



## Large Number of Trench Collapse Fatalities in 2016 May Shift OSHA's Focus

Since OSHA published safety standards regarding trenching and excavation safety in 1989, fatalities involving trench collapses have fallen dramatically. However, OSHA has reported that 24 employees died as a result of trench collapses since the beginning 2016—more than double the number that occurred in 2015.

Although OSHA is aware of the alarming number of fatalities, the agency still has not determined how safety issues involving trench collapses will be addressed. However, OSHA believes that simply making its staff aware of the problem isn't enough.

In Tennessee, an employee died after a trench collapsed—the first such incident to occur in the state in more than five years. As a result, OSHA's state agency in Tennessee now considers excavation hazards an "imminent danger" and has pulled a state inspector off of a general scheduled inspection to investigate trench exposures. However, it's unknown if OSHA will extend these practices into other states.

Although OSHA's trench and excavation standards are meant to protect employees, it's important for employers to take a proactive role by training employees on how to recognize trench hazards. Additionally, it's likely that OSHA will focus on compliance with trench safety standards as a way to reduce the number of fatalities in 2017.

## NEWS & NOTES

### Two Major OSHA Rules to Consider in Early 2017

OSHA frequently introduces or revises safety rules to remain up to date with new technologies and workplace procedures. In early 2017, two new major rules regarding injury and illness reporting will be in effect that all employers and establishments should be aware of.

OSHA's **electronic reporting rule** will require some establishments to electronically submit data from their work-related injury records to OSHA. This rule becomes effective on Jan. 1, 2017. Under the new rule, establishments with 250 or more employees must electronically submit data from their OSHA 300, 300A and 301 forms. OSHA will then remove any personally identifiable information (PII) and post the establishment-specific data on its website.

In response to the electronic reporting rule, OSHA released an **anti-retaliation rule** that went into effect on Dec. 1, 2016. This rule includes two major requirements for employers:

- Employers must inform their employees that they have a right to report work-related injuries and illnesses without any form of retaliation.
- Employer must ensure that "reasonable" procedures are in place for employees to report work-related injuries and illnesses.

Because these two new rules may dramatically change how establishments and employees report injuries and illnesses, it's important for employers to understand their reporting responsibilities. For more information, contact us today and ask for our two compliance bulletins, "OSHA Issues Final Rule on Electronic Reporting" and "OSHA's Anti-retaliation Rules to Take Effect Dec. 1, 2016."



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