



EMA COMPLIANCE BULLETIN

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ANNUAL OSHA WORKPLACE INJURY AND ILLNESS POSTING BEGINS FEBRUARY 1st

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The 2022 posting cycle for OSHA's workplace injury and illness reporting rule begins on February 1, 2023 and runs through April 30. The OSHA injury and illness recordkeeping and reporting requirements generally apply to businesses with more than full time 10 employees or the hourly equivalent. However, certain businesses such as gasoline stations are exempt (see below). OSHA requires employers in regulated workplaces to record and post all work-related injuries occurring during the **previous** calendar year. The following list identifies sectors within the energy marketing industry that must comply and those that are exempt from the OSHA Injury and Illness recording and posting requirements:

I. MUST MY WORKPLACE COMPLY?

Exempt Workplaces:

- ***Small companies with no more than 10 full time employees or the hourly equivalent*** at any given time during the previous calendar year are exempt*. To calculate full time hourly equivalency, add up the number of paychecks issued throughout the previous year and divide it by the number of pay periods. The sum of this calculation is the number of full-time equivalent employees in the company. If the number is over 10, then compliance is required.
- ***Gasoline Service Stations (without c-stores) (NAICS Code 447190)*** are exempt from the OSHA injury and illness requirements regardless of the number of employees. However, gasoline stations must contact OSHA when an employee is killed on the job or suffers a work-related hospitalization, amputation or loss of an eye.
- ***Gasoline Stations with Convenience Stores (NAICS Code 447110)*** are exempt from the OSHA injury and illness requirements regardless of the number of employees. However, gasoline stations must contact OSHA when an employee is killed on the job or suffers a work-related hospitalization, amputation or loss of an eye.

*This exemption is limited. Exempt employers must comply with the injury and illness reporting requirements if requested in writing by OSHA. Also, **all** employers, both exempt and non-exempt must report all workplace fatalities, hospitalizations, amputations or loss of an eye to OSHA.

Workplaces that Must Comply:

- **Petroleum Bulk Plants (NAICS Code 424710)** with **more than** 10 employees (including drivers) 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 with 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 of workplace with 20-249 employees must electronically file Form 300A with OSHA (see below). This category includes the motor fuel, heating oil and propane non-bulk facilities without bulk plants.
- **Fuel Oil Dealers (NAICS Code 454310)** with **more than** 10 employees must comply with the OSHA injury and illness recordkeeping and posting requirements.
- **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 MUST 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. Electronic filing of Form 300A for required workplaces is due March 2 and can be filed [here](#).
- OSHA Forms 300, 300A and 301 and Instructions are available at: <https://www.osha.gov/recordkeeping/RKforms.html>
- 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 [OSHA FORM 301 Instructions](#).

IMPORTANT! All employers are required to notify OSHA by telephone or online within 24 hours when an employee is killed on the job or suffers a work-related hospitalization, amputation or loss of an eye. If an employer does not immediately learn of the hospitalization, amputation or loss of an eye; the employer must file a report within 8 hours of first learning of a fatality and within 24 hours of learning about a hospitalization, amputation or loss of any eye. To make a report:

- Call the nearest [OSHA office](#).
- Call the OSHA 24-hour hotline at **1-800-321-6742**.
- [Report online](#)

IMPORTANT! AK, AZ, CA, HA, IN, IA, KY, MD, MI, MN, NV, NM, NC, OR, SC, TN UT, VT, VA, WA and WY have their own state OSHA programs for private sector employers. 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 the [OSHA State Program Site](#) to find contact information for state programs.

III. WHERE CAN I GET MORE INFORMATION?

For more information go to the [OSHA Injury and Illness Reporting Site](#) or contact Mark S. Morgan, EMA Regulatory Counsel at: mmorgan@emamerica.org