

OSHA Rulemaking

Changes to Injury, Illness Reporting Rules Coming

THE OCCUPATIONAL Safety and Health Administration has revived a regulation that would change which employers have to file their injury and illness logs electronically, in particular increasing reporting requirements for companies in high-hazard industries.

The proposed regulations are similar to ones that were implemented during the tail end of the Obama administration, and that were ultimately rescinded after Donald Trump took office in 2017.

The proposed rules would require increased reporting for certain employers, but the biggest worry is that individual companies' injury and illness information would be made public online, which they say could in turn yield public relations problems for some organizations.

What's on tap

The proposed regulations are out for public comment until May 31, 2022, and we are currently in a waiting game to see if the final version will differ much from the proposed rules.

Under current OSHA regulations, all employers with 10 or more workers must report injury and illness data using the agency's Forms 300, 300A and 301. Additionally, establishments with 250 or more employees must submit information from the Form 300A Injury and Illness Log electronically every year.

The proposed rule would:

- Require establishments with 100 or more employees in certain high-hazard industries to electronically submit information from their OSHA Forms 300, 301 and 300A to OSHA once a year..
- Remove the current requirement for establishments with 250 or more employees not in a designated industry to electronically submit information from their Form 300A to OSHA annually.
- Require establishments to include their company name when making electronic submissions to OSHA.

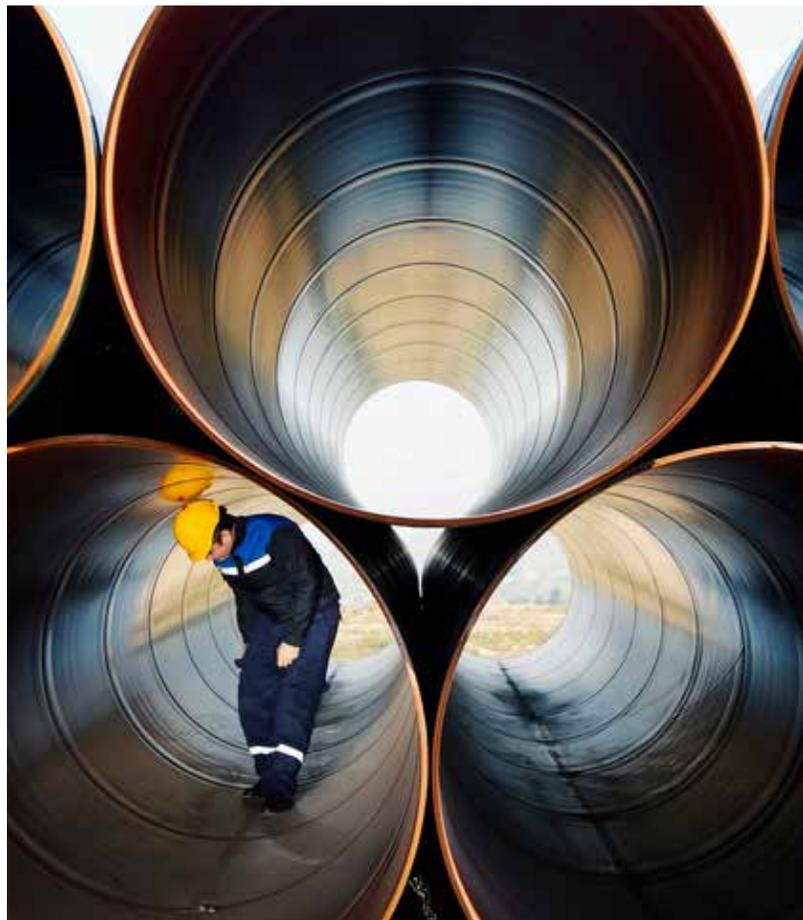
The proposal doesn't change existing requirements for establishments with 20 to 99 employees in certain industries to submit information electronically from their OSHA Form 300A annual summary once a year.

OSHA intends to post the data from the proposed annual electronic submission requirement on a public website after identifying and removing information that reasonably identifies individuals directly, such as their names and contact information.

That means that employers' injury and illness histories will become a matter of public record, searchable by anyone.

OSHA says changes will:

- Allow it to better identify workplaces where workers are at greatest risk from hazards, and to target its compliance assistance and enforcement efforts accordingly;



- Improve the ability of employers to compare their own injury and illness data on hazards with the data from similar companies in the same industry; and
- Improve the ability of stakeholders to make more informed decisions using recent establishment-specific, case-specific injury/illness information.

The takeaway

These proposed changes have yet to become permanent. Once they do, there is likely going to be a ramping up period before they take effect. OSHA needs to give affected employers time to adjust their reporting to comply with the new rules, so any compliance deadline will not take effect immediately.

After the public comment period on the proposed rules ends on May 31, OSHA will have to sift through the comments and make any changes.

The best thing you can do is to start reassessing and improving your incident management practices today. You'll need reliable methods to ensure that you're capturing and documenting all OSHA recordable injuries and illnesses, and maintaining accurate injury and illness records.. ❖