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Stradley Ronon

2005 Market Street
Suite 2600
Philadelphia, PA 19103
215.564.8000 Telephone
215.564.8120 Facsimile
www.stradley.com

With other offices in:
Washington, D.C.
New York, N.Y.
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New Employer Safety Reporting Obligations

New illness and injury reporting rules issued by the Occupational Health and Safety Administration (OSHA) will take effect for most U.S. employers in 2015. Entities located in states under federal OSHA jurisdiction must begin complying by Jan. 1, 2015; entities in states that operate their own safety and health programs should check with their state plan for the deadline to comply with the new requirements.

Under the revised rule, employers must notify OSHA of any work-related fatality within eight hours, and any work-related in-patient hospitalization (excluding those for diagnostic testing or observation only), amputation or loss of an eye within 24 hours. OSHA's prior regulations only required reporting of fatalities and hospitalizations of three or more employees and did not require reporting of single hospitalizations, amputations or loss of an eye. Employers are directed to report the incident via telephone or in person at the nearest OSHA office, via the OSHA hotline (800-321-OSHA), or via electronic reporting once available on the OSHA website.

In addition to a reporting requirement, OSHA also requires certain categories of employers to maintain records of work-related injuries and illnesses. The new rule confirms that employers with 10 or fewer employees, regardless of their industry classification, are exempt from the requirement to maintain records of work-related injuries and illnesses. With the new rule, however, OSHA has subjected new categories (available at https://www.osha.gov/recordkeeping2014/reporting_industries.html) of industries to the record-keeping requirement, while also updating the list of industries (available at <https://www.osha.gov/recordkeeping/ppt1/RK1exempttable.html>) that, regardless of number of employees, are exempt from the record-keeping requirement. Entities exempt from the record-keeping requirement are still subject to the incident reporting requirement.

Additional information and answers to frequently asked questions are available on OSHA's website at <https://www.osha.gov/recordkeeping2014/index.html>. ■

Stradley Ronon's Employment & Labor Practice Group

Jonathan F. Bloom, <i>chair</i>	jbloom@stradley.com	215.564.8065
Danielle Banks	dbanks@stradley.com	215.564.8116
Michelle K. Carson	mcarson@stradley.com	215.564.8137
Sandra A. Girifalco	sgirifalco@stradley.com	215.564.8064
C. Clark Hodgson III.....	clark.hodgson@stradley.com.....	215.564.8574
Isaac A. Hof.....	ahof@stradley.com	215.564.8013
Samantha Kats.....	skats@stradley.com	484.323.1354
Ian M. Long.....	ilong@stradley.com	215.564.8558
William E. Mahoney Jr.	wmahoney@stradley.com	215.564.8059
Francis X. Manning	fmanning@stradley.com	856.321.2403
John J. Murphy III	jmurphy@stradley.com	215.564.8019
Caitlin E. Oberst.....	coberst@stradley.com	215.564.8151
Michael D. O'Mara	momara@stradley.com	215.564.8121
James F. Podheiser	jpodheiser@stradley.com	215.564.8111
Ellen Rosen Rogoff	erogoff@stradley.com	215.564.8058
Parker V. Sherry	psherry@stradley.com	215.564.8515
Amy E. Sparrow	asparrow@stradley.com	484.323.1353
A. Nicole Stover	nstover@stradley.com	856.321.2418

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