

Standard Interpretations / Clarification of a pre-existing injury or illness and recordable events

▪ **Standard Number:** 1904.5 ; 1904.7

OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <https://www.osha.gov>.

February 28, 2014

Mr. Nathan Pangrace
1375 East Ninth Street
One Cleveland Center
9th Floor
Cleveland, Ohio 44114

Dear Mr. Pangrace:

Thank you for your June 3, 2013 letter to the Occupational Safety and Health Administration (OSHA) regarding the recordkeeping regulation contained in 29 CFR Part 1904 - Recording and Reporting Occupational Injuries and Illnesses. In an effort to provide the public with prompt and accurate responses, we developed and continue to refine a set of Frequently Asked Questions (FAQ), in addition to maintaining a log of Letters of Interpretation (LOI) on the OSHA Recordkeeping web page.

Scenario: Your letter states an employee experienced an injury while walking up approximately 80 feet of steps while performing his assigned job duties. The employee's left knee suddenly "popped" and the employee could not place weight on the knee. He was attended by the site first aid team and then transported to a medical clinic for evaluation of his knee pain. The employee had no past history of knee problems. The employee was diagnosed as having a strained/sprained left knee by the clinic physician. The medical clinic prescribed pain medication, an immobilizer (splint), crutches and work restrictions that would prevent him from performing one or more routine tasks.

Four days later, a second physician concluded that the knee condition was non-occupational because there was no mechanism of injury, no aggravating factors, and no significant event in the work environment that caused or contributed to his knee condition based on the section 1904.5 (b)(2)(ii) work-related exception.

Discussion: Section 1904.5 of OSHA's recordkeeping regulation provides that the decision as to whether a specific injury or illness is work-related is ultimately the responsibility of the employer. However, the regulation allows an employer to seek and consider the guidance of a physician or licensed health care professional (PLHCP). When determining whether an employee's injury or illness is work-related, an employer and/or PLHCP must follow the definitions set forth in section 1904.5.

→ Section 1904.5(a) provides that injuries and illnesses must be considered work-related if an event or exposure in the work environment either caused or contributed to the resulting condition or significantly aggravated a pre-existing condition. Work-relatedness is presumed for injuries or illnesses resulting from events or exposures in the work environment, unless an exception in section 1904.5(b)(2) specifically applies. Accordingly, for a case to be work-related there must be a causal connection between the injury or illness and an event or exposure at work. For OSHA recordkeeping purposes, causality is established if work is a cause. The work event or exposure need only be a cause of the injury or illness; it need not be the sole or predominant cause. See, the preamble to the final rule revising OSHA's recordkeeping regulation 66 Federal Register 5929-32, 5946 and 5948. Also, "it is not necessary that the injury or illness result from conditions, activities, or hazards that are uniquely occupational in nature." 66 Federal Register 5929.

→ **Question 1:** The recordkeeping regulation states that employers must consider an injury or -illness to be work-related if an event or exposure in the work environment either caused or significantly aggravated a pre-existing injury or illness. OSHA has stated that an event includes any identifiable incident, occurrence, activity or bodily movement that occurs in the work environment. Therefore, is the task of walking up 80 feet of steps in the work environment as described in the situation above considered an identifiable "event" and/or "exposure" for the purposes of the recordkeeping regulation, even if there was no slip, trip or fall involved before or after the knee popped?

→ **Response 1:** Yes, walking up the stairs in the work environment is an identifiable event. Under OSHA's recordkeeping system, normal body movements in the work environment, such as walking, bending down or sneezing, are "events" which trigger the presumption for work-relatedness if they are a discernible cause of an injury. Thus, if a worker experiences a pulled muscle or knee strain while walking across a level floor or climbing a staircase, the case is presumed work-related if the activity of walking or climbing the staircase was a discernible cause of the

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