

# OSHA Changes Electronic Reporting Requirements for Some Employers

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On July 17, 2023, the Occupational Safety and Health Administration (OSHA) issued a new final rule amending its occupational injury and illness recordkeeping regulation and imposing new electronic reporting requirements on some employers. The amended regulation will go into effect on January 1, 2024, and comes just six months after OSHA issued two [memoranda](#) signaling a significant shift in enforcement and increased penalties for OSHA violations.

## New Reporting Requirements

Most notably, the new rule will require some employers to begin electronically submitting information from OSHA Forms 300 and 301.

**Form 300**, Log of Work-Related Injuries and Illnesses, is an annual record of work-related injuries and illnesses, including information on the employee and the date, location, description, and type of injury or illness.

**Form 301**, Injury and Illness Incident Report, is a case-specific form completed for each workplace injury or illness and includes more detailed information on the employee (including address, date of birth, and gender), place of treatment, and injury or illness.

The new reporting obligations apply to employers that:

1. had 100 or more employees at any point during the previous calendar year; and
2. are in certain high-hazard industries, including many agricultural, food production, manufacturing, retail, wholesale, transportation, medical, and entertainment industries. All impacted industries will be listed in a new Appendix B to OSHA's occupational injury and illness recordkeeping regulation. Employers in these industries are already required to electronically report information from OSHA Form 300A, Summary of Work-Related Injuries and Illness, each year.

Employers meeting these criteria will be required to submit all information on Forms 300 and 301, except for case-specific information on the employee's name, employee's address, and name of the physician or other healthcare professional, facility name, and address (if treatment was provided

away from the worksite). OSHA estimates that 52,092 employers will be required to submit this data each year under the new rule.

Data from Forms 300 and 301 covering a particular year must be submitted annually through OSHA's [Injury Tracking Application](#) (ITA) by the following March 2.

## Continuing Reporting Requirements

Employers that already electronically submit information from OSHA Form 300A, Summary of Work-Related Injuries and Illnesses, will continue to do so annually by March 2. The new rule does not change employers' obligations to electronically submit information from Form 300A. Employers with 250 or more employees that are required to keep OSHA records will continue to electronically submit information from Form 300A once a year. These continuing obligations also apply to employers with 20 to 249 employees in certain industries. OSHA has updated the list of designated industries required to submit this information to conform with current North American Industry Classification System (NAICS) codes. This update does not affect which industries are required to provide their Form 300A data.

## Publication of Employer Safety Data

OSHA also announced that it will make some of the collected information publicly available on its website, despite opposition from employers and industry groups. OSHA already publishes limited accident and injury data collected from Form 300A on its website. The expanded online publication will include information collected from Forms 300 and 301, except employees' personal identifying information. Savvy employers can [utilize](#) the expanded accident and injury data to assess their risks, reduce or eliminate workplace injuries, and avoid significant penalties.

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