

## OSHA Penalty Rates Increase on January 16<sup>th</sup>

OSHA announced on January 11 that it has made changes to its civil penalty amounts based on cost-of-living adjustments for 2024.

In 2015, Congress passed the Federal Civil Penalties Inflation Adjustment Act Improvements Act to advance the effectiveness of civil monetary penalties and to maintain their deterrent effect. Under the Act, agencies are required to publish “catch-up” rules that adjust the level of civil monetary penalties and make subsequent annual adjustments for inflation no later than January 15 of each year. This year, January 15 falls on a federal holiday. Therefore, new OSHA penalty amounts will become effective Jan. 16, 2024.

This final rule increases civil penalties the Department of Labor assesses, including those issued by OSHA, based on workplace inspections and potential violations of safety and health standards. The rule was effective January 16, 2024 and the increased penalty rates will apply to any penalties assessed after the effective date of the rule.

These are the types of violations that may be cited and the new 2024 maximum penalties:

**Other Than Serious Violation** – A violation that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm. A penalty of up to \$16,131 (increased from \$15,625) for each violation is discretionary. A penalty for an other-than-serious violation may be adjusted downward by as much as 95 percent, depending on the employer’s good faith (demonstrated efforts to comply with the Act), history of previous violations, and size of business.

**Serious Violation** – A violation where there is substantial probability that death

or serious physical harm could result, and that the employer knew, or should have known, of the hazard. A penalty of up to \$16,131 per violation (increased from \$15,625) is mandatory. A penalty for a serious violation may be adjusted downward, based on the employer’s good faith, history of previous violations, the gravity of the alleged violation, and size of business.

**Willful Violation** – A violation that the employer knowingly commits or commits with plain indifference to the law. The employer either knows that what he or she is doing constitutes a violation, or is aware that a hazardous condition existed and made no reasonable effort to eliminate it. Penalties of up to \$161,323 (increased from \$156,259) for each willful violation can be imposed. A penalty for a willful violation may be adjusted downward, depending on the size of the business and its history of previous violations. Usually, no credit is given for good faith. If an employer is convicted of a willful violation that has resulted in the death of an employee, the offense is punishable by a court-imposed fine or by imprisonment for up to six months, or both. A fine of up to \$250,000 for an individual, or \$500,000 for a corporation, may be imposed for a criminal conviction.

**Repeat Violation** – A violation of any standard, regulation, rule, or order where, upon re-inspection, a substantially similar violation can bring a fine of up to \$161,323 (increased from \$156,259) per violation. To be the basis of a repeated citation, the original citation must be final; a citation under contest may not serve as the basis for a subsequent repeated citation.

**Failure to Abate Prior Violation** – Failure to abate a prior violation may bring a civil penalty of up to \$16,131 (increased from \$15,625) for each day the violation continues beyond the prescribed abatement date.



# Monthly Toolbox Talk

## Slips, Trips, and Falls – Winter Safety Tips

### Introduction/Overview:

In 2022, 5,486 workers in the United States suffered fatal work injuries, a 5.7% increase from 2021. Slips, trips, and falls accounted for 865 fatalities up from 850 in 2021. Most fatalities in this category (80.9 percent) were due to falls to lower levels, which had 700 fatalities in 2022. This was a 2.9-percent increase from 680 fatalities in 2021.

With the arrival of winter weather, your chance of having a slip, trip, or fall rises considerably. Most wintertime incidents occur on parking lots, roadways, driveways, and walkways while walking between the workplace and vehicles. Indoor hazards also exist at entryways, hallways, and other rooms where ice and snow have been tracked in from outside.

The presence of snow and ice throughout the jobsite affects all workers and may even lead to the halt of all jobsite activities. Special attention should be paid to elevated work locations, such as roof tops, steel decking, scaffolds, and stairs. Workers should not perform work in these areas when covered by snow or ice. Mobile elevated work platforms (MEWPs) such as aerial lifts and scissor lifts should be inspected for such hazards prior to use. Unprotected, unheated structures may also present more frequent walking surface hazards during inclement weather.

### Statistics:

In 2022, 395 or 37% of the 1069 fatalities in the Construction industry were a result of falls from elevation. Non-fatal slips, trips, and falls also resulted in a significant number of lost workday cases. According to the Bureau of Labor Statistics 17% of fatal falls resulted from falls on the same level from slips and trips.

### Talking Points:

- When walking on an icy or snow-covered walkway, take short steps and walk at a slower pace. Take shorter strides and step flat-footed as opposed to striking the heel first.
- Do not walk with your hands in your pockets and avoid carrying items in your hands.
- Avoid stairways and curbs that have not been cleared. Always use the handrail and plant your feet firmly on each step.
- Watch for black ice, especially in areas that have been cleared of snow. Dew, fog, or water vapor can freeze on cold surfaces, forming a nearly invisible ice layer. Test any surface that appears wet before walking on it.
- Use extra care when entering and exiting vehicles and use the vehicle for support.
- Upon entering a building, watch for slippery floors. Remove as much snow from your footwear as possible before entering the building.
- Appropriate footwear is a must for winter weather. Ice cleats should be considered.
- Be prepared to fall. Avoid using your arms to break your fall. Tuck your chin toward your chest if you fall back to avoid striking the back of your head.

