

New OSHA Injury Reporting Requirements Will Shine Light on Safety

David A. Roth

Greenbaum, Rowe, Smith & Davis LLP Client Alert

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The Occupational Safety and Health Administration (OSHA) has established new injury reporting requirements that become effective on January 1, 2017 and will phase-in over the next 2 years. Certain employers will be required to begin electronically submitting injury and illness data they are already recording on onsite OSHA Injury and Illness forms. OSHA State Plan states must adopt requirements that are substantially identical to those in OSHA's final rule.

Timeline for the New Reporting Requirements

Beginning in February 2017, OSHA will provide a secure website that will offer three options for data submissions. Some of the data will be posted to the OSHA website.

By July 1, 2017 establishments in covered industries with 250 or more employees will be required to electronically submit injury and illness data from their 2016 Form 300A. They will also be required to submit information from all 2017 forms (300A, 300, and 301) by July 1, 2018. Beginning in 2019 and every year thereafter, the information must be submitted by March 2.

Establishments with 20-249 employees in certain high-risk industries will be required to submit information from their 2016 Form 300A by July 1, 2017, and must submit data from their 2017 Form 300A by July 1, 2018. Beginning in 2019 and every year thereafter, the information must be submitted by March 2.

The final rule containing the new electronic reporting requirements updated certain other related requirements, as follows:

- Employees must be informed of their right to report work-related injuries and illnesses free from retaliation.
- The reporting procedures instituted by the employer must be reasonable and cannot deter or discourage employees from reporting work-related injuries and illnesses.
- The final rule also amends OSHA's existing recordkeeping regulation to clarify the rights of employees and their representatives to access the injury and illness records.

Implications of the New Reporting Requirements

According to OSHA, electronic reporting, public disclosure, and enhanced employee protections will provide more accurate data and improve safety. The new “transparency” will also facilitate the public’s access to company injury and illness data, for better or worse, and may result in more “efficient” enforcement by OSHA.

The final rule can be found at: <https://www.federalregister.gov/documents/2016/05/12/2016-10443/improve-tracking-of-workplace-injuries-and-illnesses>

Please contact the author of this Alert, **David A. Roth**, for additional information on the new reporting requirements or with questions regarding compliance. Mr. Roth, a partner in the firm’s Environmental Department, has over 25 years of experience in the representation of companies, businesses and individuals in a wide variety of complex environmental, health and safety matters. He assists clients in successfully resolving compliance and enforcement issues that arise under a variety of federal and state statutes including OSHA.