

# Department of Labor Announces New Invasive Rule Requiring Yearly Disclosures of 300 and 301 Injury and Illness Logs by Employers in High-Hazard Industries

## Labor & Employment Law Update

By Matthew Horn on July 20, 2023

Resurrecting a rule that it attempted—but failed—to implement years ago, the Department of Labor has announced a new rule that will require certain employers in high-hazard industries to electronically submit injury and illness information. The rule applies to establishments with 100 or more employees in certain high-hazard industries including construction, manufacturing, agriculture, transportation, warehousing, and utilities.

The rule requires employers to submit information from their Form 300-Log of Work-Related Injuries and Illnesses, and Form 301-Injury and Illness Incident Report to OSHA once a year, in addition to the Form 300A-Summary of Work-Related Injuries and Illnesses. This information includes the number and type of injuries and illnesses, the date of the injury or illness, and the employee's name and job title.

In its press release, OSHA stated that it will publish “some” of the data collected on its website. This information will be available to employers, employees, potential employees, employee representatives, current and potential customers, researchers, and the general public. OSHA claims that providing public access to this data will ultimately reduce occupational injuries and illnesses; however, there is no indication that any public safety interest is being advanced with this data.

Employers in high-hazard industries will now be required to submit information to OSHA independent of any investigation. OSHA is using the new rule to collect more data about employers than it would otherwise be provided without an investigation.

The rule is scheduled to be published on 7/21 and will take effect on 1/1/2024. At the time of publishing, we will keep you updated with any new relevant information.

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