



## Update – Enforcement of OSHA Reporting Requirements

As you know by now, as of January 1, 2015, Occupational Safety and Health Administration (OSHA) has new reporting requirements mandating that employers notify OSHA whenever there is: a workplace fatality; any in-patient hospitalization; an amputation; or loss of an eye. These new requirements have increased the number of reports made to OSHA, and consequently, OSHA's workload. To address this influx of new reports, OSHA released "Interim Enforcement Procedures for New Reporting Requirements" that outlines how the local Area Offices will receive and respond to reports.

Once OSHA receives a report, it will go through the following steps:

1. **Intake** — employers may report: by telephone or in person to the nearest Area Office; through OSHA's toll-free central telephone number (1-800-321-6742); or by electronic submission on OSHA's [website](#). The employer must provide: establishment name; time, and location of the incident; type of reportable event; number, and names of employees involved; contact person; and a brief description of the event. OSHA will then contact the employer for more information and will ask the employer for the cause of the incident and whether there have been similar incidents before.
2. **Data Collection** — OSHA will then put the information into the new database for reported incidents.
3. **Triage** — OSHA will sort each report into three categories to determine whether to conduct an on-site investigation or a new "Rapid Response Investigation" (RRI).
  - Category 1 are reports that **must** be inspected:
    - all fatalities and reports of 2 or more in-patient hospitalizations;
    - any injury involving a worker under the age of 18;
    - known history of multiple injuries (same or similar events in the previous 12 months);
    - repeat offenders (history of egregious, willful, failure-to-abate, or repeated citations);
    - hazards covered by an emphasis program; and/or
    - any imminent danger.
  - Category 2 are reports that **may** trigger an on-site inspection at the direction of the Area Director. If the answers to two or more of the following non-exclusive questions are "yes", OSHA will conduct an on-site investigation:
    - Are employees still being exposed to the hazard?
    - Was the incident a result of a safety program (PSM, LOTO)?

- Was the employee exposed to a serious hazard (explosive materials, falls, heat)?
- Were temporary workers involved?
- Did another government agency make a referral?
- Does the employer have a prior history with OSHA?
- Is there a whistleblower complaint/investigation pending?
- Is the employer a Cooperative Program Participant?
- Did the incident involve chemical exposure or heat stress?

- Category 3 are reports that do not meet the criteria for Category 1 or 2, and OSHA will initiate an RRI.

4. **Open Inspection or RRI** — OSHA will then either conduct an onsite investigation or an RRI. In preparing to respond to an on-site investigation or RRI, the employer should do the following:

- Investigate the incident to ensure you have a clear understanding of what happened.
- Prepare for an on-site inspection by addressing any safety and health issues that may exist at your facility.
- Prepare your management and employees for OSHA's potential arrival.

For more information about OSHA and the reporting requirements please contact [Jane H. Heidingsfelder](#).

*Remember that these legal principles may change and vary widely in their application to specific factual circumstances. You should consult with counsel about your individual circumstances. For further information regarding these issues, contact:*

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