

NOW +

NEXT

MAY 2, 2018



Fed OSHA suddenly reverses course and is now requiring electronic record submissions for employers in states with their own OSHA plans

By Jeffrey Tanenbaum and Maritza Martin

On April 30, 2018, Fed OSHA (“OSHA”) suddenly announced that it is now requiring employers in states with their own OSHA plans, such as California and others, that have not completed adoption of their own state electronic record keeping rule to submit their Form 300A data for Calendar Year 2017.

Specifically, OSHA is relying on Section 18(c)(7) of the Occupational Safety and Health Act (“Act”) in making this change. This section, which governs state jurisdiction and state OSHA plans, “requires employers [covered by the state OSHA plan] to make reports to the Secretary in the same manner and to the same extent as if the plan were not in effect.” OSHA now believes that this section requires all affected employers to submit injury and illness data (Form 300A) in the Injury Tracking Application (“ITA”) online portal.

Please note that OSHA has not provided much advance notice, but is requiring that employers in states with their own OSHA plans submit their data by July 1, 2018. Employers must submit their data even if the employer is covered by a state plan that has not completed adoption of their own state rule. OSHA is not retroactively requiring such employers to submit data for Calendar Year 2016.

To see the OSHA Press Release, [click here](#):

To access the ITA online portal, [click here](#):

If you have any questions concerning this new requirement, please contact your NP attorney or one of the authors of this alert.:

- Jeffrey M. Tanenbaum at jtanenbaum@nixonpeabody.com or 415-984-8450
- Maritza Martin at mmartin@nixonpeabody.com or 415-984-8350