

# OSHA Increases Penalties for 2023

By Kristina H. Vaquera &

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## Related Services

Workplace Safety and Health

The Occupational Safety and Health Administration (OSHA) has increased its minimum and maximum penalties for workplace safety and health violations by 7.7 percent effective January 17, 2023.

Today, a “serious” violation can cost up to \$15,625, and a “willful” or “repeat” violation can cost up to \$156,259.

OSHA increases maximum penalties to adjust for inflation at the beginning of each calendar year. The agency’s 2021 inflation increase was 6.2 percent. OSHA also requires state plans to increase their penalties in alignment with OSHA’s increases.

In 2021, a Congressional committee proposed maximum penalties of \$70,000 for a “serious” violation and \$700,000 for a “willful” or “repeat” violation. The recommendation, however, failed to make its way into the 2022 Inflation Reduction Act.

Taking a critical look at the legal merits of the citation – and considering a contest if a viable defense is available – is often worth the effort. OSHA citations carry many hidden costs beyond monetary penalties. A “serious” violation may prove more costly than the few thousand dollars saved by early settlement. Taking a cut on the monetary penalty while allowing OSHA to enter a Final Order with a violation on record can set an employer up for a potential “repeat” violation. Large employers with complex operations and multiple worksites are particularly vulnerable to these “repeat” violation and can often be the employers receiving penalties exceeding \$1 million.

If you have questions or need assistance on OSHA inspections and citations, please reach out to the Jackson Lewis attorney with whom you regularly work, or any member of our Workplace Safety and Health Practice Group.

(Law clerk Enaita Chopra contributed significantly to this article.)

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