



UTAH
LABOR COMMISSION
Utah Occupational Safety and Health Division

DIRECTIVE NUMBER: 2021-002	EFFECTIVE DATE: June 14, 2021
SUBJECT: Site-Specific Targeting (SST)	

ABSTRACT

Purpose: This Instruction implements UOSH's *Site-Specific Targeting (SST)* inspection plan. This program does not include construction worksites.

Scope: UOSH-wide.

References: 29 CFR Part § 1904, *Recording and Reporting Occupational Injuries and Illnesses*.

29 CFR Part § 1908, *Consultation Agreements*.

Utah Field Operations Manual (UFOM), May, 2020.

OSHA Directive

- CPL 02-00-149, *Severe Violator Enforcement Program (SVEP)*, June 18, 2010.

Cancellations: None.

Expiration Date: Two years from the effective date, unless replaced by a new Instruction. Upon the expiration or replacement of this Instruction, inspection cycles already underway must be completed as described in paragraph IX.B.

Action Offices: UOSH Compliance and Consultation and Education Services.

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Executive Summary

This Instruction implements UOSH's SST inspection plan, using employer-submitted *OSHA Form 300A Summary of Work-Related Injuries and Illnesses* (OSHA Form 300A) data for calendar years (CY) 2017-2019. The SST is UOSH's main SST inspection plan for non-construction workplaces that have 20 or more employees, and is based on the data received from injury and illness information that employers submitted for CY 2017-2019 in accordance with 29 CFR § 1904.41.

This program helps UOSH achieve the goal of ensuring employers provide safe and healthful workplaces by directing enforcement resources to those workplaces with the highest rates of injuries and illnesses.

This Instruction identifies key references, describes the inspection list, provides scheduling and inspection procedures, and provides information on Occupational Safety and Health Administration (OSHA) Information System (OIS) coding.

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I. Purpose

This Instruction implements UOSH's SST inspection plan. This program does not include construction worksites.

II. Scope

This Instruction applies UOSH-wide.

III. References

- A. 29 CFR Part § 1904, *Recording and Reporting Occupational Injuries and Illnesses*.
- B. 29 CFR Part § 1908, *Consultation Agreements*.
- C. *Utah Field Operations Manual (UFOM)*, May, 2020.
- D. OSHA Directive
 - CPL 02-00-149, *Severe Violator Enforcement Program (SVEP)*, June 18, 2010.

IV. Cancellations

None.

V. Expiration Date

This Instruction terminates two years from the effective date, unless replaced by a new Instruction. Upon the expiration or replacement of this Instruction, inspection cycles already underway must be completed as provided in paragraph IX.B.

VI. Action Information

A. Responsible Office

UOSH.

B. Action Offices

UOSH Compliance and Consultation and Education Services.

VII. Background

The SST inspection plan is UOSH's site-specific programmed inspection initiative for non-construction workplaces that have 20 or more employees. The SST inspection plan uses objective data from injury and illness information employers submit under 29 CFR § 1904.41¹. The current program helps UOSH achieve the goal of ensuring employers provide safe and healthful workplaces by directing enforcement resources to those workplaces with the highest rates of injuries and illnesses.

By applying industry and establishment-size criteria, UOSH focuses data collection on establishments most likely to be experiencing elevated rates and increased numbers of occupational injuries and illnesses. The SST inspection plan selects individual establishments for inspection based on their required submission of OSHA Form 300A data in accordance with 29 CFR § 1904.41.

VIII. Description of the SST Inspection Plan

A. Inspection List Selection Criteria

An inspection list of establishments with elevated Days Away, Restricted, or Transferred (DART) rates will be generated, both for CY 2019 and sites with upward trending rates for the three-year range of CY 2017-2019. A random sample of establishments that did not provide the required 2017, 2018, and 2019 OSHA Form 300A data, as required by 29 CFR § 1904.41, will be identified and included in the inspection list. To verify data accuracy and quality control, a random sample of low-rate establishments will be included from the CY 2019 data.

1. High-Rate Establishments

The SST inspection plan selects individual establishments for inspection based on CY 2019 OSHA Form 300A data.

Because average DART rates vary widely among industries, one DART rate will be set for manufacturing and a different DART rate will be set for non-manufacturing as objective selection criteria. This method will

¹ Only a small fraction of establishments are required to electronically submit their OSHA Form 300A data. Remember, these criteria apply at the establishment level, not to the firm as a whole:

- Establishments with 250 or more employees that are subject to 29 CFR § 1904 must electronically submit information from the OSHA Form 300A.
- Establishments with 20-249 employees in certain high-risk industries must electronically submit information from the OSHA Form 300A.
- Establishments with fewer than 20 employees at all times during the year do not have to electronically submit information.

allow UOSH to equally focus on manufacturing and non-manufacturing establishments.

2. Upward Trending Establishments

Establishments with rates above their industry's national average in CY 2017 that have continued to trend upward in both CY 2018 and CY 2019, and continue to remain above their industry's national average, will be identified.

3. Low-Rate Establishments

To verify the reliability of the OSHA Form 300A data reported by employers, a random sample of establishments with low DART rates will be generated using the CY 2019 data.

4. Non-Responders

A random sample of establishments that did not provide the required OSHA Form 300A data for CY 2017-2019 will be generated.

Inclusion of these non-responding employers is intended to discourage employers from not complying with their obligation to report injury and illness information in an attempt to avoid inspection.

If, upon arrival, compliance safety and health officers (CSHOs) learn that a listed establishment is only an administrative office, CSHOs should follow the procedures included in paragraph IX.D.2, *Office-Only Sites*, of this Instruction.

IX. Scheduling

The Occupational Safety and Health Administration's (OSHA's) Office of Statistical Analysis will provide UOSH with access to software and databases that include the establishments on the inspection list.

A. Maintaining Inspection List/Cycles and Documentation

UOSH is responsible for maintaining the documentation necessary to demonstrate that it has instituted the SST inspection list and cycles in accordance with the requirements of this Instruction, including documenting all deletions, deferrals, or other modifications [such as rationale for expanding inspections to cover health hazards based on (a) prior inspection history of the establishment, or (b) knowledge of an establishment's industry classification]. UOSH must maintain all such inspection lists, cycles, and documentation for a period of three

years after all inspections conducted under this SST inspection plan have been closed.

B. Cycle Size

UOSH will generate inspection cycles of 25 establishments using the SST software that randomly selects establishments. Once initiated, the entire cycle must be completed; all establishments in the cycle should be inspected within 12 months.

Within a cycle, UOSH may schedule and inspect the selected establishments in any order that makes efficient use of available resources.

After completing a cycle, UOSH may generate a subsequent new cycle using the SST software.

UOSH must inspect all establishments in an existing cycle before inspecting any establishments in a newly generated cycle. However, an establishment may be carried over to another cycle for the following reasons:

- The establishment is not operating normally because of strikes, seasonal fluctuations, or other factors;
- Necessary equipment or personnel with necessary experience and qualifications to perform the inspection are not presently available;
- It is the last remaining establishment in a cycle, its inspection would require travel in excess of 50 miles and it cannot be combined with other inspection activity;
- The employer has not yet completed abatement action required as a result of a previous comprehensive UOSH inspection of the same inspection type (safety or health) because the final abatement date has not yet come;
- The employer has contested a citation item issued as a result of a previous UOSH inspection and the case is still pending before Adjudication; or
- The inspection cannot be completed due to the employer's refusal to allow the inspection.

At the expiration of this Instruction, UOSH must complete any cycle initiated, but not yet completed, even if any inspections for the remaining establishments are opened after the expiration date.

C. Use of SST Software

UOSH must use the “Create” function of the SST web-based application to create cycles from the SST inspection list and use the application to update the inspection list to enter deletions and inspections conducted. UOSH shall not create cycles manually.

After initiation of an inspection, UOSH will update the application to connect the inspection number with the particular establishment.

D. Worksite Clarification

As part of the pre-inspection process, UOSH shall verify that all procedures for accurate inclusion under the SST inspection plan have been followed. If the worksite is not subject to the data submittal criteria, an inspection shall not be initiated.

UOSH will contact OSHA’s Office of Statistical Analysis to correct any data discrepancies; discrepancies will be reported directly through the SST web-based application.

1. Industries without Permanent Workplaces

For industries that do not have permanent worksites, such as those classified as North American Industry Classification System (NAICS) Code 561730, Landscaping Services, the establishment list will normally identify only the employer’s central office. UOSH will, so far as possible (e.g., by visiting the central office), determine the location of active worksites based on the type of work scheduled and the length of time remaining to complete the project.

2. Office-Only Sites

The SST inspection plan is not intended to include establishments that are office-only facilities. If a CSHO arrives at an establishment and discovers that there is only an office at the site, the CSHO should determine what site or sites are associated with the OSHA Form 300A data.

If the OSHA Form 300A data includes information for a site (or sites) in addition to an office, then an inspection of the site (or one of the sites) with the highest DART rate shall be conducted if within UOSH’s jurisdiction.

NOTE: Recordkeeping rule § 1904.30 requires an employer to keep a separate OSHA 300 log for each establishment that the employer expects to be in operation for one year or longer.

3. Incorrect Submission by Employer

When a CSHO determines that a worksite was included on the inspection list because of incorrect data submitted by the employer, the CSHO will proceed with an SST inspection in accordance with this Instruction.

4. Non-Responders

If, upon initiating an inspection of a non-responder establishment, the establishment provides documentation that they in fact submitted CY 2019 data or provides evidence that they are not subject to the requirements of 29 CFR § 1904.41 due to size or industry, the CSHO should stop the inspection and code the event as a “No Inspection.”

E. Deferrals

1. UOSH On-Site Consultation Program

If an establishment is an approved participant in the Pre-Safety and Health Achievement Recognition Program (SHARP), it may be granted a deferral from UOSH programmed inspections.

If an On-Site Consultation visit is “in progress” at an establishment, it will take priority over programmed inspections. An On-Site Consultation visit will be considered “in progress” in relation to the working conditions, hazards, or reasons generated by the visit from the beginning of the opening conference through the end of the correction dates and any extensions thereof (29 CFR § 1908.7(b)(1)).

Programmed compliance activity may not occur until after the end of the consultation visit if a worksite is scheduled to have an On-Site Consultation visit:

- i. within 5 days of the planned compliance activity; **or**
- ii. more than 5 working days from the planned compliance activity; **and**
- iii. the employer agrees to reschedule the On-Site Consultation visit to within 5 working days of the initial planned compliance activity date. If the employer breaches the agreement, compliance activity

will commence.

Refer to Chapter 2, Section V.C.3.a., *Consultation Visit in Progress*, of the UFOM.

2. VPP Applicants

When the UOSH compliance field operations manager or designee receives notification from the compliance assistance specialist (CAS) that a VPP on-site review has been scheduled, the applicant will be removed from any programmed inspection list for a period of up to 75 days prior to the scheduled on-site review. The applicant's workplace will be removed from any programmed inspection list for the duration of VPP participation. Refer to Chapter 2, subparagraph V.C.2.b., *Programmed Inspections and VPP Participation*, of the UFOM.

F. Inspection Priority

While unprogrammed inspections are normally prioritized, this Instruction adds the following procedures:

1. UOSH must inspect all establishments on the SST inspection list unless, in consideration of available resources, like local emphasis programs (LEPs), the director authorizes a smaller number of inspections to be conducted from the list. Such authorization will normally require UOSH to complete all inspections in the current cycle.
2. UOSH compliance will continue to conduct other programmed inspections under LEPs, or other initiatives, as provided by the UOSH program.

X. Deletions

Appropriate deletions, as stated below, will be made from the inspection cycle. Deletion criteria for previous inspections, VPP, or SHARP establishments shall be applied either before or after creating a cycle.

A. No longer in Business

Establishments no longer in business will be deleted from the inspection cycle.

B. Previous Inspections

An establishment will be deleted from the inspection list if the establishment has received a comprehensive safety or health inspection within 36 months of the

creation of the current inspection cycle. For deletion purposes, an establishment's comprehensive inspection date is the *opening conference date* of that inspection. If the opening conference date occurred within the previous 36 months of the current SST inspection cycle, the establishment will be deleted from the SST inspection list.

The SST software tracks the opening conference date entered for establishments deleted for the above listed reason (previous comprehensive inspection). Once the 36-month period passes, the software makes that establishment available again for selection.

NOTE: Do not delete Severe Violator Enforcement Program (SVEP) establishments or establishments related to a SVEP case. These establishments are not entitled to an inspection deferral.

C. VPP and SHARP

An establishment that is an approved participant in UOSH's VPP or SHARP will be deleted from the inspection list.

XI. Inspection Procedures

A. Scope

SST inspections shall be comprehensive in scope. Based on the workplace's potential hazards, an inspection conducted under this Instruction may be opened as either a comprehensive safety or health inspection. In addition, if the site has been inspected previously, the inspection may be expanded to cover both health and safety hazards based on that prior inspection history. The rationale for the expanded inspection must be fully explained and documented in the file.

B. Verify NAICS

At the opening conference, the CSHO will verify the establishment's NAICS code. As needed, the CSHO must establish activities occurring at the workplace before determining the appropriate NAICS code.

C. Citations

Citations for violations and corresponding proposed penalties shall be made in accordance with the UFOM and other relevant policies and procedures.

D. Recordkeeping Violations

In accordance with the UFOM, recordkeeping violations under 29 CFR § 1904 are to be classified as other-than-serious. If the employer was required to submit the data and did not attempt to do so, UOSH shall issue a citation using the following guidance:

- If the employer did not submit the data electronically, but immediately abates during the inspection by providing a paper copy of the records, an other-than-serious citation will be issued with no penalty.
- If the employer did not submit its CY2019 data, but shows it has already submitted data from the most recent CY (e.g., CY2020), an other-than-serious citation will be issued with no penalty.
- If the employer does not produce the records, an other-than-serious citation will be issued with the appropriate penalty in accordance with the UFOM.

NOTE: CSHOs must enter optional code “N-05-ITA Nonresponder” to indicate that the facility did not provide the required OSHA Form 300A data through the injury tracking application (ITA).

E. Collection and Review of Illness and Injury Data

During inspections under this Instruction, CSHOs will review the OSHA 300 logs, 300A summaries, and 301 incident reports (or equivalent) for the current and three prior calendar years; CSHOs will enter the employer’s OSHA 300 log data into the OIS system. Refer to the UFOM, Chapter 3, Section V, *Review of Records*, for further guidance on review of injury and illness data. CSHOs should verify that the CY2020 data was submitted. If the inspection is conducted after March 2, 2022, CSHOs should verify that the CY2021 data was submitted.

XII. Relationship to Other Programs

A. Unprogrammed Inspections

The director or designee shall conduct unprogrammed inspections in accordance with the UFOM or other relevant policy and procedures. If an unprogrammed event (e.g., complaint, fatality, or referral) occurs at an establishment that is also scheduled for inspection under this SST inspection plan, the two inspections may be conducted either concurrently or separately, but should be conducted concurrently whenever possible. See paragraph XIII.C of this Instruction.

B. Local Emphasis Programs

Some establishments may be selected for inspection under the SST inspection plan and also under one or more other LEPs. Whenever an establishment is scheduled for inspection based on the current cycles of the SST inspection plan and is also listed on another LEP inspection list, both inspections may be scheduled at the same time. CSHOs will designate all applicable OIS codes to the inspection. See paragraph XIII.B of this Instruction.

XIII. Recording and Tracking

UOSH inspections conducted in response to this Instruction shall be coded in OIS as described in this section. All consultation activities (Request, Visit, and Compliance Assistance) conducted by the On-Site Consultation program in relation to this Instruction shall also be coded in OIS.

A. SST-Only Inspections

The inspection shall be coded as an Initiating Type of “Programmed Planned” in OIS. Record the value **SSTARG171819** in the *State Emphasis Program* AND the *Primary Emphasis Program* fields under *Emphasis Program* located in the *Inspection Data* section.

B. SST Combined with Other LEP Inspections

For all LEP inspections conducted in conjunction with an SST inspection, the CSHO shall mark the inspection with an Initiating Type of “Programmed Planned” in OIS. Record the value **SSTARG171819** in the *State Emphasis Program* field under *Emphasis Program* located in the *Inspection Data* section along with all other applicable LEP codes. Record the value **SSTARG171819** in the *Primary Emphasis Program* field.

C. SST Combined with Unprogrammed Inspections

For all unprogrammed inspections conducted in conjunction with an SST inspection, the CSHO shall code the inspection Initiating Type with the appropriate type of unprogrammed inspection in OIS (e.g., Complaint, Referral). Record the value **SSTARG171819** in the *State Emphasis Program* section.