



GRASSROOTS

Worker Protection 2012 OSHSPA Report

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







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Worker Protection **2012 OSHSPA Report**



Occupational Safety & Health State Plan Association

December 2012

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Even though Congress enacted the Occupational Safety and Health Act more than 42 years ago, most Americans are still unaware that 27 States and Territories operate their own occupational safety and health regulatory programs which are separate and distinct from the federal OSHA program. In 1970 Congress recognized that authorizing "State Plan" OSHA programs would be a critical element in achieving the primary goal of the Act "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions."

Congress noted that achievement of the declared goal would be enhanced "by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health ... and to conduct experimental and demonstration projects in connection therewith."

Recently there has been considerable discussion about the requirement that State Plans must be "at least as effective" as federal OSHA. Over the past 42 years, various metrics have been developed to assess effectiveness of both the States and federal programs. Although I think it's fair to say that the latest iteration of "effectiveness measures" is an improvement on the previous version, it is abundantly clear that there will likely never be a magic formula for definitively measuring effectiveness of an OSHA program, whether on the federal or State level.

The ability of States to tailor their OSHA programs to the needs of the workforce in their state is one of the advantages that Congress envisioned when it authorized State Plans. Often the "experimental and demonstration projects" developed in one State Plan state are adopted by other States and by federal OSHA. Collaboration in the development and implementation of regulations, enforcement strategies, educational initiatives, and cooperative programs -- many of which are described in this Grassroots report -- has made both State Plans and federal OSHA more effective. More importantly, it has made America's workers and workplaces safer and healthier.

Sincerely,

A handwritten signature in cursive script that reads "Butch Tongate".

Butch Tongate
OSHSPA Chair

U.S. Department of Labor

Assistant Secretary for
Occupational Safety and Health
Washington, D.C. 20210



This *Grassroots Worker Protection* 2012 report by the Occupational Safety and Health State Plan Association documents the contributions of OSHA's State Plan partners to protect America's working men and women. It also showcases a variety of creative approaches by the states to make workplaces safer and more healthful.

For four decades, OSHA and the State Plans have made remarkable progress. We have tackled deadly safety and health hazards by establishing common-sense standards, strong enforcement and effective cooperative programs that have saved thousands of lives and countless injuries. Today, workplaces in America are far safer. In 1970, 38 workers died from a workplace injury every day of the year. Now 13 workers die every day – more than 4,600 a year, even though U.S. employment has almost doubled. That is still too many deaths, but we have made great progress. OSHA commends the 27 State Plans for their commitment, their strong worker protections and innovative programs. Investing in safety and health and reducing injuries and fatalities not only saves lives, but also saves employers money and increases productivity.

I appreciate and strongly support our continuing dialogue with the states as we work together to improve our efforts to assure that more workers will come home from work safe and whole at the end of the day.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Michaels".

David Michaels, PhD, MPH

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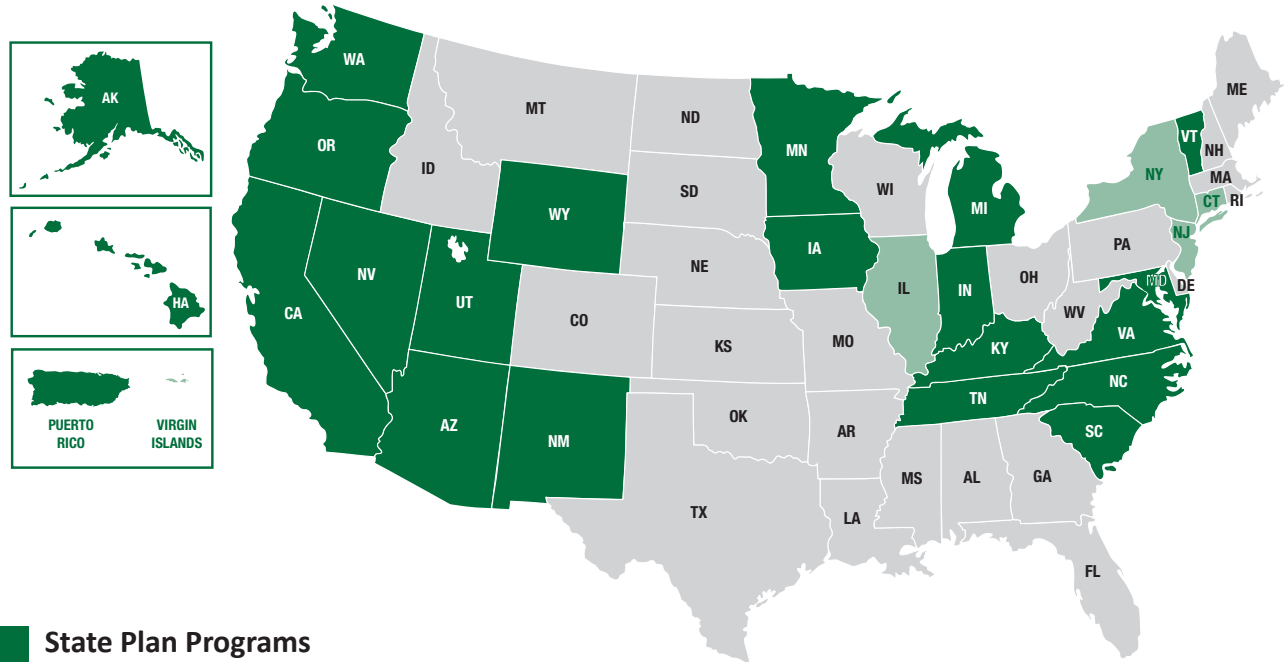
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OSHSPA – Map



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) 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	yes	yes		12/28/73	04/26/78	
Illinois			yes		09/01/09		
Indiana			yes		02/25/74	09/24/81	09/26/86
Iowa			yes		07/20/73	09/17/76	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	08/18/06	
North Carolina			yes		01/26/73	09/29/76	12/10/96
Oregon		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

1 - Operational status agreement: Concurrent federal OSHA jurisdiction suspended

2 - Different standards: Standards not identical to federal standards

3- 21(d) Consultation agreement

4 - Certified: Date developmental steps completed

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

OSHSPA – Numbers at a glance

FY 2011 - Overview	FY 2011
Total allocated state plan positions 23(g) + 21(d)	2,924
Employees covered by State Plans	55,488,100
Consultation onsite visits	16,396
Compliance inspections	52,056
Inspections with violations cited	31,181
Average violations per initial inspection	3.4
Average violations per inspection with violations cited	3.6
Percentage of inspections with no violations	40%
Total current penalties	\$75,271,600
Average penalty per serious violation	\$963
Contested cases	4,924
Percentage of inspections with citations contested	14.8%

Federal OSHA budget	FY 2011
• Federal OSHA	\$425,697,760
• State plans 23(g)	\$104,393,000
• State plans 21(d)	\$27,630,000
Total	\$557,720,000

Source: OSHA Office of Program Budgeting & Financial Management

Funding by state plan programs	FY 2011
• State plans 23(g) - 50 percent match*	\$104,193,000*
• State plans 100 percent funding - state funding	\$83,297,478
• State plans 21(d) contribution	\$3,070,000
Total	\$190,560,478

**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 2011
Safety	40,681
Health	11,375
Total	52,056

Source: OSHA Inspection Reports, State Plans 11.8.2011

Compliance Inspections by type	FY 2011
Programmed/scheduled	29,985
Complaint	8,876
Referral	5,304
Accident	2,932
Other	2,484
Follow-up	2,475
Total	52,056

Source: OSHA Inspection Reports, State Plans 11.8.2011

OSHSPA — Numbers at a glance continued

Onsite visits	FY 2011
Consultation 21(d) - initial private sector	11,557
Consultation 23(g) - initial private sector	2,498
Consultation 21(d) - training private sector	1,295
Consultation 23(g) - training private sector	85
Consultation 21(d) - follow-up private sector	883
Consultation 23(g) - follow-up private sector	78
Total	16,396

Source: OSHA Office of Small Business Assistance

Employees covered by State Plans	FY 2011
Private sector	44,288,800
Public sector	11,199,300
Total	55,488,100

Source: BLS Employment and Earnings, 2011



Seafood Processing Facility in
Cordova

Signature Projects

Youth Outreach Program: 2011 marked the fourth full year of Alaska's youth workplace safety education and outreach program. Although this year included a transition to a new Youth Training Coordinator, interest in and acceptance of the program continued to gain traction. Nearly 2,000 middle and high school students received introductory workplace safety training in 23 schools throughout Alaska. The following public service announcement was delivered across 60 radio stations:

"Young employees are encouraged to speak up for safety if they see a workplace hazard. Ensuring Alaska's youth have an understanding of the need for workplace safety will help prevent injuries. If your middle or high school is interested in having a representative come to your school and speak to students about workplace safety, call Alaska Occupational Safety and Health Youth, Safety at 1-800-656-4972. This message is sponsored by the Division of Alaska Labor Standards and Safety."

The program focuses on hazard recognition and elimination in the types of jobs young workers typically experience in their first employment exposures. By encouraging Alaskans to consider workplace safety and health in a positive light from a young age, AKOSH is moving toward the goal of reducing work-related accidents and providing a solid foundation for a life-long positive workplace safety and health culture.

In addition to other outreach and training efforts, the AKOSH Youth Training Coordinator orchestrated a four-hour youth training track at the Alaska Governor's Safety and Health Conference. The Youth Training Coordinator also provided safety training at state fairs and provided outreach at various career days and chamber of commerce meetings. 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.

Seafood Processing: 2011 marked the fourth 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 and 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 that resulted in the delivery of training to more than 500 seafood processing employees, seafood processing establishments are targeted for enforcement inspections through the AKOSH five year strategic plan, which will conclude in FY 2013.

Emphasis Programs

AKOSH has strategic emphases to reduce accidents in construction and transportation/warehousing industries. The lost time rate results for these industries demonstrated mixed progress in 2011:

- Construction: 18.6% increase
- Transportation/Warehousing: 6.4% reduction

However, the long term trends in both industries are showing significant sustained reductions of 40 percent in transportation and 15 percent in construction in comparison to the rates from five years ago.

Enforcement

The number of inspections dropped in 2011 due to a CSHO turnover rate that exceeded 50 percent. AKOSH is focusing efforts on maintaining the quality of reports and inspection supporting documentation while addressing complaints, accidents and imminent danger hazards in a timely manner. The number of inspections is expected to increase in 2012 as AKOSH strives to fill vacancies and train new CSHOs.

Outreach

The 2011 Annual Governor's Safety and Health Conference was extremely successful with increased participation and sponsorship. Attendees took advantage of dozens of industry related safety and health training topics. In the fourth 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 extremely positive and demonstrated the need and benefit of involving youth in future conferences. AKOSH provided outreach training to over 2,000 employees in 2011 with special emphasis on targeted construction, transportation and seafood processing workers.



King Salmon Processing



Dutch Harbor Visit, October 2012



Seafood Processing Plant in Akutan

Partnerships

AKOSH implemented the Construction and Health Safety Excellence partnership for construction companies. Participation doubled in 2011 and AKOSH planned the first annual construction safety summit meeting held in 2012 to allow participants to meet and exchange best practices while introducing new construction companies to the partnership.

AKOSH increased participation in cooperative programs and maintained 16 VPP sites and 19 SHARP sites in 2011. 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.



Outreach

Hispanic Outreach: During the fourth quarter, our department participated in the annual Mexican Consulate “Labor Rights Week”. Consulates in Benson, Nogales and San Luis Arizona were visited by bilingual trainers and consultants as they spoke about what rights employees had with respect to the state run OSHA program. Our presenters were welcomed by all who attended the event across the southern region of Arizona. Promotional ADOSH items were handed out to attendees as well as printed materials in Spanish.

ADOSH in the Classroom: This November found three ADOSH Consultants walking the halls of Page High School in Page, AZ. Phoenix Career and Technical Education (CET) was invited to present Occupational Safety and Health Training to the CET programs at Page High School.

Students who attended were found to be interested and eager to participate in the exchange of information about worker rights and safety. Meeting in individual classrooms with the instructor present allowed ADOSH representatives to reinforce the safety modules that had been given earlier in the semester.

Each 45 minute presentation addressed the rights of teen workers and the labor laws that protect them from performing work that could expose them to injury or illness while at work. Overall, 25 presentations were given to approximately 400 students during the three-day event thus making the outreach event a huge success.

Voluntary Protection Program: ADOSH’s Voluntary Protection Program continues to grow as employers and employees gain awareness through outreach training sessions and speeches during trade show events. Currently there are 34 VPP (general industry and construction) participants recognized as STAR sites. The current site safety and health professionals contribute to the program through mentorship and quarterly ADOSH advocate articles. Occasionally a VPP site invites ADOSH compliance folks into their workplace during OTI/UC-San Diego classes as a way to enrich their knowledge through hands on application of what was learned.



Industrial Hygiene Consultant, Luis Lopez, distributes OSHA information material to the Farm Workers Coalition in Prescott, AZ.



Mr. Atencio hands out valuable OSHA information in Yuma, AZ.

New STAR participants include: **General Electric Mobile Water Inc., Phoenix Plant**, 1/17/2012; **McCarthy Building Companies**, 9/14/2012; and **North Rim Grand Canyon L.L.C.**, 11/27/12.

SHARP Program: The SHARP program continues to actively work with those employers in the program and small businesses who want to be recognized for their safety and health management systems. Currently there are 23 SHARP designated sites. Those involved in the program provide ADOSH with a beacon for safety and health done right.

Partnerships

Rate Reduction Awareness and Partnering: The Rate Reduction Awareness Program (RRAP) is available for employers struggling with the issues associated with elevated injury and illness rates, resulting from poor safety management systems. This program has been developed for Arizona employers and is designed to foster a cooperative relationship with participants, where ADOSH works to educate employers on what constitutes an effective safety management system, ways to improve the current system, and ways to identify the breakdowns that can occur, all aimed at making a cultural shift towards a safer workplace, reduced injury and illness, happier employees and a more competitive standing. This multi-faceted approach utilizes actual scoring evaluations, onsite training, onsite surveys of working conditions, and interaction with both management and employees at all levels to better understand the elements involved. There are currently three employers participating in the RRAP program.



Alliances: An integral part of Consultation and Training is forming alliances with groups committed to worker safety and health to prevent workplace fatalities, injuries, and illnesses. The Southwest Carpenters Training Fund (SWCTF) is committed to providing their United Brotherhood of Carpenters union members with continuous learning opportunities. ADOSH signed an alliance with the SWCTF to help our office engage employees who work in high hazard industries and distribute vital OSHA information. In turn SWCTF allows ADOSH staff members to attend training sessions and help build small scale wood bridges, roof tops or residential structures with Union members. **SHARP Program:** ADOSH has 24 recognized SHARP participants. Due to economic reasons, a few SHARP participants had to leave the program. The SHARP program continues to be a valuable tool for all employers that wish to partner with ADOSH and improve their overall safety management system.

CET Supervisor Babak Emami presents JM Eagle employees with their SHARP award.

Signature Project

Heat illness prevention continues to be a major focus of the Cal/OSHA program. Building on the momentum and success of previous year's efforts, the 2012 campaign included a combination of media, education and enforcement efforts using paid radio and billboard advertisements to complement ongoing training provided to employers and employees. The advertising spanned much of the state, and was enhanced by educational resources in five languages — Spanish, Hmong, Punjabi, Mixteco and English — allowing Cal/OSHA to target the most underserved populations of outdoor workers.

Emphasis Program

Heat Illness Prevention: Regulatory changes taking effect on November 4, 2010 require that all California employers follow certain measures emphasizing **training, water, shade, and planning** in order to protect their workers from heat related illness when temperatures exceed 85 degrees Fahrenheit.

There are additional requirements that employers within certain industries including agriculture, construction, landscaping, oil and gas extraction, and transportation must adhere to once temperatures meet or exceed 95 degrees. These additional requirements stipulate that employers must:

- Ensure that effective communication by voice, observation, or electronic means is maintained so that employees at the work site can contact a supervisor when needed. An electronic device, such as a cell phone or text messaging device, may be used for this purpose only if reception in the area is reliable.
- Observe employees for alertness and signs or symptoms of heat illness.
- Remind employees throughout the shift to drink plenty of water.
- Maintain close supervision of a new employee by a supervisor or designee for the first 14 days of the employee's employment by the employer, unless the employee indicates at the time of hire that he or she has been doing similar outdoor work for at least 10 of the past 30 days for 4 or more hours per day.

Confined Space Safety: In 2011 the State of California reported seven fatalities that occurred as a result of working in a confined space. One fatality and two injuries were the direct result of attempted rescues. In both 2009 and 2010, there were only 2 confined space fatalities each year. The increase is an alarming reminder that educating the public on the risks of working in confined spaces must be an ongoing process.

Cal/OSHA issued a **Confined Space Hazard Alert** in January 2012 in response to the trend, and has ramped up outreach efforts including new and revised training materials for employers and employees available online.

Safe Patient Handling: The Hospital Patient and Health Care Worker Injury Protection Act (AB 1136) became effective on January 1, 2012. This law, which has been incorporated into the California Labor Code as Section 6403.5 requires general acute care hospitals to adopt a safe patient handling policy as part of the Injury and Illness Prevention Program. The law does not apply to hospitals operated by the California Department of Corrections and Rehabilitation or the California Department of Developmental Services.

Cal/OSHA is currently working on implementing this law, including developing educational materials, providing training to field staff, and working on an implementing regulation. Cal/OSHA is also holding advisory meetings in regards to an implementing regulation. More information about meetings, including minutes of the January 24, 2012 meeting will be available at the advisory committee webpage: <http://www.dir.ca.gov/dosh/DoshReg/5120Meetings.htm>

Partnerships

The Division of Occupational Safety and Health has long recognized its limitations in improving occupational safety and health. Safety and health standards, no matter how carefully conceived and crafted, will never address all work activities and conditions. Available resources are insufficient to conduct regular or exhaustive inspections of all the state's workplaces. However, the Division has long since recognized the potential for improving workplace safety and health when industry, labor and Cal/OSHA work together in a cooperative manner.

The Division was first in the nation to develop a program that relies on industry, labor and Cal/OSHA to work as partners in encouraging and recognizing workplace safety and health programs that effectively prevent and control injuries and illnesses to workers. Currently, the Division offers four different structured partnership programs, and is always interested in developing special alliances between industry, labor, and OSHA.

California Voluntary Protection Program (Star and VPP Construction) is a top-level safety and health leadership program designed for fixed and non-fixed site establishments. Large construction projects that will be in operation for at least one year may be eligible for Cal/VPP Star fix-site recognition. Non-fixed worksite employers, such as construction contractors may be eligible for VPP Construction. Statewide recognition and exemption from programmed inspections will apply to all sites in California where the Cal/VPP Construction employer has overall responsibility for worker safety and health at the site.

SHARP (Safety and Health Achievement Recognition Program) is a mid-level recognition program that may offer eligible employers an exemption from Cal/OSHA Enforcement programmed inspections. Cal/SHARP is for high-hazard employers with fixed-and mobile-worksites.

Golden Gate is an entry-level program for small high-hazard employers and is site specific. Employers must have an established, minimally effective injury and illness prevention program in order to receive recognition. The Golden Gate program does not offer inspection exemptions.

Alliances enable organizations committed to workplace safety and health to collaborate with OSHA to prevent injuries and illnesses in the workplace. OSHA and its allies work together to reach out to, educate, and lead the nation's employers and their employees in improving and advancing workplace safety and health.



Signature Projects

Connecticut OSHA (CONN-OSHA) provided technical assistance to State and Municipal disaster recovery teams following the aftermath of winter storm Alfred. CONN-OSHA assisted with work zone safety, hazard recognition, handed out PPE, provided informal training and passed out reference material.

CONN-OSHA management also worked cooperatively with local area offices of Federal OSHA. CONN-OSHA and Federal OSHA were each members of the Debris Management Task Force at the State Emergency Operations Center.

CONN-OSHA coordinates a Breakfast Roundtable Discussion Group on a monthly basis. This discussion group began as a way to inform employers and employees about the latest safety and health information. The Breakfast Roundtable meetings have been held since 2003, where various safety and health topics have been presented.

Enforcement

CONN-OSHA responded to a fatality involving an employee who worked for the State of Connecticut, Department of Transportation. No citations were issued. During this fiscal year, four willful violations were issued.

Outreach

The CONN-OSHA quarterly newsletter is distributed to approximately 1,700 public and private sector employers/employees through an electronic distribution list. The newsletter covers emerging safety and health related topics as well as recent changes that occur in the OSHA standards. The CONN-OSHA staff members utilize their professional experience in contributing articles for the newsletter.

CONN-OSHA is a member of the Connecticut School Indoor Environment Resource Team for the Indoor Air Quality (IAQ) Tools for Schools (TFS) Program. TFS is a program developed by the Environmental Protection Agency to improve air quality in schools through the adoption of sound indoor air quality management practices. CONN-OSHA provides formal training and guidance to school districts on identifying, correcting and preventing indoor air quality problems.

Debris Management, Winter Storm Alfred



CONN-OSHA is a representative for the Department of Labor, Occupational Safety and Health Committee. The mission of the committee is to identify and offer solutions relative to safety and health for DOL employees. The committee's responsibilities include establishing procedures with the employer concerning safety incidents (accidents and illnesses), evaluating accident and illness prevention programs, and instituting training programs to reduce hazards in the workplace. CONN-OSHA staff members continue to support and participate with the "Young Worker Safety" team and promote that curriculum.

Partnerships

CONN-OSHA provides training, attends and participates in trade shows with the following alliances: Atlantic States Rural Water & Wastewater Association (ASRWVA), Connecticut Association of Street & Highway Officials (CASHO), UCONN Connecticut Transportation Institution Technology Transfer Center (T-Square), Connecticut Highway Steel Supervisors' Association (CHSSA), State of Connecticut, Department of Energy & Environmental Protection (DEEP), Connecticut Interlocal Risk Management Agency (CIRMA) and State of Connecticut, Department of Transportation (DOT).



Restoring Capacity

In September 2010, OSHA opined that the Hawaii program was not meeting OSHA requirements and indicated that they would de-certify the program if Hawaii did not take immediate action to restore staff to benchmark levels and to fix major financial, enforcement, consultation, and reporting shortcomings.

In return for help with training and conducting inspections, HIOSH gave up its 18(e) status and was reclassified by OSHA as an 18(b) state. An operational status agreement (OSA) was signed on September 21, 2012. The plan is for HIOSH to gradually reassume enforcement over the majority of the private sector in the state over the next three years. HIOSH continues to exercise jurisdiction over the public sector and over construction outside of secured military bases and marine construction. For more information about the OSA, please visit <http://dlir.state.hi.us/labor/osa/>.

All of the 22 (9 safety inspectors, 9 health inspectors, 4 consultants) positions required by a federal lawsuit pertinent to state plan programs (AFL-CIO vs. Marshall, 1978) were filled during 2012.

Overview

Occupational Safety and Health (OSH) Program (Chapter 396, HRS) staff conducts the following activities, with the goal of encouraging compliance with the law and administrative rules:

1. Compliance inspections and investigations: HIOSH staff conducts programmed inspections of high hazard workplaces, as well as investigations in response to accidents, complaints of safety and health hazards in the workplace or discrimination, and referrals.
2. Consultations and onsite training: HIOSH consultants perform workplace audits and evaluations and make recommendations to improve the site's safety and health management system in response to requests from employers. This service is free and confidential.
3. Certifications are issued to qualified individuals: These programs are 100% state or fee funded. OSHA does not permit federal funds to be used for these types of activities.

- a. Explosives and Pyrotechnics – certificates of fitness are issued to persons qualified to handle explosives, fireworks, and/or special effects for movie and theatrical productions.
- b. Certified Safety and Health Professionals – certificates are issued to persons who perform third party workplace safety audits to qualify businesses for a reduction in workers' compensation premiums and limited enforcement inspections.
- c. Hoisting machine operators – certificates are issued to operators of cranes and other hoisting equipment, with requirements for continued training and testing.

Emphasis Programs

Following a significant increase in the number of fatalities and serious injuries due to falls from heights in construction, a Fall Protection Emphasis Program (FPEP) was initiated in early FY 2010. This was highly successful in reducing the numbers of such incidents to the extent that there were no reported falls from heights in construction throughout FY 2010 and most of FY2011 until August of 2011 when one worker was seriously injured due to a fall at a military base project.

HIOSH continued its successful Fall Protection Emphasis Program (FPEP) in 2012.

Partnerships

In April 2012 HIOSH in partnership with ASSE hosted the Governor's biennial Pac Rim Conference, the largest such gathering in the Pacific with over 500 attendees. Local, national and international safety and health speakers covered a variety of topics of interest to the occupational safety and health community.

Statistics

In FY 2012 HIOSH conducted 327 inspections, 215 safety and 112 health. 928 violations were identified of which 61% were classified as serious, willful or repeated. Total penalties assessed were \$608,888. 61% of the inspections were conducted in the construction industry.



The Illinois State Plan for public sector employees is enforced by the IL Dept. of Labor – Safety Inspection & Education Division. It became a developmental State Plan on September 1, 2009. During 2011, the Illinois State Plan was enhanced by incorporation of the 21(d) Illinois On-Site Consultation program. This program was transferred to the Division on July 1, 2011.

Signature Projects

The majority of the Illinois State Plan's projects were based upon the developmental steps in the program application, including administrative rules, staffing and the Field Operations Manual.

- The administrative rules that formalize Illinois' adoption of the current OSHA standards for enforcement were proposed. The remaining administrative rules that apply to program administration and recordkeeping are under legal review to be published in the *Illinois Register*.
- The SIED staff has been enhanced by the addition of critical field staff and the Consultants. The current division headcount is 30.
- The Illinois Field Operations Manual has been drafted and reviewed with the final adoption pending the administrative rule changes.



open floor hole

Enforcement

For 2011, IDOL-SIED conducted 1380 inspections/investigations, including:

- Fatality/Accident Investigations – 22
- Complaint Investigations – 115
- Referrals – 19
- Monitoring – 3
- Follow-up Inspections – 154
- Programmed Planned Inspections – 1062
- Programmed Related Inspections – 2
- Programmed Other Inspections – 3

2450 violations were issued, including 1623 serious, 799 other-than-serious and 28 repeats. Penalties were assessed in the amount of \$6000.

Outreach

For 2011, the Illinois On-Site Consultation program conducted 554 visits, including:

- Initial visits – 499
- Training & Assistance visits – 3
- Follow-up visits – 52

2367 hazards were noted, including 2191 serious and 176 other-than-serious.



chemical storage



IDOT fatality site investigation

Signature Projects

The Indiana Occupational Safety and Health Administration (IOSHA) continues to be integrated in efforts made by the Indiana Department of Homeland Security (DHS). IOSHA provides staff members who act as safety officers for the Incident Management Team. IOSHA staff also serve in various advisory roles and capacities on a number of DHS emergency and disaster response committees. Recently, IOSHA sent a compliance officer to provide two weeks of safety support for emergency operations in the aftermath of Hurricane Sandy.

IOSHA also has a collaborative working relationship with the Environmental Protection Agency's (EPA) Criminal Investigative Division and the Federal Bureau of Investigation's (FBI) Environmental Crimes Unit.

Emphasis Programs

IOSHA has adopted all of the National Emphasis Programs (NEPs) for this time period with the exception of Commercial Diving. IOSHA also adopted three local emphasis programs (LEPs) covering scaffolds, fall protection and trenches. IOSHA has successfully completed each prior NEP developed by federal OSHA.

Enforcement

IOSHA investigated Sensient Flavors, part of Sensient Technologies, located in Indianapolis, Indiana. Sensient Flavors uses technology-based flavor systems to flavor food and beverage products. The investigation was launched as a referral from federal OSHA after the National Institute for Occupational Safety and Health (NIOSH) received complaints of lung irritation from exposure to diacetyl. Food flavorings containing diacetyl are used in microwave popcorn and other snack foods, pet foods, candies, baked goods as well as other food products.

NIOSH has reported that employees exposed to butter flavorings containing diacetyl are at risk of developing occupational lung diseases and, in one instance, similar illnesses have been found among employees producing butter and vanilla flavorings containing diacetyl. During the investigation IOSHA cited 27 serious violations and three knowing violations. Initial penalties totaled \$323,500. An agreement



Special Government Employee (SGE) training in August 2012

is anticipated to include the elimination of the use of diacetyl by the company. The company is also considering going to a fully automated mixing system which will make it so the workers will no longer be in contact with diacetyl and similar substances. The company will also be providing proper PPE and using other administrative and engineering controls to eliminate exposure to workers until the elimination of diacetyl can be accomplished. A settlement for this case is nearing completion.

In June of 2011, IOSHA finalized an Agreed Entry with Village Pantry convenience stores. This Agreed Entry was the result of a shooting fatality at one of the stores where 32 armed robberies had occurred from 2000 to 2009.

The Agreed Entry included the upgrade of video surveillance equipment with new, digital equipment, installing bullet resistant barriers, panic alarms, and changing the manner in which cigarette displays are structured in stores where the clerk has their back to the parking lot. These upgrades were required in 17 stores with a high-risk for violent episodes. Village Pantry now provides quarterly progress reports to IOSHA.

Voluntary Protection Program: Between Oct. 1, 2011 and Sept. 30, 2012, the Indiana VPP program conducted 16 safety and health evaluations. Four were new VPP sites and 12 were re-certifications of existing sites. A third of the re-certification visits also required process safety management (PSM) reviews done separately from the main VPP evaluation. One re-certification visit also required a review of construction activities at the site.

The IDOL continues to reap the benefits of Special Governmental Employees (SGEs) for use during VPP evaluations. Using SGEs has reduced the burden on enforcement resources as more and more companies become committed to exemplary health and safety management systems through VPP. The agency estimates that each SGE used for a VPP evaluation yields a cost savings of \$2,500, which can then be reinvested a robust enforcement program. Along with the assistance of Indiana VPP site, NIBCO, the IDOL hosted an SGE training session in August in Goshen, Indiana.

Seven additional SGEs were added to Indiana's resource pool as a result of that training. Industrial Hygiene training was provided by VPP and INSafe personnel during that same week. SGE training has been held at Indiana locations in conjunction with Region V Federal OSHA each year for the last four years. SGE training is also scheduled in Crawfordsville, Indiana in August 2013. The training will be hosted by Indiana VPP site, Nucor Sheet Mill.

Outreach

In early 2012, IDOL Commissioner Lori Torres convened a meeting of the convenience store working group. Together, representatives from the IDOL, Indiana State Police, federal OSHA, trade associations and industry met to discuss worker safety and health measures in convenience stores. From the first meeting in January, it was clear the “convenience store working group” would be most appropriately named the “late-night retail working group” because workplace violence was not exclusive to convenience stores, but any retail store open to the public late at night or early in the morning. The group discussed recommendations and best practices for the prevention of workplace violence in such establishments. During a second, public meeting of the working group held in February 2012, Commissioner Torres established an oversight committee comprised of individuals from the IDOL, the Indiana Petroleum Marketers & Convenience Store Association (IPCA) and a victim’s family representative. The oversight committee was charged with researching and developing recommendations for actions to be taken by the working group.

The oversight committee’s findings and recommendations were presented during a public meeting on June 12, 2012. The Report on Late Night Retail Workplace Violence is available at www.in.gov/dol/files/IDOL_Report_on_Late_Night_Retail_Workplace_Violence_June_12_2012.pdf.



2012 Governor’s Public Service Achievement Award, with Indiana Governor Mitch Daniels

The late-night retail workplace violence initiative is an ongoing effort. Today, the IDOL is working with other state agencies that interact with late-night retail establishments. Both the Indiana Excise Police and the Indiana State Department of Health are now actively providing educational materials and resources to the late-night retailers with which they interact.

The IDOL also signed an alliance with the IPCA to provide information, education and training to its members about the prevention of workplace violence. More information about the late night retail workplace violence initiative may be found at www.in.gov/dol/2797.htm.

In March 2012, the IDOL partnered with the Indiana Chamber of Commerce, the Central Indiana Chapter of the American Society of Safety Engineers and the Indiana Association of Occupational Nurses to present the state’s largest occupational safety and health conference. More than 600 participants attended the 2012 conference.

Davey Hamilton, Indy Racing League driver and current team owner, was the 2012 conference keynote speaker. Hamilton was accompanied by Indianapolis Motor Speedway Radio Network chief announcer Mike King. Hamilton provided details about an incident at Texas Motor Speedway in 2001 that nearly ended his career. Both Hamilton and King spoke about how safety has evolved in professional auto racing from the days before seatbelts were mandated, to today's modern safety systems.

More than 40 educational breakout sessions were offered during the two-day event. More information about the conference is available online at www.INSafetyconf.com.

Indiana's OSHA Consultation Program, INSafe, was recognized by Indiana Governor Mitch Daniels at the annual Governor's Public Service Achievement Award in May 2012. The staff of INSafe achieved this high-level recognition for their efforts to transform from a group of individuals each doing his or her own thing to an integrated team with aligned goals and superior efficiency. Even with a slightly smaller staff, the team is doing more consultations and producing better results than ever before. Consultation lapse time was reduced from an average high of 309 days to 77 days.

More information about the Governor's Public Service Achievement Award is available at www.in.gov/spd/2438.htm.

Partnerships

The IDOL continues to foster a well-balanced approach in promoting Hoosier occupational safety and health in workplaces by developing its strategic partnerships and alliances. The IDOL has active agreements with the Indiana Builders Association, Indiana Petroleum Marketers and Convenience Store Association, Mid-America OSHA Education Center, Missouri-based FredWeber, Inc., Associated Builders and Contractors, Indiana Construction Association and the Metro Indianapolis Coalition for Construction Safety.

The IDOL's partnership with Fred Weber, Inc. is nearing completion. The partnership is a joint effort with the Indiana Department of Transportation (INDOT) and covers an 11-mile stretch of Interstate 69 in southern Indiana. IDOL's consultation division, INSafe, has provided onsite safety and health support to this project for the last year and a half.

This year, alliances were sought with the Indiana Petroleum Marketers and Convenience Store Association as an avenue to foster dialogue with the late-night retail sector. Together, the IDOL and IPCA are working to promote awareness and the prevention of workplace violence in these facilities. The alliance also calls for training and educational opportunities provided by industry members and INSafe staff.

Additionally, the IDOL developed an alliance with the OSHA Training Institute approved education center, Mid-America OSHA Education Center. The alliance actively promotes occupational safety and health training in Indiana as well as provides an opportunity for IDOL Compliance Safety and Health Officers (CSHOs) and INSafe Safety and Health Consultants to participate in reduced cost training.

The IDOL's partnerships and alliances provide an opportunity to learn, share best practices and foster a dialogue that promotes safer and healthier workplaces. More information about the IDOL's strategic occupational safety and health alliances and partnerships may be found online at www.in.gov/dol/2387.htm.

Signature Projects

Web-based Training: The Labor Cabinet recognized the need to make occupational safety and health training more accessible and economical for all of Kentucky's employers and employees. After much planning and preparation, in 2011 the Cabinet launched an online workplace safety and health training website, www.laborcabinetetrain.ky.gov. Employers and employees now have FREE, 24/7 access to a variety of occupational safety and health training courses. To date, the website has been extremely popular and has been utilized by more than 4,700 participants.

The online training consists of two (2) modes of instruction: webinars and the KyOSH School. The KyOSH School offers two (2) separate tracks: stand-alone courses and the eLearning Achievement Program.

Webinars are live and provide real-time instruction and offer immediate feedback to participants. Advanced registration for webinars is required and is free to all participants. As each webinar is presented, it is recorded and available for review at any time.

KyOSH School stand-alone courses offer self-guided instruction on a range of safety and health subjects. Currently, there are over twenty (20) courses available including an OSHA overview, electrical safety and standards, fire protection and prevention, and excavation basics. Additional courses will be continually added. Courses range in length from eight (8) to thirty (30) minutes and are followed by a short exam. Participants scoring eighty (80) percent or better receive an attendance certificate.

The KyOSH School eLearning Achievement Program is a compilation of safety and health courses that build upon one another to improve the participant's awareness of occupational safety and health. There are three (3) levels of eLearning: Apprentice, Proficient, and Graduate. Each course within these levels concludes with an exam. Participants scoring eighty (80) percent or better may print a completion certificate for each course.

The Apprentice level requires completion of approximately three (3) hours of online instruction. There are seven (7) courses that include an OSHA Overview (parts 1 and 2), Fire Protection and Prevention (parts 1 and 2), Electrical Safety and Standards (parts 1 and 2), and Health Hazard Recognition.

Following the Apprentice level, participants graduate to the Proficient level which requires approximately four (4) hours of instruction time. The eight (8) courses in this level include Forklift Safety (parts 1 and 2), Personal Protective Equipment (parts 1 and 2), and Hazard Communication (parts 1, 2, 3 and 4). The Proficient level concludes with a Recordkeeping Basics webinar.



Presentation of Governor's Safety and Health Award to Air Products and Chemicals and USW Local 727 for 11,044,784 hours worked without a lost time injury or illness

(From left to right) Secretary Mark S. Brown, representatives from Air Products and Chemicals, USW Local 727, and Commissioner Michael L. Dixon

After completing the Proficient level, participants advance to the Graduate level. The Graduate level includes approximately three and one-half (3½) hours of instruction time for its eight (8) courses. These courses include Emergency Eyewash and Showers, Lead Awareness, Hazcom 2012, Excavations (parts 1 and 2), Excavation Emergency Action Plan, Bloodborne Pathogens, and NFPA Diamond. The Graduate level also includes a Lockout/Tagout webinar.

Upon successful completion of an eLearning Achievement level, the participant may print the appropriate recognition certificate for that level.

Kentucky is particularly proud of the fact that www.laborcabinetetrain.org has been created, designed, and developed solely by Labor Cabinet staff. Division of Education and Training consultants, in addition to their full plate of regular duties, compose all course content and a division training development specialist assists with presentation and production details.

Enforcement

Fall Protection: Construction fall protection violations continue to top Kentucky's most cited standards for the third year in a row. In 2011, 29 CFR 1926.501, duty to have fall protection, was cited 110 times. While this number has decreased, down from 182 violations in 2009, Kentucky remains focused and vigilant to further reducing fall hazards in the Commonwealth through enforcement and education.

Residential Construction Fall Protection: Since 2001, Kentucky has enforced a state regulation that specifically addresses residential construction fall protection. The Division of Compliance conducted forty-three (43) residential construction inspections in 2011 resulting in forty-eight (48) violations with penalties totaling \$215,500.

Reporting: The Kentucky OSH Program has a state-specific injury reporting regulation that is more stringent than OSHA's. Employers are required to report hospitalizations of two (2) or fewer employees as well as all amputations to the Division of OSH Compliance. In 2011, the Division of OSH Compliance received seventy-three (73) hospitalization reports, down from 145 in 2010. Seventy-three (73) serious citations were issued in 2011 with penalties totaling \$232,150.

Outreach

Heat Campaign: During the summer of 2011, the Labor Cabinet continued its support in the promotion of heat-related illness awareness. The Division of Education and Training deployed all field staff to businesses and industries across the state to conduct educational briefings on heat-related illnesses. Consultants hand-delivered information and provided cost-free instruction for employers and employees on recognizing the signs and symptoms of heat-related illness and how to handle such emergencies. This outreach affected over 64,000 Kentucky employees.

28th Annual Governor's Safety and Health Conference and Exposition: The Labor Cabinet, in conjunction with the Kentucky Safety and Health Network, Inc., presented the 28th Annual Governor's Safety and Health Conference and Exposition in Louisville on May 8-11, 2012. This year's very successful event, the largest safety and health exposition in the Commonwealth, featured pre-conference courses, fifty-one (51) concurrent workshops, and outstanding keynote speakers.

Dr. David Michaels, Assistant Secretary of Labor for Occupational Safety and Health, presented the opening luncheon keynote address. His remarks to over 450 attendees were timely, extremely well received, and appreciated.

Additionally, Scholastic Achievement for Education Awards, or "SAFE" awards, totaling \$40,000 were presented at the conference to fifteen (15) university students matriculating in the areas of occupational safety and health, industrial hygiene, or a closely related field. Kids Chance of Kentucky also presented scholarships to children of Kentucky workers killed or seriously injured in work-related incidents.

Thirty-six (36) Kentucky employers were presented with the Governor's Safety and Health Award. The award is given to employers and employees who together achieve a required number of hours worked without experiencing a lost time injury or illness. Air Products and Chemicals in Calvert City recorded a remarkable 11,044,784 hours without a lost time injury or illness.

Training: In six (6) population centers across the Commonwealth, the Division of Education and Training conducted forty-eight (48) training sessions that addressed a wide variety of Occupational Safety and Health subjects. These sessions reached over 1,500 people. The KYOSH IMPACT bus participated in statewide outreach events serving over 9,000 people.



KYOSH IMPACT



Secretary Mark S. Brown and Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels at the 28th Annual Governor's Safety and Health Conference and Exposition

Cranes and Derricks in Construction Training: Following the publication of OSHA's new Cranes and Derricks in Construction standard, the Division of Education and Training, with assistance from the Office of the OSH Federal-State Coordinator, embarked on a state-wide outreach campaign through a series of training sessions on the changes brought about by the new standard. Sixteen (16) sessions were conducted in eleven (11) cities across the Commonwealth, blanketing the entire state with important information on the salient aspects of the standard. Attendees included employers and employees from construction companies, many of them crane operators, as well as representatives from other affected industries such as public utilities. There was great demand for the training and approximately 900 participants attended.

Surveys: The Division of Education and Training collects data through the OSHA Data Initiative which is utilized to identify the top ten (10) high hazard industries, as well as specific employers within these identified industries, using four-digit North American Industry Classification System codes. The Division sent out industry-wide letters, as well as letters to specific employers, offering cost-free comprehensive consultation services. The effort resulted in 367 safety and health surveys.

Partnerships

SHARP: The Safety and Health Achievement Recognition Program added eight (8) new companies in 2011: Gate Precast Incorporated in Winchester, ADI Louisville in Louisville, National Office Furniture in Fordsville, Pittsburg Tank and Tower in Henderson, Roll Forming Incorporated in Shelbyville, 3A Composites in Glasgow, Riken Elastomers Corporation in Henderson, and American Standards Brands in Somerset.

CPP: Kentucky continues to add to the Construction Partnership Program as previous partnership sites are brought to successful conclusions. Five (5) new additions in 2011 are Sullivan-Cozart in Louisville, Alliance Corporation in Bowling Green, Abel Construction in Louisville, Denark Construction in Owensboro, and Vizor Construction in Lexington.

Voluntary Protection Partnership: Since 1997, Kentucky has developed a very detailed and stringent Voluntary Protection Partnership (VPP) process designed to identify those companies who are truly the "best of the best" relative to occupational safety and health. Kentucky added one (1) new VPP facility in 2011, Veolia Water North America in Fort Knox. This brought the number of active VPP sites in the Commonwealth to eleven (11).

The Partnership Branch is working very closely with several other companies interested in pursuing and attaining VPP status. Many have made great strides toward reaching this goal and some should join the VPP family in the near future.

Signature Projects

In the beginning of Federal Fiscal Year 2011, MOSH consolidated all of its upper management, two regional offices, and its consultation units into one state of the art facility located in Hunt Valley, Maryland. With this move, MOSH was able to increase the agency's ability to better serve the employers and employees of Maryland with increased case processing efficiency and accessibility. Our new facility has two training classrooms that are equipped with the latest audiovisual technology that allows our instructors to educate and train our new employees and the general public. The larger classroom has the capability to hold 52 students (74 with people seated around the perimeter of the room). On display in this room are the many training tools that are used to aide in training: fall protection gear, a lockout/tag-out demonstration board, safety cans and compressed gas cylinders that are cut in half to show how they work, a scaled steel erection set and scaffolding sets for building scenarios, ladders, stairways, a model residential house under construction, etc. The goals of increased production efficiency and better public service and education were successfully obtained with this move.



Arial view of a CCP site

Enforcement

In late 2011, MOSH Compliance Officers responded to an accident at a local steel foundry. At approximately 11:30 PM on the night of the incident, an employee was dumping 50 tons of molten slag in a designated cooling area. As the employee dumped the bucket on a slag pot carrier the molten slag contacted standing water and an explosion occurred. A pressure wave was created and the windows on the slag pot carrier cab were blown out. The operator suffered a concussion, no other injuries were reported. The back glass window of the slag pot carrier was made of one inch thick bullet proof glass; this was one of the windows that blew out due to the pressure wave. MOSH inspectors worked closely with the Salt Lake Technical Center to determine what pressure would cause this window to be compromised. The OSHA Health Response Team (HRT) Engineers determined the size of the explosion was equal to 15-20 pounds of TNT and produced a shock wave that travelled 1,690 ft/sec.

In the summer of 2011, MOSH responded to an accident involving caustic soda. The victim was to transfer the caustic soda from a tanker truck into smaller 275 gallon capacity containers. The transfer hose became lodged in the container, the victim turned the nozzle off and as he began removing the hose the valve opened spraying caustic soda against the side of the container which redirected the spray up into the air which then came down over the victim's face. A nearby employee heard the victim scream and was able to rush him into a shower located in the locker room. There was not an eye wash station located near the transfer site. The victim was wearing a full face shield but had not put on goggles. The victim did experience some setbacks that may result in permanent damage to his eyesight.



An employee dumps approximately 50 tons of hot slag into a designated cooling area.

In April 2011, MOSH hired its newest class of trainees. This class consisted of one industrial hygienist and one safety compliance officer that were assigned to the consultation unit; and six safety compliance officers that were assigned to enforcement. These new CSHOs went through our rigorous yearlong training program that consists of six months of intense classroom training and six months of supervised field training. In April of 2012, these CSHOs graduated from training and are now highly productive members of our field staff.

Outreach

In Federal Fiscal year 2011, the Training and Education Unit was able to offer 117 educational seminars and speaking engagements covering 39 topics at no cost to the employees and employers in Maryland, including many federal employees and contractors. The majority of these seminars were taught by MOSH compliance officers and were offered at locations throughout the State. Topics included Accident Investigation,

Introduction to OSHA Recordkeeping, Teen Safety, Workplace Hazard Assessment, etc. Four of the 117 classes held were in Spanish (Construction Site Safety and OSHA 10 Hour – Construction). Over 2,400 employees and employers participated in the seminars that were given. Another approximately 3,000 employees attended speaking engagements given by MOSH staff.

Partnerships

In 2011, the Cooperative Compliance Partnership (CCP) program signed 3 new partnerships; these new sites totaled over 242 million dollars. The unit managed numerous active partnerships throughout the year and accepted several applications for new partnerships. Over 300 employers participated in site inspections covering nearly 4200 employees. The CCP unit was able to perform 23 site visits and identify 280 hazards. The partnership sites are among the largest and most dangerous construction sites in Maryland.

As of this report the MOSH CCP unit has entered into 62 partnerships since the program began in 1997. The total of all partnerships sites total over 4.9 billion dollars of new construction and working together with this industry we have succeeded in bringing the injury and illness rates to some of the lowest in the nation.

Statistics

2011 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's Bureau of Labor Statistics, Maryland's private sector total recordable case (TRC) rate was at an historic low of 3.0 injury and illness cases per 100 equivalent full-time workers. This represents a decline of nearly three quarters (72%) from the series high of 10.6 recorded in 1972. Private sector construction TRC rate declined 9 percent from 4.3 cases reported in 2010 to 3.9 in 2011. This represents a 79% reduction from the series high of 18.9 recorded in 1972 for private sector construction.

Signature Projects

Office of Regulatory Invention (ORR): In 2012, the Michigan Occupational Safety and Health Administration (MIOSHA) answered Governor Snyder's call to reinvent government in order to build a regulatory system that is simple, fair, efficient, transparent and supportive of business growth and job creation. MIOSHA and the Office of Regulatory Reinvention (ORR) have been working in collaboration to implement recommendations to Governor Snyder for improving Michigan's workplace safety regulations while continuing to protect Michigan's workers.

The ORR made 624 recommendations for changes to 334 separate MIOSHA rules that exceed the federal standards. The recommendations include the rescission of over 611 distinct MIOSHA requirements (this includes entire rules or parts of rules). None of the rescinded requirements are present in federal OSHA regulations. MIOSHA has made a significant effort to implement these recommendations and has already taken action to amend nearly 300 rules.

The ORR made the recommendations after a comprehensive review process, including convening an Advisory Rules Committee (ARC) of stakeholders that included representatives from manufacturers, unions, utilities, construction companies, pharmaceutical companies, municipal organizations and more, as well as senior officials from MIOSHA. The ARC was unanimous in its recommendations.

The ORR made nine other distinct recommendations separate from the review of existing MIOSHA rules in order to streamline government. For instance, the ORR recommended the elimination of the Construction Safety, General Industry, and Occupational Health Standards Commissions, which no longer have any rulemaking authority, in favor of more specialized ad hoc advisory committees. Like ad hoc advisory committees utilized by many other agencies, recognized experts serve on committees organized for a specific purpose. In reaction to ORR's recommendations, MIOSHA has already begun drafting a policy to implement these committees should the statutory amendment pass.

Emphasis Programs

Residential Fall Protection Initiative: On April 4, 2011, MIOSHA launched the "Residential Fall Protection Initiative" to educate Michigan employers about the changed requirements for residential fall protection. Federal OSHA made the changes effective June 16, 2011, and State Plan States were required to make the same changes. MIOSHA developed this initiative in partnership with the Michigan Association of Home

Builders and presented more than 70 seminars to help employers comply with the new requirements. Since 2008, MIOSHA has had an active **“Fall Protection Initiative”** to increase awareness of fall hazards, highlight the need for appropriate fall protection, and ensure employees receive required training.

On March 29, 2012, MIOSHA held a forum with the Greater Lansing Home Builders and Remodelers Association and contractors to share best practices and solutions. The morning session was dedicated to framing contractors and poured concrete walls and foundation contractors. The afternoon session was dedicated to residential roofing contractors. Both sessions were presented jointly with contractors, manufacturers, and MIOSHA staff.

Preventing Electrocutions Initiative: On March 15, 2011, MIOSHA launched a “Preventing Electrocutions Initiative” to eliminate fatalities caused by electrical hazards. MIOSHA has investigated 63 electrocution fatalities in general industry and construction from 2001 through 2010. MIOSHA launched this proactive initiative to increase awareness about electrocutions in construction and general industry workplaces and to remind employers they are required to provide protection and training to employees exposed to electrical hazards.

Protecting Workers in Tough Economic Times Initiative: On May 7, 2009, MIOSHA launched an awareness campaign, “Protecting Workers in Tough Economic Times.” The initiative continues to focus on how a comprehensive safety and health management system can help employers protect their workers and their bottom line. MIOSHA recognizes the difficulties employers and employees are facing and is offering significant changes to help employers comply with MIOSHA requirements.

MIOSHA Training Institute (MTI): In FY 2008, MIOSHA implemented a new safety and health training/certificate program. Seminars offered through MTI provide an opportunity to earn a certificate. In FY 2012, 165 courses were offered across the state. To date, training has been provided to more than 12,000 individuals and certificates have been issued to more than 550 students.

In FY 2012, the first-ever MIOSHA Training Institute **“Boot Camp”** was held. Twenty-three students successfully completed the requirements for their MTI Level One Certificate in General Industry. The MTI Boot Camp was especially designed for those students who have not taken any MTI courses previously and are interested in an overall introduction to specific topics that will help them build a basic safety and health management system. The “Camp” consisted of six classes over a three-week period which included: MIOSHA General Industry Ten Hour+; Blueprint for a Safety & Health Management System; Machine Guarding/Hazard Identification; MIOSHA Recordkeeping; Supervisor’s Role in Safety & Health; and When MIOSHA Enforcement Visits.



MTI graduates recognized at the 2012 Michigan Safety Conference

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.

Enforcement

Ambassador Bridge: On January 11, 2012, a painting contractor was relocating a section of scaffold that was suspended underneath the Ambassador Bridge. Three supporting cables shifted and the deck sheet dropped down to almost vertical, causing an employee to fall nearly 140 feet into the Detroit River.

The MIOSHA Construction Safety and Health Division (CSHD) investigation found that the employer did not erect the suspended scaffold in accordance with the scaffold design, did not follow the procedures for erecting and dismantling the suspended scaffold as outlined by the scaffold manufacturer, did not ensure employees were protected from falling while dismantling the scaffold, and the employee who fell was not protected with a personal fall arrest system.

The Construction Safety and Health Division cited “Serious” violations for four companies that were involved with the worksite. The total proposed penalty for the four companies was \$107,900. The citations and penalties reflect an evaluation of the conditions, MIOSHA requirements, and the level of consequences that could result.

Abandoned Hotel Renovation Project: On April 24, 2012, the Construction Safety and Health Division issued 13 Serious/Willful, two Serious, and two Serious/Repeat violations of the asbestos and lead standards in construction totaling \$436,320. The investigation took place during a renovation project at an abandoned hotel that was built in 1923. Workers were exposed to asbestos and lead during the demolition phase of the renovation.

Asbestos Removal Project: On March 12, 2012, the Construction Safety and Health Division issued 13 Serious/Willful and 2 Serious and 2 Serious/Repeat citations totaling \$52,350 for violations of the asbestos standard for construction, and also an alleged violation of Act 440 of 1988, the Asbestos Workers Accreditation Act. Workers were stripping asbestos from scrap metal at the former power house without adequate protection from asbestos exposures. The U.S. Environmental Protection Agency (EPA) also conducted an investigation of the site.

Utility Pole Project: On October 14, 2011, the Construction Safety and Health Division alleged seven violations as a result of a catastrophe investigation in which five workers were sent to the hospital after receiving electrical shocks and burns when the utility pole they were setting contacted one or more 69,000 volt power lines. Six of the violations were classified as Serious/Willful and one was classified as serious. The total penalties were \$384,300.

Sugar Manufacturing Plant: On May 22, 2012, the General Industry Safety and Health Division issued citations with total penalties of \$104,800. MIOSHA identified 33 violations of MIOSHA regulations. The citations consisted of 18 Serious, three Repeat-Serious, and 12 Other-than-Serious violations. This was a planned comprehensive inspection. The most serious violations included confined space, machine guarding, lockout/tagout and respiratory protection.

Outreach

MIOSHA's Consultation Education and Training (CET) Division focuses its outreach efforts on those companies with the greatest need. In FY2012, over 1,300 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 FY2012:

- Provided 3,487 safety and health consultations;
- Provided 718 onsite surveys – 21(d) and 23(g);
- Conducted 1,786 training sessions, with an attendance of 17,395 participants;
- Distributed 125,894 pieces of literature; and
- Loaned 1,746 videos.

The Michigan Voluntary Protection Program (MVPP) currently has a total of 28 Star sites, five Rising Star sites, one Star VPP in Construction site, and one Rising Star VPP in Construction site. MIOSHA also has a cumulative total of 27 SHARP companies.

MIOSHA awarded 22 Consultation Education and Training (CET) Grants in FY 2012, totaling \$1,015 million. The CET Grant Program provides additional options for safety and health education and training.

Partnerships

Christman Company: On October 14, 2011, the Christman Company and MIOSHA signed a formal partnership to protect workers at the Reo Town Plant Electric-Steam Generation project located in Lansing.

Barton Malow Company: On April 12, 2012, Barton Malow Company and MIOSHA signed a formal partnership to protect workers at the St. Joseph Mercy Oakland Hospital Campus Regeneration Project in Pontiac.

Christman/Kraus-Anderson Joint Venture: On May 1, 2012, the Christman/Kraus-Anderson Joint Venture, the Pokagon Band of Potawatomi Indians and MIOSHA signed a formal partnership to protect workers at the Four Winds Casino Expansion Project in New Buffalo. This is the first construction partnership in the nation with a Native American tribe. The partnership will continue at the Four Winds Casino project in Dowagiac.

Walbridge/dck Joint Venture: On June 20, 2012, the Walbridge/dck Joint Venture and MIOSHA signed a formal partnership to protect workers at the Wayne County Consolidated Jail Facility project in Detroit.

Michigan Society for Infection Prevention and Control: On September 14, 2012, the Michigan Society for Infection Prevention and Control and MIOSHA renewed their formal alliance.

Operating Engineers Local 324: On November 2, 2012, the International Union of Operating Engineers Local 324 Journeyman & Apprentice Training Fund, Inc. and MIOSHA signed a formal Alliance to improve the safety and productivity of Michigan workers that are affected by changes in the crane regulations.

Walsh Construction Company: On November 14, 2012, The Walsh Construction Company, Michigan Building & Construction Trades Council and other key partners signed a formal partnership with the Michigan Department of Licensing and Regulatory Affairs and MIOSHA to protect workers during the renovation of the Ann Arbor Waste Water Treatment Plant.

Health Care Association of Michigan: On November 15, 2012, MIOSHA and the Health Care Association of Michigan signed a formal alliance to protect the safety and health of Michigan's long-term care workers.

The **MIOSHA Alliance Program** was officially launched in FY 2004 and MIOSHA currently has **15 active alliances**. These alliances have generated hundreds of opportunities to improve the worksites represented by the signing organizations.

Signature Projects

Minnesota's Safe Patient Handling Act effective date remains: 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 April 2010, Minnesota OSHA (MNOSHA) added a local emphasis program for window-washing activities. The emphasis program directs investigators to initiate an inspection when the investigator observes employees using platform installations permanently dedicated to interior or exterior building maintenance of a specific structure or group of structures, or employees engaged in window-washing from suspended or supported equipment intended to provide access to the face of a building or from working platforms of suspended units. Since the inception of the emphasis program, MNOSHA has conducted 65 inspections and issued 52 citations totaling more than \$195,000 in penalties.

Enforcement

In May 2010, an employee died while refueling an aircraft at a small commuter airport. Minnesota OSHA (MNOSHA) assessed five serious and two non-serious violations, including two confined space entry violations. A penalty of \$54,200 was issued.



Minnesota OSHA continues their local emphasis program for window-washing activities. During FFY11, MNOSHA conducted 25 inspections and issued 27 citations totaling more than \$173,000 in initial penalties.

During spring flooding conditions in March 2011, a public transportation employee drowned while attempting to clear fallen tree limbs and debris from a culvert. The tractor/backhoe the employee was operating slid into the water. MNOSHA issued two citations and penalties of \$29,900.

In June 2011, as part of a local emphasis inspection program, a window-washing company was inspected and was subsequently issued one willful, three serious and one non-serious violation for improper lifelines, load lines and anchorage points. A penalty of \$67,000 was issued.

Outreach

Minnesota OSHA (MNOSHA) Compliance conducted 122 presentations for 4,478 participants during federal-fiscal-year 2011. MNOSHA continued to use its safety investigator III and IV positions in its outreach efforts throughout the state. The majority of outreach presentations were addressed to emphasis industries, including construction with a focus on residential and excavation. MNOSHA has two field investigators who alternate to provide daily stakeholder assistance.

Each year, MNOSHA Compliance has five leading organizations that request outreach services: Midwest Center for Occupational Health and Safety; Associated General Contractors of Minnesota; Associated Building Contractors; American Society of Safety Engineers; and Minnesota Safety Council.

MNOSHA continued to conduct its Construction Seminar sessions five times in federal-fiscal-year 2011. The Construction Seminar was developed to assist members of the construction industry responsible for worksite safety to stay current with MNOSHA standards. The Construction Seminar provides a forum for members of the construction trades and their employers to discuss issues and experiences with the speaker, their peers and MNOSHA investigators. MNOSHA continues to work with the Construction Seminar Focus Group to select safety topics and presenters for each event. Topics are discussed and voted on by the members and then approved by MNOSHA's management team. The committee is made up of various representatives from the construction industry, including insurance agents, company safety directors and safety consultants, who volunteer their time and expertise. The steering committee also meets during the season to evaluate each presentation for its relevancy and audience understanding and acceptance. In total, the Construction Seminar presentations attracted 176 participants.

MNOSHA continues to participate in major safety conferences throughout the state. It staffed information booths at four separate exhibitions in federal-fiscal-year 2011; all were well-attended, with a significant number of people getting answers to questions about specific MNOSHA standards.

MNOSHA also continues to publish its quarterly newsletter *Safety Lines*. Some of the topics covered in the past year included the most frequently cited standards, heat stress, fall protection, imminent dangers, window washing, grain handling, high-visibility garments, recordkeeping and statistics, and frequently asked questions.

MNOSHA also continues to have a video lending library, which offers a selection of safety and health videos and DVDs available for a free two-week loan.

Partnerships

Minnesota STAR (MNSTAR) Program/VPP: In federal-fiscal-year 2011, five new organizations in Minnesota achieved some level of participation in the MNSTAR Program. Two employers achieved full MNSTAR status and three employers achieved MNSTAR Merit status. In addition to these new participants, three employers received five-year exemption/recertification status and two employers were placed into a one-year conditional status.

On average, general industry participants in the MNSTAR program were 45 percent below the current U.S. Bureau of Labor Statistics (BLS) rate data for total recordable cases (TRC) and 58 percent below the current BLS data for days away restricted transfer (DART) rates.

Minnesota's two MNSTAR Construction participants, both resident contractors at a MNSTAR participant's site, were recordable-injury free in federal-fiscal-year 2011.

Participants benefited from the MNSTAR Program with an approximate \$1.5 million total cost savings.

Construction Health and Safety Excellence (CHASE) Minnesota; Minnesota Chapter of Associated Builders and Contractors (MN ABC): In federal-fiscal-year 2012, the Department of Labor and Industry will host stakeholder meetings with construction contractors representing large and small companies from throughout the state and loss-control insurers to identify ways to improve the two current Minnesota OSHA Compliance partnership programs: with the Associated General Contractors (AGC) of Minnesota – known as the Construction Health and Safety Excellence (CHASE) Minnesota partnership; and with the Minnesota Chapter of Associated Builders and Contractors (MN ABC). The meetings will focus on identifying what changes to the partnerships would provide an even greater impact on employee safety and health, encourage more participation by association members and make all levels of the partnership achievable while maintaining accountability and ensuring there are no overlaps with other Minnesota OSHA Compliance programs.



Fiscal year 2010 was a year filled with recertifications for the MNSTAR program. Five Minnesota employers participating in the MNSTAR program received 5-year exemption/recertification status in 2010.

Signature Projects



Basalite Concrete Products, Carson City, NV earns SHARP designation for the third time.



Nevada SCATS works with KB Homes and Woodside Homes to develop safety procedures for residential fall protection.

Residential Fall Protection: In response to the National Emphasis Program on Residential Fall Protection, Safety Consultation and Training Section (SCATS) joined forces with KB Homes and Woodside Homes, two premier home builders in Nevada, to develop procedures and training to ensure compliance with OSHA's residential fall protection standard. The partnership with KB Homes and Woodside Homes demonstrates that framing and roofing can be done safely. In the last year, SCATS has conducted 52 visits to home builder construction sites resulting in 176 instances of non-compliance. In addition, SCATS training unit conducted 10 fall protection regulatory review training classes at sites throughout Nevada.

Safety and Health Practitioner Certificate Program: SCATS continues its Safety and Health Practitioner Certificate program to raise safety awareness in Nevada. The program recognizes those who have completed a curriculum of 26 SCATS training classes within three years of the date of enrollment. The Safety Practitioner Certificate is recognized by the Institute for Safety and Health Management, an accredited safety and health professional certification organization, and fulfills certain requirements for CSHM and other designations. As of September 30, 2012, a total of 1,300 students are enrolled in the Safety and Health Practitioner Certification Program. Since its inception, there have been over 332 graduates of the program.

Outreach

Major Industries: SCATS continues its emphasis on the big three industries in the state: construction, manufacturing and hotel/casino. SCATS responded to 386 requests for on-site surveys by these critical industry employers. Over 2,500 non-compliances were identified and corrected. Nevada's clean energy initiative is fostering growth in the geothermal, wind and solar industries. SCATS has experienced an increase in demand for its services in that sector. As these companies locate where sun and wind is plentiful, SCATS consultants have had to adjust to long commutes on the Extra Terrestrial Highway.

Training and Education: For state fiscal year 2012, the SCATS training unit conducted 308 training presentations covering 641 safety and health topics. A total of 7,469 students attended these classes representing over 2,811 employers. To better meet the needs of our Nevada workforce, SCATS provided Spanish language training to Hispanic employers through the joint activities of SCATS and various Latino associations. Of the total training classes for the year, approximately 20% were taught in Spanish.

SCATS training schedule is updated and published on a quarterly basis. This year, SCATS launched a new website, SCATSNV.com, which expanded on-line registration to all classes. (Previously only OSHA 10 and 30-hour classes accepted on-line registration.)

In addition, a monumental effort was begun to update our Safety and Health Video Lending Library. At the start of the year, over 60% of the titles in the library were in VHS Cassette format. The training unit has already replaced the most popular training videos with updated DVDs; the process will continue as resources allow. The video lending library is SCATS most popular feature with 21,271 employees viewing safety and health videos.

Hispanic Outreach: SCATS is committed to improving the health and safety of Hispanic workers. This year, SCATS co-sponsored the First Annual Hispanic Workers Fair with the International Union of Painters and Allied Trades District Council 15, Local 159 Las Vegas. Over 30 vendors and Hispanic outreach organizations provided free safety training, health screening, product demonstrations, and question and answer sessions. SCATS trainers completed a 2-day OSHA 10-hour Construction Course as part of the fair.

Marketing Initiatives: SCATS launched a newly redesigned and reorganized website, SCATSNV.com. The new site allows employers and employees to easily access workplace safety resources and materials in English and Spanish, find training class schedules and sign up for free classes online, as well as request an on-site consultation. SCATS also became an active member of various City and County Chambers of Commerce throughout the state.

Partnerships

Currently, Nevada OSHA maintains 9 VPP sites; 2 of these sites are recertification of a previously awarded VPP designation. In addition, 2 employer applications are under review for acceptance into the VPP program. SCATS has 20 small employer sites enrolled in the SHARP program; 6 Pre-SHARP companies are working with SCATS to achieve full SHARP status. Nevada VPP and SHARP programs continue to encourage employers' commitment to promoting a safety culture that exceeds Nevada safety and health standards. Press releases announced the VPP and SHARP recipients' demonstrated achievement of an exemplary safety and health management system.



SCATS on-site on the Las Vegas Strip



SCATS trainers preparing for a Bloodborne Pathogen Awareness Class

Signature Projects

PEOSH Fire Service Update: To help meet a Public Employees Occupational Safety and Health (PEOSH) performance goal for Local Fire Protection a series of training sessions were held in FY2012. These sessions reviewed what PEOSH regulations apply to the fire service for both safety and health, including the New Jersey Administrative Code (NJAC) 12:100 Fire Fighter Standards. Ten sessions were held at five county fire academies throughout New Jersey. Five daytime and five evening sessions were offered to accommodate both career and volunteer staff. The five locations were selected geographically to maximize outreach to firefighters in all areas of the state. In all, 424 firefighters attended the training. A large portion of these firefighters served in managerial positions within the fire service including Chiefs and Safety Officers. Based on the success of this program another six sessions are scheduled to be held in FY2013.

Outreach

Consultation and Training Services: NJ PEOSH provides consultation and training services for public employers throughout the State of New Jersey. These services are provided for all public employers, but high hazard industries are the primary focus including police protection, fire protection, nursing homes, and transportation services. In FY2012, NJ PEOSH provided the following services:

- 54 on-site safety consultation visits
- 56 on-site health consultation visits
- 273 safety training sessions which reached 3,748 participants
- 40 health training sessions which reached 2,662 participants

Medical Examiner's Office's Consultation Campaign: Due to the number of serious violations documented during a 2011 NJ Department of Health (NJDOH) complaint investigation at a medical examiner's office, the PEOSH Consultation team offered free on-site consultations to thirteen county medical examiner's offices. To date, four county medical examiner's offices have been visited and compliance with PEOSH standards on recordkeeping, hazard communication, personal protective equipment, respiratory protection, blood borne pathogens and formaldehyde was checked. The visits documented that all surveyed medical examiner offices were in violation of the formaldehyde standard

as formaldehyde exposure levels during autopsy procedures had not been determined. Other violations were also documented, including non-compliance with the hazard communication, blood borne pathogens, respiratory protection, and personal protective equipment standards. The goals of this outreach campaign are:

- bring all NJ medical examiner's offices into compliance with the PEOSH health standards,
- establish a consensus with regard to the appropriate personal protective equipment for each job task,
- promote consistency in labeling specimen containers, and
- determine the efficacy of engineering controls with respect to formaldehyde exposure during autopsy procedures.

OSHA 10 Hour Outreach Classes: NJ PEOSH provided six Outreach Classes during FY2012 including five 10-Hour Construction classes and one 10-Hour General Industry class. NJ PEOSH also co-sponsored another six Outreach Classes with USDOL OSHA including two 10-Hour Construction classes, two 10-Hour General Industry classes, a 30-Hour General Industry class, and an OSHA 7600 Disaster Site Worker class.

SHARP: NJ PEOSH presently has three public sector SHARP sites including a fire department, a police department, and a municipal complex.

Safety Enforcement: NJ PEOSH continues its targeted initiatives for the fire service, police protection, transportation and nursing homes. A list of frequently cited hazards in these targeted areas has been distributed to the enforcement staff as a guidance document. The frequently cited standards for fire departments include defective turn out gear, fire apparatus and electrical hazards at fire stations. For police departments frequently cited violations include electrical hazards, blocked exit routes and lack of a written emergency action plan. Hazards in nursing homes include documented training for safe patient lifting, written emergency action plans and electrical hazards.

NJ PEOSH recently posted its whistleblower manual on the New Jersey Department of Labor and Workforce Development web site. The manual can be found at:

http://lwd.dol.state.nj.us/labor/lssc/employer/Public_Employees_OSH.html

The manual provides information to NJ public employers and employees concerning the NJ PEOSH whistleblower process for filing complaints and investigative procedures.



A New Mexico Compliance Officer posts safety information at burn site.

Signature Project

New Mexico experienced a number of wildfires, including the Little Bear Fire which destroyed more than 250 homes and businesses near Ruidoso. The Occupational Health and Safety Bureau (OHSB) and other agencies within the Environment Department provided health and safety information, instruction and protective equipment to volunteers and residents re-entering burned areas.

Enforcement

Following fatal accidents in the public sector, New Mexico worked with employers and groups to increase awareness of specific safety hazards for employees of municipal governments.

Excavation and Trenching: In May, 2011, two employees of the city of Las Vegas, New Mexico died in a trench collapse. OHSB issued willful and serious violations to the city and in February, 2012, entered into an agreement requiring the city to: instruct employees on their right to stop unsafe work; provide employees with excavation safety training; designate additional safety staff in all departments; and notify the Bureau of excavation work prior to entry for a period of three years. Subsequent outreach and publicity of the accident raised awareness of trench hazards statewide, resulting in referrals from the media and other sources identifying potentially hazardous excavations at public sector sites. OHSB conducted several inspections and issued citations to other municipal governments, including repeat trench violations for the city of Santa Fe.

Lineman Fall Protection: In June, 2011, an employee of Public Service Company of New Mexico (PNM) fell to his death during a pole-top rescue exercise. Following an investigation and as part of settlement, PNM agreed to provide fall protection equipment beyond the minimum standard for all pole climbing operations. PNM also agreed to provide seminars on evaluation of climbing equipment to rural electric cooperatives statewide. The seminars will continue through 2012.

Emphasis Programs

New Mexico continues to place significant emphasis in the construction and oil and gas industries through both enforcement and cooperative activities. While injury rates have historically declined, the number of fatal accidents in these industry sectors continues to represent a large proportion of occupational fatalities in the state.

Outreach

Oil and Gas: OHSB signed an alliance with the New Mexico Oil & Gas Association (NMOGA) with the goal of working together to reduce and prevent exposure to hazards associated with oil and gas exploration, production, and product transmission. OHSB also coordinated with the Texas Permian Basin Service, Transmission, Exploration and Production Safety Network to conduct industry meetings in southeast New Mexico attended by more than 150 participants representing government, oil and gas industry operators, contractors, vendors and suppliers.

Residential Construction: OHSB coordinated with the New Mexico Homebuilder's Association to present information about fall protection in residential construction. Five presentations were conducted statewide for employees and company owners.

Partnerships

OHSB collaborated with construction industry associations to create the Construction Health and Safety Council of New Mexico. The mission of the Council is "To strengthen the partnerships between worker organizations and New Mexico Occupational Health and Safety Bureau and further the safe work practices of the New Mexico construction industry." It is made up of representatives from OHSB and:

- Associated Builders and Contractors, Inc
- Associated Contractors of New Mexico
- Associated General Contractors of America
- American Subcontractors Association of New Mexico
- Mechanical Contractors Association of New Mexico
- National Utility Contractors Association

The collaboration is believed to be the first of its kind in the nation.

Signature Project

On August 28, 2011 Hurricane Irene made landfall in NYC, with the eye of the storm passing over NYC. The bulk of the storm's damage was inland; causing severe flooding that closed hundreds of roads and bridges. Within New York State the storm caused 10 deaths, approximately \$1.3 billion in damage and left approximately 750,000 customers without electricity.



Hurricane Irene

The New York State Department of Labor's Crisis Response Team provides assistance to the local and State's emergency response community during times of disaster. During 2011, members of the DOSH Crisis Response Team were activated to respond to Hurricane Irene starting on Friday, August 26, 2011. Team members were assigned to the New York State Emergency Operations Center to staff the agency desk where requests for assistance to the Department were expedited. DOSH responders staffed the State's Emergency Operation Center 24 hours a day, two 12 hour shifts daily through September 12, 2011.

On September 5th the Department of Labor received a request to provide two Safety Officers to assist Greene County with their response to Hurricane Irene. The Safety Officer's position was filled by four different PESH (Public Employees Safety & Health) responders over a four day period during the 0800 to 2000 operational period. The Safety Officer worked within the county incident management system to identify potential risks and hazards to emergency responders within the county. Assistance was also provided to the County of Schoharie to determine if buildings were safe for re-occupancy. DOSH responders worked with the County Safety Officer during building clean-up and restoration resulting from the floods.

Tropical Storm Lee arrived over southern New York on September 5th. Water levels were still elevated from Hurricane Irene and after 5 days of heavy rain, additional flooding was experienced. Just-in-time training was provided to volunteer organizations responding to Tropical Storm Lee in the Vestal and Binghamton areas of the state. Volunteer organizations were briefed on how to protect themselves from the common hazards associated with flood clean-up and how to properly wear their personal protective equipment.

On September 6th the DOSH Crisis Response Team was tasked to provide an assistant to the response Safety Officer from FEMA. This position was filled through October 2, 2011, twenty seven days straight during the 0800 to 2000 operational period. The Department of Labor responder in the position worked through the state emergency operations center to increase the level of safety to all responders throughout the response.

On September 30, 2011 the DOSH Crisis Response Annual Refresher training was conducted for all crisis responders across the state. During the training, plan updates and protocols were reviewed with the group and a debriefing was conducted on the Hurricane Irene/ Tropical Storm Lee. The debriefing was an opportunity for staff who responded during the Irene/ Lee disaster to share their stories and provide feedback on our response protocols and efforts.

Emphasis Programs

The PESH Strategic Plan continues to be the largest and most long lasting emphasis program within the Bureau. The Strategic Plan began in 1998 and continues to be a major focus. Another area of particular importance to PESH is Workplace Violence Prevention and enforcement of the Workplace Violence Prevention Law which was promulgated in April 2009 (12NYCRRPart 800.6).

Public Employee Safety and Health Strategic Plan: The overall goal of the PESH Strategic Plan continues to be the reduction in worker injuries, illnesses and fatalities. In addition, the PESH Strategic Plan is focusing on reducing the number of lost workdays due to these injuries. The Strategic Plan focuses statewide attention and bureau resources on the most significant types of injuries and illnesses occurring in the industries with high injury rates. In FY 2011 the Strategic Plan continued their 5-year commitment and involved three committees, one of which is new in 2011.

Healthcare: This committee began in 1998 by focusing on public-sector nursing homes (NAICS 623110). This current phase of the Strategic Plan added residential facilities for people with developmental disabilities (NAICS 623210) and residential mental health facilities (NAICS 623220) to their focus. Their goal is to decrease the Lost Workday Rate by 5% (1% /year) in each of these sectors. Based on data collected from the Log of Work Related Injuries and Illnesses; the injury rate in the nursing home sector decreased more than 36% from the beginning of this initiative (1998 - 2011). The major focus for nursing homes was on providing education on safe resident handling principles and practices through conferences held throughout the state. These conferences were very successful and due to the increased attendance from year to year, these conferences will be organized in the future by the New York State Nurses Association (NYSNA) with support from the NYS Zero Lift Task Force, of which PESH is a member. The next conference will be held in Albany, NY on April 23-25, 2013.

Police Protection: This committee has changed its focus from highway, streets and bridge construction to police protection (NAICS 922120). The goal is to decrease the injury and illnesses rate by 1% /year. The Log of Work Related Injuries and Illnesses will be used as the data source. This committee is working

with PESH staff to enhance the number and effectiveness of enforcement inspections and consultation activity for this industry. Strategic group members are working on educational resources specific to this industry including a 2012 law enforcement CD that will provide copies of the applicable standards, model safety and health programs, various fact sheets and training PowerPoint presentations. As indicated the focus of this committee is police protection and for the time being will be limited to the county agencies. The ultimate goal of this committee is to decrease the total recordable injury rate among county sheriff and police departments. The committee will identify and work with the agencies that have the highest incident and illness rates and provide site specific training and resources.

Fire and EMS: This committee works with municipal and State Fire and Emergency Medical Service agencies with the goal to decrease the injury and illness rate within this group by 1% per year. This Strategic group has been working very closely with Fireman's Association of the State of New York (FASNY), New York State Association of Fire Chiefs (NYSAFC) and county fire coordinators on outreach and training programs relating to the NYS Emergency Escape and Self Rescue Ropes Law, proper record keeping strategies and member wellness programs. Updates are being made on the Fire Service Resource CD which contains copies of the standards, model safety and health programs, various fact sheets and PowerPoint training presentations.

Enforcement

Enforcement continues to be a major focus of the Public Employee Safety and Health Bureau (PESH). The total number of inspections conducted in FY 2011 was 1759. These visits resulted in 3856 Notices of Violations being issued.

Strategic Plan Enforcement Activities: Although much of the efforts of the various committees is focused on establishing a cooperative partnership with labor and management in the designated industries, enforcement visits (complaint or programmed) remain the most common reason for on-site visits. In the Healthcare group, recordkeeping emphasis and most currently Nursing Home emphasis visits were conducted in various facilities under OSHA's national emphasis program (NEP).

Workplace Violence: The "New York State Public Employer Workplace Violence Prevention Law" has been in effect since April, 2009. This regulation requires a written policy statement and a written program, risk evaluations and determinations involving examination of pertinent records, administrative risk factors and the physical environment. The written program must include the risk factors identified

during these evaluations along with specifying the control methods. Training must be provided which covers the specific policies of the employer, the result of the risk evaluations and the control measures specific to those risks. Evaluation of the employer's Workplace Violence Program and Policy Statement is a routine part of the PESH Bureau's programmed inspections. PESH staff conducted 180 inspections involving workplace violence in FY 2011 and 192 in FY 2012. These inspections resulted in 640 violations of NYCRR 800.6 in FY2011 and 960 in FY 2012.

Outreach

PESH staff is very active in providing outreach and education to employers and employees in New York. Areas where special emphasis was placed include:

Healthcare Facilities: The Division of Safety and Health (PESH and On-Site Consultation Bureau) held a one and a half day Safe Patient Handling conference in Albany, NY. In attendance were 200-plus nurses, PTs, OTs and other professionals interested in reducing injuries due to lifting, repositioning and handling individuals they care for. This committee has finalized a resource CD for healthcare. It is also working on a Safe Patient Handling DVD which covers the various tools available to create a minimal lift workplace.

Workplace Violence: 12 NYCRR PART 800.6, New York State's Workplace Violence rule has been in full effect since August of 2009. In an effort to facilitate compliance PESH has posted various resources on their website and conducted many outreach/training sessions. This effort continues as more employers come into compliance.

Statistics

Based on the Bureau of Labor Statistics, the Total Recordable Injury and Illness Rate increased from 7.1 in 2009 to 7.3 in 2010 for public sector employment in NYS. The DART rate decreased from 4.5 to 4.4 during this same period. The number of public sector fatalities reported in FY 2011 was 27.

One focus of the PESH Strategic Plan has been to develop databases based on information from the Log of Work Related Injuries and Illnesses. Over the past several years the data have been refined and queries have been developed which allows trending of injuries and illnesses. Through this effort the strategic plan committees have been able to develop site-specific training. In some cases this data was used to estimate the cost of lost wages in an effort to assist employers in building the business case for implementing safety and health programs. The data from the Logs has also been used to develop a list of facilities targeted for inspection.



Kelly Moed, MSN, RN-BC, Staff Development Instructor, NSLIJ, Staten Island University Hospital, Winner of 2011 NYS Zero Lift Task Force Safe Patient Handling Advocacy Award

Signature Projects

Heat-Related Fatalities Demand Response: The State of North Carolina had not experienced a heat-related workplace fatality since 2006, but in 2011 four employees died from exposure to excessive heat. The initial response for each fatality was, of course, to initiate compliance intervention and, where appropriate, issue citations. Compliance personnel were aided in the inspection process with a heat stress specific enforcement guidance document. This issue did not end however with the enforcement process. In State Plan States, including North Carolina, additional resources are available to continue to tackle safety and health issues with the ultimate goal to reduce and eliminate the number of heat-related deaths.

In North Carolina, education, training, and consultation are equal parts of the safety and health solution. In response to the heat-related fatalities, a special heat stress awareness campaign was initiated. Experience with areas requiring “special emphasis” has taught us that even the obvious sometimes needs to be restated. Even though most folks knew about the dangers associated with working in the heat, appropriate action was not always taken. With that in mind, various methods were used to get the word out on how to work safely in the summer heat. This included news releases to utilize the media and specific training tools. The training included sharing info with the media concerning the heat stress investigation process, internal training for OSHNC personnel, and training for employers and employees whose work environment was in the heat. The training was offered online and in a classroom setting and was provided in Spanish as well as English.

Other methods for getting the word out included heat stress posters, pocket-size heat stress cards, heat stress guides and billboards. The heat stress billboards tied in conveniently with an alliance already in place with a billboard company. The media took interest in the heat stress awareness campaign and news stories relating to hazards associated with work in the summer heat were frequent. Employers were also contacted by our Consultative Services Bureau and heat stress information was shared as part of the consultative services process.

The program’s success can most importantly be measured in the decrease in the number of employee deaths from heat related events. There was only one heat-related fatality in 2012. Increasing the awareness level that got everyone thinking about the danger of working in the summer heat was also a success of the program.



Heat Stress Poster used with North Carolina Heat Stress Campaign

Recognizing the Danger for Public Sector Divers: State Plan states have the flexibility to pursue safety and health issues that might be unique to their state. The response does not always have to be a compliance effort. The North Carolina Public Safety Divers' Association approached the OSH Division about safety and health issues associated with underwater work conducted by law enforcement, fire rescue, and search and rescue recovery dive teams working as part of a government agency. These issues are not addressed by the OSHA Commercial Diving Standards.

The result of many hours of work between the Association and the OSH Division was a Guide to Public Safety Diving. The guidelines are intended to serve as a roadmap for safety for public sector employers that employ dive teams. It has been distributed to municipalities across the state that utilize dive teams.

Hurricane Relief: "We're from the government and we're here to help you" was certainly our intent in the wake of recovery from hurricane Irene which made initial landfall in North Carolina on August 27, 2011. The North Carolina OSH Division, responding to a request by the Governor, mobilized safety and health personnel and served as "state safety and health advisors." Over 25 OSHNC volunteers shared safety and health expertise, training materials, and personal protective equipment, such as safety glasses and hard hats, with recovery personnel. Thankfully, among the group of responders that included, public safety officers, cleanup crews, rescue workers, and lineman, no fatalities were reported in the wake of the storm recovery from Irene.

Emphasis Programs

North Carolina's emphasis programs included in the five-year Strategic Plan target those industries or hazards that have the greatest impact on overall injury and illness and fatality rates. Current areas of emphasis 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. These industries and hazards are addressed with an allocation of resources that includes compliance, consultation, and education and training intervention.

The success of these outcome-driven emphasis programs is measured by comparing baseline data with subsequent years' data over a five-year period of time. Work-related fatalities in North Carolina have decreased in the special emphasis areas since 2008, the baseline year. In construction, fatalities have decreased from 24 in 2008 to 17 in 2011 and the number of logging fatalities has decreased from 4 in 2008 to 2 in 2011. The state's most recent Total Recordable Case (TRC) rate dropped to 3.3 which represent a historical low for the state program.



A lighthearted approach to address the serious problem of struck-by accidents

Enforcement

Enforcement is an integral part of the North Carolina State Plan and includes intervention in both the private and public sector. In 2011, the North Carolina Occupational Safety and Health Division conducted 4,279 safety and health inspections, and more than 4,732 serious violations were identified and abated as a result of compliance intervention. Enforcement efforts support each area of emphasis included in the Strategic Plan with specific activity goals. With limited resources and over 250,000 establishments in North Carolina, enforcement activity must be assigned where it can have the greatest impact. With this goal in mind, a number of significant cases were addressed in 2011.

Food Manufacturing Facility Inspected: A 2011 inspection was conducted at a food manufacturing facility in support of the food manufacturing special emphasis program. In order to streamline the inspection process, while at the same time ensuring a comprehensive approach, a specific inspection protocol for food manufacturing facilities was utilized. This policy document outlines the type of hazards most likely to be found at a food processing facility including those related to ergonomics, machine guarding, and process safety management.

This systematic approach at the site resulted in 54 hazards being identified, and 47 of those were classified as serious. These included items related to confined spaces, process safety management, electrical hazards, and lockout tagout issues. The inspection activity resulted in a proposed penalty of \$175,000. By targeting those industries with the highest injury and illness rates, the best use of resources can be assured resulting in more hazards being eliminated in the work place.

Settlement Agreement Results in Safety and Health Program Improvement: Basic enforcement strategies for investigating significant cases, including fatalities, involve mobilizing adequate equipment, personnel, and other resources; conducting a thorough investigation which results in the cause of the accident being identified; assuring that hazards are eliminated; and sharing significant findings with others who might benefit through prevention of future occurrences.

However, in the case of a power transmission company, in which citations and \$77,000 in penalties were issued, interaction with the company did not end with this on-site enforcement activity. In the interest of safety and health, a settlement agreement was reached with the company that required an ongoing review of its safety and health program through audits conducted by the Occupational Safety and Health Division's Bureau of Education, Training, and Technical Assistance. The audits stretched over a period of over two years in which the company was continuously monitored. In addition, the company also provided OSHNC employees with electrical transmission and distribution training.



Commissioner Cherie Berry leads the celebration at a new SHARP site.

Outreach

Training: Training is a cornerstone of North Carolina's safety and health program and 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, and each OSH Bureau contributes resources. Training is coordinated by the Education, Training, and Technical Assistance (ETTA) Bureau and conducted at employer worksites and other locations, as well as online. In 2011, 9,758 employers and employees were trained, including 7,294 in special emphasis areas. Training is offered in both English and Spanish.

To ensure adequate focus for the special emphasis programs, North Carolina has made training more efficient through online delivery and more focused through the development of industry-specific presentations. This effort has expanded the training offered to workers in high-risk industries such as construction, logging, arboriculture, and agriculture and made it available at or near their worksites on Labor One, a mobile training unit.

The ETTA bureau maintains more than 60 standardized safety and health presentations, available to the public via the North Carolina Department of Labor (NCDOL) website. Each employer has the ability to tailor training to their specific needs, and an online course catalog provides a description of courses and delivery methods. In FY 2011, ETTA began developing standard presentations for the Hispanic, Spanish-speaking workforce. Projected completion of this project is August 2014. The public also receives information about training initiatives through an online monthly newsletter, sent to more than 9,900 employers and employees, and the online training calendar. As part of the training effort, OSH distributed 52,181 publications, including new guides on hexavalent chromium and isocyanates, and responded to 15,021 calls from the public as part of outreach services.

Library: The North Carolina Department of Labor Library circulated 3,635 safety videos (including 433 in Spanish) and received 2,447 information requests in FY 2011. Additionally, the library acquired labor-related publications, CD-ROMs, and safety videos as part of its public outreach.

Recognition Programs: The Carolina Star Program encourages employers and employees in their efforts to reduce hazards, institute new programs, and perfect existing programs for providing safe and healthy working conditions. The Carolina Star Program is the state's most prestigious way to officially provide recognition of excellent safety and health programs, assistance to employers in their efforts to reach that level of excellence, and the benefits of a cooperative approach to resolve potential safety and health problems. Not only do Star sites affect major industry in the state, these sites help mentor all businesses



Public Sector Divers

of whatever size in improving their safety and health programs. In FY 2011, eight new companies were awarded and recognized as Carolina Star, Rising Star, Building Star, or Public Sector Star sites. In addition, forty-four Star sites were recertified and approved for continued participation in the North Carolina Department of Labor's Carolina Star Program. There were a total of 137 companies in the Star Program at the end of FY 2011.

The N.C. Department of Labor's Safety Awards Program recognizes private and public sector firms throughout the state that achieve and maintain good safety records. The program is designed to stimulate interest in accident prevention and to promote safety in the workplace by providing an incentive to employers and employees to maintain a safe and healthful workplace. In operation since 1946, the program presented 2,722 annual awards and 98 million hour awards in 2011.

Partnerships and Alliances

North Carolina had 11 active partnerships and alliances in 2011. A partnership is a voluntary relationship between the NCDOL OSH Division and groups of employers, employees, and employee representatives designed to encourage, assist and recognize their efforts to eliminate serious hazards and achieve a high level of worker safety and health.

Partnerships are usually developed in conjunction with high-visibility construction projects. The success of a partnership is measured, in part, by a reduction in injury and illness rates. On-site verification is a component of measuring progress towards established goals; partnerships can be terminated if progress is not made. Ongoing partnerships in 2011 included Barnhill Contracting Company/Balfour Beatty - Justice Center; Flatiron Construction Corporation/Lane Construction Corporation - Yadkin River Bridge Project; and Raleigh-Durham Road Builders - Western Wake Freeway.

Consultative Services

North Carolina recognized 50 Safety and Health Achievement Recognition Program (SHARP) sites in 2011, and there are a total of 105 SHARP sites in the State. This is the highest total among State Plan States. This is in addition to the 1,223 consultative visits conducted at mostly small employers in the private and public sector. The highest priority is given to the special emphasis areas included in the Strategic Plan. The Consultative Services Bureau also conducted 632 safety and health interventions which included speeches, training programs, and similar outreach.

Signature Projects

Over the past few years, Oregon OSHA has conducted several investigations into law enforcement shootings and incidents. Historically, the cases weren't reviewed. In one recent investigation, a law enforcement agency challenged Oregon OSHA's ability to subpoena records and the record request was later upheld in circuit court.

During an all-staff training, Oregon OSHA partnered with local public safety representatives to share learning experiences about how we can work cooperatively during active investigations.

Emphasis Programs

Nursing and residential care inspections: Oregon has addressed the National Emphasis Program in nursing and residential care facilities by conducting nearly 230 inspections so far in 2012. Inspections have resulted in 130 serious violations, with hazard communication, recordkeeping, and employers' responsibilities among the top items cited.

Oregon OSHA also has an active alliance with the Oregon Coalition for Healthcare Ergonomics (OCHE). The partnership has led to the creation of online resources for those in health care around issues such as safe patient handling and ergonomics.

Enforcement

Metro West Ambulance: In April, a service technician was cleaning and preparing an ambulance for its next shift. While preparing to top off an oxygen compressed gas cylinder, the victim opened the cylinder valve, and heard a pop; an explosion followed. A header valve blew apart and the employee was left with severe burns to his face and head and suffered lung damage.

Oregon OSHA investigators found that the owner decided to upgrade the oxygen system, but the maintenance manager assigned to the task had no previous experience installing a compressed gas system. As a result, a number of the parts that were purchased, including the failed valve and other fittings, were not designed for oxygen service.



First place video contest winners Drew Corrigan (middle left) and Mitch Keranen created “The Importance of Ear Protection,” a video that featured the character “Safety Man.”

Oregon OSHA cited two serious violations for not requiring personal protective equipment (the victim wasn’t wearing eye protection when the explosion occurred) and for the unsafe installation of the booster pump and oxygen system used to fill cylinders. Other violations included safety committee and labeling issues. Oregon OSHA also cited a second location and posted a red tag notice after learning the system was installed with parts that weren’t compatible for oxygen service.

Carbon monoxide incidents: In the same week in 2012, employees at three different Portland-area worksites were exposed to high levels of carbon monoxide while operating gas-powered equipment.

Oregon OSHA investigated the following three cases:

- Several workers became ill July 17 after an employee began using a gas-powered pressure washer to clean a refrigerated room at a fruit processing plant. A total of 23 people went to the hospital, many of whom didn’t recognize the symptoms until it was too late.
- On July 18, construction workers in a warehouse were operating a gas-powered saw and other internal combustion engine equipment at the same time. Despite the employer’s effort to keep air moving with commercial fans, it wasn’t enough to avoid an overexposure.
- In the third incident, also on July 18, a worker using a gas-powered saw in a manhole was overcome by carbon monoxide and lost consciousness.

Outreach

Citation appeal and extension request form goes online: Oregon OSHA started offering an online form that reduces the paperwork and time necessary to appeal a citation or request an extension of an appeal date. The only information needed for an employer to complete the form is the inspection number or the optional report number. Nearly half of the agency appeals are now filed online.

Spotlight Award winner for Issue Management: Oregon OSHA took home a “Spotlight Award,” the highest award given by the Portland chapter of the Public Relations Society of America, for the agency’s work on formaldehyde in hair smoothing products.

Judges gave Oregon OSHA high marks for research and planning and remarked, “Excellent documentation of results” and “Great results and coverage.”

Oregon OSHA entered the award in partnership with Oregon Health and Science University’s Center for Research on Occupational and Environmental Toxicology after publishing a report on the dangers of hair smoothing products.

Safety Break for Oregon: More than 50 companies across Oregon held awards programs, trainings, and other employee events as part of the annual Safety Break for Oregon on May 9, 2012. Oregon OSHA coordinates the one-day event, which is designed to raise awareness and promote the value of safety and health in preventing on-the-job injuries and illnesses.

At the Eugene Water & Electric Board, approximately 350 staff members came together for a barbecue, awards, and safety demonstrations. According to a company survey, 91 percent of employees attending the event said they learned something new.

The Oregon SHARP Alliance sponsored a contest encouraging participation in the event. The alliance also helps educate employees about best practices by offering trainings and financial support to other Oregon OSHA conferences.

Construction Depot newsletter: In 2012, Oregon OSHA brought back an online version of its construction-focused publication Construction Depot. The monthly update features information on rulemaking, top violations, and other timely construction issues. It consistently sees more than 1,000 views a month.

Public Education: The public education section continues to focus on developing online training by using streaming audio and flash videos, and recently began using YouTube to reach workers. Oregon OSHA conducts workshops for approximately 2,575 attendees each quarter. Classes, both in-person and online, cover more than 45 topics with 18 workshops available in both formats.

Oregon OSHA offers a number of materials in Spanish as part of its PESO program. The program includes 17 modules: eight four-hour workshops, eight audio-guided online modules, and audio “Safety Minutes” about job safety. Each module can be taught in less than 60 minutes and has an English/Spanish workbook, overheads, and an English/Spanish tailgate sheet. A new addition to the program is a four-hour workshop covering the topic of root cause analysis, which builds on the four-hour workshop for accident investigation.

Many licensing bodies use the Oregon OSHA workshops for members’ continuing education credits, including the Oregon Department of Agriculture pesticide division, the Oregon Building Codes Division (plumbing and electrical licenses), the Oregon Construction and Landscape Contractors boards, and Associated Oregon Loggers.



A worker was overcome by carbon monoxide while using a gas powered saw in this manhole.



Employees at the Eugene Water & Electric Board take part in a water-tapping demonstration during Safety Break. (Photo credit: Quentin Furrow, EWEB)

Partnerships

The O[yes]: Oregon OSHA's involvement in the Oregon Young Employee Safety Coalition (O[yes]) includes coordination of the annual student video contest. Two students took home first-place honors in the 2012 contest, winning \$500 for themselves and a matching prize for their school. The 45-second video titled "The Importance of Ear Protection" featured the return of a character known as "Safety Man," who intervenes in time to stop a young worker from damaging his hearing. The contest was designed to increase awareness about safety and speaking up on the job, with the theme of "Save a Friend. Work Safe."

O[yes] is also focused on creating training programs for teachers and other outreach that involves interaction with young workers.

Enforcement

Inspection and Discrimination Complaints: To achieve our goals of assuring a reduction in hazardous exposures, injuries and fatalities for FY 2011, PR OSHA conducted 1,582 inspections and issued 5 willful violations that totaled \$350,000 in penalties, 99 repeat violations that totaled \$526,751 in penalties, 1,554 serious violations that totaled \$ 1,707,743 in penalties.

Highlights:

- PR OSHA investigated eight (8) fatalities: six (6) fatalities in the general industry with (1) struck by, (1) drowning, (2) fell, (2) electrocution, and two (2) fatalities in the construction industry, one (1) was a fall and one (1) crushed by.
- PR OSHA conducted 615 programmed inspections in the construction industry, covering 50,000 employees.
- PR OSHA conducted 658 programmed inspections in general industry.
- All 16 discrimination complaints were received and completed within the established timeframe during FY 2011.



Local Emphasis Programs

PR OSHA works with the LEP in the **Printing, Publishing and Allied Industries** (NAICS 323110 to 323119), for programmed hygiene inspections. During FY 2011, PR OSHA inspected 24 establishments. Five (5) were cited with of total of 22 violations: 11 serious violations and 11 “other-than-serious violations”.

PR OSHA works with the LEP in the **Metal Door and Window Industries** (NAICS 332321), for programmed Safety inspections. During FY 2011, PR OSHA inspected 6 establishments. Two (2) were cited with of total of 4 violations classified “other-than-serious violations”.

PR OSHA works with the LEP in the **Warehouse and Storage Industries** (NAICS 493110 and 493120), for programmed Safety inspections. During FY 2011, PR OSHA inspected 59 establishments. Thirty seven (37) were cited with of total of 248 violations: 161 serious violations, 2 repeated and 85 “other-than-serious violations”.

Puerto Rico Secretary of Labor
Dinner in Honor of all the
Speakers - From left to right:

Richard Mendelson, Deputy
Administrator Region II, OSHA;
Steve J. Kaplan, Assistant Regional
Administrator, Region II, OSHA;
Gladys Cruz- Mercado, Assistant
Secretary, PR OSHA; Hon.
Miguel Romero, Secretary of
Labor, PRDOL; Robert D. Kullick,
Regional Administrator, Region II,
OSHA; Carol Tiedeman, Region II
State Plan Manager, OSHA; Jose
Carpena, OSHA Puerto Rico Area
Office Director



Annual Meeting 2011(with the signing of the Occupational Safety and Health Month and the Safety and Health Specialist Week Proclamations) - From left to right:

Luis Pardo, Bureau of Inspections Director; Hon. Miguel Romero, Puerto Rico Secretary of Labor; Gladys Cruz- Mercado Assistant Secretary of PR OSHA

PR OSHA works with the LEP in the **Public Sewage and Water Treatment Plants** (NAICS 221310 and 221320), for programmed hygiene inspections. During FY 2011, PR OSHA inspected 11 establishments. Eleven (11) were cited with of total of 92 violations: 79 serious violations and 13 “other-than-serious violations”. This was the last year for the first three LEP and for the Public Sewage and Water Treatment Plants; we will continue this local emphasis program for the next two years.

The next 5-year Strategic Plan (FY2012- 2016) PR OSHA will impact three new industries, such as: **General Medical Services** (GMS) in the following NAICS 621493 and 622110; **Limited and Full Service Restaurants** with NAICS 722110, 722211 and 722212; and the **Emergency, Disaster Preparedness and Management Offices** (EMEDIS) with NAICS 922120, 922160 and 922190.

Outreach

SHARP: During FY 2011, PR OSHA’s continued to increase the participation of the small employers in the SHARP Program. We are proud to say that many of our participants have stayed with us for many years, which means that they are committed to operate an exemplary safety and health management system. Two new establishments were approved in the SHARP: Oficina Dr. Patricio J. Sumaza, DMD on Mayaguez on October 29, 2010 and Laboratorio Clínico Rincón in Rincón on May 26, 2011.

The participation for a second, third or fourth two-year term in the SHARP was approved for the following sites: Smile of Beauty , October 18, 2010; Laboratorio Clínico La 100 , October 18, 2010; Simmons Caribbean Bedding, Inc, November 1, 2010; Laboratorio Clínico Chegar I, November 15, 2010; Laboratorio Clínico Chegar II, November 15, 2010; Laboratorio Clínico Gaudier, February 4, 2011; Laboratorio Clínico Chegar III, February 25, 2011; Pittsburg Paints, April 14, 2011; Water Treatment Specialist, April 27, 2011; and Ricetec, Inc, June 14, 2011

Training and Education Initiatives: Our training and education services target a wide array of industries and sectors. PR OSHA offers training and activities that are free of cost for employers, employees, students and general public; also informational material is provided as part of these training efforts. This year we have delivered eighty two (82) training sessions in different workplaces, as a result of employer requests. The participation was as follow: 627 employer representatives; 2,010 employees; and 1,945 students and 4 general public.

Some of the themes requested by employers were:

- Workplace violence
- Safety and health in the construction industry
- Blood borne pathogens
- Personal protective equipment
- Safety and health for the teen workers

Also, to provide safety and health knowledge and information to employers, employees and general public, PR OSHA delivered open training sessions in different towns throughout the Island. During FY 2011, 35 open training sessions were delivered in Hato Rey, Ponce Cayey, Bayamon, Mayaguez, Aguadilla, San German, Guayama, Hatillo and Humacao.

As part of our effort to decrease fatalities in the Construction Industry, five (5) open training sessions of safety and health in the construction industry were delivered in Humacao, Guayama and Ponce. The topics covered were as follow:

- Safety and Health in the Construction Industry- Humacao
- Safety and Health for Contractors- Ponce
- Electrical Safety in the Construction Industry - Ponce

The overall participation in safety and health conferences was as follow: 770 employer representatives; 571 employees; 99 students; and 41 from general public.

Voluntary Protection Program: The Voluntary Protection Program (VPP) was very active in FY 2011; Pfizer Global manufacturing in Vega Baja was approved in the Guanin (Star) level, five companies were evaluated and their participation was re approved, and one new application was received.

Re-certifications:

- Positronic Industries Caribe, Inc. in Ponce, on October 26, 2010.
- Caribe GE International of PR, LLC, Vega Alta Controls Plant, on January 26, 2011.
- Caribe GE International of Puerto Rico, Inc. in Arecibo, on June 29, 2011.
- Pfizer Pharmaceuticals, LLC in Barceloneta, July 7, 2011.
- Caribe GE International Relays Corp in Añasco, September 21, 2011.

Application: Hamilton Sundstrand in Santa Isabel submitted its application for VPP on February 25; 2011. This company is engaged in manufacturing parts for airplanes.

Worker's World Safety and Health Day: On April 27, PR OSHA celebrated the **Worker's' World Safety and Health Day** established by the Act Num. 94, 2007. The purpose of this law is to create awareness about the importance of the safety and health in the workplace.

Some of the activities conducted by PR OSHA were:

- Invitation sent to both private and public employers encouraging them to join us by promoting different activities in their workplaces.
- Delivered the training: **Personal Protection Equipment; Regulatory and Technical Aspects**, at the facilities of the PR Department of labor.
- Promotional safety and health materials were distributed to the participants.
- A candle was lite as a remembrance of the workers who were injured or killed at their workplaces.

Eleventh Occupational Safety and Health Conference: In keeping with our commitment to provide safety and health information, education and training, and in order to bring up to date the knowledge of employers, employees and professionals in this field, the Puerto Rico Safety and Health Administration (PR OSHA), held the 11th Occupational Safety and Health Conference at the Sheraton Puerto Rico Hotel & Casino in San Juan on December 12-14, 2011. Under the theme ***Combining Efforts for Workers' Safety and Health***, renowned speakers from federal and state government, and the private sector gathered during these three days to offer eight sessions of five 90-minute, concurrent workshops, and three plenary sessions. Through these lectures, useful tools were given to 550 participants from the general industry, and construction. We also had 23 exhibitors from diverse companies that displayed the latest products, techniques, equipment and services in the fields of occupational safety and health, and environmental protection.

Annual Meeting 2011: The Program celebrated 36 years of the Puerto Rico Occupational Safety and Health Act; (Act No. 16 of August 5, 1975). During the 2011 Annual Meeting, entitled “**Everyone’s Commitment**” (**Compromiso de todos**) all the personnel reaffirmed our responsibility to provide Puerto Rican workers with a place of employment free of recognized hazards which are causing or may cause death or physical harm.

Outreach and Education: In order to continue addressing safety and health conditions in the nursing homes industry, the Voluntary Programs Division delivered occupational safety and health training sessions and disseminated reference materials in this matter. Six open training sessions of Safety and Health in the Nursing Homes industry were delivered in Bayamon, Ponce, Hatillo, Humacao, Aguadilla, and Guayama. The participation was as follows: 220 employer representatives, 89 employees, 39 students, and 4 from general public.

Informational Material: The following booklets were created, translated or updated during this fiscal year:

- Plano para el Desalojo de Emergencia (Evacuation Plan)
- Guías para Cumplir con el Programa de Comunicación de Riesgos (Hazard Communication Guidelines for Compliance)
- ¿Cómo prepararse para Emergencias y Desalojos en el Lugar de Trabajo? (How to Plan for Workplace Emergencies and Evacuations)
- Escaleras y Escalas (Stairways and Ladders)
- Excavaciones (Excavations)
- Controlando Riesgos Eléctricos (Controlling Electrical Hazards)
- Manejo y Almacenaje de Materiales (Materials Handling and Storage)
- Herramientas Manuales y Mecánicas (Hand and Power Tools)

These publications have been requested by employers and employees, students and the general public, and handed out in several activities on behalf of the program, such as consultations, conferences, and conventions.

Alliance Program: During this fiscal year, one alliance was signed and renewed on September 30, 2010 with the U.S. Department of Labor Occupational Safety and Health Administration (OSHA), and the Río Piedras Campus of the University of Puerto Rico. This alliance provides expertise aimed at developing training and education programs on various safety and health issues and is targeted to general, construction and maritime industries, employees, students and the general community.



Pfizer VPP [Guanin Level (Star in OSHA)] From left to right holding the VPP flag:

Hon. Miguel Romero, Puerto Rico Secretary of Labor; Niall Condon, VP of Operations of Established Products; Vanessa Torres, Site Leader; Abimail Malpica, Outstanding Employee of Occupational Safety and Health; Gladys Cruz- Mercado Assistant Secretary of PR OSHA

We continued working with two existing alliances. The first one with the University of the Sacred Heart (USH), which is collaboration geared toward the enhancement of the safety and health of USH employees, employers and students. This collaboration provides expertise for the development of training and education programs regarding occupational safety and health issues, such as ergonomics, indoor air quality, electrical hazards and fire protection, and expertise in the communication of any such information to employees, employers and students. We are also striving to arrange for the delivery of the 10-hour General Industry and Construction OSHA courses, and OSHA's Safety and Health Management System 1-day course.

The second alliance provides cooperative work with the Puerto Rico Manufacturers Association (PRMA), the Occupational Safety and Health Administration (OSHA), and the Puerto Rico Occupational Safety and Health Administration (PR OSHA). This alliance gives PRMA members and others information, guidance, and access to training resources that help protect employees' health and safety, particularly in the reduction and prevention of exposure to construction and general industry hazards, and address occupational safety and health issues.



Eleventh Occupational Safety and Health Conference - From left to right:

Hon. Miguel Romero, Secretary of Labor, PRDOL; Robert D. Kullick, Regional Administrator, Region II, OSHA; Dr. Margaret M. Kitt, NIOSH, Deputy Director; Zoime Alvarez Rubio, PR State Insurance Fund Corporation, Administrator; Gladys Cruz- Mercado, PR OSHA Assistant Secretary

Enforcement

In fiscal year 2011, South Carolina Office of OSHA conducted 1,660 inspections/investigations. During this period, 1,488 or 90% safety-related inspections and 171 or 10% health-related inspections were conducted.

Statistics show the following:

- 1,207 Planned Inspections
- 147 Complaint Inspections
- 39 Accident and Fatality Inspections
- 43 Referral Inspections
- 75 Follow Up Inspections
- 55 Unprogrammed-Related Inspections
- 93 Programmed-Related Inspections

During these inspections, 2,216 violations were issued. Of these violations, 1,457 or 66% were serious and 754 or 34% were other-than-serious violations. Adjusted penalties for these violations were \$861,520.

Significant Inspections: Melloul Blamey was a contractor at McKissick Elementary School, who was on site to remove masonry walls, gut out areas under renovation, and rebuild to specification. A private company was hired to conduct an asbestos survey of the school and another company was contracted to perform asbestos abatement removal. All contractors on site were made aware of the areas with asbestos containing materials (ACM). Only the asbestos abatement contractor was permitted to remove asbestos. All other contractors were instructed to postpone renovations until the asbestos had been removed in each area.



Area filled with asbestos dust



Wall hole for drain line

The ACM in the kitchen walls of the elementary school had not been removed. As a result, the work in that area fell behind schedule. It was projected to take several weeks for the asbestos contractor to abate the ACM in the kitchen area. To save time, Melloul Blamey directed some of their employees to proceed with the renovations needed. Two holes were made in the walls. The hole on the left nearest the electrical receptacle was 15 inches wide by 16 inches high. The hole on the right was 16 inches wide by 16 inches high. A third hole was discovered which was approximately two inches wide by six inches high. This hole was made for the placement of a drain line.

In order to complete the project on time, the company demolished ACM using hammers and a gas powered saw. No wet method or wetting agents were used. Subsequently, the rooms were filled with asbestos laden dust while the heating, ventilation, and air conditioning (HVAC) system continued to operate, circulating asbestos throughout the area. Several citations were issued for violations of the asbestos construction standard.

Outreach

During this fiscal year, South Carolina OSHA Voluntary Programs (SC OVP) conducted a total of 468 training classes for private and public sector employers/employees. A total of 11,311 employees were provided training.

South Carolina OSHA Voluntary Programs Training Staff continue to participate in workshops and outreach projects with: SC Association of Counties, SC Manufactures Alliance, NC State OTI Outreach Center, SC Department of Transportation, Horry Georgetown Technical College, SC Dietary Managers Association, SC Metal Finishers Association, Low Country and Piedmont ASSE, SC Association of Children's Homes, Professional Construction Estimators Association, Upstate Veterinary Association and the Home Builders Association.

Also during this year, SC OSHA participated in the Southeastern Workforce Protection Conference in cooperation with SC Manufacturers Alliance and National Safety Council. The conference was well attended and is also scheduled to occur in 2013.



Wall holes containing ACM

South Carolina OSHA Voluntary Programs conducted two OSHA 10-hour General Industry courses and two OSHA 10-hour construction courses. Regional training sessions continue to be conducted quarterly throughout the state.

The OSHA Voluntary Programs consultation staff conducted 937 total visits resulting in 4,700 hazards being identified. Throughout this year, OSHA Voluntary Programs made 866 OSHA recommendations requiring written Safety and Health programs be improved or implemented. There were three SHARP sites approved during this fiscal year making a total of seven sites.

There were thirteen (13) Palmetto Star VPP three-year re-evaluations conducted during 2011. All sites received recommendations for continued participation in the VPP program. There are currently 41 recognized South Carolina Palmetto Star sites.

During this year, SC OVP began a new partnership with KBR Building Group for their extensive renovation of McLeod Regional Medical Center in Florence, SC.



OSHA and KBR Group partnership signing



Steve Hawkins presenting the Volunteer STAR plaque to Mr. Jeffrey Hollett of John Deere Power Products in Greeneville, TN

Signature Programs

Tennessee OSHA, with the Tennessee Chapters of the American Society of Safety Engineers, co-sponsored the 35th annual Tennessee Safety & Health Congress. The event was held at the Gaylord Opryland Hotel and was attended by more than 900 attendees and 120 exhibitors. The event includes an exhibit hall and more than 60 classes and seminars covering a host of workplace safety and health issues.

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 investigated one fatal injury from a cave-in since 2005.

Noise: During FY 2012, noise exposures were reduced for 239 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 345 employees in during FY 2012.

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 three fall related fatalities in FY 2012.

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

Enforcement

During fiscal year 2012, Tennessee OSHA performed 1,972 workplace inspections. During these inspections 9,072 hazards were identified and penalties of \$2,816,000 were assessed. Unpaid penalties are assessed a late fee of 10% at 30, 60, and 90 days and statutory interest is assessed until the penalty is paid. Unpaid penalties are forwarded to the state attorney general's office for collection.

Tennessee OSHA performed 381 consultation visits, identified 2,655 hazards. As required by statute, penalties are not assessed for violations identified by the consultation program.

Outreach

VPP/Volunteer Star: During FY 2012, two new participants were added to the Tennessee Volunteer Star program. **Baptist Hospital** and **Healthcare affiliates** and **Kirby Building Systems**, a manufacture of prefabricated metal buildings were added during this period. Kirby Building Systems was the first SHARP site to be awarded the Volunteer Star.

As of September 30, 2012, the Tennessee OSHA Volunteer Star Program had 37 participants.

SHARP: During FY 2012, two new participants were added to the Tennessee OSHA Consultation SHARP Program.

As of September 30, 2012, the Tennessee OSHA SHARP program had 21 participants.

Training: During FY 2012, Tennessee OSHA trained more than 11,000 employers and employees in a wide range of workplace safety and health topics. Tennessee OSHA maintains training partnerships with several organizations including the Associated Builders and Contractors, the Tennessee Chamber of Commerce and Industry, the University of Tennessee, the Associated General Contractors, the Tennessee Road Builders Association, and several state community colleges.



Commissioner Karla Davis
presenting the Volunteer STAR flag
to the safety committee members
at Baptist Hospital in Nashville

Signature Projects

Vermont Governor's Safety Awards: In 2011 Vermont held the 7th annual Governor's Safety Awards. These awards recognize companies with superior safety and health programs.

To be eligible a company must have the following:

1. A worker's compensation experience modification rate below .90;
2. No fatalities or catastrophic accidents in the previous three years;
3. An active Safety and Health committee with both employer and employee involvement; and
4. A written Safety and Health Program.

Awards are given to an employer with 50 or fewer employees and one with 51 or more employees.

Project RoadSafe: This program in the Vermont Department of Labor, Workers' Compensation and Safety Division is funded by a grant from the National Highway Traffic Safety Administration (NHTSA), through the Vermont Department of Public Safety and the Governor's Highway Safety Program. The mission of Project RoadSafe is "to save lives, prevent injuries and reduce traffic-related health care and other economic costs for Vermont's employers."

The workplace driver-safety program has three major goals:

1. Change attitude and behavior at all levels of the workplace concerning driver safety;
2. Strengthen the workplace driver safety outreach program to the Vermont business community;
3. Create a program of driver safety activities and collaborative partners throughout the grant year.

The mission of Project RoadSafe is to educate Vermont businesses, their workforce and the public about the benefits of an effective and enforceable workplace driver safety program.

RoadSafe distributes bi-monthly newsletters on its mission topics. To receive this electronic newsletter, send an e-mail to Norman.james@state.vt.us requesting that you be added to the newsletter distribution list.

Emphasis Program

Vermont has, for many years, had local emphasis programs in trenching and excavations, and falls, in construction and general industry. Compliance officers are required to conduct an inspection whenever they see these hazards.

Vermont has partnered with the Agency of Transportation, law enforcement, construction firms and flagging companies to increase awareness of work zone hazards. The purpose of this partnership is to reduce speeds in work zones and increase driver awareness.

Enforcement

VOSHA conducted 317 Safety and Health inspections during FY2011, 146 of which (46%) were performed within the construction industry. 536 violations were found and 68% of these were determined to be serious/willful/repeat.

Project WorkSAFE: This is a program that seeks to work with the employer to maintain safe working standards. Employers invite section staff to inspect their facilities, list a summary of hazards, and provide assistance in hazard correction. The employer avoids any citations or penalties, but is required to correct all hazards discovered during the inspection. These services are free and confidential.

Outreach

VOSHA's Compliance Assistance Specialist along with staff from the Project WorkSAFE consultation program conducted training for young workers through vocational schools and the Vermont Apprenticeship Program. Safety and health training was also conducted with the Vermont Youth Conservation Corps.

VOSHA performed compliance assistance interventions in the construction industry that covered the following subjects: OSHA 10-hour courses; fall protection; residential fall protection and scaffold training; highway workzones; confined space; trenching and excavation; lockout/tag; and a 30-hour construction course.

VOSHA also conducted interventions in general industry that covered the following subjects: accident investigation trainings for the lumber industry; general industry fall protection session for Northeast Chapter of VT Safety & Health Council; a webinar with the VT Chamber of Commerce; electrical safety training for electrical and plumbing apprentices through the Vermont Apprenticeship Programs; and a 10-hour course for the VT Department of Labor youth training initiative.

VOSHA has an alliance with the Vermont Safety and Health Council and their affiliated regional roundtables. The VOSHA CAS and Project WorkSAFE staff conducts training for these groups and participates in their annual conventions.

SHARP Program: The Safety and Health Achievement Recognition Program (SHARP) is a recognition program administered by Project WorkSAFE for smaller, high-hazard employers who operate exemplary safety and health programs. SHARP rewards businesses with exemplary programs by removing their company's name from VOSHA's Programmed Inspection Schedule.

Employers requesting SHARP must meet the following criteria:

- Employ not more than 250 employees at one site and not more than 500 total employees nationwide; larger companies may be eligible for VOSHA's Compliance Assistance/Voluntary Protection Program (VPP). Companies larger than 250/500 may be eligible on a case by case basis.
- Be an industry on VOSHA's high hazard list.
- Be a fixed worksite.
- Have at least one year operating history.

SHARP Requirements:

- Agree to comprehensive safety and health consultative visits conducted by Project WorkSAFE Consultants.
- Correct all hazards identified by the Project WorkSAFE Consultants.
- Have an effective safety and health program.
- Involve employees in the development, operation, and improvement of all elements of the workplace safety and health program.
- Lower the lost workday injury (LWDI) rate and the injury incidence rate (IIR) to levels equal to or lower than the national average for their industry SIC.
- Agree to follow-up visits by the Project WorkSAFE Consultants.

Partnerships

Vermont's Green Mountain Voluntary Protection Program (GMVPP) has eight participants. These companies range from a small operator of wastewater treatment plants with six employees to a manufacturer with over 5,000 employees. There is one public sector GMVPP site. This site is District 7 of the Vermont Agency of Transportation.

Signature Project

The Virginia Occupational Safety and Health (VOSH) Program amended the Administrative Regulations for the VOSH Program to establish procedures for the Commissioner or his appointed representatives under Va. Code §40.1-6(5) to take and preserve testimony, examine witnesses and administer oaths under Va. Code §§40.1-6(4) and 40.1-10. This amendment will provide VOSH personnel with procedures on how to exercise the Commissioner of Labor and Industry's statutory authority to take and preserve testimony, examine witnesses and administer oaths in instances where witnesses/employees/supervisors refuse requests for interviews or refuse to answer specific questions posed by a VOSH inspector. This amendment became effective on December 5, 2012.

The final regulation in 16VAC25-60-245:

- Specifies the wording of the oath to be administered and the manner in which it would be administered;
- Explains the manner in which the Commissioner of Labor and Industry would appoint in writing Department personnel as his representatives having the authority to administer such oaths and have the authority to examine witnesses in accordance with the procedures outlined in the regulation;
- Specifies that testimony preserved under the regulation would be recorded by a court reporter;
- Specifies the level of confidentiality that would attach to any testimony preserved under the statute;
- Establishes a procedure for the Commissioner of Labor and Industry or his authorized representatives to follow in the event that any employer refuses to make an employee or supervisor available to provide testimony in accordance with Va. Code §40.1-6(4). The final regulation provides that an application for an inspection warrant under Va. Code §§40.1-49.8 through 40.1-49.12 for VOSH investigations/inspections will be submitted to the local General District or Circuit Court with jurisdiction over the employer; and
- Establishes a procedure for the Commissioner of Labor and Industry or his authorized representatives to follow in the event that any person who has sworn to give testimony willfully refuses or fails to answer any legal and proper question in accordance with Va. Code §§40.1-10 40.1-6(4), up to and including referring such refusal to the appropriate Commonwealth's Attorney for prosecution of the individual involved.

The revised language in 16VAC25-60-90 retains the basic right of a witness to obtain a copy of his/her interview statement but clarifies that release of the statement must be in keeping with the purposes of the Labor Laws of Virginia, as required by Va. Code §40.1-11, which provides that:

“Neither the Commissioner nor any employee of the Department shall make use of or reveal any information or statistics gathered from any person, company or corporation for any purposes other than those of this title.”

Emphasis Programs

The Virginia State Plan adopted a comprehensive state unique regulation on Tree Trimming Operations on April 27, 2011, and instituted a Local Emphasis Inspection (LEP) program as part of its enforcement effort to reduce and eliminate injuries and fatalities in the tree trimming industry. For the period April 27, 2011 to May 15, 2012, VOSH conducted 65 inspections; issued 106 serious, 8 repeat and 8 other-than-serious violations and \$142,170 in penalties for the period. In the 20 months since the adoption of the regulation, fatal accidents have dropped by 50%.

The Virginia State Plan adopted a comprehensive state unique regulation on Reverse Signal Operation of Vehicles, Machinery and Equipment in Construction and General Industry on April 18, 2009, and instituted a Local Emphasis Inspection (LEP) program as part of its enforcement effort to reduce and eliminate injuries and fatalities related to that hazard. For the period September 18, 2009 to November 23, 2011, VOSH conducted 265 inspections; issued 230 serious, 13 repeat and 13 other-than-serious violations and \$272,225 in penalties for the period. In the three years since the adoption of the regulation, fatal accidents have dropped by over 50%.

For over ten years, the Virginia State Plan has conducted an LEP to address First Report of Accidents received from the Virginia Workers' Compensation Commission (VWCC) concerning fatalities, catastrophes, amputations, and numerous injuries of the same type at the same establishment within a short period of time. For the period October 1, 2011 to September 30, 2012, VOSH conducted 167 inspections; issued 153 serious, 1 willful, 4 repeat and 41 other-than-serious violations and \$296,519.50 in current penalties for the period.

The VOSH program has also worked closely with VWCC and the Virginia Employment Commission towards the development of a general industry planned inspection targeting program based on injury and illness data provided by VWCC and establishment information provided by VEC. Rollout of the new targeting system is planned during FY 2013.

Enforcement

The VOSH program issued citations in response to a fatal diving accident suffered by a local government Underwater Search and Recovery Team (USART), which occurred during open water training exercises in a local reservoir at a depth of approximately 15-20 feet of water. At the time of the accident, three, two-man teams were operating at staggered intervals to navigate underwater using compasses to locate three buoys. Other dive team members were on shore monitoring the progress of the training exercise.

After missing the first buoy, the victim and his partner surfaced to locate the buoy and get a new compass bearing. At that time both divers indicated they were ready to proceed with the exercise and submerged. As he submerged, the victim suffered an equipment malfunction and resurfaced. The victim told his partner that he was “out of air”, removed his regulator and then had trouble staying buoyant as his buoyancy compensator (BC) had apparently failed. The partner hand signaled and yelled for help to divers on the shore. Neither the victim nor his partner were able to release the approximately 30 pound weight belt that the victim was wearing (the victim was wearing a total of 42 pounds of weights, 30 on the belt, 8 on the scuba tank pockets and 2 pounds on each ankle). Without air in his BC, the only way for the victim to stay on the surface was to kick with his legs, which can quickly lead to exhaustion. His partner tried to manually inflate the victim’s BC, but was unable to do so – he blew air in through the valve and the air came right back out. His partner attempted for several minutes to keep the victim afloat and swim towards shore, but eventually the victim submerged before divers from the shore could reach him.

Because the divers functioned in teams, the victim’s partner served as the rescue diver for the victim. With regard to on shore resources, there was no diver suited up and ready for entry into the water in the event of an emergency. One diver had his dry suit on but no other equipment, and when the diver in distress signal came from the partner, the dive team members on shore had to get into their cars and drive around the lake to get to an area closer to where the distressed diver was. They then had to exit the cars and put on some equipment before attempting rescue. By the time they were ready to enter the water, the victim was submerged. No rescue boat was available for monitoring diver safety and no medical personnel were on site to assist in case of an emergency (all divers are trained in first aid and CPR and unsuccessfully attempted to revive the victim).

The VOSH program issued one serious violation (with nine sub-items addressing such issues as malfunctioning buoyancy compensators, malfunctioning buoyancy inflator valve, failure to abort a dive when any part of the life support system was not functioning properly, use of replacement parts not approved by the manufacturer, failure to maintain diving equipment in accordance with manufacturer's specifications, etc.) and one other-than-serious violations of VOSH unique regulation 16VAC25-60-120. That regulation requires employers to comply with the manufacturer's specifications and limitations applicable to the operation, training, use, installation, inspection, testing, repair and maintenance of all machinery, vehicles, tools, materials and equipment. The regulation further requires non-compliant machinery, vehicles, tools, materials and equipment to either be identified by the employer as unsafe and tagged/locked out to render them inoperable, or to be physically removed from its place of use or operation.

The VOSH program also issued a Hazard Alert Letter to the police department proposing methods to protect employees from a recurrence:

- require the presence of a motorized boat, boat operator and equipment suitable for rescue operations during underwater dive training exercises on open water;
- require the presence of a 90% ready diver on the motorized boat and in position at all times that diver(s) are in the water to assist in a rescue situation; and
- require the presence of Emergency Medical Services personnel and equipment suitable for rescue operations during underwater dive training exercises on open water.

Outreach

The Sixteenth Annual Virginia Occupational Safety and Health Conference was held on October 4-7, 2011 at the Renaissance Portsmouth Hotel and Waterfront Conference Center in Portsmouth, Virginia. The conference participants engaged in safety and health training sessions among others. Safety and health training, equipment and related products were displayed and demonstrated at 35 vendor exhibits.

Concurrent session topics also included opportunities to learn about chain saw safety, the new Tree Trimming Regulations, what to expect during a VOSH inspection, and trenching and excavation safety. Concurrent sessions also highlighted the VPP and SHARP programs and Virginia Labor Laws. Keynote speaker, Dr. Lori Rice of the Virginia Commonwealth University, Richmond, Virginia, discussed recently investigated traffic fatalities.

The conference continues 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 Health 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 2011, with funding by federal OSHA, consultants provided on-site safety and health services to 512 private sector employers. The total visit numbers were slightly higher than 2010, as the program was able to fill existing vacancies. Consultants also conducted 21 activities in Safety and Health Program Assistance, as well as 62 activities in other outreach activities. Consultants also conducted 46 formal training sessions, 96 interventions, and 15 promotional visits.

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. Participants in the SHARP program 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 2011, there were 34 participants in the SHARP program. Six companies were re-certified into the program.

The Virginia Voluntary Protection Program (VPP) experienced a static number of active VPP sites in 2011. There were two new VPP Star sites added to the program, however, two sites left the program due to site closures resulting from the current economic climate. A total of seven sites were re-certified as Star status during 2011. In the spirit of VPP, over half of the current Star worksites were actively involved in mentoring new sites.

Asbestos Program: During calendar year 2012, the VOSH Program's Asbestos Division continued its outreach efforts to educate Virginia Building Officials from throughout the state on Virginia's asbestos abatement requirements. A presentation was made to 150 participants at the Virginia Building and Code Officials Annual School and Conference held on October 14-16, 2012. The presentation provided an overview of Virginia's asbestos rules and regulations governing worker safety, abatement, waste disposal, and licensing requirements.

This was a cooperative effort between the Associated General Contractors of Virginia and the Departments of Labor and Industry, Environmental Quality, and Professional and Occupational Regulation.

Special Government Employee Class: In January of 2012, a Special Government Employee (SGE) class for private industry Volunteers was conducted in Virginia Beach, Virginia, in conjunction with the U.S. Department of Labor's Region III and the Virginia Department of Labor and Industry. The SGE class prepares volunteers from existing VPP sites to become VPP auditors. A total of 18 employees attended from nine Virginia sites.

DOLI Volunteer Program: The Department has continued to integrate volunteers into the VPP effort with over 400 hours assisting DOLI by conducting VPP mentoring and onsite evaluations.

Overview

The Virgin Islands Division of Occupational Safety and Health (VIDOSH) operates as an entity of the US Virgin Islands Department of Labor under a state plan program. VIDOSH enforces the Occupational Safety and Health laws of the Virgin Islands, in accordance with the Virgin Islands Occupational Safety and Health Act and OSHA Act of 1970, to ensure employers provide a safe and healthful workplace.

The Virgin Islands State Plan was converted to a public employee only occupational safety and health program on July 1, 2003. The Virgin Islands public employee program was amended on July 19, 2006 to reflect its limited public sector coverage in compliance with the revisions noted above. It extends full authority to the agency to enforce and administer all laws and rules protecting the safety and health of employees of the Government of the Virgin Islands, its departments, agencies and instrumentalities, including any political subdivisions. It covers all activities of public employers and employees and places of public employment. The Territory has adopted all Federal standards applicable to the public sector in the Territory of the U.S. Virgin Islands, and has given assurances that it will continue to adopt and update all Federal standards, revisions and amendments.

Emphasis Programs

VIDOSH ensures that Virgin Islands public sector employers/employees are provided with safe and healthful work environment free from recognized hazards. The compliance of the assigned strategies is critical to the mission of VIDOSH: **Instituting and maintaining standards to reduce hazards and unsafe acts in the workplace.**

This mission is carried out by:

- Encouraging employer and employees to recognize and reduce the number of safety & health hazards.
- Performing inspections with no advance notice.
- Promoting a culture of safety and health within the public sector workplaces.
- Providing safety and health educational programs and information materials.
- Providing consultation services to the public sector employers/employees.

Enforcement and Outreach

The Virgin Islands State Plan offers Health and Safety inspections and consultation for the public sector. The VIDOSH office handles all safety concerns and complaints. Additionally, Consultation services and Education/Outreach and Training are provided for the public sector by VIDOSH.

The private sector provides “**Safety In Paradise**” Onsite Consultation Program, administered by the University of the Virgin Islands, Community Engagement and Lifelong Learning (UVI-CELL) Center.

Federal OSHA of Puerto Rico maintains jurisdiction over all private sector workplaces as well as federal agencies, maritime employers such as shipyards, marine terminals, and longshoring; military facilities; and the U.S. Postal Service. The private sector safety and health concerns are forwarded to the Federal OSHA - Puerto Rico area office.

Signature Projects

Hazardous drugs rule adopted: The Washington State Department of Labor & Industries (L&I), Division of Occupational Safety & Health (DOSH) has adopted a Hazardous Drugs rule, designed to protect health care workers from exposure to chemotherapy drugs and other hazardous drugs.

The rule was adopted in response to a bill passed by the 2011 Legislature that required L&I to enact protections consistent with, but not exceeding, recommendations in the 2004 report by the National Institute of Occupational Safety and Health (NIOSH) and the 2010 and 2012 updates of that report.

When fully enacted, the new rule will apply to all health care settings where workers are exposed to hazardous drugs, some of them known to cause cancer and other irreversible harmful effects among health care workers, even after low-level exposures.

Washington is the first state in the nation to mandate protection of healthcare workers by requiring employers to take precautions such as proper ventilation or using protective equipment to prevent exposure. The new rule will be enacted in phases which began January 1, 2013.

Stay of Abatement: In April 2011, Governor Chris Gregoire signed a bill into law that amends the 1973 Washington Industrial Safety and Health Act (WISHA) by removing the stay of abatement that was historically provided when a violation was under appeal. Washington now requires businesses to correct serious safety violations and the hazards they pose during the appeal of any safety and health citation. The new rules went into effect on July 1, 2012.

In Washington, about 10 percent of all citations are appealed annually, and while most businesses corrected hazards during an appeals process, many did not. Employers can seek a stay to the requirement. These requests are receiving an expedited review. As of December 31, 2012 there were 18 appeal cases with a total of 49 violations for which employers requested a stay of abatement. Of these 49 violations, two stays were granted, nine were denied, one was withdrawn, and the remaining requests are still under review.

WISHA Information Network (WIN) Updates: WISHA Information Network, or WIN, is Washington's data system that stores enforcement, consultation and other program data, and transmits required fields to OSHA's federal data system. New functionality to accommodate abatement during appeal requirements was implemented to production in July, 2012.

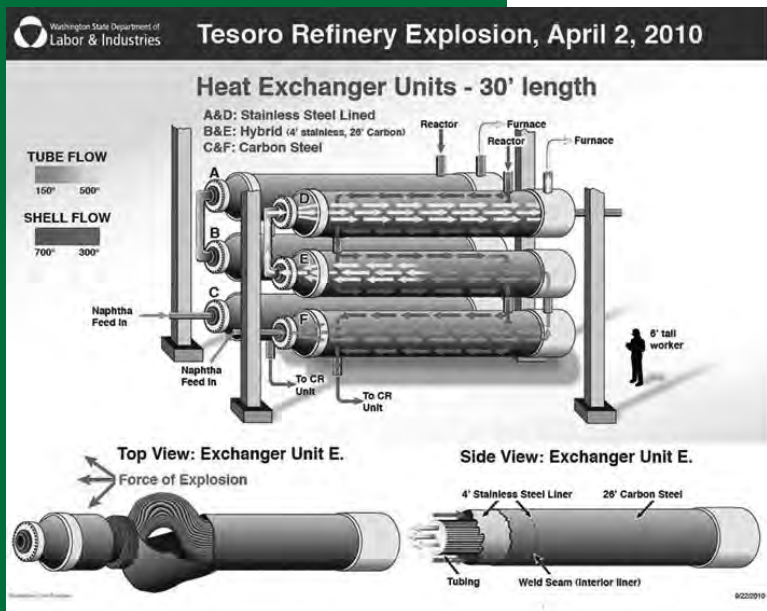


Additional enhancements are now under development. One significant new feature will streamline the process of storing photographs as documentation of violations. When finished, inspectors will prepare Photo ID sheets directly within WIN, making them available to view electronically directly from the system. This new functionality eliminates using separate software to incorporate photographic evidence, and moves Washington one step closer to fully imaged case files.

Enforcement

Several petroleum refinery enforcement cases are under litigation in Washington State.

BP's Cherry Point refinery cited for willful and serious workplace safety violations: In August 2012 Washington cited BP's Cherry Point petroleum refinery in Blaine, Washington for six violations, including one willful violation of workplace safety and health rules related to management of pipeline and refinery processes. The proposed penalties total \$81,500.



DOSH began the inspection in February 2012 after a major fire caused the refinery to shut down for a period of time. One employee was nearby when the fire erupted, but he was able to escape without harm.

The fire occurred when a corroded “deadleg” pipe ruptured. Deadlegs are pipes that aren’t often used but still must be monitored for integrity for when they are needed to carry material used in the refining process.

DOSH cited the company for a willful violation for not ensuring that inspection and testing procedures for process piping followed recognized and generally accepted good engineering practices for all deadleg piping circuits. The proposed penalty for the willful violation is \$65,000.

The five additional violations cited were for failing to comply with Process Safety Management standards, the requirements for managing hazards associated with processes that use highly hazardous chemicals.

The company appealed the citation in September 2012 and the case is being mediated with the assistance of the Washington State Attorney General's office.

Equilon Enterprises LLC dba Shell Oil Products US cited for repeated violations: In February 2012 DOSH cited Equilon Enterprises for a two-times repeated serious violation of not implementing written procedures to manage process safety management (PSM) changes; and, serious violations for not updating procedures when deciding to operate machinery in an abnormal mode, and for not training employees involved in operating a process prior to start up. These violations carried a penalty of \$21,600. Equilon appealed. DOSH reassumed jurisdiction and issued a Corrective Notice of Redetermination (CNR) on September 11, 2012 affirming the violations.

Equilon later filed a second-level appeal with the Board of Industrial Insurance Appeals (BIIA). One mediation conference has been held and a second is scheduled for February, 2013.

Tesoro case continues: On April 2, 2010, a catastrophic failure of a heat exchanger occurred at the Tesoro Refinery in Anacortes, Washington. The failure occurred during a routine start-up operation following a maintenance turnaround. Eight workers were involved with the start-up. Seven were outside turning valves and other steps involved with monitoring the start-up process, and one worker was located inside a process control structure about 50 yards away. The fire claimed the lives of all seven outside workers, three who died the night of the event and four others who later died in the hospital of burn injuries.

Following a six month investigation that concluded the company had violated numerous workplace safety regulations at the plant, including failing to check for cracks in the 40-year-old equipment involved in the fatal explosion, DOSH cited Tesoro for 39 willful violations and five serious violations. The resulting fines totaled a record \$2.39 million

Tesoro filed an appeal with the Board in 2011 and as of December 2012 litigation is ongoing.



A power plant employee demonstrates appropriate use of Personal Protective Equipment (PPE) in Ferndale, WA.

Outreach

Restaurant Industry Safety and Health: Restaurant workers comprise one of the largest groups of workers injured in the U.S. each year. They are exposed to many job-related hazards that may cause serious injuries and illnesses impacting their lives, income, and family members.

Most commonly restaurant workers suffer from eye injuries resulting from the use of chemicals without adequate eye protection or the presence of eyewash stations, slips and falls occurring on wet surfaces where anti-slip mats should be used, and back injuries due to inadequate training regarding proper lifting techniques. Additionally, there are high frequencies of cuts and burns which can be mitigated with the use of appropriate equipment and training.

All restaurants in Washington, from full-service to limited-service restaurants, cafeterias, caterers, food service contractors, and drinking establishments, must follow Accident Prevention Program (APP) rules to address all potential workplace hazards. The ultimate goal of the APP is to prevent work-related injuries and illnesses. Prevention begins with identifying possible hazards and finding solutions that eliminate or control hazards.

In addition to providing sample APPs and other safety resources online, DOSH offers workplace safety and health consultations, risk management assessments, and training and technical assistance at restaurants in Washington at no cost to employers.

Preventing workplace injuries and illnesses makes good business sense. Costs associated with such injuries and illnesses can be devastating to workers and businesses. With a strong APP in place, restaurants in Washington can focus their efforts on making business grow.

Hispanic Outreach: Washington has about one-half million Hispanic-Latino workers in various industries. In part due to language barriers, Hispanic-Latino workers experience a considerably higher rate of injuries, illnesses, and fatalities than other workers in the same industries, particularly in construction. Outreach to the Hispanic-Latino workforce is imperative to increasing Washington worker safety and health. DOSH has appointed a Hispanic Outreach Coordinator whose primary responsibility is to assist with reducing the rate of injuries, illnesses, and fatalities in the Hispanic workforce by providing information on workers' rights, hazard recognition, and correction and avoidance of unsafe work situations through connections with the Mexican Consulate, by organizing and attending safety and health fairs, conferences, and conducting radio interviews in Spanish.

Taxis in Washington: During the 2011 Washington legislative session a bill passed which provides workers' compensation coverage to taxi drivers. In 2012, L&I's Employer Services program requested DOSH staff work with the taxi industry to help lower the industry's claims rate. DOSH's Education and Outreach staff are working with industry experts, employers and employees in the development of hazard specific training and safety education to best meet the taxi industry's needs.

Tunneling: In Washington State, several large and extremely complex tunneling projects are at various stages of completion. As these projects continue and new projects begin, it's important to focus on the safety and health of workers who do this extremely dangerous work. Each tunnel project presents new engineering challenges.

DOSH recently formed a Tunneling and Hyperbaric Safety Work Group as a technical advisory group to DOSH. This group of stakeholders has the mission to collaborate with DOSH and modernize the health and safety rules specific to hyperbaric exposures in compressed air work environments.



A tulip farmer wears hearing protection and gloves while working.

Signature Projects

Wyoming's seventh annual Governor's Safety Awards Conference was held in August 2012 and was a great success. Approximately 300 people registered for the conference and enjoyed the awards luncheon, numerous safety seminars, and the 28 exhibitor booths. The main seminar speaker, Keni Thomas, (Army Ranger involved in "Black Hawk Down" mission), gave an outstanding presentation that stressed the importance of leadership, teamwork and training. He received a standing ovation and everyone received his book, "Get It On". The awards luncheon was the highlight of the conference and featured the presentation of eight Governor's Safety Awards to various state companies with outstanding safety and health programs.

The Department also hired a state occupational epidemiologist to address Wyoming's fatalities. He is looking into trends, data, patterns, and different areas to help employers improve their "safety culture" and reduce fatalities and injuries within the state.

Enforcement

Wyoming OSHA and the Wyoming Oil & Gas Industry Safety Alliance (WOGISA) that was officially signed on June 15, 2011, and has been an incredible assistance that has continued to promote, communicate, educate, and train employees and employers to ultimately reduce the fatality and injury rate in the Oil & Gas Industry. WOGISA have been an excellent outlet and resource for apprising, updating, improving, Wyoming Oil and Gas Drilling Rules, Servicing Rules, and Special Servicing Rules.

The Wyoming OSHA Commission successfully passed several Oil and Gas Drilling Rules to update and enhance the rules which included hot work permits, emergency communication, eyewash stations, requirements for air tuggers, written fall rescue plan, flame resistant clothing, and emergency diesel shutdown devices, just to name a few.

Outreach

Wyoming legislators passed a bill creating five new consultation positions to be placed around the state and the Department moved two additional positions to consultation. This resulted in more than doubling the consultation staff from six consultants to thirteen consultants within the agency. The result of this increase of consultation staff is to expedite the consultation response time to employer's request for services within 30 days. Also more outreach and assistance will be enhanced by offering additional training to the employees and employers which includes 10-Hour Construction class, Trenching/Excavation class, 3 Day Safety and Health Collateral Duty class, asbestos training, residential fall protection class, Oil and Gas Drilling and Oil and Gas Well Servicing class.

Wyoming legislators also passed Safety Grants for employers to receive additional money to help improve and augment their safety and health needs for safety equipment, assistance for safety training, or other innovative ways to develop the safety culture and reduce fatalities and injuries.



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Credits

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