



ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2021-09 [18 October 2021]

OSHA Moving To Reinstitute Full Electronic Data Reporting Rule

While we all wait on OMB's approval (and the imminent issuance) of OSHA's Emergency Temporary Standard in re COVID-19 Vaccination (which should happen in a week, maybe two, at the outside), we should not lose track of another OSHA regulation currently in the pipeline.

From a historical perspective, employers with more than 10 employees in most industries have been obliged to keep records of occupational injuries and illnesses at their establishments. Those employers are required to list each recordable employee injury and illness on an OSHA Form 300 (the Log of Work-Related Injuries and Illnesses) and prepare an OSHA Form 301 (Injury and Illness Incident Report) which provides additional details about those events. Employers were also obliged to prepare an annual summary report of all injuries and illnesses on the OSHA Form 300A (Summary of Work-Related Injuries and Illnesses), and post that form at a visible location within the workplace.

In 2016, during the Obama Administration, OSHA amended that standard to require establishments with 250 or more employees to electronically submit information from their OSHA Forms 300, 300A, and 301 to a specially designed web portal. These reporting requirements technically became effective in January 2017. That date was administratively extended, however, and (to the writer's recollection) the electronic submission requirements were never actually enforced by the agency.

The Trump Administration significantly revised that requirement, mandating that only the OSH Form 300A data needed to be so filed.

Moving forward to the present time, we understand that the Biden Administration is seeking to reinstitute the circa-2016 requirements, stipulating that employers will once again be obliged to electronically submit the data populated on their annual OSHA Forms 300, 300A and 301 to the established web portal in March of each year. In fact, we see that the Office of Management and Budget's Office of Information & Regulatory Affairs (OIRA) has that proposed rulemaking initiative currently under consideration.

Here's a link that speaks to OIRA's review:

<https://www.reginfo.gov/public/do/eoDetails?rrid=198264>

Got a question about this particular subject? Write to the JSC at: blueoceana@optonline.net

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