

OSHA Requirements for Small Business

By: David Tetzlaff, Esq.

<http://commercialcounselor.com/>

The Occupational Safety and Health Administration (OSHA) is part of the US Department of Labor. It was created “to assure safe and healthful working conditions for working men and women by setting and enforcing standards and by providing training, outreach, education and assistance.” [[OSHA Website](#)]

OSHA has more than 2000 inspectors who conduct business inspections without notice. Their goal is to “assure compliance with OSHA requirements and help employers and workers reduce on-the-job hazards and prevent injuries, illnesses, and deaths in the workplace.” [[OSHA Fact Sheet](#)]

The burden of complying with OSHA rules and regulations, and the risk of unannounced inspections, can be burdensome on any business, notwithstanding the worthwhile aims of the agency.

Small businesses are especially impacted by government rules based on their limited resources. But OSHA (as with many other agencies) exempts certain small businesses from complying with some or all of its rules and regulations. These include:

. . . **Illness and Injury Records:** If your company had ten (10) or fewer employees at all times during the last calendar year, you do not need to keep OSHA injury and illness records (unless OSHA or the Bureau of Labor statistics informs you in writing that you must keep records). Note that the exemption for maintaining illness and injury records does not relieve employers covered by the OSH Act from reporting to OSHA any workplace incident that results in a fatality or the hospitalization of three or more employees. [[OSHA Website](#)]

. . . **Low Hazard Industries and Workplace Inspections:** Small businesses with ten (10) or fewer employees in certain low hazard industries, such as eating and drinking establishments and apparel stores, are exempt from OSHA inspections. You should consult with an attorney to confirm whether your business falls into one of the many low hazard industries recognized by OSHA for this purpose.

. . . **Not Covered By OSHA:** Certain employers are exempt from the Occupational Health and Safety Act in its entirety. These include, among others, the self-employed, farms employing only immediate family members, workers employed by persons in their own homes in domestic, housecleaning and child care roles, and employers whose working conditions are regulated by another federal agency or federal statute (e.g. the nuclear energy industry and many transportation-related businesses).

The list of exemptions above is not complete and you should consult with an attorney regarding your own business and the applicability of OSHA rules and regulations. In addition, OSHA requirements may vary based on the unique facts and circumstances surrounding your business. An experienced attorney can help you in determining how these OSHA rules apply to your unique facts and circumstances.

Regardless of exemption, all businesses should recognize the importance of having a safety program in place and promoting a safe work environment.

Link to original article: <http://commercialcounselor.com/osha-requirements-for-small-business/>

For over 35 years small businesses, major corporations, public entities, individuals and insurance companies have depended on Tharpe & Howell, LLP, to deliver pragmatic, innovative, cost-effective civil litigation and

transactional solutions. For more information, please contact us at (818) 473-5720 or email your request to cabusinesslawreport@tharpe-howell.com.