
BOND INFORMATION MEMO

OSHA

November 2013

OSHA Proposes Electronic Record-Keeping Requirements

On November 8, 2013, the Occupational Safety and Health Administration (“OSHA”) released a proposed rule which would require many employers to submit injury and illness records — such as the OSHA Forms 300, 300A, and 301 — electronically. The proposed rule, along with the commentary, can be accessed at https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=FEDERAL_REGISTER&p_id=24002.

The proposed rule — which would amend 29 C.F.R. Section 1904.41 — entails three significant provisions:

1. Establishments with 250 or more employees would be required to submit the OSHA Forms 300 and 301 electronically on a quarterly basis and the OSHA Form 300A summary electronically on an annual basis.
2. Establishments with 20 or more employees in several specific industries would be required to submit the OSHA Form 300A summary electronically on an annual basis. The specifically-referenced industries in the proposed rule include the following general NAICS classifications: construction, manufacturing, agriculture, utilities, hospitals, and nursing homes.
3. Employers would have to submit electronic injury and illness records “upon notification” by the agency.

OSHA’s stated reason for the proposal is that the agency presently has limited access to establishment-specific injury and illness records (i.e., the most common way it acquires this information is through inspections). According to the agency, the on-line submission of the information will make it easier for OSHA to identify and address recurring health hazards in the workplace.

The proposed rule provides that OSHA will be responsible for creating a secure website for affected employers to submit the required information, including log-in IDs and passwords. While the agency has made it clear that it intends to make information submitted by employers public, the commentary to the rule makes it clear that no employee-specific information would be released (e.g., names, personal identifying information, etc.).

Comments to the proposed rule must be received by February 6, 2014.

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