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Authors:

[Kyle D. Johnson](#)

Employers Beware: OSHA Penalties Increasing

On Jan. 23, 2019, [the Department of Labor released a final rule](#) increasing Occupational Safety and Health Administration (OSHA) penalties against employers for workplace health and safety violations. The increased penalty rates will apply to any alleged violations issued after January 23. The new penalties, based on the type of violation committed, are listed below [according to OSHA's website](#):

[As we previously reported](#), Congress enacted the Federal Civil Penalties Inflation Adjustment Act Improvements Act in 2015 which requires federal agencies to annually increase their civil penalties to account for inflation and to maintain the penalties' deterrent effects. OSHA increased its penalties for 2019 by a factor of 1.02522. OSHA penalties will continue to be adjusted each January. According to the federal government, states that operate their own occupational safety and health plans are also required to raise their penalties to at least the federal amounts above, but some states, like Kentucky and Indiana, disagree and have resisted that effort.

As an example – and a reminder – for employers subject to OSHA's recordkeeping rules, failure to post the Form 300A annual injury and illness summary from February 1 through April 30 will now carry potential penalties of \$13,260.

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