Chapter 31

# PROGRAMMED INSPECTION TARGETING: HIGH HAZARD INDUSTRIES

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Chapter 31

# PROGRAMMED INSPECTION TARGETING: HIGH HAZARD INDUSTRIES

**Policy Statement:** It is the policy of the Division of Occupational Safety and Health (DOSH), also known as Cal/OSHA or the Division, to protect California workers from serious injury and illness and to establish and implement a program for inspecting high hazard businesses operating in California. The High Hazard Unit is dedicated to conducting targeted programmed inspections in "High Hazard Industries" (see Chapter-32). Regional plans may also be developed and utilized for conducting high hazard targeted inspections based on personnel available, taking into account the operational needs. Inspections conducted under this policy focus resources on employers with the most hazardous workplaces.

**Authority:** DOSH will administer this policy in compliance with all applicable laws, rules, and guidance:

- California Labor Code, Sections 6314.1 and 6401.7.

**DEFINITIONS:**

Comprehensive inspections: Substantially complete inspections of the potentially high hazard areas of an 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.

Programmed inspections: Planned inspections of worksites which have been selected based upon objective criteria.

North American Industry Classification System (NAICS): The standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

Days Away, Restricted and Transfers (DART) rate: Number of injuries and illnesses resulting in days away from work, restricted work activity, or a job transfer for every 200,000 hours worked by all employees at the establishment.

Workers' Compensation Information System (WCIS): Data system that collects and maintains comprehensive information from claims administrators to help the Department of Industrial Relations oversee California's workers' compensation system.

High Hazard Targeted (HHT) Inspections: Programmed inspections conducted in accordance with methods set forth within this policy.

**PROCEDURES:**

## A. SCOPE AND APPLICATION

1. All HHT inspections shall be comprehensive in scope.

2. These procedures apply primarily to fixed-site private sector establishments. They do not apply to programmed inspections conducted by:

   a. Mining & Tunneling Unit (M&T);

   b. Process Safety Management (PSM) Unit;

   c. Labor Enforcement Task Force (LETF) Unit;

   d. Regions 1-4 (programmed inspections other than HHT inspections)

## B. PRIORITIZING HIGH HAZARD INDUSTRIES FOR TARGETING

1. The High Hazard Industries list is established every year primarily by identifying industry groups (by NAICS codes) that collectively have DART rates of more than 200% of the California private sector average DART rate, as shown in Chapter-32. From this list, DOSH Headquarters in collaboration with High Hazard Unit management prioritize industry groups (identified by NAICS codes) for targeting, in accordance with the factors below.

2. Factors considered for targeting an industry or hazard include but are not limited to:

   a. Hazard or industry being addressed in a Federal National Emphasis Program (NEP) (e.g., amputations, primary metals industry);

   b. Hazard being covered by a new or unique California standard or a new federal standard (e.g., heat illness prevention);

   c. High profile hazard where Cal/OSHA enforcement activity could have a strong deterrent effect in the particular industry (e.g., bronchitis obliterans (respiratory illness) in flavoring manufacturing, materials handling in warehouses);

d. Hazard that creates a significant number of serious injuries, illnesses, or fatalities in California relative to other industries, as shown in Survey of Occupational Injuries and Illnesses data (e.g. machine guarding in metal work);

e. Evaluation of past and current selections.

## C. SELECTING ESTABLISHMENTS FOR TARGETING

Any of the methods listed in this section, or combination thereof, can be utilized for targeting establishments.

1. Method A: Randomized.

   Establishments are selected from publicly available lists and government lists of employers in California. Establishments are selected using neutral (objective) criteria.

   a. Prioritize High Hazard Industries for Targeting:

      (1) Identify industry groups (by NAICS code) that have DART rates of more than 200% of the California private sector average DART rate. This method yields approximately 20-40 industry groups (See Chapter-32).

      (2) Prioritize industry groups (identified by NAICS code) from the list above, using one or more of the factors listed in B. 2.

   b. Select Individual Establishments:

      (1) Identify fixed sites within each of the prioritized industry groups using a database of California employers.

      (2) Identify establishments with more than 10 employees.

      (3) Randomize and select up to the first 100 within each industry group.

      (4) Assemble target list and allocate portions of this list to district and regional offices in accordance with Section F of this policy.

2. Method B: Experience Modification (Ex Mod) Rate.

   Establishments are identified based on workers' compensation claims and losses compared to other, similar companies in the same industry, expressed as experience modifications ("Ex Mods"). The criteria include

frequency of claims and type of claims.

a. Prioritize High Hazard Industries for Targeting:

(1) Identify industry groups (by NAICS code) that have DART rates of more than 200% of the California private sector average DART rate. This method yields approximately 20-40 industry groups (See Chapter-32).

(2) Prioritize industry groups (identified by NAICS code) from the list above, using one or more of the factors listed in B. 2.

b. Select Individual Establishments:

(1) Identify employers within the prioritized industry groups with high Ex Mods (greater than 125%).

(2) Identify physical sites of these employers in California and prioritize based on Ex-Mod rates.

(3) Assemble target list and allocate portions of this list to district and regional offices in accordance with Section F of this policy.

3. Method C: Specific Injury/Illness Type.

Establishments are identified through specific events that could result in serious physical harm (as defined in Labor Code Sec. 6432) and are likely to be caused by violations of Cal/OSHA standards.

a. Prioritize High Hazard Industries for Targeting:

(1) Identify industry groups (by NAICS code) that have DART rates of more than 200% of the California private sector average DART rate. This method yields approximately 20-40 industry groups (See Chapter-32).

(2) Prioritize industry groups (identified by NAICS code) from the list above, using one or more of the factors listed in B. 2.

b. Select Individual Establishments:

(1) Identify event type in WCIS in selected NAICS codes (or SIC/Class Codes). Examples include but are not limited to: amputations, electrical shock, and respiratory disease.

(2) Identify employer and location of injury using WCIS.

(3) Confirm that injury was not already investigated by Cal/OSHA.

(4) Assemble target list and allocate portions of this list to district and regional offices in accordance with Section F of this policy.

4. Method D: Workers' Compensation Claims.

Establishments are identified using workers' compensation claim data.

a. Prioritize High Hazard Industries for Targeting:

(1) Identify industry groups (by NAICS code) that have DART rates of more than 200% of the California private sector average DART rate. This method yields approximately 20-40 industry groups (See Chapter-32).

(2) Prioritize industry groups (identified by NAICS code) from the list above, using one or more of the factors listed in B. 2.

b. Select Individual Establishments:

(1) Identify employers within the prioritized industry groups using WCIS and IMIS/OIS where:

(a) More than 3 claims were filed in the previous year;

(b) Claim rate was greater than 6.5 claims per 100 employees; and

(c) No Programmed comprehensive inspection was conducted by Cal/OSHA within last three years.

(2) Identify establishment location(s) using WCIS.

(3) Assemble target list and allocate portions of this list to district and regional offices in accordance with Section F of this policy.

NOTE: Targeting methods are subject to change, to continually improve targeting.

## D. DELETIONS FROM THE TARGET LIST

1. District and regional offices may remove establishments that remain on the

target list at the end of the targeting cycle (usually the federal fiscal year) if their NAICS code is not on the following year's High Hazard Industries list or the underlying emphasis program has expired.

NOTE: All deletions from the target list shall be reported to the Region OIS Coordinator for the (or designee), for tracking purposes.

## E. DEFERRALS AND EXEMPTIONS FROM THE TARGET LIST

1. An HHT inspection should be deferred or exempted if any of the following conditions apply:

   a. The establishment has received Voluntary Protection Program (VPP) status. Exemption is for three years from initial certification date.

   b. The establishment is currently in SHARP (Safety and Health Achievement Recognition Program). A programmed inspection will be deferred for two years from initial certification.

   c. The establishment has received a "Full Service" consultation recently, has scheduled or is in the process of a "Full Service" consultation. A programmed inspection will be deferred for 90 days from completion of consultation by Cal/OSHA Consultation Services.

   d. The establishment has received a comprehensive enforcement inspection within the last three years. A programmed inspection will be deferred for three years from the previous opening conference.

   e. The establishment is currently undergoing an unprogrammed inspection. A programmed inspection will be postponed until after the closing conference.

   f. The establishment is temporarily not performing the activities for which it was targeted or has moved the activities to another location.

      NOTE: All deferrals and exemptions shall be reported to the Region OIS Coordinator (or designee), for the High Hazard Unit, for tracking purposes.

## F. TARGETING CYCLES, ALLOCATIONS OF TARGETS, AND SCHEDULING OF INSPECTIONS

1. Cycles of inspecting establishments on a target list ("targeting cycles")

coincide with the effective term of the corresponding High Hazard Industries list. Typically, target lists are valid during an entire federal fiscal year. If a particular industry is targeted again in the following year, establishments in that industry already selected for programmed inspection and appearing on a target list will continue to be valid targets.

2. High Hazard Unit management allocates and distributes portions of the target list to district offices in the High Hazard Unit and to regional offices in Regions 1-4 based on available personnel and geographic location of targets.

3. Assignment and scheduling of inspections is at the discretion of the District Manager and is dependent upon available personnel, geographic location of targets, and efficient use of inspector time. District Managers provide each inspector with a list of establishments from the portion of the target list allocated to the district office. The inspector makes a reasonable effort to inspect each place of employment on the list of establishments prior to receiving another list. Failure to inspect all places of employment on the list will not invalidate subsequent inspections. Inspectors may conduct inspections in any order that enables them to use their time efficiently.

## G. TRACKING

1. The OIS Coordinator(s) for the High Hazard Unit and Regions 1-4 are responsible for tracking HHT and related inspections. Each month, Regions 1-4 will submit their updated lists directly to the Deputy Chief of Enforcement (or designee).

2. Target lists are retained for up to three years after completion of all inspections.

## H. PROGRAM EVALUATION

1. HHT inspection data is evaluated using various metrics in order to continually improve targeting methodology and effectiveness. The following methods may be used for program evaluation:

    a. Workers' compensation claim history is compared over time between employers who received a high hazard enforcement inspection to similar employers that did not receive a high hazard enforcement inspection.

    b. Inspection outcome measures selected for evaluation are:

(1) Percentage of these inspections in which no violations are found.

(2) Total number of violations per inspection with violations cited as result of these inspections.

(3) Number of Serious/Willful/Repeat violations per inspection with violations cited as result of these inspections.

(4) Number of General/Regulatory violations per inspection with violations cited as result of these inspections.

(5) Percentage of the inspections with violations with Serious/Willful/Repeat violations.

c. Any other measures that are considered relevant.

## I. HIGH HAZARD TARGETED INSPECTION CODING

1. Inspection Types

   a. Initiating Type: “Program Planned” and “Program Related”

   b. Secondary Types: <*Leave blank*>

2. Inspection Emphasis Programs

   a. National Emphasis Program: <*Select all that apply*>

   b. State Emphasis Program:

   “REGIONP1 (REGIONAL HI-HAZARD PLANS)” for Regions 1-4
   “HHUNIT (HIGH HAZARD UNIT TARGETED INSPECTIONS)” for High Hazard Unit

   c. Local Emphasis Program: <*Leave blank*>

   d. Primary Emphasis Program:

   “REGIONP1 (REGIONAL HI-HAZARD PLANS)” for Regions 1-4
   “HHUNIT (HIGH HAZARD UNIT TARGETED INSPECTIONS)” for High Hazard Unit

3. Strategic Plan Activity

   a. Federal Strategic Initiative Program: <*Leave blank*>

   b. State Strategic Initiative Program: <*Leave blank*>

4. Additional Codes

    a. <Enter additional codes as appropriate, e.g., S-14, S-18, etc.>