

Department of State
Division of Publications
312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Email: publications.information@tn.gov

For Department of State Use Only

Sequence
Number: 04-13-24
Rule ID(s): 10077
File Date: 4/22/2024
Effective Date: 7/21/2024

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission: Department of Labor and Workforce Development
Division: Division of Occupational Safety and Health
Contact Person: Rusty Dugan
Address: 220 French Landing Drive, Nashville, TN
Zip: 37243-1002
Phone: (615) 770-1876
Email: Russell.Dugan@tn.gov

Revision Type (check all that apply):

Amendment
 New
 Repeal
 Content based on previous emergency rule filed on _____
 Content is identical to the emergency rule

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that ALL new rule and repealed rule numbers are listed in the chart below. Please enter only ONE Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0800-01-03	Occupational Safety and Health Standards Record-Keeping and Reporting
Rule Number	Rule Title
0800-01-03-.05	Reporting Fatality, Injury, and Illness Information

Place substance of rules and other info here. Please be sure to include a detailed explanation of the changes being made to the listed rule(s). Statutory authority must be given for each rule change. For information on formatting rules go to <https://sos.tn.gov/products/division-publications/rulemaking-guidelines>.

Rule 0800-01-03-.05 shall be amended by deleting paragraphs 3(a)1. & 2. and 3(b)1. in their entirety and replacing it as follows; by adding subsections 9. & 10. to paragraph (3)(b); by adding language to paragraph 3(c); by amending the language and renumbering certain reference numbers in appendix A; and by adding appendix B, so the rule now reads:

0800-01-03-.05 REPORTING FATALITY, INJURY, AND ILLNESS INFORMATION.

(1) Reporting fatalities and multiple hospitalization incidents to TOSHA.

(a) Basic requirement.

1. Within eight (8) hours after the death of any employee as a result of a work-related incident, you must report the fatality to the TOSHA Division of the Tennessee Department of Labor and Workforce Development.
2. Within twenty-four (24) hours after the in-patient hospitalization of one or more employees, an employee's amputation, or an employee's loss of an eye, as a result of a work-related incident, you must report the in-patient hospitalization, amputation, or loss of an eye to TOSHA.
3. You must report the fatality, in-patient hospitalization, amputation, or loss of an eye using one of the following methods:
 - (i) By telephone or in person to the TOSHA Area Office that is nearest to the site of the incident.
 - (ii) By telephone to the TOSHA toll-free central telephone number, 1-800-249-8510.
 - (iii) By electronic submission using the reporting application located on OSHA's public website at www.osha.gov.

(b) Implementation.

1. If the Area Office is closed, may I report the fatality, in-patient hospitalization, amputation, or loss of an eye by leaving a message on TOSHA's answering machine, faxing the Area Office, or sending an e-mail? No, if the Area Office is closed, you must report the fatality, in-patient hospitalization, amputation, or loss of an eye using either the 800 number or the reporting application located on OSHA's public website at www.osha.gov.
2. What information do I need to give to TOSHA about the in-patient hospitalization, amputation, or loss of an eye? You must give TOSHA the following information for each fatality, in-patient hospitalization, amputation, or loss of an eye:
 - (i) The establishment name;
 - (ii) The location of the work-related incident;
 - (iii) The time of the work-related incident;
 - (iv) The type of reportable event (i.e., fatality, in-patient hospitalization, amputation, or loss of an eye);
 - (v) The number of employees who suffered a fatality, in-patient hospitalization, amputation, or loss of an eye;

(Rule 0800-01-03-.05, continued)

- (vi) The names of the employees who suffered a fatality, in-patient hospitalization, amputation, or loss of an eye;
 - (vii) Your contact person and his or her phone number; and
 - (viii) A brief description of the work-related incident.
3. Do I have to report the fatality, in-patient hospitalization, amputation, or loss of an eye if it resulted from a motor vehicle accident on a public street or highway? If the motor vehicle accident occurred in a construction work zone, you must report the fatality, in-patient hospitalization, amputation, or loss of an eye. If the motor vehicle accident occurred on a public street or highway, but not in a construction work zone, you do not have to report the fatality, in-patient hospitalization, amputation, or loss of an eye to TOSHA. However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.
 4. Do I have to report the fatality, in-patient hospitalization, amputation, or loss of an eye if it occurred on a commercial or public transportation system? No, you do not have to report the fatality, in-patient hospitalization, amputation, or loss of an eye to TOSHA if it occurred on a commercial or public transportation system (e.g., airplane, train, subway, or bus). However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.
 5. Do I have to report a work-related fatality or in-patient hospitalization caused by a heart attack? Yes, your local TOSHA Area Office supervisor will decide whether to investigate the event, depending on the circumstances of the heart attack.
 6. What if the fatality, in-patient hospitalization, amputation, or loss of an eye does not occur during or right after the work-related incident? You must only report a fatality to TOSHA if the fatality occurs within thirty (30) days of the work-related incident. For an in-patient hospitalization, amputation, or loss of an eye, you must only report the event to TOSHA if it occurs within twenty-four (24) hours of the work-related incident. However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.
 7. What if I don't learn about a reportable fatality, in-patient hospitalization, amputation, or loss of an eye right away? If you do not learn about a reportable fatality, in-patient hospitalization, amputation, or loss of an eye at the time it takes place, you must make the report to TOSHA within the following time period after the fatality, in-patient hospitalization, amputation, or loss of an eye is reported to you or to any of your agent(s): eight (8) hours for a fatality, and twenty-four (24) hours for an in-patient hospitalization, an amputation, or a loss of an eye.
 8. What if I don't learn right away that the reportable fatality, in-patient hospitalization, amputation, or loss of an eye was the result of a work-related incident? If you do not learn right away that the reportable fatality, in-patient hospitalization, amputation, or loss of an eye was the result of a work-related incident, you must make the report to TOSHA within the following time period after you or any of your agent(s) learn that the reportable fatality, in-patient hospitalization, amputation, or loss of an eye was the result of a work-related incident: eight (8) hours for a fatality, and twenty-four (24) hours for an in-patient hospitalization, an amputation, or a loss of an eye.

9. How does TOSHA define "in-patient hospitalization"? TOSHA defines in-patient hospitalization as a formal admission to the in-patient service of a hospital or clinic for care or treatment.
10. Do I have to report an in-patient hospitalization that involves only observation or diagnostic testing? No, you do not have to report an in-patient hospitalization that involves only observation or diagnostic testing. You must only report to TOSHA each in-patient hospitalization that involves care or treatment.
11. How does TOSHA define "amputation"? An amputation is the traumatic loss of a limb or other external body part. Amputations include a part, such as a limb or appendage, that has been severed, cut off, amputated (either completely or partially); fingertip amputations with or without bone loss; medical amputations resulting from irreparable damage; amputations of body parts that have since been reattached. Amputations do not include avulsions, enucleations, degloving, scalping, severed ears, or broken or chipped teeth.

(2) Providing records to government representatives.

(a) Basic requirement. When an authorized government representative asks for the records you keep under this rule, you must provide copies of the records within four (4) business hours.

(b) Implementation.

1. What government representatives have the right to get copies of my injury and illness records? The government representatives authorized to receive the records are:
 - (i) A representative of the Commissioner of Labor and Workforce Development conducting an inspection or investigation under the Act;
 - (ii) A representative of the Secretary of Health and Human Services (including the National Institute for Occupational Safety and Health - NIOSH) conducting an investigation under Section 20(b) of the Occupational Safety and Health Act of 1970, as amended.
2. Do I have to produce the records within four (4) hours if my records are kept at a location in a different time zone? TOSHA will consider your response to be timely if you give the records to the government representative within four (4) business hours of the request. If you maintain the records at a location in a different time zone, you may use the business hours of the establishment at which the records are located when calculating the deadline.

(3) Electronic submission of Employer Identification Number (EIN) and injury and illness records to OSHA.

(a) Basic requirements.

1. Annual electronic submission of information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses.
 - (i) If your establishment had 20 or more but fewer than 250 (20–249) employees at any time during the previous calendar year, and your establishment is classified in an industry listed in appendix A rule 0800-01-03-.05, then you must electronically submit information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses to OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in paragraph (c) of this section of the year after the calendar year covered by the form.
 - (ii) If your establishment had 250 or more employees at any time during the previous calendar year, and this part requires your establishment to keep records, then you must electronically submit information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses to OSHA or OSHA's designee. You must

submit the information once a year, no later than the date listed in paragraph (c) of this section of the year after the calendar year covered by the form.

2. Annual electronic submission of information from OSHA Form 300 Log of Work-Related Injuries and Illnesses and OSHA Form 301 Injury and Illness Incident Report by establishments with 100 or more employees in designated industries. If your establishment had 100 or more employees at any time during the previous calendar year, and your establishment is classified in an industry listed in appendix B to rule 0800-01-03-.05, then you must electronically submit information from OSHA Forms 300 and 301 to OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in paragraph (c) of this section of the year after the calendar year covered by the forms.
3. Electronic submission of 0800-01-03 records upon notification. Upon notification, you must electronically submit the requested information from your 0800-01-03 records to OSHA or OSHA's designee.
4. Electronic submission of the Employer Identification Number (EIN). For each establishment that is subject to these reporting requirements, you must provide the EIN used by the establishment.

(b) Implementation.

1. Does every employer have to routinely make an annual electronic submission of information from rule 0800-01-03 injury and illness recordkeeping forms to OSHA? No, only three categories of employers must routinely submit information from these forms. The first category is establishments that had 20–249 employees at any time during the previous calendar year and are classified in an industry listed in appendix A to this subpart; establishments in this category must submit the required information from Form 300A to OSHA once a year. The second category is establishments that had 250 or more employees at any time during the previous calendar year and are required by this part to keep records; establishments in this category must submit the required information from Form 300A to OSHA once a year. The third category is establishments that had 100 or more employees at any time during the previous calendar year and are classified in an industry listed in appendix B to this subpart; establishments in this category must also submit the required information from Forms 300 and 301 to OSHA once a year, in addition to the required information from Form 300A. Employers in these three categories must submit the required information by the date listed in paragraph (c) of this section of the year after the calendar year covered by the form (for example, 2024 for the 2023 form(s)). If your establishment is not in any of these three categories, then you must submit the information to OSHA only if OSHA notifies you to do so for an individual data collection.
2. Do part-time, seasonal, or temporary workers count as employees in the criteria for number of employees in paragraph (a) of this section? Yes, each individual employed in the establishment at any time during the calendar year counts as one employee, including full-time, part-time, seasonal, and temporary workers.
3. How will OSHA notify me that I must submit information as part of an individual data collection under paragraph (a)3. of this section? OSHA will notify you by mail if you will have to submit information as part of an individual data collection under paragraph (a)3. OSHA will also announce individual data collections through publication in the Federal Register and the OSHA newsletter, and announcements on the OSHA website. If you are an employer who must routinely submit the information, then OSHA will not notify you about your routine submittal.
4. When do I have to submit the information? If you are required to submit information under paragraph (a)1. or 2. of this section, then you must submit the information once a year, by the date listed in paragraph (c) of this section of the year after the calendar year covered by the form (for example, 2019 for the 2018 form). If you are submitting information because OSHA notified you to submit information as part of an individual data collection

under paragraph (a)3. of this section, then you must submit the information as specified in the notification.

5. How do I submit the information? You must submit the information electronically. OSHA will provide a secure website for the electronic submission of information. For individual data collections under paragraph (a)3. of this section, OSHA will include the website's location in the notification for the data collection.
6. Do I have to submit information if my establishment is partially exempt from keeping OSHA injury and illness records? If you are partially exempt from keeping injury and illness records under 0800-01-03-.02(2) and/or 0800-01-03-.02(3), then you do not have to routinely submit information under paragraphs (a)1. and 2. of this section. You will have to submit information under paragraph (a)3. of this section if OSHA informs you in writing that it will collect injury and illness information from you. If you receive such a notification, then you must keep the injury and illness records required by this part and submit information as directed.
7. Do I have to submit information if I am located in a State Plan State? Yes, the requirements apply to employers located in State Plan States.
8. May an enterprise or corporate office electronically submit information for its establishment(s)? Yes, if your enterprise or corporate office had ownership of or control over one or more establishments required to submit information under paragraph (a) of this section, then the enterprise or corporate office may collect and electronically submit the information for the establishment(s).
9. If I have to submit information under paragraph (a)(2) of this section, do I have to submit all of the information from the recordkeeping forms? No, you are required to submit all of the information from the forms except the following:
 - (i) From the Log of Work-Related Injuries and Illnesses (OSHA Form 300): Employee name (column B).
 - (ii) From the Injury and Illness Incident Report (OSHA Form 301): Employee name (field 1), employee address (field 2), name of physician or other health care professional (field 6), facility name and address if treatment was given away from the worksite (field 7).
10. My company uses numbers or codes to identify our establishments. May I use numbers or codes as the establishment name in my submission? Yes, you may use numbers or codes as the establishment name. However, the submission must include a legal company name, either as part of the establishment name or separately as the company name.
 - (c) Reporting dates. Establishments that are required to submit under paragraph (3)(a)1. or 2. of this section must submit all of the required information by March 2 of the year after the calendar year covered by the form(s) (for example, by March 2, 2024, for the forms covering 2023).
 1. In 2017 and 2018, establishments required to submit under paragraph (3)(a)1. or 2. of this rule must submit the required information according to the table in this paragraph (3)(c)1.:

Submission Year	Establishments submitting under paragraph (3)(a)1. of this rule must submit the required information from this form/these forms	Establishments submitting under paragraph (3)(a)2. of this rule must submit the required information from this form:	Submission deadline
2017	300A	300A	July 1, 2017
2018	300A, 300, 301	300A	July 1, 2018

2. Beginning in 2019, establishments that are required to submit under paragraph (3)(a)1. or 2. of this rule will have to submit all of the required information by March 2 of the year after the calendar year covered by the form or forms (for example, by March 2, 2019, for the forms covering 2018).

Appendix A to 0800-01-03-.05 — Designated Industries for 0800-01-03-.05(3)(a)1.(i) Annual Electronic Submission of Information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses by Establishments With 20-249 Employees in Designated Industries

NAICS	Industry
11	Agriculture, forestry, fishing and hunting.
22	Utilities.
23	Construction.
31-33	Manufacturing.
42	Wholesale trade.
4413	Automotive parts, accessories, and tire stores.
4421	Furniture stores.
4422	Home furnishings stores.
4441	Building material and supplies dealers.
4442	Lawn and garden equipment and supplies stores.
4451	Grocery stores.
4452	Specialty food stores.
4522	Department stores.
4523	General Merchandise Stores, including Warehouse Clubs and Supercenters.
4533	Used merchandise stores.
4542	Vending machine operators.
4543	Direct selling establishments.
4811	Scheduled air transportation.
4841	General freight trucking.
4842	Specialized freight trucking.
4851	Urban transit systems.
4852	Interurban and rural bus transportation.
4853	Taxi and limousine service.
4854	School and employee bus transportation.
4855	Charter bus industry.
4859	Other transit and ground passenger transportation.
4871	Scenic and sightseeing transportation, land.
4881	Support activities for air transportation.
4882	Support activities for rail transportation.
4883	Support activities for water transportation.
4884	Support activities for road transportation.
4889	Other support activities for transportation.
4911	Postal service.
4921	Couriers and express delivery services.
4922	Local messengers and local delivery.
4931	Warehousing and storage.
5152	Cable and other subscription programming.
5311	Lessors of real estate.
5321	Automotive equipment rental and leasing.
5322	Consumer goods rental.
5323	General rental centers.
5617	Services to buildings and dwellings.
5621	Waste collection.
5622	Waste treatment and disposal.
5629	Remediation and other waste management services.
6219	Other ambulatory health care services.
6221	General medical and surgical hospitals.

6222	Psychiatric and substance abuse hospitals.
6223	Specialty (except psychiatric and substance abuse) hospitals.
6231	Nursing care facilities.
6232	Residential Intellectual and Developmental Disability, mental health, and substance abuse facilities.
6233	Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly.
6239	Other residential care facilities.
6242	Community food and housing, and emergency and other relief services.
6243	Vocational rehabilitation services.
7111	Performing arts companies.
7112	Spectator sports.
7121	Museums, historical sites, and similar institutions.
7131	Amusement parks and arcades.
7132	Gambling industries.
7211	Traveler accommodation.
7212	RV (recreational vehicle) parks and recreational camps.
7223	Special food services.
8113	Commercial and industrial machinery and equipment (except automotive and electronic) repair and maintenance.
8123	Dry-cleaning and laundry services.

Appendix B to Rule 0800-01-03-.05 — Designated Industries for 0800-01-03-.05(3)(a)2. Annual Electronic Submission of Information From OSHA Form 300 Log of Work-Related Injuries and Illnesses and OSHA Form 301 Injury and Illness Incident Report by Establishments With 100 or More Employees in Designated Industries.

NAICS	Industry
1111	Oilseed and Grain Farming
1112	Vegetable and Melon Farming
1113	Fruit and Tree Nut Farming
1114	Greenhouse, Nursery, and Floriculture Production
1119	Other Crop Farming
1121	Cattle Ranching and Farming
1122	Hog and Pig Farming
1123	Poultry and Egg Production
1129	Other Animal Production
1133	Logging
1141	Fishing
1142	Hunting and Trapping
1151	Support Activities for Crop Production
1152	Support Activities for Animal Production
1153	Support Activities for Forestry
2213	Water, Sewage and Other Systems
2381	Foundation, Structure, and Building Exterior Contractors
3111	Animal Food Manufacturing
3113	Sugar and Confectionery Product Manufacturing
3114	Fruit and Vegetable Preserving and Specialty Food Manufacturing
3115	Dairy Product Manufacturing
3116	Animal Slaughtering and Processing
3117	Seafood Product Preparation and Packaging
3118	Bakeries and Tortilla Manufacturing
3119	Other Food Manufacturing
3121	Beverage Manufacturing
3161	Leather and Hide Tanning and Finishing
3162	Footwear Manufacturing
3211	Sawmills and Wood Preservation
3212	Veneer, Plywood, and Engineered Wood Product Manufacturing
3219	Other Wood Product Manufacturing

3261	Plastics Product Manufacturing
3262	Rubber Product Manufacturing
3271	Clay Product and Refractory Manufacturing
3272	Glass and Glass Product Manufacturing
3273	Cement and Concrete Product Manufacturing
3279	Other Nonmetallic Mineral Product Manufacturing
3312	Steel Product Manufacturing from Purchased Steel
3314	Nonferrous Metal (except Aluminum) Production and Processing
3315	Foundries
3321	Forging and Stamping
3323	Architectural and Structural Metals Manufacturing
3324	Boiler, Tank, and Shipping Container Manufacturing
3325	Hardware Manufacturing
3326	Spring and Wire Product Manufacturing
3327	Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing
3328	Coating, Engraving, Heat Treating, and Allied Activities
3331	Agriculture, Construction, and Mining Machinery Manufacturing
3335	Metalworking Machinery Manufacturing
3361	Motor Vehicle Manufacturing
3362	Motor Vehicle Body and Trailer Manufacturing
3363	Motor Vehicle Parts Manufacturing
3366	Ship and Boat Building
3371	Household and Institutional Furniture and Kitchen Cabinet Manufacturing
3372	Office Furniture (including Fixtures) Manufacturing
3379	Other Furniture Related Product Manufacturing
4231	Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers
4233	Lumber and Other Construction Materials Merchant Wholesalers
4235	Metal and Mineral (except Petroleum) Merchant Wholesalers
4239	Miscellaneous Durable Goods Merchant Wholesalers
4244	Grocery and Related Product Merchant Wholesalers
4248	Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers
4413	Automotive Parts, Accessories, and Tire Stores
4422	Home Furnishings Stores
4441	Building Material and Supplies Dealers
4442	Lawn and Garden Equipment and Supplies Stores
4451	Grocery Stores
4522	Department Stores
4523	General Merchandise Stores, including Warehouse Clubs and Supercenters
4533	Used Merchandise Stores
4543	Direct Selling Establishments
4811	Scheduled Air Transportation
4841	General Freight Trucking
4842	Specialized Freight Trucking
4851	Urban Transit Systems
4852	Interurban and Rural Bus Transportation
4853	Taxi and Limousine Service
4854	School and Employee Bus Transportation
4859	Other Transit and Ground Passenger Transportation
4871	Scenic and Sightseeing Transportation, Land
4881	Support Activities for Air Transportation
4883	Support Activities for Water Transportation
4889	Other Support Activities for Transportation
4911	Postal Service
4921	Couriers and Express Delivery Services

4931	Warehousing and Storage
5322	Consumer Goods Rental
5621	Waste Collection
5622	Waste Treatment and Disposal
6219	Other Ambulatory Health Care Services
6221	General Medical and Surgical Hospitals
6222	Psychiatric and Substance Abuse Hospitals
6223	Specialty (except Psychiatric and Substance Abuse) Hospitals
6231	Nursing Care Facilities (Skilled Nursing Facilities)
6232	Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities
6233	Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly
6239	Other Residential Care Facilities
6243	Vocational Rehabilitation Services
7111	Performing Arts Companies
7112	Spectator Sports
7131	Amusement Parks and Arcades
7211	Traveler Accommodation
7212	RV (Recreational Vehicle) Parks and Recreational Camps
7223	Special Food Services

Authority: T.C.A. §§ 4-3-1411, 50-3-201, 50-3-701, and 50-3-917.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Department of Labor and Workforce Development on 01/02/2024 and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 10/20/2023

Rulemaking Hearing(s) Conducted on: (add more dates). 12/11/2023

Date: 3/26/2024

Signature: *Deniece Thomas / DS*

Name of Officer: Deniece Thomas

Title of Officer: Commissioner of Labor and Workforce Development

Agency/Board/Commission: Department of Labor and Workforce Development

Rule Chapter Number(s): 0800-01-03

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

[Signature]
 Jonathan Skrmetti
 Attorney General and Reporter
April 11, 2024 Date

Department of State Use Only

Filed with the Department of State on: 4/22/2024

Effective on: 7/21/2024

RECEIVED

Apr 22 2024, 11:14 am

Secretary of State
Division of Publications

[Signature]
 Tre Hargett
 Secretary of State

Public Hearing Comments

One copy of a document that satisfies T.C.A. § 4-5-222 must accompany the filing.

No comments were received.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

Per T.C.A. § 4-5-404, these rule amendments are exempt from the requirement to submit a regulatory flexibility statement because they substantially codify existing federal law.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228, "On any rule and regulation proposed to be promulgated, the proposing agency shall state in a simple declarative sentence, without additional comments on the merits or the policy of the rule or regulation, whether the rule or regulation may have a projected financial impact on local governments. The statement shall describe the financial impact in terms of increase in expenditures or decrease in revenues."

These proposed rule changes do not have a projected impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

0800-01-03-.05 is amended in order to adopt and reference the latest occupational safety and health standards and exceptions, if any, in the applicable parts of Title 29, Code of Federal Regulations when published in the Federal Register. The substantive changes to this rule require establishments with 100 or more employees in certain designated industries (high-risk industries) to electronically submit information from their OSHA Forms 300 and 301 to OSHA once a year; updates the NAICS codes used in appendix A, which designates the industries required to submit their Form 300A data; and adds appendix B, which designates the industries required to submit Form 300 and Form 301 data. Additionally, establishments will be required to include their company name when making electronic submissions to OSHA.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

29 U.S.C. § 667 gives Tennessee authority for a federally approved State plan that provides for the development and enforcement of occupational safety and health standards. In accordance with the plan, when a federal occupational safety and health standard is promulgated under 29 U.S.C. § 655, Tennessee generally adopts the federal standard relating to the same issue. When a federal standard is not adopted, it is referenced as an exception in the rules. T.C.A. §§ 4-3-1411 and 50-3-201 give the Commissioner authority to promulgate rules and regulations implementing this chapter.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

All employers subject to T.C.A. § 50-3-201 et seq. are directly affected by the rules in Chapter 0800-01-03-.05. Employers, including governmental entities, in the State must comply with the rules promulgated pursuant to federal and State law. There appears to be no objections to the proposed amendments to the rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

There are no anticipated increases or decreases in state and local government revenues and expenditures resulting from promulgation of the proposed rules and amendments to the existing rules.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Rusty Dugan, Standards Manager, Division of Occupational Safety and Health

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Rusty Dugan, Standards Manager, Division of Occupational Safety and Health

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Tennessee Department of Labor and Workforce Development
Division of Occupational Safety and Health
220 French Landing Drive
Nashville, TN 37243-1002
(615) 770-1876
Email: russell.dugan@tn.gov

- (I)** Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

**RULES
OF
THE TENNESSEE DEPARTMENT OF LABOR AND WORKFORCE DEVELOPMENT
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH**

**CHAPTER 0800-01-03
OCCUPATIONAL SAFETY AND HEALTH STANDARDS
RECORD-KEEPING AND REPORTING**

TABLE OF CONTENTS

0800-01-03-.05 Reporting Fatality, Injury, and Illness
Information

0800-01-03-.05 REPORTING FATALITY, INJURY, AND ILLNESS INFORMATION.

- (1) Reporting fatalities and multiple hospitalization incidents to TOSHA.
 - (a) Basic requirement.
 1. Within eight (8) hours after the death of any employee as a result of a work-related incident, you must report the fatality to the TOSHA Division of the Tennessee Department of Labor and Workforce Development.
 2. Within twenty-four (24) hours after the in-patient hospitalization of one or more employees, an employee's amputation, or an employee's loss of an eye, as a result of a work-related incident, you must report the in-patient hospitalization, amputation, or loss of an eye to TOSHA.
 3. You must report the fatality, in-patient hospitalization, amputation, or loss of an eye using one of the following methods:
 - (i) By telephone or in person to the TOSHA Area Office that is nearest to the site of the incident.
 - (ii) By telephone to the TOSHA toll-free central telephone number, 1-800-249-8510.
 - (iii) By electronic submission using the reporting application located on OSHA's public website at www.osha.gov.
 - (b) Implementation.
 1. If the Area Office is closed, may I report the fatality, in-patient hospitalization, amputation, or loss of an eye by leaving a message on TOSHA's answering machine, faxing the Area Office, or sending an e-mail? No, if the Area Office is closed, you must report the fatality, in-patient hospitalization, amputation, or loss of an eye using either the 800 number or the reporting application located on OSHA's public website at www.osha.gov.
 2. What information do I need to give to TOSHA about the in-patient hospitalization, amputation, or loss of an eye? You must give TOSHA the following information for each fatality, in-patient hospitalization, amputation, or loss of an eye:
 - (i) The establishment name;

(Rule 0800-01-03-.05, continued)

- (ii) The location of the work-related incident;
 - (iii) The time of the work-related incident;
 - (iv) The type of reportable event (i.e., fatality, in-patient hospitalization, amputation, or loss of an eye);
 - (v) The number of employees who suffered a fatality, in-patient hospitalization, amputation, or loss of an eye;
 - (vi) The names of the employees who suffered a fatality, in-patient hospitalization, amputation, or loss of an eye;
 - (vii) Your contact person and his or her phone number; and
 - (viii) A brief description of the work-related incident.
3. Do I have to report the fatality, in-patient hospitalization, amputation, or loss of an eye if it resulted from a motor vehicle accident on a public street or highway? If the motor vehicle accident occurred in a construction work zone, you must report the fatality, in-patient hospitalization, amputation, or loss of an eye. If the motor vehicle accident occurred on a public street or highway, but not in a construction work zone, you do not have to report the fatality, in-patient hospitalization, amputation, or loss of an eye to TOSHA. However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.
 4. Do I have to report the fatality, in-patient hospitalization, amputation, or loss of an eye if it occurred on a commercial or public transportation system? No, you do not have to report the fatality, in-patient hospitalization, amputation, or loss of an eye to TOSHA if it occurred on a commercial or public transportation system (e.g., airplane, train, subway, or bus). However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.
 5. Do I have to report a work-related fatality or in-patient hospitalization caused by a heart attack? Yes, your local TOSHA Area Office supervisor will decide whether to investigate the event, depending on the circumstances of the heart attack.
 6. What if the fatality, in-patient hospitalization, amputation, or loss of an eye does not occur during or right after the work-related incident? You must only report a fatality to TOSHA if the fatality occurs within thirty (30) days of the work-related incident. For an in-patient hospitalization, amputation, or loss of an eye, you must only report the event to TOSHA if it occurs within twenty-four (24) hours of the work-related incident. However, the fatality, in-patient hospitalization, amputation, or loss of an eye must be recorded on your OSHA injury and illness records, if you are required to keep such records.
 7. What if I don't learn about a reportable fatality, in-patient hospitalization, amputation, or loss of an eye right away? If you do not learn about a reportable fatality, in-patient hospitalization, amputation, or loss of an eye at the time it takes place, you must make the report to TOSHA within the following time period after the fatality, in-patient hospitalization, amputation, or loss of an eye is reported to you or to any of your agent(s): eight (8) hours for a fatality, and twenty-four (24) hours for an in-patient hospitalization, an amputation, or a loss of an eye.

(Rule 0800-01-03-.05, continued)

8. What if I don't learn right away that the reportable fatality, in-patient hospitalization, amputation, or loss of an eye was the result of a work-related incident? If you do not learn right away that the reportable fatality, in-patient hospitalization, amputation, or loss of an eye was the result of a work-related incident, you must make the report to TOSHA within the following time period after you or any of your agent(s) learn that the reportable fatality, in-patient hospitalization, amputation, or loss of an eye was the result of a work-related incident: eight (8) hours for a fatality, and twenty-four (24) hours for an in-patient hospitalization, an amputation, or a loss of an eye.
9. How does TOSHA define "in-patient hospitalization"? TOSHA defines in-patient hospitalization as a formal admission to the in-patient service of a hospital or clinic for care or treatment.
10. Do I have to report an in-patient hospitalization that involves only observation or diagnostic testing? No, you do not have to report an in-patient hospitalization that involves only observation or diagnostic testing. You must only report to TOSHA each in-patient hospitalization that involves care or treatment.
11. How does TOSHA define "amputation"? An amputation is the traumatic loss of a limb or other external body part. Amputations include a part, such as a limb or appendage, that has been severed, cut off, amputated (either completely or partially); fingertip amputations with or without bone loss; medical amputations resulting from irreparable damage; amputations of body parts that have since been reattached. Amputations do not include avulsions, enucleations, degloving, scalping, severed ears, or broken or chipped teeth.

(2) Providing records to government representatives.

- (a) Basic requirement. When an authorized government representative asks for the records you keep under this rule, you must provide copies of the records within four (4) business hours.
- (b) Implementation.
 1. What government representatives have the right to get copies of my injury and illness records? The government representatives authorized to receive the records are:
 - (i) A representative of the Commissioner of Labor and Workforce Development conducting an inspection or investigation under the Act;
 - (ii) A representative of the Secretary of Health and Human Services (including the National Institute for Occupational Safety and Health - NIOSH) conducting an investigation under Section 20(b) of the Occupational Safety and Health Act of 1970, as amended.
 2. Do I have to produce the records within four (4) hours if my records are kept at a location in a different time zone? TOSHA will consider your response to be timely if you give the records to the government representative within four (4) business hours of the request. If you maintain the records at a location in a different time zone, you may use the business hours of the establishment at which the records are located when calculating the deadline.

(Rule 0800-01-03-.05, continued)

(3) Electronic submission of Employer Identification Number (EIN) and injury and illness records to OSHA.

(a) Basic requirements.

1. ~~Annual electronic submission of OSHA Form 300A Summary of Work-Related Injuries and Illnesses by establishments with 250 or more employees. If your establishment had 250 or more employees at any time during the previous calendar year, and this part requires your establishment to keep records, then you must electronically submit information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses to OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in paragraph (c) of this section of the year after the calendar year covered by the form (for example, 2019 for the 2018 form). Annual electronic submission of information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses.~~

(i) ~~If your establishment had 20 or more but fewer than 250 (20-249) employees at any time during the previous calendar year, and your establishment is classified in an industry listed in appendix A rule 0800-01-03-.05, then you must electronically submit information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses to OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in paragraph (c) of this section of the year after the calendar year covered by the form.~~

(ii) ~~If your establishment had 250 or more employees at any time during the previous calendar year, and this part requires your establishment to keep records, then you must electronically submit information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses to OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in paragraph (c) of this section of the year after the calendar year covered by the form.~~

2. ~~Annual electronic submission of OSHA Form 300A Summary of Work-Related Injuries and Illnesses by establishments with 20 or more employees but fewer than 250 employees in designated industries. If your establishment had 20 or more employees but fewer than 250 employees at any time during the previous calendar year, and your establishment is classified in an industry listed in appendix A to 0800-01-03-.05 of this part, then you must electronically submit information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses to OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in paragraph (3)(c) of this rule of the year after the calendar year covered by the form. Annual electronic submission of information from OSHA Form 300 Log of Work-Related Injuries and Illnesses and OSHA Form 301 Injury and Illness Incident Report by establishments with 100 or more employees in designated industries. If your establishment had 100 or more employees at any time during the previous calendar year, and your establishment is classified in an industry listed in appendix B to rule 0800-01-03-.05, then you must electronically submit information from OSHA Forms 300 and 301 to OSHA or OSHA's designee. You must submit the information once a year, no later than the date listed in paragraph (c) of this section of the year after the calendar year covered by the forms.~~

(Rule 0800-01-03-.05, continued)

3. Electronic submission of 0800-01-03 records upon notification. Upon notification, you must electronically submit the requested information from your 0800-01-03 records to OSHA or OSHA's designee.
4. Electronic submission of the Employer Identification Number (EIN). For each establishment that is subject to these reporting requirements, you must provide the EIN used by the establishment.

(b) Implementation.

1. ~~Does every employer have to routinely submit this information to OSHA? No, only two categories of employers must routinely submit this information. First, if your establishment had 250 or more employees at any time during the previous calendar year, and this part requires your establishment to keep records, then you must submit the required information to OSHA once a year. Second, if your establishment had 20 or more employees but fewer than 250 employees at any time during the previous calendar year, and your establishment is classified in an industry listed in appendix A to this subpart, then you must submit the required information to OSHA once a year. Employers in these two categories must submit the required information by the date listed in paragraph (c) of this section of the year after the calendar year covered by the form (for example, 2019 for the 2018 form). If you are not in either of these two categories, then you must submit the information to OSHA only if OSHA notifies you to do so for an individual data collection.~~ Does every employer have to routinely make an annual electronic submission of information from rule 0800-01-03 injury and illness recordkeeping forms to OSHA? No, only three categories of employers must routinely submit information from these forms. The first category is establishments that had 20–249 employees at any time during the previous calendar year and are classified in an industry listed in appendix A to this subpart; establishments in this category must submit the required information from Form 300A to OSHA once a year. The second category is establishments that had 250 or more employees at any time during the previous calendar year and are required by this part to keep records; establishments in this category must submit the required information from Form 300A to OSHA once a year. The third category is establishments that had 100 or more employees at any time during the previous calendar year and are classified in an industry listed in appendix B to this subpart; establishments in this category must also submit the required information from Forms 300 and 301 to OSHA once a year, in addition to the required information from Form 300A. Employers in these three categories must submit the required information by the date listed in paragraph (c) of this section of the year after the calendar year covered by the form (for example, 2024 for the 2023 form(s)). If your establishment is not in any of these three categories, then you must submit the information to OSHA only if OSHA notifies you to do so for an individual data collection.
2. Do part-time, seasonal, or temporary workers count as employees in the criteria for number of employees in paragraph (a) of this section? Yes, each individual employed in the establishment at any time during the calendar year counts as one employee, including full-time, part-time, seasonal, and temporary workers.
3. How will OSHA notify me that I must submit information as part of an individual data collection under paragraph (a)3. of this section? OSHA will notify you by mail if you will have to submit information as part of an individual data collection under paragraph (a)3. OSHA will also announce individual data collections through publication in the Federal Register and the OSHA newsletter, and announcements

(Rule 0800-01-03-.05, continued)

on the OSHA website. If you are an employer who must routinely submit the information, then OSHA will not notify you about your routine submittal.

4. When do I have to submit the information? If you are required to submit information under paragraph (a)1. or 2. of this section, then you must submit the information once a year, by the date listed in paragraph (c) of this section of the year after the calendar year covered by the form (for example, 2019 for the 2018 form). If you are submitting information because OSHA notified you to submit information as part of an individual data collection under paragraph (a)3. of this section, then you must submit the information as specified in the notification.
5. How do I submit the information? You must submit the information electronically. OSHA will provide a secure website for the electronic submission of information. For individual data collections under paragraph (a)3. of this section, OSHA will include the website's location in the notification for the data collection.
6. Do I have to submit information if my establishment is partially exempt from keeping OSHA injury and illness records? If you are partially exempt from keeping injury and illness records under 0800-01-03-.02(2) and/or 0800-01-03-.02(3), then you do not have to routinely submit information under paragraphs (a)1. and 2. of this section. You will have to submit information under paragraph (a)3. of this section if OSHA informs you in writing that it will collect injury and illness information from you. If you receive such a notification, then you must keep the injury and illness records required by this part and submit information as directed.
7. Do I have to submit information if I am located in a State Plan State? Yes, the requirements apply to employers located in State Plan States.
8. May an enterprise or corporate office electronically submit information for its establishment(s)? Yes, if your enterprise or corporate office had ownership of or control over one or more establishments required to submit information under paragraph (a) of this section, then the enterprise or corporate office may collect and electronically submit the information for the establishment(s).
9. If I have to submit information under paragraph (a)(2) of this section, do I have to submit all of the information from the recordkeeping forms? No, you are required to submit all of the information from the forms except the following:
 - (i) From the Log of Work-Related Injuries and Illnesses (OSHA Form 300): Employee name (column B).
 - (ii) From the Injury and Illness Incident Report (OSHA Form 301): Employee name (field 1), employee address (field 2), name of physician or other health care professional (field 6), facility name and address if treatment was given away from the worksite (field 7).
10. My company uses numbers or codes to identify our establishments. May I use numbers or codes as the establishment name in my submission? Yes, you may use numbers or codes as the establishment name. However, the submission must include a legal company name, either as part of the establishment name or separately as the company name.

- (c) Reporting dates. Establishments that are required to submit under paragraph (3)(a)1. or 2. of this section must submit all of the required information by March 2 of the year after

(Rule 0800-01-03-.05, continued)

the calendar year covered by the form(s) (for example, by March 2, 2024, for the forms covering 2023).

1. In 2017 and 2018, establishments required to submit under paragraph (3)(a)1. or 2. of this rule must submit the required information according to the table in this paragraph (3)(c)1.:

Submission Year	Establishments submitting under paragraph (3)(a)1. of this rule must submit the required information from this form/these forms	Establishments submitting under paragraph (3)(a)2. of this rule must submit the required information from this form:	Submission deadline
2017	300A	300A	July 1, 2017
2018	300A, 300, 301	300A	July 1, 2018

2. Beginning in 2019, establishments that are required to submit under paragraph (3)(a)1. or 2. of this rule will have to submit all of the required information by March 2 of the year after the calendar year covered by the form or forms (for example, by March 2, 2019, for the forms covering 2018).

Appendix A to 0800-01-03-.05 — Designated Industries for ~~0800-01-03-.05(3)(a)2.~~ ~~0800-01-03-.05(3)(a)1.(i)~~ Annual Electronic Submission of Information from OSHA Form 300A Summary of Work-Related Injuries and Illnesses by Establishments With ~~20 or More Employees but Fewer Than 250~~ 20-249 Employees in Designated Industries

NAICS	Industry
11	Agriculture, forestry, fishing and hunting.
22	Utilities.
23	Construction.
31-33	Manufacturing.
42	Wholesale trade.
4413	Automotive parts, accessories, and tire stores.
4421	Furniture stores.
4422	Home furnishings stores.
4441	Building material and supplies dealers.
4442	Lawn and garden equipment and supplies stores.
4451	Grocery stores.
4452	Specialty food stores.
4521 4522	Department stores.
4529 4523	Other general merchandise stores. General Merchandise Stores, including Warehouse Clubs and Supercenters.
4533	Used merchandise stores.
4542	Vending machine operators.
4543	Direct selling establishments.
4811	Scheduled air transportation.
4841	General freight trucking.
4842	Specialized freight trucking.
4851	Urban transit systems.
4852	Interurban and rural bus transportation.
4853	Taxi and limousine service.
4854	School and employee bus transportation.
4855	Charter bus industry.
4859	Other transit and ground passenger transportation.

(Rule 0800-01-03-.05, continued)

4871	Scenic and sightseeing transportation, land.
4881	Support activities for air transportation.
4882	Support activities for rail transportation.
4883	Support activities for water transportation.
4884	Support activities for road transportation.
4889	Other support activities for transportation.
4911	Postal service.
4921	Couriers and express delivery services.
4922	Local messengers and local delivery.
4931	Warehousing and storage.
5152	Cable and other subscription programming.
5311	Lessors of real estate.
5321	Automotive equipment rental and leasing.
5322	Consumer goods rental.
5323	General rental centers.
5617	Services to buildings and dwellings.
5621	Waste collection.
5622	Waste treatment and disposal.
5629	Remediation and other waste management services.
6219	Other ambulatory health care services.
6221	General medical and surgical hospitals.
6222	Psychiatric and substance abuse hospitals.
6223	Specialty (except psychiatric and substance abuse) hospitals.
6231	Nursing care facilities.
6232	Residential mental retardation Residential Intellectual and Developmental Disability, mental health, and substance abuse facilities.
6233	Community care facilities for the elderly, Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly.
6239	Other residential care facilities.
6242	Community food and housing, and emergency and other relief services.
6243	Vocational rehabilitation services.
7111	Performing arts companies.
7112	Spectator sports.
7121	Museums, historical sites, and similar institutions.
7131	Amusement parks and arcades.
7132	Gambling industries.
7211	Traveler accommodation.
7212	RV (recreational vehicle) parks and recreational camps.
7213	Rooming and boarding houses.
7223	Special food services.
8113	Commercial and industrial machinery and equipment (except automotive and electronic) repair and maintenance.
8123	Dry-cleaning and laundry services.

Appendix B to Rule 0800-01-03-.05 — Designated Industries for 800-01-03-.05(3)(a)2. Annual Electronic Submission of Information From OSHA Form 300 Log of Work-Related Injuries and Illnesses and OSHA Form 301 Injury and Illness Incident Report by Establishments With 100 or More Employees in Designated Industries.

NAICS	Industry
1111	Oilseed and Grain Farming

(Rule 0800-01-03-.05, continued)

1112	Vegetable and Melon Farming
1113	Fruit and Tree Nut Farming
1114	Greenhouse, Nursery, and Floriculture Production
1119	Other Crop Farming
1121	Cattle Ranching and Farming
1122	Hog and Pig Farming
1123	Poultry and Egg Production
1129	Other Animal Production
1133	Logging
1141	Fishing
1142	Hunting and Trapping
1151	Support Activities for Crop Production
1152	Support Activities for Animal Production
1153	Support Activities for Forestry
2213	Water, Sewage and Other Systems
2381	Foundation, Structure, and Building Exterior Contractors
3111	Animal Food Manufacturing
3113	Sugar and Confectionery Product Manufacturing
3114	Fruit and Vegetable Preserving and Specialty Food Manufacturing
3115	Dairy Product Manufacturing
3116	Animal Slaughtering and Processing
3117	Seafood Product Preparation and Packaging
3118	Bakeries and Tortilla Manufacturing
3119	Other Food Manufacturing
3121	Beverage Manufacturing
3161	Leather and Hide Tanning and Finishing
3162	Footwear Manufacturing
3211	Sawmills and Wood Preservation
3212	Veneer, Plywood, and Engineered Wood Product Manufacturing
3219	Other Wood Product Manufacturing
3261	Plastics Product Manufacturing
3262	Rubber Product Manufacturing
3271	Clay Product and Refractory Manufacturing
3272	Glass and Glass Product Manufacturing
3273	Cement and Concrete Product Manufacturing
3279	Other Nonmetallic Mineral Product Manufacturing
3312	Steel Product Manufacturing from Purchased Steel
3314	Nonferrous Metal (except Aluminum) Production and Processing
3315	Foundries
3321	Forging and Stamping
3323	Architectural and Structural Metals Manufacturing
3324	Boiler, Tank, and Shipping Container Manufacturing
3325	Hardware Manufacturing
3326	Spring and Wire Product Manufacturing
3327	Machine Shops; Turned Product; and Screw, Nut, and Bolt Manufacturing
3328	Coating, Engraving, Heat Treating, and Allied Activities
3331	Agriculture, Construction, and Mining Machinery Manufacturing
3335	Metalworking Machinery Manufacturing
3361	Motor Vehicle Manufacturing
3362	Motor Vehicle Body and Trailer Manufacturing
3363	Motor Vehicle Parts Manufacturing
3366	Ship and Boat Building

(Rule 0800-01-03-.05, continued)

3371	Household and Institutional Furniture and Kitchen Cabinet Manufacturing
3372	Office Furniture (including Fixtures) Manufacturing
3379	Other Furniture Related Product Manufacturing
4231	Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers
4233	Lumber and Other Construction Materials Merchant Wholesalers
4235	Metal and Mineral (except Petroleum) Merchant Wholesalers
4239	Miscellaneous Durable Goods Merchant Wholesalers
4244	Grocery and Related Product Merchant Wholesalers
4248	Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers
4413	Automotive Parts, Accessories, and Tire Stores
4422	Home Furnishings Stores
4441	Building Material and Supplies Dealers
4442	Lawn and Garden Equipment and Supplies Stores
4451	Grocery Stores
4522	Department Stores
4523	General Merchandise Stores, including Warehouse Clubs and Supercenters
4533	Used Merchandise Stores
4543	Direct Selling Establishments
4811	Scheduled Air Transportation
4841	General Freight Trucking
4842	Specialized Freight Trucking
4851	Urban Transit Systems
4852	Interurban and Rural Bus Transportation
4853	Taxi and Limousine Service
4854	School and Employee Bus Transportation
4859	Other Transit and Ground Passenger Transportation
4871	Scenic and Sightseeing Transportation, Land
4881	Support Activities for Air Transportation
4883	Support Activities for Water Transportation
4889	Other Support Activities for Transportation
4911	Postal Service
4921	Couriers and Express Delivery Services
4931	Warehousing and Storage
5322	Consumer Goods Rental
5621	Waste Collection
5622	Waste Treatment and Disposal
6219	Other Ambulatory Health Care Services
6221	General Medical and Surgical Hospitals
6222	Psychiatric and Substance Abuse Hospitals
6223	Specialty (except Psychiatric and Substance Abuse) Hospitals
6231	Nursing Care Facilities (Skilled Nursing Facilities)
6232	Residential Intellectual and Developmental Disability, Mental Health, and Substance Abuse Facilities
6233	Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly
6239	Other Residential Care Facilities
6243	Vocational Rehabilitation Services
7111	Performing Arts Companies
7112	Spectator Sports
7131	Amusement Parks and Arcades

(Rule 0800-01-03-.05, continued)

7211	Traveler Accommodation
7212	RV (Recreational Vehicle) Parks and Recreational Camps
7223	Special Food Services

Authority: T.C.A. §§ 4-3-1411, 50-3-201, 50-3-701, and 50-3-917. **Administrative History:** Original rule certified June 10, 1974. Repeal and new rule filed August 30, 2001; effective December 28, 2001. Amendment filed November 26, 2014; effective February 24, 2015. Amendments filed August 26, 2016; effective November 24, 2016. Amendments filed April 27, 2021; effective July 26, 2021.