

# 2020 OSHSPA REPORT



## Grassroots Worker Protection

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



# 2020 OSHSPA REPORT



U.S. Department of Labor

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



February 23, 2021

Dear State Plan partners:

On behalf of the Occupational Safety and Health Administration (OSHA), I am pleased to recognize the significant accomplishments of OSHA's State Plan partners, as highlighted in this year's Occupational Safety and Health State Plan Association's (OSHSPA) 2020 edition of *Grassroots Worker Protection*.

For half a century, the State Plans have been integral partners in addressing unsafe and potentially deadly occupational hazards through innovative enforcement, training, outreach, and compliance assistance programs. OSHA commends the State Plans for their steadfast dedication to ensuring that America's workers stay safe and healthy.

Thank you for your work in the past year during unprecedented challenges of the COVID-19 pandemic. OSHA's mission is vital to our nation, and as the pandemic has highlighted, our mission is as important now as at any time in the agency's fifty-year history. As we continue battling COVID-19 and look towards the future, we must re-affirm OSHA's commitment to worker safety and ensure that we are advocating for the safety and health of all workers, including those most vulnerable.

I look forward to continuing our work together towards the common goal of improving the safety and health conditions for every worker in this country.

Sincerely,

James S. Frederick  
Principal Deputy Assistant Secretary



Occupational Safety & Health State Plan Association

Chair

Cameron Ruppe  
Utah  
Utah Labor Commission  
P.O. Box 146650  
Salt Lake City, UT 84114-6650  
[cruppe@utah.gov](mailto:cruppe@utah.gov)  
P (801) 530-6898

Vice Chair

Chuck Stribling  
Kentucky  
Kentucky Labor Cabinet  
Mayo-Underwood Building  
500 Mero Street, 3rd Floor  
Frankfort, KY 40601  
[Chuck.Stribling@ky.gov](mailto:Chuck.Stribling@ky.gov)  
P (502) 564-3289

Past Chair

Kevin Beauregard  
North Carolina  
Department of Labor  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
[kevin.beauregard@labor.nc.gov](mailto:kevin.beauregard@labor.nc.gov)  
P (919) 707-7800

Treasurer

James Krueger  
Minnesota  
Department of Labor & Industry  
443 Lafayette Road North  
St. Paul, MN 55155-4307  
[jim.krueger@sate.mn.us](mailto:jim.krueger@sate.mn.us)  
P (651) 284-5462

Directors

Ken Tucker  
Connecticut

Michelle Ellison  
Indiana

Bart Pickelman  
Michigan

Nicole Bennett  
Hawaii

May 7, 2021

Greetings to all of the Occupational Safety and Health State Plan Association (OSHSPA) members. It has been a tumultuous year in so many ways, but I am grateful to all of you for the ways that you have continued to work towards our shared goal of keeping employees safe on the job. All of us have had to make adjustments frequently to ensure the continuity and effectiveness in our various programs.

The 28 State Plans represented in OSHSPA have worked together with OSHA in many ways, more in 2020, than in other years. My hope is that the opportunities for collaboration between OSHA and the State Plans will continue long after the pandemic is over.

The challenges caused by the pandemic have resulted in new approaches to workplace safety. State Plans have led the way in many of these innovations, and are an enormously valuable resource to the overall culture of safety in the United States. In addition to the losses of life due to the COVID-19 pandemic, injuries, illnesses and fatalities happen all too often due to other hazards in the workplace. OSHA and the State Plans should continue to coordinate efforts and work together to save lives.

In response to the pandemic, potential funding opportunities for State Plans have been made available by Congress. However, those opportunities are often hindered by the requirement that State Plans match with state funds. Very few State Plans have the ability to match additional funding in the middle of a budget year. Many of these same State Plans have been required to do more work than ever before in order to respond to the pandemic. I encourage OSHA to find a way to remove matching requirements for State Plans to receive these types of funds, so that the nearly 64 million employees under State Plan jurisdiction can benefit from this funding.

I want to thank all of the OSHSPA members for their service. I hope that the innovations in this edition of Grassroots will be useful to all of you.

Sincerely,

Cameron S. Ruppe  
OSHSPA Chair

OSHSPA TABLE OF CONTENTS



<b>OSHSPA</b>		
Coverage.....	6	
States at a Glance.....	7	
States Protecting Workers.....	8	
Numbers at a Glance.....	8	
<b>Alaska</b> .....	12	
Emphasis program		
Enforcement Activities		
Enforcement High Hazard Targeting		
Whistleblower Program		
Consultation& Training		
Spotlight		
CHASE		
<b>California</b> .....	16	
COVID-19 Response		
Emphasis Program		
Enforcement		
<b>Connecticut</b> .....	22	
Overview		
Enforcement		
Consultation		
Signature Focus		
<b>Hawaii</b> .....	24	
Signature Projects		
Enforcement		
Outreach and Partnerships		
COVID-19 Response		
<b>Illinois</b> .....	26	
Enforcement Activities		
Emphasis Programs		
Outreach		
Consultation		
COVID-19 Response		
<b>Indiana</b> .....	29	
Accomplishments		
Signature Projects		
Education and Outreach		
<b>Iowa</b> .....	33	
Vision		
Administration		
Enforcement		
COVID-19 Response		
<b>Kentucky</b> .....	36	
Signature Projects		
Record Rates		
Outreach		
<b>Maine</b> .....	44	
Signature Projects		
Emphasis Programs		
Enforcement		
Outreach		
Partnerships		
<b>Maryland</b> .....	46	
COVID-19 Response		
Enforcement		
Outreach		
<b>Michigan</b> .....	58	
Inspections		
Outreach		
Signature Projects		
Significant Cases		
Alliances		
Outreach		
<b>Minnesota</b> .....	52	
Signature Projects		
Emphasis Programs		
Enforcement		
Outreach		
Consultation		
<b>Nevada</b> .....	56	
COVID-19 Response		
<b>New Jersey</b> .....	59	
Emphasis		
Outreach		
Partnerships		
<b>New Mexico</b> .....	62	
Signature Project		
Enforcement		
COVID-19 Response		
Compliance		
Partnerships		
<b>North Carolina</b> .....	68	
Signature Projects		
Emphasis Programs		
Enforcement		
Outreach		
Recognition Programs		
Partnerships and Alliances		
COVID-19 Response		
<b>Oregon</b> .....	79	
Significant Case		
Signature Project-COVID-19 Response		
Public Education		
Enforcement		
Emphasis Programs		
Rule making Activity		
Voluntary Programs		
Partnerships and agreements		
Activities		
<b>Puerto Rico</b> .....	89	
Signature Projects		
Enforcement		
Programs		
<b>South Carolina</b> .....	93	
Compliance		
Statistics		
Outreach and Education		
Achievement Recognition Programs		
Compliance Officer Training		
Standards		
COVID-19 Response		
Significant Cases		
<b>Tennessee</b> .....	99	
Signature Programs		
Emphasis Programs		
Enforcement		
Outreach		
Consultation		
<b>Utah</b> .....	103	
Signature Projects		
Local Emphasis Programs		
Enforcement		
Outreach		
Partnerships		
<b>Vermont</b> .....	108	
General		
Signature Projects		
Project Worksafe		
Outreach		
Partnerships		
SHARP		
<b>Virgin Islands</b> .....	111	
Signature Projects		
Significant Cases		
Outreach		
<b>Virginia</b> .....	114	
Signature Projects		
Enforcement		
Notable Cases		
Emphasis programs		
Outreach		
Partnerships		
<b>Washington</b> .....	120	
Enforcement		
Emphasis Program		
Outreach/Partnership		
COVID-19 Response		
<b>Wyoming</b> .....	131	
My OSHA		
Signature projects		
Enforcement		
Outreach		
Prestige programs		
Compliance		
<b>OSHSPA Directory</b> .....	136	
<b>Board of Directors</b> .....	141	



- 1 Certified:** Date developmental steps completed
- 2 18(e) Final approval:** Date concurrent federal jurisdiction relinquished
- 3 Operational status agreement:** Concurrent federal OSHA jurisdiction suspended
- 4 21(d) consultation agreement**
- 5 Different standards:** Standards not identical to federal standards

# OSHSPA STATES PROTECTING WORKERS

OSHSPA is the Occupational Safety and Health State Plan Association, an organization of 28 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 64 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.

**Note:** Arizona and New York did not provide a report.



# Grassroots Data 2020



## State Plan Inspection Data

Safety	23,921
Health	8,141
<b>Total</b>	<b>32,062</b>

## Inspections by Type

Programmed/Scheduled	1,276
Complaint	7,238
Referral	4,407
Fatality/Catastrophe	1,076
Follow-up	949
Other (total inspections minus total inspections in categories above)	17,116
<b>Total</b>	<b>32,062</b>

## Inspection Data

Total inspections with violations	18,194
-----------------------------------	--------

## Violations per Inspection with Violations Cited

Total number of S/W/R violations	36,046
Average S/W/R violations per inspection	1.67
Total number of OTS violations	29,708
Average OTS violations per inspection	1.38
Percent of inspections with no violations	36.14%

## Penalties

Total current penalties	\$98,921,201
Average current penalty per serious violation	\$2,471
Total number of contested cases	4,257
Percent of inspections with citations contested (contested cases divided by total number of inspections with violations)	19.49%

## Consultation Onsite Visits (State Plans Only)

Consultation 21(d) initial	7,414
Consultation 23 (g) initial	2,281
Consultation 21(d) training	445
Consultation 23 (g) training	0
Consultation 21(d) follow-up	450
Consultation 23(g) follow-up	55
<b>Total</b>	<b>10,645</b>

Source: OSHA Office of Small Business Assistance

## Consultation Onsite Data

Total serious hazards identified	36,827
Average number of serious hazards identified per visit	3.8

Source: OSHA Office of Small Business Assistance

## Federal OSHA Budget

Federal OSHA Budget*	\$441,877,400
State Plans 23(g) - federal 50% share	\$108,575,000
State Plans 21(d) - federal 90% share (26 states)	\$30,780,600
<b>Total Federal OSHA appropriation</b>	<b>\$581,233,000</b>

\*This Federal OSHA budget number includes the remainder of the consultation grants and Susan Harwood grants.

## Funding by State Plans

State Plans 23(g) 50% match **	\$108,375,000
State Plans additional 100% funding	\$123,604,705
State Plans 21(d) contribution - 10% funding	\$3,420,067
<b>Total</b>	<b>\$235,399,772</b>

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

## Employers Under State Plan Jurisdiction

Private	4,344,214
Public	132,869
<b>Total</b>	<b>4,477,083</b>

Source: BLS 2020 Quarterly Census of Employment and Wages

## Employees Under State Plan Jurisdiction

Private	52,843,012
Public	10,975,616
<b>Total</b>	<b>63,818,628</b>

Source: BLS 2020 Quarterly Census of Employment and Wages

## Allocated State Plan Positions

Total Compliance Inspectors	1,253
Safety 23(g)	858.1
Health 23(g)	414

## Total Consultants

Safety 21(d) - State Plan only	109.5
Safety 23(g)	75.5
Health 21(d) - State Plan only	74.6
Health 23(g)	49.5



# ALASKA

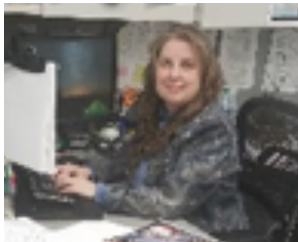
Occupational Safety and Health | AKOSH



**Ron Larsen,**  
Chief of Enforcement

AKOSH continues to experience a low number of workplace fatalities under AKOSH jurisdiction and the lowest yearly average rate of workplace fatalities per 100,000 employees. In fiscal year (FY) 2020, there was an average of 320,150 employees throughout Alaska. AKOSH responded to two fatalities under AKOSH jurisdiction. AKOSH continues working to reduce workplace fatalities through a combination of Consultation and Enforcement activities targeted on eliminating the most prevalent causes of fatalities in industries with high fatality rates.

## EMPHASIS PROGRAMS



**Caroline Roy, M.A.,**  
Enforcement Industrial

In FY 2020, AKOSH adopted the National Emphasis Program (NEP) on Respirable Crystalline Silica (RCS) to reduce or eliminate worker exposures to RCS in general industry, maritime, and construction industries. With joint efforts of Consultation and Training and Enforcement, letters were sent to over 1,000 employers who were operating under defined NEP North American Industry Classification System (NAICS) codes. These letters explained the specifics of the NEP program and suggested employers request AKOSH Consultation and Training services to address the hazards associated with occupational exposure to RCS, and to ensure compliance with applicable standards and regulations.

## ENFORCEMENT ACTIVITIES



**Jim Pinder and Brandon Field**  
Enforcement officers

### THE COVID-19 IMPACT

During FY 2020, despite the COVID-19 pandemic, AKOSH achieved performance goals for targeted high hazard industries, such as construction and healthcare industries. AKOSH Enforcement was able to lower the lost time injury and illness rates in the aforementioned industries by at least two percent. Enforcement responded to 59 formal and non-formal complaints and opened six inspections related to COVID-19.

Since the beginning of the COVID-19 pandemic in March of 2020, statewide limitations and restrictions were placed on travel activities. To meet statewide mandates, CSHOs significantly increased travel by car for inspections rather than by flying. In the same time period, many remote Alaskan villages and small towns were closed to travelers, thereby limiting access for officers to conduct onsite inspections.

In FY 2020, AKOSH completed five occupational health-related process safety management (PSM) inspections, issued one willful violation, and 38 repeat violations. Total initial penalty violations issued in FY 2020 was \$4,617,478 compared to \$2,227,936 in FFY 2019, and \$849,400 in FFY 2018. A review of FY 2020 shows a total penalty collection of \$1,584,007.

## AKOSH ENFORCEMENT HIGH HAZARD TARGETING SYSTEM

AKOSH implements an alternative targeting system that allows Enforcement officers to conduct additional statewide non-construction programmed inspections at establishments of employers under AKOSH jurisdiction. This system is called the High Hazard Targeting System (HHT) and was introduced in early 2003. The HHT system provides supplemental, high hazard targets for programmed Enforcement inspections, and consists of employers with relatively high loss time injury rates. AKOSH sends out a letter to employers on the HHT list explaining the HHT system, where to find information on how the HHT list is built, and describes ways to prepare for a potential unannounced Enforcement inspection.

HHT recipients may request assistance from the AKOSH Consultation and Training program that can help by providing a comprehensive review and analysis of the employer's worksites along with step-by-step guidance to meet occupational safety and health requirements. By requesting Consultation assistance, employers can reduce the possibility of an HHT Enforcement comprehensive inspection and reduce the chances of a workplace incident. In 2020, 174 Alaskan employers received Enforcement HHT letters.

## ENFORCEMENT WHISTLEBLOWER PROGRAM

The AKOSH Whistleblower Program is responsible for enforcing Alaska statute 18.60.089, which states it is unlawful for an employer to retaliate against an employee for engaging in a protected activity. Every person making an inquiry to AKOSH, where an inkling of retaliatory action is mentioned, is forwarded to the Whistleblower Investigator (WBI) for screening.

Complainants are sent an informative response that explains the statutory prima facie elements required, as well as provides information and links for alternate programs (such as EEOC) that may apply to the Complainant. Also, in the email, Complainants are told they can dually file with Federal OSHA and how.

Alaska is an 'at-will' state. This plays a part in the number of complaints received by the AKOSH Whistleblower Program. AKOSH's WBI has prepared training for both employers and employees that provides more information about 'at-will' and the legal barriers to employer implementation of 'at-will' terminations. It is the belief of the WBI that there is a deficit in both the articulation of this concept (that there are legal barriers to employer implementation of 'at-will' terminations) and forums for such articulation to be presented to the audience (i.e., Alaska Employers). Unfortunately, several forums where an informative WBI presentation was planned were cancelled due to the pandemic.



**Yana Rekoun,**  
Enforcement Project Assistant



**Melody Russo,**  
Whistleblower Investigator

FY 2020 continued to be a challenging year for a sole Whistleblower Investigator in the State of Alaska DOL. Constant influx of inquiries and referrals made it difficult to leave enough investigative time to be spread over many new and old cases. With the current pandemic, in FFY 2020, of the 163 inquiries/complaints referred to the WBI, 31 included a COVID-19 basis or component to the Complainant’s described protected activity and/or adverse action. Of 163 inquiries, 36 cases were opened for investigation in FFY 2020, nine of which were COVID-19 related.

CONSULTATION & TRAINING

AKOSH’s Consultation and Training program prides itself on the ability to connect with communities and provides services to employers across the entire state. The COVID-19 pandemic greatly impacted Consultants’ ability to travel to villages and other remote locations, forcing Consultants to become innovative and explore various ways to conduct onsite visits.

In 2020, the Consultation program began conducting virtual visits. Employer and employee interviews were conducted virtually. Walk-throughs were performed by Consultants with employers walking through the site using phones and laptop computers. If an area of interest was noticed, the Consultant asked the employer to send a photo for further examination. Virtual visits proved to be a successful method to maintain Consultation visits. Consultation conducted 333 visits during FY 2020.

SPOTLIGHT ON SAFETY AND HEALTH ACHIEVEMENT RECOGNITION PROGRAM (SHARP)

FAIRBANKS COMMUNITY FOOD BANK

In August 2020, Chief of Consultation and Training Elaine Banda presented Fairbanks Community Food Bank (FCFB) with their fourth SHARP renewal certification. Mrs. Anne Weaver, CEO of the organization, expressed how they have seen the benefits of a robust safety program, especially during the COVID-19 pandemic. Due to the established safety culture and its saturation throughout all staff, employees feel responsible for their coworkers’ safety and do not hesitate to notify coworkers or management of potential hazards or unsafe practices. The company’s incentive program, “Safety Bucks,” encourages and rewards workers for reporting injuries and potential hazards. In FY 2020, the COVID-19 pandemic increased the burdens of food banks nationwide. FCFB is proud that through extensive employee involvement in safety and health policies, they have recorded ZERO COVID-19-related leave, retained all of its employees, and have met all of the needs requested for the city of Fairbanks residents and the surrounding area.

Alaska Laser Wash is an Alaskan-owned business that was the first to bring touchless and 24-hour car washing to Alaska in 1997. The relationship with AKOSH Consultation began in 2018. Consultants performed cold calls and

conducted Consultation outreach with Donald Gerhart, Supervisor of Safety and Training. A comprehensive safety and health Consultation visit was requested at one location which blossomed to several business locations once the employer realized the benefits of working with AKOSH Consultation.

In 2020, Director Joseph Knowles presented Julio Picon, the General Manager for Alaska Laser Wash, with a SHARP banner and certificate. Mr. Picon stated, “The driving force to become SHARP certified was a combination of our commitment to both workplace safety and caring about our employees and customers, along with the support of the company owners. Having everyone supportive and active in this process was what made this possible. Alaska Laser Wash, like many Alaskan companies is unique, and it is the sum of our values, beliefs, interactions, behaviors, and attitudes that make us unique. Our workplace safety and training programs often drive how we think and communicate about safety, as well as how we encourage employees to go above and beyond while continuing to deliver excellent customer service. Our operational management focus isn’t on where we are and what we need to do, but instead focuses on where we want to be.” Alaska Laser Wash was featured on the OSHA website as a success story.

ALASKA’S CONSTRUCTION HEALTH AND SAFETY EXCELLENCE PROGRAM (CHASE)

In Alaska, construction presents unique safety and health challenges compared to other industries. Construction companies experience extremely high injury rates. The Alaska Construction Health and Safety Excellence Program, or CHASE, is a partnership between Alaska construction companies and AKOSH. This program aims to assist construction companies with bettering their goals of decreasing worker injury and illness rates through training, program development, and onsite hazard identification.

Through an established and structured approach, AKOSH professionals work with contractors within the parameters of the program’s guidelines to attain one of three levels of participation: AK-BLUE, AK-GOLD, or AK-FLAG. CHASE participants enter into the program at the AK-BLUE level for a period of five years. This exciting partnership program tailored exclusively for the construction industry in Alaska produces immediate positive effects within the safety and health program through onsite training and hazard identification.



CHASE Participant H5 Construction



CHASE Participant Dawson Construction

# CALIFORNIA

Division of Occupational Safety and Health | CAL-OSHA

The California Department of Industrial Relations (DIR) is designated to administer the California Occupational Safety and Health Plan (Cal/OSHA) is an agency within the Labor and Workforce Development Agency. The Division of Occupational Safety and Health (DOSH) provides the enforcement and consultative branches of the Cal/OSHA program and is responsible for workplace inspections to enforce safety and health standards, education and outreach to employees and employers, and on-site consultative assistance. DOSH is headed by a Chief, who is supported by a Deputy Chief for Enforcement, a Deputy Chief for Research and Standards, an Assistant Chief for Enforcement Administration, and a Program Manager for Consultation Services.



Cal/OSHA strives to provide as many employers as possible with assistance in achieving voluntary compliance with Cal/OSHA standards before enforcement measures become necessary and, more importantly, before an employee is injured or killed. Traditional enforcement methods are supplemented by incentive and education programs and targeted outreach that encourage voluntary compliance. Partnerships and cooperative programs leverage Cal/OSHA's resources.

Fiscal year 2020 covered an unusual, exceptional period in the lives of people everywhere in the world. While during the first half Cal/OSHA conducted its innovative activities in a manner consistent with its performance and activity goals, and was making significant progress towards achieving and surpassing them, during the second half of FY 2020, Cal/OSHA's main focus and efforts were directed at responding to the COVID-19 pandemic, which has been the most significant public health and occupational health crisis of our lifetime.

## COVID-19 RESPONSE:

We realized early on that we had to develop a strategy to address a problem that was on a scale well beyond our capacity to address with the usual enforcement tools used on an employer-by-employer basis. Therefore, from the onset of the COVID-19 crisis in early 2020 to the present time, we have focused our efforts on three things:

1. **Leveraging our knowledge and technical expertise to develop guidance and regulations.**

In March we began developing COVID-19 guidance for a wide range of industries, and to date we have issued, or co-issued with the Department of Public Health and other state agencies, dozens of guidance documents, checklists and other compliance tools for a wide range of industries. <https://www.dir.ca.gov/dosh/coronavirus/Guidance-by-Industry.html>

2. **Finding ways to educate as many employers and workers as possible.**

As part of this strategy, education and outreach, we have worked to complement the Administration's broader outreach efforts by focusing on the workplace. For example, we have been creating resources to assist employers, and we conduct outreach to employers on compliance, through on-site visits and online training.

We launched an online training academy (<https://trainingacademy.dir.ca.gov/page/on-demand-training-covid19>) that provides simple, easy to understand training courses to ensure workplaces become aware of the appropriate infection prevention methods they should establish and implement in order to operate and reopen safely.

3. **Strategic enforcement efforts to have the greatest impact with finite resources.**

We initiated close to **1,160 onsite inspections** by the end of FY 2020, and we open new inspections every day. These are thorough and complex inspections of a novel hazard, and are conducted under the challenging circumstances of ensuring that our staff are appropriately protected while inspecting the workplaces. Primarily inspections have been pursuant to statutory obligations to respond to complaints and illness and fatality reports, but we have also conducted strategic and targeted enforcement in areas underrepresented by complaints and illness reports, such as agricultural operations and meatpacking and food processing establishments.

We cited over **80 violations** (<https://www.dir.ca.gov/dosh/COVID19citations.html>) addressing COVID-19 hazards in FFY 2020, and we continue to complete inspections and issue citations that have a significant deterrent effect, including the highest monetary penalties

issued against any employer in the nation for COVID-19 during that time, and we have actively publicized our enforcement efforts to incentivize compliance.

In addition, in response to a steep surge in the number of complaints (*we received over 7,100 COVID-19 related complaints in FFY 2020*), we developed and implemented a revised complaint response procedure to ensure our intervention in a significant number of workplaces. The procedure consists of investigations by letter of the majority of the complaints, supplemented by offering, and providing to the employers, assistance in correcting the hazards. This allowed us to obtain timely and satisfactory responses from employers to almost **4,250 such investigations by letter**, which could not have been inspected in person during this time.

California has been in a unique position in the nation to respond to this occupational hazard, for having the only Aerosol Transmissible Diseases (ATD) standard. This is a comprehensive regulation adopted in 2009 which applies to healthcare facilities, including skilled nursing and long-term healthcare facilities, and to a variety of other workplaces that are at increased risk for transmission of ATD infection, including correctional institutions. This enabled Cal/OSHA to address the hazards posed by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) at these workplaces, by issuing citations for violations of this standard, instead of the general duty clause.

EMPHASIS PROGRAM:

OCCUPATIONAL EXPOSURE TO RESPIRABLE CRYSTALLINE SILICA IN STONE PRODUCT MANUFACTURING

Workers involved in manufacturing, finishing, and installing natural and manufactured stone countertops are at risk for significant crystalline silica exposure. Crystalline silica commonly occurs in nature as the mineral quartz and is found in granite, sandstone, quartzite, various other rocks, and sand. The highest silica levels are associated with engineered stone, where pigments and adhesives comprise the remaining materials. Silicosis results in permanent lung damage. Silica dust particles become trapped in lung tissue, causing inflammation, scarring, and reducing the lungs' ability to take in oxygen. Workers exposed to airborne crystalline silica are also at increased risk for lung cancer, chronic obstructive pulmonary disease (COPD), and kidney disease.



Upon learning of several fatalities and serious illnesses from exposures to crystalline silica of employees who worked at stone countertop fabrication establishments, at the beginning of FY 2020 Cal/OSHA launched a special emphasis program to identify and reduce or eliminate as much as practicable, workers' exposures to respirable crystalline silica when engaged in such operations. Under this program, both programmed planned inspections, and inspections in response to complaints, referrals and reports of illnesses at these types of establishments, were conducted. Air monitoring was conducted during inspections where the site conditions indicated that significant exposures to silica dust may occur; exposed employees were administered a health evaluation questionnaire that was evaluated by Cal/OSHA's Medical Unit staff. During FY 2020, a total of **107 inspections** were conducted, **65 of which included air monitoring for crystalline silica**.

The enforcement efforts were complemented by the development and wide distribution of education and outreach resources, including a Silica Hazard Alert on Engineered Stone Countertop Fabrication and an Exposure Control Model Program for Silica in General Industry.

ENFORCEMENT:

STATISTICS:

As illustrated in the table below, in FY 2020, despite the closure of businesses for several months at the beginning of the pandemic, Cal/OSHA Enforcement opened 6,365 inspections, falling by only about 10.6% short of the goal to conduct 7,125 inspections. During this time, Cal/OSHA identified approximately 15,339 hazards, potentially affecting the estimated 3.2 million workers employed at these establishments. Of the hazards identified, 3,408 resulted in serious, 4 resulted in willful, 191 in repeat, and 5 in failure-to-abate citations.

SIGNIFICANT ENFORCEMENT CASES:

CITATIONS TO PUBLIC UTILITY FOR ELECTROCUTION

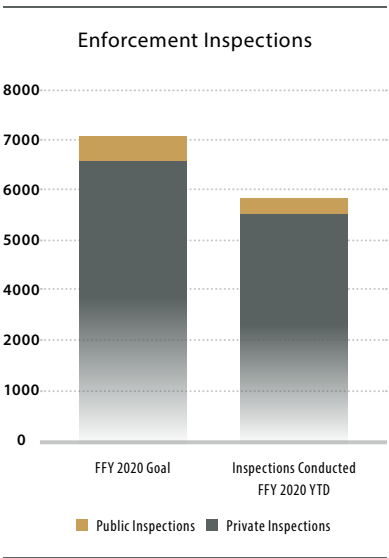
On May 15, 2020, the Cal/OSHA Foster City district office issued **one general and seven serious citations, five of which were characterized as accident-related, with total penalties assessed at \$104,060** to the City of Palo Alto following the electrocution of an employee. On November 16, 2019, the employee was working from an articulating boom lift to remove a transformer from a high voltage electrical pole when he came into contact with high voltage lines while holding a non-insulated grip tool.

The general violation was for the employer's failure to follow its occupational injury investigation procedures. The serious violations were for the employer's failure to ensure that only qualified electrical workers worked on equipment connected to energized high voltage systems; and to ensure that an observer was in close proximity of the work that was conducted on a high voltage utility pole. The serious accident-related citations were issued for allowing employees to take conductive tools closer than the minimum approach distances to exposed energized parts without proper insulating gloves; for failing to ensure that employees working on a utility pole near energized high voltage lines and/or exposed to hazards from potential flames or electric arcs, were provided with and wore suitable and flame resistant apparel; for failing to properly protect energized conductors within reach of any part of the body of employees working on de-energized equipment; for failing to take precautions to protect an employee from accidental contact with the energized high voltage conductors during relocating and removing conductors while replacing the transformer on a utility pole; and for the failure to ensure energized high voltage lines were isolated or insulated in the event of accidental contact.

CITATIONS TO WINDOW WASHING COMPANY FOR IMPROPER USE OF EQUIPMENT

On November 6, 2019, the Cal/OSHA Santa Ana district office issued **one general and four serious citations, two of which were classified as repeat and one as willful with total penalties assessed at \$191,589** to TURN KEY FACILITY SERVICES, Inc. for unsafe window washing operations of a hotel located in Santa Ana, California. On May 9, 2019, two employees were observed cleaning the windows of a building while unsafely using a controlled descent apparatus (CDA). The same company had been previously inspected and cited for a fall of an employee who was also using a CDA, which resulted in serious injuries.

The general violation was for first aid kit deficiencies. The serious violation was cited for the employer's failure to provide drinking water to its employees engaged in window washing operations, as required by the Heat Illness Prevention standard. The Repeat-Serious citations were issued for the employer's repeated failure to effectively identify and correct the hazards associated with window cleaning operations as required by the Injury and Illness Prevention Program regulation; and for repeatedly allowing



employees to use the building safety devices and equipment to clean the windows, without receiving copies of the written assurance and the required OPOS (Operating Procedures Outline Sheet) from the building owner. The willful serious violation was for the use of a CDA for window cleaning operations where the windows could have been cleaned safely and practicably by other means (swing stage).

CITATIONS IN PIPE INSTALLATION PROJECT FOR FATAL TRENCH COLLAPSE

On January 2, 2020, the Cal/OSHA Van Nuys district office issued **three general, one willful regulatory and two serious citations, one of which was characterized as accident-related with total penalties assessed at \$115,729** to Kenneth Leon for a jobsite located in Encino, California. Javier Alva, located in Montebello, California, was also issued one regulatory and five general citations with total penalties assessed at \$3,535. Javier Alva, the property owner of a single family

residence that was under construction had hired the unlicensed contractor Kenneth Leon, and on July 3, 2019, an employee was digging inside of an unprotected 10-foot trench looking for a sewer line when a wall of the trench collapsed on top of the employee and killed him.

The general violations were for failing to develop, implement and maintain an Injury and Illness Prevention Program and a Heat Illness Prevention Plan, and for failing to adopt a Code of Safe Practices related to the construction operations conducted by the employer. The willful regulatory citation was issued for the failure to obtain the required permit for the excavation deeper than 5 feet, in which employees were required to enter. The serious violation was for failing to ensure that a competent person conducted daily inspections of the excavation, to determine any evidence of a situation that could result in a possible cave-in, while the serious accident-related citation was issued for failing to provide any system to protect from cave-ins the employees working in the 10-foot deep excavation.

The citations issued to the property owner who hired the unlicensed contractor were similar to the citations issued to the direct employer of the deceased employee, except they were not classified as serious and willful.

**CITATIONS TO REFINERY FOR MULTIPLE VIOLATIONS OF THE PROCESS SAFETY MANAGEMENT FOR PETROLEUM REFINERIES REQUIREMENTS**

On August 24, 2020, the Southern California Process Safety Management (Refineries) district office issued **seven general and five serious citations, one of which was classified as repeat and one as willful, with \$157,115 total penalties assessed** to Tesoro Refining & Marketing Company LLC, located in Carson, California. On February 25, 2020, a fire broke out at the refinery, affecting the Light End Depropanizer unit, which fortunately did not result in employee or civilian injuries.

As a result of its investigation initiated on February 26, 2020, Cal/OSHA's PSM unit staff determined that the refinery violated several of the provisions of the Process Safety Management for Petroleum Refineries standard. More specifically, the general violations were for deficiencies in the Process Hazard Analysis; for failure to update emergency operating procedures to reflect current operating practices; for failure to certify annually that the operating procedures were current and accurate; for failing to provide for employee participation in the incident investigation team; for failing to identify deficiencies in organization and safety culture during Root Cause Analysis of the fire incident; for failing to assign completion dates, and persons responsible for completing the corrective actions, in the fire investigation report; and for not conducting an effective Process Safety Culture Assessment and producing a compliant report as required by the standard. The serious violations were for an inadequate Process Hazard Analysis with respect to potential hazards associated with the building and process

protection for one of its facilities at the refinery; for deficiencies in the employer's procedures to ensure the ongoing mechanical integrity of its process equipment; and for the employer's incident investigation team failing to develop and include recommendations for interim measures to prevent a recurrence or similar incident until final corrective actions could be implemented as result of the fire incident. The repeat serious citation was issued for the employer's repeated failure to conduct inspections and tests on process equipment at a frequency consistent with recognized and generally accepted good engineering practices (RAGAGEP) and/or with the employer's internal practices, while the willful serious violation was for not performing inspections and tests on process equipment, using procedures that met or exceeded the RAGAGEP.

**CITATIONS FOR COVID-19 HAZARDS**

Starting on August 25, 2020, Cal/OSHA began issuing citations to employers engaged predominantly in essential work operations, such as agriculture, grocery stores, meat and food processing and packing, and healthcare, including hospitals and long-term care. A number of these cases were closed and citations were issued during FFY 2020, with hundreds of other inspections that were opened during the reporting period having been closed after the end of the fiscal year.

**Citations to Food Processing Company and to Staffing Agency**

On September 8, 2020, the Cal/OSHA Long Beach district office issued citations to frozen food manufacturer Overhill Farms Inc.

and its temporary employment agency Jobsource North America Inc. **with over \$200,000 in proposed penalties to each employer** for failing to protect hundreds of employees from COVID-19 at two plants in Vernon, California, as result of several inspections. The inspections were opened on April 28, 2020, in response to complaints of hazards related to COVID-19. Cal/OSHA found that hundreds of employees of both companies were exposed to serious illness from COVID-19 due to the lack of effective control measures.

Regulatory citations were issued for failure to report to Cal/OSHA a COVID-19 fatality; for failure to maintain records of COVID-19 training; for failure to provide Cal/OSHA access to employees' medical records; and failure to enter COVID-19 illnesses and a fatality on the Log 300. The serious violations were for failure to communicate COVID-19 hazards to their workforce; for not identifying, and for not correcting, the hazards posed by inadequate physical distance between workers at locations such as the hallway where employees clocked in and out of their shifts, at the cart where they put on coats and gloves, in the break room, on conveyor lines, and in several production areas; for failure to investigate any of the more than 20 COVID-19 illnesses and one death Cal/OSHA uncovered amongst their employees; and for failure to train employees on the hazards presented by the virus.

**Citations to Grocery Stores**

Numerous inspections of grocery stores were conducted and citations for several of them were issued during the reporting period. Violations found included repeatedly failing to timely report worker fatalities to Cal/OSHA; failure to record a recordable illness on the Log 300; failure to limit the number of customers in the stores, or implement controls to maintain adequate physical distance; failure to provide physical barriers between employees and customers at registers; failure to investigate multiple COVID-19 illnesses of employees; and failure to properly train and instruct employees on how the virus is spread, measures to avoid infection, and signs and symptoms of infection.

**Citations to Healthcare Facilities**

Hospitals and long-term care facilities are the type of establishments where employees' exposures to COVID-19 hazards are inherent in the work environment. Inspections conducted at these facilities identified various violations of the Aerosol Transmissible Diseases (ATD) standard, which applies to these workplaces, including failing to establish and implement all of the required elements of the ATD Exposure Control Plan; failing to communicate with employees regarding the suspected or confirmed infectious disease status of persons to whom employees were exposed in the course of their duties; failing to provide and require appropriate respiratory protection equipment for employees caring for COVID-19-suspect and confirmed patients; failing to provide

medical evaluations and fit-tests to employees assigned to use a filtering facepiece respirator; and failing to provide effective training to employees with occupational exposure to COVID-19-suspect and confirmed patients as required by the standard.

**Citations to Agricultural Employers and Farm Labor Contractors**

Several inspections of agricultural operations were conducted during the heat season, some of them as part of Governor Newsom's multi-agency strategic enforcement taskforce to address COVID-19 hazards.

Citations were issued for employers failing to evaluate and correct unhealthy conditions or work practices related to COVID-19, for not providing enough shade for workers to adequately physically distance while taking breaks, and for failing to ensure workers wore face coverings when working in close proximity to one another. Several of these employers were also cited for failure to protect their workers from heat illness.

# CONNECTICUT

Division of Occupational Safety and Health | CONN-OSHA

## OVERVIEW

Fiscal year (FY) 2020 presented many challenges for CONN-OSHA, our country and the world due to the COVID-19 pandemic. Most of the Connecticut's state and local government workforce worked remotely for approximately three months, which limited the number of inspections, consultations, and training sessions that the State Plan could conduct. During this time, the compliance staff only performed inspections of complaints and/or fatalities.

CONN-OSHA staff began working remotely in March 2020 and continued to do so the remainder of the year. During this time, staff updated written programs pertaining to respiratory protection, silica exposure control plan and personal protective equipment hazard assessment for specific state and local government employers and employees. The staff also developed various power point presentations to help employers comply with specific OSHA Standards. The State Plan training section developed training sessions for use on TEAM and ZOOM platforms.

The staff completed online training seminars provided by the OSHA Training Institute. Also, the staff completed the Introduction to the National Incident Management System IS-00700 and the Introduction to the National Response Framework IS-00800 on line classes.

## ENFORCEMENT

During FY 2020, CONN-OSHA conducted an inspection (virtually) at a State Department of Development Services location due to COVID-19. However, CONN-OSHA determined that it was not a work-related event. In FY 2020, seven willful and two repeat violations were issued. A review of FY 2020 shows total penalties assessed of \$112,030.

The program was staffed by three safety and two health compliance officers. There were 83 safety inspections and 56 health inspections conducted for a total of 139 inspections. There were 405 citations issued for the 139 inspections.

## OUTREACH

The CONN-OSHA Quarterly Newsletter is distributed to approximately 3,547 public and private sector employers/employees electronically. Articles in the quarterly are written by the CONN-OSHA staff members, using their experience in the safety and health field.

CONN-OSHA continues to coordinate a monthly Breakfast Roundtable Discussion Group and provides OSHA 10-hour construction training classes to short-term men and women as part of an initiative which began in FY 2017. However, due to the pandemic, only one class was provided that trained 35 individuals.

CONN-OSHA was part of a State Emergency Response due to the COVID-19 pandemic and attended over 400 conference calls in providing technical guidance in dealing with the pandemic.

CONN-OSHA provides training, attends and participates in trade shows with our alliance partners. Currently CONN-OSHA has six active alliances.

CONN-OSHA conducted nine classes for 173 state workers and 12 classes for 165 local government workers. The number of classes held was 34% less than the previous fiscal year and the number of employees trained was 28% less. This reduction was due to outreach being limited and/or discontinued due to the pandemic.

## CONSULTATION

The consultation program for the State Plan conducted 39 safety and 28 health consultations for FY 2020. The staff includes two health consultants and one safety consultant; however, the program operated with one health consultant for half the year due to a promotion.

## SIGNATURE FOCUS

FY 2020 brought an end to CONN-OSHA's current five year strategic plan. The strategic plan was designed to reduce the number of workers injuries, illnesses and fatalities in the following state government workplaces: state hospitals, state residential development disability homes and state highway maintenance and repair operations. The strategic plan also included the following local government workplaces: public works street and highway, local government utilities and local government waste management and remediation services.

The strategic plan was designed to reduce the baseline DART rate by 5% in the high hazard industries.

The percent change for state nursing and residential care facilities was -59.37%, state highway maintenance and repair operations -23.423%, municipal public works street and highway -23.423%, and municipal water, sewage and other systems -37.65%.

In developing the new five year strategic plan (FY 2021-2025), CONN-OSHA decided to use a different approach than previously used. CONN-OSHA identified the high hazard areas in state and local government. Taking the



last five years in those high hazards areas for the citations abated and averaging the number of citations per year abated we determine the baseline to be used. Next, the State Plan decided to use an increase of 3% per year over the baseline for citations abated, 15% over the baseline for citations abated used for the five year plan. This same approach was used for consultation (violations/recommendations abated) and training (training used people trained).

One of the high hazard areas identified was fire departments. A one day seminar was held at a local fire department before FY 2021. The seminar was held under the direction of the fire chief, active firemen and a compliance officer (retired volunteer fireman) from the CONN-OSHA office. The seminar included a classroom setting in which items including, but not limited to, the OSHA standards (applicable to the fire service) and the NFPA standards were reviewed and discussed with the CONN-OSHA staff. Also, there was a hands on discussion of firefighting equipment, self-contained breathing apparatus and other equipment used during a fire response.

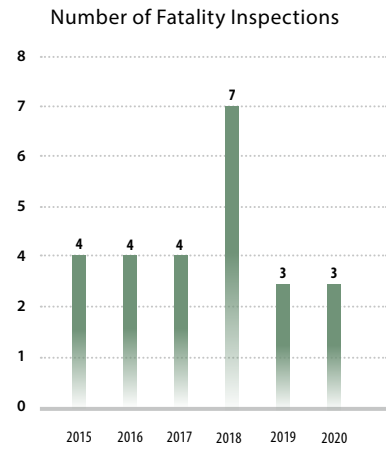
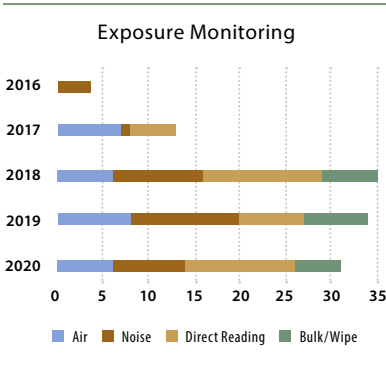
# HAWAII

Occupational Safety and Health Division | HIOSH

## SIGNATURE PROJECTS

### HIOSH ON-SITE CONSULTATION PROGRAM SAVES WORKERS FROM DEADLY LEAD POISONING

The Hawaii Occupational Safety and Health (HIOSH) Consultation & Training Branch was honored for its work this year in an OSHA Success Story. Through an on-site consultation visit, the HIOSH Consultation & Training Branch “*positively affected employees’ lives by providing information that led to medical monitoring and removal from unsafe conditions.*” The visit involved a shooting range where employees were unknowingly being overexposed to lead. Believing that the shooting range exhaust system was fully functioning and protecting them, personal air monitoring and wipe samples showed the contrary. Blood testing was recommended by HIOSH’s Consultants for all employees of the shooting range. As a result of the blood tests, one employee was immediately put on chelation and others were medically removed from the workplace. The article can be found at <https://www.osha.gov/successstories/hiosh>.



## ENFORCEMENT

### HEALTH MONITORING

For the past few years, HIOSH has dedicated resources and time to understanding health hazards and to identify when health sampling is needed during inspections. This difference in education of inspectors and communication of health hazards has directly affected the number of inspections with exposure monitoring that has led to citations of employers and the increased protection of employees to toxicant exposures.

### FATALITIES

HIOSH conducted three (3) fatality inspections in the fiscal year 2020 period, consistently staying low in number of annual fatality investigations.

## OUTREACH AND PARTNERSHIPS

### COMPLIANCE ASSISTANCE ACTIVITIES

Due to the COVID-19 pandemic, the HIOSH Consultation & Training Branch was able to reach and affect more employers and employees. This was due to compliance assistance activities transitioning from in-person activities to virtual meets and presentations. During these virtual meetings and presentations, as many as 350 employers attended and as many as 3,000 employees were affected by a single compliance assistance activity. Through these compliance assistance activities, the HIOSH Consultation & Training Branch continues to increase awareness of workplace safety, as well as the services available from the HIOSH Consultation & Training Branch.



### COVID-19 RESPONSE

#### VIRTUAL RESPONSE

Due to the COVID-19 pandemic, both the HIOSH Enforcement Branch and the HIOSH Consultation & Training Branch were forced to discover and transition to new, digital ways to communicate and reach employers and employees. This included presentations by HIOSH Consultation & Training and an increase in online presence of HIOSH, including more efficient and faster updates to the HIOSH website. It also initiated the discussion and eventual use of digital signatures for informal settlement agreements and other documents requiring signatures. HIOSH’s Consultation & Training Branch, along with the Administration and Technical Support Branch, created a platform for employers and employees on the HIOSH website for easier access to information and resources.



#### OTHER RESPONSE

HIOSH partnered with the Department of Health and state Legislators to initiate the dispersal of information on available resources for COVID-19 safety and health. HIOSH also partook with media outlets to reach more employers and employees on HIOSH resources available for COVID-19 response due to an increase in information requests and complaints specific to COVID-19. The article can be found at: <https://www.khon2.com/coronavirus/complaints-rise-about-covid-risks-at-work/>

### EMPLOYEE PROTECTION

HIOSH worked on ensuring that their employees were equipped with personal protection equipment and protective measures were implemented for conducting COVID-19 inspections and visits. This included getting staff medically evaluated, fit tested and trained.



# ILLINOIS

Department of Labor | Illinois OSHA

## ENFORCEMENT ACTIVITIES

### INSPECTIONS

In fiscal year (FY) 2020, Illinois OSHA conducted a total of 249 public-sector inspections; 229 safety and 20 health. As a result of these inspections, 1004 total citations were issued with a violation breakdown of 882 serious, 97 other-than-serious and 25 hazard alert letters. The majority of programmed and unprogrammed inspections were conducted in the targeted, high hazard areas outlined in Illinois OSHA’s five-year strategic plan.

### WHISTLEBLOWER

Illinois OSHA’s Whistleblower Investigation Program is parallel to section 11(c) of the OSH Act. In FY 2020, 31 complaints were received, 22 were administratively closed, one was settled and seven are pending.

### EMPHASIS PROGRAMS

Illinois OSHA focuses statewide efforts and resources on the most prevalent types of injuries and illnesses in the most hazardous public occupations and worksites. High hazard public-sector worksites that have been identified as emphasis areas include state support activities for transportation, state nursing and residential care facilities, local fire protection, departments of public works and water and sewage treatment facilities. In FY 2020, the following emphasis activities for enforcement, consultation and outreach were achieved:

#### State Support Activities for Transportation

- 36 inspections
- 2 outreach/training and education seminars
- 138 outreach materials distributed

#### State Nursing and Residential Care Facilities

- 1 inspection
- 42 marketing materials distributed

#### Local Fire Protection

- 90 inspections
- 7 public-sector consultation visits
- 3 outreach/training and education seminars
- 917 outreach materials distributed

#### Public Works Departments

- 67 inspections
- 8 public-sector consultation visits
- 2 outreach/training and education seminars
- 2,165 outreach materials distributed

#### Water and Sewage Treatment

- 37 inspections
- 227 outreach materials distributed

## OUTREACH

Illinois OSHA staffed information booths and presented at the 16th Annual Greater St. Louis Safety and Health Conference, the Southern Illinois Occupational Safety and Health (SIOSH) Day, the Downstate Illinois Occupation Safety and Health (DIOSH) Day and the Chicagoland Safety and Health Conference. Illinois OSHA participated in the Southern Illinois Occupational Safety and Health Conference held at SIU Edwardsville.

For the past nine years at DIOSH Day, the State has presented the Governor’s Safety Award to a person who has made significant contributions to safety and health training or research that have had a lasting impact on workers. In 2020, Illinois Department of Labor Director Michael Kleinik presented the award to Tarsha Krizka, the Regional Safety Manager for Prairie Materials.

The Illinois OSHA Regional Enforcement Manager conducted Illinois OSHA 101 for Fire Departments at the Illinois Association of Fire Protection Districts (IAFPD) Winter Conference. Additionally, the Occupational Safety and Health Compliance Guide for Fire Departments and training videos were developed.

- <https://youtu.be/8eoP9J5BuKE>
- <https://youtu.be/zUWXD91H99s>
- [https://youtu.be/\\_QHfqcbf9uA](https://youtu.be/_QHfqcbf9uA)

## CONSULTATION

Illinois OSHA consultants provided assistance to 16 public-sector employers in FY 2020. Assistance includes, establishing quality safety and health programs, preventing occupational deaths, injuries and illnesses, identifying and eliminating workplace hazards and interpreting the Illinois Occupational Safety and Health Act and OSHA standards.

The public-sector Safety and Health Achievement Recognition Program (SHARP) has been in place for five years. The program is designed to recognize public-sector employers for their exemplary safety and health management systems. Worksites that receive SHARP recognition are exempt from Illinois OSHA programmed planned inspections for up to two years, and subsequent renewal for up to three years. Currently, there are three public-sector SHARP employers in the program.

The Consultation program created Back to Business Illinois (BBIL) [illinois.gov/worksafe](http://illinois.gov/worksafe) in an effort to connect small employers with consultants who will help them address COVID-19 workplace safety and health issues and assist with creating a plan to ensure a safe, healthy and productive environment for employees and visitors. BBIL offers confidential consultations that can take place virtually or on-site. Additionally, there is a voluntary “Back to Business” self-certification, which is designed to show employees and visitors that necessary measures have been addressed to keep them safe and healthy. Businesses can voluntarily complete a series of modules online and



institute the necessary practices to ensure they are promoting a safe work environment and operating responsibly. The online guidance and education program emphasize areas including basic infection prevention, physical space modification, infectious disease planning, employee monitoring and workplace flexibility. So far, 256 employers have utilized this service; 220 Back to Business self-certification and 36 virtual or on-site consultation requests.

COVID-19 RESPONSE

When responding to COVID-19 complaints, Illinois OSHA first determined jurisdiction. The majority of the complaints fell under the jurisdiction of the following enforcement agencies:

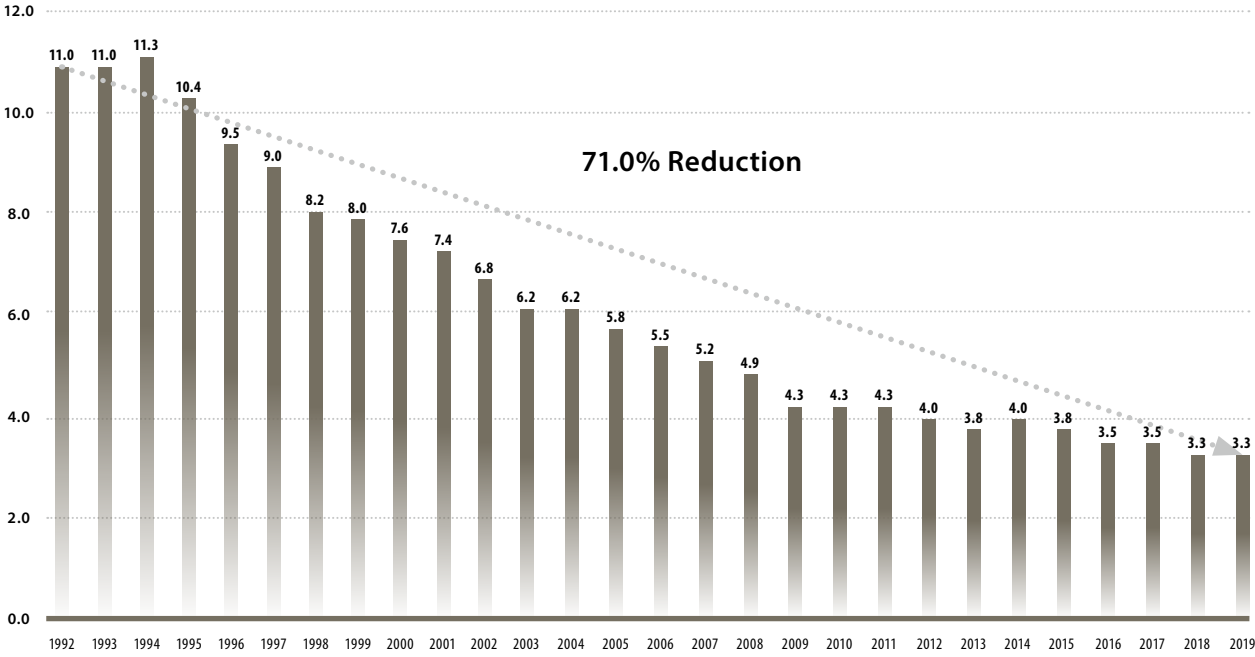
- Illinois OSHA – state and local government employers
- Federal OSHA – private sector employers
- Department of Commerce and Economic Development (DCEO) – business essential
- Illinois Department of Public Health (IDPH)/Illinois Attorney General Workplace Rights Bureau (WRB) – social distancing, masks and occupancy requirements

The complaints that fell under federal OSHA's jurisdiction were entered into the OSHA Information System (OIS) and transferred to one of the five Illinois Federal OSHA Area Offices. All complainants were notified as to where their complaint had been forwarded.

Private sector complaints with alleged violation of social distancing, business essential, stay at home order, mask or occupancy requirements were forwarded to DCEO, IDPH and/or WRB. All complainants were notified as to where their complaint had been forwarded.

All complaints against state and local government employers with alleged violation of social distancing, stay at home order, mask, occupancy, personal protective equipment or Center for Disease Control (CDC) guidelines were handled by sending a certified letter to the employer, notifying them of the complaint, and requesting a self-audit with corrective measures taken within five days of receipt of the letter. The employer was required to provide adequate proof, such as pictures or documents, showing hazard correction. If the employer failed to communicate or correct the hazard, an automatic inspection was triggered. The complainant was notified that a letter was sent to the employer and that they would be provided the employer's corrective action response.

From March 1, 2020, to September 30, 2020, Illinois OSHA received 170 state and local government COVID-19 complaints. Of the 170 complaints, seven warranted an inspection. While the inspections did result in citations being issued, none were related to COVID-19. Additionally, 346 private sector complaints were entered into the OIS system and transferred to one of the five Illinois Federal OSHA Area Offices.



The overall Indiana nonfatal occupational injury and illness rate for 2019 was 3.3 per 100 workers. The 2019 nonfatal occupational injury and illness rate is tied with the 2018 rate for the lowest rate in the state's history and since the inception of the federal Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses (SOII) in 1992. The 2019 rate also represents a 71% reduction from a high of 11.3 in 1994.

ACCOMPLISHMENTS

INDIANA VPP

Indiana's voluntary protection program (VPP) is a key component of the Indiana Occupational Safety and Health Administration (IOSHA) and is supported at the highest level in the state. Currently, there are 89 Hoosier workplaces that actively participate in VPP. These workplaces often exceed OSHA requirements and set new best practices to protect the more than 27,000 Hoosier employees who work at these sites. These sites are safety leaders and have top-level management commitment to and high levels of employee involvement in the workplace safety and health management system.

The Indiana VPP Leaders continually engage this network of safety and health professionals with the goal of cross-promoting company and industry best practices, sharing ideas, and educating one another in matters related to worker safety and health excellence. VPP Leaders conducted 156 outreach site visits collectively in fiscal year (FY) 2020. These site visits include providing onsite assistance, follow-up for 90-day item hazard correction, and evaluation readiness visits.

An annual meeting of VPP sites and workplaces who participate in the Indiana Safety and Health Achievement Recognition Program (INSHARP) is held in conjunction with the Indiana Safety and Health Conference & Expo as a way to promote this dialogue, provide an update on matters related to the agency and OSHA standards, and exchange information. In addition to this meeting, the team works with VPP and INSHARP sites to host best practice meetings in the fall for the same purposes. Early in FY 2020, three VPP best practice meetings were held in Crawfordsville, Evansville, and Fort Wayne. Due to the global pandemic, the scheduled special government employee (SGE) training in July 2020 was cancelled. This was the first time in many years the Indiana VPP team was unable to partner with federal OSHA to host an SGE training in the state.

In FY 2020, three new Indiana worksites achieved VPP certification. The team held teleconferences with nearly all VPP sites in April, May, and June of FY 2020, and during the beginning of the global pandemic. The purpose of these teleconferences was to provide information and support to sites. Best practices for protecting workers during a global pandemic implemented by Indiana VPP sites were shared with federal OSHA Region V for further distribution.

Also, in FY 2020, the first public sector employer in the state of Indiana, Community Justice Center of Madison County, achieved VPP 'STAR' certification.

ELECTRONIC FILES

IOSHA continues to make improvements to the electronic processing of files in all divisions. Intake and the enforcement division are continually updating the employer establishment database in OSHA Express with employer electronic emails to decrease the time and cost associated with traditional mail correspondence and increase employer responsiveness. Electronic processing of files was also expanded to fatality inspection case files this fiscal year. In addition to the above, an electronic file organization inventory list was created to ensure uniformity and proper inclusion of documentation in files.

TEAMBOX TALKS

In 2020, the IOSHA Construction Safety team began hosting and participating in brief, biweekly Teambox Talks using the Microsoft Teams platform. This technology has better ensured team members remain connected to each other for the purposes of sharing ideas, asking questions, and receiving instruction. This has been a good way to better ensure good communication in the midst of a global pandemic. These Teambox Talks have also allowed for focused presentations on a variety of topics including winter safety, COVID-19, motor vehicle safety, communications tower safety, fall protection, fire protection, etc.

SIGNATURE PROJECT

The IOSHA Construction Safety Division signed a new site-specific construction project partnership with the University of Notre Dame and Walbridge Construction. The partnership is for the safe and successful completion of the new McKenna Hall development. This partnership went into effect in February of 2020 and is anticipated to be completed around July 2021. A second site-specific construction safety partnership has been developed with the University of Notre Dame for the new Remick Family Hall project. This partnership began in July 2020 and has an anticipated completion date of November 2021.

DEVELOPMENT AND IMPLEMENTATION OF LOCAL EMPHASIS PROGRAMS

IOSHA developed and implemented two new local emphasis programs (LEPs) in FY 2020. The LEPs were developed to reduce workplace injuries and fatalities related to falls in both construction and general industry as well as to address hazards common in demolition and renovation-related jobsites exclusively in the construction industry.

According to the BLS' Census of Fatal Occupational Injuries (CFOI), from 2014-2018 there were 11 worker fatalities in Indiana suffered by workers in NAICS associated with demolition and renovation activities. Hazards targeted in the LEP include electrical, fall, struck-by/caught-in-between, and airborne contaminants such as asbestos, lead, and silica.

In Indiana, from 2014-2018, there were 56 workplace deaths related to falls to a lower level. IOSHA's falls LEP targets fall-related hazards in both general industry and construction.

Both LEPs became effective on September 3, 2020, and included a 90-day education and outreach component prior to enforcement. Presentations have been made to the Indiana Builders Association, Building and Construction Association, Indiana Constructors, Inc., Coalition for Construction Safety, as well as other key stakeholder groups. A new webpage was created by the agency to feature information regarding national emphasis programs (NEPs) and the newly added LEPs. Enforcement of these new LEPs may begin on or after December 4, 2020.

IOSHA intends to develop additional LEPs or Special Emphasis Programs (SEPs) in the future to continue to advance the safety and health of Hoosiers in the workplace. Additionally, IOSHA will review the effectiveness of the recently developed LEPs regularly and modify programs as appropriate with the goal of reducing workplace injuries, illnesses, and fatalities related to the emphasis areas.

EDUCATION AND OUTREACH

INDIANA SAFETY AND HEALTH CONFERENCE AND EXPO

Each year, the Indiana Department of Labor partners with the Indiana Chamber of Commerce and the Central Indiana Chapter of the American Society of Safety Professionals to present the state's largest occupational safety and health conference. The conference took place in downtown Indianapolis on February 24-26, 2020. More information about the Indiana Safety and Health Conference and Expo is available on the conference webpage at <http://www.INSafetyconf.com>. Most of the IOSHA and INSafe teams attended the conference, with IOSHA and INSafe staff conducting eight of the educational breakout sessions.

Recipients of the Governor's Workplace Safety Awards are honored at the Governor's Workplace Safety Awards Luncheon held on the final day of the conference. These awards recognize selected Hoosier companies and organizations for their dedication to growing their workplace safety and health programs. Companies are recognized for innovations, partnerships within and outside their organizations, education and outreach. The award also recognizes rising stars who are making great strides in occupational safety and health. In 2019, seven Hoosier workplaces were presented with a Governor's Workplace Safety Award. More information about these awards and recipients is available online at <http://in.gov/dol/3032.htm>.

In addition to the company-level recognition, four individuals received Everyday Safety Hero awards. These awards recognize the contributions made by individuals that further advance workplace safety and health in their companies, communities or industries. More information about these awards and recipients is available online at <http://in.gov/dol/3032.htm>.

A few speakers at the 2020 conference were already discussing COVID-19 and the potential global impact the pandemic may have. The conference ended only a few weeks before Indiana began hunkering down to slow the spread of COVID-19.

TRENCH SAFETY STAND DOWN

OSHA hosted a Trench Safety Stand Down in June 2020. INSafe regularly participates in such stand downs by offering to present in front of live audiences across the state. With the pandemic looming, however, INSafe opted to market the online trenching and excavation safety basics video created last year by INSafe Safety Consultant Bryan Thais. This way, employers can watch the video at their own leisure and incorporate it into trainings while we still respected social distancing and our state travel rules.

INSafe marketed the video on social media and to our newsletter subscribers in conjunction with the Trench Safety Stand Down. To date, the video has 391 views. This method has been employed for several other topical trainings and stand down events.

SAFETY STAND DOWN FOR FALL PREVENTION

Similar to the Trench Safety Stand Down, INSafe used social media to market two videos, created by IOSHA Director of Construction Safety Jameson Berry, showing the proper care, use and donning of personal fall arrest systems. To date, these videos have a combined total of 233 views.

## IN REVIEW

INSafe's annual workplace safety and health-oriented publication, IN Review, focuses on safety and health topics and emerging trends identified during the previous calendar year. Along with specific injury- and occupation-related topics, IN Review offers analyses of data provided by the federal Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses (SOII) and CFOI, as well as "it happened here" sections based on IOSHA case information. Among other topics, the 2020 edition included aerial lifts, resources for the visually impaired and the top ten standards cited by IOSHA in both general industry and construction.

1,000 printed copies were distributed to the 2020 Indiana Safety and Health Conference and Expo attendees. The annual report is also distributed electronically to over 13,000 e-mail and newsletter subscribers. The current and past editions of IN Review are available online by visiting the agency's publication webpage at [www.in.gov/dol/2366.htm](http://www.in.gov/dol/2366.htm).

## INSHARP

The Indiana Safety and Health Achievement Recognition Program (INSHARP) continues as a well-supported safety and health excellence program. In 2020, the team conducted two new certification evaluations and nine recertification visits. Unfortunately, two Hoosier INSHARP companies also closed in 2020. Our longtime INSHARP Coordinator retired in June 2020. We have since expanded the INSHARP team to two consultants; 2021 promises to see record growth in INSHARP participation.

## SOCIAL MEDIA AND COMMUNICATION

The Indiana Department of Labor continued to maintain its active social media presence on Facebook and Twitter. INSafe staff manages these accounts on behalf of the Indiana Department of Labor and regularly posts safety and health related information, child labor facts, and other important information for Hoosier workers and employers while also answering questions posed by the public. On average, agency representatives develop and post twelve to twenty messages each month.

The Indiana Department of Labor may be found on Twitter [@INDeptofLabor](https://twitter.com/INDeptofLabor) and on Facebook at [www.facebook.com/IndianaDepartmentofLabor](https://www.facebook.com/IndianaDepartmentofLabor).

The goal of our social media efforts is to share ideas and information while engaging with stakeholders. To date, the agency has over 1,800 "followers" and "likes" on Twitter® and Facebook®.

In 2020, INSafe's messaging shifted almost exclusively to COVID-19 awareness and keeping our stakeholders apprised of changes and updates to CDC and OSHA guidance. To date, the Indiana Department of Labor has amassed 97 subscribers, 306 unique viewers and nearly 37,000 views on all of the videos posted to the agency YouTube page. The Indiana Department of Labor may be found on YouTube at <https://www.youtube.com/user/IndianaDOL>.

## CONCLUSION

Indiana's overall nonfatal workplace injury and illness rate is at a historic low for the state. Moving forward, further improvements to reduce workplace injuries and illnesses will prove to be even more challenging. IOSHA must be innovative and effective and focus on ways to continue to take Hoosier workplace safety and health to the next level.

IOSHA's future will focus on a balance of strengthening its enforcement responsibilities and expanding cooperative programs which best support the Indiana Department of Labor's mission to advance the safety, health, and prosperity of Hoosiers in the workplace.

IOWA

Workforce Development Division of Labor | Iowa OSHA

## VISION

To create workplace environments in Iowa that are safe, healthy, productive and free of recognized hazards and unsafe working conditions.

## MISSION

The mission of Iowa OSHA is to save worker lives, prevent injuries and protect the health of Iowa's workforce. Our staff will accomplish this mission by conducting programmed and unprogrammed enforcement inspections, and through cooperative means by providing consultation services, compliance assistance, outreach and educational programs. Iowa OSHA supports the strategic goal of our "Iowa Workforce Development" parent agency by enhancing the safety, health, and economic well-being of Iowa's workforce and public through a balanced approach of consultation and enforcement of OSHA regulations. Our goal is to improve workplace safety and health for all workers as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.

## ADMINISTRATION

Fiscal year (FY) 2020 brought unique challenges to Iowa OSHA because of the COVID-19 pandemic that hit the United States in early calendar year 2020. By the end of March, the workforce at Iowa OSHA executed a plan in which the majority of employees were assigned to perform their duties via teleworking from their place of residence. Only limited staff remained in the office to perform critical job functions. The enforcement staff were issued mobile information technology devices to enhance operations. This included mobile laptops, with the ability to remain on the Iowa Workforce Development network regardless of location, and the acquisition of iPhones for every compliance officer to ensure personal connection. Every compliance officer, except those assigned to duty officer responsibilities, began teleworking in April of 2020. To insure management cohesion and open communications, the management staff communicated daily via teleconference and every Monday via videoconference. This ensured continuity of effort, effective workload distribution and transparency throughout the organization. Due to the amount of COVID related inquiries, questions, and complaints, three compliance officers were assigned to "duty officer" responsibilities to handle the extraordinary amount of calls.



L-R Russell Sawvel, Doug Rustan, and Darren Telfer performed duty officer responsibilities throughout the pandemic and were presented the "COVID-19 Complaint Terminator" award from the Iowa OSHA Administrator.

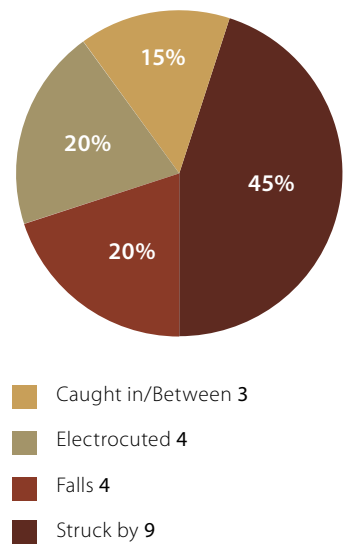


ENFORCEMENT

During FY 2020, Iowa OSHA conducted a total 633 on-site enforcement inspections. These inspections resulted in 1,226 violations.

Of the 633 enforcement inspections, 460 were unprogrammed inspections. Unprogrammed inspections included 151 complaints, 20 fatalities, 22 referrals, 201 employer reported referrals and 66 unprogrammed related. There were 173 programmed inspections. Unprogrammed inspections again compromised the greatest number of inspections conducted. Programmed inspections were targeted on several of Iowa OSHA’s local emphasis programs (LEPs) to include amputations and grain handling establishments. Proposed initial penalties for issued citations in FY 2020 equaled \$4,681,388.

Iowa OSHA conducted 20 workplace fatality inspections in FY2020\*



\*These numbers do not include fatalities related to COVID-19

Top 10 Iowa OSHA General Industry Violations

■ Mechanical Power-Transmission Apparatus	(1910.219)
■ Machine Guarding	(1910.212)
■ Control of Hazardous Energy	(1910.147)
■ Powered Industrial Trucks	(1910.178)
■ Forms	(1904.29)
■ Hazard Communication	(1910.1200)
■ General Electrical	(1910.303)
■ Respiratory Protection	(1910.134)
■ Wiring Methods, Components, Equip	(1910.305)
■ Grain Handling Facilities	(1910.272)

OUTREACH

Iowa Derecho August 10, 2020

On the evening of Monday, August 10, a weather phenomenon known as a “derecho” sent intense winds and thunderstorms over a 700-mile stretch from Nebraska to Indiana. In Iowa, the hardest-hit state, hundreds of thousands of people went without power for days. More than 40% of the state’s corn and soybean crop, the core of Iowa’s economy, was severely damaged by the storm, whose winds reached 110-140 mph, equivalent to those of a Category 3 or 4 hurricane.



Derecho storm damage

The city of Cedar Rapids was one of the hardest hit in the state. More than 800 buildings suffered partial collapse of roofs, walls, ceilings, and/or floors, and more than 20 schools sustained damage.

Destruction to Iowa’s homes, farms, businesses, livestock, and crops totaled over \$4 billion in losses.

Iowa OSHA Consultants performed outreach in storm damaged areas. The Consultants put together packets of safety-related materials including an OSHA Hazard Bulletin on Tree Care Work; Falls and Falling Object Hazards; OSHA Quick Card on Chipper Machine Safety Tips; OSHA Quick Card on Aerial Lift Safety; OSHA Electricity and Tree Care Work; an Iowa OSHA Consultation and Education Brochure and the Consultant’s business card. The Consultants worked with Tree Service and Electrical Power Contractors. Approximately 39 Contractors were provided with OSHA consultation.

COVID-19 RESPONSES

On April 15th, 2020, during a teleconference with federal OSHA, Iowa OSHA was told that guidance on meatpacking facilities was in the works and was probably a week out from publication. On the 16th of April, federal OSHA issued a memorandum allowing Compliance Safety and Health Officers (CSHOs) discretion in enforcement when considering any interim alternative protections being implemented or provided to protect employees. While awaiting official guidance regarding meatpacking facilities, Iowa OSHA took the initiative to identify potential COVID-19 occupational exposures in meat processing establishments. Iowa OSHA developed a survey to determine the preparedness of employers to protect employees from COVID-19 exposure. These surveys were emailed to fifteen (15) meat processing facilities on the 24th of April 2020, asking them to answer the survey within five (5) working days. On the 27th of April 2020, Iowa OSHA received interim guidance from CDC and federal OSHA regarding Meat and Poultry Processing Workers and Employers. When Iowa OSHA received the survey responses from the fifteen (15) meat processing facilities, we compared their interim controls with the recommendations made in the CDC and OSHA guidance. Iowa OSHA conducted on-site inspections in nine (9) meat processing facilities.

Iowa OSHA Consultation leaders were appointed to the Governor’s COVID-19 task force for business. Working with industry and state agency partners, this task force provided the Governor with information regarding safety and health in the workplace and provided recommendations for the Governor as she made decisions that were in the best interest of Iowa’s workers.

COOPERATIVE PROGRAMS

Iowa has 41 active Voluntary Protection Program (VPP) worksites. Seven of the 41 VPP sites were due to recertify during FY 2020, but because of the pandemic, those recertification visits are being rescheduled for FY 2021. There were 4 alliances that continued to be active through FY 2020: Master Builders of Iowa (MBI); the Iowa Renewable Fuels Association (IRFA); the IBEW 55 Transmission and Distribution Union; and the Associated Builders and Contractors of Iowa (ABC). Iowa is also partnering with Federal Region VII and their alliance with the North American Meat Institute.



Iowa Labor Commissioner Rod Roberts addresses the Master Builders of Iowa audience at their annual safety awards breakfast

Iowa OSHA is committed to assuring Iowa’s employers provide workplace environments that are safe, healthy, free of recognized hazards and free from retaliation. This commitment will allow businesses to prosper as the State of Iowa supports economic growth. We are committed to our strategic performance plan to assure a balanced approach toward workplace safety.

# KENTUCKY

Department of Workplace Standards | Kentucky OSH

## SIGNATURE PROJECTS

### SARS-COV-2 RESPONSE

The impact of the novel severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) virus and coronavirus disease 2019 (COVID-19) on the operations of the Kentucky Occupational Safety and Health (OSH) Program in Federal Fiscal Year (FFY) 2020 cannot be overstated. Every aspect of the program was profoundly affected in FFY 2020 and continued into FFY 2021. The information below is a brief narrative of the action taken by the KY OSH Program in response to the virus.



On March 6, 2020, Governor Beshear, by Executive Order (EO), declared a State of Emergency and ordered the issuance of appropriate state resources for an immediate response to the COVID-19 emergency in Kentucky.

Over the next few weeks, positive cases rose which resulted in the closure of many businesses and facilities throughout the Commonwealth. Public events were cancelled. Businesses were urged to allow employees to telecommute and provide paid sick leave. All citizens were asked to socially distance. By the end of March, all school districts were closed, state office buildings were closed to in-person services, hospitals were not allowed to perform elective surgeries, and non-life-sustaining businesses were ordered to close. A series of EOs were issued by Governor Beshear to protect the citizens of Kentucky. Some of the significant EOs and dates issued are presented below.

On March 17, 2020, Governor Beshear issued EO 2020-215. The EO required all public-facing businesses that encourage public congregation, or that by the nature of their service to the public cannot comply with the CDC guidelines concerning social distancing, to cease operations. Those businesses included entertainment and recreational facilities, community and recreation centers, gyms and exercise facilities, hair salons, nail salons, spas, concert venues, theaters, and sporting event facilities. Some businesses such as food providers, food processors, agriculture, industrial manufacturing, feed mills, construction, trash collection, retail, groceries, consumer goods, home repair, hardware, auto repair, pharmacies, other medical facilities, biomedical, health care, post offices, insurance, banks, gas stations, laundromats, veterinary clinics, pet stores, warehousing, storage, distribution, public transportation,

and hotel and commercial lodging, were exempt and could remain open but were required to follow CDC guidelines for social distancing.

On March 17, 2020, Governor Beshear also closed all state government buildings to in-person services. In accordance with the Governor’s action to contain the spread of COVID-19, all Kentucky OSH Program in-person activity halted except for Division of OSH Compliance fatality, imminent danger, hospitalization, and amputation activity. Compliance officers conducted all other inspection activity by telephone.

Division of OSH Education and Training in-person activity also halted on March 17, 2020. Consultation staff continued working with employers on abatements for open surveys and producing training material for the program’s eLearning website at [kysafe.ky.gov](https://kysafe.ky.gov) and mobile app.

On March 23, 2020, all in-person retail businesses that were not life-sustaining were closed. On March 24, 2020, all non-life-sustaining businesses were closed to in-person traffic.

Also on March 23, 2020, Governor Beshear announced the creation of the KYSAFER Hotline and website. Citizens and business could seek compliance assistance with the directives to limit COVID-19. Citizens also reported non-compliance with the Governor’s EOs to the hotline or through the online report form. Kentucky OSH Program personnel staffed the KYSAFER hotline seven (7) days a week from 7:30 a.m. - 9:00 p.m. Specific KYSAFER data is presented at the conclusion of this narrative.

Kentucky OSH Program staff demonstrated outstanding teamwork, assisting each other with different situations as KYSAFER submissions arrived. Additionally, many COVID-19 guidelines were developed that changed due to the newness, and learning curve, associated with SARS-CoV-2. There was an enormous amount of information to learn and provide to hotline callers.

On April 3, 2020, an additional hotline and website were established for the donation of personal protective equipment (PPE). Labor Cabinet personnel staffed the PPE Hotline which terminated June 2020.

All of the measures highlighted above were taken to “flatten the curve” and were successful in doing so. Because of that, on April 21, 2020, Governor Beshear announced the “Healthy at Work” initiative to help Kentucky businesses reopen safely during the fight against SAR-CoV-2. Healthy at Work offered a phased approach to reopening Kentucky’s economy based on criteria established by public health experts and advice from industry experts. Phase 1 was a state-readiness evaluation and phase 2 was an individual business-readiness evaluation. During Phase 1 of Healthy at Work, the Kentucky Department for Public Health determined whether Kentucky met certain public health benchmarks for reopening Kentucky’s economy. Those benchmarks closely followed the White House’s Guidelines for Reopening America. During Phase 2 of Healthy at Work, the Department for Public Health evaluated individual businesses’ ability to safely reopen. Each phase was rolled out in steps to ensure the Commonwealth’s citizens safely returned to work.

On May 11, 2020, Governor Beshear began reopening sectors of the economy that were closed due to COVID-19. Each entity reopening was required to meet “Minimum Requirements for All Entities,” hereinafter referred to as Minimum Requirements, criteria in addition to industry specific criteria. The Labor Cabinet participated extensively in the establishment of the Minimum Requirements criteria, the criteria document for Construction, and the criteria document for Manufacturing and Distribution. If any entity in a sector being reopened could not comply with the Minimum Requirements criteria or industry-specific requirements, they could not open until they were able to do so or until some, or all, restrictions were lifted. All entities, including those deemed life sustaining, were required to meet the Minimum Requirements criteria.

As previously stated, citizens report non-compliance with the Governor’s EOs to the KYSAFER Hotline or through the online report form. Labor Cabinet attorneys reviewed all KYSAFER entries and Labor Cabinet General Counsel made appropriate referrals to the Commissioner for the Department of Workplace Standards for action. Division of OSH Compliance officers, serving as agents of Public Health, were dispatched in teams of two (2). Establishments observed not complying with the Minimum Requirements criteria and the applicable sector specific requirements were served an Order to Cease Operations (OCO). Establishments issued an OCO could not reopen until documented abatement was provided to the Commissioner and re-inspected.

Healthy at Work Kentucky (HAWK) Assist Teams were created to address referrals that did not warrant OCO service team activity. HAWK Assist Teams consisted of one (1) KYSAFE consultant paired with one (1) Division of OSH Compliance officer, both serving as agents of Public Health. A Notice of Deficiency (NOD) was issued when warranted based on deficiencies observed. Establishments issued a NOD were required to submit abatement documentation to the Commissioner and were subject to re-inspection. The compliance officer served an OCO if the level of observed deficiency warranted. A NOD was not issued if an OCO was served.

652 of the 1052 OSH discrimination complaints received in FY 2020 were related to SARS-CoV-2. For comparison, Kentucky received 276 OSH discrimination complaints in FFY 2019.

The Division of OSH Compliance had twenty-one (21) “traditional” inspections in FFY 2020 related to COVID-19 employer-reported fatalities or hospitalizations.

The numbers reported above do not reflect the hundreds, if not thousands, of hours expended by Department of Workplace Standards’ staff, including leadership staff, addressing external and internal SARS-CoV-2 issues.

Finally, a central source for all Kentucky-related COVID-19 information was established at <https://govstatus.egov.com/kycovid19>.

SPECIFIC FFY 2020 COVID-19 DATA

Positive Kentucky COVID-19 cases.....	67,856
Kentucky COVID-19 fatalities.....	1,170
KYSAFER online submissions.....	54,897
KYSAFER logged entries.....	31,260
Compliance.....	1,366
E&T.....	7,100
Stats.....	40
KYSAFER Hotline calls.....	33,817
Compliance.....	489
E&T.....	7,091
KYSAFER Hotline voicemails.....	5,782
82 OCOs and 55 NODs served	
173 referrals with OCO or NOD not served	
11 abated onsite	
39 observed in compliance	
123 unsubstantiated	
KYSAFER OSH Compliance submitted.....	405
3 NODs served	
4 OCO served	
PPE incoming calls.....	748
PPE voicemails.....	147
PPE online submissions.....	1,200

GOVERNOR RESTORES OSH STANDARDS BOARD

On January 8, 2020, in an effort to strengthen workplace and worker safety, Governor Beshear reestablished the Occupational Safety and Health Standards Board. The twelve (12) member board represents agriculture, industry, labor, and the OSH profession. The board adopts, creates, amends, and repeals OSH regulations, standards, and rules.

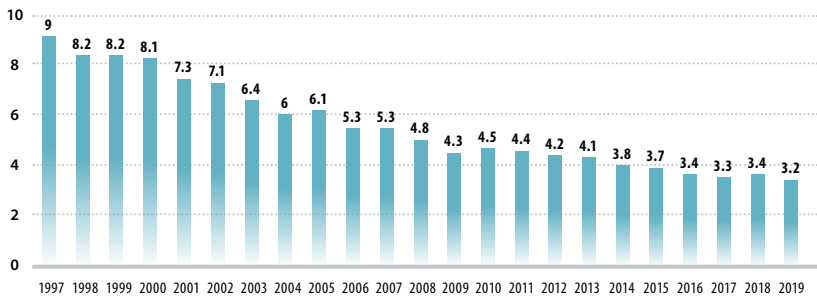
“Every Kentuckian should be safe at their place of employment,” Governor Beshear said. “We have worked with industry leaders to reestablish the board and ensure we have professionals from across the Commonwealth who are committed to helping strengthen our workplace safety standards.”

The board was very active in 2020, convening twice and addressing forty-five (45) occupational safety and health regulations.

In July 2018, the former governor abolished the board via executive order. At the time, then-Attorney General Beshear, citing worker safety, urged that the board be reinstated and that under state law, an independent board representing various industries has responsibility for occupational safety and health regulations.

RECORD RATES

LOWEST INJURY AND ILLNESS INCIDENT RATE IN HISTORY



The total recordable incidence rate for all industries in Kentucky was the lowest rate in Kentucky since the U.S. Bureau of Labor Statistics (BLS) began recording the data in 1996. The FFY 2020 rate, based on 2019 BLS data, was 3.2. Kentucky’s rate in 1996, when BLS began recording the data, was 8.4. Kentucky’s FFY 2020 3.2 incidence rate is slightly higher than the national average of 3.0; however, Kentucky continues to close the gap, going from 4.5 in FFY 2014 to the latest 3.2.

ANOTHER RECORD LOW LOST TIME INJURY AND ILLNESS CASE RATE

The FFY 2020 lost time case rate for injuries and illnesses, established from FFY 2019 BLS data, was 1.6, matching the 2019 record low rate of 1.6.

MORE RATES AT OR BELOW NATIONAL RATES

The incident rates in the table below represent nonfatal occupational injuries and illnesses involving days away from work per 10,000 full-time workers in the construction industry collected by the Bureau of Labor Statistics and the Labor Cabinet’s Statistical Services group. All of Kentucky’s rates are below or equal the federal data.

2019	Falls	Struck-by	Crushed
Kentucky	3.6	13.2	2.6
National	4.7	13.2	3.3

ENFORCEMENT

CITATIONS ISSUED IN FFY 2020 WITH NOTEWORTHY PENALTIES INCLUDE:

\$145,000.00 to a construction employer for two (2) serious willful violations for the lack of fall protection and the lack of fall protection training, as well as two (2) other-than-serious violations for the failure to report an employee fatality.

\$120,250.00 to a construction employer for three (3) repeat violations for failure to ensure employees were protected by protective helmets, failure to protect employees from excavated, materials, or equipment that could fall or roll into an excavation, failure to protect employees from excavation cave-in by an adequate protective system, and one (1) serious violation for failure to provide employees exposed to vehicular traffic with high-visibility material.

\$88,900.00 to a construction employer for one (1) willful violation for failure to provide copies of OSHA 300 and OSHA 300A logs and three (3) serious violations for the failure to ensure steel erection employees were not working under a suspended load, failing to ensure a crane shift inspection was performed, and failing to ensure a crane monthly inspection was performed.

\$77,000.00 to a construction employer for one (1) serious willful violation for the lack of fall protection on low-slope roofs, one (1) serious violation for improper portable ladder use, and one (1) other-than-serious violation for the failure to provide certification of fall protection training.

\$70,000 to a general industry employer for two (2) repeat serious violations for the failure to utilize lockout/tagout procedures and failure to provide adequate machine guarding.

\$70,000 to a general industry employer for eleven (11) serious violations and two (2) other-than-serious violations related to permit-required confined spaces, lack of fall protection on a walking-working surface with an unprotected side or edge four (4) feet or more above a lower level, and failure to maintain injury and illness records.

\$61,600.00 to a construction employer for eleven (11) serious violations for the failure to fully plank or deck the platform of scaffold, the lack of base plates and mudsills on a scaffold, failure to provide a means of access for scaffolds, failure to ensure scaffold

was inspected by a competent person, failure to ensure a scaffold was erected, moved, dismantled or altered under supervision of a competent person, failure to install guardrails on a scaffold, lack of a toeboard along the edge of scaffold platforms, missing cross braces on a scaffold, failure to ensure a scaffold was joined by coupling or stacking pins, and failure to properly train employees on scaffold hazards.

\$56,400.00 to a construction employer for one (1) repeat serious violation for the failure to ensure employees used adequate fall protection and one (1) repeat other-than-serious violation for the failure to certify fall protection training.

\$48,800.00 to a construction employer for four (4) repeat serious violations for lack of head protection, lack of fall protection, and failure to provide fall protection training, as well as four (4) serious violations for lack of eye and face protection, the lack of a table saw guard, the lack of fall protection for employees working in an aerial lift, and improper use of a portable ladder.

All of the aforementioned penalties were assessed using \$70,000 as the maximum penalty for a willful violation, \$70,000 as the maximum for a repeat serious violation, and \$7,000 as the maximum for a serious violation.

TEN (10) MOST CITED STANDARDS

Fall protection violations were Kentucky's most cited standard in FY 2020; specifically, 29 CFR 1926.501, Duty to have fall protection, with recommended penalties over \$500,000.\* The nine (9) other most cited standards were:

- 29 CFR 1926.503, Fall Protection, Training Requirements;
- 29 CFR 1910.147, Control of Hazardous Energy (Lockout/Tagout);
- 803 Kentucky Administrative Regulation 2:310, Medical Services and First Aid;
- 29 CFR 1910.1200, Hazard Communication;
- 29 CFR 1910.178, Powered Industrial Trucks;
- 29 CFR 1910.212, Machinery and Machine Guarding, General Requirements for All Machines;
- 9 CFR 1910.132, Personal Protective Equipment, General Requirements; and
- 803 KAR 2:180, Recordkeeping, Reporting, Statistics.

\*Based on \$70,000 as the maximum penalty for a willful violation, \$70,000 as the maximum penalty for a repeat serious violation, and \$7,000 as the maximum penalty for a serious as well as other-than-serious violation.

OUTREACH

WORKPLACE SAFETY SAVINGS

In FFY 2020, the Division of OSH Education and Training identified 2,009 serious hazards that exposed 60,292 employees and saved employers over \$14,000,000 in potential penalties. KYSAFE also identified 796 other-than-serious hazards that exposed 39,443 employees and saved employers \$1,592,000 in potential penalties.

The aforementioned penalties were calculated using \$7,000 as the maximum for a serious and other-than-serious violation.

HEAT STRESS CAMPAIGN

Since 2011, the Division of OSH Education and Training has participated in the heat awareness campaign and conducted concentrated state-wide efforts to educate the working public concerning the hazards of working in the summer heat. The efforts targeted construction as well as general industry.



Kentucky continued the outreach in FFY 2020. Due to SARS-CoV-2, outreach was conducted through distance learning. The Labor Cabinet's eLearning website hosts the interactive Heat Stress Awareness for Construction and General Industry module as well as the Occupational Heat Exposure and Occupational Heat Exposure-Masks webinars. The module and webinars were viewed over 1,000 times in FFY 2020.

KYSAFE MOBILE APP

The mobile app is a resource from KYSAFE and can be downloaded from the Google Play Store and Apple App Store. Users can view a calendar of free KYSAFE training events, see a directory of KYSAFE managers, connect to the KYSAFE website, and link to Tool Box Talks. The app also features a messaging function to report a hazard(s) or violation(s) with a photograph that provides the OSH Program with a drop pin location.

FATALITY TASK FORCE

In response to an alarming increase of fatalities in FFY 2019, the Labor Cabinet created a Fatality Prevention Task Force with leading industries and associations to create collaboration, build partnerships, and leverage resources. The Task Force is a result of the Labor Cabinet's effort to prevent fatalities and build partnerships in industries, associations, and communities. The task force met to discuss fatality rates, solutions, and opportunities. The work of the task force has been well received and made a positive impact.

eLEARNING PROGRAM

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 and charged the OSH Program with achieving the goal. The Kentucky OSH Program applied for, and received, a one (1) time federal award in FFY 2011 to purchase web conferencing software, a video editing computer, and video equipment. After much planning and preparation, the Cabinet launched an online workplace safety and health training website, [www.kysafe.ky.gov](http://www.kysafe.ky.gov), the same year. Employers and employees have cost-free, 24/7 access to a variety of OSH webinars and training courses. The eLearning program has grown by leaps and bounds since its launch. To date, more than 200,000 participants have utilized the website.

KYSAFE added eight (8) cost-free interactive training products to the [www.kysafe.ky.gov](http://www.kysafe.ky.gov) library, Aerial Lift & Scissor Lift Safety, Protecting Workers from COVID-19, Voluntary Use of Respirators, Portable Fire Extinguisher Safety, Step Bolts and Manhole Steps, Laboratory Safety, Occupational Heat Exposure-Masks, and Recordkeeping 2020 Update.

Kentucky is particularly proud of the fact that [www.kysafe.ky.gov](http://www.kysafe.ky.gov) was created, designed, and developed solely by Labor Cabinet staff. In addition to performing their full plate of regular duties, Division of OSH Education and Training consultants compose all course content and a division training development specialist assists with presentation and production details.





### ANNUAL GOVERNOR'S SAFETY AND HEALTH CONFERENCE AND EXPOSITION

The 36th Annual Governor's Safety and Health Conference and Exposition, scheduled for May 4-7, 2020, in Louisville at the Galt House, was cancelled due to SARS-CoV-2. The event, co-sponsored by the Labor Cabinet and the Kentucky Safety and Health Network, Inc., is the largest safety and health exposition in the Commonwealth. The Labor Cabinet and the Network looks forward to the return of the Governor's Safety and Health Conference and Exposition in 2021! Despite the cancellation, Scholastic Achievement for Education Awards, or "SAFE" awards, totaling \$15,000 were presented to eight (8) university students matriculating in the areas of occupational safety and health, industrial hygiene, or a closely related field.



### VOLUNTARY PROTECTION PARTNERSHIP (VPP)

Kentucky's VPP Program recognizes employers who have reached a level of excellence in their safety and health programs and removes them from programmed inspection lists. Detailed reviews of records and written programs, as well as intensive on-site surveys of worksite operations, assure that only companies with a strong commitment to workplace safety and health, institutionalized safety and health management systems in place, and proven success maintaining a safe and healthful workplace, qualify for Kentucky's highest achievement recognition.

#### The fifteen (15) Kentucky VPP sites are:

- ABB, Louisville;
- Cintas, Grayson;
- Dow Corning Corporation, Carrollton;
- General Electric Aircraft Engines, Madisonville;
- General Electric Aviation Infrastructure, Erlanger;
- International Paper Corporation, Bowling Green;
- Kimberly-Clark, Owensboro;
- L'Oreal (USA) Florence Manufacturing, Florence;
- Marathon Big Sandy Asphalt Terminal, Catlettsburg;
- Marathon Pipeline LLC, Owensboro Station;
- Marathon Refinery, Catlettsburg;
- Nucor Steel Gallatin, Ghent;
- Raytheon Corporation, Louisville;
- Southwire, Hawesville; and
- WestRock, Nicholasville.

VPP continues to be successful and sets the standard for program and participant quality. The Partnership Branch is working diligently with several facilities in their quest to become VPP certified while maintaining fifteen (15) very strong, successful sites, the highest number of active sites in the history of the program.

One (1) facility joined the VPP family in FFY 2020, Marathon Pipeline LLC, Owensboro Station. Five (5) other new VPP sites were well into the certification process during FFY 2020 when the pandemic halted all onsite activity for a significant amount of time. Nonetheless, the Partnership Branch maintained close contact with the sites during this period and all of the sites are on schedule to become VPP certified before the end of 2020.

The Partnership Branch is also actively working with other sites pursuing VPP that include a pharmaceutical production facility and a uniform distribution center.

### SAFETY AND HEALTH ACHIEVEMENT RECOGNITION PROGRAM (SHARP)

SHARP started and ended FFY 2020 with fifteen (15) active sites. The pandemic halted all SHARP activity for a significant portion of FFY 2020. However, SHARP activity resumed and all partnership recertification's, except one (1), were completed in FFY 2020 or scheduled for FFY 2021.

### CONSTRUCTION PARTNERSHIP PROGRAM (CPP)

KYSAFE continues to focus on the construction industry with CPP. There were eighteen (18) active CPP sites in FFY 2020 with a total project cost of over \$3 billion. There were twenty-nine (29) site audits with CPP sites in FFY 2020 affecting 2,392 employees. The most significant new CPP project in FFY 2020 was the new \$1.7 billion plate mill at Nucor Steel Brandenburg. Other significant CPP projects that began in FFY 2020 were the:

- \$44.4 million 3rd floor renovation of the chemistry/physics building at the University of Kentucky; and
- \$200 million Churchill Downs Turn 1 project with Calhoun Construction.



# MAINE

Occupational Safety and Health | MEOSH

On August 5, 2015, Maine received initial approval as a State and Local Government only State Plan. Fiscal year (FY) 2020 was the state’s fifth full year in the program. MEOSH has implemented all items identified in our developmental plan and is pursuing certification with the OSHA National Office.

**Note:** Due to COVID-19, MEOSH shut down most activities in mid-March, this included all on-site consultation and trainings, SafetyWorks! Training Institute classes and enforcement programmed inspections. Complaints and/or investigations were handled remotely when feasible.

## SIGNATURE PROJECTS

Maine provides technical assistance through our SafetyWorks! on-site consultation and training program. In addition, the **SafetyWorks!** Training Institute (STI) is a state of the art training center that has a seating capacity of up to 48 students with an adjacent hands-on lab area that includes props for fall protection, video display terminal (VDT), confined space, fire extinguisher, electrical board, forklift, work zone, respiratory protection, vehicle lift, scaffolding, rigging, vehicle ergonomics and machine guarding training. All classes are conducted by SafetyWorks! staff or other industry experts. STI trained 919 attendees this year, of which 269 participants were from state and local government. The program also distributed 5,000 **SafetyWorks!** Training Institute calendars. In addition, the facility is an OSHA Region 1 Training Institute Education Center satellite training site. SafetyWorks! classes can be viewed at [https://www.maine.gov/tools/whatsnew/index.php?topic=Safetyworks\\_Classes&v=ListAll](https://www.maine.gov/tools/whatsnew/index.php?topic=Safetyworks_Classes&v=ListAll).



**SafetyWorks!** Training Institute numbers are down from last year due to COVID-19 restrictions. STI shutdown mid-March and did not reopen until late June. When STI reopened, it was with COVID-19 protocols that included use of face coverings and social distancing. Class size was reduced from 48 to 18 to allow for separation of students. During the shutdown, STI cancelled 36 safety and health classes and two classes from the OSHA Region 1 Training Institute Education Center. The adjacent hands-on lab area continues to be shut down.

**The SafetyWorks!** Training Institute was the recipient of OSHA 21d one-time funds in FY 2020. These funds assisted the division with upgrading all audio-visual equipment within STI and adding ceiling mounted microphones. This will allow for the opportunity to offer some blended classes (in person and remote attendance) in FY 2021.

## EMPHASIS PROGRAMS

**SafetyWorks!** (consultation) conducted a total of 136 state and local government public sector visits. Of those, 41 were safety, 24 were health and 71 were both safety and health. These numbers are down from last year due to COVID-19 restrictions and all on-site consultation and trainings being shut down after mid-March.

## ENFORCEMENT

MEOSH enforcement conducted only 31 inspections in FY 2020 (19 safety inspections and 12 health inspections). MEOSH ceased all programmed inspections after mid-March. MEOSH fielded many COVID-19 calls (primarily private sector) but received few state and local government complaints. This can probably be attributed to most of state government employees being transitioned to remote work and many local government offices were either closed or had restricted staff and hours.

Governor Mills, through executive order, mandated the use of face coverings when in public places. No temporary emergency standards were enacted. However, MEOSH did develop a COVID-19 compliance directive which identified employer requirements and best practices.

[https://www.maine.gov/labor/Templates/safety\\_resources.shtml?id=3154859#Directive%2025-20%20Response%20to%20COVID-19](https://www.maine.gov/labor/Templates/safety_resources.shtml?id=3154859#Directive%2025-20%20Response%20to%20COVID-19)

## OUTREACH

The project staffed an informational booth at numerous conferences including Maine Municipal Association, Maine School Management, Maine Indoor Air Quality and the National Safety Council of Northern New England Annual Safety & Health Conference. However, many conferences were cancelled due to COVID-19. Other conferences were conducted virtual only.

## PARTNERSHIPS

MEOSH has a voluntary protection program called SHAPE. The Safety and Health Award for Public Employers (SHAPE) is similar to the private sector SHARP program. However, SHAPE is only for the public sector and SHAPE can involve a whole city/town or just an individual department. At the end of FY 2020, Maine had 85 SHAPE sites. MEOSH is especially proud of joint efforts with the Maine Department of Transportation (MDOT), which is the only state agency in the SHAPE program. MDOT has a total of four regions out of six in SHAPE, with a goal of full department acceptance into the program. Another informal partnership is providing joint training with the Maine Fire Service Institute (MFSI) and the Office of the Maine State Fire Marshal. MEOSH currently has no formal partnerships but plans on establishing a formal partnership with MFSI during FY 2021. This was also a FY 2020 goal, but COVID-19 restrictions hampered achieving formal partnerships in 2020.

# MARYLAND

Occupational Safety and Health | MOSH

## COVID-19 RESPONSE

During Fiscal Year 2020, Maryland Occupational Safety and Health (MOSH) faced an unprecedented pandemic from the SARS-CoV-2 virus beginning in early March 2020. The state of Maryland took proactive measures immediately to respond to COVID-19 following the Governor’s Executive Orders. These orders leveraged the local county health departments to enforce the Governor’s Executive Orders, while MOSH responded enforcing all applicable safety and health standards to ensure employees were protected. MOSH received historic levels of inquiries, complaints, and general questions related to COVID-19. While responding to this pandemic, MOSH staff rapidly established new protocols and procedures, utilized new forms of technology, and applied strong teamwork to protect workers in Maryland.

## ENFORCEMENT

**Scissor Lift Fatality** – In March 2020, one employee and a contractor working from a scissor lift at an automobile storage facility in Baltimore, MD, were verifying serial numbers on new WiFi data access ports when their lift tipped over. The employee and contractor were in the process of extending the lift to approximately 16-feet above the asphalt at the time of the incident. The employee operating the lift died from their injuries and the contractor was hospitalized. MOSH found the lift was supplied by the employer in an overall condition contrary to what the manufacturer required for safe use. The employer did not obtain the owner’s manual for this lift which required the use of foam-filled tires and set a maximum load capacity. The lift was instead equipped with 2-ply air filled tubeless trailer tires and was overloaded; both causal factors that lead to overall instability of this lift. Additionally, MOSH found the stabilizer bar was not fully extended and pinned, the top rail and mid rail were below required heights, and the employee had not received training on the safe operations of the lift. Citations were recommended for each of these deficiencies. (Insert Image 3 & 4)



**Anhydrous Ammonia & Process Safety Management** – In March 2020, MOSH inspected a facility that manufactures and distributes food products to the greater Baltimore Metropolitan Area. The facility utilizes a refrigeration process with over 14,000 pounds of anhydrous ammonia, a known highly hazardous chemical (HHC), above the threshold quantity of 10,000 pounds allowing the Process Safety Management (PSM) of Highly Hazardous Chemical standard to apply. This inspection found the employer did develop a regional safety and health management team that audits each site on a prescribed schedule; however, there was no employee at each site formally trained in safety and health to ensure regionally developed programs were adequately implemented. Through exhaustive program review, this common discrepancy was continually found: site operations did not match regionally developed programs allowing for significant gaps in safety. MOSH issued citations for violations found in PSM, Fall Protection, Personal Protective Equipment, Electrical, Fire Extinguisher, Access/Egress, Abrasive Grinding, and Machine Guarding. MOSH was able to successfully settle this case, achieve enhanced abatement, and close the matter to ensure employees are protected from all hazards.

## OUTREACH

In March 2020, all in-person educational seminars were cancelled and employers were encouraged to request virtual speakers for their safety meetings and events. Several virtual speaking engagements were performed for topics such as Excavation Safety, Tree Care Safety, and Youth Safety. The latest COVID-19 updates from OSHA were continually updated on the MOSH webpage and periodic MOSH safety newsletters were sent to over 15,000 subscribers.

The MOSH Industrial Hygiene staff produced vital educational resources for employees, employers, and the public on key COVID-19 topics. Two especially useful tools were the MOSH Fact Sheets: “COVID-19 Facemasks vs. Respirators: Understanding the Difference” & “Employer Guide to Voluntary vs. Required Respirator Use.” These fact sheets provided an efficient explanation to commonly asked questions regarding different types of facial coverings and respirator usage.

This fact sheet can be found at: <http://labor.maryland.gov/labor/mosh/moshfacemask.pdf>



# MICHIGAN

Occupational Safety and Health Administration | MIOSHA

## INSPECTIONS

MIOSHA conducted a total of 3,221 safety and health inspections in fiscal year (FY) 2020. MIOSHA responded to 90 percent of onsite complaints within eight days.

## OUTREACH

MIOSHA conducted 2,247 consultations, 161 training sessions, 312 onsite surveys, 412 safety and health evaluations and trained 1,056 participants.

## SIGNATURE PROJECTS

### COVID-19 RESPONSE

During FY 2020, significant agency resources were expended to mitigate the spread of COVID-19.

MIOSHA typically receives about 220 complaints per month. MIOSHA received 210 complaints in January 2020 and 222 complaints in February 2020. From March 2020 through September 2020, MIOSHA received 7,084 complaints which is an average of 1,012 complaints per month. This is a 460% increase in complaint volume.

On May 15, 2020, MIOSHA activated a COVID-19 hotline, 855 SAFE-C19, for employees and employers to call to get answers and guidance on COVID-19 precautions and compliance issues. The hotline is staffed by MIOSHA administrative support personnel who are equipped with Frequently Asked Questions. If the administrative support personnel are unable to satisfy the caller, the call is transferred to one of MIOSHA's field staff to provide more in-depth assistance. In FY 2020, the hotline addressed 3,893 calls with an average wait time of less than 15 seconds and an average call handling time of less than five minutes.

MIOSHA launched a COVID-19 safety grant program in FY 2020. MIOSHA utilized over \$6 million of federal CARES Act funding to provide up to \$10,000 in matching grants to small employers to purchase equipment and materials to protect their employees from COVID-19. There were over 2,200 applicants and grants were awarded to over 1,200 different small employers. Including the employer match, over \$11 million was invested in protecting employees from COVID-19.

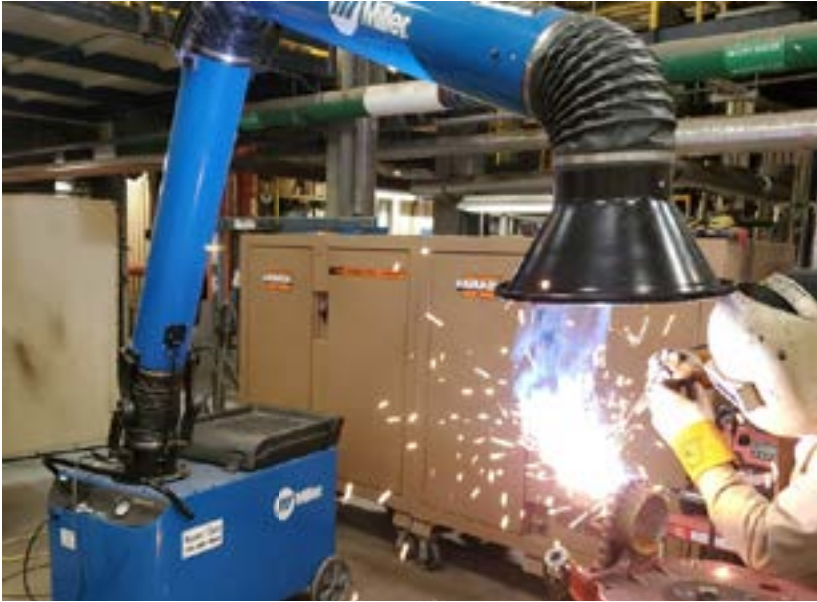


In September 2020, MIOSHA launched the COVID-19 Ambassador Program via their Consultation Education and Training (CET) Division to support Michigan businesses reopening amidst the ongoing COVID-19 pandemic. The Ambassador Program offered one-on-one guidance to help businesses understand the workplace COVID requirements. MIOSHA consultants (Ambassadors) made unannounced promotional visits to businesses statewide, with a focus on workplaces with a higher risk of community transmission. That

included bars, restaurants, retail stores, gas stations, convenience stores, bowling alleys and gyms. In addition, CET developed and provided an educational toolkit to businesses. The toolkit included a sample COVID-19 preparedness and response plan, a re-opening checklist, posters and industry specific guidelines and factsheets. MIOSHA soon realized that the Ambassador program needed to be expanded. In October 2020, we brought on NSF International to provide additional ambassadors. Businesses that participated in the Ambassador Program received official signage from MIOSHA to recognize their COVID-19 workplace safety commitment. Over 2,000 businesses across Michigan have participated in the COVID-19 Workplace Safety Ambassador Program since September 2020.

### MIWISH GRANTS

MIOSHA offers small employers the opportunity to apply for a Workplace Improvement to Safety and Health (MIWISH) matching grant of up to \$5,000 to make improvements in their workplace safety and health. The grants are offered to employers to purchase safety and health related equipment and equipment-related training. To date for FY 2021, MIOSHA has awarded 10 grants totaling \$43,027.76. Employers will match these funds making a total investment of approximately \$86,055.52 towards improving their employees' health and safety.



Below are a few approved projects and examples on how the grant funds are being utilized:

- Ventra Grand Rapids 29 (Grand Rapids, MI) is approved to purchase tilt tables.
- Michigan Spring and Stamping (Muskegon, MI) has been approved to purchase spring assisted pallet tables.
- Manthei Veneer (Petoskey, MI) plans to purchase fall arrest systems.
- Boone & Darr, Inc. (Ann Arbor, MI) purchased a fume capture device to mitigate exposure to welding fumes.
- Van Buren County Road Commission (Lawrence, MI) purchased chainsaw pants to be worn during tree crew activities.



SIGNIFICANT CASES

On March 20, 2020, the General Industry Safety and Health Division (GISHD) issued citations with penalties totaling \$207,000 to Roskam Baking dba Rothbury Farms, a food product manufacturer. The penalty is a result of two inspections. The first inspection was based on an employer-reported referral of an inpatient hospitalization. The second inspection was conducted because another serious injury was discovered on the Injury and Illness Log during the initial inspection. As a result of the two inspections, ten serious and two willful-serious citations were issued. The citations covered multiple conveyor issues, unguarded pinch points, machine lockout and training.

On August 21, 2020, GISHD issued 16 citations with penalties totaling \$108,200 to Sodecia Automotive Detroit Corporation. The company performs stamping and welding of automotive components. The citations covered walking-working surfaces, conveyor guarding, inspection records and guarding of welding equipment, guarding of metalworking machinery, control of hazardous energy sources, guarding of abrasive wheels, inspections of chain slings, and permits for aerial work platforms.

ALLIANCES

Alliances are a formal agreement between MIOSHA and an organization committed to workplace safety and health. An alliance provides the opportunity for MIOSHA to partner with organizations to reach out, educate, and to encourage improvements in workplace safety and health.

The FY 2020 active MIOSHA alliances and highlighted activities are:

- American Subcontractors Association-Michigan – CET consultants completed virtual visits at two members’ construction worksites.
- American Society of Safety Professionals (ASSP) (Greater Detroit, Mid-Michigan, and West Michigan) – Mid-Michigan Chapter hosted a Coffee with MIOSHA virtual program. MIOSHA Director Barton Pickelman was keynote speaker.
- Central Michigan Manufacturers Association (CMMA) Safety Special Interest Group (SIG) – Consultant worked with the association to help refine their member COVID-19 workplace exposure program.
- Great Lakes Safety Training Center – Consultant worked with the center to develop their COVID-19 Preparedness Plan for reopening.
- Macomb Community College – Consultants created and provided online training during COVID-19 related shutdowns.
- Michigan Assisted Living Association – Consultant provided virtual training session (Slips, Trips and Falls: It Isn’t Just a Concern for Persons Served). The pre-recorded training was made available to the association membership.
- Michigan Green Industry Association (MGIA) – MIOSHA Consultants participated in an MGIA Spring Trade Show.
- Construction Association of Michigan (CAM) – Consultant provided and executed the first webcast MTI seminar Understanding & Improving Your Safety Culture Amidst the COVID-19 Pandemic.

OUTREACH

COFFEE WITH MIOSHA

MIOSHA scheduled five “Coffee with MIOSHA” events around the state to invite businesses and employees to have a cup of coffee and meet MIOSHA staff to learn about training opportunities and other resources MIOSHA has to offer. On October 16, 2019, Olivier/VanDyk Insurance Company hosted the first event of the FY in Wyoming, Michigan, and had 82 attendees. On December 18, 2019, the Michigan Safety Conference hosted our second event of the FY in Lansing, Michigan, and had 80 attendees. In February 2020, Lawrence Tech University hosted the third event of the FY in Southfield, Michigan, and had 50+ attendees. In May 2020, Mid-Michigan Chapter of the American Society of Safety Professionals (ASSP) hosted the fourth event – the first virtual “Coffee with MIOSHA” event – and had 50+ attendees. The fifth event scheduled for June 2020 is being rescheduled to FY 2021 due to COVID-19.



STAND DOWN EVENT

The 7th annual National Safety Stand Down to Prevent Falls in Construction is normally scheduled the first week of May in honor of Workers Memorial Day. Due to the pandemic, the week-long event was postponed until September 14-18, 2020. Ordinarily, MIOSHA would have representatives speak at several active construction worksites across the state to meet with management representatives, employee representatives and employees to emphasize the importance of fall protection in the workplace. Because of restrictions surrounding the pandemic, MIOSHA opted to provide a free webinar about fall protection for Michigan workers and any other interested parties. A panel of representatives from the following construction groups actively participated during the webinar:

- Associated Builders and Contractors of Michigan (ABC)
- Associated General Contractors of Michigan (AGC)
- Construction Association of Michigan (CAM)
- Home Builders Association of Michigan (HBA)
- Michigan Infrastructure and Transportation Association (MITA)
- Michigan Occupational Safety and Health Administration (MIOSHA)

The panel presented topics and situations that employers and employees routinely experience and must decide how to perform safely. The applicable regulations and ways to operate within the standards were offered and explained. Enforcement trends of non-compliance were discussed, and solutions were offered. The panel answered several questions posed from the virtual audience delivered by chat function capabilities which allowed all participants to engage in the discussion. The overall emphasis was

aligned to ensure that all attendees remembered the following concepts related to fall protection hazards:

- Plan to get the job done safely.
- Provide the right equipment.
- Train everyone to use the equipment safely.

The planning concept was emphasized due to precautionary measures required during the pandemic. This concept can also be applied to fall protection when a job hazard analysis (JHA) is conducted. A JHA addresses the issues faced by workers before they become a problem. Opportunities for improving fall protection conditions for workers can be found in nearly every industry and place of business. The webinar format was a good outlet for people across the internet to be able to attend this event from wherever internet was available.

# MINNESOTA

Occupational Safety and Health Administration | MNOSHA

## SIGNATURE PROJECTS

### MINNESOTA OSHA ASSISTS IN SHUTDOWN OF LEAD-CONTAMINATED FACILITY

On October 28, 2019, the Minnesota Department of Labor and Industry (DLI) and the Minnesota Department of Health (MDH) shut down a fishing tackle and battery component maker, Water Gremlin Company, after the children of its employees were found to have dangerous levels of lead in their blood. An inspection by Minnesota OSHA (MNOSHA) Compliance found there were insufficient measures in place to prevent lead dust from making its way into the homes of company employees and into the bloodstreams of their families.

The DLI commissioner issued a temporary order shutting down production at the facility for 72 hours. DLI and MDH filed a petition in Ramsey County District Court, where a judge affirmed the state's authority and actions to address the public health threat of lead poisoning and to protect children. The judge provided clear and detailed orders regarding steps Water Gremlin Company must put into place in the short term and the need for the employer to implement a permanent solution to better protect the health and safety of its workers and their families.

The order required permanent solutions to be implemented within the next year, including new changing areas and shower facilities, to ensure workers are free of lead when they leave the facility. In the short-term, the judge ordered Water Gremlin Company to clean up lead contamination in the facility and employees' vehicles. The judge also ordered MDH to reach out to current and former employees and offer to have the employer pay for testing and remediation conducted in employees' homes, if requested by the employee.

Both agencies remained active to ensure the court order is followed. It is anticipated this will be completed sometime in 2021.

### MNOSHA ADAPTS AND RESPONDS DURING PANDEMIC

As was true for every organization, many changes occurred for MNOSHA Compliance from March through September. Like many other businesses and organizations, MNOSHA began practicing social distancing by having staff members work remotely when possible at the end of March. All field staff members were working from home on a laptop and using a state cell phone. However, that did not mean MNOSHA was sitting on the sidelines. MNOSHA created a specific plan for its field staff and added it to the Field Safety and Health Manual as it continued to do field inspections.

By the end of March, MNOSHA started to see a significant increase in email messages and phone calls. This required MNOSHA to dedicate many additional staff members responding to these inquiries. Overall, there was a 148% increase in inquiries and more than 500 additional complaints were received by MNOSHA.

In April, MNOSHA worked with its partners, the Minnesota Department of Health (MDH) and the Minnesota Department of Agriculture (MDA), to develop and provide guidance for the meatpacking industry. This was designed to help workers stay safe and keep plants open. The meatpacking industry guidance was developed to ensure the meatpacking sector complies with MDH and Centers for Disease Control and Prevention (CDC) guidelines and MNOSHA standards related to COVID-19. The guidance addresses: employee and visitor screening; cleaning and disinfecting; distancing and production, work-shift schedules and work-break schedules; personal protective equipment (PPE) and facial coverings; personnel hygiene and adequate handwashing facilities; communications and training for managers and workers; the COVID-19 Preparedness Plan; working remotely; and employment and human resources items. Letters were sent to meatpacking facilities in Minnesota informing them of the guidelines.

MNOSHA Compliance, with the assistance of MDH, MDA and the Minnesota Department of Employment and Economic Development (DEED), created a COVID-19 Preparedness Plan template and instructions for employers to use in developing their own preparedness plan. This template can be used by all industries to aid in reducing the spread of COVID-19. These documents, along with additional related information, are available in several languages at [www.dli.mn.gov/updates](http://www.dli.mn.gov/updates).

MNOSHA also developed many documents for the DLI and DEED websites. All of the documents were translated into at least four different languages, including English, Hmong, Somali and Spanish.

MNOSHA Compliance conducted 110 outreach events throughout the year, which included participation in a variety of virtual events. Three webinars were hosted with MDH, long-term healthcare employers and their employees. Another webinar was held with Somali workers in Greater Minnesota by MNOSHA Compliance staff members who explained the inspection process, the complaint-handling process, CDC guidelines and worker rights, and answered questions from the audience. The goals of the webinar were that employees understood their rights, knew how to file an anonymous complaint with MNOSHA Compliance and had someone who could explain these items to them in Somali. MNOSHA Compliance also hosted several webinars with Latino workers in Minnesota. Again, staff members explained the inspection process, complaint-handling process, CDC guidelines and worker rights, and answered audience questions in Spanish. A staff member was also interviewed by the Spanish Univision Minnesota Café Libre program. In addition, one staff member conducted a presentation on Hmong radio. MNOSHA has participated using many



MNOSHA Compliance, with the assistance of other state agencies, created a COVID-19 Preparedness Plan template for employers to use to help reduce the spread of COVID-19. The template, along with additional related information, is available in several languages at [www.dli.mn.gov/updates](http://www.dli.mn.gov/updates)

mediums, such as online meeting platforms, television, Facebook Live and other sources.

A peacetime emergency was declared in Minnesota on March 13, 2020. This resulted in the activation of the State Emergency Operations Center (SEOC). A MNOSHA Compliance supervisor represented DLI at SEOC from March 13, 2020, through the end of the fiscal year. DLI also assisted in staffing a state hotline through SEOC where it scheduled two employees a day, seven days a week, for several weeks. MNOSHA personnel also helped support the safety officer at SEOC for many weeks, assisting with temperature checks and educating and encouraging proper adherence to established COVID-19 safety protocols.

MNOSHA and the entire Department of Labor and Industry continue to participate in the state's emergency response to COVID-19.

EMPHASIS PROGRAMS

In federal fiscal year 2020, MNOSHA Compliance conducted inspections under 16 local and national emphasis programs. Ninety-one percent of the 889 programmed inspections MNOSHA Compliance conducted were in these emphasis programs. Sixty-two percent of inspections conducted in these emphasis programs resulted in citations issued.

MNOSHA Compliance has chosen to take a joint safety and health approach when conducting emphasis inspections for certain industries, including meatpacking, healthcare, foundry, process safety management and grain facilities. To ensure MNOSHA Compliance provides consistent and effective enforcement under these emphasis programs, specialty groups were created that include both safety and health investigators and staff members were provided training specific to the industry.

Despite the challenges of the pandemic, MNOSHA Compliance conducted 10 programmed planned inspections in the meat processing and healthcare industries, and a total of 26 inspections, mainly unprogrammed activity, due to COVID-19 concerns.

**ENFORCEMENT**

**ELECTRICAL CONTRACTORS AND OTHER WIRING INSTALLATION CONTRACTORS**

A journeyman electrician was electrocuted while changing out ballasts. MNOSHA Compliance cited the employer for not training employees about the recognition and avoidance of hazards, not having legible markings at the electrical disconnect, allowing employees to work on energized circuits without de-energizing or insulating the circuit, and not locking out the electrical circuit per Minnesota Rules. MNOSHA Compliance issued three serious citations and one nonserious citation, with \$100,000 in penalties.

**RESEARCH AND DEVELOPMENT FACILITY**

A chemistry and materials engineer received burns to his head, face, neck and arms when a gas buildup inside a plastic extrusion machine led to an explosion. The employer was cited for not requiring the use of personal protective equipment (PPE) for the arms, neck, hands and face, and for not guarding the extruder to prevent employees from being sprayed with hot polymeric material. MNOSHA Compliance issued four serious citations, with \$28,000 in penalties.

**FOOD PRODUCT MACHINERY MANUFACTURER**

A field installation employee received chemical burns while welding on a caustic pipeline. The employer was cited for not requiring the use of PPE for the body, hands, face and eyes, not developing and utilizing lockout/tagout (LOTO) procedures, not conducting periodic inspections of LOTO procedures, not ensuring the on-site and outside employer informed each other of their

LOTO procedures, not reporting an inpatient hospitalization to OSHA within 24 hours and not providing annual right-to-know training per Minnesota Rules. MNOSHA Compliance issued six serious citations and two nonserious citations, with \$23,600 in penalties.

**MACHINE SHOP**

An employee’s finger was amputated when it got caught in a hydraulic press. The employer was cited for not adequately guarding the press. MNOSHA Compliance issued one repeat citation that caused or contributed to the serious injury, with a \$60,000 penalty.

**OUTREACH**

**PRESENTATIONS**

In federal fiscal year 2020, MNOSHA Compliance conducted 110 presentations to 9,906 participants. This was a 207% increase from last year’s participation. Most of the outreach presentations dealt with COVID-19. A lot of the discussion was about preparedness plans and protecting workers from COVID-19. MNOSHA continues to strive to improve communication with immigrant and “hard-to-reach” employers and employees. MNOSHA employs one investigator who is fluent in both English and Spanish, and one investigator who is fluent in English and Somali. MNOSHA gave presentations in both Spanish and Somali this year. In addition, MNOSHA provides written materials to immigrant and other hard-to-reach employers in coordination with DLI’s community services representative.

**CONSTRUCTION SEMINARS**

MNOSHA Compliance conducted three Construction Seminars in federal fiscal year 2020, reaching 94 participants. The Construction Seminar series was developed to help members of the construction industry who are responsible for worksite safety to stay current with MNOSHA Compliance standards. The Construction Seminar series provides a forum for members of the construction trades and their employers to discuss issues and experiences with the speaker, their peers and MNOSHA Compliance investigators. Topics included: A Workplace Accident and Injury Reduction (AWAIR) program and other safety programs, advanced safety and health opportunities, and cranes in construction. Due to the pandemic, two of the seminars were canceled this year. The most recent seminar was conducted virtually.

**NEWSLETTER**

MNOSHA continues to publish its quarterly newsletter Safety Lines. Topics included: grain bin hazards, safety grants, MNOSHA Workplace Safety Consultation outreach, recordkeeping, partnerships, rulemaking updates, carbon monoxide threats during winter months, COVID-19, health for young workers and other information.

**PARTNERSHIPS**

**MINNESOTA STAR (MNSTAR) PROGRAM**

Federal fiscal year 2020 ended with 35 active full MNSTAR Program worksites; two are construction participants and the remainder are general industry participants. One site was granted full MNSTAR Program status, seven companies successfully achieved full recertification as MNSTAR Program worksites and one worksite withdrew from the program.

General industry participants in the MNSTAR Program have a three-year (2017 through 2019) average rate that is 63% below the current U.S. Bureau of Labor Statistics rate for total recordable cases and 63% below the current rate for “days away restricted transfer.” The MNSTAR Program construction participants, both of which are resident contractors at a MNSTAR Program participant’s site, are 100% below the current U.S. Bureau of Labor Statistics rate for total recordable cases and 100% below the current rate for “days away restricted transfer.”



Minnesota OSHA had 35 active full MNSTAR Program worksites at the end of FY 2020; two are construction participants and the remainder are general-industry participants.

**PARTNERSHIPS WITH CONSTRUCTION CONTRACTORS**

MNOSHA Compliance currently has construction safety and health partnerships with the Minnesota Chapter of Associated Builders and Contractors (MN ABC) and the Associated General Contractors



(AGC) of Minnesota. These partnerships are designed to help participating employers reduce the number of injuries, illnesses and fatalities at construction worksites. In both programs, the partnership is managed by the association and has three levels. Level 1 requires the employer to maintain the minimum requirements of a safety and health program. Level 2 requires a more comprehensive safety and health program. Level 3 is MNOSHA’s Cooperative Compliance Partnership (CCP) program, whereby MNOSHA Compliance will provide compliance assistance for a specific project. To qualify, contractors must be at Level 2 for a minimum of one year and can then apply for participation in the CCP program for construction projects expected to last at least six months, but fewer than 18 months.

In federal fiscal year 2020, MNOSHA partnered with 19 AGC or MN ABC contractors at 16 Level 3 construction sites. The MNOSHA Compliance partnership director also continues to have quarterly meetings with Level 3 contractors, focused on accident reduction. At these meetings, contractors share best practices with each other.

# NEVADA

Occupational Safety and Health Administration | Nevada OSHA

## NEVADA OSHA'S COVID RESPONSE

The Nevada OSHA state plan was identified by Nevada's Governor, Steve Sisolak, as a lead agency in the state's COVID-19 mitigation efforts. As a result, most of the state plan's work for the year has been associated with COVID response. Between March 16, 2020, and December 31, 2020, CSHOs from Nevada OSHA, along with staff from other sections within the Division of Industrial Relations, visited more than 13,000 business establishments throughout the state to observe business compliance with the state's COVID mitigation requirements. During the same timeframe, Nevada OSHA staff fielded 9,161 complaints and referrals statewide. The unprecedented volume of work faced by Nevada's enforcement program was accomplished by dedicated personnel who managed to work through office closures and staffing freezes that limited available manpower throughout the first and second quarters of the state's 2021 fiscal year. The state plan has been fortunate to reconstitute its staff by hiring seven new compliance officers since the opening days of the pandemic. The agency is completing initial training for 16 compliance officers, and as a first for the organization, it is using web-based collaboration tools to train staff simultaneously in the Reno and Las Vegas offices. The pandemic forced changes in practices for the agency that have resulted in a significant increase in mobility tools that Nevada OSHA hopes to use to drive future modernization and efficiency efforts.



Nevada OSHA Compliance Officers participate in first year CSHO training in the Las Vegas office. Using collaboration tools, like internet-connected whiteboards and tablet computers, Las Vegas staff participated in training simultaneously with their co-workers in Reno, Nevada.



## NEVADA OSHA EXPANDS ITS TRAINING PROCESS

The Nevada OSHA State Plan has established a new Training Center for the Reno district office. Renovations, seen above, have started and construction crews prepare the new space. With walls mostly complete now, next is paint, ceiling tiles, and carpet. The new space will provide new and enhanced training opportunities for the Northern Nevada area. Nevada OSHA will continue to seek road courses from OTI and will work with its state plan partners to attract and fill the road courses.



# NEW JERSEY

Public Employees Occupational Safety and Health | **PEOSH**

## EMPHASIS

NJ PEOSH has completed the second year of its Five-Year Strategic Plan (FFY 2019-2023). High hazard public sector workplaces that have been identified as emphasis areas include state support activities for transportation, local fire protection, departments of public works, and water and sewage treatment facilities. These workplaces received priority for both enforcement and outreach activities. In FY 2020, the following activities took place:

### State Support Activities for Transportation

- 2 Enforcement Inspections with 10 Serious Violations
- 0 Initial Consultation Visits
- 0 Training and Assistance Consultation Visits

### Local Fire Protection

- 41 Enforcement Inspections with 80 Serious Violations
- 3 Initial and Follow-Up Consultation Visits
- 3 Training and Assistance Consultation Visits reaching 44 employees

### Public Works Departments

- 61 Enforcement Inspections with 337 Serious Violations
- 12 Initial and Follow-Up Consultation Visits
- 4 Training and Assistance Consultation Visits reaching 74 employees

### Water and Sewage Treatment

- 36 Enforcement Inspections with 138 Serious Violations
- 2 Initial and Follow-Up Consultation Visits
- 1 Training and Assistance Consultation Visit reaching 16 employees

Some additional high hazard tasks have been identified as NJ PEOSH emphasis programs. These include amputations, trenching and excavation, highway work zone safety, noise, and asbestos. Special attention was given to these tasks during applicable enforcement and consultation activities.

## PEOSH SAFETY AND HEALTH ENFORCEMENT ACTIVITY/ INITIATIVES

In FY 2020, NJ PEOSH conducted 371 inspections: 256 were safety inspections and 115 were health inspections. As a result of these inspections, there were 1,155 total citations issued consisting of 2 repeat violations, 720 serious violations and 433 other-than-serious violations.

**In addition to enforcement inspections,** the PEOSH Safety Enforcement Unit processed 16 discrimination complaints under its jurisdiction, 14 of which were completed within 90 days.

In conjunction with the NJ PEOSH Five-Year Strategic Plan, there are several strategic initiatives undertaken in an effort to reduce illnesses and injuries in high hazard public employee work environments.

THESE INITIATIVES INCLUDE:

- Highway work zone safety, trenching, amputations, heat stress, temporary workers and nursing homes/residential care facilities. Although the OSHA National Emphasis Program (NEP) for Nursing Homes has expired as of April 2015, PEOSH continues to inspect nursing homes in accordance with its Five-Year Strategic Plan and the OSHA Inspection Guidance for Inpatient Healthcare Settings.  
  
Compliance staff are applying special emphasis in the above listed areas when conducting focused inspections at public facilities who engage in the above activities.
- Workplace Violence – PEOSH continues to enforce the PEOSH general duty clause for healthcare facility workplace violence referencing the New Jersey Violence Prevention in Healthcare Facilities Act, N.J.S.A. 26:2H-5.17, as a means of corrective action. This initiative has been implemented to address the characteristic violent acts committed by patients against employees in healthcare-related types of facilities.

PEOSH OPERATIONAL STATUS/PLAN DURING COVID-19 RESTRICTIONS  
Alternative PEOSH Enforcement Procedures

- PEOSH Enforcement is currently conducting alternative inspections to minimize PEOSH inspectors’ exposure to public facilities and still maintain enforcement activity in accordance with the PEOSH 5-Year Strategic Plan/State Plan Agreement with Federal OSHA.
- The alternative inspection process involves limited on-site activity upon completion of a Job Hazard Assessment (JHA) for each subject facility in accordance with the OSHA Risk Assessment Evaluation Table and pre-screening of the facility following the OSHA JHA guidelines.
- All Imminent Danger/Fatality/Complaint/Referral Actions are addressed through alternative inspection procedures and involve on-site visits by the inspectors whenever possible or as necessary.
- Orders to Comply and related correspondence are being issued electronically via email in accordance with PEOSH and OSHA requirements.
- Alternative PEOSH Consultation Procedures
- PEOSH Safety Consultation & Training adopted a policy safeguarding the health of both PEOSH staff and members of the regulated community. PEOSH provides virtual services with limited on-site services as needed.
- Currently, we are conducting virtual consultation visits and virtual training via Zoom and Microsoft Teams. In some cases, participants are using their devices independently. In others, host employers are providing safe, socially-distanced learning environments for their staff and our trainer is providing virtual instruction to a group.

OUTREACH

CONSULTATION AND TRAINING SERVICES

NJ PEOSH provides consultation and training services for public employers throughout the State of New Jersey. In FY 2020, NJ PEOSH provided the following services:

- 17 initial safety consultation visits
- 7 initial health consultation visits
- 12 training and assistance consultation visits
- 11 follow-up consultation visits
- 52 compliance assistance activities
- 1021 employees were trained by NJ PEOSH (396 safety, 625 health) in FY 2020

SIGNATURE PROJECTS

PEOSH FIRE SERVICE UPDATE

NJ is unique in that about 89%<sup>1</sup> of fire departments across the state are volunteer or mostly volunteer. This presents challenges in reaching both firefighters and fire officers since many of them have a “day job” which limits their time and availability. Oftentimes, departments don’t know what they don’t know, and typical “government” business hours don’t meet the needs of this population.

PEOSH offers training to all NJ-based fire departments as an opportunity to learn more about PEOSH, PEOSH regulations, the N.J.A.C. 12:100-10 Firefighter Standards, hazards specific to firefighting, and the PEOSH On-Site Consultation and Training program. The approximately 2-hour long class

is held at fire academies throughout the state to reach all geographic regions of NJ. Daytime and evening sessions were held to accommodate both career and volunteer firefighters. In all, 114 firefighters attended the training this year. Beginning in March 2020, this class was also offered virtually through the NJ Department of Community Affairs/Division of Fire Safety training catalog administered by Kean University.

As “Local Fire Protection” is one of PEOSH’s goals in the Annual Performance Plan, these sessions have provided an excellent opportunity to promote cooperative services and assist employers in reducing the potential for preventable injuries and illnesses, and have led to many PEOSH On-Site Consultations.

OTHER STRATEGIC PLAN OUTREACH

PEOSH delivered a presentation to water and wastewater utilities operators at the NJ Water Environment Association, reaching 30 attendees.

PEOSH also provided a presentation on frequently cited hazards and PEOSH cooperative services to a county-based EMS Chief Officer’s Association and participated in the annual League of Municipalities Annual Conference to reach public employers and public employees across the state.

COVID-19 WORKER SAFETY INITIATIVES

New Jersey’s Governor issued Executive Order 192 (EO192) which implemented worker rights and protections during the pandemic which required employers to implement social distancing, mandate (and provide) face coverings, provide time and supplies for sanitization and hand hygiene, clean and disinfect common areas in the worksite, conduct daily health checks for employees, and restrict access to the worksite for employees and visitors exhibiting symptoms of COVID-19. NJ was one of the first states to roll out these protections and provide for an enforcement mechanism under existing laws and regulations. Penalties included fines of \$500 for each violation, imprisonment of up to 14 days, and temporary or permanent closure of the business.

While EO192 formally took effect in FFY 2021 (November 2020), PEOSH was intimately involved in the creation of this rule during the tail end of FFY 2020, designing the specific worker protections in consultation with CDC and NIOSH recommendations, and implementing a process to investigate complaints reported by public and private-sector workers regarding unsafe work conditions related to the pandemic.

PEOSH provided several training presentations regarding recommended COVID-19 precautions and protocols to divisions within the NJ Department of Labor as well as other state agencies including the Department of Treasury, Department of Children and Families, Office of the Attorney General, Department of Education, and Department of Health. PEOSH also presented during a webinar offered by the NJ Work Environment Council, a group who works in partnership with several public employee unions.

PARTNERSHIPS

PEOSH enforces the New Jersey Indoor Air Quality Standard and continues its training partnership with the Rutgers Certified Educational Facilities Manager (CEFM) program to provide indoor air quality training as part of the CEFM curriculum. PEOSH program staff taught five (5) courses throughout the state in FFY 2020 which enabled us to more efficiently reach our target audience while minimizing the cost of compliance to school districts. A total of 83 attendees were taught at these courses.

PEOSH continues to work with The American Lung Association, Pediatric/Adult Asthma Coalition of New Jersey (PACNJ) and the NJ School Building and Grounds Association to present a four (4) hour Indoor Air Quality (IAQ) course. PEOSH taught thirteen (13) IAQ courses reaching a total of 390 attendees. The main goal of the course is to assist school districts in understanding the NJ Indoor Air Quality Standard and to provide guidance on implementation of a successful IAQ program.

<sup>1</sup> FEMA National Fire Department Registry, 2021 (<https://www.usfa.fema.gov/data/statistics/states/newjersey.html>)

# NEW MEXICO

Occupational Health and Safety Bureau | NMOSHA

## SIGNATURE PROJECT

### NEW MEXICO RESPONSE TO COVID 19

On March 11, 2020, New Mexico Governor Michelle Lujan Grisham issued Executive Order 2020-004, Declaring a State of Public Health Emergency, invoking the powers provided by the All Hazard Emergency Management Act and the Emergency Licensing Act, declaring a public health emergency due to the spread of COVID-19 in the state. The order directed that all cabinets, departments, and agencies comply with the directives in the order and any instruction given by the Department of Health (DOH).

The DOH Cabinet Secretary issued an Amended Public Health Order (PHO) on March 19, 2020, requiring businesses, establishments and facilities in New Mexico to adhere to conditions and restrictions to prevent the spread of COVID-19. The PHO directed the New Mexico Environment Department (NMED), among others, to take all appropriate steps to ensure compliance with the PHO. As a result of the order, the New Mexico State Occupational Health and Safety Bureau (OHSB) initiated emphasis programs involving worker protection against COVID-19. OSHB expanded pandemic prevention efforts on May 26, 2020, by taking the lead statewide role in COVID-19 Rapid Response. The State responds to reported positive cases among New Mexico employees and assists employers in complying with the PHO to prevent spread of the virus in workplaces.

Environment Secretary James C. Kenney issued an emergency temporary standard (ETS) on August 5, 2020, under authority of the state Occupational Health and Safety Act, requiring employers to report all positive COVID-19 cases among workers within four hours. The ETS was later adopted as a permanent rule in December 2020 by the New Mexico Environmental Improvement Board. OHSB also entered into an agreement with the New Mexico Department of Workforce Solutions to hire a temporary staff of 26 specialists and support positions, under a Department of Labor Dislocated Worker grant, to handle the thousands of Rapid Responses to positive worker cases.

Through December 2020, NMED completed more than 17,500 positive case rapid responses for workplaces statewide. Further, OHSB was assigned the lead role in responding to statewide complaints regarding violations of the PHO which included investigating multiple occupational COVID-19 fatalities.

### COVID-19 STATE EMPHASIS PROGRAM

Under the New Mexico Occupational Health and Safety Act, employers are required to comply with regulations promulgated by the Environmental Improvement Board including incorporated federal standards. Several regulations and standards address measures to protect employees from exposure to COVID-19.

In addition to applicable regulations and standards, the Act's general duty clause covers recognized hazards that are likely to cause death or serious physical harm to employees. Under the general duty clause, an employer is required to implement feasible methods to control recognized hazards. For COVID-19, feasible abatement methods include those established through executive order, recommendations from public health authorities, occupational health authorities including OHSB, and industry-established best

practices effective in controlling the hazards of COVID-19. Incorporating guidelines from the New Mexico Department of Health, federal OSHA and CDC, the Bureau developed Instruction OHSB 20-07, State Emphasis Program (SEP) for COVID-19, with an effective date of March 19, 2020.

### COVID-19 ENFORCEMENT IN MANUFACTURING FACILITIES

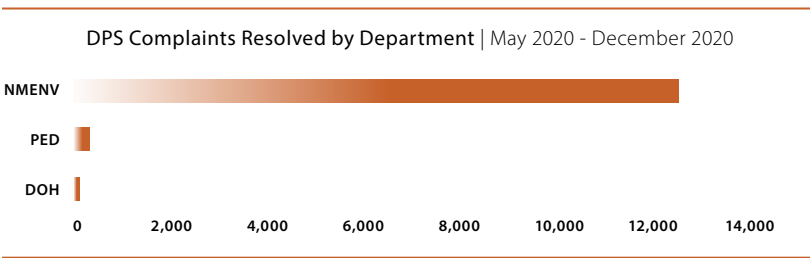
Manufacturing facilities are an integral part of the New Mexico supply chain and identified as essential businesses under the state's public health orders. In May 2020, the New Mexico Economic Recovery Council published COVID-Safe Practices (CSP) that apply to all business and require manufacturers to provide face coverings and methods to physically separate workers by distancing or barriers. OHSB investigated 21 COVID-19 complaints at manufacturing facilities, including 8 at food processors, prior to release of the CSP.



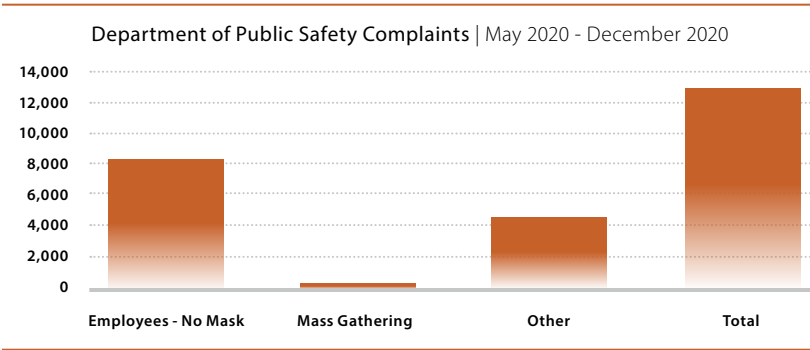
### COVID-19 COMPLAINTS AND REFERRALS

OHSB logged more than 1,000 complaints and referrals directly from employees and other sources, including the general public, in FY 2020. More than half of complaints and referrals alleged COVID-19 hazards and violations of public health orders affecting workers.

In addition to complaints and referrals made directly to OHSB, the state implemented a COVID-19 hotline system through the Department of Public Safety (DPS) that logged thousands of complaints including many alleging workplace exposures. Several state agencies were assigned to respond to the complaints including the Department of Health (DOH), Public Education Department (PED) for schools, and NMED. In late May 2020, NMED and OHSB were assigned responsibility for coordinating these public health complaints. From May through December 2020, NMED responded to more than 12,000 complaints received through the system.



Most DPS complaints were handled via phone calls to employers for resolution. The nature of allegations in the complaints overwhelmingly involved employees not wearing face covers (masks) while in the presence of others, in violation of public health orders, COVID-Safe Practices and the OHSB general duty clause. In some cases where there was no response or a response inadequately addressed alleged hazards to workers, cases were elevated to the OHSB compliance section for enforcement.



As a result of complaints and referrals made directly to the Bureau and through the DPS system, OHSB conducted 16 onsite inspections and posted notices of imminent danger at 7 worksites for violations of the Act and public health orders exposing employees to COVID-19.

RAPID RESPONSE

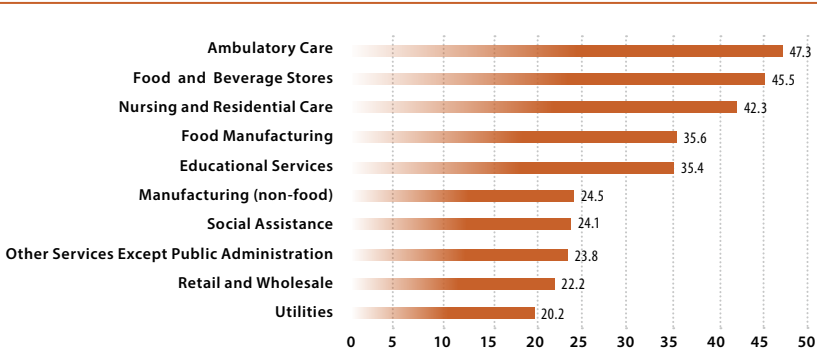
In early May 2020, New Mexico experienced its first notable worker outbreak of COVID-19 at a food manufacturing facility in the southern part of the state. OHSB and DOH worked together to investigate conditions at the facility and directed temporary closure to control transmission. Following this event, the agencies developed a system for reporting positive COVID-19 cases captured through the DOH contact tracing program. DOH collected case information daily and reported cases involving workers to OHSB for immediate **Rapid Response** to prevent an outbreak.

A COVID-19 Rapid Response in New Mexico is intended to ensure that: *A positive employee is immediately isolated from the workplace; operations are ceased and the affected work area(s) are immediately isolated; all close contacts (by NM definition, any person exposed within 6 feet for 3 minutes or more is a close contact) are quarantined for 14 days; the affected area(s) are disinfected; the employer demonstrates implementation of all required CSPs; and worker testing is scheduled as directed by DOH.*

From May through December of 2020, the state conducted approximately 25,000 rapid responses at establishments statewide. OHSB conducted 70% (more than 17,500) of those responses. Other agencies including DOH, Public Education Department (PED), Aging and Long Term Services Department (ALTSD), Corrections Department, and Early Childhood Education and Care Department (ECECD) were also assigned cases to address transmission among both workers and other served populations (residents, patients, students, etc.). With most establishments under its jurisdiction, OHSB took the lead role in coordinating, tracking and assigning agency response to worker cases.

By July 2020, OHSB recognized it would not be able to sustain an effective response to reported cases of COVID-19 among workers due to staff resource limits and the increasing case rates. NMED reached out to other state agencies to assist and partnered with the Department of Workforce Solutions to create a temporary staff of 26 positions, including 20 COVID response specialists and 6 support positions, under a displaced worker grant. The Bureau filled the temporary positions by October 2020, just ahead of the November peak in COVID-19 cases.

The following graph breaks down the top 10 industry distribution of rapid responses in New Mexico per 1,000 employees from May through December 2020.



ENFORCEMENT

The OHSB continued to implement state emphasis programs (SEPs) for fabricated metal products, oil and gas well drilling and servicing operations, construction, exposure to silica, hospitals and nursing care facilities. The Bureau also engaged in enforcement at facilities with hazards involving primary metals processing and use of hexavalent chromium through the adoption of national emphasis programs. The state used SEPs to target industries with high injury and fatality rates.

New Mexico continued to place significant enforcement emphasis in the construction and oil and gas industries. The number of fatal accidents in both these industry sectors represent a large proportion of occupational fatalities in the state as a long-term trend. Fatal accidents in the oil and gas industry continued to represent the highest among all sectors. OHSB focused resources toward enforcement in the oil and gas industry in FY2020 based on the continuing high rate of fatalities within the industry as compared to rates in all industry within the Bureau’s jurisdiction. Additional emphasis was placed on inspecting tank battery sites where employees have been injured and killed during explosions, fires and exposure to hydrocarbon vapors.

New Mexico Senate Bill 229 (SB 229), signed into law on April 6, 2017, amended the state Occupational Health and Safety Act, 50-9 NMSA 1978, to adjust maximum and minimum penalties in conformance with federal law. The legislation



FY2020 inspection of an oil and gas tank battery

adopted the equivalent federal maximum and minimum penalty levels and authorized the NMED Cabinet Secretary to increase levels annually to account for inflation. OHSB subsequently amended its policies to increase assessed penalties.

Among the differences between federal and state policy, New Mexico records inspection activity for construction companies that follow regulatory requirements. This ensures those companies receive recognition of their safety efforts and qualify for penalty reductions. While the policy results in an “in-compliance” rate greater than the nationwide average for inspections, OHSB believes compliant employers should receive appropriate recognition for maintaining safe workplaces.

COVID-19 RELATED UNPROGRAMMED ACTIVITIES & FATALITIES DURING FY2020

NMED-OSHA received 509 Unprogrammed Activities related to COVID-19 from March 1, 2020 through the end of the fiscal year. To date of publication, 1273 Unprogrammed Activities related to COVID-19 have been processed and handled remotely.

FY2020 also proved to be an especially busy year for NMED-OSHA Enforcement Division. There was a total of 17 workplace fatalities in the year, with 5 being COVID-19 related. This was a 70% increase in the number of fatality investigations typically conducted during a fiscal year. As of March 11, 2021, one year from the day the Governor declared the emergency, OHSB opened investigations of 19 suspected COVID-19 workplace fatalities

COMPLIANCE ASSISTANCE AND OUTREACH

HIGHLIGHTED COVID-19 OUTREACH ACTIVITIES DURING FY2020

In March 2020, the Bureau conducted a mass outreach effort including email blasts and robocalls to more than 20,000 employers to inform them of their COVID-19 responsibilities under OHSB and public health orders. Many of the outreach activities involved distancing requirements, personal protective equipment and questions or concerns regarding essential and non-essential business.

In April 2020, OHSB developed and published a COVID-19 frequently asked questions (FAQ) page to assist employers in complying with New Mexico public health orders and COVID Safe Practice requirements for workplaces. NMED and OHSB also developed a COVID-19 resource page with FAQs, guidance documents and other resources to assist employers.

A response effort was made to guide employers in making workplaces safe following reporting of positive employee cases (rapid response) in May 2020. OHSB Consultants conducted rapid response outreach to employers as part of the effort. A Bureau compliance assistance specialist was assigned to the OHSB COVID-19 response where he assisted in the development and management of data management systems, FAQs, e-mail alerts, and supervision of

COVID-19 response outreach. The Bureau also launched an interactive online mapping system to provide information on workplace COVID-19 complaints statewide.

OHSB collaborated with DOH to provide employers access to COVID-19 testing of employees in essential businesses including food manufacturing facilities. In June 2020, staff worked closely with employers and local public health offices statewide to gather employee data and schedule testing. The Bureau also worked with the state's restaurant association and other industries to encourage and provide worker testing.

In July 2020, the Bureau developed a data reporting system to present information to the Governor's Office and the public on workplace COVID-19 response statistics. A series of graphs and tables is updated weekly on the NMED webpage with information on industry response, state agency activity and county statistics. The Bureau also began daily publishing of COVID-19 response logs on the NMED webpage to inform workers and the public of establishments with positive cases.

The Bureau coordinated the development of a positive worker database with the Department of Health (DOH) and Department of Information Technology (DoIT) to integrate workplace case data with contact tracing, epidemiologist case investigation and fatality data using a DOH Salesforce platform. OHSB also worked with the Public Education Department to address school reopening and coordination of prevention activities and positive case response among staff and students.

In September 2020, OHSB hired eight additional temporary COVID-19 response specialists under the DWS grant and trained them in the use of the Salesforce platform and outreach for the Bureau's emergency temporary standard for reporting positive COVID-19 cases. By the end of FY 2020, temporary response specialists were handling most employer outreach interactions in responding to positive worker cases to prevent occupational outbreaks of the virus.

CAREER FAIRS

OHSB provided information on the field of occupational health and safety at the College Career Connection Day in Albuquerque in November 2019. The APS-sponsored event was targeted to Native American high school students and included workshops and presentations by colleges, businesses, and agencies including OHSB and State Forestry.

In February 2020, OHSB compliance assistance and enforcement staff presented health and safety information to students at the Central New Mexico (CNM) College Career Day in Albuquerque.



Compliance assistance specialist explains respiratory protection at career fair.

TREE CARE OUTREACH

An OHSB compliance assistance specialist participated in the 2020 Think Trees New Mexico Urban Tree Care Conference as a member on the New Mexico Tree Worker Safety panel. OHSB also provided technical assistance and publications for approximately 300 participants representing public and private sector arborists, landscapers and landscape architects.

OIL & GAS OUTREACH

OHSB participates in quarterly meetings of the Southeast New Mexico Service, Transmission, Exploration and Production Safety (STEPS) Network, presenting information on OSHA programs including the Safe + Sound campaign. OHSB also has an Alliance agreement with STEPS.

At a January 2020 meeting, the OHSB Consultation Manager was recognized for her cooperative work with the oil and gas industry at the STEPS Network's January 2020 quarterly meeting in Hobbs. The Network is comprised of representatives from government and operators, contractors, vendors, and suppliers engaged in oil and gas industry activities in the Permian Basin.



PARTNERSHIPS

OHSB STRATEGIC PARTNERSHIP IN CONSTRUCTION (OSPC) PROGRAM

New Mexico improved strategic partnership programs through comprehensive onsite verification activities and by conducting reviews of existing agreements. The Bureau currently has partnerships with industry groups such as the Associated General Contractors, the Associated Contractors of New Mexico, the Associated Builders and Contractors, the New Mexico Utility Contractors Association, the Mechanical Contractors Association, and the American Subcontractors Association. OHSB and partner members focus work on common safety issues. There are 72 member companies participating in six industry association partnerships.

The New Mexico Construction Safety Coalition held quarterly meetings in FY 2020 including remote meetings during the second half of the year. The Coalition is composed of OHSB staff and representatives for each of the six OSPC partnership associations.

# NORTH CAROLINA

Occupational Safety and Health Division of North Carolina | OSHNC

## SIGNATURE PROJECTS

### ON-LINE TRAINING INITIATIVE

In federal fiscal year (FFY) 2020, the Occupational Safety and Health (OSH) Division invested in licenses for Adobe Captivate training software. Adobe Captivate is an authoring tool that is used for creating eLearning content such as software demonstrations, software simulations, branched scenarios, and randomized quizzes. Thirteen staff members with the Education, Training and Technical Assistance (ETTA) Bureau attended two days of beginner and two days of advanced Adobe Captivate training to learn how to develop and host interactive training programs for OSH employees. As such, ETTA is currently working on developing a Safety and Health Management System course with the new software to be used as part of the internal core curriculum.

### BUILDING STAR PROGRAM BEST PRACTICES WORKSHOP

During FFY 2020, the Carolina Star Program conducted its first Building Star Program Best Practices Workshop on November 19, 2019, in Greensboro. The workshop allowed companies that participate in the Building Star Program the opportunity to collaborate and share construction-specific ideas and perspectives that may further enhance a company's overall safety and health culture and performance.

There are 24 construction companies that are currently designated as Building Star participants. Most of these companies participated in this first workshop. The agenda allowed for each company to present a best safety practice utilized by their respective construction companies. A total of 11 construction best safety practices were presented, in addition to two presentations provided by senior leadership of Balfour Beatty Infrastructure and LeChase Construction Services. Both senior leaders indicated the



Attendees and participants gather for a photo at the first Building Star Program Best Practices Workshop on Nov. 19, 2019, in Greensboro, NC.

importance of employee safety training and the benefit of investing in the people you work with. Labor Commissioner Cherie Berry concluded the workshop by expressing her appreciation to all that were in attendance.

Commissioner Berry also indicated that she was looking forward to this becoming an annual event that she will be able to attend in 2020 as she finishes her final year as labor commissioner. "I am looking forward to the day we are able to use this workshop as a time to reach out to other companies who may not qualify for the Building Star Program but want to improve their safety," Commissioner Berry said. Of the 31 participants that attended this inaugural workshop, most attendees indicated that they were pleased with the participation and support of this event. Additionally, they found the opportunity to share best safety practices with other construction companies to be a rewarding experience and that they plan to incorporate some of the ideas shared by others into their individual safety and health programs.



**Senior Leadership Speakers** (L-R) Seth London, Vice President of LeChase Construction Services; Labor Commissioner Cherie Berry; LaMont Smith, Recognition Program Manager for NCDOL; Mark Johnnie, Vice President and Regional Manager for Balfour Beatty Infrastructure at the first Building Star Program Best Practices Workshop on Nov. 19, 2020, in Greensboro, NC.

### 1.5 EXPERIENCE RATE MODIFIER PROGRAM

North Carolina has a state-specific rule, "Safety and Health Programs and Committees," that requires employers with a workers' compensation experience modifier of 1.5 or higher to have a written safety and health management program along with a safety committee for employers with 11 or more employees. The Consultative Services Bureau (CSB) is tasked with notifying these employers of their obligation. In FFY 2020, 970 employers, with an experience modifier of 1.5 or higher, were sent letters by CSB informing them of the need to develop a safety and health program and committee structure under the state-specific rule, entitled "Safety and Health Programs and Committees." The letter also provided information regarding the outreach services offered by CSB and ETTA. Tracking last year's requests from the mailing, the bureau noted that 50% of customers no longer had an EMR above 1.5.

As discussed in last year's Grassroots report, N.C. Department of Labor (NCDOL) partnered with Dr. Al-Bayati, a construction safety research professor, to conduct research into the 1.5 Experience Rate Modifier Program. Some of the key results of the research highlighted the importance of recognizing non-safety factors (e.g., company size) that influence the



In February 2020, Kevin O'Barr, Consultative Services Bureau Chief, presents OSH Division research to the Construction Institute of the American Society of Civil Engineers.

experience modifier calculation. It was also noted that employers with a dedicated safety and health professional on staff were more likely to lower their experience modifier and additionally, that the experience modifier is a shared responsibility between involved parties such as safety personnel, human resources personnel, employees, and insurance carriers. The research further suggests that the experience modifier should not be used as a pre-qualifier without considering the non-safety factors that influence the calculation.

The research was presented at the Construction Institute of the American Society of Civil Engineers in February 2020 and virtually, during the American Society of Safety Professional's SafetyFOCUS: Risk Assessment and Management virtual event in October 2020. The study was also published in the July issue of the Professional Safety Journal, a publication of the American Society of Safety Professionals. These data will help improve the program's operation, and thereby, more accurately target the businesses that can benefit from on-site consultative services.

SPECIAL EMPHASIS PROGRAMS

Before implementing the new five-year Strategic Management Plan (SMP) for FFY 2019–2023, North Carolina reviewed incident rates to identify industries that continue to have the highest injuries, illnesses, and fatalities. Based on this review, North Carolina identified their current special emphasis programs (SEP). These include:

- Construction
- Logging and Arboriculture
- Long Term Care
- Grocery and Related Product Merchant Wholesalers
- Health Hazards (e.g., isocyanates, silica, asbestos, hexavalent chromium, lead)
- Food Manufacturing
- Amputations

ENFORCEMENT

**Inspections:** During FFY 2020, the East and West Compliance Bureaus conducted 2,109 safety and health inspections and eliminated over 3,383 serious hazards. A total of 3,982 violations were noted during inspections which resulted in the assessment of \$6,572,032 in penalties. Additionally, the Complaint Desk processed 4,120 complaints which was an increase of 45.6 % from the 2,829 complaints processed in the previous federal fiscal year. The significant increase in complaints was attributable to COVID-19-related concerns. The Complaint Desk also processed 704 referrals/accidents which resulted in 181 inspections and 523 related investigations.

In FFY 2020, the OSH Division inspected 78 work-related fatalities. Struck-by events were the most common, comprising 28% of the total fatalities. Similar results were observed in both FFY 2018 and FFY 2019, as struck-by fatalities comprised 39% and 33% of the fatalities, respectively in those years. While this event group also includes logging and arboriculture employees killed by falling trees or limbs, many of these fatalities involved pedestrians being struck by vehicles, including heavy equipment, with limited visibility.

**Notable Accident Investigation:** This accident occurred on third shift, where an employee of a sanitation service company, working at a poultry processing plant, was found caught between the auger blade and wall of the chiller. According to video surveillance, several employees and management representatives for the sanitation company were observed climbing on the side of the chiller tanks without fall protection. The employees were seen applying foam and water to the chillers and the victim was observed bending over the top rail above the running auger. Based on surveillance footage, the victim misjudged his location from the auger and was pulled into it.



Close-up of the auger where employees were applying foam and water



Walkway that employees worked from to clean chillers.

Following the OSH Compliance inspection, citations were issued to the employer for two willful serious violations, three serious violations and two non-serious violations. The total penalty was \$149,500. The first willful serious violation was for 1910.28(b)(6)(ii), ensuring employees working 4 feet or more above dangerous equipment were protected from falling by a guardrail system or a travel restraint system when equipment was not covered or guarded. The second willful serious citation was for 1910.147(c)(4)(i), failing to utilize lockout/tagout procedures on the chillers during cleaning and sanitizing activities.

Three serious citations were issued for 1910.22(a)(3), walking and working surfaces maintained free of hazards, 1910.28(b)(5)(i), ensure employees on a runway or similar walkway are protected from falling

4 feet or more by a guardrail system, and 1910.151(c), where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body provided for immediate use. The remaining non-serious citations were issued for a fall hazard, 1910.28(b)(3)(ii), protected from tripping into or stepping into or through any hole that is less than 4 feet above a lower level by covers or guardrail systems, and 1904.29(b)(2), for failing to correctly fill out the OSHA 301 or equivalent form.

The employer contested the violations, but prior to the hearing, the case was settled. As part of the settlement agreement (SA), OSH reclassified the willful serious citations to serious, but increased the penalties of the citations from \$70,000 to \$105,000. The serious citation that was initially grouped was not changed in settlement discussions. The remaining serious citation was reclassified to non-serious, and the penalty was reduced from \$7,000 to \$3,500. The recordkeeping violation penalty was deleted. OSH was able to include several stipulations in the SA that was used as the basis for this agreement. They included:

- Assessing each work area where employees will be working at heights greater than 4 feet to ensure adequate guardrails and fall protection are in place prior to the commencement of work.
- Conducting periodic random safety and health audits of the workspaces at the site while employees are working to observe work operations.
- Documenting the periodic inspections (bi-monthly) of the site and maintain them for a period of two years.
- Taking immediate corrective action for observed unsafe conditions.
- Assessing the facility for hazardous chemicals that pose a risk of eye injury at the site.
- Installing a permanent eye wash station at the site.
- Conducting periodic meetings with employees to allow them to communicate safety suggestions or complaints.

It is not the OSH Division’s intention to routinely settle cases by reclassifying willful citations; however, in this case, it was important to uphold all the recommended violations while imposing a significant penalty on the reclassified willful serious citations that would make it apparent, to anyone looking at this inspection file, that the employer was held accountable.

**Internal Training:** In FFY 2020, ETTA’s Training Section offered a variety of courses at the compliance field offices and via webinar throughout the year. In addition to six core courses (e.g., Introduction to Health Standards for Industrial Hygienist, Safety and Health Management Systems, Initial Compliance, Legal Aspects), 133 additional virtual and webinar-based courses were offered. This included four OSH Construction Safety Specialist (OCSS) courses that are part of the OSH Division’s advanced construction program; OCSS Concrete and Masonry, OCSS Workzone Flagger Safety (2), and OCSS Cranes and Derricks.



The OSH Division received Workzone Flagger Safety training from the Safety and Health Council of North Carolina. This one-day course was hosted as part of the Division’s OCSS advanced construction program. The course was hosted in Raleigh on Nov. 26, 2019, and Charlotte on Dec. 13, 2019.

OUTREACH

**Social Media:** NCDOL launched a Facebook page in 2011 to promote workplace safety and health and the many programs administered by the OSH Division. Some of the programs featured on Facebook include the Safety Awards Program, the Carolina Star Program, and the Safety and Health Achievement Recognition Program (SHARP). The platform is also used to promote current safety and health issues, newsletters, and education and training. The Facebook page currently has 1,739 followers. NCDOL began a Twitter account in 2012 and it currently has 1,866 followers. The Department also began an Instagram account in 2016 to share photos and videos from various safety and health events across the state. The Instagram account currently has 512 followers. Further, NCDOL uses YouTube, billboard posters and publications to spread its safety and health message to employers and employees. In 2019, NCDOL introduced Inside NC Labor, a podcast designed to inform and educate North Carolina citizens on the role that the NCDOL plays in state government. Six episodes in 2020 featured OSH-related topics.



Wanda Lagoe, bureau chief for ETTA, (center) joins Inside NC Labor hosts Dolores Quesenberry (left) and Natalie Bouchard to talk about occupational safety and health initiatives for 2020.

**Newsletters, Hazard Alerts, and Mailings:** NCDOL publishes two newsletters throughout the year to inform the public of training events, new rules and publications, special emphasis program areas, and other outreach efforts. These include the Labor Ledger and the OSH Training Newsletter. NCDOL also develops, mails, emails, and/or posts hazard alerts on new and trending safety and health issues that occur in the state.

During FFY 2020, an outreach letter was mailed to 55 construction employers that had five or more serious violations in the previous year. The letter provided employers with information regarding OSH outreach services and publications. This letter is an outreach strategy used by the Construction SEP committee to lower injury and illness rates in construction.

ETTA distributed a letter announcing the new Amputations SEP and listing resources to assist employers in reducing amputation hazards in the workplace. The letter was mailed to 1,700 employers in target industries located in NC with high amputation rates.

**Library:** The NCDOL Library provides service to internal patrons and public patrons who utilize the safety video program in training their employees. In FFY 2020, the Library loaned out 498 items (e.g., consensus standards, certification exam workbooks, safety videos), responded to 761 information requests from external and internal patrons, served 261 visitors, and acquired 241 additional items for inclusion in our library collection. Additionally, the Library continued to provide access to streaming safety videos via “The Training Network NOW” subscription and registered 82 new users. The librarian alerted staff to webinars and articles, referred patrons to online resources, and assisted OSH employees in their preparation for professional certification examinations via study workbooks and software access.

**Consultative Services:** During FFY 2020, CSB conducted 1,271 consultative visits with employers across the state with 215 in the public sector and 1,056 in the private sector. This included 1,070 initial visits, 129 training and assistance visits, and 72 follow-up visits. During these visits, the consultants identified 5,338 hazards which were eliminated (i.e., 4,819 serious, 442 other-than-serious, 74 regulatory). CSB also conducted 269 interventions with employers and continued to market their services at conferences, association speeches, radio show appearances, and targeted mailings.

**Training and Education:** Through ETTA’s Training Section, OSH offered a wide variety of free safety and health training and outreach services to employers and employees across North Carolina. Notice of outreach courses is provided through the training newsletter that is sent out periodically to 10,047 employers and employees in a variety of industries.

During FFY 2020, OSH participated in 243 courses, forums and workshops which provided training for 5,635 employers and employees. Training included two 10-hour and one 30-hour general industry awareness courses, three 10-hour construction awareness courses, 41 speaker’s bureau events, 187 webinars, and four booth events. The Labor One mobile training unit was also used for an additional five training events.

The OSH Train-the-Trainer Program was implemented in 2010. For FFY 2020, state-authorized trainers, under the OSH Train-the-Trainer Program, provided 10-hour and 30-hour training courses for an additional training to 70 employers and employees in North Carolina. The Train-the-Trainer Program supports the Training Section’s outreach efforts thereby increasing the total number of employees/ employers trained in the state.

The bureau also offered three Spanish outreach events that provided training to 162 Spanish speaking workers.

**Technical Assistance:** ETTA’s Standards Section answered 3,379 inquiries for standards interpretation by phone or written correspondence for employers and employees across the state.

51 documents were added to the Field Information System including updates to the Field Operations Manual, new OSH Division policies, and adoption of multiple federal OSHA Instructions. Final rules adopted in NC included Technical Corrections (29 CFR 1904, 29 CFR 1910, 29 CFR 1915 and 29 CFR 1926), Corrections to the Walking-Working Surfaces Personal Protective Equipment and Special Industries standards (29 CFR 1910.23, 29 CFR 1910.25, 29 CFR 1910.27, 29 CFR 1910.29, 29 CFR 1910.140, and 29 CFR 1910.269), the revised rule for Occupational Exposure to Beryllium and Beryllium Compounds in Construction and Shipyard Sectors (29 CFR 1926.1124 and 29 CFR 1915.1024), revisions to the Respiratory Protection Standard (29 CFR 1910.134, Appendix A), and two revisions to the rule on Occupational Exposure to Beryllium and Beryllium Compounds in General Industry (29 CFR 1910.1024).

**Publications:** The ETTA’s Publications Sales Desk served 3,831 customers via email, fax, telephone, and walk-in. The bureau distributed 20,621 publications in support of the division’s outreach and regulatory goals to promote a safe and secure work environment across the state of North Carolina.

Six quick cards were translated into Spanish; Injury Reporting, Hazardous Animals, Vehicle Safety, Process Safety Management, Lockout/Tagout, and Portable Ladders. The OSH Division now has 33 quick cards available in English and Spanish.

The Standards Section made 12 revisions to publications including

brochures, industry guides and hazard alerts, covering multiple safety and health topics. This included brochures on Labor One (Mobile Training Unit), Public Sector Surveys and the Top 10 Most Frequently Cited Serious Violations. Industry guides included Standards Requiring Programs, Inspections, Procedures, Records and/or Training for General Industry, Construction, Marine Terminals and Agriculture. The revised hazard alerts were related to COVID-19 for Food Processing and the Frequently Asked Questions (FAQs).

The Standards Section developed three new safety and health topic pages for the NCDOL website which included the following topics: Laser Safety, Amputations SEP, and Coronavirus. Additionally, all existing safety and health topic pages were reviewed and edited for changes.

**Agricultural Safety and Health:** The Agricultural Safety and Health (ASH) Bureau continues to strengthen partnerships and associations with other groups, such as: NC Cooperative Extension, NC Agromedicine Institute, NC Farmworker Health Program, NC Community Health Center Association, NC Farm Bureau, NC Agribusiness Council, and the NC Growers Association (NCGA).

In FFY 2020, ASH completed 1,638 preoccupancy housing inspections of migrant farmworker housing and 38 compliance inspections. Housing certificates were issued to 1,793 sites with a total occupancy (beds) of 23,671. Sites in 100% compliance at the time of the inspection numbered 1,131 and were operated by 528 growers

RECOGNITION PROGRAMS

**Carolina Star Program:** The Carolina Star Program recognizes and promotes effective safety and health management systems by establishing a cooperative relationship at the workplace between management, labor, and the OSH Division. To qualify for the Carolina Star and Building Star Programs, a participant’s most recent three-year average for the total recordable case rates and cases with days away, restricted, or transferred rates must be 50% or more below the current federal Bureau of Labor Statistics rate for their industry. For Public Sector Star worksites, a baseline is established for all public sector applicants based upon their most recent complete three years of data. The baseline is used for future comparisons and further evaluation. Each approved Star site is provided with a Star flag, an acrylic Star and recognized at a celebration ceremony with the commissioner of labor.

At the end of FFY 2020, North Carolina had 151 Carolina Star Program Sites:

- 103 Carolina Star sites
- 4 Rising Star sites
- 21 Public Sector Star sites
- 23 Building Star sites

Due to COVID-19, the 2020 Annual Carolina Star Safety Conference was canceled. This would have marked the 24th annual conference for the Carolina Star Program.

Through a Special Star Team Member (SSTM) Program, OSH is able to leverage its limited resources by using specially trained Star site employees and independent private sector safety and health professionals for on-site Star evaluations. During FFY 2020, 10 new SSTMs were trained; however, one training class was canceled due to COVID-19. Currently, there are 92 SSTMs eligible to assist with Star evaluations. SSTMs are trained initially and then retrained within three years, following the initial training.



SSTM participants attend the 12th annual SSTM initial training in Raleigh held March 10-11, 2020. (Second Row, L-R): Kyle Earley, Elementis Chromium; Freddy Bailey Jr., Marathon Petroleum; Grady Pope, Southern Industrial; Emmanuel Yelverton, Skanska; Dunford Okoth, GE Aviation-Durham Engine Facility; Ed Hardy, NCDOL. (First Row, L-R): Carlene Harris, NCDOL; Starsky Martin, NCDOL; Valerie Tripp, Nucor Steel-Hertford; Joseph Biondi, Go Triangle; Michael Deal, Sherwin Williams; LaMont Smith, NCDOL.

The SSTM Program also includes the use of specially trained OSH Star Team Members (OSTM) from the bureau (bureau chief, supervisors, standards officers, and trainers). There are currently 16 OSTMs eligible to assist with Star evaluations.

**Gold Star Grower Housing Program:** The Gold Star Grower Housing Program recognizes growers who provide farmworker housing that meets or exceeds all the requirements of the Migrant Housing Act of North Carolina. All Gold Star Growers are recognized for their achievement by receiving a Gold Star certificate signed by the commissioner of labor. During Calendar Year 2020, there were 232 Gold Star Growers in North Carolina. Due to COVID-19, the 2020 Annual Gold Star Growers’ meeting was canceled. This would have marked the 27th annual conference for the Gold Star Grower Housing Program.

**Safety and Health Achievement Recognition Program:** SHARP recognizes small and high-hazard employers who have developed, implemented, and maintained an effective safety and health management program. To obtain SHARP, employers undergo a thorough review of their safety and health management program and must have injury and illness rates below their industry average. Each approved SHARP site is provided with a SHARP flag and recognized at a celebration with the commissioner of labor.

At the end of FFY 2020, there were 173 SHARP sites in North Carolina:

- 121 SHARP General Industry sites
- 40 SHARP Public Sector sites
- 6 SHARP Construction sites
- 6 Pre-SHARP sites

Consultative Services continued its special initiative to recognize employers who have been able to maintain SHARP status for 10 consecutive years with a special plaque and presentation ceremony. The 2020 presentations were delayed due to the pandemic but will resume when it is safe to do so.

**Safety Awards Program:** The Safety Awards Program celebrated its 74th year with another successful season. The Gold Award was presented to employer sites with days away, restricted, or transferred case rate at least 50% below the state average for its industry. The Silver Award went to employer sites with a lost workday case rate at least 50% below the state average. As a result of COVID-19, 28 virtual safety award presentations were conducted in lieu of live in person safety award banquets. The program distributed 2,737 annual awards (2,251 Gold and 486 Silver) and 96 million-hour awards.

PARTNERSHIPS AND ALLIANCES

**Partnerships:** OSH establishes partnerships with general contractors (GC) on a wide variety of construction sites to prevent injuries, illnesses, and fatalities. To obtain a partnership with OSH, the GC must submit an application and present the project details to the Partnership Committee made up of OSH personnel from compliance, CSB and ETTA. If recommended for a partnership, a partnership agreement is established and signed by the GC’s senior leadership, OSH Administration and the commissioner of labor.

The agreement requires a quarterly consultative walk-through to identify hazards, promote best practices, and educate both OSH personnel and the construction workers. A closing conference is held after each walk-through to discuss hazards identified which must be corrected within a specific time frame. Monthly reports are sent to the OSH Team Leader for the partnership detailing inspection findings, responses to the previous walk-throughs, incident reports, training, and other applicable site information.

During FFY 2020, there was one active partnership with Sanders Utility Construction Co. Inc. The project is to improve/upscale/replace the sanitary sewer along the Irwin Creek Tributary to Irwin Creek Interceptor. At the end of each partnership, the GC is provided with a partnership certificate at a closing ceremony held with the commissioner of labor.



On March 4, 2020, Labor Commissioner Cherie Berry signed a Partnership Agreement with Sanders Utility Construction Co. Inc., in Charlotte, NC.

**Alliances:** OSH establishes alliances with organizations and companies directed toward North Carolina’s special emphasis programs to support and promote education and outreach. Through viable alliance agreements, North Carolina can leverage limited resources to educate the public as well as internal staff about safety and health regulatory issues and hazards. These include outreach initiatives such as construction forums, safety summits and safety and health certificate programs.

**In FFY 2020, OSH had the following seven active alliances:** Carolinas Associated General Contractors, Lamar Advertising Co., Mexican Consulate, National Utility Contractors Association of the Carolinas, NC State – Industry Expansion Solutions (IES), the Safety and Health Council of North Carolina (SHCNC) and the North Carolina Association of Local Governmental Employee Safety Officials.

Through an alliance with Lamar Advertising Co., billboards were posted on North Carolina highways promoting the fall prevention stand down and the upcoming safety awards season. Another billboard was posted during the summer months regarding heat stress prevention.

Alliances with NC State – IES and the SHCNC offers a Manager of Environmental, Safety and Health (MESH) certificate program that promotes continuing education in environmental, safety and health for professionals working in the field of safety and health.

COVID-19 RESPONSE

**Internal Activities:** Due to the COVID-19 pandemic, OSH Division employees were sent home to work in March 2020. To protect employees, OSH Administration developed internal policies and procedures that included phases for reopening the OSH offices during the pandemic. This included daily health screening, reporting exposures and quarantining, cleaning and disinfecting work areas, social distancing, use of personal protective equipment (PPE) and face coverings, practicing good personal hygiene (i.e., soap, hand sanitizer), and employee training on procedures for working safely in the field and office. These policies and procedures continue to be modified to address the changing work environment and to ensure employee safety.



Angela Hamilton, OSH Administration, preparing individual hand sanitizer bottles for staff distribution.

Where possible, teleworking continued to be encouraged, along with the use of videoconferencing systems for meetings, tablets and iPads for conducting virtual site visits, and tour guide audio systems for onsite plant inspections.

Additional PPE and cleaning supplies were purchased early in the pandemic that included respirators, cloth face masks and face coverings, face shields, latex gloves, plexiglass barriers (desk and cubicle), signage, hand sanitizer, disinfecting wipes and sprays.

OSH employees received additional development training on COVID-19, both formally (i.e., webinars) and informally (i.e., guidance documents, media briefings,), so they were well-prepared for outreach, employer/employee training, interpretations, consultations, site visits, filing of complaints, and compliance activities.

A COVID-19 webpage was set up on the One Stop Shop (OSH Division’s intranet page) regarding COVID-19 resources for internal use. All internal OSH procedures and policies related to COVID-19 are kept on this page and updated as needed.

Since March 2020, all bureaus continue to submit tracking numbers for all COVID-19-related activities on a weekly basis. These numbers are provided to NCDOL Leadership and to Federal OSHA as requested.

Further, four ETTA employees and one CSB employee are State Emergency Response Team (SERT) members and act as liaisons between the State Emergency Operations Center and NCDOL. Due to the COVID-19 pandemic, SERT was activated, so daily email updates are sent to NCDOL senior leadership.

**External Activities:** From March 2020 through the end of FFY 2020, the OSH Division responded to 4,926 calls and emails related to questions pertaining to COVID-19. The OSH Director’s Office attended 102 meetings with other state agencies, employers and other

interested parties. These meetings included working with other agencies and companies looking at administrative and engineering controls such as procedures for safe opening, setting up work areas, use of barriers, and other relevant safety measures (i.e., PPE, disinfecting, social distancing, signage, health screening).

The OSH Complaint Desk responded to 1,029 valid COVID-19 complaints (e.g., COVID-19 cases with no cleaning being done) and 1,408 non-valid COVID-19 complaints (e.g., no social distancing being followed, but also no reported COVID-19 cases). They also had 1,107 unprocessed COVID-19-related complaints that weren’t processed due to insufficient information and/or they did not fall under OSH jurisdiction. Where applicable, the complaints were referred to the relevant agency for response.

To process COVID-19 complaints, Compliance developed COVID-19 Operational Procedures that provided specific criteria for whether a complaint was considered valid or not valid. Based on the criteria, a standard letter was sent to the complainant regarding the OSH procedures that would be followed based on the complaint. Additionally, the Compliance Bureau conducted 21 on-site COVID-19 related inspections and responded to 51 referrals for reports of hospitalizations by employers.

The Planning, Statistics and Information Management (PSIM) Bureau received 2,692 OSH and Retaliatory Employment Discrimination Bureau OSH-related disclosure requests during FFY 2020. PSIM processed a total of 1,291 disclosure requests (1,079 from FFY 2020 and 212 from previous years) during this fiscal year. As a result of the COVID-19 pandemic, PSIM realized an unprecedented increase in the number of disclosure file requests compared to last year, with an overwhelming 58% increase. PSIM staff worked diligently to process disclosure requests, which resulted in a 22% increase in the actual number of files processed compared to the last fiscal year.

CSB conducted 38 interventions and 157 visits for worksites that involved consultants providing information and answering questions on-site and virtually regarding COVID-19 pandemic safety, virus exposure protocols, barrier set-up, use of PPE, and the explanation of resources available, such as up-to-date information from the Centers for Disease Control, Federal OSHA, N.C. Department of Health and Human Services (NCDHHS) and other agencies.

ASH worked closely with various local and state agencies and other organizations to provide COVID-19 outreach, education, training and technical assistance to farmers and farmworkers in North Carolina. They also developed COVID-19 guidance for migrant housing facilities that was disseminated to all registered growers in North Carolina.

ASH collaborated with various sections of the NCDHHS including the NC Farmworker Health Program and the Department of Health’s (DPH) Communicable Disease Branch, the NC Agromedicine Institute, and the

NC Community Health Center Association to develop and provide two online COVID-19 training webinars for the agricultural community. The workgroup also partnered with USDOL’s Wage and Hour Division to provide an online webinar for NC growers explaining the requirements of the Families First Coronavirus Response Act. Further, ASH participated in a COVID-19 training webinar hosted by NC Cooperative Extension in Henderson County.

ASH partnered with the NCDHHS, NC Cooperative Extension, N.C. Department of Agriculture and Consumer Services and the NC Agromedicine Institute to expedite delivering 900,000 masks and infection control supplies to protect the health and safety of farmers and agricultural workers across the state. They also partnered with the NC Farmworker Health Program to begin distributing COVID-19 packets in English and Spanish to all growers with registered farm worker housing in NC.

The ASH bureau chief joined several COVID-19 workgroups that included representatives from the N.C. Department of Agriculture and Consumer Services, NC Agromedicine, NC Farmworker Health Program, NCGA, NC Farm Bureau, NC Community Health Center Association, NCSU Cooperative Extension, NC Christmas Tree Association, NC Sweet Potato Association, and Legal Aid of NC to discuss COVID-19 challenges faced by growers and farm workers and possible solutions. Discussion topics included transportation,

housing, PPE, COVID-19 testing, vaccine distribution, and training opportunities. Additionally, the ASH bureau chief participated in three multi-agency onsite agricultural related interventions at sites that experienced COVID-19 outbreaks. The purpose of these interventions was to evaluate the employer’s COVID-19 exposure controls plans and provide recommendations for areas of improvement.

The OSH assistant director conducted nine multi-agency onsite interventions at NC based meat and poultry processing facilities. Other participants in some of these visits included NCDHHS, the N.C. Department of Agriculture and Consumer Services, and the Center for Disease Control (CDC). The purpose of these interventions was to evaluate the employer’s COVID-19 exposure controls plans and provide recommendations for areas of improvement.

ETTA created a Coronavirus safety and health topic that included applicable OSHA standards, COVID-19 resources, and guidance by industry and topic. The COVID-19 topic page is also used as a banner on the main NCDOL webpage for ease of access by the public. Several existing safety and health topic pages (e.g., PPE, respiratory protection) were also updated to reflect the new resources and available documents related to COVID-19. Additionally, a Coronavirus hot spot was developed to be used as part of NCDOL employees’ email signatures to promote the COVID-19 webpage.

Fourteen compliance enforcement memorandums were issued by the Compliance and ASH Bureaus regarding good faith efforts by employers, complaints and referrals, respirator use, decontamination and fit testing, and migrant housing guidance.

FAQs on COVID-19 were developed and posted to the new Coronavirus safety and health topic page and are available in English and Spanish. They include questions related to PPE, wage and hour, recordkeeping, and COVID-19 vaccinations. The FAQs have been routinely updated to ensure continued accuracy with the information provided.

In addition, seven safety and health hazard and/or guidance alerts were created by ETTA on COVID-19 safety and health guidelines for general industry, construction, agriculture, food processing, long-term care, healthcare, and retail. Two fact sheets were developed for face masks vs. respirators and hazard considerations for face coverings, face masks and respirators. ETTA also developed an example COVID-19 preparedness and response program for low and medium risk employers.

ETTA developed six presentations on COVID-19 which were posted to the website. This included a basic employee awareness presentation as well as presentations specifically designed for the following industries: manufacturing, retail, universities, construction, and poultry/meat processing. These presentations were also used for conducting 28 webinars during FFY 2020.

Five pre-recorded webinars with a COVID-19 focus were conducted by ETTA which were posted to the website including training on the use of respiratory protection, a specific course on the use of N95 respirators, PPE used in construction, PPE used in general industry, and one on basic COVID-19 employee awareness. Further, through the Library’s streaming video service, COVID-19 videos were streamed by 72 employers around the state.

Lastly, the podcast and social media (i.e., Instagram, Twitter, Facebook) were utilized to promote COVID-19 resources to the employers and employees in the state. At the end of FFY 2020, the Publications Bureau had designed a COVID-19 billboard to be posted throughout the state promoting the free COVID-19 resources available on our website.



The Publications Bureau designed a new billboard at the end of FFY 2020 that will be posted digitally throughout the state promoting free COVID-19 resources.

# OREGON

Occupational Safety and Health Division | Oregon OSHA

## SIGNIFICANT ENFORCEMENT CASE – COLIMA CONSTRUCTION

Doing construction projects and keeping your workers safe from falls are not mutually exclusive enterprises.

It would be an understatement to say Colima Construction LLC – a commercial and residential contractor established in 2009 and based in Canby – has struggled to understand that simple truth.

Since 2012, Oregon OSHA has inspected Colima worksites 27 times and cited the company for 44 violations, totaling \$426,300. Most of those fines were assessed for violations of the division’s fall protection rules.

Why did the company achieve such a dubious distinction in its 12-year history? Colima’s problems stem from its rapid growth since 2018 and no formal safety and health program that emphasized worker protection.

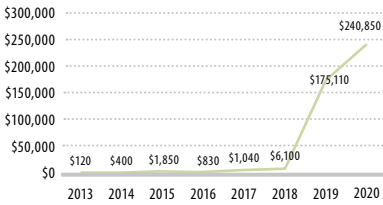
However, the company may be shifting its attitude in light of steep fines Oregon OSHA recently imposed on it. Those fines were accompanied by two press releases the division issued – in October 2019 and May 2020 – that highlighted the company’s record of repeatedly violating Oregon’s workplace safety rules. In an interview with a division compliance officer in April, 2020, a Colima employee said: “... with all the OSHA fines Colima has received, (Colima owner) Angel Jimenez realized that they need to focus more on safety.”

In a series of enforcement actions, Oregon OSHA fined Colima \$120,000 for repeat fall protection violations in 2019 and nearly \$235,000 for safety violations – including four repeat violations – at Oregon jobsites in Bend, Aumsville, and Tigard in 2020.

In assessing the company’s violations, Oregon OSHA Administrator Michael Wood said, “It is inexcusable to ignore fall protection rules that are specifically designed to prevent serious injury or death ... To ignore such rules repeatedly is to display a glaring lack of regard for worker safety.”

Colima began business as a small drywall and insulation contractor with only a handful of employees. In 2015, Colima’s OSHA 300 Log showed the company had 35 employees and no injuries. Then, in 2016, the company expanded its operations from drywall and insulation work to siding and framing. In 2018, OSHA 300 Logs showed Colima employed 178 full-time workers and had 14 injuries.

Colima, assessed penalties by year.



Colima, penalties by violation type.

Violation Type	Total Penalty
Fall Protection	\$407,590
Ladders	\$12,180
Scaffolds	\$3,010
Stairways	\$1,480
PPE	\$1,360
Electrical	\$400
Safety Committees and Meetings	\$180
Record keeping	\$100



Worker on roof, not protected from a potential fall.



Worker carrying siding, exposed to a potential fall, with no protection.



Worker, without fall protection, hauling particleboard up slope of roof.

Colima continued hiring workers throughout the state, and, by 2019, the company reported 481 full-time workers and 31 injuries. In one year, the number of full-time workers increased more than 270 percent and the number of reported injuries increased by more than 220 percent.

Most of Colima's employees are Hispanic, many of whom speak little English and work throughout the state on construction projects with little supervision or safety training.

During one inspection, an Oregon OSHA compliance officer noted that a Colima employee he interviewed through an interpreter did not know who his employer was.

Another compliance officer, who investigated a Jan. 15, 2020, accident involving a Colima employee who fell from a ladder, noted that Colima never had a safety manager; it was only after the accident that Colima hired one.

**Colima Construction:  
Oregon OSHA inspection history,  
2012-2020**

- Inspections: **27**
- Violations: **44**
  - Serious: **27**
  - Repeat: **11**
  - Other than serious: **6**

**SIGNATURE PROJECTS – COVID-19 RESPONSE**

Oregon OSHA shouldered an unprecedented amount of work in response to the public health impacts triggered by the global coronavirus pandemic. A major part of it stemmed from Governor Kate Brown tasking the division with enforcing emergency protective measures in the workplace. The ripple effects included intense media attention and a torrent of complaints alleging coronavirus hazards.

From March 2020 to year's end, the division received more than 20,000 complaints – most of them related to COVID-19. For perspective, a typical year sees the division field just over 2,000 complaints.

But enforcement was not Oregon OSHA's only calling as the pandemic unfolded. It launched new consultation and public education services. It forged partnerships and helped lead interagency projects to curb outbreaks. It pursued and adopted emergency rules to reduce the risk of the disease in the workplace. And the division, with transparency and public engagement in mind, issued a variety of communications. They included press releases, web and social media content, and livestream question-and-answer sessions.



Oregon OSHA Administrator Michael Wood (left) and Technical Specialist Matt Kaiser prepare to take questions during a livestream event about temporary COVID-19 requirements.

**EXECUTIVE ORDERS, EDUCATION, AND ENFORCEMENT**

After Governor Brown publicly stated in March that Oregon OSHA would enforce COVID-19 restrictions to protect workers, media splashed the division's contact information for filing complaints across Internet, TV, print, and radio outlets.

Workers weren't the only ones to flood the division's phones and online hazard-reporting system. Many residents filed complaints too. In a two-week period, beginning in late March, the division received more than 2,400 complaints. Thousands more would come.

The deluge bent – but did not break – the system. That is because everyone from compliance officers and consultants to managers and administrative specialists stepped up.

The work included evaluating complaints, engaging employers, and following up with complainants. In unprecedented fashion, consultants jumped in to help enforcement manage the growing thicket of complaints.

The likelihood of an on-site inspection increased when employers refused to respond to the division's inquiries. At one point, the division instituted spot checks to verify employers were complying with executive orders aimed at reducing the spread of the virus.

As the pandemic wore on and new restrictions were imposed, a small, but vocal, group of businesses willfully and publicly defied those restrictions. During several inspections, protestors, some of them armed, stood outside businesses to block access and make threats. Still, Oregon OSHA compliance officers carried out their enforcement work, completing interviews, gathering evidence, and issuing citations.

The division also adopted emergency rules to curb the risks of COVID-19 in the workplace. One of those rules addressed labor housing, sanitation, and transportation in agricultural operations. Another addressed COVID-19 in all workplaces, requiring employers to carry out a comprehensive set of risk-reducing measures. Those measures included physical distancing, face coverings, sanitation, maximization of ventilation, and employee information and training.

Meanwhile, Oregon OSHA's consultation services provided virtual help for employers trying to navigate the challenges of COVID-19. And consultants helped employers understand the new – and frequently evolving – requirements.



Oregon OSHA offered virtual consultation services, specific to COVID-19.

Throughout the coronavirus crisis, the division has published a variety of public communications and responded to requests from media for interviews, documents, and data. Rumors and misinformation were addressed, too. Those efforts included issuing a press release and producing a video informing employers and workers of attempts by fraudsters to extort money for false COVID-19 violations.

**CONSULTATION SERVICES HELPS  
CURB OUTBREAKS**

The division teamed up with other state agencies to battle COVID-19. The work included consultation services joining a task force ordered by Governor Brown.

The task force – whose members included the Oregon Health Authority (OHA), Oregon Department of Agriculture (ODA) and the Oregon Department of Justice (DOJ) – developed a rapid response to coronavirus outbreaks at food processing facilities. The mission was to safely preserve the continuity of food supply within Oregon.

The agencies created a framework for site visits – based on open communication and collaboration with employers – known as Interagency Facility Support Teams (IFST). They outlined the approach in a playbook.

The playbook called for local public health authorities, after identifying a positive case, to conduct contact tracing to identify the employer of the person who tested positive. They would then contact OHA, which would inform Agriculture. In turn, Agriculture would notify Oregon OSHA's consultation services, which acted in an advisory role, and then engage the facility about helping it achieve compliance.

Using their respective talents during site visits, Oregon OSHA, Agriculture, and OHA addressed worker safety, food safety, and safety regarding community spread.

The agencies also crafted another document: a toolkit to provide guidance to food processors in reducing the risks of COVID-19.

The first site visit occurred in early June. By the end of 2020, IFST consultations totaled 146. A variety of employers within the category of food processing accepted such visits. They included grocery stores, farms, processors, food warehouses and distributors, and food retailers. The work proved successful.

For example, repeat requests due to secondary outbreaks at food processing facilities were rare. Community spread was implicated as the source in all of the reports to Oregon OSHA of secondary outbreaks at facilities that received an IFST visit.

An analysis of the more than 20,000 complaints the division received during 2020 showed only one was filed against an employer who received an IFST visit. Of the employers that received such visits, none were cited for alleged violations of COVID-19 requirements.

**PARTNERSHIPS FORGED, RECOGNITION EARNED**

Oregon OSHA did not approach its COVID-19 enforcement work alone. It teamed up with the Oregon Health Authority, the Oregon Department of Education, the Oregon Liquor Control Commission, and the Oregon Lottery to address safety complaints and referrals. That work included sharing information to better inform potential enforcement actions, leveraging resources to handle the overall workload, and ensuring the appropriate agency followed up based on the nature of the complaint.

Meanwhile, the COVID-19 Joint Construction Safety Task Force – a partnership of union and non-union industry professionals – helped to ensure the construction industry worked as safely as possible during the pandemic. Oregon OSHA supported the task force, with consultants visiting worksites, and providing guidance and solutions. The task force developed best practices for keeping construction workers safe.

Indeed, Oregon OSHA's work to help keep construction workers safe factored into the Daily Journal of Commerce's decision to honor the division with a 2021 Hard Hat Safety Award.

The award also recognized the division's perseverance in handling the flood of COVID-19 complaints and in conducting enforcement work in the face of threats from a relatively small – but vocal – opposition.

**COVID-19 CITATIONS ISSUED**

Since the beginning of the pandemic – and as of February 2021 – Oregon OSHA had issued at least 90 citations to employers for violating requirements to protect workers from COVID-19. They were the result of roughly 200 formal enforcement actions that were largely based on the more than 20,000 complaints received by the agency.

Penalties for non-willful serious violations ranged from the minimum of \$100 to \$4,200 (well under the maximum penalty for a serious violation of \$12,750), while penalties for willful violations ranged from the minimum of \$8,900 to the maximum of \$126,749.

That maximum penalty was the largest penalty issued to an employer by Oregon OSHA for a violation related to COVID-19.

**PUBLIC EDUCATION**

During the fiscal year 2020, Oregon OSHA continued to build out its Fall Protection Suite of free online training videos. It also developed online resources to address the COVID-19 pandemic.

**The additional online fall protection training resources included:**

- Fall Protection for Roofing – The course includes insights from industry leaders and covers a range of topics including hazard identification, fall protection equipment and systems, safe access, and training.
- Spanish-language version of Fundamentals of Fall Protection – The course supplements employers' fall protection training programs by providing an overview of the rules, interviews with experts, and links to more resources. It delves into everything from fall protection options and equipment inspection to how to begin using fall protection.
- Spanish-language version of Ladder Safety – The course covers many topics, including choosing the right type of ladder for the job, heeding the ladder manufacturer's instructions, addressing the common hazards of using ladders, and following ladder safety rules.
- Fall Protection for Construction – The course features industry leaders and practical demonstrations. It highlights the requirements and explains terms processes. It covers many topics. They include fall arrest and fall restraint systems, fall clearance calculations, scaffolding, guardrails, leading edge work, and holes and openings.

The online courses include opportunities to receive certificates of completion. The division promoted them using various communications channels, including YouTube, Facebook, press releases, and the Health and Safety Resource newsletter.



Oregon OSHA partnered with other state agencies to address COVID-19 risks.



Oregon OSHA assisted a task force focused on keeping construction sites safe during the pandemic.



The Daily Journal of Commerce in Portland honored Oregon OSHA with a Hard Hat Award.



Oregon OSHA continued to develop its online training resources, including fall protection training.

ENFORCEMENT

Enforcement includes intervention in both the private and public sectors. In the 2020 fiscal year, 2,012 inspections were conducted; 1,477 were in safety and 535 were in health. Of the 2,012 inspections, approximately 1,256 citations, or 62 percent, were issued with initial penalties totaling \$1,955,265.

EMPHASIS PROGRAMS

Oregon OSHA's key emphasis programs help enforcement and consultation focus their efforts on industries where there are frequent employee injuries or deaths.

The "Preventing Heat-related Illness" program addresses the hazards of working in high heat, and encourages employers and workers in construction, agriculture, and other labor-intensive activities to learn the signs of heat illness and focus on prevention. The division also offers heat stress prevention videos in English and Spanish. In the 2020 fiscal year, the division conducted 205 inspections and 246 consultations.

The "Falls in Construction" program allows compliance officers to stop at any construction site where they observe employees working at heights requiring protection. The biggest impact is on small residential construction contractors. Oregon OSHA offers a falls in construction video in English and Spanish through its lending resource library. In the 2020 fiscal year, the division conducted 301 inspections and 361 consultations.

The "Amputations" program allows compliance officers to stop at targeted general industry workplaces that have machinery or equipment likely to cause amputations or where amputations have already occurred. In the 2020 fiscal year, the division conducted 23 inspections and 216 consultations.

RULEMAKING ACTIVITY

TEMPORARY RULE ADDRESSING COVID-19 IN EMPLOYER-PROVIDED HOUSING, FARM OPERATIONS

In April 2020, Oregon OSHA adopted a temporary rule that strengthened protections for workers against the coronavirus disease in field sanitation, labor housing, and transportation. The rule expired after 180 days. Governor Kate Brown extended the labor housing requirements through April 2021.

TEMPORARY RULE ADDRESSING COVID-19 WORKPLACE RISKS

In November 2020, Oregon OSHA adopted a temporary rule that combats the spread of coronavirus in all workplaces by requiring employers to carry out a comprehensive set of risk-reducing measures.

The rule remained in effect until May 4, 2021. It was a continuation of the guidance produced by the Oregon Health Authority and enforced in the workplace by Oregon OSHA, including physical distancing, use of face coverings, and sanitation.

PERMANENT RULE ADDRESSING COVID-19 IN ALL WORKPLACES

In January 2021, seeking to extend protections for workers against the coronavirus disease, Oregon OSHA proposed a permanent rule that largely maintains – with some improvements – the risk-reducing measures required by the current temporary emergency rule. It would replace the temporary rule.

The proposal received virtual public hearings in February and March. Public comments were accepted through April 2. Adoption was tentatively slated for May 2021. Although the rule must be adopted as a permanent rule because the law does not allow a temporary rule to be extended, the division expects to repeal the permanent rule once it is no longer needed to address the coronavirus pandemic.

EMPLOYER KNOWLEDGE/EMPLOYER RESPONSIBILITY

In this rulemaking, Oregon OSHA proposed adding two definitions and a paragraph to the Division 1 rules. The Oregon Supreme Court, in "CBI Services v. Oregon OSHA," determined that the division needed to more clearly define how "reasonable diligence" and "unpreventable employee misconduct" are interpreted and applied in enforcement activities.

Oregon OSHA believes that such guidance is most appropriately provided through an administrative rule. The proposed additions to the rules are to clarify how the division assesses an employer's reasonable diligence, what constitutes unpreventable employee misconduct, how the division assesses an employer's knowledge of a violation, and when an employer is and is not responsible for a violation that has occurred on its worksite.

These rules were first proposed Feb. 26, 2020, with public hearings scheduled in March and April. As the COVID-19 emergency unfolded, Oregon OSHA issued a new proposal that was identical to the first, but that extended the comment period. On July 30 and July 31, 2020, the division yet again issued the same proposal and extended the comment period through Oct. 30, 2020 (and scheduled hearings in late September and October).

PENALTIES – INCREASING MINIMUM AND MAXIMUM PENALTIES

In this rulemaking, Oregon OSHA proposed changes to the existing penalty rules. The changes include a modest increase in the maximum penalties that aligns those penalties with federal OSHA as directed by both Congress and the Oregon Legislature.

These changes were first proposed Feb. 26, 2020, with public hearings scheduled in March and April. As the COVID-19 emergency unfolded, Oregon OSHA issued a new proposal that was identical to the first but that extended the comment period. On July 30 and July 31, 2020, the division yet again issued the same proposal and extended the comment period through Oct. 30, 2020 (and scheduled hearings in late September and early October).

PERMISSIBLE EXPOSURE LIMITS

Oregon OSHA continues its work on updating Permissible Exposure Limits.

Manganese

The division has proposed reducing the permissible exposure limit (PEL) for manganese compounds and fume. This reduction would occur in the air contaminants rules for general industry, construction, and agriculture.

The proposed PEL is 0.1 mg/m3, as an eight-hour time-weighted average. It retains the ceiling limit of 5 mg/m3. This proposal was initiated as a result of the work of two advisory committees.

The proposal clarifies and cross-references welding rules with other standards including confined spaces. It also offers an alternative to air monitoring for manganese exposures. The proposed rule allows employers to use specific levels of respiratory protection – based on the assigned protection factor (APF) of the equipment – for specific types of welding tasks with specific periods of time and other limits. A new table correlates these guidelines which are offered as an option, and not as a requirement.

Because of COVID-19, Oregon OSHA canceled a March 26 public hearing regarding the proposal. The division kept the comment period open until May 4.



Fact sheets and other communications helped employers understand new COVID-19 requirements.

STANDARDS TO ADDRESS  
EXCESSIVE HEAT AND WILDFIRE  
SMOKE

In March 2020, Governor Kate Brown issued an executive order directing certain state agencies to take steps to reduce greenhouse gas emissions to offset the impacts of climate change.

The order charged Oregon OSHA, in conjunction with the Oregon Health Authority, with developing standards to protect workers from workplace exposures to excessive heat and wildfire smoke.

Oregon OSHA expects to convene virtual meetings with advisory committees and stakeholders to gather information and begin drafting standards for both rulemaking projects. Discussion points will include identification of potentially harmful exposure levels; engineering, administrative and personal protective equipment controls; employee training and instruction; and potential fiscal impacts of proposed requirements.

The division expects to propose rules in August or September 2021.



Oregon OSHA helped revamp an annual contest to promote young worker safety.

VOLUNTARY PROGRAMS

CONSULTATION

The consultation program has long helped employers implement and maintain effective safety and health management systems, and to ultimately become self-sufficient in managing those systems.

In fiscal year 2020, 1,893 consultations were conducted. Here they are by category and number:

- Health consultations – 262, or 32 percent, were in high-hazard industries
- Safety consultations – 713, or 66 percent, were in high-hazard industries
- All safety and health consultations in high-hazard industries: 975, or 52 percent
- Ergonomics were addressed in 63 percent of all consultation activities; 38 of the 60 addressed high Muscle Skeletal Disorders (MSD) rates.
- There were 6,090 serious hazards identified during on-site consultation activities.
- There were 142 consultations where workplace violence was addressed.

COOPERATIVE PROGRAMS – SHARP AND VPP

Building on Oregon OSHA’s promotion of employer self-sufficiency, the division encourages employers to attain SHARP and VPP status. At the end of fiscal year 2020, 211 companies had participated in the SHARP program, and 21 companies were certified VPP.

PARTNERSHIPS AND AGREEMENTS

Oregon OSHA has long partnered with the Oregon Young Employee Safety Coalition (O[yes]) to invite high school students to participate in a video safety contest that raises awareness about young worker safety. In 2020, though, the division and its partners took a fresh look at the contest and decided to change things up. Those changes included updated rules, expanded entry options, and a new name for the 13th year of the event: a “media contest.” As a result, the 2021 contest invited participants to do the following:

- Choose one of two themes:
  - Hit by or pushed against an object
  - Slips, trips, or falls on walking surfaces
- Bring the chosen theme to life either by creating a video that is between 30 and 90 seconds in length or by developing a graphic design piece.
- Incorporate a new tagline into the video or graphic design project: “Work. It can be more dangerous than you think.”

The top three entries in each of the two media categories will take home cash prizes ranging from \$300 to \$500. In each category, the first-place winner’s school, club, or organization will receive a matching award.

Meanwhile, Oregon OSHA forged new partnerships and moved forward with existing agreements. Information about all of the division’s teamwork is available online. Here are some examples:

- The division worked with the Oregon Department of Agriculture (ODA), Oregon Health Authority (OHA), and local public health agencies to help curb outbreaks of COVID-19 at food-processing facilities.
- In addressing COVID-19 complaints and enforcement issues, the division worked with OHA, the Oregon Department of Education, Oregon Liquor Control Commission, and the Oregon Lottery.
- The division supported the COVID-19 Joint Construction Safety Task Force.
- Oregon OSHA worked with stakeholders – many of whom served on advisory committees – in developing temporary emergency rules to address COVID-19.
- The division continued its agreement with ODA to support the Pesticide Analytical and Response Center. The center coordinates investigations, and collects and analyzes information related to pesticide incidents.
- The Construction Advisory Committee, which meets on a monthly basis, gathered virtually to discuss accidents, near misses, and technical issues. The committee members – who are safety members working primarily in commercial construction – also participate in rulemaking activities related to construction.

ACTIVITIES

CONFERENCES

Oregon OSHA co-sponsors statewide educational conferences. These conferences, featuring local and national experts, offer learning opportunities for workers and employers. During fiscal year 2020, Oregon OSHA planned eight and carried out five conferences. They were the division’s first-ever Spanish-language conference; the 29th annual Western Pulp, Paper, & Forest Products Safety & Health Conference; the Mid-Oregon Construction Safety Summit; the 19th biennial Cascade Occupational Safety and Health Conference; and the Southern Oregon Occupational Safety and Health Conference.

Meanwhile, the coronavirus pandemic forced the division to cancel three conferences: the Northwest Safety & Health Summit produced by the Region X Voluntary Protection Programs Participants’ Association; the Blue Mountain Conference; and the Central Oregon Conference.

The division continues to schedule some events for 2022, as it considers final decisions regarding fall and winter events in 2021. Some conferences will be held virtually.

WORKERS’ MEMORIAL  
SCHOLARSHIP PROGRAM

Seven Oregon high school graduates were recipients of the 2020 Workers’ Memorial Scholarship awards. The awards program helps finance higher education for family members of Oregon workers who have been fatally injured or permanently disabled on the job.



Seven Oregon high school graduates received 2020 Workers’ Memorial Scholarship awards.

The Workers’ Memorial Scholarship is open to any high school graduate, graduating high school senior, GED recipient, or current college undergraduate or graduate student who is a dependent or spouse of an Oregon worker who has been fatally injured or permanently disabled while on the job.

Award recommendations are made by Oregon OSHA’s Safe Employment Education and Training Advisory Committee, an advisory group with members from business, organized labor, and government. Oregon OSHA presents the awards annually to help in the postsecondary education of spouses or children of permanently and totally disabled or fatally injured workers.

The 1991 Legislature established the Workers’ Memorial Scholarship at the request of the Oregon AFL-CIO, with support from Associated Oregon Industries. The scholarship is funded by the interest on a portion of civil penalties issued against employers for workplace safety violations.

**SAFETY BREAK FOR OREGON**

More than 62 employers helped underscore the importance of safety and health on the job by participating in Safety Break for Oregon on May 13, 2020. At the beginning of the year, Oregon OSHA, which promotes the grassroots event, expected it to unfold similar to those of the past with different industries engaging in a range of safety activities, including everything from demonstrating vehicle safety and huddling for toolbox talks, to gathering to stretch and flex to improve ergonomics.



The 17th annual Safety Break for Oregon called on employers and workers to pause and reflect on best safety practices.

But COVID-19 – and the need to practice physical distancing, wear face coverings and to take other appropriate precautions – changed everything. In response, the division and employers pivoted, focusing on promoting best practices to address the coronavirus while sharing accomplishments virtually during the 17th year of the event. Oregon OSHA encouraged employers to share photos and videos of their efforts using @OregonOSHA on Facebook and #SafetyBreak on Twitter.

The division also produced videos – including this one – promoting consultation services, staff experts and other resources to help encourage employers to participate in the event.

As part of the event, Alpenrose Dairy in Portland, Linn-Benton Community College of Albany, and Bowman Trucking of La Grande each won a \$100 prize for a luncheon of their choice. The prizes were awarded to event participants in a random drawing. The Oregon SHARP Alliance sponsored the contest.

# PUERTO RICO

Occupational Safety and Health Administration | PR-OSHA

This year’s extraordinary circumstances shifted Puerto Rico (PR) OSHA’s projected goals dramatically. New goals were drawn in lieu of the new and changing circumstances. In Puerto Rico, FY 2020 started with a swarm of earthquakes that devastated the southern part of the island in December of 2019, and in January and February of 2020. Hundreds of earthquakes were reported and the need for assistance and guidance on safety and health measures in shelters and other structures was imperative. As the island was declared in a state of emergency, all safety and health specialists were activated for emergency response. All CSHO’s (Enforcement and Consultation) performed safety and health compliance assistance activities in the shelters, identified hazards and recommended corrective actions in order to preserve the safety of the refugees, volunteers and employees.

Due to earthquake-related activities and the COVID-19 pandemic, the Governor of Puerto Rico issued several executive orders, the first of which was issued on March 14, 2020, which declared the island in a state of emergency. The executive order called for an immediate island-wide shutdown of all nonessential businesses and government operations. The general shutdown order for most nonessential businesses and government operations was lifted in May 2020, with various restrictions.

The shutdown order issued by the local government had an immediate impact on PR OSHA’s program’s projections for FY 2020. Although PR OSHA worked uninterrupted during the public health emergency, the projected goals could not be met. After the government imposed the shutdown order, all prescheduled PR OSHA activities were suspended and the program’s attention and subsequent actions shifted towards the immediate needs of employers with regards to COVID-19 information, education and safety measures for their workplaces.

**SIGNATURE PROJECTS**

On March 14, 2020, Governor Wanda Vazquez issued an executive order closing government and private sector operations due to the spread of COVID-19 in Puerto Rico. Since that date, PR OSHA was part of the Task Force of the government.

The agencies that were part of the Task Force included, but were not limited to, the PR Police Department, the PR Health Department, and the PR Treasury Department. The Task Force was in charge of enforcing their agency’s own provisions which were included in the executive orders. In order to safeguard employees, all

private sector and government employers who were exempt from closing their operations and stayed open under quarantine conditions were required to comply with the executive orders.

During the month of April 2020, PR OSHA developed the Auto Certification concept. The governors' executive order gave permits to some employers to continue operations. To be able to keep their doors open, employers exempted from the Closure Order had to comply with the requirements set forth in the executive orders and were required to have a written COVID-19 Exposure Control Plan. All employers permitted to continue operations had to complete an Auto Certification Form and post it in our Auto Certification Portal.

The PR Consultation Program was in charge of receiving and verifying the COVID-19 Exposure Control Plans. After verifying the plans, our Consultants determined compliance with the guidelines and confirmed the completion of the Auto Certification Process. All of the employers that complied with the requirements were placed in the Portal List by the Consultants.

The Bureau of Inspections (Enforcement) conducted interventions with the Government Task Force. All executive order guidelines were subject to verification by each member of the Task Force. PR OSHA CSHOs verified compliance with the COVID-19 Exposure Control Plan and confirmed completion of the Auto Certification Form, as well as identified any other hazards that may be present during the intervention. At the end of the intervention, PR OSHA asked for corrections of any hazards that were identified during the intervention and for compliance with the governor's executive orders.

It is important to note that the COVID-19 Exposure Control Plan was based on CDC and OSHA guidelines, from the COVID-19 pandemic publications, and was updated as CDC and OSHA provided new updates.



Autocertification Form



Store at Bayamón PR, they had the Auto Certification Exposure Control Plan and all Executive Orders requirements in compliance.



Night operations at Manatí PR, the bar was not in compliance with Executive Orders, agglomeration and lack of Auto Certification and Exposure Control Plan.



Night Operations Intervention, Sport Bar not complying with Agglomeration restriction and Curfew hours at Santurce PR.



Business operating with Auto Certification, means of egress and electrical panels were obstructed, San Juan PR.

ENFORCEMENT

INSPECTIONS AND DISCRIMINATION COMPLAINTS

Enforcement conducted a total of 471 inspections. We did not reach our goal of 1,260 inspections due to the earthquakes during the first quarter and the Covid-19 pandemic emergency during the rest of the year.

The inspections broke down as follows:

- Safety Inspections – 307
- Health Inspections – 164
- Programmed Planned/Related - 53
- Unprogrammed/Related – 414
- Fatality/Catastrophe – 4
- Interventions COVID-19 – 3,502
- Discrimination – 30 Complaints

FROM DECEMBER 2019 THRU FEBRUARY 2020, PR OSHA EARTHQUAKE RESPONSE

PR OSHA Enforcement and Consultation Programs conducted a total of 351 interventions. We inspected locations throughout the southern west part of the island where there was work performed for clearing of debris from damage to roads and buildings. We also went to the Community Recuperation Centers (CRC) and Refugee Camps located on the municipalities of the southern west part of the island. PR OSHA identified hazards to which employees and refugees were exposed at those centers and camps. We provided assistance with corrective actions and hazard mitigation for employees and the general public.

FROM MARCH 2020 THRU SEPTEMBER 2020, PR OSHA COVID-19 PANDEMIC EMERGENCY

On March 14, 2020, PR Governor Wanda Vazquez issued the first COVID-related executive order for closure of the whole Island of Puerto Rico for 14 days. All activities, government and private industries were placed under quarantine. Only essential government personnel were permitted to operate; PR OSHA staff were included as essential personnel providing service during the pandemic emergency.

Starting on April 2020 until September 2020, PR OSHA was part of the government emergency COVID-19 Task Force, taking an active role with the PR Police Department, PR Treasury Department, PR Health Department and the PR Fire Department. During the interventions we were tasked with ensuring employer compliance with the COVID-19 Exposure Control Plan and the employer Auto Certification for the COVID-19 Exposure Control Plan. We also checked for the presence of any other hazards to which employees may be exposed. The other Agencies were mainly in charge of compliance with executive order restrictions for the general public, such as, but not limited to, wearing masks, agglomeration restrictions, curfew, and certifications.

As part of the COVID-19 Task Force, PR OSHA participated in 3,502 interventions. In addition, we performed 1,022 unprogrammed activities related to COVID-19. It is important to point out that from the beginning of March until the end of July 2020, PR OSHA only had 27 CSHOs in the Enforcement Division. They are our HEROES. They performed an incredible amount of work that surpassed our expectations. The mission was completed as members of the Task Force. We are proud of the work done and the service we provided for the safety and health of the whole Puerto Rico community.

PROGRAMS

LEP on Amputations – Forty-seven (47) inspections conducted, forty-nine (49) serious violations and fifty-two (52) other-than-serious violations cited.

LEP on Gasoline Service Stations – Twenty-one (21) inspections conducted, thirty-eight (38) serious violations and twenty-nine (29) other-than-serious violations cited.

LEP on Hazardous Public Activities for Mobile Crews – Thirty-nine (39) inspections conducted, forty-one (41) serious violations and fourteen (14) other-than-serious violations were cited.

DISCRIMINATION COMPLAINTS

PR OSHA received thirty (30) discrimination complaints. Zero (0) cases were found with merit, three (3) cases were withdrawn, nineteen (19) cases were closed at the administrative level, two (2) cases were dismissed, and zero (0) cases were settled.

All photos taken by CSHOs during interventions.



## CONSULTATION PROGRAM

Even through the earthquake emergency and COVID-19 pandemic, PR OSHA's On-site Consultation Program continues to work hand-in-hand with employers in the island in order to guarantee safe and healthful working conditions for all employees, and in doing so, significantly reduce occupational fatalities, injuries and illnesses.

The PR OSHA On-site Consultation Program completed 57% of the total number of projected consultation visits for FY 2020, 43% below the original projection. A total of two hundred seventy (270) consultation visits were projected. A combined total of one hundred fifty-four (154) safety and health consultation visits were conducted. One hundred forty-seven (147) visits were initial visits, six (6) were follow-up visits and one (1) was a training and education visit.

Due to the increased need for assistance in terms of the COVID-19 pandemic and emergency response, and due to the earthquakes, one thousand two hundred and five (1,205) compliance activities were performed during FY 2020 with most of these related to emergency response and COVID-19 state requirement compliance.

### On-site Consultation and Off-site Assistance

- On-site Consultation Visits – one hundred fifty-four (154)
- Safety Consultations – sixty-eight (68)
- Health Consultations – twenty-one (21)
- Both – sixty-five (65)

### SHARP

During FY 2020, participation for a second, third or fourth two-year or three-year term in SHARP was reapproved for the following sites:

- Hogar CAM Betzaida – renewed October 2019
- Laboratorio Clínico y Bacteriológico de Lares – renewed June 2020
- Laboratorio Gaudier – renewed December 2019
- Oficina Dental Dr. Patricio Sumaza – renewed December 2019
- Clinica Dental Dra. Janet Rivera – renewed January 2020
- Water Treatment Specialists, Inc. – renewed October 2019

## Voluntary Protection Programs

PR OSHA has twelve (12) VPP participants at Guanín level (Star equivalent).

**During FY 2020, two (2) sites were re-evaluated for continuing participation at the Guanín level:**

- Pfizer Pharmaceuticals – Vieques – October, 2019
- Hamilton Sundstrand – November 2019

**For FY 2020, there are twelve (12) sites approved for VPP, all participating at the Guanín Level.**

1. Honeywell Aerospace – Aguadilla
2. Industrial C&S of PR LLC – Vega Alta
3. Industrial C&S of PR LLC – Arecibo
4. Hidustan Platinum – Humacao
5. Industrial C&S of PR LLC – Vieques
6. GE International of Puerto Rico – Añasco
8. Veolia ES Technical Solutions, LLC – Gurabo
9. Stryker Puerto Rico, Ltd – Arroyo
10. Pfizer Global Manufacturing – Vega Baja
11. Hamilton Sundstrand – Santa Isabel
12. Glaxo Smith Kline – Guayama



# SOUTH CAROLINA

Occupational Safety and Health Administration | SC-OSHA

## COMPLIANCE

Enforcement is an integral part of the South Carolina State Plan and includes intervention in both private and public sectors. In fiscal year 2020, South Carolina OSHA conducted 349 inspections/investigations. During this period, 297 safety-related inspections and 52 health-related inspections were conducted.

**Statistics show the following:**

- 146 Planned Inspections
- 91 Complaint Inspections
- 29 Accident and Fatality Inspections
- 46 Referral Inspections
- 14 Follow-Up Inspections
- 19 Unprogrammed-Related Inspections
- 4 Programmed-Related Inspections

During these inspections, 648 violations were issued. Of these violations, 513 were serious violations, 130 were other-than-serious violations, and 5 were repeat violations. Adjusted penalties for these violations were \$769,782.75.

## STATISTICS

The Survey of Occupational Injuries and Illnesses is a federal/state program in which employers' workplace injuries and illnesses are collected and analyzed by the agency. This annual survey provides estimates of the number and frequency (incidence rates) of workplace injuries and illnesses based on logs kept by employers during the year. These records reflect not only the year's injury and illness experience, but also the employers' understanding of which cases are work-related under recordkeeping rules promulgated by the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor. The number of injuries and illnesses reported in any year can be influenced by the level of economic activity, working conditions, work practices, worker experience and training, and the number of hours worked. This year's survey showed that South Carolina's injury and illness incidence rate for private sector in 2019 was 2.4 injuries and illnesses per 100 full-time equivalent workers. The national private-sector injury and illness incidence rate was 2.8 in 2019. Within the public sector, South Carolina's occupational injury and illness rate was 4.0 in 2019.

## OUTREACH AND EDUCATION

### CONSULTATION

South Carolina OSHA's Outreach and Education Program (O&E) consultation staff conducted 318 total visits, resulting in 1,183 hazards being identified and eliminated. Throughout the year, South Carolina OSHA's O&E programs made 298 OSHA recommendations, requiring the improvement or implementation of written safety and health programs. The consultation program uses customer satisfaction surveys to evaluate its effectiveness. A survey form is included with each report to the employer. During this federal fiscal year, 35.5 percent of the surveys were returned, indicating 98.5 percent were satisfied with the services and met the employers' expectations. Ninety-eight-point three percent (98.3 percent) of the employers indicated that the recommendations were clear and understandable. The most helpful and best-liked areas of the visits were the Hazard Identification (68.5 percent) and Hazard Correction Advice (58.9 percent).

Additionally, 36.5 percent of respondents indicated they were first-time users of O&E's Consultation Services. Of the responders, 98.3 percent strongly agreed that this service helped

to improve workplace safety and health programs. South Carolina OSHA O&E will continue to use this customer satisfaction survey to evaluate and improve services provided to employers in the state.

TRAINING AND EDUCATION

South Carolina’s OSHA’s Outreach and Education (O&E) Program has a separate training division under 23g. This division provides free on-site training to employers and employees throughout the state. During the past year, the training division conducted a total of 122 training classes for 4,060 private and public-sector employers and employees. A total of 420 private-sector employers, 1,403 private-sector employees, 280 public-sector employers, and 1,957 public-sector employees were trained. South Carolina’s O&E training staff continues to participate in workshops and outreach projects with SC Association of Counties, SC Manufacturers Alliance, NC State OTI Outreach Center, SC Department of Transportation, SC Department of Corrections, Horry Georgetown Technical College, SC Dietary Managers Association, SC Metal Finishers Association, Low Country and Piedmont ASSE, Professional Construction Estimators Association, SC Vegetation Management Association, SC Masonry Contractors Association, SC Asphalt Association, and the Home Builders Association.

RECOGNITION PROGRAMS

South Carolina OSHA believes in promoting the recognition programs that support companies striving to be the safest workplaces in the state. Outreach efforts in these areas continue to build each of these programs. South Carolina OSHA offers two recognition programs to employers in the state:

SAFETY AND HEALTH ACHIEVEMENT RECOGNITION PROGRAM (SHARP)

The Safety and Health Achievement Recognition Program (SHARP) recognizes small and high-hazard employers that have developed and maintained effective safety and health programs. Acceptance of a worksite into SHARP from South Carolina OSHA is an achievement of status that singles out the employer among business peers as a model for worksite safety and health. There were three SHARP sites recertified during this fiscal year, bringing the program to a total of seven. South Carolina OSHA is working with new companies to potentially become SHARP sites. A great deal of emphasis has been put into this program to encourage companies to participate.

PALMETTO STAR PROGRAM

The Palmetto Star Program also recognizes and promotes effective safety and health management systems. A company that attains Palmetto Star status is considered to have one of the safest workplaces in the state. In 2020, due to COVID-19 restrictions, there were eight Palmetto Star three-year re-evaluations conducted during this period with all sites receiving recommendations for continuing participation in the program. Currently, there are 37 recognized Palmetto Star sites.

PARTNERSHIPS

South Carolina OSHA currently has two active construction partnerships:

- Whiting Turner is the general contractor for the MNK Project located in Moncks Corner.
- Brasfield and Gorie is the general contractor for the Camperdown Project located in Greenville.

The partnership between Brasfield and Gorie and SC OSHA is ongoing. The Camperdown Project includes the building of an office structure and an apartment complex. The office structure will be one of the largest buildings in Greenville, with a number of condominiums at the top of the structure. This project includes building with minimal use of scaffolds in order to provide a greater degree of protection to the employees at the site as a hotel complex is also being built in close proximity to this project. The site’s safety culture has continued to grow in a manner that has involved many opportunities for on-site training provided by SC OSHA. The contractors and their employees have been able to develop and implement stronger safe work practices and they will take those practices and the safety culture they have helped develop to other contract job sites after the partnership has concluded.

OUTREACH

South Carolina OSHA’s O&E Program is partnering with SC Voluntary Protection Program (VPP) sites to provide OSHA 10 and General Safety Awareness training at high school career centers. The VPP sites provide the OSHA 10 trainers for the career centers. This allows the students to meet and interact with industry professionals while building a safety culture that the students can take to the workplace. This gives industry the opportunity to build the future workforce with safety as the foundation. A total of 682 students have received training in OSHA 10 at the Golden Strip Career Center, J. Harley Bonds Career Center, Enoree Career Center, Swofford Career Center, Anderson School District 1 & 2 Career Center, Daniel Morgan Career Center and Dorchester County Career and Technology Center to continue the Youth Safety Awareness Training Initiative. The program has grown over the past three and a half years. South Carolina O&E is now partnering with seven career centers that have a total of 2,184 students trained in OSHA 10 Safety Awareness.

COMPLIANCE OFFICER TRAINING

The start of 2020 brought the OSHA Training Institute (OTI) to SC OSHA’s door for two classroom training courses, Accident Investigation and Evaluation of Safety & Health Management Systems, training approximately 35 employees during each three-day course for a total of 45 training hours per employee. In March, a whole new set of challenges surfaced on how training would continue in the midst of the pandemic, stay at home orders, and social distancing. However, despite the changing times, South Carolina OSHA’s Training Division was able to release four CSHOs from training and into the field for all three disciplines of Safety (1), Health (2), and Construction (1). Two new CSHOs were later brought on board and began training for Construction and Safety compliance field work with projected release dates in 2021. Also new in training was an Outreach & Education Consultant, 2 new 11C Whistleblower Investigators, and a new Safety Standards Officer. Tapping into new virtual resources of online learning with associations like Grainnet, NCDOL, LinkedIn, EHS, ANSI, OSHA’s Alliance, OSHA’s Independent web-based Training and OTI’s virtual online classes, SC OSHA personnel logged more skill set training than ever before. Team building classes were held monthly while the entire staff was able to have a socially distant team event in the fall. Thirty-nine OSHA personnel logged a total of 1,476 separate sessions of Course Mill webinars and other web-based learning while 8 team members attended in-person OTI classes pre-pandemic, and 15 others attended courses on OTI’s new virtual learning platform, which debuted in the fall. SC OSHA looks forward to participating in more virtual training opportunities in 2021 and to the possibility of a return to in-person learning held in large venue settings which are conducive to social distancing measures.



South Carolina CSHOs participate in OTI in house training course pre COVID-19

STANDARDS

The South Carolina OSHA Standards Division assists many employers, employees, and compliance personnel who desire to eliminate safety and health workplace hazards. The Standards Division responded to over 1,689 phone calls and e-mails as part of outreach and compliance assistance during fiscal year 2020.

SC OSHA’S RESPONSE  
TO COVID-19

The year 2020 brought much uncertainty and dramatically changed the way that employers across the state of South Carolina are doing business in the midst of COVID-19. SC OSHA has found that change is the only constant and that it must be ready to meet employers and employees where they are based on today’s circumstances.

As a result, partnership is key and SC OSHA has forged several invaluable relationships with other state agencies, associations and local industry leaders to bring more awareness to employers about the safety precautions needed to combat COVID-19. The plans to provide training and educational information to smaller employers using various mediums is ongoing and has been broadened to medium and large employers and the public at large. Family members and friends are just as concerned about workplace safety and in many instances this concern motivates them to make complaints directly to SC OSHA.

SC OSHA played an integral part in the response efforts by partnering with SC DHEC and the SC Department of Commerce, through the Governor’s Task Force accelerateSC, to develop best practices for industries preparing

to re-enter the workplace. While the Governor’s Task Force accelerateSC is no longer actively producing content, we are still working with SC DHEC and SC Department of Commerce to ensure that previous best practices and industry re-entry guidelines are up to date and relevant based on the changing data and circumstances. It worked with the City of Columbia, Richland County, the American Industrial Hygiene Association, Carolina’s AGC, various chapters of the Homebuilders Association and others to provide webinars and training on safety precautions for employers and employees. In addition, SC OSHA has partnered with the SC Department of Social Services to provide support and information to daycare centers. It has worked to provide informational webinars to the nursing home industry about establishing respiratory programs. In August 2020, SC OSHA continued its partnership with SC DHEC to address issues in food service and now provides intervention to restaurants and others in the food service industry to address public complaints and concerns.

SC OSHA also began a digital media campaign that includes billboards across the state with COVID-19 information, other general safety information (i.e. heat stress, fall protection, etc.), and Agency contact information. SC OSHA continues to develop and update factsheets and other content for employers. This updated information can be found on the website and the various social media platforms that we use. A dedicated email address was also established for complaints and concerns related to COVID-19.

Since March 2020, SC OSHA has worked tirelessly to address the over 1,900 calls and 1,100 complaints received related to COVID-19. It also has continued to educate employers and employees about COVID by sending out more than 2,800 intervention emails/letters, making 427 calls, and providing 62 webinars/trainings and 30 virtual consultations.

The mission of SC OSHA remains the same: to ensure that South Carolina worksites are safe and healthy. The work of SC OSHA though evolving has created an opportunity to positively affect the lives of more of the state’s employers and employees. The results of SC OSHA’s work during this time is evidence of a renewed and in some cases new relationship not only with employers but also with the public.



**Gwen Thomas**, State Plan Manager, **Deidre Laws**, Legal Counsel, **Kristina Baker**, Deputy Director, **Sharon Dumit**, Outreach and Education Manager, and **Anthony Wilks**, Compliance Manager.

SIGNIFICANT CASES

HEALTHCARE NURSING FACILITY

Employee worked as a Licensed Practical Nurse on the night shift at a Healthcare Nursing facility. Employee worked on the blue hall (positive COVID-19 patients’ hall) with known positive patients from July 1, 2020, to approximately July 10, 2020. On July 10, 2020, the employee was placed out of work as a result of being symptomatic for SARS-CoV-2 (COVID-19). The employee was tested on July 12, 2020, and received positive results on July 14, 2020. The employee remained quarantined, but on July 24, 2020, at approximately 5:15 PM, the employee succumbed to the symptoms of SARS-CoV-2 (COVID-19). The investigation revealed that the employer failed to provide medical evaluations and fit tests for employees required to wear N95 respirators while working with COVID-19 positive patients in care units.



Barrier (blue hall) the employer established to identify and separate the COVID-19 positive area.

CONSTRUCTION COMPANY

On November 29, 2019, at approximately 9:00 AM, a contractor was installing metal decking onto the roof of a new industrial building. The employees were approximately 37 feet above ground level performing leading edge work by laying decking. Employees were working in groups of two and were at the end of their lanyards distance. A co-worker went to move the post to move their anchor points to a new location so they could finish laying decking. Employee 1 was instructed by his co-worker to unhook from his lanyard and to not move. In the process of the co-worker relocating the post to employee’s anchor point, the decking where the employee was standing was not tacked or welded and became dislodged causing the employee to slip through the decking, falling approximately 37 feet to the concrete slab. OSHA’s accident investigation determined that metal decking should have been laid tightly and secured immediately upon placement to prevent accidental movement or displacement. It was also determined that fall protection such as, but not limited to, a personal fall arrest system was not required to be used by employees moving the anchor point position.





#### SAWMILL AND PLANING MILL

On October 19, 2019, at approximately 7:00 AM, employees were tasked with mixing mulch material. Upon completing mixing the mulch material for a total of approximately 4-6 hours, the front-end loader operator was hauling the finished product to a material bin. While the forklift driver was taking trips to and from the trash, the front-end loader operator was driving toward the material bin when the tire of the front-end loader collided with the forklift in front of a pile of mulch material. The forklift driver was not wearing a seat belt while operating the forklift and therefore, was ejected from the forklift onto the front right tire of the front-end loader. The loader operator saw the forklift driver on the right front tire of the front-end loader. The forklift continued to move pinning the forklift driver against the tire. The loader operator got off the loader and noticed the forklift driver laying down by the tire of the loader. Emergency Medical Services was called and first responders arrived on the scene. The forklift driver was transported to the hospital. The injuries sustained were a fractured pelvis and internal damage. The forklift driver succumbed to the injuries on October 25, 2019.

The employer was issued citations for not enforcing the use of a seatbelt while operating a forklift, no training certification for a least one employee operating a forklift, and for not reporting an in-patient hospitalization to SC OSHA.

# TENNESSEE

Occupational Safety and Health Administration | TOSHA

#### SIGNATURE PROGRAMS

At the beginning of fiscal year (FY) 2020, prior to the emergence of the coronavirus pandemic, Tennessee OSHA (TOSHA) aggressively began the process of enabling all compliance staff to work from home on a regular basis using the state's alternative workplace solutions (AWS) policy. The primary goal being to maximize the time staff engaged in conducting inspections and writing reports. TOSHA successfully deployed secure VPN to all staff members enabling access to shared network drives and secure transmission of information between all levels of TOSHA staff. Additionally, TOSHA deployed software such as Adobe Acrobat to all staff to create a standard that was easily transferred between staff and minimized the labor required to digitally archive. Our communications suite includes internet-based telephones, in tandem with a headset, which turned every laptop with an internet connection into a fully functioning office.

During FY 2020, TOSHA shifted to paperless workflow in preparing reports. This made for ease of assembly of case files and sharing among staff. Labor was saved as scanning paper files to a digital archive was eliminated. Paper use has been significantly reduced, as well as postage from shipping files to the central office. As this process was underway when the pandemic emerged in early 2020, TOSHA was well prepared to shift operations to AWS with virtually no perceptible loss of operational quality.

#### EMPHASIS PROGRAMS

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

##### DENTAL CARE FACILITIES

Tennessee OSHA continued enforcement of its local emphasis program that targets offices of dentists. During FY 2020, 7 inspections of these offices were conducted across the state, identifying 57 serious violations. The vast majority of the safety and health program deficiencies were with the establishment's exposure control plan. Overall, this targeting program has resulted in an average of 10.5 hazards identified per inspection compared with 4.9 hazards per inspection identified in private sector compliance overall.

##### EXCAVATION SAFETY

Tennessee OSHA has maintained an emphasis program on trenching and excavation hazards for more than 10 years. 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. During FY 2020, TOSHA issued 113 violations of the trench standards and \$253,050 in penalties.

NOISE

During FY 2020, noise exposures were reduced for 396 employees and 35 documented improvements were made to hearing conservation programs across the state. 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 95 employees during FY 2020. All safety staff members have been trained and equipped to identify and quantify carbon monoxide exposure.

FALL PROTECTION

Tennessee OSHA maintains an emphasis program to reduce the number of fall fatalities that occur in the workplace by focusing resources on these hazards. All compliance officers, including all industrial hygienists, have received specific training on the identification and abatement methods of fall hazards. During FY 2020, TOSHA identified 660 fall hazards and investigated five fall-related fatalities, down 2 from the previous year.

ENFORCEMENT

Tennessee OSHA performed 1,368 workplace inspections in FY 2020. During these inspections, 5,426 hazards were identified and penalties of \$3,119,025 were assessed. Unpaid penalties are assessed a late fee of 10 percent 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. In FY 2020, 72 percent of employers assessed penalties by TOSHA paid those penalties within 90 days of citation issuance.

The DART rate and TCIR in Tennessee decreased in 2019 after remaining steady over the previous three years. The 2019 Tennessee DART rate for both private and public sector was 1.5 (national average of 1.6). The 2019 Tennessee TCIR was 2.9 (national average of 3.0).

OUTREACH

TRAINING

Tennessee OSHA offers training seminars to the public throughout the year. TOSHA works with seminar co-sponsors, including the University of Tennessee, the Tennessee Chamber of Commerce and Industry, and several state community colleges. The seminars are offered at various locations across the state. In FY 2020, TOSHA trainers conducted 195 training sessions on numerous topics, including basic safety requirements, maintenance-related TOSHA standards, OSHA 10- and 30-hour courses, TOSHA recordkeeping, silica in construction, bloodborne pathogens, the hazards in dental care facilities, and walking-working surfaces. Safety and health training was provided to 5,228 attendees across the state. This number is down quite a bit during FY 2020 due to the pandemic; however, many of the training seminars were revised so they could be given virtually.

COVID-19

Following the onset of the coronavirus pandemic, TOSHA worked with IT staff to create a COVID specific website that created resources for employers to utilize when protecting employees. The resources made available included checklists for use in conducting a self-evaluation of the worksite to identify measures that may be taken to protect employees in the workplace. In addition,

there was a substantial increase in media requests for Covid-19 related complaint and inspection data. TOSHA worked with the communications staff to respond to these requests from outlets across the nation.

NEWSLETTER

Tennessee OSHA publishes a newsletter, “Together with TOSHA,” distributed through TOSHA’s website and Listserv containing more than 1,100 registered users. In addition, more than 40 employer/employee associations and other groups forward the newsletter to their members. The newsletter offers information, interpretations, best practices, and compliance recommendations on occupational safety and health topics.

STAND-DOWN

Tennessee OSHA participated in the National Safety Stand-Down, September 14-17, 2020, to prevent falls in construction. The voluntary event encouraged employers to talk directly to employees about safety, fall hazards, and the importance of fall prevention and protection.

Tennessee OSHA partnered with the Occupational Safety and Health Administration, the National Safety Council, the American Industrial Hygiene Association, the American Society of Safety Professionals, and the National Institute for Occupational Safety and Health in **Safe + Sound Week**, August 10-16, 2020. The event was a nationwide effort to raise awareness of the value of workplace safety and health programs. These programs help employers and employees identify and manage workplace hazards before they cause injury or

illness. Throughout the week, organizations were encouraged to host events and activities that showcase the core elements of an effective safety and health program.

HEAT ADVISORY

During the summer months, TOSHA performed outreach activities aimed at educating workers on the hazards of heat-related illness. Newsletters, news releases, and various publications were used to educate employers and employees about the precautions that should be taken to prevent heat-related injuries and illnesses.

SAFETY FEST TN

The eighth annual Safety Fest TN, co-sponsored by TOSHA and several other groups, scheduled to be held in Oak Ridge and Knoxville, Tennessee, during spring of 2020, was cancelled due to the COVID-19 pandemic. This event, which makes safety and health resources available to employers and employees in the region, has been rescheduled to the fall of 2021.

TENNESSEE SAFETY AND HEALTH CONFERENCE

Since 1977, the Tennessee Safety and Health Conference, co-sponsored by TOSHA and the American Society of Safety Professionals, has brought together industry and subject matter experts to share knowledge, methods, and processes to improve workplace safety and health in Tennessee.

Over the years, the conference has become one of the most successful assemblies of safety and health professionals in the country. The conference features safety experts leading more than 50 seminars designed for all levels of safety and health professionals. The conference provides a great learning environment and opportunity for like-minded people to network.

The exhibit hall generally features approximately 120 exhibitors offering a wide variety of safety equipment and products. The exhibitors are extremely knowledgeable and dedicated to their field and provide the latest information on cutting edge technology and safety trends.

This year, the Tennessee Safety and Health Conference would have celebrated its 43rd anniversary in Nashville; however, it was canceled due to the pandemic was cancelled. The 2021 Tennessee Safety and Health Conference is scheduled to be held at the Gaylord Opryland Hotel in Nashville from June 30-July 2, 2021.

SOCIAL MEDIA

Tennessee OSHA maintains a Twitter account with approximately 475 followers and tweets frequently about workplace safety and health. The Tennessee Safety and Health Conference, co-sponsored by TOSHA, also uses Twitter, Facebook, and LinkedIn to push messages about the event, speakers, and exhibitors.

### CONSULTATION

The TOSHA consultation program works with employers to help them identify hazards and develop safety and health management systems. The program performed 293 consultation visits and identified 2,122 hazards. As required by statute, penalties are not assessed for violations identified by the consultation program. All hazards identified must be corrected.

### SHARP

During FY 2019, the TOSHA Consultation SHARP Program evaluated one new site. A program designed for smaller employers, SHARP participants must have a DART rate and a TCIR below the average for their industry, operate a single-fixed worksite, have a minimum of one-year operating history, and have an effective safety and health program in place. SHARP sites must have strong management commitment and active employee involvement.

Tennessee's SHARP sites have management styles as different as their processes, but all share these two core values. Many of these sites lack a full-time safety and health manager, and some have fewer than 10 employees at the site. Their success demonstrates that a small group of dedicated employees, working together, can be a leader in workplace safety and health. The Tennessee SHARP program currently has 16 participants protecting almost 1,800 employees.

### VOLUNTEER STAR (VPP)

Tennessee OSHA continues to maintain the standards for VPP participation at a world-class level. Participation in the program involves a rigorous review of documentation, thorough on-site evaluation, and interviews with employees in order to ensure that the site has fully implemented the elements of the Volunteer STAR Program.

During calendar year 2020, 11 of the Volunteer STAR sites experienced a TCIR of 0.0, and 17 sites experienced a DART rate of 0.0. Also, 3 of the Volunteer STAR sites experienced a three-year TCIR of 0.0, and 7 sites experienced a three-year DART rate of 0.0. These sites consistently maintain injury and illness rates more than 51 percent lower than the national average when compared to the sites' industry average.

The Volunteer STAR program currently has 35 participants protecting approximately 25,183 employees.



### SIGNATURE PROJECTS

#### UOSH ADVISORY COUNCIL

The UOSH Advisory Council promotes and improves occupational safety and health conditions for employers and employees in Utah. The UOSH Advisory Council functions by providing information, advice, and assistance regarding issues, programs, and activities related to occupational safety and health. Meetings are normally held quarterly in a public forum where members of the public may provide information, advice, and assistance. Due to the COVID-19 pandemic, public forum meetings have been held virtually since March 2020.

The UOSH Advisory Council consists of representatives from the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), Associated Builders and Contractors (ABC), Associated General Contractors (AGC), Utah Home Builders Association, Utah Manufacturers Association (UMA), Professional Fire Fighters Union (PFFU), Utah Petroleum Association (UPA), and the Utah Safety Council.

#### WORKPLACE SAFETY GRANT PROGRAM

Every year, the Utah Labor Commission accepts applications for grant projects or initiatives demonstrating a commitment to workplace safety. Some of the proposals have included:

- Development of workshops and training
- Implementation of specialized safety programs
- Increasing effort and resources for existing programs
- Collaborative workplace safety training between organizations

The Workplace Safety Committee of the Utah Labor Commission has identified key priorities upon which to focus safety prevention efforts for the upcoming year. The focus is with industries and occupations that have higher incidences of workplace accidents and fatalities, such as construction, manufacturing, and highway safety, as well as projects that help Utah employers maintain safer work environments.

Entities eligible to apply for a grant include Utah businesses, community-based organizations, Utah nonprofit and local associations, and educational institutions. During the 2020 calendar year, approximately \$504,393 in workplace safety grants were awarded throughout the state.

SIGNIFICANT DECREASE IN NON-FATAL INJURY AND ILLNESS RATES

State and local government (public sector) establishments experienced significant decreases in overall incidence rate, job transfer or restriction, and other recordable cases from 2018 to 2019 (see table below). Within the local government, injury and illness rates at hospitals decreased from 4.7 to 3.2. Private sector injury and illness rates in food manufacturing also decreased from 3.9 in 2018 to 2.8 in 2019. Through local emphasis programs (LEPs), UOSH has focused many of its resources conducting programmed planned inspections, consultation visits and other outreach activities at construction worksites and at public sector and manufacturing establishments. By focusing resources in these areas, hazards that are likely to cause injury or illness in the workplace are able to be identified and reduced/eliminated. Identification and abatement of such hazards as a result of UOSH’s efforts may play a role in the decreased injury and illness rates within public sector and food manufacturing establishments. Through enforcement and outreach activities, UOSH continues to implement LEPs to help prevent injuries in the workplace and save lives.

State and Local Government	2018	2019
Overall incidence rate	3.8	2.7
Cases with days away from work	0.5	0.3
Job transfer or restriction	0.5	0.4
Other recordable cases	2.8	1.9

UOSH EMERGENCY RULE

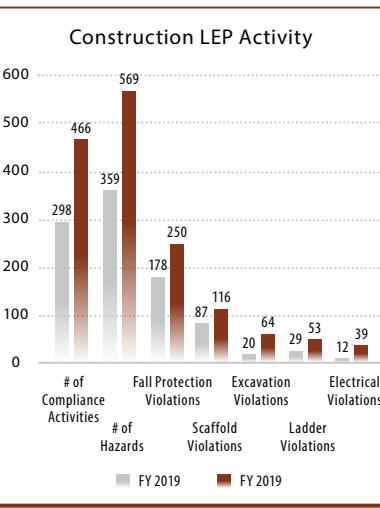
On November 9, 2020, UOSH established and implemented a 120-day (Emergency) Rule, Utah Administrative Code (UAC) R614-1-5.F, Novel Coronavirus Disease 2019 (COVID-19), requiring employees to use face masks, with a few exemptions and exceptions, while at work. This emergency rule expired on March 9, 2021.

UOSH has received approximately 1,528 safety and health complaints related to COVID-19. About 663 of these complaints were received prior to the implementation of the emergency rule. Of the 865 complaints received after the emergency rule was in effect, 478 were directly related to employee face mask use where 66 were filed by current employees or employee representatives. The remainder of the COVID-19 related complaints were filed by concerned citizens. UOSH onsite complaint inspections regarding employee face mask use were conducted at 175 establishments; 32 violations were cited as a result of these inspections.

LOCAL EMPHASIS PROGRAMS (LEPS)

CONSTRUCTION

Construction workers engage in many activities that may expose them to serious hazards which could result in serious injury or death. UOSH continues to implement its Construction LEP to assist employers in reducing incidences of injury and fatalities by helping employers identify and eliminate hazards in the workplace. During FY 2020, a total of 311 Construction LEP inspections, affecting 1,554 employees, were conducted; 569 hazards were identified and removed from the workplace. The top five hazards cited were those related to fall protection (250 violations), scaffolds (116 violations), excavations (64 violations), ladders (53 violations) and electrical (39 violations). A total of 155 compliance assistance activities under the Construction LEP were conducted during this time frame, affecting 5,002 employees.



There was a significant increase in the number of Construction LEP compliance activities conducted in FY 2020, as compared to that of

FY 2019, resulting in an increase in hazards identified and removed from the workplace. See the chart below for comparison between FY 2019 and FY 2020 Construction LEP data.

AMPUTATION

The Amputation LEP continues to be successful in helping employers within the manufacturing industry reduce the incidences of workplace hazards that cause or are likely to cause amputations. The lack of effective machine guarding and the failure to control hazardous energy during servicing and maintenance activities are the primary cause of amputations.

A total of 153 Amputation LEP inspections, affecting 14,914 employees, were conducted in FY 2020 which resulted in the identification and elimination of 263 hazards from the workplace. The top five hazards cited were those related to machine guarding (142 violations), lockout/tagout (34 violations), electrical (33 violations), personal protective equipment (PPE) (12 violations) and overhead and gantry cranes (10 violations).

PUBLIC SECTOR

The Public Sector LEP focuses on local and state government entities that are likely to contain operations in which employees may be exposed to serious hazards due to the nature of the operations (utilities, sewer, water, streets, fleet service, parks and recreation, cemeteries, facilities, maintenance, road construction, power, emergency response, etc.). Public-sector entities included on

the inspection scheduling list were counties, cities, school districts, colleges, technical schools, fire departments, police departments, correctional facilities, special service districts, and Utah state agencies.

Twenty-two Public Sector LEP inspections, affecting approximately 1,287 employees, were conducted in FY 2020 where 70 hazards were identified and eliminated from the workplace. Twenty-three consultation visits were conducted under this LEP, affecting 2,004 employees, where 200 hazards were identified and eliminated. In addition to inspections and consultation visits, outreach through compliance assistance efforts was provided to 60 public sector establishments covering 2,996 employees in the state.

The top five hazards identified during Public Sector LEP activities were related to machine guarding (39 hazards), electrical (36 hazards), hazard communication (28 hazards), PPE (23 hazards) and exit routes (17 hazards).

RESPIRATORY CRYSTALLINE SILICA (RCS)

UOSH established an RCS LEP which became effective on August 4, 2020. The goal of this LEP is to help employers identify and significantly reduce or eliminate worker exposures to RCS in general industry and construction through compliance inspections, consultation visits and outreach activities. The intent of the RCS LEP is to focus on industries and worksites expected to perform tasks associated with RCS overexposures. Identifying such exposures through this enforcement initiative will be beneficial in helping employers control the health hazards associated with employee exposure to RCS.

ENFORCEMENT

During FY 2020, UOSH Compliance conducted 1,178 compliance interventions. The total interventions included 850 inspections, 23 public sector consultation visits, and 305 compliance assistance activities in public and private sectors. These interventions resulted in the removal of approximately 121,927 employees from more than 1,670 identified and corrected hazards.



OUTREACH

UOSH normally attends approximately 25 – 40 events hosted by employers and associations each year; however, due to the COVID-19 pandemic, many of those events were cancelled or postponed to a later date. Although there was a decrease in outreach activity, UOSH was able to provide outreach to numerous employers on construction and general industry standards. Management staff members worked with members of the construction industry, general industry, construction trade associations, and manufacturing to keep them informed of changing UOSH requirements. During FY 2020, UOSH had the opportunity to provide information on various safety and health related topics at the following events:

- American Society of Safety Professionals Annual Meeting
- Blue Stakes Event
- COVID Worksite Response
- Governor’s Office of Management and Budget Conference
- High Risk Individual Workgroup
- Latino News Conference
- RMCOEH Conference
- Universal Synaptics SHARP Award Ceremony
- Utah Coalition for Opioid Overdose Prevention
- Utah Petroleum Association Annual Conference
- Utah Service, Transmission, Exploration & Production Safety (STEPS)
- Utah Safety Council Annual Meeting and Awards Luncheon
- WCF Insurance Safety Seminar
- Workplace Safety Grants Committee



In addition to the above listed outreach activities, UOSH Consultation worked with the following associations during FY 2020 to help promote the importance of workplace safety and to reach a broader scope of private sector employers:

- Associated General Contractors of Utah
- Associated General Contractors of Southern Utah
- Blue Stakes of Utah
- Brigham Young University
- Utah Women in Trades
- Utah AFL-CIO
- Utah Safety Council
- Rocky Mountain Center for Occupational and Environmental Health
- Utah Service, Transmission, Exploration & Production Safety (STEPS)
- Utah Manufacturer’s Association • Utah International Code Council

PARTNERSHIPS

VOLUNTARY PROTECTION PROGRAM (VPP)

VPP promotes comprehensive workplace safety and health management systems through cooperative relationships among management, labor, and UOSH. VPP status constitutes UOSH’s official recognition of company management and employees with outstanding occupational safety and health management systems. UOSH currently has ten private-sector employers in VPP as follows:

- Clean Harbors Aragonite
- Energy Solutions
- Frito-Lay Inc.
- Firestone Building Products Company LLC
- McWane Ductile Inc.
- Mortenson – Eagle Mountain Data Center
- Morton Salt Inc.
- Nucor Building Systems
- Phillips 66 NSL Terminal
- Smithfield Foods



SAFETY AND HEALTH ACHIEVEMENT RECOGNITION PROGRAM (SHARP)

SHARP recognizes employers who operate an exemplary safety and health management system. Upon receiving SHARP recognition, a worksite is exempt from UOSH Compliance programmed inspections during the period that the SHARP certification is valid. UOSH currently has 14 private sector and nine public-sector employers in SHARP as follows:

- Balchem Corporation
- Closure Systems
- Fetzer’s Inc.
- Five-Star Airport Alliance
- Harris Rebar
- Jennmar
- Komatsu/St. George
- Komatsu/SLC
- Lehi City Fire Department #81
- Lehi City Fire Department #82
- Lehi City Fire Department #83
- North Davis Sewer
- Post-Consumer Products
- Regis Corporation
- Sandy City Fire Department #31
- Sandy City Fire Department #32
- Sandy City Fire Department #33
- Sandy City Fire Department #34
- Sandy City Fire Department #35
- Universal Synaptics Corp
- Western Metals/Plymouth
- Western Metals/Provo
- Western Metals/SLC

# VERMONT

Occupational Safety and Health Administration | **VOSHA**

## GENERAL

In FY 2020, a global pandemic known as COVID-19 significantly affected VOSHA as well as all facets of American life. While, for the most part, VOSHA did not have budgetary issues in FY 2020, we did experience an unprecedented interruption in our usual pattern of operations. On March 13, 2020, Governor Philip Scott declared a state of emergency and VOSHA was informed that it would be “activated” at the Vermont State Emergency Operations Center (SEOC). VOSHA has since dedicated a full-time compliance safety and health officer (CSHO) to this duty station.

VOSHA’s response to the pandemic was multi-faceted and was integrated with other agencies of the state of Vermont, such as Vermont department of Public Safety, Vermont Department of Health and Vermont Agency of Commerce and Community development. Among the response efforts by VOSHA during this time:

- In partnership with the Vermont department of Health and the Agency of Commerce, VOSHA developed training on the Coronavirus and prevention steps. This training was mandatory for all employees to complete before returning to work. Employers were required to maintain records indicating that employees had completed this training before reopening/returning to work. This education effort assisted in keeping Vermont’s infection rate low, especially in employment.
- VOSHA staff also participated in state and private entity sponsored virtual training webinars for employers, some tailored to specific businesses like manufacturing, and focused on best practices to prevent or reduce the likelihood of outbreaks in the workplace. Topics addressed included masking, social distancing, ventilation, and respirator use.
- VOSHA provided support to the SEOC. VOSHA contributed a staff member to the SEOC, starting in early April of 2020 and continuing to this writing. For the first 6 months, this position was 7 days per week. At first, VOSHA’s commitment to the SEOC was seven days a week, but by spring, we transitioned to staffing the SEOC on an “on-call” basis. VOSHA has since dedicated a full-time CSHO to this duty station.
- VOSHA was compelled, due to the influx of calls from constituents

worried about the pandemic, to change the way we intake calls. Even though we are a very small organization, we created a “duty officer” position to help with the call volume that dramatically increased. That change is still in effect today.

- VOSHA was compelled to suspend most programmed inspection activity during the pandemic. VOSHA continues to conduct unprogrammed inspections and investigations. In FY 2021, VOSHA expects to restart programmed inspections of both private and public sector employers.

At present, VOSHA staff consists of a Manager, Compliance Supervisor, Administrative Support Technician, 11(c) Whistleblower Investigator, four Safety CSHOs, two Health CSHOs, and one dual discipline Health/Safety CSHO, for a total of 11 staff.

## ENFORCEMENT ACTIVITY

VOSHA’s primary response to pandemic-related enforcement focused on letters of inquiry in which VOSHA personally reached out to complainants, then to employers, following up with letters of inquiry that specified the current guidance and employers’ duties to incorporate this guidance in their COVID work plans. VOSHA has processed nearly 450 complaints

in this way. We have been able to achieve vast compliance with employers with this approach. The COVID-19 pandemic and resulting change of activities drastically changed the outcomes for VOSHA inspections. VOSHA conducted 164 inspections in FY 2020. Of this total, 133 were classified as safety and 31 were classified as health. VOSHA conducted two inspections in state and local government, and 76 inspections in construction. Of a total of 426 violations issued in FY 2019, 283 were classified as serious and 143 were classified as other-than-serious.

## EMPHASIS PROGRAMS

VOSHA continues to recognize national emphasis programs in high hazard areas such as trenching and excavation, falls and silica in both general industry and construction. VOSHA is also active in statewide emphasis programs for items such as cranes in construction, powered industrial trucks, noise, residential construction activities and construction work zones.

## WHISTLEBLOWER (11C)

VOSHA continues to operate a standalone 11(c) Whistleblower program. In the course of FY 2020, due to pandemic related issues, VOSHA has seen a significant increase in the number of screened and docketed complaints.

## COMPLIANCE ASSISTANCE/OUTREACH

In early FY 2020, VOSHA participated in a joint emergency response drill known as CAT4 (short for “storm, category 4 magnitude”). This exercise enabled VOSHA to continue to test and modify its responsibilities in an actual statewide emergency. A significant development in which VOSHA was included was the creation and trial of the “Multi Agency Resource Center” (MARC). This initiative, which was headed by the Vermont Agency of Human Services, consisted of a physical location, staffed with various agencies and non-profit organizations. The “staffing up” of a MARC is intended to be as close to an actual event as possible and will be used by citizens affected by a catastrophic event to get to and receive critical services.

Through the CAT4 emergency drill and pandemic-related outreach, VOSHA has provided information and guidance to thousands of workers in Vermont. The VOSHA manager has also participated in many virtual discussions, trainings and virtual town halls with stakeholder groups and provided the latest COVID-19 information and guidance to thousands of employers and employees.

## SIGNATURE PROJECTS:

It was requested from the State Administration in April, to create a training that would inform employees and employers about the safe way to conduct worksite activities during the pandemic. This training was required for all non-essential employees and has been taken by thousands of employees during the “ramp-up” to work for those classified as non-essential. This training can be viewed at the following link: <https://labor.vermont.gov/vosha> VOSHA has consistently worked with stakeholder groups such as Vermont Safety and Health Council and Vermont Manufacturing Extension Service, to provide a consistent message of workplace safety during COVID-19. These efforts continue today with many virtual platform meetings and written information pushed out to stakeholders.

In addition to the above discussed CAT4 statewide emergency drill and pandemic-related outreach, VOSHA remained committed to three key state agency committees in which it serves as a representative of the Vermont Department of Labor.

- 1) State Emergency Response Committee (SERC): This is a statewide committee that meets bi-monthly at the SEOC in Waterbury, Vermont. In addition to VOSHA, this bi-monthly meeting includes the Vermont Department of Public Safety and Homeland Security, Agency of Natural Resources, Vermont Department of Agriculture and Health and various local emergency planning commissions (LEPCs) from around the state. This meeting is usually attended by the VOSHA Manager.
- 2) State Elevator Board: This committee consists of the Vermont Department of Public Safety, Fire Prevention Division, various elevator inspection and regulatory entities and VOSHA. These monthly meetings are usually attended by the VOSHA Compliance Supervisor.

- 3) Vermont Fire Service Training Counsel: This committee, which meets quarterly, focuses on fire service training for volunteers as well as professional fire fighters. The meetings usually include the Director of Fire Service Training, the Vermont Agency of Natural Resources, and representatives of local volunteer and professional fire services.

## PROJECT WORKSAFE

Small Vermont employers continue to benefit from the consultative services known as Project WorkSAFE. This group of highly dedicated professionals provides onsite consultative services as well as training for employers who request them. Their service is confidential with the employer, avoiding citations and penalties for hazards discovered. The employer must agree that any such hazards will be corrected and abatement will be communicated to the Project WorkSAFE staff. Project WorkSAFE can be contacted through the Vermont department of Labor website or by calling 1-888-723-3937.

## OUTREACH

**VOSHA and Project WorkSAFE continue to recognize two active alliances:**

1. Vermont Safety and Health Council: This alliance focuses on providing information and training to a wide variety of stakeholders, both large and small. In addition to training sessions, VOSHA and Project WorkSAFE attend multiple board meetings in which the latest in safety and health information is made available. Attendees of training always take a packet of information back to their workplaces where they, in turn, can do training in their facilities. Hundreds of attendees are reached each year, and with the training and information provided, thousands of employees benefit.
2. Vermont Rural Water Association: This alliance focuses the efforts of VOSHA and Project WorkSAFE on employees of municipal governments and other small entities in the water/wastewater field. This alliance is particularly effective in that it reaches employees of mostly small municipalities who face daunting hazards such as machine guarding, permit-required confined spaces, electrical hazards, highly toxic chemicals, etc., and usually don't have the budget to get needed training. VOSHA usually does about 10 to 15 outreaches per year, with attendees numbering in the hundreds each year.

## PARTNERSHIPS

### GREEN MOUNTAIN VPP

VOSHA maintains the Green Mountain Voluntary Protection Program (GMVPP). This program, much the same as the program throughout the country, recognizes employers with excellent safety and health management systems. VOSHA's application of the program follows the example of the model in region one. Currently there are six GMVPP sites within Vermont. In FY 2020, VOSHA maintained a steady GMVPP membership by one and now is at 7 sites overall. VOSHA suspended onsite activities due to the pandemic. We expect to restart these activities in the upcoming year. The current sites represent employers with as few as 18 site-based employees to as many as 4,000+ site based employees.

### SHARP

Project WorkSAFE maintains the Safety and Health Achievement Recognition program (SHARP). This program focuses on employers in both the construction and general industry field who have less than 250 site-based and 500 total employees nationwide. Project WorkSAFE was a pioneer in the SHARP for construction model. As such, the information gained by their efforts has been very useful throughout the country with other consultation programs. Currently, there are 6 SHARP sites in the general industry category including two micro-breweries, and 2 such sites in construction.

# VIRGIN ISLANDS

Occupational Safety and Health Division | VIDOSH

The United States Virgin Islands (USVI) State Plan was converted to a public-sector-only occupational safety and health program on July 1, 2003. It is administered and enforced by the Virgin Islands Department of Labor, Division of Occupational Safety and Health (VIDOSH) throughout the territory. The USVI public-sector program, established by the Virgin Islands Occupational Safety and Health (24 V.I.C. Chapter 2 - Act No. 6846), 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, divisions, agencies, semi-autonomous agencies, and other instrumentalities, including any political subdivisions. The territory has adopted all federal standards applicable to the public sector in the territory of the USVI and has given assurances that it will continue to adapt and update all federal standards, revisions, and amendments.

## SIGNATURE PROJECTS

The Virgin Islands Division of Occupational Safety and Health (VIDOSH) State Plan's strategic goals, objectives, and activities are to perform enforcement, education, and training thus promoting a safe and healthful workplace and reducing and preventing injuries and illnesses for all state and local government employees. In February, the Honorable Governor Albert Bryan Jr. established a Coronavirus (COVID-19) Task Force led by the Health Commissioner and comprised of cabinet members, agency officials, disease specialists, and included VIDOSH. The global coronavirus COVID-19 pandemic impacted the United States Virgin Islands much like the remaining United States and territories.

On March 16th, the Virgin Islands declared a state of emergency, closing the territory's schools and other state and local government facilities. The pandemic caused a substantial strain on an understaffed VIDOSH. During VIDOSH's initial months of the global pandemic (March to June), VIDOSH was

on the frontline of the territories COVID-19 efforts in absence of federal funds.

VIDOSH continued to do what was right, which was to provide essential support to the territory during this pandemic which included several COVID-19 shutdowns. VIDOSH continuously provided state and local government agencies occupational safety and health support and provided essential guidance to the Virgin Islands Territorial Emergency Agency (VITEMA) and the Office of the Governor during the COVID-19 pandemic. The division expended countless man-hours providing support to the overall success of the Virgin Islands' efforts to flatten the curve.

The Virgin Islands Territorial Emergency Agency (VITEMA) actively manages the territory's day-to-day COVID-19 effort via utilizing a virtual Emergency Operations Center (EOC). The VIDOSH Director fulfilled the role of the Incident Safety Officer (ISO) as a senior member of the "Command Team" providing 24-hour support.

SIGNIFICANT CASES

COLLABORATIVE EFFORTS

VIDOSH provided frontline occupational safety and health guidance to the territory. VIDOSH continues to work collaboratively with the Division of Worker Compensation to capture the territory’s occupational-related COVID-19 illnesses. Under the leadership of the Department of Labor’s Commissioner, the Honorable Gary Molloy, VIDOSH and the Worker Compensation Division joined forces with the Department of Finance Government Insurance Division in the procurement of the VENTIV Risk Management System. The foremost VENTIV Risk Management Software will deliver innovative risk management, claims admin, auditing, and safety management; a territory first to date. The OSHA module will provide real-time injury and illness data; furthermore, providing the VIDOSH Director with data for stakeholder inspection activities. VIDOSH’s implementation of addressing unsafe acts with inspections will result in fewer unsafe conditions within the impacted state and local government establishments. The measures are in line with the division’s strategies to decrease the worker compensation rate by 1% per year over a five (5) year period.



U.S. VIRGIN ISLANDS—FEMA representative, the **Honorable Governor Albert Bryan Jr.**, the Department of Health Commissioner and Chief Public Health Officer, **Justa E. Encarnacion**, providing a COVID-19 press conference

Coronavirus Disease 2020 (COVID-19) Pandemic’s Personal Protective Equipment Plan

The Office of the Governor, VITEMA, VIDOL, Virgin Islands Department of Health (VIDOH), and the Centers for Disease Control and Prevention (CDC) play a vital leadership role in the Virgin Islands’ strategies in response to



‘Safer At Home’ phase of the Territories COVID-19 response plan.

the COVID-19 pandemic. VITEMA formed a PPE Task Force to address the multilateral COVID-19 PPE occupational concerns and practices. The PPE Taskforce worked collaboratively with stakeholders to develop policies in line with the newly required COVID-19 OSHA and CDC guidance. VIDOSH Director provided safety and health presentations to the Task Force addressing the COVID-19 hazards. The guidance was compiled and presented to the Office of the Governor and the information was disseminated for all 7,000 plus state and local government employees by way of executive orders, media presentations, official press releases and during day-to-day operations.



VIDOSH Director, **Dean R. Andrews**, participating in the February 21, 2020 VITEMA Coronavirus (COVID-19) Tabletop Exercise.

By April, the Office of the Governor implemented six (6) COVID-19 executive orders. The Governor’s COVID-19 Task Force, which included the VIDOSH Director, provided support to a real-world maritime distress call of an individual suffering from COVID-19 related respiratory distress aboard a vessel at sea. The crew member was transported and admitted to the Schneider Regional Medical Center in critical condition. The vessel the individual was aboard was denied entry into Puerto Rico and the safe evacuation of the crew member and the territories’ efforts saved his life.



Department of Health at the COVID-19 frontline

ENFORCEMENT

VIDOSH enforcement program conducts both safety and health inspections and manages all safety and health concerns and complaints regarding unsafe environments in which public sector employees may work.

Federal OSHA of Puerto Rico maintains jurisdiction over all private sector workplaces, federal agencies, maritime employers (e.g., shipyards, marine terminals, and long shoring), military facilities and the U.S. Postal Service.

CONSULTATION

The consultation program provided free consultation services and education/outreach and training services for public sector employers throughout the USVI.

The “Safety in Paradise” Onsite Consultation Program administered by the University of the Virgin Islands Community Engagement and Lifelong Learning (UVI-CELL) provides consultation services for the private sector in the USVI.

OUTREACH

VIDOSH successfully coordinated and participated in several large-scale territorial training and outreach activities providing critical lifesaving and COVID-19 guidance affecting state and local government, private sector employees and the community.

Office of the Governor “Open Doors” Phase of Territory’s Plan to Safely Resume Operations in Response to COVID-19—Training film presentation.

The Department of Health and the Department of Labor worked collaboratively to create a state of the art digital media presentation. The VIDOSH Director provided COVID-19 occupational safety and health information for the public sector department/agencies. The collaborative

digital media production video is in response to the Office of the Governor’s request. The video is played on media outlets and the Government Access channel providing U.S. Virgin Islands COVID-19 educational information for the “Open Doors” Phase of Territory’s Plan to Safely Resume Operations.

INTERNAL TRAINING

The staff participates in several training opportunities. Training obtained by the staff includes, but is not limited to:

- HAZWOPER Basics for CSHOs – Parts I & II
- Willful Violation Webinar
- Customer Service Training
- OSHA 10 Hour Course

# VIRGINIA

Occupational Safety and Health | VOSH

## SIGNATURE PROJECTS

Virginia Safety and Health Codes Board adopted an Emergency Temporary Standard followed by a Final Permanent Standard for Infectious Disease Prevention: SARS-CoV-2 Virus that Causes COVID-19, 16 VAC25-220.

By Executive Order (EO) 63, Governor Northam directed the Commissioner of the Virginia Department of Labor and Industry [and the Virginia Safety and Health Codes Board] to promulgate emergency regulations and standards to control, prevent, and mitigate the spread of COVID-19 in the workplace.

The agency drafted an Emergency Temporary Standard (ETS) and the Board decided to proceed with its adoption on June 24, 2020, with a provision to consider adopting a permanent replacement standard for the ETS upon its termination at the end of 6 months. The Board met three more times to amend the draft and voted on the final version of the ETS on July 15, 2020. It became effective on July 27, 2020. With this vote, Virginia became the first state to adopt a comprehensive emergency temporary standard (16 VAC 25-220) to protect workers from COVID-19.

During the six-month period that the ETS was in place, the Board met to consider a Proposed Permanent Standard on January 12-13, 2021. The Board voted to approve a Final Permanent Standard (FPS) with an effective date of January 27, 2021. Virginia became the first state to adopt a comprehensive permanent standard (16 VAC 25-220) to protect workers from COVID-19.

### *Virginia Safety and Health Codes Board Initiated a Notice of Intended Regulatory Action (NOIRA) to Adopt a Regulation on Heat Illness Prevention*

On March 5, 2020, the Virginia Safety and Health Codes Board authorized the Department to initiate the regulatory process to adopt a regulation applicable to Heat Illness Prevention by filing a Notice of Intended Regulatory Action (NOIRA), pursuant to the Virginia Administrative Process Act (§2.2-4007). The NOIRA is under Executive Branch review as of December 31, 2020.

## ENFORCEMENT

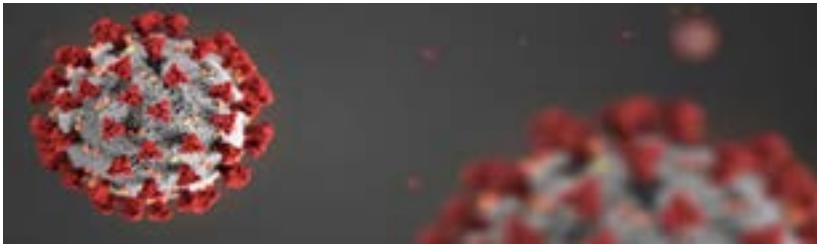
VOSH conducted 1,862 compliance inspections in fiscal year 2020: 1,392 safety and 470 health. These inspections resulted in 2,421 total citations issued with a violation breakdown of 10 willful, 67 repeat, 1,685 serious, and 659 other-than-serious. During this period, VOSH conducted 1,142 programmed inspections targeting Local Emphasis Programs (LEPs) such as fall hazards, scaffolding and tree trimming operations, and National Emphasis Programs (NEPs) focused on lead, trenching and excavation, among others. Additionally, in 2020 VOSH conducted 56 workplace fatality-related inspections:

- COVID-19 – 31
- Struck-By – 12
- Falls – 7
- Caught-in/between – 5
- Electrocutions – 1

In March 2020, as COVID-19 spread across the Commonwealth of Virginia, VOSH experienced a significant increase in activity due to COVID-19 complaints and phone/email inquiries addressing work-related hazards or concerns associated with COVID-19. In 2020, VOSH conducted 112 inspections and 1,425 informal investigations (i.e. complaints, referrals, etc.) addressing COVID-19 hazards.

The increased focus on this hazard has already resulted in minimizing exposure to the SARS-CoV-2 virus in various types of industries. VOSH issued 1 willful, 34 serious, and 38 other-than-serious violations that resulted in \$132,751.50 in penalties. VOSH directed a majority of its enforcement activity this year to dealing with COVID-19 in the workplace.

VOSH collaborated with the Virginia Department of Health and other state agencies to address employee complaints of employers that failed to comply with Governor's Executive Orders and the ETS; and to address outbreaks, hospitalizations and employee deaths related to COVID-19. The collaboration resulted in numerous referrals from regional health districts and local health departments to VOSH to conduct onsite inspections and, in certain cases, informal investigations that resulted in the issuance of VOSH violations and penalties and abatement of hazards.



## NOTABLE CASES

On July 20, 2020, VOSH received a referral from the Hanover Health District about a restaurant that continued to operate after its food establishment operation permit had been suspended for refusing to comply with the relevant Executive Orders and Orders of Public Health Emergency. VOSH opened an informal investigation with the company in response. Following an unsatisfactory response from the company on the issue of requiring employees be protected from exposure to the SARS-CoV-2 virus through the required use of face coverings, VOSH opened an inspection on August 21, 2020. Following an unsuccessful attempt at pre-citation settlement of the case, VOSH issued citations on January 5, 2021, for one willful, one serious, and one other-than-serious violations and \$62,490.00 in penalties. The owner did not file a written notice of contest, and the citations and penalties are a final order of the Commissioner.



On August 29, 2020, a structural collapse at the Amazon Fulfillment Center job site in Suffolk, Virginia, resulted in two work-related fatalities. Fire and rescue crews from Suffolk, Chesapeake, and Virginia Beach searched for additional missing persons with the help of a FEMA K-9 Dog, but none were found beyond the two who were initially reported dead. On February 22, 2021, VOSH issued one willful and eleven serious violations, with proposed penalties of \$170,534, to the contractor.



Collapsed structure on the Amazon Fulfillment Center job site in Suffolk, VA

EMPHASIS PROGRAMS

VIRGINIA UNIQUE REGULATIONS

Virginia has adopted state unique regulations in:

- Tree Trimming Operations
- Reverse Signal Operation
- Confined Space Hazards in Telecommunications Industry
- Overhead High Voltage Line Safety
- Fall Protection in Steel Erection
- Field Sanitation in Agriculture
- Construction Industry Standard for Sanitation
- General Approach Distances in the Telecommunications Industry

OUTREACH

Due to the pandemic and related restrictions on travel and gathering in groups, the Annual Virginia Occupational Safety and Health (VOSH) Conference was cancelled.

VOSH did a significant amount of work preparing COVID-19 related outreach and training materials for the Emergency Temporary Standard (ETS):

- Training certificate form
- Nine Steps to Achieve COVID-19 Standard Compliance

- Frequently Asked Questions
- Training PowerPoint
- Hazard Assessment, Infectious Disease Plan Template
- Infographic
- Lower Risk Training
- Toolbox Talks
- Summary of Significant Changes from ETS to Final Permanent Standard
- A Comparison of the ETS and Final Permanent Standard (FPS)

VOSH provided Spanish translations of the ETS and the FPS and worked with Virginia STAR sites to translate a number of the training materials into Spanish, Portuguese, Korean, French, and Japanese.

VOSH set up a dedicated email address to receive questions related to COVID-19 and Executive Order No. 53, and an online complaint form.

VIRGINIA CHALLENGE PROGRAM

Virginia VPP’s Virginia CHALLENGE Program now has 17 companies, both private and public sector, in various stages of the application process. Virginia CHALLENGE is a three stage, step-by-step roadmap to achieving Virginia STAR.



VIRGINIA STAR

United Airlines, Raytheon, Sysco, Cintas, Eastman Films, International Paper, Dominion Energy, and Lunenburg Correctional Center are just a small sample of the 35 Virginia employers providing exceptional worksite safety and health protections for over 12,000 employees through the Virginia STAR Program in 2020. Sites that participated in Virginia VPP STAR during 2020 averaged more than 50% lower injury and illness rates than their counterparts in their respective industries. Virginia STAR members report improved employee morale, increased productivity and competitiveness to go along with decreased absenteeism, lower workers’ compensation costs and insurance premiums.

Despite the restrictions imposed by the pandemic, in 2020, four sites were evaluated for STAR recertification. Additionally, two new STAR sites were approved by the Commissioner and were added to the combined total of 35 active STAR sites. With the implementation of the Virginia Challenge and DOC Challenge, a number of sites are preparing for application in the near future. The VPP staff has been very active in supporting VPP participants. However, the pandemic slowed, adapted, or eliminated numerous Best Practice Days, safety fairs, conferences, workshops, classes, and meetings that were scheduled throughout Virginia to educate attendees and promote worker safety.

In response to the restrictions imposed by the pandemic, the VPP staff quickly adapted and became adept at reviewing many documents electronically, conducting interviews through various virtual means, and communicating with the evaluation team members and the STAR participants. All team evaluations conducted after the imposition of pandemic restrictions required VPP staff to work closely with employers and employees to conduct limited onsite activities and keep within the COVID-19 guidelines and requirements.

VPP BEST PRACTICES DAYS

In February 2020, Emerson Machine Automation Systems hosted a “Lean and “6S” in Construction” Best Practice Day at their Charlottesville site on May 15, 2020. This was a combined effort of Emerson, Marvin Windows and Doors, Inc., Hourigan Construction, Associated General Contractors of Virginia (AGCVA), and Associated of Builders and Contractors of Virginia (ABCVA).



Over 50 participants enjoyed a guided tour of the Emerson facility and a demonstration of various Lean successes at the site. The presentations included “Lean Manufacturing Impact on Safety” by Emerson, “Case Study-How can Jidoka help the Construction Industry?” by Hourigan Construction, A highly interactive “Marvin Windows’ Lean Employee Orientation” presented by the Marvin Lean Team, and a group panel discussion of Lean as a mangement practice and it’s possible applicability to the construction industry.

VPP BEST: CONTINUED GROWTH

In 2020, there were two additional companies added to the BEST program at Level 1, Perry Engineering Co. Inc. and Warwick Mechanical Group, for a total of seven BEST participants. Also in 2020, W.M. Jordan Company became the first participant to be considered as a Level 2 participant. The AGCVA BEST Review continued to promote and receive applications from interested members.

PARTNERSHIPS

VIRGINIA VPP STRATEGIC PARTNERSHIP WITH VIRGINIA DEPARTMENT OF CORRECTIONS

The Department of Labor and Industry and the Virginia Department of Corrections (VADOC) signed a strategic partnership on August 16, 2018, incorporating Challenge concepts to work with the VADOC to bring additional correctional facilities/operations into VPP (two facilities have already achieved STAR status, Augusta and Lunenburg Correctional Facilities – the only two correctional facilities in VPP nationwide).



Commissioner of Labor and Industry C. Ray Davenport and Harold W. Clarke, Director of Corrections signing



Virginia Department of Labor and Industry and Department of Corrections meeting

VADOC Challenge is designed to encourage and recognize correctional facilities that voluntarily implement highly effective safety and health management systems to benefit corrections' workers and reduce or eliminate injuries, illnesses and fatalities at VADOC sites in Virginia.

Three stages of participation in VADOC Challenge are provided:

Stage I – Assess, Learn and Develop

The VADOC Challenge stage in which participants are introduced to the basic VPP elements that are necessary to launch the development and implementation of an effective safety and health management system.

Stage II – Implement, Track, and Control

The VADOC Challenge stage in which the basic actions and outcomes of Stage I have been completed and the sites are beginning to implement more thorough safety and health management system processes.

Stage III – Reassess, Monitor, and Improve

The VADOC Challenge stage in which the participant site's safety and health management system has been fully implemented and the site is continuing to assess its effectiveness and improving its performance where necessary.

There are currently eight participants in this VPP partnership with VADOC:

- Baskerville Correctional Center – Baskerville, VA
- Caroline Correctional Unit #2 – Hanover, VA
- Dillwyn Correctional Center – Dillwyn, VA
- Green Rock Correctional Center – Chatham, VA
- Greenville Correctional Center – Jarrat, VA
- Harrisonburg Community Corrections Alternative Program – Harrisonburg, VA
- Red Onion Correctional Center – Pound, VA
- Virginia Correctional Enterprises Headquarters – North Chesterfield, VA

VIRGINIA BUILT: A VOSH STRATEGIC PARTNERSHIP WITH THE ASSOCIATED BUILDERS AND CONTRACTORS OF VIRGINIA (ABCVA)

In 2020, VOSH established a Strategic Partnership with ABCVA to combine Challenge concepts with the ABCVA's STEP (Safety Evaluation and Training Process) program to recognize commercial construction contractors that develop and implement exemplary safety and health management systems. The new partnership, known as Virginia BUILT, is designed to encourage and recognize ABC-VA members who voluntarily implement highly effective safety and health management systems to benefit construction workers and reduce or eliminate injuries, illnesses and fatalities on construction sites in Virginia.



Virginia Build signing

Virginia BUILT's unique approach to workplace safety and health incorporates a "mentorship" program as a key component. The Mentorship Tier is the introductory tier of participation in the partnership for those employers actively working with the ABC-VA Virginia BUILT Council (VBC) to improve their safety and health management systems to meet VOSH requirements, with the goal of becoming a Tier One participant. Safety and health experts from Tier Two and Tier Three participants serve as the mentors.



Another essential component of Virginia BUILT is the incorporation of the ABC STEP program (Safety Training Evaluation Process) as the gateway to participation in Virginia BUILT. Founded in 1989 as a safety benchmarking and improvement tool, STEP has evolved into a world-class safety management system that dramatically improves safety performance among participants regardless of company size or type of work. Participating ABC member firms measure their safety processes and policies on 24 key components resulting in recognition through progressive levels of achievement (Bronze, Silver, Gold, Platinum, and Diamond).

# WASHINGTON

Division of Occupational Safety and Health | DOSH

## ENFORCEMENT

### Explosion at Marijuana Processing Facility

An employee at a marijuana processing facility received 2nd and 3rd degree burns following an explosion that occurred while he was extracting oil from cannabis. The blast occurred when the employee opened a ball valve at the bottom of the collection vessel to collect the extracted oil. While doing so, solvent vapors were released which found an ignition source exploding and causing a fire.

This employer is a marijuana growing and processing business where marijuana plants are grown, harvested, and either processed and packaged for sale or processed in what is referred to as an Extraction Process. The extraction process is where the dried product is placed into stainless steel containers on a rack and a 50/50 mixture of propane and butane (solvent) is introduced under vacuum. As the solvent mixes with the product, oils are extracted and sent to a collection vessel. Once the extraction is complete, the solvent is removed and the oil is collected. It was during this collection process that the incident on July 30th, 2019, occurred.

When the building's wiring was being inspected, the electrical inspector informed the employer that the wiring in the room was not rated for flammable conditions. The employer later stated that they had decided to not perform the extractions in that room and the electrical did not need to be updated. Several months later, the employer submitted engineering reports for the operation to the Liquor Cannabis Board who oversees these operations. The employer was once again notified that the extraction area would need to be updated before using the extraction equipment.

The employer ignored these requirements and proceeded to use the equipment in the room resulting in the explosion.

Because the employer ignored two governmental agencies concerning the wiring in the extraction room, a willful serious violation was issued. Other violations included inadequate ventilation, employee training on the extraction process, and not wearing the proper personal protective equipment for doing the work. The total penalty was \$68,800.



### THREE COMPANIES FINED FOR FATAL TRENCH COLLAPSE AT RAINIER WIND FARM

#### Two collapses bury workers

At the time of the incident, an employee was in a 15-foot-deep trench to position a bore pipe so it could be placed underneath a culvert by an excavator. Moments after the employee entered the trench, part of it collapsed, pinning the man.

After another worker and the excavator operator jumped in to rescue him, a second, larger collapse trapped the rescuers as well. The excavator operator was buried up to his knees, but was able to free himself and call for help.

Managers and employees from the general contractor and subcontractor, as well as medics, arrived to assist in the rescue effort. At one point, at least nine people took turns entering the still unprotected trench to dig out the buried workers.

The crew found the worker who jumped in after the first collapse, but he was pronounced dead by an on-scene medic. A short time later, the victim buried in the first collapse was freed and taken by helicopter to Harborview Medical Center in Seattle with serious injuries.

The general contractor for the project hired a subcontractor to construct the 38-tower wind farm. That subcontractor was most directly responsible for the work performed that day. The trapped worker hospitalized was

a direct employee of the subcontractor and the man who died worked for a temporary labor agency contracted by the subcontractor to supply additional labor.

#### Firms cited for violations

The subcontractor had the most violations on the project and faces the largest fine. The Washington State Division of Occupational Safety and Health (DOSH) cited the company for three willful violations, three serious violations and two general violations. As a result, they face \$360,874 in fines.

The willful violations are for not having cave-in protection, not having a competent person trained on trench safety on site, and not having a written safety program tailored to the project.

The general contractor faces \$184,800 in fines. They are being cited for two willful violations. The first is for not ensuring the subcontractor had and used cave-in protection and for not ensuring the subcontractor had a written safety program tailored to the project. The second willful violation is for not having a written safety program tailored to the project for the company's own employees.

The third company involved was a contractor providing onsite medical services. The company is being fined \$4,200 for a serious violation for exposing two of its employees to hazards when they entered the unprotected trench.



### EVERETT CONTRACTOR FINED \$230K FOR FALL PROTECTION AND OTHER SAFETY VIOLATIONS

An Everett construction company with a history of safety violations is facing fines of more than \$230,000 after inspections at two Seattle job sites found numerous problems that placed workers at significant risk.

The company was recently cited for eight safety violations, including exposing employees to fall hazards while working two and three stories above ground.

Workers injured in falls

Apart from the two most recent inspections, L&I has inspected this builder under its current name, as well as other previous business names, five times since 2016.

The most recent safety violations occurred in April when the company was helping build new apartments in Georgetown. Inspectors found inadequate safety rails on the roof, where six of the company’s framers were working just over 28 feet above ground.

In addition, there were four unguarded wall openings 9.5 feet above ground and no handrails on stairways leading to the second floor.

The Georgetown violations resulted in three citations totaling \$126,000 in fines. The citations were designated “willful,” meaning the employer knew or should have known the rules, but refused to follow them.

Fall protection lacking on second and third floors

Two months earlier, in February, inspectors found five safety violations when the company was working in Ballard on another multi-unit residential project.

Two of the citations were considered willful, including one for failing to install fall protection on window and door openings on the three-story building. Inspectors saw at least two workers on the second floor and one worker on the third floor exposed to the potential fall hazards.

The Ballard site citations resulted in a total of \$108,360 in fines.



DOSH DRONE USE IN INSPECTIONS

L&I has developed an aircraft program and adopted a new policy to keep up with a new tool and developing technology: remote-control drones. The policy ensures that agency drone use complies with state and federal aviation regulations.

Drones are increasingly used for a variety of commercial and professional tasks. At L&I, they’ve become a useful tool for DOSH. These video-equipped aircraft are used in DOSH investigations, especially when doing the work on the ground poses a danger to the investigator. L&I will not use these drones for surveillance.

The first application of this technology occurred when a lineman tragically lost his life while installing spacers on high-tension lines spanning across the Columbia River near Richland, WA. Both cables on which the employee was riding broke dropping the conductors, cart, and lineman 100 feet into the river below. The drone was used to get in close to the lines and poles high in the air to help determine the cause of this incident. Future uses of drones will include inspecting tower cranes, logging sites and any other places that are unsafe for our inspectors to gain access to.



EMPHASIS PROGRAMS

INTERNAL TRAINING PROGRAM

The training program has been very active ensuring all training has been transitioned to online training. This was a huge undertaking and they did an excellent job. All new hire training was also transitioned online. The last class was very successful using this process with good support from the field when new hires were on-the-job (OTJ) in the field. In addition, the training staff are working hard to transition the 2021 DOSH Technical Symposium to all online. The manager has been working directly with OSHA as they transition their training over as well.

DISCRIMINATION PROGRAM

The Discrimination program has seen a remarkable increase in complaints since March 2020. The total number of COVID-related complaints as of 12/31/2020 was at 182, with total overall complaints received through 12/31/2020 at 409. The program has increased the enhanced screening of complaints since March 2020 to ensure that all related issues are looked at and addressed as they relate to COVID-19. The Discrimination program has received an increase in inquires and questions from the Governor’s office and the L&I Director’s office relating to COVID-19 issues. The Discrimination program is making more referrals to other agencies and programs regarding issues related to COVID-19. The DOSH Discrimination complaint form became available for on-line submission in the fall of 2020.

RULEMAKING

DOSH has many workplace safety and health rulemaking projects in various stages of adoption and implementation. Several high-profile rulemaking projects include:

- Wildfire Smoke
- Process Safety Management (PSM)
- Lead
- Temporary Worker Housing
- Adult Entertainer Panic Buttons

DOSH anticipates an infectious disease rulemaking project in the near future.

DOSH CONSULTATION

In the years prior to the Coronavirus pandemic, DOSH Consultation would perform 2500-2800 work site consultations. 2020 changed everything. Our Consultation team of about 75 consultants had to quickly evolve to provide guidance on continuously changing mandates and protections for COVID-19, as well as adapt to working remotely. This team stepped up to meet the challenge head-on and was able to provide effective technical assistance to employers, associations, school districts, local and state government agencies, and the Washington State Governor’s office.

As part of the COVID-19 safety and health educational effort, we have participated in numerous webinars, Q&A sessions, and reviewed COVID-19 safety plans for both employers and entire industries. Some examples of this work are:

- “Respiratory Protection” webinar for all school districts in the state of Washington.
- Participating in a Podcast on COVID Safety and Health measures for a local Chamber of Commerce,
- Q&A webinars for multiple associations such as the Washington Food Industry Association and the Washington Hospitality Association.

Below is one of our DOSH Consultants participating in a podcast for Thurston County Chamber of Commerce to address Governor Jay Inslee’s COVID-19 Safety and Health measures for employers and employees. From left to right: Erica Minton (DOSH Consultation), Emily Sixta (Thurston County Chamber of Commerce, Michele Win (Thurston County Chamber of Commerce)



OUTREACH/PARTNERSHIPS

EDUCATION AND OUTREACH

Our collective efforts produced timely, accurate, and useful resources (in multiple languages) to help employers from various industry sectors meet ever-changing challenges to keep their workers safe during the pandemic. This includes written resources and social media content for agricultural employers, schools, long-term care facilities, manufacturing, grocery, and construction.

While COVID-19 prevention became a major focus of 2020, outreach ensured key rule and prevention-related resources were available to help general industry and construction employers adapt to our state’s new Unified Fall Protection rule.

MASK SELECTION ETOOL:

Due to the pandemic, employers across industries face new health and safety challenges to ensure their employees are adequately protected from the coronavirus; many of them have never had to address a workplace respiratory hazard before or had to distinguish what type of mask to use and when to use it.

Early in the pandemic, DOSH created documents with written guidance detailing mask selection based on five risk categories. While these documents help employers make informed, protective decisions, the DOSH Outreach team thought it might be possible to adapt the content for use on smartphones and other mobile devices. The vision was to create something that, in just few clicks, would lead the user to the right mask choice.

As the pandemic pressed on, the Outreach team had to quickly find a way to use existing resources to develop the new resource. A professional app developer and app-development software were not available, so the team turned to existing software and a template used in 2018 to create an interactive, mobile-friendly “etool” resource for the construction industry, Managing Silica at Construction Sites. The team was then able to breakdown and reorganize dense, complex, and technical content from the source documents into simpler decision points to create a system of easy-to-follow decision pathways.

The vision took shape and the eTool Selection Guide for Face Coverings, Masks, and Respirators was released mid-August 2020. In addition to mask selection, the etool provides images and information about masks, links to instructional videos, and reference documents that address COVID-19 prevention.

Since its release, the etool has been shared by the National Safety Council and the Washington Retail Association Services. A second edition, Mask Selection eTool, is currently in development and an awareness campaign is in the planning stage to promote it on social media.



ELECTRONIC COMPLAINT FORM

In response to the L&I offices being closed to the public during the pandemic, and to reduce the dependency on paper copies of our Safety & Health Complaint Form, DOSH Outreach worked with many areas of L&I, including DOSH Compliance, DOSH IT, and L&I Forms, to establish and test a process for submitting complaints securely through the Internet. This process preserves the confidentiality of the information when requested and allows for these complaints to be processed & investigated more quickly by DOSH Compliance staff.

OUTREACH EFFORTS

The DOSH Outreach Roadshow typically exhibits at 40-50 in-person conferences/tradeshows/events each FFY. Between October 1, 2019, and March 9, 2020, we were able to conduct outreach at 19 in-person events, two of which were national conferences in Seattle for the home health care and hospice industry and the public works industry. Then COVID-19 hit in mid-March and everything came to a standstill literally overnight. With all live events being stopped in late March, we had to quickly pivot and change direction to reach our intended audiences. The remaining 20 events we were scheduled to exhibit at before the end of September 2020 were either postponed until 2021 or cancelled altogether; a few were moved to virtual events. Between May and the end of September, we virtually outreached at 5 conferences, although booth traffic and interaction with attendees was 90-95% less than in-person events.

In-person outreach has grown a large network of partnerships with various industries and statewide associations over the years which allowed for direct sharing of applicable COVID resources that DOSH E&OS had created. Those partners shared the resources and information further with their contacts and members, and some resources received national attention. This also allowed for additional referrals to DOSH Consultation.



WORKPLACE SAFETY & HEALTH CALENDAR

Our Workplace Safety & Health Calendar team had to also quickly shift gears late in the game on the development and production of the 2021 calendar due to COVID-19 and our production schedule. Typically, photos are taken at businesses around the state and the majority of calendar distribution (10,000 copies) is done in the field by various staff or from a field office. We partnered with WorkSafeBC (WSBC) and created our 2021 calendar ([www.lni.wa.gov/safety-health/safety-calendar](http://www.lni.wa.gov/safety-health/safety-calendar)) using their Spot the Hazard images. This provided a fun new way to raise awareness of workplace hazards and for employers to find/fix similar hazards in their own workplace. We provided WSBC with the final publishing files so they could recreate and print the calendar for use in British Columbia if they'd like. This was a win-win for employers (and worker safety/health) in both the USA and Canada!

DOSH CONSULTATION TESTIMONIALS VIDEO SERIES

In response to the common misconception of DOSH as strictly a regulatory government agency, DOSH Education & Outreach has partnered with DOSH Consultation to create a video series focusing on the benefits of L&I's Safety and Health Consultation Program, which offers confidential, no-fee, professional advice and assistance to Washington businesses. The Consultation Testimonials series features Washington businesses from various industries that have taken advantage of L&I's Consultations and have seen the tangible results.

The first three episodes feature; Work Force Development Center in Everett, Washington, Thunder Jet Boats in Clarkston, Washington, and the Washington Farm Bureau, based out of Lacey, Washington. They focus on each company’s history with DOSH and how working with Consultation has benefited them. Participants speak about how their safety practices have improved since working with DOSH Consultation, as well as covering the advantages of having a good working relationship with the agency and the consultants.



**GOVERNOR’S INDUSTRIAL SAFETY AND HEALTH ADVISORY BOARD (GISHAB) - CONFERENCES**

Since 1950, the Annual Governor’s Industrial Safety and Health Conference has been going strong to educate the workforce of Washington State. In the 1970’s DOSH began partnering with the Governor’s Industrial Safety and Health Advisory Board (GISHAB) and a co-sponsor of the annual conference and other events.

Each year, the Governor’s Conference hosts a wide variety of sessions over several events that are pertinent to the various industries that attend throughout the year. The focus continues to be with the high hazard industries of agriculture and construction.

In 2020, we hosted the 16th Annual Agriculture Safety Days in Kennewick and Wenatchee, Washington. Due to the onset of the COVID-19 pandemic, these were the only live events hosted in the year. Some of the topics included; Top 10 Hazards in Agriculture, Forklift Safety, Orchard Ladder Safety, How to Prevent Slips Trips and Falls and Mental Health.

Although the Construction and Maritime conferences were postponed, due to the pandemic the 69th Annual Governor’s Industrial Safety and Health Conference was held virtually. Throughout the week long event, hundreds of people gathered online to attend over 20 sessions, see an excellent Keynote and award 9 Individuals who saved a life while on the job. The event was kicked off by Keynote Jessica Rector who shared her mission to “Transform Lives & Keys to Prevent, Break Through, and Extinguish Burnout.” Some sessions demonstrated the latest on COVID-19 and how companies were managing their workplaces through the pandemic. Other sessions provided info on Mental Health, Climate Change and Impacts on Workers Health, Fall Protection and more. Most sessions were recorded and available for some time after so attendees did not miss a thing!



Filming of the opening ceremonies still available for viewing at: <https://www.youtube.com/watch?v=iUb8FPmEDOk>

**MULTICULTURAL SAFETY & HEALTH OUTREACH PROGRAM (MSHOP) WISHA 10 for Agriculture Workers at Agriculture Safety Day: Hosted by the Governors Industrial Safety Advisory Board (GISHAB)**

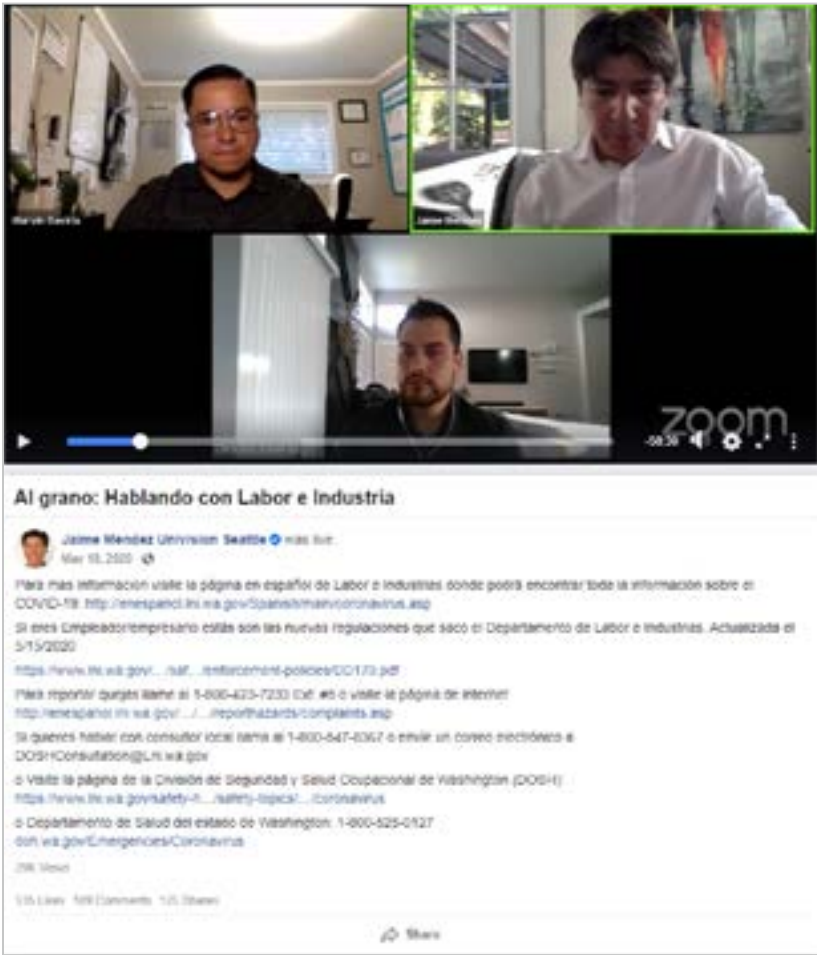
At Agriculture Safety Days 2020 in Kennewick and Wenatchee, MSHOP hosted 3 WISHA 10s (25 participants in each); one in Spanish and two in English. The WISHA 10 classes were offered in conjunction with Agriculture Safety Day with the support of GISHAB, the WSFB, The Growers League, and other representatives on the Agriculture Safety Day Committee. Over the course of 1.5 days, farmworkers were able to obtain their WISHA 10 Certification, which included hands-on tractor training, outdoor heat exposure, hazard communication, and other agricultural safety topics in addition to the safety classes offered by the Agriculture Safety Day Conference. In all, participants benefited from about 18 hours of agriculture safety training by DOSH E&O (MSHOP) and other safety professionals from the private sector.

**IN-PERSON OUTREACH**  
**MSHOP’s in-person outreach** efforts were drastically altered by COVID-19; however, multiple efforts were conducted to reach “hot zones” where a COVID-related fatality had previously occurred. **A multi-agency outreach effort in COVID-19 hot zones** was a joint effort by other state agencies (Departments of Health and Employment Standards) and outside organizations to conduct outreach and discuss, with over 1500 employees, the resources and benefits available to them. In addition, MSHOP visited multiple farms and H2A housing developments to ensure that all safety and health resources reached a vulnerable worker population in the high hazard industry of agriculture. With these outreach efforts, MSHOP was able to distribute over 4000 masks to essential H2A and domestic farmworkers who were some of the most vulnerable individuals through the pandemic.



VIRTUAL OUTREACH

In an effort to reach our community members, MSHOP utilized digital media in multiple ways such as **Radio Interviews/Zoom Facebook** with La Pera, KOZI, KDNA, Jaime Mendez (Univision), Podcast w/Skagit Valley Community Health, Radio La Tierra, Latino Community Resource Group and others. One such interview reached over 26,000 listeners. Along with relaying critical safety and health information to communities, we also leveraged influential partnerships and **hosted a WISHA 10 TOT COVID19 Awareness Zoom Meeting** reaching over half of the WISHA TOT graduates. In an effort to adapt to the pandemic restrictions, a virtual training was conducted with Yakima Valley College via Zoom. MSHOP also participated in **meetings with Community Health Advocates (Promotoras)** who promote safety and health COVID19 resources for farmworkers; community health advocates provide services to farmworkers in-person with our content.



TRANSLATIONS

**MSHOP coordinated and conducted approximately 70+ translation requests** ranging from DOSH Directives, Appeals Letters, COVID-19 Factsheets, COVID-19 Radio Scripts, COVID-19 Response Plan, COVID-19 Governors Proclamation Documents, Washington State Administrative Codes, and two E-tools related to PPE and COVID-19. Translations were conducted in multiple languages.

CONTENT CREATION

MSHOP was a vital part in the content creation for COVID-19 resources such as the **Safety Toolkit in English and Spanish per Governor Proclamation 20-57**, which includes the COVID-19 PowerPoint, Instructors Guide, Resources/Materials and Governors Proclamation. In addition, MSHOP helped create COVID-19 Factsheets such as General Agriculture & Warehouse/Food Processing. In collaboration with the Pacific Northwest Agriculture Safety & Health Center (PNASH), we also developed **infographics** in English and Spanish such as, COVID-19 Requirements for Agriculture & Food Processing, COVID-19 Temporary Worker Housing, and Which Mask for Which Task.

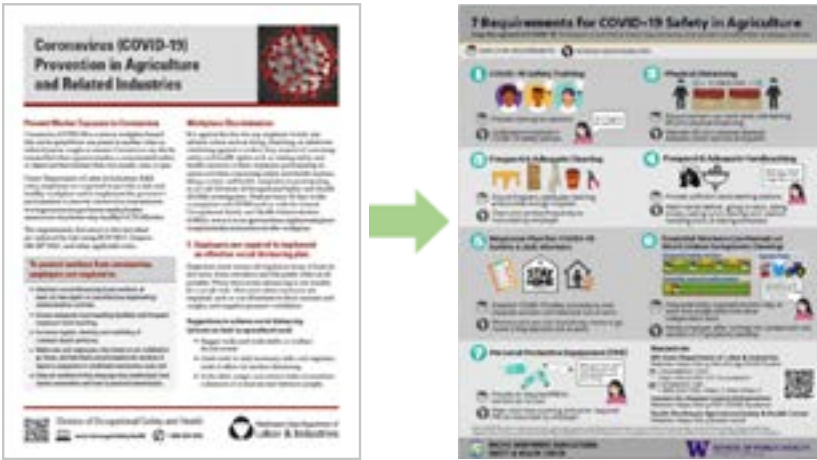
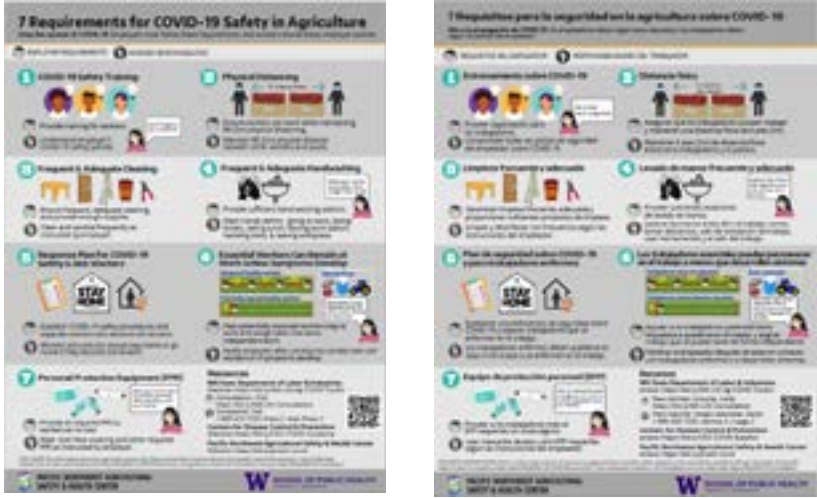


E&O PARTNERS WITH PNASH AND UW

DOSH joined the University of Washington – Pacific Northwest Agricultural Safety and Health Center (UW-PHASH) to Stop the Spread of COVID-19 among Agricultural Workers and Farms.

In June 22, 2020, we began a decisive outreach effort to create clear messages and communications for farmers and farm workers in Washington State on the requirements and guidance to control the spread of the coronavirus in agricultural workplaces, including temporary worker housing for visiting workers.

Messages needed to be short, simple, clear and visual. DOSH generated various technically dense documents with control requirements for safe farm operations. The UW-PNASH transformed these documents into visual communications, outlining in a summarized form, all the coronavirus control measures. Both, in English and Spanish, these visual messages are downloadable in the UW-PNASH website <https://deohs.washington.edu/pnash/covid19-downloads>. Posting these in social media reached the agriculture communities.



SAFETY AND HEALTH INVESTMENT PROJECTS (SHIP) GRANT PROGRAM

Washington's Safety and Health Investment Projects (SHIP) Grant Program funds safety and health ideas that prevent workplace injuries, illnesses, and fatalities, and funds projects for developing and implementing an effective and innovative Return-to-Work (RTW) program for injured workers. The SHIP Grant Program leverages the resources of DOSH with the knowledge, ideas, and expertise of grantees.

The impact of these workplace safety and health grant projects have the potential to reach well beyond Washington State and make a significant difference in the lives of workers nationally as many previous grants have done. A few examples include:

**Experiential Safety Training: Virtual Reality for Multilingual Forest Workers** will create an immersive virtual environment on multiple delivery platforms. This educational intervention will incorporate new active learning techniques to help workers improve learning retention over time, increase engagement, build muscle memory, reflect on work hazards and gain experience in a safe virtual environment free of the actual hazards of forest work. With a growing multilingual workforce in the Pacific Northwest, there is a need for new methods to provide engaging, on-demand training on forestry best practices and

worker safety and health. To our knowledge, there are no virtual reality or augmented reality training programs developed for a multicultural workforce within forestry services.

**Safety and Health Awareness and Outreach to Vietnamese-American Owned Businesses and Workers** will raise awareness and education to Vietnamese small businesses and employees to increase workplace safety and health knowledge and protect workers.

**Peer Tailgate Training on Musculoskeletal Disorders for Latino Day Laborers** builds on a previous SHIP grant. Based on the knowledge and experience of the first grant, they will further develop curriculum/didactic materials and disseminate training on the 8 most useful tips for avoiding musculoskeletal disorders for Latino day laborers. Most efforts will be focused on delivering the trainings with groups of Spanish-speaking day laborers and construction workers.

#### VOLUNTARY PROTECTION PROGRAM (VPP)

OSHA started the Voluntary Protection Program (VPP) in 1982 to establish cooperative action among government, industry and labor to promote highly effective safety and health programs that go above and beyond normal OSHA worker protection regulations. Achieving VPP certification is a rigorous and complex process designed to ensure that only the best programs qualify.

2020 was challenging for DOSH VPP. DOSH VPP completed two recertification onsite evaluations before shutting down due to COVID-19. We also had to cancel the 2020 Melvin E. James Honorary Lectures on Safety scheduled for March 16, 2020. We were able to hire for our vacant IH position in DOSH VPP; however, the successful candidate was not able to join us until November 2020 as he was in Compliance for COVID response. DOSH VPP helped staff the 2020 Virtual Governors Safety and Health Conference held in September 2020.

For 2021, DOSH VPP is working on scheduling and completing onsite evaluations as soon as it's safe for teams to enter employer worksites. We are also collaborating with the National Voluntary Protection Program Participants Association to host a virtual 2021 Melvin E. James Honorary Lectures on Safety in March. DOSH VPP will be helping staff the 2021 Virtual Agriculture Safety Days and Construction Safety Day.

#### COVID-19 RESPONSE

Since January 2020, the Department of Labor and Industries continues to navigate the deadly COVID-19 pandemic workplace hazard impacting employers and workers across the state. In response, DOSH created directives that allowed us to enforce requirements for social distancing, masking, hand washing, sanitizing, and training to prevent disease transmission. DOSH Directives 1.70, *Coronavirus Prevention*, and 11.80, *Annual Fit-Testing, Respiratory*

*Protection and Face Coverings during Covid-19 Pandemic*, provided direction to using the Governor's orders to protect workers. We also created rules for Temporary Worker Housing to help protect vulnerable and essential agriculture workers who are living in congregate settings. The most recent update to these rules included requirements for ventilation to include maximizing fresh air and upgrading filters to MERV 13 when the system can support their use.

During this time, DOSH has worked with multiple associations from healthcare, dental, schools, hospitality, long-term care, and manufacturing to name a few. We attended webinars and tried to stay vigilant in communicating with affected employers and workers as all of us Washingtonians tried to navigate an ever changing scientific landscape.

Some of the more notable achievements of collaborating with other state agencies and stakeholder groups is the *Employer Safety and Health Requirements for School Scenarios* which was a joint document created by L&I, Department of Health, and the Office of the Superintendent for Public Instruction and the N95 Case Use Prioritization document.



#### WY OSHA

Wyoming Occupational Safety and Health (WY OSHA) continues to implement its core mission to assure safe and healthful working conditions for working men and women by setting and enforcing standards as well as providing training, outreach, education and assistance to the people of Wyoming. WY OSHA has been helping keep employees safe since initial approval was granted on May 3, 1974. The Wyoming State Plan is administered through the Department of Workforce Services and consists of two separate sections; Compliance and Consultation. The Compliance program enforces safety and health standards in private and public industry workplaces; investigates complaints, fatalities, and catastrophes; investigates safety and health whistleblower discrimination complaints for private, state and local government; and provides public-sector outreach services. The Consultation program provides free, confidential Consultation services and empowers private-sector employers to improve safety and health in their workplaces. Through the development of strong working relationships, Consultation provides employers with services designed to help them implement and maintain effective safety and health management systems, and ultimately become self-sufficient in managing those systems.

#### SIGNATURE PROJECTS

##### WYOMING WORKPLACE SAFETY WEEK

The Consultation program participated in a variety of cooperative efforts with alliances and private industry to promote and participate in many safety events. One such event was the 7th National Safety Stand-Down to Prevent Falls in Construction (September 2020) where two certificates were issued.

##### SAFE & SOUND WEEK

Safe & Sound Week was in August 2020. Information was shared with alliances and other organizations and companies regarding participating in these events. Seven employers participated in this event.

##### WORKERS' MEMORIAL

Wyoming OSHA participated in the Workers' Memorial through press releases and the Agency's website on April 28, 2020, to honor those that have lost their lives in a workplace fatality. Due to the COVID-19 crisis, these events were conducted virtually.

##### SAFETY IMPROVEMENT FUND

The Wyoming Safety Improvement Fund helps businesses implement health and safety training programs and assists with the purchase of health and safety equipment

beyond regulatory requirements for the industry or occupation. Businesses are eligible to apply each fiscal year and may qualify for up to \$10,000. A 10 percent monetary match is required of the business once approved. WY OSHA worked to assist in the review of applications and guidance to ensure requests are above and beyond the minimum OSHA standards for the industry. For SFY 2020, the Safety Improvement Fund awarded a total of \$178,059.81 to 29 different employers for training and equipment.

**HEALTH & SAFETY  
CONSULTATION EMPLOYER  
DISCOUNT**

Marketing to promote the Health and Safety Consultation Employer Discount Program, which encourages employers to request full visits, continued throughout FFY 2020. Information packets were distributed during industry events and on field visits conducted, and information was posted on the Wyoming OSHA website. In addition, information was shared and presented by management and staff at Alliance and Coalition meetings and various other presentations. An online application is still being used along with hard copies in all field offices to assist employers in participating in this program.

Through participation in the Department of Workforce Services, Health and Safety Consultation Employer Discount Program, employers may receive a Workers’ Compensation discounted premium base rate. Applications to participate in the program may be submitted to the OSHA Division at any time. Upon approval, the employer’s premium base rate discounts are implemented in the subsequent calendar quarter. In FFY 2020, there were two hundred and fifty-four (254) total employers enrolled. This program helps establish working relationships with OSHA staff, ultimately improving health and safety throughout industries within Wyoming.

**ENFORCEMENT**

Due to the virus responsible for COVID-19, SARS-CoV-2, the enforcement program made adjustments to how inspections were conducted beginning in March 2020. Although the adjustments affected our program in means of obtaining the most effective PPE and additional training for CSHO’s, we were still able to meet our anticipated goals.

For FFY 2020, the WY OSHA Compliance program performed 174 workplace inspections and identified 297 hazards. It is estimated that approximately 2,818 employees were removed from these hazards. The initial penalties for these inspections totaled \$570,331.00.

**CONSULTATION**

The past year has been a challenging one, as the pandemic and economic impact to primary industries of oil/gas and construction were significantly affected adversely. This has provided for both positive and negative effects for the program.

On a positive note, one primary strategy for the Wyoming OSHA program is the reduction of fatalities within Wyoming. The consultation program has contributed to the success seen in both the reduction of fatalities for the year and also reduction in the 20 year average used as a baseline for comparison. For FFY 2020, Wyoming OSHA investigated four (4) OSHA workplace fatalities, a reduction from the previous year of six (6). In addition, the 20 year baseline has been reduced from seven point seven (7.7) fatalities to seven point one (7.1) fatalities per year for a twenty year period.

For FFY 2020, the WY OSHA Consultation program completed 57 visits. Due to the COVID-19 crisis, WY OSHA Consultation had to unfortunately halt field visits starting March 2020 through the remainder of the FFY. It is estimated approximately 7,867 employees had the potential to be directly influenced or positively affected through improved workplace safety and health practices and procedures because of those 57 visits. As an additional result, employers were able to abate 1 imminent hazard, 200 serious hazards, and 51 other than serious hazards.

Wyoming visits related to all activity areas include 37 General Industry visits and 20 Construction visits. Wyoming emphasis industry visits totaled 24. There were 3 Highway, Street & Bridge and Demolition visits. The emphasis visits for health show the program meeting projected visits with a total of 37. In addition, the other emphasis industry visits totaled 18.

Health sampling included various types of monitoring. The program collected 30 samples with 200 substances analyzed. This helped establish exposure levels and assist employers in strengthening control systems and programs to reduce occupational exposure to these hazards.

Direct impact relationship between Consultation activities and fatality reductions for FFY 2020 are not easily demonstrated. However, by reducing the hazards to which employees are exposed, it is evident that potential for accident and fatalities is reduced. This is further exemplified through visits in emphasis industries with hazards related to one of the leading cause of fatalities nationwide; falls. This year, 9 visits related to falls were conducted and resulted in the identification of 36 hazards. Through hazard identification and abatement received, and informal training being conducted on every visit, the program met the goal of increasing Wyoming’s safety and health culture and played a part in the reduction of fatalities for FFY 2020.

**OUTREACH**

Alliance, coalition and association participation continues to be another venue used by WY OSHA Compliance Assistance/Consultation to promote a safety and health culture in Wyoming. Compliance Assistance and Consultation works to empower alliances to address health and safety within their industry and supplies services as requested. Currently, Compliance Assistance and Consultation take turns participating with six existing alliances/coalitions/associations. They include Wyoming Oil & Gas Industry Safety Alliance (WOGISA), Wyoming Construction Safety Alliance (WCSA), Transportation Safety Coalition (TSC), Cheyenne Roofing Alliance (CRA), Wyoming Construction Coalition (WCC), Wyoming Contractor’s Association (WCA), and Wyoming Refinery Safety Alliance (WRSA). WY OSHA primarily is involved in the groups listed below and participates with the others on an as need basis.

**WOGISA - WYOMING OIL & GAS  
INDUSTRY SAFETY ALLIANCE**

The goal of this Alliance is to promote, communicate, educate, and train employees and employers to reduce fatality and injury rate in the Oil & Gas Industry. WOGISA general membership has decreased in response to economic decline to approximately 241 members, to include producers, drilling contractors, servicing contractors, anchor installers/testers and industry support employers. The combination of downturn in economy, changes in board of directors and direction have created challenges and reduced membership. Alliance members meet quarterly, while board members meet on a monthly basis. This alliance and OSHA work cooperatively to provide valuable communication to industry and update Wyoming’s Oil and Gas Rules and Standards and to address issues of constituents. Training opportunities offered through other industry groups and community colleges were shared with the alliance for member consideration throughout the year to include the Rocky Mountain Education Center – OSHA Training Institute Education Center in partnership with the Wyoming - Montana Safety Council.

WY OSHA is working with this group to understand concerns and gather additional information to redraft the Oil and Gas Rules into one rule set with different chapters for type of activity; as well as evaluating the processes for multiple oil and gas trades working at the same time at the same location, (i.e. drilling and servicing) along with the anchor chapter revisions.

**WCSA - WYOMING  
CONSTRUCTION SAFETY  
ALLIANCE**

The goal of this alliance is to promote, communicate, educate, and train employees and employers to ultimately reduce the fatality and injury rate within the Construction Industry. WCSA general membership consists of 14 construction companies operating in Wyoming. The combination of economic downturn and changes in board of directors and direction have created challenges and reduced membership. This alliance is a joint venture between industry and the consultation program team. The Consultation Manager and/or Deputy Administrator for Wyoming OSHA are typically involved in their monthly board meetings. The Consultation Team also participated with monthly meetings, as needed. Consultation provides informal training and guidance on topics brought up during meetings, to include topics like fall protection on commercial and residential roofing projects and proper harness placement for PFAS systems. The Alliance has not held meetings during the COVID-19 crisis. Currently, all meetings are on hold until further notice.

**TSC – TRANSPORTATION SAFETY COALITION**

The mission of the Transportation Safety Coalition is to reduce work-related transportation fatalities through education, training and working relationships with entities charged with overseeing transportation in Wyoming. This is a proactive organization working to develop processes which will aid in reducing transportation fatalities on Wyoming’s roadways.

The coalition has spent time reviewing fatal crash data, identifying specific roadways in Wyoming, identifying the causes and contributing factors to those crashes and implementing initial low-cost, high- yield efforts for crash mitigation efforts, while making recommendations for long-term solutions. Currently, this coalition consists of 59 members.

**WRSa – WYOMING REFINERY SAFETY ALLIANCE**

This alliance was discontinued since they now meet as a regional group (this includes Wyoming and bordering states). Their goal is to continue to promote, communicate, educate, and train employees and employers to reduce the fatality and injury rates within the Refining Industry. Their general membership consists of the four Wyoming refineries operating in the state and those operating in bordering states. This alliance is now just a joint venture between refineries.

**CRA – CHEYENNE ROOFING ALLIANCE**

This alliance is a small-localized roofing group that was created in 2017 and is primarily working in Laramie County, WY. Their primary mission is to identify and reduce work injuries related to the roofing industry through education and communication. The alliance participates in the national OSHA Fall Protection Stand-Down and assists in hosting local events in coordination with the Wyoming Montana Safety Council.

**PRESTIGE PROGRAMS**

**VPP**

WY OSHA continues to promote the Voluntary Protection Program (VPP) with the assistance of existing VPP members and employees. WY OSHA also works to increase awareness through presentations, the Department of Workforce Services website, and participation at conferences and other professional associations. WY OSHA Compliance Assistance continued to work cooperatively with Region VIII Federal OSHA to conduct renewals of current VPP participants and process one new application for the Voluntary Protection Program.

**SHARP**

During the COVID-19 crisis, there were many challenges with industries in Wyoming. We maintained twenty-four (24) Safety & Health Achievement Recognition Program (SHARP) clients. The Annual Performance Goal is to develop relationships with companies, and increase participation in prestige programs. At this point, Wyoming OSHA maintains the SHARP Program, but does not have a federally recognized Pre-SHARP program.

**EVTAP**

The Employer Voluntary Technical Assistance Program (EVTAP) is a Wyoming State Prestige Program. It functions as an entry-level program for companies that want to build a better safety culture. This program is designed to improve health and safety through the cooperation of employers, employees, and WY OSHA. The ultimate purpose is to ensure that each establishment in the program reaches a level of self-sufficiency in the area of health and safety. Currently, 4 employers are enrolled in this program.

**COMPLIANCE ASSISTANCE (CAS) ACTIVITIES**

Compliance assistance activities directly support Wyoming’s strategic plan goals. The Compliance Assistance Specialist (CAS), Consultants, the Consultation Manager, and the WY OSHA Director have an active role in providing training and presentations. These trainings and presentations were a mix of employer/association/alliance requested trainings and were conducted in locations throughout Wyoming and virtually. The CAS, Consultation Supervisor and Program Director conducted 11 visits with state agencies to review and assist the Department of Health regarding the COVID-19 crisis and how best to return to work in the public sector. The Consultation team participated in the creation and development of the necessary procedures and processes that both public and private industries should take to reopen their offices once it is safe to return to work. The CAS projected goal for FFY 2020 was to conduct 25 activities. The program exceeded this goal, conducting 28 documented activities.

# OSHSPA DIRECTORY

ALASKA

**Dr Tamika L. Ledbetter**, *Commissioner*  
Alaska Department of Labor  
PO Box 21149  
Juneau, AK 99802-1149  
commissioner.labor@alaska.gov  
907-465-2700 | 907-465-2784 Fax

**William Harlan**, *Deputy Director*  
Alaska Department of Labor  
Division of Labor Standards and Safety  
1251 Muldon Road., Ste 113  
Anchorage, AK 99504  
william.harlan@alaska.gov  
907-269-4961 907-269-4932 Fax

**Ron Larsen**, *Chief of Enforcement*  
Alaska Department of Labor  
Division of Labor Standards and Safety  
1251 Muldon Rd., Ste 109  
Anchorage, AK 99504  
ron.larsen@alaska.gov  
907-269-4957 | 907-269-3723 Fax

ARIZONA

**Jessie Atencio**, *Director ADOSH*  
The Industrial Commission of Arizona  
Division of Occupational Safety and Health  
800 West Washington Street  
Phoenix, AZ 85007  
jessie.atencio@azdosh.gov  
602-542-5726 | 602-542-1614 Fax

**Phil Murphy**, *Assistant Director*  
Division of Occupational Safety and Health  
800 West Washington Street  
Phoenix, AZ 85007  
phil.murphy@azdosh.gov  
602-542-1695

**Steven Morgan**, *Assistant Director*  
Division of Occupational Safety and Health  
2675 East Broadway Blvd.  
Tucson, AZ 85716  
steven.morgan@azdosh.gov  
602-542-1694

CALIFORNIA

**Douglas Parker**, *Chief*  
Division of Occupational Safety and Health  
Department of Industrial Relations  
1515 Clay Street, 19th Floor  
Oakland, CA 94612  
dparker@dir.ca.gov  
510-286-7000 | 510-286-7037 Fax

**Cora Gherga**, *Assistant Chief Enforcement Administration*  
Department of Industrial Relations  
Division of Occupational Safety and Health  
1515 Clay St. 19th floor  
Oakland, CA 94612  
cgherga@dir.ca.gov  
510-286-7000 | 510-286-7037 Fax

CONNECTICUT

**Kurt Westby**, *Commissioner*  
Connecticut Department of Labor  
200 Folly Brook Boulevard  
Wethersfield, CT  
06109 kurt.westby@ct.gov  
860-263-6505 | 860-263-6529 Fax

**Daryle Dudzinski**, *Deputy Commissioner*  
Connecticut Department of Labor  
200 Folly Brook Boulevard  
Wethersfield, CT 06109  
daryle.dudzinski@ct.gov  
860-263-6510

**Ken Tucker**, *Director*  
Connecticut Department of Labor  
Division of Occupational Safety and Health  
38 Wolcott Hill Road.  
Wethersfield, CT 06109  
kenneth.tucker@ct.gov  
860-263-6929 | 860-263-6940 Fax

**John Rosa**, *Program Manager*  
Connecticut Department of Labor  
Division of Occupational Safety and Health  
38 Wolcott Hill Road.  
Wethersfield, CT 06109  
john.rosa@ct.gov  
860-263-6925 | 860-263-6940 Fax

HAWAII

**Anne E. Perreira-Eustaquio**, *Director*  
Hawaii Occupational Safety and Health  
Department of Labor and Industrial Relations  
830 Punchbowl Street, Room 321  
Honolulu, HI 96813  
anne.e.perreira-eustaquio@hawaii.com  
808-586-8844 | 808-586-9099 Fax

**Norman Ahu**, *Administrator*  
Hawaii Occupational Safety and Health  
Department of Labor and Industrial Relations  
830 Punchbowl Street, Room 425  
Honolulu, HI 96813  
norman.ahu@hawaii.gov  
808-586-9116 | 808-586-9104 Fax

**Nicole Bennett**, *ATS Manager*  
Hawaii Occupational Safety and Health  
Department of Labor and Industrial Relations  
830 Punchbowl Street, Room 425  
Honolulu, HI 96813  
nicole.g.bennett@hawaii.gov  
808-586-9081 | 808-586-9104 Fax

**Roxane T Ishimaru**, *HIOSH Secretary*  
Hawaii Occupational Safety and Health  
Department of Labor and Industrial Relations  
830 Punchbowl Street, Room 425  
Honolulu, HI 96813  
roxane.t.ishimaru@hawaii.gov  
808-586-9116 | 808-586-9104 Fax

**Vacant**, *HIOSH HhBr Manager*  
Hawaii Occupational Safety and Health  
Department of Labor and Industrial Relations  
830 Punchbowl Street, Room 423  
Honolulu, HI 96813  
tinshing.chao@hawaii.gov  
808-586-9116 | 808-586-9104 Fax

ILLINOIS

**Brandy Lozosky**, *Acting Division Manager*  
Illinois Department of Labor ILL OSHA  
900 S. Spring Street  
Springfield, IL 62704  
brandy.lozosky@illinois.gov  
217-524-4246 Office

**Victor Brame**, *Regional Enforcement Manager*  
Illinois Department of Labor ILL OSHA  
160 N LaSalle Street Ste C1300  
Chicago, IL 60601  
victor.brame@illinois.gov  
321-814-6366 | 321-519-0396 Fax

**Erik Kambarian**,  
*Regional Enforcement Manager*  
Illinois Department of Labor ILL | OSHA  
900 S. Spring Street  
Springfield, IL 62704  
erik.kambarian@illinois.gov  
217-785-7056

INDIANA

**Joseph B. Hoage**, *Commissioner*  
Indiana Department of Labor  
402 West Washington Street, Room W195  
Indianapolis, IN 46204  
johoage@dol.in.gov  
317-232-2378 | 317-233-3790 Fax

**Michelle Ellison**, *Deputy Commissioner*  
IOSHA | Indiana Department of Labor  
402 West Washington Street, Room W195  
Indianapolis, IN 46204  
mellison@dol.in.gov  
317-233-3605 | 317-234-3911 Fax

**Kenneth “KR” Boucher**,  
*Assistant Commissioner*  
Indiana Department of Labor | INSAFE  
402 West Washington Street, Room W195  
Indianapolis, IN 46204  
kboucher@dol.in.gov | 317-234-4792

**Jameson Berry**, *Construction Safety Compliance Director*  
Indiana Department of Labor  
Indiana OSHA  
402 West Washington Street, Room W195  
Indianapolis, IN 46204  
jberry@dol.in.gov | 317-233-3794

**Jeremy Galloway**, *Director General Industry*  
Indiana Department of Labor  
Indiana OSHA  
402 West Washington Street, Room W195  
Indianapolis, IN 46204  
jberry@dol.in.gov | 317-232-1987

IOWA

**Rod Roberts**, *Labor Commissioner*  
Division of Labor  
150 Des Moines Street  
Des Moines, IA 50319  
rod.roberts@iwd.iowa.gov  
515-725-5670 | 515-281-7995 Fax

**Russell Perry**, *OSHA Administrator*  
Division of Labor  
150 Des Moines Street  
Des Moines, IA 50319  
russell.perry@iwd.iowa.gov  
515-281-3122 | 515-281-7995 Fax

KENTUCKY

**Kimberlee Perry**, *Commissioner*  
Kentucky Labor Cabinet  
Mayo-Underwood Building  
500 Mero Street, 3rd Floor  
Frankfort, KY 40601  
kimc.perry@ky.gov | 502-564-4087

**Seth Bendorf**, *Acting Director of OSH Compliance*  
Kentucky Labor Cabinet  
Mayo-Underwood Building  
500 Mero Street, 3rd Floor  
Frankfort, KY 40601  
seth.bendorf@ky.gov  
502-564-3327 | 502-564-1682 Fax

**Chuck Stribling**, *OSH Federal – State Coordinator*  
Kentucky Labor Cabinet  
Mayo-Underwood Building  
500 Mero Street, 3rd Floor  
Frankfort, KY 40601  
chuck.stribling@ky.gov  
502-564-3070 | 502-564-1682 Fax

MAINE

**Steve Greeley**, *Director*  
Workplace Safety & Health  
Maine Department of Labor  
45 State House Station  
Augusta, ME 04333-0045  
steven.l.greeley@maine.gov  
207-623-7916 | 207-623-7937 Fax

**Michael Laplante**, *Program Manager*  
Maine Department of Labor  
45 State House Station  
Augusta, ME 04333-0045  
michael.a.laplante@maine.gov  
207-623-7921 | 207-623-7937 Fax

MARYLAND

**Matthew Helminiak**, *Commissioner*  
Department of Labor  
Division of Labor & Industry – MOSH  
1100 N Eutaw St, Room 600  
Baltimore, MD 21201  
matt.helminiak@maryland.gov  
410-767-4037 | 410-527-4481 Fax

**Michael J Stracka**, *CSP, Assistant Commissioner*  
Department of Labor  
Division of Labor & Industry – MOSH  
10946 Golden West Drive, Ste. 160  
Hunt Valley, MD 21031  
michael.stracka@maryland.gov  
410-527-2065 | 410-527-4484 Fax

**Mischelle Vanreusel**, *Program Manager*  
Department of Labor  
Division of Labor & Industry – MOSH  
1100 N Eutaw St, Room 600  
Baltimore, MD 21201  
mischelle.vanreusel@maryland.gov  
410-767-2225 | 410-527-4481 Fax

**Cristina Harris**, *IH Supervisor*  
Department of Labor  
Division of Labor & Industry – MOSH  
10946 Golden West Drive, Ste. 160  
Hunt Valley, MD 21031  
cristina.harris@maryland.gov  
410-527-2079 | 410-527-4481 Fax

MASSACHUSETTS

**Michael Flanagan**,  
*Manager of Safety & Health*  
Department of Labor Standards  
Workplace Safety and Health for  
Public Sector  
19 Staniford Street, 2nd Floor  
Boston, MA 02114  
michael.flanagan@mass.gov | 617-626-6958

MICHIGAN

**Barton G. Pickelman**, *Director*  
Michigan Department of Labor  
& Economic Opportunity  
Michigan Occupational Safety & Health  
Administration  
530 W. Allegan Street  
Lansing, MI 48909-8143  
pickelmanb@michigan.gov  
517-284-7772 | 517-284-7775 Fax

**Kim Fedewa**, *Executive Assistant*  
Michigan Department of Labor  
& Economic Opportunity  
Michigan Occupational Safety & Health  
Administration  
530 West Allegan Street  
Lansing, MI 48909 -8143  
fedewak7@michigan.gov  
517-284-7772 | 517-244-7775 Fax

OSHSPA DIRECTORY

MINNESOTA

**Roslyn Robertson**, *Commissioner*  
Minnesota Department of Labor and Industry  
443 Lafayette Road North  
St. Paul, MN 55155  
roslyn.robertson@state.mn.us  
651-284-5010 | 651-284-5741

**Nicole Blissenbach**, *Deputy Commissioner*  
Minnesota Department of Labor and Industry  
443 Lafayette Road North  
St. Paul, MN 55155  
roslyn.robertson@state.mn.us  
651-284-5334 | 651-284-5741

**Nancy Zentgraf**,  
*MNOSHA Training & Outreach*  
Minnesota Department of Labor and Industry  
Occupational Safety and Health Division  
443 Lafayette Road North  
St. Paul, MN 55155  
nancy.zentgraf@state.mn.us  
651-284-5571 | 651-284-5741 Fax

**James Krueger**, *Director*  
Minnesota Department of Labor and Industry  
Occupational Safety and Health Division  
443 Lafayette Road North  
St. Paul, MN 55155  
jim.krueger@state.mn.us  
651-284-5462 | 651-284-5741 Fax

NEVADA

**Victoria Carreon**, *Administrator*  
Department Business and Industry  
Division of Industrial Relations  
3360 W Sahara Blvd, Ste 250  
Las Vegas, NV 89105  
vcarreon@business.nv.gov | 702-486-9100

**Perry Faigin**, *CPM, Interim Chief Administrative Officer*  
Department Business and Industry  
Division of Industrial Relations  
3360 W Sahara Blvd, Ste 200  
Las Vegas, NV 89105  
Perry.Faigin@dir.nv.gov  
702-486-9046 702-990-0358 Fax

**Jimmy Andrews**, *Program Coordinator*  
Department Business and Industry  
Division of Industrial Relations  
3360 W Sahara Blvd, Ste 200  
Las Vegas, NV 89105  
jimmy.andrews@business.nv.gov  
707-486-9069

**Tristan Dressler**, *Program Coordinator*  
Department Business and Industry  
Division of Industrial Relations  
3360 W Sahara Blvd, Ste 200  
Las Vegas, NV 89105  
tdressler@business.nv.gov  
702-486-9035 | 702-990-0358 Fax

NEW JERSEY

**Howard Black**, *Assistant Commissioner*  
NJ Department of Labor and Workforce Development  
Division of Public safety and Occupational Safety and Health  
PO Box 286, 3rd Floor  
Trenton, NJ 08625-0054  
howard.black@dol.nj.gov  
609-292-0501 | 609-292-4409 Fax

**Gary Centifonti**, *Director*  
New Jersey Department of Health  
Consumer Environmental & Occupational Health and Service  
PO Box 369  
Trenton, NJ 08625-0369  
gary.centifonti@doh.nj.gov  
609-826-4920 | 609-984-2779 Fax

**Thomas Lipski**, *Chief*  
NJ Department of Labor and Workforce Development  
Division of Public Safety and Occupational Safety and Health  
Office of Public Employees Occupational Safety and Health  
PO Box 386, 3rd Floor  
Trenton, NJ 08625-0386  
thomas.lipski@dol.nj.gov  
609-984-1389 | 609-984-2779 Fax

**Glenn Pulliam**, *Program Manager*  
New Jersey Department of Health  
Environmental and Occupational Health Assessment Program  
PO Box 369  
Trenton, NJ 08625-0369  
glenn.pulliam@doh.nj.gov | 609-826-4950

NEW MEXICO

**Sandra Ely**, *EPD Director*  
NM Environment Department  
PO Box 5469  
Santa Fe, NM 87502-5469  
sandra.ely@state.nm.us  
505-827-2855 | 505-827-2836 Fax

**Bob Genoway**, *Bureau Chief*  
NM Environment Department  
Occupational Health and Safety Bureau  
PO Box 5469  
Santa Fe, NM 87502-5469  
robert.genoway@state.nm.us  
505-476-8718 | 505-476-8734 Fax

**Gregory Marquez**,  
*Compliance Program Manager*  
NM Environment Department  
Occupational Health and Safety Bureau  
PO Box 5469  
Santa Fe, NM 87502-5469  
gregory.marquez@state.nm.us  
505 476-8724 | 505-476-8734 Fax

NEW YORK

**Roberta Reardon**, *Commissioner*  
New York State Department of Labor  
State Office Campus Bldg 12, Room 500  
Albany, NY 12240  
nysdol@labor.ny.gov  
518-457-2746 | 518-485-6908 Fax

**Amy Phillips**, *DOSH Director*  
New York State Department of Labor  
Division of Safety and Health  
State Office Campus Bldg 12, Room 522  
Albany, NY 12240  
amy.phillips@labor.ny.gov  
518-457-9068 | 518-457-1519 Fax

**Raynard Caines**, *PESH Program Manager*  
Division of Safety and Health  
75 Varick Street, Room 702  
New York, NY 10013  
raynard.caines@labor.ny.gov  
212-775-3357 | 212-775-3542 Fax

**Darren Mrak**, *PESH Program Manager*  
New York State Department of Labor  
109 S Union Street, Room 402  
Rochester, NY 14607  
darren.mrak@labor.ny.gov  
588-258-8806 | 585-258-4518

**John Usher**, *PESH Program Manager*  
New York State Department of Labor  
Public Employee Safety and Health (PESH)  
Harriman State Office Campus  
Building 12, Room 158  
Albany, NY 12240  
john.usher@labor.ny.gov  
588-258-8806 | 585-258-4518

NORTH CAROLINA

**Josh Dobson**, *Commissioner*  
North Carolina Department of Labor  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
josh.dobson@labor.nc.gov  
919-707-7701 | 919-733-6197 Fax

**Kevin Beauregard**, *Deputy Commissioner*  
North Carolina Department of Labor  
Division of Occupational Safety and Health  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
kevin.beauregard@labor.nc.gov  
919-707-7800 | 919-707-7964 Fax

**Scott Mabry**,  
*Assistant Deputy Commissioner*  
North Carolina Department of Labor  
Division of Occupational Safety and Health  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
scott.mabry@labor.nc.gov  
919-707-7802 | 919-707-7964Fax

**Nicole Brown**, *East Compliance Bureau Chief*  
North Carolina Department of Labor  
Division of Occupational Safety and Health  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
nicole.brown@labor.nc.gov  
919-779-8512 | 919-420-7966 Fax

**Paul Sullivan**, *West Compliance Bureau Chief*  
North Carolina Department of Labor  
Division of Occupational Safety and Health  
901 Barhill Rd, Ste 200  
Charlotte, NC 28217  
paul.sullivan@labor.nc.gov  
704-665-6803 | 704-665-4342 Fax

**Judyth Niconienko**, *State Plan Coordinator*  
North Carolina Department of Labor  
Division of Occupational Safety and Health  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
judyth.niconienko@labor.nc.gov  
919-707-7805 | 919-707-7964 Fax

OREGON

**Michael Wood**, *Administrator*  
Dept. of Consumer and Business Services  
Oregon OSHA  
350 Winter Street, NE  
Salem, OR 97301  
michael.wood@oregon.gov  
503-947-7400 | 503-947-7461 Fax

**Julie Love**, *Deputy Administrator*  
Dept. of Consumer and Business Services  
Oregon OSHA  
350 Winter Street, NE  
Salem, OR 97301  
julie.a.love@oregon.gov  
971-719-6878 | 503-947-7461 Fax

**Renee Stapleton**, *Policy Manager*  
Dept. of Consumer and Business Services  
Oregon OSHA  
350 Winter Street, NE  
Salem, OR 97301  
renee.m.stapleton@oregon.gov  
971-719-6708 | 503-947-7461 Fax

**Jenny Downen**, *Federal Liaison*  
Dept. of Consumer and Business Services  
Oregon OSHA  
350 Winter Street, NE  
Salem, OR 97301  
jennifer.a.dowen@oregon.gov  
503-947-7459 | 503-947-7461

**Bryon Snapp**, *Safety Enforcement Manager*  
Dept. of Consumer and Business Services  
Oregon OSHA  
350 Winter Street, NE  
Salem, OR 97301  
bryon.m.snapp@oregon.gov  
503-947-7448 | 503-947-7461

**Aaron Corvin**, *Public Information Officer*  
Dept. of Consumer and Business Services  
Oregon OSHA  
350 Winter Street, NE  
Salem, OR 97301  
aaron.corvin@oregon.gov | 971-718-6937

PUERTO RICO

**Luis E. Pardo**, *Assistant Labor Secretary*  
Puerto Rico Department of Labor  
Occupational Safety and Health  
Administration  
Prudencio Rivera Martinez Bldg. | 20th Floor  
505 Munoz Rivera Avenue  
Hato Rey, PR 00918  
lpardo@trabajo.pr.gov  
787-754-2171 | 787-767-6051 Fax

SOUTH CAROLINA

**Emily H. Farr**, *Director*  
SC Dept. of Labor, Licensing & Regulation  
110 Centerview Dr.  
PO Box 11329  
Columbia, SC 29211-1329  
emily.farr@llr.sc.gov | 803-896-4390

**Kristina Baker**, *Deputy Director*  
SC OSH | SC Department of Labor, Licensing & Regulations  
121 Executive Center Drive, Ste 230  
PO Box 11329  
Columbia, SC 29211-1329  
kristina.baker@llr.sc.gov | 803-896-0183

**Gwen Thomas**, *State Plan Manager*  
SC OSHA | SC Dept. of Labor, Licensing & Regulation  
121 Executive Center Drive, Ste 230  
PO Box 11329  
Columbia, SC 29211-1329  
gwen.thomas@llr.sc.gov  
803-896-5811 | 803-896-7670 Fax

TENNESSEE

**Jeff McCord**, *Commissioner*  
Tennessee Department of Labor and Workforce Development  
220 French Landing Dr.  
Nashville, TN 37243  
jeff.mccord@tn.gov  
615-741-6642 | 615-741-5078 Fax

**Wendylee Fisher**, *Assistant Commissioner*  
Tennessee Department of Labor and Workforce Development  
220 French Landing Dr.  
Nashville, TN 37243  
wendy.fisher@tn.gov  
615-532-7754 | 615-741-3325 Fax

**Larry Hunt**, *Assistant Administrator*  
Tennessee Department of Labor and Workforce Development  
220 French Landing Dr.  
Nashville, TN 37243  
larry.hunt@tn.gov  
615-741-7036 | 615-741-3325 Fax

UTAH

**Cameron Ruppe**, *UOSH Division Director*  
State of Utah Labor Commission  
Utah Occupational Safety & Health Division  
PO Box 146650  
Salt Lake City, UT 84114-6650  
cruppe@utah.gov  
801-530-6898 | 801-530-7606 Fax

**Holly Lawrence**, *Standards and Technical Assistance Manager*  
State of Utah Labor Commission  
Utah Occupational Safety & Health Division  
PO Box 146650  
Salt Lake City, UT 84114-6650  
hlawrence@utah.gov  
801-530-6494 | 801-530-7606 Fax

**Jason Sokoloff**, *UOSH Compliance Field Operations Manager*  
State of Utah Labor Commission  
Utah Occupational Safety & Health Division  
PO Box 146650  
Salt Lake City, UT 84114-6650  
jsokoloff@utah.gov  
801-530-6437 | 801-530-7606 Fax

VERMONT

**Dan Whipple**, *VOSHA Program Manager*  
Vermont Department of Labor  
PO Box 488 | Montpelier, VT 05601-0488  
dan.whipple@vermont.gov  
802-828-5084 | 802-828-0408 Fax

**Steve Monahan**,  
*Director Worker Comp & Safety*  
Vermont Department of Labor, VOSHA  
PO Box 488 | Montpelier, VT 05601-0488 Fax  
stephen.monahan@vermont.gov  
802-828-2138

**Bailey Thibault**, *Compliance Supervisor*  
Vermont Department of Labor, VOSHA  
PO Box 488 | Montpelier, VT 05601-0488  
bailey.thibault@vermont.gov  
802-828-5085

VIRGIN ISLANDS

**Gary Molloy**, *Commissioner*  
Department of Labor  
Division of Occupational Safety & Health  
4401 Sion Farm  
Christiansted, St. Croix, VI 00820  
gary.molloy@vidol.gov | 340-773-1994

**Wean Williams Farrell**, *Assistant Commissioner*  
Department of Labor  
Division of Occupational Safety & Health  
2353 Kronprindsens Gade  
St Thomas, VI 00802  
wfarrell@vidol.gov  
340-776-3700 | 340-715-5743 Fax

**Dean Andrews**, *Director*  
Department of Labor  
Division of Occupational Safety & Health  
4401 Sion Farm  
Christiansted, St. Croix, VI 00820  
dandrews@vidol.gov  
340-773-1994 | 340-773-0094 Fax

**Marilyn Jaseph**, *Administration Assistant*  
Department of Labor  
Division of Occupational Safety & Health  
4401 Sion Farm  
Christiansted, St. Croix, VI 00820  
mjaseph@vidol.gov  
340-773-1994 | 340-773-0094 Fax

VIRGINIA

**C. Ray Davenport**, *Commissioner*  
Virginia Department of Labor and Industry  
600 East Main Street, Ste. 207  
Richmond, VA 23219  
ray.davenport@doli.virginia.gov  
804-786-2377 | 804-371-6524 Fax

**Bill Burge**, *Assistant Commissioner*  
Virginia Department of Labor and Industry  
600 East Main Street, Ste. 207  
Richmond, VA 23219  
william.burge@doli.virginia.gov  
804-786-9878 | 804-371-6524 Fax

**Jay Withrow**, *Director of Division of Legal Support*, VPP, ORA, OPPI and OWP  
Virginia Department of Labor and Industry  
600 East Main Street, Ste. 207  
Richmond, VA 23219  
jay.withrow@doli.virginia.gov  
804-786-9873 | 804-786-8418 Fax

**Jennifer Rose**,  
*Director of Cooperative Programs*  
Virginia Department of Labor and Industry  
600 East Main Street, Ste. 207  
Richmond, VA 23219  
jennifer.rose@doli.virginia.gov  
804-786-7776 | 804-786-8418 Fax

**Ronald Graham**,  
*Director of Health Compliance*  
Virginia Department of Labor and Industry  
600 East Main Street, Ste. 207  
Richmond, VA 23219  
ron.graham@doli.virginia.gov  
804-786-6613 | 804-786-8418 Fax

**Marta Fernandes**,  
*Director of Safety Compliance*  
Virginia Department of Labor and Industry  
600 East Main Street, Ste. 207  
Richmond, VA 23219  
marta.fernandes@doli.virginia.gov  
804-371-2316 | 804-786-8418 Fax

**Princy Doss**, *Director of Policy Planning and Public Information*  
Virginia Department of Labor and Industry  
600 East Main Street, Ste. 207  
Richmond, VA 23219  
princy.doss@doli.virginia.gov  
804-786-4300 | 804-786-8418 Fax

WASHINGTON

**Craig Blackwood**, *Acting Assistant Director*  
Department of Labor & Industries  
Division of Occupational Safety & Health  
PO Box 44600  
Olympia, WA 98504-4600  
Blac235@lni.wa.gov  
360-902-5828 | 360-902-5619 Fax

**Jeff Killip**, *Acting Deputy Assistant Director*  
Department of Labor & Industries  
Division of Occupational Safety & Health  
PO Box 44600  
Olympia, WA 98504-4600  
craig.blackwood@lni.wa.gov  
360-902-5828 | 360-902-5619 Fax

**Alan Lundeen**, *Senior Operations Manager*  
Department of Labor & Industries  
Division of Occupational Safety & Health  
PO Box 44600 | Olympia, WA 98504-4600  
lund235@lni.wa.gov  
360-902-4758 | 360-902-5619 Fax

WYOMING

**Karen Godman**, *Deputy Administrator*  
Wyoming Dept. Of Workforce Services  
OSHA Division  
5221 Yellowstone Road  
Cheyenne, WY 82009  
karen.godman1@wyo.gov  
307-777-7957 | 307-777-3646 Fax

**Christian Graham**, *Compliance Manager*  
Wyoming Dept. Of Workforce Services  
OSHA Division  
5221 Yellowstone Road  
Cheyenne, WY 82009  
christian.graham@wyo.gov  
307-777-5487 | 307-777-3646 Fax

**Katie Marchesano**, *Operations Manager*  
Wyoming Dept. Of Workforce Services  
OSHA Division  
5221 Yellowstone Road  
Cheyenne, WY 82009  
katie.marchesano1@wyo.gov  
307-777-7705 | 307-777-3646 Fax

**Josh Doughty**, *Lead Compliance Officer*  
Wyoming Dept. Of Workforce Services  
OSHA Division  
5221 Yellowstone Road  
Cheyenne, WY 82009  
josh.doughty@wyo.gov  
307-777-6814 | 307-777-3646 Fax

OSHSPA BOARD OF DIRECTORS

Chairperson

**Cameron Ruppe**, *UOSH Division Director*  
State of Utah Labor Commission  
Utah Occupational Safety & Health Division  
PO Box 146650  
Salt Lake City, UT 84114-6650  
**cruppe@utah.gov**  
801-530-6898 | 801-530-7606 Fax

Vice Chairperson

**Chuck Stribling**,  
*OSH Federal – State Coordinator*  
Kentucky Labor Cabinet  
Mayo-Underwood Building  
500 Mero Street, 3rd Floor  
Frankfort, KY 40601  
**chuck.stribling@ky.gov**  
502-564-3070 | 502-564-1682 Fax

Past Chairperson

**Kevin Beauregard**, *Deputy Commissioner*  
North Carolina Department of Labor  
Division of Occupational Safety and Health  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
**kevin.beauregard@labor.nc.gov**  
919-707-7800 | 919-707-7964 Fax

Treasurer

**James Krueger**, *Director*  
Minnesota Department of Labor and Industry Occupational Safety and Health Division  
443 Lafayette Road North  
St. Paul, MN 55155  
**jim.krueger@state.mn.us**  
651-284-5462 | 651-284-5741 Fax

Directors

**Ken Tucker**, *Director*  
Connecticut Department of Labor  
Division of Occupational Safety and Health  
38 Wolcott Hill Road.  
Wethersfield, CT 06109  
**kenneth.tucker@ct.gov**  
860-263-6929 | 860-263-6940 Fax

**Nicole Bennett**, *ATS Manager*  
Hawaii Occupational Safety and Health  
Department of Labor and Industrial Relations  
830 Punchbowl Street, Room 425  
Honolulu, HI 96813  
**nicole.g.bennett@hawaii.gov**  
808-586-9081 | 808-586-9104 Fax

**Michelle Ellison**, *Deputy Commissioner*  
IOSHA | Indiana Department of Labor  
402 West Washington Street, Room W195  
Indianapolis, IN 46204  
**mellison@dol.in.gov**  
317-233-3605 | 317-234-3911 Fax

**Barton G. Pickelman**, *Director*  
Michigan Department of Labor & Economic Opportunity | Michigan Occupational Safety & Health Administration  
530 W. Allegan Street  
Lansing, MI 48909-8143  
**pickelmanb@michigan.gov**  
517-284-7772 | 517-284-7775 Fax

# 2020 OSHSPA REPORT



Alaska  
Arizona  
California  
Connecticut  
Hawaii  
Illinois  
Indiana  
Iowa  
Kentucky  
Maine  
Maryland  
Michigan  
Minnesota  
Nevada  
New Jersey  
New Mexico  
New York  
North Carolina  
Oregon  
Puerto Rico  
South Carolina  
Tennessee  
Utah  
Vermont  
Virgin Islands  
Virginia  
Washington  
Wyoming

THIS PUBLICATION MAY BE VIEWED ONLINE AT  
[www.oshspa.org](http://www.oshspa.org) and [www.osha.gov](http://www.osha.gov).