

OSHA Rescinds Requirements for Electronic Injury and Illness Data Submission

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On July 30, 2018, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) published a [proposed rulemaking](#) which would rescind Obama-era illness and injury recordkeeping requirements for covered businesses.

In May 2016, OSHA published a final rule amending its Recording and Reporting Occupational Injuries and Illnesses regulation to require, in part, businesses with 250 or more employees to annually submit information from OSHA Forms 300 (Log of Work-Related Injuries and Illnesses), 300A (Summary of Work-Related Injuries and Illnesses), and 301 (Injuries and Illnesses Incident Report) electronically to OSHA (for more on the May 2016 rule, see [OSHA Issues Final Rule on Recording and Reporting Occupational Injuries and Illness](#)). The proposed rulemaking would rescind the requirement for covered businesses to electronically submit information from OSHA Forms 300 and 301; covered businesses would still be required to submit information from their Form 300A summaries under the proposed rule. According to the Notice of Proposed Rulemaking (NPRM), OSHA determined that the "risk of disclosure of [potentially sensitive worker] information, the costs to OSHA of collecting and using the information, and the reporting burden on employers are unjustified given the uncertain benefits of collecting the information."

Under the current recordkeeping rule, the initial deadline for electronic submission of information from OSHA Forms 300 and 301 by covered businesses was July 1, 2018; however, OSHA stated in the proposed rulemaking that it will not enforce this deadline while the proposed rulemaking is underway.

Comments to OSHA on the proposed rulemaking are due by September 28, 2018. At least one [lawsuit](#) has already been filed opposing the action.

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