

OSHA | ALERT



This OSHA Alert applies to: all Utah groups with 20 or more employees

May 9th, 2018

Utah Occupational Safety & Health: Electronic Reporting

Because Utah Occupational Safety and Health (UOSH) is a State Plan, Utah employers may or may not be familiar with the **Improve Tracking of Workplace Injuries and Illnesses** regulation initiated by the federal Occupational Safety and Health Administration (OSHA) in 2016.

The new regulation requires all establishments with 250 or more employees, and who are currently required to keep OSHA injury and illness records (i.e., OSHA 300 log, 300A Summary, and 301 Incident Report) must now electronically submit all of those records annually to OSHA. Establishments that have 20-249 employees and are classified in certain industries with historically high rates of occupational injuries and illnesses must electronically submit information from the OSHA 300A log.

Moreton & Company's Safety & Loss Control has closely monitored this requirement and its development since its inception in 2016.

At the time, OSHA said that State Plans, such as UOSH, were required to create, within 6 months, a portal where employers under state jurisdiction would submit their data. However, many states, including Utah, were wholly unprepared to meet such a costly and challenging undertaking and have been unable to comply with OSHA's expectations. Logically, Utah employers have not submitted their data because there was no portal to which it could be submitted.

Since roughly half of the 50 states are State Plans, OSHA regulators are not collecting the data required by the regulation from those states. And so, in an April 30, 2018 News Release, the U.S. Department of Labor announced that they have "notified State Plans and informed them that for Calendar Year 2017 all employers covered by State Plans will be expected to comply" with electronic reporting regulations. To begin collecting all injury and illness data, OSHA has declared that any "employer covered by a State Plan that has not completed adoption of a state rule must provide Form 300A data for Calendar Year 2017." They are requiring:

"...all affected employers to submit injury and illness data on the Injury Tracking Application (ITA) online portal, even if the employer is covered by a State Plan that has not completed adoption of their own state rule. Employers are required to submit their data by July 1, 2018. There will be no retroactive requirement for employers covered by State Plans that have not adopted a state rule to submit data for Calendar Year 2016."

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Establishments that meet any of the following criteria DO NOT have to submit their information to OSHA:

- The establishment's peak employment during the previous calendar year was 19 or fewer, regardless of the establishment's industry.
- The establishment's industry is on this list of Partially Exempt Industries, regardless of the size of the establishment: <https://www.osha.gov/recordkeeping/ppt1/RK1exempttable.html>
- The establishment had a peak employment between 20 and 249 employees during the previous calendar year AND the establishment's industry is not on this list.

Please Note: These criteria apply at the establishment level, not to your company as a whole.

An establishment is "a single physical location where business is conducted or where services or operations are performed. For activities where employees do not work at a single physical location, such as construction; transportation; communications, electric, gas and sanitary services; and similar operations, the establishment is represented by main or branch offices, terminals, stations, etc. that either supervise such activities or are the base from which personnel carry out these activities."

1) To read 29 CFR 1904.41-Electronic submission of injury and illness records www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=12785

2) Information on OSHA's submission requirements www.osha.gov/injuryreporting/index.html

3) To see if you are among the industries (with 20-249 employees) required to report data www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=1285

If you have any question about this information, please contact your Moreton & Company Safety and Loss Control specialist. They will be glad to help wherever they can.

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