

OSHA TARGETS UNLIKELY SUSPECTS IN 2022: TOP 5 EMPLOYER TAKEAWAYS AS FISHER PHILLIPS UNVEILS OSHA INSPECTIONS TRACKER

Insights
Mar 8, 2022

Just because you aren't a large employer in the construction or manufacturing field, 2022 may be shaping up as the year that you get visited by a federal workplace safety inspector. That's according to the nation's first OSHA Inspections Tracker map, just unveiled by the Workplace Safety and Catastrophe Management team at Fisher Phillips and created by our Knowledge Management and Technology teams, allowing employers to examine the up-to-the-minute state of workplace safety inspections in a detailed manner. [By clicking here and maneuvering around the map and accompanying data lists](#), you can determine the likelihood of your business being visited by OSHA inspectors based on your location, industry, and company size. It's just the latest [innovative offering from the firm](#) that recently won the Law Firm of the Year Award at the 2021 American Legal Technology Awards. What are the five biggest takeaways for employers upon examining the FP OSHA Inspections Tracker?

1. State OSHA Plans are Being Aggressive Early in 2022

The first thing your eye may track when looking at the heat map is that the usual suspect stands out as the state with the most total OSHA inspections in 2022. Given its size and the prevalence of manufacturing and construction operations, it's no surprise to see California leading the pack with over 1,000 inspections already launched in 2022. But when you adjust the map for total number of inspections per employee count, the top five states become Washington,

Related People



Travis W. Vance

Regional Managing Partner

704.778.4164

Service Focus

Workplace Safety

Industry Focus

Healthcare

Manufacturing

Retail

Michigan, Alaska, Hawaii, and Oregon – all five of which are State OSHA Plan states.

In fact, when looking solely at the raw number of inspections carried out, only five of the top 10 states so far this year are State OSHA plan states. But when you factor in the relative size of each state's employee population to determine the actual likelihood of a workplace being targeted for an inspection, you'll see that nine out of the top 10 states are all State Plan states (the list also includes Puerto Rico, Utah, Kentucky, and Nevada). Employers in those areas need to be especially on guard regarding workplace safety practices and OSHA inspection response procedures in 2022.

2. Mid-size and Larger Employers Face a Proportionately Much Greater Chance of an OSHA Inspection

While the smallest employers (those with under 10 employees) are subjected to the most OSHA inspections (44% of all visits, amounting to 4,241 inspections), that is not entirely surprising considering that small employers are by far the most common type of employer in the United States (roughly 87% of all employers fall into that category). What is surprising, however, is what the FP OSHA Inspections Tracker reflects with regard to the rate of inspections for mid-size and large employers. OSHA inspectors multiplied their efforts against employers with 10 to 49 employees (which make up roughly 10% of all employers but face 27% of all inspections: a number 177% greater than expected), and even more so against employers with 50 to 499 employees (which make up 2.5% of all employers but face a whopping 23.2% of all inspections: 828% greater than expected). But the largest employers? Despite amounting to only 0.1% of all employers in the U.S., they faced 5.6% of all OSHA inspections (538 in total), an astounding 5,500% increase over expectations.

The lesson: while the data confirms OSHA inspectors can and will target employers of any size, their efforts tend to be disproportionately directed at medium and large employers. This may be because OSHA by law can issue higher penalties and enforce various regulations to which only larger employers are generally subjected, including recordkeeping.

3. Construction and Manufacturing Lead the Pack with Overwhelming Majority of Inspections

OSHA Inspections Tracker



Visit our new newly introduced OSHA Inspections Tracker map. This map allows employers to examine up-to-the-minute state of workplace safety inspections in a detailed manner.

Perhaps the least surprising finding from a view of the Tracker is that the two industries most expected to be visited by OSHA – construction and manufacturing – lead the pack when it comes to workplace safety inspections. Construction inspections account for nearly 40% of all such visits so far in 2022, with manufacturing coming in at 21%.

4. But Retail Inspections Are Higher Than Expected

Employers in the retail space should take note that their businesses are third-most likely to be inspected by federal workplace safety officials, with the Tracker showing nearly 6% of all inspections landing on retail businesses. This is somewhat of a surprising development given retail's relative lack of focus on workplace safety and relatively safer working conditions, especially considering that retail falls higher on the list than such industries as waste management, warehousing, food services, agriculture, and utilities. If you operate a retail operation, the time is now to ensure your workplace safety practices are well-honed and you know what you'd do if an OSHA inspector came knocking.

5. Healthcare Inspections Much Lower Than Expected

The field we all believed would come in third was actually fifth on the FP OSHA Inspections Tracker list. Healthcare industry inspections have only accounted for 4.6% of OSHA inspections so far in 2022. However, we expect this industry to rise on the list as the year progresses, especially given [President Biden's call during the State of the Union for increased scrutiny on the nursing home industry](#) and this morning's statement from OSHA announcing a short-term increase in highly focused inspections directed at both hospitals and skilled nursing care facilities that treat or handle COVID-19 patients.

Thirsty for More Data?

But the exploration doesn't end here. This Insight only scrapes the surface of the treasure trove of data and information that can be found on our website. For further information about OSHA workplace safety inspections being carried out across the country, and to run your own analyses of our data, you can visit Fisher Phillips' [OSHA Inspections Tracker by clicking here](#).

Fisher Phillips will continue to monitor the rapidly developing situation and provide updates as appropriate. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, the author of this Insight, or any attorney in our [Workplace Safety and Catastrophe Management Practice Group](#).