

Trade Release



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OSHA issues final rule clarifying the ongoing obligation to make and maintain accurate records of work-related injuries and illnesses

WASHINGTON – The Occupational Safety and Health Administration on Monday will issue a [final rule](#) that clarifies an employer’s continuing obligation to make and maintain an accurate record of each recordable injury and illness. The final rule becomes effective Jan. 18, 2017.

OSHA’s longstanding position has been that an employer’s duty to record an injury or illness continues for the full five-year record-retention period, and this position has been upheld by the Occupational Safety and Health Review Commission in cases dating back to 1993. In 2012, the D.C. Circuit issued a decision in [AKM LLC v. Secretary of Labor \(Volks\)](#) reversing the Commission and rejecting OSHA’s position on the continuing nature of its prior record-keeping regulations.

The new final rule more clearly states employers’ obligations. “This rule simply returns us to the standard practice of the last 40 years,” said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. “It is important to keep in mind that accurate records are not just paperwork; they have a valuable and potentially life-saving purpose.”

The amendments in the final rule add no new compliance obligations and do not require employers to make records of any injuries or illnesses for which records are not already required.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA’s role is to ensure these conditions for America’s working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit www.osha.gov.