

## PART 1904—RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

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AUTHORITY: 29 U.S.C. 657, 658, 660, 666, 669, 673. Secretary of Labor's Order No. 3-2000 (65 FR 50017), and 5 U.S.C. 533.

SOURCE: 66 FR 6122, Jan. 19, 2001, unless otherwise noted.

### 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.

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.* (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.