

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

**MIOSHA SAFETY AND HEALTH STANDARD STANDARDS**

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(6) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the department of licensing and regulatory affairs by section 69 of **the Michigan occupational safety and health act**, 1974 PA 154, **MCL 408.1069**, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, ~~MCL 408.1069~~, 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.22141 and R 408.22141a of the Michigan Administrative Code are amended as follows:

**PART 11. RECORDING AND REPORTING OF OCCUPATIONAL INJURIES AND ILLNESSES**

R 408.22141 Basic requirement.

Rule 1141. (1) Annual electronic submission of **MIOSHA or OSHA Form 300A “Summary of Work-Related Injuries and Illnesses”** by establishments with 250 or more employees ~~records by establishments with 250 or more employees~~ shall do all of the following:

(a) If your establishment had 250 or more employees at any time during the previous calendar year, and this standard requires your establishment to keep records, then you must electronically submit information **from MIOSHA or OSHA Form 300A “Summary of Work-Related Injuries and Illnesses” to OSHA or OSHA's designee.** ~~to OSHA or OSHA's designee from the following three recordkeeping forms that you keep under this standard:~~

~~—(i) MIOSHA Form 300A “Summary of Work-Related Injuries and Illnesses.”~~

~~—(ii) MIOSHA Form 300 “Log of Work-Related Injuries and Illnesses.”~~

~~—(iii) MIOSHA Form 301 “Injury and Illness Incident Report.”~~

(b) You must submit the information once a year, no later than the date listed in R 408.22141b of the year after the calendar year covered by the form (**for example, 2019 for the 2018 form**).

(2) Annual electronic submission of **MIOSHA or 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 shall do all of the following:

(a) 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 B, then you must electronically submit information from MIOSHA/OSHA Form 300A “Summary of Work-Related Injuries and Illnesses” to OSHA or OSHA's designee.

(b) You must submit the information once a year, no later than the date listed in R 408.22141b of the year after the calendar year covered by the form.

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(3) Electronic submission of records upon notification, you must electronically submit the requested information from your 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.**

R 408.22141a Implementation.

Rule 1141a. (1) Does every employer have to routinely submit **this** information ~~from the injury and illness records~~ to OSHA? No, only 2 categories of employers must routinely submit **information**. ~~information from their injury and illness records.~~ First, if your establishment had 250 or more employees at any time during the previous calendar year, and this standard requires your establishment to keep records, then you must submit the required ~~MIOSHA/OSHA Form 300A, 300, and 301~~ 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 B, then you must submit the required ~~MIOSHA/OSHA Form 300A~~ information to OSHA once a year. Employers in these ~~2 two~~ categories must submit the required information by the date listed in R 408.22141b of the year after the calendar year covered by the form or forms (**for example, 2019 for the 2018 form**). If you are not in either of these ~~2 two~~ categories, then you must submit **the** information ~~from the injury and illness records~~ to OSHA only if MIOSHA or OSHA notifies you to do so for an individual data collection.

~~(2) If I have to submit information under R 408.22141(1), am I required to submit all of the information from the recordkeeping form? No, you are required to submit all of the information from the form except the following:~~

~~—(a) MIOSHA/OSHA Form 300 “Log of Work Related Injuries and Illnesses;” Employee name (column B).~~

~~—(b) MIOSHA/OSHA Form 301 “Injury and Illness Incident Report:”~~

~~—(i) Employee name (field 1).~~

~~—(ii) Employee address (field 2).~~

~~—(iii) Name of physician or other health care professional (field 6).~~

~~—(iv) Facility name and address if treatment was given away from the worksite (field 7).~~

(2) (3) Do part-time, seasonal, or temporary workers count as employees in the criteria for number of employees in R 408.22141? Yes, each individual employed in the establishment at any time during the calendar year counts as **1 one** employee, including full-time, part-time, seasonal, and temporary workers.

(3) (4) How will MIOSHA or OSHA notify me that I must submit information ~~from the injury and illness records~~ as part of an individual data collection under R 408.22141(3)? MIOSHA or OSHA will notify you by mail if you will have to submit information as part of an individual data collection under R 408.22141(3). MIOSHA or OSHA will also announce individual data collections through publication in the Federal Register and the OSHA newsletter, and announcements on the OSHA ~~website Web-site~~ or other means. If you are an employer who must routinely submit the information, then OSHA will not notify you about your routine submittal.

(4) (5) ~~How often am I required~~ **When do I have to submit the information?** ~~information from the injury and illness records?~~ If you are required to submit information under R 408.22141(1) or (2), then you must submit the information once a year, by the date listed in R 408.22141b of

the year after the calendar year covered by the **form (for example, 2019 for the 2018 form)**. ~~form or forms~~. If you are submitting information because MIOSHA or OSHA notified you to submit information as part of an individual data collection under R 408.22141(3), then you must submit the information ~~as often~~ as specified in the notification.

(5) ~~(6)~~ 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 R 408.22141(3), OSHA will include the website's location in the notification for the data collection.

(6) ~~(7)~~ Am I required 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 R 408.22103, then you are not required to routinely submit information under R 408.22141(1) or (2). You will have to submit information under R 408.22141(3) 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 standard and submit information as directed.

(7) ~~(8)~~ Am I required to submit information if I am located in a State Plan State? Yes, the requirements apply to employers located in State Plan States.

(8) ~~(9)~~ May an enterprise or corporate office electronically submit **information records** for its establishment or establishments? Yes, if your enterprise or corporate office had ownership of or control over ~~1 one~~ or more establishments required to submit information under R 408.22141(1) or (2), then the enterprise or corporate office may collect and electronically submit the information for the establishment or establishments.