



SPLASH ALERT



Cal/OSHA Adopts New Law Revising the Definition of a Serious Injury/Illness and Employer Reporting Requirements

Effective January 1, 2020, [Assembly Bill 1805](#) expands the definitions of a serious injury or illness and serious exposure for required employer reporting to Cal/OSHA. While the definitions were broadened an employer's responsibility to report a serious injury, illness, exposure, or fatality to Cal/OSHA within **eight** hours after having knowledge of a work-related accident/incident remains intact.

[AB 1805](#) amends Labor Code 6302 and now defines:

Serious Injury or Illness – as any injury or illness occurring in a place of employment or in connection with any employment that requires inpatient hospitalization, for other than medical observation or diagnostic testing, or in which an employee suffers an amputation, the loss of an eye, or any serious degree of permanent disfigurement, but does not include any injury or illness or death caused by an accident on a public street or highway, unless the accident occurred in a construction zone.

Serious Exposure – as any exposure of an employee to a hazardous substance when the exposure occurs as a result of an incident, accident, emergency, or exposure over time, and is in a degree or amount sufficient to create a realistic possibility that death or serious physical harm in the future could result from the actual hazard created by the exposure.

[AB 1804](#) amends existing law to allow an employer to report through an online mechanism established

by Cal/OSHA while retaining the option to also report by telephone. Cal/OSHA continues to develop its web-based platform, and until this mechanism is available, an employer can report by telephone or [email](#).

Key Revisions to New Reporting of Serious Injuries/Illnesses and Exposures

- Eliminates the 24 hour minimum in-patient hospitalization
- Deletes the phrase “loss of any member of the body”
- Specifically includes loss of an eye
- Eliminates the exclusion for reporting injuries or fatality occurring as a result of a Penal Code violation
- Narrows reporting of auto accidents causing injury, illness, or fatality when in a construction zone
- Broadens the definition of a reportable serious exposure

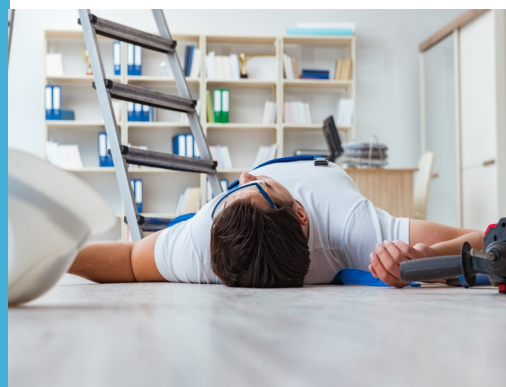
Labor Code 6302 (h) and (i)

**Cal/OSHA will update California Code of Regulations, title 8, sections 330(h) and 342(a) to reflect these Labor Code changes.*



Takeaways

1. Become familiar with Cal/OSHA's new definitions.
2. Ensure supervisors and managers are aware of the revised reporting requirements.
3. Update applicable internal policies, procedures, and written plans. Examples include Injury Illness Prevention Plan, Standard Operating Procedures, Job Safety Analysis, and Industrial Accident Reporting Procedures.
4. An employer has **eight** hours after having knowledge of a work-related accident to report a serious injury, illness, serious exposure or fatality to Cal/OSHA.
5. If an accident requires a report to Cal/OSHA, know what information must be reported ([8 CCR 342](#)).
6. You can locate your nearest Cal/OSHA Enforcement Office telephone number, email, and other contact information by viewing this [webpage](#).
7. Failure to report a serious injury or fatality is subject to a \$5,000 civil penalty.



Resources

- Cal/OSHA New Definitions of a Serious Injury, Illnesses, or Exposure [FAQs](#).
- Cal/OSHA Report a Work-Related Accident [Webpage](#).
- Cal/OSHA Email Instructions to Report a Work-related Injury, Illness, or Death [Webpage](#).