

# Haynes and Boone Releases First-Ever Retail Industry OSHA Monitor Detailing Nationwide Citation and Investigation Trends

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June 22, 2016 Matthew Deffebach

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PRACTICES OSHA, Labor and Employment

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As a service to the industry, the Haynes Boone Labor and Employment practice has released its inaugural [Retail Industry OSHA Monitor](#), a survey and analysis of Occupational Safety and Health Administration investigations and citations of retail establishments throughout the nation that reveals the government's enforcement trends.

"Retail industry leaders will be interested in seeing what citations are being issued by the federal and state OSHA agencies and how investigations are being generated," said [Matt Deffebach](#), leader of the firm's Labor, Employment and Immigration Section. "We think the final product is well worth the hundreds of hours it took to produce."

*The Monitor*, a free publication that will be periodically updated, examines inspection data and citation data for certain North American Industry Classification System codes particular to retail companies from Oct. 1, 2014 through June 15, 2015. The cut-off date was used to ensure that only citation information that was final and not subject to an open investigation, given the OSHA six-month statute of limitations.

Included in the research in the free publication is the number of inspections by inspection type, citation classifications, number of citations issued by state, and overall Top 10 cited standards. Firm clients are receiving additional *Monitor* data that includes Top Five cited standards for California, Michigan, North Carolina, Oregon, and Tennessee, and Top Five cited standards for particular industry groupings. The data compiled includes data for each state as well as U.S. territories and commonwealths.

For each inspection, Haynes Boone captured the inspection type, company information, area office, emphasis program (if any), and case status. Where a citation was issued, Haynes Boone captured the violation type, violation standard and subsection, penalties assessed initially and contest date (if any).

"Of course, *The Monitor* cannot reveal the validity of alleged violations, applicable defenses, and other matters that would be revealed in settlement negotiations or contested cases," said Deffebach. "But the data itself will be enlightening to those who deal with these OSHA regulations on a daily basis, and should be helpful in compliance efforts."

Haynes Boone labor and employment lawyers handle complex labor and employment matters facing management teams across the country. They are uniquely attuned to client business issues, understanding the ever-present need to balance legal options against company strategy.

The lawyers in the full-service [Labor and Employment Practice Group](#) are equally adept in the boardroom and the courtroom and routinely counsel and train executives and managers on significant labor and employment issues. Clients rely on the experienced litigators achieve

successful results. *Chambers USA* has recognized our lawyers as “[g]ood strategists,” noting that “[t]hey are consistently spot on.”