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- **Standard Number:** 1904.7

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>

February 12, 2015

Fran B. Williams
 UCOR
 P.O. Box 4699
 Oak Ridge, TN 37831

Dear Ms. Williams:

Thank you for your letter dated April 23, 2014 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. Specifically, you ask if any of the following scenarios constitute restricted work activity for OSHA recordkeeping purposes.

Scenario 1

An employee cut into a pipe and a stream of liquid sprayed onto the employee while working in a radiological area. He was seen by the on-site medical department and was given first aid treatment. He was then released to duty with no job restrictions. In accordance with company policy, the employee was prevented from re-entering the radiological area in order to prevent cross-contamination of the bioassay sample which usually takes one to two days. Once the sample was submitted, the employee was permitted to perform work in the radiological area again.

Scenario 2

An employee sustained first and second degree burns to his forearm while working in a radiological area. The on-site medical department treated the injury with over the counter medication, a bandage, and was released with no restrictions in performing his routine job function. In accordance with company policy, the employee was restricted from the radiological area for two days due to his burns, even though he could perform all of his routine job functions. Once his burn was scabbed over, he was able to return to work on Monday in the radiological area.

Scenario 3

An employee injured his foot on a sharp piece of metal while working in the radiological area. The metal penetrated the side of his safety boot and it caused a wound to the lateral side of his foot. He was administered first aid by the on-site medical department and told to keep the dressing clean, dry, and to elevate his foot as much as possible. There were no restrictions placed on the employee. The employee could not return to work the next day due to the damage of his safety shoe which is required to be worn in the radiological area. Furthermore, the employee was also denied access to the radiological area until the requested bioassay sample had been taken. He eventually returned to his assigned work in the radiological area.

Response:

Section 1904.7(a) of OSHA's recordkeeping regulation provides that employers must consider an injury or illness to meet the general recording criteria, and therefore to be recordable, if it results in restricted work or transfer to another job. Restricted work occurs when, as the result of a work-related injury or illness, (a) an employer keeps the employee from performing one or more of the routine functions of his or her job, or from working the full workday that he or she would otherwise have been scheduled to work; or (b) a physician or other licensed health care professional recommends that the employee not perform one or more of the routine functions of his or her job, or not work the full workday that he or she would otherwise have been scheduled to work. See, Section 1904.7(b)(4)(i).

Restricted work cases are those which involve restrictions that are imposed or recommended as the result of a work-related injury or illness. If an employee has a work-related injury or illness, and that employee's work is restricted by the employer to prevent exacerbation of, or to allow recuperation from, that injury or illness, the case is recordable as a restricted work case because the restriction was necessitated by the work-related injury or illness. Please note that if the employee's work-related illness or injury played any role in the restriction, OSHA considers the case to be a restricted work case. See, the preamble to the January 19, 2001 final rule revising OSHA's recordkeeping regulation at 66 Federal Register 5981. Accordingly, because each of the scenarios described above involve restrictions imposed by the employer to prevent the exacerbation of a work-related injury, the cases must be recorded on the OSHA 300 Log as restricted work activity.

Additionally, and in response to one of the issues raised in your letter, Section 1904.9(a) of OSHA's recordkeeping regulation requires an employer to record an injury or illness case on the OSHA 300 Log when an employee is medically removed under the medical surveillance requirements of an OSHA standard. Please know that neither OSHA standard at 29 CFR 1910.97, *Nonionizing Radiation*, nor 29 CFR 1910.1096, *Ionizing Radiation*, includes medical removal provisions. However, as discussed above, because the injuries described in your letter resulted in restricted work as defined in Section 1904.7, they must be recorded on the OSHA 300 Log regardless of whether the medical removal provisions of an OSHA standard apply. See, 66 Federal Register 6003.

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.

Sincerely,

Francis Yebesi, Acting Director
Directorate of Evaluation and Analysis

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