

LABOR SERVICES DIVISION[875]

Adopted and Filed

Pursuant to the authority of Iowa Code section 88.5, the Labor Commissioner hereby amends Chapter 4, "Recording and Reporting Occupational Injuries and Illnesses," Iowa Administrative Code.

The amendments adopt by reference changes to federal occupational safety and health regulations governing record keeping and reporting. The federal changes update the list of industries that are exempt from record-keeping requirements due to low occupational injury and illness rates. The new federal regulation also expands the circumstances for which an employer must report work-related illnesses and injuries. The amendment in Item 2 changes the instructions for reporting incidents to the Iowa Division of Labor Services, and a conforming amendment is made in Item 1.

The principal reasons for adoption of these amendments are to implement legislative intent, protect the safety and health of Iowa workers, improve reporting options, and make Iowa's regulations current and consistent with federal regulations. Pursuant to 29 CFR 1904.37 and 1952.4, Iowa must adopt changes to the federal occupational safety and health record-keeping and reporting regulations.

Notice of Intended Action was published in the October 15, 2014, Iowa Administrative Bulletin as **ARC 1677C**. No public comment was received.

Since publication of the Notice of Intended Action, a new item containing a conforming amendment to rule 875—4.2(88) has been added. Also, the option to make a report by e-mail and a reference to a form available on the Internet have been added to rule 875—4.3(88).

No variance procedures are included in this rule. Variance procedures are set forth in 875—Chapter 5.

After analysis and review of this rule making, no impact on jobs will occur.

These amendments are intended to implement Iowa Code section 88.5 and 29 CFR 1904.37 and 1952.4.

These amendments shall become effective on January 14, 2015.

The following amendments are adopted.

ITEM 1. Amend rule 875—4.2(88) as follows:

875—4.2(88) First reports of injury. All employers shall report to the Iowa division of workers' compensation any occupational injury or illness which temporarily disables an employee for more than three days or which results in permanent total disability, permanent partial disability or death. This report shall be made within four days from such event when such injury or illness is alleged by the employee to have been sustained in the course of the employee's employment. First reports of injury are to be filed in the form and manner required by the division of workers' compensation. 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 shall forward all reports to the division of labor services. This rule does not excuse employers from ~~notifying the division of labor services of fatalities or multiple hospitalization incidents~~ making reports required by rule 875—4.3(88).

ITEM 2. Rescind rule 875—4.3(88) and adopt the following new rule in lieu thereof:

875—4.3(88) Recording and reporting regulations. Except as noted in this rule, the Federal Occupational Safety and Health Administration regulations at 29 CFR 1904.0 through 1904.46 as published at 66 Fed. Reg. 6122 to 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)

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 available at www.iowaosha.gov and faxing the completed form to (515)242-5076 or sending the completed form to osha@iwd.iowa.gov;
- b.* Calling (877)242-6742; or
- c.* Visiting 1000 E. Grand Avenue, Des Moines, Iowa.

[Filed 11/19/14, effective 1/14/15]

[Published 12/10/14]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 12/10/14.