

PUBLICATION

OSHA Update: A Tale of Two Proposed OSHA Regulations

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Back in February, we mentioned that public comments were being accepted on OSHA's proposed rule that would require employers with more than 250 employees to electronically report to OSHA their OSHA 300 (the injury and illness data records) logs every quarter. The rule was heavily commented on, with thousands of public submissions to OSHA, most of which were very critical of the proposed rule. One of the more heavily scrutinized portions of this rule would have allowed OSHA to publicly post this data on OSHA's website. At the end of May, OSHA released its revised regulatory agenda – the playbook for what OSHA considers to be high priority items for regulatory action. The proposed rule for electronic reporting of injury and illness data was placed on "long-term action," which basically means the rule is unlikely to become a final rule anytime in the near future and more likely never at all in the format that it was originally proposed.

In another delay of a high priority proposed regulation, OSHA further pushed back regulatory action on a proposed rule that would address concerns of combustible dust in the workplace. After one of the larger combustible dust related cases, the Imperial Sugar plant explosion in Savannah, Georgia, OSHA was committed to the development of a specific regulation that addressed combustible dust. Many insiders think that OSHA is reluctant to push any controversial regulations, especially during an election year, and that is the reason for the delay. Others simply think that the delayed action is due to the complexities of a rule on combustible dust. Regardless of the reasoning, don't expect any action on this regulation any time soon.

Whether OSHA is aggressive on the rulemaking front or not, OSHA's budget for fiscal year 2015 (beginning October 2014) was just passed by the Senate with about a \$5 million increase, signaling further money for enforcement efforts in the next year.

June's tip: We are almost halfway through the year, and now is a good time to assess your annual OSHA training requirements and any required audits of programs, such as the annual requirement to audit lockout/tagout procedures.