



REGULATIONS

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TITLE 16. LABOR AND EMPLOYMENT SAFETY AND HEALTH CODES BOARD

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Chapter 85 Final

REGISTRAR'S NOTICE: The following regulatory action is exempt from Article 2 of the Administrative Process Act in accordance with § 2.2-4006 A 4 c of the Code of Virginia, which excludes regulations that are necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation. The Safety and Health Codes Board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision.

Title of Regulation: 16VAC25-85. Recording and Reporting Occupational Injuries and Illnesses (amending 16VAC25-85-1904.41, Appendix A to Subpart E; adding Appendix B to Subpart E).

Statutory Authority: § 40.1-22 of the Code of Virginia.

Effective Date: January 1, 2024.

Agency Contact: Cristin Bernhardt, Regulatory Coordinator, Department of Labor and Industry, Main Street Centre, 600 East Main Street, Suite 207, Richmond, VA 23219, telephone (804) 786-2392, FAX (804) 786-8418, or email cristin.bernhardt@doli.virginia.gov.

Summary:

In a final rule, federal Occupational Safety and Health Administration (OSHA) amended its Recording and Reporting Occupational Injuries and Illnesses regulation to improve tracking of workplace illnesses and injuries by requiring certain employers to electronically submit injury and illness information to OSHA that employers are already required to keep under the recordkeeping regulation. The amendments (i) require establishments with 100 or more employees in certain designated industries to electronically submit information from OSHA Form 300 and Form 301 to OSHA once a year; (ii) update NAICS codes used in Appendix A of Subpart E, which designates the industries required to submit Form 300A data; (iii) add Appendix B to Subpart E, which designates the industries required to submit Form 300 and Form 301 data; and (iv) require an establishment to include its company name when making electronic submissions to OSHA. In this regulatory action, the Safety and Health Codes Board is adopting this final rule.

Note on Incorporation by Reference: Pursuant to § 2.2-4103 of the Code of Virginia, 29 CFR Part 1904 (Recording and Reporting Occupational Injuries and Illnesses) is declared a document generally available to the public and appropriate for incorporation by reference. For this reason, this document will not be printed in the Virginia Register of Regulations. A copy of the document is available for inspection at the Department of Labor and Industry, Main Street Centre, 600 East Main Street, Richmond, Virginia 23219, and in the office of the Registrar of Regulations, General Assembly Building, 201 North Ninth Street, 4th Floor, Richmond, Virginia 23219.

Statement of Final Agency Action: On September 18, 2023, the Safety and Health Codes Board adopted federal OSHA's final rule to Improve Tracking of Workplace Injuries and Illnesses, as published in 88 FR 47346 through 88 FR 47349 on July 21, 2023, with an effective date of January 1, 2024.

Federal Terms and State Equivalents: When the regulation as set forth in the final rule for Recording and Reporting Occupational Injuries and Illnesses is applied to the Commissioner of the Department of Labor and Industry or to Virginia employers, the following federal terms shall be considered to read as follows:

<u>Federal Terms</u>	<u>VOSH Equivalent</u>
29 CFR	VOSH Standard
Assistant Secretary	Commissioner of Labor and Industry
Agency	Department



VA.R. Doc. No. R24-7702; Filed October 17, 2023

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