

List of Small Businesses Exempt from Inspection Updated

May 5, 2016

PRACTICES Labor and Employment, OSHA

OSHA has updated its list of employers who are exempt from programmed safety inspections.¹ Effective January 29, 2016, if an employer has 10 or fewer employees and is represented on the updated list, OSHA will not make a programmed safety inspection. Inspections can still be prompted by injuries, complaints and deaths.

When updating the list, OSHA looked at industries with a Days Away, Restricted or Transferred (DART) rate that was less than the national average rate of 1.7 for 2014. Companies with a North American Industrial Classification System (“**NAICS**”) code corresponding to these industries with 10 or fewer employees are exempt from programmed safety inspections. This list is updated each year based on injury and illness rates calculated by the Bureau of Labor Statistics (“**BLS**”).

Each year, based on the rates published by the BLS, industries are added and removed from the exemption list. Below are some notable new additions and removals:

Industries New to the Exemptions List

- Natural gas distribution companies (NAICS 221210)
- Plastic bottle manufacturing (NAICS 326160)
- Metal can manufacturing (NAICS 332431)
- Passenger car rental (NAICS 532111)

Industries Removed from the Exemptions List

- Medicinal and botanical manufacturing (NAICS 425411)
- Fruit and vegetable markets (NAICS 445320)
- Beer, wine and liquor stores (NAICS 445310)
- Nail salons (NAICS 812113)

¹ The list of exemptions for low-hazard small businesses – formally known as the Enforcement Exemptions and Limitations under the Appropriations Act – is mandated annually by Congress in the appropriations bill for OSHA.