



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

Published on *MTAS* (<https://www.mtas.tennessee.edu>)

January 17, 2020

Providing Records to Government Representatives

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Table of Contents

Providing Records to Government Representatives	3
Electronic Submission of Injury and Illness Records to OSHA	3

Providing Records to Government Representatives

Reference Number: MTAS-1496

When an authorized government representative asks to review the records of the city/town, you must provide copies of the records within four business hours. 29 C.F.R. § 1904.40(a). The regulations, 29 C.F.R. § 1904.40(b)(1), provides that government representatives authorized to receive the records are:

- A representative of the Secretary of Labor conducting an inspection or investigation under the act;
- A representative of the Secretary of Health and Human Services (including the National Institute for Occupational Safety and Health - NIOSH) conducting an investigation; and
- A representative of a state agency responsible for administering a state plan approved under the act (TOSHA).

Annually, the OSH Administration sends surveys to organizations in certain industries. If you receive such a survey, you must respond to the survey within 30 days or by the date stated in the survey. 29 C.F.R. § 1904.41(a). Additionally, the Bureau of Labor Statistics may periodically send out an Occupational Injuries and Illnesses Survey, which must be completed and returned promptly. 29 C.F.R. § 1904.42(a).

Electronic Submission of Injury and Illness Records to OSHA

Reference Number: MTAS-2129

A new OSHA rule took effect January 1, 2017 that requires certain employers to electronically submit injury and illness data that they are already required to record on their onsite OSHA Injury and Illness forms. (29 C.F.R. § 1904.41) Organizations with 250 or more employees at any time during the previous calendar year are required to electronically submit information to OSHA and any employer with 20 or more employees but fewer than 250 at any time and the industry is classified in an industry listed in appendix A to support E [1] of the act. Industries of interest to public sector employers are utilities, urban transit systems, school and employee bus transportation, other transit and ground passenger transportation, waste collection, waste treatment and disposal, museums, and historical sites and similar institutions.

Records must be submitted once a year according to the schedule established by the department. Starting in 2017, establishments with 250 or more employees in industries covered by the recordkeeping regulation must submit information from their 2016 Form 300A by July 1, 2017. You will be required to submit information from all 2017 forms (300A, 300, and 301) by July 1, 2018. Beginning in 2019 and every year thereafter, the information must be submitted by March 2. Establishments with 20-249 employees in certain high-risk industries must submit information from their 2016 Form 300A by July 1, 2017, and their 2017 Form 300A by July 1, 2018. Beginning in 2019 and every year thereafter, the information must be submitted by March 2. (29 C.F.R. § 1904.41(c)).

OSHA has provided a secure website that offers three options for data submission. First, users are able to manually enter data into a web form. Second, users are able to upload a CSV file to process single or multiple establishments at the same time. Last, users of automated recordkeeping systems will have the ability to transmit data electronically via an API (application programming interface). The Injury Tracking Application (ITA) is accessible from the ITA launch page, where you are able to provide the agency your 2016 OSHA Form 300A information.

Links:

[1] https://www.ecfr.gov/cgi-bin/text-idx?SID=8040638218eb88b6bccce0d7377b5d38&mc=true&node=ap29.5.1904_142.a&rgn=div9

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be

applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

Source URL (retrieved on 01/17/2020 - 2:20pm): <https://www.mtas.tennessee.edu/reference/providing-records-government-representatives>



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