

# Compliance with OSHA Record-keeping Requirements

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**Abstract:** The Occupational Safety and Health Act of 1970 requires employers to maintain records of workplace injuries and illnesses. To assess compliance with the law, data from the National Occupational Exposure Survey (NOES) were examined. Of the 4,185 companies with 11 or more employees, 75 per cent maintained OSHA Form 200 designed for recording illnesses and injuries. The number of employees and the presence of a union were positive determinants in the record maintenance. Of companies with 500 or more employees, 95 per cent kept records compared with 60 per cent of companies with between 11 and 99 employees. (*Am J Public Health* 1988, 78:1218-1219.)

## Introduction

Under the Occupational Safety and Health Act of 1970, covered employers are required to maintain records of occupational injuries and illnesses.<sup>1</sup> The records are used to assist compliance safety and health officers in making inspections and conducting investigations,<sup>2</sup> and serve as the basis for the Bureau of Labor Statistics Annual Survey which produces injury and illness rates for the nation.<sup>3</sup>

Regulations require the maintenance of an annual log and summary of workplace injuries and illness, referred to as the Occupational Safety and Health Administration (OSHA) Form 200. For every recordable injury and illness on the OSHA Form 200, the employer must record additional information on a supplementary record (OSHA Form 101) or a form containing similar information. By February 1 each year, employers are required to post until March 1, a copy of the establishment's annual summary of injuries and illnesses from the Form 200 for the previous year.<sup>2</sup>

The degree of compliance with these record-keeping requirements is not known. Problems with the completeness and accuracy of the Form 200 have provided the basis for large fines levied recently against US employers.<sup>4-7</sup> As part of the National Occupational Exposure Survey (NOES) conducted by the National Institute for Occupational Safety and Health (NIOSH) between 1981 and 1983, questions were asked regarding the maintenance of the Form 200. The analysis of data from NOES presented in the paper provides a profile of compliance with one aspect of OSHA's record-keeping requirements: whether or not a company maintains the OSHA Form 200.

## Methods

A probability sample of 4,490 facilities in 98 geographic sampling units was selected for NOES. Field investigations began in November 1980 and continued for 30 months, involving site visits by one or two surveyors who were members of a national survey team that, over a period of years, averaged about 15 members. The surveyors observed processes, administered a questionnaire to plant managers, and recorded potential exposures to all employees. NOES covered a sample that included 1,830,330 employees in 523

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different types of industry—identified by Standard Industrial Classification (SIC) Codes—and 410 different occupations. The survey is representative of approximately 509,000 plants and 33.4 million workers nationwide (total US workforce of about 100 million). Retail trade and financial establishments were systematically undersampled in the survey. Facilities engaging in agriculture, mining, and government were excluded from the survey.<sup>8,9</sup>

At the time of the NOES, all covered employers with 11 or more employees at any time during the previous calendar year were required to maintain the OSHA Form 200. Every company in the sampling universe and every one of the 4,490 companies actually surveyed were within coverage of the Occupational Safety and Health Act of 1970. Of this number, 4,185 had 11 or more employees on their payroll at the date of the survey. NOES interviewers asked employers to provide the latest Summary of Occupational Injuries and Illnesses Form (OSHA Form 200) for examination. OSHA regulations provide for inspection by NIOSH of the OSHA Form 200, and there were no companies which refused access to the Form 200 if they maintained it.

## Results

Of the 4,185 companies with 11 or more employees surveyed, 3,142 (75 per cent) maintained OSHA Form 200. Of 665 large companies (500 or more employees), 96 per cent maintained the Form 200 compared with 62 per cent of the 2,313 small companies (between 11 and 99 employees). Companies established prior to the 1970 Act maintained OSHA logs more frequently than companies established in 1970 or later (80 per cent vs 65 per cent). Of the 1,808 companies with unions, 84 per cent maintained logs as compared to 69 per cent of those companies without unions. The presence of a health unit, an on-site physician or nurse, factors which correlated strongly with the size of the company, also predicted whether a company keeps logs (Table 1).

Of the factors related to the maintenance of the OSHA Form 200, the size of the company appears to be the most

TABLE 1—Compliance with OSHA Record-keeping Requirements, NOES, 1981-83

Characteristics	Total # Companies	% Maintain Records
Overall	4,185	75.1
Size of company (# on payroll)		
11-99	2,313	61.5
100-499	1,207	89.6
500+	665	95.9
Years of operation		
0-9	1,041	63.4
10-19	1,069	73.9
20-33	1,025	77.6
34+	1,050	85.4
Year company established		
From 1970 to 1983	1,448	65.3
Prior to 1970	2,737	80.2
Presence of a union	1,808	83.6
Health unit	1,069	93.3
Physician on-site	469	93.2
Nurse on-site	787	94.0

**TABLE 2—Presence of OSHA Record-keeping by Size of the Company, Years of Operation, and Unionization, NOES, 1981–83**

Size*	No Union			Union		
	≤12 yrs#	>12 yrs#	Total	≤12 yrs	>12 yrs	Total
Small	728 (52.1)§	811 (61.3)	1539 (56.9)	264 (62.9)§	510 (74.7)	774 (70.7)
Medium	222 (83.8)	354 (90.1)	576 (87.7)	131 (87.0)	500 (92.4)	631 (91.3)
Large	61 (98.4)	201 (94.5)	262 (95.4)	42 (97.6)	361 (96.1)	403 (96.3)
Total	1011 (61.8)	1366 (73.6)	2377 (68.6)	437 (73.5)	1371 (86.8)	1808 (83.6)

\*Size: Small—11–99 employees  
 Medium—100–499 employees  
 Large—500+ employees  
 #Years of plant operation  
 §Record-keeping present (%)

important factor in predicting the presence of the form (Table 2). Among small companies without unions, 52 per cent of those in operation ≤ 12 years and 61 per cent of those in operation ≥ 12 years kept logs; comparable figures for small companies with unions were 63 per cent and 75 per cent, respectively (Table 2).

Ranking of Standard Industrial Classifications (SICs) by the degree of compliance with OSHA Form 200 record-keeping indicated that the transportation equipment (95 per cent), petroleum refining (95 per cent), and the primary metal (94 per cent) industries had the highest proportions of companies surveyed that maintained the Form 200, while companies in highway passenger transportation (37 per cent), personal services (31 per cent), and automotive repair and service (27 per cent) industries had the lowest proportions of reporting.\*

### Discussion

The OSHA 200 logs are currently the only nationally comparable documentation of workplace injuries and illnesses maintained by United States industries. The Bureau of Labor Statistics (BLS) of the US Department of Labor conducts a sample survey annually among approximately 280,000 companies nationally to obtain summary injury and illness data from American industry based on log entries.<sup>3</sup> The accuracy of the log information is vital in generating accurate statistical data.<sup>10</sup>

OSHA inspectors, when visiting a manufacturing plant for a possible site inspection, currently use the logs to determine the lost workday injury rates of the particular company.<sup>11</sup> If this rate is above the average for all of manufacturing, then a full-scale plant inspection occurs. Incomplete or inaccurate records have the potential of misleading OSHA inspectors into assuming that there is not an injury problem at a particular plant when in reality there may be one. Continuing concerns about the accuracy of log information have been raised repeatedly.<sup>12</sup>

Finally, the log serves as an important source of information for employees regarding the safety and/or healthfulness of their workplace. OSHA requires that employees have direct access to the log and that companies post the summary of injuries and illnesses by February 1st until March 1st of each year. Posting allows workers to evaluate the accuracy of the record-keeping by recognition of omitted injuries, and to get a sense of the numbers of injuries and illnesses that have occurred. The Form 200, along with the OSHA Hazard

Communication Standard<sup>13</sup> and the OSHA Regulation on Access to Employee Exposure and Medical Records,<sup>14</sup> are important elements providing information and education to workers about the health risks and safety of their work environment.

Inaccurate and incomplete data make governmental efforts to establish and enforce regulations to reduce workplace morbidity and mortality more difficult. Furthermore, the failure of between 5 per cent and 73 per cent of companies, depending on the industry, to keep the logs means that a substantial portion of workers are not being kept informed about workplace injury and health risks. The lack of logs may reflect the absence in these companies of other elements of a safe and healthful workplace.

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\*A complete listing of compliance with OSHA record-keeping by industry is available from the authors.