

OSHA penalty changes to result in higher fines

Dr. David Michaels, Assistant Secretary of Labor for Occupational Safety and Health, stated that OSHA has recently made administrative changes to the penalty assessment/reduction process to result in higher penalties. Some of the changes to the administrative penalty calculation system include:

- The time period for repeat violations will be increased. In the past, OSHA only looked at a three-year timeframe when determining if a “repeat” violation — which carries a higher penalty — had occurred. This will be increased to a five-year timeframe.
- Employers with 1-25 employees will be eligible only for a 40 percent penalty reduction, down from 60 percent. Employers with 26-100 employees will be eligible for a 30 percent reduction, down from 40 percent. Employers with 101-250 employees will be eligible for a 10 percent reduction, down from 20 percent.
- An employer who has been inspected by OSHA within the previous five years and has no serious, willful, repeat, or failure-to-abate (SWRF)-violations may receive a 10 percent reduction for history. Previously this was based on a three-year period. OSHA is also adding a new 10 percent penalty **increase** (up to the statutory maximum) to employers that have been cited by OSHA for any high gravity SWRF violations in the previous five years.
- OSHA will no longer allow penalty adjustments to an employer at an informal conference where the employer has an outstanding penalty balance owed to OSHA.