

# Protecting Worker Information: Proposed Changes to OSHA's Recording and Reporting Requirements

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In July 2018, OSHA published a Notice of Proposed Rulemaking (NPRM) to eliminate much of the still-existing electronic reporting obligations for establishments with 250 or more employees. Specifically, the proposed rule seeks to revoke requirements that mandate applicable establishments to electronically submit information from OSHA Forms 300 and 301. However, the proposed rule would not omit the requirement that applicable establishments submit the OSHA Form 300A—summaries of work-related injuries and illnesses—and would add a requirement that covered establishments submit their Employer Identification Number (EIN) with submissions.

In its NPRM, OSHA notes that the purpose of the amendment is to protect sensitive information by reducing the risk of disclosure under the Freedom of Information Act. Further, OSHA acknowledges that the current recording and reporting system has “uncertain benefits,” and that the risk of disclosure, the costs associated with collecting such information, and the reporting burden on employers, are unjustified. The NPRM preamble explains that the reduction in requirements is likely to lead to more effective identification and efficient targeting of workplace hazards. Finally, the NPRM submits that the amendment will not impact worker safety and protection but will achieve the same goals of the current requirements, while also reducing the burden currently imposed on employers.