

OSHA Increases Fines Again

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In 2016 OSHA started to index the fines they would issue as a result of a specific violation to the annual inflation index. Up to that time the fine for a serious violation was \$7,000 maximum and for willful \$120,000 maximum. These fines had stayed steady up to that time. OSHA felt that the existing fines did not take into consideration inflation.

Each year since 2016 OSHA has adjusted the rates upward according to the Consumer Price Index. As of January 24, 2019, the new penalty fines will be:

Serious	\$13,260 Maximum
Willful or Repeat	\$132,598 Maximum
Failure to Abate	\$13,260 for Each Day Beyond the Abatement Date
Willful Violation Minimum Fine	\$9,239

The above fines can be adjusted downward by the OSHA area office. OSHA takes into consideration how serious the violation was, the size of the company, good faith and prior history. If a company has not had any previous citations during the past five years, this is taken into consideration.

In addition, OSHA has the capability of reducing proposed penalties at an Informal Conference for smaller companies that can be up to 50%, but for most companies the reduction is around 40%. However, this reduction only takes place if a company has corrected the noted violations to OSHA's satisfaction and shows OSHA that they will be working to improve their overall safety effort.

Even with the possible reductions the new rates mean a significant increase in the actual fines a company will receive. Companies that do not take their safety program seriously will be facing much higher fines for any OSHA violations. These fines will continue to increase each year now that OSHA had indexed these to inflation.

I recommend that the client companies we work for do the following:

- Audit their written safety programs at least annually and update as necessary.
- Develop an annual employee safety training plan and ensure all employees receive training in the OSHA mandated standards.
- Address employee safety concerns.
- Conduct regular OSHA style safety inspections to identify any physical violations and correct these as soon as possible.
- Document everything so there is a record showing what has been done to comply with the appropriate OSHA standards.
- Stay up with the changes in the OSHA

OSHA is not going to go away, so do not be caught unaware. A good safety program will go a long way to reducing exposure to OSHA violations and penalties.

If you have any questions about OSHA or your safety program or have a need with your program, please give me a call at (330)495-3437 Cell or (330)854-4577 Office.