

# OSHA Practice Information Memo

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November 2010

## OSHA KICKS OFF 2010 INSPECTION PROGRAM

On October 22, 2010, the Occupational Safety and Health Administration ("OSHA") announced that it has begun its 2010 Site-Specific Targeting ("SST") Program, which will conduct comprehensive inspections of worksites across the country. It is incumbent upon employers to know how OSHA selects the worksites that will be inspected, and whether their worksites will be included in this targeted enforcement effort.

The process is as follows. OSHA selects worksites to inspect based upon injury and illness data that is reported to OSHA. For the inspection year that has begun, OSHA's selections depend upon injury and illness data for the calendar year 2008 that was collected by OSHA in 2009. Thus, employers will be inspected over the next year, into 2011, based on data that was collected in 2008.

OSHA's selection criteria are as follows. First, in March 2010 OSHA initially selected 14,826 worksites that may receive SST inspections based upon their injury rates, and sent each of these worksites a letter informing them of a possible future inspection. [Click here](#) to see if your worksite is included on this preliminary list.

From that initial list of 14,826 worksites, OSHA has selected approximately 4,100 worksites as "primary" inspection targets, which OSHA Area Offices are directed to inspect first. Although the list of approximately 4,100 worksites has not been published by OSHA, it is possible for employers to determine whether they are on the list by following these steps:

### 1. Calculate your DART and DAFWII rates.

#### Days Away, Restricted, or Transferred (DART) rate:

The DART rate accounts for injury and illness cases involving days away from work, restricted work activity, or transfers to another position (the total of columns H and I on the OSHA-300 log)

DART rate =

$200,000 * (\# \text{ of DART injuries}) / (\text{Total } \# \text{ of hours worked by all employees for calendar year})$

#### Days Away From Work Injury and Illness (DAFWII) rate:

The DAFWII rate accounts for injury and illness cases involving only days away from work (column H on the OSHA-300 log)

DAFWII rate =

$200,000 * (\# \text{ of DAFWII injuries}) / (\text{Total } \# \text{ of hours worked by all employees for calendar year})$

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## 2. Compare your DART rate AND your DAFWII rates to the criteria below to determine if your site is a primary inspection site.

Manufacturing Establishments with a DART rate greater than or equal to 7.0 or a DAFWII rate greater than or equal to 5.0 are primary inspection sites. There are approximately 3,300 manufacturing primary inspection sites.

Non-manufacturing establishments (except for Nursing and Personal Care Facilities) with a DART rate greater than or equal to 15.0 or a DAFWII rate greater than or equal to 14.0 are primary inspection sites. There are approximately 500 non-manufacturing primary inspection sites.

Nursing and personal care facilities with a DART rate greater than or equal to 16.0 or a DAFWII case rate greater than or equal to 13.0 are primary inspection sites. There are approximately 300 nursing and personal care facility primary inspection sites.

Even if your site is not one of the 4,100 primary inspection sites, you may still receive an SST inspection if your facility is on the list of 14,826. Once all primary inspection sites in an area have been inspected, OSHA will inspect secondary inspection sites as follows:

Manufacturing Establishments with a DART rate of 5.0 or more but less than 7.0, or a DAFWII case rate of 4.0 or more but less than 5.0, are secondary inspection sites.

Non-manufacturing Establishments with a DART rate of 7.0 or more but less than 15.0, or a DAFWII case rate of 5.0 or more but less than 14.0, are secondary inspection sites.

Nursing and Personal Care establishments with a DART rate of 13.0 or more but less than 16.0, or a DAFWII case rate of 11.0 or more but less than 13.0, are secondary inspection sites.

While employers should be prepared for an OSHA inspection at any time, employers who are on the primary inspection list should take additional precautions and consult counsel as necessary in preparation for an inspection sometime in the coming months.

### If you have any questions, please contact any member of BS&K's OSHA Practice Group listed below:

<b>In Buffalo / Niagara Falls call 716-566-2800 or e-mail:</b>	<b>In the New York Metro area, call 646-253-2300 or e-mail:</b>
Robert A. Doren      rdoren@bsk.com	John S. Ho              jho@bsk.com
<b>In the Capital District, call 518-533-3000 or e-mail:</b>	<b>In the Rochester Region, call 585-362-4700 or e-mail:</b>
Michael D. Billok      mbillok@bsk.com	Peter A. Jones        pjones@bsk.com
<b>In Central New York, call 315-218-8000 or e-mail:</b>	
Patrick V. Melfi        pmelfi@bsk.com	