

TITLE 56: LABOR AND EMPLOYMENT
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SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

PART 350
HEALTH AND SAFETY

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81
82 AUTHORITY: Implementing and authorized by the Occupational Health and Safety Act [820
83 ILCS 219].

84
85 SOURCE: Emergency rules adopted at 9 Ill. Reg. 17004, effective October 17, 1985, for a
86 maximum of 150 days; adopted at 10 Ill. Reg. 8765, effective May 14, 1986; amended at 11 Ill.

Reg. 2798, effective January 28, 1987; amended at 12 Ill. Reg. 17086, effective October 11, 1988; amended at 16 Ill. Reg. 8518, effective May 26, 1992; amended at 17 Ill. Reg. 1074, effective January 19, 1993; emergency amendment at 17 Ill. Reg. 7072, effective April 27, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 14724, effective September 15, 1994; amended at 19 Ill. Reg. 11923, effective August 7, 1995; amended at 20 Ill. Reg. 7419, effective May 10, 1996; amended at 21 Ill. Reg. 12850, effective September 4, 1997; amended at 23 Ill. Reg. 3993, effective October 1, 1999; amended at 23 Ill. Reg. 12447, effective October 2, 1999; amended at 24 Ill. Reg. 13693, effective August 23, 2000; amended at 25 Ill. Reg. 860, effective January 5, 2001; amended at 25 Ill. Reg. 10196, effective July 30, 2001; old Part repealed at 30 Ill. Reg. 5531 and new Part adopted at 30 Ill. Reg. 4777, effective March 13, 2006; amended at 34 Ill. Reg. 4793, effective March 16, 2010; old Part repealed at 38 Ill. Reg. 11570, and new Part adopted at 38 Ill. Reg. 11572, effective May 16, 2014; amended at 38 Ill. Reg. 20781, effective October 20, 2014; amended at 39 Ill. Reg. 14176, effective October 19, 2015; peremptory amendment at 46 Ill. Reg. 1668, effective January 7, 2022; recodified at 46 Ill. Reg. 3465; emergency amendment at 46 Ill. Reg. 3598, effective February 15, 2022, for a maximum of 150 days; amended at 46 Ill. Reg. 3518, effective February 15, 2022; amended at 46 Ill. Reg. 9890, effective May 26, 2022; amended at 48 Ill. Reg. 14714, effective September 28, 2024; amended at 50 Ill. Reg. _____, effective _____.

SUBPART B: INJURY/ILLNESS RECORDKEEPING AND REPORTING REQUIREMENTS

Section 350.375 Electronic Submission of OSHA Form 300A

a) Basic Requirement

1) Annual electronic submission of [information from OSHA injury and illness forms](#) ~~Form 300A~~ (Summary of Work-Related Injuries and Illnesses).

A) If the establishment had 250 or more employees at any time during the previous calendar year, then the establishment must electronically submit information from OSHA Form 300A (Summary of Work-Related Injuries and Illnesses) to Illinois OSHA or Illinois OSHA's designee. The establishment must submit the information once a year, no later than March 2nd of the year after the calendar year covered by the form (e.g., 2020 for the 2019 form).

B) If the establishment had 20 or more employees but fewer than 250 employees at any time during the previous calendar year, and the establishment is classified in an industry listed in Appendix B, then the establishment must electronically submit information from OSHA Form 300A (Summary of Work-Related Injuries and

Illnesses) to Illinois OSHA or Illinois OSHA's designee. The establishment must submit the information once a year, no later than March 2nd of the year after the calendar year covered by the form.

C) If the establishment had 100 or more employees at any time during the previous calendar year, and the establishment is classified in an industry listed in Appendix B, then the establishment must electronically submit information from OSHA Forms 300 and 301 to Illinois OSHA or Illinois OSHA's designee. The establishment must submit the information once a year, no later than March 2nd of the year after the calendar year covered by the forms.

DE) Upon notification by Illinois OSHA, additional establishments and/or industries may be subject to these reporting requirements and must electronically submit information to Illinois OSHA or Illinois OSHA's designee.

ED) Establishments subject to these reporting requirements must provide the Employer Identification Number (EIN) used by the establishment.

b) Implementation

- 1) Each individual employed in the establishment at any time during the calendar year counts as one employee, including full-time, part-time, seasonal, and temporary workers.
- 2) Establishments required to submit information will notified by email. Illinois OSHA will also announce individual data collections through press releases and announcements on the IDOL website.
- 3) Establishments required to submit information must submit the information once a year by March 2nd.
- 4) Illinois OSHA shall provide a secure website for the electronic submission of information.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

SUBPART E: ADOPTION OF FEDERAL STANDARDS

Section 350.700 Adoption of Federal Standards

- a) State Standards and Rulemaking. Section 25 of the Act outlines the Director's authority to promulgate, amend and revoke State standards. Any promulgation, amendment or revocation of State standards will be done in accordance with the Illinois Administrative Procedure Act [5 ILCS 100].
- b) Incorporation of Federal Regulations
 - 1) Pursuant to Section 25 of the Act, the Department hereby incorporates by reference designated federal occupational safety and health standards which the United States Secretary of Labor has promulgated or modified in accordance with the federal Occupational Safety and Health Act of 1970 (29 U.S.C. 651) and that are in effect on January 1, 2015, unless an alternate State standard has been adopted and is listed in subsection (c). These designated standards are located at 29 CFR ~~1904~~, 1908, 1910, 1915, 1926 and 1977. All materials incorporated by this Section are incorporated as of the date specified and do not include any later amendments or editions.
 - 2) Pursuant to Section 25 of the Act, all amendments, after January 1, 2015, to the federal occupational safety and health standards in subsection (1) *shall become rules of the Department within 6 months after their federal promulgation date*, unless:
 - A) There is a current alternate State standard in effect; or
 - B) Within 45 calendar days of the federal promulgation date, the State files first notice with the Secretary of State to amend section (c) with an alternate State standard. (Sec. 25(b) of the Act)
- c) Incorporation of Interpretations of Federal Regulations
 - 1) The following interpretations of 29 CFR 1910.134, Respiratory Protection Standard (1998) are incorporated into this Part. Copies of the federal Occupational Safety and Health Administration material may also be obtained at <https://www.osha.gov/respiratory-protection> ~~<http://www.osha-slc.gov/SLTC/respiratoryprotection/index.html>~~.

Preamble: Respiratory Protection; Final Rule, 63 Fed. Reg. 1152 (Jan. 8, 1998)

Questions & Answers on the Respiratory Protection Standard, OSHA Memorandum (Aug. 17, 1998)

Inspection Procedure for the Respiratory Protection Standard, CPL 2-0.120 (Sept. 18, 1998)

Small Entity Compliance Guide for the Revised Respiratory Protection Standard, OSHA Directorate of Health Standards Programs (Sept. 30, 1998)

- 2) The following interpretation of 29 CFR 1910 and 1926, Standards Improvement (Miscellaneous Changes) for General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic (1998); 29 CFR 1915 and 1926, Occupational Exposure to Asbestos (1998); 29 CFR 1910, Methylene Chloride (1998); 29 CFR 1910, Permit-Required Confined Spaces (1998); and 29 CFR 1910, 1915, 1917, 1918 and 1926, Powered Industrial Truck Operator Training (1999) are incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <https://www.osha.gov/laws-regs/federalregister/publicationdate> <http://www.osha.gov/comp-links.html>.

Preamble: Standards Improvement (Miscellaneous Changes) for General Industry and Construction Standards; Paperwork Collection for Coke Oven Emissions and Inorganic Arsenic; Final Rule, 63 Fed. Reg. 33450 (June 18, 1998)

Preamble: Occupational Exposure to Asbestos; 63 Fed. Reg. 35137 (June 29, 1998)

Preamble: Methylene Chloride; Final Rule, 63 Fed. Reg. 50711 (Sept. 22, 1998)

Preamble: Permit-Required Confined Spaces; Final Rule, 63 Fed. Reg. 66018 (Dec. 1, 1998)

Preamble: Powered Industrial Truck Operator Training; Final Rule, 63 Fed. Reg. 66238 (Dec. 1, 1998)

- 3) The following interpretation of 29 CFR 1910, Dipping and Coating Operations (1999) is incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <https://www.osha.gov/laws-regs/federalregister/publicationdate> <http://www.osha.gov/comp-links.html>.

Preamble: Dipping and Coating Operations; Final Rule, 64 Fed. Reg. 13897 (Mar. 23, 1999)

- 4) The following interpretation of 29 CFR 1926, Safety Standards for Steel Erection (2001), and 29 CFR 1910, Occupational Exposure to Bloodborne Pathogens; Needlesticks and Other Sharps Injuries (2001), are incorporated into this Part. Copies are available at the Department's Chicago office. Copies may also be obtained at <https://www.osha.gov/laws-regs/federalregister/publicationdate> <http://www.osha.gov/comp-links.html>.

Preamble: Safety Standards for Steel Erection; Final Rule, 66 Fed. Reg. 5196 (Jan. 18, 2001)

Preamble: Occupational Exposure to Bloodborne Pathogens; Needlesticks and Other Sharps Injuries; Final Rule, 66 Fed. Reg. 5318 (Jan. 18, 2001)

- 5) The following interpretation of 29 CFR 1910.36, 1910.37, 1910.38 and 1910.39, Exit Routes, Emergency Action Plans and Fire Prevention Plans, Final Rule (Nov. 11, 2002); ~~29 CFR 1904, Occupational Injury and Illness Recording and Reporting, Final Rule (July 1, 2002 and Dec. 17, 2002 update)~~; 29 CFR 1910.139, Termination of Rulemaking Respiratory Protection for M. Tuberculosis, Final Rule (Dec. 31, 2003); 29 CFR 1915.52, Fire Protection in Shipyard Employment, Final Rule (Sept. 15, 2004); and 29 CFR 1910 et al., Standards Improvement Project – Phase II (Jan. 5, 2005) are incorporated into this Part. Copies are available at any of the Department's offices. Copies may also be obtained at <http://www.osha.gov>.

- 6) The following interpretations of 29 CFR 1910, 1915 and 1926, Assigned Protection Factors, Final Rule (Aug. 24, 2006); 29 CFR 1926, Roll-Over Protective Structure, Final Rule (Dec. 29, 2005, corrected July 20, 2006); 29 CFR 1910.1026, Occupational Exposure to Hexavalent Chromium, Final Rule (Feb. 28, 2006, corrected June 23, 2006); 29 CFR 1926, Steel Erection: Slip Resistance of Skeletal Structural Steel, Final Rule (Jan. 18, 2006); 29 CFR 1910, 1915 and 1926, Electrical Installation Requirements, subpart S, Final Rule (Feb. 14, 2007, corrected Oct. 29, 2008); 29 CFR 1915, Updating National Consensus Standards in OSHA Standard for Fire Protection in Shipyard Employment, Final Rule (Jan. 3, 2007); 29 CFR 1910, Employer Payment for Personal Protective Equipment, Final Rule (Nov. 15, 2007, clarified Dec. 12, 2008); and 29 CFR 1910, Updating OSHA Standards Based on National Consensus

Standards, Final Rule (Mar. 14, 2008, Dec. 14, 2007, Sept. 9, 2009) are incorporated into this Part. Copies are available at any of the Department's offices, on the Department website at www.state.il.us/agency/idol or the OSHA website at <http://www.osha.gov>.

- 7) The following interpretations of 29 CFR 1910, 1915 and 1926 as appropriate, Standards Improvement Project, Phase III (June 8, 2011); Cranes and Derricks in Construction (Aug. 9, 2010); Technical Amendment concerning Safety Standards for Steel Erection (May 17, 2010); 29 CFR Revising the Notification Requirements in the Exposure Determination Provisions of the Hexavalent Chromium Standards (May 14, 2010); Revising Standards Referenced in the Acetylene Standard (Nov. 10, 2009);

- d) Clarification of Effective Dates
The effective dates for 29 CFR 1910.119(e)(1)(i), (ii), (iii), and (iv), which establish timelines for hazard analyses for hazardous materials, are 1, 2, 3 and 4 years, respectively, after August 1, 1994.

- e) Conformity with Federal Regulations
The Department shall consider any subsequent amendments to the health and safety standards adopted by the federal Occupational Safety and Health Administration. Those amendments will be incorporated by reference or substitute provisions that provide equivalent protection will be adopted. Amendments will be adopted in accordance with the Illinois Administrative Procedure Act.

(Source: Amended at 50 Ill. Reg. _____, effective _____)