KINETIQ ANALYTICS WHITEPAPER SERIES

CONSTRUCTION / 29 CFR 1926 / 1904 RECORDKEEPING

OSHA 1926 Incident Management for the Contractor Workforce

How recordkeeping fails when half your workforce isn't yours, and what to do about it.

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ISSUED MAY 2026

SERIES REGULATORY

SECTION 01

The audit you couldn’t reconstruct

> A compliance review pulls the OSHA 300 log on a Tuesday morning. The log itself looks clean. The trouble starts one row up the stack.

The recordable injury in question happened eight months ago, on a span replacement project two states over. The form fields are there. Body part, mechanism, restricted days, date of incident. The 300A summary closed out cleanly for the calendar year. Whoever wrote the entry knew the column headers.

What the reviewer wants is the underlying record. Who took the report. What the worker said in the first hour. Photos from the scene before the JSA was revised. The signed acknowledgment that the safety stand-down happened.

The supervisor who took the report is at another project now. The contractor crew that was on site that day has rotated through three other jobs since. The site safety lead retired in March. The shared inbox that used to be the catch-all for incident attachments was decommissioned when the project closed out.

> The 300 column was right. The chain of custody on what produced that column was not. That is the failure mode most construction operators only see once.

This paper is about that gap. It walks through what 29 CFR 1926 and 1904 actually require for a construction operator, where the contractor-workforce model collides with that framework, and where a typical EHS system breaks under the load. The last sections describe the shape of a better approach. The product appears late. The regulation is the spine.

SECTION 02

What 1926 and 1904 actually require

Construction operators sit under two parallel obligations. The first is the construction safety standard at `29 CFR Part 1926`. The second is the recordkeeping rule at `29 CFR Part 1904`, which applies to construction the same way it applies to general industry, with a small set of differences worth knowing.

The 1926 safety standard, at category level

Part 1926 is organized into subparts. The ones that produce the highest volume of recordable injury on a typical site are familiar:

SUBPART	SUBJECT
Subpart C	General safety and health provisions
Subpart E	Personal protective and life-saving equipment
Subpart L	Scaffolding
Subpart M	Fall protection
Subpart N	Cranes, derricks, hoists, elevators, conveyors
Subpart P	Excavations
Subpart Q	Concrete and masonry construction
Subpart T	Demolition
Subpart V	Electric power transmission and distribution
Subpart X	Stairways and ladders

An inspector arriving on site reads citations against these subparts. Internal incident records that route corrective actions back to the citing subpart are easier to defend than narratives that describe what happened without anchoring it to the code the worker was protected under.

The 1904 recordkeeping framework

Recordkeeping is the part operators are evaluated on every year, even when no inspection is triggered.

CITATION	WHAT IT COVERS
1904.4	The basic recording obligation. Each covered employer records work-related injuries and illnesses meeting the recording criteria.
1904.7	The general recording criteria. Death, days away from work, restricted work or transfer, medical treatment beyond first aid, loss of consciousness, significant diagnosis by a licensed health care professional.

CITATION	WHAT IT COVERS
1904.29	The forms. OSHA Form 300 (log of injuries and illnesses), 300A (annual summary), 301 (incident record). The privacy-case substitution rules sit here.
1904.32	The annual summary. Post the 300A by February 1 of the year following the year covered, leave it posted through April 30.
1904.35	Employee involvement. Workers and their representatives have access to the records and protection from retaliation for reporting.
1904.39	Reporting fatalities and severe injuries to OSHA. Fatality within 8 hours. Inpatient hospitalization, amputation, loss of an eye within 24 hours.
1904.41	Electronic submission of injury and illness records for covered establishments above the size and industry thresholds.

None of this is exotic. It is the spine every EHS director already knows. The question for a construction operator is not whether the framework is understood. It is whether the underlying records will hold together when someone needs them.

SECTION 03

The contractor-workforce complication

The construction operator's situation is structurally different from the single-employer manufacturing site that Part 1904 was drafted around. Three things change.

1904.31 and who keeps the log

The recordkeeping rule at `29 CFR 1904.31` draws a distinction between employees on the payroll and workers the operator supervises day-to-day. If an operator's personnel supervise a contract worker's work, the operator records the work-related injury or illness on the operator's 300 log, not the contractor's.

That sounds simple on the page. It rarely is on the ground. A subcontracted electrician on a span project, supervised by the general's site lead, falls through the supervision test. The injury belongs on the general's log. The supervisor who took the report works for the general but answers to the project manager who is a contract role on the same job. The incident attachment ends up in the sub's document control system because that is where the sub's superintendent dropped it.

> The OSHA 300 column was right. The chain of custody behind it crossed three companies and four shared drives. That is the audit problem.

The chain of custody when a crew rotates

The 300 log is a calendar-year artifact. The underlying records that produced it are not. A contractor crew on a six-week pour rotates off, and the corrective action that the operator opened on the day of the incident is now owned by someone whose access to the project SharePoint expired the week the crew demobilized. The follow-up that was supposed to close the loop sits in an inbox no one monitors anymore.

This is where the gap shows up most. Not at the moment of the incident. Six months later, when the underlying record is needed and the people who produced it have moved on.

The 8-hour and 24-hour reporting clocks

Section 1904.39 sets two clocks. Eight hours to report a work-related fatality. Twenty-four hours to report an inpatient hospitalization, an amputation, or a loss of an eye. The clocks run from the time the operator or operator's representative becomes aware of the event.

On a single-employer site, the clock starts cleanly. On a multi-employer construction site, the awareness path runs through the sub's foreman, the general's superintendent, the safety lead who may or may not be on the project that day, and the regional compliance officer at the operator's home office. The clock has been running the entire time. The operator's notification moment is when someone reaches the right person at the right level. That is also where the deadline can be missed.

SECTION 04

Multi-state regulatory profile

Most construction operators above a certain scale work in both state-plan and federal-plan jurisdictions. That distinction is more than administrative.

State-plan states operate their own OSHA-approved program. They adopt standards at least as protective as federal OSHA and frequently go further. The set of state plans relevant to construction operators today includes California (Cal/OSHA), Michigan (MIOSHA), Washington (DOSH), Oregon (Oregon OSHA), Nevada, Indiana, North Carolina, Kentucky, Tennessee, Virginia, Maryland, Hawaii, Alaska, New Mexico, Arizona, Iowa, Minnesota, Utah, Vermont, Wyoming, South Carolina, and Puerto Rico, among others. Some state plans (New York, New Jersey, Illinois, Connecticut, Maine) cover only public-sector employees; private construction in those states falls under federal OSHA.

JURISDICTION	NOTABLE CONSTRUCTION OVERLAY
California	Cal/OSHA Heat Illness Prevention standard, IIPP requirement, more stringent fall protection trigger height than federal, separate Heat Illness Prevention for outdoor places of employment.
Michigan	MIOSHA construction-specific Part 1 General Rules, with state-specific recordkeeping interpretation.

JURISDICTION	NOTABLE CONSTRUCTION OVERLAY
Washington	DOSH WAC 296-155 series for construction, outdoor heat exposure rule, fall protection trigger at 4 feet for construction.
Oregon	Oregon OSHA Division 3 for construction, agriculture and forestry overlays where work crosses categories.

The operational complexity is real. An operator with crews in Michigan and California carries two regulatory profiles in parallel. The forms differ. The fall protection trigger height differs. The annual summary posting requirement is the same in both jurisdictions but the underlying log is subject to the state plan's interpretive guidance, not federal.

None of this is hypothetical. It is the regulatory reality a multi-state construction operator's safety leadership runs every quarter.

SECTION 05

Where the typical EHS system fails the construction operator

Most EHS platforms in the market were built for a single-employer manufacturing footprint. They handle a payroll workforce moving through fixed assets on fixed shifts. When that platform is dropped into a construction operator's reality, four failure modes show up.

Contractors as second-class users

The access model assumes the user has a long-lived employee identity. A contractor foreman on a six-week job gets handled the same as a corporate accountant. Either the contractor is given a near-employee account that lingers after demobilization, or the contractor is locked out and the supervising employee fills the forms after the fact. Neither matches the reality of the frontlines.

Role-level access where module-level is needed

The platform's access control is keyed to job titles. "Foreman" sees one bundle. "Safety lead" sees another. What the operator actually needs is the ability to grant a specific subcontractor visibility into the JSA and the toolbox talk without visibility into the WC claim file from a prior incident. That granularity sits below the role layer and most platforms do not reach it.

Capture latency from the field

The incident reporting form lives on a laptop in the project trailer. The worker who saw what happened walks back to the trailer at lunch. The supervisor types up the narrative at the end of the shift. The record is six hours old when it is created. The body part the worker pointed to in the first

minute is now a checkbox the supervisor remembered. The narrative the worker gave in their own words at the time is gone.

Records that break when supervisors change

The incident is owned by the user who created it. When that user leaves the company, the incident is reassigned manually or it goes stale. The operator finds out at the next audit. The chain of custody on the record is whoever happened to be sitting in the supervisor seat the day someone asked for it.

> The 300 log is the easy part. The records under it are where construction operators get caught.

SECTION 06

A better approach

A construction-grade incident system has to handle three things the typical platform does not.

Module-level access for contractors as first-class users

Access has to be granular below the role layer. A subcontractor foreman gets visibility into the JSA, the toolbox talk attendance, and the inspection form scoped to the asset they are working on. Nothing else. The matrix is the source of truth, and it is reviewed at the access level, not the title level.

When the crew demobilizes, the access closes on the date the crew leaves the project. The record stays. The visibility ends.

Structured capture on the frontlines

The incident report is taken where the work happens, not at the end of the shift. The worker who was there describes what happened in their own words, on a tablet that handles a glove and a workboot, in the language the worker speaks. The structured fields come from the narrative the worker gave at the time, not from a checkbox the supervisor backfilled.

For crews where the first language is Spanish, that means capture in Spanish. The supervisor is not the translator. The audit trail carries the worker’s words.

Chain of custody that survives the supervisor leaving

The record belongs to the operator, not to the user who created it. When the supervisor demobilizes, the record is still owned. The corrective action is still routed. The follow-up does not land in an inbox no one monitors. The audit ledger captures who saw what, when, at what level of access, with the supervisor change as a logged event, not a silent reassignment.

The OSHA 300 and 301 forms are generated from this record as a continuous output. The 300A summary at year end is the byproduct, not the document. When the inspector asks for the underlying record, the underlying record is intact.

SECTION 07

What this looks like in the workflow

A walk through one incident, end to end.

1. **Capture.** The incident comes off the field tablet. The worker who was there describes what happened, in the language the worker speaks. The structured fields populate from the narrative.
2. **Routing.** The incident is routed to the right safety supervisor for that project, regardless of which subcontractor the affected worker reports to and regardless of which supervisor is on the project that week.
3. **Classification.** The 1904.7 work-relatedness and recording criteria are applied against the structured record. The result is reviewable, not automatic.
4. **Reporting clocks.** If the incident triggers the 1904.39 thresholds, the 8-hour or 24-hour clock is flagged at intake. The notification path is logged.
5. **Form generation.** The OSHA 300 entry and 301 form are generated from the structured record. The privacy-case flag is set if the criteria apply.
6. **Corrective action.** Recommended corrective actions cite the relevant 1926 subpart. The corrective action is tracked to closure with its own audit history.
7. **Audit ledger.** Every view, every edit, every escalation is captured against the record. When the supervisor demobilizes, the access closes. The record stays whole.

The output the auditor sees is the OSHA 300 and the 301. The output the operator sees is a record that the supervisor leaving does not disturb.

SECTION 08

What this is not

A few boundaries worth being explicit about.

This is not a compliance guarantee. No software brings a construction operator into compliance with `29 CFR 1926` or `1904`. Compliance is a function of the operator's program, the operator's people, and the operator's execution against the standard. A system that captures cleanly and preserves chain of custody makes the operator's program easier to defend. It does not replace the program.

This is not legal advice. Per-jurisdiction regulatory interpretation belongs to the operator's qualified safety counsel and to OSHA itself.

This is not a substitute for the operator's qualified safety professional. The forms generate from the structured record. The judgment about whether an event meets the recording criteria belongs to a person, not to the form.

SECTION 09

About Kinetiq Nexus

INDUSTRIAL EHS / CONSTRUCTION

Built for the frontlines, and the contractor reality.

Kinetiq Nexus is an industrial EHS platform built for operators whose workforce is more than just their own payroll. Access control is per-module, so a subcontractor foreman can see the JSA and the toolbox talk without seeing the WC claim file from another job. Voice-to-incident capture happens on the frontlines in English or Spanish, so the worker's own words go on the record. The OSHA 300 and 301 forms generate from the structured record. The audit ledger captures the chain of custody and survives the supervisor leaving.

Single-tenant deployment in the United States or Canada. A platform we built because the existing tools were failing the workers who needed them most.

Learn more: `kinetiq-analytics.com/industries/construction` · `solutions@kinetiq-analytics.com`

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