

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

Raleigh, NC

Field Information System

CPL 2 (03-09)

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 2002. 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 (03-09) relating to Primary Inspections Lists (Para. X.A), assignment of a group of low rate establishments from high rate industries (App. D), Secondary Inspections Lists (Para. X.B.), Cycle Size (Para. XI.A), and Deletions (Para. XII) 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

Allen McNeely
Director

12/12/03

Date of Signature



OSHA NOTICE

U.S. DEPARTMENT OF LABOR

Occupational Safety and Health Administration

DIRECTIVE NUMBER: 03-09 (CPL 02) **EFFECTIVE DATE:** October 20, 2003
SUBJECT: Site-Specific Targeting 2003 (SST-03) Revised

ABSTRACT

Purpose: This revised Notice replaces the June 16, 2003 Notice that implemented OSHA's Site-Specific Targeting 2003 (SST-03) inspection plan. This Notice adds nursing and personal care establishments to the primary inspection list; these establishments were previously covered by OSHA Notice 02-03 (CPL 2), which expired September 30, 2003.

Scope: OSHA-wide

References: OSHA Instruction CPL 2-0.131, Recordkeeping Policies and Procedures Manual (RKM), January 1, 2002; OSHA Instruction CPL 2.25I, Scheduling System for Programmed Inspections, January 4, 1995; OSHA Instruction CPL 2.103, Field Inspection Reference Manual (FIRM), September 26, 1994; OSHA Instruction, STP 2-0.22B, State Plan Policies and Procedures Manual, March 21, 2001; and OSHA Instruction, TED 8-0.2, OSHA Strategic Partnerships for Worker Safety and Health, November 13, 1998.

Cancellations: OSHA Notice 03-02 (CPL 2), Site-Specific Targeting 2003 (SST-03), June 16, 2003; and Expired OSHA Notice 02-03 (CPL 2), National Emphasis Program – Nursing and Personal Care Facilities SIC 8051, 8052, 8059, July 17, 2002

Expiration Date: October 20, 2004, 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 XI.A.

State Impact: State adoption not required, See paragraph VI.

Action Offices: National, Regional, and Area Offices

Originating Office: Directorate of Enforcement Programs

Contact: Directorate of Enforcement Programs (202/693-1850)
200 Constitution Avenue, NW, N-3119
Washington, DC 20210

By and Under the Authority of
John L. Henshaw
Assistant Secretary

Executive Summary:

OSHA Notice 03-02 (CPL 2), Site-Specific Targeting 2003 (SST-03), issued June 16, 2003, is cancelled; this new Notice is its replacement. This Notice adds nursing and personal care establishments to the primary inspection list under the Site-Specific Targeting inspection plan; these establishments were previously covered by OSHA Notice 02-03 (CPL 2), which expired September 30, 2003.

Significant Changes:

This Notice revises OSHA's Site-Specific Targeting 2003 (SST-03) inspection program by adding nursing and personal care establishments in Standard Industrial Classification (SIC) Codes 8051, 8052, and 8059 to the primary inspection list.

Clarification is provided for Area Directors on how to proceed when an establishment to be inspected has a different address than what appears on the ODI data sheet.

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- I. Purpose. This revised Notice replaces OSHA Notice 03-02 (CPL 2), issued June 16, 2003, which implemented OSHA's Site-Specific Targeting 2003 (SST-03) inspection plan. This Notice adds nursing and personal care establishments to the primary inspection list; these establishments were previously covered by OSHA Notice 02-03 (CPL 2), which expired September 30, 2003.
- II. Scope. This Notice applies OSHA-wide.
- III. References.
 - A. Title 29 Code of Federal Regulations Part 1904
 - B. Title 29 Code of Federal Regulations Part 1908
 - C. Revisions to the Voluntary Protection Programs to Provide Safe and Healthful Working Conditions, published in the *Federal Register* on July 24, 2000 (65 FR 45650)
 - D. Occupational Injuries and Illnesses; Recording and Reporting Requirements, published in the *Federal Register* on January 19, 2001 (66 FR 5915)
 - E. OSHA Instruction CPL 2-0.131, Recordkeeping Policies and Procedures Manual (RKM), January 1, 2002
 - F. OSHA Instruction CPL 2-0.51J, Enforcement and Limitations under the Appropriations Act, May 28, 1998
 - G. OSHA Instruction CPL 2.25I, Scheduling System for Programmed Inspections, January 4, 1995
 - H. OSHA Instruction CPL 2.103, Field Inspection Reference Manual (FIRM), September 26, 1994
 - I. OSHA Instruction CPL 2-2.45A, Process Safety Management of Highly Hazardous Chemicals--Compliance Guidelines and Enforcement Procedures, September 28, 1992
 - J. OSHA Instruction, STP 2-0.22B, State Plan Policies and Procedures Manual, March 21, 2001
 - K. OSHA Instruction, TED 8-0.2, OSHA Strategic Partnerships for Worker Safety and Health, November 13, 1998

- L. OSHA Instruction, TED 3.6, Consultation Policies and Procedures Manual, August 6, 2001
- M. Log Data Collection System Procedures Manual, Version 7.0: 2001 Log Data Collection Initiative
- N. Bureau of Labor Statistics (BLS), Table 1. Incidence Rates of Nonfatal Occupational Injuries and Illnesses by Industry and Selected Case Types, 2001
- O. Memorandum of March 12, 2003 from Assistant Secretary John L. Henshaw to Regional Administrators entitled "Enhanced Enforcement Policy for Employers Who Are Indifferent to Their Obligations Under the OSH Act.

IV. Cancellations.

- A. OSHA Notice 03-02 (CPL 2), Site-Specific Targeting 2003 (SST-03), dated June 16, 2003 is cancelled.
- B. Expired OSHA Notice 02-03 (CPL 2), National Emphasis Program – Nursing and Personal Care Facilities SIC 8051, 8052, 8059, July 17, 2002.

V. Expiration Date. This Notice will terminate October 20, 2004, 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 XI.A.

VI. Federal Program Change. This Notice describes a federal OSHA program change for which state adoption is not required. The site-specific targeting inspection plan described in this Notice is not required to be adopted by states; however, states are required to have their own inspection targeting systems (a "core inspection policy"), which must be documented in their State Plan supplements.

- A. There are a number of options available to states.
 - 1. Use an existing state-developed high hazard inspection targeting system based on available state data.
 - 2. Use an existing high hazard inspection targeting system based on OSHA Instruction CPL 2.25I, 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.)

3. Use the targeting inspection plan set out in this Notice. The plan is based on establishment-specific employer LWDII and DAFWII data obtained through the 2002 Data Initiative. (The Office of Statistical Analysis will provide a Data Initiative list of high-rate employers within the state and criteria for inspection categories, upon specific request.)
- B. The two-way memorandum dated April 15, 1999 asked states to indicate which of the above scheduling options they were following, and to notify the Regional Administrator if they adopted a different scheduling system (and submit a plan supplement when appropriate). If a state is continuing to follow the option indicated in its response to that memorandum, no action is necessary. States continuing to follow Option 3 (using the current federal targeting/SST policy) will need to update their procedures to reflect the changes from last year contained in this directive. If a state adopts or develops a different inspection scheduling system from that indicated in its response to the April 15, 1999 two-way memorandum, the state must notify the Regional Administrator of the change and provide the necessary plan supplement describing its inspection targeting program.

VII. Significant Changes.

- A. Establishments in the nursing and personal care facilities in Standard Industrial Classification (SIC) Codes 8051, 8052, and 8059 have been added to the primary inspection list. These establishments have been added to the SST inspection plan because the National Emphasis Program (NEP) that addressed hazards in these industries, which was implemented on July 17, 2002 (OSHA Notice 02-03 (CPL 2)), expired on September 30, 2003.
- B. Clarification is provided for Area Directors on how to proceed when an establishment to be inspected has a different address than what appears on the ODI data sheet. This does not apply to construction worksites, which are not covered by this SST inspection plan. See paragraph X.E.

VIII. 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, and Compliance Assistance Specialists.

IX. 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 95,000 establishments [in 2002 about 15,000 were construction establishments]. It collects data from establishments by using the “OSHA Occupational Injury and Illness Data Collection Form.” The Data Initiative is OSHA’s Annual Survey that is referred to in 29 Code of Federal Regulations 1904.41

Note: The **2001** injury and illness data that was collected by the **2002** Data Initiative is used in the **2003** Site-Specific Targeting program.

- B. Days Away, Restricted, or Transferred (DART) Rate: This 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 (XYZ Company) worked 645,089 hours at this XYZ company. 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 $(22 \div 645,089) \times (200,000) = 6.8$.*

Note: The DART rate will eventually replace the Lost Workday Injury and Illness (LWDII) rate. For the SST-03 the DART rate will be used for the 2002 and 2003 data. See XIII.G.

- C. Days Away from Work Injury and Illness (DAFWII) Case Rate: 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.

For example from the OSHA-200 Log: *Employees of an establishment (ABC Company) worked 452,680 hours. There were 25 injury and illness cases involving days away from work from the OSHA-200 Log (total of column 3 plus column 10). The DAFWII case rate would be $(25 \div 452,680) \times (200,000) = 11.0$.*

For example from the OSHA-300 Log: *Employees of an establishment (ABC Company) worked 452,680 hours. 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 Chapter 2, paragraph VII.B. of CPL 2-0.131, Recordkeeping Policies and Procedures Manual.

- E. Lost Workday Injury and Illness (LWDII) Rate: This includes cases involving days away from work and restricted work activity and is calculated based on $(N \div EH) \times (200,000)$ where N is the number of lost work day injuries and illnesses combined, EH is the total number of hours worked by all workers during the calendar year and 200,000 is the base hours worked for 100 full-time equivalent workers.

For example: *Workers of an establishment including management, temporary, and leased workers worked 645,089 hours at this worksite. There were 22 lost workday injuries and illnesses from the OSHA-200 (totals in columns 2 and 9). The LWDII rate would be $(22 \div 645,089) \times (200,000) = 6.8$.*

Note: The DART rate will eventually replace the LWDII rate, but for the SST-03 program the LWDII rate will be used for the 2000 and 2001 data.

- 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 TED 8-0.2, and for which there is a signed partnership agreement.

X. Description of the Site-Specific Targeting 2003 (SST-03) Plan.

- A. Primary Inspection List. The SST-03 plan selects for inspection individual worksites (except construction), as identified through the 2002 Data Initiative. The national average LWDII rate for private industry for 2001 was 2.8, and the

DAFWII case rate for private industry was 1.7. See X.E. regarding nursing and personal care facilities.

The SST-03 plan initially selects for inspection all worksites with a LWDII rate at or above 14.0, **or** a DAFWII case rate at or above 9.0. (only one of these criteria must be met). This is approximately 3,200 sites.

Examples: *An establishment with a 12.0 LWDII rate and a DAFWII case rate of 9.0, will be included on the Primary List.*

An establishment with a 16.0 LWDII rate, and a DAFWII case rate of 8.0, will be included on the Primary List.

An establishment with a 16.0 LWDII rate, and a DAFWII case rate of 10.0, will be included on the Primary List.

*An establishment with a 13.0 LWDII rate, and a DAFWII case rate of 8.0, will **not** be included on the Primary List.*

In order to review the actual degree of compliance with OSHA requirements by establishments that report low LWDII **and** DAFWII rates, 200 low rate establishments will be randomly selected and added to the Primary list. These establishments will have LWDII rates between 0.0 and 8.0 **and** DAFWII case rates between 0.0 and 4.0. The establishments are selected from industries (i.e. SICs) that have average LWDII rates of 8.0 or greater, **or** DAFWII case rates of 4.0 or greater, as reported by the Bureau of Labor Statistics (BLS), in Table 1. Incidence Rates of Nonfatal Occupational Injuries and Illnesses by Industry and Selected Case Types, 2001. (See Appendix D for a list of these high rate industries.) The 200 establishments selected will be identified on the Area Offices' inspection lists by two asterisks (**).

For SIC 0783, Ornamental Shrub and Tree Services, the establishment list will normally only identify the employer's central office. The Area Office should, so far as possible, determine (e.g., by visiting the central office) all currently active sites where employees are performing ornamental shrub or tree services, and then choose one worksite to inspect.

- B. Secondary Inspection List. If an Area Office completes its inspections of all establishments with LWDII rates at or above 14.0, **or** DAFWII case rates at or above 9.0 (i.e., the Primary Inspection List in X.A., above) before the expiration of this SST program, it should obtain additional establishments from the Secondary Inspection List. See X.E. regarding nursing and personal care facilities.

The secondary list will contain those establishments reporting LWDII rates of 8.0 or greater but less than 14.0, **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.

An establishment on the secondary list may be moved to the Primary Inspection List under OSHA's Enhanced Enforcement Policy. See Memorandum of March 12, 2003 referenced at paragraph III.P. above. A directive explaining how the determination will be made to move an establishment to the primary list will soon be issued. Establishments moved to the primary list under this paragraph will be scheduled for inspection under the procedures set forth in paragraph XI below.

- C. Establishments with Fewer than 40 Workers. If an establishment to be inspected under the SST-03 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 LWDII rate is at or above 8.0, **or** its DAFWII case rate is at or above 4.0, or records are not available. See XIII.G., below for more details.
- D. Different SIC Code. If the establishment on the Primary or the Secondary Inspection List 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 LWDII rate at or above 8.0, **or** a DAFWII case rate at or above 4.0. Enter the correct SIC code on the OSHA-1.

If the establishment is a low rate establishment [described in paragraph X.A.B those identified by two asterisks (**)], but its correct SIC code is not on the high rate industries list in Appendix D, proceed with the inspection only if it has a calculated LWDII rate at or above 8.0, **or** a DAFWII case rate at or above 4.0. 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.

- E. 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 SIC 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 reflects what is happening at the establishment site in the area office's jurisdiction, then it should 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.

- F. Nursing and Personal Care Facilities. Because the National Emphasis Program (NEP) for nursing and personal care facilities that was initiated in September 2002 was still in effect when the Site-Specific Targeting 2003 inspection plan became effective on June 16, 2003, establishments in SIC Codes 8051, 8052, and 8059 were not included in the SST-03's inspection plan.

Because the nursing home and personal care NEP expired on September 30, 2003 and was not renewed, establishments in SIC Codes 8051, 8052, and 8059 are now added to the primary inspection list of the SST-03 plan.

Only the highest 50% rated establishments in these three SIC Codes with either an LWDII rate at or above 14.0 **or** a DAFWII case rate at or above 9.0 are included in the primary list. No establishments in these three SIC Codes are added to the secondary list.

Inspections in SIC Codes 8051, 8052, and 8059 will focus primarily on the hazards which are prevalent in these 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, when additional hazards come to the attention of the compliance officer, the scope of the inspection may be expanded to include those hazards.

- XI. 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 X.B., the National Office will also provide each Area Office with a Secondary Inspection List. The software and databases will be available on the SST website. Only 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 and Secondary Inspection Lists will be generated using the SST software that randomly selects the establishments. See Appendix C. 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 should 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 2.25I, at paragraph B.1.b.(1)(e)1, which lists when carryovers 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.

The establishments from the 8051, 8052, and 8059 SIC Codes will be automatically added into each area office's primary inspection list in the National Office by OSA. However, if an Area Office has completed its primary inspection list and has created a cycle from its secondary list and started inspecting establishments from that cycle, it must also create a new cycle from its primary list to which the above three SIC Codes have been added. Both cycles must then be combined and all establishments must be inspected. If additional establishments remain on the primary list, all must be inspected before additional cycles are created from the secondary list.

- B. Deferrals. An establishment participating in an OSHA strategic partnership (OSP) in accordance with OSHA Instruction TED 8-0.2, 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 six months from the signing of the partnership agreement. Such a deferral may also apply for establishments subsequently approved to the OSP. The Regional Partnership Coordinator/Manager should be contacted if there are questions regarding a specific workplace. See also Deletions at XII, sixth paragraph, and Scope at XIII.A, second paragraph.
- 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 2.103) will be followed, with the following additional guidance:
 - 1. Area Offices that have started but not completed a cycle of inspections from OSHA Notice 02-02 (the SST-02 plan) must normally complete that cycle before moving to inspections under the SST-03 plan, but see XI.A. regarding carryovers. Any remaining cycles under OSHA Notice 02-02 that have not been started will not be used.

2. All establishments on the SST-03 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.

This year the Primary and Secondary Inspection Lists for federal area offices in State Plan states will be available immediately (in prior years the Area Directors had to specifically request the list). 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 the Primary list, and as many on the Secondary list as resources permit. With regard to establishments that are in SIC codes 3731 and 3732, the federal office, in coordination with the state plan, must determine whether the state, OSHA, or both have jurisdiction over the establishment.

3. The Secondary Inspection List does not have to be completed before the expiration date of this Notice.
4. 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.

XII. 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 2.25I at B.1.b.(1)(b)6.d., except for criteria H# and S#.

Establishments that received a **comprehensive safety and health inspection**, or establishments in SIC Codes 8051, 8052, and 8059 that have received a focused inspection as described in paragraph four of X.E. after January 1, 2001, will be deleted from the inspection list. The comprehensive inspection need not have been initiated by an SST inspection. See also XIII.A.

For deletion purposes, the date when an establishment is considered to have received a comprehensive safety and health 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 after January 1, 2001 the establishment will be deleted from the list (for SST-03 inspections).

If the inspection is a “combined 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.

If any public sector employers (i.e., federal, state, or local government), except the U.S. Postal Service, appear on the Primary or Secondary 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.

If an establishment is participating in an OSHA Strategic Partnership, it may be deleted from the SST inspection list at the discretion of the Area Director with the approval of the Regional Administrator if OSHA has conducted a successful onsite partnership verification. The Regional Partnership Coordinator/Manager should be contacted if there are questions regarding a specific workplace. See TED 8-0.2, paragraph IX.J.1. See also Deferrals at XI.B, and Scope at XIII.A, second paragraph.

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. This also includes any low rate establishments referred to in X.A. that are VPP or SHARP sites.

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 onsite review has been scheduled, will delete any programmed inspection. The applicant worksite will be removed no more than 75 calendar days prior to the commencement of its scheduled pre-approval onsite review and continue until official denial, applicant withdrawal, or, if approved to the VPP, subsequent cessation of active participation in the VPP. See Federal Register (65 FR 45650) at paragraph III.M. on page 45661.

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 deleted while the employer is working to achieve recognition and exemption status. See 29 CFR 1908.7(b)(4)(i)(A) and TED 3.6, Chapter 7, paragraph II.

XIII. Inspection Procedures.

- A. Scope. Inspections conducted under this plan will be **comprehensive** programmed safety and health inspections as defined by the FIRM (OSHA Instruction CPL 2.103) and conducted in accordance with the procedures described there and in other guidance documents. If, however, an establishment has had **either** a comprehensive safety **or** health inspection since January 1, 2001, then only the

other comprehensive inspection need be done and the CSHO may make a safety or a health referral for hazards observed.

An SST inspection at any partnership site will normally be a comprehensive safety and health inspection. At the Area Director's discretion the SST inspection instead may concentrate on the hazards jointly identified and targeted by OSHA and the partnership. See also Deferrals at XI.B, and Deletions at XII, sixth paragraph.

- B. Verify SIC Code. At the opening conference verify the establishment's SIC code. As needed, establish what activities occur at the workplace before determining the appropriate SIC code. See X.D., above, regarding different SIC Code.

If the establishment is a low rate establishment (described in X.A.), but its correct SIC code is **not** on the industries SIC code list in Appendix D, conduct the inspection only if it has an LWDII rate at or above 8.0, or a DAFWII case rate at or above 4.0. If injury and illness records are not available continue with the inspection.

- C. Citations. Violations will be cited and penalties proposed in accordance with the FIRM (OSHA Instruction CPL 2.103) 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 and the Recordkeeping Manual (CPL 2-0.131)

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 2-0.131, Chapter 2, paragraph II.B.
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, and for failing to provide access to those forms.
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 plan 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 inspections please refer to Appendix B.

- F. Ownership. If the establishment changed ownership since December 31, 2001 and has been under new ownership for less than six months, go to XIII.G. If cannot calculate LWDII or DART or DAFWWII rates because new owner does not have records from previous owner, continue with inspection.

If the establishment changed ownership since December 31, 2001 and has been under new ownership for six months or more, recalculate the rate for the period of new ownership. If the recalculated LWDII rate (or DART rate) is below 8.0, **and** the DAFWWII case rate is below 4.0, do not continue with the inspection. If the LWDII rate (or DART rate) is at or above 8.0, **or** the DAFWWII case rate is at or above 4.0, continue with the inspection. (When calculating the LWDII/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.)

In establishments where the ownership has changed, CSHOs should 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 (see paragraph XVI).

- G. Calculate LWDII (or DART) and DAFWWII. During inspections under this Notice, the OSHA-200 logs for 2000 and 2001, and the OSHA-300 log for 2002 will be reviewed. The CSHO will calculate the LWDII (or DART) rates for all three years. Also, calculate the DAFWWII case rate for 2000, 2001, and 2002.

The CSHO-calculated LWDII rate for 2001 will be compared to the LWDII rate reported by the employer in the OSHA 2002 Data Initiative data collection. Calculations will not be performed if, for any reason, the relevant records are not immediately available. CSHOs will check OSHA-101/301 Forms, or equivalent, as they deem appropriate to validate the OSHA-200/300 Forms.

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

SECOND: If the establishment's CSHO-calculated 2001 LWDII rate or 2002 DART rate is at or above 8.0 for either year, proceed with the inspection.

THIRD: If the above LWDII and DART rates are both below 8.0, but the DAFWII case rate is at or above 4.0 for either year, proceed with the inspection.

FOURTH: If the establishment's CSHO-calculated LWDII and DART rates are less than 8.0 for both 2001 and 2002, **and** the DAFWII case rates for both years are less than 4.0, do a records review (not a records audit which requires the use of an audit software program) for 2002 only, and then recalculate the establishment's DART and DAFWII rates for 2002. If the DART rate for 2002 is below 8.0, **and** the DAFWII case rate is below 4.0, classify the inspection as a "records only" inspection and exit the facility. If either the DART rate is at or above 8.0, **or** the DAFWII case rate is at or above 4.0, proceed with the inspection.

All low rate establishments referred to in paragraph X.A. will receive a comprehensive safety and health inspection regardless of their CSHO-calculated LWDII, DART and DAFWII rates. The 200 establishments selected will be identified on the Area Offices' inspection lists by two asterisks (**). If wrong SIC code, see XIII. B.

If recordkeeping violations are discovered, see paragraph XIII.D., above, for when citations can be issued. For "records only" inspections, a partial walkthrough may be conducted to interview workers in order to confirm and verify the 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.

XIV. Relationship to Other Programs.

- A. Unprogrammed Inspections. Unprogrammed inspections will be conducted according to the FIRM (OSHA Instruction CPL 2.103) 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-03 plan, the two inspections may be conducted either concurrently or separately. See XV.B.
- B. Special Emphasis Programs. Some establishments may be selected for inspection under the SST-03 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-03 plan; however, the SST-03 plan inspections have priority.

Whenever an establishment is scheduled for inspection on the current cycle of the SST-03 plan and on the current cycle of an NEP/LEP plan, the inspections should 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 XV.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-03 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 comprehensive safety and health inspections regardless of whether the establishment's SIC code is one of those specified in OSHA Instruction CPL 2-2.45A; however, they will not normally be Program-Quality-Verification (PQV) inspections as defined by that instruction.
- D. Partnerships. If an OSHA Strategic Partnership verification inspection is scheduled close in time to an inspection under this SST plan, the two inspections may be conducted concurrently or separately.

XV. 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 "SSTARG03" recorded in item 25d (the SST inspections are being coded under the NEP for ease of tracking).
- 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 "SSTARG03" 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 "SSTARG03" recorded in item 25d along with all NEP and LEP IMIS codes applicable to the inspection.

XVI. 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. 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 2002

1. Approximately 95,000 establishments were surveyed in the 2002 OSHA Data Initiative (ODI) that collected 2001 injury and illness data; about 15,000 were construction establishments in SIC Codes 15 -17. 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 AND GOATS
0219 GENERAL LIVESTOCK, NEC
0251 BROILER, FRYER, AND ROASTER CHICKENS
0252 CHICKEN EGGS
0253 TURKEYS AND TURKEY EGGS
0254 POULTRY HATCHERIES
0259 POULTRY AND EGGS, NEC
0271 FUR-BEARING ANIMALS AND RABBITS
0272 HORSES AND 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 AND STORAGE
4222 REFRIGERATED WAREHOUSING AND STORAGE
4225 GENERAL WAREHOUSING AND STORAGE

4226 SPECIAL WAREHOUSING AND STORAGE, NEC
4231 TRUCKING TERMINAL FACILITIES
4311 U.S. POSTAL SERVICE

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

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

4783 PACKING AND CRATING

4953 REFUSE SYSTEMS

5031 LUMBER, PLYWOOD AND MILLWORK
5032 BRICK, STONE, & RELATED MATERIALS
5033 ROOFING, SIDING, AND INSULATION
5039 CONSTRUCTION MATERIALS, NEC
5051 METALS SERVICE CENTERS AND OFFICES
5052 COAL AND OTHER MINERALS AND ORES
5093 SCRAP & WASTE MATERIALS

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

5211 LUMBER AND OTHER BUILDING MATERIALS

5311 DEPARTMENT STORES

8051 SKILLED NURSING CARE FACILITIES
8052 INTERMEDIATE CARE FACILITIES

8059 NURSING AND PERSONAL CARE, NEC
8062 GENERAL MEDICAL & SURGICAL HOSPITALS
8063 PSYCHIATRIC HOSPITALS
8069 SPECIALTY HOSPITALS, EXC PSYCHIATRIC

Note: With certain exceptions, all of which are discussed below, these industries are those for which the Bureau of Labor Statistics has reported industry-wide injury and illness rates 5.0 or above.

All Manufacturing is included because of a significant OSHA presence in the manufacturing sector. Department Stores (SIC 5310) had an LWDII rate of 5.0 in 1996 and 4.8/4.9 in 1997-2001, and Hospitals (8060) had an LWDII rate around 4.0 for 1996-2001. Both SICs were included because of the large number of injuries and illnesses in these industries.

Two four-digit SICs included in the survey were in three-digit SICs with rates below 5.0. These were SIC 0783 (Ornamental Tree and Shrub Services) and SIC 5093 (Scrap and Waste Material). Even though the overall rates for the three-digit SICs were relatively low, SICs 0783 and 5093 were surveyed because the historically large number of fatalities in those industries made them of special concern to OSHA.

Also, for two three-digit SICs with rates above 5.0, OSHA surveyed only one four-digit component. These were SIC 4953 (Refuse Systems), which is within SIC 4950 (Sanitary Services); and SIC 4783 (Packing and Crating), which is within SIC 4780 (Miscellaneous Services Incident to Transportation). In the case of SIC 4950, SIC 4953 was included in the survey because of SIC 4950's high overall rate (5.4 in 2001) and SIC 4953's high historical fatality rate, while SICs 4952 (Sewerage Systems) and 4959 (Sanitary Services, Not Elsewhere Classified) were excluded because they include a large percentage of public sector employers. In the case of SIC 4780, which had an overall rate of 5.4 in 2001, SIC 4783 was included because OSHA believed it was the primary contributor to the industry's overall high rate.

2. All establishments in Logging (SIC 2411) with 11 or more employees. These establishments were surveyed to support OSHA's strategic management plan, which has as one of its goals a 15% reduction in the historically high rates of injuries and fatalities in Logging by the year 2003.

3. Some establishments in Maryland, Hawaii, New Mexico, North Carolina, Nevada, and Minnesota were surveyed for the sole use of those state plans in evaluating their programs.

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

APPENDIX B

Compliance Officer Checklist

ON-SITE:

VPP and SHARP Sites

If an establishment is a Voluntary Protection Programs applicant and a VPP onsite review has been scheduled, it will be deleted. See XII., eighth paragraph.

If an establishment is in pre-SHARP status, it may be deleted. See XII, ninth paragraph.

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 should be deleted from the inspection list; see Deletions at XII.

Verify SIC Code

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

If the establishment is a low rate establishment (described in X.A.), but its correct SIC code is **not** on the industries SIC code list in Appendix D, conduct the inspection only if it has an LWDII rate at or above 8.0 or a DAFWII case rate at or above 4.0.

Employment

If the establishment has fewer than 40 employees, proceed with the inspection **as long as** there are more than 10 employees, **and** its LWDII rate is at or above 8.0, **or** its DAFWII case rate is at or above 4.0, **or** if records are not available.

Federal Offices Having Jurisdiction over Establishments in State Plan States

If the establishment is in SIC codes 3731 or 3732 (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.

Ownership

If the establishment changed ownership since December 31, 2001, recalculate the rate for the period of new ownership (if at least six months). If the recalculated DART is below 8.0, **and** the DAFWII is below 4.0, do not continue with the inspection. If the DART is at or above 8.0, **or** the DAFWII is at or above 4.0, continue with the inspection. (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.)

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.

Calculate LWDII Rate and DAFWII Case Rate

Review OSHA-200 logs for 2000 and 2001, and the OSHA-300 log for 2002. The LWDII (or DART) for all three years is to be calculated and recorded.

The CSHO-calculated LWDII for 2001 is to be compared to the LWDII reported by employer on the OSHA 2002 Data Initiative data collection.

Calculations are not to be performed if, for any reason, the relevant records are not immediately available. CSHOs will check OSHA-101/301 Forms as they deem appropriate to validate the OSHA-200/300 logs.

- If records are not available, proceed with inspection.
- If the 2001 LWDII and 2002 DART rates are at or above 8.0 for either year, proceed with inspection.
- If the above LWDII and DART rates are both below 8.0, but the DAFWII case rate are at or above 4.0 for either year, proceed with inspection.
- If the LWDII and DART rates for 2001 and 2002 are below 8.0 for each year, **and** the DAFWII case rates for both years are below 4.0, then do a records review for 2002 and recalculate the DART and DAFWII for 2002. If the DART for 2002 is below 8.0, **and** the DAFWII is below 4.0, classify the inspection as a “records only.” **But**, if either the DART is at or above 8.0, **or** the DAFWII is at or above 4.0, proceed with inspection.
- **Remember:** All low rate establishments referred to in paragraph X.A. will receive a comprehensive safety and health inspection regardless of their calculated

LWDII, DART, and DAFWII rates. The 200 establishments selected will be identified on the Area Offices' inspection lists by two asterisks (**).

- For “records only” inspections: A partial walk through may 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 paragraph XIII.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 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.

Enter Inspection Type

SST-Only Inspections = Programmed Planned

SST combined with Unprogrammed Inspections = Unprogrammed

SST Combined with NEP or LEP Inspections = Programmed Planned

Enter Inspection Classification

Inspection classification: NEP = SSTARG03

Enter all applicable NEP and LEP Program codes

In Item(s) 25c and 25d when an SST-03 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., amputation, silica, lead, logging, food processing, nursing homes, shipyards).

APPENDIX C

SST2003 Web Site

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 establishment 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 average LWDII rate of 8.0 or greater, **or** a DAFWII case rate of 4.0 or greater as stated in Bureau of Labor Statistics (BLS) Annual Survey 2001.

SIC	INDUSTRY	LWDII	DAFWII
2011	MEAT PACKING PLANTS	11	1.9
2026	FLUID MILK	8	5.1
2086	BOTTLED AND CANNED SOFT DRINKS	9.2	5
2439	STRUCTURAL WOOD MEMBERS, NEC	7.7	4.6
2452	PREFABRICATED WOOD BUILDINGS	9	4.8
2515	MATTRESSES AND BEDSPRINGS	8.4	4.2
2530	PUBLIC BUILDING & RELATED FURNITURE	8.7	2.6
3020	RUBBER AND PLASTICS FOOTWEAR	10.2	5.4
3262	VITREOUS CHINA TABLE & KITCHENWARE	8	4.1
3271	CONCRETE BLOCK AND BRICK	7.4	5.3
3273	READY-MIXED CONCRETE	5.7	4
3340	SECONDARY NONFERROUS METALS	8.9	4.3
3363	ALUMINUM DIE-CASTINGS	9.4	4.2
3365	ALUMINUM FOUNDRIES	8.1	3.6
3441	FABRICATED STRUCTURAL METAL	6.8	4.3
3711	MOTOR VEHICLES AND CAR BODIES	9.8	2.7
3731	SHIP BUILDING AND REPAIRING	8.6	3.9
3792	TRAVEL TRAILERS AND CAMPERS	8.8	3.8
4210	TRUCKING & COURIER SERVICES, EX. AIR	5.3	4.1
4510	AIR TRANSPORTATION, SCHEDULED	10	6.6
4780	MISC. TRANSPORTATION SERVICES	5.4	4.2

LWDII = Lost Workday Injury and Illness rate for CY 2001.

DAFWII = Days Away From Work Injury and Illness case rate for CY 2001.

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

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