

§ 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.

[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.

[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.*)

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

(c) *Working days* means Mondays through Fridays but shall not include Saturdays, Sundays, or Federal holi-

days. 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.

(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.

(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.

(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.

(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 re-inspection, followup inspection, accident investigation or other inspection conducted under section 8(a) of the Act.

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PART 1904—RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

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AUTHORITY: Secs. 8, 24, Occupational Safety and Health Act of 1970 (29 U.S.C. 657, 673), Secretary of Labor's Order No. 12-71 (36 FR 8754), 8-76 (41 FR 25059), 9-83 (48 FR 35736), 1-90 (55 FR 9033) or 6-96 (62 FR 111), as applicable.

Sections 1904.7, 1904.8 and 1904.17 are also issued under 5 U.S.C. 553.

SOURCE: 36 FR 12612, July 2, 1971, unless otherwise noted.

§ 1904.1 Purpose and scope.

The regulations in this part implement sections 8(c) (1), (2), 8(g)(2), and 24 (a) and (e) of the Occupational Safety and Health Act of 1970. These sections provide for recordkeeping and reporting by employers covered under the act as necessary or appropriate for enforcement of the act, for developing information regarding the causes and prevention of occupational accidents and illnesses, and for maintaining a program of collection, compilation, and analysis of occupational safety and health statistics. The regulations in this part were promulgated with the cooperation of the Secretary of Health, Education, and Welfare.

§ 1904.2 Log and summary of occupational injuries and illnesses.

(a) Each employer shall, except as provided in paragraph (b) of this section, (1) maintain in each establishment a log and summary of all recordable occupational injuries and illnesses for that establishment; and (2) enter each recordable injury and illness on the log and summary as early as practicable but no later than 6 working days after receiving information that a recordable injury or illness has occurred. For this purpose form OSHA No. 200 or an equivalent which is as readable and comprehensible to a person not familiar with it shall be used. The log and summary shall be completed in the detail provided in the form and instructions on form OSHA No. 200.

(b) Any employer may maintain the log of occupational injuries and illnesses at a place other than the establishment or by means of data-processing equipment, or both, under the following circumstances:

(1) There is available at the place where the log is maintained sufficient information to complete the log to a date within 6 working days after receiving information that a recordable case has occurred, as required by paragraph (a) of this section.

(2) At each of the employer's establishments, there is available a copy of the log which reflects separately the