

# ***Virginia Occupational Safety & Health***

**VOSH PROGRAM DIRECTIVE: 02-051B**

**ISSUED: April 28, 2025**

**Subject:**            **Scheduling System for Programmed General Schedule Inspections**

**Purpose.**            This directive describes the targeting system (Core Inspection Policy) used to compile the VOSH General Schedules for safety and health enforcement programmed inspections. It also provides guidance to the Program and Regional Directors in planning compliance operations and related activities and instructions for their implementation.

**Scope.**            This directive applies to all VOSH Enforcement personnel.

**Reference.**        OSHA Instr. CPL 2.25I (January 4, 1995) Scheduling System for Programmed Inspections

**Cancellation.**    **VOSH Program Directive 02-051A (2/2/90).**

**Effective Date**        April 28, 2025

**Action**            Directors and Managers shall ensure that compliance activities are scheduled and conducted following the guidelines set forth in this Directive.

**Gary G. Pan**  
Commissioner

Distribution:    Commissioner of Labor and Industry  
                      VOSH Compliance & Cooperative Programs Staffs  
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## **Background.**

On April 19, 1999 OSHA implemented a new site-specific targeting (SST) plan, OSHA Instruction 99-3 (CPL 2) Site-Specific Targeting. The SST plan was not required to be adopted by States; however, States are required to have their own core inspection policy, which must be documented in a State Plan supplement. The VOSH Program chose to continue using the high hazard inspection targeting system in OSHA Instruction CPL 2.251, which is based on Bureau of Labor Statistics (BLS) injury/illness rate data. The data are for the most recent calendar year that BLS has published. The Federal OSHA Office of Statistical Analysis (OSA) will make the State-specific randomized list to the VOSH Program annually, upon request.

## **VOSH Program Core Inspection Policy**

### **A. Program Planning**

1. The primary consideration in conducting compliance operations is the attainment of maximum effective inspection coverage. The Core Inspection Policy (CIP) helps VOSH achieve the goal of ensuring that employers provide safe and healthful workplaces by directing enforcement resources to those workplaces with the highest rates of injuries and illnesses. To achieve this goal, the guidelines in this directive shall be used for scheduling inspections.
2. A programmed inspection generally is a comprehensive inspection of the worksite but may be limited as necessary in view of resource availability and other enforcement priorities such as focused inspections.
3. It is VOSH policy that inspections conducted as programmed inspections be primarily in the "high hazard" sectors of employment.
  1. In the area of safety, the Agency considers a "high hazard" industry to be one within a North American Industry Classification System (NAICS) code with a National lost workday injury and illness rate among the highest 200 as published for the most recent calendar year by the Bureau of Labor Statistics (BLS) at the 6-digit NAICS level.
  2. In the area of health, the agency considers a "high hazard" industry to be one with a previous history of serious VOSH health citations.

- B. Guidelines and Procedures. Programmed inspections shall be conducted jointly by both safety and health personnel whenever resources are available and it is likely, based on experience in inspecting similar workplaces, that both safety hazards and health hazards exist to a significant degree. If an inspection is begun as safety only or as health only but the CSHO determines during the course of the inspection that it should be expanded, the CSHO shall make a referral as appropriate.

NOTE: Establishments which appear on both the safety and health registers should be scheduled for a joint safety/health inspection whenever practicable.

C. Establishment Lists. The OSHA OSA shall provide each Regional/Field Office with a Statewide Industry Rank Report, listing industries (in random order) by their 6-digit North American Industrial Classification System (NAICS) codes where available.

1. Safety Inspection Plan. The list provided by the OSA covers the top 200 safety industries ranked by the industry's National Lost Workday Injury and Illness Rate. The National Lost Workday Injury and Illness Rates are estimated from the Bureau of Labor Statistics (BLS) annual survey at the 6-digit NAICS level industry. Two lists are provided, one for High Hazard Manufacturing and the other for High Hazard Nonmanufacturing. The safety inspection list consists of the High Rate NAICS List, various National Emphasis Programs, and other applicable scheduling programs, including local emphasis programs. Only the High Rate NAICS List is discussed here as the special emphasis programs are explained in specific VOSH Directives and in Chapter II of the FOM.

**NOTE:** This directive does not apply to Construction industries that are designated high-rate industries due to their high injury and fatality rates. The Construction Scheduling System is addressed in VOSH PD 02-105A Inspection Scheduling for Construction.

2. Health Inspection Plan. In scheduling programmed General Industry safety inspections, industries are selected based on the frequency of lost workday injuries in those industries. In comparison with injury incidence rates, however, ILLNESS incidence rates often do not reflect accurately the health hazards that may exist in the workplace. Targeting of General Industry health inspections, therefore, must be based on an alternative selection system. The Health Inspection Plan identifies industries that have the greatest potential for health problems.

The Health inspection plan is a statewide listing of industries with high average numbers of serious (willful and repeat) health violations per inspection. A list is provided with the top 200 health industries ranked by the industry's average number of serious health violations per inspection. The basis for the health inspection plan is from OSHA's previous inspection experience as recorded in the OSHA Information System (OIS). The agency assumes that industries for which OSHA has found a high number of serious, willful and repeat health violations in the establishments that were inspected have the greatest potential for health problems in those establishments not inspected. Industries are selected by 6-digit NAICS code based on the average number of serious health violations found during the previous 5 years of OSHA health inspections of that industry. A ratio is calculated for all industries of the number of serious, repeat and willful health violations found to the number of inspections conducted within that industry during the previous 5 years.

NOTE: The use of the term "target" with reference to programmed health inspections does not imply that VOSH classifies only those health inspections which are conducted in the identified industries as high hazard health inspections. Rather, the list of targeted industries provided is part of an administrative plan for selecting establishments to be programmed for inspection. The list does not contain all industries with health hazards.

3. Inspection Cycle. An inspection cycle is a group of establishments which have been selected for inspection. The cycle has two characteristics: 1) once started all establishments within the cycle must be inspected, and 2) the establishments within the cycle may be inspected in any order. Ideally, the size of the cycle should be such that all establishments will be inspected during the course of the fiscal year and there would be no carry over. It is best to estimate a cycle size of sufficient size to last 10 to 12 months. If the cycle is not large enough to cover the entire fiscal year, when it is about to be finished another cycle can be chosen that is of a size to cover the balance of the fiscal year. The next year's cycle will be selected from next year's register which will have refreshed data.

a. Inspection Scheduling. Within a cycle, establishments may be scheduled and inspected in any order that makes efficient use of available resources.

(1) Each inspection cycle shall be completed before another cycle is begun. The only exceptions are as follows:

(a) An establishment may be carried over to another cycle if the establishment is not operating normally because of strikes, seasonal fluctuations, or other factors.

(b) An establishment may be carried over to another cycle if necessary equipment or personnel with necessary experience and qualifications to perform the inspection are not presently available.

(c) An establishment may be carried over to another cycle if it is the last remaining establishment in a cycle, its inspection would require travel in excess of 50 miles and it cannot be combined with other inspection activity.

(d) An establishment may be carried over to another cycle if the employer has not yet completed abatement action required as a result of a previous comprehensive OSHA inspection of the same inspection type (safety or health) because the final abatement date has not yet come.

(e) An establishment may be carried over to another cycle if the employer has contested a citation item issued as a result of a previous VOSH inspection and the case is still pending before the Hearing and Legal Services (HLS) Division.

(f) An establishment may be carried over to another cycle if the inspection cannot be completed due to the employer's refusal to allow the inspection.

(g) An establishment may be carried over to another cycle if the inspection must be deferred because of the presence of a at the worksite or because the establishment has applied has not yet been approved in the Inspection Exemption through has has Consultation Program or a Voluntary Protection Program which carries a temporary exemption from inspection.

(h) Approval for carrying over an establishment for reasons not listed above must be requested from the Regional Director and approved by the Program Director.

NOTE: Although the Regional Director is authorized to carry over inspections to another cycle for the reasons given in this subparagraph, in most cases there is no requirement to do so.

(i) There may be good reasons for not carrying an establishment over to another cycle; in that case, the Regional Director is free to schedule the inspection.

(ii) If an inspection is conducted rather than carried over and if there are items under contest or with an abatement date that is still open, those items shall be excluded from the scope of the inspection unless monitoring of abatement is required, e.g., pursuant to a settlement agreement.

## 6..Deferrals

### a. OSHA On-Site Consultation Program

Establishments that have achieved SHARP status are deferred from the programmed inspection schedule for up to two (2) years upon initial approval or three (3) years for subsequent renewal periods (see 29 CFR 1908.7(b)(4)(i)(B)). Pre-SHARP establishments are deferred from programmed enforcement inspection schedule for up to 18 months (see 29 CFR 1908.7(b)(4)(i)(A)).

If a consultation visit is “in progress” at an establishment, it will take priority over VOSH programmed inspections. A consultation visit will be considered “in progress” regarding the working conditions, hazards, or situations covered by the consultation visit from the beginning of the opening conference through the end of the hazard correction due dates and any extensions (29 CFR § 1908.7(b)(1)).

If an establishment has requested an initial full-service comprehensive consultation visit for safety and health from the On-Site Consultation program and that visit has been scheduled by the program, a programmed inspection may be deferred for up to 90 calendar days from the date of the notification by the On-Site Consultation program to the Regional Office. No extension of the deferral beyond 90 calendar days shall be granted unless the consultation visit continues to be “in progress.” As an exercise of its authority to schedule inspections, the agency may assign a lower priority to worksites where consultation visits are scheduled (Field Operations Manual)

### b. VPP Applicants

When the Regional Office receives notification from the VPP Manager that a VPP onsite review has been scheduled, the Regional Office will remove the applicant from any programmed inspection list for a period of up to 75 days prior to the

scheduled on-site review. The Regional Office will also remove the applicant workplace from any programmed inspection list for the duration of VPP participation, unless the site chooses otherwise (see paragraph \_\_\_\_, Deletions – VPP or SHARP). See also Revisions to the Voluntary Protection Programs to Provide Safe and Healthful Working Conditions, Federal Register, January 9, 2009 (74 FR 927).

7. Deletions. Once the inspection cycle itself begins, the following policy shall guide deletions:

a. An establishment shall be deleted from an inspection cycle whenever one of the criteria for deletions becomes applicable. For example, an establishment may be out of business or inactive.

b. Where it is learned only after the compliance officer has arrived at the establishment that one of the criteria for deletion applies, the inspection shall not be conducted (or continued if already begun). Citations for the completed portion of the inspection shall still be issued, unless the establishment has fewer than 11 employees and the SIC code is exempted. (See VOSH Program Directive 02-003X, or most current version with new appendixes.)

c. If the CSHO learns after arrival that the establishment has been classified in the wrong NAICS code, but the correct NAICS is on the safety or the health NAICS list, the CSHO shall conduct the inspection at that time. Otherwise, the inspection shall be deferred.

d. Regional Offices will be responsible for making appropriate deletions, as stated below, from the inspection cycle. Deletions will also include establishments no longer in business. The Regional Office must fully explain and document in the file the reason for the deletion.

e. Deletion criteria for previous inspections, VPP, or SHARP establishments shall be applied either before or after creating a cycle.

f. Previous Inspections. The Regional Director will delete an establishment from the inspection list if the establishment has received a comprehensive safety or health inspection within 36 months of the creation of the current inspection cycle. For deletion purposes, an establishment's comprehensive inspection date is the opening conference date of that inspection. If the opening conference date occurred within the previous 36 months of the current inspection cycle, delete the establishment from the inspection list.

# Appendix A

## **General Schedule Inspection Errors: Guidance for Inspection of Establishments**

The primary factor in whether or not to proceed with an inspection is the determination of who is the actual employer. However, in certain circumstances, a number of other indicators may enter into consideration in order to decide whether or not to proceed with an inspection of an establishment from the General Schedule list. These things to check include:

- ✓ Is the employer name correct?
- ✓ Is the establishment site address correct?
- ✓ Has the establishment been sold to a successor employer?
- ✓ Are there multiple establishments with the same employer name?
- ✓ Is a secondary establishment of the same employer neighboring or remote from the listed site and within the same VOSH region?
- ✓ Is the listed high hazard NAICS code correct for the actual business being conducted?
- ✓ How much of the employer's activity at the establishment site is under the listed High Hazard NAICS code?

From these indicia, a variety of scenarios may occur which may or may not result in proceeding with an inspection, including, but not limited to, those listed below:

### **I. Name change.**

- Wrong name, correct address.
- Schedule lists: Doodle's Plumbing.
- Research reveals listed company is still the same employer at same address.
- Company is now doing business as (d.b.a.) Drain Surgery, Inc.
- Correct NAICS code.

Action: Conduct the inspection at the address.

### **II. Company is in bankruptcy or is going out of business.**

- Correct name, correct address.
- Research reveals listed company is going out of business or is in bankruptcy.
- Correct NAICS code.

Action: Conduct the inspection at the address.

### **III. Establishment is outside of regional jurisdiction.**

- Correct name, correct address.
- Address found to be outside of the VOSH region boundary.
- Correct NAICS code.

Action: Do not conduct an inspection.

**IV. Establishment is not under VOSH jurisdiction.**

- Correct name, correct address.
- Company is under the jurisdiction of another state (*e.g., VDOT, DEQ, VDOH*) or federal (*e.g., OSHA, MSHA, DOE*) regulatory agency;

**OR**

Company has entered into an agreement with VOSH Consultation Services for this establishment location.

- Correct NAICS code.

Action: Do not conduct an inspection.

**V. Wrong address - but only one employer establishment in the region.**

- Correct name, wrong address, and one employer with that name in region.
- Schedule lists: JustLikeB4 Collision & Body Shop at 3822 Mineral Road.
- JustLikeB4 Collision & Body Shop is actually located at 3800 Mineral Springs Road.
- Correct NAICS code.

Action: Conduct the inspection at the correct address.

Reason: While there may be a possibility that the address is correct and the name is in error, having the exact name of the only one employer AND the proper NAICS are sufficient indicators of the name being the proper establishment to proceed with the inspection.

**VI. Wrong address but several establishments with that name in the region.**

- Correct name, wrong address, and several establishments with that name in region.
- Schedule lists: Quick-O Lube at 881 Red Jacket Parkway.
- Acme Speedlube is actually at the address listed.
- There are three other Quick-O Lube service centers at other addresses in the region.
- Research reveals no connection between listed name and the employer at the address.
- Correct NAICS code.

Action: Do not conduct an inspection.

Reason: It is uncertain as to which establishment was the one that was intended among those in the area.

**VII. Wrong name, wrong address, and no employer with that name.**

- Wrong name, wrong address, no employer with that name in the region.
- Schedule lists: Steele, Finagle, & Robb Sheetmetal, Inc. at 3409 Chestnut Ridge Rd.
- Forthright & Virtuous Sheetmetal Stamping, Inc. is actually at the address.
- Steele, Finagle, & Robb Sheetmetal Inc. was never at that address.
- Research reveals no connection between the listed name and employer at the address.
- Correct NAICS code for both listed and actual employers.

Action: Do not conduct an inspection.

Reason: It is uncertain as to which establishment was the one that was intended among those in the area. Although Forthright is the same NAICS, reliance should be primarily on the name on the schedule as the correct indicator of who is to be inspected.

**VIII. Wrong name, new owner of the business.**

- Wrong name, correct address, business sold to new owner.
- Schedule says: Amigone Funeral Home at 3257 Sowardego Rd.
- Digg & Burnham Funeral Home is actually at the address.
- Research reveals Amigone was at that address and sold the facility to Digg & Burnham.
- Digg & Burnham is a successor to Amigone.
- Correct NAICS.

Action: Conduct the inspection at the address.

Reason: The decision to inspect is based on the sale of the firm to the successor corporation operating as the employer at the same address.

**IX. Multiple employer locations, listed NAICS code only at remote location.**

- Correct name, correct address, and one employer with multiple locations in the region.
- Schedule says: Luftwaffles Frozen Foods at 127 Hanford Air Park Road, NAICS 311412.
- Luftwaffles is actually operating under NAICS 481219 at this location.
- Luftwaffles is also operating in another county 25 miles away but still within the Region under the listed NAICS 311412.
- Wrong NAICS at the schedule address.

Action: Do not conduct an inspection.

Reason: The employer name on the schedule is correct but the employer is working under a different NAICS at the address on the General Schedule. The correct high hazard NAICS activity is at another facility of the employer remote from the listed site in another county in the Region. The remote facility should not be inspected unless your research, discussion and questioning reveals that it formerly had a connection to the address listed in the general schedule, e.g., the 311412 activity was shifted to the remote location from the Air Park location last year.

**X. Multiple employer locations, listed NAICS code only at adjacent or nearby location.**

- Correct name, correct address, and one employer with multiple locations in the region.
- Schedule says: Luftwaffles Frozen Foods at 127 Hanford Air Park Road, NAICS 311412.
- Luftwaffles is actually operating under NAICS 481219 at this location.
- Luftwaffles operates under the correct NAICS 311412 across the street at 124 Hanford Air Park Road.
- Wrong NAICS at the schedule address.

Action: Conduct an inspection of the neighboring facility of the company with the correct NAICS across the street.

Reason: The Employer name and address on the schedule is correct, but the employer is working under a different NAICS at that listed address. The correct NAICS is at an adjacent, nearby or neighboring facility under the same employer as the listed site. It is reasonable to assume that the two facilities are linked. No inspection should take place at the facility at the original listed address with the incorrect NAICS.

**XI. At the time of the inspection, there are other NAICS code groups being performed at the establishment besides the listed high hazard NAICS. The high hazard NAICS constitutes more than 50% of the current activity at the establishment and the NAICS for other ongoing activities are not on the high hazard list.**

- Correct name, correct address, NAICS is for the majority function.
- Schedule says: Ditchit, Quick, & Hyde, Inc., NAICS – 562211 Hazardous Waste Treatment and Disposal.
- Ditchit, Quick & Hyde, Inc. is operating at the time of inspection with a majority of its work (*slightly over 50%*) in the high hazard NAICS code and the remaining activities are not on the high hazard list.

Action: Conduct the inspection.

Reason: The Employer name and address on the schedule are correct and the employer is still doing a significant amount of work under the NAICS code from the schedule. Compliance Officers must use their professional judgment in making this determination in each instance and may choose to consult with their regional director.

**XII. At the time of the inspection, the high hazard NAICS from the inspection list constitutes between 10% and 50% of the activity at the establishment which is still significant. Also, there are one or more other NAICS code groups being performed at the establishment which together constitute more than 50% of the current activity at the establishment and these NAICS other ongoing activities are not on the high hazard list.**

- Correct name, correct address, high hazard NAICS is not for the majority function.
- Schedule says: Able Baker Charlie Printing, Inc., NAICS 323110 – Commercial Lithographic Printing.
- Able Baker Charlie Printing, Inc. is operating with a majority of its work (*over 50%*) under another NAICS Code, 323115, which is digital printing, and not on the high hazard list. The remainder of its work is 323110.

Action: Conduct the inspection, but if the decision is made that the activity is not a significant amount of the company's activity but is still an ongoing activity, a partial inspection as in XIII shall be conducted.

Reason: The Employer name and address on the schedule are correct and the employer is still doing a significant amount of work under the NAICS code from the schedule. There is no hard-and-fast rule as to what constitutes a "significant amount". Compliance Officers must use their professional judgment in making this determination in each instance and may choose to consult with their regional director.

**XIII. At the time of the inspection, the listed high hazard NAICS is a limited but ongoing activity at the establishment. The high hazard NAICS constitutes no more than 10% of the current activity at the establishment and the NAICS for other ongoing activities are not on the high hazard list.**

- Correct name, correct address, NAICS is for a significantly minor function.
- Schedule says: Always Printing, NAICS 323110 – Commercial Lithographic Printing.
- X-Septional Printing, Inc. is operating a majority of its work (90%) under another NAICS Code – 323115, which is digital printing.
- The remaining work (10%) is for the correct NAICS.

Action: Conduct a partial inspection for the area of the facility where the high hazard NAICS activity is ongoing.

Reason: It is reasonable to perform an inspection of 10% of a facility where a high hazard list activity is being performed as if a complaint had been made about that activity. Other areas of the facility can be inspected if violations are in plain view just as any other partial inspection.

**XIV. At the time of the inspection, the listed high hazard NAICS is not an ongoing activity at the establishment. While management confirms that the high hazard NAICS activity is still performed on a limited basis from time to time when needed, it is not currently underway. The NAICS for other ongoing daily activities are not on the high hazard list.**

- Correct name, correct address, NAICS is for a significantly minor function.
- Schedule says: EyeCarumba, Inc., NAICS 333249 – Optical Lens Making Machining and Grinding Machinery
- EyeCarumba, Inc. is operating 100% of its work at the present time under one or more NAICS codes which are not on the high hazard list.
- The high hazard NAICS operations are done "as needed" and are not currently underway.

Action: Do not conduct an inspection.

Reason: The rationale for doing an inspection of a facility because of high hazard list activity which is not underway is questionable. In addition, should a refusal of entry situation develop from it, the likelihood to prevail in an attempt to secure a warrant would be problematic.