

# COMPLIANCE BULLETIN

## OSHA DELAYS ELECTRONIC REPORTING TO DEC. 15, 2017

### OVERVIEW

The Occupational Safety and Health Administration's (OSHA) [electronic reporting rule](#) requires certain establishments to report information electronically from their OSHA Forms 300, 300A and 301. Under the rule, the first electronic reports were due on July 1, 2017.

However, on **Nov. 24, 2017**, OSHA issued a [new final rule](#) officially delaying the first electronic reporting deadline to **Dec. 15, 2017**. Affected establishments will need to submit their reports through the [Injury Tracking Application](#) (ITA) website by that time or face possible OSHA penalties.

### ACTION STEPS

- > Affected establishments must create an account on the ITA website and submit information from their 2016 OSHA 300A form by Dec. 15, 2017.
- > Other deadlines under the electronic reporting rule remain unaltered. Therefore, affected establishments should begin their preparations to submit information from all 2017 OSHA forms by July 1, 2018.

### HIGHLIGHTS

- > The rule requires OSHA to create and provide a secure website to transmit electronic information.
- > Under the rule, OSHA will publicize the information received from the electronic reports.
- > The final rule has met significant opposition, and its validity is currently being challenged in federal court.

### IMPORTANT DATES

- > **August 1, 2017**  
Launching date for OSHA's Injury Tracking Application (ITA).
- > **December 15, 2017**  
OSHA's new deadline for first electronic reporting.

## Affected Establishments

OSHA's electronic reporting rule affects establishments that:

- > Are already required to create and maintain OSHA injury and illness records and have 250 or more employees;
- > Have between 20 and 249 employees and belong to a [high-risk industry](#); and
- > Receive a specific request from OSHA to create, maintain and submit electronic records, even if they would otherwise be exempt from OSHA recordkeeping requirements.

The electronic reporting rule applies to establishments, not employers. An employer may have several worksites or establishments. In these situations, some establishments may be affected while others are not.

To determine whether an establishment is affected, employers must determine each establishment's peak employment during the calendar year. During this determination, employers must count every individual that worked at that establishment, regardless of whether he or she worked full-time, part-time, or was a temporary or seasonal worker.

Finally, a firm with more than one establishment may submit establishment-specific data for multiple establishments.

## Reporting Requirements

The data an employer must submit and the timeline for submitting this information to OSHA depends on the establishment size.

Establishments with 250 or more employees will be required to submit information from their OSHA Forms 300A, 300 and 301. However, in 2017, these establishments will only be required to submit data from their 300A Form. Establishments in high-risk industries with between 20 and 249 employees will be required to submit information only from their OSHA Form 300A.

Submission Deadline	Number of Employees (per establishment)	
	250+	20 -249
Dec. 15, 2017	Form 300A	Form 300A
July 1, 2018	Forms 300A, 300 and 301	Form 300A
March 2 (2019 and beyond)	Forms 300A, 300 and 301	Form 300A

For the first reporting year, the deadline has been delayed to **Dec. 15, 2017**. However, the final rule that delayed the first deadline did not alter subsequent deadlines, so reporting deadlines for 2018, 2019 and beyond remain as shown in the table above.

## Submitting the Report

The [ITA](#) is a secure website that OSHA created specifically for the data required by the electronic reporting rule. The ITA allows employers three options to submit their reports:

1. Manual entry;
2. Comma-separated value (CSV) file upload; and
3. Application programming interface (API) transmission.

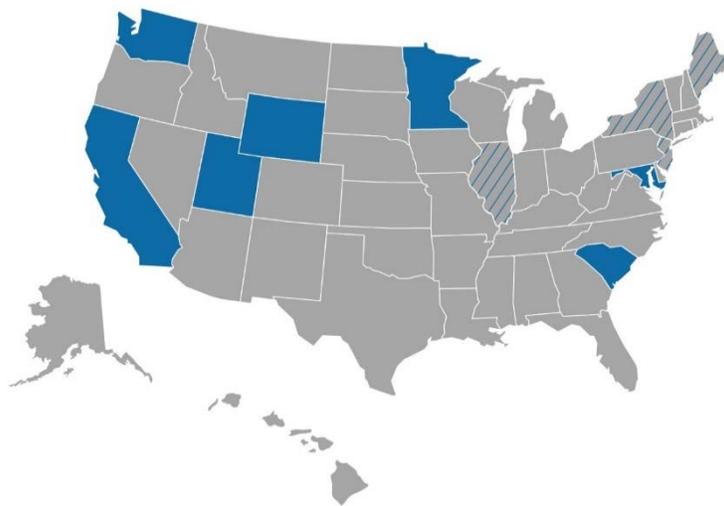


The ITA offers affected establishment [instructions](#) and [sample files and templates](#) to help them complete the submission process.

## OSHA-approved State Plans

The final rule required OSHA-approved State Plans to adopt the electronic rule or “substantially identical” requirements within six months of the final rule’s publication date. The final rule was published on May 12, 2016. This means that OSHA-approved State Plans have the authority to adopt reporting requirements that go above and beyond what is required by the federal rule. For this reason, establishments located in OSHA-approved State Plan jurisdictions should consult with their local OSHA offices to make sure they are satisfying all electronic reporting requirements.

However, the following OSHA-approved State Plans have not yet adopted the requirement to submit injury and illness reports electronically:



All Employers
<ul style="list-style-type: none"><li>• California</li><li>• Maryland</li><li>• Minnesota</li><li>• South Carolina</li><li>• Utah</li><li>• Washington</li><li>• Wyoming</li></ul>
Public Employers
<ul style="list-style-type: none"><li>• Illinois</li><li>• Maine</li><li>• New Jersey</li><li>• New York</li></ul>

Similarly, state and local government establishments in **IL**, **ME**, **NJ** and **NY** are not currently required to submit their data through the reporting website.

## More Information

Contact MJ Insurance, Inc. or visit the OSHA tracking of workplace injuries and illnesses webpage for more information regarding electronic reporting.

*This Compliance Bulletin is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice.*