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OSHA Rescinds Substantial Portion of Injury/Illness Electronic Reporting Requirement

January 24, 2019

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Under pressure from business organizations, OSHA has issued a final rule rescinding the requirement for workplaces with 250 or more employees to electronically submit data from their OSHA 300 and 301 forms to the agency. The two forms required employers to classify work-related injuries and to record specific details about what happened and how it happened.

Business groups have previously expressed concerns about the rule, worrying that sensitive injury information would become available to the public through Freedom of Information Act requests and used against businesses by unions, trial lawyers, and others. OSHA's final rule rescinding the requirement provided employers with the relief they sought, but cast the agency's action as an effort to protect the privacy interests of individual workers. Specifically, in its trade release concerning the final rule, OSHA contends that the rule will "better protect personally identifiable information or data that could be re-identified with a particular worker."

Employers will still be required to electronically submit the more general Form 300A summary data on workplace injuries and illnesses. Additionally, under the new rule, employers will now be required to include their Employer Identification Number with that submission to make the information more useful to not only OSHA but also the Bureau of Labor Statistics (BLS).

The new rule will be published tomorrow in the Federal Register. The rule will take effect on February 25, 2019.