

RETAIL INDUSTRY OSHA MONITOR

Haynes and Boone, LLP

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- **The Retail Industry OSHA Monitor (the “Monitor”)** is designed to show trends in retail safety and health investigations and citations throughout the country. Haynes and Boone has compiled and analyzed OSHA inspection and citation history data from **October 1, 2014 to June 15, 2015** for retail industry companies. We used the June 15, 2015 cut-off date to ensure that we reviewed only citation information that was final and not subject to an open investigation given the OSHA six-month statute of limitations.

Methodology

- Haynes and Boone compiled inspection data and citation data for certain **North American Industry Classification System (“NAICS”)** codes particular to retail companies.
- For each inspection, Haynes and Boone captured the inspection type, company information, area office, emphasis program (if any), and case status. Where a citation was issued, Haynes and Boone captured the violation type, violation standard and subsection, penalties assessed initially, and contest date (if any).
- The data compiled includes data for each state as well as US territories and commonwealths.

Results

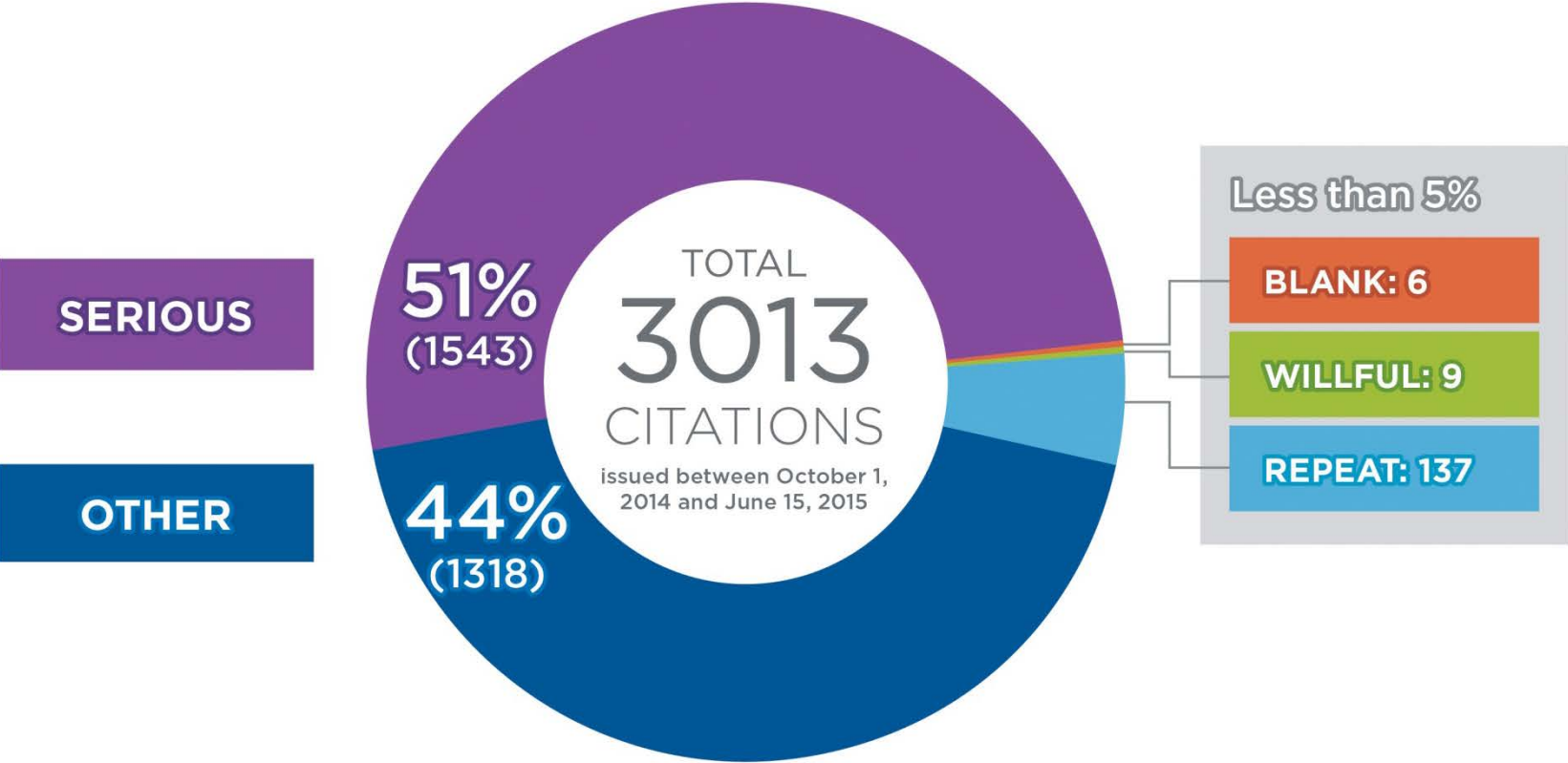
- Based on this information, Haynes and Boone was able to analyze the citation and inspection data for trends. These trends are useful for analyzing what citations are being issued by federal and state OSHA agencies but cannot reveal “the rest of the story,” namely, the validity of alleged violations, applicable defenses, and other matters that would be revealed in settlement negotiations or contested cases.
- Some of those trends include number of inspections by inspection type, citation classifications, number of citations issued by state, overall **Top 10 cited standards, Top Five cited standards for California, Michigan, North Carolina, Oregon, and Tennessee, and Top Five cited standards for particular industry groupings.**

The pages that follow include Haynes and Boone’s analysis of OSHA’s inspections and citations (opened between October 1, 2014 to June 15, 2015) and will be updated periodically.

GENERAL TRENDS

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CITATION CLASSIFICATIONS



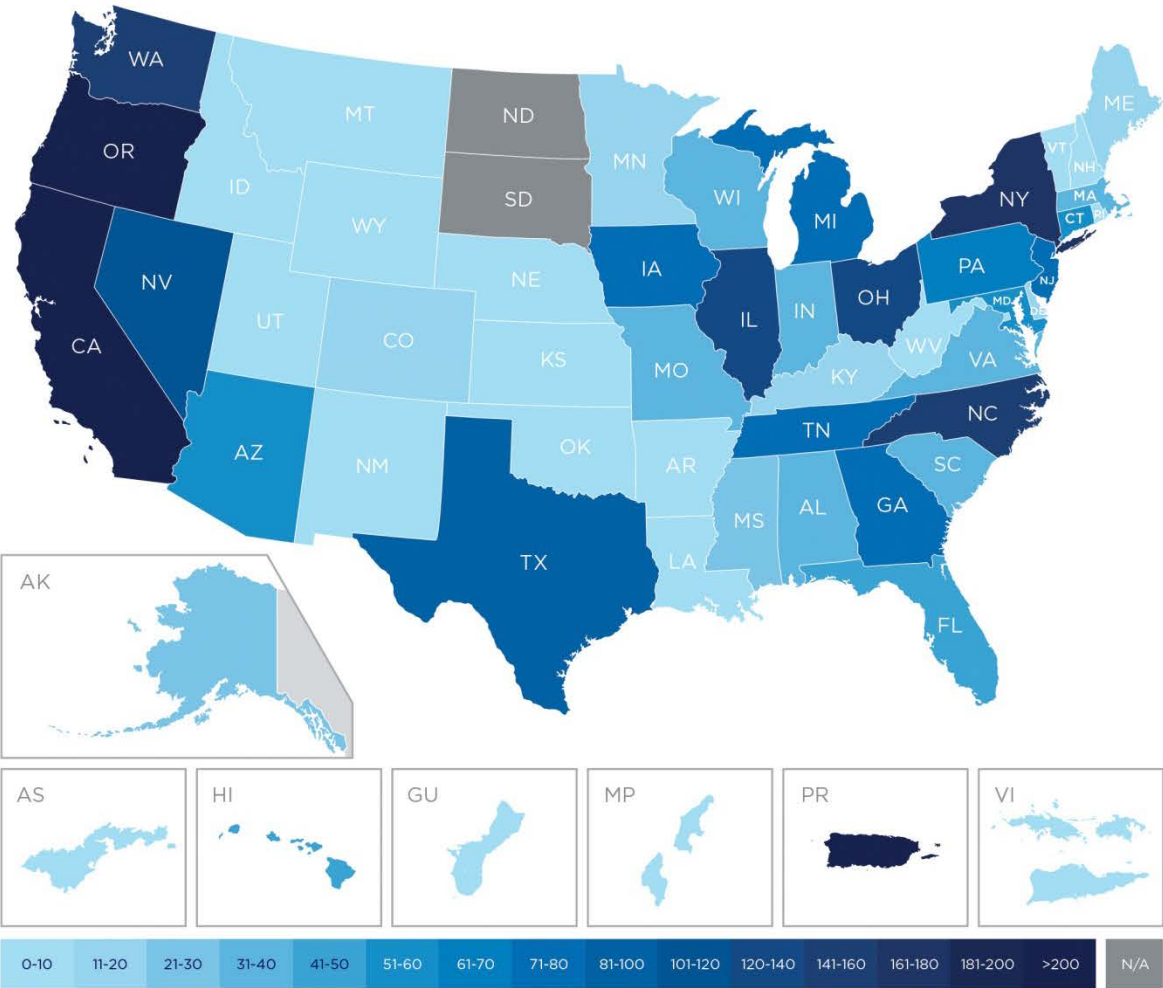
CITATIONS ISSUED BY STATE

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TOP TEN

1	California	404
2	Oregon	288
3	Puerto Rico	244
4	New York	161
5	Washington	157
6	North Carolina	149
7	Ohio	130
8	Illinois	121
9	Nevada	104
10	Texas	91

11 GA 79	26 IN 36	41 RI 8
12 NJ 79	27 SC 31	42 AR 7
13 IA 76	28 WI 30	43 ID 7
14 MI 73	29 MS 25	44 NM 7
15 TN 70	30 AK 23	45 VT 7
16 PA 66	31 CO 19	46 KS 5
17 MD 56	32 KY 16	47 NE 5
18 AZ 54	33 ME 13	48 NH 5
19 CT 51	34 MN 12	49 LA 3
20 FL 44	35 DE 11	50 OK 3
21 HI 43	36 GU 10	51 UT 2
22 AL 40	37 AS 9	52 MP 1
23 MA 37	38 DC 9	53 VI 0
24 MO 37	39 MT 9	54 WY 0
25 VA 37	40 WV 9	



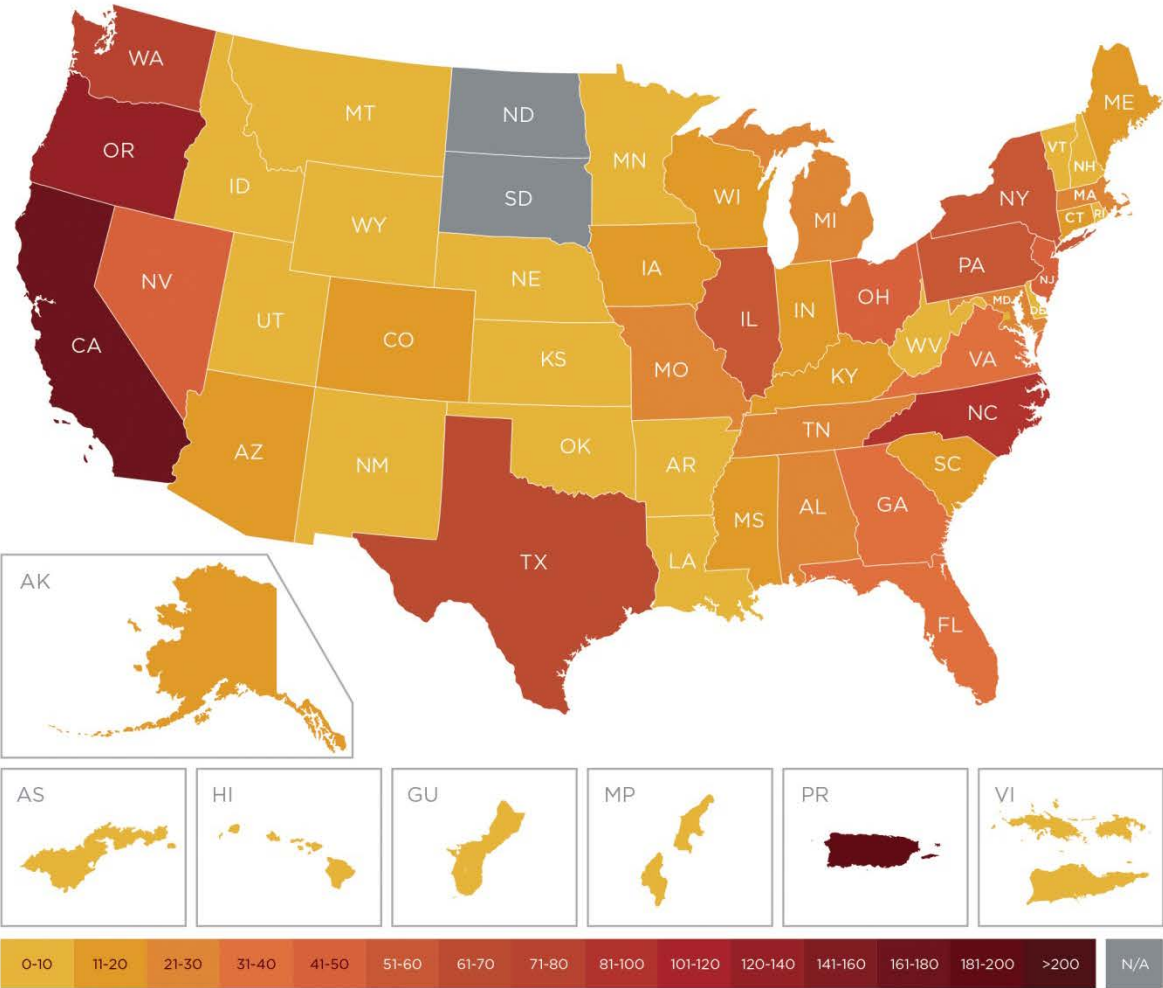
INSPECTIONS CONDUCTED BY STATE

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TOP TEN

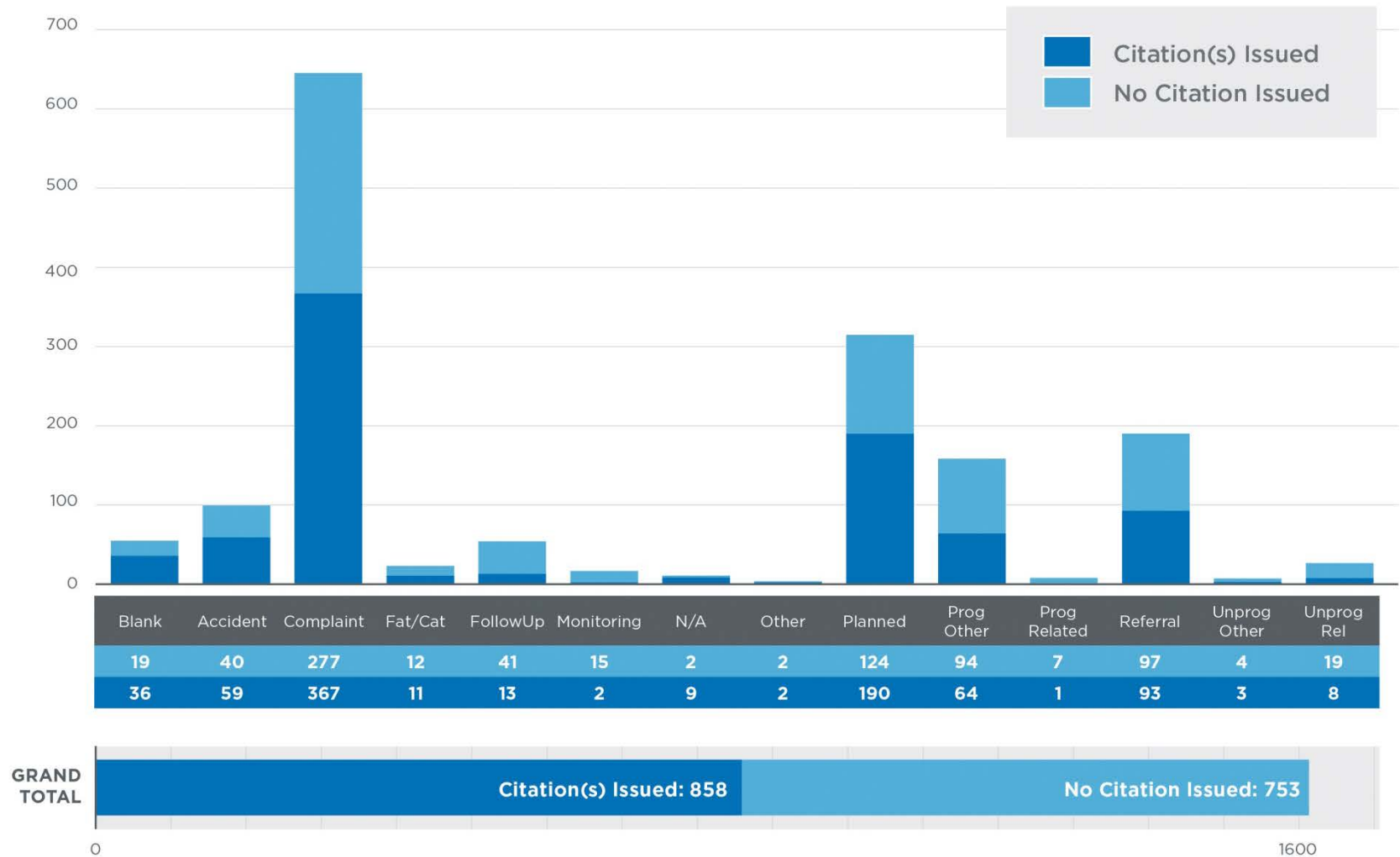
1	Puerto Rico	183
2	California	174
3	Oregon	124
4	North Carolina	93
5	Washington	79
6	Texas	64
7	Illinois	58
8	Pennsylvania	55
9	New York	53
10	Nevada	49

11 OH 48	26 AK 15	41 AS 4
12 NJ 45	27 SC 15	42 MT 4
13 VA 39	28 CO 13	43 NH 4
14 FL 37	29 IA 12	44 RI 4
15 GA 37	30 ME 12	45 DE 3
16 MO 29	31 MS 12	46 LA 3
17 MI 28	32 KY 11	47 NM 3
18 TN 28	33 HI 10	48 AR 2
19 AL 23	34 GU 8	49 DC 2
20 MA 23	35 KS 8	50 VI 2
21 MD 23	36 UT 8	51 VT 2
22 CT 19	37 MN 7	52 MP 1
23 WI 19	38 WV 7	53 OK 1
24 AZ 18	39 ID 6	54 WY 1
25 IN 18	40 NE 6	



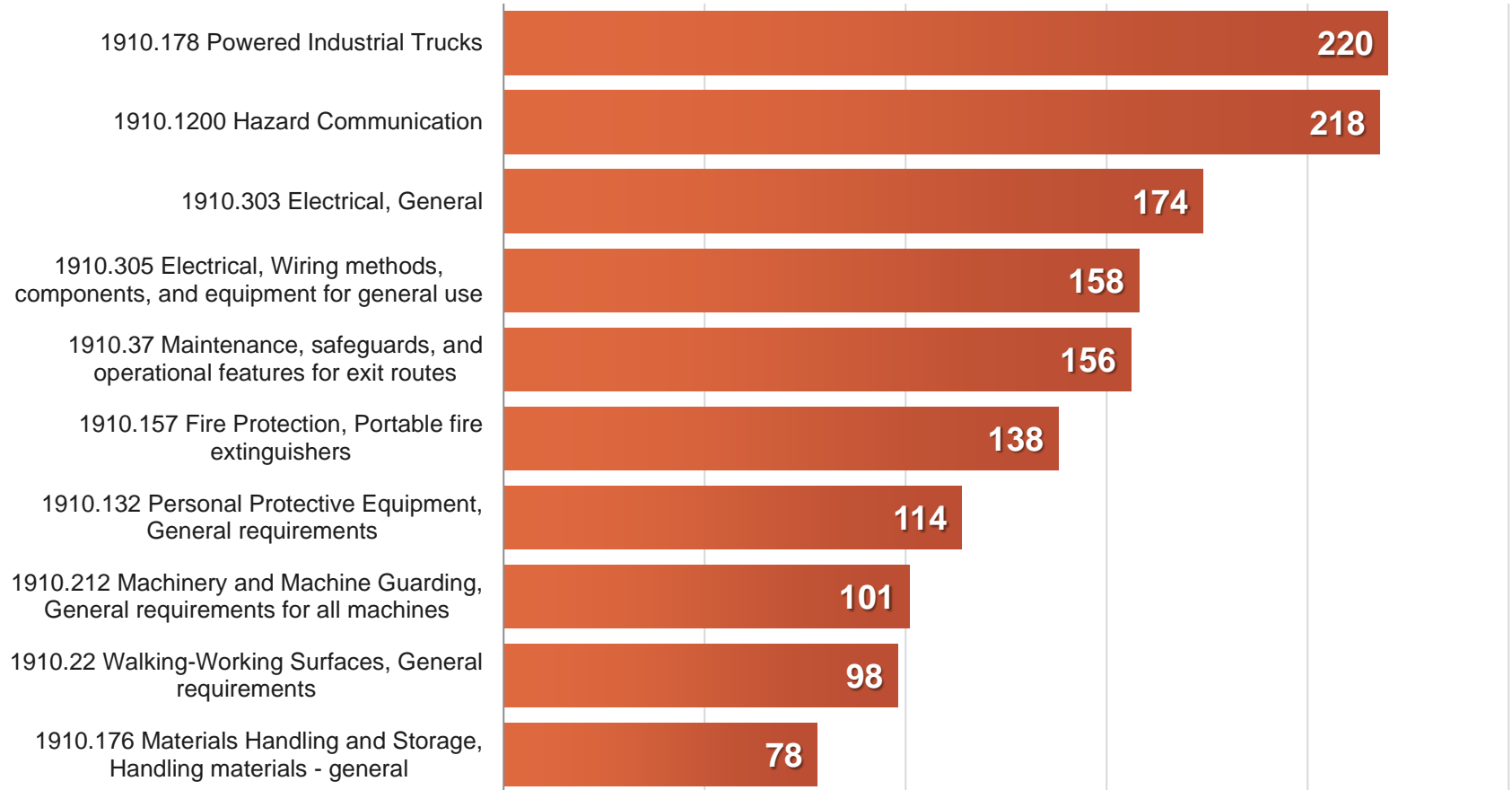
INSPECTIONS BY TYPE

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TOP 10 TOTAL CITED STANDARDS

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Legal advice of any nature should be sought from legal counsel.*