

RETAIL INDUSTRY OSHA MONITOR

Haynes and Boone, LLP

June 2017

haynesboone

- **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 for retail industry companies, first from October 1, 2014 to June 15, 2015 and now from June 16, 2015 to December 15, 2015.

Timing

- The Occupational Safety and Health Act contains a six-month statute of limitations for the issuance of citations. This means that OSHA, and state agencies alike, cannot issue citations for alleged violations that occurred any more than six months prior to the citations being issued. Therefore, the inspection and citation data available on OSHA's website is not reliable until at least six months after an inspection is initiated.

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).

Results

- Based on this information, Haynes and Boone was able to analyze the citation and inspection data for trends. Some of those trends include, number of inspections by inspection type, citation classifications, number of citations 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.

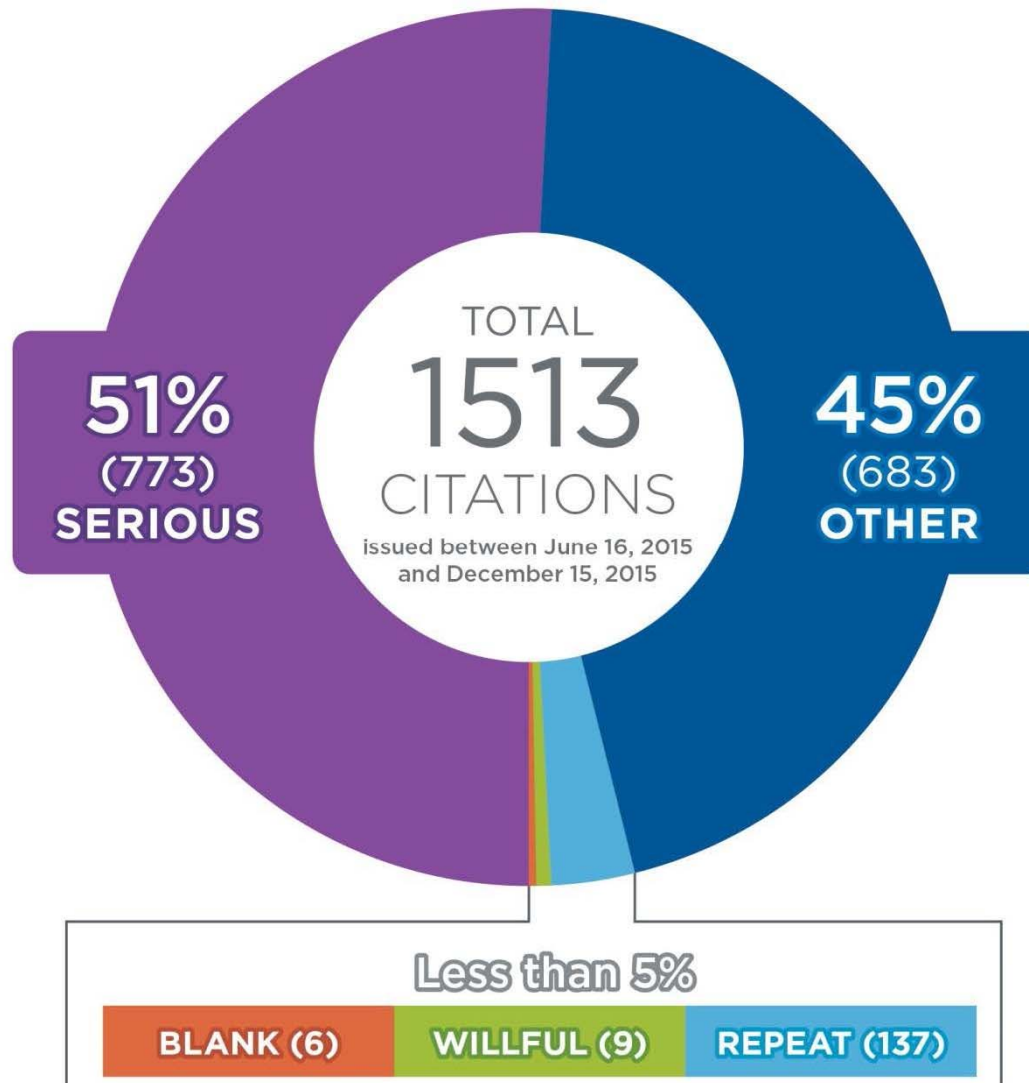
The slides that follow include Haynes and Boone's analysis of OSHA's inspections and citations (opened between June 16, 2015 and December 15, 2015) and will be updated periodically.

GENERAL TRENDS

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CITATION CLASSIFICATIONS

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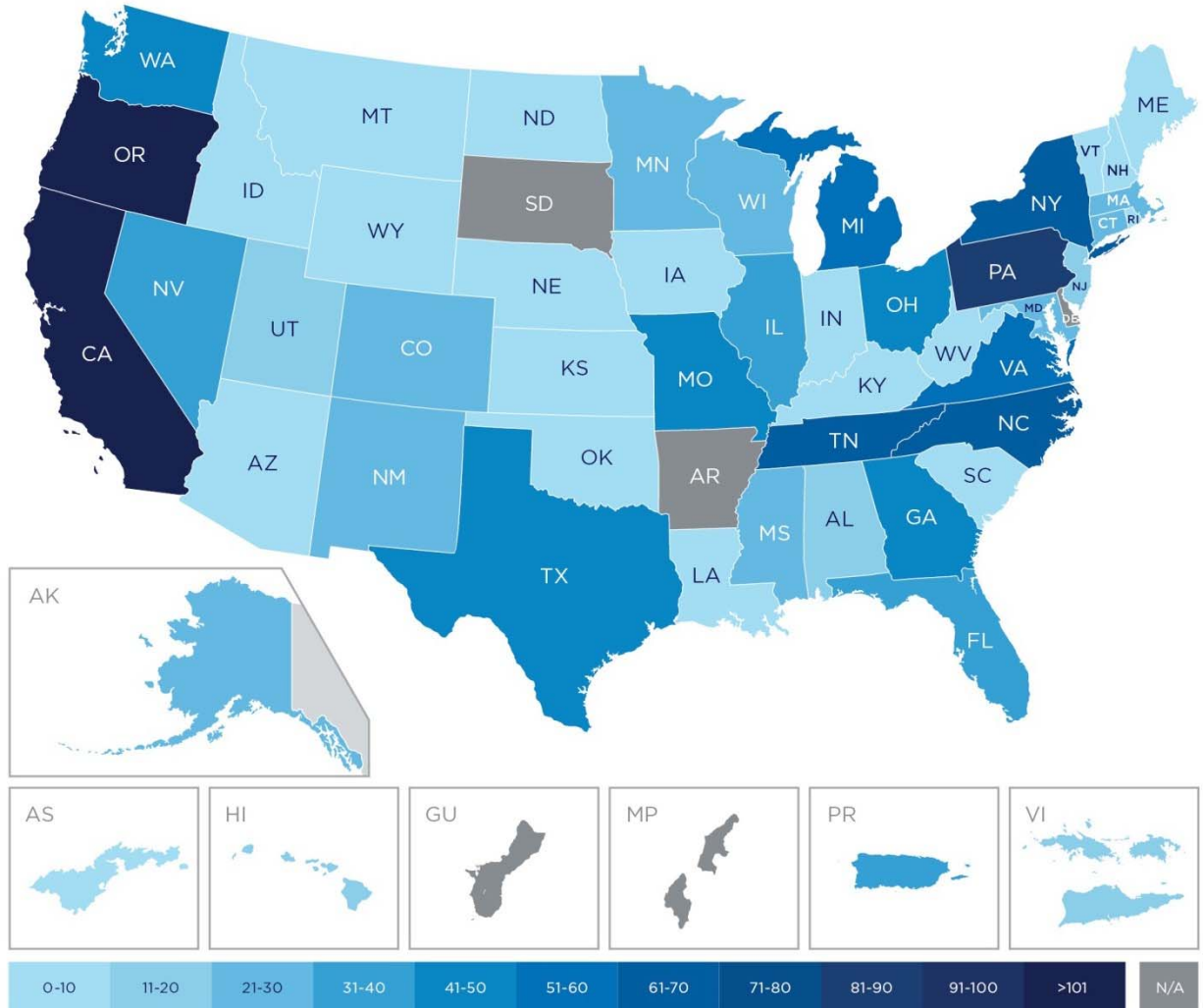


CITATIONS ISSUED BY STATE

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TOP TEN

1	California	243
2	Oregon	120
3	Pennsylvania	88
4	Tennessee	69
5	North Carolina	67
6	New York	65
7	Virginia	54
8	Michigan	52
9	Missouri	47
10	Texas	46



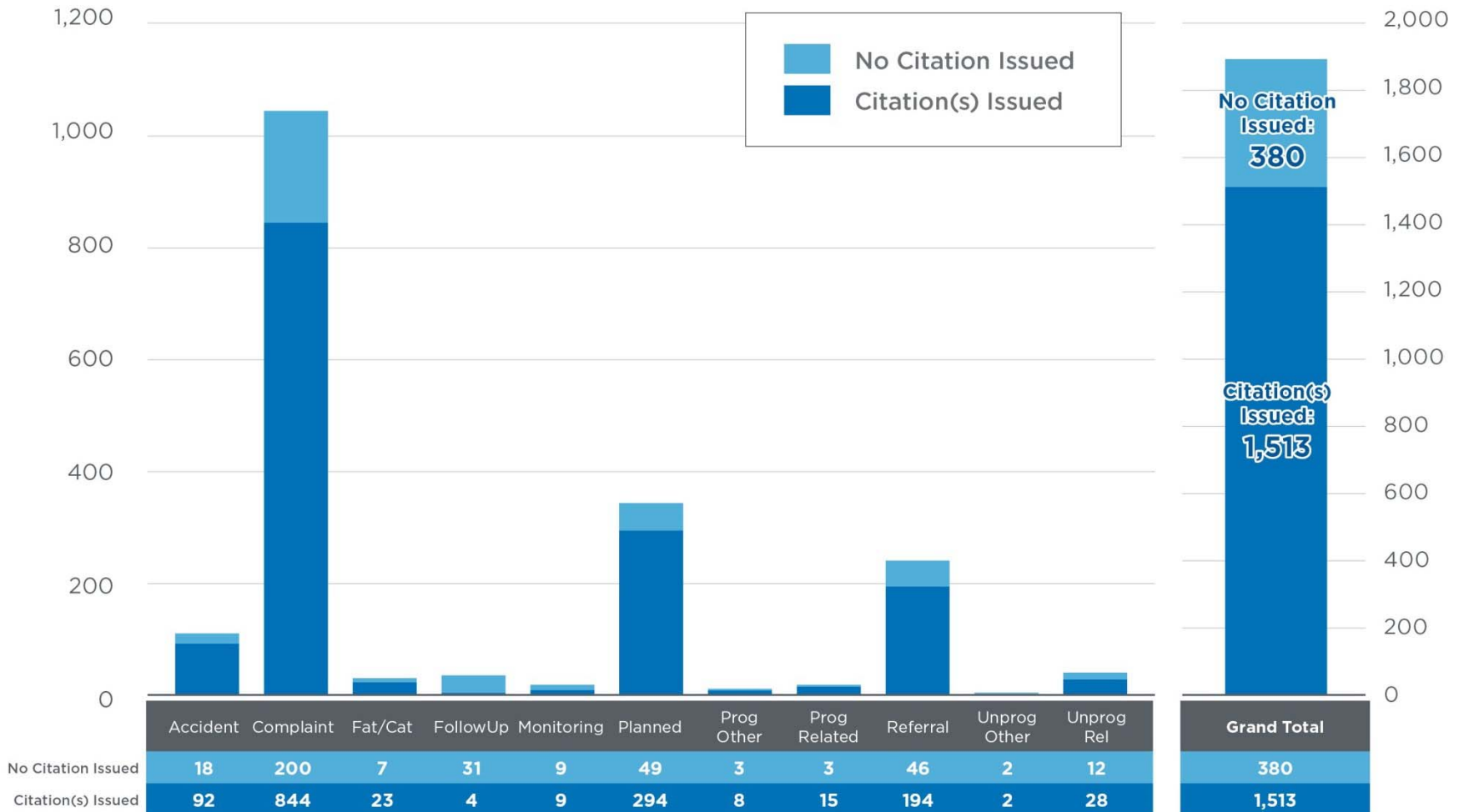
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1	California	282
2	Oregon	150
3	Pennsylvania	103
4	North Carolina	86
5	New York	80
6	Tennessee	79
7	Virginia	70
8	Washington	60
9	Michigan	59
10	Missouri	59



INSPECTIONS BY TYPE

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Top Cited Standards

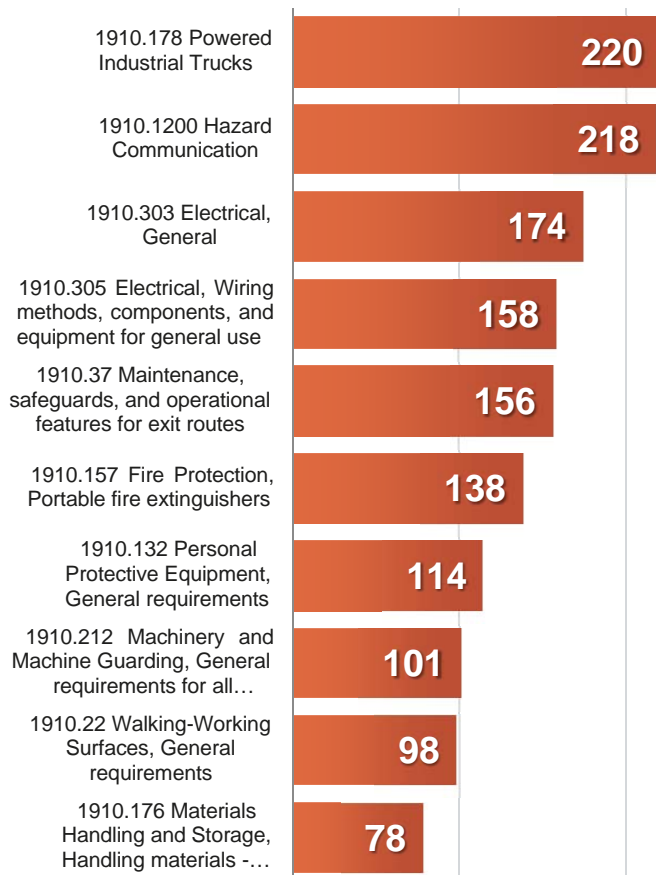
Overall and Under State Plans with Significant
Independent Regulations

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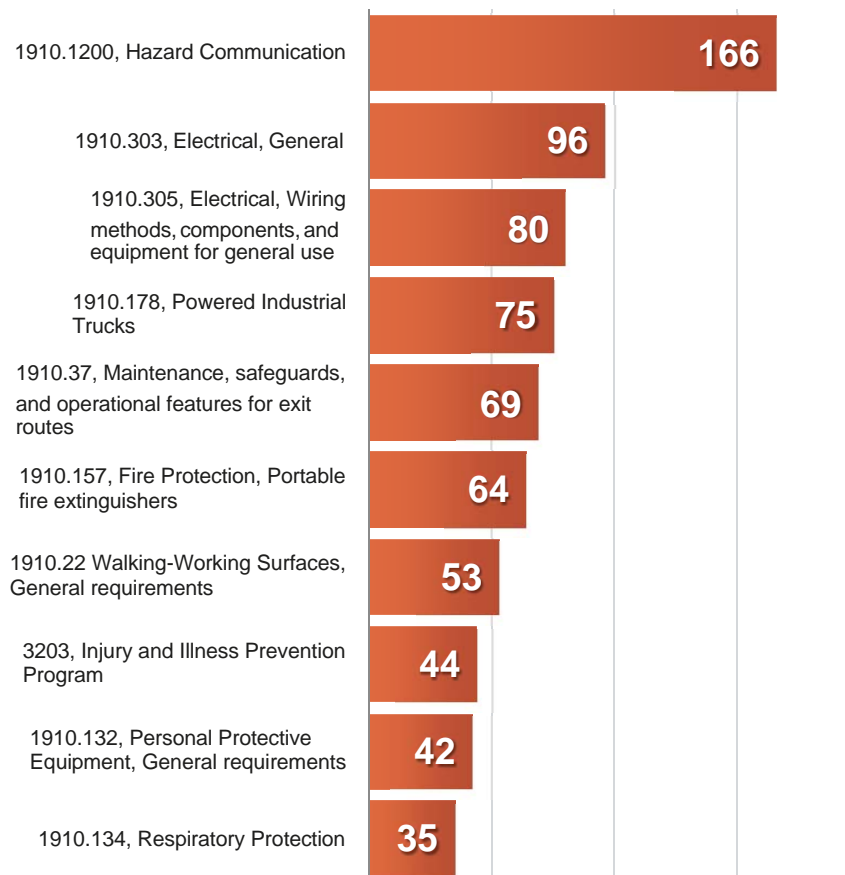
TOP 10 TOTAL CITED STANDARDS

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Monitor 1



Monitor 2



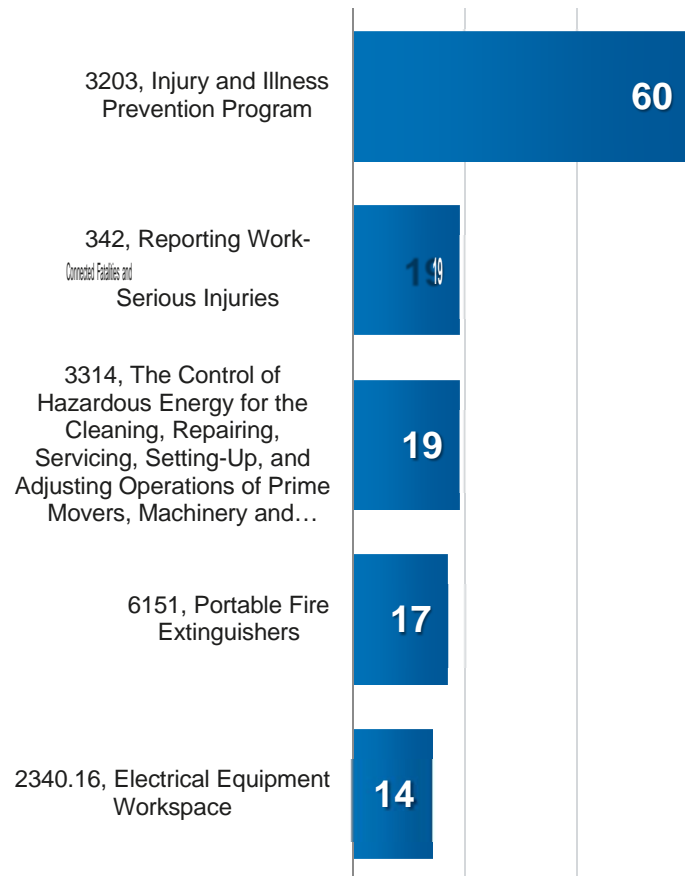
Timeframe for **Monitor 1** is 10/1/2014-6/15/2015 and 6/16/2015-12/15/2015 for **Monitor 2**.

TOP 5

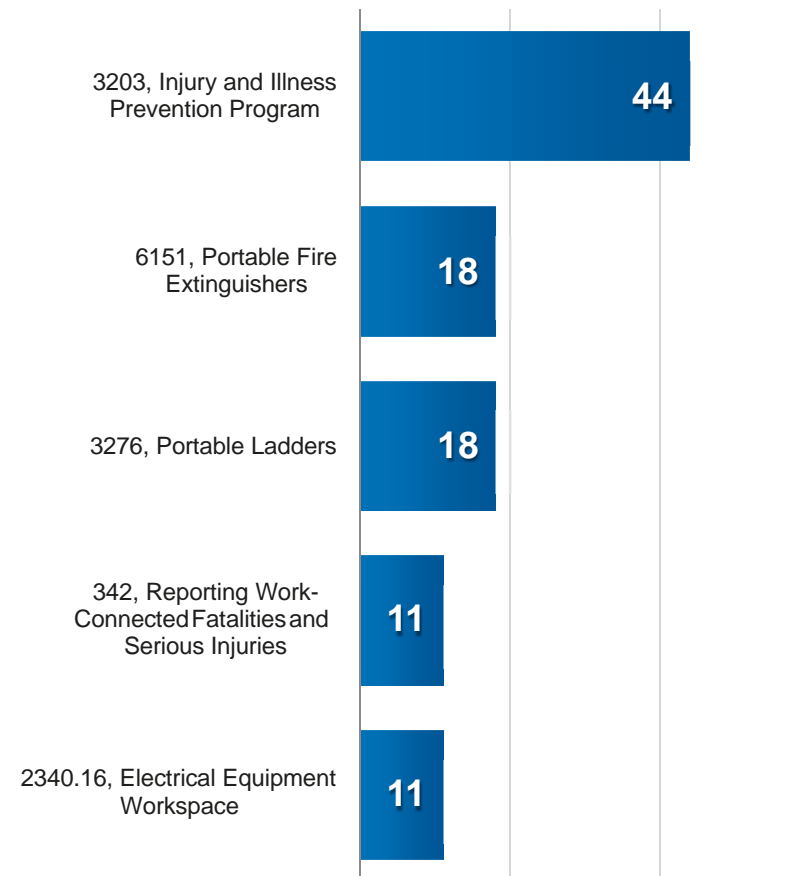
CALIFORNIA CITED STANDARDS

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Monitor 1



Monitor 2



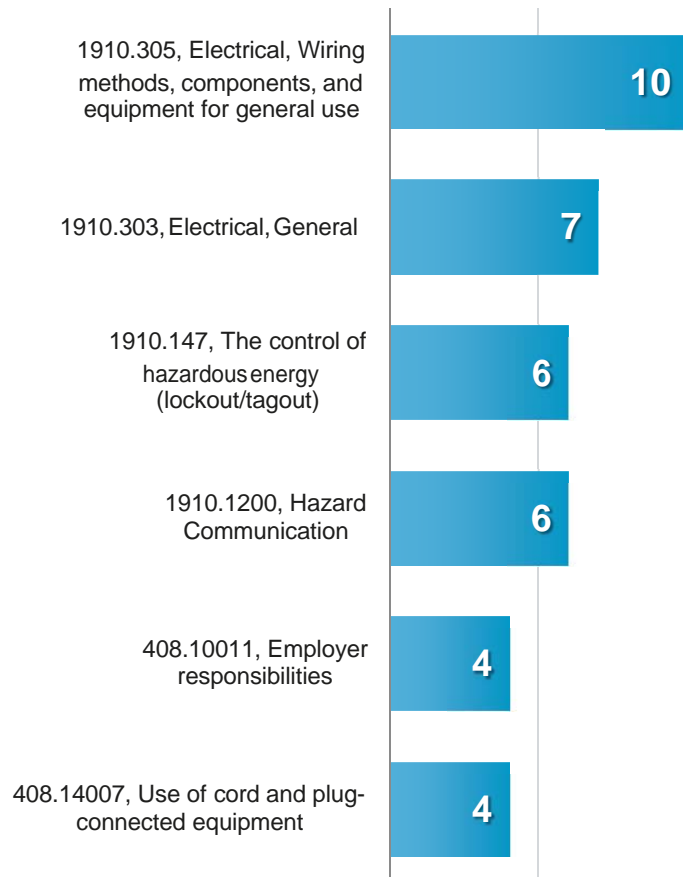
Timeframe for **Monitor 1** is 10/1/2014-6/15/2015 and 6/16/2015-12/15/2015 for **Monitor 2**.

TOP 5

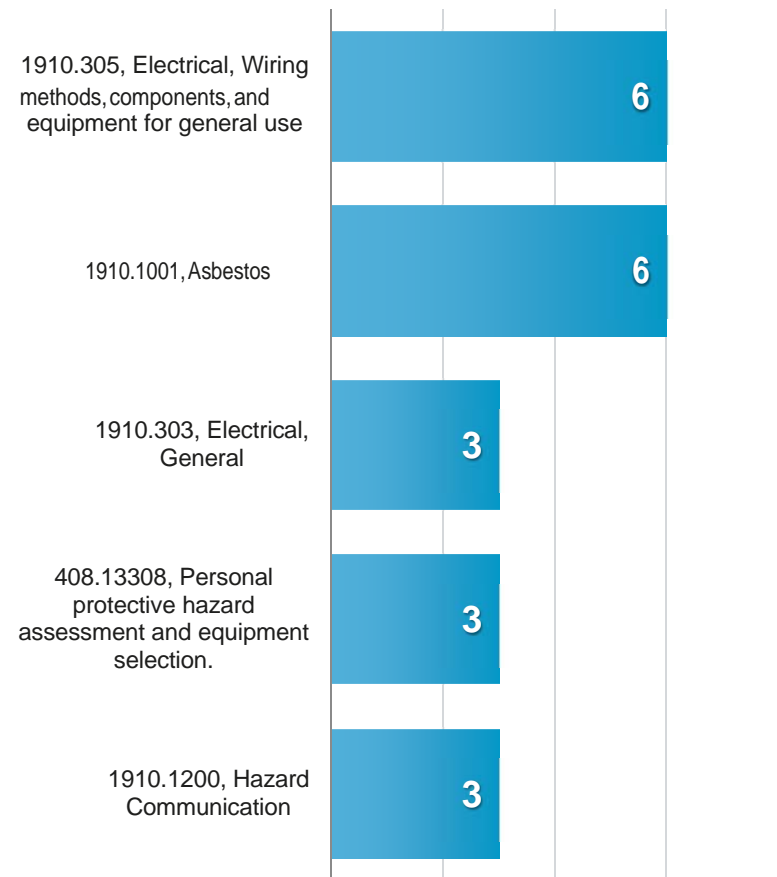
MICHIGAN CITED STANDARDS

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Monitor 1



Monitor 2

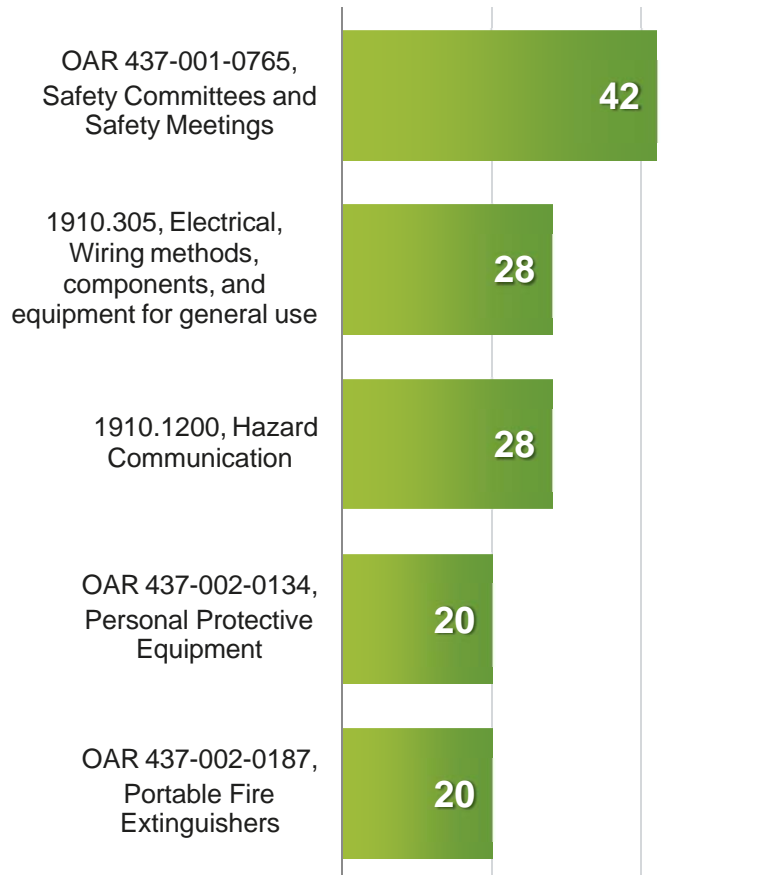


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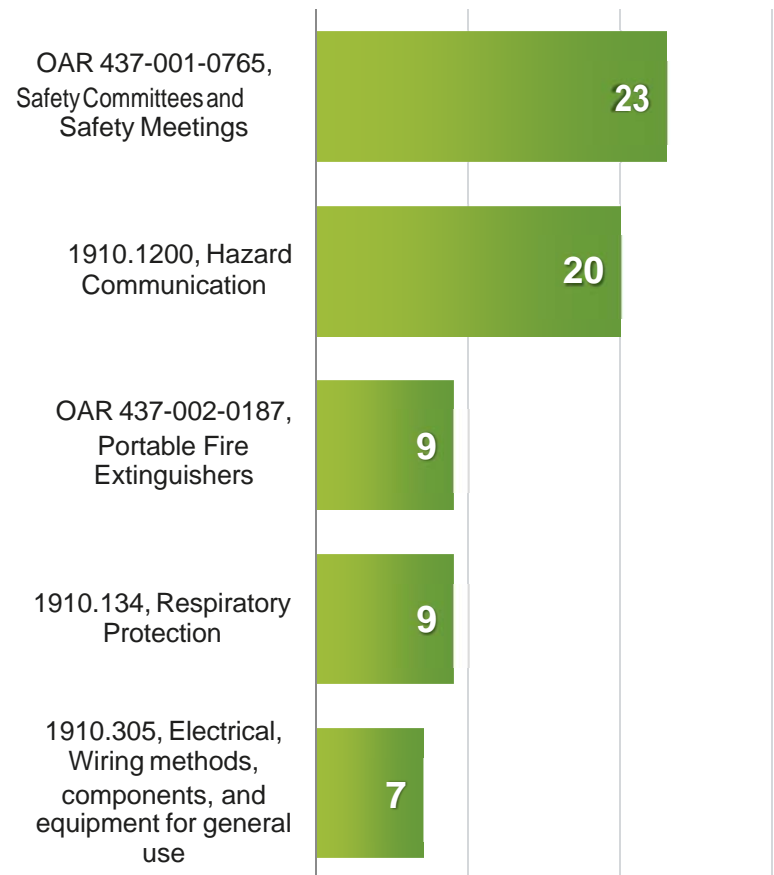
TOP 5 OREGON CITATIONS

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Monitor 1



Monitor 2



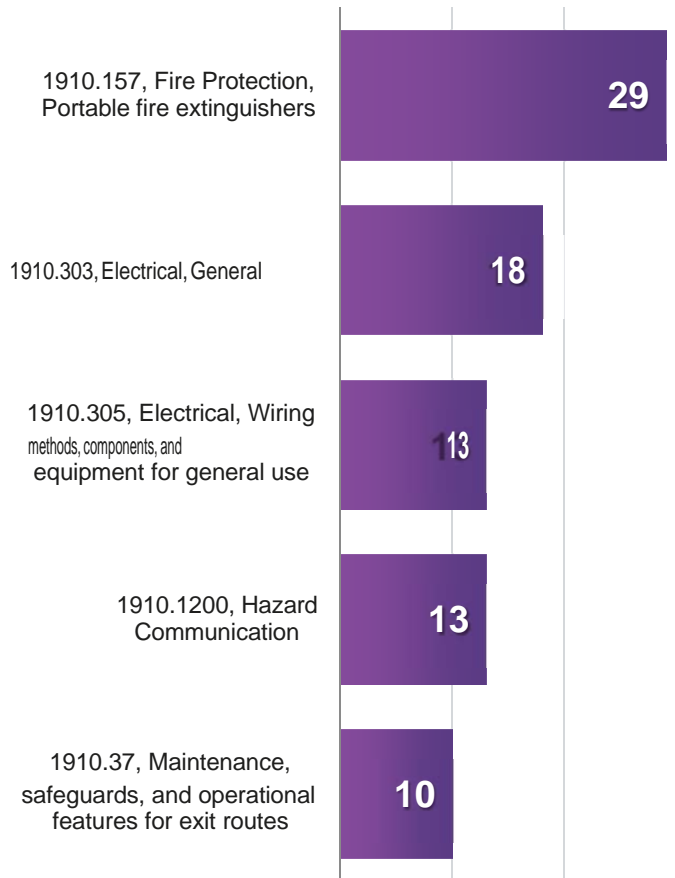
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TOP 5

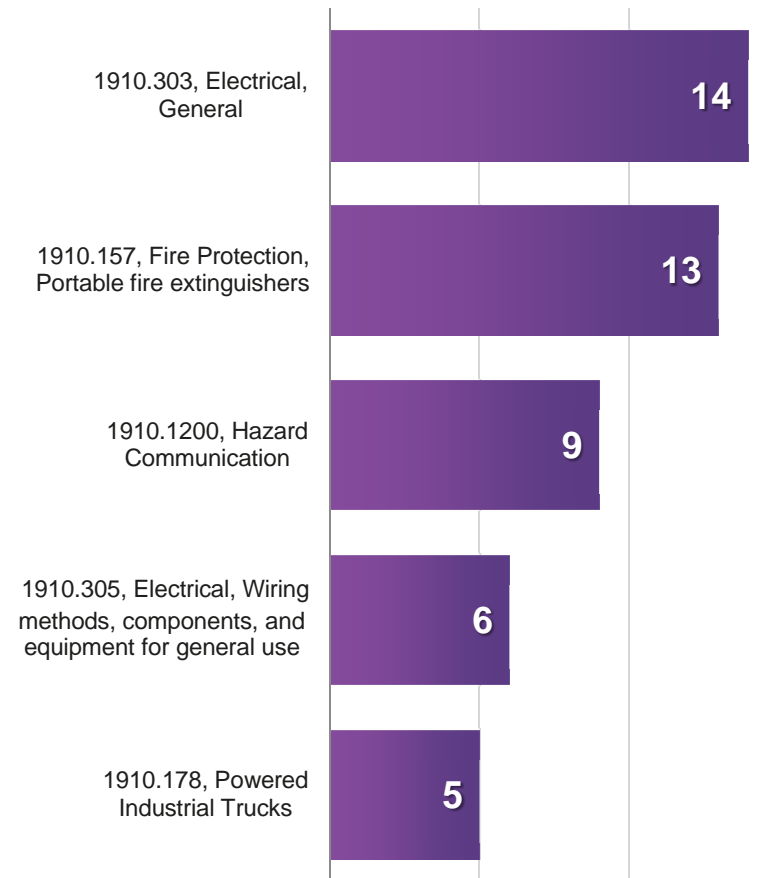
NORTH CAROLINA CITATIONS

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Monitor 1



Monitor 2

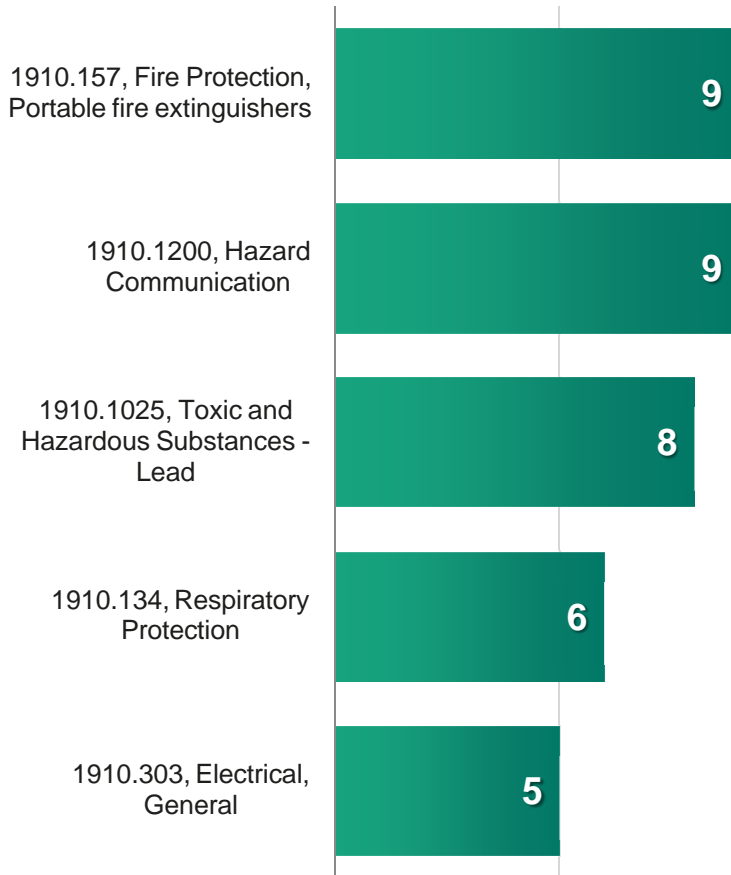


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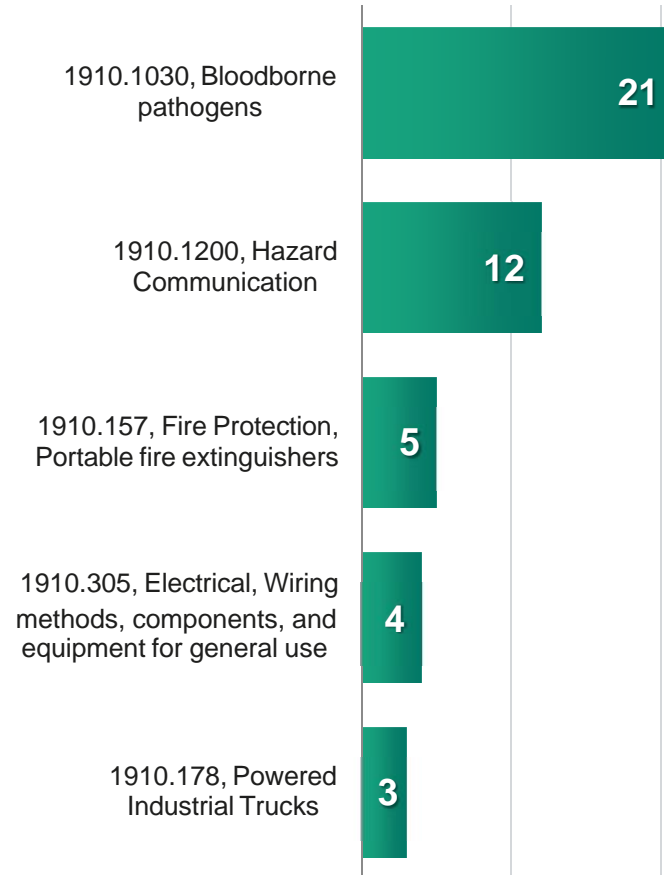
TOP 5 TENNESSEE CITATIONS

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Monitor 1



Monitor 2



Timeframe for **Monitor 1** is 10/1/2014-6/15/2015 and 6/16/2015-12/15/2015 for **Monitor 2**.

TOP CITED STANDARDS

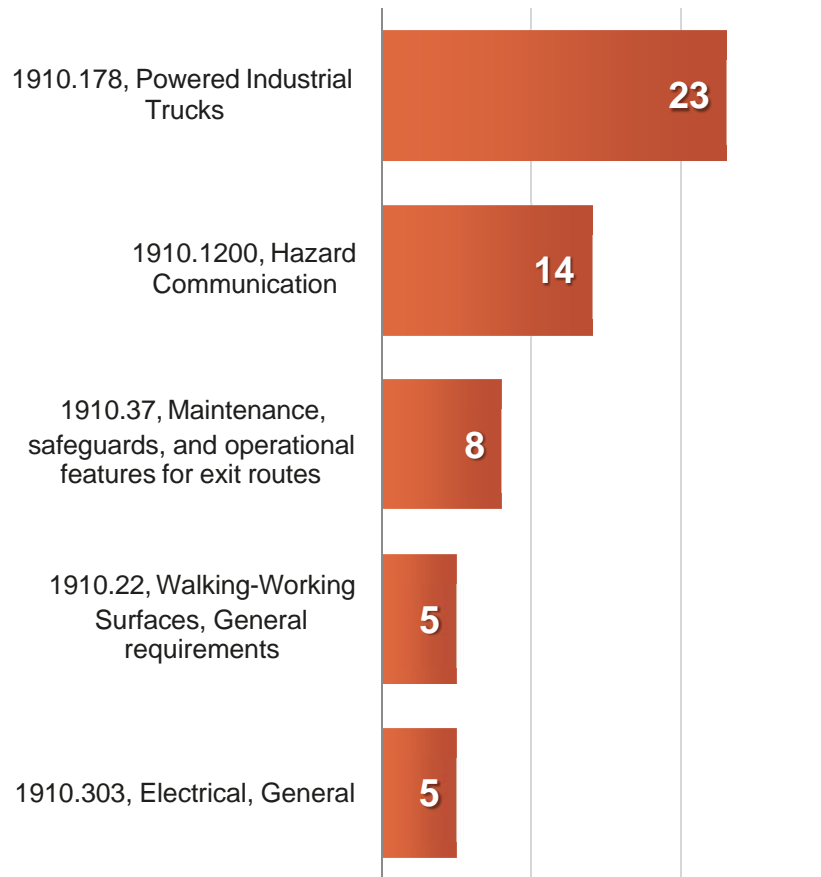
By Industry Grouping

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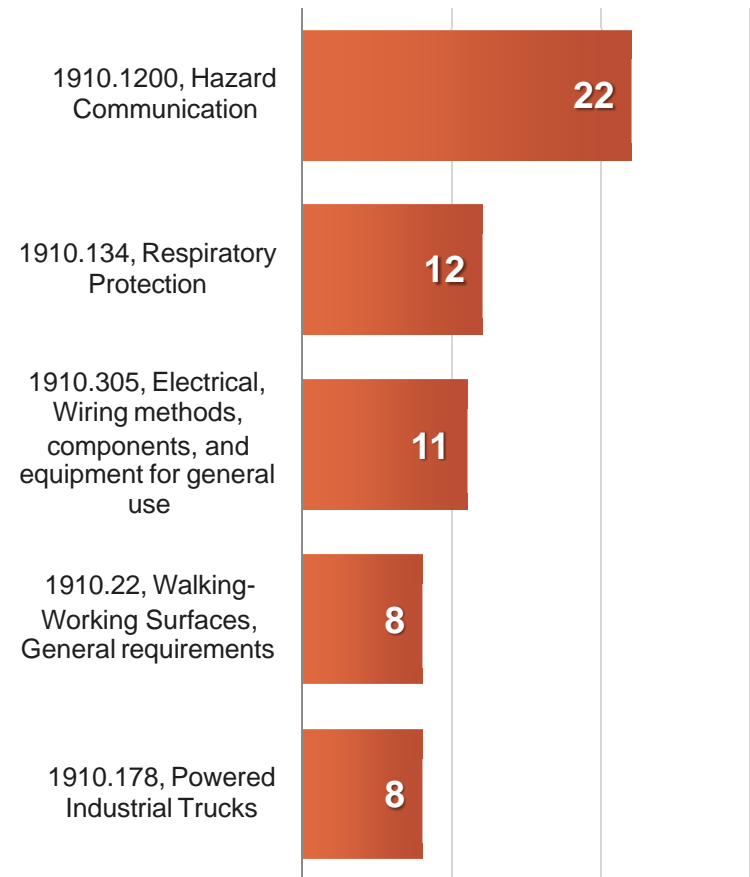
TOP 5 AUTO RETAILERS

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Monitor 1



Monitor 2



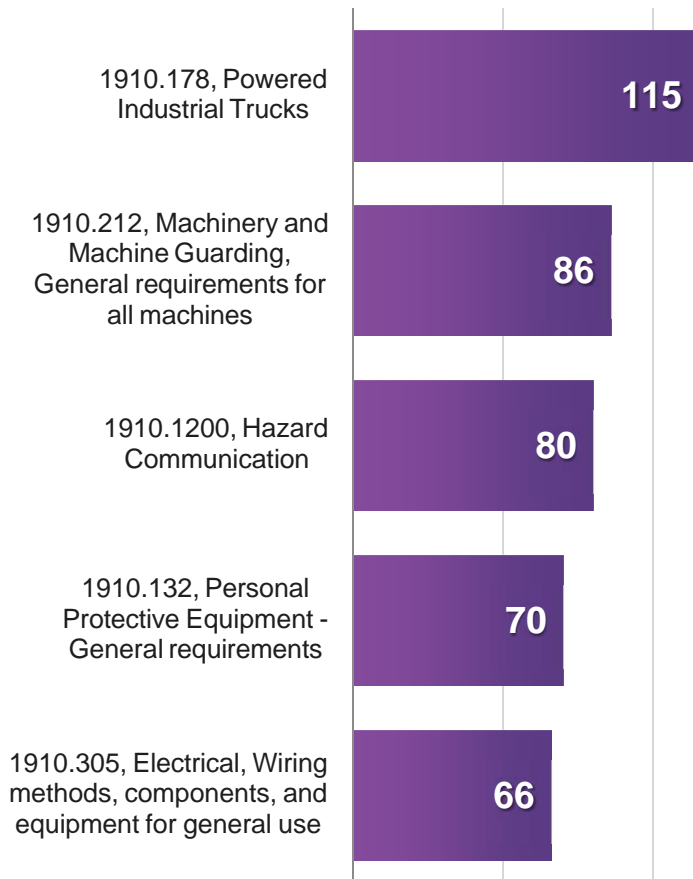
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TOP
5

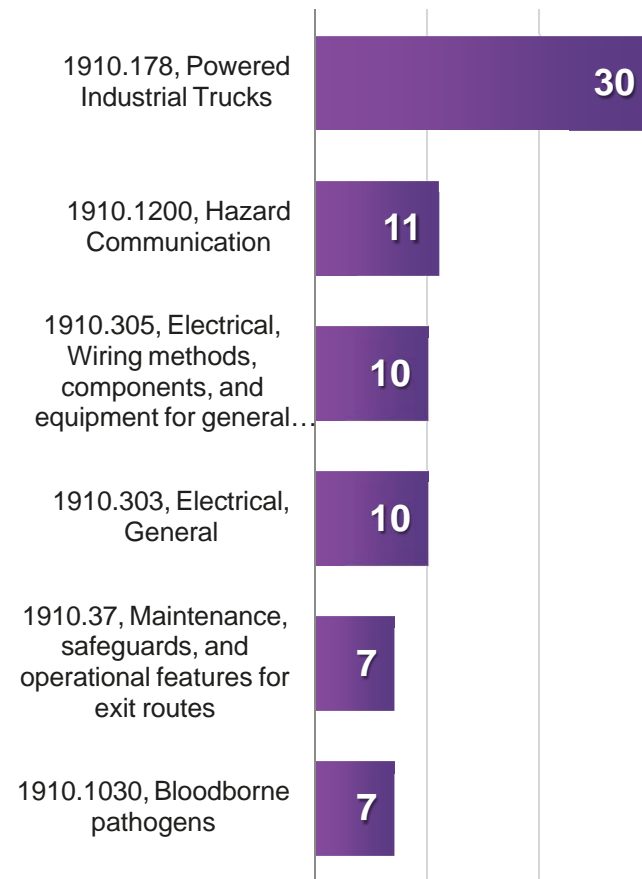
WAREHOUSING, STORAGE, AND GROCERY STORES

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Monitor 1



Monitor 2



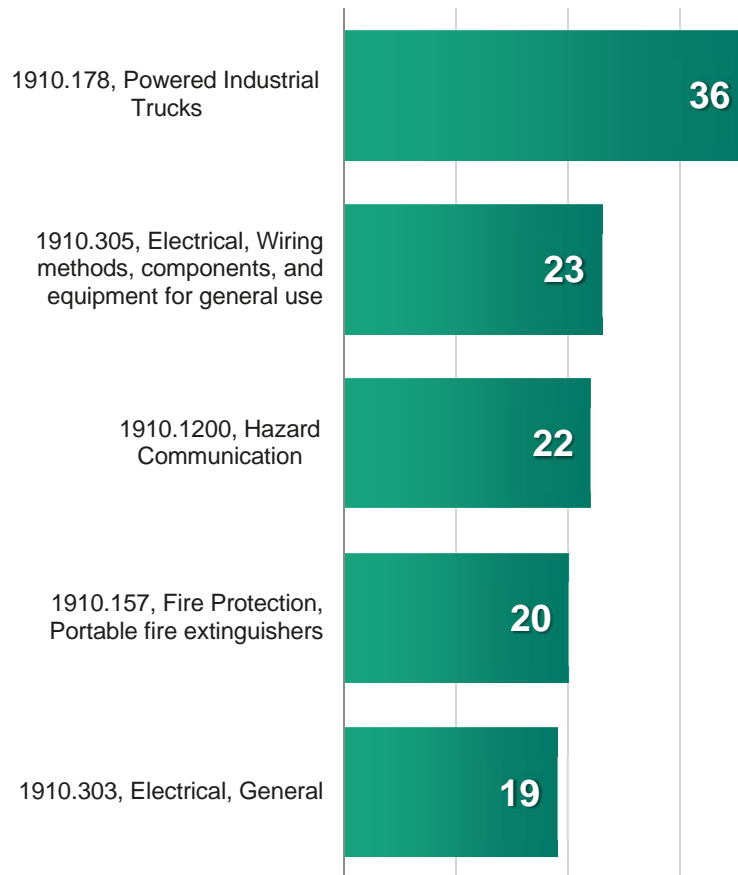
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TOP 5

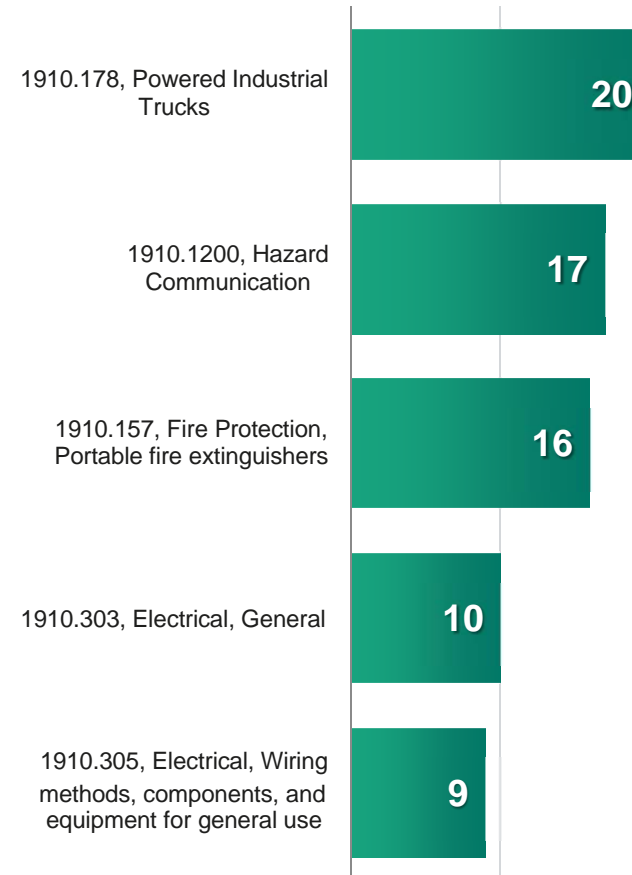
HOME FURNISHING AND DESIGN

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Monitor 1



Monitor 2



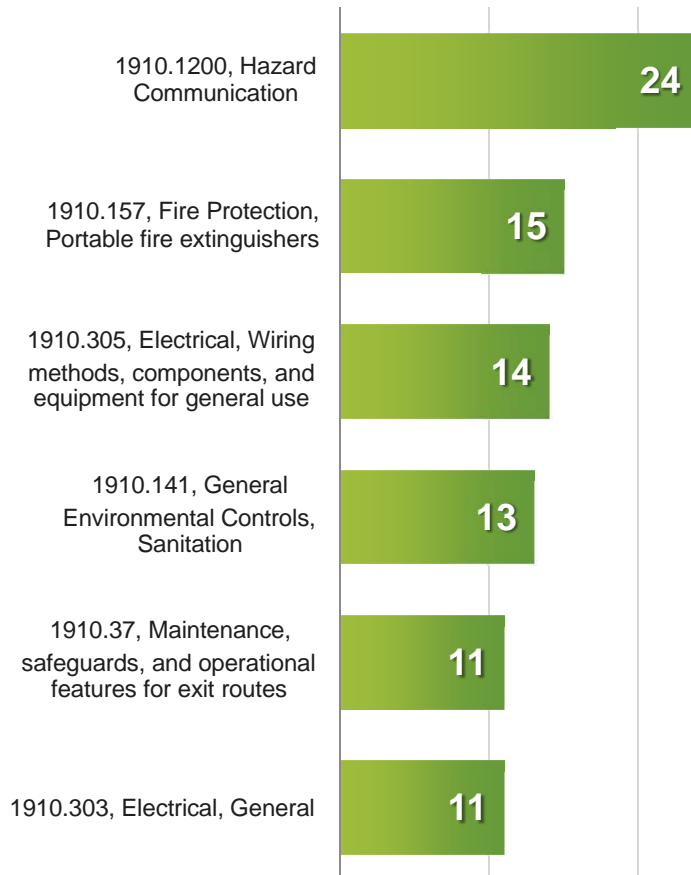
Timeframe for **Monitor 1** is 10/1/2014-6/15/2015 and 6/16/2015-12/15/2015 for **Monitor 2**.

TOP 5

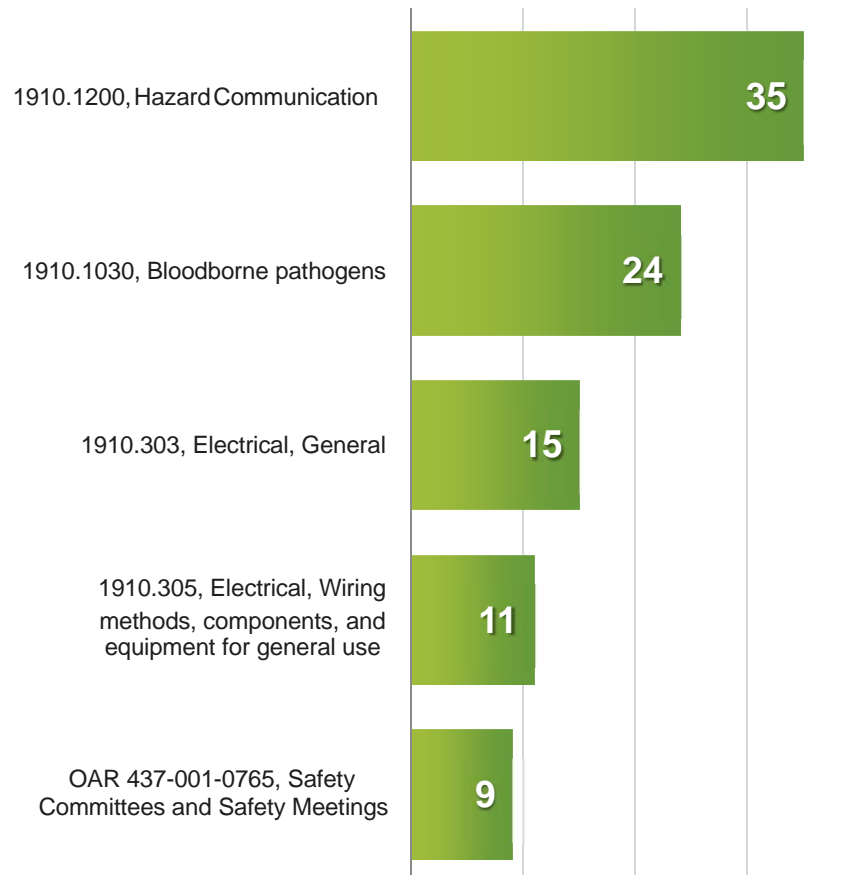
CONVENIENCE STORES (INCLUDING DRUG STORES AND GAS STATIONS)

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Monitor 1



Monitor 2



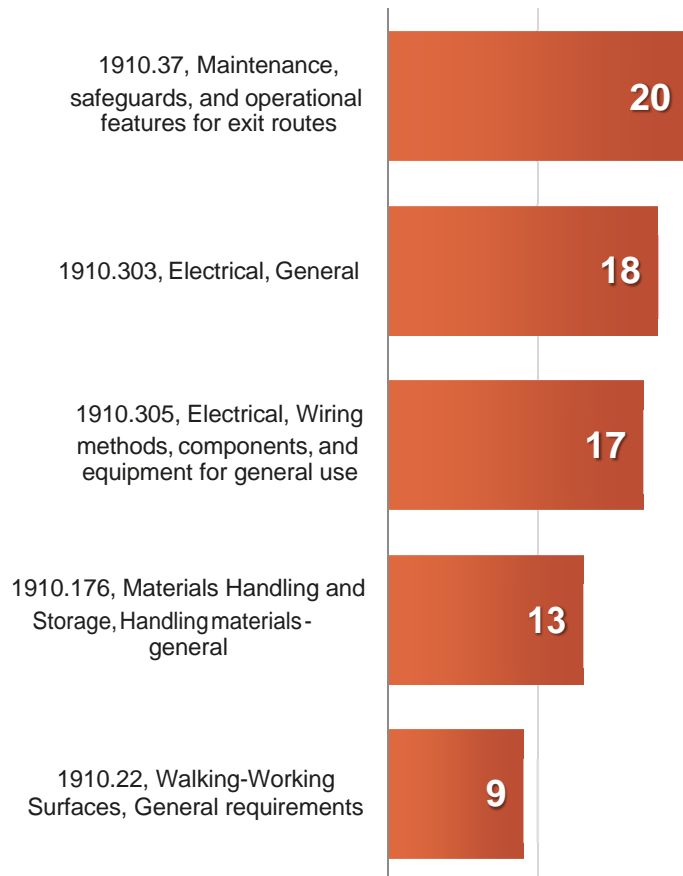
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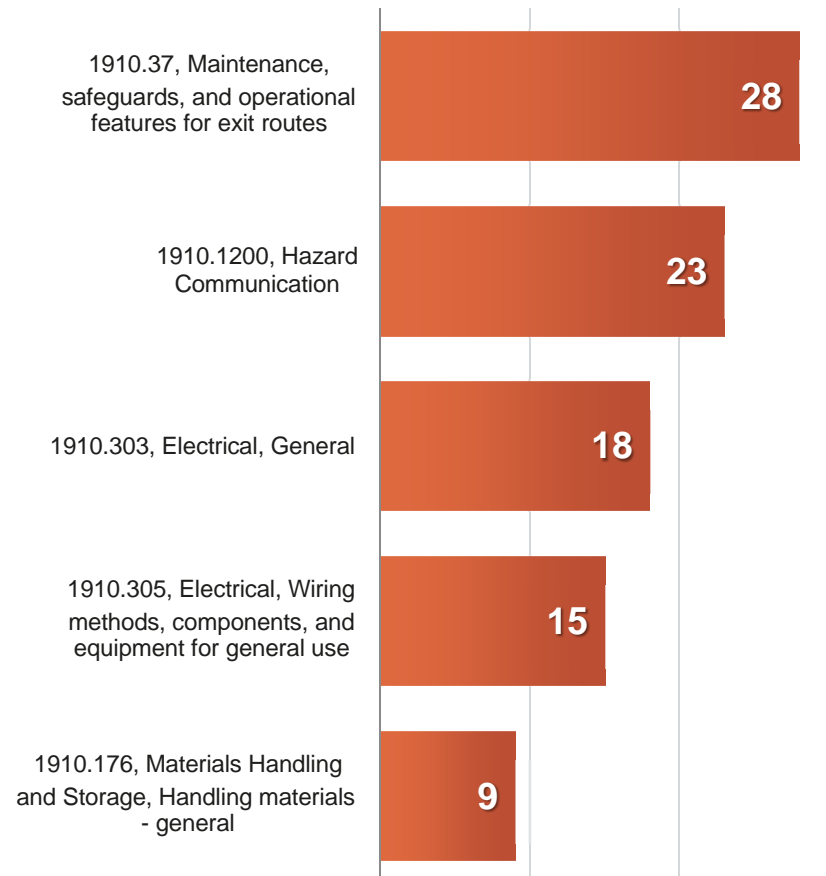
CLOTHING, SHOE, AND DEPARTMENT STORES

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Monitor 1



Monitor 2



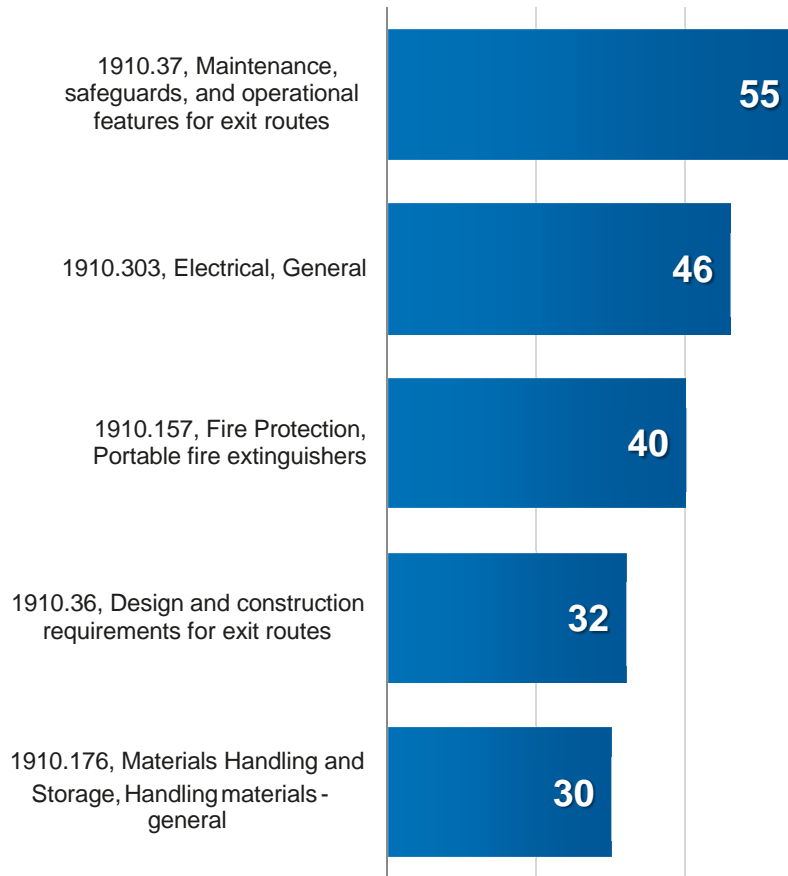
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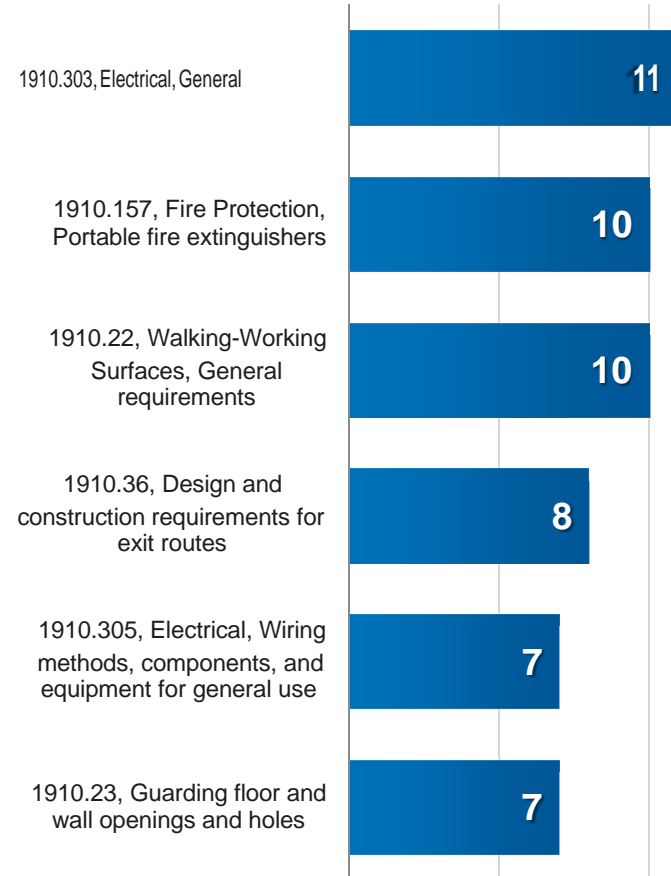
GENERAL MERCHANDISE STORES

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Monitor 1



Monitor 2



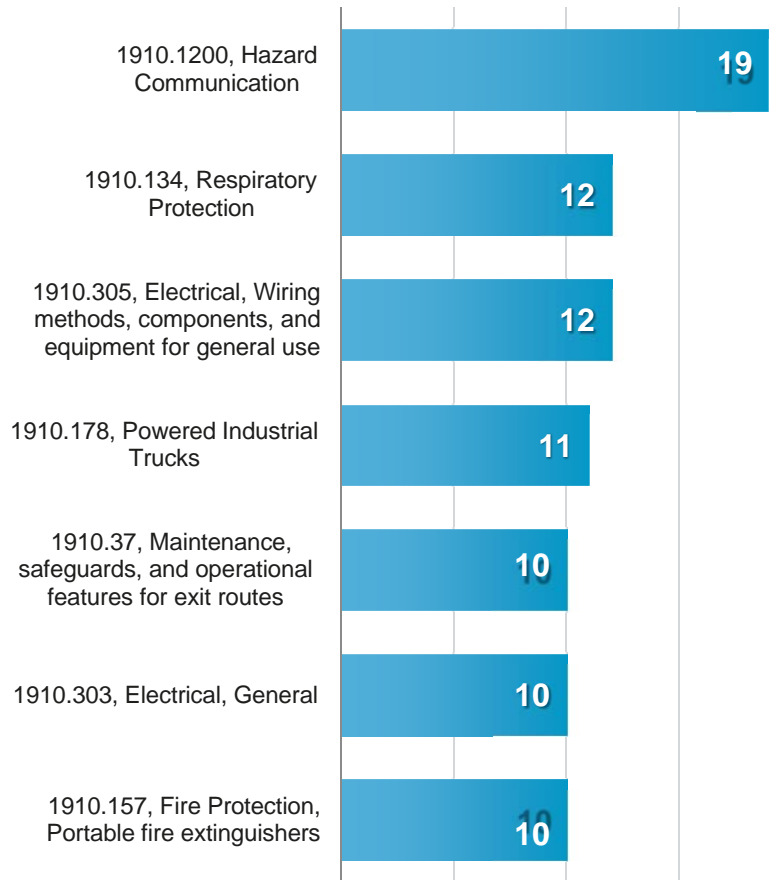
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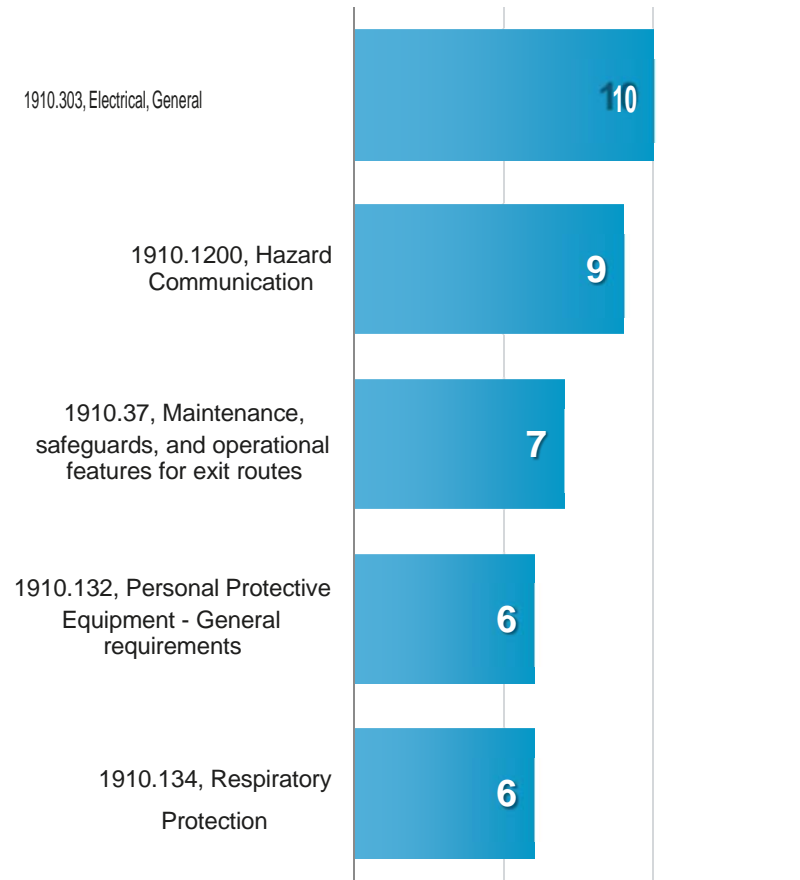
MISCELLANEOUS STORE RETAILERS (INCLUDING PET, OFFICE, ELECTRONICS, AND HOBBY STORES)

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Monitor 1



Monitor 2

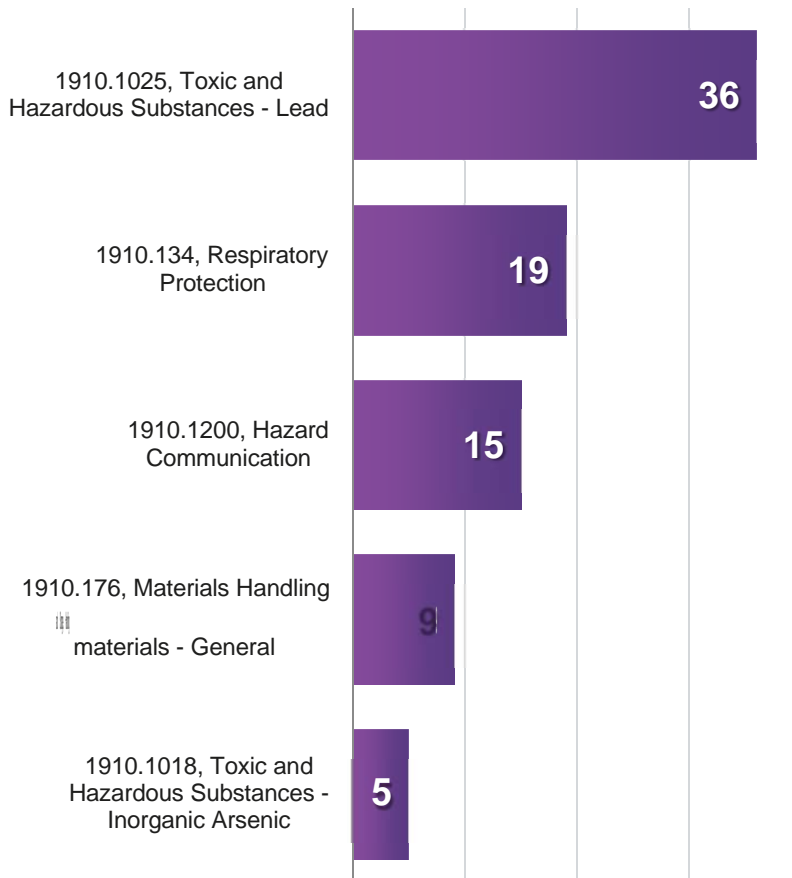


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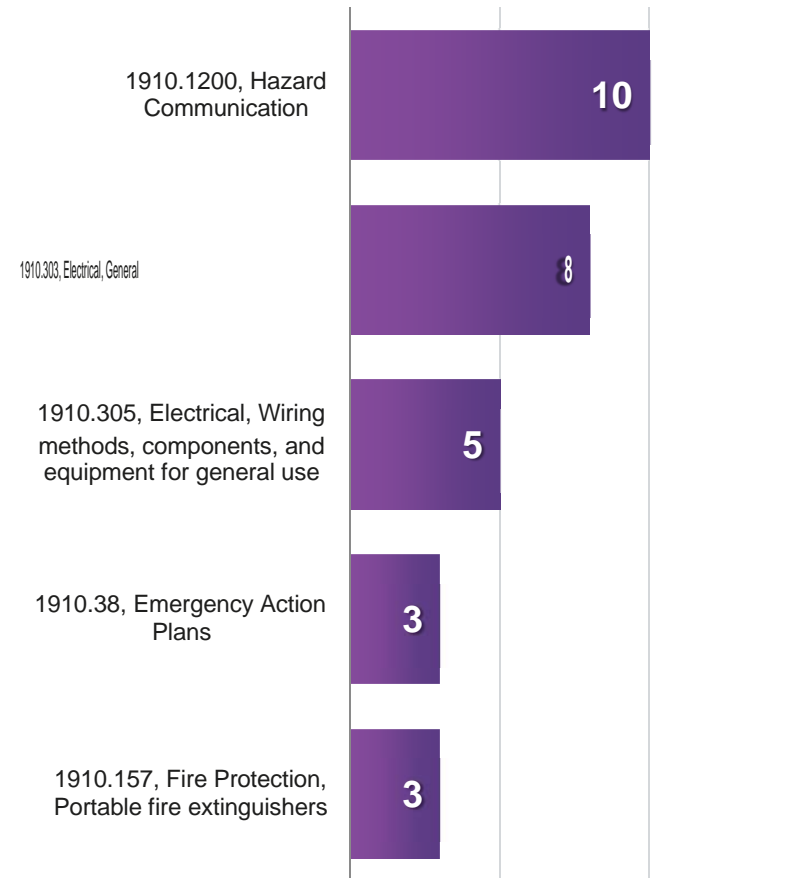
TOP 5 SPORTING GOODS STORES

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Monitor 1



Monitor 2



Timeframe for **Monitor 1** is 10/1/2014-6/15/2015 and 6/16/2015-12/15/2015 for **Monitor 2**.

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