

New or deja vu?:

When to record injury recurrences and episodic illnesses

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Editor's note: This is the fourth installment of an occasional series of more advanced topics about recording occupational injuries and illnesses using the OSHA Form 300 and maintaining those records. Most of this installment's text was taken from the OSHA Recordkeeping Handbook, U.S. Department of Labor, 2005, OSHA document 3245-01R. The previous series about recordkeeping, covering basic information about filling in the OSHA log and creating an annual summary, is available at www.doli.state.mn.us/recordkeeping.html.

It is sometimes difficult for employers to determine whether the signs and symptoms of an injury or illness are due to a new event or exposure in the work environment, or are a continuance of an earlier injury or illness. Most occupational injury and illness cases occur and resolve, with a full recovery, within a few weeks. A subsequent injury or illness reported by the same worker would be identified as a new case. However, some soft tissue injuries may take many months to fully heal, and chronic diseases, such as occupational cancers and tuberculosis disease, may never be cured or completely resolved. When a worker with a long-term condition presents with new signs or symptoms, or reports a worsening of their condition, questions may arise as to whether a new OSHA log entry is required. The OSHA recordkeeping requirements address these issues in paragraph 1904.5(b)(4) and in section 1904.6.



The OSHA recordkeeping requirements identify five types of cases that employers may encounter:

1. totally new cases where the employee has never suffered similar signs or symptoms while in the employ of that employer;
2. cases where an employee aggravates a pre-existing condition by events or exposures in the work environment;
3. cases where an employee has a work-related condition that may or may not have fully healed when the same symptoms or signs recur;
4. cases where the employee has a pre-existing work-related condition that will progress even in the absence of further exposure; and
5. cases where the employee has a pre-existing work-related condition that is triggered by further exposure in the work environment.

Recording of a new or recurring case in the OSHA log is completely unrelated to whether the event or exposure is covered by workers' compensation insurance, whether it generates a new workers' compensation claim or whether it is considered part of a previously reported claim. The OSHA recordkeeping requirements do not rely on workers' compensation determinations to identify injuries or illness cases that are to be considered new cases for recordkeeping purposes.

Totally new cases

Most of the cases resulting from workplace events or exposures are totally new injuries or illnesses that have not been previously suffered by the employee. These new injuries or illnesses must be evaluated for their work-relatedness and then for whether they meet one or more of the recordkeeping criteria. (See *Recordkeeping 101: Part 1*, www.doli.state.mn.us/pdf/safetylin-win05-rcd1.pdf.) When the recordkeeping criteria are met, the case must be recorded as a new log entry.

Pre-existing conditions

Pre-existing conditions result solely from a non-work-related event or exposure that occurs outside the employer's work environment or any injury or illness that the employee experienced while working for another employer. Non-work-related injuries and illnesses should not be recorded on the OSHA log. However, pre-existing conditions that have been significantly aggravated by events or exposures in the work environment represent cases that should be recorded on the log, because work has clearly worsened the injury or illness.

Paragraph 1904.5(b)(4) of the recordkeeping requirements defines a significant aggravation at work as one that results in tangible consequences that go beyond those the worker would have experienced as a result of the pre-existing condition alone. For recordkeeping purposes, a significant aggravation occurs when an event or exposure in the work environment results in:

- death;
- loss of consciousness;
- a day or days away from work;
- a day or days of restricted work or job transfer;
- medical treatment where no medical treatment was needed for the condition before the workplace event or exposure; or
- a change in the course of medical treatment that was being provided before the workplace event or exposure, and the consequence would not have occurred but for the occupational event or exposure.

Work-related aggravation that does not appreciably worsen the pre-existing condition, alter its nature, change the extent of the medical treatment, trigger lost time, or require job transfer or work restrictions, is considered a minor aggravation that is not required to be recorded on the log.

Work-related conditions that may or may not have fully healed

A new injury may manifest the same signs and symptoms as the previous injury, but still be a new injury and not a continuation of the old case. For example, if a worker fractures his or her finger and then, six months later – after the fracture has fully healed, falls and fractures the same finger, he or she would have a new case that must be evaluated for recordability.

However, if the previous injury or illness has not healed, then the case cannot be considered resolved. If work activities aggravate a previously recorded case, there is no need to consider recording it again. It may be necessary to update the case information in the log where the previous condition was recorded, such as adding more days away from work.

Chronic, progressive illnesses

Some chronic illnesses will progress even in the absence of further exposure, such as some occupational cancers, advanced asbestosis, tuberculosis disease and advanced silicosis. After the disease is contracted, it may never be cured or completely resolved. These cases, once recorded in an OSHA log, are never “closed,” even though the signs and symptoms of the condition may alternate between remission and active disease. These diseases will progress without further workplace exposure to the toxic substance(s) that caused the disease. Therefore, the recurrences of signs or symptoms are not recorded as a new case; the original log entry should be updated to indicate a more severe outcome, such as days away from work. However, if a worker with one of these conditions should suffer a work-related injury or a different work-related illness, that incident must be treated as a new case.

Chronic, episodic illnesses

There are other chronic work-related illness conditions, such as occupational asthma and contact dermatitis, that are triggered by workplace exposures. Typically, individuals with these conditions are symptom-free if exposure to the sensitizing or precipitating agent does not occur. If the worker is symptom-free and events or exposures at work cause the same symptoms or signs to recur, the incident must be treated as a new case.



Next installment: What are “other recordable” cases?

Minnesota's newest **MNSHARP** worksite



Workplace safety and health representatives from the Minnesota Department of Labor and Industry recognized A.S.V., Inc. for its achievement as a Minnesota Safety and Health Achievement Recognition Program (MNSHARP) worksite, May 12, 2008, in Cohasset, Minn.

ASV's Cohasset plant is dedicated to the assembly of the company's patented rubber-track undercarriages. Workers at the facility assemble nearly a dozen different undercarriage configurations, the majority of which are used at its Grand Rapids, Minn., plant for ASV-branded products. The Grand Rapids plant designs, manufactures and sells rubber-track machines and related components, accessories and attachments.

Information about MNSHARP is available online at www.doli.state.mn.us/mnsharp.html.