Engage PEO Client Alert

OSHA Expands Electronic Injury / Illness Data Reporting and Recordkeeping Requirements

WHAT'S NEW: On July 17, 2023, the U.S. Department of Labor announced a final rule expanding the reporting requirements for injury, illness data provided by employers in high-hazard industries. This requires certain employers in designated high-hazard industries to electronically submit injury and illness information – that they are already required to keep – to the department's Occupational Safety and Health Administration. The updated rule goes into effect on January 1, 2024.

WHAT IT MEANS: The final rule institutes three changes to the OSHA Recordkeeping and Reporting requirement:

- First, establishments that have 100 or more employees in certain high hazard industries as identified in 1904 Subpart E Appendix A must include OSHA 300 Log, and OSHA 301 information in addition to their OSHA 300A summary reporting through OSHA's Injury Tracking Application.
- Secondly, establishments with 250 or more employees are no longer required to submit OSHA 300 and 301 information unless they are in the High Hazard industries identified in 1904 Subpart E Appendix B.
- Thirdly, all establishments must include their company name when submitting their data on the Injury Tracking Application.

The announcement follows proposed amendments announced in March 2022 to regulations for requiring specific establishments in certain high-hazard industries to electronically submit information from their Log of Work-Related Injuries and Illnesses, and Injury and Illness Incident Report.

WHAT EMPLOYERS SHOULD DO / ACTIONS REQUIRED: Determine your establishment's employee size and the NAICS code that best describes your business operations. From there you can use the table below to determine which components of the OSHA 300, 300A and 301 Recordkeeping and Reporting requirements are applicable to your establishment.

The hyperlinks included in the table headers will take you to the appropriate references for the Exempt Industries of 1904 Subpart B Appendix A, the High Hazard Industries of 1904 Subpart E Appendix A, and the Injury Tracking Application website.

Establishment Size	Exempt NAICS	High Hazard NAICS	**Maintain OSHA 300 and 300A Forms for current year and 5 previous years**	**Post OSHA 300A for prior year in workplace from 2/1 - 4/30**	Report 300A Information to OSHA through Injury Tracking Application by 3/2	Report OSHA 300, 300A and OSHA 301 to OSHA Injury Track Application by 3/2
<11 employees	N/A	N/A	No	No	No	No
>10 employees	Yes	No	No	No	No	No
>10 employees	No	No	Yes	Yes	No	No
> 19 and <100 employees	No	Yes	Yes	Yes	Yes	No
>99 employees	No	Yes	Yes	Yes	Yes	Yes
>250 employees	No	No	Yes	Yes	Yes	No

An "**establishment**" is a single physical location, so the employee counts are based on each location. For example, furniture stores must report if a location has 20 or more employees. Suppose an employer operates 117 furniture stores around the country, but only two establishments have 20 or more employees. The other 115 establishments have fewer than 20 employees. The employer would only have to report for the two establishments that exceed 20 employees and would not have to report on the other 115 establishments.

Please note: If you received a request from the Bureau of Labor Statistics (BLS) to participate in their collection of injury information for 2023, you must maintain 300 and 300A forms for 2023 and respond with the information to the BLS office in your state that requested the information regardless of your employment size or industry exempt status.

If you want to review the entire standard from the Federal Register, it can be found here.

If you have questions, Engage risk management is here to help. Please contact us at 1-888-780-8807 or email us at: wc@engagepeo.com