

Proposed Changes to OSHA Reporting Rules

OSHA is proposing to update the list of businesses that are partially exempt from reporting their accidents and illnesses. This includes museums and historical sites, in addition to other industries such as performing arts companies and recreation facilities. OSHA is also switching their classification system from the Standard Industry Classification (SIC) to the North American Industry Classification System (NAICS).

The reporting regulation currently maintains a list of industries that are partially exempt from keeping work-related injury or illness records. They were excluded because OSHA assumed they had relatively low rates of occupational injury and illness. However, since the exempted industries haven't kept records, it obviously is impossible to *prove* that their rates are actually low. This is especially a problem for theatrical and entertainment industries, which have had a surprising number of high-profile accidents recently such as those at *Spider-Man: Turn Off the Dark* or at Disney's Orlando theme park. If the proposal becomes law, we will finally have some data on the following industries (table 1):

The proposed rule would require covered employers to report to OSHA, within eight hours, all work-related fatalities, and all work-related in-patient hospitalizations, and within 24 hours, all work-related amputations. The current regulation requires employers to report to OSHA, within eight hours, all work-related fatalities and in-patient hospitalizations of *three or more* employees.

Industries that would continue to be on OSHA's exempt list include the following (table 2):

Also exempt are small businesses with fewer than 10 employees. For the full lists, see the *Federal Register* of June 22, 2011, pages 36414–36438.

This is a "Proposed Rule" whose public comment period recently closed in October 2011. The rule is currently under development. Answers to frequently asked questions regarding the proposed revisions can be found at www.osha.gov/recordkeeping/faqs.

*Reprinted in part from ACTS FACTS,
Vol. 25, No. 08, August 2011*

**Table 1.
Industries that will Report if Proposal Becomes Law**

NAICS Code	NAICS Industry Description
7111	Performing Arts Companies
711110	Theater Companies and Dinner Theaters
711120	Dance Companies
711130	Musical Groups and Artist
711190	Other Performing Arts Companies
7113	Promoters of Performing Arts, Sports, and Similar Events
711320	Promoters of Performing Arts, Sports and Similar Events with Facilities (e.g. companies in fixed locations)
711320	Promoters of Performing Arts, Sports, and Similar Events without Facilities (e.g., road companies)
7121	Museums, Historical Sites, and Similar Institutions
712110	Museums
712120	Historical Sites
7139	Other Amusement and Recreation Industries
713950	Bowling Centers
713990	All Other Amusement and Recreation Industries

**Table 2.
Industries that will Remain Non-Reporting**

NAICS Code	NAICS Industry Description
6112	Junior Colleges
6113	Colleges, Universities, and Professional Schools
6115	Technical and Trade Schools
6116	Other Schools and Instruction

ACTS Facts on BCIN

Issues of *ACTS Facts*, the monthly newsletter that provides safety and hazard information for the arts from Arts, Crafts and Theater Safety, are now searchable online through the Bibliographic Database of the Conservation Information Network (BCIN). Searchable issues begin with October 1987, and continue through to current issues. Mary Ballard, Ann N'Gadi and Alyssa Sanders at the Smithsonian's Museum Conservation Institute (MCI) made this possible by

indexing each newsletter. Please visit www.bcin.ca/English/home_english to begin your search.

ACTS Facts is an informative and invaluable resource for artists and conservators alike, offering information regarding health and safety issues specific to our field. For more information about this important not-for-profit organization, please visit www.artscraftstheatersafety.org.