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- **Part Number:** 1904
- **Part Title:** Recording and Reporting Occupational Injuries and Illness
- **Subpart:** B
- **Subpart Title:** Scope
- **Standard Number:** 1904.1
- **Title:** Partial exemption for employers with 10 or fewer employees.
- **GPO Source:** e-CFR

**Note to Subpart B:** All employers covered by the Occupational Safety and Health Act (OSH Act) are covered by these Part 1904 regulations. However, most employers do not have to keep OSHA injury and illness records unless OSHA or the Bureau of Labor Statistics (BLS) informs them in writing that they must keep records. For example, employers with 10 or fewer employees and business establishments in certain industry classifications are partially exempt from keeping OSHA injury and illness records.

## 1904.1(a)

***Basic requirement.***

## 1904.1(a)(1)

If your company had ten (10) or fewer employees at all times during the last calendar year, you do not need to keep OSHA injury and illness records unless OSHA or the BLS informs you in writing that you must keep records under § 1904.41 or § 1904.42. However, as required by § 1904.39, all employers covered by the OSH Act must report to OSHA any workplace incident that results in a fatality or the hospitalization of three or more employees.

## 1904.1(a)(2)

If your company had more than ten (10) employees at any time during the last calendar year, you must keep OSHA injury and illness records unless your establishment is classified as a partially exempt industry under § 1904.2.

## 1904.1(b)

***Implementation.***

## 1904.1(b)(1)

***Is the partial exemption for size based on the size of my entire company or on the size of an individual business establishment?*** The partial exemption for size is based on the number of employees in the entire company.

## 1904.1(b)(2)

***How do I determine the size of my company to find out if I qualify for the partial exemption for size?*** To determine if you are exempt because of size, you need to determine your company's peak employment during the last calendar year. If you had no more than 10 employees at any time in the last calendar year, your company qualifies for the partial exemption for size.

[59 FR 15600, April 1, 1994; 62 FR 6434, Feb. 11, 1997; 62 FR 44552, Aug. 22, 1997; 66 FR 6122, Jan. 19, 2001]

Next Standard (1904.2)

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