2023

COMPLIANCE GUIDEBOOK

OSHAlogs

Electronic Submission of Injury and Illness Records to OSHA

www.oshalogs.com

McClone

INTRODUCTION

As you know, OSHA requires employers to keep track of injuries and illnesses in what is often called an "OSHA log." For the past several years, OSHA has also required certain employers to electronically submit that data to OSHA for its review. This comprehensive guidebook has everything you need to know about OSHA electronic recordkeeping requirements and **how to avoid penalties for non-compliance, especially as OSHA plans to issue citations for some organizations who do not submit their data.**

OVERVIEW

2022 Injury Data Must Be Submitted No Later Than **March 2, 2023**

- OSHA requires employers to electronically submit injury data directly to OSHA on an annual basis.

- 2022 injury data must be submitted no later than **March 2nd, 2023**.

- Establishments with **20 or more employees** from selected industries and all establishments covered by the recordkeeping rule with **250 or more employees** must comply.

- Employers must upload their injury data via a CSV file or manually enter data for each of their covered establishments. **Employers with access to OSHAlogs.com can submit with a simple click-of-a-button via its Electronic Submission Wizard**.

- Failure to submit injury data can result in a significant fine and trigger an OSHA inspection.

- Violations for materially false, fictitious, or fraudulent statements can be punished by a fine or by imprisonment of not more than five years, or both.

- The electronic submission requirements **do not change** any employer's obligation to complete and retain injury and illness records.

OSHA proposed a new rule that would significantly expand the electronic recordkeeping rule and is expected to become final in 2023.
(See page 4 for details.)

WHO MUST COMPLY?

Electronic reporting requirements are based on the **number of employees at an establishment**. An establishment is defined as a single physical location where business is conducted or where services or industrial operations are performed. An employer may be comprised of one or more establishments.

To determine if you need to provide OSHA with the required data for an establishment, you need to determine the establishment's peak employment during the last calendar year. Each individual employed in the establishment at any time during the calendar year counts as one employee, including full-time, part-time, seasonal and temporary workers.

250+ EMPLOYEES

Establishments required to keep OSHA injury and illness records must electronically submit information from the **OSHA Form 300A**.

20-249 EMPLOYEES

Establishments required to keep OSHA injury and illness records **classified in industries** with historically high rates of occupational injuries and illnesses must electronically submit information from the **OSHA Form 300A**.

< 20 EMPLOYEES

Establishments currently required to keep OSHA injury and illness records **do not have to submit** information electronically to OSHA under this rule.

IMPORTANT! These electronic submission requirements **do not change any employer's obligation to complete, retain, and post injury and illness records** as required by OSHA.

WHICH INDUSTRIES MUST COMPLY?

All establishments with **20 to 249 employees in industries listed below**, based on their NAICS code, must electronically submit to OSHA.

11

AGRICULTURE
64 NAICS Codes

22

UTILITIES
14 NAICS Codes

23

CONSTRUCTION
31 NAICS Codes

31 thru 33

MANUFACTURING
346 NAICS Codes

42

WHOLESALE TRADE
71 NAICS Codes

44 thru 82

GENERAL INDUSTRY
145 NAICS Codes

REMEMBER: All establishments with 250 or more employees in industries covered by the recordkeeping regulation must electronically submit to OSHA.

65% OF ALL NAICS CODES MUST SUBMIT

PROPOSED RULE CHANGES

On March 30, 2022, OSHA proposed a rule that would significantly expand the OSHA electronic recordkeeping rule. Although it is not in effect yet, many experts **expect that the rule will become final in 2023**, which means employers will likely need to comply starting March 2, 2024.

250+ EMPLOYEES

CURRENT

Establishments required to keep OSHA injury and illness records must electronically submit information from the **OSHA Form 300A**.

NEW

PROPOSED

Establishments in designated industries must now submit data from the **OSHA Form 300**, **OSHA Form 300A**, and **OSHA Form 301**. Establishments not in designated industries would no longer need to submit any data annually.

100-250 EMPLOYEES

CURRENT

Establishments required to keep OSHA records **classified in industries** with historically high rates of injuries must electronically submit information from the **OSHA Form 300A**.

NEW

PROPOSED

Establishments in designated industries must now submit data from the **OSHA Form 300**, **OSHA Form 300A**, and **OSHA Form 301**.

20-99 EMPLOYEES

NO CHANGE

Establishments required to keep OSHA records **classified in industries** with historically high rates of injuries must electronically submit information from the **OSHA Form 300A**.

< 20 EMPLOYEES

NO CHANGE

Establishments currently required to keep OSHA injury and illness records **do not have to submit** information electronically to OSHA under this rule.

OSHA is also proposing to:

- Update the classification system used to determine the industries covered
- Require establishments to include their company name when making submissions

WHY PAY ATTENTION NOW?

If your organization has 100+ employees and is in an OSHA-designated high-risk industry, this rule would drastically expand your annual submission requirements.

WHAT DATA MUST BE SUBMITTED?

The following information must be submitted for each required establishment. Data for each establishment should come from that establishment's completed 2022 OSHA 300A Form.

Establishment Information

- Company Name
- Establishment Name
- Full Address
- Size of Establishment
- Establishment Type
- Employer EIN

- NAICS Code
- Industry Description
- Year
- Average Annual Employees
- Total Hours Worked

Injury Statistics

- Number of cases with days away from work
- Number of cases with job transfer or restriction
- Number of other recordable cases
- Number of days away from work
- Number of days job transfer or restriction
- Number of death cases

- Number of injuries
- Number of skin disorders
- Number of respiratory conditions
- Number of Poisonings
- Number of Other Illnesses

PREPARE FOR OSHA INSPECTIONS

OSHA will generate inspection lists of establishments called Site Specific Targeting Inspections, or SST for short. **This will be OSHA's main method of scheduling programmed comprehensive ("wall-to-wall") inspections for most industries.**

SST provides a year-long site-specific targeting inspection plan based upon the data submitted.

So who exactly is going to be targeted based upon the data submitted? **There are four groups OSHA is targeting:**

1   This first are **HIGH RATE ESTABLISHMENTS**. Those are establishments with elevated days away, restricted or transferred rates (DART).

2   The second category is **UPWARD TRENDING ESTABLISHMENTS**. OSHA will identify for inspection establishments with rates above their industry's national average.

3   The third category is **LOW RATE ESTABLISHMENTS**. OSHA will identify for inspection representative establishments with low DART rates to address potential concerns regarding under-reporting of incidents.

4   Finally, those establishments that **DID NOT ELECTRONICALLY SUBMIT** their 300A reports will receive additional attention regarding recordkeeping, likely including citations for failing to electronically submit.

Site Specific Targeting is part of OSHA's ongoing effort to require establishments provide safe work places for their employees.
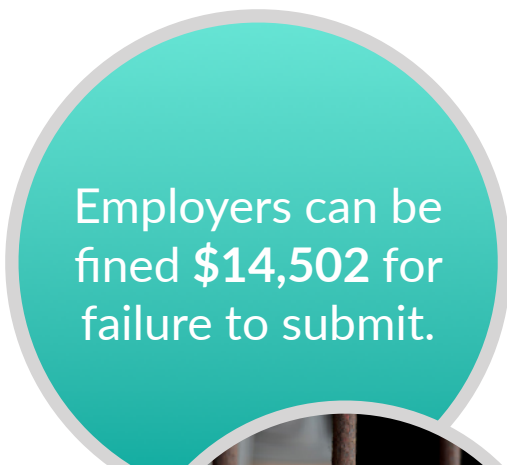
PENALTIES FOR NON-COMPLIANCE

OSHA has stated that illness and injury records **play a crucial role** in OSHA's ability to effectively target workplaces where employees are exposed to serious hazards. Therefore, OSHA has warned employers they intend to ensure **full compliance** with this regulation.

FINES

If the employer was required to submit the data and did not attempt to do so, OSHA may fine the employer up to **$14,502 for non-compliance.** Additional fines may be levied against additional citations that are found.

PRISON

OSHA warns violations for materially false, fictitious, or fraudulent statements can be punished by a fine or by **imprisonment of not more than five years**, or both.

Employers can be fined **$14,502** for failure to submit.

Violations for false statements can be **punished by imprisonment** up to five years!

SUBMISSION OPTIONS

OSHA launched its Injury Tracking Application (ITA), a secure web site for the electronic submission of OSHA recordkeeping information.

You can choose from three methods to submit your injury data:

1. **Manual Entry**
   For those organizations without access to OSHA recordkeeping software, you will be required to complete a manual submission to OSHA. You will first need to add your establishments to the application by creating profiles for them. Once you have set up your establishments, you can then enter and submit OSHA 300A data for each one via a web form. This includes 26 points of data per establishment.

2. **Upload CSV File**
   The ITA offers the option to upload a CSV file containing this data for all of your establishments at one time. Still, you will need to submit 26 points of data in the correct format for the data to be accepted.

3. **Instant Submission**
   For companies with access to OSHAlogs.com, submit directly to OSHA with a click-of-a-button. No uploads or logging into cumbersome government websites. Verify your data and push submit via our industry-leading **electronic submission wizard**.

Submit with OSHAlogs.com for an **easy and error free** electronic submission!

CHECKLIST: WHAT SHOULD EMPLOYERS DO NOW?

Now that you're caught up on the electronic recordkeeping requirements, here are your takeaway action items:

- ☑ Audit your 2022 OSHA logs to ensure all data is correct and complete, with no errors or missing information.

- ☑ Electronically submit 2022 injury data to OSHA by March 2nd, 2022.

- ☑ Confirm you have completed your 2018, 2019, 2020, 2021, and 2022 OSHA records in preparation for an SST OSHA audit.

- ☑ Confirm you have all the 300, 300A, and 301 forms for each year.

- ☑ Ask your agent about OSHAlogs to simplify OSHA recordkeeping for your organization.

HOW OSHALOGS.COM CAN HELP

OSHAlogs.com takes the guesswork out of electronic submission compliance by helping you verify and submitting data to the federal government automatically.

OSHAlogs.com Makes Electronic Submission Unbelievably Easy

1 Employer enters injury data into OSHAlogs as it occurs

2 OSHAlogs ensures all required data is present

3 OSHAlogs determines which locations need to submit data

4 Click submit and you are done! We send to OSHA for you!

Want access to OSHAlogs.com for your company?
Ask us for a username and password and we will get you setup quickly!

Want access to OSHAlogs? Reach out to Sarah Munson today!

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