

DID YOUR COMPANY MISS THE MARCH 2 OSHA ELECTRONIC RECORDKEEPING DEADLINE? HERE'S YOUR 6-STEP RECOVERY PLAN

Insights
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If your company was supposed to submit injury and illness data to OSHA's Injury Tracking Application (ITA) by March 2 but didn't, you're not alone. We're getting reports on an almost-daily basis from employers who are just now realizing that they missed this key deadline. The good news is that you can set things straight and fix the situation, but you need to act quickly. Here's a practical breakdown of your exposure and your best six-step path forward.

What's Required and Who's Covered

Federal OSHA regulations require certain employers to electronically submit workplace injury and illness data each year through the ITA portal. The most recent March 2 deadline applied to three groups:

- Establishments with **20–249 employees** in designated higher-hazard industries
- Establishments with **250 or more employees** that are subject to OSHA's recordkeeping rules generally
- Establishments with **100 or more employees in specific high-hazard industries** (per OSHA's Appendix B list, which includes general warehousing and storage), who must also submit detailed case-level Form 300 and 301 data

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The Real Risk is a Full Workplace Inspection

Most employers fixate on the penalty for a late or missed filing. That's understandable, but it's actually the smaller concern.

Fine Danger is Lower Than You'd Think

Yes, OSHA can issue an Other-Than-Serious citation for the non-submission itself. The statutory maximum is \$16,550. But in practice, first-time violations are typically assessed at a fraction of that. A review of recent enforcement data shows final penalties for first-time violations commonly landing between \$0 and approximately \$1,865, with several citations ultimately resulting in \$0.

Inspection Risk is Far Bigger Concern

The bigger risk: OSHA uses non-filer data to generate its Site-Specific Targeting (SST) inspection list. Under OSHA's SST program, establishments that failed to submit their Form 300A data are placed into a "non-responder pool," from which OSHA randomly selects facilities for programmed inspections.

These SST inspections are a wall-to-wall experience that you'd rather avoid. The OSHA compliance officer evaluates hazards across your entire facility, including machine guarding, lockout/tagout, fall protection, hazard communication, and more. Any violations found during that inspection are cited independently, at significantly higher penalty ranges than a recordkeeping citation.

OSHA's Clock Is Ticking, But It Has a Hard Stop

Here's an important legal boundary worth understanding: OSHA has a six-month window to issue a citation for a missed annual submission. For the March 2 deadline, that window closes September 2, 2026.

This limit is grounded in Section 9(c) of the OSH Act and has been confirmed by federal courts, including the 2012 DC Circuit's decision in *AKM LLC v. Secretary of Labor* (known as the "Volks" decision) and the 5th Circuit's agreement in 2016's *Delek Refining, Ltd. v. OSHRC*. OSHA cannot extend this deadline by arguing it didn't "discover" the violation until later. *(Note: a few state plans don't abide by the Volks decision and the six-month statute of limitations. Check with your FP safety counsel if you have questions.)*

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That said, the September 2 cutoff applies to the paperwork citation itself. It does not prevent an SST inspection from being opened, as SST lists are compiled after each data year closes and remain active for roughly two years. And if an inspection is opened for any other reason before September 2, the compliance officer will also cite the missed filing as a matter of course.

One more nuance worth knowing: if OSHA sends a citation, preserve the original envelope. Under controlling case law, a citation is only considered “issued” when it is signed, dated, and mailed. If postmark evidence shows it was deposited after the six-month cutoff, even by one day, that citation may be vulnerable to dismissal.

What Are the Actual Odds of Getting Hit?

Realistically, they’re low, but not zero, and not evenly distributed.

Historically, the non-filer pool has been large. In one benchmark filing cycle, over 200,000 employers failed to submit, and OSHA only conducted a few hundred SST inspections from that pool. Direct paperwork citations for non-submission (without a separate inspection) are also a small fraction of the non-filer pool. The agency simply doesn’t have the enforcement bandwidth to pursue every missed filing.

Where the risk increases: high-hazard industries (warehousing, manufacturing, transportation, healthcare), larger establishments, and employers with prior OSHA history. OSHA’s analytics are more sophisticated now than in previous cycles, and the non-filer targeting is more refined. The practical takeaway is that the risk is low but real, and completely avoidable with one action.

Your 6-Step Action Plan

1. Submit your CY 2025 data now.

Do this first. Late submission, even significantly after the deadline, moves your establishment out of the non-responder pool. OSHA’s general enforcement practice is not to cite employers who submit before a citation is issued. It also protects you if OSHA shows up for an SST inspection. The directive expressly provides that the inspection is

terminated if you can document submission at the opening conference.

2. Check prior years, too.

If your organization may have missed submissions in prior years (CY 2023 or CY 2024), file those as well. SST inspection lists draw from prior data years and remain active for approximately two years.

3. Confirm your physical posting obligation.

Separate from the electronic submission, OSHA requires employers to post the Form 300A summary at each establishment from February 1 through April 30. This obligation applies broadly, regardless of whether electronic submission is required. If you haven't posted, do so immediately.

4. Make sure your underlying records are in order.

Your Form 300 Log and Form 301 Incident Reports need to be maintained for five years. Unlike the annual filing obligation, this is a continuing obligation. This means that OSHA can cite missing or incomplete records throughout the retention period, regardless of the six-month citation window that applies to the filing deadline itself.

5. Get ahead of multi-entity complexity.

If your organization operates multiple establishments, make sure you've assessed each one individually. Filing obligations are establishment-specific, and a missed submission at one location doesn't automatically mean another location is compliant.

6. Contact your FP safety counsel.

If you've received or are concerned about receiving a citation or inspection notice, loop in your FP safety counsel promptly. There are defenses available, and the procedural record (including envelope postmarks and submission documentation) can matter.

Conclusion

Fisher Phillips will continue to monitor OSHA enforcement trends and update employers as needed, so make sure you are signed up for [Fisher Phillips' Insight System](#) to receive

updates straight to your inbox. If you have questions about your recordkeeping obligations or your response to an OSHA citation or inspection, contact your Fisher Phillips attorney, the authors of this Insight, or any member of our [Workplace Safety and Catastrophe Management Practice Group](#).