

DOSH DIRECTIVE

Department of Labor and Industries
Division of Occupational Safety and Health
Keeping Washington safe and working

2.10

Programmed Inspection and Visit Activities

Date: April 1, 2019

I. Purpose

This Directive establishes DOSH policy and enforcement direction regarding programmed inspections and consultations.

II. Scope and Application

This Directive applies to all DOSH personnel statewide. DOSH has reviewed this Directive for applicability, and it remains effective with a new issue date of April 1, 2019. It replaces all previous instructions on this issue, whether formal or informal.

For the purpose of this directive, "CSHO" refers to DOSH Inspectors and Consultants.

A *programmed* inspection or consultation:

- Is assigned from an inspection scheduling list in advance of the CSHO initiating the inspection or visit, **or**
- May be initiated directly by the CSHO when active, temporary worksites of employers in high hazard industries are found. These are referred to as 'Stop By' inspections or visits.

III. Background

Most Washington employers are subject to Title 49.17 RCW, the Washington Industrial Safety and Health Act (WISHA). RCW 49.17.050(6) specifically requires the department to "provide for the frequency, method, and manner of the making of inspections of work places without advance notice." WAC 296-900-12005 specifically provides for programmed inspections based on a number of objective factors reflecting the degree of anticipated risk regarding particular industries, activities, and employers.

In addition, the rule highlights several "high hazard" industries, which include agriculture, asbestos renovation and demolition, construction, electrical utilities & communications, logging, and maritime. Inspections of employers in these industries are also considered programmed unless initiated in response to an accident, complaint, referral, or to follow-up on the status of a prior activity.

For a number of years, the primary source of DOSH inspection selection has been the Safety and Health Information Management System (SHIMS), which provides for the creation of lists of specific employers based on industrial classification and employer-specific workers compensation data. In other instances, alternative methods of developing inspection scheduling lists are used. Examples of inspection scheduling lists not developed using SHIMS are the Asbestos and Process Safety Management inspection scheduling lists, or lists developed for national emphasis programs such as the Refineries or Recordkeeping emphases.

For employers in some of the high hazard industries, the nature of the work is such that the employer is transient and worksites are only temporarily active. These industries do not readily lend themselves to inspection scheduling using the SHIMS. DOSH may use any means available to identify the locations of these temporary worksites in order to conduct programmed inspections.

IV. Compliance and Consultation Protocols

A. Scheduling Inspections and Visits.

1. DOSH regional compliance supervisors are responsible for assigning and coordinating DOSH enforcement activities within the region.

EXCEPTION: 'Stop by' inspections of employers in high hazard industries can be self-assigned by CSHOs after initiating the inspection.

DOSH regional consultation supervisors or managers are responsible for coordinating consultation activities within the region. The regional consultation manager or supervisor may assign visits or the consultants may be delegated to self-assign visits.

DOSH enforcement and consultation supervisors are expected to coordinate with other regions when assigning programmed inspections or visits to large, statewide employers, to avoid unanticipated and uncoordinated levels of simultaneous activity.

2. DOSH enforcement supervisors must not assign more than one site of a fixed industry employer operating in their region for a programmed health inspection, and one site for a programmed safety inspection, unless inspection results or other factors clearly document the need for a heightened enforcement presence.

NOTE: The previous limitation applies only to the extent that the sites involved are engaged in substantially similar activities. It should not be read to restrict a supervisor from assigning inspections of distinct operations simply because they share a single employer. For example, the restriction would apply to two restaurants owned by a single employer. But it would not apply to a bakery or commercial food service owned by the same employer.

B. Unprogrammed Inspections.

If a complaint or referral is received about a worksite, and the employer is on a programmed inspection list, a comprehensive inspection should be performed whenever possible. When the scope of inspection is converted to comprehensive, the CSHO should inform the employer that they are scheduled for an inspection, and that there is also a complaint or referral.

C. Programmed Inspections.

1. With the exception of construction inspections conducted as focused inspections, and PSM inspections conducted in accordance with DOSH Directive 2.62 (PSM Inspection Targeting and Tracking), programmed inspections are expected to be "comprehensive" health or safety inspections of the particular plant or operation.
2. When using programmed inspection lists, DOSH supervisors are expected to work from the top of the list to the bottom, allowing for minor variations due to such things as geography and the efficient use of inspector time, so long as such considerations do not result in significant delays in inspecting a particular employer on the list.
3. Some examples of reasons why an employer may be skipped are:

- a. The establishment has received a comprehensive enforcement or consultation visit within the same discipline (hygiene or safety) within the previous 12 months (in such cases the employer must not be assigned).

NOTE: The above provision does not preclude follow-up enforcement activity resulting from a previous enforcement visit or from a consultation visit where serious hazards have not been abated as required by the consultant (see the DOSH Consultation Manual for further guidance).

- b. The establishment has received a comprehensive enforcement or consultation visit within the same discipline (hygiene or safety) within the previous 13 to 24 months, and the supervisor's assessment suggests that the employer should be excluded. In making this assessment, the supervisor should consider factors such as the following:
 - Whether previous inspections or consultations (especially comprehensive visits) have identified serious violations
 - Whether previous visits by the other discipline (safety or hygiene) have identified a pattern of violations.
 - Whether there are known changes in ownership or management that might affect the employer's previously demonstrated commitment to workplace safety and health.
 - Whether the employer's loss history reflects a positive or negative trend.
 - Other factors based on local knowledge that relate to the likelihood of identifying serious safety or health hazards.

- c. Similar establishments owned and operated by the same employer have received comprehensive inspections or consultations within the same discipline (hygiene or safety) during the previous 12 months and the supervisor's assessment suggests that the employer should not be assigned at that time. In making this assessment, the supervisor should consider the same factors described in section C.3.b., above.
 - d. Similar activities by the same employer are the focus of current enforcement or consultation activity in other regions and the supervisor determines that additional enforcement activity would be inappropriate (see section IV.A.2., above).
 - e. A CSHO is assigned to conduct an unprogrammed assignment (Accident, Complaint, Referral, or Follow Up) in a remote area and the supervisor decides to include one or more programmed assignments in the same general area to make efficient use of travel time.
 - f. A supervisor needs to make an assignment appropriate for the CSHO's training and development levels.
- 2. DOSH compliance supervisors may delay enforcement visits to employers on programmed inspection lists in order to allow DOSH Consultation to encourage the employer to take advantage of consultation services.
 - 3. DOSH compliance inspections must be assigned and conducted without regard to non-DOSH activity by L&I staff. However, regional management and supervisors may choose to alter the scheduling of visits to avoid obvious conflicts (for example, the arrival of a DOSH enforcement inspector during or immediately before or after a Risk Management visit or an Industrial Insurance audit; such activity is generally documented on the RMES screen in LINIIS).
- NOTE: If an employer takes advantage of Risk Management consultation services without also accepting a Safety or Health consultation, the employer is still eligible to be scheduled for inspection from the inspection scheduling list.*
- 4. DOSH compliance supervisors may delay enforcement visits to employers on inspection scheduling lists in order to avoid conflict between hygiene and safety inspection activities (although coordinated inspections in such cases are preferred). However, inspections by the other discipline (hygiene or safety) are not a basis for skipping over an employer and any delay should be limited to avoiding unnecessary conflict.

V. Procedures for Coding Assignments in LINIIS**A. SHIMS.**

For assignments made from a SHIMS list (list exists on LINIIS):

- Use Assignment Type code 'T' for enforcement, or
- Use Assignment Type code 'Z' for consultation.

B. Other than SHIMS.

For assignments made from a listing other than SHIMS (list does NOT exist on LINIIS):

- Use Assignment Type code 'W' for both enforcement and consultation.

NOTE: Examples are Process Safety Management, Recordkeeping, and Refinery emphasis listings. See the specific directives for additional information.

C. High Hazard Industries.

For assignments made from listings of high hazard industries NOT on a SHIMS list (list does NOT exist on LINIIS):

- Use Assignment Type code 'O' for enforcement.
- Use Assignment Type code 'V' for consultation.

NOTE: High hazard industries listings apply to Agriculture, Asbestos, Construction, Electrical Utilities & Communications, Logging, and Maritime. See the specific directives for additional information.

VI. Review and Cancellation

DOSH will review this Directive within two years from the issue date, and it will remain effective until superseded or canceled.

Approved:



Anne F. Soiza
L & I Assistant Director
Division of Occupational Safety and Health