

# OSHA Announces Expansion of Submission Requirements for Injury and Illness Data for High-Hazard Industries

---

August 3, 2023 Matthew Deffebach, Mini Kapoor, Dominique Baldwin

---

**PRACTICES** Labor and Employment, OSHA

---

On July 21, the U.S. Department of Labor published a [final rule](#) taking effect on Jan. 1, 2024 expanding requirements for submission of injury and illness information to the Occupational Safety and Health Administration (OSHA) for certain employers in designated high-hazard industries. This announcement tracked proposed amendments announced in March 2022 requiring certain employers to electronically submit information from their OSHA 300 injury and illness logs and the OSHA 301 incident reports.

Submission requirements under the final rule include:

- Establishments with 100 or more employees in certain high-hazard industries must electronically submit information from their Form 300-Log of Work-Related Injuries and Illnesses, and Form 301-Injury and Incident Report to OSHA once a year. These submissions are in addition to the submission of the Form 300A-Summary of Work-Related Injuries and Illnesses.
- Establishments are required to include their legal company name when making the electronic injury and illness records submissions to OSHA.
- The final rule retains the current requirements for electronic information from the annual Form 300A from establishments with 20-249 employees in certain high-hazard industries and from all establishments with 250 or more employees in industries that must routinely keep OSHA injury and illness records.

The industries that the rule applies to are included in the appendices to the final rule. Specifically, the list of North American Industry Classification System (NAICS) codes in Appendix A of the rule, which designates the industries required to submit their Form 300A data, has been updated to include the industries from the newly added Appendix B. Appendix B designates the high-risk industries required to submit the Form 300 and Form 301. These industries include several types of food production and manufacturing industries; general merchandise stores, warehouse clubs, and supercenters; grocery stores; department stores; and foundation, structure, and building exterior contractors.

With respect to the confidentiality of information in the electronic injury and illness records submissions, the final rule notes that OSHA plans to limit the amount of worker information collected to reduce the possibility of individuals being identified. Specifically, among other things, OSHA intends to limit the collection of employee names or addresses, names of healthcare professionals, and names and addresses of facilities where treatment was provided if treatment occurred away from the worksite. OSHA also plans to implement and design the collection system with additional protections in place, which will include withholding certain information from public disclosure, and implementing the use of automated software to identify and remove sensitive information. OSHA has announced that some of the data it collects will be publicly available online

to allow stakeholders and the general public to make more informed decisions about employer safety, with an ultimate goal of supposedly reducing occupational injuries and illnesses.

While the new rule may be challenged, at this time, employers must assess whether the expanded submission requirements may apply to them, and explore options to ensure compliance once the rule takes effect.