

OSHA Announces New Enforcement Guidance on Workplace Hazards

Yesterday, the Occupational Safety and Health Administration (OSHA) announced that it has issued [new enforcement guidance](#) to deter employers that fail to comply with certain workplace safety and health requirements. OSHA Regional Administrators and Area Office Directors now have the authority to cite certain types of violations as “instance-by-instance citations” for cases where the agency identifies “high-gravity” serious violations of OSHA standards specific to certain conditions where the language of the rule supports a citation for each instance of non-compliance.

These conditions include lockout/tagout, machine guarding, permit-required confined space, respiratory protection, falls, trenching and for cases with other-than-serious violations specific to recordkeeping. The new guidance covers enforcement activity in general industry, agriculture, maritime and construction industries, and becomes effective 60 days from Jan. 26, 2023. The current policy has been in place since 1990 and applies only to egregious willful citations.

In a second action, OSHA is reminding its Regional Administrators and Area Directors of their authority [not to group violations](#), and instead cite them separately to more effectively encourage employers to comply with the intent of the OSH Act.

Existing guidance on instance-by-instance citations are outlined in the [OSHA Field Operations Manual](#), and [CPL 02-00-080](#), “Handling of Cases to be Proposed for Violation-by-Violation Penalties.”

2022 OSHA Injury and Illness Data Due by March 2

NDA would like to remind members they must electronically submit Form 300A data on workplace injury and illnesses to the Occupational Safety and Health Administration (OSHA) by March 2, 2023. NDA members can find [OSHA’s injury reporting application here](#) and further guidance on [OSHA’s 300A reporting requirements here](#).

According to OSHA regulations, demolition contractors with 20 or more employees at a single establishment are required to keep injury and illness records and must electronically submit their Form 300A data to OSHA. The electronic reporting requirements are based on the size of the establishment, not the firm. An establishment is defined as a single physical location where business is conducted or where services or industrial operations are performed.

Establishments under Federal OSHA jurisdiction can use the [ITA Coverage Application](#) to determine if they are required to electronically report their injury and illness information to OSHA. Establishments under State Plan jurisdiction should contact their [State Plan](#). Covered employers must submit Form 300A data even if they had zero recordable injury or illnesses in 2022.

In addition, contractors with more than 10 employees are required to keep a record of serious work-related injuries and illnesses. Injury and illness records must be maintained at the worksite for at least five years. Each February through April, employers must post a summary of the injuries and illnesses recorded the previous year in a noticeable place. Also, if requested, copies of the records must be provided to current and former employees, or their representatives.