

OSHA Update: Penalties Increased and Employers Have Reporting Deadlines

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As expected, the Occupational Safety and Health Administration (OSHA) announced its penalty increases, which became effective on January 15, 2025. The maximum penalties for serious and other-than-serious violations will increase from \$16,131 to \$16,550 per violation. The maximum penalty for willful or repeated violations will increase from \$161,323 to \$165,514 per violation. With these increases in mind, please remember that employers subject to OSHA 300 recordkeeping standard must complete and post their 2024 annual summary of work-related injuries and illnesses by February 1, 2025, and keep the summary report posted in a common area until April 30, 2025. For additional information about what you need to do, please review our summary of OSHA 300A requirements.

In addition, employers who had 100 or more employees at any point during the previous calendar year — as well as employers in certain high-hazard industries — must electronically submit information from OSHA forms 300 and 301 through the OSHA Injury Tracking Application. The coverage requirements for ITA depend on the highest number of employees an employer had in a year, as well as the industry classification. OSHA has confirmed which entities are covered by these requirements in this Fact Sheet and has provided a ITA Coverage App to help determine if an employer is subject to the requirement. ITA reporting must be completed by March 2, 2025.

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OSHA's emphasis on collecting injury and illness data heightens the need to carefully create accurate records. Recently, OSHA published comprehensive data on more than 890,000 workplace injuries and illnesses at more than 91,000 workplaces in calendar year 2023, including incident-level details on the conditions and circumstances of injury and illness events. In other words, information supplied to OSHA may be made available to the public, including lawyers representing injured employees and union organizers.

OSHA's record-keeping requirements are not intuitive and are subject to posting and reporting requirements. Employers who are looking for guidance on their obligations are free to review our pre-recorded webinar discussing OSHA 300 obligations. Employers that have questions about whether an injury was recordable and how to record an injury should review the regulations and guidance carefully or ask for help. Please contact your servicing Laner Muchin attorney if you have questions about complying with these OSHA requirements.