

**North Carolina Department of Labor
Occupational Safety and Health**

Raleigh, NC

Field Information System

CPL 2 (05-05)

Subject: Site Specific Targeting

A. Discussion.

This federal instruction describes OSHA's Site Specific Targeting plan for inspections, with a revised site-specific targeting plan for the year 2005. The CPL provides basic information about the OSHA Date Initiative (ODI). The most current version of North Carolina OPN 124 provides state-specific guidance for targeting employers for inspection.

B. Action.

References to the Field Information Reference Manual (FIRM) and Regional Administrator will mean the North Carolina Operations Manual and the appropriate OSH Division management person (District Supervisor, Bureau Chief, or Assistant Director), respectively.

Paragraphs in the CPL 2 (05-05) relating to Primary Inspections Lists (Para. XI.A.1.), assignment of a group of low rate establishments from high rate industries (App. D), Secondary Inspections Lists (Para. XI.B.), Cycle Size (Para. XII.A), and Deletions (Para. XIII) will not be used by OSHNC. OSH Division employees will use this CPL in conjunction with the most current version of OPN 124 as guidance when targeting employers for inspection and when conducting inspections of employers targeted under this program.

C. Effective Date.

This CPL is effective on the date of signature. It will remain in effect until revised or canceled by the Director.

Signed on Original

Anne Weaver

Bureau Chief

Signed on Original

Allen McNeely

Director

10/09/05

Date of Signature



OSHA NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 05-05 (CPL 02) **EFFECTIVE DATE:** August 5, 2005
SUBJECT: Site-Specific Targeting 2005 (SST-05)

ABSTRACT

- Purpose:** This Notice implements OSHA's Site-Specific Targeting 2005 (SST-05) inspection plan, and replaces the April 19, 2004 Notice that implemented OSHA's Site-Specific Targeting 2004 (SST-04) inspection plan. This program does not include construction worksites.
- Scope:** OSHA-wide
- References:** OSHA Instruction CPL 02-00-135, Recordkeeping Policies and Procedures Manual (RKM), December 30, 2004; OSHA Instruction CPL 02-00-025, Scheduling System for Programmed Inspections, January 4, 1995; OSHA Instruction CPL 02-00-103, Field Inspection Reference Manual (FIRM), September 26, 1994; OSHA Instruction CSP 01-00-002, State Plan Policies and Procedures Manual, March 21, 2001; and OSHA Instruction CSP 03-02-002, OSHA Strategic Partnership Program for Worker Safety and Health, December 9, 2004 (effective February 10, 2005).
- Cancellations:** OSHA Notice 04-02 (CPL 02), Site-Specific Targeting 2004 (SST-04), April 19, 2004; Memorandum dated March 31, 2005, from Acting Assistant Secretary Jonathan L. Snare to the Regional Administrators and State Plan Designees, "Site-Specific Targeting 2004 (SST-04): Extension;" Memorandum dated June 6, 2005, from Acting Assistant Secretary Jonathan L. Snare to the Regional Administrators and State Plan Designees, "Site-Specific Targeting 2004 (SST-04): Extension Until July 25, 2005;" and Memorandum dated July 25, 2005, from Acting Assistant Secretary Jonathan L. Snare to the Regional Administrators and State Plan Designees, "Site-Specific Targeting 2004 (SST-04): Extension Until August 29, 2005."

Expiration Date: One year from the effective date, unless replaced earlier by a new Notice. Upon the expiration or replacement of this Notice, inspection cycles already underway must be completed as provided in paragraph XII.A.

State Impact: State adoption required in part. See paragraph VI.

Action Offices: National, Regional, and Area Offices

Originating Office: Directorate of Enforcement Programs

Contact: Directorate of Enforcement Programs
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200 Constitution Avenue, NW, N3119
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202-693-1850

By and Under the Authority of

Jonathan L. Snare
Deputy Assistant Secretary

Executive Summary

This Notice cancels and replaces OSHA Notice 04-02 (CPL 02), Site-Specific Targeting 2004 (SST-04), issued April 19, 2004. Except for construction inspections, which are not conducted pursuant to the SST inspection plan, this Notice explains OSHA's major, current site-specific targeting inspection program.

This Notice defines key terms, describes the three inspection lists, provides scheduling and inspection procedures, and gives information on IMIS coding. Four appendixes give information on the industry groups included in the 2004 OSHA Data Initiative (ODI), provide a checklist for compliance safety and health officers (CSHOs), instruct Area Offices on how to use the Inspection Targeting website, and provide a list of high-rate industries. In addition, the Background section contains a discussion regarding significant comments offered in response to the Agency's Request for Comments on the Site-Specific Targeting (SST) Inspection Program that was published in the Federal Register on May 6, 2004.

Significant Changes

- Change the threshold DART rate and DAFWII case rate for the Primary and Secondary Inspection Lists.
- Increase the number of low-rate establishments from high-rate industries that are added to the Primary Inspection List.
- Revise the provision concerning OSHA's Enhanced Enforcement Program (EEP).
- Add to the Primary Inspection List some establishments that did not respond to the 2004 OSHA Data Initiative survey.
- Add a Tertiary Inspection List.
- Add a provision to clarify procedures when an establishment is an Office Only site.
- Require compliance officers to conduct only a comprehensive safety inspection in most situations.
- Revise the criteria for establishments to receive a "records only" inspection.

TABLE OF CONTENTS

I. PURPOSE.....	1
II. SCOPE.....	1
III. REFERENCES.....	1
IV. CANCELLATIONS.....	2
V. EXPIRATION DATE.....	3
VI. FEDERAL PROGRAM CHANGE	3
A. STATE TARGETING SYSTEMS.....	3
B. DELETIONS AND DEFERRALS	4
C. RELEASE OF DATA	4
VII. BACKGROUND.....	5
A. FEDERAL REGISTER NOTICE.....	5
VII. BACKGROUND.....	8
B. SIC AND NAICS CODES.....	8
VIII. SIGNIFICANT CHANGES	8
IX. ACTION INFORMATION	9
A. RESPONSIBLE OFFICE	9
B. ACTION OFFICES	9
C. INFORMATION OFFICES	9
X. DEFINITIONS.....	9
A. <i>DATA INITIATIVE (A.K.A. DATA SURVEY)</i>	9
B. <i>DAYS AWAY, RESTRICTED, OR TRANSFERRED (DART) RATE</i>	10
C. <i>DAYS AWAY FROM WORK INJURY AND ILLNESS (DAFWII) CASE RATE</i>	10
D. <i>ESTABLISHMENT</i>	10
E. <i>PARTNERSHIP</i>	11
XI. DESCRIPTION OF THE SITE-SPECIFIC TARGETING 2005 (SST-05) PLAN.....	11
A. PRIMARY INSPECTION LIST.....	11
B. SECONDARY INSPECTION LIST	13
C. TERTIARY INSPECTION LIST.....	13
D. INDUSTRIES WITHOUT PERMANENT WORKSITES.....	14
E. ESTABLISHMENTS WITH FEWER THAN 40 WORKERS	14

F. DIFFERENT SIC/NAICS CODES	14
G. DIFFERENT ADDRESS THAN ON ODI DATA SHEET.....	15
H. OFFICE ONLY SITES.....	15
XII. SCHEDULING	15
A. CYCLE SIZE.....	15
B. DEFERRALS	16
C. INSPECTION PRIORITY	17
XIII. DELETIONS	18
A. PREVIOUS INSPECTIONS.....	18
B. PUBLIC SECTOR EMPLOYERS.....	18
C. PARTNERSHIPS	19
D. VPP OR SHARP	19
E. ENHANCED ENFORCEMENT PROGRAM (EEP) INSPECTIONS	19
XIV. INSPECTION PROCEDURES	19
A. SCOPE.	19
B. VERIFY SIC/NAICS CODE.....	20
C. CITATIONS.....	20
D. RECORDKEEPING VIOLATIONS	20
E. COMPLIANCE OFFICERS (CSHOs)	21
F. OWNERSHIP	21
G. CALCULATE DART, AND DAFWII.....	22
XV. RELATIONSHIP TO OTHER PROGRAMS	23
A. UNPROGRAMMED INSPECTIONS.....	23
B. SPECIAL EMPHASIS PROGRAMS	24
C. PROCESS SAFETY MANAGEMENT INSPECTIONS	24
XVI. RECORDING AND TRACKING	24
A. SST-ONLY INSPECTIONS.....	24
B. SST COMBINED WITH UNPROGRAMMED INSPECTIONS	24
C. SST COMBINED WITH NEP OR LEP INSPECTIONS	24
D. EEP CASES AND EEP-RELATED INSPECTIONS.....	25
XVII. DUN & BRADSTREET’S NUMBER.....	25
APPENDIX A – DESCRIPTION OF INDUSTRY GROUPS INCLUDED IN ODI 2004. A-1	
APPENDIX B – COMPLIANCE OFFICER CHECKLIST.....	B-1
APPENDIX C – SST2005 WEB SITE	C-1
APPENDIX D - LIST OF HIGH RATE INDUSTRIES	D-1

- I. Purpose. This Notice implements OSHA's Site-Specific Targeting 2005 (SST-05) inspection plan, and replaces the April 19, 2004 Notice that implemented OSHA's Site-Specific Targeting 2004 (SST-04) inspection plan. This program does not include construction worksites.
- II. Scope. This Notice applies OSHA-wide.
- III. References.
- A. [29 CFR Part 1904, Recording and Reporting Occupational Injuries and Illness](#).
 - B. [29 CFR Part 1908, Consultation Agreements](#).
 - C. [Occupational Injuries and Illnesses; Recording and Reporting Requirements](#), *Federal Register*, January 19, 2001 (66 FR 5915).
 - D. [Revisions to the Voluntary Protection Programs to Provide Safe and Healthful Working Conditions](#), *Federal Register*, July 24, 2000 (65 FR 45650).
 - E. [Nationwide Site-Specific Targeting \(SST\) Inspection Program, Request for Comments](#), *Federal Register*, May 6, 2004 (69 FR 25445).
 - F. [Nationwide Site-Specific Targeting \(SST\) Inspection Program, Extension of Comment Period](#), *Federal Register*, July 12, 2004 (69 FR 41851).
 - G. OSHA Directives.
 - [CPL 02-00-025](#), Scheduling System for Programmed Inspections, January 4, 1995.
 - [CPL 02-00-051](#), Enforcement and Limitations under the Appropriations Act, May 28, 1998.
 - [CPL 02-00-103](#), Field Inspection Reference Manual (FIRM), September 26, 1994.
 - [CPL 02-00-135](#), Recordkeeping Policies and Procedures Manual (RKM), December 30, 2004.
 - [CPL 02-02-045](#), Process Safety Management of Highly Hazardous Chemicals-- Compliance Guidelines and Enforcement Procedures, September 28, 1992.
 - [CSP 01-00-002](#), State Plan Policies and Procedures Manual, March 21, 2001.

- [CSP 02-00-001](#), Consultation Policies and Procedures Manual, August 6, 2001.
 - [CSP 03-01-002](#), Voluntary Protection Programs (VPP); Policies and Procedures Manual, March 25, 2003.
 - [CSP 03-02-002](#), OSHA Strategic Partnership Program for Worker Safety and Health, December 9, 2004 (effective February 10, 2005).
 - [OSHA Notice 04-08 \(CSP 02\)](#), Consultation Policies and Procedures Manual, Chapter 2: OSHA Cooperative Programs, November 24, 2004.
- H. Log Data Collection System Procedures Manual, Version 9.0: 2003 Log Data Collection Initiative.
- I. Bureau of Labor Statistics (BLS), TABLE SNR02. Highest incidence rates of nonfatal occupational injury and illness cases with days away from work, restricted work activity, or job transfer, private industry 2003.
- J. [Memorandum dated September 30, 2003 from Deputy Assistant Secretary R. Davis Layne to Regional Administrators, "Interim Implementation of OSHA's Enhanced Enforcement Program \(EEP\)."](#)
- K. [Memorandum dated October 16, 2003 from Richard E. Fairfax, Director, Directorate of Enforcement Programs, to Regional Administrators, "Enhanced Enforcement Program \(EEP\) IMIS Coding."](#)
- IV. Cancellations.
- A. OSHA Notice 04-02 (CPL 02), Site-Specific Targeting 2004 (SST-04), dated April 19, 2004.
- B. Memorandum dated March 31, 2005, from Acting Assistant Secretary Jonathan L. Snare to the Regional Administrators and State Plan Designees, "Site-Specific Targeting 2004 (SST-04): Extension."
- C. Memorandum dated June 6, 2005, from Acting Assistant Secretary Jonathan L. Snare to the Regional Administrators and State Plan Designees, "Site-Specific Targeting 2004 (SST-04): Extension Until July 25, 2005."

- D. Memorandum dated July 25, 2005, from Acting Assistant Secretary Jonathan L. Snare to the Regional Administrators and State Plan Designees, "Site-Specific Targeting 2004 (SST-04): Extension Until August 29, 2005."
- V. Expiration Date. This Notice will terminate one year from the effective date, unless replaced earlier by a new Notice. Upon the expiration or replacement of this Notice, inspection cycles already underway must be completed as provided in paragraph XII.A.
- VI. Federal Program Change. This Notice describes a Federal OSHA program change for which State adoption is not required. However, States are required to have their own inspection targeting systems (a "core inspection policy"), which must be documented in their State Plans and revised as necessary to reflect current practices, and must include the elements of the plan described in paragraph VI.B.
- A. State Targeting Systems.
1. Targeting options available to States:

Use an existing State-developed high hazard inspection targeting system based on available State data.

Use an existing high hazard inspection targeting system based on OSHA Instruction CPL 02-00-025, which is based on Bureau of Labor Statistics (BLS) injury/illness rate data. (The Office of Statistical Analysis will continue to make these State-specific lists available to a State annually, upon specific request.)

Use the targeting inspection plan set out in this Notice. The plan is based on establishment-specific employer DART and DAFWII data obtained through the 2004 Data Initiative. (The Office of Statistical Analysis will provide a list of high-rate employers within the State and criteria for inspection categories, upon specific request.)
 2. If a State adopts or develops, or revises, an inspection scheduling system different from that indicated in its response to the April 15, 1999 two-way memorandum on scheduling, the State must notify the Regional Administrator of the change and provide a plan supplement describing its inspection targeting program, if it differs from the Federal system outlined in this Notice.

B. Deletions and Deferrals.

1. In accordance with CSP 02-00-001, the Consultation Policies and Procedures Manual (Chapter I, Section IV), States must establish a recognition and exemption program and adopt compliance policies and procedures related to the implementation of the Occupational Safety and Health Administration Compliance Assistance Authorization Act of 1998, which amended the Occupational Safety and Health Act of 1970, and 29 CFR Part 1908, as amended on October 26, 2000. As related to inspection targeting, these include:

Discretionary authority for deferring programmed inspections for applicants working toward exemption program participation (comparable to pre-SHARP) from programmed inspection lists (§1908.7(b)(4)(i)(A)). See paragraph XII.B.4. of this Notice.

Deletions for State recognition and exemption program participants (comparable to SHARP) from programmed inspection lists (§1908.7(b)(4)(i)(B)). See paragraph XIII.D. of this Notice.

2. States may, but are not required to, defer an inspection or assign lower priority, for 90 days, to establishments which have requested a full-service comprehensive consultation visit for safety or health and that visit has been scheduled. See paragraph XII.B.2. of this Notice.
3. OSHA Notice 04-02 (CPL 02), Site-Specific Targeting 2004 (SST-04), dated April 19, 2004, required States to update their inspection targeting systems to reflect the possible deletion of establishments in those programs comparable to pre-SHARP, and those programs comparable to SHARP, as described in paragraph XII of that Notice. This Notice, as described in paragraph XII.B.4., below, clarifies that pre-SHARP establishments are not to be deleted, but may be deferred for up to 18 months. Any State which has not submitted documentation of an identical plan change or a plan supplement for a different change concerning these deletions and deferrals must submit this documentation as soon as possible.

C. Release of Data. OSHA Data Initiative (ODI) data are collected by the States for Federal OSHA under a 100% funded contract and shared with the States as a limited interagency disclosure. Therefore, Federal OSHA is responsible for any release of data to other parties. Any State receiving requests for these data should refer the requester to Federal OSHA.

VII. Background.

- A. Federal Register Notice. On May 6, 2004, OSHA published in the *Federal Register* a request for comments on its Site-Specific Targeting (SST) program, and on July 12, 2004 an extension of time to comment was published in the *Federal Register* (see paragraphs III.E. and III.F., above). OSHA received a little more than 40 comments from representatives of the regulated industries, labor unions, various safety and health professionals, and others.

OSHA has taken some direct actions that are consistent with a number of the comments received. First several organizations noted that targeting health inspections through the SST is not productive. These organizations argued that while the OSHA Form 300 is efficient at gathering injury data resulting from safety hazards, the OSHA log data is not efficient at identifying establishments with health hazards. In the SST-05 plan, compliance officers will conduct comprehensive safety inspections instead of both a comprehensive safety and a comprehensive health inspection. Beginning with SST-05, valuable health inspection resources will only be used in the SST under certain situations; see paragraph XIV.A. Health hazards will mainly be addressed by OSHA's National Emphasis Programs and some of its Local Emphasis Programs.

Second, a number of organizations stated that the use of DART and DAFWII rates can be dramatically influenced by having a few more or a few less cases in a year. They contend that looking at one year of data may not reflect the true safety and health environment of that establishment. In the SST-05 program, a change has been made for determining which establishments will receive a "records only" inspection. If two of an establishment's last three years of DART and DAFWII rates are below twice the private sector 2003 national incidence rates, the establishment will receive a "records only" inspection.

Many comments were submitted that called for changes, not to the SST itself, but to the OSHA Data Initiative (ODI) to expand the amount and type of injury and illness data collected. The comments ranged from expanding the collection to more industries and smaller employers to collecting case characteristic data for focus on particular types of injuries and illnesses. Expansion of the ODI requires permission from the Office of Management and Budget (OMB) and additional funding to support the data collection. While OSHA cannot accomplish this in the short term, it will consider the comments submitted for expansion of future ODI collections.

Commenters also said OSHA should use more current information. The ODI data used in the SST, however, is the most current injury/illness data available. Since data cannot be collected until the calendar year has been completed, a one year lag

is inherent in the survey process. Collection of the previous year data continues through November of the following year (i.e, 2003 data is collected through November 2004). Because the SST spans a year, the data used for the final inspections of a given SST year is two years old. However, provisions in the SST directive call for compliance officers to review an establishment's most current data on-site.

Other commenters stated that OSHA should compare an establishment's rate with the average of its industry (or 4-digit SIC) instead of overall average for the private sector, or consider industry-specific data. The intent of the ODI and the SST program, however, was to get away from industry rates; OSHA wanted the targeting criteria to be industry neutral.

Several organizations expressed concern that the SST program is distorted by the overrepresentation of certain industries on the inspection lists. In particular, some commenters suggested that reliance on OSHA log data as a basis for constructing the inspection lists results in too great a focus being placed on industries experiencing high numbers of musculoskeletal disorders (MSDs). In response, OSHA emphasizes that severe MSDs can result in long-term impairment and disability on par with the effects of other serious work-related injuries and illnesses, and accordingly are worthy of OSHA's attention and resources. OSHA can and does issue citations and penalties under the General Duty Clause when it investigates MSD hazards, and also regularly uses other interventions, such as ergonomic-related Hazard Alert Letters, to effectively help employers reduce or eliminate MSD hazards.

Furthermore, OSHA disagrees with the suggestion from some commenters that MSDs that are not related to work can contribute to the placement of an establishment on the SST inspection lists. Under OSHA's recordkeeping regulations, MSDs caused exclusively by non-work factors will not be included on the OSHA logs and accordingly will not impact an establishment's eligibility for the inspection list. *See* 29 CFR 1904.5. Moreover, although some commenters were concerned that OSHA's use of the DART rate penalizes employers that take precautionary steps, e.g., job transfers or modifications, in response to minor musculoskeletal complaints, OSHA's current recordkeeping policies alleviate this concern by providing that "a case is not recordable . . . as a restricted work case if the employee experiences minor musculoskeletal discomfort, a health care professional determines that the employee is fully able to perform all of his or her routine job functions, and the employer assigns a work restriction to that employee for the purpose of preventing a more serious condition from developing." *See* CPL 02-00-135 (Recordkeeping Policies and Procedures Manual, December 30, 2004), Ch.2, I.F.

OSHA agrees with the commenters that it is important for the SST program to reach a broad variety of industries, employers, and employees, and is confident that the final structure of the inspection lists will achieve this goal and will not be distorted by MSDs or any other factors. Only one industry, namely nursing and personal care facilities (SIC 805), represents more than 10% of the establishments on the inspection lists. OSHA has adopted a special approach for dealing with nursing and personal care facilities, which otherwise would have accounted for approximately one-third of the establishments on the Primary Inspection List, to ensure that agency inspection resources are not too heavily targeted to that one industry. OSHA includes only one-half of the facilities (those with the highest rates) in this industry that meet the criteria for inclusion on the Primary List. *See* paragraph XI.A.5. No other industry is in a similar position. After nursing and personal care facilities, the industry with the next highest number of establishments on the list is "Trucking and Courier Services, Except Air" (SIC 421), which accounts for only 6-8% of the list as a whole, and notably has a lower percentage of its "days away" cases classified as MSDs by BLS (28%) than is true of employers generally (30-35%). Accordingly, OSHA has decided that no additional partial exclusions, like the one afforded to nursing and personal care facilities, are necessary at this time. The data simply do not support the conclusion that certain industries are so overrepresented on the inspection lists that they jeopardize OSHA's ability to achieve the goals of the SST program.

Suggestions were also made that OSHA supplement the ODI survey data with information from other sources, and requested OSHA to look elsewhere for data on workplace health issues. Commenters specifically called for the use of the National Council on Compensation Insurance (NCCI) experience modifier and EPA's toxic release inventory data. OSHA has investigated these data sources and determined that, while rich in information, each has a variety of potential drawbacks (or problems or limitations) that do not make them conducive to a nationwide site-specific targeting system. For example, the NCCI database does not include all employers throughout the nation; specifically the self-insured are excluded. According to the National Academy of Social Insurance, the self-insured accounted for 22.2% of workers compensation benefit payments in 2002. Excluding companies that account for one fifth of benefits paid from the targeting universe would not meet OSHA's goal of reaching the establishments that are experiencing high numbers and rates of injury and illness. The EPA database aggregates data at a corporate level and is not establishment specific. In order to have a non-biased targeting system that allows OSHA to focus its resources at the locations experiencing elevated numbers of injuries and illnesses, the information needs to be comprehensive and site-specific.

- B. SIC and NAICS Codes. The Standard Industrial Classification (SIC) codes as well as the North American Industry Classification System (NAICS) codes are referenced in this Notice. Eventually the NAICS codes will replace the SIC codes, but during the years of the transition, one or the other, and sometimes both, will be used.

Beginning with calendar year 2003, injury and illness data published by the Bureau of Labor Statistics (BLS) uses the NAICS codes. BLS data referenced in this Notice, such as that used for Appendix D, will be in NAICS.

Coverage of OSHA's injury and illness recordkeeping rule (29 CFR Part 1904) is defined by SIC in §1904.2. In turn, the OSHA Data Initiative is based on the coverage of the recordkeeping rule. This is why Appendix A of this Notice is defined by SIC. Until OSHA amends the coverage of its recordkeeping rule to reflect data published under the NAICS coding system, this Notice will use both the NAICS and SIC codes. As discussed in the preamble to the revised recordkeeping rule (see paragraph III.C.), the industry exemptions are based on three years of injury and illness data published by the BLS. Three years of BLS data under the NAICS coding system will not be available until December of 2006.

Whenever possible, both the SIC and NAICS codes for individual establishments will be supplied to the Area Offices.

VIII. Significant Changes.

- A. The threshold DART rate and DAFWII case rate is changed for both the Primary and Secondary Inspection Lists. The Primary List will include those establishments with a DART rate at or above 12.0, **or** a DAFWII case rate at or above 9.0. See XI.A.1. The Secondary List will include those establishments with a DART rate of 7.0 or greater but less than 12.0, **or** a DAFWII case rate of 5.0 or greater but less than 9.0. See XI.B.1.
- B. The number of low-rate establishments from high-rate industries added to the Primary List has been increased from 200 to 400. See paragraph XI.A.2.
- C. The provision concerning OSHA's Enhanced Enforcement Program (EEP) is revised to clearly state that initial-EEP establishments, as well as EEP-related establishments, found on the Primary List or Secondary List will be moved to the Primary List and placed in the current inspection cycle. See paragraphs XI.A.3. and XI.B.2.
- D. Some establishments that did not respond to the 2004 OSHA Data Initiative survey are added to the Primary Inspection List. See paragraph XI.A.5.

- E. A Tertiary Inspection List is added for those area offices that complete both of their Primary and Secondary Inspection Lists. See paragraph XI.C.
- F. A provision is added to clarify procedures when an establishment is an Office Only site. See paragraph XI.H.
- G. Compliance officers will normally conduct only comprehensive safety inspections instead of both a comprehensive safety **and** a comprehensive health inspection. Health inspections will be limited to certain situations. See paragraph XIV.A.
- H. In prior years, establishments would receive a “records only” inspection if both of their last two years of DART and DAWII rates were below the stated thresholds. In the SST-05 program, establishments will receive a “records only” inspection if any two of their last three years of DART and DAFWII rates were below **twice** the private sector 2003 national incidence rates. See paragraph XIV.G. In addition, language has been added to clarify that establishments under new ownership can receive a “records only” inspection. See paragraph XIV.F.

IX. Action Information.

- A. Responsible Office. Directorate of Enforcement Programs (DEP).
- B. Action Offices. National, Regional, and Area Offices.
- C. Information Offices. State Plan States, OSHA Training Institute, Consultation Project Managers, VPP Managers, Partnership Coordinators/Managers, Compliance Assistance Coordinator, Compliance Assistance Specialists, and Regional EEP Coordinators.

X. Definitions.

- A. Data Initiative (a.k.a. Data Survey): The Data Initiative is a nationwide collection of establishment-specific injury and illness data from approximately 80,000 establishments. It collects data from establishments by using the “OSHA Work-Related Injury and Illness Data Collection Form.” The Data Initiative is OSHA’s Annual Survey that is referred to in 29 CFR §1904.41.

NOTE: The **2003** injury and illness data that was collected by the **2004** Data Initiative is used in the **2005** Site-Specific Targeting program.

- B. Days Away, Restricted, or Transferred (DART) Rate: The DART rate includes cases involving days away from work, restricted work activity, and transfers to another job. It is calculated based on $(N \div EH) \times (200,000)$ where N is the number of cases involving days away and/or restricted work activity, and/or job transfer; EH is the total number of hours worked by all employees during the calendar year; and 200,000 is the base number of hours worked for 100 full-time equivalent employees.

For example: *Employees of an establishment, including management, temporary, and leased workers, worked 645,089 hours at the worksite. There were 22 injury and illness cases involving days away and/or restricted work activity and/or job transfer from the OSHA-300 Log (total of column H plus column I). The DART rate would be $(22 \div 645,089) \times (200,000) = 6.8$.*

- C. Days Away from Work Injury and Illness (DAFWII) Case Rate: The DAFWII case rate is the number of cases that involve days away from work per 100 full-time equivalent employees. Cases that involve only temporary transfers to another job or restricted work are not included. It is calculated based on $(N \div EH) \times (200,000)$ where N is the number of cases involving days away from work; EH is the total number of hours worked by all employees during the calendar year; and 200,000 is the base number of hours worked for 100 full-time equivalent employees. NOTE: The DART and DAFWII rates are differentiated by the makeup of N in the calculation formula. For the DAFWII rate, N is equal to the total of Column H from the OSHA-300 Log.

NOTE: The DAFWII is the same as the Days Away Case Rate (DACR) that is referred to in OSHA's Voluntary Protection Programs.

For example from the OSHA-300 Log: *Employees of an establishment, including management, temporary, and leased workers, worked 452,680 hours at the worksite. There were 25 injury and illness cases involving days away from work from the OSHA-300 Log (total of column H). The DAFWII case rate would be $(25 \div 452,680) \times (200,000) = 11.0$.*

- D. Establishment: An establishment is a single physical location where business is conducted or where services or industrial operations are performed. For activities where employees do not work at a single physical location, such as transportation, communications, electric, gas, sanitary services, and similar operations, the establishment is represented by main or branch offices, terminals, stations, etc. that either supervise such activities or are the base from which personnel carry out these activities.

For purposes of this Notice, the term *Establishment* does not include construction worksites. For a more detailed definition of *Establishment*, see 29 CFR 1904.46 and Chapter 2, paragraph VII.B. of CPL 02-00-135, Recordkeeping Policies and Procedures Manual.

- E. Partnership: In this Notice, *partnership* refers only to those agreements in which establishments participate in an OSHA strategic partnership (OSP) in accordance with OSHA Instruction CSP 03-02-002, and for which there is a signed partnership agreement.

XI. Description of the Site-Specific Targeting 2005 (SST-05) Plan.

A. Primary Inspection List

1. Selection Criteria. The SST-05 plan selects for inspection individual worksites, as identified through the 2004 Data Initiative survey. For comparison, the national DART rate for private industry for 2003 was 2.6, and the DAFWII case rate was 1.5.

The SST-05 plan initially selects for inspection all worksites with a DART rate at or above 12.0, **or** a DAFWII case rate at or above 9.0 (only one of these criteria must be met) for the Primary List. This is approximately 4,400 sites.

Examples: An establishment with a 10.0 DART rate, and a 9.0 DAFWII case rate, will be included on the Primary List.

An establishment with a 12.0 DART rate, and an 8.0 DAFWII case rate, will be included on the Primary List.

An establishment with a 13.0 DART rate, and a 10.0 DAFWII case rate, will be included on the Primary List.

An establishment with an 11.0 DART rate and a 8.0 DAFWII case rate, will not be included on the Primary List.

2. Low-Rate Establishments in High-Rate Industries. In order to review the actual degree of compliance with OSHA requirements by establishments that report low DART rates, 400 low-rate establishments in high-rate industries, with 75 employees or more, will be randomly selected and added to the Primary List. These establishments will have a DART rate from 0.0 to 2.6.

The establishments are selected from industries that have a DART rate from 6.7 to 11.9, as reported by the Bureau of Labor Statistics (BLS) Annual Survey, *TABLE SNR02. Highest incidence rates of nonfatal occupational injury and illness cases with days away from work, restricted work activity, or job transfer, private industry 2003*. (See Appendix D for a list of these high-rate industries.) The establishments selected will be identified on the Area Offices' inspection lists by two asterisks (**). None will be eligible for "records only" inspections unless it has a different SIC/NAICS code (see second paragraph in XI.F.). If it is found that an establishment consists of an office only, no inspection will be conducted (see paragraph XI.H.).

3. EEP Cases on the Primary List. If an establishment originally on the Primary List is identified as an initial-EEP case, or is an establishment related to an EEP case, it will be placed in the current inspection cycle by the Office of Statistical Analysis (OSA) and the Area Director will be notified.

Any establishment that has been moved to the Primary List from the Secondary List because it is an initial-EEP case, or an establishment related to an EEP case, will be put in the current inspection cycle by the Office of Statistical Analysis (OSA) and the Area Director will be notified.

After notification by OSA, initial-EEP establishments or establishments related to an EEP case will not be deleted or entitled to an inspection deferral, except in accordance with paragraphs XII.B., XIII.C., and XIII.D.

4. Nursing and Personal Care Facilities. For the SST-05 plan, establishments in SIC code 805 will be added to the Primary Inspection List. However, because of the large number of establishments in SIC code 805, only the highest 50% rated establishments are included in the Primary List. No establishments in this SIC code are added to the Secondary List or to the Tertiary List.

Inspections in the above SIC code will focus primarily on the hazards which are prevalent in the covered industries, specifically: ergonomic stressors relating to resident handling; exposure to blood and other potentially infectious materials; exposure to tuberculosis; and slips, trips, and falls. As detailed in the FIRM (OSHA Instruction CPL 02-00-103), when additional hazards come to the attention of the compliance officer, the scope of the inspection may be expanded to include those hazards.

5. 2004 OSHA Data Survey Non-Responders. A sample of establishments that did not provide rate information in accordance with the 2004 OSHA Data Initiative survey by May 13, 2005 have been added to the Primary Inspection List. The establishments selected will be identified on the Area Offices' inspection lists by three asterisks (***) and will not be deleted from the list. See XI.F. regarding different SIC/NAICS codes.

If the company has gone out of business, moved, changed name, etc., the Office of Statistical Analysis (OSA) must be notified so the information can be updated for the next ODI survey.

If it is found that an establishment consists of an office only, see XI.H. regarding Office Only Sites.

- B. Secondary Inspection List. If an Area Office completes its inspections of all establishments on its Primary Inspection List before the expiration of this SST program, it may obtain additional establishments from its Secondary Inspection List.

1. Selection Criteria. The Secondary List will contain establishments reporting DART rates of 7.0 or greater but less than 12.0, **or** a DAFWII case rate of 5.0 or greater but less than 9.0. Only one of these criteria must be met. These establishments will be inspected using the procedures in this Notice. No establishments in SIC 805 will be included.
2. EEP Cases. An establishment on the Secondary Inspection List that is moved to the Primary List under OSHA's Enhanced Enforcement Program (EEP) will be placed in the Primary List's current inspection cycle.

If an establishment on the Secondary List is identified as an initial-EEP case, or is an establishment related to an EEP case, it will be moved to the Primary Inspection List. If, however, the area office has completed its Primary List, then such an establishment will be placed into the area office's current inspection cycle created from the Secondary List by the Office of Statistical Analysis (OSA) and the Area Director will be notified.

After notification by OSA, initial-EEP establishments or establishments related to an EEP case will not be deleted or entitled to an inspection deferral, except in accordance with paragraphs XII.B., XIII.C., and XIII.D.

- C. Tertiary Inspection List. If an Area Office completes its inspections of all establishments on its Primary and Secondary Inspection Lists before the expiration of this SST program, it may obtain additional establishments by contacting the

Office of Statistical Analysis (OSA). The threshold rates will vary with each Area Office. OSA will provide each will provide each Area Office with the number of establishments specifically requested by that Area Office. No establishments with a DART rate of 5.2 or lower and a DAFWII case rate of 3.0 or lower will be included. No establishments in SIC 805 will be included.

- D. Industries without Permanent Worksites. For industries like SIC 0783, Ornamental Shrub and Tree Services, which do not have permanent worksites, the establishment list will normally only identify the employer's central office. The Area Office will, so far as possible, determine (e.g., by visiting the central office) all currently active sites where employees are performing the targeted work activity, and then choose one worksite to inspect. This will apply to such establishments on all SST inspection lists.
- E. Establishments with Fewer than 40 Workers. If an establishment to be inspected under the SST-05 plan has fewer than 40 workers at the time the CSHO arrives on site to begin the inspection, the inspection will still be conducted, provided that the establishment has more than 10 workers **and** either its calculated DART rate or DAFWII case rate is at or above twice the private sector 2003 national incidence rates (that is, DART = **5.2**; DAFWII = **3.0**), or records are not available. See XIV.G., below, for more details on calculating DART and DAFWII rates.
- F. Different SIC/NAICS Codes. If an establishment on any of the inspection lists (including those identified by *** referred to in paragraph XI.A.5.) is found to have a SIC code not on the Data Initiative SIC code list (Appendix A), proceed with the inspection if the establishment has a calculated DART rate or DAFWII case rate at or above twice the private sector 2003 national incidence rates (that is, DART = **5.2**; DAFWII = **3.0**). Enter the correct SIC code on the OSHA-1. If injury and illness records are not available for the CSHO to make a determination, proceed with the inspection, unless the establishment's correct SIC/NAICS code exempts the establishment from recordkeeping. If the establishment is exempt from recordkeeping, do not conduct an inspection.

If the establishment is a low-rate establishment (those identified by ** referred to in paragraph XI.A.2), but its correct NAICS code is not on the high-rate industries list in Appendix D, proceed with the inspection only if it has a calculated DART rate at or above **5.2** or a DAFWII case rate at or above **3.0**, and it is not an Office Only site. Enter the correct NAICS code on the OSHA-1. If injury and illness records are not available for the CSHO to make a determination, proceed with the inspection.

See also, paragraph XIV.B. regarding verifying SIC/NAICS codes.

- G. Different Address than on ODI Data Sheet. Occasionally, the ODI data sheet will show an address for an establishment that does not match the named establishment in an area office's jurisdiction. The ODI address may be that of the employer's administrative office, or of a different economic activity of the employer, or even the home address of the person completing the ODI survey.

Whenever the address on the ODI data sheet differs from that of the establishment in the area office's jurisdictional area, it must be checked to determine that the ODI survey data relates to the same establishment. If injury and illness data from the ODI data sheet pertains to the establishment site in the area office's jurisdiction, then it will be inspected. If such an address discrepancy is found, then the Office of Statistical Analysis must be informed so that its records can be corrected. See also paragraph XI.H. regarding Office Only sites.

- H. Office Only Sites. The SST is not intended to include establishments that are only offices. Therefore, if a CSHO arrives at an establishment and discovers that there is only an office at the site, the CSHO must determine for what site or sites the OSHA Data Initiative (ODI) survey data was entered for.

If the ODI data includes data for a site (or sites) in addition to an office, and the additional site (or sites) has a SIC code listed in Appendix A, then an inspection of that site (at least one of several sites) will be conducted if it is within the Area Office's jurisdiction.

The Office of Statistical Analysis (OSA) must be contacted if an Office Only site is found or if the Office site data includes other site(s) data, so that the site can be removed from, or updated on, future ODI surveys. The OSA is also available to assist in any ODI data survey issues that may arise.

NOTE: Recordkeeping rule §1904.30 requires an employer to keep a separate OSHA 300 Log for each establishment that is expected to be in operation for one year or longer.

- XII. Scheduling. The National Office will provide each Area Office with access to software and databases containing the establishments on the Primary Inspection List for its coverage area. As discussed in paragraphs XI.B. and XI.C., the National Office will also provide each Area Office with a Secondary and a Tertiary Inspection List. The software and databases will be available on the SST website. Only the OSHA National Office, Regional Offices, Area Offices, and State Plan States will be able to access this website.

- A. Cycle Size. Inspection cycles for the Primary, Secondary, and Tertiary Inspection Lists will be generated using the SST software (see Appendix C) that randomly selects the establishments. Area Offices will base their determination of cycle

size (i.e., 5 to 50 establishments) on considerations of available resources and geographic range of the office. Larger cycle sizes will allow greater flexibility and efficiency of scheduling, but once begun, the cycle must be completed. If a cycle larger than 50 would provide the Area Office with more efficient use of staff, the office will request Regional Office approval for a larger cycle size.

Within a cycle, the establishments may be scheduled and inspected in any order that makes efficient use of available resources.

When a cycle is completed, the Area Office may generate a new cycle using the SST software (see Appendix C).

All of the establishments in a cycle must be inspected before any establishments in a new cycle may be inspected. The exceptions are provided in OSHA Instruction CPL 02-00-025, at paragraph B.1.b.(1)(e)1, which lists when carryovers from one cycle to another cycle will be allowed. In addition, the establishments in any cycle begun but not yet completed by the expiration date of this Notice must be inspected even if the inspection is initiated after the expiration date.

B. Deferrals.

1. OSHA Strategic Partnerships (OSP). An establishment participating in an OSP in accordance with OSHA Instruction CSP 03-02-002, and for which there is a signed agreement, may be carried over to a future cycle to allow the SST inspection to be deferred for up to six months from the signing of the partnership agreement or an establishment's subsequent entry into the partnership. The Regional Partnership Coordinator/Manager will be contacted if there are questions regarding a specific workplace. See also Deletions at XIII.C., and Scope at XIV.A., fourth paragraph.
2. OSHA Consultation Program. An establishment that has requested an initial full-service comprehensive consultation visit for safety or health from the OSHA Consultation Program, **and** that visit has been scheduled by the State Consultation Program, may be deferred from the SST inspection for 90 days from the date of notification by the State Consultation Program to the Area Office. See paragraph XII.C. of Notice 04-08 (CSP 02), which is referenced in paragraph III.G., above. No extension of the deferral beyond the 90 days is possible, unless the consultation visit is "in progress," which begins at the opening conference of the consultation visit. See 29 CFR 1908.7(b)(1) for a definition of consultation visit "*in progress*."

3. VPP Applicant. If an establishment is in the process of applying for OSHA's Voluntary Protection Programs (VPP), the Area Director, upon receiving notification from the VPP Manager that a VPP on-site review has been scheduled, will defer any programmed inspection. The applicant worksite will be deferred starting no more than 75 calendar days prior to the commencement of its scheduled pre-approval on-site review and the exemption from programmed inspections (see paragraph XIII.D) will continue for as long as they continue to meet VPP requirements. See *Federal Register* (65 FR 45650), which is referenced in paragraph III.D.
 4. Pre-SHARP. If an establishment is in pre-SHARP status, that is, in the process of meeting the criteria of an OSHA Consultation Safety and Health Achievement Recognition Program (SHARP), it may be deferred for up to 18 months while the employer is working to achieve recognition and exemption status. See 29 CFR 1908.7(b)(4)(i)(A) and CSP 02-00-001, Chapter 7, paragraph III.
- C. Inspection Priority. Normally, the first inspection priority for Area Offices is to conduct unprogrammed inspections, and the inspection priorities as described in the FIRM (OSHA Instruction CPL 02-00-103) will be followed, with the following additional guidance:
1. Area Offices that have started but not completed a cycle of inspections from the SST-04 plan must normally complete that cycle before moving to inspections under the SST-05 plan, but see XII.A., fourth paragraph, regarding carryovers. Any remaining cycles under SST-04 that have not been started will not be used. NOTE: To minimize problems, keep inspections cycles small.
 2. All establishments on the SST-05 Primary Inspection List must be inspected unless, in view of resource considerations, the Regional Administrator has received special approval (generally in advance) from the Deputy Assistant Secretary to conduct a smaller number of inspections. Approval will normally require the Area Office to complete all inspections in the current cycle.
 3. All Federal offices having jurisdiction over sites in State Plan States are expected to inspect all establishments (i.e., U.S. Post Offices, ship and boat building and repairing sites over which Federal OSHA has jurisdiction) on their Primary List, and as many on their Secondary and Tertiary Lists as resources permit. With regard to establishments that are in SIC code 373 (ship and boat building and repairing), the Federal office, in

coordination with the State plan, must determine whether the State, OSHA, or both have jurisdiction over the establishment.

4. Neither the Secondary nor Tertiary Inspection Lists have to be completed before the expiration date of this Notice.
5. Area Offices will continue to conduct other programmed inspections under national emphasis programs, or under local emphasis/initiative programs, as the Area Office and Regional goals dictate.

XIII. Deletions. Area Offices will be responsible for making appropriate deletions from the inspection list, such as for establishments that are no longer in business, in accordance with CPL 02-00-025 at B.1.b.(1)(b)6.d., except for criteria H# and S#.

- A. Previous Inspections. Establishments that received a comprehensive safety inspection (or establishments in SIC code 805 that received an inspection that focused on ergonomic stressors relating to resident handling; exposure to blood and other potentially infectious material; exposure to tuberculosis; and slips, trips, and falls) within the previous 24 months of the creation of the current inspection cycle, will be deleted from the inspection list. The comprehensive safety inspection need not have been initiated by an SST inspection. See also Scope at XIV.A.

Remember: After notification by OSA, initial-EEP establishments or establishments related to an EEP case will not be deleted or entitled to an inspection deferral, except in accordance with paragraphs XII.B., XIII.C., and XIII.D.

For deletion purposes, the date when an establishment is considered to have received a comprehensive safety inspection will be the *opening conference date* not the *closing conference date* or the *citation issuance date*. For example, if the opening conference date occurred within the previous 24 months of the creation of the current inspection cycle, the establishment will be deleted from the list for SST-05 inspections.

If the inspection is a “joint inspection,” conducted by both a safety CSHO and a health CSHO, there will be two OSHA-1s. The two CSHO may hold joint or separate opening conferences. Therefore, there may be one opening date for the safety inspection and a different opening date for the health inspection for the same employer under the same SST inspection plan. If the inspection is conducted by a cross-trained CSHO, there will be one OSHA-1 and one opening conference date.

- B. Public Sector Employers. If any public sector employers (i.e., Federal, State, or local government) appear on the Primary, Secondary, or Tertiary Inspection Lists,

they are to be deleted. **Remember:** The OSH Act was amended in 1998 to treat the U.S. Postal Service as a private sector employer.

- C. Partnerships. If an establishment is participating in an OSHA Strategic Partnership, it may be deleted from the SST inspections lists in accordance with CSP 03-02-002 paragraph XIV.B.5.a.i. and paragraph XIII.A., above.

In accordance with CSP 03-02-002 paragraph XIV.B.5.a.ii. the Area Director, with the approval of the Regional Administrator, may extend the deletion for another year if the partner continues to meet the conditions of the partnership agreement and demonstrates improved performance in areas measured by the partnership. See also Deferrals at XII.B.1., and Scope at XIV.A., fourth paragraph.

- D. VPP or SHARP. If the establishment is an approved participant in OSHA's Voluntary Protection Programs (VPP), or in OSHA Consultation's Safety and Health Achievement Recognition Program (SHARP), it is to be deleted from the inspection list.
- E. Enhanced Enforcement Program (EEP) Inspections. As stated in paragraphs XI.A.3. and XI.B.2., initial-EEP establishments and establishments related to an EEP case, which are on the Secondary Inspection List and moved to the Primary List, will not be deleted or entitled to an inspection deferral, except in accordance with paragraphs XII.B., XIII.C., and XIII.D.

XIV. Inspection Procedures.

- A. Scope. Inspections conducted under this plan will be comprehensive safety inspections, except for establishments in SIC 805 as discussed below. Health inspections (comprehensive or partial) will be limited to (1) the focused inspections of nursing and personal care facilities, as described below, (2) CSHO referrals, and (3) Area Director discretion based on prior experience or current knowledge concerning a particular establishment or concerning the industry in which an establishment is classified.

When an Area Director orders a health inspection (comprehensive or partial) at a particular establishment, the Area Director must document his/her rationale for the inspection. If an Area Director orders a health inspection at a particular establishment based on experience or knowledge concerning an industry, such health inspections will also be conducted at all other establishments within that industry classification that are on the Area Office's SST inspection lists. Inspections will be conducted in accordance with the procedures described in the FIRM (OSHA Instruction CPL 02-00-103) and in other guidance documents. NOTE:

Health inspections conducted in accordance with this Notice are also to be coded as an SST-05 inspection, see paragraph XVI.A.

The scope of inspections for nursing and personal care facilities (SIC code 805) will focus primarily on the hazards which are prevalent in these industries: ergonomic stressors relating to resident handling; exposure to blood and other potentially infectious materials; exposure to tuberculosis; and slips, trips, and falls. As detailed in the FIRM, when additional hazards come to the attention of the compliance officer, the scope of the inspection may be expanded to include those hazards. See paragraph XI.A.4.

An SST inspection at any partnership site will normally be a comprehensive safety inspection. However, if the establishment has undergone the necessary on-site non-enforcement verification inspection, a limited scope inspection may be conducted in accordance with CSP 03-02-002, paragraph XIV.B.4. See also Deferrals at XII.B.1. and Deletions at XIII.C.

- B. Verify SIC/NAICS Code. At the opening conference, verify the establishment's SIC/NAICS code. As needed, establish what activities occur at the workplace before determining the appropriate SIC/NAICS code. See paragraph XI.F. regarding different SIC/NAICS code.

If the establishment is a low-rate establishment in a high-rate industry (described in paragraph XI.A.2. with **), but its correct NAICS code is **not** on the high-rate industries NAICS code list in Appendix D, conduct the inspection only if it has a calculated DART rate or DAFWII case rate at or above twice the private sector 2003 national incidence rates (that is, DART = **5.2**; DAFWII = **3.0**). If injury and illness records are not available, continue with the inspection. If Office Only do not inspect. See paragraph XI.H. for Office Only establishments.

- C. Citations. Violations will be cited and penalties proposed in accordance with the FIRM (OSHA Instruction CPL 02-00-103) and other guidance documents.

- D. Recordkeeping Violations. Whenever OSHA recordkeeping violations are identified, appropriate citations and penalties will be proposed, and supporting documentation will be provided, in accordance with guidance in the FIRM (OSHA Instruction CPL 02-00-103) and the Recordkeeping Manual (CPL 02-00-135).

- 1. Recordkeeping violations found on the OSHA-300 Log. If the CSHO identifies recordkeeping violations on the OSHA-300 Log, the Area Director will issue citations in accordance with CPL 02-00-135, Chapter 2, paragraph II.B., or the FIRM, as appropriate.

2. No copies of the OSHA-200 Log. If an employer is unable to produce copies of the OSHA-200 Log, the employer may be cited under 29 CFR 1904.44 for failing to retain copies of the OSHA-200 Log for the previous five years.
 3. Recordkeeping violations found on the OSHA-200 Log. If, upon review of an employer's OSHA-200 Log, the CSHO discovers an unrecorded case, no citations will be issued for failure to record the case on the OSHA-200.
- E. Compliance Officers (CSHOs). Inspections under the SST-05 plan must be a comprehensive safety inspection. Health inspections (comprehensive or partial) will be limited to (1) the focused inspections of nursing and personal care facilities, as described in XIV.A., third paragraph; (2) CSHO referrals; and (3) Area Director discretion based on prior experience or current knowledge concerning a particular establishment or concerning the industry in which an establishment is classified. See XIV.A. for additional information on Area Director's responsibility regarding health inspections. If both a safety and health inspection are conducted, such inspections may be conducted either as one combined safety and health inspection by a cross-trained CSHO (as established through specific training or demonstrated ability), or as separate safety and health inspections, or as joint safety and health inspections.
- For a checklist of items that CSHOs need to accomplish on SST inspections, please refer to Appendix B.
- F. Ownership. If the establishment has changed ownership after December 31, 2003, and has been under new ownership for less than six months, go to paragraph XIV.G. If the CSHO is unable to calculate the DART or DAFWII rates because the new owner does not have records from the previous owner, continue with the inspection.

If the establishment changed ownership after December 31, 2003, and has been under new ownership for six months or more, recalculate the rate for the period of new ownership. If the DART rate **or** the DAFWII case rate is at or above twice the private sector 2003 national incidence rates, continue with the inspection. If the recalculated DART rate **and** the DAFWII case rate are below twice the private sector rates (that is, if DART is less than 5.2; DAFWII is less than 3.0), classify the inspection as a "records only" inspection and conduct a partial walkthrough inspection, as required in the next paragraph, before exiting the facility.

For “records only” inspections, a partial walkthrough **will** be conducted to interview workers in order to confirm and verify the establishment’s injury and illness experience. Any serious violations that are observed in the vicinity or brought to the attention of the CSHO must be investigated and may be cited.

This Notice is projected to expire in mid 2006. The period of new ownership, therefore, could range between 6 months and 2 ½ years. If the new ownership is for a period of 6 months or more but less than one year, recalculate the rate for the entire period of new ownership. If the new ownership is for a period of greater than one year, recalculate the rate for the preceding 12 months of new ownership (When calculating the DART for the period of the new ownership, be sure both N and EH are for the same period of time.)

In establishments where the ownership has changed, CSHOs must enter into the IMIS the Dun & Bradstreet (DUNS) number of the new owner in the appropriate field on the Establishment Detail Screen. If the new owner does not have a new DUNS number, enter the old DUNS number (see paragraph XVII).

- G. Calculate DART and DAFWII. During inspections under this Notice, the OSHA-300 Logs for 2002, 2003, and 2004, will be reviewed. The CSHO will calculate the DART rate and the DAFWII case rate for each of the following years: 2002, 2003 and 2004.

The CSHO-calculated DART rate for 2003 will be compared to the DART rate reported by the employer in the OSHA 2004 Data Initiative data collection. Calculations will not be performed if, for any reason, the relevant records are not available. CSHOs will check OSHA-301 Forms, or equivalent, as they deem appropriate to confirm the OSHA-300 Forms.

For reference: Twice the private sector 2003 national incidence rates: for DART rate $2 \times 2.6 = \mathbf{5.2}$; or DAFWII case rate $2 \times 1.5 = \mathbf{3.0}$.

FIRST: If records are not available for CSHOs to make this determination, proceed with the inspection.

SECOND: If any two of the CSHO-calculated 2002, 2003 or 2004 DART rates are at or above **5.2**, proceed with the inspection.

THIRD: If any two of the above DART rates are below 5.2, **but** any two of the CSHO-calculated DAFWII case rates are at or above **3.0**, proceed with the inspection.

FOURTH: If for any two of the above three years the DART rates are below 5.2, **and** the DAFWII case rates for the **same** two years are below **3.0**, then do a records review (not a records audit which requires the use of an audit software program) for that most current year that falls below twice the private sector 2003 national incidence rates, and then recalculate the DART and DAFWII for that most current year. If the DART is below 5.2, **and** the DAFWII is below 3.0, classify the inspection as a “records only” inspection and conduct a partial walkthrough inspection, as required by the last paragraph in this section, before exiting the facility. If either the DART rate is at or above 5.2, **or** the DAFWII case rate is at or above 3.0, proceed with the inspection.

All low-rate establishments referred to in paragraph XI.A.2. will receive at least a comprehensive safety inspection, regardless of their CSHO-calculated DART and DAFWII rates, unless the establishment is Office Only (see paragraph XI.H.). Low-rate establishments will be identified on the Area Offices’ inspection lists by two asterisks (**). If they have a different SIC/NAICS code, see paragraphs XI.F. and XIV.B.

All non-responder establishments referred to in paragraph XI.A.5. will receive at least a comprehensive safety inspection regardless of the CSHO-calculated DART and DAFWII rates. If the establishment is Office Only see paragraph XI.H. The non-responder establishments will be identified on the Area Offices’ inspection lists by three asterisks (***). If they have a different SIC/NAICS code, see paragraphs XI.F. and XIV.B.

If recordkeeping violations are discovered, see paragraph XIV.D., above, for circumstances in which citations can be issued.

For “records only” inspections, a partial walkthrough **will** be conducted to interview workers in order to confirm and verify the establishment’s injury and illness experience. Any serious violations that are observed in the vicinity or brought to the attention of the CSHO must be investigated and may be cited.

XV. Relationship to Other Programs.

- A. Unprogrammed Inspections. Unprogrammed inspections will be conducted according to the FIRM (OSHA Instruction CPL 02-00-103) or other guidance documents. If the occasion for an unprogrammed (e.g., complaint, fatality) inspection arises with respect to an establishment that is also in the current inspection cycle to receive a programmed inspection under the SST-05 plan, the two inspections may be conducted either concurrently or separately. See also paragraph XVI.B.

- B. Special Emphasis Programs. Some establishments may be selected for inspection under the SST-05 plan and also under one or more other OSHA initiatives (National Emphasis (NEP) or Local Emphasis (LEP) Programs). Programs based upon particular hazards (such as silica, lead, or amputations) or on particular industries (such as logging, scrap yards, or shipyards) can be run concurrently with the SST-05 plan; however, the SST-05 plan inspections have priority.

Whenever an establishment is scheduled for inspection on the current cycle of the SST-05 plan and on the current cycle of an NEP/LEP plan, the inspections may be scheduled at the same time. CSHOs will apply all applicable IMIS codes to the inspection. The employer's DUNS number must also be recorded for each inspection since it is important for tracking. See also paragraph XVI.C.

In the case of an establishment scheduled for inspection under both SST and a NEP/LEP, an inspection limited in scope to the safety and health issues targeted by the NEP/LEP program may be conducted even though all CSHO-calculated rates for the establishment are found to be below the SST-05 inspection thresholds.

- C. Process Safety Management Inspections. Inspections conducted under the SST plan will address process safety management if 29 CFR 1910.119 applies to the establishment being inspected. Such inspections must be a comprehensive safety inspection. However, they will not normally be Program-Quality-Verification (PQV) inspections as defined by OSHA Instruction CPL 02-02-045.

XVI. Recording and Tracking.

- A. SST-Only Inspections. The OSHA-1 Forms must be marked as "programmed planned" in Item 24. In addition, the "NEP" box is to be checked and the value "SSTARG05" recorded in Item 25d (the SST inspections are being coded under the NEP for ease of tracking). NOTE: Health inspections conducted in accordance with this Notice are also to be coded as an SST-05 inspection.
- B. SST Combined with Unprogrammed Inspections. For all unprogrammed inspections conducted in conjunction with an SST inspection, the OSHA-1 Forms must be marked as "unprogrammed" in Item 24 with the appropriate unprogrammed activity identified. In addition, the "NEP" box is to be checked and the value "SSTARG05" recorded in Item 25d.
- C. SST Combined with NEP or LEP Inspections. For all programmed inspections such as NEPs and LEPs conducted in conjunction with an SST inspection, the OSHA-1 Forms must be marked as "programmed planned" in Item 24. In

addition, the “NEP” box is to be checked and the value “SSTARG05” recorded in Item 25d along with all NEP and LEP IMIS codes applicable to the inspection.

NOTE: If an SST inspection is combined with an unprogrammed (e.g., complaint) inspection and a programmed inspection, such as an LEP, Item 24 must be marked “unprogrammed.”

- D. EEP Cases and EEP-Related Inspections. Any SST inspection that becomes an initial-EEP case and any SST inspection that is an EEP-related inspection, in addition to the above coding, must be coded “EEP” in N-08. If it is an SST inspection that meets the criteria to become an initial-EEP case, then the coding will be done when it is determined that the inspection meets the EEP criteria. If, however, it is an EEP-related inspection, the coding may be done as soon as the case is opened.

See the memorandum referenced in paragraph III.K, above, for all IMIS coding necessary for the Enhanced Enforcement Program (EEP).

- XVII. Dun & Bradstreet’s Number. The Data Universal Numbering System (DUNS) number, which is a required entry for all SST inspections, must be recorded in the appropriate field on the Establishment Detail Screen. In establishments where ownership has changed, enter the DUNS number for the new owner. If the new owner does not have a new DUNS number, enter the old DUNS number. Since the DUNS number is site-sensitive, the old number will give some useful data. The field on the Establishment Detail Screen can be accessed by pressing F5 in Item 8 to access establishment processing. Once establishment processing is completed, the DUNS number will appear in Item 9b.

APPENDIX A

Description of Industry Groups Included in ODI 2004

Approximately 80,000 establishments were surveyed in the 2004 OSHA Data Initiative (ODI) that collected 2003 injury and illness data. Establishments with 40 or more employees in the following industries were included in the data collection.

SIC INDUSTRY

0181 ORNAMENTAL NURSERY PRODUCTS
0182 FOOD CROPS GROWN UNDER COVER

0211 BEEF CATTLE FEEDLOTS
0212 BEEF CATTLE, EXCEPT FEEDLOTS
0213 HOGS
0214 SHEEP & GOATS
0219 GENERAL LIVESTOCK, NEC
0241 DAIRY FARMS
0251 BROILER, FRYER, & ROASTER CHICKENS
0252 CHICKEN EGGS
0253 TURKEYS & TURKEY EGGS
0254 POULTRY HATCHERIES
0259 POULTRY & EGGS, NEC
0271 FUR-BEARING ANIMALS & RABBITS
0272 HORSES & OTHER EQUINES
0273 ANIMAL AQUACULTURE
0279 ANIMAL SPECIALTIES, NEC
0291 GENERAL FARMS, PRIMARILY ANIMAL

0783 ORNAMENTAL SHRUB & TREE SERVICES

20-39 MANUFACTURING

4212 LOCAL TRUCKING WITHOUT STORAGE
4213 TRUCKING, EXCEPT LOCAL
4214 LOCAL TRUCKING WITH STORAGE
4215 COURIER SERVICES, EXCEPT BY AIR
4221 FARM PRODUCT WAREHOUSING & STORAGE
4222 REFRIGERATED WAREHOUSING & STORAGE
4225 GENERAL WAREHOUSING & STORAGE
4226 SPECIAL WAREHOUSING & STORAGE, NEC

4231 TRUCKING TERMINAL FACILITIES

 4311 U.S. POSTAL SERVICE

 4491 MARINE CARGO HANDLING
 4492 TOWING & TUGBOAT SERVICE
 4493 MARINAS
 4499 WATER TRANSPORTATION SERVICES, NEC

 4512 AIR TRANSPORTATION, SCHEDULED
 4513 AIR COURIER SERVICES
 4581 AIRPORTS, FLYING FIELDS, & SERVICES

 4783 PACKING & CRATING

 4953 REFUSE SYSTEMS

 5012 AUTOMOBILES & OTHER MOTER VEHICLES
 5013 MOTOR VEHICLES SUPPLIES & NEW PARTS
 5014 TIRES & TUBES
 5015 MOTOR VEHICLE PARTS, USED
 5031 LUMBER, PLYWOOD & MILLWORK
 5032 BRICK, STONE, & RELATED MATERIALS
 5033 ROOFING, SIDING, & INSULATION
 5039 CONSTRUCTION MATERIALS, NEC
 5051 METALS SERVICE CENTERS & OFFICES
 5052 COAL & OTHER MINERALS & ORES
 5093 SCRAP & WASTE MATERIALS

 5141 GROCERIES, GENERAL LINE
 5142 PACKAGED FROZEN FOODS
 5143 DAIRY PRODUCTS EX. DRIED & CANNED
 5144 POULTRY & POULTRY PRODUCTS
 5145 CONFECTIONERY
 5146 FISH & SEAFOODS
 5147 MEATS & MEAT PRODUCTS
 5148 FRESH FRUITS & VEGETABLES
 5149 GROCERIES & RELATED PRODUCTS, NEC
 5181 BEER & ALE
 5182 WINE & DISTILLED BEVERAGES

 5211 LUMBER & OTHER BUILDING MATERIALS

5311 DEPARTMENT STORES

8051 SKILLED NURSING CARE FACILITIES

8052 INTERMEDIATE CARE FACILITIES

8059 NURSING & PERSONAL CARE, NEC

8062 GENERAL MEDICAL & SURGICAL HOSPITALS

8063 PSYCHIATRIC HOSPITALS

8069 SPECIALTY HOSPITALS, EXC PSYCHIATRIC

OSHA's collection of information regarding occupational injuries and illnesses has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. The data collection requested occupational injury and illness data and employment and hours worked data from selected employers in the above Standard Industrial Classifications (SICs).

In addition, OSHA collected data from establishments that were visited by OSHA after October 1, 1997 and are required to maintain the OSHA Log. Information was also collected from Public Sector establishments in certain State Plan States. See *Federal Register*, April 23, 2004 (Volume 69, Number 79).

For further information concerning the OSHA Data Initiative, contact Joseph J. DuBois, Directorate of Evaluation and Analysis, Office of Statistical Analysis, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3507, 200 Constitution Avenue, NW., Washington, DC 20210, telephone (202) 693-1875.

Source: OSHA, Directorate of Evaluation and Analysis, Office of Statistical Analysis

APPENDIX B

Compliance Officer Checklist

VPP and SHARP Sites

If the CSHO discovers that the establishment is either a Voluntary Protection Programs (VPP) site or a consultation SHARP site, exit the site without conducting an inspection. These sites must be deleted from the inspection list. See XIII.D.

If an establishment is a VPP applicant, and a VPP on-site review has been scheduled for within 75 calendar days, programmed inspections will be deferred. See XII.B.3.

If an establishment is in pre-SHARP status, it may be deferred for up to 18 months. See XII.B.4.

OSHA Consultation Program

Establishments that have requested an initial full-service comprehensive consultation visit for safety or health, **and** that visit has been scheduled, may be deferred for 90 days. See XII.B.2.

Strategic Partnership Sites

If the CSHO discovers that the establishment is a participant in the OSHA Strategic Partnership Program for which there is a signed agreement, the site may be deferred for up to 6 months from the signing of the partnership agreement or an establishment's subsequent entry into the partnership. Check with the Area Director. See XII.B.1.

If the establishment is a participant in the OSHA Strategic Partnership Program, it may be deleted in accordance with CSP 03-02-002 paragraph XIV.B.5.a.i. and paragraph XIII.A., above. The deletion may also be extended for one year pursuant to CSP 03-02-002 paragraph XIV.B.5.a.ii. (See paragraph XIII.C.). Check with the Area Director.

If the establishment is a participant in the OSHA Strategic Partnership Program, the inspection may be of limited scope if the establishment has had an on-site non-enforcement verification inspection. See XIV.A., fourth paragraph.

Enhanced Enforcement Program (EEP)

Initial-EEP establishments and EEP-related establishments moved from the Secondary List, as well as those already on the Primary List, will be placed in the current inspection cycle. See paragraphs XI.A.3. and XI.B.2.

Different SIC/NAICS Codes

If the establishment's SIC is not on the Data Initiative SIC list (Appendix A), proceed with the inspection if its DART rate at or above 5.2, or its DAFWII rate at or above 3.0.

If the establishment is a low-rate establishment (identified by **), but its correct NAICS is not on the high-rate industry list (Appendix D), proceed with the inspection if its DART rate at or above 5.2, or its DAFWII rate at or above 3.0.

See paragraph XI.F., and also paragraph XIV.B.

Verify SIC/NAICS Codes

If the establishment's SIC is not on the Data Initiative SIC list (Appendix A), verify the SIC, and proceed with the inspection if injury and illness records are not available, or if high rate. Enter the correct SIC on the OSHA-1.

If the establishment is a low-rate establishment (**) (described in paragraph XI.A.3), but its correct NAICS is **not** on the high-rate industries NAICS list in Appendix D, conduct the inspection only if it has a DART rate at or above 5.2, **or** a DAFWII case rate at or above 3.0.

See paragraph XIV.B., and also paragraph XI.F.

Establishment with Fewer than 40 Workers

If the establishment has fewer than 40 employees, proceed with the inspection **as long as** there are more than 10 employees, **and** it has a DART rate at or above 5.2, **or** a DAFWII case rate at or above 3.0, **or** if records are not available. See XI.E.

Federal Offices Having Jurisdiction over Establishments in State Plan States

If the establishment is in SIC 373 (ship and boat building and repairing), the Federal office, in coordination with the State plan, must determine whether the State, OSHA, or both have jurisdiction over the establishment. See XII.C.3.

Ownership

If the establishment changed ownership since December 31, 2003, and the period of new ownership is less than six months, go to XIV.G.

If the establishment changed ownership since December 31, 2003, and the period of new ownership is six months or more, recalculate the rate for the period of new ownership. See XIV.F.

If the DART is at or above 5.2 **or** the DAFWII is at or above 3.0, continue with the inspection.

If the recalculated DART is below 5.2, **and** the DAFWII is below 3.0, classify the inspection as “records only,” and do a partial walkthrough.

If the period of new ownership is for 6 months or more but less than one year, recalculate the rate for the entire period of new ownership. If the period is greater than one year, recalculate the rate for the preceding 12 months.

Remember: when calculating the DART for the period of the new ownership, which may be less than a year, be sure both N and EH are for the new ownership period.

Remember also: In establishments where the ownership has changed, enter into the IMIS the Dun & Bradstreet (DUNS) number of the new owner in the appropriate field on the Establishment Detail Screen. If the new owner does not have a new DUNS number, enter the old DUNS number.

Calculate DART Rate and DAFWII Case Rate

Review the OSHA-300 Logs for 2002, 2003 and 2004. Calculate and record the DART rate and DAFWII case rate for each of the three years. See XIV.G.

The CSHO-calculated DART for 2003 is to be compared to the DART reported by employer on the OSHA 2004 Data Initiative data collection.

Calculations are not to be performed if, for any reason, the relevant records are not available. CSHOs will check OSHA-301 Forms as they deem appropriate to confirm the OSHA-300 Logs.

For Reference: Twice the private sector 2003 national incidence rates: DART rate $2 \times 2.6 = \mathbf{5.2}$; and DAFWII case rate $2 \times 1.5 = \mathbf{3.0}$.

- If records are not available, proceed with inspection.
- If any two of the calculated DART rates are at or above 5.2, proceed with inspection.
- If any two of the above DART rates are below 5.2, **but** any two of the DAFWII case rates are at or above 3.0, proceed with inspection.
- If for any two of the above three years the DART rates are below 5.2, **and** the DAFWII case rates for the **same** two years are below 3.0, then do a records review for that most current year that falls below twice the private sector rates, and then recalculate the DART and DAFWII for that most current year. If the DART is below 5.2, **and** the DAFWII is below 3.0, classify the inspection as a “records only.” **But**, if either the DART is at or above 5.2, **or** the DAFWII is at or above 3.0, proceed with the inspection.
- **Remember:** All low-rate establishments referred to in XI.A.2. will receive a comprehensive safety inspection regardless of their calculated DART and DAFWII rates. These establishments will be identified on the Area Offices’ inspection lists by two asterisks (**). Note: Do not inspect if Office Only.
- **Also Remember:** All non-responder establishments referred to in XI.A.5. will receive a comprehensive safety inspection regardless of their calculated DART and DAFWII rates. These establishments will be identified on the Area Offices’ inspection lists by three asterisks (***). Note: If Office Only see XI.H.
- For “records only” inspections: A partial walkthrough **will** be conducted to interview workers in order to confirm and verify the injury and illness experience. Any recordkeeping violations, in addition to any serious violations that are observed in the vicinity or brought to the attention of the CSHO, must be investigated and may be cited.
- To determine which recordkeeping violations can be cited, see XIV.D.

IMIS

Record the DUNS Number

Press F5 in Item 8 to access establishment processing and record the DUNS number in the appropriate field on the Establishment Detail Screen. Once establishment processing is completed, the DUNS number will appear in Item 9b. In establishments where owner-

ship has changed, enter the DUNS number for the new owner. If the new owner does not have a new DUNS number, enter the old DUNS number. See XVII.

Enter Inspection Type

SST-Only Inspections = Programmed Planned

SST combined with Unprogrammed Inspections = Unprogrammed

SST Combined with NEP or LEP Inspections = Programmed Planned

SST Combined with Unprogrammed and other Programmed = Unprogrammed

Enter Inspection Classification

Inspection classification: NEP = SSTARG05

Enter all applicable NEP and LEP Program codes

In Item(s) 25c and 25d when a SST-05 inspection was conducted and the inspection also meets the protocol for other program(s).

Enter all applicable Strategic Management Plan hazard/industry codes

In Item 25f, (e.g., amputations, ergonomics, lead, silica).

APPENDIX C

SST2005 Website

Enter Web site with ID and password.

From the main page, select **Create**.

The next page will display the total number of establishments in your database and the total number of establishments that are available for selection in the next cycle. For the cycle selection, there are two steps.

Step 1 Enter a name for the cycle. This will allow you to return to list of establishments chosen in this cycle.

Step 2 Enter the number required for this cycle.
Or
Enter the percent of those available that is required for this cycle.

Then click on the “create cycle” button and the cycle will be created by randomly selecting the desired number of establishments from those available.

The establishments selected will be displayed next. There are three branches from this page. The lower right corner of the page has a print cycle button which will open a window with the establishments listed in a format for printing.

The DUNS # and Name columns are highlighted in blue. Clicking on the name of the establishment will send you to the IMIS establishment search with this establishment name entered. Clicking on the DUNS # will open a page with other print options for more data on this establishment or the industry of the establishment.

Source: OSHA, Directorate of Evaluation and Analysis, Office of Statistical Analysis

APPENDIX D

List of High-Rate Industries

The following industries have an industry DART rate from 6.7 to 11.9 as reported by the Bureau of Labor Statistics (BLS) Annual Survey, *TABLE SNR02. Highest incidence rates of nonfatal occupational injury and illness cases with days away from work, restricted work activity, or job transfer, private industry 2003*.

Industry	NAICS	DART
Bottled water manufacturing	312112	11.9
Light truck and utility vehicle manufacturing	336112	11.7
Vitreous china plumbing fixture manufacturing	327111	11
Soft drink manufacturing	312111	9.8
Couriers	492110	9.4
Refrigerated warehousing and storage	493120	9
Animal, except poultry, slaughtering	311611	8.9
Scheduled air transportation	481100	8.6
Amusement parks and arcades	713110	8.6
Automobile manufacturing	336111	8.2
Truss manufacturing	321214	7.8
Cut stock, resawing lumber, and planing	321912	7.6
Fluid milk manufacturing	311511	7.5
General warehousing and storage	493110	7.5
Alcoholic beverage merchant wholesalers	424800	7.4
Steel foundries, except investment	331513	7.2
Rolled steel shape manufacturing	331221	7.1
Waste collection	562100	7.1
Meat processed from carcasses	311612	7
Manufactured home, mobile home, manufacturing	321991	6.9
Prefabricated wood building manufacturing	321992	6.8
All other converted paper product manufacturing	322299	6.7

Source: OSHA, Directorate of Evaluation and Analysis, Office of Statistical Analysis

INDEX

Area Director	12, 13, 17, 19, 20, 21, B-1
Background.....	5
Cancellations	2
Carryovers.....	16, 17
Checklist	21, B-1
Construction.....	1, 11
Consultation.....	1, 2, 4, 9, 16, 17, 19, B-1
CPL 02-00-025	1, 3, 16, 18
CPL 02-00-051	1
CPL 02-00-103	1, 12, 17, 19, 20, 23
CPL 02-00-135	1, 11, 20
CPL 02-02-045	1, 24
CSP 01-00-002	1
CSP 02-00-001	2, 4, 17
CSP 03-01-002	2
CSP 03-02-002	1, 2, 11, 16, 19, 20
Cycle Size	15
DAFWII.....	3, 5, 8, 9, 10, 11, 13, 14, 20, 21, 22, 23, B-2 to 4
DART	3, 5, 8, 9, 10, 11, 12, 13, 14, 20, 21, 22, 23, B-2 to 4, D-1
Data Initiative	3, 4, 5, 8, 9, 11, 13, 14, 15, 22, A-1 & 3, B-2 & 3
Data Survey	9, 13
Deferrals	16, 19, 20
Definitions	9
Deletions.....	4, 16, 20
Different Address.....	15
Different SIC/NAICS Codes	14
DUNS number	22, 24, 25, B-3 & 4
EEP	8, 12, 13, 18, 19, 25, B-2
Enhanced Enforcement Program	8, 19, 25, B-2
Establishment.....	10
Expiration Date.....	3
Federal Program Change	3
High-Rate Industries	11, B-4
IMIS	3, 2, 22, 24, 25, B-3 & 4, C-1
Inspection Priority.....	17
Inspection Procedures	19
Low-Rate Establishments	11
NAICS	8, 12, 13, 14, 20, 23, B-2, D-1
Non-Responders	13
Nursing and Personal Care Facilities.....	12
Office Only	9, 13, 14, 15, 20, 23, B-4

OSHA Notice 04-08 (CSP 02).....	2
OSHA-200 Log	21
Ownership	21, B-3
Partnership	1, 2, 9, 16, 19, B-1
Pre-SHARP	17
Primary Inspection List.....	8, 12, 13, 15, 17
Process Safety Management Inspections	24
Public Sector Employers.....	18
Purpose	1
Recording.....	1, 24
Recordkeeping	1, 11, 15, 20, 21
References.....	1
Regional Administrator	3, 17, 19
Scheduling	1, 15
Scope	1, 16, 18, 19
Secondary Inspection List.....	13, 14, 19
Selection Criteria	11, 13
SHARP	4, 17, 19, B-1
SIC	6, 8, 12, 13, 14, 15, 17, 18, 19, 20, 23, A-1, B-2
Significant Changes	8
SST software.....	15, 16
Tertiary Inspection List.....	9, 15
Tracking.....	24
Unprogrammed Inspections	5
VPP	9, 17, 19, B-1
VPP applicant	1
VPP Applicant	17