



Exempt Action Final Regulation Agency Background Document

Agency name	Department of Labor and Industry/Safety and Health Codes Board
Virginia Administrative Code (VAC) citation	16 VAC 25-85-1904.12 and 16 VAC 25-85-1904.29
Regulation title	Occupational Injury and Illness Recording and Reporting Requirements, 1904.12 and 1904.29
Action title	Occupational Injury and Illness Recording and Reporting Requirements, Revised Final Rule, §§1904.12 and 1904.29 (b)(7)(vi)
Final agency action date	November 5, 2003
Document preparation date	November 19, 2003

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the Administrative Process Act (APA) (townhall.state.va.us/dpbpages/dpb_apa.htm), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act (leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100), the *Virginia Register Form, Style, and Procedure Manual* (legis.state.va.us/codecomm/register/download/styl8_95.rtf), and Executive Orders 21 (02) and 58 (99) (governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Enter statement here

On November 5, 2003, the Safety and Health Codes Board adopted an identical version of federal OSHA's revised final rule for the Occupational Injury and Illness Recording and Reporting Requirements, §§1904.12 and 1904.29, with an effective date of January 15, 2004.

Federal OSHA has deleted two provisions of the Occupational Injury and Illness Recording and Reporting Requirements ("Recordkeeping") rule published on January 19, 2001. The first provision deleted is §1904.12 which required employers to check the musculoskeletal disorder (MSD) column on the OSHA 300 Log if an employee experienced a work-related

MSD. The second provision amended §1904.29(b)(7)(vi) by deleting the MSD requirement that stated that MSDs are not considered privacy concern cases.

Since publication of the Recordkeeping rule in January 2001, the effective date of these provisions has been delayed by federal OSHA and also by the Board at its June 13, 2003 meeting. As a result, the requirements deleted by this final rule have never been in effect. (68 FR 38601)

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

Enter statement here

The revised Final Rule has no impact on the institution of the family or family stability.