



# GRASSROOTS

## Worker Protection 2010 OSHSPA Report

State plan activities of the  
Occupational Safety and Health  
State Plan Association







# **GRASSROOTS**

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## **Worker Protection** **2010 OSHSPA Report**



## Occupational Safety & Health State Plan Association

October 26, 2010

On September 1, 2009, the Illinois Public Employee State Plan was approved by OSHA, making them the most recent State to implement a State Plan administered program. The Illinois program covers more than 1 million public workers, including 161,200 state government workers and 690,000 municipal workers, along with workers in the public education sector. Overall the U.S. Secretary of Labor has approved twenty-seven states and territories to operate State Plans, twenty two of which cover both private and public sector employment while four states and one territory cover public sector employment only. On behalf of the other twenty-six State Plan members of the Occupational Safety and Health State Plan Association (OSHSPA), I am pleased to welcome Illinois as our recent member of OSHSPA.

In FY 2009, State Plans conducted 61,016 compliance inspections resulting in the identification and elimination of approximately 130,000 hazardous violations. This is a notable amount of activity, especially considering states were faced with significant state budget deficits, limited federal funding, position eliminations, employee furloughs, and hiring freezes. State Plan enforcement activities in conjunction with standards development, targeting, outreach initiatives, cooperative programs, partnerships, emphasis programs and other activities described in this publication have contributed significantly towards further reducing injuries, illnesses and fatalities within state plan jurisdictions.

The *Grassroots* publication is a great source for all in the safety and health community to learn about the varied approaches and innovative methods utilized by our State Plan members. It is desirable for State Plans and OSHA to work together, to ensure that our combined limited resources have the greatest impact on achieving our mutual goals of further reducing injuries, illnesses and fatalities. However, it is important to note that although OSHA and State Plans share many of the same goals there are often different approaches which can be utilized in an effort to achieve similar positive results. The authors of the OSHACT made provisions for State Plan program administration that recognized that an individual state might choose equal or more effective approaches to achieving the common goal of ensuring safe workplaces. With that in mind, OSHSPA members look forward to the opportunity of being included by OSHA as an integral part of national policy and standards development, where it is determined by both parties that it would be mutually beneficial.

As OSHSPA Chair, I commit to working towards strengthening the OSHSPA -OSHA partnership as I believe it is the best way to enhance occupational safety and health in our nation's workplaces.

Sincerely,

Kevin D. Beauregard, CSP  
OSHSPA Chair

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Thank you for the opportunity to write this introductory letter to the Occupational Safety and Health State Plan Association's 2010 edition of *Grassroots Workplace Protection*. This year's report documents the contributions made by the Occupational Safety and Health Administration's State Plan partners to the protection of America's working men and women.

The recent series of catastrophic workplace events has highlighted the reality that, for OSHA, doing more of the same, but doing it better and with more resources, is necessary, but is not nearly enough to protect America's workers. Federal OSHA has taken decisive steps to return to the original intent of the OSHAct by implementing an aggressive regulatory and enforcement agenda with setting and enforcing workplace standards as a central focus. We are making fundamental changes in the way employers and workers cooperate to secure safe workplaces. We also recognize that our State Plan partners play an integral role in effectuating these changes and, we agree, that they must have the opportunity to participate in the development of these policies. The success of the national OSHA program is largely tied to the continued cooperation and participation of our State plan partners.

The State Plans have worked closely with OSHA over the years, and I am aware of the talent, innovation and professionalism of our State Plan partners. The States' cooperation in working with our Regions in producing the recent baseline special evaluation "Enhanced FAME" reports is one example. Many state OSHA programs address challenges differently and there is much that federal OSHA can learn from State Plan experience. At the same time, our State Plan partners will grow in strength and effectiveness by embracing federal OSHA's new initiatives and approaches. I am confident that by continuing to work together we can transform our differences into our assets in a united effort to make workplaces safer across the country.

I look forward to our continuing dialogue and joint efforts toward a consistent national OSHA approach for the protection of the nation's workers.

Sincerely,

David Michaels, PhD, MPH

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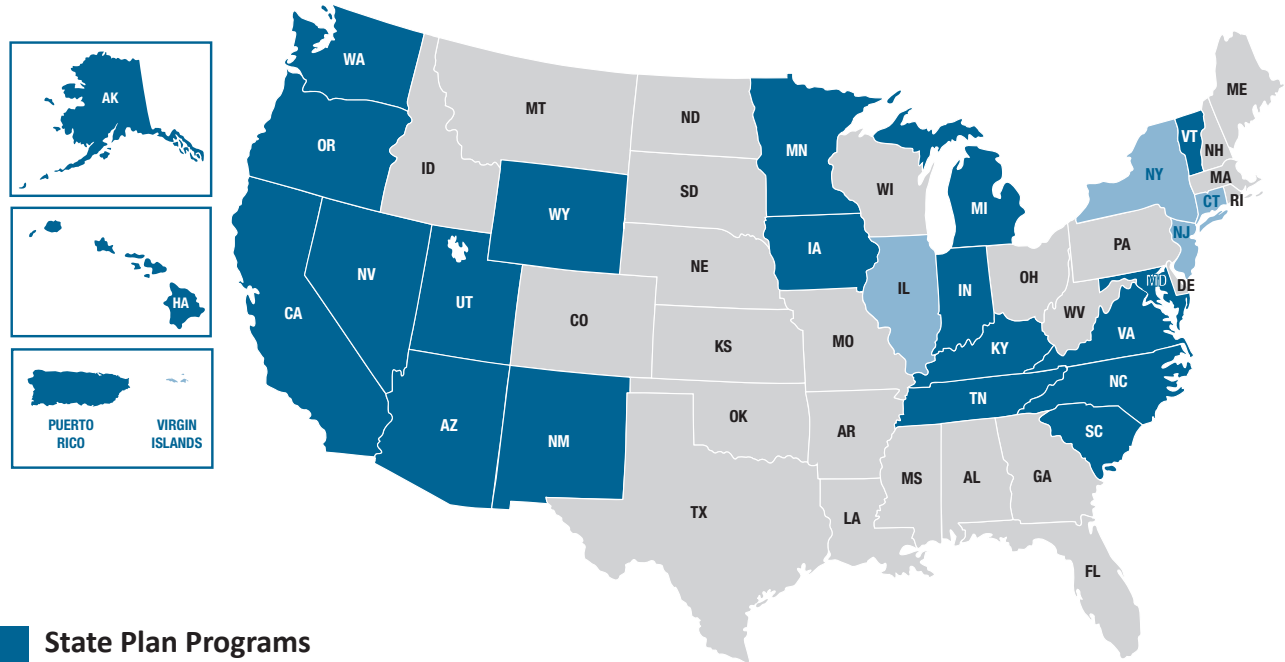
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# OSHSPA – Map



## State Plan Programs

### Covering Private and Public Sectors

Alaska	New Mexico
Arizona	North Carolina
California	Oregon
Hawaii	Puerto Rico
Indiana	South Carolina
Iowa	Tennessee
Kentucky	Utah
Maryland	Vermont
Michigan	Virginia
Minnesota	Washington
Nevada	Wyoming

## State Plan Programs

### Covering Public Sector Only

Connecticut	New York
Illinois	Virgin Islands
New Jersey	

## States Covered by Federal OSHA

### Private Sector Only

Alabama	Montana
Arkansas	Nebraska
Colorado	New Hampshire
Connecticut	New Jersey
Delaware	New York
Dist. of Columbia	North Dakota
Florida	Ohio
Georgia	Oklahoma
Idaho	Pennsylvania
Illinois	Rhode Island
Kansas	South Dakota
Louisiana	Texas
Maine	Virgin Islands
Massachusetts	West Virginia
Mississippi	Wisconsin
Missouri	



OSHSPA is the Occupational Safety and Health State Plan Association, an organization of 27 states and territories that have OSHA-approved state plans. OSHSPA is the link between the state plans, federal OSHA, and Congress. OSHSPA representatives meet three times a year to exchange information and address shared concerns. OSHSPA representatives also appear before congressional committees and other hearings to report on workplace safety and health matters.

The Occupational Safety and Health Act of 1970 gives states and territories the right to develop their own workplace safety and health plans and to enforce safety and health rules within their jurisdictions. Federal OSHA approves and monitors state plans and funds up to 50 percent of their operating costs. State plans must be as effective as federal OSHA in enforcing safe and healthful working conditions.

State plans affect the safety and health of more than 57 million workers. In addition to their enforcement role, state plans help employers make safer workplaces with free consultative services, education, and technical assistance.

### Protecting public-sector employees

The Occupational Safety and Health Act of 1970 does not cover public-sector employees; however, the state plans give equal protection to public- and private-sector employees. This is a significant benefit to public employees because some of the most hazardous occupations — firefighting, emergency response, corrections, law enforcement, publicly funded health care facilities, and transportation — are in the public sector.



# OSHSPA – States at a glance

## States and territories with approved safety and health plans

	1	2	3			4	5
	Operational status agreement	Different standards	21(d) on-site consultation agreement	On-site maritime coverage	Initial approval	Certified	18(e) Final approval
◆ Alaska			yes		07/31/73	09/09/77	09/28/84
◆ Arizona			yes		10/29/74	09/18/81	06/20/85
California	yes	yes	yes	yes	04/24/73	08/12/77	
Connecticut			yes		10/02/73	08/19/86	
Hawaii			yes		12/28/73	04/26/78	04/30/84
◆ Illinois			yes		09/01/09		
◆ Indiana			yes		02/25/74	09/24/81	09/26/86
Iowa			yes		07/20/73	09/14/76	07/02/85
◆ Kentucky					07/23/73	02/08/80	06/13/85
◆ Maryland			yes		06/28/73	02/15/80	07/18/85
◆ Michigan	yes	yes	yes		09/24/73	01/16/81	
◆ Minnesota			yes	yes	05/29/73	09/28/76	07/30/85
◆ Nevada			yes		12/04/73	08/13/81	04/18/00
◆ New Jersey		yes	yes		01/11/01		
◆ New Mexico	yes		yes		12/04/75	12/04/84	
◆ New York			yes		06/01/84	8/18/06	
◆ North Carolina			yes		01/26/73	09/29/76	12/10/96
◆ Oregon	yes	yes	yes		12/22/72	09/15/82	05/12/05
◆ Puerto Rico	yes				08/15/77	09/07/82	
◆ South Carolina			yes		11/30/72	07/28/76	12/15/87
◆ Tennessee			yes		06/28/73	05/03/78	07/22/85
Utah			yes		01/04/73	11/11/76	07/16/85
◆ Vermont	yes		yes		10/01/73	03/04/77	
Virgin Islands			yes		08/31/73	09/22/81	04/17/84
◆ Virginia			yes		09/23/76	08/15/84	11/30/88
◆ Washington	yes	yes		yes	01/19/73	01/26/82	
Wyoming			yes		04/25/74	12/18/80	06/27/85

◆ Report included in this document

1 - Operational status agreement: Concurrent federal OSHA jurisdiction suspended

2 - Different standards: Standards not identical to federal standards

3 - 21(d) consultation agreement: On-site consultation available

4 - Certified: Date development steps completed

5 - 18(e) Final approval: Date concurrent federal jurisdiction relinquished

# OSHSPA – Numbers at a glance

## FY 2009 – overview

• Federal OSHA budget	\$513,042,000.00
• Funding by state plan programs	\$184,201,620.00
• Allocated state plan positions	2,664
• State plan employees covered	55,420,600
• On-site visits	104,340
• Compliance inspections	61,016
• Inspections with violations cited	37,978
• Average violations per initial inspection	3.3
• Average violations per inspection with violations cited	3.4
• Percentage of inspections with no violations	38%
• Total current penalties	\$60,556,670.00
• Average penalty per serious violation	\$800.00
• Contested cases	3,152

Federal OSHA budget	FY 2009
• Federal OSHA	\$513,042,000
• State plans 23(g)	\$92,593,000
• State plans 21(d)	\$27,482,000
<b>Total</b>	<b>\$633,117,000</b>

*Source: OSHA Office of Program Budgeting & Financial Management*

Funding by state plan programs	FY 2009
• State plans 23(g) - 50 percent match	\$92,393,000*
• State plans 100 percent funding - state funding	\$91,808,620
• State plans 21(d) contribution	\$3,053,556
<b>Total</b>	<b>\$187,255,176</b>

*\*Effective July 1, 2003, the required match for Virgin Islands is waived up to \$200,000*

*Source: OSHA Office of Program Budgeting & Financial Management*

## OSHSPA — Numbers at a glance continued

Compliance inspections	FY 2009
• Safety	48,002
• Health	13,014
<b>Total</b>	<b>61,016</b>

*Source: OSHA Inspection Reports, State Plans 11/19/09*

Compliance inspections by type	FY 2009
• Programmed/scheduled	39,538
• Complaint	8,573
• Referral	4,448
• Accident	3,098
• Other	2,696
• Follow-up	2,663
<b>Total</b>	<b>61,016</b>

*Source: OSHA Inspection Reports, State Plans 11/19/09*

Allocated state plan positions	FY 2009	FY 2010	Change
• Safety compliance	815.5	878.8	+63.3
• Health compliance	428.0	452.6	+24.6
• Safety consultants 23(g)	66.7	53.8	-12.9
• Health consultants 23(g)	50.5	41.0	-9.5
<b>Totals</b>	<b>1360.8</b>	<b>1426.2</b>	<b>+65.4</b>

*Source: FY 2009 State Plan Grant Application*

## OSHSPA — Numbers at a glance continued

Onsite visits	FY 2009
• Compliance – state plans	61,016
• Consultation 21(d) – initial private sector, 54 projects	24,084
• Consultation 21(d) – initial private sector, state plans	12,775
• Consultation 21(g) – training private sector, 54 projects	3,744
• Consultation 23(g) – initial private sector	2,811
• Consultation 21(d) – follow-up private sector, 54 projects	2,129
• Consultation 21(d) – training private sector, state plans	1,392
• Consultation 21(d) – follow-up private sector, state plans	1,071
• Consultation 23(g) – follow-up private sector	87
• Consultation 23(g) – training private sector	129
<b>Total</b>	<b>109,238</b>

*Note: 21(d) consultation data is shown for both the 21(d) consultation projects in 24 state plan states and for all 54 21(d) consultation projects nationwide.*

*In previous years, 21(d) data in the Grassroots report has reflected only the nationwide data.*

State-plan employees covered	FY 2009
• Private sector	43,893,800
• Public sector	11,526,800
<b>Total</b>	<b>55,420,600</b>

*Source: BLS Employment and Earnings, 2009*



### Signature projects

**Young Workers:** 2009 was the second full year of Alaska's youth workplace safety education and outreach program. Interest in and acceptance of the program increased significantly as more than 5,000 middle and high school students were provided introductory workplace safety training in 57 schools across Alaska. In addition, training seminars were presented to the top 25 employers of youth in Alaska. The program focuses on hazard identification and elimination in the types of jobs that most young workers get their first employment exposures. The project aims to get Alaskans thinking about workplace safety and health in a positive light from a young age with the goal of reducing Worker's Compensation claim accidents and providing a solid foundation for a life-long positive attitude toward workplace safety and health.

The Youth Training Coordinator provided safety training to more than 800 high school students during a cooperative construction job fair supported by labor unions, construction companies and the State of Alaska in which young workers get an opportunity to operate equipment, build basic structures, and explore the various construction craft career opportunities with hands-on demonstrations. Another focused event resulted in safety training in various subjects (ladder use, machine guarding, personal protective equipment, etc.) to over 240 youth for a full day at the Alaska Job Corps Center.

The ultimate expectation of the youth safety and health training initiative is that accident rates for young workers will drop immediately and that overall accident rates for all age groups will be reduced in the long term. The number of Worker's Compensation claims for workers in the 16 to 19 year old category was reduced from 169 in 2008 to just 38 in 2009.

**Seafood Processing:** 2009 marked the second year of focused efforts to develop cooperative efforts with the seafood processing industry. This industry experiences significant hazards and accident rates are high. Work is performed in highly mechanized environments under cold, wet time-sensitive conditions due to the perishable nature of the product and the workforce is highly transient with a high percentage of workers who do not speak English as their primary language. Many facilities have ammonia refrigeration systems which require compliance with process safety management regulations.

In addition to outreach efforts, seafood processing will be targeted for enforcement inspections over the next five years beginning in 2009. In 2009, 12 seafood processors received enforcement inspections and 33 received consultation services. Three seafood processing sites qualified for the Alaska Safety and Health Achievement Recognition Program (SHARP) in 2009, which represents the first participation in SHARP for the seafood processing industry in Alaska. Trident Seafoods has demonstrated significant commitment and leadership by entering a partnership agreement with AKOSH, qualifying two plants for SHARP and reducing its total recordable case rate from 7.6 in 2007 to 3.46 in 2009. The loss time injury and illness rate for the seafood processing industry in Alaska was reduced from 4.91 to 4.06 or 17% in 2009.



Trident Seafoods (SHARP company) processing facility.

## Emphasis programs

AKOSH has strategic emphases to reduce accidents in the seafood processing, construction and transportation/warehousing industries. The lost time rate results for these industries demonstrated significant progress over the year:

- Seafood Processing – 17% reduction,
- Construction – 20% reduction,
- Transportation/Warehousing – 18% reduction.

Although AKOSH did not adopt the National Emphasis Program on Process Safety Management in refineries, AKOSH is continuing efforts to conduct PSM inspections at oil and gas processing establishments and seafood processing plants with large ammonia refrigeration systems. Scott Ketcham, OSHA Area Director in Anchorage, provided AKOSH CSOs with training in oil and gas related inspections and this valuable training resulted in several inspections of oil and gas drilling sites.

## Enforcement

**Reporting:** The number of inspections increased in 2009 and the quality of reports and inspection supporting documentation continued to improve as new CSHOs received the best training available from the OSHA Training Institute and internal AKOSH sources.

**Asbestos:** In a significant case involving asbestos exposure during a building renovation project, AKOSH issued six citations for alleged willful violations associated with failure to adequately assess and protect against health hazards related to asbestos exposure. Northern Lights Center, LLC ultimately resolved the citations with a payment of \$72,000 in penalties.

**Oil and Gas:** AKOSH has increased inspections of oil and gas infrastructure. In a significant case, AKOSH inspected a gathering center operated by BP Alaska at Prudhoe Bay and identified 3 repeat violations associated with PSM requirements. BP Alaska was previously cited for similar alleged violations at another facility in the Prudhoe Bay oil field, but failed to implement changes necessary to correct the alleged violations across all similar facilities. Ultimately, BP Alaska paid \$69,100 as a settlement to resolve the alleged violations.

## Outreach

AKOSH engaged in a radio and television advertising campaign to promote safe, healthy jobs and focus attention on hazards in the workplace. The advertisements ran throughout the state and generated significant interest and consultation requests. The general concept was to encourage interest from all Alaskans with the ultimate goal of improving attitudes and the overall safety and health culture in Alaska.

The 2009 Annual Governor's Safety and Health Conference was extremely successful with increased participation and sponsorship even in the face of economic uncertainty. Attendees took advantage of dozens of industry related safety and health training topics. In the second year of a pilot project, over 50 high school students attended a half-day of training sessions geared for youth. The response from the students and teachers involved was tremendous and the program will be an integral part of future conferences.

## Partnerships

AKOSH developed the Construction and Health Safety Excellence partnership for construction companies. Participation increased substantially in 2009 from two members to seven members. These partnerships are critical to establishing industry leaders and business support for improved workplace safety and health efforts and results in construction.

AKOSH established 16 VPP sites as of 2009 and maintained 16 SHARP sites. These recognition programs continue to produce tremendous results as participants are committed not just to meet AKOSH standards, but to exceed them in a positive, cooperative environment.



E.A. & Jenny Rasmuson Community Health Center earns SHARP status.

### Emphasis programs

During 2009, Arizona focused on historical as well as some new areas of emphasis. Fall and excavation hazards continue to be areas of critical importance. Arizona aggressively addresses these types of hazards and we are seeing overall improvements as a result. Compliance with fall and excavation requirements is growing.

Arizona also began a new emphasis program targeting inspections toward employers with higher experience modification rates. The initial results indicate that this emphasis program has been successful in indentifying employers with greater numbers of conditions in violation of ADOSH standards.

### Enforcement

One notable enforcement case in Arizona involved an excavation project conducted by Innova Engineering. Innova employees were observed working in an excavation that lacked any protective measures. After investigation, ADOSH issued willful serious citations. The company ultimately accepted the willful citations and a substantial penalty amount.

### Partnerships

Arizona's Voluntary Protection Program and SHARP program continue to be effective components of the state's overall efforts to improve occupational safety and health. Arizona currently has 29 members of the VPP Program, with additional applications under review. The VPP is an excellent example of what employers can accomplish when they involve employees in the safety management process. Arizona expanded its VPP efforts to include general contractors in the construction industry and we recently approved our third general contractor into this program.



The Illinois State Plan for public employees is enforced by the Illinois Department of Labor-Safety Inspection and Education Division (IDOL-SIED). While the Division has been operational since 1985, it only became a developmental State Plan on September 1, 2009. The Illinois public sector constituency consists of approximately 22,000 public worksites with an estimated 1,071,699 public employees.

### Signature projects

The majority of the Illinois State Plan's projects are based upon the developmental steps in the program application, including the Administrative Rules, Staffing, the Field Operations Manual, the BLS survey and the state poster.

The Administrative Rules that formalize Illinois' adoption of the current OSHA standards for enforcement were updated and kept current. The remaining administrative rules that apply to program administration and recordkeeping are being revised.

The SIED staff has been enhanced by the promotion and addition of critical management, support and Enforcement field staff. The current Division headcount is 15.

An Illinois Field Operations Manual has been drafted and is undergoing review to ensure consistency with the OSHA Field Operations Manual and its updates.

IDOL-SIED has joined the OSHA IMIS system and has been entering enforcement reporting data since January 2010. This system has altered the enforcement reporting program significantly.

The Bureau of Labor Statistics survey is administered by a different state agency. An agreement to expand the survey to meet the OSHA requirements for public sector is being developed.

The Illinois Health and Safety poster is also being updated to include the OSHA requirements for State Plans.



On March 24, 2010, OSHA Assistant Secretary David Michaels recognized Illinois' approval as a State Plan State.

## Enforcement

For 2009, IDOL-SIED conducted the following inspections/investigations:

- Fatality/Accident Investigations – 11,
- Complaint Inspections – 123,
- General Inspections – 1,077,
- Follow-up Inspections – 382.

## Outreach

For 2009, IDOL-SIED conducted the following consultation activities:

- Educational/Training Classes – 240,
- Advisory Inspections – 189,
- Program Evaluations – 103.

The Illinois program has three years to meet the developmental steps outlined in the State Plan application and will be using these parameters in lieu of a performance plan until that time.

### Signature projects

The Indiana Occupational Safety and Health Administration (IOSHA) has an ongoing relationship with the Indiana Department of Homeland Security (IDHS). In this effort, IOSHA continues to provide imbedded safety officers for the Incident Management/Response teams (IMAT). The imbedded IOSHA safety officers assist in providing training, monitoring exercises and accompanying the teams on deployment. IDHS and the Federal Emergency Management Agency (FEMA) regularly call on the knowledge and expertise of the IMAT safety officers from IOSHA. This assignment is a time consuming commitment for the three IOSHA safety officers that assist in the management of this effort. The IOSHA safety officers have gone through extensive training and are well equipped, even beyond that of the standard OSHA compliance officer to respond in the event of an emergency. This working relationship has improved IOSHA's rapport with the IDHS, FEMA, State Fire Marshal and local police departments.

IOSHA has also developed working relationships with the Environmental Protection Agency's (EPA) Criminal Investigative Division, the Attorney General, and the Federal Bureau of Investigation (FBI). Since these involve criminal investigations, IOSHA personnel work mainly in the early parts of the investigation, providing technical assistance as requested to the investigative agency.

In addition to interagency cooperation, an IOSHA supervisor developed a two-year training track to provide training opportunities for IOSHA Compliance Safety and Health Officers and INSafe Safety and Health Consultants. IOSHA's INservice training opportunities have included classroom training as well as live demonstrations, covering topics such as combustible dust, NFPA 70E, machine safeguarding, as well as others. Training is provided by both in-house and trained industry experts at no cost to the department.

## Emphasis programs

The IDOL continues to work a wide array of emphasis programs. Local emphasis programs include Trenches, Fall Protection, and Scaffolds. The agency also cooperates heavily with Federal OSHA by participating in a number of National Emphasis Programs (NEPs) such as Amputations, Grain Dust, Combustible Dust, Lead and Silica. These programs take a significant amount of time. However, the programs are geared toward the worst employers with the worst hazards. Based on that observation, the IDOL believes the programs are worth the time commitment.

## Enforcement

IOSHA still subscribes to the “balanced enforcement” model. The IDOL believes that not all employers will respond to the same drivers. Some employers work best when presented smaller fines and significant training opportunities. Other employers may only respond to the specter of large or potentially crippling fines. IOSHA Directors work hard to separate these two types of employers so that the outcome of any informal conference or hearing ensures employee safety first.

Indiana OSHA’s administrative hearing process is controlled by the Indiana Board of Safety Review (BSR). The BSR functions in a similar manner to the Federal OSHA Review Commission. During 2009, the BSR continued to work the case backlog down. High priority was given to older cases. The Deputy Commissioner of Labor has specific goals for number of open cases and age limit for older cases. Since the first quarter of 2006 the BSR’s lapse time or time from filing of a case to final disposition has dramatically decreased from 1218 days to 288 days.

In 2009, the Legislature provided a new outlet for IOSHA fine collection. This process is so named for its final document, the “Warrant.” The new process involves the use of a warrant conveyed to the County Clerk that attaches assets of a business that fails to pay a Final Safety Order. The execution of the warrant is the culmination of several documented attempts at collection. The process has seen moderate success thus far.

## Outreach

In 2009, INSafe, Indiana's OSHA consultation program fulfilled more than 400 requests for consultation. In addition to the on-site consultation efforts, the IDOL continuously strives to expand and enhance our customer service initiatives, and improve the quality of services provided to Hoosiers in the workplace. This is all the more apparent in our agency goals, which among those listed is to provide customer driven service. In 2009, the IDOL initiated multiple programs and efforts to meet not only our goal of providing customer driven service, but also the additional agency goals of providing transparent service, and making efforts to reduce occupational injuries and fatalities. To achieve these goals, the IDOL added many new and enhanced features available on our website. The IDOL continues to produce educational materials to reach out to and educate the Hoosier workforce.

One significant website feature added in 2009 was the online posting of IOSHA safety orders and settlement agreements. While IOSHA safety orders are always available upon submission of Public Records Request Form, never before has this information been so readily accessible. As we seek to provide transparent services, we make safety orders which are likely to receive the most inquiries available online. IOSHA safety orders and settlement agreements which exceed \$10,000 in monetary penalties and/or involve a fatality are readily available on our website. This process allows readily access to the information, making it less time consuming for both the customer and the IDOL. On average, our IOSHA Safety Order webpage is visited more than 280 times each month.

In addition to our posting IOSHA safety orders online, the IDOL partnered with two other state agencies to develop a worker safety and health training video for the Young Hoosier Conservation Corps (YHCC) in 2009. The YHCC, a program funded by the American Recovery and Reinvestment Act (ARRA), hired 2,000 young workers to assist in repairing and restoring Indiana's natural resources and historic structures. The video was intended to educate the YHCC's young workers on general workplace safety. All hired workers were between the ages of 16 and 24, and had a family income at or below the poverty level. With such a large influx in the number of young Hoosiers in the workforce, many of whom had never had a job, the IDOL recognized the necessity and the opportunity to educate a large number of young adults on workplace safety and health.

The safety video was viewed by all 2,000 YHCC workers, as well as others, as awareness of the video has increased over the past year. The release of the video was also shared with the members of the Indiana Restaurant Association and the Parks and Recreation Association, both of which employ large numbers of young workers.



## Partnerships



Indiana Commissioner of Labor Lori A. Torres and Deputy Commissioner of INSafe Sean Keefer sign a strategic alliance with Indiana University's Heartland Safety and Health Education Center.

The IDOL's network of partners and alliance members has furthered efforts in ensuring safe and healthy workplaces for Hoosier workers. A strategic occupational safety and health alliance with the IDOL and the Heartland Safety and Health Education Center was formed in late 2009. The alliance is one of mutual benefit, in that; the IDOL endorses Heartland as one of their preferred trainers. In addition, IOSHA and INSafe staff members may attend training courses free of charge. The IDOL was also successful in working with the Indiana Builder's Association to sign an alliance in late 2009. The alliance will benefit members of the association through on-site consultation and group training initiatives.

Three new occupational safety and health partnerships were also signed in 2009. New partnerships include EH Construction and the demolition/remodel of an elementary school in southern Indiana, Weigand Pepper JV and the construction of a regional medical complex in Fort Wayne, Indiana, and Meyer Najem and the construction of an orthopaedic surgical center in Greenwood, Indiana. The IDOL's partnerships have been an excellent tool for interacting with and reaching out to small subcontractors on jobsites as well as seeing best practices utilized by construction managers.



IOSHA signs a partnership agreement with Weigand Pepper JV covering the construction of the Parkview Regional Medical Center in Fort Wayne.

## Signature projects

**Governor's Safety and Health Conference and Exposition:** The Kentucky Labor Cabinet, in conjunction with the Kentucky Safety and Health Network, Inc., presented the 26th Annual Governor's Safety and Health Conference and Exposition in Louisville. The highly successful event featured pre-conference courses, 56 concurrent workshops focusing on state of the art safety and industrial hygiene techniques, current issues, and trends in workplace safety and health. Outstanding keynote speakers included OSHA Deputy Assistant Secretary Jordan Barab; Astronaut Mike Mullane; and Joe Tantarelli. Participants enjoyed networking opportunities and the largest health and safety product exposition in the Commonwealth. Additionally, Scholastic Achievement for Education Awards, or "SAFE" Awards, totaling \$40,000 were presented to 17 university students matriculating in the areas of occupational safety and health, industrial hygiene, and public health.



**SHARP and SPP Programs:** The Safety and Health Achievement Recognition Program (SHARP), and the Safety Partnership Program (SPP) both made substantial progress in 2009. The SHARP program added four new companies: Hendrickson Truck & Suspension, American Woodmark, Zappos.Com, and Univance Inc., bringing the total to 11 SHARP companies in Kentucky. Eight other companies are currently in the SHARP certification process.

Hendrickson Truck Suspension Systems Inc., the leading North American supplier of truck suspension systems, became the ninth company to achieve this prestigious certification. Hendrickson received the award for having taken extraordinary measures to ensure the safety and health of its employees.

Kentucky Labor Cabinet Deputy Secretary Mark Brown presented the company's SHARP certification to Hendrickson's plant manager, Richard Mudd. "Hendrickson is creating a proactive safety culture and becoming an industry leader in protecting the health and safety of its employees, customers and communities," said Brown.

Other Kentucky companies who are SHARP certified include Uncle Charlie's Meats, Richmond; Bullard Co., Cynthiana; Multicorr, Louisville; Federal Mogul, Maysville; Washington Penn Plastic Co., Frankfort; Maker's Mark Co., Loretto; Ceradyne Inc., Lexington.

"SAFE" Awards were presented to 17 university students at the Governor's Safety and Health Conference and Exposition.

## Partnerships

**Morehead State University:** The Kentucky OSH Program's Construction Partnership Program entered into a site based construction partnership agreement with Dugan & Meyers and Morehead State University (MSU) for the MSU Campus Recreation Center located on MSU's campus in Morehead, Kentucky. This project is Dugan & Meyers' second partnership with the Labor Cabinet and MSU's first.

The MSU project is a new construction of a Student Recreation Center valued at \$24 million with an expected completion date of spring 2011. The project includes three full-size basketball/volleyball courts, an indoor running track, strength training and cardio area, two racquetball/squash courts, an indoor completion and leisure swimming pool, meeting rooms and outdoor lighted grass sports fields. MSU students will visit the site in conjunction with Kentucky OSH staff during audits at the site.

Established in 1935, Cincinnati-based Dugan & Meyers Construction Co. has constructed quality projects with the integrity and professionalism established by the founders Jerome E. Meyers and Daniel R. Dugan. Dugan & Meyers has grown from a local home builder to having national prominent large construction experience.

**Sanitation District No. 1:** A wastewater treatment facility in Petersburg, Kentucky is being built under a new construction safety partnership among the Kentucky Labor Cabinet, Sanitation District No. 1 in northern Kentucky, and Walldridge Construction and Dugan & Meyers, two construction companies that have joined forces for the project.

Labor Cabinet Secretary J.R. Gray, who signed the agreement with company officials, said construction partnerships have positive impacts on reducing injuries and implementing safety programs. "Construction partnerships require the establishment of beneficial goals, the development of strategies, and the selection of appropriate tools with which to measure results that will benefit workers. In fact, employee involvement is a requirement of the program and is one of the more salient aspects of the partnership."

The Western Water Reclamation Facility, located in Petersburg, will be 20 million gallons per day wastewater recovery facility. The project costs an estimated \$69 million and is scheduled for completion in August of 2012.

**VPP:** L’Oreal (USA) Florence Manufacturing joined the ranks of Kentucky’s Voluntary Partnership Protection (VPP) program in August 2006. VPP, which is administered through the Labor Cabinet’s Occupational Safety and Health (OSH) Education and Training Division, identifies those facilities with the best safety and health program management systems and safety cultures. Currently, there are 10 companies recognized as VPP sites in Kentucky.

There is a very detailed process that companies must complete and stringent requirements that must be met before a company can be approved as a VPP site. Joining the ranks of the VPP program is only the first step, however. To maintain VPP status, companies must continually improve and be actively committed to the process which includes a rigorous recertification every three years. This is precisely the benchmark that L’Oreal reached in August 2009.

**VPPC:** On September 30th, 2009, a milestone was reached as Turner Construction, a Kentucky Voluntary Partnership Program for Construction (VPPC) participant, and the University of Kentucky Hospital celebrated the Topping Out Ceremony for the Albert B. Chandler Tower, the 1.2 million dollar expansion of the University of Kentucky’s hospital system in Lexington. Over 600 people turned out for the ceremony, including Governor Steve Beshear, who commented that the new hospital is about more than physical health, but economic health and educational progress as well. The project employed hundreds of construction workers, 34 contractors and 30 architectural, engineering, and planning firms. This project is scheduled for completion in late 2011.



Turner Construction set the final beam before more than 600 guests during the “Topping out Ceremony” at the University of Kentucky Hospital’s Albert B. Chandler Tower construction project.

## Enforcement

**Division of Compliance:** Kentucky has injury reporting regulations that are more stringent than OSHA. 803 Kentucky Administrative Regulation 2:180 requires employers to report all amputations and hospitalizations of two or fewer employees within 72 hours. Kentucky responded to injuries that employers in federal jurisdictions would not have reported. In 2009, the Division of OSH Compliance received 153 hospitalization reports. Seventeen inspections were conducted with 10 serious and three other-than-serious violations issued for a total penalty of \$20,625.00. Fifty amputations were reported in 2009 resulting in 18 inspections conducted with one repeat serious, 12 serious, and four other-than-serious violations totaling \$40,700.

**Residential Construction Fall Protection:** Kentucky has a state specific regulation that solely addresses residential construction fall protection. Employees engaged in residential construction activities working 10 feet or more above a lower level who are exposed to unprotected sides and edges, leading edges, hoist areas, form work, reinforcing steel, or roofing work on roof slopes 3 in 12 or less, must be protected by guardrail systems, safety net systems, personal fall arrest systems, or a specific alternative measure established in the regulation. During 2009, the Division of OSH Compliance continued its local emphasis program for residential construction fall protection by conducting 80 residential construction inspections and issuing 133 violations. The majority of the violations concerned lack of fall protection and unsafe scaffolds.

The Division of OSH Compliance remained focused in 2009 on fall protection and it was the top construction standard cited in Kentucky. Kentucky cited 29 CFR 1926.501, duty to have fall protection, 182 times with total proposed penalties of \$320,550. The second most cited construction standard was 29 CFR 1926.451, general requirements for scaffolding. It was cited 81 times with penalties totaling \$354,925. The sixth most cited construction standard was 29 CFR 1926.453, fall protection requirements while in aerial lifts. It was cited 24 times with penalties totaling \$33,208. The eleventh most cited construction standard for FY 2009 was 29 CFR 1926.760, fall protection in steel erection. It was cited 17 times with penalties totaling \$23,875. In 2009, 304 fall protection-related violations were issued with penalties totaling \$732,558.00.

**Significant Division of Compliance Case: T.S.P., Inc.:** On October 30, 2009, the Division of Compliance issued 12 willful scaffolding violations to T.S.P., Inc., with a total of \$420,000 in penalties. T.S.P. timely contested the violations and penalties. T.S.P. had been inspected six times prior to the 2009 inspection in which inspections had become final orders. Total penalties in the amount of \$49,280 were assessed on these six inspections.

T.S.P. has not paid any assessed penalties. Through its Office of General Counsel, the Kentucky OSH Program requested Kentucky's Attorney General to assist in penalty collection. Prior to the request, the Kentucky OSH Program filed liens on TSP property as allowed under state statute for the entire \$49,280. The Attorney General filed motions in five counties (two of the six inspections were in the same county) and received judgments against T.S.P. The Attorney General is now proceeding into asset discovery litigation.

The \$420,000 penalty associated with the willful scaffolding citations is currently in contest proceedings.



### Signature project

In early 2009 MOSH began the process of consolidating its Baltimore, Laurel, and Consultation offices. A rigorous study was performed to choose the best central location that would serve the most people: county populations, vicinity of public transportation to new building, handicap accessibility, and “Smart Growth” opportunities were among the areas of research. In June 2010 a new lease was approved and signed for our new location in Hunt Valley, MD. The new location will house approximately 28 CSHO’s, MOSH Operations, all of MOSH upper management, Consultation, our IT department, and the Training and Education unit. We will host many of our public seminars in a state of the art, hands on training room. We are also bringing together our libraries for public use. We will still keep field offices in Hagerstown, Easton, Salisbury, Bel Air, Laurel, and Southern Maryland. As MOSH consolidates in one location we believe the agency will run more efficiently and will be better able to serve the employees throughout the State.

### Outreach

**Training & Education:** MOSH staff held 168 educational seminars and speaking engagements for the public that equated to over 16,000 hours of free training for the employers and employees in Maryland. The following new/ revised classes were added to our training offerings:

- Cranes – New Maryland Regulations – ½ day,
- Machine Guarding – ½ day,
- Powered Industrial Truck Safety – ½ day.

Among these seminars were five whole-day seminars held in Spanish. These seminars focused on excavating and trenching, and construction site safety, where 94 Hispanic workers attended.

## Enforcement

In December 2009 MOSH responded to an accident at a local poultry processing facility. The victim was attempting to pickup a chicken that had fallen off the live hang conveyor system. The victim's sleeve became entangled in an unguarded portion of the conveyor belt resulting in his right arm being de-gloved from the elbow down and multiple fractures in his right arm, wrist, and hand. Upon investigation of this accident and resulting violations, the case was opened up to a comprehensive plant wide inspection. Several inspections resulting in sustained willful violations had already been conducted at this facility. As result of this inspection, MOSH issued its highest penalties ever recorded for the agency at \$1.03 million dollars. Citations issued included one egregious willfull, 14 willfull, 11 serious, eight repeat serious, and two other than serious. The company declined the right to an informal hearing and filled their formal contest letter in June 2010. A formal hearing is currently scheduled for the end of September 2010.

In February 2010, a MOSH Senior Industrial Hygienist performed a partial inspection of the poultry processing facility in response to a referral. Upon investigation it was found that the company utilized more than 10,000lbs of anhydrous ammonia, which falls under the process safety management standard. After the investigation was complete the company was cited for 11 serious violations (10 under 1910.119 PSM and one under 1910.134 Respirators) and one other-than-serious violation for proper storage of respirators. The resulting penalties totaled \$14,500. As of this date an informal hearing has not been scheduled.

In May 2009, MOSH Region IV investigated the fatality of an employee hanging gutters on a home addition. The general contractor was issued two willfull citations, totaling \$64,000. As the employee ascended a ladder the aluminum gutter he was carrying contacted a 13.5kV power line electrocuting him. In January 2010 a formal hearing was held where all citations and penalties were upheld by he judge, as of this report the agency is awaiting the formal review. The State of Maryland also prosecuted the general contractor for violating the State's High Voltage Line Act. The general contractor received probation before judgment and received no jail time.

## Partnerships

The **Cooperative Compliance Partnership (CCP)** unit signed three partnerships in 2009 with a total of over 87 million dollars of new construction under contract. These sites are some of the largest and most dangerous jobsites in our state. Over 450 employers participated in site inspections covering over 6,500 employees. With increased efforts in construction, the injury and illness rate has been steadily declining in our state since 2002, despite increased construction and demographic changes in trades.

On September 30, 2009 the MOSH Outreach Unit entered into its 50th partnership since it began in 1997. As of this report MOSH has entered into 54 partnerships throughout the State totaling over 4.06 billion dollars of new construction.

## Statistics

2009 was a record year for MOSH injury and illness statistics. Based on the Survey of Occupational Injuries and Illnesses, a cooperative program between the State of Maryland's Division of Labor and Industry and the U.S. Department of Labor, Bureau of Labor Statistics, the data collected during 2009 revealed that for 2008, Maryland's private sector had an all time low Total Recordable Case (TRC) rate of 3.3 injuries and illnesses per 100 equivalent full-time workers. This represented a decline of slightly over two-thirds (68%) from 1972. Likewise, the construction industry's TRC rate went from 4.6 in 2007 to 3.9 in 2008. This represented a decrease of 15% and was the lowest on record for private sector construction in our state.



Franklin Square Hospital, a CCP Partnership site, is nearly completed.



Maryland OSHA celebrated its 50th CCP Partnership in 2009.

### Signature project

**New Field Operations Manual (FOM) Issued:** On April 7, 2010, MIOSHA issued a revised Field Operations Manual (FOM) covering enforcement activities. The revisions incorporate changes made by federal OSHA to its manual in April and November 2010.

MIOSHA is required to adopt policies that are “at least as effective” as the policies put in place by federal OSHA.

#### Significant enforcement changes:

- A partial inspection must be expanded to address potentially serious hazards in “plain view.”
- Inspections may be delayed up to one hour to await the arrival of an employer representative.
- A new section on MIOSHA’s role during an emergency response.
- Information from a voluntary or self audit will not typically be used to document a violation.
- A notice of safety/health recommendation or potential hazard may be issued when potential exposure exists, but a violation cannot be documented.
- A repeat violation of the same rule by an employer may be from the same or a different workplace.
- A citation may be warranted when the lack of a MIOSHA poster is a complaint item.
- The minimum penalty for a Serious violation is increased from \$75 to \$100.
- Size reductions are changed from site to nationwide employment.
- Repeat multipliers are increased from 2 to 5 for a first repeat and from 5 to 10 for a second repeat for a large employer (250 or more employees).
- The 15 working day contest period begins on the day following the day of receipt of the citation.
- A new size reduction chart and a penalty table for willful violations were adopted.

There are many additional changes. Some reflect efforts to move toward greater use of plain language. Other changes clarify information or provide needed guidance. The revised Field Operations Manual is posted on the MIOSHA website, [www.michigan.gov/miosha](http://www.michigan.gov/miosha). Look under the “A-Z Topic Index” for “Field Operations Manual.”

## Emphasis programs

**Protecting Workers in Tough Economic Times Initiative:** On May 7, 2009, MIOSHA launched an extensive awareness campaign, “Protecting Workers in Tough Economic Times.” The initiative focuses on how a comprehensive safety and health management system can help employers protect their workers and their bottom line. As part of this initiative, the MIOSHA program is offering penalty reductions to companies who are compliant at the end of a MIOSHA inspection, as well as other incentives to encourage companies to develop safety and health management systems that protect their workers. Businesses today are struggling to survive in precarious economic conditions. Research shows the costs of reacting to workplace injuries and illnesses far exceed the costs of preventing them from happening in the first place. MIOSHA recognizes the difficulties that employers and employees are facing and is offering significant changes to help employers comply with MIOSHA requirements and protect their workers.

**Fall Protection Initiative** – On March 10, 2008, MIOSHA launched an extensive awareness campaign to alert general industry and construction employers that they must provide appropriate fall protection and training for employees exposed to fall hazards. MIOSHA is continuing this campaign to increase awareness of fall hazards, to highlight the need for fall protection, and to help ensure employees receive the training required by MIOSHA rules.

**MIOSHA Training Institute (MTI)** – In FY 2008 MIOSHA implemented a new safety and health training certificate program, the **MIOSHA Training Institute (MTI)**. Seminars offered through the MTI provide the public an opportunity to attend a series of programs to achieve a *Level One* and/or *Level Two Certificate*. Participants can receive certification in one of two tracks; *General Industry Safety and Health*, or *Construction Safety and Health*. More than 120 courses were offered in FY 2009 throughout the state. The MTI has quickly become the premier provider of workplace safety and health training in Michigan. To date, training has been provided to nearly **6,699 individuals** enrolled in the MTI statewide. Since October 2007, 258 students have qualified for *Level One Certificates*.

**Connecting MIOSHA to Industry** – MIOSHA is continuing its very successful initiative, “Connecting MIOSHA to Industry.” The goals are to support proactive safety and health systems, decrease workplace safety and health hazards, expand partnership opportunities and, therefore, increase the competitiveness of Michigan employers. Overall, the initiative is linking MIOSHA’s legislative mandates with opportunities to interact with employers and workers to create collective ownership for the safety and health of Michigan’s workforce. “Connecting MISOHA to Industry” is increasing our program effectiveness by ensuring that interventions are educational, informative and useful-whether conducted by enforcement or consultation staff.



Students participate in a group activity during an MTI Level Two course.

## Enforcement — High profile cases

**New Center Stamping:** On Jan. 23, 2009, MIOSHA announced the conclusion of a reinspection at New Center Stamping, Inc. of Detroit. The company received 33 citations alleging they failed to adequately protect employees from serious safety hazards, with proposed penalties totaling \$102,060. New Center Stamping, Inc. is an after-market auto parts supplier. The inspection revealed previous abatements were not being maintained in the facility. The company received two Willful violations, six Repeat Serious violations, and 11 Serious violations.

**Imperial Construction:** On Oct. 13, 2009, MIOSHA cited Imperial Construction Company, of Detroit, with \$131,600 in proposed penalties for allegedly failing to adequately protect employees from trenching and excavation hazards. The company was contracted by the city of Detroit to do water main repair work. On July 7, 2009, three employees were working on a residential water main break in a 7 ft. excavation. The sides of the excavation suddenly collapsed, along with the overhanging concrete, trapping one worker who was later pronounced dead at a local hospital. The company received four alleged Willful violations and one alleged Serious violation.

**V&S Detroit Galvanizing:** On April 2010, MIOSHA cited V&S Detroit Galvanizing LLC, of Redford, following a fatal accident, with \$245,000 in proposed penalties for allegedly failing to adequately protect employees during overhead crane operations. From Nov. 3, 2009, to Feb. 11, 2010, MIOSHA conducted the fatality investigation, as well as a companion investigation. As a result of these two investigations, MIOSHA issued seven Serious and three Willful violations.

**GRL Properties:** On May 4, 2010, MIOSHA cited GRL Properties, LLC, of Grand Rapids, with \$115,000 in proposed penalties for allegedly failing to adequately protect employees and the general public from serious asbestos hazards. The investigation found the building was not completely inspected for asbestos, and the information was not conveyed to employees or tenants. As a result, a major asbestos fiber release episode occurred.

**Hastings Manufacturing:** On June 30, 2010, MIOSHA cited Hastings Manufacturing Company, LLC, of Hastings, with \$118,750 in proposed penalties for allegedly failing to adequately protect employees from serious health and safety hazards. MIOSHA conducted a planned, joint safety and health inspection at the company. The health inspection identified numerous violations of these standards: Hexavalent Chromium, Dipping and Coating Operations, Asbestos, Formaldehyde, and Noise. The most serious violations involved employee overexposures to highly hazardous air contaminants.

## Outreach

MIOSHA's Consultation Education and Training (CET) Division focuses its outreach efforts on those companies with the greatest need. During October and November of 2009, over 4,000 letters offering assistance through the CET Division were sent to Michigan employers targeted by the MIOSHA Strategic Plan. CET Division 21 (d) and 23 (g) consultants provided the following outreach services during FY 2010:

- Provided 2,933 safety and health consultations;
- Provided 881 onsite surveys (21 (d) and 23 (g));
- Conducted 1,345 training sessions, with an attendance of 14,444 participants;
- Distributed 89,122 pieces of literature; and
- Loaned 1,621 videos and DVDs.

The Michigan Voluntary Protection Program (MVPP) currently has a total of 27 Star sites and six Rising Star sites. MIOSHA also has a cumulative total of 21 SHARP companies. On September 23, 2010, MIOSHA recognized Walbridge as the first Michigan VPP in Construction Star site.

MIOSHA awarded 20 Consultation Education and Training (CET) Grants in FY 2010, totaling \$1 million. The CET Grant Program provides additional options for safety and health training to employers and employees.

## Partnerships

**Barton Malow Company:** On Sept. 1, 2010, Barton Malow Company, the Greater Detroit Building and Construction Trades Council, and MIOSHA, signed a formal partnership to protect workers at Severstal NA in Dearborn. The partnership goal is enhanced safety and health protection and zero injuries for workers on this major modernization project.

**Christman Company:** On May 14, 2009, the Christman Company and MIOSHA signed a formal partnership to protect workers at the \$182 million redevelopment project of the historic Ottawa Street Power Plant for the Accident Fund Headquarters.

**Alliances:** The MIOSHA Alliance program was launched in FY 2004 and MIOSHA has **15 active alliances**. They have generated hundreds of opportunities to improve the worksites represented by the signing organizations.



Walbridge is the first construction company in Michigan to receive the MVPP for Construction Star Award.



### Signature projects

**Minnesota OSHA Operations System Exchange (MOOSE):** As of Oct. 1, 2008, Minnesota OSHA completed one year of operating its new system – Minnesota OSHA Operations System Exchange (MOOSE) – and experienced a smooth transition with very few problems.

**New law in Minnesota — Safe Patient Handling Act:** In 2007, the Minnesota Legislature enacted legislation requiring all licensed health care facilities in Minnesota to implement a safe patient handling program. The program required adoption of a written safe patient handling policy and establishment of a safe patient handling committee by July 1, 2008. The policy required establishment of a plan to minimize manual lifting of patients by Jan. 1, 2011, through the use of safe patient handling equipment.

The law provided for a safe patient handling grant program to be administered by the Department of Labor and Industry to provide assistance to health care facilities with the purchase of safe patient handling equipment, training about safe patient handling, and training about safe patient handling equipment. There were 67 grant recipients, with awards totaling \$500,000.

The 2009 Minnesota Legislature amended the Safe Patient Handling Act to extend coverage to include medical and dental clinics “where service requires movement of patients from point to point.” The amendment requires that such facilities develop written safe patient handling plans similar to those required of hospitals, outpatient surgical centers and nursing homes. The goal of these plans is to create a “road map” for the employers to minimize the manual lifting of patients and implement safe patient handling equipment by Jan. 1, 2012. The plans were required by July 1, 2010.

## Emphasis programs

In 2009, Minnesota OSHA conducted inspections under 18 local and national emphasis programs. MNOSHA's key areas of inspection emphasis continued to be workplaces with high injury and illness rates as determined by the federal Data Initiative, workers' compensation information and data obtained from the federal Bureau of Labor Statistics.

Additional emphasis programs with significant inspection activity included Activity-generated Inspections in Construction.

Seventy-five percent of MNOSHA's 2,398 programmed inspections were conducted in the above-stated emphasis programs. Seventy-four percent of inspections conducted in these emphasis programs resulted in citations issued.

## Enforcement

On Dec. 6, 2006, two ironworkers were working on a swing stage scaffold, preparing it to be moved to another location of the ore dock. As one employee was attempting to get a kink out of one of the cables, a strap that tied the swing stage scaffold to the dock broke or came loose, causing one end of the swing stage to swing out from the dock. The ironworker standing on the end of the swing stage scaffold that swung out was thrown off the swing stage scaffold 50 feet to the base of the dock and then fell into the water. MNOSHA issued two willful citations and 10 serious citations, resulting in \$96,000 in penalties.

A trench emphasis inspection resulted in two willful citations, three serious citations and penalties totaling \$71,400. The willful citations were issued for failure of the competent person to identify and abate hazardous conditions, and exposing employees to cave-in/crushing hazards in an unprotected trench. Since 1999, seven inspections were conducted with this employer and MNOSHA issued citations for the lack of a competent person or part of this standard five times and for inadequate protective systems six times; some of those citations were repeat.



In 2009, Minnesota OSHA Compliance conducted inspections under 18 local and national emphasis programs.

## Outreach

**Construction Breakfast seminars:** During federal-fiscal-year 2009, Minnesota OSHA completed its 20th year of Construction Breakfast seminars, which feature a continental breakfast and a one-hour presentation, and are offered every other month from September through May. Recent programs included:

- Plug in: Electrical safety on construction worksites, November 2008;
- Fall protection: General applications, January 2009;
- Residential fall hazard solutions, March 2009;
- Post serious accident or fatality procedures, May 2009; and
- Health hazards in the construction industry, September 2009.

Speakers included MNOSHA staff members, equipment vendors, consultants and contractors.

**The OSHA perspective:** MNOSHA Compliance contributes an OSHA perspective to the outreach efforts of several nonprofit organizations:

- Minnesota Safety Council and its OSHA Outreach Training Program;
- University of Minnesota Extension Service, On-site Sewage Treatment Program; and
- University of Minnesota, Midwest Center for Occupational Health and Safety, and its Hazardous Waste Operations and Emergency Response (HAZWOPER) training program.

MNOSHA Compliance also began working with MNOSHA Workplace Safety Consultation and a safety equipment manufacturer to conduct a series of seminars about combustible-dust hazards and controls, around the state.

## Partnerships

**M.A. Mortenson:** Construction at the Minnesota Twins stadium site began Aug. 30, 2007, with the initial groundbreaking.

MNOSHA Workplace Safety Consultation began working with the general contractor Sept. 26, 2007. Twenty initial consultation visits and three training visits were completed between Sept. 26, 2007, and when the site was certified as a Minnesota Safety and Health Achievement Recognition Program (MNSHARP) worksite Oct. 22, 2009. The on-site consultations allowed consultants to track the progress and verify implementation of all necessary safety and health management elements required by MNSHARP.

More than two million work-hours have been invested in the construction of the stadium. At the time of MNSHARP certification, the site total recordable cases (TRC) rate was 2.1, 53 percent below the current Bureau of Labor Statistics (BLS) average for NAICS 2362. The days away restricted transfer (DART) rate was 1.4, 33 percent below the current BLS average.

Consultants invested more than 200 hours in on-site assistance.

**Associated General Contractors of Minnesota:** MNOSHA also maintains its partnerships with the Associated General Contractors (AGC) of Minnesota and the Minnesota Chapter of Associated Builders and Contractors (MN ABC). There were 15 employers participating in the AGC agreement and 15 in the ABC agreements in 2009.



Getting workers home safe: Minnesota OSHA's safety consultants conducted 30 safety and health site visits during the almost two million work hours of construction at Target Field in Minneapolis. OSHA helped create a plan for safety training and education for the 800 workers at the site, which achieved MNSHARP Construction certification.

### Signature project

As a result of 2009 legislation, NRS 618.950 (Mandatory OSHA 10 and 30 Training), the State of Nevada now requires all construction workers engaged in construction activities in Nevada to have an OSHA 10-Hour Construction card and supervisory employees have an OSHA 30-Hour Construction card. Employees are also required to present their card to their employer not later than 15 days after being hired. Employers are required to suspend or terminate employment if this is not accomplished. The law provides for an expiration date of 5 years after class completion date listed on the OSHA 10- or 30-Hour Construction card. NRS 618.950 became effective on January 1, 2010.

While the Nevada legislature was meeting and before the Bill was finalized, SCATS increased the number of OSHA 10- and 30-Hour Construction classes being offered throughout the state to meet anticipated need. Between January 1, 2009, and June 30, 2010, SCATS trainers conducted 60 OSHA 10-Hour Construction classes with 1,775 attending, and 14 OSHA 30-Hour Construction classes with 407 attending. Classes were offered in both English and Spanish.

Additionally, SCATS developed a dedicated 10- and 30-Hour Construction website ([www.nv1030.org](http://www.nv1030.org)) for our customers. This site includes 10- and 30-Hour class schedules, on-line registration to attend those classes, a directory of 10- and 30-Hour Construction trainers, links to the OTI training website, frequently asked questions, and links to the applicable Nevada statutes and regulations.

### Outreach

The Nevada Safety Consultation and Training Section (SCATS) continued its Safety and Health Practitioner Certificate program to elevate the standard of safety in Nevada, and to recognize those who have attended a certain number of SCATS training programs. To receive a certificate, a successful candidate must complete a curriculum of 26 classes within three years of the date of enrollment. This program has been a very popular one with the public. As of June 30, 2010, there were 823 students enrolled in our Safety and Health Practitioner Certificate Program, of which 199 of those have received their certificates.

As part of an on-going effort to increase awareness of safety and health hazards and educate employers as to what is required to control hazards, the Nevada Safety Consultation and Training Section (SCATS) conducted 561 formal training sessions reaching 13,272 participants from 5,451 Nevada employers between January 1, 2009, and June 1, 2010. The subject matter content and quality of instruction have consistently been rated highly by those attending SCATS classes. Overall, evaluation ratings by attendees were 4.8 on a 5.0 scale with 99.9 percent of attendees finding the class content to be useful in their job environment. Further, SCATS provides a safety and health video lending library for employers. A total of 69,444 individuals viewed the videos during this time-period.

Nevada's Safety Consultation and Training Section has continued to expand the number of presentations available and conducted in Spanish. Many of the training sessions were for Hispanic employers through the joint activities of SCATS and various associations. SCATS provided 64 formal training sessions in Spanish. It also staffed booths at many outreach activities to the Hispanic community in an effort to enhance safety awareness.

## Partnerships

SCATS entered an Alliance with OSHA Region IX and the National Utility Contractors Association of Las Vegas (NUCA-LV). This Alliance will focus on safety and health issues including, hazard communication, emergency evacuation, tool safety, driving safety, and jobsite emergencies. The Alliance will provide expertise in communicating such information to employees and employers in the industry.

Nevada continues to work with the State's Risk Management to enhance safety awareness for state employees who are able to attend programs on Nevada's quarterly training schedules. To better leverage limited resources, SCATS conducts an 8-hour 'State Safety Supervisor' course that all state supervisors attend. It also provides an 8-hour advanced program for state supervisors, 'Workplace Evaluation and Management Tools.'

SCATS is an active participant in the Department of Labor's non-traditional partnership, EMPLEO (Employment Education Outreach), to outreach to the immigrant communities, particularly Hispanics. The group consists of many government agencies and companies to provide services to employers and employees. As part of the activities, seminars for employers were conducted on various regulations, cross-training was conducted between agencies for proper redirection, and brochures with contact information were disseminated. SCATS participated at many shows, conferences, and fairs through joint booth activities.

## Signature project

**PEOSH Advisory Board Subcommittee on Workplace Violence in Schools:** The New Jersey Office of Public Employees Occupational Safety and Health (OPEOSH), Advisory Board convened a Workplace Violence in Schools subcommittee following a safety enforcement investigation of student teacher violence that occurred in a northern New Jersey school district. The subcommittee gathered information and made recommendations concerning workplace violence in schools. The (OPEOSH) researched the recommendations and developed a spread sheet that outlined current laws and regulations that pertain to the recommendations of the subcommittee. The subcommittee met four times in 2009.

The subcommittee was asked to make additional comments following the OPEOSH research. The final comments and recommendations were then distributed in spreadsheet form to the New Jersey Public Employee's Occupational Safety and Health Advisory Board in June of 2010.

The Advisory Board members were given a deadline to respond to the final recommendations at the next Advisory board meeting on September 2, 2010.

The workplace violence subcommittee is comprised of representatives of the OPEOSH Advisory Board, school board members and the NJ Education Association

## Publications

The following publications were developed and posted on the PEOSH websites:

**Addition of a Last Chance Bailout System to a NIOSH Certified Respirator:** The purpose of this alert is to notify fire departments that the addition of a bailout system to the fire fighters self contained breathing apparatus (SCBA) voids the NIOSH certification. Using a respirator that is not NIOSH certified is a violation of the PEOSH Respiratory Protection Standard. This Alert can be found at: [http://www.state.nj.us/health/peosh/documents/bailout\\_alert1.pdf](http://www.state.nj.us/health/peosh/documents/bailout_alert1.pdf).



### **Preventing Worker Injury and Deaths When Operating Golf Carts, Personal Transport Vehicles, and Low Speed**

**Vehicles:** The Purpose of this alert is to notify public employers and employees about the hazards of operating these vehicles and actions to take to reduce the likelihood of injury. The alert is found at: [http://lwd.dol.state.nj.us/labor/forms\\_pdfs/lse/golf\\_cart\\_alert.pdf](http://lwd.dol.state.nj.us/labor/forms_pdfs/lse/golf_cart_alert.pdf).

### **American Resource and Recovery Act Funded Youth/Temporary Workers in Public Sector Employment:**

The purpose of this alert is to remind employers to properly train youth/temporary workers to do jobs safely and restrict youth/temporary workers to jobs they are allowed to do by law. The alert is found at; [http://lwd.dol.state.nj.us/labor/forms\\_pdfs/lse/summer\\_youth\\_program.pdf](http://lwd.dol.state.nj.us/labor/forms_pdfs/lse/summer_youth_program.pdf).

## **Emphasis programs — Strategic plan**

- State Support Activities For Transportation,
- State Nursing and Residential Care Facilities,
- Local Fire Protection,
- Municipal Public Works.

## **Enforcement**

In May 2010 New Jersey OPEOSH adopted the full Federal monetary penalty schedule.

As a state plan for public employees only, the New Jersey OPEOSH does not apply first instance monetary penalties. First Instance penalties are assessed only in cases of willful/repeat violations.

New Jersey OPEOSH safety enforcement continues to inspect road construction projects that are funded through the American Resource and Recovery Act (ARRA).

The New Jersey OPEOSH has received Federal one time funding is using those funds for staff training and equipment purchases.

## Outreach

**Certified Educational Facilities Manager Program:** New Jersey OPEOSH has entered into a training partnership with the Rutgers University – Bloustein School of Planning and Public Policy, Certified Educational Facilities Manager (CEFM) Program. Under the agreement New Jersey OPEOSH is providing Designated Person Training in five locations throughout the state as part of the Rutgers certificate program. The course is attended by Educational Facilities Managers. Assuring that facilities managers in New Jersey Schools have a basic understanding of the importance of good indoor air quality is anticipated to have a benefit to all occupants of our public schools by reducing preventable hazards associated with poor indoor air quality.

**Consultation and Training Services:** The NJ OPEOSH provides consultation and training services to public employers throughout the state of New Jersey focusing on high hazard industries including fire protection, police protection, transportation, public works, and nursing homes. In FY2009, the NJ OPEOSH provided the following services:

- 189 on-site safety and health consultations,
- 350 on-site training sessions with an attendance of 6,835 participants.

**SHARP:** NJ OPEOSH presently has six public sector SHARP sites including three fire departments, a police department, a public works department and a municipal building.

**Governor's Occupational Safety and Health Awards Program:** The NJ Governor's Occupational Safety and Health Awards Program has been recognizing employers with outstanding performance in the prevention of workplace injuries and illnesses since 1927. In spring of 2010, 113 public sector employers were recognized for their low injury and illness rates, and commitment to occupational safety and health for the calendar year of 2009.

**New Jersey State Police, Hazardous Materials Response Unit Respiratory Protection Training:** The New Jersey OPEOSH assisted staff from the NJ State Police, Office of Emergency Management in a respiratory protection train-the-trainer programs. The training is being offered to local police departments.

An ever increasing number of police departments in New Jersey are providing respiratory protection to police officers. In order to use respiratory protection safely, police officers need to be included in a respiratory protection program. This training assisted police departments in developing and implementing an effective respiratory protection program.

**PEOSH Collaboration with the Pediatric Asthma Coalition of New Jersey to Reduce Asthma Triggers in Schools:**

New Jersey OPEOSH is collaborating with the Pediatric Asthma Coalition of New Jersey (PACNJ) to reduce asthma triggers in schools. PACNJ sponsors the “Asthma-Friendly School Award” which recognizes school district efforts to enhance the quality of education for students and staff who face the challenges of asthma. One of the six steps to achieve the award requires that a school nurse and the school or district level IAQ designated person attend PEOSH Indoor Air Quality Designated Persons training.

In order to better tailor the training to the needs of participants, NJ OPEOSH consultation personnel met with PACNJ staff and EPA region II representatives. Educational goals for the different audiences (nurses, principals, custodians/HVAC personnel) were identified, and content and exercises were developed. Both PACNJ and NJ OPEOSH personnel participated in the presentation and discussions.

**Preparing the Workplace (H1N1 Flu related outreach):** NJ OPEOSH received requests from public employers and other public employee groups for presentations on preparing the workplace for H1N1 flu. The OPEOSH presentation included information on the modes of transmission of influenza, a comparison of seasonal flu and pandemic flu and workplace pandemic planning. NJ OPEOSH met with representatives from Local Information Network Communication System (LINCS) agencies to discuss worker protection issues relating to the H1N1 flu.

**NJDHSS Office of Certificate of Need and Healthcare Facility Licensure:** The New Jersey OPEOSH assisted the New Jersey Department of Health and Senior Services (NJDHSS), Office of Certificate of Need and Healthcare Facility Licensure in developing regulations on safe patient handling and workplace violence prevention in health care facilities. The New Jersey Safe Patient Handling Act was approved January 3, 2008.

**New Jersey Department of Health and Senior Services (NJDHSS) Surveillance Program Federal OSHA Silica Partnership:** NJ OPEOSH staff participated with representatives from the NJDHSS Occupational Health Surveillance Program, federal OSHA, and the NJ State Laborers’ Health and Safety Fund in developing an outreach program that was presented to New Jersey Department of Transportation Regional Engineers. The purpose of the outreach program was to provide information on occupational safety and health hazards to the regional engineers. The regional engineers are responsible for road/bridge construction projects. By assisting the regional engineers in identifying the hazards they can then either compel the contractor doing the work to correct the hazard or make the appropriate referrals to OSHA or New Jersey Department of Labor and Workforce Development.

## Enforcement — High-profile investigation

On March 2, 2010, an explosion and fire occurred at a refinery operated by Navajo Refining in Artesia, NM. Two subcontractor workers were killed and two others were critically injured.

The workers were performing welding for the purpose of securing insulation to a new atmospheric tank that contained utility water. However, naphtha from another tank had been transferred to the tank on which the workers were welding. Flammable liquid and vapors coupled with the ignition source of the welding activity combined to cause an explosion and fire.

Following an extensive investigation, the Occupational Health and Safety Board (OHSB) issued citations for one serious and 10 willful violations with proposed penalties totaling \$707,000. The willful violations were for not initiating and maintaining frequent and regular inspections of the job site 1926.20(b)(2), five instances of not instructing each employee in the recognition of unsafe conditions 1926.21(b)(2), for not developing an effective fire protection and prevention program 1926.24, for welding in the presence of flammable compounds 1926.352(c), and for not filling with water or thoroughly cleaning the tank prior to welding 1926.352(i).

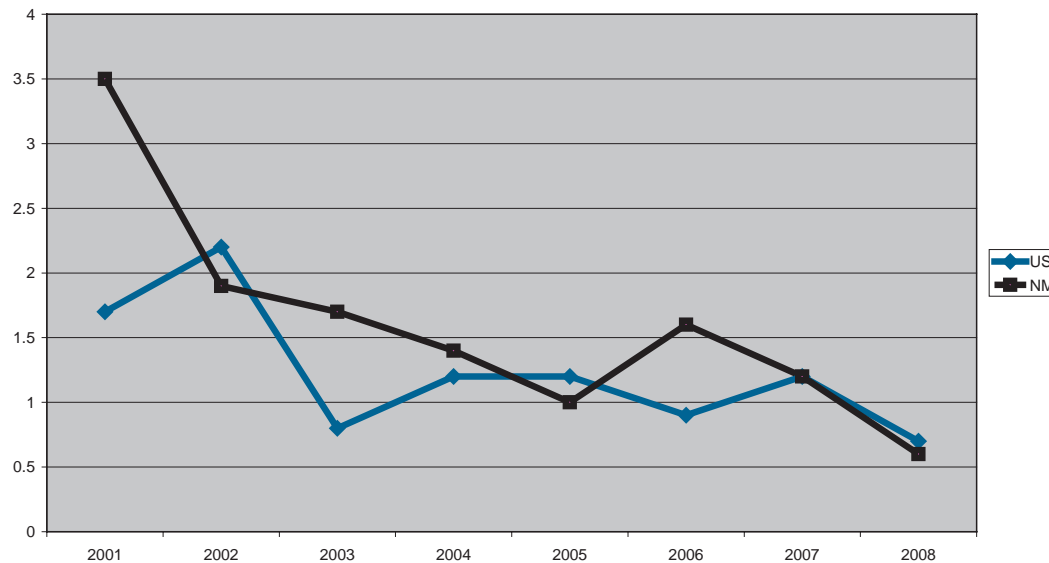
## Emphasis program

For several years OHSB has operated a local emphasis program directed at the oil and gas well drilling and servicing industry (NAICS 211, 213111, and 213112), averaging more than 30 inspections per year over the past five years.

In addition to our enhanced enforcement actions, OHSB has also implemented a highly successful recognition and exemption program tailored after the federal Safety and Health Achievement Recognition Program. The Oil & Gas Safe Site Program is an objective, organized tool for oil and gas companies to use in evaluating, strengthening, and measuring improvements in their occupational health and safety programs. It allows companies to benchmark their programs against standards of excellence in 20 specific operational areas.

The combination of the enforcement and cooperative efforts by OHSB have been successful in changing the safety culture within the oil and gas industry within New Mexico. The reduction in BLS DART rates over the last eight years has been a very positive measurable improvement, as shown on this chart.

**New Mexico vs. United States  
DART Rates for Oil and Gas Extraction — 2001 to 2008**



## Outreach

In 2009 OHSB continued its outreach efforts in the waste management industry by presenting to operators representing local governments, private companies, federal installations, universities, and tribal governments. By combining forces with the Solid Waste Bureau of the New Mexico Environment Department, OHSB is able to present workplace safety issues specific to the solid waste industry.

Several members of the OHSB staff gave presentations at the professional development conference sponsored by the Zia Section of the American Society of Safety Engineers in Las Cruces. During the conference, NM OSHA signed an alliance agreement with the Zia Section of ASSE, the Construction Trades Partnership, and the Building Industry Association of Southern New Mexico. The major goal of the alliance is to provide free or low-cost health and safety training in English and Spanish to construction workers in southern New Mexico.

## Partnerships

OHSB continues to work with companies who are exemplary in their promotion of effective and systematic safety and health management programs. The Star designation of the Voluntary Protection Program was awarded to two New Mexico employers in 2009, the Tri-State Generation and Transmission Association and NextEra Energy Resources, LLC. OHSB has now recognized nine companies for achieving this highest level of VPP recognition.

The Occupational Health and Safety Bureau and the National Utility Contractors Association of New Mexico signed a partnership agreement in Albuquerque on February 19. Under the agreement, individual companies can qualify for certain benefits if they demonstrate implementation of a comprehensive health and safety program that exceeds OSHA requirements and they have achieved injury and illness rates that are below the national average for the construction industry. We believe this is the first partnership in the nation between a NUCA chapter and state or federal OSHA.

OHSB now has partnerships with the following associations:

- Associated Builders and Contractors, Inc., with 23 members in the construction industry.
- Associated Contractors of New Mexico, with eight members in the heavy highway construction industry.
- Associated General Contractors of America, with 28 members in the construction industry.
- American Subcontractors Association of New Mexico for the commercial construction industry.
- National Utility Contractors Association, with five members in the construction industry.
- Mechanical Contractors Association of New Mexico Workers' Compensation Group Fund for the commercial construction industry.

## Signature projects

The fastest growing industry within New Mexico has been and is projected to continue to be in the area of health care and social assistance. To insure the safety and health of the new workers in this growth industry, the Compliance Assistance staff has begun to form working relationships with the active health care employers by presenting at the New Mexico Health Care Association and New Mexico Center for Assisted Living's 57th Annual Convention and Exposition. The goal is to develop a coalition to focus on reducing the number of ergonomic related injuries in the health care industry.

Federal OSHA recognized New Mexico OHSB for its outstanding performance in the 2007 OSHA Log Data Collection program. New Mexico was one of only four states to achieve maximum performance in the four rated categories: timeliness; data collection response rates; meeting milestones for data collection "clean rates"; and data quality.



### Significant projects — Emergency preparedness

The Division of Safety and Health (DOSH) Crisis Response Team provides support to local and state emergency responders. During 2009 team members participated in a number of exercises and emergency responses.

**Crash of Continental Flight 3407:** The DOSH Crisis Response Team received a request for assistance shortly after the commuter flight crashed in Clarence NY. Team members assisted by filling the role of Safety Officer at the Erie County Emergency Operations Center and by monitoring the site for safety and health hazards. Staff industrial hygienists collected 61 air contaminant samples over a four-day period. Twenty-seven DOSH responders worked 565 man hours, from February 13th through February 19th.

**Empire 2009 Radiological Exercise:** This was a multi-agency exercise involving state, local and federal agencies. The exercise scenario was based on the detonation of two radiological dispersal devices in the downtown Albany, New York area. The DOSH role was to assist the Safety and Health Manager, assist with radiological sampling and monitoring and to develop a Health and Safety Plan for the exercise.



Bridge damage due to water surge from the 2009 Chautauqua County floods.

**The 2009 Chautauqua County Floods:** A series of thunderstorms moved through Western NY, dumping seven inches of rain in two hours causing mass flooding. Members of the DOSH Crisis Response Team assisted the Safety Officer by performing hazard and PPE assessments for the responders and volunteers. A safety briefing was given to the local volunteer fire personnel who removed the medical files from the basement of the Tri-County Hospital.

**The 2009 Vigilant Guard Exercise:** This was a multi-agency exercise based on an earthquake disaster. The DOSH Crisis Team was activated to play the role of Safety Officer during the exercise. A Health and Safety Plan was written that included Risks and PPE assessments. DOSH and Buffalo OSHA personnel worked together to establish minimum PPE levels and to prioritize the PPE list.

Each exercise or response provides an opportunity for team members to network with the emergency response community and allows us to showcase our deliverables to a large audience. It also provides an opportunity to share our mission of responder safety with participating agencies.

## Emphasis programs

The Public Employee Safety and Health Bureau (PESH) engaged in several emphasis programs in 2009. The largest and most long lasting is the Strategic Plan which was initiated in 1998 and continues to be a major focus. Other areas of specific emphasis in 2009 included employee protection from the H1N1 virus, Workplace Violence Prevention, Emergency Rope Rescue Rule and Emergency Response.

**Strategic Plan:** The overall goal of the PESH Strategic Plan which began in 1998 is to reduce the number of worker injuries, illnesses and fatalities by focusing statewide attention and bureau resources on the most significant types of injuries and illnesses, the most hazardous public occupations, and the most hazardous workplaces. Based on a review of injury and illness data in NY's public sector, several occupational classifications were specifically selected and Strategic Plan committees were created to identify injury and illness trends and develop strategies to reduce employee injuries in these sectors. The final year of Phase II of this strategic plan was FY 2008. In FY 2009, a one-year extension to Phase II was completed. The three industrial sectors addressed and the 2009 performance goals were:

- Highway, Streets and Bridge Construction: Decrease Total Recordable Injury Rate in county and local agencies by 2%.
- Nursing Care Facilities: Decrease the Total Recordable Injury Rate in state and county nursing homes by 2%.
- Fire and Ambulance Service: Decrease the number of injuries in state and local fire protection agencies by 2%.

**Highway, Streets and Bridge Construction:** Based on historical data, the group has been able to document a reduction in the injury and illness rates every year since 2002. The plan attributes this success to the process of identifying and working with the agencies that have the highest incident and illness rates.

**Nursing Care Facilities:** The original performance goal for each of the two phases of this initiative was to reduce the injury rate by 10% over a five-year period. Based on data collected, the injury rate in these facilities decreased by 36.1% from the beginning of this initiative (1998).

**Fire and Ambulance Services:** The Fire Protection/Ambulance Service Strategic Plan concentrated much of their efforts on the Rope Rescue Law. Outreach on the new law continues to be a main priority for the committee.

**Workplace Violence:** The effective date of the *"New York State Public Employer Workplace Violence Prevention Law"* was April 29, 2009. Public employers in NY were expected to be in full compliance with the rule by August 28, 2009. From the effective date of this law up to May 2010, PESH staff conducted 191 inspections involving workplace violence and issued 611 citations of NYCRR 800.6.

**Emergency Escape Ropes:** The effective date of the *“Emergency Escape and Self Rescue Ropes and System Components for Firefighters”* was June 6, 2008. The rule is intended to ensure that firefighters are provided with necessary escape rope and system components for self rescue and emergency escape. The rule also establishes the specifications employers must follow when providing ropes and system components to their employees.

**H1N1:** Throughout 2009 PESH focused much attention on the continued outbreak of H1N1 transmission. PESH followed CDC recommendations and in August of 2009 formally issued their enforcement policies by developing a staff directive *Enforcement Procedures and Scheduling for Occupational Exposure to H1N1 Influenza*. This staff directive defined the Bureau’s policies and inspection procedures with regard to H1N1 exposure.

## Enforcement

Enforcement continues to be a major focus of the Public Employee Safety and Health Bureau (PESH). The number of inspections conducted in 2009 was 2,341; 1,674 were safety inspections and 667 were industrial hygiene inspections. This is an increase of 35.4% from 2008. These visits resulted in 20 willful (a 100% increase from 2008), 14 repeat, 3,536 serious (34% increase), 2,381 non-serious (23% increase) and 21 failure-to-abate citations. Assessed penalties totaled \$816,229 with \$33,495 collected.

## Statistics — Measuring Effectiveness

The Injury and Illness Rate in 2008 (latest year that data is available from the Bureau of Labor Statistics) for public-sector employment in NYS was 7.4 per 100 full-time equivalent workers, which is a decrease of 5.1% since 2007. The number of public-sector fatalities reported in 2009 was 19 compared to 34 in 2008, down from 40 in 2007.

In response to the PESH Strategic Plan and to improve the ability to measure the effectiveness of outreach efforts, several databases of injury and illness statistics have been developed for specific sectors within public employment. Over the past several years these databases have been refined and queries have been developed which allows analysis of the data collected. Based on this information it was clear that Certified Nursing Assistants were injured the most and the vast majority of injuries were due to resident handling. A calculation was made using the average CNA salary to show how much these injuries were costing the employer in wages, with and without the cost of the benefit package provided by the facility. This information was used in discussions regarding the cost of implementing a Safe Resident Handling program. This information is also being used to develop a list of facilities targeted for inspection.

## Outreach

PESH was very involved in providing outreach and education to employers and employees in New York. There were 235 outreach and training visits performed by the Strategic Plan groups covering various topics in 2009. Areas where special emphasis was placed include:

- **Fire and Ambulance Service:** 16 training and education sessions, and 50 interventions.
- **Highway, Streets and Bridge Construction:** 50 interventions and 72 outreach sessions.
- **Nursing Care Facilities:** Held a one-day Safe Patient Handling conference for 200+ nurses, PT's, OT's and other professionals. This committee is finalizing a resource CD for healthcare.
- **H1N1 Flu:** In an effort to address the conflicting information regarding H1N1 and the required PPE, PESH developed a staff directive specifying the policies and procedures related to H1N1 exposure. Along with the staff directives, outreach and training sessions were held throughout NY.
- **Recordkeeping:** Recordkeeping sessions were continued throughout 2009.
- **Workplace Violence:** The Workplace Violence rule came into full effect in August of 2009. PESH has posted various resources on their website to help employers comply with the final rule.
- **Emergency Escape Ropes:** PESH continues enforcement and outreach of the Rope Rescue Law. PESH has partnered with the NY Office of Fire Prevention to help create a training program aimed at complying with the rule and also keeping fire fighters safe during the hands-on training.

## State requirements

**Workplace Violence:** The effective date of the "New York State Public Employer Workplace Violence Prevention Law" was April 29th 2009. Public employers in NY were expected to be in full compliance with the rule by August 28th 2009.

**H1N1:** The PESH Staff Directive *Enforcement Procedures and Scheduling for Occupational Exposure to H1N1 Influenza* was issued on August 24, 2009. PESH policy is to follow CDC guidelines when evaluating occupational exposure to H1N1.

### Signature project

North Carolina made the decision in 2008 to pursue a state specific crane standard. This action was taken due to the delay in promulgating the federal OSHA crane safety standard that was initiated in response to the number of crane accidents throughout the country. One of the benefits of state programs is the flexibility to adopt state specific standards when local conditions dictate this type of response. Now that the federal OSHA crane standard has been promulgated, North Carolina can either maintain the state standard or adopt the federal standard depending on which is most comprehensive.

The North Carolina Crane Standard took effect on October 1, 2009. The scope of the new standard recognizes those new types of cranes that have been developed over the last 30 years. It also requires certification for crane operators through a nationally recognized accrediting agency or through an employer's own qualification program, which must be approved by a recognized auditor. Training was conducted throughout the State to familiarize employers with the requirements of the new standard.

### Emphasis programs

North Carolina's emphasis programs are selected based on those industries or hazards that have the greatest negative impact on the state's overall injury and illness and fatality rates. The areas of emphasis documented in the current strategic management plan include construction; logging and arborist related activity; wood products manufacturing including manufactured homes; long-term care; food manufacturing; and health hazards including lead, silica, hexavalent chromium, asbestos, and isocyanates. A multi-disciplinary resource allocation, including compliance, consultation, and education and training, is utilized to address the areas of emphasis.

The success of this outcome driven program is measured by comparing baseline statistical data with subsequent year's data. There has been a 55% decrease in the number of work related fatalities in North Carolina in the last three years. The number of construction fatalities reached a program low of 11 in 2009 compared to a baseline of 24 construction fatalities. The state's overall injury and illness rate dropped to 3.4 per 100 full-time employees which is a historical low for the North Carolina State Program.

## Enforcement

Enforcement activity continues to be an integral part of the North Carolina State Plan. In 2009, the North Carolina Occupational Safety and Health (OSH) Division conducted 5,196 safety and health inspections. The state's strategy for investigating significant cases includes mobilizing adequate resources including equipment and personnel, conducting a thorough investigation, and sharing any significant findings with others who might benefit from the information.

### **In 2009, a number of high profile investigations were completed.**

On July 4, 2009, an explosion occurred that took the lives of four employees and badly injured a fifth person. The employees were making preparation for a fireworks display later that night when the accident occurred. As a result of the inspection, citations were issued for nine serious violations with penalties totally \$44,800. Most of these items were General Duty Clause violations that related to providing training to employees working with highly sensitive explosive material. Prior to the tragic accident, there were no state laws to require specific training or certification for employees engaged in pyrotechnic activity. To address this issue, the North Carolina General Assembly enacted the Pyrotechnics Safety Permitting Act. This Act includes permitting, certification, and training requirements.

On December 1, 2009, the North Carolina OSH Division issued citations including 26 serious health and safety violations as a result of a investigation at a food processing facility. A deadly explosion occurred on June 9, 2009, that killed four employees and injured many more. The company was also issued penalties in the amount of \$134,773.

The food processing company had hired a contractor to install a gas fired water heater. The contractor was in the process of venting gas into an enclosed room when the explosion occurred. The contractor was also cited for 28 serious violations with penalties totaling \$58,100.

The investigation documented the need to evaluate the safety and health record of subcontractors hired to do work, and the dangers of allowing gas to vent into an enclosed room where a source of ignition is present. This investigation and others across the country documented the danger of venting gas in an enclosed room and have resulted in rule changes that prohibit this activity.



Debris in the aftermath of the fireworks explosion that killed four employees.

## Outreach

**Training:** One of the cornerstones of North Carolina's safety and health program, training has a major impact on the overall goal of reducing injury, illness, and fatality rates. The state's strategic plan determines where resources are allocated and how training outreach is prioritized. All the safety and health bureaus contribute a portion of their resources to training coordinated by Education, Training, and Technical Assistance (ETTA). Training is conducted at employer worksites, at other locations around the state, and online. During 2009, 13,295 employers and employees were trained.

In an effort to ensure adequate focus on the special emphasis programs, North Carolina increased the amount of training offered to workers in high-risk industries such as construction, logging, arboriculture and agriculture at or near their worksites using Labor One, a mobile training unit.

North Carolina also:

- Expanded the frequency of its offerings of online training.
- Launched the first State Plan Train-the-Trainer Program for General Industry and Construction.
- Placed the first of more than 60 standardized safety and health presentations on the Internet.
- Sent information about training initiatives through an online monthly newsletter to over 8,000 employers and employees.
- Offered electronic certificates for workshops and webinars and an automated registration system for all internal and external courses. Full implementation of the automated system was completed in 2010.

**Recognition Programs:** North Carolina began the VPP type Carolina Star Program in 1993. At the end of 2009, there were 119 companies in the Carolina Star Program which ranks first among state plan states and second among all states that participate in VPP type programs. Included under the Carolina Star umbrella is Building Star that recognizes construction worksites that have quality safety and health programs and Public Sector Star which recognizes state agencies and local governments. The State also had 87 active Safety and Health Achievement Recognition Program (SHARP) sites through December 2009.

A new Carolina Star Program was initiated in 2009. The Special Star Team Member (SSTM) Program allows industry employees and qualified consultants the opportunity to work with the NCDOL Carolina Star Program personnel to conduct onsite Star Program evaluations. This approach allows the continued expansion of the Star Program without requiring additional state resources.



**Publications:** Project Drive Safe, introduced to address work-related automobile fatalities, includes brochures on work-related travel and a new transportation-safety publication includes guidelines for developing a fleet safety program. Other new publications include a comprehensive combustible-dust industry guide, a golf cart and an ammonia hazard alert, six additional English and Spanish quick cards, and brochures on special emphasis programs.

North Carolina expanded its Web-based A-Z topics list, delivering more training information and materials through the North Carolina Department of Labor Web site. The list covers many safety and health topics with links to in-depth information to include comprehensive PowerPoint presentations.

**Standards:** The Standards Section within the OSH Division served the public by answering 4,592 inquiries for interpretations. Additional work included review and adoption of rules clarifying and specifying safety and training requirements for all workers. Several new rules were adopted including personal protective equipment training requirements, marine terminal vertical tandem lifts, maritime, electrical scope clarification, and state-specific cranes and derricks rules.

## Partnerships

North Carolina had 19 active partnerships and alliances in 2009. Partnerships are usually developed in conjunction with high-visibility construction projects.

In 2009, a successful partnership was completed with BE&K on the NASCAR Plaza Project in Charlotte NC, including celebrating one million safe working hours without a lost work time accident. Two partnerships, NASCAR Hall of Fame and the Wachovia One Project, also ended successfully in the spring of 2010. A new partnership was signed with Skanska USA for the construction of the Wake County Detention Center in Raleigh, NC.

Seven alliances were added in 2009. They included the NC Forestry Association, NC Utility Contractors Association, NC Association of Professional Loggers, Forestry Mutual Insurance Company, Builders Mutual Insurance Company, Lamar Advertising Company, and Carolinas Roofing and Sheet Metal Contractors Association.

In cooperation with alliances formed with the NC State University Industrial Extension Service and the NC Safety and Health Council, the Manager of Environmental, Safety and Health (MESH) and the Construction Manager of Environmental, Safety and Health (C-MESH) certificate programs successfully continued during the year. Development of the Public Sector MESH certificate program began in 2009 with implementation in 2010.



A safety and health celebration at the NASCAR Hall of Fame with company employees and the North Carolina Department of labor.

### Signature project

**Scheduling system changes:** Oregon OSHA adopted a new fixed site enforcement scheduling rule, which eliminates the previous rule's reliance on whether a disabling claim has occurred at the worksite as the trigger for a worksite's presence on the list. It also shifts the focus away from employer-specific and location-specific claims data to industry-based risk.

Oregon OSHA has found such data is not sufficiently reliable from a statistical standpoint as an indicator for the vast majority of worksites in the state. The rule identifies places of employment based on industry, and then bases the likelihood of inspection largely, but not entirely, on the nature of the industry's risk of injury, illness, or death. Within specific industries, locations will be randomly selected for inspections.

### Emphasis program

**Tower crane emphasis:** Oregon OSHA released the results of an emphasis program it began in August 2008 in response to the number of tower crane failures and accidents across the country.

Oregon OSHA inspected seven cranes as a result of the tower crane program. Because some cranes involved multiple employers, these visits resulted in 13 inspections. Among the 13 violations cited, eight were classified as "serious" in nature and the remaining violations were cited as "other-than-serious." Nine of the inspections resulted in no serious violations, while six of those resulted in no violations at all.

Some of the areas of concern Oregon OSHA identified were grounding issues, operator training, and training for riggers. Inspections covered crane operator qualifications, crane maintenance, and training records.

### Enforcement

**Americold Logistics:** Oregon OSHA fined Americold Logistics a total of \$740,400 for extensive safety and health violations found during a Sept. 16, 2009, inspection at the company's Milwaukie, Ore., facility. By not having proper safeguards in place to contain ammonia, the company was putting workers in serious danger of injury or death due to a chemical leak or explosion.

The national refrigerated warehouse operation was cited for 10 willful violations, four serious repeat violations, and 22 other serious violations. The bulk of the violations were related to the company's system for handling the hazardous chemical anhydrous ammonia.

Among other issues, the inspection identified excessive ice build up on valves, significant corrosion of pipes, and missing drain valve plugs, making ammonia release more likely.

**ConAgra Foods/NW Metal Fabricators:** Oregon OSHA fined ConAgra Foods a total of \$65,000 and NW Metal Fabricators Inc. \$25,000 for safety and health violations related to a Feb. 16, 2009, explosion that killed a worker in Boardman, Ore.

The explosion took place at the ConAgra Foods potato processing plant in Boardman, where welder Kevin Gregerson was attempting to repair a leak in a steel tank used for potato washing. Gregerson, a worker employed by NW Metal Fabricators Inc. of Hermiston, Ore., died inside the tank when the explosion occurred. Gases that had built up under the tank ignited, causing the explosion. NW Metal Fabricators worked as a contractor on the site.

Oregon OSHA found both companies violated several rules related to protecting employees who enter "permit spaces."

## Outreach

**2009 Oregon GOSH Conference:** The Oregon Governor's Occupational Safety and Health (GOSH) Conference attracted close to 1,500 attendees at Portland's Oregon Convention Center in March 2009. The event also drew nationally known speakers and offered 115 workshops and sessions and more than 150 booths showing the latest safety and health products and services.

One of the highlights of this year's conference was the awards ceremony, which featured a visit by Oregon Gov. Ted Kulongoski. Some 14 individuals, companies, and associations received awards for their commitment to safety and health.

**Facebook page:** Oregon OSHA launched a Facebook page in the fall of 2009 to provide followers exclusive content, such as links to safety and health tips and conference discussions. The page also includes links to upcoming events, photos, and agency news.



An explosion at the ConAgra Foods potato processing facility in Boardman claimed the life of a welder repairing a leak in a steel tank.

**Resource newsletter:** Oregon OHSA's Resource newsletter, a full-color online publication, was honored with a "2009 Merit Award" by the Portland chapter of the Public Relations Society of America. Resource was the only winner in the newsletter category. Judges commented on the publication's excellent quality and readership that exceeds 3,000 subscribers.

**Safety Break for Oregon:** More than 75 employers across Oregon celebrated workplace safety and health with award programs, trainings, and other special events during the eighth-annual Safety Break for Oregon on May 12, 2010.

Oregon OSHA coordinates the one-day event, designed to raise awareness and promote the value of workplace safety and health. Companies who participated signed up online and held events at worksites across the state.

## Partnerships

**The O[yes]:** Oregon OSHA's involvement in the Oregon Young Employee Safety Coalition (O[yes]) includes a key project, the annual student video contest. Students who took home first-place honors in the 2010 contest won \$500 for their public service announcement promoting young worker safety and health.

The winning 45-second video titled "Worker Training is Important" features a student worker who doesn't pay attention to her training course and ends up with multiple injuries. The students also won a matching amount of prize money for their school, Summit High School in Bend.

The top seven videos appeared on YouTube and had hundreds of views. Nearly 50 students entered the contest – a significant increase from the previous year.



Students who took first-place honors in the O[yes] annual school video contest display their awards. Each group won \$500 for their public service announcement promoting young worker safety and health.

**Women in Trades:** Students from schools across Oregon learned about construction, mechanical, utility, and other trades through hands-on demonstrations and workshops at the Women in Trades Career Fair in April 2010.

In partnership with the trade association, Oregon OSHA staff taught classes and manned a booth, where students were invited to spin a "wheel of hazards" to earn a prize for identifying potential problems. Students were able to learn about safety and health from photos so they can take that awareness into the workplace.

**OCHE:** Oregon's active alliance with the Oregon Coalition for Healthcare Ergonomics (OCHE) has produced the definitive website of resources for ergonomics in health care, achieved a change in the nursing curriculum to include safe patient handling, and provided the technical resources for two safe patient handling grant supported model programs.

OCHE members are extremely active in reaching out to a wide spectrum of the health care community to raise awareness around the need for safe patient handling.

### Enforcement



Explosion at the Caribbean Petroleum, Corp (CAPECO PR) on October 23, 2009.

**Significant Case: Explosion at Caribbean Petroleum, Corp (CAPECO PR):** On October 23, 2009, at 12:30 a.m., the Bayamon area was rocked by an explosion. The company where this incident took place was engaged in the storage, transportation and distribution of gasoline, fuel oil, diesel, and jet fuel.

The blast and subsequent fire destroyed 14 tanks and damaged seven of the 40 tanks located in the CAPECO tank farm facilities. The explosion shock wave impacted neighborhoods and could be heard and felt through five counties.

The activation of PR OSHA's emergency protocol began immediately after the explosion. The first stage was to prepare the logistics that PR OSHA personnel would follow during the emergency phase, which includes mitigation and recovery.

PR OSHA's main goal was the safeguarding of the first responders participating in the fire extinguishing and mitigation tasks at the CAPECO facilities and surrounding areas. The CSHOs from PR OSHA were posted 24/7 at the site for the observation and evaluation of hazardous conditions.

The fire was effectively contained until it burned out four days later. No lives were lost and only one first responder was affected by smoke inhalation.

Once the fire was out, the Bureau of Federal Investigations (FBI) and the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) took control of the scene to investigate for criminal intent. After they finished their investigation, they released the scene to the Chemical Safety Board and PR OSHA's enforcement action.

Once the inspection began, and due to the complexity of the situation, OSHA's Region II offered assistance which was accepted. Mr. Michael Marshall, PE, Safety Engineer and Member of the PSM Team in OSHA's

National Office, Directorate of Enforcement Programs (DEP), provided on-site technical and expert assistance.

After analyzing all the evidence gathered during the investigation, Mr. Marshall concluded that CAPECO had several serious systems and procedural deficiencies which, combined with a release event, led to an explosion of catastrophic proportions.



PR Governor Luis Fortuño (holding mic) visited the CAPECO PR Incident Command Center and addressed the responders. PR Secretary of Labor Miguel Romero is second to the left of the governor.



After the investigation, Caribbean Petroleum, Corp was cited with 40 general duty clause violations based on API and NFPA regulations and four under the General Industry Standards: 1910.106, Flammable and Combustible Liquids; 1910.120, Hazardous Waste Operations and Emergency Response; and 1910.307, Hazardous (Classified) Locations. The proposed penalty in this case amounted to \$61,875.00.

**Inspections and Discrimination Complaints:** To achieve our goal of assuring a reduction in hazardous exposures, injuries, illnesses and fatalities for FY 2009, PR OSHA conducted 1,345 inspections and issued two willful violations, 59 repeat violations and 1,269 serious violations.

- Eight fatalities in the construction industry related to the four leading causes were investigated: four falls, two crushed-by and two struck-by. PR OSHA conducted eight investigations and issued 20 violations.
- PR OSHA conducted 134 programmed planned inspections in the construction industry covering 68,000 employees.
- Twenty-two discrimination complaints were received and completed during FY 2009.

### Local emphasis programs

- PR OSHA works with the LEP in the Warehousing and Storage Industries (NAICS 493110 and 493120), for programmed safety inspections. During FY 2009, PR OSHA inspected 119 establishments. Seventy-eight were cited with a total of 331 violations: 151 serious violations and 180 “other-than-serious violations.”
- PR OSHA works with the LEP in the Metal Doors and Windows Industries (NAICS 332321), for programmed safety inspections. During FY 2009, PR OSHA inspected 10 establishments. Nine were cited with a total of 37 violations: 12 serious violations and 25 “other-than-serious” violations.
- PR OSHA works with the LEP in the Printing, Publishing and Allied Industries (NAICS 323110 through 323119), for programmed inspections. During FY 2009, PR OSHA inspected five establishments. Four were cited with a total of 15 violations: 11 serious violations and four “other-than-serious” violations.
- PR OSHA works with the LEP in the Public Sewage and Water Treatment Plants (NAICS 221310 and 221320), for programmed health inspections. During FY 2009, PR OSHA inspected 17 establishments. Eleven were cited with a total of 84 violations: 68 serious violations and 16 “other-than serious” violations.

## Outreach

**Training and Education Initiatives:** The training and education services offered by PR OSHA target a wide array of industries and sectors. Most often, the training sessions and activities are free of cost, and informational material is delivered as part of the training efforts. These initiatives are aimed at providing training to employers and workers in the skills necessary for an effective involvement with safety and health matters.

**Seventy** training sessions were delivered in different workplaces, as requested by employers. The participation was as follows:

- **806** - employer representatives,
- **2,163** - employees,
- **181** - students and,
- **9** - general public.

**Thirty-one** training sessions were provided to the general public in Hato Rey, Ponce and Humacao. The participation was as follows:

- **1,011** - employer representatives,
- **938** - employees,
- **149** - students, and
- **68** - general public.

**Voluntary Protection Program:** PR OSHA has 17 VPP participants at Guanin level (Star equivalent). During FY2009, PR OSHA evaluated and approved three new VPP in the Guanín level: **Wyeth Consumer Healthcare** in Guayama, on March 27, 2009; **Veolia Environmental Services**, in Gurabo, on August 21, 2009; and **AMS Gilbane** – a construction project in Río Piedras, on September 15, 2009.

Three participants were evaluated and reapproved in the Guanín level: **GE Industrial of PR LLC** in Vieques, on August 17, 2009; **GE Sensing**, in Añasco, on September 1, 2009; and **Pfizer Pharmaceuticals** in Caguas, on April 2, 2009.

**SHARP:** FY 2009 was again a great year for PR OSHA's SHARP Program. Two new establishments were approved; eight were granted a two-year second term, four were granted a one-year second term, and one was granted a two-year third term. A total of 20 companies are participating in the SHARP.



**Worker's World Safety and Health Day:** For the third year, PR OSHA celebrated Worker's World Safety and Health Day established by Act No. 94 of 2007. This law intends to create public awareness about the importance of safety and health in the workplace.

**Door to Door in Construction Initiative:** Given the fact that the Door to Door initiative has been favorably received by employers in the construction industry, PR OSHA revised the instruction, and extended it in 2008 for two additional years. The Door to Door Construction Industry initiative is designed to promote safety and health through on-site consultation visits to general contractors in construction projects with 50 or more employees, which last for 12 months or more. The general contractor shall demonstrate an interest in complying with the safety and health standards and regulations, and a commitment towards the protection of the working force.

After the second visit to the project, if the consultant notices a genuine interest and commitment by the general contractor towards the worker's safety and health during the first and second full visits, the consultant offers the general contractor the opportunity to participate in a continuous consultation service which consists of receiving an on-site full consultation visit, at least every three months during the duration of the project. The general contractor must request in writing its participation in this initiative, establish commitment, and agree to abate all safety and health hazards identified by the consultant at the construction project, and to develop or improve its safety and health program. PR OSHA provides a banner to the project site approved in the initiative.

Eight construction projects were accepted to participate in the Door to Door Initiative during FY09.

## Signature project

The United States Department of Labor requires states that manage and administer their own OSHA programs (i.e. State Plan States) to capture, record, and report specific information to Federal OSHA via the Integrated Management Information System, more fondly known as the IMIS. To address and forestall any potential problems with the IMIS, SC OSHA contracted with a software development firm to develop and implement an information system that could satisfy both state and federal reporting requirements. As a result, SC OSHA has implemented its new South Carolina OSHA Redesign and Enhancement (SCORE) project.

One of the primary goals of the SCORE project was to enhance and modernize the environment from the existing IMIS applications and database environment to a graphical user interface (GUI) that is integrated with Windows operating system. SCORE is more than just a replacement for the legacy IMIS software previously used. In addition to the data entry interfaces and reports, the system provides a document management system, along with a workflow mechanism to seamlessly transfer work between users and activities.

The result is the SCORE project based on the **OSHA Express™** information system. SCORE is a Multiple Document Interface (MDI) application. This allows users to open multiple windows simultaneously in the performance of their work. It has a unique menu and toolbar related directly to the required OSHA functionality and each window in the system has its own separate toolbar that controls its specific functionality.

The OSHA Express system is designed as a client/server application configured to work in either a Windows or Unix environment. Because of the existing South Carolina LLR infrastructure a Windows-based environment using a MS SQL Server database was chosen. The software developer's recent experience in developing a similar information system for the state of Minnesota allowed them to customize and enhance an already proven system. The SCORE system incorporates many new features in addition to the required IMIS functionality, including enhanced reporting, customizable workflow, and a document management system that efficiently replaces paper files. SC OSHA enjoyed a seamless transition from IMIS to OSHA Express when the project went "live" on November 6, 2009.

## Enforcement

In fiscal year 2009, the S.C. Office of OSHA conducted 1,796 total inspections. Of those, 1,617 or 90% were safety-related inspections and 179 or 10% were health-related inspections.

Statistics show the following:

- 1,420 Planned Inspections,
- 148 Complaint Inspections,
- 31 Accident and Fatality Inspections,
- 62 Referral Inspections,
- 25 Follow-Up Inspections,
- 51 Unprogrammed-Related Inspections,
- 55 Programmed-Related Inspections,
- 1 Monitoring.

During these inspections, 2,868 violations were issued. Of these violations, 2,075, or 72.4% were Serious and 792, or 27.6% were Other-Than-Serious. There was one Willful violation recorded. Adjusted penalties for these violations amounted to \$576,598. Penalties collected during the fiscal year totaled \$528,767.

**Fatality Case - Site/Activity taking place at time of incident:** Company was driving piles for construction of a bridge crossing over a creek. Shortly after lunch time the piling hammer was test fired and after it was determined that the soil was stable the pile driving began. At this time the employee, a carpenter assigned to construct forms across the creek from the piling operations, climbed onto the piling template to watch the pile driving activity. After three or four strikes of the hammer, the concrete pile suddenly sank four to five feet into the ground, causing the pile to fall faster than expected, and away from contact with the hammer. As a result, the hammer also dropped, striking the top of the pile on the top right side causing the hammer and leads to abruptly swing to the right of the piling being driven. When the legs of the leads, which were resting on the metal elevated template, kicked out at the bottom, the lowest cross brace on the leads struck the employee in the face and head, pinning him to a concrete piling already driven.



Bridge construction pile driving fatality.

**Fatality Investigation results:** The investigation resulted in two serious citations. A citation for the violation of the General Duty Clause (71-112A) was issued for allowing the employee to be on the template and for not having the bottom of the leads secured when the piling hammer was in operation. Additionally, a citation was issued for violation of 1926.21(b)(2) for no instruction in hazard recognition and avoidance of unsafe conditions for the employee on the piling template during pile driving operations.

**Fatality Case - Site/Activity taking place at time of incident:** On October 20th, 2009, SC OSHA conducted a fatality investigation at the South Carolina State Fair with North American Midway Entertainment. The employee left his tape measure in the area underneath the rotating counterweight on the Chance Ride “Inverter” portable Model 414. He went to retrieve it while the ride was running and was struck by the 10,000 pound counterweight.

**Fatality Investigation results:** South Carolina OSHA issued citations to North American Midway Entertainment for a violation of the general duty clause. The employer failed to provide a barrier guard to prevent employees from entering the area where they could be struck by the rotating counterweight on the Chance Ride “Inverter.”



Mac Carpenter, Senior VP BE&K Building Group; Dan VonKossovsky, VP of Operations Carolinas Business Turner Construction; Adrienne R. Youmans, Director of SC Dept. of Labor, Licensing and Regulation; and Dorothy Ison, Administrator for SC OSHA; sign partnership agreement at the Boeing 787 Dreamliner assembly and delivery site in North Charleston, SC.

## Partnership

On Friday, April 16, 2010, SC OSHA signed a partnership agreement with the BE&K/Turner Joint Venture — design-build contractor at the Boeing 787 Dreamliner assembly and delivery site in North Charleston, South Carolina. Boeing broke ground on this high-profile project in November 2009. The BE&K/Turner/BRPH design-build team is headquartered in Greenville, SC. The core field project management team has been stationed at the North Charleston site full time since February 2010.

BE&K/Turner’s environmental-health-safety-security manager, elaborated on the significance of the SC OSHA partnership and the team’s commitment to creating a safe working environment.

*“Our partnership with SC OSHA allows the BE&K/Turner team to reinforce and emphasize our commitment to the safety and health of the workforce within the South Carolina construction industry — and will directly benefit the thousands of workers who will eventually take part in this work. It will guarantee quarterly visits from SC OSHA, quick regulatory interpretations as may be needed, as well as provide ample training opportunities for every employee on site...”*

BE&K/Turner agreed to train all contract employees in the OSHA 10-hour construction class, and the contractor management would receive the 30-hour training course. SC OSHA will film and use the site construction as a learning tool for SC OSHA employees. Due to the magnitude of the project, they will be doing construction techniques that SC OSHA Safety and Construction officers have not previously seen. At the end of July the partnership had reached 500,000 work hours without a lost day accident. The scheduled finish date for the Boeing Assembly plant is March 17, 2011.

## Emphasis programs

Tennessee's emphasis programs target resources on specific hazards in the workplace. These programs have produced measureable results and made a real difference in the workplace. The following is a list of these programs:

**Excavations Safety:** All compliance officers, including industrial hygienists, are trained to identify cave-in hazards and are authorized to conduct inspections and interventions when they observe such hazards. Tennessee has not had a fatal injury from a cave-in since 2005.

**Noise:** In 2009, noise exposures were reduced for 1,002 employees. All compliance officers, including safety compliance officers, are trained to identify and evaluate employees' exposure to workplace noise.

**Carbon monoxide:** Tennessee OSHA's special emphasis program on carbon monoxide exposure resulted in the reduction or elimination of Carbon monoxide exposure to 410 employees in 2009.

**Fall protection:** All compliance officers, including all industrial hygienists, have received specific training in the identification and abatement methods of fall hazards. TN OSHA investigated four fall related rates in 2009, down from 11 investigated during 2008.

**Amputations:** Tennessee OSHA's special emphasis program on amputations has resulted in a significant downward trend in these injuries over the last five years.

**Needle sticks:** Though not a special emphasis program, Tennessee OSHA's initiative to decrease needle sticks and medical sharps injuries in hospitals and ambulatory surgery centers resulted in a 14.5 percent reduction in hospitals and 17.1 percent reduction in ambulatory surgery centers when compared to the 2005 baseline. The program has attracted national and international attention for the success of the initiative.

## Enforcement

**Inspections:** Tennessee OSHA conducted 2,209 inspections during the 2009 calendar year, including 285 complaint inspections and 284 complaints handled by phone and letter. TN OSHA investigated 29 fatalities. There were 9,109 violations cited during the year, including 5,683 serious violations. The average penalty for a serious violation was \$1,411.00. Fewer than two percent of the violations were vacated or reclassified.

## Outreach

**VPP and SHARP:** Tennessee OSHA continues to have active participation in its Voluntary Protection Program (VPP) and Safety and Health Achievement Recognition Program (SHARP). At the end of 2009, VPP had 31 participants and SHARP had 16 participants.

**Training:** During 2009, Tennessee OSHA trained more than 8,000 employees and employers on a wide range of safety and health topics. Most of this training was done in partnership with the Tennessee Chamber of Commerce and Industry, and the University of Tennessee.



Bridgestone-Firestone receives the Tennessee VPP Star Award.



John Deere celebrates receiving the Tennessee VPP Star Award.

### Signature project

Virginia instituted a new regulation for Reverse Signal Operation Safety Requirements for Vehicles, Machinery and Equipment for General Industry and the Construction Industry, 16 VAC 25-97, which went into effect in September of 2009. History has shown that every reverse signal operation fatality has involved the driver either not knowing anyone is in the back-up zone or losing sight of someone known to be in the back-up zone and the driver continuing to back up anyway. What Virginia seeks to accomplish with this regulation is to change existing behaviors that cause these deaths and debilitating accidents.

This new regulation requires a human visual check before any backing begins. A spotter and a backup alarm must be used before a driver backs up a vehicle with an obstructed view to the rear. Alternatively, if a driver can visually determine that no one is in or expected to be in the path of the backing vehicle, the driver may back up without a spotter. The successful promulgation of this regulation required a joint effort of VOSH and industry representatives. More on this regulation and other reverse operation interpretations can be found at the following website: [http://www.doli.virginia.gov/vosh\\_enforcement/reverse\\_signal.html](http://www.doli.virginia.gov/vosh_enforcement/reverse_signal.html)

### Emphasis programs

Virginia's key emphasis program continues to be Overhead High Voltage Lines (OHV). The Department has created Public Service Announcements (PSAs) in both English and Spanish to try to combat the dangers involved with working near such OHV lines. There have been 21 fatalities caused by OHVs in the last five years, including three fatalities during this calendar year.

Virginia continues with other local emphasis inspection programs to address the major causes of fatal and serious non-fatal accidents in the following areas: fall hazards in construction; scaffolding; heavy construction equipment, overhead high voltage lines; lumber and wood products; waste water and water treatment facilities; and use of workers' compensation accident reports to identify specific occurrences such as amputations, serious chemical exposures, etc. Virginia participates in the following National Emphasis Programs (NEPs): amputations; asbestos; lead; combustible dust; crystalline silica; and trenching and excavation.



The results for FY-09 from Virginia's LEP inspections are as follows:

- Inspections – 784,
- Serious violations – 1,331,
- Willful violations – 6,
- Repeat violations – 53,
- Other violations – 281,
- Instances – 5,849.

## Enforcement

A high media profile fatality involved a 14-year-old boy who was working near or around a dangerous wood chipper. It is believed he was shoveling debris into the chipper when he was completely pulled into the chipper, along with the shovel he was using. The victim had been working with two adult employees who were away from the chipper at the time the victim was pulled in. According to police, the young victim died instantly.

This was a joint investigation involving the U.S. Department of Labor (DOL), the Department of Labor and Industry (DOLI) Child Labor Division, and Virginia Occupational Safety and Health (VOSH).

DOL investigated this accident and issued a citation to the employer because the chipper was dangerous woodworking equipment. DOLI's Child Labor Division and VOSH issued citations based on the dangerous act being logging not woodworking. VOSH issued two willful violations and 17 serious violations. The case is currently contested. The investigation revealed that the employer had an operator's manual available for use and utilized the manual to perform maintenance on the wood chipper.

The chipper was operated without the infeed tray table which was 18 inches long and would have kept the victim much farther away from the chipper's rotating blades. This is significant because if a portion of the victim's clothing or a glove was snagged on a branch or caught in the push shovel being used, the extra 18 inches from the use of the tray table could have provided the victim with additional time to untangle himself.

Two emergency stop cords were designed by the manufacturer to hang vertically down in the feed chute and be available for an employee who was being pulled into the chute to pull on and immediately stop the chipper. These cords were missing from the chipper.

The manufacturer also supplied a wooden paddle designed for use by employees to push materials into the chute to avoid getting too close to the blades. This was also missing. The paddle was also designed so that there were no grab points upon which operators could catch clothing or gloves. The absence of the paddle forced the victim to use a metal shovel which had a handle on it and on which the victim could have caught his glove.

The feed control bar hydraulic valve and linkage was located at the infeed chute and was non-functional. If operational, it could have been used by the victim to stop or reverse the direction of the blades and prevented him from being pulled into the chipper.

## Outreach

The Fourteenth Annual Virginia Occupational Safety and Health Conference was held June 2-5, 2009 at the Hotel Roanoke and Conference Center in Roanoke. The conference participants engaged in safety and health training sessions on safely working around overhead power lines, using a culture perception survey, and unique fall protection solutions, among others. Safety and health training, equipment and related products were displayed and demonstrated at more than 40 vendor exhibits.

Concurrent sessions also included opportunities to learn about the VPP Program, workers' compensation compared with OSHA recordability, what to expect during a VOSH inspection, media relations in workplace emergencies, and trenching and excavation safety. Concurrent sessions also highlighted the VPP and SHARP programs and the Voluntary Apprenticeship Program in Virginia. Keynote speaker Gary L. Visscher of the U.S. Chemical Safety Board discussed heading towards the future in workplace safety.

The conference succeeded in reaching 217 attendees and continuing to improve the variety of training sessions offered at an affordable price to employers, employees and safety and health professionals in Virginia. Partners for this annual event include local branches of the ASSE and the Virginia State Association of Occupational Nurses.

Consultation Services provides safety and health consultation to private and public sector employers with priority given to high hazard companies with 250 or fewer employees. In 2009, with funding by federal OSHA, consultants provided on-site safety and health services to 431 private sector employers. Within the public sector program, funded 50% by Federal OSHA, on-site services were provided to 14 employers. The total visit numbers were lower for all of 2009 than 2008, as the program experienced four vacancies during the year. Consultants also conducted 431 informal training sessions, 71 promotional visits, eight follow-up visits and nine program assistance visits. During 2009, 1,724 hazards were identified, with 1,394 of those hazards identified as serious.

The Safety and Health Achievement Recognition Program (SHARP) provides incentives and support to small, high hazard employers to work with employees to develop, implement, and continuously improve safety and health programs. To participate in the SHARP program, a company must have one year of operating history, and have Days Away Restricted/Transferred (DART) and Total Recordable Cases (TRC) below those of the latest published national average for that industry.

As of 2009, there were 52 participants in the SHARP program. One company achieved SHARP status for the first time and six companies were re-certified into the program. One company voluntarily withdrew due to economic issues. There are also two companies in the deferral program with hopes of achieving SHARP status during 2010.

Virginia's VPP goals include: continued growth in the number of Star worksites in Virginia and an increased level of involvement by Star sites, both in the area of mentoring and in participating as Private Industry Volunteers. In all of these areas the program achieved very favorable results. In 2009, there were four worksites that achieved Star status during the year. The active number of sites increased to a total of 42. A total of 11 sites were re-certified as Star status during 2009. In the spirit of VPP, at least half of the current Star worksites were actively involved in mentoring new sites.

In January of 2010, a Special Government Employee (SGE) class for the Private Industry Volunteers was conducted in Virginia Beach in conjunction with the U.S. Department of Labor's Region III and the Virginia Department of Labor and Industry. This welcome addition to the Virginia VPP effort prepares volunteers from existing VPP sites to become VPP auditors. A total of 29 employees attended, with 17 employees from Virginia sites.

## Partnership

Virginia continues its alliance with the Virginia State Association of Occupational Health Nurses (VSAOHN), which has as its purpose the promotion of healthy and safe workplaces in large and small businesses in areas such as emergency management, ergonomics, health and wellness, healthcare worker safety and respiratory protection. As previously mentioned, the VSAOHN has also been actively involved in Department activities, notably the annual Occupational Safety and Health Conference.

## Signature projects

**Brightwater Tunnel Project:** DOSH is continuing to work with contractors and King County Metro on the Brightwater Conveyance Project, a wastewater treatment project. The project consists of a 14-mile long underground tunnel with four shafts from a new wastewater treatment plant in Woodinville, which will carry treated wastewater into Puget Sound. Each shaft has a state-of-the-art tunnel-boring machine to complete the underground work. To date, contractors completed three sections of the tunnel. The Brightwater Project began in 2006, and a completion date has not yet been determined.

**Cranes:** DOSH has implemented new rules that address construction crane safety, including certification of cranes and crane operators. This portion of the new crane rules became effective on January 1, 2010. Since OSHA has recently adopted new rules that affect cranes in the construction industry, DOSH is comparing OSHA's new rule with our existing rule and will make any necessary changes to ensure that DOSH rules are at least as effective as OSHA's.

DOSH is working on additional new crane rules that will address maintenance, inspection, operation, personnel lifting and rigging. These new rules should be adopted early in 2011. For more information on cranes and DOSH's rules, see Construction Crane Safety on the L&I Web Site.

## Enforcement

**Tesoro Petroleum Refinery:** An explosion and fire struck the Tesoro Petroleum Corp. refinery in Anacortes, Washington, about 70 miles north of Seattle, on April 2, 2010. Three men died at the scene. Four others including two women and two men later died at Harborview Medical Center in Seattle from severe burns.

It was the deadliest industrial accident in the 37 years the Department of Labor & Industries has been enforcing the state's workplace safety laws under the Washington Industrial Safety and Health Act (WISHA).

The investigation into the Tesoro explosion will be thorough and could take up to six months to complete. As a regulatory body, the DOSH team will not only work to determine what led to the incident, but also whether the employer violated any workplace safety rules that may have been a factor in the incident.



An explosion at the Tesoro Petroleum Corp. refinery in Anacortes fatally injured seven workers.

DOSH inspected Tesoro in 2009 under the National Emphasis Program (NEP) on all petroleum refineries. DOSH cited Tesoro for 17 serious violations and issued a fine of \$85,700. The company appealed. A settlement agreement reached in November 2009 called for DOSH to set aside 14 of the violations and reduce the fine for the remaining violations to \$12,250. In exchange, Tesoro agreed to retain a third-party consultant to review the hazards DOSH alleged in its original inspection, and abide by any recommendations the consultant made.

**Imperium Grays Harbor:** Imperium Grays Harbor, LLC, is a bio-diesel manufacturing plant in Hoquiam, Washington. On Dec 2, 2009, the bio-diesel plant experienced a tank explosion. The explosion (rupture) was caused by an over-pressurization of the glycerin neutralization tank during addition of an unknown amount of concentrated sulfuric acid into the tank of glycerin in an effort to achieve a pH of -7. The neutralization tank was destroyed. The majority of the tank flew over the process plant more than 300 feet away. No fires or bodily injury were reported. The inspection, which ended in May 2010, resulted in eleven serious and one general violation.

**REC Silicon:** On March 26, 2010, Washington issued citations for 14 workplace-safety violations carrying penalties totaling \$57,000 to REC Silicon in Moses Lake, which produces semiconductors and related devices. DOSH industrial hygiene and safety inspectors spent 15 days at the Moses Lake site between September 28 and November 12, 2009. The inspection included several on-site evaluations. Ultimately, the inspectors found 10 serious violations and four general violations.

The inspection of REC Silicon was part of a national effort by federal and state safety and health agencies to inspect workplaces that have the potential to release highly hazardous chemicals. Among the violations inspectors found were:

- Failure to inspect and test the mechanical integrity of valves and other critical instruments on production equipment in a manner consistent with good engineering practices or the manufacturer's recommendations.
- A pressure-relief valve that did not vent to a safe location away from workers.
- Inadequately maintained respirators.
- A lack of documented follow-up on safety incidents or Management of Change procedures, which are written plans for handling modifications to machinery making up the production process.
- A lack of written protocols directing workers on how to raise safety issues with managers.

**Discrimination Investigations:** Washington's Discrimination Investigations Program continues its performance with exemplary timeliness, merit, and settled case rates. 2009 Discrimination Investigation statistics:

- Total cases received – 209;
- Total cases Investigated – 107;
- 97.4% of cases were completed timely within 90-day statutory time frame;
- 38.3% of investigated cases were determined to have merit;
- 87.8% of merit investigations resulted in make-whole settlements;
- 12.2% of investigations deferred to the Attorney General's Office for litigation;
- \$109,085 obtained from employers in settlement agreements and returned to complainants;
- 102 additional complaints that failed to meet requirements for a prima facie case were screened and administratively closed;
- DOSH investigated 32 discrimination cases involving 60 Hispanic workers. A total of 199 Hispanic individuals were interviewed during the investigations.

**WISHA Information Network (WIN) System:** A new Risk Management module was added to Washington's primary safety and health data system, WIN, in January 2009. The next major system release, planned for December 2010, is called WIN Statistical Reports. This new module will provide the ability for central and regional managers and supervisors to directly monitor and compare field enforcement and consultation activities. Planning and preparation for implementing Washington's direct data exchange with the new OSHA system, OIS, is currently underway. The implementation date is dependent on OSHA implementing their new system but is estimated for early 2011.

## Outreach

**Workplace safety is focus of new ad campaign:** Beginning in May, 2009, The Department of Labor and Industries (L&I), in partnership with four business and labor organizations, began an advertising campaign to raise awareness about the importance of workplace safety in Washington state.

Television, radio and internet ads in Western Washington help spread the message that the most important reason for making your workplace safe is not at work at all. Instead, workplace safety is important as a means of sustaining relationships with family and friends outside the workplace.

**Job Safety Calendars:** For the 4th year, Washington has developed a 2010 Job Safety Calendar. This year's calendar was created for a variety of hazards, including forklift operations, asbestos abatement and lockout/tagout.



**Agriculture Safety Day:** Washington's 6th annual Agriculture Safety Day was held on March 3, 2010, in Yakima. The conference included 20 industry exhibitors and provided a full day of training for supervisors and workers in English and Spanish. About 300 people attended.

**Construction Safety Day:** Washington's 3rd Annual Construction Safety Day was held May 6, 2010, at the Puyallup Fairgrounds. Over 350 workers and employers attended this event. There were 30+ exhibitors and heavy equipment demonstrations illustrating hands on training and operations. Sessions were given in both English and Spanish.

**Governor's Industrial Safety And Health Conference:** Washington's 59th annual Governor's Industrial Safety and Health Conference was held on October 7 - 8, 2009, at the Greater Tacoma Convention and Trade Center. The conference offered two days of training and education, and had over 90 exhibitors providing the latest tools, technologies, and strategies for workplace safety and health. The event attracts over 1,200 attendees.

The conference includes a high-voltage demonstration held five times throughout the event. These demonstrations are put on by Washington electrical utilities, and demonstrate the safe use of electricity and what can happen if safe actions are not taken around electrical equipment.

**Safety And Health Investment Projects (Ship):** Washington's Safety and Health Investment Projects (SHIP) grant program approved and funded 27 grants during the 2007-2009 biennium totaling \$3.4 million. These grants range from \$3,291 to \$359,172. These projects address specific training needs, ergonomics in a variety of workplace settings, best practices, and other topics that are intended to reduce workplace injuries, illnesses, and fatalities.

**Safety Through Achieving Recognition Together (Start):** START, which is equivalent to OSHA's START program, was officially launched in Washington state in FFY 2010. One company that manufactures roll packaging products has been certified for START status. Two additional companies are in the process of becoming START sites.

**VPP:** VPP now has 29 STAR sites – 26 fixed sites, two residential construction sites, and one demonstration project. Three new sites have been approved for STAR status in the last six months. Two initial certification on-sites have been scheduled and two applications are in review. Fourteen more sites are at various stages in their pursuit of VPP.

**Education:** The DOSH Employer Education Workshop Program provides safety and health-related educational workshops at no cost to employers throughout the state. During 2009, the Employer Education Workshop Program held 175 workshops with an average attendance of 10 people per workshop.



This high-voltage demonstration was part of the Governor's Industrial Safety and Health Conference.

### Signature projects



Wyoming's fourth annual Governor's Safety Awards Conference was held in April 2009.

**Governor's Safety Awards Conference:** Our fourth annual Governor's Safety Awards Conference was held in April 2009 and was nothing short of a huge success. Approximately 275 people registered for the conference and enjoyed the awards luncheon, numerous safety seminars, and the 27 exhibitor booths. The main seminar was Billy Robbins's outstanding presentation on "Hooked on Safety." The awards luncheon was the highlight of the conference and featured the presentation of 10 Governor's Safety Awards to various state companies with outstanding safety and health programs.

**Wyoming Cowboy Voluntary Protection Program:** For 2009 Wyoming maintained 12 participants in our Cowboy Voluntary Protection Program (CVPP), all in the private sector. We renewed two of our 12 CVPP sites this year; Chevron Painter Reservoir Unit resurvey approval on May 20, and Union Tank Car resurvey approval on May 22.

### Emphasis programs

**Pre & Post-Visit Claims Data:** We have access to company specific workers' compensation data and use it to determine our impact after an inspection or consultation visit. We compare the 12-month period before the visit to 12 months after. Essentially, we measure injury and illness frequency (claims per employee) and severity (cost per claim). Although total number of employees was down 2.1% for 2009, we are happy to report the frequency was down 8.4% and severity was down 11.5%.

**The Local Emphasis Program** elements for the past year were: workers' compensation companies; construction, including 1500, 1600, and 1700 standard industrial classifications (SIC); oil and gas well drilling (1381 SIC); oil and gas well servicing (1389 SIC); lumber and wood products (2400 SIC); trucking and warehousing (4200 SIC); and nursing and personal care facilities (8050 SIC).



## Enforcement

With the increased activity in the oil and gas industry in the state of Wyoming, compliance is continuing their increased number of inspections of oil and gas drilling rigs and servicing rigs (1381 and 1389 SIC). We have also offered consultation services for employers in this area as well, plus 8-hour training seminars in oil and gas well drilling and well servicing.

## Outreach

Our training and education services are comprised of a 24-hour course covering General Industry Standards (1910); Construction 10-Hour; Construction Safety courses specifically targeting excavation, scaffolding, residential fall protection; Asbestos Awareness; Recordkeeping; Oil and Gas Drilling and Servicing; and other health and safety seminars. In 2009, we conducted 101 outreach training seminars in the above noted areas with a total of 2,851 attendees. Of these training activities, 23 (with 697 attendees) were in Construction, particularly addressing excavations, scaffolding, and our 10-hour construction safety training. We also presented nine seminars in oil and gas drilling/servicing training, with 70 in attendance.

## Partnerships

Wyoming OSHA Consultation participated with Region VIII in an Alliance with Pro-Build North LLC. One of the goals of the alliance is for all Pro-build Stores to enter into the SHARP program. All three Wyoming Pro-Build stores are currently working towards SHARP status.



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