

VOSHA Penalty Adjustments for 2022

Background

§ 210. PENALTIES

(9) (A) As provided under the federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 and the Act, the penalties provided in subdivisions (1), (2), (3), (4), (5), and (8) of this subsection shall annually, on January 1, be adjusted to reflect the increase in the Consumer Price Index, CPI-U, U.S. City Average, not seasonally adjusted, as calculated by the U.S. Department of Labor or successor agency for the 12 months preceding the previous December 1.


(B) The Commissioner shall calculate and publish the adjustment to the penalties on or before January 1 of each year, and the penalties shall apply to fines imposed on or after that date.

VOSHA Gravity Based Penalties; Effective February 1, 2021

| Sev./Prob. | Penalty | # of employees | | | | |
|---------------------|-----------------|----------------|----------------|----------------|-----------------|-----------------|
| | | 1-25; 70% | 26-50; 40% | 51-100; 30% | 101-250; 10% | 251+; 0% |
| High/Greater | \$13,653 | \$4,096 | \$8,192 | \$9,557 | \$12,288 | \$13,653 |
| Med./Greater | \$11,703 | \$3,511 | \$7,022 | \$8,192 | 10,533 | \$11,703 |
| Low/Greater | \$9,753 | \$2,926 | \$5,852 | \$6,827 | \$8,778 | \$9,753 |
| High/lesser | \$9,753 | \$2,926 | \$5,852 | \$6,827 | \$8,778 | \$9,753 |
| Med./Lesser | \$7,802 | \$2,341 | \$4,681 | \$5,461 | \$7,022 | \$7,802 |
| Low/Lesser | \$5,851 | \$1,755 | \$3,510 | \$4,096 | \$5,266 | \$5,851 |

VOSHA Gravity Based Penalties for Serious Willful; Effective February 1, 2021

| Serious Willful | Penalty | # Of Employees | | | | | | | |
|-------------------------|------------------|-----------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|------------------|
| | | 1-10;80% | 11-25;70% | 26-30;50% | 31-40; 40% | 41-50;30% | 51-100;20% | 101-250;10% | 251+;0% |
| High Gravity | \$136,532 | \$27,306 | \$40,960 | \$68,266 | \$81,919 | \$95,572 | \$109,226 | \$122,879 | \$136,532 |
| Moderate Gravity | \$117,024 | \$23,405 | \$35,104 | \$58,512 | \$70,214 | \$81,917 | \$93,619 | \$105,322 | \$117,024 |
| Low gravity | \$97,524 | \$19,505 | \$29,257 | \$48,762 | \$58,514 | \$68,267 | \$78,019 | \$87,772 | \$97,524 |



Federal Penalty cost of living multiplier for 2022 of 1.06222, reflects increases in the Consumer Price Index calculated prior to January 1, 2022



NOTICE!

**PENALTY ADJUSTMENTS FOR THE CALENDAR YEAR 2022, WILL GO INTO
AFFECT ON FEBRUARY 1, 2022**

VOSHA Gravity Based Penalties; Effective February 1, 2022

| Sev./Prob. | Penalty | # of employees | | | | |
|---------------------|-----------------|----------------|----------------|-----------------|-----------------|-----------------|
| | | 1-25; 70% | 26-50; 40% | 51-100; 30% | 101-250; 10% | 251+; 0% |
| High/Greater | \$14,502 | \$4,350 | \$8,702 | \$10,151 | \$13,051 | \$14,502 |
| Med./Greater | \$12,431 | \$3,729 | \$7,458 | \$8,702 | 11,188 | \$12,431 |
| Low/Greater | \$10,360 | \$3,108 | \$6,216 | \$7,252 | \$9,324 | \$10,360 |
| High/lesser | \$10,360 | \$3,108 | \$6,216 | \$7,252 | \$9,324 | \$10,360 |
| Med./Lesser | \$8,287 | \$2,486 | \$4,972 | \$5,801 | \$7,458 | \$8,287 |
| Low/Lesser | \$6,215 | \$1,865 | \$3,729 | \$4,350 | \$5,594 | \$6,215 |

Note: These penalty amounts will be effective February 1, 2022

VOSHA Gravity Based Penalties for Serious Willful; Effective February 1, 2022

| Serious Willful | Penalty | # Of Employees | | | | | | | |
|-------------------------|------------------|-----------------|-----------------|-----------------|-----------------|------------------|------------------|------------------|------------------|
| | | 1-10;80% | 11-25;70% | 26-30;50% | 31-40; 40% | 41-50;30% | 51-100;20% | 101-250;10% | 251+;0% |
| High Gravity | \$145,027 | \$29,005 | \$43,508 | \$72,514 | \$87,016 | \$101,519 | \$116,022 | \$130,524 | \$145,027 |
| Moderate Gravity | \$124,305 | \$24,861 | \$37,292 | \$62,153 | \$74,583 | \$87,013 | \$99,444 | \$111,874 | \$117,024 |
| Low gravity | \$103,592 | \$20,718 | \$31,078 | \$51,796 | \$62,155 | \$72,514 | \$82,873 | \$93,233 | \$103,592 |

Note: These are the penalty amounts effective February 1, 2022

Note: Failure to Abate and Repeat citations up to \$145,027 per citation

How To Avoid VOSHA Penalties

- ▶ The best way for employers to avoid exposure to increased VOSHA penalties is to proactively address workplace hazards before a VOSHA inspector arrives at the work site:
- ▶ **CONTACT THE CONSULTATION SERVICES DIVISION, Project WorkSAFE**

Project WorkSAFE

- ▶ The Vermont Department of Labor offers **free On-Site Consultation Services** to help employers better understand and voluntarily comply with VOSHA standards. Priority is given to high hazard workplaces with **250 or fewer employees** and all services are offered to employers at no cost.
- ▶ On-Site Consultation Services helps employers identify and correct potential safety and health hazards through walk-through surveys (**without citations or penalties**), provide abatement advice, provide on-site training, and provide **program assistance to develop safety and health programs.**
- ▶ Additional information about On-Site Consultation Services can be obtained by contacting the Vermont Department of Labor, Project WorkSAFE at <https://labor.vermont.gov/project-worksafe> or by calling toll free 1 (888) 723-3937



For More Information on VOSHA Penalties Contact

Daniel Whipple, VOSHA Program Manager
P.O. Box 488
Montpelier, VT 05601-0488
802-828-5084 dan.whipple@vermont.gov