

OSHA issues final rule to make workers, employers, the public and OSHA better informed about workplace injuries, illnesses

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has issued a final rule that will modernize injury data collection to better inform workers, employers, the public and OSHA about workplace hazards. With this new rule, OSHA is applying the insights of behavioral economics to improve workplace safety and prevent injuries and illnesses.

Under the new rule, all establishments with 250 or more employees in industries covered by the recordkeeping regulation must electronically submit to OSHA injury and illness information from OSHA Forms 300, 300A, and 301. Establishments with 20-249 employees in certain industries (listed below) must electronically submit information from OSHA Form 300A only.

The new requirements take effect Aug. 10, 2016, with phased in data submissions beginning in 2017. These requirements do not add to or change an employer's obligation to complete and retain injury and illness records under the Recording and Reporting Occupational Injuries and Illnesses regulation.

OSHA will phase in implementation of the data collection system. In the first year, all establishments required to routinely submit information under the final rule will be required to submit **only the information from the Form 300A** (by July 1, 2017). In the second year, all establishments required to routinely submit information under the final rule will be required to submit all of the required information (by July 1, 2018). This means that, in the second year, establishments with 250 or more employees that are required to routinely submit information under the final rule will be responsible for submitting information from the Forms 300, 301, and 300A. Establishments with 20-249 employees in the effected industries will be responsible for submitting information from the Form 300A

In the third year, all establishments required to routinely submit under this final rule will be required to submit all of the required information (by March 2, 2019). This means that beginning in the third year (2019), establishments with 250 or more employees will be responsible for submitting information from the Forms 300, 301, and 300A and establishments with 20-249 employees in the effected industries will be responsible for submitting information from the Form 300A by March 2 each year. This will provide sufficient time to ensure comprehensive outreach and compliance assistance in advance of implementation.

To ensure that the injury data on OSHA logs are accurate and complete, the final rule also promotes an employee's right to report injuries and illnesses without fear of retaliation, and clarifies that an employer must have a reasonable procedure for reporting work-related injuries that does not discourage employees from reporting. This aspect of the rule targets employer programs and policies that, while nominally promoting safety, have the effect of discouraging workers from reporting injuries and, in turn leading to incomplete or inaccurate records of workplace hazards.

Establishments in the following industries with 20 to 249 employees must submit injury and illness summary (Form 300A) data to OSHA..

- 5321 Automotive equipment rental and leasing
- 5322 Consumer goods rental
- 5323 General rental centers
- 5617 Services to buildings and dwellings
- 5621 Waste collection
- 5622 Waste treatment and disposal
- 5629 Remediation and other waste management services
- 6219 Other ambulatory health care services
- 6221 General medical and surgical hospitals
- 6222 Psychiatric and substance abuse hospitals
- 6223 Specialty (except psychiatric and substance abuse) hospitals
- 6231 Nursing care facilities
- 6232 Residential mental retardation, mental health and substance abuse facilities
- 6233 Community
- 6239 Other residential care facilities
- 6242 Community food and housing, and emergency and other relief services
- 6243 Vocational rehabilitation services
- 7111 Performing arts companies
- 7112 Spectator sports
- 7121 Museums, historical sites, and similar institutions
- 7131 Amusement parks and arcades
- 7132 Gambling industries
- 7211 Traveler accommodation
- 7212 RV (recreational vehicle) parks and recreational camps
- 7213 Rooming and boarding houses
- 7223 Special food services
- 8113 Commercial and industrial machinery and equipment (except automotive and electronic) repair and maintenance
- 8123 Dry-cleaning and laundry services