

Recordkeeping Rule: Who is Required and Exempt

According to [§12-52.1, of the Hawaii Administrative Rules \(HAR\)](#), employers who fall under specific categories must create and keep records of significant work-related injuries and illnesses by using the OSHA Injuries and Illness Records (i.e., OSHA 300, 301, and 300A) as part of the HIOSH recordkeeping requirements.

This information is important for employers, workers and OSHA in evaluating the safety of a workplace, understanding industry hazards, and implementing worker protections to reduce or eliminate hazards.

Key Takeaways

- Partial exemptions are:
 - those 10 or less employees in establishment, or
 - establishment NAICS code listed in §12-52.1, HAR Appendix A to Subpart B.
- Partial exemptions do not apply if government asks employers to keep records
- **HiTool - Recordable or Not** helps employers navigate their way through HIOSH recordkeeping rule

Who is exempt?

There are two classes of employers that are partially exempt from routinely keeping injury and illness records.

First, employers with ten (10) or fewer employees at all times during the previous calendar year are exempt from routinely keeping OSHA injury and illness records.

Second, establishments in certain low-hazard industries are also partially exempt from routinely keeping OSHA injury and illness records.

This list includes establishments in the divisions of retail trade; finance, insurance and real estate (see Appendix A to Subpart B under §12-52.1-1, HAR on page 2-3).

It is important to note that these exemptions become void if the government asks employers to maintain such records.

Am I required to prepare and maintain records under HIOSH Recordkeeping Rule?

To find out if you are required to prepare and maintain records under the updated rule, first determine your North American Industry Classification System (NAICS) code by:

1. Using the search feature at the U.S. Census Bureau NAICS main webpage: <https://www.census.gov/naics/>. In the search box for the 2017 NAICS, enter a keyword that describes your business. Choose the primary business activity that most closely corresponds to you, or refine your search to get more choices.

2. Viewing the most recent complete NAICS tables on the U.S. Census Bureau NAICS main webpage <https://www.census.gov/naics/>. Select the six-digit industry code to read its definition.

NOTE: Contacting HIOSH **(808) 586-9100** for assistance.

Once you have found your NAICS code, you can view Appendix A to Subpart B under §12-52.1-1, HAR to determine if your industry is exempt from the recordkeeping rule.

§12-52.1, HAR
Appendix A to Subpart B

(March 17, 2017)

NAICS	Industry Description
4431...	Electronics and Appliance Stores
4461...	Health and Personal Care Stores
4471...	Gasoline Stations
4481...	Clothing Stores
4482...	Shoe Stores
4483...	Jewelry, Luggage, and Leather Goods Stores
4511...	Sporting Goods, Hobby, and Musical Instrument Stores
4512...	Book, Periodical, and Music Stores
4531...	Florists
4532...	Office Supplies, Stationary, and Gift Stores
5121...	Motion Pictures and Video Industries
5122...	Sound Recording Industries
5151...	Radio and Television Broadcasting
5172...	Wireless Telecommunications Carriers (except Satellite)
5179...	Other Telecommunications
5182...	Data Processing, Hosting, and Related Services
5191...	Other Information Services
5221...	Depository Credit Intermediation

NAICS	Industry Description
5222...	Nondepository Credit Intermediation
5223...	Activities Related to Credit Intermediation
5231...	Securities and Commodity Contracts Intermediation and Brokerage
5232...	Securities and Commodity Exchange
5239...	Other Financial Investment
5241...	Activities
5242...	Insurance Carriers Agencies, Brokerages, and Other Insurance Related Activities
5251...	Insurance and Employee Benefit Funds
5259...	Other Investment Pools and Funds
5331...	Lessors of Nonfinancial Intangible Assets (except Copyrighted Works)
5411...	Legal Services
5412...	Accounting, Tax, Preparation, Bookkeeping, and Payroll Services
5413...	Architectural, Engineering, and Related Services
5414...	Specialized Design Services
5416...	Computer Systems Design and Related Services
5417...	Technical Consulting Services
5418...	Scientific Research and Development
5511...	Advertising and Related Services

§12-52.1, HAR
Appendix A to Subpart B
(March 17, 2017)

NAICS	Industry Description
5615...	Travel Arrangement and Reservation Services
5616...	Investigation and Security Services
6111...	Elementary and Secondary Schools
6112...	Junior Colleges
6113...	Colleges, Universities, and Professional Schools
6114...	Business Schools and Computer and Management Training
6115...	Technical and Trade Schools
6116...	Other Schools and Instruction
6117...	Educational Support Services
6211...	Office of Physicians
6212...	Office of Dentists
6213...	Office of Other Health Practitioners
6214...	Outpatient Care Centers
6215...	Medical and Diagnostic Laboratories

What forms do I need to complete?

The OSHA injury and illness recordkeeping forms are:

- the Log of Work-Related Injuries and Illnesses (OSHA Form 300),
- the Summary of Work-Related Injuries and Illnesses (OSHA Form 300A), and
- the Injury and Illness Incident Report (OSHA Form 301).

Employers must fill out the Log and the Incident Report only if a recordable work-related injury or illness has occurred. Employers must fill out and post the Summary annually, even if no recordable work-related injuries or illnesses occurred during the year.

In place of the OSHA injury and illness records, employers may also use equivalent forms (forms that have the same information, are as readable and understandable, and are completed using the same instructions as the OSHA records they replace). Many employers use an insurance form instead of the Incident Report, or supplement an insurance form by adding information required by HIOSH.



This is one in a series of informational fact sheets highlighting HIOSH programs, policies or standards. It does not impose any new compliance requirements. For a comprehensive list of compliance requirements of HIOSH standards or regulations, refer to Title 12, Subtitle 8 of the Hawai'i Administrative Rules.

Auxiliary aids and services are available upon request to individuals with disabilities. TDD/TTY Dial 711 then ask for (808) 586-9116

Where can I find more information?

For more information about this, visit HIOSH's webpage on recordkeeping rules at labor.hawaii.gov/hiosh/recordkeeping

To help employers navigate their understanding through HIOSH's recordkeeping regulation, a Compliance Assistance tool is made called [HiTool - Recordable or Not](#).

How to Contact HIOSH

Under the Hawai'i Occupational Safety and Health Law, [employers are responsible for providing safe and healthful workplaces for their employees](#).

HIOSH's mission is to assure Hawai'i's workers have safe and healthful working conditions free from unlawful retaliation.

HIOSH carries out its mission by setting and enforcing standards; enforcing anti-retaliation provisions of the HIOSH Law; providing and supporting training, outreach, education, and assistance.

For more information, call HIOSH at [\(808\) 586-9100](tel:8085869100) or visit www.labor.hawaii.gov/hiosh.

