

OSHA Makes Changes to Injury/Illness Recordkeeping Standard

On May 12, 2016 OSHA released updates to their recordkeeping standard. Assuming there are no legal challenges to the standard, the changes will take effect August 10 for anti-retaliation and January 1, 2017 for electronic submission. State plan states will need to adopt similar rules and their effective dates may be different.

The changes update the existing standard to add:

- Anti-retaliation protection – employers must inform employees of their right to report work related injuries and illnesses. In addition, the procedure must be reasonable and not deter or discourage employees from reporting. Employers are also prohibited from retaliating against employees for reporting injuries.
- Electronic submission - certain employers will be required to electronically submit their OSHA 300, 300A and 301 reports to OSHA. OSHA will then make this information available to the public (after some cleansing). OSHA will establish a secure website for the submission of the required information. 2016 OSHA logs will need to be submitted by July 1, 2017. Only one submission per year will be required.

Specifically, the electronic submission requirements will apply to:

- Establishments with 250 or more employees that are subject to OSHA's existing recordkeeping regulation must electronically submit to OSHA some of the information from the Log of Work-Related Injuries and Illnesses (OSHA Form 300), the Summary of Work-Related Injuries and Illnesses (OSHA Form 300A), and the Injury and Illness Incident Report (OSHA Form 301).
- Establishments with 20-249 employees in certain high-risk industries (identified by their North American Industrial Classification System code – NAICS) must electronically submit to OSHA some of the information from the Summary of Work-Related Injuries and Illnesses (OSHA Form 300A). A few of the common high-risk industries include:
 - Anyone in construction (23), manufacturing (31-33), and wholesale trade (42)
 - Select retail stores including: grocery (4451), building material (4441)
 - General freight trucking – local and long distance (4841), taxi (4853), school and charter bus (4854 and 4855)
 - Other ambulatory health care services (6219), general medical and surgical hospitals (6221)
 - Nursing facilities (6231), residential mental retardation, mental health and substance abuse (6232), community care facilities for the elderly – assisted living (6233), other residential care facilities (6239), vocational rehab (6243)
 - The full list of high-risk industries is located here:
<https://www.osha.gov/recordkeeping/NAICScodesforelectronicsubmission.pdf>

Here is a link to this topic on OSHA's website: <https://www.osha.gov/recordkeeping/finalrule/index.html>

Argent will host a free webinar on OSHA recordkeeping later this year.