

HIOSH DIRECTIVE

DIRECTIVE NO.: CPL 02-01-064	EFFECTIVE DATE: February 17, 2023
SUBJECT: Site-Specific Targeting (SST)	

ABSTRACT

Purpose:	This instruction implements the State of Hawaii Department of Labor and Industrial Relation's Hawaii Occupational Safety and Health Division's (HIOSH) Site-Specific Targeting (SST) inspection plan. This program does not include construction worksites.
Scope:	HIOSH-wide.
References:	See Section III.
Cancellations:	This Instruction cancels CPL 02-01-062, Site-Specific Targeting (SST), December 14, 2020. Adopted by HIOSH October 1, 2021.
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 X.B.
State Plan Impact:	This directive applies solely to HIOSH service/operating locations. Notice of Intent and Equivalency required by the Federal Occupational Safety and Health Administration (OSHA). State Plan documentation of targeting systems is required if not current.
Action Offices:	HIOSH
Originating Branch:	HIOSH Administration and Technical Support Branch (ATS)
Contact:	HIOSH Administration and Technical Support Branch. 830 Punchbowl St, Rm 425, Honolulu, HI 96813.

By and Under the Authority of

NORMAN AHU
HIOSH Administrator

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EXECUTIVE SUMMARY

This Instruction implements HIOSH's Site Specific Targeting (SST) inspection plan. The SST inspection plan is HIOSH's main SST inspection plan for non-construction worksites that have 10 or more employees. The HIOSH SST inspection plan covers HIOSH-jurisdiction industries with elevated Days, Away, Restricted, or Transferred (DART) rates above the State average DART based on the Federal Bureau of Labor Statistics' (BLS) latest annual survey and data retrieved from the State of Hawaii Department of Labor and Industrial Relations (DLIR) Unemployment Insurance Division (UID) and/or where HIOSH-covered establishments fail to provide the required annual summary of work-related injury and illness information to BLS and/or DLIR.

This SST inspection plan helps HIOSH achieve the goals mandated by OSHA of ensuring that employers provide safe and healthful workplaces by directing enforcement resources to those workplaces with the highest rates of injuries and illness.

This directive identifies key references, describes the inspection list, provides scheduling and inspection procedures, and provides information on OSHA Information System (OIS) coding.

SIGNIFICANT CHANGES

Based on past enforcement experience, the following changes have been incorporated into this current SST plan:

- For high-rate establishments, the SST plan selects individual establishments for inspection based on CY 2021 Form 300A data. The previous SST used CY 2019 data.
- For upward trending establishments, the SST plan selects individual establishments for inspection based on CY 2019 through 2021 Form 300A data. The previous SST used CY 2017 through 2019 data.
- The low-rate establishments list is generated using CY 2021 Form 300 A data. The previous SST used CY 2019 data.
- The non-responders list is generated using CY 2021 data, when compared to CY 2019 data used for the previous SST.

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I. PURPOSE

This Instruction implements HIOSH's SST inspection plan. This instruction does not include construction worksites.

II. SCOPE

This Instruction applies to HIOSH's jurisdiction as determined by OSHA.

III. REFERENCES

- A. Amended Data Exchange Agreement Between State of Hawaii Department of Labor and Industrial Relations Unemployment Insurance Division and State of Hawaii Hawaii Occupational Safety and Health Division, November 29, 2021.
- B. Chapter 396, Hawaii Revised Statutes (HRS), the Hawaii Occupational Safety and Health Law.
- C. Hawaii Administrative Rules (HAR), Title 12, Department of Labor and Industrial Relations, Subtitle 8, Hawaii Occupational Safety and Health Division
- D. HAR § 12-52.1, 29 CFR Part 1904 Recording and Reporting Occupational Injuries and Illnesses.
- E. HAR § 12-160, 29 CFR Part 1908 Consultation Agreements.
- F. Revisions to the Voluntary Protection Programs to Provide Safe and Healthful Working Conditions, *Federal Register*, January 9, 2009 (74 FR 927).
- G. HIOSH Adopted Directives
 - CPL 02-00-025, *Scheduling System for Programmed Inspections*, January 4, 1995.
 - CPL 02-00-051, *Enforcement and Limitations under the Appropriations Act*, May 28, 1998.
 - CPL 02-00-164, *Field Operations Manual (FOM)*, April 14, 2020
 - CPL 02-00-149, *Severe Violator Enforcement Program (SVEP)*, September 15, 2022.
 - CSP 01-00-005, *State Plan Policies and Procedures Manual*, May 6, 2020.
 - CSP 02-00-004, *Consultation Policies and Procedures Manual*, March 19, 2021.
 - CSP 03-01-005, *Voluntary Protection Programs (VPP): Policies and Procedures Manual*, January 30, 2020.

*For current HIOSH adoption dates for references, revisions, or subsequent replacements, go to www.labor.hawaii.gov/hiosh/guidelines/directives

- H. Interim Enforcement Procedures for Failure to Submit Electronic Illness and Injury Records under 29 CFR 1904.41(a)(1) and (a)(2), May 6, 2021.

IV. CANCELLATIONS.

This Instruction cancels CPL 02-01-062, Site-Specific Targeting (SST), December 2020, adopted by HIOSH October 1, 2021.

V. EXPIRATION DATE

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

VI. ACTION INFORMATION

A. RESPONSIBLE OFFICE

HIOSH Administrative and Technical Support Branch (ATS)

B. ACTION OFFICE

All HIOSH Offices.

C. INFORMATION OFFICES

HIOSH State Plan, Consultation Manager, Hawaii VPP Manager and Coordinators, and Compliance Assistance Specialists.

VII. SIGNIFICANT CHANGES

This Instruction replaces the SST program detailed in CPL 02-01-062, December 14, 2020 (adopted October 1, 2021). The SST plan uses employer submitted data from CY 2019-2021, as compared to the previous SST, which used CY 2017-2019 data, when selecting establishments for inspections.

VIII. BACKGROUND

The SST inspection plan is HIOSH's main site-specific programmed inspection initiative for non-construction worksites that have 10 or more employees. The SST inspection plan uses objective data from injury and illness information that employers are required to submit under HAR § 12-52.1. The SST inspection plan helps HIOSH achieve the goal of ensuring that 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, HIOSH 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 submission of Form 300A data, as required by HAR § 12-52.1.

IX. DESCRIPTION OF THE SST PLAN

A. INSPECTION LIST SELECTION CRITERIA

HIOSH will generate inspection lists of establishments with elevated DART rates, both for calendar year (CY) 2021, and sites with upward trending rates for the three-year range of CY 2019-2021. HIOSH will also identify a random sample of establishments that did not provide the required 2019, 2020, and 2021 Form 300A data to HIOSH. To verify data accuracy and quality control, HIOSH intends to also include a random sample of low-rate establishments from the CY 2021 data.

1. HIGH-RATE ESTABLISHMENTS

The SST inspection plan selects individual establishments for inspection based on the CY 2021 BLS rates and date exchange with the Department of Labor and Industrial Relations (DLIR) Unemployment Insurance Division through a Memorandum of Understanding.

HIOSH will use the most recently released state BLS data for Hawaii to set the DART rate objective selection criteria. This method will allow HIOSH to target establishments within its jurisdiction in order to appropriately and strategically use resources to determine high-rate establishments.

2. UPWARD TRENDING ESTABLISHMENTS

HIOSH will identify establishments with rates at or above their industry's state average in CY 2019 that have continued to trend upward in through CY 2021.

3. LOW-RATE ESTABLISHMENTS

To verify the reliability of the Form 300A data reported to DLIR, HIOSH will generate a random sample of establishments with low DART rates using the CY 2021 data.

4. NON-RESPONDERS

HIOSH will generate a random sample of establishments that failed to provide the required Form 300A data to DLIR for CY 2019-2021. 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, an Environmental Health Specialist (EHS)/Occupational Safety & Health Compliance Officer (OSHCO) learns that a listed establishment is only an administrative office, refer to paragraph X.D.2, Office-Only Sites.

X. SCHEDULING

The HIOSH Research Statistician will provide the HIOSH Administrator, ATS Branch Manager, Health Branch Manager, and Safety Branch Manager access to databases that

include the establishments on the SST Inspection List. Only these parties will have access to this information.

The Office of Statistical Analysis will provide HIOSH with access to software and databases that include the establishments on portions of the Inspection List.

A. MAINTAINING INSPECTION LIST/CYCLES AND DOCUMENTATION

The ATS Branch is responsible for maintaining 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). The Health Branch Manager and Safety Branch Manager are responsible for communicating information on deletions, deferrals, or other modifications to the ATS Branch Manager and the HIOSH Research Statistician.

HIOSH must maintain all such inspection lists, cycles, and documentation for a period of three years after all inspections conducted under this SST plan have been closed.

B. CYCLE SIZE

The HIOSH Research Statistician must generate inspection cycles using the SST software and procedures that randomly selects establishments for inspection and shall determine inspection cycle size (i.e., 5 to 50 establishments) based on available resources and the geographic range of the office, as provided by the ATS Branch Manager and HIOSH Administrator. Larger generated cycles will allow greater flexibility and efficiency of scheduling. Once initiated, however, the entire cycle must be completed.

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

Each month, the HIOSH Research Statistician will update the SST inspection list to reflect the inspection number correlating with establishments on the SST list.

After completing a cycle, the Health Branch Manager and Safety Branch Manager may request that the HIOSH Research Statistician generate a subsequent new cycle using the SST software and procedures.

HIOSH must inspect all establishments in an existing cycle before inspecting any establishments in a newly generated cycle. In addition, at the cancellation or revision of this Instruction, HIOSH must first complete any cycle initiated, but not yet completed, even if any inspections for the remaining establishments are opened after the cancellation or revision date.

C. USE OF THE SST SOFTWARE

The HIOSH Research Statistician will follow current procedures for using the SST software to randomly generate the SST inspection list and will use the SST software to update the inspection lists to enter deletions and inspections conducted.

After initiation of an inspection, the HIOSH Research Statistician shall update the SST software to connect the inspection number with the particular establishment.

D. WORKSITE CLARIFICATION

As part of the pre-inspection process, the Health Branch Manager and Safety Branch Manager shall verify that all procedures for accurate targeting have been followed. If the worksite is not subject to the data submittal criteria, an inspection shall not be initiated.

The Health Branch Manager and Safety Branch Manager will contact the ATS Branch Manager to correct any data discrepancies directly through email format.

1. INDUSTRIES WITHOUT PERMANENT WORKSITES

For industries, such as NAICS Code 561730 Landscaping Services, that do not have permanent worksites, the inspection list will normally identify only the employer's central office. HIOSH 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 list is not intended to include establishments that are office-only facilities. If an EHS/OSHCO arrives at an establishment and discovers that there is only an office at the site, the EHS/OSHCO should determine what site or sites are associated with the establishment's 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 rates shall be conducted if within HIOSH's jurisdiction.

NOTE: Recordkeeping rule under HAR § 12-52.1-2 (29 CFR § 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. "RECORDS ONLY" INSPECTIONS

When an EHS/OSHCO determines that a worksite was included on the inspection list because of incorrect data submitted by the employer, a "records only" inspection may be conducted.

For “records only” inspections, the EHS/OSHCO **must** conduct a partial walkthrough of the worksite and interview employees to verify the establishment’s injury and illness experience. Any serious violations that are observed in plain view or brought to the attention of the EHS/OSHCO must be investigated pursuant to Field Operations Manual (FOM) procedures.

4. NON-RESPONDERS

If, upon initiating an inspection of a non-responder establishment, the establishment provides documentation that they in fact submitted the appropriate calendar year (CY) data or provides evidence that they are not subject to the requirements of 29 CFR § 1904.41 or HAR § 12-52.1-2 due to size or industry, the EHS/OSHCO should stop the inspection and code the event as a “No Inspection.”

E. DEFERRALS

1. OSHA ON-SITE CONSULTATION PROGRAM

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

If an On-Site Consultation visit is “in progress” at an establishment, it will take priority over HIOSH 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 (HAR § 12-160).

If an establishment has requested an initial full-service comprehensive consultation visit for safety and health from the Consultation & Training Branch (C&T) and that visit has been scheduled by the program, a programmed inspection may be deferred for up to 90 calendar days from the date of the notification by C&T to the HIOSH Administrator. No extension of the deferral beyond 90 calendar days shall be granted unless the consultation visit continues to be “in progress.” As an exercise of its authority to schedule inspections, HIOSH may assign a lower priority to worksites where consultation visits are scheduled (FOM, CPL-02-00-164, Chapter 2, Section VI.G.).

2. HAWAII VPP APPLICANTS

When the HIOSH Research Statistician, Health Branch Manager, and Safety Branch Manager receive notification from the VPP Manager that a VPP on-site review has been scheduled, the HIOSH Research Statistician will remove the VPP applicant from

any programmed inspection list for a period of up to 75 calendar days prior to the scheduled on-site review. The HIOSH Research Statistician will also remove the VPP applicant worksite from any programmed inspection list for the duration of VPP participation, unless the site chooses otherwise (see paragraph XI.C., Deletions – VPP or SHARP). See also Revisions to the Voluntary Protection Programs to Provide Safe and Healthful Working Conditions, Federal Register, January 9, 2009 (74 FR 927).

F. INSPECTION PRIORITY

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

1. If HIOSH has started but not completed an SST cycle of inspections from the current FY plan, they must normally complete that cycle before moving to inspections under a subsequent SST FY plan.
2. HIOSH must inspect all establishments on the SST inspection list for the current FY unless, in consideration of available resources, like agency emphasis programs, the HIOSH Administrator authorizes HIOSH to conduct a smaller number of inspections from the list. Such authorization will normally require HIOSH to complete all inspections in the current FY cycle. The Health Branch Manager and Safety Branch Manager will submit their yearly targets in the annual performance plan stating how many SST inspection sites their corresponding Branch shall conduct.
3. For establishments in NAICS 3366 (Ship and Boat Building), HIOSH and Federal OSHA will coordinate to determine whether HIOSH, OSHA, or both have coverage over the establishment.
4. HIOSH will continue to conduct other programmed inspections under national, regional, or local emphasis programs, or other initiatives as the HIOSH goals dictate.

XI. DELETIONS

HIOSH will be responsible for making appropriate deletions, as stated below, from the inspection cycle. Deletions will also include establishments no longer in business.

Deletion criteria for previous inspections, Federal Jurisdiction, VPP, or SHARP establishments shall be applied either before or after creating a cycle.

A. PREVIOUS INSPECTIONS

The HIOSH Research Statistician will delete an establishment 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, delete the establishment from the SST inspection list.

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.

B. FEDERAL GOVERNMENT/JURISDICTION

The HIOSH Research Statistician will delete any Federal Government or Federal Jurisdiction employers (e.g., employers located on military bases where HIOSH has no access) on the inspection lists.

C. HAWAII VPP AND SHARP

1. If an establishment is an approved participant in HIOSH's VPP, delete it from the inspection list.
2. If an establishment is an approved participant in SHARP, the HIOSH Research Statistician will delete it from the inspection list (HAR § 12-160).

XII. INSPECTION PROCEDURES

A. SCOPE

SST inspections shall be comprehensive in scope. HIOSH may open an inspection conducted under this program as either a comprehensive safety or health inspection, based on HIOSH's knowledge of the worksite's potential hazards. In addition, if the worksite has been inspected previously, HIOSH may expand the inspection to cover both health and safety hazards based on that prior inspection history. HIOSH must fully explain and document in the file the rationale for the expanded inspection.

B. VERIFY NAICS

At the opening conference, the EHS/OSHCO will verify the establishment's NAICS code. As needed, establish what activities are occurring at the worksite before determining the appropriate NAICS code.

C. CITATIONS

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

D. RECORDKEEPING VIOLATIONS

When conducting an inspection of non-responder employers, an EHS/OSHCO must follow the guidance listed in HIOSH's *Interim Enforcement Procedures for Failure to*

Submit Electronic Illness and Injury Records under § 12-52.1-2, HAR (29 CFR § 1904.41(a)(1) and (a)(2)), or subsequent guidance, for citing failure to submit violations.

E. COLLECTION AND REVIEW OF ILLNESS AND INJURY DATA

During inspections under this Instruction, an EHS/OSHCO will review the OSHA 300 logs, 300A summaries, and 301 incident reports for five prior calendar years, which will include CY 2019, 2020 and 2021. Refer to the FOM, Chapter 3, Section VI, *Review of Records* for further guidance on review of injury and illness data. An EHS/OSHCO should also verify that the CY 2022 data was submitted if the inspection is conducted after March 2, 2023. If the inspection is conducted after March 2, 2024, the EHS/OSHCO should verify that the CY 2023 data was submitted.

XIII. RELATIONSHIP TO OTHER PROGRAMS

A. UNPROGRAMMED INSPECTIONS

HIOSH shall conduct unprogrammed inspection according to HIOSH's FOM or other relevant policy and procedures. If an unprogrammed event (e.g., complaint, fatality, or referral) occurs at an establishment that is also slated for inspection under this SST program, the two inspections may be conducted either concurrently or separately, but should be conducted concurrently whenever possible. See paragraph XIV.B.

B. EMPHASIS PROGRAMS

Some establishments may be selected for inspection under the SST program and also under one or more other HIOSH adopted initiatives (emphasis programs). Inspection programs based on specific hazards (such as combustible dust or lead) or specific industries (such as logging, scrapyards, or petroleum refineries) may run concurrently with the SST program.

Whenever an establishment is scheduled for inspection based on the current cycles of the SST and another emphasis program, both inspections may be scheduled at the same time. An EHS/OSHCO will designate all applicable OIS codes to the inspection. See paragraph XIV.C.

XIV. RECORDING AND TRACKING

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

A. SST-ONLY INSPECTIONS

The inspection shall be coded as an Initiating Type of Program Planned in OIS. Record

the value **HHPI (High Hazard Programmed Inspection)** in the State Emphasis Program section AND the Primary Emphasis Program section.

B. SST COMBINED WITH OTHER EMPHASIS PROGRAM INSPECTIONS

For all emphasis program inspections such as NEPs, REPs, and LEPs conducted in conjunction with an SST inspection, the EHS/OSHCO shall mark the inspection with an initiating type of “Program Planned” in OIS. Record the value **HHPI (High Hazard Programmed Inspection)** in the State Emphasis Program section along with all the other applicable NEP, REP, and LEP codes. Record the value **HHPI (High Hazard Programmed Inspection)** in the Primary Emphasis Program section.

For combined inspections where the programmed planned establishment is State or Local Government include recording of the value **LOCAL GOVERNMENT** in the State Strategic Initiative Program.

C. SST COMBINED WITH UNPROGRAMMED INSPECTIONS

For all unprogrammed inspections conducted in conjunction with an SST inspection, the EHS/OSHCO shall code the inspection Initiating Type with the appropriate type of unprogrammed inspection in OIS (e.g., Complaint, Referral). Record the **HHPI (High Hazard Programmed Inspection)** in the State Emphasis Program section.