



December 20, 2022

MEMORANDUM FOR: REGIONAL ADMINISTRATORS

THROUGH: AMANDA L. EDENS *Amanda J. Edens*
Deputy Assistant Secretary

FROM: *Kimberly Stille*
KIMBERLY A. STILLE, Director
Directorate of Enforcement Programs

FROM: SCOTT C. KETCHAM, Director *Scott C. Ketcham*
Directorate of Construction

SUBJECT: 2023 Annual Adjustments to OSHA Civil Penalties

I. Purpose.

The penalty information included in this memorandum is intended to supplement the penalties and debt collection information found in Chapter 6 of the Field Operations Manual (FOM). Tables included in this memorandum reflect penalty amounts for calendar year 2023 and correspond to adjusted penalty amounts found in OSHA Information Systems (OIS). OSHA updates this information annually to ensure access to current penalty information.

II. Background.

On November 2, 2015, the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 was enacted, which further amended the Federal Civil Penalties Inflation Adjustment Act of 1990 as previously amended by the 1996 Debt Collection Improvement Act (collectively, the "Prior Inflation Adjustment Act"), to improve the effectiveness of civil monetary penalties and maintain their deterrent effect. The Inflation Adjustment Act required agencies to: (1) adjust the level of civil monetary penalties with an initial "catch-up" adjustment through an interim final rule and (2) make subsequent annual adjustments for inflation, no later than January 15 of each year.

The cost-of-living adjustment multiplier for 2023, based on the Consumer Price Index for All Urban Consumers for October 2022 (not seasonally adjusted), is 1.07745. To compute the 2023 annual adjustment, the Department multiplied the most recent penalty amount for each applicable penalty by the multiplier, 1.07745, and rounded to the nearest dollar. The adjustment factor of 1.07745 is consistent across the minimum and maximum penalties set forth in the Occupational Safety and Health Act and the FOM.

III. Minimum and Maximum Penalty Amounts.

Table 1 summarizes the minimum and maximum amounts for proposed civil penalties:

Table 1: Maximum and Minimum Amounts for Civil Penalties

Type of Violation	Penalty Minimum	Penalty Maximum
Serious	\$1,116 per violation	\$15,625 per violation
Other-Than-Serious	\$0 per violation	\$15,625 per violation
Willful or Repeated	\$11,162* per violation	\$156,259 per violation
Posting Requirements	\$0 per violation	\$15,625 per violation
Failure to Abate	N/A	\$15,625 per day unabated beyond the abatement date [generally limited to 30 days maximum]

* For a repeated other-than-serious violation that otherwise would have no initial penalty, a GBP penalty of \$446 shall be proposed for the first repeated violation, \$1,116 for the second repeated violation, and \$2,232 for a third repetition.

IV. Gravity Based Penalty Amounts.

The gravity of a violation is defined by the Gravity Based Penalty (GBP).

- A **high gravity** violation is one with a GBP of \$15,625.
- A **moderate gravity** violation is one with the GBP ranging from \$8,929 to \$13,394.
- A **low gravity** violation is one with a GBP of \$6,696.

For serious violations, the GBP shall be assigned on the basis of the following scale in Table 2:

➤ **Severity + Probability = GBP**

Table 2: Serious Violations

Severity	Probability	GBP	Gravity	OIS Code
High	Greater	\$15,625	High	10
Medium	Greater	\$13,394	Moderate	5
Low	Greater	\$11,162	Moderate	5
High	Lesser	\$11,162	Moderate	5
Medium	Lesser	\$8,929	Moderate	5
Low	Lesser	\$6,696	Low	1

For other-than-serious violations, only minimal severity is assigned. If the Area Director determines that it is appropriate to achieve the necessary deterrent effect, a maximum penalty of \$15,625 may be proposed.

V. Serious Willful Penalty Reductions.

The reduction factor for history shall be applied as usual. The reduction factors for size for serious willful violations shall be applied as shown in Table 3:

Table 3: Serious Willful Penalty Reductions

Employees	Percent reduction
10 or fewer	80
11-20	60
21-30	50
31-40	40
41-50	30
51-100	20
101-250	10
251 or more	0

If you have any questions regarding the above, please contact Kimberly Stille in the Directorate of Enforcement Programs at (202) 693-1850.