



EMA COMPLIANCE BULLETIN

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ANNUAL OSHA WORKPLACE INJURY AND ILLNESS POSTING BEGINS FEBRUARY 1st

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The 2023 posting cycle for OSHA's workplace injury and illness reporting rule begins on February 1, 2024 and runs through April 30. The OSHA injury and illness recording and posting requirements apply to *most* establishments (workplaces) with more than 10 employees. OSHA requires employers to record and post all work-related injuries occurring during the *previous* calendar year. The following list identifies establishments within the petroleum marketing industry and indicates whether the establishment must comply with the OSHA Injury and Illness recording and posting requirements:

I. MUST MY WORKPLACE COMPLY?

Exempt Workplaces:

- ***Gasoline Service Stations (without c-stores) (NAICS Code 447190)*** are exempt from the OSHA injury and illness requirements regardless of the number of employees.
- ***Gasoline Stations with Convenience Stores (NAICS Code 447110)*** are exempt from OSHA illness and injury requirements regardless of the number of employees.

Covered Workplaces:

- ***Petroleum Bulk Plants (NAICS Code 424710)*** with more than 10 employees working at the bulk plant or company headquarters must comply with the OSHA injury and illness requirements. This category includes motor fuel, heating oil and propane bulk facilities.
- ***Petroleum and Petroleum Products Merchant Wholesalers - No Bulk Facilities (NAICS 424720)*** with more than 10 employees must comply with the OSHA injury and illness requirements. This category includes motor fuel, heating oil and propane non-bulk facilities.
- ***Fuel Dealers -Retail (NAICS Code 454310)*** with more than 10 employees must comply with the OSHA injury and illness requirements. Fuel dealers include direct to consumer sellers of: alternative fuels, heating oil, LPG, bottled gas, jet fuel bulk stations, firewood and coal.

- **Plumbing, Heating and Air-Conditioning Contractors (NAICS 238220)** with more than 10 employees must comply with the OSHA injury and illness requirements. This industry comprises establishments primarily engaged in installing and servicing plumbing, heating, and air-conditioning equipment. Contractors in this industry may provide both parts and labor when performing work. The work performed may include new work, additions, alterations, maintenance, and repairs.

II. HOW DO I COMPLY?

Forms and Posting:

- **Form 300** - Employers are required to keep Form 300, *Injury and Illness Log* listing all injuries and illnesses that occur in the workplace throughout the reporting year.
- **Form 301** - Employers are required to use OSHA Form 301 to record each workplace injury and illness within seven days of occurrence.
- **Form 300A** - Employers are required to post Form 300A, the *Summary of Work-Related Injuries and Illnesses*, in a workplace every year from February 1 to April 30.
- OSHA Forms 300, 300A and 301 and Instructions are available at: <https://www.osha.gov/recordkeeping/RKforms.html>

Employee Access:

- Current and former employees, or their representatives, have the right to access injury and illness records. Upon request, employers must provide a copy of the relevant record(s) by the end of the next business day.

Recordable Injuries and Illnesses:

OSHA's definition of work-related injuries, illnesses and fatalities are those in which an event or exposure in the work environment either *cause or contributes* to the condition. In addition, an event or exposure in the work environment *significantly aggravates* a pre-existing injury or illness is also considered work-related. Injuries include, 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 (i.e. contact dermatitis), respiratory disorder (i.e. occupational asthma, pneumoconiosis), or poisoning (i.e. lead poisoning, solvent intoxication). The following injury and illnesses must be recorded:

- All work-related fatalities.
- All work-related injuries and illnesses that result in days away from work, restricted work or transfer to another job, loss of consciousness or medical treatment beyond first aid.
- All significant work-related injuries or illnesses 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.

- Illnesses include both acute and chronic illnesses, such as, but not limited to, a skin disease (i.e. contact dermatitis), respiratory disorder (i.e. occupational asthma, pneumoconiosis), or poisoning (i.e. lead poisoning, solvent intoxication).

A guide to identifying recordable injury and illnesses can be found in the FORM 300, 300A and 301 instructions at: <https://www.osha.gov/recordkeeping/RKforms.html>

IMPORTANT! All employers are required to notify OSHA by telephone or online when an employee is killed on the job or suffers a work-related hospitalization, amputation or loss of an eye. Fatalities must be reported within 8 hours, an inpatient hospitalization, amputation or loss of an eye must be reported within 24 hours. Go to <https://www.osha.gov/report.html> for OSHA reporting contacts.

IMPORTANT! *WA, OR, CA, NV, WY, UT, AZ, NM, MN, IA, IL, MI, IN, KY, TN, SC, NC, VA, NY, CT, VT, MA, ME, NJ, MD, HI* have their own state OSHA programs for private sector employees. These states follow federal rules but *may* vary slightly. Check your state OSHA website to determine whether any variations from the federal program exist. Go to <http://www.osha.gov/dcsp/osp/index.html> to find contact information for state programs.

III. WHERE CAN I GET MORE INFORMATION?

For more information go to: <https://www.osha.gov/recordkeeping/mmorgan@emamerica.org>