



# BIE SAFETY ADVISOR

## OSHA Issues Final Rule to Protect Privacy of Workers (Record Keeping Changes)

- To protect worker privacy, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has issued a final rule that eliminates the requirement for establishments with 250 or more employees to electronically submit information from OSHA Form 300 (Log of Work-Related Injuries and Illnesses) and OSHA Form 301 (Injury and Illness Incident Report) to OSHA each year. These establishments are still required to electronically submit information from OSHA Form 300A (Summary of Work-Related Injuries and Illnesses).

By preventing routine government collection of information that may be quite sensitive, including descriptions of workers' injuries and body parts affected, OSHA is avoiding the risk that such information might be publicly disclosed under the Freedom of Information Act (FOIA). This rule will better protect personally identifiable information or data that could be re-identified with a particular worker by removing the requirement for covered employers to submit their information from Forms 300 and 301. **The final rule does not alter an employer's duty to maintain OSHA Forms 300 and 301 on-site, and OSHA will continue to obtain these forms as needed through inspections and enforcement actions.**

In addition, this rule will allow OSHA to focus its resources on initiatives that its past experience has shown to be useful - including continued use of information from severe injury reports that helps target areas of concern, and seeking to fully utilize a large volume of data from Form 300A—rather than on collecting and processing information from Forms 300 and 301 with uncertain value for OSHA enforcement and compliance assistance.

The agency is also amending the recordkeeping regulation to require covered employers to electronically submit their Employer Identification Number with their information from Form 300A. The final rule's requirement for employers to submit their EIN to OSHA electronically along with their information from

OSHA Form 300A will make the data more useful for OSHA and BLS, and could reduce duplicative reporting burdens on employers in the future.

OSHA has determined that this final rule will allow OSHA to improve enforcement targeting and compliance assistance, protect worker privacy and safety, and decrease burden on employers.

Collection of Calendar Year 2018 information from the OSHA Form 300A began on January 2, 2019. **The deadline for electronic submissions is March 2, 2019. Remember, you will still need to post your 2018 300A Summary from February 1 – April 30, 2019.**

## New Penalty Amounts Announced -

The Department of Labor has published the [annual penalty adjustments](#) for each agency, including OSHA, as required by the Federal Civil Penalties Inflation Adjustment Act. The new penalty levels will apply to penalties assessed after January 23, 2019. The table below shows the new maximum penalties for OSHA.

Type of Violation	New Maximum
<ul style="list-style-type: none"> <li>§ Serious</li> <li>§ Other-Than-Serious</li> <li>§ Posting Requirements</li> </ul>	\$13,260 per violation
Willful or Repeated	\$132,598 per violation
Failure to Abate	\$13,260 per day beyond date

