

COMPLIANCE OVERVIEW

Provided by Hierl Insurance Inc.

OSHA Penalty Schedule

An employer receives a written citation when it violates OSHA standards or regulations. The citation will describe the particular nature of the violation and will include a reference to the provision of the chapter, standard, rule, regulation or order the employer violated.

In addition, the citation will provide a reasonable amount of time for the employer to correct the problem. When the violation does not pose a direct or immediate threat to safety or health (*de minimis* violation), OSHA may issue a notice or warning instead of a citation.

An employer that receives a citation must post a copy of it at or near the place where the violation occurred. The notice must remain on display for three days or until the violation is corrected, whichever is longer. Penalties may be adjusted depending on the gravity of the violation and the employer's size, history of previous violations and ability to show a good faith effort to comply with OSHA requirements.

LINKS AND RESOURCES

- OSHA enforcement [website](#)
- OSHA penalties [website](#)
- OSHA penalty adjustment [rule](#) and [FAQs](#)

HIGHLIGHTS

OSHA CITATIONS

- Citations must describe the particular nature of the violation.
- OSHA will provide a reasonable time to correct the problem.
- Citations must be posted at or near the location where the violation occurred and must remain on display until the violation is corrected.

2019 PENALTIES

- \$13,260 per serious, other-than-serious and posting violation
- \$13,260 per day for failure to abate a violation
- \$132,598 per willful or repeated violation

This Compliance Overview is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice.



CURRENT PENALTIES

Below is a list of potential citations employers may receive and a range of corresponding penalties for these citations.

VIOLATION	CURRENT PENALTY
De minimis violation	Warning
Other-than-serious violation	Up to \$13,260 per violation
Serious violation A violation where there is a substantial probability that death or serious physical harm could result from an employer's practice, method, operation or process. An employer is excused if it could not reasonably know of the presence of the violation.	Up to \$13,260 per violation
Willful or repeated violation A violation is willful when committed intentionally and knowingly. The employer must be aware that a hazardous condition exists, know that the condition violates an OSHA standard or other obligation, and make no reasonable effort to eliminate it.	Between \$9,472 and \$132,598 per violation
Repeated violation A violation is repeated when it is substantially similar to a violation that was already present in a previous citation.	Up to \$132,598 per violation
Willful violation resulting in death of employee	Up to \$10,000 and/or imprisonment for up to six months. Penalties may double for a second or higher conviction.
Uncorrected violation	Up to \$13,260 per day until the violation is corrected
Making false statements, representations or certifications	Up to \$10,000 and/or imprisonment for up to six months
Violation of posting requirements	Up to \$13,260 per violation
Providing unauthorized advance notice of inspection	Up to \$1,000, imprisonment for up to six months or both

ANNUAL ADJUSTMENTS

Current laws allow OSHA to adjust the maximum penalty amounts every year to account for the cost of inflation, as shown by the consumer price index (CPI). If OSHA plans to adjust penalty amounts, it must signal its intention by Jan. 15 of each year.