 

OSHA issues final rule to make workers, employers, the public and OSHA better informed about workplace injuries, illnesses

The U.S. Department of Labor's [Occupational Safety and Health Administration](https://www.osha.gov/index.html) (OSHA) has issued a [final rule](https://www.osha.gov/recordkeeping/finalrule/index.html) that will modernize injury data collection to better inform workers, employers, the public and OSHA about workplace hazards. With this new rule, OSHA is applying the insights of behavioral economics to improve workplace safety and prevent injuries and illnesses.

Under the new rule, all establishments with 250 or more employees in industries covered by the recordkeeping regulation must electronically submit to OSHA injury and illness information from OSHA Forms 300, 300A, and 301. Establishments with 20-249 employees in certain [industries](https://www.osha.gov/recordkeeping/NAICScodesforelectronicsubmission.pdf) (listed below) must electronically submit information from OSHA Form 300A only.

The new requirements take effect Aug. 10, 2016, with phased in data submissions beginning in 2017. These requirements do not add to or change an employer's obligation to complete and retain injury and illness records under the [Recording and Reporting Occupational Injuries and Illnesses](https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=12765) regulation.

OSHA will phase in implementation of the data collection system. In the first year, all establishments required to routinely submit information under the final rule will be required to submit **only the information from the Form 300A** (by July 1, 2017).In the second year, all establishments required to routinely submit information under the final rule will be required to submit all of the required information (by July 1, 2018). This means that, in the second year, establishments with 250 or more employees that are required to routinely submit information under the final rule will be responsible for submitting information from the Forms 300, 301, and 300A. Establishments with 20-249 employees in the effected industries will be responsible for submitting information from the Form 300A

In the third year, all establishments required to routinely submit under this final rule will be required to submit all of the required information (by March 2, 2019). This means that beginning in the third year (2019), establishments with 250 or more employees will be responsible for submitting information from the Forms 300, 301, and 300A and establishments with 20-249 employees in the effected industries will be responsible for submitting information from the Form 300A by March 2 each year. This will provide sufficient time to ensure comprehensive outreach and compliance assistance in advance of implementation.

To ensure that the injury data on OSHA logs are accurate and complete, the final rule also promotes an employee's right to report injuries and illnesses without fear of retaliation, and clarifies that an employer must have a reasonable procedure for reporting work-related injuries that does not discourage employees from reporting. This aspect of the rule targets employer programs and policies that, while nominally promoting safety, have the effect of discouraging workers from reporting injuries and, in turn leading to incomplete or inaccurate records of workplace hazards.

Establishments in the following industries with 20 to 249 employees must submit the OSHA 300A injury and illness summary:

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| **NAICS** |  **Industry** |
| 11 | Agriculture, forestry, fishing and hunting. |
| 22 | Utilities. |
| 23 | Construction. |
| 31-33 | Manufacturing. |
| 42 | Wholesale trade. |
| 4413 | Automotive parts, accessories, and tire stores. |
| 4421 | Furniture stores. |
| 4422 | Home furnishings stores. |
| 4441 | Building material and supplies dealers. |
| 4442 | Lawn and garden equipment and supplies stores. |
| 4451 | Grocery stores. |
| 4452 | Specialty food stores. |
| 4521 | Department stores. |
| 4529 | Other general merchandise stores. |
| 4533 | Used merchandise stores. |
| 4542 | Vending machine operators. |
| 4543 | Direct selling establishments. |
| 4811 | Scheduled air transportation. |
| 4841 | General freight trucking. |
| 4842 | Specialized freight trucking. |
| 4851 | Urban transit systems. |
| 4852 | Interurban and rural bus transportation. |
| 4853 | Taxi and limousine service. |
| 4854 | School and employee bus transportation. |
| 4855 | Charter bus industry. |
| 4859 | Other transit and ground passenger transportation. |
| 4871 | Scenic and sightseeing transportation, land. |
| 4881 | Support activities for air transportation. |
| 4882 | Support activities for rail transportation. |
| 4883 | Support activities for water transportation. |
| 4884 | Support activities for road transportation. |
| 4889 | Other support activities for transportation. |
| 4911 | Postal service. |
| 4921 | Couriers and express delivery services. |
| 4922 | Local messengers and local delivery. |
| 4931 | Warehousing and storage. |
| 5152 | Cable and other subscription programming. |
| 5311 | Lessors of real estate. |
| 5321 | Automotive equipment rental and leasing. |
| 5322 | Consumer goods rental. |
| 5323 | General rental centers. |
| 5617 | Services to buildings and dwellings. |
| 5621 | Waste collection. |
| 5622 | Waste treatment and disposal. |
| 5629 | Remediation and other waste management services. |
| 6219 | Other ambulatory health care services. |
| 6221 | General medical and surgical hospitals. |
| 6222 | Psychiatric and substance abuse hospitals. |
| 6223 | Specialty (except psychiatric and substance abuse) hospitals. |
| 6231 | Nursing care facilities. |
| 6232 | Residential mental retardation, mental health and substance abuse facilities. |
| 6233 | Community care facilities for the elderly. |
| 6239 | Other residential care facilities. |
| 6242 | Community food and housing, and emergency and other relief services. |
| 6243 | Vocational rehabilitation services. |
| 7111 | Performing arts companies. |
| 7112 | Spectator sports. |
| 7121 | Museums, historical sites, and similar institutions. |
| 7131 | Amusement parks and arcades. |
| 7132 | Gambling industries. |
| 7211 | Traveler accommodation. |
| 7212 | RV (recreational vehicle) parks and recreational camps. |
| 7213 | Rooming and boarding houses. |
| 7223 | Special food services. |
| 8113 | Commercial and industrial machinery and equipment (except automotive and electronic) repair and maintenance. |
| 8123 | Dry-cleaning and laundry services |