THE UNDER SECRETARY OF DEFENSE
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ACQUISITION,
TECHNOLOGY
AND LOGISTICS

DEC 3 2004

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR OF ADMINISTRATION AND MANAGEMENT
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION

SUBJECT: Safety and Health Recordkeeping

This memorandum clarifies procedures in DoDI 6055.7, Accident Investigation, Reporting and Recordkeeping, pertaining to recordkeeping requirements.

The Occupational Safety and Health Administration (OSHA) is developing a final rule amending the occupational injury and illness recording and reporting requirements applicable to Federal agencies (29 CFR Part 1960, Subpart I), including the forms used by Federal agencies to record those injuries and illnesses. The final rule will make the Federal sector's recordkeeping and reporting requirements essentially identical to the private sector. Recordkeeping under the revised rule is a prerequisite to enrollment in the Voluntary Protection Program. Therefore, paragraph E.4.8.6 of DoDI 6055.7, Accident Investigation, Reporting and Recordkeeping, October 3, 2000 is deleted and paragraph E.4.8.1 is replaced with:

> *E4.8.1. Safety and Health Recordkeeping. Records shall be maintained for civilian personnel at each DoD installation or distinctly separate DoD activity using the attached guidance detailing changes in* 29 CFR part 1960. *Separate accounting for on- and off-duty accidents will be maintained for military personnel.*

This memorandum is effective immediately. DoD Instruction 6055.7 governing Accident Investigation, Reporting and Recordkeeping shall be updated in 180 days. We will field web-based tools to aid in implementation and data consolidation.

Michael W. Wynne
Acting

Attachment:
As stated

Department of Defense
Revised Safety and Health Recordkeeping Requirements

Subpart A—General

3. 29 CFR part 1960, Subpart A, is revised to read as follows:

§ 1960.2 Definitions.

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(l) Injury or Illness. An injury or illness is an abnormal condition or disorder. Injuries include cases such as, but not limited to, a cut, fracture, sprain, or amputation. Illness includes both acute and chronic illnesses, such as, but not limited to, a skin disease, respiratory disorder, or poisoning.

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Subpart D—Inspection and Abatement

4. 29 CFR part 1960, subpart D, is revised to read as follows:

§1960.29 Accident Investigation

* * * * *

(b) In any case, each accident which results in a fatality or the hospitalization of three or more employees shall be investigated to determine the causal factors involved. Except to the extent necessary to protect employees and the public, evidence at the scene of an accident shall be left untouched until inspectors have an opportunity to examine it.

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Subpart I—Recordkeeping and Reporting Requirements

5. 29 CFR part 1960, Subpart I, is revised to read as follows:

§1960.66 Purpose, scope and general provisions.

(a) The purpose of this Subpart is to establish uniform requirements for collecting and compiling by agencies of occupational safety and health data, for proper evaluation and necessary corrective action, and to assist the Secretary in meeting the requirement to develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics.

(b) Except as modified by this Subpart, Federal agency injury and illness recording and reporting requirements shall comply with the requirements under 29 CFR 1904, Subparts C, D, E, and G, except that the definition of "establishment" found in 29 CFR 1960.2(h) will remain applicable to Federal agencies."

(c) Each agency shall utilize the information collected through its management information system to identify unsafe and unhealthful working conditions, and to establish program priorities.

(d) The provisions of this subpart are not intended to discourage agencies from utilizing recordkeeping and reporting forms which contain a more detailed breakdown of information than the form provided by the Department of Labor. Because of the unique nature of the national recordkeeping program, Federal agencies must have recording and reporting requirements that are the same as Part 1904 for determining which injuries and illnesses will be entered into the records and how they are entered. All other injury and illness recording and reporting requirements used by any Federal agency may be more stringent than, or supplemental to, the requirements of Part 1904, but must not interfere with the agency's ability to provide the injury and illness information required by Part 1904.

(e) Information concerning occupational injuries and illnesses or accidents which, pursuant to statute or Executive Order, must be kept secret in the interest of national defense or

foreign policy shall be recorded on separate forms. Such records shall not be submitted to the Department of Labor but may be used by the appropriate Federal agency in evaluating the agency's program to reduce occupational injuries, illnesses and accidents.

Note to § 1960.66: The recording or reporting of a work-related injury, illness or fatality does not mean that the Federal agency or employee was at fault, that an OSHA rule has been violated, or that the employee is eligible for workers' compensation or other benefits.
The requirements of this Part do not diminish or modify in any way a Federal agency's responsibilities to report or record injuries and illnesses as required by the Office of Workers' Compensation Programs under the Federal Employees' Compensation Act (FECA), 5 USC 8101 et seq.

§1960.67 Federal Agency Certification of the Injury and Illness Annual Summary (OSHA 300-A or equivalent)

As required by 29 CFR 1904.32, a company executive must certify that he or she has examined the OSHA 300 Log and that he or she believes, based on his or her knowledge of the process by which the information was recorded, that the annual summary is correct and complete. For Federal establishments, the person who performs the certification shall be one of the following: (1) the senior establishment management official, (2) the head of the Agency for which the senior establishment management official works, or (3) any management official who is in the direct chain of command between the senior establishment management official and the head of the Agency.

Note to §1960.67: This modification to the requirement for certification of Federal agency injury and illness records is necessary because the private sector position titles contained in the regulation do not fit the Federal agency position titles for agency executives. The federal

officials listed in this paragraph are intended to be the equivalent of the private sector officials who are required to certify records under 1904.32(b)(4).

§1960.68 Prohibition against discrimination.

Title 29 CFR 1904.36 refers to Section 11 (c) of the Occupational Safety and Health Act. For Federal agencies, the words "Section 11(c)" shall be read as "Executive Order 12196 Section 1-201(f)."

Note to §1960.68: This modification is necessary because Section 11(c) of the Occupational Safety and Health Act only applies to private sector employers and the U.S. Postal Service. The corresponding prohibitions against discrimination applicable to Federal employers are contained in Section 1-201(f) of Executive Order 12196.

§1960.69 Transition from former rule and retention and updating of old forms.

(a) Between October 1, 2004 and January 1, 2005, agencies must continue to record and track their occupational injuries and illnesses. During that period, Federal agencies may choose to comply with the requirements of the old Part 1960, Subpart I, or they may choose to comply with the requirements of 29 CFR 1904.

(b) Federal agencies must retain copies of the recordkeeping records utilized under the old system for five years following the year to which they relate and continue to provide access to the data as though these forms were the OSHA Form 300 Log and Form 301 Incident Report. Agencies are not required to update the old forms.

§1960.70 Reporting of serious accidents.

Agencies must provide the Office of Federal Agency Programs with a summary report of each fatal and catastrophic accident investigation. The summaries shall address the date/time of accident, agency/establishment named and location, and consequences, description of operation

and the accident, causal factors, applicable standards and their effectiveness, and agency corrective/preventive actions.

Note to §1960.70: This paragraph is retained from the previous regulation 29 CFR 1960.70 paragraph (e). The requirements of this paragraph are in addition to the requirements for reporting fatalities and multiple hospitalization incidents to OSHA under 29 CFR 1904. 39.

§1960.71 Agency annual reports.

(a) The Act and E.O. 12196 require all Federal agency heads to submit to the Secretary an annual report on their agency's occupational safety and health program, containing such information as the Secretary prescribes.

(1) Each agency must submit to the Secretary by January 1 of each year a report describing the agency's occupational safety and health program of the previous fiscal year and objectives for the current fiscal year. The report shall include a summary of the agency's self-evaluation findings as required by 1960.78(b).

(2) The Secretary must provide the agencies with the guidelines and format for the reports at the time they are requested.

(3) The agency reports will be used in preparing the Secretary's report to the President.

(b) The Secretary will submit to the President by October 1 of each year a summary report of the status of the occupational safety and health of Federal employees based on agency reports, evaluations of individual agency progress and problems in correcting unsafe or unhealthful working conditions, and recommendations for improving their performance.