



24-P15

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June 24, 2024

Representative Trevor Squirrell, Chair
Legislative Committee on Administrative Rules

Dear Representative Squirrell,

After reviewing the proposed rule, Legislative Counsel made VOSHA aware that both the annotated and clean text of the VOSHA rule submitted to LCAR for consideration (24-P15 - Vermont Occupational Safety and Health Administration/Improved Tracking of Workplace Injuries and Illnesses) contain errors.

In both documents, under 1904.41(a)(2), VOSHA had inadvertently included language that was deleted from the prior version of 1904.41(b)(1), which can be seen in the struck through version of that paragraph in the annotated document. The correct language for 1904.41(a)(2) is contained in both the annotated and clean text versions of 24-P15 as part of paragraph 1904.41(a)(1).

As a result, in the final version of the rule, VOSHA proposes to delete the incorrect language appearing in both the annotated and clean text versions and replace it with the correct version of 1904.41(a)(2), which will be moved from 1904.41(a)(1).

We hope this proposed change will not create confusion.

Sincerely,

A handwritten signature in cursive script that reads "Daniel A. Whipple".

Daniel A. Whipple
VOSHA Program Manager



Annotated
Text

- Part Number:

1904

- Part Number Title:

Recording and Reporting Occupational Injuries and Illnesses

- Subpart:

1904 Subpart E

- Subpart Title:

Reporting Fatality, Injury and Illness Information to the Government

- Standard Number:

1904.41

- Title:

Electronic submission of Employer Identification Number (EIN) and injury and illness records to OSHA.

§ 1904.41 Electronic submission of Employer Identification Number (EIN) and injury and illness records to OSHA.

§ 1904.41(a)(1)

Basic requirements -

Annual electronic submission of OSHA Form 300A Summary of Work-Related Injuries and Illnesses by establishments with 250 or more employees. If your establishment had 250 or more employees at any time during the previous calendar year, and this part requires your establishment to keep records, then you must electronically submit information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses to OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in paragraph (c) of this section of the year after the calendar year covered by the form (for example, 2019 for the 2018 form).

§ 1904.41(a)(1) Annual electronic submission of information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses.

- (i) If your establishment had 20–249 employees at any time during the previous calendar year, and your establishment is classified in an industry listed in appendix A to subpart E of this part, then you must electronically submit information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses to OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in paragraph (c) of this section of the year after the calendar year covered by the form.
- (ii) If your establishment had 250 or more employees at any time during the previous calendar year, and this part requires your establishment to keep records, then you must electronically submit information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses to OSHA or OSHA's designee. You must submit the information once a year, no later than the

date listed in paragraph (c) of this section of the year after the calendar year covered by the form.

1904.41(a)(2)

Annual electronic submission of information from OSHA Form 300 Log of Work-Related Injuries and Illnesses and OSHA Form 301 Injury and Illness Incident Report by establishments with 100 or more employees in designated industries. If your establishment had 100 or more employees at any time during the previous calendar year, and your establishment is classified in an industry listed in appendix B to subpart E of this part, then you must electronically submit information from OSHA Forms 300 and 301 to OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in paragraph (c) of this section of the year after the calendar year covered by the forms.

1904.41(a)(3)

Electronic submission of part 1904 records upon notification. Upon notification, you must electronically submit the requested information from your part 1904 records to OSHA or OSHA's designee.

1904.41(a)(4)

Electronic submission of the Employer Identification Number (EIN). For each establishment that is subject to these reporting requirements, you must provide the EIN used by the establishment.

1904.41(b)

Implementation -

1904.41(b)(1)

~~**Does every employer have to routinely submit this information to OSHA?** No, only two categories of employers must routinely submit this information. First, if your establishment had 250 or more employees at any time during the previous calendar year, and this part requires your establishment to keep records, then you must submit the required information to OSHA once a year. Second, if your establishment had 20 or more employees but fewer than 250 employees at any time during the previous calendar year, and your establishment is classified in an industry listed in appendix A to this subpart, then you must submit the required information to OSHA once a year. Employers in these two categories must submit the required information by the date listed in paragraph (c) of this section of the year after the calendar year covered by the form (for example, 2019 for the 2018 form). If you are not in either of these two categories, then you must submit the information to OSHA only if OSHA notifies you to do so for an individual data collection.~~

1904.41(b)(1) Does every employer have to routinely make an annual electronic submission of information from part 1904 injury and illness recordkeeping forms to OSHA? No, only three categories of employers must routinely submit information from these forms. The first category is establishments that had 20–249 employees at any time during the previous calendar year, and are classified in an industry listed in appendix A to this subpart; establishments in this category must submit the required information from Form 300A to OSHA once a year. The second category is establishments that had 250 or more employees at any time during the previous calendar year, and are required by this part to keep records; establishments in this category must submit the required information from Form 300A to OSHA

once a year. The third category is establishments that had 100 or more employees at any time during the previous calendar year, and are classified in an industry listed in appendix B to this subpart; establishments in this category must also submit the required information from Forms 300 and 301 to OSHA once a year, in addition to the required information from Form 300A. Employers in these three categories must submit the required information by the date listed in paragraph (c) of this section of the year after the calendar year covered by the form (for example, 2024 for the 2023 form(s)). If your establishment is not in any of these three categories, then you must submit the information to OSHA only if OSHA notifies you to do so for an individual data collection.

1904.41(b)(2)

Do part-time, seasonal, or temporary workers count as employees in the criteria for number of employees in paragraph (a) of this section? Yes, each individual employed in the establishment at any time during the calendar year counts as one employee, including full-time, part-time, seasonal, and temporary workers.

1904.41(b)(3)

*How will OSHA notify me that I must submit information as part of an individual data collection under paragraph (a)(3) of this section? OSHA will notify you by mail if you will have to submit information as part of an individual data collection under paragraph (a)(3). OSHA will also announce individual data collections through publication in the **Federal Register** and the OSHA newsletter, and announcements on the OSHA website. If you are an employer who must routinely submit the information, then OSHA will not notify you about your routine submittal.*

1904.41(b)(4)

When do I have to submit the information? If you are required to submit information under paragraph (a)(1) or (2) of this section, then you must submit the information once a year, by the date listed in paragraph (c) of this section of the year after the calendar year covered by the form (for example, 2019 for the 2018 form). If you are submitting information because OSHA notified you to submit information as part of an individual data collection under paragraph (a)(3) of this section, then you must submit the information as specified in the notification.

1904.41(b)(5)

How do I submit the information? You must submit the information electronically. OSHA will provide a secure website for the electronic submission of information. For individual data collections under paragraph (a)(3) of this section, OSHA will include the website's location in the notification for the data collection.

1904.41(b)(6)

Do I have to submit information if my establishment is partially exempt from keeping OSHA injury and illness records? If you are partially exempt from keeping injury and illness records under §§ 1904.1 and/or 1904.2, then you do not have to routinely submit information under paragraphs (a)(1) and (2) of this section. You will have to submit information under paragraph (a)(3) of this section if OSHA informs you in writing that it will collect injury and illness information from you. If you receive such a

notification, then you must keep the injury and illness records required by this part and submit information as directed.

1904.41(b)(7)

Do I have to submit information if I am located in a State Plan State? Yes, the requirements apply to employers located in State Plan States.

1904.41(b)(8)

May an enterprise or corporate office electronically submit information for its establishment(s)? Yes, if your enterprise or corporate office had ownership of or control over one or more establishments required to submit information under paragraph (a) of this section, then the enterprise or corporate office may collect and electronically submit the information for the establishment(s).

1904.41(b)(9)

If I have to submit information under paragraph (a)(2) of this section, do I have to submit all of the information from the recordkeeping forms? No, you are required to submit all of the information from the forms except the following: (i) Log of Work-Related Injuries and Illnesses (OSHA Form 300): Employee name (column B). (ii) Injury and Illness Incident Report (OSHA Form 301): Employee name (field 1), employee address (field 2), name of physician or other health care professional (field 6), facility name and address if treatment was given away from the worksite (field 7).

1904.41(b)(10)

My company uses numbers or codes to identify our establishments. May I use numbers or codes as the establishment name in my submission? Yes, you may use numbers or codes as the establishment name. However, the submission must include a legal company name, either as part of the establishment name or separately as the company name.

1904.41(c)

Reporting dates:

1904.41(c)(1)

~~In 2017 and 2018, establishments required to submit under paragraph (a)(1) or (2) of this section must submit the required information according to the table in this paragraph (c)(1):~~

Establishments Required to Submit Table	
Submission year	Establishments submitting under paragraph (a)(1) of this section must submit the required information from this form/these forms:
2017	300A
2018	300A, 300, 301

1904.41(c)(2)

Beginning in 2019, establishments that are required to submit under paragraph (a)(1) or (2) of this section will have to submit all of the required information by March 2 of the year after the calendar year covered by the form or forms (for example, by March 2, 2019, for the forms covering 2018). must submit all of the required information by March 2 of the year after the calendar year covered by the form(s) (for example, by March 2, 2024, for the forms covering 2023).

[81 FR 29692, May 12, 2016, as amended at 82 FR 55765, Nov. 24, 2017; 84 FR 405-406, January 25, 2019

1904.41 (c)

Reporting dates.

(c) Establishments that are required to submit under paragraph (a)(1) or (2) of this section must submit all of the required information by March 2 of the year after the calendar year covered by the form(s) (for example, by March 2, 2024, for the forms covering 2023).

APPENDIX A TO SUBPART E OF PART 1904—

DESIGNATED INDUSTRIES FOR §1904.41(A)(2) ANNUAL ELECTRONIC SUBMISSION OF OSHA FORM 300A SUMMARY OF WORK RELATED INJURIES AND ILLNESSES BY ESTABLISHMENTS WITH 20 OR MORE EMPLOYEES BUT FEWER THAN 250 EMPLOYEES IN DESIGNATED INDUSTRIES

NAICS — Industry

11 — Agriculture, forestry, fishing and hunting.

22 — Utilities.

23 — Construction.

31-33 — Manufacturing.

42 — Wholesale trade.

4413 — Automotive parts, accessories, and tire stores.

4421 — Furniture stores.

4422 — Home furnishings stores.

4441 — Building material and supplies dealers.

4442 — Lawn and garden equipment and supplies stores.

4451 — Grocery stores.

4452 — Specialty food stores.

4521 — Department stores.

4529—Other general merchandise stores.

4533—Used merchandise stores.

4542—Vending machine operators.

4543—Direct selling establishments.

4811—Scheduled air transportation.

4841—General freight trucking.

4842—Specialized freight trucking.

4851—Urban transit systems.

4852—Interurban and rural bus transportation.

4853—Taxi and limousine service.

4854—School and employee bus transportation.

4855—Charter bus industry.

4859—Other transit and ground passenger transportation.

4871—Scenic and sightseeing transportation, land.

4881—Support activities for air transportation.

4882—Support activities for rail transportation.

4883—Support activities for water transportation.

4884—Support activities for road transportation.

4889—Other support activities for transportation.

4911—Postal service.

4921—Couriers and express delivery services.

4922—Local messengers and local delivery.

4931—Warehousing and storage.

5152—Cable and other subscription programming.

5311—Lessors of real estate.

5321—Automotive equipment rental and leasing.

5322—Consumer goods rental.

5323—General rental centers.

5617—Services to buildings and dwellings.

- 5621—Waste collection.
- 5622—Waste treatment and disposal.
- 5629—Remediation and other waste management services.
- 6219—Other ambulatory health care services.
- 6221—General medical and surgical hospitals.
- 6222—Psychiatric and substance abuse hospitals.
- 6223—Specialty (except psychiatric and substance abuse) hospitals.
- 6231—Nursing care facilities.
- 6232—Residential mental retardation, mental health and substance abuse facilities.
- 6233—Community care facilities for the elderly.
- 6239—Other residential care facilities.
- 6242—Community food and housing, and emergency and other relief services.
- 6243—Vocational rehabilitation services.
- 7111—Performing arts companies.
- 7112—Spectator sports.
- 7121—Museums, historical sites, and similar institutions.
- 7131—Amusement parks and arcades.
- 7132—Gambling industries.
- 7211—Traveler accommodation.
- 7212—RV (recreational vehicle) parks and recreational camps.
- 7213—Rooming and boarding houses.
- 7223—Special food services.
- 8113—Commercial and industrial machinery and equipment (except automotive and electronic) repair and maintenance.
- 8123—Dry cleaning and laundry services.

Appendix A to Subpart E of Part 1904—

Designated Industries for § 1904.41(a)(1)(i) Annual Electronic Submission of Information From OSHA Form 300A Summary of Work-Related Injuries and Illnesses by Establishments With 20–249 Employees in Designated Industries

<u>NAICS</u>	<u>Industry</u>
<u>11</u>	<u>Agriculture, Forestry, Fishing and Hunting.</u>
<u>22</u>	<u>Utilities.</u>
<u>23</u>	<u>Construction.</u>
<u>31–33</u>	<u>Manufacturing.</u>
<u>42</u>	<u>Wholesale Trade.</u>
<u>4413</u>	<u>Automotive Parts, Accessories, and Tire Stores.</u>
<u>4421</u>	<u>Furniture Stores.</u>
<u>4422</u>	<u>Home Furnishings Stores.</u>
<u>4441</u>	<u>Building Material and Supplies Dealers.</u>
<u>4442</u>	<u>Lawn and Garden Equipment and Supplies Stores.</u>
<u>4451</u>	<u>Grocery Stores.</u>
<u>4452</u>	<u>Specialty Food Stores.</u>
<u>4522</u>	<u>Department Stores.</u>
<u>4523</u>	<u>General Merchandise Stores, including Warehouse Clubs and Supercenters.</u>
<u>4533</u>	<u>Used Merchandise Stores.</u>
<u>4542</u>	<u>Vending Machine Operators.</u>
<u>4543</u>	<u>Direct Selling Establishments.</u>
<u>4811</u>	<u>Scheduled Air Transportation.</u>
<u>4841</u>	<u>General Freight Trucking.</u>
<u>4842</u>	<u>Specialized Freight Trucking.</u>
<u>4851</u>	<u>Urban Transit Systems.</u>
<u>4852</u>	<u>Interurban and Rural Bus Transportation.</u>
<u>4853</u>	<u>Taxi and Limousine Service.</u>
<u>4854</u>	<u>School and Employee Bus Transportation.</u>
<u>4855</u>	<u>Charter Bus Industry.</u>
<u>4859</u>	<u>Other Transit and Ground Passenger Transportation.</u>
<u>4871</u>	<u>Scenic and Sightseeing Transportation, Land.</u>
<u>4881</u>	<u>Support Activities for Air Transportation.</u>

4882 Support Activities for Rail Transportation.

4883 Support Activities for Water Transportation.

4884 Support Activities for Road Transportation.

4889 Other Support Activities for Transportation.

4911 Postal Service.

4921 Couriers and Express Delivery Services.

4922 Local Messengers and Local Delivery.

4931 Warehousing and Storage.

5152 Cable and Other Subscription Programming.

5311 Lessors of Real Estate.

5321 Automotive Equipment Rental and Leasing.

5322 Consumer Goods Rental.

5323 General Rental Centers.

5617 Services to Buildings and Dwellings.

5621 Waste Collection.

5622 Waste Treatment and Disposal.

5629 Remediation and Other Waste Management Services.

6219 Other Ambulatory Health Care Services.

6221 General Medical and Surgical Hospitals.

6222 Psychiatric and Substance Abuse Hospitals.

6223 Specialty (except Psychiatric and Substance Abuse) Hospitals.

6231 Nursing Care Facilities (Skilled Nursing Facilities).

6232 Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities.

6233 Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly

6239 Other Residential Care Facilities.

6242 Community Food and Housing, and Emergency and Other Relief Services.

6243 Vocational Rehabilitation Services.

- 7111 Performing Arts Companies.
- 7112 Spectator Sports.
- 7121 Museums, Historical Sites, and Similar Institutions.
- 7131 Amusement Parks and Arcades.
- 7132 Gambling Industries.
- 7211 Traveler Accommodation.
- 7212 RV (Recreational Vehicle) Parks and Recreational Camps.
- 7223 Special Food Services.
- 8113 Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance.
- 8123 Drycleaning and Laundry Services.

Appendix B to Subpart E of Part 1904—

Designated Industries for § 1904.41(a)(2) Annual Electronic Submission of Information From OSHA Form 300 Log of Work-Related Injuries and Illnesses and OSHA Form 301 Injury and Illness Incident Report by Establishments With 100 or More Employees in Designated Industries

NAICS Industry

- 1111 Oilseed and Grain Farming.
- 1112 Vegetable and Melon Farming.
- 1113 Fruit and Tree Nut Farming.
- 1114 Greenhouse, Nursery, and Floriculture Production.
- 1119 Other Crop Farming.
- 1121 Cattle Ranching and Farming.
- 1122 Hog and Pig Farming.
- 1123 Poultry and Egg Production.
- 1129 Other Animal Production.
- 1133 Logging.
- 1141 Fishing.
- 1142 Hunting and Trapping.

1151 Support Activities for Crop Production.
1152 Support Activities for Animal Production.
1153 Support Activities for Forestry.
2213 Water, Sewage and Other Systems.
2381 Foundation, Structure, and Building Exterior Contractors.
3111 Animal Food Manufacturing.
3113 Sugar and Confectionery Product Manufacturing.
3114 Fruit and Vegetable Preserving and Specialty Food Manufacturing.
3115 Dairy Product Manufacturing.
3116 Animal Slaughtering and Processing.
3117 Seafood Product Preparation and Packaging.
3118 Bakeries and Tortilla Manufacturing.
3119 Other Food Manufacturing.
3121 Beverage Manufacturing.
3161 Leather and Hide Tanning and Finishing.
3162 Footwear Manufacturing.
3211 Sawmills and Wood Preservation.
3212 Veneer, Plywood, and Engineered Wood Product Manufacturing.
3219 Other Wood Product Manufacturing.
3261 Plastics Product Manufacturing.
3262 Rubber Product Manufacturing.
3271 Clay Product and Refractory Manufacturing.
3272 Glass and Glass Product Manufacturing.
3273 Cement and Concrete Product Manufacturing.
3279 Other Nonmetallic Mineral Product Manufacturing.
3312 Steel Product Manufacturing from Purchased Steel.
3314 Nonferrous Metal (except Aluminum) Production and Processing.
3315 Foundries.
3321 Forging and Stamping.

3323 Architectural and Structural Metals Manufacturing.
3324 Boiler, Tank, and Shipping Container Manufacturing.
3325 Hardware Manufacturing.
3326 Spring and Wire Product Manufacturing.
3327 Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing.
3328 Coating, Engraving, Heat Treating, and Allied Activities.
3331 Agriculture, Construction, and Mining Machinery Manufacturing.
3335 Metalworking Machinery Manufacturing.
3361 Motor Vehicle Manufacturing.
3362 Motor Vehicle Body and Trailer Manufacturing.
3363 Motor Vehicle Parts Manufacturing.
3366 Ship and Boat Building.
3371 Household and Institutional Furniture and Kitchen Cabinet Manufacturing.
3372 Office Furniture (including Fixtures) Manufacturing.
3379 Other Furniture Related Product Manufacturing.
4231 Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers.
4233 Lumber and Other Construction Materials Merchant Wholesalers.
4235 Metal and Mineral (except Petroleum) Merchant Wholesalers.
4239 Miscellaneous Durable Goods Merchant Wholesalers.
4244 Grocery and Related Product Merchant Wholesalers.
4248 Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers.
4413 Automotive Parts, Accessories, and Tire Stores.
4422 Home Furnishings Stores.
4441 Building Material and Supplies Dealers.
4442 Lawn and Garden Equipment and Supplies Stores.
4451 Grocery Stores.
4522 Department Stores.
4523 General Merchandise Stores, including Warehouse Clubs and Supercenters.
4533 Used Merchandise Stores.

4543 Direct Selling Establishments.

4811 Scheduled Air Transportation.

4841 General Freight Trucking.

4842 Specialized Freight Trucking.

4851 Urban Transit Systems.

4852 Interurban and Rural Bus Transportation.

4853 Taxi and Limousine Service.

4854 School and Employee Bus Transportation.

4859 Other Transit and Ground Passenger Transportation.

4871 Scenic and Sightseeing Transportation, Land.

4881 Support Activities for Air Transportation.

4883 Support Activities for Water Transportation.

4889 Other Support Activities for Transportation.

4911 Postal Service.

4921 Couriers and Express Delivery Services.

4931 Warehousing and Storage.

5322 Consumer Goods Rental.

5621 Waste Collection.

5622 Waste Treatment and Disposal.

6219 Other Ambulatory Health Care Services.

6221 General Medical and Surgical Hospitals.

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6231 Nursing Care Facilities (Skilled Nursing Facilities).

6232 Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities.

6233 Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly.

6239 Other Residential Care Facilities.

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7131 Amusement Parks and Arcades.

7211 Traveler Accommodation.

7212 RV (Recreational Vehicle) Parks and Recreational Camps.

7223 Special Food Services.

Clean
Copy

- **Part Number:**

1904

- **Part Number Title:**

Recording and Reporting Occupational Injuries and Illnesses

- **Subpart:**

1904 Subpart E

- **Subpart Title:**

Reporting Fatality, Injury and Illness Information to the Government

- **Standard Number:**

1904.41

- **Title:**

Electronic submission of Employer Identification Number (EIN) and injury and illness records to OSHA.

§ 1904.41 Electronic submission of Employer Identification Number (EIN) and injury and illness records to OSHA.

1904.41(a)(1) Annual electronic submission of information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses.

(i) If your establishment had 20–249 employees at any time during the previous calendar year, and your establishment is classified in an industry listed in appendix A to subpart E of this part, then you must electronically submit information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses to OSHA or OSHA’s designee. You must submit the information once a year, no later than the date listed in paragraph (c) of this section of the year after the calendar year covered by the form.

(ii) If your establishment had 250 or more employees at any time during the previous calendar year, and this part requires your establishment to keep records, then you must electronically submit information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses to OSHA or OSHA’s designee. You must submit the information once a year, no later than the date listed in paragraph (c) of this section of the year after the calendar year covered by the form.

1904.41(a)(2)

Annual electronic submission of information from OSHA Form 300 Log of Work-Related Injuries and Illnesses and OSHA Form 301 Injury and Illness Incident Report by establishments with 100 or more employees in designated industries. If your establishment had 100 or more employees at any time during the previous calendar year, and your establishment is classified in an industry listed in appendix B to subpart E of this part, then you must electronically submit information from OSHA Forms 300 and 301 to OSHA or OSHA’s designee. You must submit the information once a year, no later than the date listed in paragraph (c) of this section of the year after the calendar year covered by the forms.

1904.41(a)(3)

Electronic submission of part 1904 records upon notification. Upon notification, you must electronically submit the requested information from your part 1904 records to OSHA or OSHA's designee.

1904.41(a)(4)

Electronic submission of the Employer Identification Number (EIN). For each establishment that is subject to these reporting requirements, you must provide the EIN used by the establishment.

1904.41(b)

Implementation -

1904.41(b)(1) Does every employer have to routinely make an annual electronic submission of information from part 1904 injury and illness recordkeeping forms to OSHA? No, only three categories of employers must routinely submit information from these forms. The first category is establishments that had 20–249 employees at any time during the previous calendar year, and are classified in an industry listed in appendix A to this subpart; establishments in this category must submit the required information from Form 300A to OSHA once a year. The second category is establishments that had 250 or more employees at any time during the previous calendar year, and are required by this part to keep records; establishments in this category must submit the required information from Form 300A to OSHA once a year. The third category is establishments that had 100 or more employees at any time during the previous calendar year, and are classified in an industry listed in appendix B to this subpart; establishments in this category must also submit the required information from Forms 300 and 301 to OSHA once a year, in addition to the required information from Form 300A. Employers in these three categories must submit the required information by the date listed in paragraph (c) of this section of the year after the calendar year covered by the form (for example, 2024 for the 2023 form(s)). If your establishment is not in any of these three categories, then you must submit the information to OSHA only if OSHA notifies you to do so for an individual data collection.

1904.41(b)(2)

Do part-time, seasonal, or temporary workers count as employees in the criteria for number of employees in paragraph (a) of this section? Yes, each individual employed in the establishment at any time during the calendar year counts as one employee, including full-time, part-time, seasonal, and temporary workers.

1904.41(b)(3)

How will OSHA notify me that I must submit information as part of an individual data collection under paragraph (a)(3) of this section? OSHA will notify you by mail if you will have to submit information as part of an individual data collection under paragraph (a)(3). OSHA will also announce individual data collections through publication in the **Federal Register** and the OSHA newsletter, and announcements on the OSHA website. If you are an employer who must routinely submit the information, then OSHA will not notify you about your routine submittal.

1904.41(b)(4)

When do I have to submit the information? If you are required to submit information under paragraph (a)(1) or (2) of this section, then you must submit the information once a year, by the date listed in paragraph (c) of this section of the year after the calendar year covered by the form (for example, 2019 for the 2018 form). If you are submitting information because OSHA notified you to submit information as part of an individual data collection under paragraph (a)(3) of this section, then you must submit the information as specified in the notification.

1904.41(b)(5)

How do I submit the information? You must submit the information electronically. OSHA will provide a secure website for the electronic submission of information. For individual data collections under paragraph (a)(3) of this section, OSHA will include the website's location in the notification for the data collection.

1904.41(b)(6)

Do I have to submit information if my establishment is partially exempt from keeping OSHA injury and illness records? If you are partially exempt from keeping injury and illness records under §§ 1904.1 and/or 1904.2, then you do not have to routinely submit information under paragraphs (a)(1) and (2) of this section. You will have to submit information under paragraph (a)(3) of this section if OSHA informs you in writing that it will collect injury and illness information from you. If you receive such a notification, then you must keep the injury and illness records required by this part and submit information as directed.

1904.41(b)(7)

Do I have to submit information if I am located in a State Plan State? Yes, the requirements apply to employers located in State Plan States.

1904.41(b)(8)

May an enterprise or corporate office electronically submit information for its establishment(s)? Yes, if your enterprise or corporate office had ownership of or control over one or more establishments required to submit information under paragraph (a) of this section, then the enterprise or corporate office may collect and electronically submit the information for the establishment(s).

1904.41(b)(9)

If I have to submit information under paragraph (a)(2) of this section, do I have to submit all of the information from the recordkeeping forms? No, you are required to submit all of the information from the forms except the following: (i) Log of Work-Related Injuries and Illnesses (OSHA Form 300): Employee name (column B). (ii) Injury and Illness Incident Report (OSHA Form 301): Employee name (field 1), employee address (field 2), name of physician or other health care professional (field 6), facility name and address if treatment was given away from the worksite (field 7).

1904.41(b)(10)

My company uses numbers or codes to identify our establishments. May I use numbers or codes as the establishment name in my submission? Yes, you may use numbers or codes as the establishment name.

However, the submission must include a legal company name, either as part of the establishment name or separately as the company name.

1904.41 (c)

Reporting dates.

(c) Establishments that are required to submit under paragraph (a)(1) or (2) of this section must submit all of the required information by March 2 of the year after the calendar year covered by the form(s) (for example, by March 2, 2024, for the forms covering 2023).

Appendix A to Subpart E of Part 1904—

Designated Industries for § 1904.41(a)(1)(i) Annual Electronic Submission of Information From OSHA Form 300A Summary of Work-Related Injuries and Illnesses by Establishments With 20–249 Employees in Designated Industries

NAICS	Industry
11	Agriculture, Forestry, Fishing and Hunting.
22	Utilities.
23	Construction.
31–33	Manufacturing.
42	Wholesale Trade.
4413	Automotive Parts, Accessories, and Tire Stores.
4421	Furniture Stores.
4422	Home Furnishings Stores.
4441	Building Material and Supplies Dealers.
4442	Lawn and Garden Equipment and Supplies Stores.
4451	Grocery Stores.
4452	Specialty Food Stores.
4522	Department Stores.
4523	General Merchandise Stores, including Warehouse Clubs and Supercenters.
4533	Used Merchandise Stores.
4542	Vending Machine Operators.
4543	Direct Selling Establishments.

4811 Scheduled Air Transportation.
4841 General Freight Trucking.
4842 Specialized Freight Trucking.
4851 Urban Transit Systems.
4852 Interurban and Rural Bus Transportation.
4853 Taxi and Limousine Service.
4854 School and Employee Bus Transportation.
4855 Charter Bus Industry.
4859 Other Transit and Ground Passenger Transportation.
4871 Scenic and Sightseeing Transportation, Land.
4881 Support Activities for Air Transportation.
4882 Support Activities for Rail Transportation.
4883 Support Activities for Water Transportation.
4884 Support Activities for Road Transportation.
4889 Other Support Activities for Transportation.
4911 Postal Service.
4921 Couriers and Express Delivery Services.
4922 Local Messengers and Local Delivery.
4931 Warehousing and Storage.
5152 Cable and Other Subscription Programming.
5311 Lessors of Real Estate.
5321 Automotive Equipment Rental and Leasing.
5322 Consumer Goods Rental.
5323 General Rental Centers.
5617 Services to Buildings and Dwellings.
5621 Waste Collection.
5622 Waste Treatment and Disposal.
5629 Remediation and Other Waste Management Services.
6219 Other Ambulatory Health Care Services.

- 6221 General Medical and Surgical Hospitals.
- 6222 Psychiatric and Substance Abuse Hospitals.
- 6223 Specialty (except Psychiatric and Substance Abuse) Hospitals.
- 6231 Nursing Care Facilities (Skilled Nursing Facilities).
- 6232 Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities.
- 6233 Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly
- 6239 Other Residential Care Facilities.
- 6242 Community Food and Housing, and Emergency and Other Relief Services.
- 6243 Vocational Rehabilitation Services.
- 7111 Performing Arts Companies.
- 7112 Spectator Sports.
- 7121 Museums, Historical Sites, and Similar Institutions.
- 7131 Amusement Parks and Arcades.
- 7132 Gambling Industries.
- 7211 Traveler Accommodation.
- 7212 RV (Recreational Vehicle) Parks and Recreational Camps.
- 7223 Special Food Services.
- 8113 Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance.
- 8123 Drycleaning and Laundry Services.

Appendix B to Subpart E of Part 1904—

Designated Industries for § 1904.41(a)(2) Annual Electronic Submission of Information From OSHA Form 300 Log of Work-Related Injuries and Illnesses and OSHA Form 301 Injury and Illness Incident Report by

Establishments With 100 or More Employees in Designated Industries

NAICS Industry

- 1111 Oilseed and Grain Farming.
- 1112 Vegetable and Melon Farming.

1113 Fruit and Tree Nut Farming.
1114 Greenhouse, Nursery, and Floriculture Production.
1119 Other Crop Farming.
1121 Cattle Ranching and Farming.
1122 Hog and Pig Farming.
1123 Poultry and Egg Production.
1129 Other Animal Production.
1133 Logging.
1141 Fishing.
1142 Hunting and Trapping.
1151 Support Activities for Crop Production.
1152 Support Activities for Animal Production.
1153 Support Activities for Forestry.
2213 Water, Sewage and Other Systems.
2381 Foundation, Structure, and Building Exterior Contractors.
3111 Animal Food Manufacturing.
3113 Sugar and Confectionery Product Manufacturing.
3114 Fruit and Vegetable Preserving and Specialty Food Manufacturing.
3115 Dairy Product Manufacturing.
3116 Animal Slaughtering and Processing.
3117 Seafood Product Preparation and Packaging.
3118 Bakeries and Tortilla Manufacturing.
3119 Other Food Manufacturing.
3121 Beverage Manufacturing.
3161 Leather and Hide Tanning and Finishing.
3162 Footwear Manufacturing.
3211 Sawmills and Wood Preservation.
3212 Veneer, Plywood, and Engineered Wood Product Manufacturing.
3219 Other Wood Product Manufacturing.

- 3261 Plastics Product Manufacturing.
- 3262 Rubber Product Manufacturing.
- 3271 Clay Product and Refractory Manufacturing.
- 3272 Glass and Glass Product Manufacturing.
- 3273 Cement and Concrete Product Manufacturing.
- 3279 Other Nonmetallic Mineral Product Manufacturing.
- 3312 Steel Product Manufacturing from Purchased Steel.
- 3314 Nonferrous Metal (except Aluminum) Production and Processing.
- 3315 Foundries.
- 3321 Forging and Stamping.
- 3323 Architectural and Structural Metals Manufacturing.
- 3324 Boiler, Tank, and Shipping Container Manufacturing.
- 3325 Hardware Manufacturing.
- 3326 Spring and Wire Product Manufacturing.
- 3327 Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing.
- 3328 Coating, Engraving, Heat Treating, and Allied Activities.
- 3331 Agriculture, Construction, and Mining Machinery Manufacturing.
- 3335 Metalworking Machinery Manufacturing.
- 3361 Motor Vehicle Manufacturing.
- 3362 Motor Vehicle Body and Trailer Manufacturing.
- 3363 Motor Vehicle Parts Manufacturing.
- 3366 Ship and Boat Building.
- 3371 Household and Institutional Furniture and Kitchen Cabinet Manufacturing.
- 3372 Office Furniture (including Fixtures) Manufacturing.
- 3379 Other Furniture Related Product Manufacturing.
- 4231 Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers.
- 4233 Lumber and Other Construction Materials Merchant Wholesalers.
- 4235 Metal and Mineral (except Petroleum) Merchant Wholesalers.
- 4239 Miscellaneous Durable Goods Merchant Wholesalers.

4244 Grocery and Related Product Merchant Wholesalers.
4248 Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers.
4413 Automotive Parts, Accessories, and Tire Stores.
4422 Home Furnishings Stores.
4441 Building Material and Supplies Dealers.
4442 Lawn and Garden Equipment and Supplies Stores.
4451 Grocery Stores.
4522 Department Stores.
4523 General Merchandise Stores, including Warehouse Clubs and Supercenters.
4533 Used Merchandise Stores.
4543 Direct Selling Establishments.
4811 Scheduled Air Transportation.
4841 General Freight Trucking.
4842 Specialized Freight Trucking.
4851 Urban Transit Systems.
4852 Interurban and Rural Bus Transportation.
4853 Taxi and Limousine Service.
4854 School and Employee Bus Transportation.
4859 Other Transit and Ground Passenger Transportation.
4871 Scenic and Sightseeing Transportation, Land.
4881 Support Activities for Air Transportation.
4883 Support Activities for Water Transportation.
4889 Other Support Activities for Transportation.
4911 Postal Service.
4921 Couriers and Express Delivery Services.
4931 Warehousing and Storage.
5322 Consumer Goods Rental.
5621 Waste Collection.
5622 Waste Treatment and Disposal.

- 6219 Other Ambulatory Health Care Services.
- 6221 General Medical and Surgical Hospitals.
- 6222 Psychiatric and Substance Abuse Hospitals.
- 6223 Specialty (except Psychiatric and Substance Abuse) Hospitals.
- 6231 Nursing Care Facilities (Skilled Nursing Facilities).
- 6232 Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities.
- 6233 Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly.
- 6239 Other Residential Care Facilities.
- 6243 Vocational Rehabilitation Services.
- 7111 Performing Arts Companies.
- 7112 Spectator Sports.
- 7131 Amusement Parks and Arcades.
- 7211 Traveler Accommodation.
- 7212 RV (Recreational Vehicle) Parks and Recreational Camps.
- 7223 Special Food Services.