

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

**Raleigh, NC**

Field Information System

CPL 2 (07-03)

***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 2007. 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.

CSHO's will conduct only comprehensive safety inspections. Health inspections will be limited to certain situations, referrals, etc. (Para. XV.A). OSHNC will not use sections in this directive relating to primary inspections lists (Para. XII.A. 1), assignment of a group of low rate establishments from high rate industries (App. D), non-responders to the ODI survey (para.XII.A.4), secondary inspections lists (Para. XII.B.), cycle size (Para. XIII.A) and deletions (Para. XIV). Other provisions of the 07-03 (CPL-02), May 14, 2007 including a provision to clarify procedures when an establishment is an office only site (Para. XII.J) and Appendix B "Compliance Officer Checklist" are to be followed 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

5/14/07

Date of Signature



# OSHA NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

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**DIRECTIVE NUMBER:** 07-03 (CPL 02) **EFFECTIVE DATE:** May 14, 2007

**SUBJECT:** Site-Specific Targeting 2007 (SST-07)

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## ABSTRACT

- Purpose:** This Notice implements OSHA's Site-Specific Targeting 2007 (SST-07) inspection plan, and replaces the June 12, 2006 Notice that implemented OSHA's Site-Specific Targeting 2006 (SST-06) 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 06-01 (CPL 02), Site-Specific Targeting 2006 (SST-06), June 12, 2006.
- 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 XIII.D.1.
- State Impact:** Notice of Intent and Equivalency required. See paragraph VII.
- Action Offices:** National, Regional, and Area Offices
- Originating Office:** Directorate of Enforcement Programs

**Contact:** Directorate of Enforcement Programs  
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By and Under the Authority of

Edwin G. Foulke, Jr.  
Assistant Secretary

## **Executive Summary**

This Notice cancels and replaces OSHA Notice 06-01 (CPL 02), Site-Specific Targeting 2006 (SST-06), issued June 12, 2006. 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 2006 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.

## **Significant Changes**

- Adds a Background section.
- Changes some of the threshold DART rates and DAFWII case rates for the inspection lists.
- Decreases the number of low-rate establishments from high-rate industries that are added to the Primary List.
- Adds to the Primary Inspection List some establishments that did not respond to the 2006 OSHA Data Initiative survey.
- Clarifies inspection procedures when more than one establishment is included in the ODI survey data.
- Clarifies that Area Directors are to maintain inspection lists/cycles.
- Clarifies procedures for Regional Administrators when the Primary Lists cannot be completed.
- Clarifies deletion procedures for EEP and EEP-related establishments.
- Clarifies inspection protocols for Residential Care Facilities (SIC code 8361).

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I Purpose.

This Notice implements OSHA's Site-Specific Targeting 2007 (SST-07) inspection plan, and replaces the June 12, 2006 Notice that implemented OSHA's Site-Specific Targeting 2006 (SST-06) inspection plan. This program does not include construction worksites.

II Scope.

This Notice applies OSHA-wide.

III References.

- A. Occupational Safety and Health Act of 1970, 29 USC 651.
- B. [29 CFR Part 1904, Recording and Reporting Occupational Injuries and Illness.](#)
- C. [29 CFR Part 1908, Consultation Agreements.](#)
- D. [Revisions to the Voluntary Protection Programs to Provide Safe and Healthful Working Conditions](#), *Federal Register*, July 24, 2000 (65 FR 45650).
- E. Agency Information Collection Activities; Announcement of OMB Approval, *Federal Register*, April 23, 2004 (69 FR 22096).
- F. OSHA Directives.
  - [ADM 03-01-005](#), OSHA Compliance Records, August 3, 1998.
  - [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.
- G. Log Data Collection System Procedures Manual, Version 11.0: 2005 Log Data Collection Initiative.
- H. [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 2005.
- I. [Memorandum dated September 30, 2003 from Deputy Assistant Secretary R. Davis Layne to Regional Administrators, "Interim Implementation of OSHA's Enhanced Enforcement Program \(EEP\)."](#)
- J. [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.

OSHA Notice 06-01 (CPL 02), Site-Specific Targeting 2006 (SST-06), dated June 12, 2006.

#### 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 XIII.D.1.

#### VI 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 and Coordinators, OSHA Strategic Partnership Coordinators, Compliance Assistance Coordinator, Compliance Assistance Specialists, and Regional EEP Coordinators.

## VII State Plan Impact.

Notice of Intent and Equivalency required. This Notice describes a Federal program change which establishes policies and procedures regarding inspection targeting under the SST-07 plan. States with OSHA approved State Plans 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 VII.B. These inspection policies and procedures must be at least as effective as the Federal and must be available for review. States are required to notify OSHA whether they intend to adopt policies and procedures identical to this year’s SST or adopt or maintain different policies and procedures for targeting of inspections.

If a State adopts or maintains policies and procedures that differ from the Federal, the State may either post its different policies on its State plan website and provide the link to OSHA or provide information on how a copy may be obtained. If the State adopts identical policies and procedures, it must provide the date of adoption to OSHA. OSHA will provide summary information on the State responses to this instruction on its website.

### 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 2006 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. The State’s inspection targeting system, including supporting documents

such as directives or other guidance must be documented in the State plan. If a State's plan is not up-to-date in its description of the targeting system, the State must submit a State Plan supplement with the appropriate revisions.

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 employers working toward exemption program participation (comparable to pre-SHARP) from programmed inspection lists for up to 18 months (§1908.7(b)(4)(i)(A)). See paragraph XIII.C.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 XIV.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 XIII.C.2. of this Notice.
3. Any State that has not submitted a plan supplement concerning these deletions and deferrals or documentation of an identical plan change must submit this documentation as soon as possible.
4. States that have adopted procedures comparable to OSHA's Enhanced Enforcement Program (EEP) are encouraged to incorporate the revisions relating to this program. See paragraph XIV.E.

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.

## VIII Significant Changes.

- A. A Background section has been added to give additional information concerning the creation of the SST inspection lists from the OSHA Data Initiative survey, and to clarify the relationship between the SST program and the Enhanced Enforcement Program (EEP). See IX.
- B. Some of the threshold DART rates and DAFWII case rates are changed for the inspection lists. The Primary List will include those establishments with a DART rate at or above 11.0, **or** a DAFWII case rate at or above 9.0. See XII.A.1.  
  
The Secondary List will include those establishments with a DART rate of 7.0 or greater but less than 11.0, **or** a DAFWII case rate of 4.0 or greater but less than 9.0. See XII.B.  
  
The Tertiary List will include no establishment with a DART rate of 4.8 or lower **and** a DAFWII case rate of 2.8 or lower. See XII.C.
- C. The number of low-rate establishments from high-rate industries that are added to the Primary List has been decreased from approximately 175 to approximately 100. See XII.A.2.
- D. Some establishments that did not respond to the 2006 OSHA Data Initiative survey are added to the Primary List. See XII.A.4.
- E. A provision has been added to clarify inspection procedures when more than one establishment is included in the ODI survey data. See XIII.I.
- F. A provision has been added to clarify Area Directors' responsibility in maintaining inspection lists/cycles and documentation. See XIII.A.
- G. A provision has been added to clarify procedures Regional Administrators are to follow when the Primary List cannot be completed. See XIII.D.2.
- H. A provision has been added to clarify deletion procedures for EEP and EEP-related establishments that have received a comprehensive inspection within the previous 12 months. See XIV.E.
- I. A provision has been added to clarify inspection scope protocols for Residential Care Facilities (SIC code 8361). See XV.A.5.

## IX Background.

### A. OSHA's Programmed Inspection Programs.

OSHA's Site-Specific Targeting (SST) program is OSHA's main programmed inspection plan for non-construction workplaces that have 40 or more employees. To better identify workplaces for inspection, the SST plan is based on the data received from the prior year's OSHA Data Initiative (ODI) survey. The intention of the Data Initiative and the SST program is to help OSHA make more effective use of its enforcement resources. In order to achieve OSHA's goal of reducing the number of injuries and illnesses that occur at individual workplaces, the SST directs enforcement resources to those workplaces where the highest rate of injuries and illness have occurred.

In addition, OSHA implements both national and local "emphasis" inspection programs to target high-risk hazards and industries. OSHA currently has five national emphasis programs (NEPs) focusing on amputations, lead, silica, shipbuilding and trenching/excavations. OSHA currently has approximately 140 local emphasis programs (LEPs).

### B. Creating the SST Inspection Lists.

By applying industry and establishment size class criteria, OSHA focuses its data collection towards establishments that are most likely to be experiencing elevated rates and numbers of occupational injury and illness. Specifically, OSHA collects injury and illness data through the OSHA Data Initiative (ODI) survey from larger establishments (40 or more employees) in historically high rate industries. Application of these size and industry criteria narrows the number of establishments throughout the nation from over 7 million to under 150,000. Each year OSHA then systematically selects 80,000 establishments from the 150,000 potential respondents. See appendix A for a list of industries in which the ODI is focused.

NOTE: The **2005** injury and illness data that was collected by the **2006** Data Initiative is used in the **2007** Site-Specific Targeting program.

### C. SST's Relationship with the Enhanced Enforcement Program (EEP).

OSHA also operates the Enhanced Enforcement Program focusing on employers who repeatedly ignore their safety and health obligations under the OSH Act.

EEP cases may result from any OSHA inspection, programmed (SST, NEP, LEP) or unprogrammed (imminent danger, fatality/catastrophe, complaints, referrals) or

follow-up. The determination to classify an inspection as an EEP case is made at the time citations are issued. Classification depends on what violations are found during the inspection.

EEP cases may receive additional enforcement efforts, such as enhanced follow-up inspections of the cited workplace, inspections of other workplaces of the same employer, more stringent settlement terms, and even federal court summary enforcement orders.

Inspections of other workplaces of the EEP employer may include establishments on the SST inspections lists. These workplaces will get a higher inspection priority by being moved by the Office of Statistical Analysis in Washington, DC from the Primary or Secondary Inspection Lists to each Area Office's current inspection cycle. In addition, if the EEP case itself is found on the SST inspection lists, it may be subject to inspection. Both the EEP establishments and the EEP-related establishments, even though moved to a current inspection cycle, may be deleted in accordance with paragraph XIV.E. (Deletions – EEP) and may receive a "records only" inspection, if appropriate, in accordance with section XV.G. (Inspection Procedures – Calculate DART & DAFWII).

D. 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 use NAICS codes.

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 uses SIC codes. 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.

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

X 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-07 plan, the two inspections may be conducted either concurrently or separately. See also paragraph XVI.B., Recording & Tracking.

B. Special Emphasis Programs.

Some establishments may be selected for inspection under the SST-07 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, scrapyards, or shipyards) can be run concurrently with the SST-07 plan; however, the SST-07 plan inspections have priority.

Whenever an establishment is scheduled for inspection on the current cycle of the SST-07 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., Recording & Tracking.

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-07 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. For guidance on inspections for PSM-covered processes at petroleum refineries (SIC 2911), see the OSHA Instruction for the Petroleum Refinery Process Safety Management NEP that will be issued soon.

XI Definitions.

A. Comprehensive Inspection.

A comprehensive inspection is a substantially complete inspection of the

potentially high hazard areas of the establishment. An inspection may be deemed comprehensive even though, as a result of the exercise of professional judgment, not all potentially hazardous conditions, operations and practices within those areas are inspected. See paragraph A.1.a. of Chapter 2, of the FIRM (OSHA Instruction CPL 02-00-103).

B. 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.

C. 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 employees, worked 645,089 hours at the workplace. 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  $(22 \div 645,089) \times (200,000) = 6.8$ .*

D. 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.

For example, from the OSHA-300 Log: *Employees of an establishment, including management, temporary, and leased employees, worked 452,680 hours at the workplace. 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  $(25 \div 452,680) \times (200,000) = 11.0$ .*

E. 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 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.

For purposes of this Notice, the term *Establishment* does not include construction worksites.

F. 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.

XII Description of the Site-Specific Targeting 2007 (SST-07) Plan.

A. Primary Inspection List

1. Selection Criteria.

The SST-07 plan selects for inspection individual workplaces, as identified through the 2006 Data Initiative survey. For comparison purposes, the national DART rate for private industry for 2005 was 2.4, and the DAFWII case rate was 1.4.

The SST-07 plan initially selects for inspection all workplaces with a DART rate at or above 11.0, **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 4,150 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 an 11.0 DART rate, and an 8.0 DAFWII case rate, will be included on the Primary List.*

*An establishment with a 12.0 DART rate, and a 10.0 DAFWII case rate, will be included on the Primary List.*

*An establishment with a 10.0 DART rate and an 8.0 DAFWII case rate, will not be included on the Primary List.*

2. Low-Rate Establishments in High-Rate Industries.

In order to verify generally the reliability of claims by establishments that they have achieved low DART rates, analysts in OSHA's Office of Statistical Analysis in Washington, DC, will select -- by applying a random number table to all establishments within the jurisdiction of each OSHA Area Office that have reported both a DART rate from 0.0 to 2.4 and 100 employees or more -- approximately 100 low-rate establishments in high-rate industries. These industries have a DART rate from 6.6 to 13.2, as reported by the Bureau of Labor Statistics (BLS) Annual Survey (see Appendix D). The low-rate establishments will be added to the Primary List to be distributed to each Area Office; will be identified on each Area Office's Primary List by two asterisks (\*\*); will be ineligible for a "records only" inspection, unless they have a different SIC/NAICS code (see paragraph XII.G.); and will be deleted if the Area Office discovers that the targeted establishment consists of only an office (see paragraph XII.J.)

3. Nursing and Personal Care Facilities.

For the SST-07 plan, establishments in SIC code 805 will be added by the Office of Statistical Analysis in Washington, DC 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 specifically on ergonomic stressors; 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.

4. 2006 OSHA Data Survey Non-Responders.

A random sample of establishments that did not provide rate information in accordance with the 2006 OSHA Data Initiative survey by April 6, 2007 have been added to the Primary Inspection List by the Office of Statistical Analysis in Washington, DC. The establishments selected will be identified on the Area Offices' inspection lists by three asterisks (\*\*\*) and will not be deleted from the list. See XII.G., 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. Contact Dave Schmidt by e-mail or at 202/693-1886.

If it is found that an establishment consists of only an office, see XII.J. 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.

The Secondary List will contain establishments reporting DART rates of 7.0 or greater but less than 11.0, **or** a DAFWII case rate of 4.0 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.

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); Dave Schmidt by e-mail or at 202/693-1886.

The threshold rates will vary with each Area Office. OSA will randomly select and provide each Area Office with the number of establishments specifically requested by that Area Office. No establishments with a DART rate of 4.8 or lower **and** a DAFWII case rate of 2.8 or lower will be included. No establishments in SIC 805 will be included.

D. EEP Cases and EEP Related Establishments.

If an establishment originally on the Primary or Secondary List is identified as an 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.

After notification by OSA, EEP establishments or establishments related to an EEP case will not be deleted or entitled to an inspection deferral, except in accordance with paragraphs XIII.C. (Deferrals), XIV.C. (Deletions -- Partnerships), and XIV.D. (Deletions -- VPP or SHARP).

If these establishments have had a comprehensive safety inspection (or focused inspection for establishments in SIC code 805 as described in XIV.A.) within the previous 12 months, see paragraph XIV.E.

EEP cases or establishments related to EEP cases that are moved to the current inspection cycle may receive a “records only” inspection, if they qualify (see last paragraph in XV.G.).

E. Industries without Permanent Workplaces.

For industries like SIC 0783, Ornamental Shrub and Tree Services, which do not have permanent workplaces, 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 workplace to inspect by using a random number table. This will apply to such establishments on all SST inspection lists.

F. Establishments with Fewer than 40 Employees.

If an establishment to be inspected under the SST-07 plan has fewer than 40 employees 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 employees **and** either its calculated DART rate or DAFWII case rate is at or above twice the private sector 2005 national incidence rates (that is, DART = **4.8**; DAFWII = **2.8**), or records are not available. See XV.G., below, for more details on calculating DART and DAFWII rates.

G. Different SIC/NAICS Codes.

If an establishment on any of the inspection lists (including an establishment

identified by \*\*\* as stated in paragraph XII.A.4.) 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 2005 national incidence rates (that is, DART = **4.8**; DAFWII = **2.8**). Enter the correct SIC code on the OSHA-1. If injury and illness records are not available, 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 (one identified by \*\* as stated in paragraph XII.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 **4.8** or a DAFWII case rate at or above **2.8**, 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, proceed with the inspection.

See also, paragraph XV.B. regarding Verifying SIC/NAICS Code.

H. Different Address than on ODI Data Sheet.

The ODI data sheet may 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 some other facility with a different economic activity, or even the home address of the person completing the ODI survey. This may also occur when the establishment changes physical location – moves across the street or to the neighboring town – after it has submitted its ODI data.

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 (contact Dave Schmidt by e-mail or at 202/693-1886) so that its records can be corrected. OSA will also transfer the establishment to the proper area office's inspection list, if appropriate. See also paragraph XII.J. regarding Office-Only Sites.

I. Two or More Establishments in ODI Data.

Whenever injury and illness data for two or more establishments of the same employer are included in the same ODI data sheet, and the employer is unable to separate the establishment-specific injury and illness data for each establishment within a reasonable amount of time, an inspection of at least one of the establish-

ments will be conducted **if** the establishment has a SIC code listed in Appendix A.

If the employer is able to separate the establishment-specific injury and illness data for each of its establishments within a reasonable amount of time, an inspection of one or more of the establishments will be conducted **if** the establishment has a SIC code listed in Appendix A, **and** the establishment's DART rate is at or above 4.8, **or** the DAFWII case rate is at or above 2.8.

A random number table must be used to select which establishment(s) to inspect.

If more than one establishment is inspected, an OSHA-1 will be opened for each inspection.

NOTE: The recordkeeping regulation at §1904.40(a) states that once a request is made, an employer must provide the required recordkeeping records within four (4) business hours.

If any of the establishments are not within the Area Office's jurisdiction, contact the Office of Statistical Analysis (OSA) -- Dave Schmidt by e-mail or at 202/693-1886 -- so OSA can move the establishment(s) to the correct Area Office's inspection list. If one of the establishments is an Office-Only site, see XII.J.

#### J. 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 should attempt to determine for what site or sites the OSHA Data Initiative (ODI) survey data was entered.

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. If the site (or sites) is not within the Area Office's jurisdiction, contact the Office of Statistical Analysis (OSA) -- Dave Schmidt by e-mail or at 202/693-1886 -- so OSA can move the establishment to the correct Area Office's inspection list.

The OSA must also be contacted if an Office-Only site is found or if the Office site data includes data from other site(s). This is necessary so that the site can be removed from, or updated on, future ODI surveys. The OSA is also available to assist with 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.

### XIII Scheduling.

The National Office in Washington, DC 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 XII.B. and XII.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. Maintaining Inspection Lists/Cycles and Documentation.

The Area Director is responsible for maintaining documentation necessary to demonstrate that the SST inspection lists and cycles have been properly utilized in accordance with the requirements of this Notice, including adequate documentation on all deletions, deferrals or other modifications (modifications such as rationale for inspections to be expanded to cover health hazards based either (a) on the prior inspection history of the establishment, or (b) on current knowledge concerning the industry in which an establishment is classified). All such inspection lists, cycles and documentation must be maintained in the Area Office for a period of three years after completion of all the inspections conducted under this SST plan. See paragraph B.1.b.(1)(c)3 in CPL 02-00-025, and Appendix D in ADM 03-01-005.

See also last two paragraphs in XV.A.2. regarding necessary documentation.

#### B. Cycle Size.

Inspection cycles for the Primary and Secondary 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 (that is the inspection must be initiated) 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 permissible carryovers from one cycle to another cycle. In addition, any cycle begun but not yet completed by the expiration date of this Notice must be completed, even if the inspections for the remaining establishments in the cycle are initiated after the expiration date.

C. 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 XIV.C., and Scope at XV.A.6.

2. OSHA On-Site Consultation Program 90-Day Deferral.

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 calendar days from the date of notification by the State Consultation Program to the Regional Office. See paragraph XII.C. of Notice 04-08 (CSP 02), which is referenced in paragraph III.F., above. No extension of the deferral beyond the 90 calendar 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 workplace will be

deferred starting no more than 75 calendar days prior to the commencement of its scheduled pre-approval on-site review. The Applicant workplace will be removed from any programmed inspection list for the duration of VPP participation, unless the site chooses otherwise (see paragraph XIV.D., Deletions). 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.

D. 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-06 plan must normally complete that cycle before moving to inspections under the SST-07 plan, but see CPL 02-00-025 at paragraph B.1.b.(1)(e)1 that lists permissible carryovers from one cycle to another cycle.
2. All establishments on the SST-07 Primary Inspection List must be inspected unless, in view of resource considerations, the Deputy Assistant Secretary authorizes (generally in advance) the Regional Administrator to conduct a smaller number of inspections. Such authorization will normally require the Area Office to complete all inspections in the current cycle.

Regional Administrators must send a memorandum to the Deputy Assistant Secretary, through the Director of the Directorate of Enforcement Programs, stating the reason why an area office's primary list cannot be completed.

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 List 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. The Secondary List does not 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.

#### XIV 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 XV.A.

**Remember:** After notification by OSA, EEP establishments or establishments related to an EEP case will not be deleted or entitled to an inspection deferral, except in accordance with paragraphs XIII.C. (Deferrals), XIV.C. (Deletions -- Partnerships), and XIV.D. (Deletions – VPP or SHARP). If these establishments have had a comprehensive safety inspection [or focused inspection for establishments in SIC code 805 as described in XIV.A. (Deletions – Previous Inspection)] within the previous 12 months see paragraph XIV.E. (Deletions – EEP Inspections).

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-07 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 CSHOs 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 XIV.A. (Deletions – Previous Inspection), 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 XIII.C.1., and Scope at XV.A.6.

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 paragraph XII.D of this Notice, EEP establishments and establishments related to an EEP case, which are on the Primary or Secondary Inspection Lists and are moved to the area office’s current inspection cycle, will not be deleted or entitled to an inspection deferral, except in accordance with paragraphs XIII.C. (Deferrals), XIV.C. (Deletions -- Partnerships), and XIV.D. (Deletions – VPP or SHARP), and this section XIV.E.

For **EEP** Establishments.

EEP establishments that have received a comprehensive safety inspection (or focused inspection for establishments in SIC code 805 as described in XIV.A. (Deletions – Previous Inspection) within the previous 12 months of the creation of the current inspection cycle **and** have had an in-compliance follow-up inspection, will be deleted from the inspection list.

If the follow-up inspection to the EEP inspection was not in-compliance, or the follow-up has not yet been conducted, then the SST inspection will be conducted, but it may be focused. The focus of the inspection will be related to the hazards found in the EEP inspection.

For **EEP-Related** Establishments.

EEP-related establishments that have received a comprehensive safety inspection (or focused inspection for establishments in SIC code 805 as described in XIV.A.) within the previous 12 months of the creation of the current inspection cycle, may receive a focused inspection. The focus of the inspection will be related to the hazards found in the EEP inspection.

If, however, the EEP-related establishment does not have hazards similar to those found in the EEP inspection, the establishment will be deleted from the inspection list. For example: If the EEP establishment had a fall hazard from a tank car loading platform, and the EEP-related establishment is a meat packing plant, and the Area Director knows (because of its recent comprehensive inspection) that the EEP-related establishment does not have similar fall hazards, the establishment will be deleted.

NOTE: EEP cases or establishments related to EEP cases that are moved to the current inspection cycle may receive a “records only” inspection, if they qualify (see last paragraph in XV.G.).

F. Office-Only.

See paragraph XII.J. as to when an establishment is to be deleted if the establishment injury and illness data is only for an office.

XV Inspection Procedures.

A. Scope.

1. Inspections under SST-07.

Inspections conducted under this plan will be comprehensive safety

inspections. Health inspections under this plan will be limited to (1) the focused inspections of personal care facilities (SIC 805), as described below in paragraph XV.A.4.; (2) CSHO referrals (i.e., when CSHO on site saw potential health hazard); and (3) inspections expanded by the Area Director based either (a) on prior inspection history of the establishment, or (b) on current knowledge concerning the industry in which an establishment is classified. See discussion in paragraph XV.A.2.

NOTE: The above health inspections conducted in accordance with this Notice are also to be coded as an SST-07 inspection. See Recording and Tracking paragraphs XVI.A. and B.

2. Health Inspections.

When an Area Director orders an SST inspection to be expanded to cover health hazards at a particular establishment, the Area Director must document his/her rationale for the expanded inspection. If an Area Director expands an inspection to cover health hazards at a particular establishment, it must be based either (a) on the prior inspection history of the establishment, or (b) on current knowledge concerning the industry in which an establishment is classified. If the expansion is based on current knowledge concerning the industry, such expanded 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

Documentation is necessary to describe the rationale for expanding the SST inspection to include health hazards/issues. This is to ensure that the expansion was based on objective and neutral criteria.

Documentation specific for a particular case file is to be maintained in the case file (i.e., on the OSHA-1 narrative or as a separate memorandum). Since this documentation also describes a modification to the SST inspection list, it must also be maintained along with the inspection lists. See paragraph XIII.A. regarding Maintaining Inspection Lists and Cycles.

3. Both Safety and Health Inspection Conducted.

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.

4. Nursing and Personal Care Facilities (SIC code 805).

The scope of inspections for nursing and personal care facilities (SIC code 805) will focus specifically on ergonomic stressors; 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 XII.A.3.

5. Residential Care Facilities (SIC code 8361).

There are generally three factual situations that can fall under Residential Care Facilities, and each requires a different inspection scope protocol.

The first situation is very much like a nursing and personal care facilities (SIC code 805) setting where the patients/clients live-in. In such facilities a focused inspection like that done for Personal Care Facilities will be done. That is, focus the inspection specifically on ergonomic stressors; exposure to blood and other potentially infectious materials; exposure to tuberculosis; and slips, trips, and falls. See paragraph XII.A.3.

The second situation is where the facility may have buildings such as greenhouses, classrooms, and industry buildings with woodshops. Such buildings will receive a normal SST inspection, that is, a comprehensive safety inspection and any health inspections that meet the criteria stated under Scope paragraph XV.A.1.

The third situation is where the facility is similar to group homes or where its employees go out to clients' homes. In this situation OSHA compliance officers will not go into the living quarters of the residential living facility or out to the clients' homes with the employees. The compliance officer, however, can review whether systems are in place and functioning to protect employees from the inherent hazards in the industry (i.e., Hepatitis B vaccinations, bloodborne exposure follow-up, bloodborne pathogen training, ergonomic stressors) by interviewing the employer and employees.

6. Partnerships.

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 XIII.B.1. and Deletions at XIV.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 XII.G., Different SIC/NAICS Codes.

If the establishment is a low-rate establishment in a high-rate industry (identified by \*\*), 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 2005 national incidence rates (that is, DART = **4.8**; DAFWII = **2.8**). If injury and illness records are not available, continue with the inspection. If Office-Only do not inspect. See paragraph XII.J. 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).

E. Compliance Officers (CSHOs).

For a checklist of items that CSHOs need to accomplish on SST inspections, refer to Appendix B.

F. Ownership.

If the establishment has changed ownership after December 31, 2005, and has been under new ownership for less than six months, go to paragraph XV.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, 2005, 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 2005 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 4.8; DAFWII is less than 2.8), 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 employees 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 early or mid 2008. The period of new ownership, therefore, could range between 6 months and 2½ 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 from date of inspection. (When calculating the DART for the period of the new ownership, be sure that 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 2004, 2005, and 2006, will be reviewed. The CSHO will calculate the DART rate and the DAFWII case rate for each of the following years: 2004, 2005 and 2006.

NOTE: The OSHA-300 Logs for 2007 (and 2008 when applicable) may also be reviewed for possible injuries and illnesses occurring during the year, but are not to be substituted for the calculations below.

The CSHO-calculated DART rate for 2005 will be compared to the DART rate reported by the employer in the OSHA 2006 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 2005 national incidence rates: for DART rate  $2 \times 2.4 = 4.8$ ; or DAFWII case rate  $2 \times 1.4 = 2.8$ .

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

**SECOND:** If any two of the CSHO-calculated 2004, 2005 or 2006 DART rates are at or above **4.8**, proceed with the inspection.

**THIRD:** If any two of the above DART rates are below 4.8, **but** any two of the CSHO-calculated DAFWII case rates are at or above **2.8**, proceed with the inspection.

**FOURTH:** If for any two of the above three years the DART rates are below 4.8, **and** the DAFWII case rates for the **same** two years are below **2.8**, 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 2005 national incidence rates, and then recalculate the DART and DAFWII for that most current year. If the DART is below 4.8, **and** the DAFWII is below 2.8, 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 4.8, **or** the DAFWII case rate is at or above 2.8, proceed with the inspection.

All low-rate establishments referred to in paragraph XII.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 XII.J.). 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 XII.G. and XV.B. (Verify SIC/NAICS Code).

All non-responder establishments referred to in paragraph XII.A.4. 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 XII.J. 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 XII.G. and XV.B. (Verify SIC/NAICS Code).

If recordkeeping violations are discovered, see paragraph XV.D.

For “records only” inspections, a partial walkthrough **will** be conducted to interview employees 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.



EEP establishments or EEP-related establishments on the SST inspection lists are to be treated as any other SST inspection when calculating the DART and DAFWII rates, and will be given a “records only” inspection if they qualify. These establishments will be coded with the IMIS codes for both the SST and the EEP.

XVI. Recording and Tracking.

A. SST-Only Inspections.

The OSHA-1 Form must be marked as “programmed planned” in Item 24. In addition, the “NEP” box is to be checked and the value “SSTARG07” recorded in Item 25d (the SST inspections are being coded under the NEP for ease of tracking).

NOTE: Any health inspections conducted in accordance with this Notice as mentioned in Scope paragraph XV.A.1. are also to be coded as an SST inspection. See also, NOTE for XVI.B. below.

B. SST Combined with Unprogrammed Inspections.

For all unprogrammed inspections conducted in conjunction with an SST inspection, the OSHA-1 Form 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 “SSTARG07” recorded in Item 25d.

NOTE: Health inspections that are referrals (as mentioned in Scope paragraph XV.A.1.) are “unprogrammed.” However, these inspections are also to be coded as an SST inspection; the SST codes (e.g., SSTARG07) will not be rejected.

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 “SSTARG07” recorded in Item 25d along with all NEP and LEP IMIS codes applicable to the inspection.

D. SST Combined with Unprogrammed and Other Programmed Inspections.

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

E. EEP Cases and EEP-Related Inspections.

Any SST inspection that becomes an EEP case and any SST inspection that is an EEP-related inspection, in addition to the above coding, must be coded “N-08 EEP” in the optional information field of the OSHA-1. If it is an SST inspection that meets the criteria to become an EEP case, then the coding will be added when it is determined that the inspection meets the EEP criteria (i.e., at the time the citations are issued). If, however, it is an EEP-related inspection, the coding should be entered as soon as the case is opened.

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

F. Strategic Management Plan.

Enter all applicable Strategic Management Plan hazard/industry codes in Item 25f. (e.g., amputations, ergonomics, lead, silica).

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 2006

Approximately 80,000 establishments were surveyed in the 2006 OSHA Data Initiative (ODI) that collected 2005 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 MOTOR 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 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 (Vol. 69, No. 79, pp. 22096-22097).

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 On-site Consultation SHARP site, exit the site without conducting an inspection. These sites must be deleted from the inspection list. See XIV.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 XIII.C.3.

If an establishment is in pre-SHARP status, it may be deferred for up to 18 months. See XIII.C.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 calendar days from programmed inspections. See XIII.C.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 from an establishment's subsequent entry into the partnership. Check with the Area Director. See XIII.C.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 XIV.C., above. The deletion may also be extended for one year pursuant to CSP 03-02-002 paragraph XIV.B.5.a.ii. (See paragraph XIV.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 XV.A.6.

#### **Enhanced Enforcement Program (EEP)**

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 XII.D.

### **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 is at or above 4.8, or its DAFWII rate is at or above 2.8.

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 is at or above 4.8, or its DAFWII rate is at or above 2.8.

See paragraph XII.G., and also paragraph XV.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 it has a high rate (4.8/2.8). Enter the correct SIC on the OSHA-1.

If the establishment is a low-rate establishment (\*\*) (described in paragraph XII.A.2), 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 4.8, **or** a DAFWII case rate at or above 2.8.

See paragraph XV.B., and also paragraph XII.G.

### **Establishment with Fewer than 40 Employees**

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 4.8, **or** a DAFWII case rate at or above 2.8, **or** if injury and illness records are not available. See XII.F.

### **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 XIII.D.3.

### **Ownership**

If the establishment changed ownership since December 31, 2005, and the period of new ownership is less than six months, go to XV.F.

If the establishment changed ownership since December 31, 2005, and the period of new

ownership is six months or more, recalculate the rate for the period of new ownership. See XV.F.

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

If the DART rate is at or above 4.8 **or** the DAFWII rate is at or above 2.8, continue with the inspection.

If the recalculated DART rate is below 4.8, **and** the DAFWII rate is below 2.8, classify the inspection as “records only,” and do a partial walkthrough.

**Remember:** when calculating the DART rate for the period of the new ownership, which may be less than a year, be sure that 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 2004, 2005 and 2006. Calculate and record the DART rate and DAFWII case rate for each of the three years. See XV.G.

OSHA-300 Logs for 2007 (and 2008 when applicable) may also to be reviewed for possible injuries and illnesses occurring during the year.

The CSHO-calculated DART rate for 2005 is to be compared to the DART rate reported by the employer on the OSHA 2006 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 2005 national incidence rates: DART rate  $2 \times 2.4 = 4.8$ ; and DAFWII case rate  $2 \times 1.4 = 2.8$ .

- If records are not available, proceed with the inspection.
- If any two of the calculated DART rates are at or above 4.8, proceed with the inspection.



- If any two of the above DART rates are below 4.8, **but** any two of the DAFWII case rates are at or above 2.8, proceed with the inspection.
- If for any two of the above three years the DART rates are below 4.8, **and** the DAFWII case rates for the **same** two years are below 2.8, 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 rates for that most current year. If the DART rate is below 4.8, **and** the DAFWII rate is below 2.8, classify the inspection as a “records only.” **But**, if either the DART rate is at or above 4.8, **or** the DAFWII rate is at or above 2.8, proceed with the inspection.
- **Remember:** All low-rate establishments referred to in XII.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 XII.A.4. 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 XII.J.
- For “records only” inspections: A partial walkthrough **will** be conducted to interview employees 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.

## 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 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. See XVII.

### Enter Inspection Type

*SST-Only Inspections* = Programmed Planned

*SST Combined with Unprogrammed Inspections* = Unprogrammed

NOTE: Health inspections that are referrals in accordance with XV.A.1. are “unprogrammed,” but must also be coded as an SST inspection.

*SST Combined with NEP or LEP Inspections* = Programmed Planned

*SST Combined with Unprogrammed and other Programmed* = Unprogrammed

**Enter Inspection Classification**

*Inspection classification:* NEP = SSTARG07

**Enter all applicable NEP and LEP Program codes**

In Item(s) 25c and 25d when a SST-07 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

### SST2007 Website

Enter Website 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 6.6 to 13.2 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 2005.*

Industry	NAICS	DART
Beet sugar manufacturing	311313	13.2
Light truck and utility vehicle manufacturing	336112	10.4
Animal (except poultry) slaughtering	311611	8.8
Flat glass manufacturing	327211	8.6
Couriers	4921	8.6
Prefabricated wood building manufacturing	321992	8.3
Truss manufacturing	321214	8
Scheduled air transportation	4811	8
Hog and pig farming	1122	7.7
Framing contractors	23813	7.7
Heavy duty truck manufacturing	33612	7.7
Iron foundries	331511	7.5
Amusement parks and arcades	7131	7.5
Rooming and boarding houses	7213	7.5
Soft drink manufacturing	312111	7.3
Clay refractory manufacturing	327124	7.3
Truck trailer manufacturing	336212	7.2
Fluid milk manufacturing	311511	7
Cheese manufacturing	311513	7
Bottled water manufacturing	312112	6.9
Iron and steel forging	332111	6.8
Overhead traveling crane, hoist, and monorail system manufacturing	333923	6.8
Manufactured home (mobile home) manufacturing	321991	6.7
Boat building	336612	6.6
Beer, wine, and distilled alcoholic beverage merchant wholesalers	4248	6.6

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

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