



2016 SAFETY AND HEALTH BULLETIN

TO: All SMACNA Members **SB: 16-03**

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Director of Market Sectors and Safety

DATE: May 23, 2016

SUBJECT: OSHA issues final rule on reporting injuries electronically

OSHA has issued a [final rule](#) to further complicate the collection and recording of injury and illness data. OSHA currently requires most employers in the sheet metal and HVAC industry to keep a [record*](#) of injuries and illnesses. Prior to this rule, little or no data about worker injury and illness information that employers are [required to collect](#) was made public. With this new rule, OSHA now requires employers in the sheet metal and HVAC industry to send OSHA injury and illness data through a dedicated webpage for posting on the agency's website.

SMACNA submitted comments to OSHA regarding the hardships and difficulties this new rule would present to small businesses in the construction industry. Numerous other construction and general industry employer organizations also submitted comments to OSHA with little impact on the final rule.

Most sheet metal and HVAC firms, except those with less than 20 employees, will be required to follow this new rule. Under the new rule, all establishments with 250 or more employees in industries covered by the recordkeeping regulation must electronically submit to OSHA injury and illness information from OSHA Forms 300 (OSHA Log), Form 300A (Log Summary), and Form 301 (Injury/Illness Incident Report). Establishments with 20-249 employees in [certain industries*](#) (includes sheet metal and HVAC companies) must electronically submit information from OSHA Form 300A only.

The final rule also promotes an employee's right to report injuries and illnesses without fear of retaliation, and clarifies that an employer must have a reasonable procedure for reporting work-related injuries that does not discourage employees from reporting. This requirement is directed towards employers who have incentive programs that "award" low injury reporting through zero accident reporting programs, as OSHA believes these programs result in under-reporting of injuries. These program requirements will be explained further in the next SMACNA Safety Bulletin.

The new requirements take effect August 10, 2016, with phased in data submissions beginning in 2017. These requirements do not add to or change an employer's obligation to complete and retain injury and illness records under the [Recording and Reporting Occupational Injuries and Illnesses regulation](#). For more information see the [news release](#) and visit OSHA's [webpage on the final rule](#), which includes links to a fact sheet and frequently asked questions. For additional information or guidance, contact Mike McCullion, SMACNA's director of market sectors and safety at mmccullion@smacna.org or 703-995-4027.

