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OSHA - WISHA - HIPAA - BLS/CPR+First Aid - COMPLIANCE SERVICES
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OSHA INCREASES MAXIMUM PENALTIES NEARLY 80%

Effective immediately OSHA's penalties for high-end citations will increase by 78%. Penalty amounts will continue to increase every year to adjust for inflation based on the Consumer Price Index

In November of 2015, Congress enacted legislation requiring federal agencies to adjust their civil penalties to account for inflation. As an agency within the U.S. Department of Labor, the Occupational Safety and Health Administration (OSHA) increased its maximum penalty amounts by a hair more than 78.15% across the board. OSHA's newly revised penalty schedule, is effective immediately and the higher fines will be applied to any citation issued after August 1st even if the related violations occurred after November 2, 2015.

The increased penalties will apply to three basic categories (types) of violations: (1) "Serious", increasing from a maximum of \$7000 per violation to a maximum of \$12,471 per violation; (2) "Failure to Abate", from \$7000 per day beyond the abatement date to \$12,471 per day, maximum; and, (3) "Willful or Repeated", from a maximum of \$70,000 per violation to a maximum of \$124,709 per violation.

It is not automatic that violations within these three categories will draw the maximum penalty amounts. A variety of considerations, such as violation history and company size, contribute to determining and/or reducing the penalty amount. It is not unreasonable, however, to expect that the penalties for lesser violations within the three categories, will increase according to the same percentage hike. Fines that were \$1000 could now be \$1780.



States that have their own Occupational Safety and Health "State Plan" are required to adopt maximum penalty amounts that are at least as effective (at least as high) as Federal OSHA's. Some states have changed the "type" of some violations historically categorized as "General", or Non-serious" – with no penalty amount – to "Serious" with significant monetary penalties. State plans have that latitude as long as the maximum amounts are at least the new, Federal OSHA amounts.

This means that some violations that had no penalty amount last year will have substantial fines from now on.

This is the first increase in the maximum penalties for workplace violations issued by OSHA since 1990. Critics, groups, and organizations that have long been held that the age-old schedule of penalties failed to motivate employers to provide safer workplaces. It is expected that the spike in fines will discourage violations as well as bring those employers who have traditionally ignored OSHA standards to the same playing table as those who are dedicated to a safety workplace and follow the OSHA rules and regulations.

Contact HARRISBIOMEDICAL if you have compliance questions or concerns: info@harrisbiomedical.net or 866-548-2468

