

**LABOR SERVICES DIVISION[875]**

**Notice of Intended Action**

**Proposing rulemaking related to recording and reporting occupational injuries and illnesses and providing an opportunity for public comment**

The Labor Commissioner hereby proposes to rescind Chapter 4, “Recording and Reporting Occupational Injuries and Illnesses,” Iowa Administrative Code, and to adopt a new chapter with the same title.

*Legal Authority for Rulemaking*

This rulemaking is proposed under the authority provided in Iowa Code section 88.5.

*State or Federal Law Implemented*

This rulemaking implements, in whole or in part, 29 CFR 1904.

*Purpose and Summary*

Proposed Chapter 4 requires the reporting and recording of certain workplace injuries so that the Iowa Occupational Safety and Health Administration (OSHA) may monitor and, when necessary, investigate worksites to determine work safety compliance.

*Fiscal Impact*

This rulemaking has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rulemaking, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Division of Labor Services for a waiver of the discretionary provisions, if any, pursuant to 481—Chapter 6.

*Public Comment*

Any interested person may submit written or oral comments concerning this proposed rulemaking. Written or oral comments in response to this rulemaking must be received by the Division no later than 4:30 p.m. on June 4, 2024. Comments should be directed to:

Mitchell Mahan  
Labor Services Division  
6200 Park Avenue  
Des Moines, Iowa 50321  
Phone: 515.443.1051  
Email: [mitchell.mahan@dia.iowa.gov](mailto:mitchell.mahan@dia.iowa.gov)

*Public Hearing*

Public hearings at which persons may present their views orally or in writing will be held as follows:

June 4, 2024  
9:15 to 9:30 a.m.

Suite 100  
6200 Park Avenue  
Des Moines, Iowa

June 5, 2024  
9:15 to 9:30 a.m.

Suite 100  
6200 Park Avenue  
Des Moines, Iowa

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rulemaking.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Division and advise of specific needs.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rulemaking action is proposed:

ITEM 1. Rescind 875—Chapter 4 and adopt the following **new** chapter in lieu thereof:

CHAPTER 4

RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

**875—4.1(88) Purpose and scope.** This chapter applies to public and private employers.

**875—4.2(88) First reports of injury.** A report to the division of workers' compensation is considered to be a report to the division of labor services. The division of workers' compensation will forward all reports to the division of labor services.

**875—4.3(88) Recording and reporting regulations.** Except as noted in this rule, the federal Occupational Safety and Health Administration (OSHA) regulations at 29 CFR 1904.0 through 1904.46 as published at 66 Fed. Reg. 6122 through 6135 (January 19, 2001) are adopted.

**4.3(1)** The following amendments to 29 CFR 1904.0 through 1904.46 are adopted:

- a. 66 Fed. Reg. 52031-52034 (October 12, 2001)
- b. 67 Fed. Reg. 44047 (July 1, 2002)
- c. 67 Fed. Reg. 77170 (December 17, 2002)
- d. 68 Fed. Reg. 38606 (June 30, 2003)
- e. 79 Fed. Reg. 56186 (September 18, 2014)
- f. 81 Fed. Reg. 29691 (May 12, 2016)
- g. 81 Fed. Reg. 31854 (May 20, 2016)
- h. 84 Fed. Reg. 405 (January 25, 2019)
- i. 84 Fed. Reg. 21457 (May 14, 2019)
- j. 85 Fed. Reg. 8731 (February 18, 2020)
- k. 88 Fed. Reg. 47254 (July 21, 2023)

**4.3(2)** In addition to the reporting methods set forth in 29 CFR 1904.39(a), employers may make reports required by 29 CFR 1904.39 using at least one of the following methods:

- a. Completing the incident report form and faxing or emailing the completed form to Iowa OSHA in the department of inspections, appeals, and licensing;
- b. Calling 877.242.6742; or

*c.* Visiting 6200 Park Avenue, Suite 100, Des Moines, Iowa.  
These rules are intended to implement Iowa Code chapter 88.