

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 the OSHA 300A injury and illness summary:

NAICS Industry

- 11 Agriculture, forestry, fishing and hunting.
- 22 Utilities.
- 23 Construction.
- 31-33 Manufacturing.
- 42 Wholesale trade.
- 4413 Automotive parts, accessories, and tire stores.
- 4421 Furniture stores.
- 4422 Home furnishings stores.
- 4441 Building material and supplies dealers.
- 4442 Lawn and garden equipment and supplies stores.
- 4451 Grocery stores.
- 4452 Specialty food stores.
- 4521 Department stores.
- 4529 Other general merchandise stores.
- 4533 Used merchandise stores.
- 4542 Vending machine operators.
- 4543 Direct selling establishments.
- 4811 Scheduled air transportation.
- 4841 General freight trucking.
- 4842 Specialized freight trucking.
- 4851 Urban transit systems.
- 4852 Interurban and rural bus transportation.
- 4853 Taxi and limousine service.
- 4854 School and employee bus transportation.
- 4855 Charter bus industry.
- 4859 Other transit and ground passenger transportation.
- 4871 Scenic and sightseeing transportation, land.
- 4881 Support activities for air transportation.
- 4882 Support activities for rail transportation.
- 4883 Support activities for water transportation.
- 4884 Support activities for road transportation.
- 4889 Other support activities for transportation.
- 4911 Postal service.
- 4921 Couriers and express delivery services.
- 4922 Local messengers and local delivery.
- 4931 Warehousing and storage.
- 5152 Cable and other subscription programming.
- 5311 Lessors of real estate.
- 5321 Automotive equipment rental and leasing.
- 5322 Consumer goods rental.
- 5323 General rental centers.
- 5617 Services to buildings and dwellings.

NAICS Industry

- 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 care facilities for the elderly.
- 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