

**HAWAII ADMINISTRATIVE RULES**

**TITLE 12**

**DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS**

**SUBTITLE 8**

**HAWAII OCCUPATIONAL SAFETY AND HEALTH DIVISION**

**PART 1**

**GENERAL, LEGAL, AND ADMINISTRATIVE PROVISIONS  
FOR OCCUPATIONAL SAFETY AND HEALTH  
CHAPTER 52.1**

**RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES**

§12-52.1-1 State amendments to 29 C.F.R. §1904

§12-52.1-2 Incorporation of federal standard

Historical note: Chapter 12-52.1 is based substantially upon chapter 12-52. [Eff 7/12/82; am 5/28/83; am 8/15/87; am 9/30/94; am 2/8/97; am 7/10/97; am 7/6/99; R 12/29/01]

**§12-52.1-1 State amendments to 29 C.F.R. §1904. (a)** 29 C.F.R. §1904.1(a)(1) is amended to read as follows: Basic requirement.  
(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 HIOSH, OSHA, or the Bureau of Labor and Statistics (BLS) informs you in writing that you must keep records under §1904.37, §1904.41, or §1904.42. However, as required by §1904.39 all employers covered by chapter 396, HRS, Hawaii Occupational Safety and Health Law, must report to HIOSH any workplace incident that results in an employee fatality or the inpatient hospitalization of an employee, employee's amputation, employee's loss of an eye, or property damage in excess of \$25,000.

**(b)** 29 C.F.R. §1904.2(a)(1) is amended to read as follows: (a) Basic requirement. (1) If your business establishment is classified in a specific low hazard retail, service, finance, insurance, or real estate industry listed in Appendix A, titled "Non-Mandatory Appendix A to Subpart B - Partially Exempt Industries", dated March 17, 2017,

which is made part of this chapter and located at the end of this chapter, you do not need to keep OSHA injury and illness records unless the government asks you to keep records under §1904.37, §1904.41, or §1904.42. However, all employers must report to HIOSH any workplace incident that results in an employee fatality or the inpatient hospitalization of an employee, employee's amputation, employee's loss of an eye, or property damage in excess of \$25,000 (see §1904.39(a)).

**(c)** 29 C.F.R. §1904.29(b)(2) is amended to read as follows: (2) What do I need to do to complete an OSHA 301 Incident Report? You must complete an OSHA 301 Incident Report form, or an equivalent form that contains the same information required on the OSHA 301 Incident Report form, for each recordable injury or illness that is required to be entered on the OSHA 300 Log.

**(d)** 29 C.F.R. §1904.37(c) is added to read as follows: (c) If you receive an OSHA occupational injury and illness data collection form or any other type of injury and illness survey authorized by HIOSH, you must respond to the survey or request, and return it to the designated recipient within the specified time limit.

**(e)** 29 C.F.R. §1904.39(a) is amended to read as follows: (a) Basic requirement. Within eight (8) hours after the death of any employee from a work-related incident, and within twenty-four (24) hours of the inpatient hospitalization of an employee, employee's amputation, employee's loss of an eye as a result of a work-related incident, or property damage in excess of \$25,000 as a result of a work-related incident, you must orally report the fatality, inpatient hospitalization, amputation, loss of an eye, or property damage by telephone, (808) 586-9102, or in person at the HIOSH office in Honolulu.

**(f)** 29 C.F.R. §1904.39(b)(1) is amended to read as follows: (b) Implementation. (1) If the HIOSH office is closed, may I report the incident by leaving a message on HIOSH's answering machine, faxing the area office, or sending an e-mail? When the HIOSH office is closed, the (808) 586-9102 telephone number will allow you to leave a phone message. In order for the message to be considered officially reported, all of the information in 1904.39(b)(2) must be provided on the answering machine message.

**(g)** 29 C.F.R. §1904.39(b)(11) is amended to read as follows: (11) How does HIOSH define "amputation"? An amputation is the traumatic loss of a limb or other external body part. Amputations include a part, such as a limb or appendage, which has been severed, cut off, amputated (either completely or partially); fingertip amputations with or without

bone loss; medical amputations resulting from irreparable damage; and amputations of body parts that have since been reattached.

**(h)** 29 C.F.R. §1904 Non-Mandatory Appendix A to Subpart B - Partially Exempt Industries is amended for the duration of the HIOSH Strategic Plan. The industries with NAICS codes 4812, 4879, and 4885 have been included in the HIOSH Strategic Plan and will continue to be required to maintain the injury and illness log for the duration of HIOSH's Strategic Plan unless the establishment has less than eleven (11) employees. 29 C.F.R. §1904 Non-Mandatory Appendix A to Subpart B - Partially Exempt Industries is amended to read as follows: Employers are not required to keep OSHA injury and illness records for any establishment classified in the following North American Industry Classification System (NAICS) codes, unless they are asked in writing to do so by OSHA, the Bureau of Labor Statistics (BLS), or a state agency operating under the authority of OSHA or the BLS. All employers, including those partially exempted by reason of company size or industry classification, must report to OSHA any workplace incident that results in a fatality, the inpatient hospitalization, amputation, or loss of an eye of an employee (see §1904.39).

## Non-Mandatory Appendix A to Subpart B-

## Partially Exempt Industries

March 17, 2017

NAICS CODE	INDUSTRY DESCRIPTION	NAICS CODE	INDUSTRY DESCRIPTION
4431..	Electronics and Appliance Stores	5259..	Other Investment Pools and Funds
4461..	Health and Personal Care Stores	5331..	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works).
4471..	Gasoline Stations	5411..	Legal Services
4481..	Clothing Stores	5412..	Accounting, Tax Preparation, Bookkeeping, and Payroll Services
4482..	Shoe Stores	5413..	Architectural, Engineering, and Related Services
4483..	Jewelry, Luggage, and Leather Goods Stores	5414..	Specialized Design Services
4511..	Sporting Goods, Hobby, and Musical Instrument Stores	5415..	Computer Systems Design and Related Services
4512..	Book, Periodical, and Music Stores	5416..	Management, Scientific, and Technical Consulting Services
4531..	Florists	5417..	Scientific Research and Development Services
4532..	Office Supplies, Stationary, and Gift Stores	5418..	Advertising and Related Services
5121..	Motion Picture and Video Industries	5511..	Management of Companies and Enterprises
5122..	Sound Recording Industries	5615..	Travel Arrangement and Reservation Services
5151..	Radio and Television Broadcasting	5616..	Investigation and Security Services
5172..	Wireless Telecommunications Carriers (except Satellite).	6111..	Elementary and Secondary Schools
5179..	Other Telecommunications	6112..	Junior College
5182..	Data Processing, Hosting, and Related Services	6113..	Colleges, Universities, and Professional Schools
5191..	Other Information Services	6114..	Business Schools and Computer and Management Training
5221..	Depository Credit Intermediation	6115..	Technical and Trade Schools
5222..	Nondepository Credit Intermediation	6116..	Other Schools and Instruction
5223..	Activities Related to Credit Intermediation	6117..	Educational Support Services
5231..	Securities and Commodity Contracts Intermediation and Brokerage	6211..	Offices of Physicians
5232..	Securities and Commodity Exchange	6212..	Offices of Dentists
5239..	Other Financial Investment Activities	6213	Offices of Other Health Practitioners
5241..	Insurance Carriers	6214..	Outpatient Care Centers
5242..	Agencies, Brokerages, and Other Insurance Related Activities	6215..	Medical and Diagnostic Laboratories
5251..	Insurance and Employee Benefit Funds		

[Eff 12/29/01; am 4/29/02; am and comp 2/19/17] (Auth: HRS §396-4)  
(Imp: HRS §396-4)

**§12-52.1-2 Incorporation of federal standard.** Title 29, Part 1904 of the Code of Federal Regulations, 2016 Edition published as of July 1, 2016, by the U.S. Government Printing Office, U.S. Superintendent of Documents, Washington, DC 204020001, is made part of this chapter, except as provided in section 12-52.1-1. [Eff 12/29/01; am 1/10/03; am 5/21/04; am 5/5/05; am 2/13/12; am and comp 2/19/17] (Auth: HRS §396-4) (Imp: HRS §396-4)