

**PEER Analysis of OSHA Recordkeeping Inspections Done Pursuant to its National
Emphasis Program (NEP)(10/09 - 8/10)**

SUMMARY OF DATA

- 1 The Senate appropriated \$1,000,000 to OSHA in January 2009 for use in answering the questions surrounding the accuracy of the OSHA Injury and Illness information required to be recorded by employers under Title 29 Part 1904. On October 1, 2009, OSHA finally launched a National Emphasis Programs (NEP) for OSHA Recordkeeping. Over a 10-month period from October 1, 2009, through August 3, 2010, OSHA leadership collectively oversaw the program.
- 2 A total of only 142 inspections were conducted, or approximately 14 per month nationwide.
- 3 The State of Oregon, an 18b State Plan state, was not required to participate in the Recordkeeping NEP, but still accounted for 49 of the NEP total inspections, or 35%.
- 4 Although the program affected all 50 states, 4 territories and the District of Columbia, inspections were only conducted in 27 states: 22 Federal states and 5 State Plan states.
- 5 Participation in the program was not required for any of the 18b State Plan states, nor for 6 Federal states, including Rhode Island, West Virginia, Arkansas, Louisiana, Oklahoma, & South Dakota.
- 6 Establishments and industries in VPP, SHARP, Partnerships and Construction were not included in the Recordkeeping NEP- however, “pilot testing” procedures/programs for these groups are considered to address the recordkeeping accuracy issues raised by Congress, the GAO, Academics, Labor, Employers, Government workers and the public.
- 7 The following establishments were visited in the 10-month period between October 1, 2009 and August 3, 2010:
 - A) Only 28, or 20% of the total 142 inspected establishments, had 100 or more employees.
 - B) 64, or 45% of the total, had less than 50 employees.
 - C) 42, or 30% of the total, were Nursing Care Facilities (NAICS Industry code 623110)
 - D) Petroleum refineries, oil & gas extraction operations, chemical manufactures, shipbuilding facilities, paper mills, lumber and wood product mfg., and pipeline services received no inspections. One meatpacking plant was inspected and brief compliance visits were conducted at four poultry processing plants.

- 8 In light of the fact that the Recordkeeping NEP requires Compliance Officers to conduct up to 3 different sets of questionnaires, (Management, Health Care Providers, and Employee interviews), the following inspection duration figures from the NEP are interesting, given the constant criticism from Industry Representatives that OSHA's inspections are usually fruitless, time consuming, and costly to the agency.
- A) Using the number of calendar days covered between the inspection opening and closing conferences as the time spent at the establishment conducting the inspection, the following calculations for the RK NEP's 142 inspections are observed:
 - a. 58, or 41% of the total 142 NEP inspections, had an onsite component that lasted 3 calendar days or less;
 - b. 67, or 47% of the total, lasted 5 calendar days or less;
 - c. 29, or 20% of the total, lasted 6 to 20 calendar days;
 - d. 46, or 32% of the total, lasted 21 days or more.
- 9 Despite all of these obstacles imposed upon the NEP program by OSHA, the results are as follows:
- A) 99, or 70% of the total 142 NEP inspections, found either Part 1904 recordkeeping violations or Part 1910 Safety and Health Standards violations;
 - B) 78, or 55% of the total, found Recordkeeping violations only or both Recordkeeping & 1910 violations;
 - C) 21, or 15 % of the total, found 1910 violations only;
 - D) Only 43, or 30% of the total, inspections found no violations.
 - a. Region 4 (10 inspections), Region 5 (8 inspections) & region 6 (6 inspections) accounted for 56% of these inspections.

Detailed Breakdown of the OSHA Recordkeeping National Emphasis Program
activity between 10/2009 and 8/2010

Of the Total of 142 Inspections conducted:

Inspections Conducted by Federal Offices and State Offices (18b States):

Federal Offices → 84 or 59% of Total

State Offices → 58 or 41% of Total

Inspections by OSHA Regional Office –

Region 1 Boston – 8 inspections or 6% of total

8	Federal Offices (1 ME, 1 MA, 3 CT, & 2 NH) ,	0	State Offices
	RI -- 0		VT -- 0

Region II New York – 6 inspections or 4% of total

6	Federal Offices (4 NJ & 2 NY),	0	State Offices
			PR – 0; VI -- 0

Region III Philadelphia – 8 inspections or 6% of total

8	Federal Offices (8 Pennsylvania),	0	State Offices
	WV – 0; DC – 0		DE – 0; MD – 0; VA -- 0

Region IV Atlanta – 23 inspections or 16% of total

18	Federal Offices (4 AL, 5 GA, 3 MS, & 6 FL)	5	State Offices (4 TN, 1 SC)
	.		KY – 0; NC -- 0

Region V Chicago – 19 inspections or 13% of total

19	Federal Offices (7 OH, 9 WI & 3 IL),	0	State Offices
			IN – 0; MI – 0; MN -- 0

Region VI Dallas – 10 inspections or 7% of total

10	Federal Offices (10 Texas),	0	State Offices
	AR – 0; LA – 0; OK – 0		NM -- 0

Region VII Kansas City – 4 inspections or 16% of total

4	Federal Offices (1 NE, 1 MO & 2 KS),	0	State Offices
			IA -- 0

Region VIII Denver – 5 inspections or 4% of total

5	Federal Offices (1 MT, 1 ND & 3 CO),	0	State Offices
	SD – 0		UT – 0; WY -- 0

Region IX San Francisco – 3 inspections or 2% of total

0	Federal Offices,	3	State Offices (3 NV)
			AZ – 0; CA – 0; HI – 0;

Guam; American Samoa -- 0

Region X Seattle – 56 inspections or 39% of total

6	Federal Offices (6 ID),	50	State Offices (49 OR,
	.		1 WA)
			AK – 0

*** Oregon, with 49 inspections, accounted for 35% of the RK NEP inspections conducted between October 1, 2009 and August 3, 2010.

*** Excluding Regions 4 (Atlanta) & 5 (Chicago) the number of RK NEP inspections done by Federal offices in throughout the other 8 Regional Offices totaled only 47, or 33%. Of these 47: Texas, with 10 RK NEP inspections, accounted for all of the Region 6 total. Pennsylvania, with 8 RK NEP inspections, accounted for all of the Region 3 total.

Of the Total 142 Inspections conducted:

Size of Establishment Inspected –

100 + employees – 28 or 20% of total

75 to 99 employees – 15 or 11% of total

50 to 74 employees – 35 or 25% of total

Less than 50 employees – 64 or 45% of total

Of the Total 142 Inspections conducted:

Ranges in Number of Calendar Days spent in Establishment

(Date of Opening Conference to Date of Closing Conference)

<u>3 days or less</u>	<u>4 to 5 days</u>	<u>5 days or less</u>	<u>6 to 10 days</u>	<u>11 to 20 days</u>	<u>21 + days</u>
58 or 41%	9 or 6%	67 or 47%	13 or 9%	16 or 11%	46 or 32%

Of the Total 142 Inspections conducted:

Inspections With Violations → 99 or 70% of Total conducted

With RK → 78 or 55% of Total Conducted

- 41 w/RK only (Part 1904) or 29% of Total
- 37 w/RK & Other (Part 1910) or 26% of TOTAL

With Other Only → 21 or 15% of Total Conducted

Inspections With No Violations → 43 or 30% of Total conducted

Region I Boston –	1 inspection of 8 total conducted
Region II New York –	2 inspections of 5 total conducted
Region III Philadelphia –	2 inspections of 8 total conducted
Region IV Atlanta –	10 inspections of 23 total conducted
	AL – 4 of 4; GA – 3 of 5; FL -- 2 of 6; SC – 1 of 1
Region V Chicago –	8 inspections of 19 total conducted
	OH – 3 of 7; WI – 5 of 9; IL – 0 of 3
Region VI Dallas –	6 inspections of 10 total conducted
	ALL TEXAS
Region VII Kansas City –	0 inspections of 4 total conducted
Region VIII Denver –	1 inspection of 5 total conducted
Region IX San Francisco –	2 inspections of 3 total conducted
Region X Seattle –	11 inspections of 56 total conducted

Of the Total 142 Inspections conducted:

Industry of Establishment Inspected (NAICS codes from NEP Table SNR02):

42 Inspections @ 623110 Nursing Care Facilities (30% of Total RK NEP Inspections)

9 Inspections @ 311511 Fluid Milk Manufacturing

8 Inspections @ 312111 Soft Drink Manufacturing

7 Inspections @ 481111 Scheduled Passenger Air Transportation

6 Inspections @ 492110 Couriers

6 Inspections @ 493120 Refrigerated Warehousing and Storage

4 Inspections @ 311615 Poultry Processing * added to table in NEP

4 Inspections @ 321991 Manufactured home (Mobile Home) mfg.

4 Inspections @ 331511 Iron Foundries

48 Inspections in the 8 Industries above

34% of Total RK NEP Inspections

2 Inspections @ Steel foundries; 1 Inspection @ Meatpacking; 2 Inspections @ Motor vehicle and Pass car Bodies; 3 Inspections @ Millwork

7 Inspections in Wholesale Trade; 2 Inspections @ Local and suburban transit