

**Advisory Committee for Fixed Site Enforcement Scheduling**  
**Meeting date: July 14, 2008**

**Attendance:**

Joe Kear, IAM District Lodge 24  
Brad Tullis, Wah Chang  
Sonny Underwood, Intel Corporation  
Brian Clark, Hoffman Construction  
Larry Lancaster, Safeway  
Scott Neufeld, Special Districts

Mark Davison, OSIA  
Steve Eversmeyer, Port of Portland  
Matt Thomason, Horizon Air  
Damon Vickers, Cummins Goodman  
Mike Reiner, City of Portland  
Eric Fullan, City of Portland Water Bureau

Marilyn Schuster, OR-OSHA  
Ron Preece, OR-OSHA  
Michael Wood, OR-OSHA  
Chris Ottoson, OR-OSHA

Gary Beck, OR-OSHA  
Peg Munsell, OR-OSHA  
Sam Drill, OR-OSHA

- **Discussion on ranking industries by aggregate injury data.** Spreadsheet handed out that assigned greater weight to State BLS data (1.5) to Federal data (0.5). What OR-OSHA is trying to achieve is greater emphasis (weighting) of State data vs. Federal data to select industries not employers. The group in general agreed with this approach, although there were concerns about whether the specific calculation achieved the desired results. Michel said that Oregon OSHA would test the method.
- **Discussion on how current system selects locations for inspections.** OR-OSHA clarified that the initial selection is based on having an accepted disabling claim. Locations are then ranked based on SIC, violation history, claims count, and claims rate.
  - Question about how many actual inspections would have been done is the first proposed grouping of 2,425 locations? Penetration under the current system would have been about 2.5% whereas under the proposed selection, approximately 90% penetration over a 36 month period.
  - Question was also asked if we complete all inspections on the current list? Not all but we do get most of them done.
- **Discussion on what the statute requires.** The statute was brought up with concern about targeting groups by industry because a place of employment is a physical thing. [ORS 654.035](#) (d) routine, periodic or area inspections of places of employment ....requires that all inspections must be based on written neutral administrative standards. The standards must include a prioritized scheduling system for inspections that predominantly focuses enforcement activities upon places of employment that the director reasonably believes to be the most unsafe. OR-OSHA believes the proposed selection process would stand up to a legal challenge, choosing places of employment based on the risks of the industry and then using neutral criteria to randomly select inspection locations.

- **Discussions around once the NAICS groups are selected, should the ranking be random or should addition criteria be established to rank inspections.** OR-OSHA is looking for meaningful ways to select industries and use resources where hazards exist. The group discussed use of claims rates and violation history. Use of just claims rates is not the best indicator for unsafe places of employment. Use of violation history may have enforcement resources showing up at the same locations with other locations not being inspected. There was consensus on group ranking. Further discussion on ranking within the group is needed. We also continued the discussion about those industries ranked number one in any category being included in the first group – needs further discussion.
- **Question was asked if a 36-month exclusion (currently 24 months) from scheduled inspections was appropriate.** Consensus was that a 36-month exclusion for the NAICS code selection grouping was appropriate. Question was asked if OR-OSHA would back out an employer from the inspection list? Yes we would consider backing out an employer if they could demonstrate on two consecutive comprehensive inspections that there are no violations.
- Two individuals recommended pilot programs for inspections. One suggestion was using the 300 logs as criteria. This is used in the Federal system. The second suggestion was a method for industries voluntarily providing information to develop selection criteria.

OR-OSHA will set up further advisory committee meetings, particularly to consider any proposals to use available information to credibly rank the relative risk of employment locations within industry groups.