

Haynes and Boone Releases Report Detailing Nationwide OSHA Investigation Trends in the Retail Industry

By Matthew Thomas Deffebach | June 13, 2017

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Haynes Boone has released its second [Retail Industry OSHA Monitor](#), which surveys Occupational Safety and Health Administration investigations and citations of retail establishments throughout the nation. The report offers keen insight into government enforcement trends in the retail industry.

“Our report provides a window into the investigative priorities of state and federal OSHA regulators, which can help guide retailers about how to allocate resources towards compliance,” said [Matthew Deffebach](#), head of Haynes Boone’s OSHA and Workplace Disasters Practice Group.

The OSHA Monitor, a free publication that will be periodically updated, examines inspection data and citation data for certain types of alleged violations that are particular to retail companies. Haynes Boone surveyed state and federal OSHA data from June 16, 2015 through December 15, 2015 — a time frame selected to ensure that the survey was limited to citation information that was final and not subject to an open investigation.

The survey reveals several interesting trends, such as:

- OSHA citations and inspections are concentrated in certain states, led by California, Oregon and Pennsylvania;
- Retailers have faced a relatively low percentage of citations alleging serious violations of OSHA regulations;
- Investigations against retailers are more commonly triggered by employee complaints, rather than workplace fatalities or the sort of persistent, repeat alleged offenses that can give rise to serious citations.

“The data shows that retailers’ safety and compliance teams are doing a good job at avoiding serious violations,” said Deffebach.

Included in the free publication is the number of inspections by inspection type; the number of citations issued by state; and overall Top 10 cited standards. Haynes Boone’s 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.

The latest OSHA Monitor builds on Haynes Boone’s first OSHA Monitor, released last year, which analyzed data from Oct 1, 2014 to June 15, 2015.

Haynes Boone’s OSHA and Workplace Disasters Practice Group assists clients in complying with federal and state occupational safety and health regulations and in responding to work-related injuries, illnesses and other catastrophic events. Lawyers in the group have handled numerous

litigation matters before both the federal Occupational Safety and Health Review Commission and its state equivalents.