

OSHA Recordkeeping Update

OSHA's "Volks Rule: Overturned by the Congressional Review Act on March 22, 2017

Disapproving the rule submitted by the Department of Labor relating to "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness".

The new OSHA rule – commonly referred to as the Volks rule – says a recordkeeping error can be cited for up to five years after the mistake was made because the employer continued to not correct its injury and illness logs.

What does this mean for you?

OSHA will not be able to issue citations for employers that fail to record injuries and illnesses beyond the 6-month statute of limitations set out in the OSHA rules. Employers should continue to update their OSHA 300 Logs with any new or additional information during the 5-year time frame. Injury and illness records are still required to be maintained for 5 years.

The court stated OSHA must stick to a six-month statute of limitations when citing a company for failure to record an injury or illness and cannot treat such an event as a continuing violation throughout the five-year recordkeeping period

H. J. Res. 83

One Hundred Fifteenth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday,
the third day of January, two thousand and seventeen*

Joint Resolution

Disapproving the rule submitted by the Department of Labor relating to "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness".

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Department of Labor relating to "Clarification of Employer's Continuing Obligation to Make and Maintain an Accurate Record of Each Recordable Injury and Illness" (published at 81 Fed. Reg. 91792 (December 19, 2016)), and such rule shall have no force or effect.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

Questions? Contact The Redstone Group at 614-763-5034 x7007 or jwilliams@redstonegrp.com