



FEB 24, 2020

Mr. Nicholas Shapiro  
621 Charles E. Young Drive S.  
Box 957221, 3360 LSB  
Los Angeles, CA 90095-7221

Dear Mr. Shapiro:

This is in response to your October 24, 2019, Freedom of Information Act (FOIA) request, which was forwarded to the Occupational Safety and Health Administration's (OSHA), Directorate of Enforcement Programs (DEP) for response. Your request has been assigned FOIA tracking number 884433. Please reference this number in any future correspondence.

You requested and stated the following: **Access to a digital copy of OSHA inspection and violation data for all facilities with NAICS code "922140" (correctional institution) from January 1st, 2003 until present day. I am requesting that this information be supplied in an editable digital format, preferably in a spreadsheet (please not a pdf unless otherwise impossible), so that I can analyze this data statistically and also to reduce any costs that would otherwise result from printing hard copies. In terms of inspection data I am seeking column headings that are consistent with those found in your inspection database including: Activity, Date Opened, RID, State, Type, Sc, NAICS, Violations, Establishment Name.**

**For each facility with NAICS code "922140" that has a violation, I request the full inspection information, Violation Summary, Violation Items and, most importantly, Violation Detail (including Violation Items + Penalty and Failure to Abate Event History and Standard Cited). If your agency does not maintain these public records, please let me know who does and include the proper custodian's name and address.**

**Analyzing this data will likely result in a greater understanding of the workplace safety of those working at correctional facilities vis-a-vis OSHA inspection activities. Although this data is in the public domain this data is not in the public domain in a format that allows for statistical analysis. Providing the database that serves as the backend of your online search tool will make possible new research and insights.**

On January 22, 2020, upon request by DEP, you provided additional insight:

**I am not requesting any information that is not in the [Department of Labor (DOL) Data Enforcement Catalog]. But the way data is presented in the catalog makes it extremely daunting to aggregate data by industry and therefore perform analyses by industry. In other words the catalog only lets us see the individual trees and not the forest. It is easy to get an individual facility's history but to make an analysis of the whole industry would require hundreds of hours of copying and pasting individual data, as you would search by NAICS code and then have to click into each facility and copy and paste the data individually into a new spreadsheet. We are trying to understand OSHA compliance, inspection, and enforcement in correctional institutions as a whole. We wish to understand what are the main types of issues in correctional institutions, what facilities have the most violations, what regions or states have very few inspections etc. That is why we are asking for this data and why we are asking for it in a spreadsheet format.**

A reasonable search for records identified that publicly available information contained in the DOL Data Enforcement Catalog ([https://enforcedata.dol.gov/views/data\\_summary.php](https://enforcedata.dol.gov/views/data_summary.php)) is fully responsive to your request.

OSHA understands that you had difficulties in using the DOL Data Enforcement Catalog. However, a review of this matter revealed that the catalog now contains a new visual tool by which you can analyze data on an industry basis. In addition to displaying aggregate data visually, it may also be downloaded into Excel. This tool is available at: <https://enforcedata.dol.gov/views/searchExplorer.php>.

To perform a query for NAICS 922140, do the following:

1. At the link, click **NAICS**, then **Other**. Enter 922140.
2. If you select another option on the chart, for instance – **State**, the data under NAICS 922140 will further aggregate by state.
3. If you select **Violation**, the State option will clear and the 922140 data will aggregate by the number of Serious, Repeat, Willful, and Other violations.
4. To download the visual data into Excel for further analysis, on the right side, hover your mouse over the second icon labeled **Export data**.
5. The preparing for download notice will appear and when the process is complete, click the **Download Ready** link.
6. The enforcement data will download onto your computer as an Excel workbook.

If you have any questions about this FOIA determination, please contact DEP at (202) 693-2100.

You have the right to appeal this decision with the Solicitor of Labor within 90 days from the date of this letter. The appeal must state, in writing, the grounds for the appeal, including any supporting statements or arguments. The appeal also should include a copy of your initial request and a copy of this letter.

If you appeal, you may mail your appeal to: Solicitor of Labor, U.S. Department of Labor, 200 Constitution Avenue, N.W., Room N-2420, Washington, D.C. 20210 or fax your appeal to (202) 693-5538. Alternatively, you may email your appeal to [foiaappeal@dol.gov](mailto:foiaappeal@dol.gov); appeals submitted to any other email address will not be accepted. The envelope (if mailed), subject line (if



emailed), or fax cover sheet (if faxed), and the letter indicating the grounds for appeal, should be clearly marked: "Freedom of Information Act Appeal."

In addition to filing an Appeal, you may contact the Department's FOIA Public Liaison, Thomas G. Hicks, Sr. at (202) 693-5427 or [hicks.thomas@dol.gov](mailto:hicks.thomas@dol.gov) for assistance in resolving disputes.

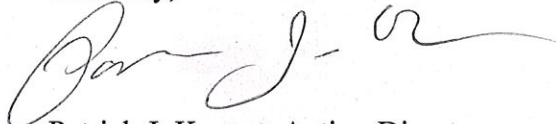
You also may contact the Office of Government Information Services (OGIS) for assistance. OGIS offers mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may mail OGIS at the Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001. Alternatively, you may email or contact OGIS through its website at: [ogis@nara.gov](mailto:ogis@nara.gov); Web: <https://ogis.archives.gov>. Finally, you can call or fax OGIS at: telephone: (202) 741-5770; fax: (202) 741-5769; toll-free: (877) 684-6448.

It also is important to note that the services offered by OGIS, are not an alternative to filing an administrative FOIA appeal.

Outside of the FOIA, given the difficulties you experienced in using the OSHA Data Catalog, and for your convenience, DEP conducted a search in the catalog that it believes represents the search you would conduct in the catalog to obtain the information you request. DEP encloses an Excel workbook that contains the results of that search. The Excel workbook was generated through the query process described above. To identify an OSHA area office associated with an inspection event, please reference the enclosed Regional Identification (RID) listing. A listing of IMIS codes is also provided for your information.

DEP emphasizes that it is enclosing the Excel workbook for your convenience, and not in response to this FOIA request. In this respect, DEP notes that it does not warrant or guarantee that the results it obtained in its search contains all the information you requested. Since this information is publicly available in the format you requested, DEP encourages you to conduct your own search in the OSHA Data Catalog.

Sincerely,



Patrick J. Kapust, Acting Director  
Directorate of Enforcement Programs

Enclosures