

VOSH PROGRAM DIRECTIVE: 02-003V

ISSUED: February 15, 2021

Subject

VOSH Procedures to comply with OSHA Enforcement Exemptions and Limitations under the Federal Appropriations Act, OSHA Instruction CPL 02-00-051 (formerly CPL 2-0.51J); Appendix "A" Revision

Purpose

- This Directive transmits to field personnel the annual exemptions and limitations for VOSH enforcement activity under the federal Appropriations Act. Attached as Appendix "A" is the **annual listing** of the North American Industrial Classification System (NAICS) codes for industries with a Days Away, Restricted, or Transferred (DART) occupational injury and illness rate below the most recent available national private sector rate from BLS. **This rate is 1.5 for 2019.**
- This Directive also includes a memorandum which clarifies OSHA's longstanding position on the limits of its authority to conduct enforcement activities on small farms.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program.

Certification

This Program Directive is considered to meet the definition of "guidance document" contained in a §2.2-4101 of the Code of Virginia: "any document developed by a state agency or staff that provides information or guidance of general applicability to the staff or public to interpret or implement statutes or the agency's rules or regulations, excluding agency minutes or documents that pertain only to the internal management of agencies."

Notwithstanding the issuance date of this Program Directive, and in accordance with §2.2-4002.1.B of the Code of Virginia, this Program Directive has been or will be subject to a 30-day public comment period, to include public comment through the Virginia Regulatory Town Hall website, after publication in the Virginia Register of Regulations and prior to its effective date.

Notwithstanding the issuance date of this Program Directive, and in accordance with §2.2-4002.1.C of the Code of Virginia, if a written comment is received during a public comment period asserting that the guidance document is contrary to state law or regulation, or that the document should not be exempted from the provisions of this chapter, the effective date of the guidance document by the agency shall be delayed for an additional 30-day period. During this additional period, the agency shall respond to any such comments in writing by certified mail to the commenter or by posting the response electronically in a manner consistent with the provisions for publication of comments on regulations provided in this chapter. Any person who remains aggrieved after the effective date of the final guidance document may avail himself of the remedies articulated in Article 5 (§ 2.2-4025 et seq.).

Scope This Directive applies to all VOSH personnel.

References OSHA Instr. CPL 02-00-051 (May 28, 1998), Enforcement Exemptions and Limitations under the Appropriations Act;

Policy Clarification on OSHA’s Enforcement Authority at Small Farms (Memo: Thomas Galassi, Director, Directorate of Enforcement Programs (July 29, 2014)); and

Update of Appendix “A” (Memo: Amanda Edens, Deputy Assistant Secretary, OSHA (January 8, 2021))

Cancellation VOSH Program Directive 02-003U (December 10, 2020)

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

Effective Date April 1, 2021

C. Ray Davenport
Commissioner

Distribution: Commissioner of Labor and Industry
Assistant Commissioner
VOSH Directors and Managers

VOSH Compliance & Cooperative Programs Staffs
Legal Support & OIS Staffs
OSHA Region III & Norfolk Area Offices

- Attachments:
- Sample TAL FLSA Sheet;
 - Policy Clarification on OSHA’s Enforcement Authority at Small Farms Memo (Thomas Galassi, July 29, 2014); and
 - Attachments: OSHA Instruction CPL 02-00-051 (28 May 1998); and Revised Appendix “A” (January 8, 2021)

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I. Summary

Each year, Congress passes the federal Appropriations Act or a Continuing Resolution that provides the funding for the operation of federal OSHA. In providing funding for OSHA and the related dependent 23g grant federal funding utilized by VOSH, Congress has placed significant restrictions on enforcement activities regarding two categories of employers: small farming operations and small employers in low-hazard industries.

This funding measure restriction focuses on limiting the inspection of those employers who employ ten or fewer employees. Since these 23g grant funds are passed through from OSHA to the State Program, VOSH is held to the same restrictions and limits imposed on federal OSHA for use of federal funds. However, these annual Appropriations Act limitations do not apply to activities that are funded with 100% state money.

This new Appendix "A" to CPL 02-00-051, Enforcement Exemptions and Limitations under the Appropriations Act (January 8, 2021), contains the latest BLS occupational injury and illness rate data at the most precise industrial classification code. OSHA updates the list annually to meet the requirements of federal budget riders prohibiting OSHA from conducting planned safety inspections of small employers in low-hazard industries.

From the effective date of this Directive, this Appendix "A" will be effective **for any inspection opened on that date or thereafter, until the next annual revision becomes effective**. This Directive includes a revised Appendix "A" for CPL 02-00-051, formerly CPL 2-0.51J, Enforcement Exemptions and Limitations under the federal Appropriations Act, which **was forwarded by memorandum dated January 8, 2021**.

II. Implementation

To the extent that this Directive limits or prohibits the use of 50 percent federal matching 23g grant funding for certain VOSH activities normally covered under the grant for compliance efforts, VOSH reserves the right to conduct activities limited or prohibited under the federal Appropriations Act, should it choose to do so, and will pay for those activities with 100 percent 23g grant state matching funds, e.g., VOSH will conduct and pay for, with 100% state funds, fatal accident investigations on farms with 10 or fewer employees and no temporary labor camp activity within the previous 12 months. **However, approval to conduct and pay for such 100% state funded activities must be received in advance from the applicable VOSH program director.**

Please note that VOSH will issue penalties for any serious, repeat, willful or failure to abate notice that is identified during the inspection of an employer with 10 or fewer employees in a low hazard NAICS. VOSH will also issue penalties for any other-than-serious violation in the same manner as would be done for an inspection not covered by this directive (e.g., employer failure to report a fatal accident with 8 hours). **This will necessitate the use of 100% state funds on those inspections as well.** In such cases, please contact the applicable Compliance Director and assure that the CSHO follows the time keeping procedures outlined in the directive. *REFERENCE: Va. Code §40.1-49.4.H provides that "serious" violations "shall be assessed a civil penalty for each such violation."* (Emphasis added).

Compliance officers, who are approved to perform such inspections, shall keep a record of their time spent on such activities. This time must be entered as a separate line entry for that workday on the CSHO's TAL FLSA Individual Time Sheet with an explanatory comment: "23g exempt.-100% state funded activity". A sample TAL FLSA Individual Time Sheet is provided.

When the guidelines, as set forth in this Program Directive, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms if, and where they are used, shall be considered to read as below:

Federal Terms

VOSH Equivalent

OSHA

VOSH

Federal Agency

State Agency

Regional Administrator

Assistant Commissioner

Area Director

Regional Director
VOSH Program Director

Area Office/Regional Office

Regional Office

Regional Solicitor

Attorney General or VOSH
Division of Legal Support (DLS)

Office of Statistics

VOSH Research and Analysis

29 CFR

VOSH Standard

Compliance Safety and Health Officer (CSHO)
and/or Industrial Hygienist

CSHO

Agency

Department

OSHA Directives:

VOSH Program Directives:

OSHA Field Operations Manual (OFOM)

VOSH Field Operations Manual (FOM)

OSHA Instruction CPL 2.115

VOSH FOM, Chapter 2.

Virginia Department of Labor and Industry
 SAMPLE – Individual Timesheet for TAL

Timesheet Time Entry

Employees ID
 Agency Number

Name:
 Position:

Timesheet ID:

Version:

Current Version:

Start Date:

End Date:

Timesheet Status:

Process Normally:

| | Timesheet Comments | Entered By | Date Entered |
|------|----------------------|------------|--------------|
| View | Timesheet Created By | | |
| | | | |

| | Date | Hol | Type | Shift | Hours | Category | Additional Pay | Notes |
|--|------------|-----|--------------|-------|-------|---------------|----------------|------------------------------|
| Edit | | | | | | (for example) | | |
| Edit | | | | | | | | |
| Edit Add | Mon | | Hours Worked | | 3 | 802 | | 23g exempt.-100% state funds |
| Edit Add | Mon | | Hours Worked | | 5 | 802 | | |
| Edit Add | | | | | | | | |
| Edit Add | | | | | | | | |
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Submit

Save

Cancel

Print

OSHA INSTRUCTION

DIRECTIVE NUMBER: CPL 2-0.51J

EFFECTIVE DATE: May 28, 1998

SUBJECT: Enforcement Exemptions and Limitations under the Appropriations Act.

ABSTRACT

Purpose:

Explains the limits on inspection activities under the Appropriations Act.

Scope:

OSHA-wide

References:

CPL 2.103 -Field Inspection Reference Manual,

CPL 2.115 -Compliant Policy and Procedures,

STP 2.22A -State Plan Policies and Procedures Manual.

Cancellations:

CPL 2-0.51I, Dated October 15, 1997.

State Impact:

See Paragraph VI.

Action Offices:

National, Regional, and Area Offices.

Originating Office:

Directorate of Compliance Programs.

Contact:

Don Kallstrom (202) 219-8031

Office of General Industry Compliance Assistance; FPB-N3107

200 Constitution Ave, NW

Washington, DC 20210

Special Notice:

Appendix A contains time sensitive information. OSHA will automatically update the information in Appendix A after it is received from the Bureau of Labor Statistics.

By and Under the Authority of
LOREN SWEATT
Principal Deputy Assistant Secretary

~~Change effective 01-15-99 Appendix A~~

~~Change effective 02-07-00 Appendix A~~

~~Change effective 02-09-01 Appendix A~~

~~Change effective 01-02-02 Appendix A~~

~~Change effective 01-07-03 Appendix A~~

~~Change effective 02-23-05 Appendix A~~
~~Change effective 12-05-05 Appendix A~~
~~Change effective 11-20-06 Appendix A~~
~~Change effective 12-10-07 Appendix A~~
~~Change effective 12-03-08 Appendix A~~
~~Change effective 12-18-09 Appendix A~~
~~Change effective 01-03-11 Appendix A~~
~~Change effective 12-23-11 Appendix A~~
~~Change effective 2-22-13 Appendix A~~
~~Change effective 05-27-14 Appendix A~~
~~Change effective 01/30/2015 Appendix A~~
~~Change effective 01/29/2016 Appendix A~~
~~Change effective 01/10/2017 Appendix A~~
~~Change effective 04/25/2018 Appendix A~~
~~Change effective 12/18/2018 Appendix~~
~~Change effective 01/21/2020 Appendix A~~
Change effective 01/08/2021 Appendix A

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Appendix A

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I. **Purpose.**

This instruction explains the limits (exemptions and limitations) for the Occupational Safety and Health Administration's (OSHA) enforcement activity under the Appropriations Act. This funding measure's riders and this instruction focus on limiting the inspection of those employers who employ ten or fewer employees.

II. **Scope.**

This instruction applies OSHA-wide and where applicable, to those Employment Standards Administration (ESA) offices enforcing OSHA's Field Sanitation and Temporary Labor Camp standards in agricultural settings. The restrictions to OSHA's enforcement activity apply to places of employment (farms and establishments who's Standard Industrial Classification code is listed in Appendix A) who employ 10 or fewer employees.

III. **References.**

- A. OSHA Instruction STP 2.22A, May 14, 1986, the State Plan Policies and Procedures Manual
- B. OSHA Instruction CPL 2.103, September 26, 1994, the Field Inspection Reference Manual (FIRM)
- C. Secretary's Orders 5-96 and 6-96, December 27, 1996, Delegation of Authority and Assignment of Responsibility to the Assistant Secretary for Employment Standards and Other Officials in the Employment Standards Administration and the Assistant Secretary for Occupational Safety and Health.
- D. OSHA Instruction CPL 2.115, June 14, 1996, Complaint Policies and Procedures

IV. **Cancellation.**

OSHA Instruction CPL 2.51I, October 15, 1997, is canceled.

V. **Action.**

OSHA Regional Administrators and Area Directors are to ensure that they schedule and conduct enforcement activities following the guidelines set forth in this instruction. They shall insure distribution of these guidelines to Employment Standards Administration, Wage and Hour Division District offices who are responsible for enforcing the OSHA field sanitation and temporary labor camp standards pursuant to Secretary's Orders 5-96 and 6-96. These guidelines are in effect until superseded or amended.

The Directorate of Administrative Programs will ensure that the updated Appendix A appears on the OSHA Internet site as soon as possible after receiving it from the Directorate of Compliance Programs. The version of Appendix A which appears on OSHA's Internet Web Page is the one currently being applied. The date Appendix A is updated will be noted on the Abstract.

VI. **Federal Program Change.**

This instruction describes a Federal program change which affects State programs. Under OSHA's Appropriations Act, States cannot be reimbursed for any share of funds expended for activities prohibited by these exemptions and limitations and must be able to demonstrate that

no Federal funds have been used for prohibited activities. The States shall respond via the two-way memorandum to the Regional Office as soon as the State's intention regarding the enforcement activity limitations and exemptions is known, but no later than 60 calendar days after the date of transmittal from the Directorate of Federal-State Operations. If a State plans to fund the prohibited activities, it shall provide a brief description of its alternative funding approach in the Comment Section of the two-way memorandum and maintain appropriate accounting procedures for assuring that no 23(c) funds are expended for these activities.

VII. **Background.**

In providing funding for OSHA, Congress has placed restrictions on enforcement activities regarding two categories of employers: small farming operations and small employers in low-hazard industries. The Appropriations Act contains limits for OSH Act activities on a year-by-year basis.

VIII. **Key Terms.**

Definitions pertinent to this Directive are the following: A **"farming operation"** means any operation involved in the growing or harvesting of crops, the raising of livestock or poultry, or related activities conducted by a farmer on sites such as farms, ranches, orchards, dairy farms or similar farming operations. These are employers engaged in businesses that have a two digit Standard Industrial Classification (SIC) of 01 (Agricultural Production - Crops), 02 (Agricultural Production - Livestock and Animal Specialties), and four digit SIC 0711 (Soil Preparation Services), 0721 (Crop Planting, Cultivating, and Protecting), 0722 (Crop Harvesting, Primarily by Machine), 0761 (Farm Labor Contractors and Crew Leaders), and 0762 Farm Management Services).

A **"temporary labor camp"** means farm housing directly related to the seasonal or temporary employment of farm workers.

"Housing" includes both permanent and temporary structures located on or off the property of any employer who meets the above definition.

"Lost Workday Injury Rate Below the National Average" is an occupational lost workday injury (LWDI) rate which is lower than the national average rate for the private industry sector, as most recently published by the Bureau of Labor Statistics, at the most precise (SIC) code for which such data is published, using the 1987 manual.

IX. **General Enforcement Guidelines.**

Before initiating enforcement activities OSHA will decide whether the appropriation rider prohibits OSHA enforcement. Where this determination cannot be made beforehand, the CSHO will determine the status of the small farming operation or a small employer in a low-hazard industry upon arrival at the workplace. If the prohibition applies, the inspector must

immediately discontinue the inspection activities and leave the premises as soon as possible. Table No. 1 provides an at-a-glance reference to our activities under the funding measure.

Table 1

(Exceptions and limitations)

TLC= Temporary Labor Camp EES= Employees ERS= Employer

| OSHA Activity | Farm with 10 or fewer EES and no TLC activity within 12 mo. | Farm with more than 10 EES or a farm with an active TLC within 12 Mo. | Non-farm ERS with 10 or fewer EES in a SIC listed in Appendix A |
|-------------------------------------|---|---|---|
| Programmed Safety Inspections | Not Permitted | Can Inspect | Cannot Inspect |
| Programmed Health Inspections | Not Permitted | Can Inspect | Can Inspect |
| Employee Complaint | Not Permitted | Can Inspect | Can Inspect (See limits on Citations and Penalties) |
| FAT/CAT and Accidents | Not Permitted | Can Inspect | Can Inspect |
| Imminent Danger | Not Permitted | Can Inspect | Can Inspect |
| 11C | Not Permitted | Can Inspect | Can Inspect |
| Consultation & Technical Assistance | Not Permitted | Permitted | Permitted |
| Education and Training | Not permitted | Permitted | Permitted |
| Conduct Surveys & Studies | Not Permitted | Permitted | Permitted |

X. Enforcement Guidance for Small Farming Operations. The Appropriations Act exempts small farming operations from enforcement of all rules, regulations, standards or orders under the Occupational Safety and Health Act.

- A. A farming operation is **exempt** from **all** OSHA activities if it:
1. Employs 10 or fewer employees currently and at all times during the last 12 months; and
 2. Has not had an active temporary labor camp during the proceeding 12 months.

Note: Family members of farm employers are not counted when determining the number of employees.

- B. A farming operation with 10 or fewer employees that maintains a temporary labor camp or has maintained a temporary labor camp within the last twelve months **is not** exempt from inspection. For OSHA, the inspection may include all working conditions covered by OSHA standards except for Field Sanitation, 29 CFR 1928.110, and except as noted, Temporary Labor Camps, 29 CFR 1910.142, which are being enforced by the Wage and Hour Division under Secretary of Labor Order 6-96.
 - 1. OSHA, however, retains inspection responsibility for those camps of employees engaged in eggs or poultry production (SIC 025) or red meat production (SIC 021) or engaged in the post-harvest processing of agricultural or horticultural commodities. Generally, post-harvest processing can be thought of as changing the character of the product (canning, making cider or sauces, etc.) or a higher degree of packaging (washing, bundling and bagging carrots) versus field sorting in a shed for size.
- C. The Wage and Hour Division, ESA, will also exercise responsibility for enforcement in agriculture of OSHA field sanitation and temporary labor camp standards, except as noted in "b" above, in nine States operating OSHA-approved State plans which have elected to follow the jurisdictional transfer of authority as effected by Secretary's Orders 5-96 and 6-96. These States are: Alaska, Indiana, Iowa, Kentucky, Minnesota, South Carolina, Utah, Virgin Islands, and Wyoming.

In the fourteen (14) other States operating OSHA-approved State plans, enforcement of field sanitation and temporary labor camp standards in agriculture will not transfer to ESA and will continue as a State responsibility. These States are: Arizona, California, Hawaii, Maryland, Michigan, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, Tennessee, Vermont, Virginia, and Washington.

XI. **Enforcement Guidance for Small Employers in low-hazard industries.**

The Appropriations Act exempts small employers in low-hazard industries from **programmed safety inspections**.

- A. No programmed safety inspections are permitted of a small employer if:
 - 1. It employs 10 or fewer employees currently and at all times during the last 12 months; and
 - 2. The lost workday case rate for its primary SIC work activity is below the all-industry national average. (See Appendix A for listings.)
- B. The Appropriations Act **allows** several OSHA activities in establishments of small (10 or fewer employees) low-hazard rate employers that are exempt from programmed safety inspections. All OSHA Offices are allowed to:
 - 1. Provide consultation and technical assistance as well as educational and training services. It can also conduct surveys and studies authorized by the OSHA.

2. Investigate or schedule inspections in response to an employee complaint in accordance with current complaint procedures in CPL 2.115. The only complaint inspections which are permitted under the rider are those from current employees.
 - a. Citations may be issued for any violation found during a complaint inspection whether or not the violative condition is a subject of the complaint. But:
 - b. Penalties may **only** be assessed when the violations are classified as willful violations or failure to abate notifications and when such violations and failure to abate notifications are related to the original complaint.
3. Take any action authorized by the Act with respect to alleged imminent danger situations.
4. Take any action authorized by the Act with respect to **health hazards**.
 - a. Health inspections are to be scheduled, observed health hazards cited, and penalties assessed for all classifications of violations in accordance with current procedures.
 - b. Apparent safety violations noted during a health inspection of an establishment exempted from programmed safety inspections shall not be cited or referred for later inspection unless such violations create an imminent danger.
 - c. If this inspection is a health-related complaint, the procedures in paragraph XI. B. 4. take precedence over the procedures in paragraph XI. B. 2.

Note: A Compliance Officer can discuss non-citable violations during the closing conference and provide information relating to consultation services.

5. Take any action authorized by the Act with respect to employment accidents involving a fatality of one or more employees or **hospitalization** of *two or more employees*. All apparent violative conditions involving safety or health may be cited and penalties proposed related to the accident.

Note: The reporting requirements of 29 CFR 1904.39 changed effective January 1, 2015. Employers are obligated to report to OSHA incidents involving a fatality, the in-patient hospitalization of one or more employees, an amputation, or the loss of an eye. OSHA is allowed to inspect or investigate an incident involving a fatality of one or more employees or the hospitalization of two or more employees of a small, non-farming employer once we become aware of the incident. Employer reports of a hospitalization, amputation, or loss of an eye involving one employee are considered Employer Reported Referrals and may not be inspected if the employer is a small, non-farm employer classified in an industry listed in Appendix A.

6. Take any action authorized by the Act with respect to alleged discrimination against employees.

XII. Late Discovery of Exemption.

If it becomes clear after an inspection that the employer was exempt from inspection at the time of the inspection, the Area Director shall ensure that no citations are issued or penalties proposed contrary to the provisions of this instruction.

- A. If already issued, but not yet contested, any such citation or proposed penalty shall be withdrawn.
- B. If the employer has already filed a notice of intent to contest, the Area Director shall inform the Regional Solicitor who shall take appropriate action to ensure that the case is not pursued before the Occupational Safety and Health Review Commission.
- C. If such citations and penalties have become a final order, the Area Director shall ensure that no penalties are collected.

XIII. IMIS.

If an inspection is not conducted because of an Appropriations Act rider exemption, the CSHO shall complete an OSHA-1 Form according to current IMIS instructions. Also where the scope of an inspection has been limited, due to restrictions imposed by a rider to the Appropriations Act, it can be so noted in block 42 - Optional Information.

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210

Reply to the attention of:

DEP/CPSEI/SMK

JUL 28 2014

MEMORANDUM FOR: REGIONAL ADMINISTRATORS

THROUGH: *Dorothy Dougherty*
DOROTHY DOUGHERTY
Deputy Assistant Secretary

FROM: *Thomas Galassi*
THOMAS GALASSI, Director
Directorate of Enforcement Programs

SUBJECT: Policy Clarification on OSHA's Enforcement Authority at Small Farms

The purpose of this memorandum is to clarify OSHA's longstanding position on the limits of its authority to conduct enforcement activities on small farms. This memorandum supersedes OSHA's June 28, 2011, memorandum on this subject.

Since 1976, an appropriations rider has precluded OSHA from expending appropriated funds to conduct enforcement activities with respect to any person engaged in a farming operation with ten or fewer non-family employees that has not maintained a temporary labor camp within the preceding twelve months.¹

OSHA defines a "farming operation" as "any operation involved in the growing or harvesting of crops or the raising of livestock or poultry, or related activities conducted by a farmer on sites such as farms, ranches, orchards, dairy farms or similar farming operations."² Crop farming operation activities include preparing the ground, sowing seeds, watering, weeding, spraying, harvesting, and all related activities necessary for these operations, such as storing, fumigating, and drying crops grown on the farm. An exempt small³ farm would not become subject to

¹ See Consolidated Appropriations Act, 2014, Pub. L. No. 113-76 (2014).

² These are employers engaged in businesses that have a two digit Standard Industrial Classification (SIC) of 01 and three digit North American Industry Classification System (NAICS) of 111 (Agricultural Production – Crops), two digit SIC 02 and NAICS 112 (Agricultural Production – Livestock and Animal Specialties), four digit SIC 0711 and Six digit NAICS 115112 (Soil Preparation Services), SIC 0721 and NAICS 115112 (Crop Planting, Cultivating, and Protecting), SIC 0722 and NAICS 115113 (Crop Harvesting, Primarily by Machine), and SIC 0761 and NAICS 115115 (Farm Management Services). See OSHA Compliance Directive CPL 02-00-051, *Enforcement Exemptions and Limitations under the Appropriation Act*.

³ In this memorandum, the term "small" means that the employer has ten or fewer non-family employees and does not maintain a temporary labor camp.

OSHA enforcement simply because, for example, it stores its own grain on the farm or sells that grain from the farm. Onsite storage or sale of grain grown on the farm would constitute a “related activity” under OSHA's interpretation of “farming operation” because it is necessary to gain economic value from grain grown on the farm. Similarly, a small farm that grows grain to feed its own livestock, and stores and grinds that grain on the farm would not become subject to OSHA enforcement because of those activities.

However, if an employer performs activities on a small farm that are not related to farming operations and are not necessary to gain economic value from products produced on the farm, those activities are not exempt from OSHA enforcement. For example, if an exempt small farm maintains a grain handling operation storing and selling grain grown on other farms, the grain handling operation would not be exempt from OSHA enforcement under the appropriations rider. If a small farm employer maintains a food processing facility for making cider from apples grown on the farm or for processing large carrots into "baby" carrots, or if the employer mills its grain into flour and then uses the flour to make baked goods, those food processing operations would be food manufacturing, not farming. Food manufacturing operations are not exempt from OSHA enforcement activities under the appropriations rider, even if they take place on a small farm.

To ensure consistent compliance with the appropriations rider, please consult with Art Buchanan of the Office of General Industry and Agriculture Enforcement, at 202-693-1850, when the applicability of the appropriations rider to a particular activity or employer is unclear. To avoid inadvertently conducting enforcement activity on an exempt small farming operation, this consultation should occur before OSHA initiates the inspection.

U.S. Department of Labor

Occupational Safety and Health Administration
Washington, D.C. 20210

January 8, 2021

MEMORANDUM FOR: REGIONAL ADMINISTRATORS
STATE DESIGNEES**FROM:** AMANDA EDENS 
Deputy Assistant Secretary**SUBJECT:** Appropriations Act: Replacement of Appendix A
for CPL 02-00-051, Enforcement Exemptions and
Limitations under the Appropriations Act

Attached is the most recent listing of the North American Industry Classification System (NAICS) codes for industries with a days away, restricted, or transferred (DART) occupational injury and illness rate below the national private sector average rate of 1.5 for 2019.

This new Appendix A to CPL 02-00-051, *Enforcement Exemptions and Limitations under the Appropriations Act*, contains the latest BLS occupational injury and illness rate data of the most accurate industrial classification codes. The appendix will be added to the electronic version of CPL 02-00-051 on the OSHA Website and becomes effective on the date of this memorandum for all inspections opened on this date or thereafter.

If a compliance safety and health officer (CSHO) discovers that an employer currently has 10 or fewer employees, at all times during the previous 12 months, and the DART rate for the employer's primary NAICS is below the national private sector average rate, no inspection shall be conducted. The NAICS coding system is detailed and CSHOs must pay particular attention to the applicable code being selected prior to conducting any inspections.

For construction inspections, upon arrival at a worksite to conduct any programmed safety inspection, the compliance officer should determine whether the appropriations rider exempts a particular contractor. Any exempt contractor shall not be inspected. However, CSHOs shall proceed to inspect other non-exempt contractors on the worksite.

If you have any questions regarding the above, please contact the Office of General Industry and Agricultural Enforcement at (202) 693-1850. In addition, for questions concerning the construction industry, please contact the Directorate of Construction at (202) 693-2020.

Attachment

Appendix A

North American Industrial Classification System (NAICS) Codes for Industries with a Days Away, Restricted or Transferred (DART) Rate Less Than the National Average Rate of 1.5 for 2019.

Source: Bureau of Labor Statistic (BLS) data released November 4, 2020

| 2017 NAICS Code | 2017 NAICS Title |
|----------------------------|--|
| Mining | |
| 211120 | Crude Petroleum Extraction |
| 211130 | Natural Gas Extraction |
| 213111 | Drilling Oil and Gas Wells |
| 213112 | Support Activities for Oil and Gas Operations |
| Utilities | |
| 221112 | Fossil Fuel Electric Power Generation |
| 221113 | Nuclear Electric Power Generation |
| 221114 | Solar Electric Power Generation |
| 221115 | Wind Electric Power Generation |
| 221116 | Geothermal Electric Power Generation |
| 221117 | Biomass Electric Power Generation |
| 221118 | Other Electric Power Generation |
| 221121 | Electric Bulk Power Transmission and Control |
| 221122 | Electric Power Distribution |
| 221210 | Natural Gas Distribution |
| Construction | |
| 236210 | Industrial Building Construction |
| 236220 | Commercial and Institutional Building Construction |
| 237120 | Oil and Gas Pipeline and Related Structures Construction |
| 237210 | Land Subdivision |
| 237990 | Other Heavy and Civil Engineering Construction |
| 238210 | Electrical Contractors and Other Wiring Installation Contractors |
| 238340 | Tile and Terrazzo Contractors |
| 238390 | Other Building Finishing Contractors |
| 238990 | All Other Specialty Trade Contractors |
| Manufacturing | |
| 311422 | Specialty Canning |
| 312113 | Ice Manufacturing |
| 312140 | Distilleries |
| 312230 | Tobacco Manufacturing |
| 313210 | Broadwoven Fabric Mills |
| 314110 | Carpet and Rug Mills |
| 315110 | Hosiery and Sock Mills |

| 2017 NAICS Code | 2017 NAICS Title |
|----------------------|---|
| Manufacturing | |
| 315190 | Other Apparel Knitting Mills |
| 315210 | Cut and Sew Apparel Contractors |
| 315240 | Women's, Girls', and Infants' Cut and Sew Apparel Manufacturing |
| 315990 | Apparel Accessories and Other Apparel Manufacturing |
| 322110 | Pulp Mills |
| 322121 | Paper (except Newsprint) Mills |
| 322122 | Newsprint Mills |
| 322130 | Paperboard Mills |
| 322291 | Sanitary Paper Product Manufacturing |
| 323113 | Commercial Screen Printing |
| 323120 | Support Activities for Printing |
| 324110 | Petroleum Refineries |
| 324121 | Asphalt Paving Mixture and Block Manufacturing |
| 324122 | Asphalt Shingle and Coating Materials Manufacturing |
| 324191 | Petroleum Lubricating Oil and Grease Manufacturing |
| 324199 | All Other Petroleum and Coal Products Manufacturing |
| 325110 | Petrochemical Manufacturing |
| 325120 | Industrial Gas Manufacturing |
| 325180 | Other Basic Inorganic Chemical Manufacturing |
| 325193 | Ethyl Alcohol Manufacturing |
| 325199 | All Other Basic Organic Chemical Manufacturing |
| 325211 | Plastics Material and Resin Manufacturing |
| 325212 | Synthetic Rubber Manufacturing |
| 325220 | Artificial and Synthetic Fibers and Filaments Manufacturing |
| 325311 | Nitrogenous Fertilizer Manufacturing |
| 325312 | Phosphatic Fertilizer Manufacturing |
| 325320 | Pesticide and Other Agricultural Chemical Manufacturing |
| 325411 | Medicinal and Botanical Manufacturing |
| 325412 | Pharmaceutical Preparation Manufacturing |
| 325413 | In-Vitro Diagnostic Substance Manufacturing |
| 325414 | Biological Product (except Diagnostic) Manufacturing |
| 325510 | Paint and Coating Manufacturing |
| 325613 | Surface Active Agent Manufacturing |
| 326160 | Plastics Bottle Manufacturing |
| 327999 | All Other Miscellaneous Nonmetallic Mineral Product Manufacturing |
| 331315 | Aluminum Sheet, Plate, and Foil Manufacturing |
| 332710 | Machine Shops |
| 332912 | Fluid Power Valve and Hose Fitting Manufacturing |

| 2017 NAICS Code | 2017 NAICS Title |
|----------------------|---|
| Manufacturing | |
| 332992 | Small Arms Ammunition Manufacturing |
| 332993 | Ammunition (except Small Arms) Manufacturing |
| 332994 | Small Arms, Ordnance, and Ordnance Accessories Manufacturing |
| 333131 | Mining Machinery and Equipment Manufacturing |
| 333132 | Oil and Gas Field Machinery and Equipment Manufacturing |
| 333242 | Semiconductor Machinery Manufacturing |
| 333244 | Printing Machinery and Equipment Manufacturing |
| 333314 | Optical Instrument and Lens Manufacturing |
| 333316 | Photographic and Photocopying Equipment Manufacturing |
| 333318 | Other Commercial and Service Industry Machinery Manufacturing |
| 333511 | Industrial Mold Manufacturing |
| 333515 | Cutting Tool and Machine Tool Accessory Manufacturing |
| 333519 | Rolling Mill and Other Metalworking Machinery Manufacturing |
| 333611 | Turbine and Turbine Generator Set Units Manufacturing |
| 333618 | Other Engine Equipment Manufacturing |
| 333912 | Air and Gas Compressor Manufacturing |
| 333914 | Measuring, Dispensing, and Other Pumping Equipment Manufacturing |
| 333991 | Power-Driven Handtool Manufacturing |
| 333992 | Welding and Soldering Equipment Manufacturing |
| 333994 | Industrial Process Furnace and Oven Manufacturing |
| 333996 | Fluid Power Pump and Motor Manufacturing |
| 333997 | Scale and Balance Manufacturing |
| 334111 | Electronic Computer Manufacturing |
| 334112 | Computer Storage Device Manufacturing |
| 334118 | Computer Terminal and Other Computer Peripheral Equipment Manufacturing |
| 334210 | Telephone Apparatus Manufacturing |
| 334220 | Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing |
| 334290 | Other Communications Equipment Manufacturing |
| 334310 | Audio and Video Equipment Manufacturing |
| 334412 | Bare Printed Circuit Board Manufacturing |
| 334413 | Semiconductor and Related Device Manufacturing |
| 334416 | Capacitor, Resistor, Coil, Transformer, and Other Inductor Manufacturing |
| 334417 | Electronic Connector Manufacturing |
| 334418 | Printed Circuit Assembly (Electronic Assembly) Manufacturing |
| 334419 | Other Electronic Component Manufacturing |

| 2017 NAICS Code | 2017 NAICS Title |
|----------------------|--|
| Manufacturing | |
| 334510 | Electromedical and Electrotherapeutic Apparatus Manufacturing |
| 334511 | Search, Detection, Navigation, Guidance, Aeronautical, and Nautical System and Instrument Manufacturing |
| 334513 | Instruments and Related Products Manufacturing for Measuring, Displaying, and Controlling Industrial Process Variables |
| 334514 | Totalizing Fluid Meter and Counting Device Manufacturing |
| 334515 | Instrument Manufacturing for Measuring and Testing Electricity and Electrical Signals |
| 334516 | Analytical Laboratory Instrument Manufacturing |
| 334517 | Irradiation Apparatus Manufacturing |
| 334519 | Other Measuring and Controlling Device Manufacturing |
| 334613 | Blank Magnetic and Optical Recording Media Manufacturing |
| 334614 | Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing |
| 335110 | Electric Lamp Bulb and Part Manufacturing |
| 335121 | Residential Electric Lighting Fixture Manufacturing |
| 335122 | Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing |
| 335129 | Other Lighting Equipment Manufacturing |
| 335210 | Small Electrical Appliance Manufacturing |
| 335220 | Major Household Appliance Manufacturing |
| 335312 | Motor and Generator Manufacturing |
| 335313 | Switchgear and Switchboard Apparatus Manufacturing |
| 335314 | Relay and Industrial Control Manufacturing |
| 335931 | Current-Carrying Wiring Device Manufacturing |
| 335991 | Carbon and Graphite Product Manufacturing |
| 335999 | All Other Miscellaneous Electrical Equipment and Component Manufacturing |
| 336320 | Motor Vehicle Electrical and Electronic Equipment Manufacturing |
| 336350 | Motor Vehicle Transmission and Power Train Parts Manufacturing |
| 336412 | Aircraft Engine and Engine Parts Manufacturing |
| 336413 | Other Aircraft Parts and Auxiliary Equipment Manufacturing |
| 336414 | Guided Missile and Space Vehicle Manufacturing |
| 336415 | Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Parts Manufacturing |
| 336419 | Other Guided Missile and Space Vehicle Parts and Auxiliary Equipment Manufacturing |
| 336992 | Military Armored Vehicle, Tank, and Tank Component Manufacturing |
| 336999 | All Other Transportation Equipment Manufacturing |
| 339112 | Surgical and Medical Instrument Manufacturing |
| 339113 | Surgical Appliance and Supplies Manufacturing |

| 2017 NAICS Code | 2017 NAICS Title |
|----------------------|--|
| Manufacturing | |
| 339114 | Dental Equipment and Supplies Manufacturing |
| 339115 | Ophthalmic Goods Manufacturing |
| 339116 | Dental Laboratories |
| 339910 | Jewelry and Silverware Manufacturing |
| 339930 | Doll, Toy, and Game Manufacturing |
| 339999 | All Other Miscellaneous Manufacturing |
| 334517 | Irradiation Apparatus Manufacturing |
| 334519 | Other Measuring and Controlling Device Manufacturing |
| 334613 | Blank Magnetic and Optical Recording Media Manufacturing |
| 334614 | Software and Other Prerecorded Compact Disc, Tape, and Record Reproducing |
| 335110 | Electric Lamp Bulb and Part Manufacturing |
| 335121 | Residential Electric Lighting Fixture Manufacturing |
| 335122 | Commercial, Industrial, and Institutional Electric Lighting Fixture Manufacturing |
| 335129 | Other Lighting Equipment Manufacturing |
| 335210 | Small Electrical Appliance Manufacturing |
| 335220 | Major Household Appliance Manufacturing |
| 335312 | Motor and Generator Manufacturing |
| 335313 | Switchgear and Switchboard Apparatus Manufacturing |
| 335314 | Relay and Industrial Control Manufacturing |
| 335931 | Current-Carrying Wiring Device Manufacturing |
| 335991 | Carbon and Graphite Product Manufacturing |
| 335999 | All Other Miscellaneous Electrical Equipment and Component Manufacturing |
| 336320 | Motor Vehicle Electrical and Electronic Equipment Manufacturing |
| 336350 | Motor Vehicle Transmission and Power Train Parts Manufacturing |
| 336412 | Aircraft Engine and Engine Parts Manufacturing |
| 336413 | Other Aircraft Parts and Auxiliary Equipment Manufacturing |
| 336414 | Guided Missile and Space Vehicle Manufacturing |
| 336415 | Guided Missile and Space Vehicle Propulsion Unit and Propulsion Unit Parts Manufacturing |
| 336419 | Other Guided Missile and Space Vehicle Parts and Auxiliary Equipment Manufacturing |
| 336992 | Military Armored Vehicle, Tank, and Tank Component Manufacturing |
| 336999 | All Other Transportation Equipment Manufacturing |
| 339112 | Surgical and Medical Instrument Manufacturing |
| 339113 | Surgical Appliance and Supplies Manufacturing |
| 339114 | Dental Equipment and Supplies Manufacturing |
| 339910 | Jewelry and Silverware Manufacturing |
| 339930 | Doll, Toy, and Game Manufacturing |

| 2017 NAICS Code | 2017 NAICS Title |
|------------------------|---|
| Manufacturing | |
| 339999 | All Other Miscellaneous Manufacturing |
| Wholesale Trade | |
| 423410 | Photographic Equipment and Supplies Merchant Wholesalers |
| 423420 | Office Equipment Merchant Wholesalers |
| 423430 | Computer and Computer Peripheral Equipment and Software Merchant Wholesalers |
| 423440 | Other Commercial Equipment Merchant Wholesalers |
| 423450 | Medical, Dental, and Hospital Equipment and Supplies Merchant Wholesalers |
| 423460 | Ophthalmic Goods Merchant Wholesalers |
| 423490 | Other Professional Equipment and Supplies Merchant Wholesalers |
| 423610 | Electrical Apparatus and Equipment, Wiring Supplies, and Related Equipment Merchant Wholesalers |
| 423620 | Household Appliances, Electric Housewares, and Consumer Electronics Merchant Wholesalers |
| 423690 | Other Electronic Parts and Equipment Merchant Wholesalers |
| 423810 | Construction and Mining (except Oil Well) Machinery and Equipment Merchant Wholesalers |
| 423820 | Farm and Garden Machinery and Equipment Merchant Wholesalers |
| 423830 | Industrial Machinery and Equipment Merchant Wholesalers |
| 423840 | Industrial Supplies Merchant Wholesalers |
| 423850 | Service Establishment Equipment and Supplies Merchant Wholesalers |
| 423860 | Transportation Equipment and Supplies (except Motor Vehicle) Merchant Wholesalers |
| 423920 | Toy and Hobby Goods and Supplies Merchant Wholesalers |
| 423940 | Jewelry, Watch, Precious Stone, and Precious Metal Merchant Wholesalers |
| 423990 | Other Miscellaneous Durable Goods Merchant Wholesalers |
| 424210 | Drugs and Druggists' Sundries Merchant Wholesalers |
| 424310 | Piece Goods, Notions, and Other Dry Goods Merchant Wholesalers |
| 424320 | Men's and Boys' Clothing and Furnishings Merchant Wholesalers |
| 424330 | Women's, Children's, and Infants' Clothing and Accessories Merchant Wholesalers |
| 424340 | Footwear Merchant Wholesalers |
| 424510 | Grain and Field Bean Merchant Wholesalers |
| 424520 | Livestock Merchant Wholesalers |
| 424590 | Other Farm Product Raw Material Merchant Wholesalers |
| 424610 | Plastics Materials and Basic Forms and Shapes Merchant Wholesalers |
| 424690 | Other Chemical and Allied Products Merchant Wholesalers |

| 2017 NAICS Code | 2017 NAICS Title |
|------------------------|--|
| Wholesale Trade | |
| 424710 | Petroleum Bulk Stations and Terminals |
| 424720 | Petroleum and Petroleum Products Merchant Wholesalers (except Bulk Stations and Terminals) |
| Retail Trade | |
| 441110 | New Car Dealers |
| 441120 | Used Car Dealers |
| 441222 | Boat Dealers |
| 441228 | Motorcycle, ATV, and All Other Motor Vehicle Dealers |
| 442210 | Floor Covering Stores |
| 443142 | Electronics Stores |
| 445120 | Convenience Stores |
| 445210 | Meat Markets |
| 445220 | Fish and Seafood Markets |
| 445230 | Fruit and Vegetable Markets |
| 445291 | Baked Goods Stores |
| 445292 | Confectionery and Nut Stores |
| 445299 | All Other Specialty Food Stores |
| 445310 | Beer, Wine, and Liquor Stores |
| 446110 | Pharmacies and Drug Stores |
| 446120 | Cosmetics, Beauty Supplies, and Perfume Stores |
| 446130 | Optical Goods Stores |
| 446191 | Food (Health) Supplement Stores |
| 446199 | All Other Health and Personal Care Stores |
| 447110 | Gasoline Stations with Convenience Stores |
| 447190 | Other Gasoline Stations |
| 448110 | Men's Clothing Stores |
| 448120 | Women's Clothing Stores |
| 448130 | Children's and Infants' Clothing Stores |
| 448140 | Family Clothing Stores |
| 448150 | Clothing Accessories Stores |
| 448190 | Other Clothing Stores |
| 448210 | Shoe Stores |
| 451110 | Sporting Goods Stores |
| 451120 | Hobby, Toy, and Game Stores |
| 451140 | Musical Instrument and Supplies Stores |
| 451211 | Book Stores |
| 451212 | News Dealers and Newsstands |
| 453110 | Florists |

| 2017 NAICS Code | 2017 NAICS Title |
|---------------------------------------|---|
| Retail Trade | |
| 453210 | Office Supplies and Stationery Stores |
| 453220 | Gift, Novelty, and Souvenir Stores |
| 453930 | Manufactured (Mobile) Home Dealers |
| 454110 | Electronic Shopping and Mail-Order Houses |
| 454390 | Other Direct Selling Establishments |
| Transportation and Warehousing | |
| 481211 | Nonscheduled Chartered Passenger Air Transportation |
| 481212 | Nonscheduled Chartered Freight Air Transportation |
| 481219 | Other Nonscheduled Air Transportation |
| 483112 | Deep Sea Passenger Transportation |
| 485310 | Taxi Service |
| 485320 | Limousine Service |
| 486110 | Pipeline Transportation of Crude Oil |
| 486210 | Pipeline Transportation of Natural Gas |
| 488330 | Navigational Services to Shipping |
| Information | |
| 511110 | Newspaper Publishers |
| 511120 | Periodical Publishers |
| 511130 | Book Publishers |
| 511140 | Directory and Mailing List Publishers |
| 511191 | Greeting Card Publishers |
| 511199 | All Other Publishers |
| 511210 | Software Publishers |
| 512110 | Motion Picture and Video Production |
| 512120 | Motion Picture and Video Distribution |
| 512131 | Motion Picture Theaters (except Drive-Ins) |
| 512132 | Drive-In Motion Picture Theaters |
| 512191 | Teleproduction and Other Postproduction Services |
| 512199 | Other Motion Picture and Video Industries |
| 515111 | Radio Networks |
| 515112 | Radio Stations |
| 515120 | Television Broadcasting |
| 515210 | Cable and Other Subscription Programming |
| 517312 | Wireless Telecommunications Carriers (except Satellite) |
| 519110 | News Syndicates |
| 519120 | Libraries and Archives |
| 519130 | Internet Publishing and Broadcasting and Web Search Portals |

| 2017 NAICS Code | 2017 NAICS Title |
|---|--|
| Finance and Insurance | |
| 522110 | Commercial Banking |
| 522120 | Savings Institutions |
| 522130 | Credit Unions |
| 522190 | Other Depository Credit Intermediation |
| 522210 | Credit Card Issuing |
| 522220 | Sales Financing |
| 522291 | Consumer Lending |
| 522292 | Real Estate Credit |
| 522293 | International Trade Financing |
| 522294 | Secondary Market Financing |
| 522298 | All Other Nondepository Credit Intermediation |
| 522310 | Mortgage and Nonmortgage Loan Brokers |
| 522320 | Financial Transactions Processing, Reserve, and Clearinghouse Activities |
| 522390 | Other Activities Related to Credit Intermediation |
| 523110 | Investment Banking and Securities Dealing |
| 523120 | Securities Brokerage |
| 523130 | Commodity Contracts Dealing |
| 523140 | Commodity Contracts Brokerage |
| 523920 | Portfolio Management |
| 523930 | Investment Advice |
| 523991 | Trust, Fiduciary, and Custody Activities |
| 523999 | Miscellaneous Financial Investment Activities |
| 524113 | Direct Life Insurance Carriers |
| 524114 | Direct Health and Medical Insurance Carriers |
| 524126 | Direct Property and Casualty Insurance Carriers |
| 524127 | Direct Title Insurance Carriers |
| 524128 | Other Direct Insurance (except Life, Health, and Medical) Carriers |
| 524210 | Insurance Agencies and Brokerages |
| 524291 | Claims Adjusting |
| 524292 | Third Party Administration of Insurance and Pension Funds |
| 524298 | All Other Insurance Related Activities |
| Real Estate and Rental and Leasing | |
| 531110 | Lessors of Residential Buildings and Dwellings |
| 531120 | Lessors of Nonresidential Buildings (except Miniwarehouses) |
| 531190 | Lessors of Other Real Estate Property |
| 531210 | Offices of Real Estate Agents and Brokers |
| 531311 | Residential Property Managers |

| 2017 NAICS Code | 2017 NAICS Title |
|---|---|
| Real Estate and Rental and Leasing | |
| 531312 | Nonresidential Property Managers |
| 531320 | Offices of Real Estate Appraisers |
| 531390 | Other Activities Related to Real Estate |
| 532310 | General Rental Centers |
| 532411 | Commercial Air, Rail, and Water Transportation Equipment Rental and Leasing |
| 532412 | Construction, Mining, and Forestry Machinery and Equipment Rental and Leasing |
| 532420 | Office Machinery and Equipment Rental and Leasing |
| 532490 | Other Commercial and Industrial Machinery and Equipment Rental and Leasing |
| Professional, Scientific, and Technical Services | |
| 541110 | Offices of Lawyers |
| 541120 | Offices of Notaries |
| 541191 | Title Abstract and Settlement Offices |
| 541199 | All Other Legal Services |
| 541211 | Offices of Certified Public Accountants |
| 541213 | Tax Preparation Services |
| 541214 | Payroll Services |
| 541219 | Other Accounting Services |
| 541310 | Architectural Services |
| 541320 | Landscape Architectural Services |
| 541330 | Engineering Services |
| 541350 | Building Inspection Services |
| 541360 | Geophysical Surveying and Mapping Services |
| 541370 | Surveying and Mapping (except Geophysical) Services |
| 541380 | Testing Laboratories |
| 541410 | Interior Design Services |
| 541420 | Industrial Design Services |
| 541430 | Graphic Design Services |
| 541490 | Other Specialized Design Services |
| 541511 | Custom Computer Programming Services |
| 541512 | Computer Systems Design Services |
| 541513 | Computer Facilities Management Services |
| 541519 | Other Computer Related Services |
| 541620 | Environmental Consulting Services |
| 541690 | Other Scientific and Technical Consulting Services |
| 541810 | Advertising Agencies |

| 2017 NAICS Code | 2017 NAICS Title |
|---|--|
| Professional, Scientific, and Technical Services | |
| 541820 | Public Relations Agencies |
| 541830 | Media Buying Agencies |
| 541840 | Media Representatives |
| 541850 | Outdoor Advertising |
| 541860 | Direct Mail Advertising |
| 541870 | Advertising Material Distribution Services |
| 541890 | Other Services Related to Advertising |
| 541921 | Photography Studios, Portrait |
| 541922 | Commercial Photography |
| 541930 | Translation and Interpretation Services |
| 541990 | All Other Professional, Scientific, and Technical Services |
| Management of Companies and Enterprises | |
| 551111 | Offices of Bank Holding Companies |
| 551112 | Offices of Other Holding Companies |
| 551114 | Corporate, Subsidiary, and Regional Managing Offices |
| Administrative and Support and Waste Management and Remediation Services | |
| 561311 | Employment Placement Agencies |
| 561312 | Executive Search Services |
| 561320 | Temporary Help Services |
| 561330 | Professional Employer Organizations |
| 561410 | Document Preparation Services |
| 561421 | Telephone Answering Services |
| 561422 | Telemarketing Bureaus and Other Contact Centers |
| 561431 | Private Mail Centers |
| 561439 | Other Business Service Centers (including Copy Shops) |
| 561440 | Collection Agencies |
| 561450 | Credit Bureaus |
| 561491 | Repossession Services |
| 561492 | Court Reporting and Stenotype Services |
| 561499 | All Other Business Support Services |
| 561510 | Travel Agencies |
| 561520 | Tour Operators |
| 561591 | Convention and Visitors Bureaus |
| 561599 | All Other Travel Arrangement and Reservation Services |
| 561611 | Investigation Services |
| 561612 | Security Guards and Patrol Services |
| 561621 | Security Systems Services (except Locksmiths) |

| 2017 NAICS Code | 2017 NAICS Title |
|---|---|
| Administrative and Support and Waste Management and Remediation Services | |
| 561622 | Locksmiths |
| 562211 | Hazardous Waste Treatment and Disposal |
| 562910 | Remediation Services |
| Educational Services | |
| 611110 | Elementary and Secondary Schools |
| 611310 | Colleges, Universities, and Professional Schools |
| 611410 | Business and Secretarial Schools |
| 611420 | Computer Training |
| 611430 | Professional and Management Development Training |
| 611610 | Fine Arts Schools |
| 611620 | Sports and Recreation Instruction |
| 611630 | Language Schools |
| 611691 | Exam Preparation and Tutoring |
| 611692 | Automobile Driving Schools |
| 611699 | All Other Miscellaneous Schools and Instruction |
| Health Care and Social Assistance | |
| 621111 | Offices of Physicians (except Mental Health Specialists) |
| 621112 | Offices of Physicians, Mental Health Specialists |
| 621210 | Offices of Dentists |
| 621310 | Offices of Chiropractors |
| 621320 | Offices of Optometrists |
| 621330 | Offices of Mental Health Practitioners (except Physicians) |
| 621340 | Offices of Physical, Occupational and Speech Therapists, and Audiologists |
| 621391 | Offices of Podiatrists |
| 621399 | Offices of All Other Miscellaneous Health Practitioners |
| 621410 | Family Planning Centers |
| 621420 | Outpatient Mental Health and Substance Abuse Centers |
| 621491 | HMO Medical Centers |
| 621492 | Kidney Dialysis Centers |
| 621493 | Freestanding Ambulatory Surgical and Emergency Centers |
| 621498 | All Other Outpatient Care Centers |
| 621511 | Medical Laboratories |
| 621512 | Diagnostic Imaging Centers |
| 621610 | Home Health Care Services |
| 624110 | Child and Youth Services |
| 624190 | Other Individual and Family Services |
| 624221 | Temporary Shelters |

| 2017 NAICS Code | 2017 NAICS Title |
|---|---|
| Health Care and Social Assistance | |
| 624229 | Other Community Housing Services |
| 624230 | Emergency and Other Relief Services |
| 624410 | Child Day Care Services |
| Arts, Entertainment and Recreation | |
| 711310 | Promoters of Performing Arts, Sports, and Similar Events with Facilities |
| 711320 | Promoters of Performing Arts, Sports, and Similar Events without Facilities |
| 711410 | Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures |
| 711510 | Independent Artists, Writers, and Performers |
| 713930 | Marinas |
| 713940 | Fitness and Recreational Sports Centers |
| 713950 | Bowling Centers |
| 713990 | All Other Amusement and Recreation Industries |
| Accommodation and Food Services | |
| 721211 | RV (Recreational Vehicle) Parks and Campgrounds |
| 722410 | Drinking Places (Alcoholic Beverages) |
| 722511 | Full-Service Restaurants |
| 722513 | Limited-Service Restaurants |
| 722514 | Cafeterias, Grill Buffets, and Buffets |
| 722515 | Snack and Nonalcoholic Beverage Bars |
| Other Services | |
| 811111 | General Automotive Repair |
| 811112 | Automotive Exhaust System Repair |
| 811113 | Automotive Transmission Repair |
| 811118 | Other Automotive Mechanical and Electrical Repair and Maintenance |
| 811121 | Automotive Body, Paint, and Interior Repair and Maintenance |
| 811122 | Automotive Glass Replacement Shops |
| 811191 | Automotive Oil Change and Lubrication Shops |
| 811192 | Car Washes |
| 811198 | All Other Automotive Repair and Maintenance |
| 811211 | Consumer Electronics Repair and Maintenance |
| 811212 | Computer and Office Machine Repair and Maintenance |
| 811213 | Communication Equipment Repair and Maintenance |
| 811219 | Other Electronic and Precision Equipment Repair and Maintenance |
| 812111 | Barber Shops |
| 812112 | Beauty Salons |
| 812113 | Nail Salons |
| 812191 | Diet and Weight Reducing Centers |

| 2017 NAICS Code | 2017 NAICS Title |
|----------------------------|---|
| Other Services | |
| 812199 | Other Personal Care Services |
| 812310 | Coin-Operated Laundries and Drycleaners |
| 812320 | Drycleaning and Laundry Services (except Coin-Operated) |
| 812990 | All Other Personal Services |