

New for 2024: OSHA's Revised Injury Data E-Reporting Rule

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Many employers annually submit injury and illness Form 300A data through OSHA's Injury Tracking Application (ITA). For the first time in 2024, employers with 100 or more employees identified in an updated "high-hazard industries" list (Appendix B) must also submit both their OSHA Form 300 and Form 301 electronically using the ITA. The ITA will begin accepting 2023 injury and illness data on January 2, 2024. The current deadline to complete the submission is **March 2, 2024**. OSHA determines coverage based on an establishment's North American Industry Classification System (NAICS) code. To find the NAICS code, businesses can query the U.S. Census Bureau's site. Based on changes to the requirements, employers now have the following reporting obligations:

- Establishments under 20 employees need not report.
- Establishments with 20-249 employees listed in Appendix A send the 300A.
- Establishments with 250 or more employees that keep a 300 Log send the 300A.
- Establishments with 100 or more employees listed in Appendix B will send the 300 Log, 301 forms, and 300A.

Using the ITA increases OSHA's ability to target employers in programmed inspections and through national or regional emphasis programs. Under the updated reporting requirements, OSHA will now have access to increased details about specific injuries and illnesses because OSHA can

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review the Form 301 details. However, employers should keep in mind that OSHA should not be provided personally identifiable information (PII) about employees that may be contained in the Form 300 or Form 301. Specifically, when electronically submitting data through the ITA, do not include the following information:

- Names
- Social Security numbers
- Telephone numbers
- Home addresses
- Email addresses
- Healthcare provider information
- Family member information

Employers should edit the narrative portions of the Forms 300 and 301 to eliminate PII **before** submitting the records through the ITA.

The new rule should give OSHA a better understanding of the injury and illness history for an establishment, which could influence whether OSHA would cite an employer under the instance-by-instance policy. If recorded injuries suggest possible non-compliance with certain regulatory standards, ITA data could significantly increase possible exposure. Employers should audit their injury and illness data for accuracy and for indications of possible gaps in policies, training, or re-training that can be corrected prior to an inspection.

Noncompliance with ITA reporting in and of itself can result in a citation, which, when combined with other instance-by-instance citation risks, could lead to massive penalties. The OSHA ITA requirements for high-hazard employers with 100 or more employees may require a lot more time and effort than expected. Please feel free to contact your Laner Muchin servicing attorney with questions.