

**OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION
DEPARTMENT OF CONSUMER AND BUSINESS SERVICES**

PROGRAM DIRECTIVE

Program Directive: A-244

Issued: October 1, 2000

Revised: May 10, 2012

SUBJECT: Inspection Criteria: Scheduling Lists for Safety and Health Inspections

**AFFECTED
CODES:** OAR 437-001-0057

PURPOSE: This Program Directive explains how the safety and health scheduling lists will be created and the criteria and ranking factors that will be used to identify the places of employment the Director believes to be the most unsafe in the state of Oregon.

SCOPE: This directive applies to all Oregon OSHA Enforcement.

ACTION: Oregon OSHA will coordinate with the Information Management Division (IMD) to create safety and health scheduling lists that meet the criteria outlined in this directive and OAR 437-001-0057. The scheduling lists will be run at least annually and distributed initially during the month of October.

**EXEMPTIONS FROM SAFETY AND
HEALTH FIXED SITE AND
AGRICULTURE PROGRAMMED
INSPECTIONS ONLY:**

Places of employment will be exempt from safety and health programmed inspections if any of the following conditions apply.

- A. A location received a comprehensive inspection within the previous 36 months.

Note: If a location received a safety comprehensive inspection; safety programmed inspections are exempt. If a location received a health comprehensive inspection; health programmed inspections are exempt.

- B. A location received Voluntary Protection Program (VPP) status.
- C. A location is in its second year, or later, of the Safety and Health Achievement Recognition Program (SHARP).
- D. A location graduated from the Safety and Health Achievement Recognition Program (SHARP). Locations are exempt from inspection for 36 months after graduation.
- E. A location received two consecutive comprehensive inspections with no serious, willful, or egregious violations, and with no inspections of any type resulting in serious, willful, or egregious violations since the date of the first of the two consecutive comprehensive inspections.

Note: If a location received two consecutive safety comprehensive inspections; safety programmed inspections are exempt. If a location received two consecutive health comprehensive inspections; health programmed inspections are exempt.
- F. A location received certification as meeting the British Standards Institute's OHSAS 18001 standards (Occupational Health and Safety Management Systems). Evidence of certification must be provided before the start of an inspection.
- G. A location has an Experience Rating Modification Factor (MOD rate) of 0.50 and they provide evidence to that effect before the start of an inspection.

**SAFETY SCHEDULING LISTS
FOR FIXED PLACES OF
EMPLOYMENT INCLUDING
AGRICULTURE:**

The safety scheduling lists are designed as an electronic scheduling system for safety enforcement managers to schedule fixed places of employment for each compliance officer. Places of employment are listed by North American Industrial Classification System (NAICS) and randomly selected within each tier using the following percentages whenever a list is generated. The scheduling lists will be sorted by office.

Lists are generated using the following percentages: (The percentages will not be affected by the exempt places of employment identified above in (A) through (G) unless the number of exclusions makes it impossible to

meet the target percentage. In such a case, all eligible places of employment will be selected.) See [Oregon OSHA Safety Inspections for Fixed Places of Employment By NAICS](#) and [Oregon OSHA Safety Inspections for Fixed Places of Employment By tier and rank NAICS](#)

- A. 30 percent of places of employment under the NAICS identified as Tier A.
- B. 25 percent of places of employment under the NAICS identified as Tier B.
- C. 20 percent of places of employment under the NAICS identified as Tier C.
- D. 15 percent of places of employment under the NAICS identified as Tier D.
- E. 12.5 percent of places of employment under the NAICS identified as Tier E.
- F. 10 percent of places of employment under the NAICS identified as Tier F.
- G. 7.5 percent of places of employment under the NAICS identified as Tier G.
- H. 5 percent of places of employment under the NAICS identified as Tier H.
- I. 2.5 percent of places of employment under the NAICS identified as Tier I.
- J. No more than 0.05 percent of places of employment under the NAICS not listed.

The field office managers will provide each compliance officer a list of inspections that are assigned in descending order from lists A through J. The compliance officer will make a reasonable effort to inspect each place of employment on that list prior to receiving another list. Failure to inspect all places of employment on a list will not invalidate subsequent inspections. The compliance officer will generally follow lists in descending order but may inspect in any order to use their time efficiently.

**HEALTH SCHEDULING LISTS
FOR FIXED PLACES OF
EMPLOYMENT:**

The health scheduling lists are designed as an electronic scheduling system for health enforcement managers to schedule fixed places of employment for each compliance officer. Places of employment are listed by NAICS and randomly selected within each level using the following percentages whenever a list is generated. Each list will be separated by field office. See [Oregon OSHA Health Inspections for Fixed Places of Employment by NAICS](#).

- A. 7.5 percent of places of employment under the NAICS identified as Tier A.
- B. 2.5 percent of places of employment under the NAICS identified as Tier B.
- C. Not more than 0.05 percent of places of employment under the NAICS not identified in Tiers A and B.

The field office managers will provide each compliance officer a list of inspections that are assigned in descending order from the health scheduling lists. Compliance officers will make a reasonable effort to inspect each place of employment on that list prior to receiving another list. Failure to inspect all places of employment on a list will not invalidate subsequent inspections. The compliance officer will generally follow lists in descending order but may inspect in any order to use their time efficiently.

**SAFETY SCHEDULING LISTS
FOR CONSTRUCTION AND
FOREST ACTIVITIES:**

- A. Construction and forest activities scheduling lists will be used by safety enforcement managers and compliance officers to focus enforcement efforts on the construction and forest activities employers with the most unsafe places of employment. Employers will be selected and placed on one of two lists based on the following criteria.

Construction -- The following written neutral administrative standards will be used to select and rank employers on this list: Construction employers with one or more accepted disabling claims in the first 12 of the previous 18 months and who are ranked in the top 500 construction employers. The employers on this list will be ranked statewide using violation history, weighted claims rate, and weighted claims count as described in 437-001-0057(5)(b). See

section B., “Ranking factors” in this program directive. The 500 employers with the most points will be placed on the list. If an employer has been on this list in the prior 24 months and received at least one comprehensive safety inspection they will be exempt from this scheduling list.

Forest Activities -- The following written neutral administrative standards will be used to select and rank employers on this list: Forest activities employers with one or more accepted disabling claims in the first 12 of the previous 18 months and who are ranked in the top 50 forest activities employers. The employers on this list will be ranked statewide using violation history, weighted claims rate, and weighted claims count as described in subsection (b) of this section. The 50 employers with the most points will be placed on the list. If an employer has been on this list in the prior 24 months and received at least one comprehensive safety inspection they will be exempt from this scheduling list.

B. Ranking factors: Construction and forest activities employers are ranked using violation history, weighted claims count, and weighted claims rate. The rankings from each factor are combined to produce a score for each employer, and the employers are ranked based on their score. The top 500 construction employers will be on one list and the top 50 forest activities employers will be on another list.

1. **Violation history** – Employers with a violation history will be assigned points for each violation on citations that have become a final order within the previous 36 months.

Willful	5 points
Failure to Abate	4 points
Repeat	3 points
Serious	2 points
Other-Than-Serious	1 point

Employers not inspected within 36 months are given a ranking of zero, which will put them at the top of this category. For all other employers, an average point per citation will be determined with the employer having the highest average receiving a ranking of one higher than the total number of employers ranked zero, followed by the employer with the next highest average. If 200 employers are ranked 0 the next employer in this category would be assigned a ranking of 201, 202, etc.

2. **Weighted Claims Count** – Selected Claims from the first

12 of the previous 18 months are assigned points based on the seriousness of the claim. These points are totaled for each employer. Employers are ranked on the total points with the employer having the most points receiving a rank of one, followed by the second highest weighted claims count receiving a ranking of two, and so forth.

3. **Weighted Claims Rate** – Employers are ranked in this category with the highest weighted claims rate receiving a ranking of one, followed by the second highest weighted claims rate receiving a ranking of two, and so forth.

C. The field office manager will provide selected compliance officers the construction and/or forest activities lists. Compliance officers will make a reasonable effort to locate and inspect those employers on the construction and forest activities lists. Failure to inspect all employers on a list will not invalidate subsequent inspections.

**HEALTH INSPECTIONS
FOR NONFIXED PLACES
OF EMPLOYMENT:**

An inspection may be scheduled when information such as recognized health hazards known to be associated with certain processes are reasonably thought to exist at a place of employment.

**RANDOM
INSPECTIONS:**

The Division will conduct random inspections of places of employment that are scheduled and conducted under written neutral administrative standards.

**EMPHASIS
INSPECTIONS:**

An inspection may be made if the place of employment is included in a national or local safety or health emphasis program. Emphasis programs are established by identifying the most hazardous industries and processes through information obtained from the Department of Consumer Business Services claim files, the Bureau of Labor Statistics Occupational Injury and Illness Survey, the Oregon Employment Department, and knowledge of recognized hazards associated with certain processes.

**FARM LABOR
HOUSING
INSPECTIONS:**

See **Program Directive A-222**, Guidelines for Scheduling and Conducting Inspections of Agriculture Labor Housing.

**AGRICULTURAL
EMPLOYERS WITH
10 OR FEWER
EMPLOYEES:**

Agricultural employers with 10 or fewer permanent, year-round employees, both full-time and part-time, will be subject to scheduled inspections only if any of the following has occurred:

- A. A valid complaint has been filed according to ORS 654.062.
- B. Within the preceding two-year period, an accident at the employer's agricultural place of employment resulted in death or a serious disabling injury from a violation of the Oregon Safe Employment Act or rules adopted under the act.
- C. The employer and principal supervisors of the agricultural establishment have not annually completed at least four hours of instruction on agricultural safety or health rules and procedures. This instruction must be documented.
 - 1. Instruction includes any instruction conducted or accepted by Oregon OSHA or instruction related to agricultural safety and health that is offered or approved by any public or private college, university, or governmental agency. The employer must maintain documentation of the instruction. The documentation must include the date, provider, subject, and duration of the instruction, and the signature of the person completing the instruction.

NOTE: Certified Applicator Training Core A and B offered by the Oregon Department of Agriculture will satisfy a portion of the required training. One hour credit will be allowed annually for this training.
 - 2. For purposes of these sections, the time period begins to run when the instruction is received.
- D. Within the preceding four-year period, the agricultural establishment has not had a comprehensive consultation by an individual acting in a public or private consultant capacity. The time period begins to run when the consultation is received.
- E. If the consultation was done and the agricultural employer has failed to correct violations noted in the consultation report within 90 days after receiving the report.

NOTE: For purposes of determining the number of employees, members of the agricultural employer's immediate family are excluded. This includes grandparents, parents, children, step-children, foster children, and any blood relative living as a dependent of the core family.

**REASONABLE
EFFORT TO
NOTIFY:**

Oregon OSHA will make reasonable efforts to notify, in writing, each employer whose place of employment is rated as one of the most unsafe places of employment that there is increased likelihood of inspection of the employer's place of employment and consultative services are available.

Safety Scheduling Lists
Nature Codes for Safety Forest Activities and Construction

Effective 10/2004

Weight of 4 (accepted disabling claims only)

012	Fractures
013	Traumatic injuries to spinal cord
018	Multiple traumatic injuries to bones, nerves, spinal cord
0311	Amputations, fingertip
0319	Amputation, except fingertip
035	Enucleations
038	Multiple open wounds
052	Electrical burns
058	Multiple burns
060	Intracranial injuries unspecified
061	Cerebral hemorrhages
062	Concussions
068	Multiple intracranial injuries
069	Intracranial injuries, NEC
083	Fractures and burns
084	Fractures and other injuries
085	Burns and other injuries
086	Intracranial injuries and injuries to internal organs
091	Asphyxiations, strangulations, suffocations
092	Drownings
093	Electrocutions, electric shocks
094	Internal injuries to organs and blood vessels of the trunk
0971	Crushing injuries

Weight of 3 (accepted disabling claims only)

00	Traumatic injuries and disorders, unspecified
010	Traumatic injuries to bones, nerves, spinal cord
011	Dislocations
014	Traumatic injuries to nerves, except the spinal cord
019	Traumatic injuries to bones, nerves, spinal cord NEC
030	Open wounds unspecified
033	Avulsions
034	Cuts, lacerations
037	Punctures, except bites
039	Open wounds, NEC
053	Heat burns
080	Multiple traumatic injuries and disorders unspecified
081	Cuts, abrasions, bruises

Weight of 1 (accepted disabling claims only)

021	Sprains, strains, tears
040	Surface wounds and bruises unspecified
041	Abrasions, scratches
042	Blisters
043	Bruises, contusions
044	Foreign bodies (superficial splinters, chips)
045	Frictions burns
048	Multiple surface wounds and bruises
049	Surface wounds and bruises, NEC

Safety Scheduling Lists
Event Codes for Safety Forest Activities and Construction

Effective 10/2004

Event Code	Description
00	Contact with objects and equipment, unspecified
01	Struck against object
02	Struck by object
03	Caught in or compressed by equipment or objects
04	Caught in or crushed in collapsing materials
05	Rubbed or abraded by friction or pressure
06	Rubber, abraded, or jarred by vibration
09	Contact with objects and equipment, NEC
10	Falls, unspecified
11	Fall to lower level
12	Jump to lower level
13	Fall on same level
19	Fall, NEC
31	Contact with electric current
323	Contact with hot objects or substances
324	Contact with cold objects or substances
381	Drowning, submersion
383	Depletion of oxygen from cave-in or collapsed materials
41	Highway accident
42	Non-highway accident, except rail, air, water
43	Pedestrian, non-passenger struck by vehicle, mobile equipment
50	Fire of explosion, unspecified
51	Fire, unintended or uncontrolled
52	Explosion