



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 25-85-1904.10; 16 VAC 25-85-1904.12; and 16 VAC 25-85-1904.29
Regulation title	Recording and Reporting Occupational Injuries and Illnesses
Action title	Delay in effective date for sections of Recording and Reporting Occupational Injuries and Illnesses
Final agency action date	June 13, 2003
Document preparation date	June 25, 2003

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the 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.

On June 13, 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, §§1904.10, 1904.12 and 1904.29, with an effective date of January 1, 2004.

Federal OSHA delayed the effective date from January 1, 2003 until January 1, 2004 of three provisions of the Occupational Injury and Illness Recording and Reporting Requirements, Final Rule, which was published on January 19, 2001 (66 FR 5916 - 6135). The purpose for the delay is to permit federal OSHA additional time to resolve the definition of musculoskeletal disorder ("MSD"). Only the delayed effective date of the following provisions is addressed in these amendments:

- (1) **1904.10 (b)(7) [Recording criteria for cases involving occupational hearing loss—see accompanying note].** This section requires employers to enter a check in the hearing loss column of the OSHA 300 Log for cases involving occupational hearing loss;
- (2) **1904.12 [Recording criteria for cases involving work-related musculoskeletal disorders—see accompanying note].** This section requires employers to check the MSD column on the OSHA Log if an employee experiences a work-related musculoskeletal disorder; and
- (3) **1904.29 (b)(7)(vi) [Forms-- in the second sentence]** states that MSDs are not considered privacy concern cases.

Federal OSHA will implement the hearing loss column requirements on January 1, 2004, and will continue to evaluate the MSD provisions over the next year (66 FR 77165).

Family impact

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

This action has no impact on the institution of the family or family stability.