



COMPLIANCE BULLETIN

OSHA Suspends Forms 300 and 301 Electronic Reporting

HIGHLIGHTS

- OSHA has issued a proposed rule to eliminate electronic reporting requirements for data from **Forms 300** and **301**.
- Establishments subject to OSHA's electronic reporting rule must still submit data from **Form 300A**.
- OSHA is **not** accepting electronic data from **Forms 300** and **301** until further notice.

IMPORTANT DATES

July 30, 2018

OSHA issued proposed rule.

September 28, 2018

Deadline for the public to submit comments on OSHA's proposed rule.

March 2, 2019

Next deadline for electronically submitting data from Form 300A.

OVERVIEW

On July 30, 2018, the Occupational Safety and Health Administration (OSHA) issued a [proposed rule](#) to eliminate electronic reporting requirements for data from OSHA Forms 300 and 301. OSHA initially established these requirements—which apply to establishments with 250 or more employees—in a [final rule](#) issued in 2016.

Covered establishments must still submit electronic reports on data from **Form 300A** through the agency's [Injury Tracking Application](#) (ITA). The next deadline for this reporting is **March 2, 2019**. The proposed rule would require covered establishments to submit their federal employer identification numbers (EINs) along with their Form 300A information.

ACTION STEPS

- ✓ Covered establishments must submit data from Form 300A through the ITA every year, but should **not** electronically submit data from Forms 300 and 301.
- ✓ Anyone who is interested in submitting comments on the proposed rule must do so by Sept. 28, 2018.

Provided By:

SilverStone Group

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Background

On May 12, 2016, OSHA issued a [final rule](#) that requires certain establishments to electronically submit information about work-related injuries, illnesses and incidents through the agency's ITA website every year. Under the final rule:

- ✓ Establishments that were already required to create and maintain OSHA injury and illness records and have 250 or more employees must electronically submit information from their OSHA Forms 300A, 300 and 301; and
- ✓ Establishments that have between 20 and 249 employees and belong to a [high-risk industry](#) must electronically submit information from Form 300A.

The final rule's deadline for submitting 2017 data from these forms was July 1, 2018. In June 2018, however, OSHA [announced](#) that it will **not**:

- ✗ Enforce the July 1, 2018, deadline for information from Forms 300 and 301; or
- ✗ Accept any electronic reports on information from Forms 300 and 301.

The June 2018 announcement confirmed that **all establishments subject to the electronic reporting rule must still use the ITA to submit information from Form 300A.**

2018 Proposed Rule

Citing worker privacy issues related to information from Forms 300 and 301, OSHA's [proposed rule](#) formally announces that the agency intends to remove the requirement for establishments with 250 or more employees to electronically submit information from Forms 300 and 301 every year. Under the proposed rule, these establishments (along with other establishments that are subject to OSHA's final rule) would only be required to electronically submit information from Form 300A.

According to the proposed rule, OSHA believes this change is necessary because electronic submission of data from Forms 300 and 301 allows the federal government to collect information that workers may deem sensitive, such as descriptions of their injuries and the body parts affected. As records in federal possession, this information would put worker privacy at risk because it could be subject to disclosure under the federal Freedom of Information Act.

OSHA explained that this risk does not justify stopping its electronic collection of Form 300A summaries, because the Form 300A information offers significant enforcement value with little privacy risk. OSHA uses this information to help it identify and target establishments with high rates of work-related injuries and illnesses and to develop and assess intervention programs.

OSHA also proposed changing the electronic reporting rule to require covered establishments to submit their EINs along with their Form 300A information. OSHA believes this requirement could reduce or eliminate

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duplicative reporting and increase the Bureau of Labor Statistics' ability to use OSHA-collected data for purposes of publishing its annual [Survey of Occupational Injury and Illness](#) (SOII). OSHA uses data from the SOII to help determine how to improve safety programs and to measure the Occupational Safety and Health Act's effectiveness in reducing work-related injuries and illnesses.

Request for Public Comments

OSHA's proposed rule invites the public to submit comments on the benefits and disadvantages of removing the requirement for establishments with 250 or more employees to electronically submit data from Forms 300 and 301 on an annual basis. OSHA also invites comments on its proposal to add a requirement for employers to submit their EINs along with their injury and illness data.

The specific questions that OSHA is seeking comments on, along with instructions for submitting comments, are outlined in the proposal. The agency will accept public comments on these issues until **Sept. 28, 2018**.

Impact on Employers

While OSHA's proposed rule is under consideration, the agency will **not** enforce the July 1, 2018, deadline for establishments with 250 or more employees to electronically submit the data from Forms 300 and 301. For 2017 data from **Form 300A**, OSHA indicated that it will continue accepting electronic submissions after the July 1, 2018, deadline, but will mark these submissions as late. The next deadline for electronically submitting data from Form 300A is **March 2, 2019**.

More Information

Contact SilverStone Group or visit OSHA's ITA [website](#) for more information regarding electronic reporting.