

December 3, 2009

OSHA's Enforcement Crackdown on Employer Recordkeeping

EMPLOYERS BEWARE – As part of OSHA's new emphasis on recordkeeping, employers should expect increased inspections and heightened enforcement of recordkeeping regulations. The inspections will focus on establishments with low incident rates in high-risk industries, amid concerns that employers may be falsifying records or discouraging proper reporting of injuries and illnesses.

To prepare for recordkeeping inspections, employers should carefully review OSHA Forms 300, 300A, and 301 for accuracy and completeness.

- OSHA's Form 300 is the Log of Work-Related Injuries and Illnesses ("Log"). When a recordable incident occurs, employers must use the Log to record *specific* details about what happened and how it happened. For companies with more than one establishment or site, separate Logs must be kept at each physical location that is expected to remain in operation for one year or longer.
- OSHA's Form 300A is the Summary of Work-Related Injuries and Illnesses ("Summary"). At the end of each year, employers must transfer totals from the Log to the Summary. The Summary must be certified by a company executive (owner of the company or officer of the corporation), and posted no later than February 1st of the following year. The Summary must remain posted until April 30th.
- OSHA's Form 301 is the Injury and Illness Report ("Report"). Within seven (7) days after a recordable work-related injury or illness occurs, employers must fill out the Report or an equivalent form.

Employers must provide copies of injury and illness records to OSHA within four (4) business hours of any request. Failure to timely provide the requested records can result in penalties of up to \$7,000.

Because OSHA intends to scrutinize companies in high-risk industries with low accident rates, employers should also examine any incentive programs or procedures that may have a negative impact on proper reporting of injuries.

For more information regarding OSHA compliance and enforcement, please contact:

[Trace R. Blair](mailto:trace.blair@haynesboone.com)
210.978.7425
trace.blair@haynesboone.com

[Emma Cano](mailto:emma.cano@haynesboone.com)
210.978.7405
emma.cano@haynesboone.com

[Rodé Moore](mailto:rode.moore@haynesboone.com)
210.978.7411
rode.moore@haynesboone.com