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DEPARTMENT OF LABOR

Occupational Safety & Health Administration

OSHA Home

[OSHA News Release - Table of Contents](#)

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US Department of Labor's OSHA takes action to protect America's workers with severe violator program and increased penalties

WASHINGTON -- Every day, about 1.4 Americans fail to come home from work to their families. Tens of thousands die from workplace disease and more than 4.6 million workers are seriously injured on the job annually. The U.S. Department of Labor's Occupational Safety and Health Administration, in an effort to address urgent safety and health problems facing Americans in the workplace, is implementing a new Severe Violator Enforcement Program and increasing civil penalty amounts.

"For many employers, investing in job safety happens only when they have adequate incentives to comply with OSHA's requirements," said Assistant Secretary of Labor for OSHA Dr. David Dr. Michaels. "Higher penalties and more aggressive, targeted enforcement will provide a greater deterrent and further encourage these employers to furnish safe and healthy workplaces for their employees."

The new Severe Violator Enforcement Program is intended to focus OSHA enforcement resources on recalcitrant employers who endanger workers by demonstrating indifference to their responsibilities under the law. This supplemental enforcement tool includes increased OSHA inspections in these worksites, including mandatory OSHA follow-up inspections, and inspections of other worksites of the same employer where similar hazards and deficiencies may be present. SVEP will become effective within the next 45 days. For more information, visit <http://www.osha.gov/dea/svep-directive.pdf>.

"SVEP will help OSHA concentrate its efforts on those repeatedly recalcitrant employers who fail to meet their obligations under the Occupational Safety and Health Act. It will include a more intense examination of an employer's practices for systemic problems that would trigger additional mandatory inspections," said Michaels.

Last year, OSHA assembled a work group to evaluate its penalty policies and found currently assessed penalties are too low to have an adequate deterrent effect. Based on the group's findings and recommendations, several administrative changes to the penalty calculation system, outlined in the agency's Field Operations Manual, are being made. These administrative enhancements will become effective in the next several months. The penalty changes will increase the overall dollar amount of all penalties while maintaining OSHA's policy of reducing penalties for small employers and those acting in good faith.

The current maximum penalty for a serious violation, one capable of causing death or serious physical harm, is only \$7,000 and the maximum penalty for a willful violation is \$70,000. The average penalty for a serious violation will increase from about \$1,000 to an average \$3,000 to \$4,000. Monetary penalties for violations of the OSH Act have been increased only once in 40 years despite inflation. The Protecting America's Workers Act would raise these penalties, for the first time since 1990, to 12,000 and \$250,000, respectively. Future penalty increases would also be tied to inflation. In the meantime, OSHA will focus on outreach in preparation of implementing this new penalty policy. For more information on the penalty policy, visit <http://www.osha.gov/dea/penalty-change-memo.pdf>.

"Although we are making significant adjustments in our penalty policy within the tight constraints of our law, this administrative effort is no substitute for the meaningful and substantial penalty changes included in PAWA," said Dr. Michaels. "OSHA enforcement and penalties are not just a reaction to workplace tragedies. They serve an important preventive function. OSHA inspections and penalties must be large enough to discourage employers from cutting corners or underfunding safety programs to save a few dollars."

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[OSHA News Release - Table of Contents](#)

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A to Z Index | En Español | Contact Us | What's New | About OSHA

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