

involving days away from work and restricted work activity.

*B. The Alternative Rate Calculation for Qualifying Small Businesses*

The following language is substituted for III.F.4.a.(2)(a):

“To determine whether the employer qualifies for the alternative calculation method, do the following:

- Using the most recent employment statistics (hours worked in the most recent calendar year), calculate a hypothetical total recordable case incidence rate for the employer assuming that the employer had two cases during the year;

- Compare that hypothetical rate to the 3 most recently published years of

BLS combined injury/illness total recordable case incidence rates for the industry; and

- If the hypothetical rate (based on two cases) is equal to or higher than the national average for the firm’s industry in at least 1 of the 3 years, the employer qualifies for the alternative calculation method.”

*C. Construction Applicants’ Qualification for Merit*

The following language is substituted for the first sentence of III.H.2.b.(2):

“For construction, if the incidence rates for the applicant site are not below the industry averages as required for Star, the applicant company must demonstrate that the company-wide 3-

year rates are below at least 1 of the 3 most recently published years of BLS rates for the industry, at the most precise published level. OSHA will compare the two company-wide rates against the single year that is most advantageous to the applicant out of the last 3 published years.”

Signed at Washington, DC, this 2nd day of December 2003.

**John L. Henshaw,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

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