

LEGAL UPDATE

OSHA Issues New Penalty Enforcement Guidance

On Jan. 26, 2023, OSHA [announced](#) it issued new enforcement guidance making its penalties more effective to stop employers from repeatedly exposing workers to life-threatening hazards or failing to comply with workplace safety and health requirements. The new enforcement guidance covers general industry, agriculture, maritime and construction industries. It becomes effective on March 27, 2023.

Guidance Overview

A current policy has been in place since 1990 but only applies to egregious willful citations. Now, however, OSHA regional administrators and area office directors will have the authority to cite certain types of violations as “instance-by-instance citations” for cases identified as “high-gravity” serious violations. These violations must have OSHA standards specific to certain conditions where the language of the rule supports a citation for each instance of noncompliance. Examples of these conditions include:

- Lockout/tagout;
- Machine guarding;
- Permit-required confined space;
- Respiratory protection;
- Falls;
- Trenching; and
- Cases with other-than-serious violations specific to recordkeeping.

In addition, OSHA is reminding its regional administrators and area directors of their authority not to group violations but, instead, to cite them separately.

OSHA states these changes in enforcement guidance are important tools to help deter employers from disregarding their responsibilities to protect workers and ensure compliance with OSHA standards. Employers should review their programs and ensure they are in compliance with OSHA standards.

Important Dates

Jan. 26, 2023

OSHA announces new enforcement guidance making its penalties more effective to stop noncompliance and employee exposure to life-threatening hazards.

March 27, 2023

New enforcement guidance becomes effective for OSHA regional administrators and area office directors to use.

New enforcement guidance was issued to make penalties more effective to stop employers from repeatedly exposing workers to life-threatening hazards.

Provided to you by **Potomac Companies, Inc**

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