

Shutdown Guide: Navigating OSHA Compliance During the Federal Government Shutdown

The information below is presented by the Chicagoland Construction Safety Council in partnership with the law firm of Seyfarth Shaw LLP and its Partners, Mark Lies II and Adam Young, who authored this article.

Synopsis: Despite Congress failing to fund the federal government, the Department of Labor and OSHA will continue to operate with a skeleton crew. Citations will still be issued, deadlines remain in effect, and employers must report serious injuries and fatalities.



OSHA Furloughed Most Staff

On October 1, 2025, the federal government entered a shutdown following Congress's failure to fund the government. Pursuant to federal law, non-essential operations of the government have been suspended, with some employees required to continue working without pay.

In 2025, federal OSHA had already faced tremendous attrition with DOGE cuts and voluntary resignations. Under the Department of Labor's written contingency plan, approximately 43% of OSHA's staff was supposed to be furloughed. But this week, OSHA furloughed 1,204 out of 1,664 staff members. Administrative functions have been suspended, including regional offices, regulatory functions, and support staff. Some OSHA management and compliance officers will remain on duty, focusing on high-priority inspections and enforcement.

OSHA State Plan Activity to Continue Uninterrupted

OSHA state plans largely will not be impacted by the federal shutdown. OSHA State Plans are state agencies that enforce OSHA regulations against private employers in 21 states and one territory. While federal oversight of those agencies may be reduced during the shutdown, inspections, citations, and appeals will continue unabated in state plan states.

Ongoing Federal OSHA Inspections

With ~75% of OSHA staff furloughed, most ongoing enforcement activity has been suspended. If you contact an OSHA compliance officer about an ongoing inspection, you likely will receive an out-of-office reply that they are unreachable. OSHA has stated that it will continue some OSHA inspections with its skeleton crew:

- Imminent danger situations
- Workplace fatalities and catastrophes
- Serious safety and health complaints
- Follow-ups on abatement and high-gravity serious violations

New programmed inspections will not be opened.



OSHA Must Issue Citations for Ongoing Inspections

The OSHA Act imposes a six-month statute of limitations to issue citations from the time OSHA becomes aware of a hazard. Accordingly, OSHA must issue citations within six months of the date of an accident, OSHA's receipt of a complaint or an injury report, or OSHA's opening of a programmed inspection. OSHA's deadlines to issue citations have not been stayed and there is no indication that Congress will extend the statute of limitations period during this shutdown. Accordingly, we anticipate that the Agency will still issue citations with pending deadlines during the shutdown. Employers should be prepared to receive and respond to citations even while other government functions are suspended.

Employers Must Comply with Important Deadlines

Notice of Contest. Employers who receive citations must file a Notice of Contest (appeal) within 15 working days after receiving a citation or it will become final. The government shutdown has not stayed that jurisdictional deadline. OSHA has cancelled many informal conferences and will not negotiate a settlement. Accordingly, a failure to file a contest will waive an employer's rights to challenge a citation.

Reporting Injuries: Employers must still report work-related injuries and illnesses as required by law. Even employers in low hazard industries who are not required to keep written OSHA records still face reporting obligations. Federal OSHA regulations require employers to report work-related fatalities within 8 hours, and serious injuries within 24 hours (amputations, loss of eye, or hospitalizations for medical treatment). The employer must analyze whether the incident is work-related and whether it must be reported to OSHA, often within hours of its occurrence. Qualified legal counsel can help advise on reporting obligations and legal analysis.

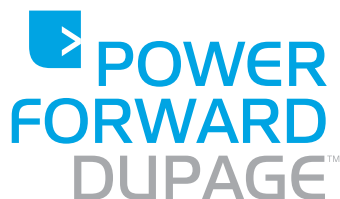
Recording Injuries: Within 7 calendar days of a work-related injury or illness that meets a recording criteria (e.g. days away from work), an employer who is required to maintain an OSHA Form 300 Log must also add the injury to the log and create an OSHA Form 301 Incident Report.

Additional Recommendations

A government shutdown may slow some regulatory and enforcement gears, but occupational safety and health is still vitally important. Employers should not interpret the shutdown as a reprieve from compliance or permission for complacency. Instead, they should remain proactive, monitor developments, and consult legal counsel to navigate the continuing uncertain terrain of the Second Trump Administration.

PowerForward DuPage and the Construction Safety Council are pleased to partner in support of this continued effort to ensure that IBEW contractors and members **Work Smart, Build Safe.**

The Chicagoland Construction Safety Council, located in Hillside, Illinois, has delivered programs and services for more than 30 years in support of its commitment to Safe Workers – Safer Futures. To learn more about its wide range of training opportunities, visit **www.bulldsafe.org**.



28600 Bella Vista Parkway,
Suite 2006, Warrenville, IL 60555
Phone > 630.791.2660 **Fax** > 630.393.3497
Web > www.PowerForwardDuPage.com



The Construction Safety Council, in partnership with the NECA-IBEW 701 Safety Committee, would like to remind you to Work Smart. Build Safe!



Copyright ©2025 PowerForward DuPage. All rights reserved.