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in recognition of the fact that the employer-employee relationship represents the major causal relationship in most work situations, and that the overwhelming majority of injuries or illnesses sustained as a result of a needlestick or sharps injury or other work-related injury or illness involve an employee/supervisor relationship, employers are required to report these injuries only to the claimant's direct supervisor. this approach will address osha's concern with the collection of accurate data and maintain consistency with existing recordkeeping requirements. to determine which of the new columns should be included in the log and summary, osha looked at the data it had accumulated about specific occupational risks and disorders under the notice-and-comment rulemaking process (see parts 201 and 202 of the final rule). osha then gathered further data from * * * [h]eight employers participating in the accurate accounting financial incentives pilot program. it also considered the views of technical advisory committees on the rulemaking (see the accurate accounting 5 keygen 308 addendum to the final rule). finally, osha considered the comments and recommendations of the public, the department's osha program office, and members of affected employee groups. as noted above, in light of the nature of the recordkeeping system, in the absence of some reason to believe that the employer or company official is not accurately reporting injuries and illnesses, osha believes it is reasonable to require certification by the company official that the log and summary are accurate and complete. * * * [t]he certification requirement serves to identify and eliminate those employers who are not diligently producing records, thus facilitating osha's ability to identify and eliminate those hazards to which the recordkeeping system is inapplicable or in which it is ineffective. the requirement also serves to place the employer on notice that it is required to accurately report the injuries and illnesses that occur in its workplaces. * * * the reasonable belief requirement is not a new requirement, and it has been in the proposed rule since december 1986 (51 fr 6393).

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osha's final rule also provides that the recordkeeping certification requirement be performed in accordance with the osha recordkeeping requirements. specifically, 29 cfr 1904.5(e) requires that the person performing the certification be a knowledgeable person who is familiar with the recordkeeping practices of the establishment, has the authority to certify that the required records are accurate and complete, and has the ability to verify that the records are accurate and complete. the on-site recordkeeping representative may be an employee of the establishment who is knowledgeable about the establishment's recordkeeping practices, or, in some cases, a third-party consultant, with appropriate credentials, who is familiar with the establishment's recordkeeping practices and who has been trained in recordkeeping. the final rule also provides that the person performing the recordkeeping certification must certify that, to the best of the person's knowledge and belief, the log and summary are accurate and complete. thus, in addition to the new language described above, the person performing the certification is required to be familiar with the

establishment's recordkeeping practices, have the authority to certify the accuracy of the records, and have the ability to verify that the records are accurate. the language of the certification is identical to the language in the final rule. in other words, certification does not necessarily entail a knowing and willful declaration that the records are accurate and complete. rather, certification means that the person performing the certification has a general understanding of the osha recordkeeping requirements, is familiar with the company's recordkeeping process, and knows that the company has effective recordkeeping procedures and uses those procedures to produce accurate and complete records. the precise meaning of reasonable belief will be determined on a case-by-case basis because circumstances vary from establishment to establishment and decisions about the recordability of individual cases may differ, depending upon case-specific details. 5ec8ef588b

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