

## Compliance Bulletin

# Covered Establishments in All States Must Now Submit OSHA Electronic Reports

### OVERVIEW

On April 30, 2018, the Occupational Safety and Health Administration (OSHA) announced it will require all establishments affected by the electronic reporting rule to submit their 2017 data to OSHA by July 1, 2018.

This announcement clarifies the requirement for establishments in states with an OSHA-approved plan. These establishments must submit electronic reports, regardless of whether the state has ratified or incorporated the electronic reporting rule into its OSHA state plan.

### ACTION STEPS

Establishments in all states, including those with an OSHA-approved state plan, should prepare to submit electronic reports by July 1, 2018. Affected establishments can accomplish this by:

- Becoming familiar with the requirements in the electronic reporting rule; and
- Transitioning their OSHA records to an electronic format approved by the Injury Tracking Application (ITA).

### OSHA Electronic Reporting

OSHA's electronic reporting rule was issued in 2016. The rule requires establishments to report data from their injury and illness records to OSHA electronically if they:

- 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; or
- 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.

### HIGHLIGHTS

- The electronic reporting rule now applies to all affected establishments, including establishments in states with OSHA-approved plans.
- It does not matter whether the state has ratified the electronic reporting requirements.
- The OSHA ITA is currently available and accepting reports on OSHA 300A forms with 2017 data.

### IMPORTANT DATES

- December 31, 2017
- Due date for first OSHA electronic reports through ITA (submit 2016 data)
- July 1, 2018
- Due date for second OSHA electronic reports through ITA (submit 2017 data)

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.

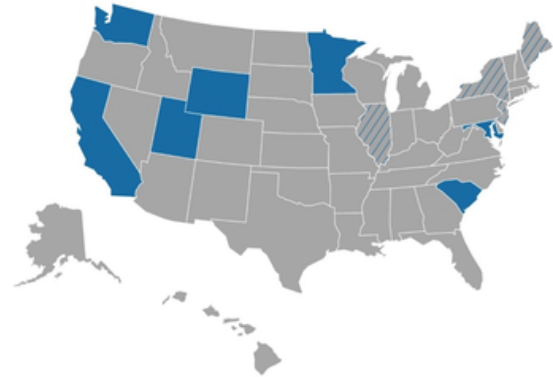
## OSHA-approved State Plans

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.

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.

The OSHA-approved state plans shown on this map have not yet adopted the requirement to submit injury and illness reports electronically. As a result, establishments in these states were not required to submit their 2016 data through the reporting website in 2017. However, OSHA has now clarified that they must submit their 2017 data in 2018.

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