

eBook

OSHA's Electronic Injury and Illness Reporting Final Rule

Your FAQs Answered

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Introduction

Ever since OSHA published its [long-awaited final rule](#) updating electronic injury and illness reporting requirements in its Recordkeeping Standard in 2023, VelocityEHS experts have been getting questions from EHS professionals like you. That's to be expected, because the final rule has wide-reaching impacts, including expansion of electronic injury and illness reporting obligations to include OSHA Form 300 and Form 301 information for many establishments, in addition to the Form 300A data they currently submit. **The final rule went into effect on January 1, 2024, and first reports under the revised requirements, for the 2023 reporting year, were already due to OSHA via the Injury Tracking Application (ITA) by March 2, 2024.**

Based on the questions coming in, it seems that many employers are still unaware of the specific changes brought by the final rule or are unaware that the final rule even exists and is already in effect. Many employers have been missing their ITA submissions for years under the previous requirements, and even more will probably now be out of compliance because of unawareness of the recent changes. Make sure you're not one of them! OSHA is targeting facilities they believe to have missed their electronic reporting deadlines, and fines are higher than ever, so now is the time to make sure you know everything you need to know about OSHA's revised electronic injury and illness reporting requirements.

This guide will walk through some of the most frequently asked questions we've received about OSHA's electronic reporting requirements and give you the answers you need.





Electronic reports for all affected establishments will always be due to OSHA by March 2 of the year following the end of any given reporting year.

Background of OSHA’s 2023 Recordkeeping Final Rule

Q. How are OSHA electronic injury and illness reporting requirements changing?

At a very high level, OSHA’s 2023 final rule creates 4 different categories of electronic reporting obligations, depending on establishment size and industry sector, as shown in the chart below.

Establishment Size (# of employees)	Industry Sector	Electronic Injury and Illness Reporting Requirements
<20	All industries	No electronic reporting requirements
20-249	Listed in Appendix A of 29 CFR 1904	Electronic 300A reporting
100+	Listed in Appendix B of 29 CFR 1904	Electronic 300, 300A and 301 reporting
250+	All industries covered by the Recordkeeping Standard	Electronic 300A reporting

Here’s some additional information on the specific forms listed in the chart above:

OSHA Form 300: Log of Work-Related Injuries and Illnesses

This is the overall log containing, on one form, a record of every recordable injury and illness case that occurred at a specific establishment during the reporting year. The log also records the number of days away from work (if any) and the number of days spent with job transfer or restrictions (if any) for each case. Employers completing the form must also classify each case using letter codes for severity of outcome as “death” (column G), “days away from work” (column H), “job transfer or restriction” (column I) or “other recordable case” (column J). Employers must make an entry on Form 300 within seven (7) days of learning that a recordable incident occurred.

OSHA Form 300A: Summary of Work-Related Injuries and Illnesses

This form contains only summary level details. Such details include the number of all recordable injuries and illnesses, number of days away from work cases, number of restricted duty cases, and number of specific case types such as poisonings or hearing loss.

OSHA Form 301: Injury and Illness Incident Report

The employer must complete a copy of Form 301 for each individual recordable injury or illness within seven (7) days of learning of its occurrence. Form 301 captures more specific information about each incident than Form 300, including details about what happened and how it happened, and whether there was an emergency room visit as a result.

All three of these forms (300, 300A and 301) are forms that employers covered by the Recordkeeping Standard have needed to maintain for many years. OSHA issued a final rule in 2016 that established the regulatory requirement for some establishments to submit electronic 300A data, but the 2023 final rule expands requirements to include submission of electronic 300 and 301 data for some establishments.

Keep these different forms in mind, and feel free to come back to this section to refresh your memory, because you’ll need these details straight to follow later discussions about reporting requirements.

Q. When are the first reports due under the revised electronic injury and illness reporting requirements?

Employers at establishments covered by OSHA’s revised electronic injury and illness reporting requirements already needed to submit their reporting year 2023 data to OSHA via the ITA by March 2, 2024. Electronic reports for all affected establishments will always be due to OSHA by March 2 of the year following the end of any given reporting year. So, for example, reports for RY 2024 will be due to OSHA by March 2, 2025.





Electronic Injury and Illness Reporting and Applicability

Q. What is the difference between an establishment and a company, for purposes of electronic reporting?

This is an important question, because it's central to determining the applicability of electronic reporting to your workplace.

In 29 CFR 1904.46, OSHA defines an establishment as: "a single physical location where business is conducted or where services or industrial operations are performed." One company can have, and often does have, multiple establishments.

A key distinction is that the applicability of the Recordkeeping Standard itself is based in part on company size, i.e., how many employees the company had at any one time during the reporting year, while applicability of electronic reporting is based on the number of employees at the *establishment* during the reporting year.

Q. What if my location has multiple buildings that operate as part of a "campus" setting? How do I know whether to count it as one establishment or multiple establishments, and how do I count employees?

This is an important question because electronic injury and illness reporting applicability depends in part on the number of employees at a given establishment.

You'd generally count an operating location as a single establishment, but under some circumstances you can consider a "campus" with more than one facility on it to consist of more than one establishment. OSHA provides some guidance here, stating that you may divide a location into two or more establishments for Recordkeeping purposes only when:

1. Each facility represents a distinct and separate business;
2. Each facility engages in a different economic activity;
3. You cannot apply a single industry description to the joint activities of the facilities at the campus; and
4. You routinely prepare separate reports for each facility, indicating separate characteristics such as numbers of employees, employee wages, sales receipts and other business records, and other general business information.

Q. How does the final rule differ from OSHA's 2022 Notice of Proposed Rulemaking (NPRM)?

All establishments with 250+ employees that are required to keep records under OSHA's Recordkeeping Standard will also continue to be required to electronically submit information from their Form 300A to OSHA on an annual basis, as they do today. It should be noted that this is a difference between the final rule and the 2022 proposed rule, because the proposed rule would have removed the requirements for establishments with 250+ employees to submit electronic injury and illness reports unless they maintained requirements by virtue of being within a designated industry.

Why did OSHA reverse course here? In the *Federal Register* notice for the final rule, OSHA notes that they received no comments specifically supporting the proposal to remove the reporting requirements for these establishments but **did** receive some comments opposing the proposal. Some stakeholders believed there was a need for continued oversight over large employers in low-hazard industries, and that because of the numbers of employees associated with these establishments, employer occupational injury and illness data from these workplaces could have an important role to play in protecting employee safety. Based on this feedback, OSHA retained the requirement for establishments with 250+ employees but not listed by NAICS code in Appendices A or B to electronically submit 300A data.





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A subset of employers at establishments listed in the new Appendix B now need to submit electronic 300 and 301 data in addition to 300A data. Make sure you're familiar with the reporting requirements and applicability criteria.

A general rule of thumb is that if facilities on your campus are under common management and you discuss them and treat them in external and internal documents as a single operating location, you'd consider them one establishment and sum the number of employees. You would need to consider and discuss the details of your location to determine whether it represents a single establishment, or if the four considerations listed above lead you to consider it as one or more separate establishments with separate numbers of employees.

Q. Which workplaces need to prepare and submit electronic injury and illness data?

Remember that OSHA established its applicability based on establishment size, not company size, and that applicability is based on both the employee threshold and the primary NAICS code. So, for example, if an establishment had 100+ employees at any one time during 2023 *and* has a primary NAICS code listed in the new Appendix B to Subpart E, the employer for that establishment would then need to electronically submit data from their 2023 Forms 300, 300A and 301 to OSHA via the ITA by March 2, 2024.

Here's more detail about how requirements break down for each of the four categories of establishments listed in the table above.

Establishments with < 20 employees

If you have fewer than 20 employees at your establishment at any one time, you don't need to do electronic injury and illness reporting, whether under current requirements or revised requirements. Just document your employee headcount, making sure it includes all eligible employees.

Certain establishments with 20-249 employees

Establishments with 20–249 employees in certain designated industries (listed in Appendix A to subpart E) will continue to be required to electronically submit information from their Form 300A annual summary to OSHA once a year (final § 1904.41(a)(1)(i)).

Establishments with 100+ employees listed in the new Appendix B

Establishments with 100+ employees in certain designated industries (listed in new appendix B to subpart E) will be newly required to electronically submit information from their OSHA Forms 300 and 301 to OSHA once a year (final § 1904.41(a)(2)). The industries listed in new Appendix B were chosen based on three measures of industry hazardousness.

Establishments with 250+ employees subject to Recordkeeping Standard

Establishments with 250+ employees in industries that are required to routinely keep OSHA injury and illness records will continue to be required to electronically submit information from the Form 300A to OSHA once a year.

It's worth noting that some reporting requirements for some establishments haven't changed under the 2023 final rule—many employers who previously needed to submit their electronic 300A data under the previous requirements still need to submit their 300A data, and 300A data only. A subset of employers at establishments listed in the new Appendix B now need to submit electronic 300 and 301 data **in addition to 300A data**. Make sure you're familiar with the reporting requirements and applicability criteria listed above.



Q. How do I determine my NAICS code?

Since your applicability and reporting requirements depend on your NAICS code, you need to accurately determine the code for your industry sector. A good place to start is by visiting the US Census Bureau's [NAICS site](#). From there you can use the search engine by entering a keyword that describes your kind of business, then review the list of primary business activities containing that keyword and the corresponding NAICS codes.

A quick note to help you search for your code: Keep in mind that NAICS uses a hierarchical structure, organized as follows:

- > **Sector:** 2-digit code
- > **Subsector:** 3-digit code
- > **Industry Group:** 4-digit code
- > **NAICS Industry:** 5-digit code
- > **National Industry:** 6-digit code

The table below shows how this works for an establishment that is in the retail trade sector, which encompasses codes starting with the numbers 44 through 46.

Example:

Level	NAICS Code	Title
Sector	44-45	Retail Trade
Subsector	441	Motor Vehicle and Parts Dealer
Industry Group	4412	Other Motor Vehicle Dealers
NAICS Industry	44122	Motorcycle, Boat, and Other Motor Vehicle Dealers
National Industry	441222	Boat Dealers

Note: Three sectors are represented by a range of 2-digit codes. These include Manufacturing (31-33), Retail Trade (44-45) and Transportation and Warehousing (48-49).

Choose the NAICS code that most closely corresponds to your primary business activity or refine your search terms and try again to obtain other choices. Another option is to browse through the NAICS codes and titles to find your code, starting with more general categories and then drilling down through the more specific subcategories until you find the 6-digit code associated with the description that best matches your business.

What if you have more than one business activity occurring at your location? This is a common occurrence. In this case, per guidance from OSHA, you'll **choose the code that represents the activity that generates the most revenue for your establishment and/or has the most employees, whichever is more applicable to your business.**

Q. How does the number of NAICS codes included in the new Appendix B compare to the number of NAICS codes included in Appendix A?

NAICS listed in the new Appendix B are a subset of those listed in Appendix A. In other words, every NAICS code in Appendix B is also in Appendix A.

It should be noted that the final rule adds six NAICS to the final version of Appendix B that were not included in the proposed version, so if you've so far only looked at the proposed version of Appendix B that was included in the 2022 NPRM, you'll want to make sure you're using the final rule version of Appendix B for determining applicability of the revised electronic reporting requirements to your establishment.

Q. How did OSHA decide which NAICS codes to include in the new Appendix B?

OSHA included NAICS in Appendix B based on three measures of industry hazardousness:

- A three-year average rate of Total Case Rate (TCR) in the BLS SOII for 2017, 2018, and 2019, of at least 3.5 cases per 100 full-time-employees.
- A higher Days Away, Restricted and Transferred (DART) Rate
- Higher fatality rate

In the *Federal Register* notice for the final rule, OSHA estimates that this focus on establishments with 100+ employees in higher hazard industries results in fewer than one percent of establishments in the country needing to submit additional data, but the injury and illness data submitted by those establishments will comprise nearly 30% of all reportable occupational injuries and illnesses.

This estimate shows the logic behind OSHA's additional requirements for establishments with 100+ employees in Appendix B. The expanded requirements apply only to a small percentage of establishments that have disproportionately large numbers of injuries and illnesses and expand OSHA's access to recordable incident data for those establishments.



Q. What reporting period should I cover in the electronic reports?

The reporting period you need to cover is the same as the reporting period reflected in the physical forms 300, 300A and 301 you need to maintain, specifically, the calendar year. For both the physical Form 300A (which you need to complete, sign and post by February 1st) and your electronic submission of 300A data, if applicable, the reporting period is the calendar year. So, for example, if you were required to make electronic submissions by the March 2, 2024 deadline, the data you submitted should have covered the 2023 calendar year, for occupational injuries and illnesses you recorded between January 1 and December 31, 2023.

Q. Do I need to submit electronic data for establishments that had no recordable injuries or illnesses during the reporting year?

This is a common question. It's a variation of a question about completion of the OSHA Form 300A each year— namely, does an employer need to fill out, sign and post a copy of the 300 in the workplace by February 1 if they had no recordable injuries or illnesses during the previous year? The answer in that case is “yes,” because applicability of the Recordkeeping Standard does not depend on whether the establishment had recordable injuries or illnesses. The applicability only depends on the establishment's NAICS code and whether there were 11 or more employees in the company during the reporting year. So, if an establishment meets those applicable criteria but had no recordable incidents during the reporting year, they will still need to complete, sign, and post a 300A form documenting all the “zeros” for injuries and illnesses.

Similarly, establishments meeting the employee size and NAICS code criteria for electronic reporting for a reporting year must submit their electronic data to OSHA via the ITA, unless they permanently closed. In the event an establishment subject to electronic reporting had no recordable injuries and illnesses during the reporting period, they'd still need to submit electronic injury and illness data documenting that, including 300A data for all covered establishments, and 300 data for a small subset of applicable establishments with 100+ employees and NAICS codes listed in Appendix B. (Of course, the latter subset of establishments would normally also need to submit electronic 301 forms, but in the event they had no recordable injuries or illnesses, there would be no 301 forms to submit.)



Q. Do I still need to submit electronic injury and illness data for an establishment that permanently closed?

No, you do not need to submit electronic injury and illness data for any establishments that otherwise would have been covered by reporting requirements but closed during the reporting year. For example, if you had an establishment that met applicability criteria based on its primary NAICS code and number of employees during the 2023 reporting year but permanently closed during 2023, you did not need to complete and submit electronic data for that establishment by the March 2, 2024 deadline.

Q. What if my company sold an establishment during the reporting year? Do we still need to submit electronic injury and illness data for the part of the year that we owned the establishment?

No, you do not need to complete and submit electronic injury and illness data for establishments that you no longer own. If the establishment is covered by electronic reporting requirements for the reporting year, only the current owner is required to submit data, and only for the portion of the year that they owned the establishment.



The Injury Tracking Application (ITA)



Q. How do I create an ITA account?

If you've never set up an ITA account, don't worry — you'll probably find that the process is similar to setting up an online banking account. You'll set up a user identification and an associated password, and you'll get a confirmation email that will take you back to the login screen. From there you can start inputting establishment data.

The process is even easier if you already have a login.gov account for other federal government sites because you can use the same login details for the ITA.

Q. How can I set up multiple people in my company with ITA access?

Luckily, it's easy to set up multiple employees with ITA access.

First, you'll need to make sure that any employees you'll want to have ITA access create an account with ITA, following the steps described above.

Then, you (or someone else at your company already authorized to submit data for your establishment) will need to add the employees as authorized submitters for your establishment. You do that by following these steps:

1. Login to the ITA and choose "View Establishment List"
2. Select on the establishment name link
3. Then select "Assign User"
4. Enter the e-mail address of the other ITA account holder
5. Select "User Role"
6. Then, select "Save"

Of course, make sure that any employees you're setting up with access are aware you'll be doing so and that they understand and accept their designated responsibilities.

Q. What if the person who used to submit our electronic data leaves the company? Is there a way that I or someone else in my company can replace them on the ITA account?

Yes, OSHA has anticipated situations like this. If you need to transfer submission responsibilities to a new user, you can submit a [Help Request Form](#), select the "Assign Establishments to another user" topic and provide information about the new submitter you're trying to set up, along with the previous submitter's email address. The ITA Help Desk will then make the reassignment based on the data you provide.

Q. What are my options for submitting my data to OSHA via the ITA?

OSHA provides several ways to submit injury and illness data to them via the ITA, as follows:

1. **Manual data entry:** When you're logged into your ITA account, go to the manual data entry field. From there, if you need to report for an establishment you have not previously reported on, you can click the button for "create establishment" and begin filling in details about the establishment, such as its name and address. Then, you can select the establishment and begin filling in fields for electronic injury and illness data for the OSHA form(s) you're required to submit. If you are reporting for an establishment that you've previously reported on, you can click the button for "view establishment list" and select the appropriate establishment from the list within your ITA account, then complete the appropriate data fields.
2. **Submit a CSV file:** While you're logged into your ITA account, go to the field for batch data transmission, and select the "upload a file" option. You can then attach a file in CSV format containing the electronic injury and illness data for the establishments for which you're submitting data.
3. **Transmit your data via your application programming interface (API) token.** Navigate to the field for batch data transmission while you're logged into your ITA account, then click the button to view your API token. Once you access your authentication token, you can then transmit your electronic injury and illness data.



Q. Do I need special software to submit my company's electronic injury and illness data to OSHA?

No, you don't need to use special software, which is one way use of OSHA's ITA differs from some other federal government-curated regulatory submission platforms such as EPA's Toxic Release Inventory (TRI) reporting, which necessitates use of the most recent version of the federally provided TRI-ME software.

As previously mentioned, you can submit your data by completing information fields within the software itself, or by transmitting it via an API token, or by submitting a CSV file containing injury and illness data for establishments covered by reporting requirements. The latter option is convenient if you're responsible for submitting data for multiple establishments.

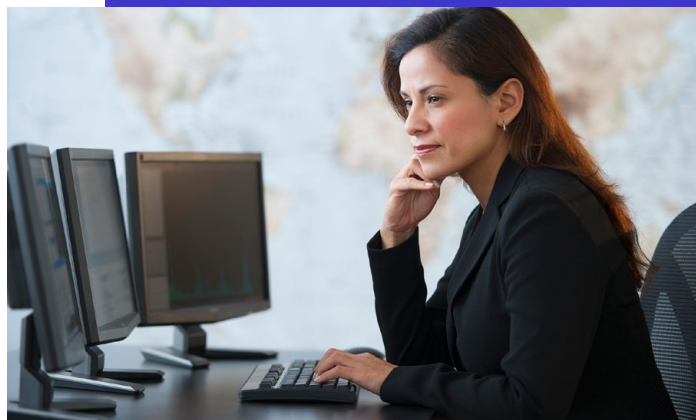
If you're submitting a CSV file, you just need an easy to way to put data from your OSHA Recordkeeping forms onto a file, and then you can submit the file via the ITA. Modern safety software can help here by giving you a seamless method for logging your recordable incidents, generating the required OSHA forms, and compiling the information onto a CSV file for easy submission.

Q. Is there an easy way to submit data for multiple establishments?

Yes! You can prepare and submit a batch file in CSV format containing electronic injury and illness data for multiple reporting establishments. You just submit the file once, and the ITA will receive the data for all included facilities at the same time.

One caveat: Each establishment name must be unique, because the ITA system won't allow you to use the same establishment name more than once. There are some simple workarounds. For example, you can make each unique by adding a number or a city/town name to the end of the establishment name. For example, if your establishment name is ABC, you can give locations unique names by calling them ABC-1, ABC-2, ABC-3, etc., or you can make the location part of the name, by calling them (e.g.) ABC Atlanta, ABC Chicago, ABC Milwaukee, and so on.

Finally, you should note that if you submit your data by CSV file, you will generate *two* confirmation e-mails. The first e-mail will indicate the ITA received your file. If you submitted a properly formatted file, the second e-mail will indicate which establishments successfully loaded and which establishments contained data errors. If your file contains invalid data and could not be loaded, the email will contain an error message.



OSHA's Publication of Employer Injury and Illness Data

Q. Why is OSHA going to be publishing employer data?

OSHA maintains that publishing data from Recordkeeping forms will enhance the effectiveness of the Recordkeeping Standard by improving access to key data about workplace injuries and illnesses. "Congress intended for the Occupational Safety and Health Act to include reporting procedures that would provide the agency and the public with an understanding of the safety and health problems workers face, and this rule is a big step in finally realizing that objective," Assistant Secretary for Occupational Safety and Health Doug Parker stated in a [press release](#). "OSHA will use this data to intervene through strategic outreach and enforcement to reduce worker injuries and illnesses in high-hazard industries. The safety and health community will benefit from the insights this information will provide at the industry level, while workers and employers will be able to make more informed decisions about their workplace's safety and health."

Q. How will OSHA protect confidential employee information when publishing data?

Many stakeholders have expressed concern about this issue, going back to the time OSHA first proposed publication of employer injury and illness data during the rulemaking process that resulted in the 2016 final rule establishing electronic reporting requirements. OSHA has already published 300A data for reporting years from 2016 through 2022 [on its site](#), but because 300A data contains only summary-level info about numbers and rates of injuries and illnesses with no identifying details about individual incidents, there is no potential for disclosure of confidential employee information.



Injury Tracking Application (ITA) Data: Establishment and Case Detail Work-related Injury and Illness Data

OSHA collects work-related injury and illness data from establishments that meet specific industry and employment size specifications through the Injury Tracking Application (ITA). Certain establishments submitted summary data from the OSHA Form 300A since 2016. **Beginning in 2024, some establishments were also required to submit certain case details from OSHA Forms 300 and 301. This page provides OSHA Form 300A Summary Data by establishment from submitted OSHA Form 300A information, as well as available 300 and 301 data that establishments submitted pursuant to OSHA regulations.**

OSHA updated this webpage to include 2023 Summary Data. The 2023 300A data reflects data collection changes beginning in 2024. For example, OSHA added an establishment ID to link the Summary Data to new Case Detail Data. Currently, the Case Detail Data are limited to categorical variables reported from the Form 300 and 301, as well as some summary establishment information from the Form 300A. Narrative fields from the Form 300 and 301 submitted information will be added to the Case Detail Data after OSHA has removed certain personally identifiable information, such as names or Social Security numbers. OSHA also expects to provide occupation codes and injury and illness classification codes, based on the information in the Form 300 and 301 free text fields.

Things have changed now that OSHA has revisited its original intention to require submitting information from Forms 300 and 301; affected establishments with 100+ employees and NAICS codes listed in Appendix B will need to submit their 2023 data from all three OSHA forms by March 2, 2024. Forms 300 and especially 301 contain more details about specific incidents, including identifying information about the employees involved, whether hospitalizations were involved, diagnosis of specific injuries and illnesses, and description of medical treatments administered. In the absence of safeguards, there is a possibility that protected personal and confidential information could be publicly shared when OSHA publishes this information.

How will OSHA avoid disclosing personal information? In the *Federal Register* notice for the final rule, OSHA states that they will not collect employee names or addresses, names of health care professionals, or names and addresses of facilities where treatment was provided if treatment was provided away from the worksite from Forms 300 and 301.

But what will OSHA do if employer-submitted forms contain this information? The *Federal Register* notice states that OSHA, “plans to use automated de-identification technology, supplemented with some manual review of the data, to identify and remove information that could reasonably be expected to identify individuals directly from the fields the agency intends to publish,” and that “the agency will not publish text-based data until such information, if any, has been identified and removed.” The *Federal Register* notice also states that for coded data, OSHA plans to use an automated coding system to code the collected data, and that until the autocoding system has been tested and is in place, OSHA intends to only use and publish uncoded data.

At the present time, OSHA has not yet publicly shared electronic 300 or 301 data from the first submission under the revised reporting rules, which was due to OSHA by March 2, 2024. Therefore, it remains to be seen if OSHA has successfully sorted out the details on how to strip out protected information, or how long it will take them to put what they consider to be effective enough systems in place to move forward with publishing employer injury and illness data.

Consequences of Non-Reporting

Q. How is OSHA targeting establishments that haven't reported?

This is important to understand because the evidence suggests that many employers *have* failed to submit electronic injury and illness reports, despite being required to do so.

One of the primary enforcement tools OSHA uses for electronic injury and illness reporting is the Site-Specific Targeting (SST) Program. The [current version of the SST](#), which went into effect on February 7, 2023, targets establishments for inspection if they have significantly lower or higher than industry average injury rates based on reporting year 2021 data, or upward-trending injury rates based on 2019 through 2021 data. Additionally, the SST states that OSHA will target apparent non-responders that (based on OSHA's information) had obligations to prepare and submit electronic 300A data but failed to do so for reporting year 2021.

OSHA is targeting establishments that missed their electronic injury and illness deadlines.



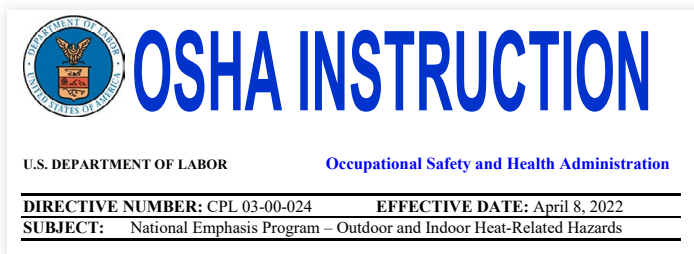
Inspections conducted under the SST will be “comprehensive in scope,” and during facility visits, Compliance, Safety and Health Officers (CSHOs) will review the OSHA 300 logs, 300A summaries, and 301 incident reports for three prior calendar years, which will include CY 2019, 2020, and 2021. This shows that employers need to think about not only the accuracy, but also the accessibility of their records, to keep recordkeeping mistakes from snowballing. Failure to complete and submit electronic injury and illness records when required to do so places your establishment on a prioritized list for inspection, and failure to produce other required forms during the inspection increases the likelihood of violations and fines.

This point about sharpening injury and illness recordkeeping practices is especially important because OSHA is also incorporating review of Recordkeeping forms and electronic reporting into other enforcement initiatives. For example, OSHA's recent [National Emphasis Program \(NEP\) for the warehousing and distribution sector](#) states that when OSHA Compliance Safety and Health Officers (CSHOs) are inspecting an establishment under the NEP and identify that



the establishment should have electronically submitted 300A data via the Injury Tracking Application (ITA) but didn't, CSHOs will follow OSHA's [Interim Enforcement Procedures](#) for Failure to Submit Electronic Illness and Injury Records under 29 CFR 1904.41(a)(1).

It should also be noted that other current OSHA NEPs, including the directives on [warehousing and distribution operations](#), prevention of [falls](#), or indoor and [outdoor heat exposures](#), state that OSHA CSHOs will review employer injury and illness records such as 300, 300A and 301 forms during inspections conducted under the NEPs. CSHOs may potentially expand the time and scope of their investigations based on the information they see, or don't see, during their records review. Consider this a good reminder of the importance of compliance with OSHA Recordkeeping requirements in general. Make sure your incident management system not only facilitates compliance with electronic injury and illness reporting requirements, but also makes it quick and easy for you to access all your records for all of your establishments – a great benefit in the event of an OSHA inspection.



Q. What should I do if I should have reported, but haven't?

Here's a bit of perspective on this question. Establishments subject to electronic injury and illness reporting requirements first needed to submit data for reporting year 2016 by the end of 2017. Starting in early 2018, we started meeting EHS professionals at conferences who had just recently learned that they should have prepared and submitted electronic 300A data, but did not, and wanted to know what they should do.

The advice now is the same we gave to those conference talk attendees in 2018, which is namely, prepare and submit the reports as quickly as possible, and include an explanation of how you identified the failure to report, and how you'll be ensuring that you'll be meeting your requirements going forward. For example, if you missed the March 2, 2024 reporting deadline for reporting year 2023 data, OSHA allows submission of the data until December 31, 2024. However, you cannot submit earlier reporting year data, and will no longer be able to submit 2023 data on or after January 1, 2025.

OSHA has been showing some willingness to work with employers who may not have understood their reporting obligations (e.g., they told GAO in 2021 that they'd sent "reminders" to about 27,000 establishments who had already passed their reporting deadline. The agency likely already knows that you should've reported but didn't, and it's better to be proactive and get the data to them (along with a mea culpa and resolution to do better) than it is to wait for OSHA to come to you.

OSHA has periodically released data indicating that they have had a significant percentage of non-responders, based on their own data regarding the number of establishments that needed to report. For instance, in 2021, [OSHA told the Government Accountability Office \(GAO\)](#) that they identified nearly 220,000 employers in 2019 who may not have reported their data. During the period from mid-December 2017 through September 2019, OSHA also cited 255 employers for failure to electronically report because of information that OSHA CSHOs obtained during on-site inspections. This data shows that the problem of non-reporting is widespread and creates some urgency about understanding the applicability of electronic reporting requirements to your business.

Meeting Updated Electronic Reporting Requirements

The best way EHS professionals and company leadership can prepare is to start reassessing and improving their incident management practices right now. You'll need reliable methods to ensure that you're capturing and documenting all OSHA recordable injuries and illnesses and maintaining accurate injury and illness records. Complete and accurate injury and illness recordkeeping is important for proactive EHS management even aside from regulatory requirements, but it becomes even more urgent given the possibility that OSHA is preparing to make records for some establishments publicly available.

[Modern safety management software](#) can help by making it easy for you and your workers to report incidents, document follow-up, and generate accurate OSHA forms. Even better, you'll can access forms for multiple establishments from anywhere, at any time, and electronically submit forms to OSHA via the ITA.

If your current recordkeeping methods cause you to feel anxious about meeting OSHA's revised electronic reporting requirements, now's the time to start looking for better alternatives.



Additional VelocityEHS Resources



OSHA Recordkeeping Webinar

OSHA's new electronic injury and illness reporting requirements are in effect. Learn how to ensure compliance with these updated electronic reporting requirements in this [on-demand webinar](#).



OSHA Recordkeeping Infographic

This easy [guide](#) can be used as a reference to help understand which workplace incidents are OSHA recordable or reportable.



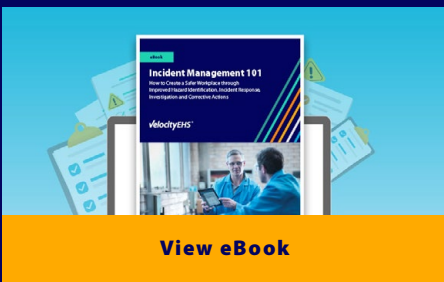
OSHA Inspection Preparation Checklist

This [OSHA Inspection Preparation Checklist](#) is intended to help you navigate the OSHA inspection process and minimize your compliance risk.



OSHA Do's/Don'ts Guide

[Download](#) this simple list of "dos & don'ts" to ensure you're as prepared as possible if an OSHA inspector enters your workplace.



Incident Management 101 eBook

[Learn how](#) to create a safer workplace by improving hazard identification, incident response, investigation and corrective actions.



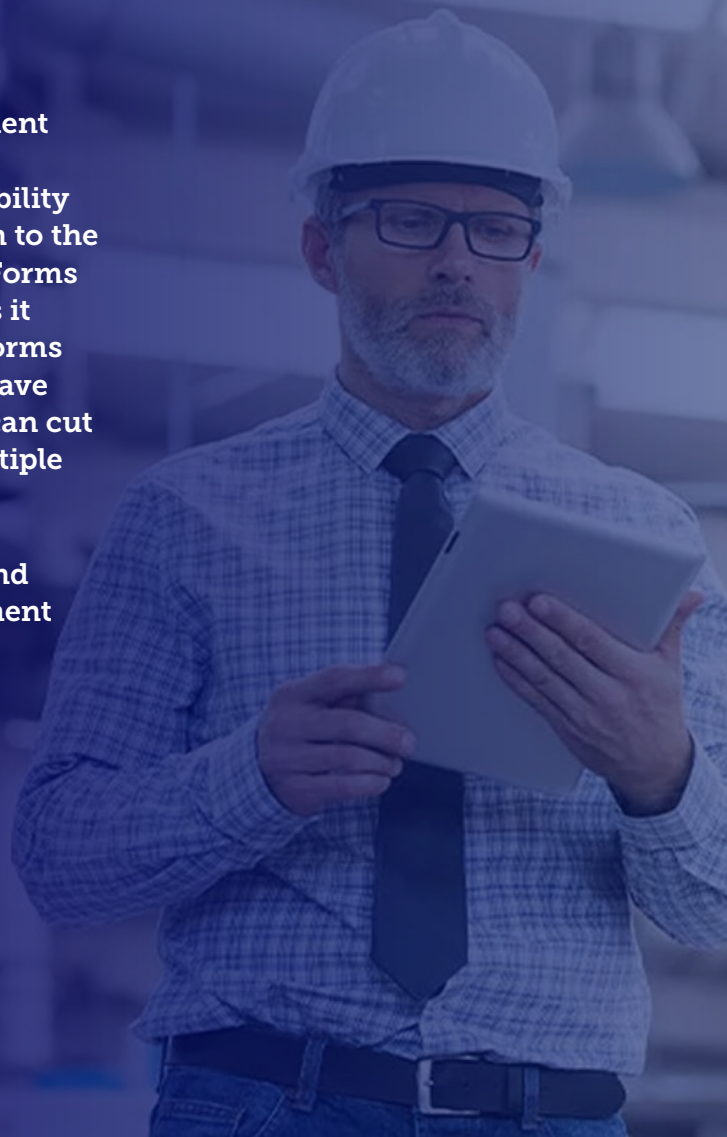
Let VelocityEHS Help!

Preparing for OSHA's revised electronic reporting requirements will be easier if you have the right tools.

The VelocityEHS [Safety Solution](#) has incident management capabilities that can help you meet your Recordkeeping requirements, with mobile incident reporting and the ability to quickly attach photographs and other documentation to the inspection record. It will also help you easily complete Forms 300, 300A and 301. Best of all, the Safety Solution makes it easy to generate electronic versions of all three OSHA forms for easy transmission to OSHA via the ITA. And if you have reporting obligations for multiple establishments, you can cut down on reporting time by putting information for multiple establishments on a single CSV file.

Visit our [solution landing page](#) for more information, and to request a demo so you can see the incident management capabilities in action.

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