



American Wire Producers Association

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## **OSHA ISSUES FINAL RULE ON ELECTRONIC REPORTING OF INJURIES AND ILLNESSES**

To protect worker privacy, the Occupational Safety and Health Administration (OSHA) is amending the recordkeeping regulation by rescinding the requirement for establishments with 250 or more employees to electronically submit information from OSHA Forms 300 and 301. These establishments will continue to be required to maintain those records on-site, and OSHA will continue to obtain them as needed through inspections and enforcement actions. In addition to required reporting after severe injuries occur at the workplace, establishments will continue to submit information from their Form 300A.

OSHA is also amending the recordkeeping regulation to require covered employers to submit their Employer Identification Number (EIN) electronically along with their injury and illness data submission, which will facilitate use of the data and may help reduce duplicative employer reporting.

OSHA's regulation at 29 CFR part 1904 requires employers with more than 10 employees in most industries to keep records of occupational injuries and illnesses at their establishments. Employers covered by these rules must record each recordable employee injury and illness on an OSHA Form 300, which is the "Log of Work-Related Injury and Illnesses," or equivalent. Employers must also prepare a supplementary OSHA Form 301 "Injury and Illness Incident Report" or equivalent that provides additional details about each case recorded on the OSHA Form 300. At the end of each year, employers are required to prepare a summary report of all injuries and illnesses on the OSHA Form 300A, which is the "Summary of Work-Related Injuries and Illnesses," and post the form in a visible location in the workplace.

The recordkeeping regulation also required establishments with 250 or more employees that are currently required to keep OSHA injury and illness records to electronically submit information from the OSHA Forms 300, 300A and 301 to OSHA annually. Establishments with 20-249 employees are required to electronically submit information only from the OSHA Form 300A – the summary form. To protect worker privacy, this final rule eliminates the requirement that establishments with 250 or more employees that are currently required to keep OSHA injury and illness records submit information electronically from their OSHA Forms 300 and 301.

OSHA asserts in the rule that the Agency's collection and use of the summary data from Form 300A and information concerning severe injuries it receives gives OSHA the information it needs to identify and target potential enforcement actions against those establishments with high rates of work-related injuries and illnesses. Officials also argue that this rule will allow OSHA to focus agency resources on the collection and use of 300A data instead of diverting those resources toward developing a web portal for, and then collecting, manually reviewing and analyzing data from Forms 300 and 301.

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In the end, OSHA determined that collecting the data electronically would subject sensitive worker information to a meaningful risk of public disclosure. OSHA has also concluded that the extent of the incremental benefits of collecting the data for OSHA's enforcement targeting and compliance assistance activities remains uncertain.

To read the rule in its entirety, follow this [link](#).

