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• Standard Number: 1904.5(b)

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>

April 13, 2015

Rick Barnard
GoodCents
5738 Jones Street
Milton, Florida 32570

Dear Mr. Barnard:

Thank you for your recent letter to the Occupational Safety and Health Administration (OSHA) regarding the recordkeeping regulation contained in 29 CFR Part 1904 - Recording and Reporting Occupational Injuries and Illnesses. You ask for clarification on the work relationship of injuries occurring during an employee's commute.

Scenario: An employee is commuting from home to work in a company vehicle. The employee is involved in a motor vehicle accident and sustains injuries that require medical treatment beyond first aid. Is this a recordable injury?

Response: The injury is not considered work related and is therefore not recordable on the OSHA Log. OSHA's recordkeeping regulation at Section 1904.5(b)(2)(vii) allows an employer to exclude cases where an employee is injured in a motor vehicle accident while commuting from home to work or from work to home. The mode of transportation is not determinative of OSHA's definition of an employee's commute. Under your scenario, the daily trips between the residence and work site are considered the employee's commute, regardless of whether they are made by personal vehicle or company-provided vehicle. An accident occurring during the employee's commute is not considered work-related.

We hope you find this information helpful. OSHA requirements are set by statute, standards, and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>.

Sincerely,

Amanda Edens, Director
Directorate of Technical Support and Emergency Management

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