

Government Update February 2023

OSHA Injury and Illness, OSHA 300A Posting and Electronic Submission Requirements

Posting Requirement:

Employers with 10 or more full time employees and in specific industries are required to maintain the OSHA Injury and Illness 300 log. The summary of Injuries and Illness, [Form 300A](#) must be conspicuously posted at the workplace from February 1, 2023 through April 30, 2023. For a listing of industries not required to maintain the Injury and Illness log go to:

Non-Mandatory Appendix A to Subpart B -- Partially Exempt Industries.

<https://www.osha.gov/recordkeeping/presentations/exempttable>

Electronic reporting requirement:

Some employers are required to report the Injury and Illness summary, OSHA 300A for 2022, to OSHA electronically by March 2, 2023 if they employ 20 to 249 employees and are in a specific industry. However, if you meet any of the following criteria, you are not required to electronically report:

- The establishment's peak employment during the previous calendar year was **19 or fewer**, regardless of the establishment's industry.
- The establishment's industry is on [Appendix A to Subpart B](#) of OSHA's recordkeeping regulation, **regardless of the size of the establishment**.
- The establishment had a peak employment **between 20 and 249 employees** during the previous calendar year AND the establishment's industry is **NOT** on [Appendix A to Subpart E](#) of OSHA's recordkeeping regulation.

For those establishment who do not meet any of the criteria above, that are required to report electronically to OSHA by March 2nd, see below for specific account Log In:

1. Set up a more secure Injury Tracking Application (ITA) account with Login.gov.
2. You must have **BOTH** an ITA account **AND** a Login.gov account to access the application.
3. For more information, please review the guidance on how to connect to your accounts;
[Create an ITA account - Job Aid](#)
[Watch Video](#) [Create a Login.gov account - Job Aid](#)

The OSHA Injury Tracking Application (ITA) transitioned its login procedure to the public's one account access to government applications, [Login.gov](#). All current and new account holders **must connect their ITA account to a Login.gov account with the same email address** to access the application for the 2023 collection of Calendar Year 2022 Form 300A data.

OSHA to Cite Violations as Instance-By-Instance Citations

OSHA News Release

<https://www.osha.gov/news/newsreleases/national/01262023-0>

“OSHA to cite certain types of violations as "[instance-by-instance citations](#)" for cases where the agency identifies "high-gravity" serious violations of OSHA standards specific to certain conditions where the language of the rule supports a citation for each instance of non-compliance.”

Where the language of the standard supports a citation for each instance on non-compliance such as “1910.30(a)(1) ...the employer must provide training for **each** employee who uses personal fall protection systems”; 1910.132(f)(1) The employer shall provide training to **each** employee who is required by this section to use PPE.”; 19256.501(b)(1) “**Each** employee on a walking/working surface with an unprotected side or edge which is 6 feet or more above a lower level shall be protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest systems.” These are just some examples of OSHA standards that can be cited instance-by-instance.

New York State

Construction Contractors Can Be Fined Up to \$500,000 When an Employee is Severely Injured or Dies on the Job

Gov. Kathy Hochul has signed into law what has been named Carlos’ Law. Named Carlos’ Law, in memory of Ecuadoran immigrant Carlos Moncayo, 22, who died when the walls of a 13-foot trench collapsed on him.

The legislation (S.621B/A.4947B) amends the state’s penal law to increase the penalties for criminal corporate liability when it negligently, recklessly, intentionally, or knowingly causes the death or serious physical injury of an employee. It raises the maximum fine for criminal liability from \$10,000 to no less than \$500,000, or, in the case of a misdemeanor, no less than \$300,000.