

## **Alert | Labor & Employment**



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### **DOL Increases Maximum Penalty Amounts for OSHA Violations**

On Jan. 2, 2018, the United States Department of Labor issued a [Federal Register notice](#) increasing the maximum penalty amounts for violations of federal Occupational Safety and Health standards and regulations. Under the new penalty structure, the maximum penalty allowed for “serious” and “other-than-serious” violations is \$12,934. In addition, the maximum penalty allowed for “failure-to-abate” violations is \$12,934 *each day* that an employer fails to abate the specific violation. Finally, the maximum penalty allowed for “willful” and “repeat” violations is \$129,336, ten times the maximum permitted for “serious” and “other-than-serious” violations. States that have their own occupational safety and health standards and regulations must also raise their maximum penalty amounts for violations by the same amount. Going forward, the maximum penalty amounts will be increased every year to adjust for the rate of inflation.

The regulated community should take notice of these continuing increases in the maximum penalty amounts for OSHA violations. Companies should seriously consider the immediate and future monetary risks associated with accepting proposed OSHA citations and penalties as written. While accepting a proposed “serious” citation item with a small penalty may not be financially problematic, a company may nonetheless be exposing itself to significant monetary risk down the road. Indeed, OSHA could use the company’s acceptance of the proposed “serious” citation item to issue a “willful” or “repeat” violation to the company at a later date. The likelihood of this happening increases if the company has multiple facilities or worksites or if OSHA tends to inspect its industry on a continuing basis, for whatever reason. In a few years, the maximum penalty amount for a single “willful” or “repeat” violation may be close to \$150,000, depending on the rate of inflation over time.

## Author

This was prepared by **Michael T. Taylor\***. Questions about this information can be directed to:

- **Michael T. Taylor\*** | +1 703.749.1387 | [taylormt@gtlaw.com](mailto:taylormt@gtlaw.com)
- Or your **Greenberg Traurig** attorney

\* Admitted in the District of Columbia and Georgia. Not admitted in Virginia. Practice in Virginia limited to federal OSHA and proceedings before federal agencies.

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