there are 10 or fewer employees working at the bulk plant or company headquarters. This category includes motor fuel, heating oil and propane bulk facilities.
- **Petroleum and Petroleum Products Merchant Wholesalers – No Bulk Facilities (NAICS 424720)** are **not exempt** from the OSHA injury and illness recording rule unless there are 10 or fewer employees working at their company headquarters. This category includes motor fuel, heating oil and propane wholesalers.

## FORMS AND INSTRUCTIONS:

The following forms are required for compliance:

1. **OSHA FORM 301 (“the record”)**: This form is used to record an individual work related injury or illness. Each incident of work related injuries and illness must be recorded no later than seven days after the injury or illness was first reported.
2. **OHSa FORM 300 (“the log”)**: This is the log in which all work related injuries or illnesses must be reported throughout a cycle. The log must be certified by the highest ranking employee at the posting workplace, or by the immediate supervisor of the highest ranking company official at the workplace.
3. **OSHA FORM 300A (“the posting”)**: This is the form that must be posted. The posting is to contain a summary of all work related injuries and illnesses from the previous calendar year (2006) as recorded in the OHSa Form 300 log. Form 300A must be posted in a conspicuous place, such as a bulletin board, for employees to review between February 1st and April 30th, 2007. Each physical location must have a separate Form 300A posting. Employers with no recordable injuries or illnesses must include zeros on the total line.

## DOWNLOAD FORMS AND ADDITIONAL INFORMATION:

Visit [www.osha.gov](http://www.osha.gov) and click on “F” in the alphabet index at the top of the page, and then click on “forms.” In the search field, enter “OSHA 300,” click “search” and download all three forms and instructions.

**CAUTION!** States and territories including AS, AZ, CA, CT, HA, IN, IA, KY, MD, MI, MN, NV, NJ, NM, NY, NC, OR, SC, TN UT, VT, VA, WA and WY have their own state OSHA programs that follow federal rules but may vary slightly. Contact the appropriate government agency or fuel dealer association in your state for more information.

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### **YOUR HELP IS NEEDED AND APPRECIATED!**

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