

New OSHA Notice Rules and List of Exempt Industries Take Effect January 1, 2015

The Occupational Safety and Health Administration (“OSHA”) announced a final rule regarding workplace accidents that is scheduled to take effect January 1, 2015. The rule makes two key changes:

First, employers will now be required to report to OSHA all work-related fatalities within 8 hours, and work-related hospitalizations, amputations, or loss of an eye within 24 hours. Of note, only fatalities occurring within 30 days of the work-related accident must be reported to OSHA. Additionally, only the hospitalizations, amputations, or losses of any eye that occur within 24 hours of the work-related accident must be reported to OSHA.

The second key change is that the new rule updates the list of employers, who are in low hazard industries and are exempt from the requirement to routinely keep injury and illness records. Previously, the exempt industries were based on the Standard Industrial Classification (SIC) and injury and illness data from the Bureau of Labor Statistics from 1996, 1997, and 1998. The updated exemption list is now more current and is based on the North American Industry Classification System (NAICS) and injury and illness records from the Bureau of Labor Statistics from 2007, 2008, and 2009. For a detailed list of industries that were previously exempt but now are required to keep records please visit: https://www.osha.gov/recordkeeping2014/reporting_industries.html.

Additionally, the rule maintains the exemption that employers with ten or fewer employees at all times during the previous calendar year are not required to keep injury and illness records. However, even if employers are exempt from routinely keeping injury and illness records due to industry or size, every employer must still report all work-related fatalities, hospitalizations, amputations and losses of an eye as described above.

Full text of the new rule may be accessed at:
<https://www.osha.gov/recordkeeping2014/NAICSRreporting.pdf>.

For more information about the new rule, please visit OSHA’s website at:
<http://www.osha.gov/recordkeeping2014>.

If you have any questions regarding the above information, please contact your attorney or an attorney in our [Construction Law Group](#).

If you have any questions about the issues addressed here, or any other matters involving Construction Law issues, please feel free to contact:

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