



## Workplace Safety: OSHA Recordkeeping Guidance for Exposures to COVID-19

### INITIAL GUIDANCE:

The Occupational Safety and Health Administration (OSHA) initially issued guidance to those employers navigating the COVID-19 situation by providing recordkeeping requirements and guidelines to address how OSHA logs should be maintained:

- OSHA recordkeeping requirements at [29 CFR Part 1904](#) mandate covered employers record certain work-related injuries and illnesses on their OSHA 300 log.
- COVID-19 can be a recordable illness if a worker is infected as a result of performing their work-related duties. However, employers are only responsible for recording cases of COVID-19 if **ALL THREE** of the following are met:
  1. The case is a **confirmed** case of COVID-19 (see [CDC information](#) on persons under investigation and presumptive positive and laboratory-confirmed cases of COVID-19);
  2. The case is work-related, as defined by [29 CFR 1904.5](#); and
  3. The case involves one or more of the general recording criteria set forth in [29 CFR 1904.7](#) (e.g. medical treatment beyond first-aid, days away from work).

### UPDATED GUIDANCE:

On April 10, 2020, OSHA issued further guidance with [Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 \(COVID-19\)](#), which is effective and will remain in effect until further notice. This guidance is intended to be time-limited to the current public health crisis.

In areas where there is ongoing community transmission, employers other than those in the healthcare industry, emergency response organizations (e.g., emergency medical, firefighting, and law enforcement services), and correctional institutions may have difficulty making determinations about whether workers who contracted COVID-19 did so due to exposures at work. In light of those difficulties, OSHA is exercising its enforcement discretion in order to provide certainty to the regulated community.

Employers of workers in the healthcare industry, emergency response organizations (e.g., emergency medical, firefighting, and law enforcement services), and correctional institutions must continue to make work-relatedness determinations pursuant to 29 CFR § 1904. Until further notice, however, OSHA will not enforce 29 CFR § 1904 to require other employers to make the same work-relatedness determinations, except where:

1. There is objective evidence that a COVID-19 case may be work-related. This could include, for example, a number of cases developing among workers who work closely together without an alternative explanation; and
2. The evidence was reasonably available to the employer. For purposes of this memorandum, examples of reasonably available evidence include information given to the employer by employees, as well as information that an employer learns regarding its employees' health and safety in the ordinary course of managing its business and employees.

To read OSHA's Enforcement Memorandum in its entirety, refer to: <https://www.osha.gov/memos/2020-04-10/enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19>

For more information, refer to OSHA's website: <https://www.osha.gov/SLTC/covid-19/standards.html> and <https://www.osha.gov/recordkeeping/>

PMA is here to support you during these unprecedented times. Should you need additional assistance, please feel free to email [heretohelp@pmagroup.com](mailto:heretohelp@pmagroup.com).