

# OSHA Increases Penalties for 2023

By Kristina H. Vaquera &

January 31, 2023

## Meet the Authors



### Kristina H. Vaquera

Office Managing Principal and

Office Litigation Manager

(757) 648-1448

[Kristina.Vaquera@jacksonlewis.com](mailto:Kristina.Vaquera@jacksonlewis.com)

## 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.)

©2023 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 1000+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.