

AKOSH Civil Penalties Fact Sheet

- **What is changing?**

Currently, when an employer violates an occupational safety or health standard, Alaska Occupational Safety and Health (AKOSH) may issue a civil penalty. The amount of the penalty is limited to a maximum amount based on its type in Alaska Statute 18.60.095. Beginning October 20th, 2018, these maximum penalties (and one minimum) will be adjusted for inflation back to 1990. After that, the penalties will be adjusted yearly by February 1st of each year.

- **Why are the maximum penalties changing?**

In 2016, federal OSHA began adjusting their penalties yearly as a result of the 2015 Federal Civil Penalties Inflation Adjustment Act Improvements Act. As an OSHA state plan, AKOSH was required to follow suit. House Bill 121 passed in 2018 and allowed AKOSH to come into compliance with this federal requirement.

- **How much are the new penalties? How do they compare to the old ones?**

Penalty Description (AS 18.60.095)	Penalty for a violation before Oct 20, 2018	Penalty for a violation on or after Oct 20, 2018
Willful	minimum \$5,000 maximum \$70,000	★ minimum \$9,239 maximum \$129,336
Repeat	maximum \$70,000	maximum \$129,336
Serious	maximum \$7,000	maximum \$12,934
Other than serious	maximum \$7,000	maximum \$12,934
Failure to correct	maximum \$7,000 for each day the condition continues	maximum \$12,934 for each day the condition continues
Violation of posting requirements	maximum \$7,000	maximum \$12,934

- **If I receive a citation for violating a standard, will I have to pay the maximum penalty?**

AKOSH usually assesses penalties far below the statutory maximums, reserving the maximums for the most serious cases. Penalties are calculated based on the gravity of the violation. Penalties may then be reduced 60% or more for small businesses. Penalties are also reduced for 1) employer's good faith efforts and for 2) a history of no violations.

- **Where can I get more information?**

Visit the AKOSH website (<http://labor.alaska.gov/lss/oshhome.htm>) for the full text of this regulation, as well as the current OSH Penalties Publication.

