

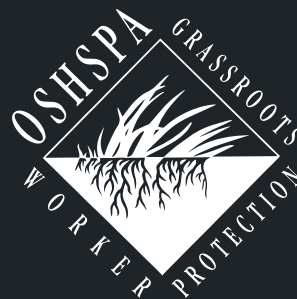
2022

# OSHSPA REPORT



## GRASSROOTS WORKER PROTECTION

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







2022

# OSHSPA REPORT



[OSHSPA.ORG](https://oshspa.org) / [OSHA.GOV](https://osha.gov)



May 4, 2023

Dear State Plan Partners:

On behalf of the Occupational Safety and Health Administration (OSHA), I am delighted to acknowledge the remarkable achievements of OSHA's State Plan partners, as shown in the Occupational Safety and Health State Plan Association's 2022 edition of *Grassroots Worker Protection*.

Through cutting-edge enforcement, training, outreach and compliance assistance programs, the State Plans have successfully addressed unsafe and potentially deadly occupational hazards. OSHA applauds the State Plans for their commitment to the safety and health of America's workers.

We appreciate your continued work to reach underserved and vulnerable worker populations as we arrive to fulfill our shared mission of protecting the safety and health of all workers.

I eagerly look forward to our future collective efforts to improve working conditions for every worker in this country.

Sincerely,

Douglas L. Parker







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**Our critical mission, in partnership with OSHA, to assure safe and healthful conditions for all working people is paramount.**

I am pleased to announce that on August 18, 2022, the Massachusetts State Plan for state and local government employees received initial approval from Assistant Secretary of Labor for Occupational Safety and Health, Doug Parker. Massachusetts is the seventh State Plan to provide occupational safety and health protections to public sector employees. That is a significant accomplishment; Massachusetts now provides occupational safety and health protections to employees who the Occupational Safety and Health Administration (OSHA) cannot protect.

On August 30, 2023, the Occupational Safety and Health State Plan Association (OSHSPA) inducted Massachusetts as a member. OSHSPA now represents 29 unique State Plans devoted to employee safety and health. As Congress intended in the Occupational Safety and Health Act of 1970, State Plans are the laboratories of innovation and successful approaches to workplace safety and health.

The Grassroots Worker Protection report traditionally recognizes State Plan efforts and achievements. Grassroots 2022 is no exception. This report illustrates the extensive work OSHSPA members perform and celebrates abundant accomplishments.

I have been honored to represent the State Plans. Our critical mission, in partnership with OSHA, to assure safe and healthful conditions for all working people is paramount. I am thankful to every State Plan for their never-ending devotion to employee safety and health.

Sincerely,

A handwritten signature in blue ink that reads "Chuck STRIBLING".

Chuck Stribling  
*OSHSPA Chair*



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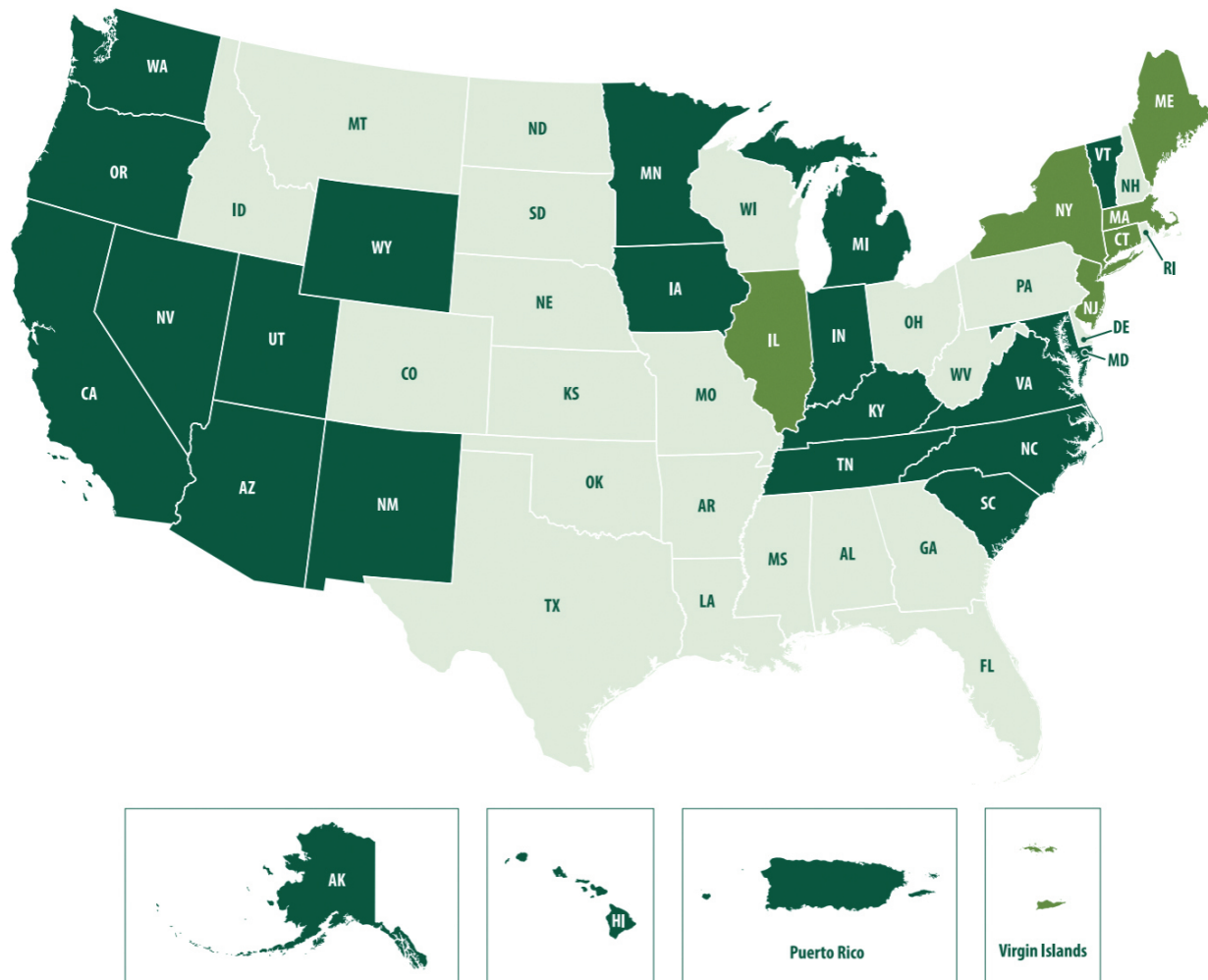




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# OSHSPA COVERAGE



## State Plan Programs Covering Private and Public Sectors

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

## State Plan Programs Covering Public Sector Only

(Federal OSHA covers private sector)

Connecticut  
Illinois  
Maine  
Massachusetts  
New Jersey  
New York  
Virgin Islands

## States Covered by Federal OSHA Private Sector Only

Alabama  
Arkansas  
Colorado  
Delaware  
Dist. of Columbia  
Florida  
Georgia  
Idaho  
Kansas  
Louisiana  
Mississippi  
Missouri  
Montana  
Nebraska  
New Hampshire  
North Dakota  
Ohio  
Oklahoma  
Pennsylvania  
Rhode Island  
South Dakota  
Texas  
West Virginia  
Wisconsin

# OSHSPA STATES AT A GLANCE



## STATES AND TERRITORIES WITH APPROVED SAFETY AND HEALTH PLANS

12345							
	Initial Approval	Certified	18(e) Final Approval	Operational Status Agreement	21(d) Consultation Agreement	Different Standards	On-site Maritime Coverage
Alaska	07/31/73	09/09/77	09/28/84		yes		
Arizona	10/29/74	09/18/81	06/20/85		yes		
California	04/24/73	08/12/77		yes	yes	yes	yes
Connecticut	10/02/73	08/19/86			yes		
Hawaii	12/28/73	04/26/78		yes	yes	yes	
Illinois	09/01/09				yes		
Indiana	02/25/74	09/24/81	09/26/86		yes		
Iowa	07/20/73	09/17/76	07/02/85		yes		
Kentucky	07/23/73	02/08/80	06/13/85				
Maine	08/05/15				yes		
Maryland	06/28/73	02/15/80	07/18/85		yes		
Michigan	09/24/73	01/16/81		yes	yes	yes	
Minnesota	05/29/73	09/28/76	07/30/85		yes	yes	
Nevada	12/04/73	08/13/81	04/18/00		yes		
New Jersey	01/11/01	01/22/16			yes	yes	
New Mexico	12/04/75	12/04/84		yes	yes		
New York	06/01/84	08/18/06			yes		
North Carolina	01/26/73	09/29/76	12/10/96		yes		
Oregon	12/22/72	09/15/82	05/12/05		yes	yes	
Puerto Rico	08/15/77	09/07/82		yes	yes		
South Carolina	11/30/72	07/28/76	12/15/87		yes		
Tennessee	06/28/73	05/03/78	07/22/85		yes		
Utah	01/04/73	11/11/76	07/16/85		yes		
Vermont	10/01/73	03/04/77		yes	yes		
Virgin Islands	08/31/73	09/22/81	04/17/84		yes		
Virginia	09/23/76	08/15/84	11/30/88		yes		
Washington	01/19/73	01/26/82		yes		yes	yes
Wyoming	04/25/74	12/18/80	06/27/85		yes		

**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

The Occupational Safety and Health State Plan Association (OSHSPA) is an organization of 29 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% 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:** *Virgin Islands did not provide a report.*

# NUMBERS AT A GLANCE

## STATE PLAN INSPECTION DATA

Safety	24, 884
Health	8,492
Total	33,376

## INSPECTIONS BY TYPE

Programmed/Scheduled	12,847
Complaint	8,364
Referral	4,969
Fatality/Catastrophe	987
Follow-up	792
Other ( <i>total inspections minus total inspections in categories above</i> )	5,417
Total	33,376

## INSPECTION DATA

Total inspections with violations	21,439
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## VIOLATIONS PER INSPECTION WITH VIOLATIONS CITED

Total number of S/W/R violations	33,588
Average S/W/R violations per inspection	1.01
Total number of OTS violations	30,513
Average OTS violations per inspection	0.91
Percent of inspections with no violations	33.93%

## PENALTIES

Total current penalties	\$99,649,412.30
Average current penalty per serious violation	\$3,066.51
Total number of contested cases	4,033
Percent of inspections with citations contested	18.89%

*(contested cases divided by total number of inspections with violations)*

## CONSULTATION ON-SITE VISITS (STATE PLANS ONLY)

Consultation 21(d) initial	7,214
Consultation 23 (g) initial	1,963
Consultation 21(d) training	389
Consultation 23 (g) training	0
Consultation 21(d) follow-up	473
Consultation 23(g) follow-up	71
Total	10,110



## CONSULTATION ON-SITE DATA

Total serious hazards identified	70,192
Average number of serious hazards identified per visit	4

Source: OSHA Office of Small Business Assistance

## FEDERAL OSHA BUDGET

Federal OSHA Budget*	\$465,176,200
State Plans 23(g) - federal 50% share	\$113,000,000
State Plans 21(d) - federal 90% share (26 states)	\$33,838,800
Total Federal OSHA appropriation	\$612,015,000

\*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 **	\$112,000,000
State Plans additional 100% funding	\$133,690,176
State Plans 21(d) contribution - 10% funding	\$3,759,867
Total	\$249,450,043

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

## EMPLOYERS UNDER STATE PLAN JURISDICTION

Private	4,455,737
Public	139,923
Total	4,595,660

Source: BLS 2020 Quarterly Census of Employment and Wages

## EMPLOYEES UNDER STATE PLAN JURISDICTION

Private	49,358,069
Public	10,893,404
Total	60,251,473

Source: BLS 2020 Quarterly Census of Employment and Wages

## ALLOCATED STATE PLAN POSITIONS

Total Compliance Inspectors	1,342.35
Safety 23(g)	846.87
Health 23(g)	327.95

## TOTAL CONSULTANTS

Safety 21(d) - State Plan only	92.89
Safety 23(g)	30.53
Health 21(d) - State Plan only	64.39
Health 23(g)v	23.71

## MISSION STATEMENT

To reduce and eliminate workplace hazards and the incidences of workplace safety and health accidents by promulgating and enforcing standards and regulations. To provide training, outreach and education to employers. To establish partnerships and encourage continual improvement in workplace safety and health and the development of comprehensive safety and health management systems.

## ENFORCEMENT

The Alaska Occupational Safety and Health (AKOSH) Enforcement section is spearheaded by Chief Dale Williamson. Under his guidance, in FY22 AKOSH Enforcement implemented CPL 02-00-165, Compliance Directive for the Excavation Standard, and CPL 02-01-063, Compliance Directive for Cranes and Derricks in Construction.

- AKOSH Enforcement audited and brought the Asbestos and Hazardous Paint training program records for training providers within the State of Alaska up to date.
- AKOSH Enforcement published a program directive related to informal settlement guidance for public sector employers. This program directive allows public sector employers to have the option to pay penalty amounts for citations issued via investments to improve the health and safety of their employees in lieu of payments to AKOSH.
- AKOSH Enforcement's response to fatalities and imminent danger complaints and response to inquiries requiring investigation and complaints that resulted in inspections were 100% timely throughout the year.

## ENFORCEMENT ACTIVITIES

In FY22, AKOSH issued a total of 586 violations with an initial penalty totaling \$2,554,978.66. Out of 586 violations, 270 were serious, 19 were repeat and 297 were other than serious.

AKOSH Enforcement continued to work to reduce workplace fatalities through a combination of consultation and enforcement activities targeted at eliminating the most prevalent causes of fatalities in industries with high fatality rates. In FY22, there was an average of 328,700 employees and three fatalities, resulting in a 0.96% fatality rate. The five-year moving average has decreased by 5%.



## WHISTLEBLOWER PROGRAM

The Alaska Occupational Safety and Health Whistleblower Protection Program is responsible for investigating allegations of retaliation based on occupational safety and health protected activity. Complaints are received, assessed and investigated by Alaska's sole whistleblower investigator.

In addition to investigating complaints of retaliation, the investigator works with complainants and respondents to settle complaints, provide training and consultation to employers regarding whistleblower issues and provide investigative assistance to other AKOSH officers.

During the COVID pandemic, AKOSH saw an unprecedented number of complaints, creating a substantial backlog. Since 2022, AKOSH's whistleblower program has reduced the case backlog by roughly 60%, providing much needed closure to complainants and respondents. Approximately 20% of cases were sent to the attorney general for civil litigation, with 10% being settled, providing immediate relief to complainants.

## ENFORCEMENT OUTREACH

The AKOSH enforcement team began building professional relationships with other regulatory agencies, including the Mine Safety and Health Agency, National Oceanic and Atmospheric Administration, Alaska Department of Environmental Conservation and Environmental Protection Agency, to better understand their jurisdiction and to communicate our jurisdiction, roles and responsibilities. Other regulatory agencies often encounter employee hazards but do not have the jurisdiction to address them. AKOSH recognized this and wanted to ensure the agencies knew what issues could be referred to us for better employee protection. AKOSH encounters issues outside of its jurisdiction and want to understand the roles other agencies play for potential referrals.

**Good government service includes good customer service. AKOSH will never say, “It’s not our job, therefore it’s not our problem”. AKOSH will always seek to find an answer.**

## ALASKA'S MOST CITED STANDARDS FOR FY22

	STANDARD	TOTAL # OF VIOLATIONS	COST
1	1910.1200(h)(1) – Hazard Communication: Employee Information & Training	29	\$23,462.00
2	1910.1200(e)(1) – Hazard Communication: Written	24	\$59,064.41
3	1910.151(c) – Medical Services and First Aid	23	\$93,053.20
4	1926.501(b)(10) – Duty to Have fall Protection	20	\$185,383.00
5	1926.503(a)(1) – Duty to Have Fall Hazard Training Program	20	\$18,230.50
6	1910.1200(g)(1) – Hazard Communication: Safety Data Sheets	19	\$0
7	1904.40(a) – Failure to Provide Records	16	\$4,000.00
8	1910.1200(e)(1)(i) – Hazard Communication: Written List of Hazardous Chemicals	16	\$4,145.00
9	1904.32(a)(1) – OSHA 300 Log Review at End of Each Calendar Year	15	\$5,216.00
10	1910.1200(f)(6) – Hazard Communication: Workplace Labeling	15	\$7,082.00

## CONSULTATION AND TRAINING

Alaska's Occupational Safety and Health Consultation and Training program is committed to ensuring Alaska's employers maintain work environments that are safe, healthy and free from known hazards. Program Manager and Chief of Consultation and Training, Elaine Banda, continues to ensure consultants maintain a positive, yet vital presence with Alaskan employers. Whether it's Kotzebue, Kodiak, Juneau, Fairbanks, Dutch Harbor or the North Slope, consultants will travel wherever they are needed at no cost to the employer to deliver services.

In FY22, the consultation section met all programmatic goals. Consultants conducted a total of 434 private and public sector site visits with 306 safety visits and an extraordinary 128 health visits that were conducted with only two health consultants. A total of 1,963 workplace hazards were identified, with 797 being serious hazards and 301 hazards were corrected on site. Through consultation's efforts, Alaska employers corrected workplace hazards, received free training and protected their workforce without incurring penalties.



## SPOTLIGHT ON ALASKA'S CONSULTATION AND TRAINING PROGRAM

In FY22, the consultation section provided formal and informal training to 9,414 Alaskan workers. Alaska consultation's training and education program continues to offer premier service. Most consultants have completed their outreach trainer's certification through the University of Washington's Occupational Safety and Health Continuing Education Program. This certification allows consultants to offer 10-hour and 30-hour trainings to small businesses at an affordable rate and discounted price that most small businesses otherwise would not be able to afford through private training facilities. Training and education services offered by Alaska's consultation section extend to numerous employers across the state in various industries including healthcare, retail, food services, manufacturing, transportation and construction. At no cost to employers, AKOSH consultants conduct on-site, topic specific training sessions to educate employees on safety awareness as it relates to OSHA standards.

Consultation offers a variety of training including:

### Site-Specific Training

Employers may request site-specific training on various topics such as fall protection, accident prevention, personal protective equipment, bloodborne pathogen, scaffolding, monitoring and other OSHA-regulated training.

### Seafood Training

AKOSH offers employers a free, two-day seafood training session for supervisors and management personnel in the seafood industry.



*Michael Flint and Heather Miley,  
Site Specific Training*

### Workplace Violence Training (WPV)

This training covers basic WPV prevention techniques and addresses concerns regarding the safety and protection of employees in case of a WPV event. Additional WPV topics include:

- Customer Service De-escalation Techniques
- Bully Prevention Awareness
- Preventing Hostile Work Environments

### Understanding OSHA Rights Training

This one-hour presentation discusses employees' rights and employers' responsibilities as defined by the 1970 OSHA Act.

## CONSULTATION AND TRAINING MARKETING STRATEGIES

### Newsletters

Alaska's Consultation and Training section takes pride in the work relations that have been forged over the last few years. In FY22, consultation introduced its second newsletter called the CHASE REPORT. This is a quarterly newsletter for CHASE participants and any Alaskan construction company interested in the latest information and current updates within the construction industry.

### Outreach

Consultation staff attended various outreach events, such as the annual Governor Safety and Health Conference, Associated General Contractors and Alaska Society for Safety Professionals meetings, the Alaska State Fair, and industry organization meetings to promote the program. Consultants gave multiple presentations throughout the state to promote services.

### Publishing

In FY22, Alaska was recognized with a Consultation Success Story for their work with Lynden Transport Inc. This company has been in SHARP since 2018. Read the Success Story at [OSHA.gov/SuccessStories](https://www.osha.gov/SuccessStories).

### Mailings

Consultation marketed their services to targeted employers through various methods. In the first quarter of FY22, consultation sent out 2,000 letters to employers covered by PD 21-05 regarding OSHA's Occupational Exposure to COVID-19, informing employers of the program's existence and different options to achieve compliance. Each letter included a request for consultation and training services and the newly updated 2022 brochure about consultation services.

### EMPHASIS PROGRAM

The Alaska Construction Health and Safety Excellence (CHASE) program is a partnership between licensed construction contractors in the State of Alaska, including members of the Associated General Contractors (AGC). The overarching goal of the CHASE partnership is to reduce occupational injuries and illnesses among Alaskan construction workers by partnering with employers to improve and maintain effective safety and health programs. The partnership is made effective through cooperation with participating contractors and Alaska Occupational Safety and Health (AKOSH) Consultation and Training. Through this partnership and collaboration, contractors agree to be active participants with AKOSH to evaluate and assist them in initiating, maintaining and improving upon their safety and health programs to better protect their employees.





Goals of the CHASE partnership are achieved through the following:

- Improving construction contractor safety and health programs.
- Utilization of AKOSH resources by using this partnership as a tool to achieve a higher level of worker safety and health, while reducing the need for increased enforcement inspections.
- Enhancing employee involvement in safety and health through “near miss” or similar programs.
- Decreasing the frequency of serious injuries, illnesses and fatalities for the participating contractors.
- Promoting cooperative relationships between construction contractors and AKOSH.

While the CHASE partnership program presents contractors and employers with many benefits, acceptance into the CHASE partnership identifies those contractors and employers who are truly committed to the safety and health of their employees. Evaluation of the employer’s safety and health programs, management commitment and leadership, supervisor responsibility, training and education (for supervisors and employees), recordkeeping, hazard analysis, and other areas are evaluated to ensure only employers who emulate a true commitment to the safety and health of their workforce are accepted into the program. The CHASE program is for employers who go above and beyond OSHA minimum requirements and commit to the hard right over the easy wrong.

## SIGNATURE PROJECTS

# **FY22 was another very busy year for Consultation and Training's Industrial Hygienists (IH).**

### *Project Start*

Having received guidance from the chief of consultation and training, industrial hygienists endeavored to reestablish the sampling program at the beginning of FY22. Industrial hygienists leveraged logistical and laboratory management backgrounds and developed relationships with industrial hygienists in other state consultation programs.

### *Inventory and Calibration*

The first step was to inventory all the equipment on-hand and develop a picture guide. The section chief supported using the OSHA Cincinnati Technical Center (CTC). The administrative staff entered all equipment into a spreadsheet, which was used and adapted by the industrial hygienists. Additionally, the administrative team ensured all equipment was properly mailed and tracked. The OSHA CTC inventory management specialist and equipment technicians calibrated existing equipment and shared their expertise, which aided in identifying obsolete equipment. The support and assistance of key players was integral to completing this initial phase of the project.

### *Equipment Priorities and Target Levels*

Next, industrial hygienists sought expertise, insight and assistance from within the OSHA network. The information from various resources helped the IH team determine equipment priorities and target levels for Alaska's program. From this, a five-year plan was developed to replace obsolete equipment and increase sampling capacity. The IH team prioritized personal air sampling since many small businesses would benefit from developing exposure determinations based on the results.



### *Equipment Training*

Alaska does not have an established or accredited industrial hygiene educational program from which training can be offered. The team based their equipment selection by matching the OTI laboratory inventory since any future OTI-provided training opportunities would be specific to that equipment. Encouraged by safety consultants, industrial hygienists read the equipment manual and watched videos to learn how to use the air sampling equipment and the Sound Level Meter.

### *Sampling Event*

Alaska IH team informed customers of the newly calibrated sampling equipment and that resampling may be required. Customers were grateful for the sampling opportunity. The team began sampling support through these small but strategic steps and continues to work toward improving Alaska consultation's sampling work.

Consultation and Training Industrial Hygienist Gina Agron, monitoring personal air sampling for Hexavalent Chromium to assist with exposure determination for stainless steel welding.

*Consultation and Training Industrial Hygienist Gina Agron, monitoring personal air sampling for Hexavalent Chromium to assist with exposure determination for stainless steel welding.*



The Arizona State Plan is administered by the Industrial Commission of Arizona (ICA). The ICA is comprised of a governor appointed director, five appointed commissioners, and the director for the ADOSH program. The State Plan provides enforcement, whistleblower assistance, compliance assistance, outreach training, and free consultative help to small and mid-sized businesses. In addition to the State Plan, ADOSH maintains an elevator and boiler section with staff that inspects public and private employers for compliance with specific codes.

## SIGNATURE PROJECT

Several years ago, ADOSH made the decision to develop a stand-alone cloud-based platform system for documenting activities, report generation and data storage. In the past year, our consultation program was the final phase in deployment. Today, our compliance, compliance assistance, outreach training and consultation personnel have the ability to use a system that can be updated and customized for an individual user's experience. Also in the past year, staff have been beta testing smart phones that have the ability to document all areas of an inspection or visit without generating paper. All phones have access to the platform and direct matter content.

## THE ARIZONA MANAGEMENT SYSTEM

ADOSH continues to use the Arizona Management System (AMS); a professional, results-driven management system to transform the way our agency thinks and does business as one enterprise. ADOSH is doing great things for our internal and external customers in Arizona by tracking and improving performance each and every day. Our teams meet for a weekly huddle meeting and briefly discuss successes, measures and outcomes, improvements, and future projects.

Huddle board meetings and GEMBA walks routinely take place. Following 2020, ADOSH moved from a static huddle board to a hybrid (static and virtual). The boards offer an opportunity for our employees to engage and visually see where we are in terms goals and improvements. GEMBA walks are part of our supervisors' and managers' weekly flow. Our humble inquiry is designed to learn more about pain points and ways of doing the job more efficiently from employees. These tools translate directly to better internal and external outcomes.



## COOPERATIVE PROGRAMS

ADOSH offers cooperative programs to employers who are committed and willing to make an impactful improvement to their safety and health program. The State Plan uses typical partnership programs to work with employers who have some safety and health programs and training for their employees. Our goals are to improve their current programs, look for ways to deliver training to most needed employees, implement best practices where applicable, and to develop a way of tracking injuries, illnesses, and near-misses. One of the partnership programs is the Public Entities Partnership Program (P.E.P.P.).

This program was developed for local and state government employers. Using information gathered from a local safety and health group, Arizona Governmental Safety Association (AGSA), ADOSH was asked by members to develop a program that was specific to their type of work and would allow for individual departments to participate rather than the entire county, city or state. Currently there are 13 members in the P.E.P.P. program, ranging from smaller towns to larger cities and counties. In the past year, ADOSH Compliance Assistance and the Consultation Program conducted 221 visits where more than 800 hazards were identified, and 5,200 employees removed from those hazards. The cost savings to employers through our efforts was estimated at \$1.1 million dollars if a compliance action was taken through an inspection.

A popular partnership program was developed for residential builders through the Home Builders Association of Central Arizona (HBACA). There are 23 partners with 90% of them resigning after completing two years in the program. Annually, ADOSH is invited to speak to the HBACA Safety Committee about updates

to the State Plan and how the program is running overall. The members provide feedback and help with strategizing ways for ADOSH to use resources in reaching vulnerable trade employees.

ADOSH completed 113 visits in the residential industry through the partnership. Approximately 600 hazards were identified, and 773 employees were removed from these hazards. Through our visits, ADOSH was able to identify best practices home builders implemented. All home builders adopted the HBACA monthly hazard awareness training and tracking system. Monthly, the members selected a high hazard work activity or commonly observed hazard and created ways to inspect and eliminate them from happening before work started.

HBACA participated in the annual Fall Stand-Down event. They association partnered with ADOSH and had large events on home builder's projects. Subcontractors were involved as well, asking ADOSH representatives to visit a home builder's jobsite for smaller events. In total, ADOSH attended 41 Stand-Down events and interacted with more than 1,000 employees and 241 individual employers.

ADOSH alliances are just as important as partnerships for the success of the State Plan. There are several alliance programs created to improve the safety and health of employees in the roofing industry, home building industry and the battery storage setting. In our third year, ADOSH and Arizona Power Source (APS), and respective industry members developed industry training for responding to fires dealing with Lithium-Ion Battery Storage facilities and outreach material. The information created will allow smaller towns and cities to understand these types of facilities and ways to better protect their rural and dedicated emergency response personnel.

The Chairman's Roofers Alliance meets routinely with the state's largest roofing contractors. Members in the group also included PPE vendors, independent safety and health consultants and the Arizona Roofing Contractors Association (ARCA). There are 37 members in the group, and they also participate in key initiatives for the State Plan such as the Fall Stand-Down event. Several members have an individual partnership agreement and one successfully accomplished Arizona's VPP process. Global Roofing had worked with ADOSH's Compliance Assistance and Consultation Program to better understand the process for being considered a VPP Star site. Through their efforts and the aid of ADOSH personnel, Global Roofing is the first and only roofing contractor to receive our Star designation.

### **VOLUNTARY PROTECTION PROGRAM**

The VPP Star program sits at 70 Star sites. These sites are a mix of aerospace, power generation, services, manufacturing, construction and public entities. ADOSH completed 16 recertifications and added five more Star sites. There are not more than 38,000 employees working in a workplace or jobsite that goes above and beyond the OSHA standards. The five added sites were:

- Epcor
- City of Goodyear
- SRP Coolidge Generation Station
- Clayco Inc.
- Cardinal IG

Since the codification of the VPP program in the state of Arizona, the ICA made a commitment to explore, dedicate resources, train employees, improve workplace settings such as ergonomic evaluations and specialized office equipment, create VPP events for employees, and accomplish the audit following their application submission. The ICA is an office setting with field workers in ADOSH and our Labor Division. Nine Special Government Employees (SGEs) were used in evaluating both offices. After careful review, the SGEs made the decision to approve both offices as Star sites.



*Fall protection and ladder use demonstration*



*Global Roofing employees participate in a stretch and flex exercise before starting their week-long Roofing Olympics in Scottsdale, AZ*



Beyond ADOSH and the ICA accomplishing the VPP process, a local city had been working with our Compliance Assistance and Consultation Program. The City of Goodyear is a true success in working with ADOSH as well as taking on the challenge of the VPP process and accomplishing it. The City of Goodyear started with a Partnership Program and commitment from two large Departments along with the City Administrator. In the past year, the City's Parks and Recreation and Public Works Departments were awarded their plaque and flag during a city scheduled public meeting. The city now works with other potential candidates within AGSA to start their journey.

## OUTREACH AND TRAINING

This past year, ADOSH and Yuma County partnered to hold a large safety summit. Dubbed, YUsafe, the collaboration was accomplished in a single day. ADOSH trainers, consultation program personnel and compliance assistance provided the majority of training classes as they relate to the OSHA standards.

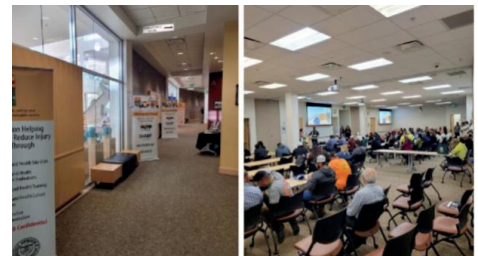
The event saw employers and employees from the county, city and surrounding areas. There were approximately 367 attendees from various industries such as agriculture, manufacturing, services, construction and local government.

## ADOSH AND THE MEXICAN CONSULATE

Annually, ADOSH is asked by a handful of consulates around the state to participate in their Semana de Derechos Laborales. Like in the past few years, the main Consulate in Phoenix hosted a Facebook Live stream of their event. An ADOSH outreach trainer provided information on who and what ADOSH does as a State Plan and ways employees can interact with the division for questions or complaints. The live stream was viewed by more than 1,500 participants from around the state. ADOSH has been a participant of the weekly event for more than 12 years and we look forward to many more.



*SRP employees holding the Arizona VPP Flag*



*Attendees hear from a local safety consultant during the YUsafe event*

## SIGNATURE PROJECTS

### COVID-19 Response

COVID-19 continued to be a major focus of California's efforts in Federal Fiscal Year (FFY) 2022. California's emergency regulations regarding COVID-19 in general industry, first adopted in November 2020, provided comprehensive workplace requirements with special provisions regarding outbreaks, employer-provided housing and transportation. The emergency standards were readopted multiple times to address changing pandemic conditions. In FFY22, the California Division of Occupational Safety and Health, better known as Cal/OSHA, twice readopted the emergency regulations with revised requirements (section 3205 et seq.), effective January 14, 2022, and May 6, 2022.

Simultaneously, staff also developed a non-emergency regulatory package for the Occupational Safety and Health Standards Board (OSHSB) that is responsible for adopting reasonable and enforceable standards at least as effective as federal standards. Cal/OSHA presented the regulatory package that included extensive fiscal and economic analysis to the standards board for a vote shortly after the close of FFY22. The standards board adopted the proposed standard to be effective for two years after the effective date, and three years for recordkeeping provisions.

Cal/OSHA received over 7,600 COVID-19 related complaints in FFY21. This dropped to just under 3,000 in FFY22. However, given that Cal/OSHA received just under 14,900 overall complaints, COVID-19 related complaints still accounted for about 20% of all complaints, a significant portion.

During FFY22, Cal/OSHA opened over 900 COVID-19-related inspections and issued citations for about 850 violations related to COVID-19 hazards. This was fewer than FFY21, in part due to the large drop in COVID-19 related complaints. In addition to onsite inspections, Cal/OSHA conducted over 2,900 letter investigations related to COVID-19 which allowed Cal/OSHA to obtain timely and satisfactory results from more workplaces than the agency could have inspected in person.

COVID enforcement efforts continued to have legal support from Cal/OSHA's attorneys and legal staff. Cal/OSHA's counsel prioritized achieving abatement in contested cases, even if the underlying litigation remained unresolved, in order to correct ongoing hazards as quickly as possible. Counsel also negotiated with large employers such as the California Department of Corrections and Rehabilitation and Kaiser Permanente to reach multi-investigation settlements, improving efficiency and ensuring abatement of COVID-19 hazards at locations across the state. This strategy



has successfully reduced the proportion of appeals with serious unabated hazards to only 5% of all COVID-19 appeals.

To assist stakeholders in complying with the readopted emergency regulations, and with other standards applicable to COVID-19 Prevention, Cal/OSHA continued to update the [Cal/OSHA COVID-19 Guidance and Resources webpage](#) which contains FAQs, factsheets, a model COVID-19 prevention plan and other written materials.

### **Cal/OSHA Staffing Challenges**

For the past several years, Cal/OSHA has received authority for new positions within enforcement and other units which support enforcement activities. On July 1, 2022, almost 100 new positions were authorized, including 41 in enforcement. These new positions also allowed Cal/OSHA to propose a reorganization/expansion of Cal/OSHA enforcement, adding an additional geographic region and three more district offices. Approval for the reorganization was granted after the close of FFY22 and the process of implementation will begin in FFY23.

Cal/OSHA's Recruiting Committee members meet regularly to monitor and track vacancies and develop recruiting strategies. Although staffing challenges remain for several reasons, especially for industrial hygienists, Cal/OSHA has remained transparent about hiring, publishing online information about filled and vacant positions among safety engineers, industrial hygienists, and supervisors. Cal/OSHA has made hiring a top priority and has developed a multi-pronged approach to filling vacancies, including outreach and advertising in professional journals and publications; at professional societies, associations, colleges and universities; on social media platforms and job boards; and through a virtual career fair.

In FFY22, Cal/OSHA expanded its outreach efforts by hiring Bilingual Community Engagement Liaisons (BCELs). The two new BCELs, who began work in February of 2022, improved the ability of the Outreach Coordination Program to reach vulnerable employee populations and engage with non-English speaking communities. The BCELs' goal is to engage and develop partnerships between Cal/OSHA and worker organizations to provide critical information and resources to workers. They actively participate in joint committees and partner with community-based organizations and other state agencies.

As of August 2022, Cal/OSHA has 49 employees who are sufficiently fluent in a language other than English to pass the state's language certification exam. Other staff also speak languages other than English but are not certified. For staff who wish to improve their Spanish speaking skills, since 2016 the Cal/OSHA Spanish Language Support Program has paid the cost of tuition, fees and books for employees to attend in-person classes after work hours. Cal/OSHA staff's language skills are supplemented by an external translation service, providing a network of native-speaking language interpreters telephonically available for over 100 languages and dialects.

### **ENFORCEMENT**

Cal/OSHA Enforcement opened 6,456 inspections in FY22, an increase of 1,048 inspections over FFY21, surpassing its goal of 5,775 private and public sector inspections combined. Of the total inspections conducted, 6,039 were private industry inspections and 417 were public sector inspections. During this time, Cal/OSHA identified approximately 13,061 hazards, potentially affecting the estimated 1.8 million workers employed at

these establishments. Of the hazards identified, 2,559 resulted in serious citations, 25 resulted in willful citations and 147 resulted in repeat citations. Four resulted in failure-to-abate penalties.

Cal/OSHA had many high-profile inspections, including:

**Fatal Explosion of Tank During Welding (two separate investigations)**

1. Investigation of JR Filanc Construction Company, Inc. in which a water tank that had methane gas present and exploded, killing an employee when they tried to weld a flange to the side of the tank while working in a bucket about 30 feet up. Cal/OSHA issued five serious citations and assessed penalties totaling \$121,500.
2. Investigation of Adept Process Services, Inc. in which a welder was directed to repair a pin-hole leak in a 250-gallon fuel tank. The tank exploded shortly after TIG welding began, killing the worker. Cal/OSHA issued a willful-serious accident-related citation and assessed penalties totaling \$193,050.

**Insufficient Protection From Cave-ins at Excavation (two separate investigations)**

1. Investigation of construction employer Gagan Jeet Singh who received a willful-serious citation for failing to protect employees from cave-in hazards while working in an excavation. Cal/OSHA also issued a repeat-regulatory citation, two serious citations and a general citation with assessed penalties totaling \$124,470.
2. Investigation of a multi-employer excavation site where a gas tank was being installed. The inspection resulted in multiple citations for violations and assessed penalties for all employers totaling \$161,375, as follows:
  - o Contractor Progressive Fueling Construction received a willful-serious citation for failure to provide and install adequate protective systems to protect employees from cave-ins; and an additional serious citation with assessed penalties totaling \$141,125.
  - o Both general contractor RSVC and subcontractor Elka were also issued one serious citation each for inadequate protective systems to protect employees from cave-ins, an additional general citation. The penalties assessed for RSVC totaled \$9,000, and the penalties assessed for Elka totaled \$10,250.

## **Silica Exposure in Manufactured Stone Industry (two separate investigations)**

1. Investigation of countertop manufacturer Davis Stone, Inc. in which employees were exposed to an airborne concentration of respirable crystalline silica in excess of 50 µg/m<sup>3</sup>. Cal/OSHA issued five serious citations, five general citations and two regulatory citations, with assessed penalties totaling \$92,255.
2. Investigation of countertop manufacturer Primus Marble, Inc. in which employees had been exposed to an airborne concentration of respirable crystalline silica in excess of 50 µg/m<sup>3</sup>. Cal/OSHA issued two serious accident-related citations, a repeat-serious citation, two other serious citations, a willful-general citation, and three regulatory citations, with assessed penalties totaling \$90,875.

## **Fatal Contact Between Rebar and Energized Overhead Line**

Investigation of concrete reinforcing company Millennium Reinforcing Inc. in which one employee was fatally electrocuted, and two others hospitalized, after a piece of rebar contacted an energized overhead line operating at 16,000v phase to phase. Cal/OSHA issued a willful-serious accident-related citation and one general citation, with assessed penalties totaling \$110,750.

## **Failure to Maintain Laminator Machine**

Investigation of printing company Circle Graphics, Inc. in which an employee operating a laminator was seriously injured when his hand was caught in a nip point area between rollers. Cal/OSHA issued a willful-serious accident-

related citation, a serious citation, three general citations and one regulatory citation, with assessed penalties totaling \$110,750.

## **Electrocution During Switchgear Repair**

Investigation of steel company USS-UPI, LLC for an electrocution and arc flash at an electrical switchgear room during the repair of a mechanical issue in a 13.8kV PIF-style load break interrupter switch. Cal/OSHA issued five serious accident-related citations and one general citation with assessed penalties totaling \$91,200.

## **Multi-employer Confined Space Fatality at Refinery**

The Process Safety Management Unit investigated Valero Refining Company, refractory contractor J.T. Thorpe & Son, industrial safety company Total Safety U.S. and construction contractor T.R.S.C. for the fatal suffocation of a worker in a regenerator overflow well. The inspection resulted in multiple citations and assessed penalties for all employers totaling \$1,764,625 as follows:

- Valero Refining Company was issued four willful-serious citations, and five additional serious citations with assessed penalties totaling \$534,375.
- The Refractory contractor J.T. Thorpe & Son was issued a willful-serious accident-related citation, an additional serious citation, and four regulatory citations, with assessed penalties totaling \$141,125.
- The Industrial safety company Total Safety U.S. was issued six willful-serious citations, several other serious citations and four general citations, with assessed penalties totaling \$988,000.



- The Construction contractor T.R.S.C was issued a serious accident-related citation and seven other serious citations with assessed penalties totaling \$101,125.

#### **Application of Occupational Safety and Health Regulations to Rideshare Drivers (two separate investigations)**

These investigations were considered high profile because the violations specifically concerned drivers, whom the employers contend are independent contractors and therefore outside the jurisdiction of Cal/OSHA. The employer-employee relationship at rideshare companies has been the subject of extensive litigation outside the occupational safety and health context, including litigation over a related ballot proposition.

1. Ride-share company Uber was issued two general/regulatory citations under the Injury and Illness Prevention Program regulation, and one general/regulatory citation for various violations of the COVID-19 regulation for general industry, with assessed penalties totaling \$2,255.
2. Ride-share company Lyft received similar citations with assessed penalties also totaling \$2,255.

## **SPECIALIZED ENFORCEMENT UNITS**

### **The Labor Enforcement Task Force Unit**

The Labor Enforcement Task Force (LETF), under the direction of the Department of Industrial Relations (DIR), is a coalition of state and local enforcement agencies working together to combat the underground economy, thus creating an environment where legitimate businesses can thrive. Cal/OSHA, through its LETF Unit, shares information and resources and conducts joint inspections throughout the state with the other agencies in the LETF.

LETF State and Local Agencies Include:

- Division of Occupational Safety and Health (Cal/OSHA)
- Division of Labor Standards Enforcement (DLSE)
- Employment Development Department (EDD)
- Contractors State License Board (CSLB)
- California Department of Insurance (CDI)
- California Department of Tax and Fee Administration (CDTFA)
- Bureau of Automotive Repair (BAR)
- State Attorney General (DOJ)
- Alcoholic Beverage Control (ABC)

The term “underground economy” refers to any business which operates without the necessary licensing, does not pay taxes or carry the required insurance or worker’s compensation coverage, forces its employees to work in unsafe conditions, or otherwise attempts to gain an unfair economic advantage by avoiding its tax and labor responsibilities. Common “underground economy” practices include tax evasion, failure to carry workers’ compensation coverage, cash pay, failure to provide employees with breaks and adequate facilities, wage theft, and failure to ensure a safe work environment.

LETF target industries include manufacturing, recycling, agriculture, automotive, restaurants, garment, car washes and construction.

Starting in January 2022, the DIR’s LEFT led a new initiative to inspect publicly funded construction sites to ensure employers provide workers’ compensation insurance and follow labor laws, including applicable prevailing wage laws, skilled and trained workforce requirements, workplace health and safety requirements, and apprenticeship standards. The enforcement effort included teams from Cal/OSHA and Labor Standards Enforcement (Labor Commissioner’s Office) in collaboration with other

enforcement partners. All workers employed on qualifying public works projects must be paid the prevailing wage determined by the director of DIR, according to the type of work performed and location of the project. Failure to comply with public works requirements can result in citations for recovered wages, civil penalties, criminal prosecution or both.

### **The Amusement Ride and Tramway Unit**

The Amusement Ride and Tramway (ART) Unit is responsible for inspecting temporary amusement rides, permanent amusement rides and passenger tramways as discussed below:

Temporary (portable) amusement rides (TAR) refer to rides in locations such as carnivals, fairs, community events, festivals, weekend fundraisers and any other locations. TAR owners and operators must report an intention to erect a new ride or alter an existing ride. TAR owners and operators must report an injury, accident or major mechanical failure.

Permanent amusement rides (PAR) refer to rides located in theme parks, amusement parks, water parks, adventure parks, boardwalks, fun centers, public parks and shopping malls. PAR owners and operators must report an intention to operate

a new permanent amusement ride or reopen a permanent amusement ride after a major modification. Additionally, PAR owners and operators must report an injury or accident on a PAR. The ART Unit is also responsible for approving the operation of PARs after an annual, structural and operational inspection conducted by a qualified safety inspector (QSI) who is employed by either the division or by the owner or operator. The ART Unit also approves the schools and training providers to train the QSI inspectors for PARs.

Passenger Tramways can be found in locations such as ski resorts, wineries, theme parks, amusement parks, fairs and zoos. Each year, all passenger tramways are inspected twice by the ART Unit, once during the operational season and once when weather conditions permit clear access to all foundations and structures. Tramway owners and operators must report an injury or accident on a passenger tramway.

The ART Unit is staffed and managed by experienced ride and tramway inspectors, all of whom started their careers working at amusement parks and ski resorts. The ART program is one of the largest in North America and provides outreach and workshops to other states and to counterparts in other countries, including China, Canada, Singapore and the U.K. ART holds three official ballots on ASTM F24 Committee for Amusement Rides and Devices.

In 2022, ART conducted more than 3,000 annual inspections of existing amusement rides and nearly 600 inspections of existing tramways (ski lifts and gondolas), in addition to inspections of 144 new amusement rides and 12 new tramways. This is the dedicated work of the ART Unit staff who are truly world class safety engineers for amusement park rides and are sought out nationally and globally for their

expertise. Their work is impressively fascinating and reinforces the Cal/OSHA ARTS team's reputation as a preeminent team for amusement park ride safety engineers.

### **The Elevator Unit**

The Cal/OSHA Elevator Unit continues its efforts to assure public and worker safety on its approximate 130,000 elevators, escalators and other conveyances in California. This unit conducted approximately 65,000-conveyance inspections in FFY22.

The Elevator Unit continually consults with elevator vendors, consultants and the community on conveyance safety and compliance issues. The unit formally consulted with stakeholders on 677 occasions in FFY22. There were 2,570 new conveyances permitted for operation in California in FFY22, all of which were inspected and tested for compliance before being permitted for public use.

Incidents of accident and injury remain very low due to the proactive nature of the Elevator Unit's inspection program.

### **Mining and Tunneling Unit**

The Mining and Tunneling (M&T) Unit is responsible for performing mandated inspections of tunnels under construction, underground mines, surface mines and quarries. M&T also provides Mine Safety and Health Administration (MSHA) training utilizing federal grants to enhance state and federal mine compliance and augment training and educational systems by providing a program that will educate miners, mine contractors, and mine customers in safety and health, contribute to the reduction of lost time injuries throughout the state's mining industry, and make significant progress towards eliminating mining



fatalities. M&T develops a detailed program using the MSHA training guidelines, then augments and extends those training plans to meet the individual needs of the respective California mine operators, contractors and customers. The program provides health and safety training in accordance with 30 CFR parts 46 and 48: New Miner Training (24 hours required for New Miner Training), 30 CFR Newly Hired-Experienced Miner and 30 CFR Annual Refresher Training.

M&T conducts pre-job safety conferences and issues permits prior to any initial underground mining or tunneling operation. M&T also issues and renews certifications and licenses for safety representatives, gas testers and/or blasters and assigns underground mine and tunnel classifications for potential flammability and hazardous gas hazards. M&T investigates complaints of hazards and reports of accidents in mines and tunnels, and issues appropriate citations.

## **EMPHASIS PROGRAMS**

### **Heat Illness Prevention**

Cal/OSHA continued its longstanding Heat Illness Prevention Special Emphasis Program during FFY22 as California experienced one of the hottest summers on record. Heat waves started in the spring, with the first in early April. Five months later, in September, a number of locations in California broke heat records during an extended heat wave. In Sacramento, September temperatures peaked at 116 degrees Fahrenheit. Cal/OSHA supported California's Office of Emergency Services (CalOES) during this heat emergency.

Throughout the heat season, Cal/OSHA performed over 250 high heat inspections. These are programmed inspections which augment Cal/OSHA's usual enforcement activities in response to complaints and reports of heat illness. The Heat and Agricultural Coordination Program also held eight heat calls to review past and upcoming activities, review and discuss heat illness and fatality cases, provide ongoing support and instruction, and obtain feedback from senior professional staff on its Heat Special Emphasis Program (Heat SEP) operations.

Heat, always a significant hazard in California, will only affect more workers and employers as summer temperatures become more extreme. Cal/OSHA continued its longstanding heat illness prevention media campaign, which included bilingual outreach via billboards, television and radio, but also recognized that its outreach efforts needed to expand to new audiences throughout the state. In FFY22, the media campaign was broadened to address indoor heat hazards

for restaurant, warehouse and manufacturing workers. Advertisements related to indoor heat hazards were targeted online through social media and on the Google Display Network for restaurant, warehouse and manufacturing workers.

Eight news releases were published during the FFY22 heat season, to inform employers and workers of their obligations and rights and the annual Heat Illness Prevention (HIP) Network call took place, which connects over 200 employer associations, employers and worker advocacy groups. The HIP Network is a voluntary public and private partnership established to increase both employers' and employees' awareness of the hazards of heat illness and the importance of heat illness prevention measures to prevent heat-related fatalities and serious illnesses in California outdoor workplaces.

During this FFY, the campaign included multilingual advertisements on 54 billboards, 130 wall posters, 95 lunch trucks and 170 work vans in Sacramento, San Joaquin, Merced, Madera, Fresno, Kings, Tulare, Kern, Santa Barbara, Ventura, Riverside, San Diego and Imperial counties. There were also advertisements near gas pumps at 56 gas stations in the Los Angeles area.

More than 23,000 multilingual educational advertisements in Spanish, Punjabi, Hmong and Mixtec aired on 35 radio stations in the target areas during this reporting period. Targeted online ads have reached more than 1,700,000 unique individuals and resulted in 25,393 clicks to Cal/OSHA's 99calor.org website.

### **Wildfire Response**

Although the 2022 fire season was not as destructive as recent years, California still endured 7,490 wildfires that burned 362,455 acres in total. The most destructive of these was the Mosquito fire that occurred in September 2022 in Northern California, burning 76,788 acres across two counties, destroying 78 structures and damaging 95 structures. While there were no deaths, there were two non-fatal injuries to firefighters.

Given Cal/OSHA's years of experience with HIP outreach, in FFY22 the agency took advantage of existing campaigns and networks previously used to disseminate heat hazard information by also including wildfire smoke information. Advertisements addressing wildfire smoke protection were targeted at agriculture, construction and warehouse workers online, outdoors and on the radio.

Cal/OSHA has also partnered with Los Angeles County Fire and the University of California Los Angeles to assist with field trials of prototype powered air purifying respirators (PAPRs) suitable for firefighting in wildlands and the wildland-urban interface. To learn more about wildland firefighting operations, Deputy Chief Eric Berg and other Cal/OSHA staff were invited to observe firefighting operations at the large Fairview fire northeast of Los Angeles.

## **OUTREACH AND/OR COMMUNICATION**

While enforcement activities are critical to the Cal/OSHA program, outreach and education are also vital to the success of fulfilling our mission. The Outreach Coordination Program provides outreach to high-risk, vulnerable employee populations throughout the state, raising their awareness of their workplace rights and providing education and training to protect against workplace hazards. This program expanded its impact by establishing new relationships this FY, networking with 20 unions, 17 community-based organizations, eight state and municipal agencies, and two institutions of higher education.

In FFY22, Cal/OSHA and the Labor Commissioner's Office established a partnership to conduct joint worker caravan events in many areas throughout the state to reach high-risk vulnerable workers. In FFY22, Cal/OSHA participated in six

events, connecting with over 1,100 workers and distributed over 4,500 publications on workers' rights and safety and health protections on the job. The impact of these events was significant. The state-wide caravan effort helped to establish partnerships with local community-based organizations and build trust with mostly immigrant workers who are generally fearful of filing complaints about workplace hazards and wage and hour violations.

Cal/OSHA outreach staff also leveraged existing relationships. They coordinated with the Mexican Consulate to participate in 137 consulate events throughout the state, which were held both in person and virtually. On the local level, Cal/OSHA attended events held by various individual counties, providing information regarding workers' rights and employers' responsibilities, as well as events held by California State University Northridge and University of California campuses Berkeley, Davis, Los Angeles, Merced and San Diego.

Outreach Coordination Program staff and other Cal/OSHA personnel participated in 266 separate events; workers with limited or no English-speaking skills attended at least 236 of these. In some cases, these workers were monolingual speakers of indigenous languages, mainly employed in low-wage jobs. Cal/OSHA has identified such workers as particularly vulnerable to workplace



safety and health violations and at high risk of being either unaware of their workplace rights or unable to assert such rights.

Outreach staff distributed 81,307 written materials covering a variety of important safety and health-related topics. To spread information about occupational safety and health, Cal/OSHA also appeared on local radio stations and participated in television interviews and live Facebook events.

Cal/OSHA also conducts an advisory committee comprised of representatives from labor, management, and occupational safety and health professions. The Cal/OSHA Advisory Committee provides information, advice, and assistance regarding programs and activities within DIR, particularly those of the Cal/OSHA. Cal/OSHA plans and convenes periodic meetings of the advisory committee in a public forum, where other members of the public may also provide information, advice and assistance. Committee meetings were held three times during FFY22 with agenda items that included:

- Updates on creation and revision of regulations.
- Recruitment and hiring efforts for Cal/OSHA staff.
- HIP outreach and enforcement efforts.
- Updates on enforcement activities related to COVID-19.
- Program updates regarding workplace retaliation over health and safety issues.
- Updates on COVID-19 training events.
- Responses to pre-submitted questions.
- Open discussion/Q&A.

## **PARTNERSHIPS**

### **Employee Education and Outreach**

Cal/OSHA continues the partnership with the Employment Education and Outreach (EMPLEO) program, which was established to provide Spanish-speaking employees and employers with information on federal and state workplace laws. This partnership consists of government agencies, consulates and non-profit organizations in five counties in Southern California that assists workers in understanding their rights and provides employers with information pertaining to the resources available to them. Partners in the EMPLEO program include the U.S. Department of Labor's Wage and Hour Division; OSHA; the U.S. Equal Opportunity Commission; California Division of Labor Standards Enforcement; Cal/OSHA; the consulates of Mexico, El Salvador, Guatemala, Honduras, Nicaragua and Costa Rica; the regional Hispanic Chamber of Commerce;

and the Coalition of Human Immigration Rights in Los Angeles, among others.

Cal/OSHA is proud to have been part of this program since its inception in 2004, providing information and assistance to Spanish-speaking workers and employers regarding their rights and responsibilities, and responding to workplace complaints.

### **Cross Referrals with the Division of Labor Standards Enforcement (DLSE)**

Under California law, the Division of Labor Standards Enforcement (DLSE) has responsibility for investigating worker complaints related to unpaid wages, lack of rest breaks and other labor law violations. Unlike the federal system, DLSE – not Cal/OSHA – is responsible for investigating worker complaints of retaliation, reprisal and discrimination by employers against employees who express concern about and/or contact Cal/OSHA regarding unsafe and unhealthy working conditions.

Cal/OSHA refers complaints of labor law violations and employer discrimination to DLSE, while DLSE refers worker complaints, and the observations of its own employees conducting DLSE inspections of work sites, regarding unsafe and unhealthy working conditions to Cal/OSHA. During FFY22, Cal/OSHA forwarded at least 47 referrals for investigation to DLSE (45 concerning labor law violations, and two concerning employer retaliation and discrimination) and 140 referrals were received by Cal/OSHA from DLSE during FFY22.

### **Alliance Program**

During the COVID-19 pandemic, organizations were grappling with COVID-19 response and thus less able to develop new work plans as part of an alliance with Cal/OSHA. Despite this, the program met with a number of prospective participants in FFY22 and signed a new alliance agreement with the State Compensation Insurance Fund (SCIF) on August 1, 2022, to coordinate education and training and to establish regular communications and outreach. These elements will provide key field staff in both organizations with increased working knowledge of the safety and health hazards related to the construction and general industries, as well as procedures, methods and loss prevention techniques to mitigate these hazards. Four other alliance agreements are nearing completion, demonstrating that the program is returning to its pre-pandemic vibrancy.

## OVERVIEW

During FY22, Connecticut's public sector workforce continued to transition back into a workforce more closely resembling pre-pandemic conditions.

FY22 was the second year of a five-year strategic plan that was vastly different from previous strategic plans. The current plan is based on abating hazards in high-hazard workplaces identified in state and municipal governments.

## ENFORCEMENT

At the start of FY22, the program was initially staffed by three safety compliance officers and two health compliance officers, but Connecticut Occupational Safety and Health (CONN-OSHA) added an additional health compliance officer position to the staff during that time. However, because of several retirements, three of the six compliance officers were new to the position. There were 106 safety inspections and 88 health inspections conducted for a total of 194 inspections. Approximately 80% of the total inspections were conducted in the high hazard areas identified in the strategic plan. These targeted inspections resulted in 508 safety violations abated and 349 health violations abated in the high hazard industries.

In July 2022, CONN-OSHA conducted an inspection at the water treatment plant of a municipal electric and water utility system. The inspection was initiated in response to a referral from the State of Connecticut Department of Energy and Environmental Protection, who had responded to an uncontrolled release of approximately 3,000 gallons of sodium hypochlorite. During CONN-OSHA's inspection, it was determined that multiple employees, including the utility's general manager, attempted to prevent the released material from overflowing from the containment and salvage the released material by utilizing pumps and hoses to pump the sodium hypochlorite out of the containment area and into secondary containers.



*Permit required confined space danger sign not posted at a water pollution control facility wet well entrance.*



At the time of the inspection, numerous deficiencies were identified with regard to the employer's emergency response plan (ERP), including that employees were responding to the sodium hypochlorite release at the hazardous materials technician level, but each employee had not been trained to perform work at that level. Some employees also had not received adequate hazard communication training and were unaware of what safety data sheets are. In addition, the employer's written ERP did not include many of the required elements and the senior official on site during the release did not ensure the employees responded to the release in an appropriate manner, including, but not limited to, by wearing adequate PPE (e.g., one employee responded to the release wearing leather hiking boot style safety shoes, other employees were not wearing adequate eye protection).

This inspection resulted in the issuance of one willful and 17 serious violations.

## CONSULTATION

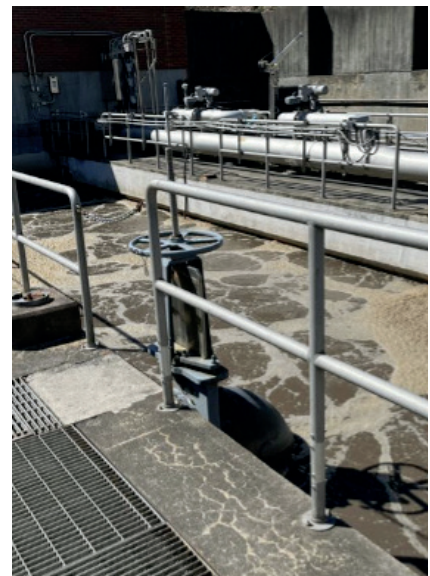
The consultation program for the State Plan conducted 61 safety consultations and 66 health consultations for FY22. Of these consultations, 97% of the safety consultations and 92% of the health consultations were performed in the high hazard areas identified in the strategic plan. The State Plan abated 260 safety hazards and 175 health hazards in the targeted industries.

## OUTREACH

- The State Plan continues to electronically distribute the CONN-OSHA Quarterly newsletter to approximately 3,140 public and private sector employers/employees. Articles in the Quarterly are written by CONN-OSHA staff and cover a wide range of safety and health topics.
- CONN-OSHA continues to provide monthly Breakfast Roundtable discussion groups and provides OSHA 10-hour training classes.
- CONN-OSHA provides training at and participates in trade shows with our alliance partners and currently has five active alliances.



*One of two 3,000 gal. sodium hypochlorite tanks involved in uncontrolled release at water treatment plant.*



*Rails at the water pollution control facility are not compliant with fall protection requirements.*

- CONN-OSHA conducted 27 training classes for state workers and local governmental workers in the targeted high hazard industries. The number of workers trained was 615.

## SIGNATURE FOCUS

During FY21, CONN-OSHA developed a new five-year strategic plan, which identified high hazard areas in state and local government. Based on the goals included in the strategic plan, CONN-OSHA focused its enforcement, consultation and outreach efforts on reducing injuries, illnesses and fatalities in those high hazard areas.

This strategic plan identified water pollution control facilities (WPCFs) as one of Connecticut's high hazard industries. As a result of strategic plan targeted inspections, CONN-OSHA determined that WPCFs were deficient in establishing and maintaining compliance with applicable CONN-OSHA standards including machine guarding, lockout/tagout, fall protection, permit-required confined spaces, chemical hygiene, hazard communication and crane inspections. During FY22, CONN-OSHA conducted inspections at four municipal WPCFs. Three of the inspections were programmed and the fourth was an accident investigation. At the three WPCFs where programmed inspections were conducted, 39 violations were found at one facility, 31 violations were found at another and 18 violations were found at the third. The majority of the violations were serious. At the fourth facility, where an employee had sustained a finger amputation, the CSHO issued four willful LO/TO violations, which were related to the accident, and three repeat serious violations (11 violations were issued in total). This inspection took place approximately 14 months after a programmed inspection had been conducted at the same location. 35 violations were issued during that inspection. Based on these findings, CONN-OSHA will continue to focus enforcement, consultation and outreach efforts on WPCFs.



*Rails at the water pollution control facility are not compliant with fall protection requirements.*



*Leather work boot damaged during clean-up of sodium hypochlorite release.*

## MISSION

There is a need to assure so far as possible, every working man and woman in the state safe and healthful working conditions. This legislation is also designed to permit and encourage employer and employee efforts to reduce injury and disease arising out of employment, and to stimulate them to institute new programs and to perfect existing programs for providing safe and healthful working environments. [§396-2, HRS]

## ENFORCEMENT

An employer in the pest control industry was issued the highest penalty (>\$270,000) of FY22. A 21-year-old employee carried a rolled-up section of fumigation tent up a ladder onto the client's residential roof without fall protection systems. The employee lost his footing and fell to the ground 12 feet below, sustaining broken ribs, internal bleeding and blood clots near the heart. The HIOSH Investigation revealed (1) the employer did not report the in-patient hospitalization of the employee to HIOSH within the required timeframe, (2) employee was carrying objects while climbing the ladder and (3) no fall protection was provided.

During a project entailing improving deteriorating infrastructure and installing new pump stations and sewer lines in the recreation area, a 23-year-old employee was seven feet underground when he was killed in a trench wall collapse during an inspection. A [HIOSH investigation](#) revealed numerous noncompliance issues, including a lack of protective systems to prevent cave-ins or trench collapse, and lack of ladders inside the trench.

## EMPHASIS PROGRAMS

Under the COVID-19 Emergency Temporary Standard, HIOSH conducted five inspections of healthcare facilities between August 2021 and January 2022, resulting in eight violations with less than \$40,000 in penalties.

## OUTREACH AND COMMUNICATION

HIOSH continued monthly publications of HIOSH Hazard Highlights (HHH). HHH is a curated newsletter that provide companies with relevant and generalized information on workplace safety. From tips to use ladders safely to creating awareness of warehouse hazards, HHH covers a wide range of topics to help stay informed and up to date. By promoting workplace safety, we can prevent accidents and injuries but also improve productivity and boost employee morale.



## SIGNATURE PROJECTS

### IL On-Site Rebranded

The Illinois On-Site Safety and Health Consultation Program was rebranded, further distancing itself from enforcement operations. The IL OSHA logo was removed from all consultation marketing materials and online profiles. Instead of IL OSHA's On-Site Consultation Program, it is now the Illinois Department of Labor's On-Site Consultation Program. The rebranding also provides a cleaner method for access to services by potential clients. Previously, the program's information and service request form was co-located with IL OSHA facts and logos. New customers seeking consultation services had to browse enforcement information to find the appropriate links. The new "WorkSafe" website, [worksafe.illinois.gov](https://worksafe.illinois.gov), lets customers quickly locate and submit consultation requests and explore the program's benefits. A QR code was registered to promote the new website, business card-sized flyers were developed, and consultants were issued redesigned business cards. The original IL OSHA website also received a facelift and features a consultation request link.

## ENFORCEMENT

### Inspection #1567974 and #1568109

*The Ridge Incident: Firefighter Dies in House Fire After First Floor Collapse and Loss of Accountability – March 8, 2022. Report is available to view at [Labor. Illinois.gov](https://labor.illinois.gov).*

On December 4, 2021, IL-OSHA received informal notice of an occupationally related death of a firefighter on December 3. An inspection to investigate the death of a 38-year-old male firefighter found unresponsive and out of breathing air in the basement of a single-story residential structure fire after a mayday call was started. The firefighter was removed from the structure, and advanced life support measures were provided; however, this was unsuccessful.

The investigation took one IL-OSHA inspector four months to find the direct cause of death and issue citations. The direct cause of death was exposure to respiratory hazards. The victim's breathing air supply was completely depleted. According to the coroner's report, death was attributed to asphyxia caused by inhalation of products of combustion due to a structure fire. 11 indirect causes were found, with 15 corrective actions recommended due to loss of accountability and failure to respond to a mayday request.

IL-OSHA issued the following citations:

- Fire Department #1 – two willful, one serious and one hazard alert letter with \$12,000 in penalties.
- Fire Department #2 – three willful, two serious and one hazard alert letter with \$24,000 in penalties.

## OUTREACH AND COMMUNICATION

### Radio Commercials

In the last quarter of FY22, IL OSHA purchased radio airtime through the Illinois Broadcaster Association using a public education program similar to Public Services Announcements (PSA). This expenditure of funds allowed IL OSHA to consume the balance of FY22 consultation federal grant funds. Hap Hileman, IL OSHA's outreach and marketing coordinator, wrote, produced, voiced and sourced bi-lingual actors for Spanish and Polish versions of the PSA. 30-second and 60-second version in three languages was developed, focusing on heat awareness and the benefits of the Consultation Program.

### Promotional Video

Due to low construction-sector consultation requests, the IL On-Site Consultation program teamed with a large construction firm to assist with promoting the program to construction sub-contractors. Federal OSHA's multi-employer citation policy was the "hook" used in the sales pitch. Powers and Sons Construction Company, a lead contractor for the Obama Presidential Center, agreed to help promote the IL On-Site Consultation program. A five-minute video was produced and is now integrated into new sub-contractor orientations for Powers and Sons Construction.

## PARTNERSHIPS

### The Obama Presidential Center

The OSHA Strategic Partnership Agreement at the Obama Presidential Center, between OSHA, IL On-Site Safety and Health Consultation Program, and Lakeside Alliance Joint Venture, was signed in November 2021. The Lakeside Alliance is a joint venture between Powers and Sons Construction Company, UJAMAA Construction Inc., Brown & Momen, Inc., Safeway Construction Company, and Turner Construction Company. The Obama Presidential Center (OPC) will be located in Jackson Park on Chicago's Southside, bounded by Stony Island Avenue on the West and the shore of the West Lagoon on the East. The North and South boundaries are set by the Midway Plaisance and East 62nd Street, respectively.

The OPC main buildings consist of the following:

- *The Museum (Tower)*: An eight-story cast-in-place concrete structure clad in stone, curtain wall and ultra-high-performance concrete (UHPC). The slab on grade was excavated within a soldier pile and lagging earth retention perimeter. Interior spaces include elevators, escalators and mechanical floors to support the high-end museum finish space.
- *The Forum*: A two-story cast-in-place structure, partially underground, which will include an auditorium, a broadcast and recording studio, meeting spaces, and a restaurant.
- *The Library*: A two-story cast-in-place structure, partially underground, which will include a Chicago Public Library. The museum, forum and library buildings share one common lower level.

*Obama Presidential Center  
Rendering; Photo courtesy  
of The Obama Foundation*

- *The Parking Garage:* A two-story, partially submerged parking garage to the south of the tower, forum and library buildings.
- *The Program, Athletic, and Activity Center (PAAC):* An athletic facility to the far South of the site.

Illinois On-Site Safety and Health Consultation's role in the partnership as of November 2022 have been:

- Six on-Site consultation visits for the Obama Presidential Center Partnership. This included one training and education visit for 15 onsite contractors with 175 union employees onsite.
- One consultant has been appointed as a representative to the partnership committee.
- They have participated in quarterly partnership meetings and site reviews, where an in-depth coverage of a predetermined safety topic (heat/cold hazards, leading-edge safety, PPE usage, etc.) was conducted.
- Provided industrial hygiene, safety, and ergonomics consultation services upon request.









The United States Bureau of Labor Statistics reported Indiana had an estimated 3.2 workplace injuries or illnesses per 100 full-time workers in 2021—one of the lowest rates in the state’s history. The 2021 nonfatal occupational injury and illness rate also represents nearly a 72% reduction from a high of 11.3 which were estimated in 1994.

## ACCOMPLISHMENTS

### Indiana VPP

The Indiana Voluntary Protection Program (VPP) is managed by a team of four occupational safety and health professionals, who alongside the State’s Special Government Employees (SGEs) conduct evaluations and provide guidance and mentor Hoosier workplaces that have developed and implemented successful workplace safety and health management systems. There are 90 VPP-certified sites in Indiana, covering nearly 25,000 Hoosier workers.

The VPP Leaders partnered with federal OSHA to host a SGE training on August 16 and 17, 2022. This training took place at a current Indiana VPP site, in Mount Vernon. Additionally, the VPP Leaders worked with certified sites to present five separate “Best Practices” sessions throughout the year. Topics and discussion during these virtual sessions included preventative maintenance of interlocks, light curtains, and emergency stops; hand hazard awareness; trend analysis; and ergonomic fixes. Each session was conducted virtually and had more than 30 participants.

In addition to their evaluation visits, Indiana VPP Leaders conducted more than 300 site visits to discuss various topics, including annual submissions, best practices, and trends; and perform gap analysis and prepare sites for upcoming evaluations.

The VPP Leaders also coordinated with the Indiana Office of Technology (IOT) to develop an online submission portal for VPP sites to submit their respective Annual Submission. This portal was tested throughout the FY and launched in 2023.

## LOCAL EMPHASIS PROGRAMS

The Indiana Occupational Safety and Health Administration (IOSHA) currently has three active local emphasis programs (LEPs) that were launched in late 2020. These LEPs focus on high hazard work environments, tasks and occupations. The LEPs include Residential Construction (RESCON), Demolition, Renovation, and Rehabilitation (DEMORENO), and Falls for General Industry and Construction (FALLS).

These LEPs were developed and implemented using the published BLS data as a guide. The RESCON LEP was initiated for residential construction activities.

According to the BLS' CFOI between 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 including asbestos, lead, and silica.

In Indiana between 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.

During FY22, IOSHA performed more than 200 inspections responsive to its three LEPs. More than 85% of the LEP-related inspections were generated from programmed activities. Over 400 violations were identified by IOSHA's compliance safety and health officers (CSHOs) conducting these LEP inspection activities.

IOSHA will continue to review the effectiveness of the 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-person from February 28 through March 2, 2022 after the previous year's virtual conference. More information about the Indiana Safety and Health Conference and Expo is available on the conference website at [INSafetyconf.com](https://www.INSafetyconf.com).

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 2022, six companies received Governor's Workplace Safety Awards.



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 [IN.gov/dol/3032.htm](https://www.in.gov/dol/3032.htm).

### **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 Census of Fatal Occupational Injuries (CFOI), as well as "it happened here" sections based on OSHA case information.

The annual report was distributed to over 13,000 e-mail and newsletter subscribers. Current and past editions of IN Review are available online at [IN.gov/dol/2366.htm](https://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. The INSHARP evaluation team consists of two INSafe Consultants who work with other team members to identify worksites that have excellent safety and health management systems. As of September 30, 2022, Indiana had 54 participating INSHARP locations.

### **Social Media and Communication**

The Indiana Department of Labor continued to maintain its active social media presence on 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 12 to 20 messages each month. The goal of our social media efforts is to share ideas and information while engaging with stakeholders.

The Indiana Department of Labor may be found on Twitter [@INDeptofLabor](https://twitter.com/INDeptofLabor).

## **Injury Tracking Application (ITA) Data and Direct Marketing**

In May 2022, INSafe used the list of respondents from the ITA to reach out to 17 construction companies in the greater Indianapolis area with injury and illness rates at least twice the rates estimated by the Bureau of Labor Statistics for their respective industries. This small sample pool garnered us a few questions from interested contractors but was too small to create a significant impact on our consultation numbers. This plan, however, did work as a proof-of-concept upon which we are expanding in 2023.

## **Past Consultation Clients and Direct Marketing**

In July 2022, INSafe pulled reports from OIS that provided the company names and contact e-mails for 71 companies that had previously utilized our consultation services, but we had not worked with in over a year. Much as with the ITA data above, this small sample pool garnered us a few consultations, but not enough to significantly impact consultation numbers in 2022. We will expand this data to include companies we have not worked with in up to 10 years in 2023.

## **CONCLUSION**

Indiana's overall nonfatal workplace injury and illness rate is one of the lowest rates in the state's history. IOSHA must continue to 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.**

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 un-programmed enforcement inspections; and through cooperative means by providing consultation services, compliance assistance, outreach, and educational programs.

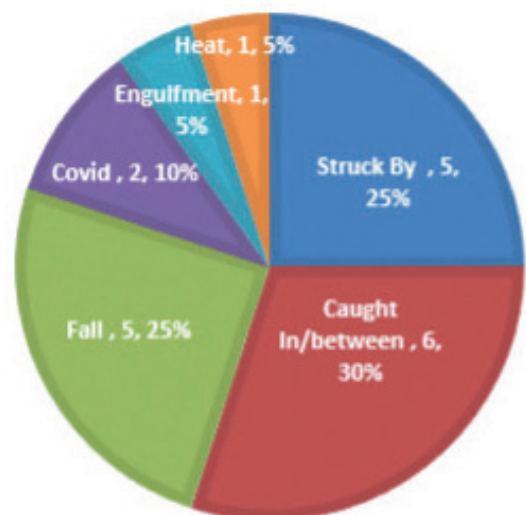
## ENFORCEMENT

During FY22, Iowa OSHA conducted a total of 652 enforcement inspections (458 safety and 194 health). These inspections resulted in 887 violations. The previous FY totaled 609 enforcement inspections. This represents a slight increase in the number of inspections in FY22. This slight increase in inspections can be attributed to newly hired personnel completing initial OTI training during FY22. Newly appointed compliance officers will continue to gain experience in the field and will have a positive impact on an increased number of inspections in FY23.

Of the 652 enforcement inspections, 535 were unprogrammed inspections (389 safety and 146 health). Unprogrammed activities (UPAs) included 848 complaints and 442 referrals. The unprogrammed activities (UPAs) in FY22 showed an increase of 151 more complaints and 33 more referrals than in FY21. There were 117 programmed inspections (69 safety and 48 health). 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; asbestos in construction; and grain handling establishments. Healthcare facilities were also targeted due to the pandemic. Proposed initial penalties for issued citations in FY22 equaled \$5,143,403 dollars. The breakout dollar amounts were \$1,628,258 dollars for health violations and \$3,515,145 dollars for safety.

### FY22 Fatalities

- Struck By: 25%
- Caught In/Between: 30%
- Fall: 25%
- COVID-19: 10%
- Engulfment: 5%
- Heat: 5%





## FY22 Top 10 IOWA OSHA Violations

- General Requirements for all Machines
- Asbestos
- Control of Hazardous Energy
- Hazard Communication
- Personal Protective Equipment
- Safety Training and Education
- Mechanical Power-Transmission
- Duty to have Fall Protection
- Respiratory Protection
- OSHA Record Keeping

## SIGNIFICANT EVENT

On March 5, 2022, three supercells swept across Iowa, producing several tornadoes. The largest tornado, an EF-4, moved across Madison, Warren, Polk and Jasper counties for 70 miles. At its peak, the tornado produced winds of 170 miles per hour. On March 7, 2022, Iowa OSHA On-Site Consultation staff assembled in Winterset, Iowa with city officials and the Madison County Emergency Management Group to coordinate cleanup and recovery efforts. Consultation staff offered their assistance and gave a well-received safety presentation to contractors on-site. The presentation covered recognized hazards, how to protect workers during disaster clean up, chain saw safety, chipper machine safety and tree trimming safety. The consultation staff drove state-marked vehicles to identify their presence throughout the disaster cleanup area.

During the tornado cleanup, no injuries or loss of life occurred. The City of Winterset and Madison County Emergency Management Group have maintained communication with Iowa OSHA Consultation to further their knowledge and keep contractors and volunteers safe during cleanup operations.



*Tornado damage cleanup  
Winterset, Iowa*

## COOPERATIVE PROGRAMS

During FY22, Iowa OSHA continued their strong association with four Alliance Program members:

- Master Builders of Iowa (MBI)
- Associated Builders and Contractors of Iowa (ABC)
- Healthier Workforce Center of the Midwest
- Iowa Renewable Fuels Association (IRFA)

Iowa had an average of 13 partnerships throughout FY22. Several major projects are ongoing including restoration of the Iowa State Capitol Dome and the building of a new Federal Courthouse in Des Moines.

Iowa has 38 VPP sites. In FY22, Iowa Mold Tooling Company (IMT) received VPP Star Status. IMT is a manufacturer of service vehicles and material handling systems.

Iowa OSHA remains 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.

## SIGNATURE PROJECTS

### Western Kentucky Tornado Outreach

On December 10-11, 2021, three tornadoes ripped through western Kentucky resulting in catastrophic destruction and devastation. Tornado #1 was an Enhanced Fujita (EF) 4 long-track tornado that was on the ground for 165.7 miles with 1.13-mile maximum width affecting 11 counties. The 165.7-mile path length is the longest for a tornado in United States history. Tornado #2 was EF-3 long-track tornado that was on the ground for over 122 miles. Tornado #3 was a short-lived EF-1 tornado that was on the ground for 2.75 miles. 76 people died, more than 500 others were injured, and more than 5,100 structures were destroyed or damaged across eight counties totaling up to \$3.5 billion.

The Division of Occupational Safety and Health (OSH) Education, known as KYSAFE, mobilized division wide boots-on-the-ground outreach to prevent additional fatalities, injuries and illnesses. Multiple KYSAFE two person teams were deployed to 11 affected counties spanning a landmass over 4,430 miles and reached over 1,300 individuals.

Companies that partner with KYSAFE donated PPE including gloves, hard hats, safety glasses, hearing protection, as well as hi-visibility coats and vests. KYSAFE staff distributed the PPE to response workers with educational materials such as fact sheets and quick cards emphasizing how to work safe during recovery, clean up and rebuilding. KYSAFE printed and distributed hundreds of business cards with QR codes to give workers quick access to additional safety and health resources from the KYSAFE and Occupational Safety and Health Administration (OSHA) websites.

To date, more than 780 hours were logged by KYSAFE staff in the effort. Outreach efforts continue as rebuilding continues.



*KYSAFE Outreach with President Biden*



### Eastern Kentucky Flood Outreach

During the night of July 27 and morning of July 28, 2022, over eight inches of rain fell in eastern Kentucky causing massive flash flooding. Rainfall rates exceeded four inches per hour. Overall, 14 to 16 inches of rain fell between July 25-30, 2022.

Located in the Appalachian Mountains, many residents lived in valleys next to small streams and rivers which exacerbated the devastation. Subsequent river flooding instigated a second round of destruction for communities in the region; specifically, flooding in downstream areas that did not receive as much rainfall. 43 people across six counties died with one individual unaccounted for. More than 10,000 homes were destroyed or damaged leaving thousands of people homeless. More than 100 bridges in at least three counties were destroyed or damaged. Families and entire communities lost everything. Many roads remained impassable six weeks after the flooding. Damage assessments are not complete, but damage is anticipated to reach or exceed \$1 billion.

Once again, KYSAFE mobilized division wide boots-on-the-ground outreach to prevent additional fatalities, injuries and illnesses. Multiple KYSAFE two person teams were deployed to six affected counties reaching over 1,300 individuals spanning a landmass over 2,700 miles.

KYSAFE staff distributed 350 PPE packs that included safety glasses, gloves, Tyvek suits, dust masks, rubber overalls and hard hats. KYSAFE staff distributed educational materials such as fact sheets and quick cards emphasizing how to work safe during recovery, clean up and rebuilding. KYSAFE printed and distributed hundreds of business cards with QR codes to give workers quick access to additional safety and health resources from the KYSAFE and OSHA websites. KYSAFE also participated in a community survivor resource meeting in Whitesburg.

To date, more than 150 hours were logged by KYSAFE staff in the effort. Outreach efforts continue as rebuilding continues.



## SIGNIFICANT LEGISLATION

House Bill (HB) 749 of the 2022 Regular Session was introduced March 1, 2022. HB 749 sought to increase OSH civil penalties and require the secretary to annually adjust the penalties based on the BLS Consumer Price Index for all urban customers. HB 749 did not advance.

Appendix D of OSHA's FY22 Follow-up Federal Annual Monitoring Evaluation Report demonstrates Kentucky meets all State Activity Mandated Measures for "average current serious penalty in private sector". Although Kentucky's legislature has not enacted OSHA's annual inflationary adjustment, Kentucky's penalties are as effective as OSHA.

## ENFORCEMENT

The Division of OSH Compliance maintained an emphasis on addressing serious hazards. Citations issued in FFY22 with noteworthy penalties include:

- \$120,000 to a general industry employer for two repeat serious violations and one other than serious violation;
- \$115,000 to a general industry employer for one willful violation, seven serious violations, and two other than serious violations;
- \$88,900 to a general industry employer for 22 serious violations;

- \$81,000 to a construction employer for two serious willful violations and four serious violations;
- \$71,750 to a construction employer for two serious willful violations and one serious violation;
- \$63,000 to a general industry employer for 11 serious violations;
- \$55,400 to a general industry employer for 11 serious violations and two other than serious violations;
- \$41,000 to a general industry employer for one repeat serious violation and two serious violations;
- \$40,600 to a construction employer for one repeat serious violation, one serious violation, and one other than serious violation;
- \$42,000 to a construction employer for one willful violation and one serious violation; and
- \$40,000 to a general industry employer for seven serious violations.

All 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 as well as other than serious violation.

## TOP 10 MOST CITED STANDARDS

- *29 CFR 1910.212* – Machinery and Machine Guarding
- *29 CFR 1910.1200* – Hazard Communication;
- *803 KAR 2:181* – Recordkeeping, Reporting, Statistics
- *29 CFR 1910.147* – Control of Hazardous Energy (Lockout/Tagout)
- *29 CFR 1910.134* – Respiratory Protection
- *803 KAR 2:310* – Medical Services and First Aid
- *29 CFR 1904.29* – Recordkeeping Forms
- *29 CFR 1910.132* – Personal Protective Equipment, General Requirements
- *KRS 338.31* – Obligations of Employers and Employees

**29 CFR 1910.1030, Bloodborne Pathogens, was the most cited standard in FFY22.** The nine other most cited standards were:

## EMPHASIS PROGRAM

The Division of OSH Compliance initiated an emphasis program in FFY22 addressing the electronic submission of injury and illness records and employer identification number (EIN). Data submitted by employers to OSHA assists in identifying trends in workplace hazards, developing KYSAFE outreach programs, and evaluating the effectiveness of Kentucky enforcement activities. The Division of OSH Compliance inspected employers who failed to electronically submit their injury and illness data and EIN to OSHA. The Division of OSH Compliance conducted 27 inspections in FFY22 with 14 citations issued and recommended penalties totaling \$48,525.

## Notification of Asbestos Abatement / Demolition / Renovation or 10-Day Notice

The Division of OSH Compliance has an agreement with the Division of Air Quality (DAQ) in the Department for Environmental Protection of the Energy and Environment Cabinet in which the Division of OSH Compliance is alerted of asbestos removals conducted in the Commonwealth. Employers are required to notify the DAQ 10 days in advance of any job involving asbestos removal. DAQ subsequently notifies the Division of OSH Compliance. The Division of OSH Compliance received 208 10-day notices from DAQ in FFY22.

## OUTREACH

### Workplace Safety Savings

In FFY22, KYSAFE identified 2,262 serious hazards that exposed 57,312 employees and saved employers up to \$15,834,000 in potential penalties. KYSAFE also identified 668 other than serious hazards that exposed 24,125 employees and saved employers \$4,676,000 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, KYSAFE 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 target construction as well as general industry.



Kentucky continued the outreach in FFY22. Heat stress education was promoted by KYSAFE in FFY22 through in person outreach and online training. Consultants reached 8,942 employees during targeted heat stress outreach efforts. A “Heat Stress NEP 2022 Webinar” was presented and recorded in English and Spanish and posted on the KYSAFE eLearning website at [kysafe.ky.gov](https://kysafe.ky.gov). KYSAFE also presented two in person heat stress education classes and one online training via Zoom. The 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 and Heat Stress webinars. The module and webinars were viewed 1,107 times in FFY22.

### KYSAFE Mobile App

The 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 as well as Kentucky specific standards, see a directory of KYSAFE managers, connect to the KYSAFE website and link to Toolbox Talks. The app also features functionality to report a workplace hazard(s) with a photograph that provides the OSH Program with a drop pin location of the hazard.

### eLearning Program

The Education and 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-time federal award in FFY11 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](https://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 210,000 participants have utilized the website resulting in over 620,000 views.



Webinars are cost-free, streamed, provide real-time instruction, and offer immediate feedback to participants. After each webinar is presented, it is recorded and available for review at any time.

KYSAFE added 17 cost-free interactive training products, four modules and 13 webinars, to the KYSAFE online library at [kysafe.ky.gov](https://kysafe.ky.gov). The newly developed modules were PPE Module 1, Scaffolding: Erecting, Dismantling and Access, Wages and Hour Overview, and Scaffolding Hazards. The 13 webinars were Fire Prevention Plans, 803 KAR 2:181E Updates, Teen Worker Safety, Cold Stress Webinar, Injury and Illness Recordkeeping Three-hour Overview, Trenching and Excavation, Eyewash Update, Injury and Illness Recordkeeping One-Hour Overview, Mowing Safety and Noise Protection, Heat Stress NEP, Heat Stress NEP Spanish, Reclassing Permit Required Confined Spaces, and Skid Steer Hazard Alert.

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

### Partnership Program

In addition to consultative surveys, KYSAFE offers training and several voluntary and cooperative programs, such as the Voluntary Protection Program (VPP), Construction Partnership Program (CPP), Safety and Health Achievement Recognition Program (SHARP), OSHA Strategic Partnership and Safety Partnership Program, focused on reducing injury and illness.

In FFY22, the partnership branch engaged 230 significant contact events. 187 events were site visits affecting over 27,000 employees that identified 1,288 hazards; 430 were serious and 858 were other than serious. Partnership staff also conducted 28 excavation activities as part of the national emphasis program.

### Voluntary Protection Partnership

Kentucky's Voluntary Protection Partnership (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.

VPP continues to be successful and sets the standard for program and participant quality. The partnership branch maintains 20 very strong, successful sites, the highest number of active sites in the history of the program. The 20 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, Grayson
- Marathon Pipeline, LLC, Lebanon Junction
- Marathon Pipeline, Lexington
- Marathon Pipeline, Louisville
- Marathon Pipeline LLC, Owensboro Station
- Marathon Refinery, Catlettsburg
- Nucor Steel Gallatin, Ghent
- Raytheon Corporation, Louisville
- Southwire, Hawesville
- Unifirst Distribution Center, Owensboro
- Westlake Chemical, Calvert City
- WestRock, Nicholasville

### **Safety and Health Achievement Recognition Program**

SHARP began and ended FFY22 with 14 active sites.

### **Construction Partnership Program**

KYSAFE continues to focus on the construction industry by promoting the Construction Partnership Program (CPP). There were 18 active CPP sites in FFY22 with a total project cost of over \$10 billion. There were 61 site audits with CPP sites in FFY22 affecting 9,841 employees. The most significant CPP project in FFY22 was the new \$5.8 billion BlueOval SK Battery Park campus in Glendale. BlueOval SK, a joint venture with SK On, is a \$5.8 billion investment to produce lithium-ion batteries. Twin co-located battery manufacturing facilities creating 5,000 jobs and targeted to open in 2025 will supply Ford's North American assembly plants with locally assembled batteries for powering next-generation electric Ford and Lincoln vehicles.

### **Governor's Safety and Health Conference and Exposition**

After a two-year hiatus due to the pandemic, the Governor's Safety and Health Conference and Exposition returned in 2022. The event, co-sponsored by the Education and Labor Cabinet and the Kentucky Safety and Health Network, Inc., is the largest safety and health exposition in the Commonwealth. Scholastic Achievement for Education Awards, or "SAFE" awards, totaling \$24,500 were presented to five university students matriculating in OSH, industrial hygiene, or a closely related field.





*Ironworker at the BlueOval SK  
Battery Park campus site*



On August 5, 2015, Maine received initial approval as a state and local Government only State Plan. FY22 was the state's seventh full year in the program. MEOSH has implemented all items identified in our developmental plan and continued to pursue certification with the OSHA National Office.

## 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 1,236 attendees in FY22, of which 375 participants were from state and local government. The program also distributed 5,000 SafetyWorks! Training Institute calendars to both private and public sector employers. In addition, the facility is an OSHA Region 1 Training Institute Education Center satellite training site. SafetyWorks! classes can be viewed at [maine.gov/tools](https://maine.gov/tools).

SafetyWorks! Training Institute attendance numbers have been down due to COVID-19 restrictions. To allow for social distancing STI had to reduce class size to 18 and restrict access to the hands-on lab area. Late in FY22 those restrictions were lifted, and the training center is now back to full capacity of 48 participants and use of our adjacent lab area.

The SafetyWorks! Training Institute was the recipient of OSHA 21d one-time funds in FY22. Funds assisted the division with replacing all the worktables and chairs. This new furniture allows for easy movement, have flip-up tabletops and nesting capability to save space and allow the room to be set-up in various configurations. In addition, we were also able to purchase five pair of virtual reality (VR) goggles and training programs for lockout/tagout, confined space and fall protection.

## EMPHASIS PROGRAMS

SafetyWorks! (consultation) conducted 274 state and local government public sector total visits. Of these visits, 162 safety and 31 health visits were with the focused departments. The program continues to focus its activities with fire service, police departments, correctional facilities, public educational facilities and DOT/public works departments (to also include sewer and water districts).

## ENFORCEMENT

MEOSH enforcement conducted only 31 inspections in FY22 (27 safety inspections and four health inspections). MEOSH was hampered with a health inspector retiring. We were able to add an additional safety inspector position in the July 1, 2022 State Supplemental Budget, but that position was not filled until the end of this grant period. Moving forward, we will have a chief safety and health inspector, two safety CSHOs and one health CSHO.

## OUTREACH

The project staffed an informational booth at numerous conferences including Maine Municipal Association, Maine School Management, Maine (fire) Chiefs Conference and the National Safety Council of Northern New England (NSCNNE) annual Safety and Health Conference. Presentations were conducted by staff at the NSCNNE Conference.

## PARTNERSHIPS

MEOSH has a voluntary protection program called the Safety and Health Award for Public Employers (SHAPE). SHAPE is similar to the private sector SHARP program. However, SHAPE is only for the public sector and can involve a whole city/town or just an individual department. At the end of FY22, Maine had 83 SHAPE sites. In August, we hosted a one-day SHARP/SHAPE Luncheon at the Hilton Garden Inn, Freeport, Maine. This networking and training event had 54 attendees which included 15 SHAPE sites and SHARP sites from three New England states. Topics included suicide prevention, impairment detection, OSHA Heat Emphasis Program and working in cold temperatures.



*SafetyWorks! Training Institute (STI)*

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 fire service 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/alliance with both of these agencies as well as the Maine Forest Service during FY23. This has been a goal, but COVID-19 restrictions hampered achieving a formal partnership in FY22.

## ENFORCEMENT

### Wastewater Processing

On March 7, 2022, Maryland Occupational Safety and Health (MOSH) was notified of an industrial fire and fatality at a wastewater processing facility in Curtis Bay, Baltimore City. Upon initial inspection, the employer claimed these processes contained “only water” and was unsure of the cause of the fire. MOSH visited the facility multiple times, conducted employee interviews, and collaborated with the Maryland Department of Environment (MDE) and the Environmental Protection Agency (EPA). The investigation revealed that one employee had been pumping wastewater contents of a tanker truck through a Honda trash pump and into a single-walled high-density polyethylene tank. When the tank began to overflow, the employee ran to the trash pump to turn it off and a fire erupted. The employee became engulfed in flames and the fire spread to the surrounding tanks of the facility. Co-workers were unable to extinguish the fire and the employee succumbed to his injuries.

MOSH concluded that the wastewater in the processing tanks contained layers of petroleum products, including oil, gasoline and diesel, which floated to the top of the tanks due to their lower density as compared to water.

When Tank 2 began to overflow near the trash pump, the liquids spewing from the tank contained mostly petroleum, covering the employee. These petroleum products can auto ignite at temperatures as low as 477°F. The flammable material ignited either due to the heat from the pump engine or the backfire of the muffler after the employee ran back to the trash pump to turn it off, catalyzing a large, rapidly spreading petroleum fire. The fire required foam to be extinguished, destroyed 13 storage tanks, damaging several buildings and resulting in the death of one employee. MOSH issued citations for violations related to sources of ignition and storage of flammable liquids, confined space, hazard communication and respiratory protection.

### Fire Service Fatalities

On January 24, 2022, MOSH was notified that two firefighters were fatally injured, a third had sustained severe injuries, and a fourth was still missing in a structure collapse where firefighters were responding to a dwelling fire with reports of people trapped in a vacant row home in southwest Baltimore City. A thorough MOSH investigation revealed several concerns relative to the resulting fatalities and department incident response overall, such as: emergency response of entering vacant structures; the lack of known history and identification of vacant, unoccupied structures in Baltimore City; and fire service “culture” surrounding entry into structures with unconfirmed occupants.

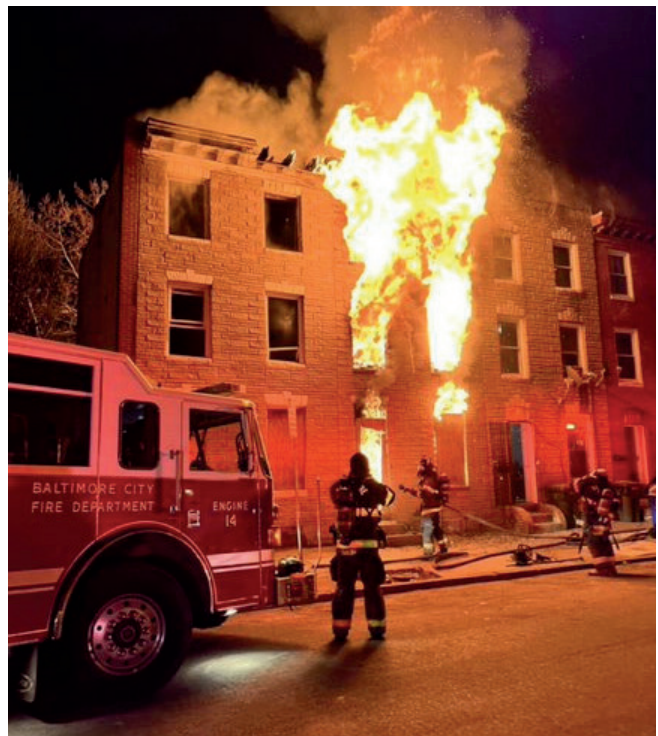


MOSH issued a hazard alert letter and recommended the following steps, or their equivalent, be taken in an effort to eliminate or reduce the hazards associated with fighting fires in unoccupied structures including:

- Develop and enforce a policy that prohibits firefighters from entering unoccupied structures that are on fire absent express approval from command staff.
  - Firefighters are to use exterior operations only or other means that eliminate the exposure of firefighters to hazards associated with structural collapse.
- Utilize a universal marking/placarding system with detailed instructions and periodic reconciliation exercise to ensure unsafe vacant structures remain marked, including a database of such structures.
  - Firefighters responding to a vacant structure marked in accordance with the universal system shall immediately notify fire communications of the designation prior to entry

## EMPHASIS PROGRAMS

In FY22, MOSH Local Emphasis Programs (LEPs) focused on safety hazards in construction including falls, electrical, struck-by/crushed-by, health hazards in construction, the tree care industry and other targeted high hazard industries. MOSH also continued to utilize a LEP to target public sector establishments, where some of the most hazardous jobs in Maryland can be found. MOSH emphasis programs continue to increase awareness and target enforcement and outreach activities in order to reduce workplace injuries and illnesses.



*Dwelling fire in a vacant row home in southwest Baltimore City*

## OUTREACH

In FY22, a variety of employers, institutions and government agencies requested a MOSH speaker at their job site or event. MOSH speakers presented on various safety and health topics to employers, employees, trade and professional organizations. MOSH continued to respond to numerous requests for teen safety for high school students who are preparing to enter the workforce. In FY22, MOSH spoke to 700 students at 10 different high school events throughout the state. MOSH also presented at the University of Maryland and Johns Hopkins University where both undergraduate and graduate students in Occupational Health classes learned about MOSH's history, mission, and goals.

The Massachusetts State Plan for State and Local Government is named the Workplace Safety and Health Program (WSHP). Our mission is to prevent work-related injury and illness and assure a safe and healthful workplace for all state and local government employees in the Commonwealth of Massachusetts.

## THE NEED FOR A STATE PLAN

Massachusetts was approved as a State Plan covering state and local government employees effective August 18, 2022. OSHA continues to have jurisdiction for private sector. The Commonwealth of Massachusetts has a population of 6.985 million, and our 433,900 public sector employees support these residents and private businesses by providing clean drinking water, transportation, bridge inspections, fire and police protection, K-12 and college education, healthcare, social services, waste treatment and recreation at local and state parks.

The need for a State Plan was demonstrated by 18 work-related fatalities that occurred to state and local government employees from 2012-2020. Inspections by the Massachusetts WSHP revealed that these fatalities were preventable had the employer maintained their equipment and trained employees on the equipment.

## FOCUS

The WSHP focuses on reducing fatalities and work-related injuries in industry sectors that have experienced a fatality or have a high pattern of injury. These sectors include:

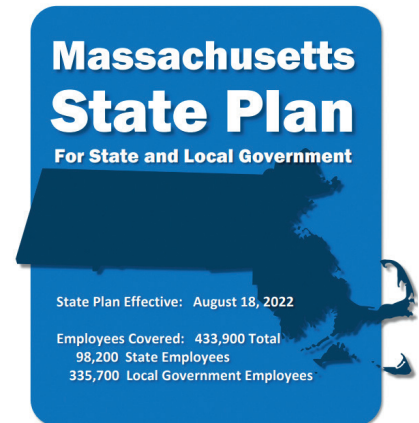
- Crossing Guard (NAICS 922120 when Police; 6111 when school)
- Drinking Water (NAICS 221310)
- Electric Power Distribution (NAICS 2211)
- Facility Management (NAICS 561210); School (6111); Housing Authority(925110)
- Firefighting (NAICS 922160)
- Healthcare and Social Services (NAICS 622, 623)
- Parks and Recreation; State Parks (NAICS 5617)
- Public Works: Highway Street Construction (NAICS 2373)
- K-12 Schools (NAICS 6111)
- Sewage treatment (NAICS 221320)

ACTIVITY (August 18 to September 30, 2022)



Massachusetts was recognized as a State Plan for seven weeks in FY22.

- 64% of inspection and consultation activity was in workplace sectors identified as high risk for work-related injury.
- 25 onsite inspections and consultations during the seven-week period, August 18 to September 30, 2022.
- 49 safety bulletins and template programs for public sector available on WSHP website.



## Public Sector Fatalities in Massachusetts, 2012-2020

05/23/2012	Crossing Guard struck by vehicle
06/20/2012	Electrician fell out of bucket truck when repairing traffic light
11/30/2012	Water department mechanic crushed while servicing equipment
02/07/2014	Employee struck by equipment during water main repair
04/19/2014	Regional transit bus operator struck by vehicle rolling backwards
12/15/2014	Crossing Guard struck by vehicle
06/15/2015	Public works employee crushed when ride-on mower tipped over
12/12/2015	Public works employee fell off ladder
06/16/2017	Public works employee driving a snowplow was struck by train
01/08/2018	Public works employee overexertion shoveling snow
01/08/2018	School custodian overexertion shoveling snow
08/30/2018	Crossing Guard struck by vehicle
09/13/2018	Public works employee fell off bed of pick-up truck
01/15/2020	Public works employee shot while filling potholes
02/08/2020	Transit bus driver struck by bus rolling backward
04/01/2020	Transit bus driver passed away from COVID-19
06/04/2020	Recruit passed away during physical training
09/21/2020	Transit bus operator struck by bus at dispatch yard

This summary does not include an additional 21 Line of Duty Deaths of Fire and Police Departments. 15 of LODD firefighter deaths were due to occupational cancer.







## ORGANIZATION AND FUNDING

The Massachusetts State Plan is located within the Executive Office of Labor and Workforce Development, Department of Labor Standards. Funding for the State Plan is a 50/50 match provided by the congressional budget for State Plans, and the Commonwealth of Massachusetts. Oversight of the State Plan is provided by the OSHA Region 1 office.

## MILESTONES AND THANKS

Massachusetts has been active in promoting worker protection to assist employees and businesses since its Bureau of Labor Standards was founded in 1877. It is worthwhile at our first designation as a State Plan to recognize the efforts of Congress, OSHA and Massachusetts who worked together to provide a successful State Plan application.

From Congress:

- Senator Elizabeth Warren
- Senator Edward Markey

From Massachusetts:

- Governor Charles Baker
- Lieutenant Governor Karyn Polito
- Secretary of Labor and Workforce Development, Rosalin Acosta
- Department of Labor Standards Director, Michael Flanagan
- Department of Labor Standards General Counsel, Rontear Farmer

From OSHA:

- U.S. Department of Labor Secretary, Martin Walsh
- U.S. Department of Labor Assistant Secretary for Occupational Safety and Health, Douglas Parker
- OSHA Directorate of Cooperative and State Programs Director, Douglas Kalinowski
- OSHA Region 1 Regional Administrator, Galen Blanton
- OSHA Region 1 Assistant Regional Administrator Cooperative and State Programs, Maryann Medeiros
- OSHA Region 1 State Plan Monitor, Joan Grouke

From OSHSPA:

- Occupational Safety and Health State Plan Association Chair, Chuck Stribling

## MISSION

The Michigan Occupational Safety and Health Administration (MIOSHA) strives to work collaboratively with employers and employees to better prevent workplace injuries, illnesses and fatalities. All agency activities focus on meeting the MIOSHA mission to help protect the safety and health of Michigan workers.

## INSPECTIONS

MIOSHA conducted 3,630 safety and health inspections in FY22. MIOSHA responded to 98% of workplace fatalities within one day.

## OUTREACH

MIOSHA conducted 2,157 consultations, 818 training sessions, 584 hazard surveys, 224 safety and health evaluations and trained more than 3,794 participants.

## SIGNATURE PROJECTS

### Heat-related Illness

MIOSHA initiated a State Emphasis Plan (SEP) which adopts the OSHA National Emphasis Program for Outdoors and Indoor Heat-Related Hazards. The SEP began July 5, 2022, and MIOSHA met the goal of conducting seven inspections in Construction Safety Health Division and 17 inspections for General Industry Safety and Health Division.





## **Workzone Safety**

During the 2022 Independence Day holiday weekend, the Michigan Department of Transportation (MDOT) and MIOSHA collaborated to bring the National Work Zone Memorial to Michigan to honor workers who have lost their lives on roadways and remind everyone about the importance of work zone safety. The National Work Zone Memorial was on display at the heavily visited Clare Welcome Center through July 5. MIOSHA Consultation Education and Training Division staff made themselves available to visitors during the event to answer questions and provide information on work zone safety and other MIOSHA services.

## **MIOSHA Take A Stand Day**

During the week of August 8, MIOSHA compliance and consultation staff performed visits at Michigan worksites as part of its annual Take a Stand Day. This initiative is an opportunity for employers to proactively identify and address workplace hazards, improve their safety and health programs and stand up for worker safety and health.

The agency scheduled 101 visits that focused on fall incidents and addressed other specific hazards/areas as requested by the employer. During this period, no citations or penalties were issued to participating workplaces, however participants were obligated to correct all serious violations.

## **Michigan Workplace Improvement to Safety and Health (MIWISH) Grants**

MIOSHA offered small employers the opportunity to apply for a MIWISH matching grant of up to \$5,000 to make improvements in their workplace safety and health. The grants are offered to employers with less than 250 employees to purchase safety and health related equipment and equipment-related training.

In FY22, MIOSHA awarded 59 MIWISH grants totaling over \$232,000. Employers over matched these funds making a total investment of approximately \$980,000 toward improving their employees' health and safety.

## SIGNIFICANT CASE

### Underwater Diving Fatality

MIOSHA's General Industry Safety and Health Division conducted an investigation into the July 7, 2021, drowning death of a 49-year-old scuba diver at the Calkins Bridge Dam in Allegan County, Michigan. On the day of the incident, a team of five engineers were tasked with performing the underwater structural inspection of the downstream side of the hydroelectric dam. During the dam inspection, contact was lost with the victim, who was swept downstream in the turbulent waters. His body was recovered several hours later 150-200 yards from the dam.

#### *Summary of Violations – Total Proposed Penalties – \$119,000*

The MIOSHA investigation resulted in the issuance of citations for nine violations of Part 504, Diving Operations. One violation is classified as willful-serious due to the employer's knowledge of site conditions and ongoing disregard for MIOSHA regulations. MIOSHA's investigation revealed that the employer's dive team had a history of SCUBA diving without line tending or continuous visual contact with the divers, which are safety protocols required by Part 504. On previous occasions, employees had been swept downstream by water currents, and the employer had no specific policies in place to prevent or respond to such incidents. The other eight violations of Part 504 were classified as high-gravity serious.



*The powerhouse section of the Calkins Bridge Dam showing the intensity of the spillway flow and choppy, murky, and turbulent current awaiting the divers on July 7, 2021.*

## ALLIANCES

Active MIOSHA alliances performed the following activities in 2022:

- Associated Builders and Contractors in Michigan (ABC) – Began holding scheduled ‘office hours’ at the Midland ABC branch to have set times to be available for ABC members to answer health and safety related questions. Created sample content for a Top 25 violations article with narrative that explains hazards and compliance tips for the Alliance partner to review. Consultation Education and Training (CET) consultants held an introduction to MIOSHA and hazard recognition training for high school trades students with the ABC affiliate, Greater Michigan Academy.
- Associated General Contractors of Michigan (AGC) – MIOSHA and the ABC of Michigan renewed their long-standing alliance in May. CET consultants conducted 23 on-site safety consultation visits at jobsites, impacting the health and safety of approximately 400 workers.
- American Society of Safety Professionals (ASSP) (Greater Detroit, Mid-Michigan, and West Michigan) – ASSP has been instrumental in facilitating Coffee with MIOSHA events across the state and increasing awareness of MIOSHA and the CET division’s free consultation and hazard survey services.
- Construction Association of Michigan (CAM) – CAM and MIOSHA participated in two MIOSHA workshops. CAM hosted three MIOSHA training Institute (MTI) seminars and held its annual CET Construction Consultants Summit to foster education, training and continuous improvement in service to the construction industry.
- Great Lakes Safety Training Center (GLSTC) – GLSTC facilitated training seminars on the following topics: asbestos and lead awareness, adult first aid/CPR, aerial lifts and Fall Protection. GLSTC also facilitated Coffee with MIOSHA events across the state and increased awareness of MIOSHA’s free consultation and hazard survey services.
- Macomb Community College (MCC) – MCC continued to partner with MIOSHA to facilitate the MTI certificate program, issuing Level 1 and Level 2 – General Industry and Construction Safety and Health certificates, Occupational Health Certificates and Management Track certificates. During FY22, 142 seminar trainings were held, including Part 1, Part 2 and When MIOSHA Enforcement Visits, resulting in 130 individuals being trained.
- Oakland University (OU) – OU representatives and MIOSHA staff worked together to develop a video to promote the MTI-OU Bachelor of Science in Environmental Health and Safety degree program. The MTI-OU video has since been incorporated into the MTI Welcome PowerPoint that is shared at the beginning of every MTI course and in MIOSHA update presentations.





*MIOSHA Director, Bart Pickelman (right) during a MIOSHA Alliance renewal ceremony on June 21, 2022.*

## **New Agreements**

- Mechanical Contractors Association of Detroit (MCA Detroit) – In early September 2022, MIOSHA and MCA Detroit formed a new alliance to help more workers in the mechanical construction and service industry to foster safer, more healthy workplaces. The formal alliance agreement will help raise awareness of MIOSHA’s protection initiatives for mechanical service practices, while strengthening education, outreach and training to protect more plumbers, pipefitters and HVAC service technicians.
- Michigan Industrial Ventilation Conference (MIVC) – In February 2022, MIOSHA formed this alliance to expand critical education and outreach to reduce and prevent exposure to airborne contaminants in the workplace.

## **OUTREACH**

### **Coffee with MIOSHA**

MIOSHA scheduled seven “Coffee with MIOSHA” events that brought businesses and employees together for a cup of coffee to meet MIOSHA staff and learn about training opportunities and other agency resources. Over 300 participants attended in the events held across the state.

- Michigan Safety Conference – December 15, 2021
- Upper Peninsula Safety Council – January 25, 2022
- Lawrence Technological University – February 8, 2022
- Alpena Community College – March 8, 2022
- American Society of Safety Professionals (ASSP) – Greater Detroit Chapter – May 11, 2022
- American Society of Safety Professionals (ASSP) – Greater Detroit Chapter, West Michigan Chapter and Mid-Michigan Chapter – August 23, 2022

## Stop Falls. Save Lives. Campaign

As part of the **National Safety Stand-Down to Prevent Falls in Construction** during May 2–6, 2022, MIOSHA joined employers and employees at worksites across the state as they voluntarily stopped work on construction projects to focus their safety efforts on fall hazards and how to prevent fatal falls and injuries. In total, MIOSHA participated in 10 safety stand-down events to engage in dialogue with companies and more than 1,000 workers about the importance of fall hazards, such as holes or skylights; training on proper set-up and safe use of equipment; protective methods, including guardrail systems and fall protection harnesses; and company safety policies and goals.



*MIOSHA visited over 10 Michigan construction job sites during one week in May 2022 as part of the National Safety Stand-Down to Prevent Falls in Construction.*

## SIGNATURE PROJECTS

### MNOSHA Adapts, Responds as COVID-19 Pandemic Response Winds Down

During the COVID-19 pandemic, Minnesota OSHA (MNOSHA) continued to respond effectively to the needs of Minnesota stakeholders and the Minnesota Department of Labor and Industry. With the U.S. Centers for Disease Control and Prevention dropping quarantine and distancing recommendations, MNOSHA is now switching gears as the COVID-19 response winds down.

During the COVID-19 pandemic, MNOSHA had a significant increase in email and phone inquiries, which required MNOSHA to dedicate additional staff members to provide timely responses. From March 1, 2020, to April 29, 2022, MNOSHA received more than 30,000 email and phone inquiries, which included 3,000 non-formal and 598 (192 COVID-19) formal complaints.

During the pandemic response, MNOSHA:

- Conducted 2,623 inspections (251 related to COVID-19) and issued 3,756 citations (189 citations issued on inspections with a COVID-19 component, of those, 58 were general duty citations);
- Fielded more than 800 intakes by its Discrimination team, resulting in more than 180 cases being pursued, with at least 126 cases having a COVID-19 component; and
- Received numerous data practice requests, resulting in more than 2,100 files being requested.

## HIRING AND TRAINING

The COVID-19 pandemic created new and unique challenges, not only for investigators and hygienists, but the entire division. In addition, the division experienced the loss of multiple long-time investigators and hygienists to retirement, in-house promotions and transfers to other agencies.

MNOSHA is committed to maintaining a strong, well-trained workforce. Hiring and training new safety investigators and industrial hygienists has increased during the past two years.



## **MNOSHA continues to focus on securing knowledgeable and well-trained staff members to ensure all employees in Minnesota have a safe and healthy place to work.**

New investigators come with a wide variety of safety and health backgrounds and experiences. After being hired, investigators are sent through MNOSHA's extensive training curriculum, with classroom instruction, federal and state standards review and investigative observation and participation. In addition, newly hired employees attend a variety of in-depth courses through the federal OSHA Training Institute (OTI). As new investigators progress, they are partnered with seasoned, knowledgeable staff members and mentored throughout a months-long training period, being followed closely by trainers and supervisors. Investigators also attend continuing education courses throughout their career with MNOSHA.

During FFY22, MNOSHA focused on increasing its field staff, hiring 11 new staff members. MNOSHA had one additional temporary position within the discrimination team for two years and the team's investigative staff has now increased from three to five investigators to handle the increase of cases received during the pandemic. MNOSHA also filled a supervisor position to oversee the industrial hygienist staff members and now has all the industrial hygienists on one team.

MNOSHA Compliance has had employees who have retired or who have taken positions within MNOSHA Workplace Safety Consultation, including two supervisors, three safety staff members and one analyst.

MNOSHA continues to invest in the training of its field staff. To streamline hiring, training and mentoring, at the end of FFY22, MNOSHA:

- Returned to having all new investigative staff members report to the training director.
- Maintained continual postings to attract potential new hires.
- Is hiring consistently without delays.

Taking these steps allowed MNOSHA to make job offers quickly, avoiding potential hires from possibly taking other positions before receiving a MNOSHA job offer. Additionally, MNOSHA's training team hires the new investigative staff members and helps ensure field mentoring is done by knowledgeable MNOSHA staff members who have been trained to follow established policies and procedures to identify hazards and document reports that establish violations.

The training director continued to use OTI for investigative staff members, which began in-person training at the end of FFY22. During this time, MNOSHA was able to get on-site, state-specific training for its investigators and was able to get staff members enrolled in courses for FFY23. MNOSHA was able to send 46 staff members to 13 different OTI classes both in person and virtually. MNOSHA continues to have best-in-class training in the classroom and in field.

## **SAFETY GRANTS**

The Minnesota Department of Labor and Industry's MNOSHA Workplace Safety Consultation (WSC) administers the state's Safety Grant Program, which provides reimbursement funding grants of up to \$10,000 to employers incorporating hazard controls designed to reduce workplace injuries and illnesses while enhancing workplace safety and health. This entirely state-funded grant program operates on Minnesota's FY (July through June) and is broken into six, two-month cycles when MNOSHA WSC fields and evaluates grant applications.

As part of the application process, grantees must provide detailed information about their project, including a hazard assessment identifying specific hazards to be addressed, as well as information about how employee safety and health will be impacted in the workplace when the project is complete. Grant applications are ranked and scored individually, with priority consideration being given to industries identified by MNOSHA with significant hazard exposures, including respirable silica protection in construction and manufacturing; cave-in protection associated with excavation and trenching; equipment with rollover protective structures in farming; hazards associated with grain-handling facilities; and fall prevention in residential construction and window washing.

In state FY22, MNOSHA WSC received 261 safety grant applications, totaling more than \$2 million in requested funds, and was able to award more than \$1.2 million in safety grants. The overall total project costs for all safety grant applications submitted exceeded \$6.2 million. Awarded

safety grant projects included: fall protection equipment; trench boxes; boom-supported aerial lifts; fixed industrial ladder cages; exhaust ventilation systems; ergonomic material-lifting equipment; personal protective equipment (including respiratory protection); patient-lifting equipment; and hazardous-atmosphere detection equipment.

When considering potential future impacts of the Safety Grant Program, MNOSHA WSC expects to continue endorsing impactful projects to bolster workplace safety and health for employees throughout Minnesota across a wide array of industries with both distinct and complex hazards.

## **EMPHASIS PROGRAMS**

In FFY22, MNOSHA Compliance conducted inspections under 17 local and national emphasis programs. 99% of the 834 programmed inspections MNOSHA Compliance conducted were in these emphasis programs.

MNOSHA developed a new emphasis program in FFY22 to help reduce fatalities, injuries and illnesses in agricultural operations. The agricultural North American Industry Classification System (NAICS) industries to be focused on were selected based on the highest incidence of indemnity claims in Minnesota – 112210 Hog and Pig Farming and 112120 Dairy Cattle and Milk Production. MNOSHA's goal for four inspections under this new emphasis was achieved, with a total of 10 inspections being conducted in the applicable NAICS industries.

Despite the challenges of the pandemic, MNOSHA Compliance conducted 13 programmed planned inspections in the meat processing and health care industries, and a total of 28 inspections, including unprogrammed activity, mainly due to COVID-19 concerns.

## **ENFORCEMENT**

### **General Automotive Repair #318172715**

An employee was changing a differential from a commercial truck by himself with the use of two jack stands and a wheeled, platform-type transmission jack. As the employee was lowering the differential down from the truck to place it on the jack stands, the equipment shifted and fell off the lift jack, crushing his hand between a jack stand and the falling differential. MNOSHA Compliance cited the employer three jack citations: use of a jack that was not rated sufficiently to sustain the load; portable jack was not blocked, cribbed or otherwise secured; and portable jacks were not inspected. MNOSHA Compliance issued three serious citations, with \$14,700 in penalties.

### **Unlaminated Plastics Profile Shape Manufacturing #318166220**

An employee was injured when she loaded a roll of plastic into an unguarded extruding machine and her arm was pulled into the roller of the moving sheet of plastic, breaking her forearm. MNOSHA Compliance cited the employer for inadequate guarding of the extruding machine and the Minnesota Rule that requires the machine to have controls that allow the operator to cut the power to the extruding machine, without leaving the point of operation that the operator is positioned at. MNOSHA Compliance issued two Repeat citations with \$56,000 in penalties.

### **Water and Sewer Line and Related Structures Construction #318177920**

An employer was installing a new sanitary line and connecting it to a previously installed line; an inspection was conducted under the National Emphasis on Trenching and Excavation.



MNOSHA Compliance cited the employer for not providing an adequate protective system and having a spoil pile and equipment within two feet of the edge of the excavation. MNOSHA Compliance issued one repeat citation and one serious citation, with \$12,000 in penalties.

### **Framing Contractors #318176484**

An employee died while setting trusses when he fell from an elevated platform lifted by a Sky Track 8042 rough-terrain forklift. MNOSHA Compliance cited the employer for: the Minnesota general duty statute for inadequate work platform; Minnesota Statute for having no A Workplace Accident and Injury Reduction (AWAIR) program, no powered industrial truck training and not conducting fall protection training; and the Minnesota Rule for not using fall protection while in an elevated work platform supported by a rough-terrain forklift. MNOSHA Compliance issued five serious citations, with \$51,925 in penalties.

### **COVID-19 Work Continues**

- MNOSHA issued four citations at a resort in northern Minnesota, which included cabins, a bar and a restaurant, from a September 2020 inspection. The citations were for:
  - o Failing to take COVID-19-related precautions, under Minnesota's general duty clause.
  - o Failing to establish AWAIR program, as required by Minnesota law.
  - o Failing to develop a hazard communication program, as required by 29 C.F.R. 1910.1200(e)(1).
  - o Failing to train on hazard communication, as required by 29 C.F.R. 1910.1200(h)(1).

The matter was resolved in July 2022, with the bar and restaurant installing new ductwork, a new furnace and a new make-up air system.

- MNOSHA issued several citations for a meatpacking company within the state that has numerous facilities, including:
  - o Four citations for violation of Minnesota's general duty clause for permitting employees to work within six feet of each other, in four different areas of the worksite, thereby potentially exposing employees to COVID-19.

- o Four citations under Minnesota's general duty clause for failing to ensure employees were not working within six feet of each other, in four different areas of the workplace, thereby potentially exposing employees to COVID-19, and one serious citation for failing to implement a respiratory protection program, under 29 C.F.R. 1910.134(a)(2).
- o One citation under Minnesota's general duty clause for failing to ensure adequate precautions were taken in a loading dock area and production areas to prevent the risk of COVID-19 transmission to employees.

- o One citation under Minnesota's general duty clause for failing to ensure employees were not working within six feet of each other in the first-line area with adequate precautions, thereby increasing the risk of transmission of COVID-19.

MNOSHA reached settlement agreements in each of the four cases above. The result was a global settlement agreement, incorporating all four cases, and resulting in one citation for failing to implement a respiratory protection program, with a penalty of \$45,000. The employer also agreed to enhanced abatement measures, requiring the employer to develop and implement an infectious disease preparedness plan.



## OUTREACH

### Presentations

In FFY22, MNOSHA Compliance conducted 55 presentations to 3,618 participants. Some of the outreach presentations continued to deal with COVID-19; a lot of the discussion was about preparedness plans and continuing to protect workers from COVID-19. MNOSHA continues to strive to improve communication with immigrant and “hard-to-reach” employers and employees. MNOSHA employs investigators who are fluent in English, Somali and Spanish. 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 five construction seminars in FFY22, reaching 231 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. These seminars were mostly done virtually. Topics included: lockout/tagout; contractors’ role and responsibilities; the “new” ANSI standard for mobile elevated work platforms; the ABCs of fall protection; mental health safety; and new hires and what to do with them.

### 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 the winter months, COVID-19 updates and information, health for young workers and other information.

## PARTNERSHIPS

### Minnesota STAR (MNSTAR) Program

FFY22 ended with 33 active full MNSTAR Program worksites; one is a construction participant, and the remainder are general-industry participants. Eight companies successfully achieved full recertification as MNSTAR Program worksites. One site withdrew from the MNSTAR Program.

General-industry participants in the MNSTAR Program have a three-year (2019 through 2021) average rate that is 63% below the current U.S. Bureau of Labor Statistics rate for total recordable cases and 69% below the current rate for “days away restricted transfer.” The MNSTAR Program construction participant, which is a resident contractor at a MNSTAR Program participant’s site, is 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.”





## Partnerships with Construction Contractors

MNOSHA Compliance's construction safety and health partnerships with the Minnesota Chapter of Associated Builders and Contractors (MN ABC) and with Associated General Contractors (AGC) of Minnesota are designed to help reduce the number of injuries, illnesses and fatalities at participating construction-industry employers.

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 FFY22, MNOSHA partnered with 47 AGC and 26 MN ABC contractors at 22 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.

## MISSION

Nevada Occupational Safety and Health Administration (Nevada OSHA) continues its mission to promote the health and safety of Nevada employees and the general public by providing workplace safety consultation and training, conducting inspections of businesses to ensure proper procedures relating to health and safety are being followed, and for confirming that injured employees are properly cared for following an accident on the job. Nevada OSHA has been keeping employees safe since the initial approval on January 4, 1974.

## SIGNATURE PROJECTS

### **Nevada OSHA Adopts Expedited Informal Settlement Agreement – Policy Number: 2021-04**



Nevada OSHA implemented the federal program of offering Expedited Informal Settlement Agreements (EISA) to employers that meet specific criteria. Settling citations early in the process reduces time spent conducting informal conferences and achieves earlier final order dates on citations, which ultimately expedites abatement dates of hazards in the workplace.

EISA is a cooperative effort with businesses in Nevada that simply want a monetary penalty reduction and agree that abatement best serves their employees.

### **Nevada OSHA Card Requirements – Policy Number: 2022-03**

Nevada OSHA requires 10-hour and 30-hour OSHA cards for the following industries: Cannabis Industry, Construction Industry, Entertainment Industry and Convention Services Industry.

### **ANSI Z358.1 Adoption – LCB File No. R069-20**

March 30, 2022, Nevada OSHA adopted the American National Standard for Emergency Eyewash and Shower Equipment, ANSI Z358.1, 2014 edition.



## Workplace Violence in Medical Facilities – R044-20

The State of Nevada LCB File Number R044-20, approved December 22, 2021, created requirements of medical facilities to establish time periods in which a medical facility is required to report certain incidents of workplace violence to the Division of Industrial Relations. This establishes requirements for procedures in a medical facility's plan for the prevention of, and response to, workplace violence, requirements for certain measures to prevent or mitigate risks of workplace violence, and establishes requirements for a medical facility to maintain, record and review a log of certain information relating to incidents of workplace violence.

### Severe Violator Enforcement Program

Nevada OSHA Adopted the 2022 revisions of the Severe Violator Enforcement Program.

### SPECIAL EMPHASIS PROGRAMS

Nevada OSHA released a new OSHA Programmed Inspection Plan (OPIP). This plan addresses the industries that had the highest DART rates, using local and national data, or industries that had high average citations per inspection. The industries placed in the targeting plan included:

- Food Manufacturing
- Wood Manufacturing
- Plastic and Rubber Products Manufacturing
- Nonmetallic Mineral Product Manufacturing
- Warehousing and Storage
- Nursing in Residential Care Facilities
- Hotels
- Casino-Hotels
- General Auto Repair
- Automotive Body, Paint, and Interior Repair and Maintenance
- Industrial Launderers and Linen Supply

## Training and Education

Even with the impact of COVID-19 during FY22, Nevada's Safety Consultation and Training Section (SCATS) reached 3,549 students through various free safety and health training classes both online and in-person. The training section of SCATS had a major impact by empowering employers and employees to work towards a safer workplace. SCATS' website, at [4safenv.state.nv.us](https://4safenv.state.nv.us), allowed employers and employees to access information on resources available, classes offered; it also provided the opportunity to sign up for SCATS' training 24 hours a day, seven days a week.

### Safety and Health Practitioner Certificate Program

The Safety and Health Practitioner Certificate Program was designed to elevate the standard of safety in Nevada by providing consistent, regulatory awareness training in occupational safety and health, providing a foundation in OSHA standards and the State of Nevada safety requirements.

The curriculum was developed for a broad range of occupational settings, including, but not limited to, manufacturing, construction, service industries and government agencies. The program also takes into account employers with limited resources, and employees with limited time frames.

After 17 years, this program continues to show its relevance by continuing to introduce novices to the world of safety and update those with some experience to the new or more advanced areas that are constantly emerging.

### SCATS Distance Learning Broadcast Studio

This project provided \$20,040 in American Rescue Plan funds to purchase a soundproof



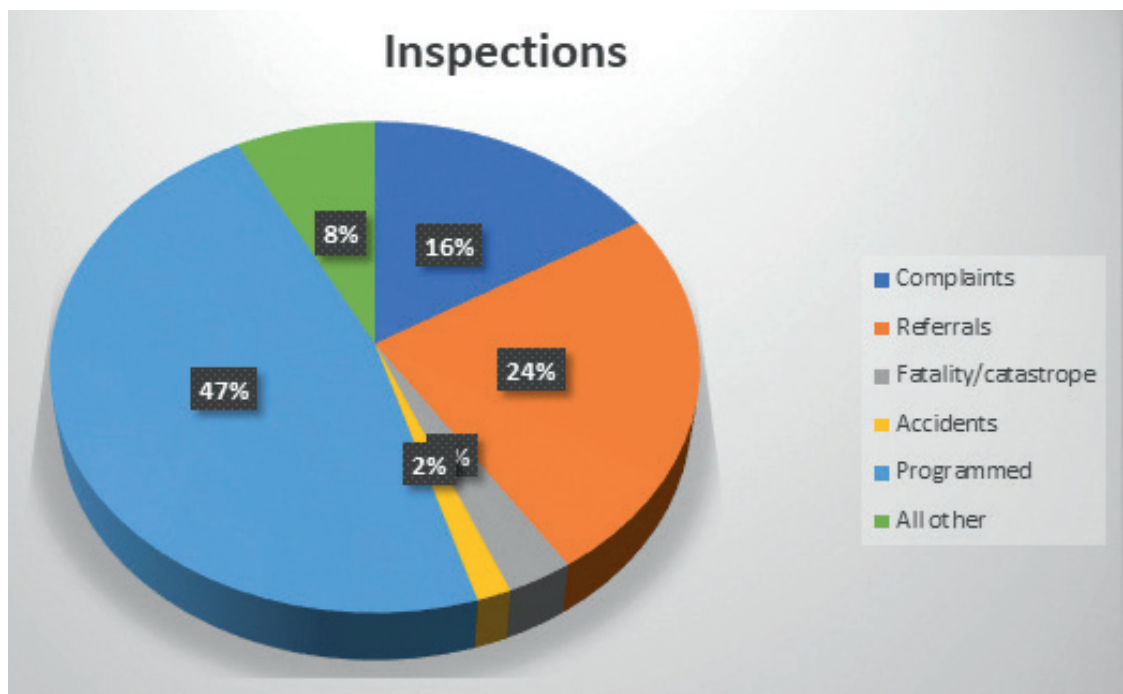
broadcast booth to allow for online training classes, in-person training classes, and possible hybrid classes as well.

A consultation success story for SCATS was posted on the OSHA website. Over 46 classes had been conducted with the new equipment, reaching over 864 participants at the time of publication. Read the full success story at [OSHA.gov/SuccessStories](https://www.osha-slc.gov/SuccessStories).

## ENFORCEMENT

### Top 10 Cited Standards

- 1910.212(a)(1) – Machine guarding
- 1910.303(b)(2) – Electrical listing and labeling
- 1910.1200(h)(1) – Hazard communication training
- Nevada Revised Statutes 618.383(1) – Establishment of a safety program
- Nevada Revised Statutes 618.376(1) – Rights and responsibilities
- 1910.157(c)(1) – Fire extinguishers
- Nevada Revised Statutes 618.987(1) – Construction OSHA-10 card
- 1910.134(e)(1) – Respirator medical evaluation
- 1910.1200(e)(1) – Written hazard communication program.
- Nevada Revised Statutes 618.375(1) – Workplace free of recognized hazards



## Violations

- Serious – 599
- Other-than-serious – 433
- Regulatory – 156
- Total violations issued – 1,188

## Noteworthy Inspections

- During a road project set to perform a seismic upgrade on a bridge, there was an incident where the bridge collapsed. The bridge was built in 1984 and constructed of tub grinders that measured 178 feet in length. Due to a low superstructure rating, the tub girders were to be removed and new steel plate girders to be installed. The demolition work was to include the removal of the top decking and a total of six tub girders.
- The demolition created concrete and steel rubble to accumulate inside the tub girders, which the employer was aware would have to be cleaned out before the crane pick. A mini excavator worked side-by-side with the excavator to clean out the rubble from the tub girders during the demolition. On the day of the incident, a mini excavator was hoisted into the tub girders and was utilized to clean out the rubble. The tub girders buckled and fell approximately 17 feet to the next level. The mini excavator slid and landed against the wall of the tub girders approximately 30 feet 1 inch from the southern end of the tub girders. The employee sustained contusions to their head, arm, hip, knee, and a right acromioclavicular (AC) joint separation as a result of this accident. This case is contested, and not final order.
- Four employees were working from elevated boom lifts to weld the footings of open web steel joists to angle bearing seats and install

horizontal bridging between pairs of joists. A crane landed open web steel joists that spanned 160 feet and 162 feet onto their designated bearing angles. 23 joists had been installed, and the 24th joist was being held in place by the crane. At approximately 4:50 PM a loud pop was heard, and a joist fell, causing a chain reaction and pulling 19 other joists down. The joists fell approximately between 34 feet to 39 feet to the next lower level. The platforms from the boom lifts were crushed when the joists fell on them and employees that were working from the platform were suspended in the air by their personal fall arrest equipment.

## Citations Issued in FFY22 with Noteworthy Penalties include:

- \$131,108.00 citation for a repeat serious citation due to storage issues. The employer stacked boxes as high as seven feet and several rows of boxes had either collapsed or were unstable. This was a third repeat citation.
- \$101,943 citation to a casino hotel for one repeat, 10 serious, and six other-than-serious violations. The employer did not ensure that employees were protected from recognized hazards that are likely to cause death or serious physical harm when using aerial lifts with damaged tires. Additionally, the employer failed to evaluate each powered industrial truck operator's performance every three years. There were also numerous citations for ladder issues, fall protection, electrical and other issues.
- \$71,100 to a company due to asbestos hazards. 10 serious violations were substantiated due to exposure to 3% Chrysotile asbestos.

- \$63,078 to a company when an employee activated an electrical pump on a parts washing machine which caused electrical sparks and a flash fire, causing severe burns to the employee's arms, head and face.

## ENFORCEMENT STAFF INTERNAL TRAINING

In FFY22, CSHOs received numerous trainings through OTI and other vendors. In addition to the OTI courses, staff had several hands on, technical courses. They include Permit-Required Confined Space, Scaffolding, Trenching/Excavating, and AHERA Contractor/Supervisor. These courses allowed staff to become familiar with not only that standard requirement, but also visually see the processes and hazards associated with these activities.

## WHISTLEBLOWER

Nevada OSHA's Whistleblower Investigation Program is parallel to section 11(c) of the OSH Act. In FY22, 86 cases were administratively closed, seven cases were withdrawn, 54 cases were opened, 31 cases were closed - 16 dismissed and eight settled. The total amount recouped was \$34,659.98.

## OUTREACH/ENFORCEMENT

Nevada OSHA enforcement placed an emphasis on community outreach. Enforcement representatives conducted training onsite at a union hall for focus four hazards as part of

their foreman training from the union. A virtual presentation was presented on penalty structure and appeals process to the American Society of Safety Professionals (ASSP).

A booth was run by enforcement staff at a Workers' Compensation education conference and Hispanic Heritage Celebration event. These events allowed staff to directly interact with the public and educate them on OSHA's jurisdiction and mission.

Several guidance letters were created and sent for public dissemination. A letter went out on Guidance for Nevada businesses related to the Heat Illness National Emphasis Program. Additionally, another letter was sent to address Wildfire Health Guidance for Nevada businesses. A webinar was hosted for Workplace Violence at Medical Facilities Regulations.

## Social Media

SCATS, through our Facebook and LinkedIn pages, helps to disseminate changes to state and federal regulations, current safety events, safety tips and educational opportunities through the SCATS training section. We help start conversations about making workplaces safer.

## 28 Safety Spotlights

Our Safety Spotlights help inform both employers and employees about safety issues, changes to OSHA regulations, changes to the Nevada



Revised Statutes (NRS), clarification letters from NV OSHA Enforcement and general safety communication.

### 237 Classes for 3,549 Students

Education is without a doubt the most powerful tool we have to keep people safe; that is why we started and ended this section with it.

## PARTNERSHIPS

### Recognition Programs

With over 70,000 employers in the State of Nevada and only 36 employers who attained SHARP status and nine VPP sites, these continued to be very elite programs. Employers in these programs continued to realize numerous benefits from participating in SHARP and VPP (i.e., reductions in worker compensation costs, reduced number of injury and illnesses, increased employee morale, better employee retention, and improved communication among workers and management).

The Safe Partner Award is designed to recognize employers that work closely with SCATS to increase both employer and employee knowledge of the value of safety in the workplace. During FY22, SCATS awarded three Safe Partner Awards to the following employers:

- Opportunity Village – March 2022 (*Opportunity Village offers a variety of programs and services which provide people with disabilities vocational training, employment, day habilitation and social recreation programs*)
- Nugget Casino Resort – May 2022
- Mesquite Dental – July 2022

### Acres Cultivation SHARP Success Story

Acres Cultivation, a subsidiary of Curaleaf Holdings, Inc., operates a cannabis cultivation site and processing laboratory in Amargosa Valley, Nevada. Acres is the first cannabis business in Nevada to earn recognition from the SCATS and achieved SHARP status in April 2022. Read more about it at [OSHA.gov/SuccessStories](https://www.osha.gov/SuccessStories).



*Presentation of  
SHARP Partner Award*



*Presentation of Safe  
Partner Award*

## EMPHASIS

NJ PEOSH has completed the fourth year of its Five-Year Strategic Plan (FFY19-23). High hazard public sector workplaces that have been identified as emphasis areas include State Support Activities for Transportation, Local Fire Protection, Public Works Departments, and Water and Sewage Treatment facilities. These workplaces received priority for both enforcement and outreach activities. In FY22 the following represents activities by both the PEOSH Enforcement and PEOSH Consultation and Training Programs:

### **State Support Activities for Transportation (NAICS 488)**

- 5 Enforcement Inspections with 12 Serious Violations
- 0 Initial Consultation Visits
- 0 Training and Assistance Consultation Visits

### **Local Fire Protection (NAICS 922160)**

- 57 Enforcement Inspections with 90 Serious Violations
- 33 Initial and Follow-Up Consultation Visits
- 1 Training and Assistance Consultation Visits

### **Public Works Departments (NAICS 561210)**

- 154 Enforcement Inspections with 535 Serious Violations
- 27 Initial and Follow-Up Consultation Visits
- 1 Training and Assistance Consultation Visits

### **Water and Sewage Treatment (NAICS 221310 and 221320, respectively)**

- 42 Enforcement Inspections with 169 Serious Violations
- 9 Initial Consultation Visit
- 0 Training and Assistance Consultation Visits

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 FY22, NJ PEOSH conducted 319 inspections; 175 were Safety inspections and 144 were Health inspections. As a result of these inspections, there were 872 total citations issued consisting of 555 serious violations and 317 other-than-serious violations.

In addition to enforcement inspections, the PEOSH Safety Enforcement Unit processed 11 discrimination complaints within its jurisdiction.

In conjunction with the NJ PEOSH Five-Year Strategic Plan, there were 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 Plan (NEP) for Nursing Homes 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 Officers included 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 Statutes Annotated (N.J.S.A.) 26:2H-5.17, New Jersey Violence Prevention in Healthcare Facilities Act, as a means of corrective action. This initiative has been implemented to address the characteristic violent acts committed against employees in healthcare-related facilities such as residential psychiatric, developmental and geriatric care facilities.

## **PEOSH OPERATIONAL STATUS/PLAN DURING COVID-19 RESTRICTIONS**

### **Alternative PEOSH Enforcement Procedures**

- As the COVID-19 state of emergency was ongoing at the start of FY22, PEOSH Enforcement continued using alternative inspection procedures to minimize COVID-19 exposure to both PEOSH Compliance personnel and the employer's workers while still maintaining enforcement activity in accordance with the PEOSH Five-Year Strategic Plan and State Plan Agreement with OSHA.
- At the beginning of CY22, the decline in the number of COVID-19 cases and easing of the associated restrictions allowed PEOSH Enforcement to fully return to on-site inspections by early spring.



## SIGNIFICANT CASE

Following two back-to-back lifeguard fatalities (August 19, 2021 and August 30, 2021), one involving a capsized Van Dyne surfboat and one involving a lifeguard who was struck by lightning, PEOSH Compliance Officers were deployed to the City of Cape May and the Township of Berkeley, respectively, to investigate the circumstances surrounding each fatality. After determining the hazards faced by beach workers, PEOSH initiated a local emphasis program (LEP) inspection project to share knowledge obtained during the investigations and awareness of these dangers in an effort to prevent future tragedies.

There are 44 municipalities along the New Jersey oceanfront coastline which extends for approximately 130 miles. The LEP was implemented during July and August of 2022 and increased awareness as part of the enforcement activity, with the goal of eliminating the potential for similar incidences in towns that provide lifeguard services, beach patrols and other beach-related work.

### Procedure

An inspection targeting system which included identification of municipalities at the beginning of the LEP was initiated by each Compliance Officer within their assigned counties. Partial inspections included an Opening Conference, Walkaround and Closing Conference with the focus on the following three areas:

- OSHA 300 Logs, Injury and illness Recordkeeping
- Surfboat Operations
- Thunderstorm/Lightning Awareness

### Results

PEOSH Compliance Officers conducted a total of 58 inspections of municipalities that provide lifeguards and beach patrols employing public employees in Monmouth, Ocean, Atlantic, and Cape May counties. Compliance officers identified violations relating to PPE hazard assessments, boating operator and safety certifications, lightning protection policies, and injury and illness record keeping.

Additionally, NJDOL PEOSH developed two Public Employer Safety Alerts related to the investigations which can be viewed at [nj.gov/labor](https://nj.gov/labor).



## OUTREACH

### Consultation and Training Services

NJ PEOSH provides consultation and training services for public employers throughout the State of New Jersey. In FY22, NJ PEOSH provided the following services:

- 122 initial safety consultation visits, 366 Serious Hazards identified
- 49 training and assistance consultation visits
- 42 follow-up consultation visits
- 15 compliance assistance activities
- 1,394 employees were trained

## SIGNATURE PROJECTS

### PEOSH Fire Service Update

New Jersey is unique in that about 89% 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. Often times, 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 New Jersey Administrative Code (N.J.A.C.) 12:100-10, Firefighter Standards, hazards specific to firefighting and the PEOSH On-Site Consultation and Training program. The approximately two-hour long class is held at fire academies throughout the state to reach all geographic regions of NJ. Daytime and evening sessions are held to accommodate both career and volunteer firefighters. This class is also offered in-person and 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.

PEOSH held three Fire Service Updates during FY22 with approximately 40 attendees per session. Reception to these presentations continues to be positive with fire service officials and members indicating that the information has been useful in assisting them in their fire departments’ operations and ensuring the health and safety of their members.







## 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 courses throughout the state in FFY22 which enables PEOSH to efficiently reach our target audience while minimizing the cost of compliance to school districts. A total of 118 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-hour Indoor Air Quality (IAQ) course. PEOSH taught seven IAQ courses reaching a total of 474 attendees. The main goal of the course is to assist school districts in understanding the NJ Indoor Air Quality Standard and provide guidance on implementation of a successful IAQ program.

The New Jersey Hazard Communication Standard requires that each employer train potentially exposed employees using Hazard Communication trainers who are “Technically Qualified” as defined in N.J.A.C. 12:100-7. In addition, all Hazard Communication trainers need training on the new GHS classification, SDSs and labels as well as Hazardous Substance Fact Sheets (HSFS). The new course focuses strictly on the health and safety topics: chemical health hazards (recognition, evaluation and control), hazard information (SDS, HSFS, labels and GHS classifications), the requirements of both the Hazard Communication and NJ Right to Know standards. NJDOH PEOSH Program staff taught one course with a total of 12 attendees in the state in FFY22.

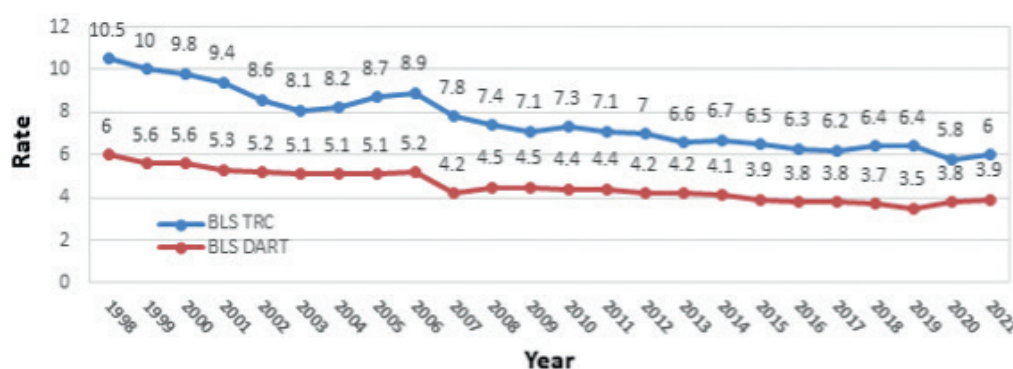
## OVERVIEW

The Public Employee Safety and Health (PESH) program is responsible for the protection of approximately 1.4 million public employees within the State of New York. PESH staff perform inspections and consultations and participate in various strategic plan committees.

These committees continue to partner with public employers in specific high-hazard industries to help reduce occupational injuries and illnesses. Currently, PESH has three strategic plan committees with a cross section of safety and health professionals from across the state. The three strategic plan committees are (1) Police Protection (NAICS 922120) (2) Fire Service (NAICS 922160) and (3) Healthcare (NAICS 623110 – Nursing Care Facilities and 622110 – Hospitals).

Through the combined efforts of our staff, PESH has contributed to the reduction of workplace injuries and illness to public employees. Based on data provided by the NYS Department of Labor Office of Research and Statistics to the US Bureau of Labor Statistics (BLS), the Total Recordable Injury and Illness Incident Rate (TRC) for CY21 for state and local government employment was 6.0 per 100 full-time equivalent workers, representing a 3.4% increase from CY20, which was 5.8. Likewise, the DART rate for CY21 was 3.9, a 2.6% increase from CY20, which was 3.8. Both the TRC and the DART Rates have experienced an overall downward trend of declining rates since the inception of the Strategic Plans in 1998, when the TRC and DART were 10.5 and 6.0 respectively. Overall, the TRC Rate has decreased 42.9% and the DART Rate has decreased 35% over this period.

### NYS – STATE AND LOCAL GOVERNMENTS



TRC – Total Recordable Case (Injury and Illness) Rate  
DART – Days Away, Restricted or Job Transfer Rate

\*Based on BLS data

While overall progress has trended in the right direction, the PESH program continued to face significant challenges in FFY22, which was reflected in shorter term metrics. COVID-19 related impacts on the PESH program during FFY22 were greatest at the start of the year when the Healthcare ETS was adopted and the Omicron variant was circulating, and greatly lessened toward the end of the year. Though staffing levels increased, and performance has measurably improved, program gains have not been as significant as anticipated. Additionally, promotion of experienced internal staff has been offset by external losses of similarly qualified staff. The loss of experience and institutional knowledge is exacerbated by the demands and time required to select and train replacement staff. Nonetheless, there are a number of positive factors indicating that our program is trending back toward more normal and stable pre-pandemic conditions. As presented by the following highlights, PESH experienced some rewarding progress in addressing novel hazards, reinforcing the importance of program implementation to control known hazards, and interesting developments in our strategic plan focus areas. We hope sharing these notable cases will benefit our fellow member plans.

## ENFORCEMENT

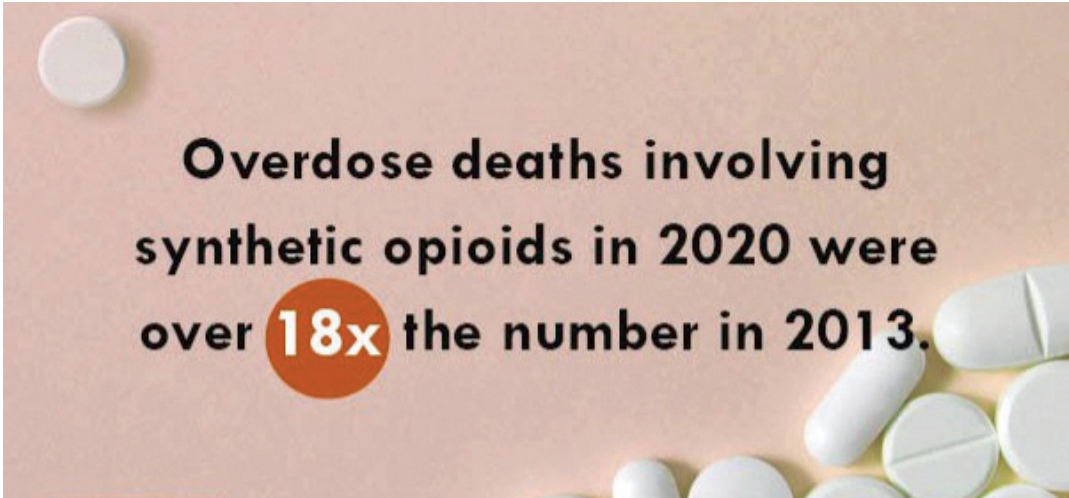
### UPDATE: Exposure to Illicit Drugs at Correctional Facilities

This is a follow-up report on inspections at two correctional facilities in response to complaints about employee exposure to fentanyl and other illicit drugs. Investigation determined that

employees (Office Assistants, OSI, Correction Officers, Sergeants, Lieutenants, Registered Nurses) are exposed to illicit drugs, including fentanyl, through various job duties including frisking incarcerated individuals, searching incarcerated individual's areas, contraband drug testing, inspecting mail and packages and providing first aid. The magnitude of the illicit drug problem in the United States has significantly affected correctional facilities. Increased illicit drug entry into facilities has been occurring in recent years, with serious risk to exposed employees. Fentanyl is up to 50 to 100 times more potent than other opioids and can act quickly to depress central nervous system and respiratory function, potentially causing unconsciousness and death from even minute quantities.

The NIOSH Fentanyl: Emergency Responders at Risk Guidance recommendations, available at [cdc.gov/niosh](https://www.cdc.gov/niosh), were found to be applicable for illicit drugs which have already entered the facility and to which employees could be exposed during response activities (searches, evidence collection and provision of Emergency Medical Services) where engineering controls are generally not feasible. The guidance was used to assess appropriate PPE for the minimal and moderate exposure levels associated with tasks. Nitrile gloves with minimum 5-mil thickness are recommended for all of the evaluated tasks, and an N, P or R100 Filtering Facepiece Respirator (FFR) is the minimum recommended level of protection for the moderate risk tasks assessed. Moderate exposure level is defined as "response to a situation where small amounts of illicit drugs in powder or liquid are visible."





**Overdose deaths involving  
synthetic opioids in 2020 were  
over 18x the number in 2013.**

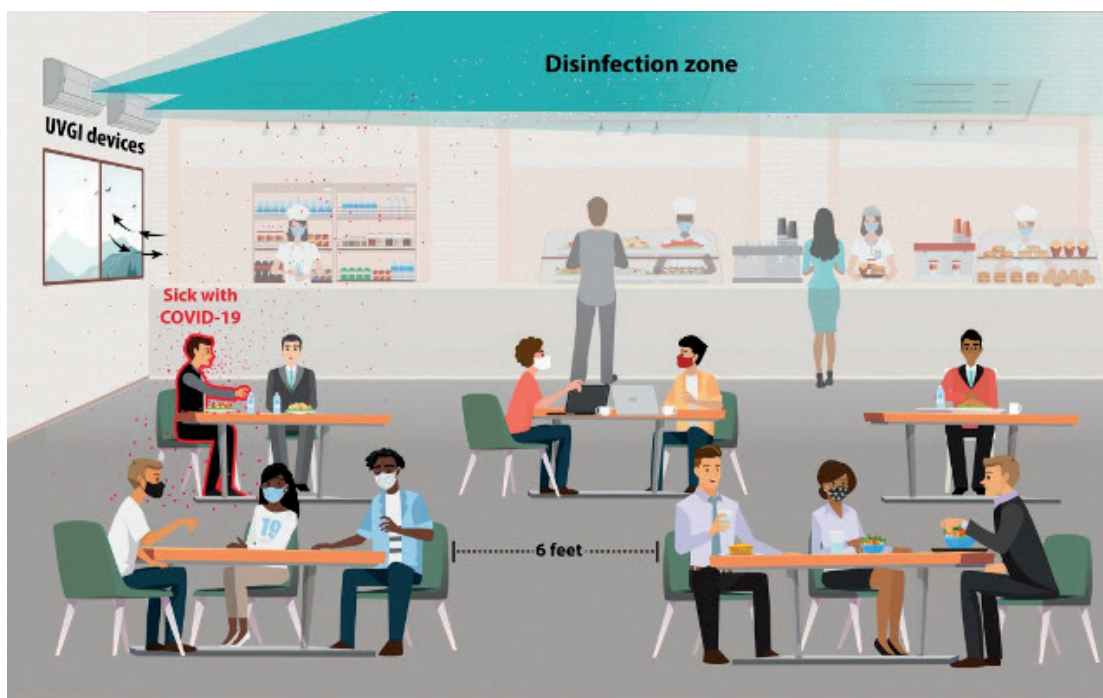
In addition to serious violations for observed PPE, respiratory protection, sanitation, and hazard communication deficiencies, a General Duty clause violation was proposed during FFY22. Focusing on the hierarchy of controls, feasible abatement focuses on hazard elimination then engineering controls at the points and means by which contraband enters the facility. Effective means of preventing the entry of illicit drugs will protect employees screening incoming mail and packages, as well as those exposed elsewhere in the facility by reducing the entry of illicit drugs into and throughout the facility. Reasonable and adequate methods to abate this hazard include, but are not limited to:

- According to the NIEHS (National Institute of Environmental Health Sciences) an effective Exposure Control Program includes management commitment and worker involvement; hazard assessment; hazard control; environmental, administrative, personal protective equipment and respirators; decontamination; reporting and recordkeeping; training; post-exposure procedures (naloxone, etc.); plan updates; and evaluation. An effective program requires a systematic approach where a combination of engineering controls and administrative controls along with training are used.
- For mail processing, various approaches could be used including, but not limited to: inspecting and opening mail inside a portable ventilated enclosure with High Efficiency Particulate Air (HEPA) filtration, instrument systems allowing for the real time detection of illicit drugs at screening points, and digitization and electronic transmittal of mail. For package processing, various approaches could be used including, but not limited to a program that allows only the purchase and shipment of approved items through authorized secure vendors. Other correctional facilities in the United States have utilized various combinations of the above-described engineering and work practice controls to help eliminate and control the hazard.

## Blinded by the Light – Improper Installation of Upper Room UVGI Fixtures

An inspection was conducted at a large university in response to a complaint alleging that employees were suffering severe eye pain, burning, itching and dryness after being exposed to UV-C radiation while teaching in an academic hall.

In an effort to supplement COVID-19 mitigations, and based on previous health care setting experience, the employer decided to use upper room ultraviolet germicidal irradiance (UVGI) to help reduce the airborne concentration of infectious viral particles in various classrooms and meeting rooms. The employer purchased the fixtures which were installed by an in-house electrician. Upper room UVGI fixtures have special non-reflective coated baffles that, when installed correctly, produce and direct UV-C energy to disinfect the air in the top zone of the room as it slowly circulates through the space. UV-C energy has shorter wavelengths than the more penetrating UV-A and UV-B rays.



The instructions from the manufacturer required the fixtures to be installed at a certain orientation with warning labels facing downward, at a minimum distance above the floor, and at a slight upward angle. During the inspection, it was observed that some of the fixtures were installed upside down and were well below the minimum required

height which resulted in the UV light focus to be directly aimed at the room occupants. The installation instructions also specified that warning labels must be placed at the entry of the rooms or areas where fixtures are located, but none were displayed.

During the Omicron variant surge period of late 2021 and early 2022, some employees in the areas where the fixtures had been installed reported experiencing various symptoms including severe burns on the forehead and between the eyes, itchy eyes, burning sensation, pain, swelling, blurring vision and the inability to open their eyes, and had sought medical attention. At least one employee received a diagnosis from an ophthalmologist of ultra-violet keratitis and epithelial breakdown in the eyes.

Once the college was made aware of the complaints, all fixtures were turned off and eventually removed around the campus. Serious violations were issued for not using signs to warn against potential hazards, and not installing equipment in accordance with listing or labeling.

## CONSULTATION

### **Worker Protection Construction Training Material Development and Delivery**

The New York State Department of Labor (NYSDOL) Bureau of Public Work requested PESH consultation services to develop and implement a training program to provide their staff with an advanced construction site training program. Staff had received an initial awareness course, but as new employees were being hired and with construction activities on the rise after the pandemic, additional safety training was needed.

Another significant aspect was that most of the existing field staff had prior experience in the construction industry, while many of the new hires had very little or none. The Bureau of Public Work requested more advanced training on the following topics: excavation, ladder safety, personal protective equipment, and scaffolding. Employees were also trained on situational awareness. After assessing needs, the consultant worked with an in-house Training Specialist to develop high quality training material. This training was presented during two online sessions in 2022 and will be provided to staff as needed in the future.

### **NYS Department of Agriculture and Markets Plant Industry – Assessment of ladders for use in orchards sampling for European Cherry Fruit Fly**

The New York State Department of Agriculture and Markets (NYS AGM) partnered with PESH to conduct an assessment of ladders for use in orchards. This was the first season that NYS AGM was required to use ladders to pick cherries, sampling for the European cherry fruit fly in quarantine areas (totaling 1,289 acres).

NYS AGM employees purchased three ladders and had them onsite for the PESH visit. The ladders were a Werner eight-foot step ladder, a Werner six-foot step ladder, and a Stokes six-foot orchard ladder. The ladders needed to be tall enough to pick a representative sample of cherries as required by the USDA, but small enough to be able to transport inside their state issued vehicles and for employees to carry and erect. Based on these criteria, a six-foot ladder would be adequate. There are no overhead electric lines in the orchards, so conductivity was not a concern. Both six-foot ladders were similar in load capacity and safety rating.



When comparing the styles, the Stokes orchard ladder is a tripod style ladder, and the Werner ladder is a step ladder. One concern with ladder usage in orchards is the potential for soft ground due to rain. The inspectors will be picking cherries in all weather conditions, including rain. The climbing side of the orchard ladder is similar to the climbing side of a step ladder. The support side consists of a tripod pole. The tripod pole is adjustable toward and away from the climbing side. This allows the ladder to be used on uneven surfaces. The step ladder is not adjustable. The front and rear side rails must be fully extended with the spreader locked into place. NYS AGM employees had four precut one-foot squares of 3/4" plywood that inspectors could put under the feet of the ladder if there is soft ground. According to the manufacturer this ladder is not designed to be used with anything underneath the feet. After the assessment was completed, it was concluded that a six-foot orchard ladder would be the best option.

### Process Safety Management of Change

A large municipal Waste Water Treatment Plant (WWTP) in Western New York requested a partial scope consultation visit due to issues that were occurring since recent renovations were made to their chlorine system. The request was addressed by PESH's Process Safety Management Team that is comprised of several individuals with safety and health backgrounds as well as specialized training. The plant utilizes gaseous chlorine to inactivate potentially infectious organisms in the municipality's wastewater. Gaseous chlorine in the quantity that is housed at the facility is covered by 29 CFR 1910.119 – Process Safety Management (PSM) of Highly Hazardous Chemicals. The employer stated that the chlorine system issues



*The inside of a large municipal waste water treatment plant with potentially dangerous issues within its chlorine system*

included malfunctioning of recently installed regulators, a change in ventilation controls that limited fan operation time, as well as employee safety concerns regarding the relocation of chlorine gas vent lines next to the entrance door where standby staff would be stationed. All of these conditions created potential exposures to chlorine gas that did not exist before the plant "improvements" were made. The PSM standard paragraph (I) states the employer shall establish and implement procedures to manage any change that affects a covered process. The procedures shall assure that the following considerations are addressed prior to any change (other than "replacements in kind" i.e. replacement part meets original design specifications exactly):

- The technical basis for the proposed change,
- Impact of change on safety and health,
- Modifications to operating procedures,
- Necessary time period for the change and,
- Authorization requirements for the proposed change

Our team concluded that the main reason for the system performance deviations was a lack of

compliance with paragraph (l) – Management of Change. Changes beyond “replacements in kind” were found to have occurred. During the course of the visit, the employer realized a gain in PSM knowledge, achieved resolution of the identified system functional problems, as well as a renewed appreciation of the contractor vetting process.

## **SPECIAL EMPHASIS**

### **OSHA COVID-19 ETS for Healthcare**

On October 21, 2021, the OSHA COVID-19 Emergency Temporary Standard for Healthcare settings was adopted for the 90-day period permitted, expiring on January 18, 2022.

### **American Rescue Plan (ARP) Funding**

During this FY, ARP funds were used to fill vacant items as appropriate to apply federal and state standards related to COVID, support related projects, and purchase nine additional TSI PortaCount fit testing kits, one for each office. This type of equipment was extremely valuable during the COVID-19 Pandemic. The newer model 8048 completes a test in a much shorter period of time, increasing efficiency and frequency of testing, which is critically important in emergency situations. These units will increase our ability to respond during a crisis, as well as our capacity to assist more employers and employees.

### **Stakeholder Directory**

A stakeholder directory was developed to allow for rapid dissemination of important information and program updates by email to key contacts representing a wide range of

unions and employers. The directory was first used to inform stakeholders of the OSHA Heat NEP.

### **Strategic Plan Conferences**

Our plan members and the organizations we assist were very pleased with the resumption of in-person conferences. After such events had been suspended for so long during the pandemic, we were all eager to make up for lost time. We had great interaction with attendees at the following events:

- NYS Association of the Chiefs of Police in Glens Falls on July 24-27, 2022.
- NYS Association of Fire Chiefs Conference and Fire Expo in Syracuse on June 16-18, 2022.

### **Digital Fire Extinguisher Training System**

Following-up on a member’s suggestion, PESH decided to purchase a number of BullsEye digital fire extinguisher training systems to help improve fire safety programs, expand training opportunities, and generate more interest at strategic plan events. We were also pleased to learn that not only is the equipment made in the United States, but it is manufactured by LION in New York State, a short distance from our Albany District Office.

### **Dive Safety Training Opportunity Seized**

A few members from our strategic plans and PSM team took full advantage of an opportunity to observe training provided by Lifeguard Systems Inc. for a number of Fire Department public safety and rescue dive teams. The training involved classroom format, hosted by a nearby city fire department, as

well as live training on the Hudson River. With temperatures exceeding 90F, we covered the Heat NEP and reviewed appropriate safeguards for the event.

### Hazards of Ice Openings on Waterbodies

During a fire strategic plan meeting, the team discussed ways to advance awareness and mitigation of hazards posed by openings cut into ice for rescue operations and training exercises.

### State Corrections Secondary Focus Area

A meeting was held to introduce New York State Insurance Fund (NYSIF) representatives to the New York State Department of Corrections and Community Supervision (NYSDOCCS) and PESH team members after recent retirements and to present an overview of the project and its overall goal. Various loss assessment and reduction tools/resources that can be used to assist in this endeavor were discussed. The basic plan would involve a data-driven approach that can include analysis of five-year loss drivers, site inspections, and development of a strategic service plan. We reviewed actions taken thus far by the employer, including conduct of recordkeeping training by facility hub from January to July 2022.

### OTHER OUTREACH

The observed trend of reduced enforcement/consultation activity and increased consultation compliance assistance (CA) activity has increased. In FFY22, 265 CA activities were completed, compared to 232 in FFY21. For consultation CA activities alone, the number of employers reached increased to 9,128 and the number of employees affected was much higher at 1,548,312. We believe this upward trend was due to continued increased use of outreach to help employers deal with pandemic restrictions that hindered traditional activity,

and also because CA in general allows for greater flexibility and speed, allowing us to help employers more quickly. Relationships with a number of organizations helped foster this increased activity and effective dissemination of information:

- Empire State Safety Association – Membership consists of safety and health professionals such as safety officers, risk managers, human resource/personnel administrators, and workers compensation insurers. During this reporting period we saw an increase of state agency membership.
- Association of Educational Safety and Health Professionals – Safety and health professionals assisting school districts throughout NY through regional BOCES organizations.
- Clean, Green and Healthy Schools Steering Committee – A multi-disciplinary group of representatives dedicated to improving safety and health conditions in schools, including safety and health professionals, public health professionals, unions, and advocates for specific areas of concern.
- Office of Employee Relations (formerly Governor’s Office of Employee Relations) – An effective conduit to provide up-to-date information and guidance to state agencies.



## ONE STOP SHOP

During FFY22, the Occupational Safety and Health Division of North Carolina Education, Training and Technical Assistance (ETTA) Bureau initiated a makeover of the current One Stop Shop which offers many new features. The One Stop Shop is the Occupational Safety and Health (OSH) Division's "one stop" resource for compliance documents, training courses and other materials used by staff on a regular basis. One new feature is a robust search engine that allows an employee to search the whole site for active and/or archived documents including PDFs, Word and Excel documents, and PowerPoint presentations. Another feature is a "Home Page" that allows an employee to save documents to their page for immediate access and un-save it when it is no longer needed. The Home Page also includes a list of "Recently Uploaded" documents that allows an employee to see what has been added or updated within the last year. With the new platform, having multiple administrators allows for the site to be updated timely and efficiently.

## SPECIAL EMPHASIS PROGRAMS

North Carolina's five-year (FFY19–23) Strategic Management Plan (SMP) focuses on industries that have the highest incident rates of injuries, illnesses and fatalities. These industries are then placed into North Carolina's special emphasis programs (SEP) which currently 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 FFY22, the East and West Compliance Bureaus conducted 1,954 safety and health inspections and eliminated over 3,470 serious hazards. A total of 3,562 violations were noted during inspections which resulted in the assessment of \$7,531,334 in revised and current penalties. Additionally, the Complaint Desk processed 3,575 complaints which decreased 17% from the 4,321 complaints processed in the previous FFY. The decrease in complaints was attributable to a decrease in COVID-19 related concerns. The Complaint Desk also processed 775 referrals/accidents which resulted in 191 inspections and 584 related investigations.

In FFY22, the OSH Division inspected 72 work-related fatalities (based on open date of inspection). Fall events were the most common, comprising 22% of the total fatalities. This was an increase from FFY20 and FFY21, as falls comprised 12% and 20% of the fatalities, respectively in those years. Struck-by events were the second most common, comprising 21% of the total fatalities. While the struck-by category 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. COVID-19 related events accounted for 18% of the total fatalities.

### **Notable Accident Investigation**

#### *Nitrogen Asphyxiation*

This OSH Compliance inspection involved the death of a 26-year-old temporary employee who was found unresponsive on the floor of a paint booth. The fixed-site establishment preps and installs truck bodies on a variety of commercial trucks and cargo vans. The employer had 25 employees at the location and controlled 80 employees nationwide as of August 2021 when the accident occurred. The victim had been working at the facility for approximately four months. He was hired as an installer in April 2021 and began his painting duties a couple months later.

The spray finishing work at the establishment was like that of other manufacturing facilities. The truck body part was sanded and then rolled into the 14-foot-tall downdraft spray booth. After the ventilation system was turned on, the part was washed with a solvent, allowed to dry, and further cleaned with a tack cloth to remove any surface impurities. The painting process included separate applications of a primer and a topcoat, the latter of which took twice the time of priming. In this case, after mixing either the primer or topcoat, the painter returned to the booth and donned an SMT 107 paint suit, and a Bullard supplied air respirator hood #20TIC. The respirator was connected to filtered shop Grade D breathing air and fitted with a Bullard AC1000 Cool Climate Control Tube to cool the air and prevent overheating of the painter.



*Downdraft spray booth where the victim was found.*



*Bullard supplied air respirator hood*



*Grade D breathing air system for the supplied air respirator.*



*Nitrotherm® Spray System*

During the investigation, the compliance officer discovered that separate breathing air and shop (paint gun) air hoses were installed for the spray booth in 2016. At that time, management decided to use a 1/4" coupling for the paint air and a 3/8" coupling for the breathing air to avoid inadvertently connecting the respirator to the air line for the paint gun. However, in 2020, an unknown employee switched out the breathing air couplings for both the respirator's cooling tube male connection and the breathing air hose female side from 3/8" to 1/4". At that point, it became possible for the painter's supplied air respirator to be connected to the shop air hose intended for the paint gun. If that occurred, the result would be compressed air being provided to the respirator that may not meet all the requirements for Grade D breathing air, although it would still have the appropriate oxygen content.

In late June 2021, the employer hired an outside company to install a Nitrotherm® Spray System for the painting operation. The unit was installed to make the painting process more efficient from a time, quality and product use standpoint. It works by concentrating nitrogen that is contained in compressed air for use as the fluid carrier, thereby enabling constant humidity and temperature values. According to the manufacturer, this allows paint application conditions to be controlled and consistent throughout the day and in all seasons. Per the Nitrotherm® manual, the outgoing air used to propel paint from the gun has an oxygen content of 5%, plus or minus 1%. Tragically, the addition of the Nitrotherm® Spray System, in conjunction with the coupling change-out the year before, proved to be fatal.

On the day of the accident, August 19, 2021, the victim worked past his normal departure time of 4:30 p.m. to correct a painting mistake made earlier in the day. He was told to wait until the next day but was adamant about staying late to make a positive impression on his supervisor. At about 7:30 p.m., he was found by a co-worker unresponsive on the floor with his paint suit on and the respirator hood partially on his head. Resuscitation measures were unsuccessful. Two employees who were at the site after the accident informed the sheriff's detectives and the compliance officer that the hose coming from the Nitrotherm® Spray System

was connected directly to the cooling tube of the supplied air respirator. Measurements taken by the compliance officer found the oxygen concentration in the respirator hood to be 7.3%. The medical examiner's report found the cause of death to be asphyxiation due to compressed nitrogen gas.

Following the investigation, OSH Compliance issued citations for three serious and one non-serious violation, with a total penalty of \$13,125. The main proximate cause citation was for a serious violation of the respiratory protection standard, 29 CFR 1910.134(i)(8), for not ensuring that breathing air couplings were incompatible with outlets for non-respirable worksite air or other gas systems. The employer was also cited another serious violation under 29 CFR 1910.134(k) (5)(i) for not retraining employees when the Nitrotherm® Spray System was installed, as well as two grouped serious citations under the hazard communication standard, 29 CFR 1910.1200, for training and safety data sheet (SDS) violations. Additionally, the employer was cited a non-serious violation for not conducting medical evaluations for employees required to use a respirator.

The employer retained legal counsel and initially contested all citations and penalties. A formal settlement agreement was reached in October 2022, in which the alleged violation description language for the respirator coupling citation was slightly reworded, the respirator training citation was deleted and the SDS citation was reclassified to non-serious. The other citations remained as issued and the employer paid the full penalty of \$13,125. As part of the abatement, the Nitrotherm® Spray System was removed from the facility.

### Internal Training

In FFY22, ETTA's Training Section offered a variety of courses at the Compliance field offices and via webinars throughout the year. Courses included the OSH #100 –Initial Compliance Course, OSH #125 – Introduction to Health Standards for Industrial Hygienists, OSH #141 – Inspection Techniques and Legal Aspects, Technical Writing/OSHA Express, Combustible Dust, Engineering Controls, Electrical Safety, Long Term Care SEP, Food Manufacturing SEP, Health Hazards SEP, Logging SEP, Grocery SEP, Bloodborne Pathogens, Cardiopulmonary Resuscitation/Automated



*MultiRAE oxygen measurement in the respirator hood following the accident.*



External Defibrillator (CPR/AED), and a variety of individual safety and health webinars. In addition, compliance officers were able to attend advanced construction courses for Confined Space Entry and Trenching and Excavation. Each of these courses included a site visit to help students better understand the processes and hazards associated with these activities.

## **OUTREACH**

### **Social Media**

The North Carolina Department of Labor (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 2,253 followers.

In 2012, NCDOL began a Twitter account and currently has 2,167 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 765 followers. Further, NCDOL uses YouTube, billboard posters and publications to spread its safety and health message to employers and employees across the state.

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. 12 episodes were recorded in FFY22 and featured two OSH-related topics; consultative services and heat stress hazards and solutions in agriculture.

In FFY23, NCDOL will launch a LinkedIn page to expand its social media presence.

### **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 bi-monthly Labor Ledger and the periodic OSH Training Newsletter which are sent out to 13,127 subscribers and over 8,500 subscribers, respectively. NCDOL also develops, mails, emails, and/or posts hazard alerts on new and trending safety and health issues that occur in the state.

During FFY22, an outreach letter was mailed to 40 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. A thumb drive was also included that contained publications, brochures, industry guides and presentations deemed to be useful to the employer. This letter is an outreach

strategy used by the Construction SEP committee to lower injury and illness rates in construction.

## **Library**

The NCDOL Library provides services to internal and public patrons and offers a variety of safety and health resources, including a video program designed to facilitate worker safety training. In FFY22, the library loaned out 274 items (e.g., consensus standards, safety and health-related books, safety DVDs, certification exam preparation books) to NCDOL employees and registered public patrons. Additionally, the library responded to 631 information requests and 262 reference questions, provided streaming safety and health video access via Streamery to 74 patrons, served 247 visitors, acquired 151 items for the collection, and cataloged 134 items. The librarian alerted staff to webinars and online publications, referred patrons to online resources, and assisted NCDOL OSH employees in their investigations and preparation for professional certification examinations via books and software access.

## **Consultative Services**

During FFY22, the Consultative Services Bureau (CSB) conducted 1,501 consultative visits with employers across the state with 247 in the public sector and 1,254 in the private sector. This included 1,257 initial visits, 128 training and assistance visits, and 166 follow-up visits. During these visits, the consultants identified 6,253 hazards which were eliminated (5,860

serious, 322 other-than-serious, 71 regulatory). CSB also conducted 228 interventions with employers and continued to market their services at conferences, association speeches, radio show appearances and targeted mailings.

A state-specific rule requires employers with a workers' compensation experience rate modifier (ERM) 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. CSB is tasked with notifying these employers of their obligation. In FFY 2022, 972 employers with an ERM 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.

## **Training and Education**

Through ETTA's Training Section, the OSH Division offered a wide variety of free safety and health training and outreach services to employers and employees across the state. OSH staff participated in 190 courses and events that provided training to 3,466 employers and employees. Additionally, CSB trained 3,755 employers and employees, which brought an overall total of 7,221 workers trained by the OSH Division. Training included four 10-hour and two 30-hour general



*Labor Commissioner Josh Dobson, along with NCDOL staff, visited Barnhill Contracting Co.'s Hillsborough Street worksite as part of Fall Safety Stand-Down Week*

industry awareness courses, five 10-hour and two 30-hour construction awareness courses, 84 speaker's bureau events, 86 webinars, and 11 booth events and safety and health fairs. The Labor One mobile training unit was also used for six additional training events including Stand-Downs.

The OSH Division participated with Federal OSHA in the National Safety Stand-Down to Prevent Falls in Construction. ETTA hosted five webinars; one on fall protection, two on scaffolds, one on steel erection, and one on stairways and ladders. ETTA also participated in two Labor One events at partnership sites, including the Charlotte Pipe and Foundry project in Oakboro and the 400H Tower project in Raleigh. A total of 280 employees were trained during these webinars and events.

The OSH Division implemented its Train-the-Trainer Program for general industry and construction in 2010. Under this program, state-authorized trainers provided 10-hour and 30-hour training courses to 93 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 and employers trained in the state.

ETTA continued to provide Spanish outreach services in FFY22. Through the alliance with the Mexican Consulate, staff participated in Labor Rights Week, August 29 - September 2 in Raleigh. During this event, ETTA hosted a booth and distributed Spanish publications on safety and health.

### **Technical Assistance**

The ETTA Standards Section responded to 2,681 inquiries for standards interpretation by phone or written correspondence for employers and employees across the state. 20 documents were added to the Field Information System (FIS) including updates to the Field Operations Manual (FOM), revisions to OSH Division policies, and multiple Federal OSHA Instructions and Final Rules that were adopted. Final rules included four technical corrections to standards affecting 29 CFR 1926 – Safety and Health Regulations for Construction, 29 CFR 1910 – Occupational Safety and Health Standards for General Industry, and 29 CFR 1915 –

Occupational Safety and Health Standards for Shipyard Employment.

## **Publications**

ETTA's Publications Desk served 2,425 customers and bureau staff distributed 52,591 publications to employers and employees across the state. The Standards Section made several revisions to existing publications including the following brochures: NCDOL Library, Spanish Toolbox Reviews, Labor One and the Top 10 Serious Standards Cited in FFY21.

## **Agricultural Safety and Health**

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

In 2022, the ASH Bureau continued to work closely with various local and state agencies and other organizations to provide COVID-19 outreach, education, information, and technical assistance to farmers and farmworkers in North Carolina. The bureau distributed COVID-19 informational packets to all registered growers and migrant housing sites in the state and, in conjunction with various partner agencies, developed a COVID-19 training webinar for Gap Connections' annual grower training which was viewed by 775 growers.

The bureau also participated in an online forum for farmworkers. Attendees were able to ask questions and share any work-related concerns with the U.S. Equal Opportunity Employment Commission, USDOL Wage and Hour and AMEXCAN.

ASH also presented at the 2022 Farm Safety and Compliance Event hosted by Gap Connections. The bureau staff trained 124 farmworkers and 19 farmers and farm managers about the signs and symptoms of heat-related illness and prevention methods, along with emergency response. Farmers were provided with an example Heat Stress Prevention Program and staff discussed strategies for designing and implementing a customized program on their farm. Attendees were also given a variety of NCDOL publications in English and Spanish to include Green Tobacco Sickness, Injury and Illness Reporting, and Ticks, Spiders, and Venomous Snakes in North Carolina. During the event, attendees also received training on wage and hour regulations, equipment safety, human trafficking, basic CPR and first aid, pesticide safety, and green tobacco sickness.

In 2022, ASH completed 2,061 preoccupancy housing inspections of migrant farmworker housing and 42 compliance inspections. Housing certificates were issued to 2,052 sites with total occupancy (beds) of 26,618. There were 1,083 sites in 100% compliance at the time of the inspection that were operated by 512 growers. Additionally, Double Gold Star status was achieved by 119 growers and Single Gold Star status was achieved by 83 growers for a total of 202 in CY22.

## **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





*Labor Commissioner  
Josh Dobson presents  
the Carolina Star award  
for recertification  
Novartis Technical  
Operations*



*Attendees at the  
2022 Carolina Star  
Safety Conference*

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 three years of complete data. The baseline is used for future comparisons and further evaluation. Each approved Star site is provided with a Star flag, framed certificate, or an acrylic Star and recognized at a celebration ceremony with the Commissioner of Labor.

At the end of FFY2022, North Carolina had 147 Carolina Star Program Sites:

- 102 Carolina Star sites
- 4 Rising Star sites
- 18 Public Sector Star sites
- 23 Building Star sites

The Annual Carolina Star Safety Conference (CSSC) was held at the Joseph S. Koury Convention Center in Greensboro, September 14-16, 2022. The theme of the conference was “25 Years of Safety – Past, Present, Future.” The theme represented 25 years of the CSSC and best practices sharing. There were 724 participants from across the state that attended the conference, including a variety of vendors and speakers at the event.

During the CSSC, one Carolina Star worksite, Mundy Maintenance and Services, LLC, was recognized for achieving 25 years of active participation in the program. There are now nine Star designated worksites that have achieved the status of 25 years as a Carolina Star Program participant.

On November 16, 2021, the Carolina Star Program hosted its 3rd Annual Building Star Program Best Practices Workshop in Charlotte. Due to an increase in COVID-19 cases, the workshop was held virtually with 44 participants in attendance.

Through a Special Star Team Member (SSTM) Program, OSH can 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 FFY22, four new SSTMs were trained and four were recertified. After SSTMs receive initial training, they are required to be retrained every three years while being in the SSTM Program. Currently, there are 85 SSTMs eligible to assist with Star evaluations.

The SSTM Program also includes the use of specially trained OSH Star Team Members (OSTM) from the ETTA bureau (bureau chief, supervisors, standards officers and trainers). There are currently 13 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. The annual Gold Star Growers' meeting recognizes gold star growers from the previous calendar year. Although the annual Gold Star grower meeting was canceled in 2022 due to COVID-19, 194 growers achieved Gold Star status in CY21. This would have marked the 28th annual meeting 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 FFY2022, there were 160 SHARP and four Pre-SHARP sites in North Carolina:

- 105 SHARP General Industry sites
- 49 SHARP Public Sector sites
- 6 SHARP Construction 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 presentations were delayed due to the pandemic and have resumed in 2022 and will continue in 2023.

### **Safety Awards Program**

The Safety Awards Program celebrated its 76th year with another successful season. The Gold Award was presented to employer sites with days away, restricted or transferred case rate of 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. 28 Safety Awards banquets were conducted with a total banquet attendance of 1,983 attendees. The program distributed 2,132 annual awards including 1,801 gold, 331 silver, and 50-million-hour safety awards. Million-hour safety awards are awarded to businesses which accumulate one-million-man hours with no injuries or illnesses involving days away from work.

## **PARTNERSHIPS AND ALLIANCES**

### **Partnerships**

The OSH Division 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



*On April 11, 2022, the Department of Labor signed a partnership with Jacobs Engineering Group, Inc. on the Fujifilms Diosynth Biotechnologies project*

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. At the end of each partnership, the GC is provided with a partnership certificate at a closing ceremony held with the Commissioner of Labor.

At the end of FFY22, there were three active partnerships with the following general contractors: Holder – Edison Foard – Leeper, joint venture; Barringer Construction; and Jacobs Engineering Group, Inc.

Holder – Edison Foard – Leeper, a joint venture partnership, is the Charlotte Douglas International Airport Terminal Lobby Expansion project consisting of a new 180,000 square foot Terminal Lobby, a renovation of the existing 180,000 square foot Terminal Lobby, and two new additions: a canopy over the airport terminal roadway, and a central energy plant for the Charlotte Douglas International Airport.

The Barringer Construction partnership project in Oakboro will be the future site of Charlotte Pipe and Foundry. The project consists of new construction from the ground up of a 500,000 square foot foundry building including ancillary buildings for an office-bathhouse and a wastewater treatment plant.

The partnership project for the Jacobs Engineering Group, Inc. in Holly Springs will be the future site of Fujifilms Diosynth Biotechnologies aka Project Galaxy.

The project consists of new construction from ground up of a large-scale biotech manufacturing facility which will be the largest end-to-end cell culture biopharmaceutical manufacturing facility in the U.S. consisting of 984,531 square feet.

## **Alliances**

The OSH Division 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, the OSH Division can leverage its 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 FFY22, OSH had seven alliances: Carolinas Associated General Contractors, Lamar Advertising Co., National Utility Contractors Association of the Carolinas, N.C. State Industry Expansion Solutions (IES), the Safety and Health Council of North Carolina (SHCNC), Mexican Consulate, and the North Carolina Association of Local Governmental Employee Safety Officials. A new alliance with the Tree Care Industry Association will be signed in November 2022.

Through the alliance with Lamar Advertising, five billboards were posted across the state. The billboards promoted outreach events for the Grain Safety Stand-Up, Fall Prevention Stand-Down, Trench Safety Stand-Down, Safe + Sound Week, and the Heat Illness Prevention campaign.

Alliances with N.C. State IES and the SHCNC offer the Manager of Environmental Safety and Health (MESH) certificate programs that promote continuing education in environmental, safety and health for working professionals. There are currently six MESH certificates offered including those for general industry, construction, public sector, industrial hygiene, emergency preparedness, and advanced. A new environmental MESH will be offered in November 2022.



## SIGNIFICANT ENFORCEMENT CASE

On August 28, 2022, just after 7 p.m., a 20-year-old man carrying an AR-15-style rifle and a shotgun walked into an East Bend Safeway store and fired randomly at employees and customers. Two people – a 66-year-old store employee who tried to disarm the shooter and an 84-year-old customer – died during the rampage. Police responding to the incident at 7:08 p.m. found the shooter dead in the store from a self-inflicted gunshot wound.

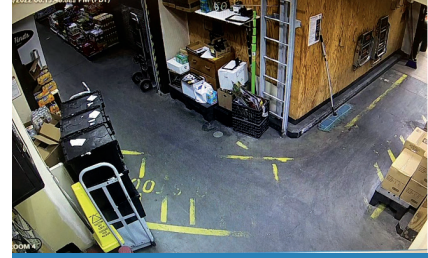
The double-exit door in the dairy receiving room is clearly obstructed by three beverage carts.

**Customers fleeing the shooter find an exit blocked.**

The Safeway store has six exits: two main exits on the west side of the store, three exits at the east side, and one exit on the south side. On September 1, 2022, Oregon OSHA received a confidential complaint alleging that one of the exits was blocked when the shooting happened, making it impossible for some customers and employees to escape quickly.

The Oregon OSHA compliance officer investigating the case determined the complaint was true after watching store surveillance videos of the incident. Videos show at least three beverage carts blocking the front of a double door exit in a dairy receiving room on the east side of the store.

In interviews with the compliance officer, store employees confirmed that the double-door exit on the east side of the store was completely blocked when the incident happened – and it had been blocked for days leading up to the shooting. Safeway officials said that the exit was blocked with unstocked goods because there were not enough employees available to put them away promptly.



*The double-exit door in the dairy receiving room obstructed by three beverage carts.*



*Store customers rushing toward the dairy receiving room shortly after the shooter has entered the building.*

In reviewing the videos, the compliance officer also discovered that yellow floor markings leading to the main store from the blocked exit were degraded.

Store customer rushes toward the blocked double-exit door with his child in a shopping cart; behind him is a Safeway employee.

**Employees did not know where all the exits were located.**

Employees told the compliance officer that before the shooting they did not know where all the store's exits were located and they could not recall receiving any training provided by Safeway on emergency routes or exits.

**Oregon OSHA publishes "Exits" fact sheet.**

Over the past five years, Oregon OSHA has cited 191 workplaces for violations of its rules covering exits and exit routes. More than half of those citations were for exit signs that were not clearly visible, exit doors that were blocked or locked, and obstructed exit routes.

After the Safeway incident, Oregon OSHA prepared a fact sheet – Things you should Know About Exits and Exit Routes, available for download at [OSHA.Oregon.gov](https://osharegion.gov) – to remind employers about the requirements for exits and exit routes, and that there must be permanent, unobstructed exit routes for employees to leave work areas safely during emergencies.

**Violations**

- [OAR 437-002-0041\(5\)\(a\)](#) Access: There must be unobstructed access to exit routes.
- [OAR 437-002-0042\(5\)\(a\)](#) Employee Review: An employer must review the emergency action plan with each employee... when the plan is new or the employee is new to the job.

**SIGNATURE PROJECTS**

**Heat Illness Prevention and Wildfire Smoke Rules, and Enforcement Efforts**

In May 2022, Oregon OSHA adopted rules to protect workers from the hazards of heat and wildfire smoke. Following adoption of the rules, the division provided employers with resources to help them comply and carried out enforcement efforts to hold employers accountable.

Through press releases, media interviews and social media posts, the division shared resources, highlighted key requirements and communicated its expectations to employers for protecting workers. The resources included video training, produced by the division's public education staff, in English and Spanish that satisfies most of the rule's training elements. *(All of the educational resources about the heat illness prevention and wildfire smoke rules can be found at their respective A-to-Z topic index at [OSHA.Oregon.gov](https://osharegion.gov))*

All of the division's public relations efforts were conducted ahead of, and during, a period in which extreme heat and wildfire smoke hazards could reasonably be expected to trigger impacts across a variety of workplaces.

The rules, among the strongest in the nation, followed a development process that included worker and community stakeholder listening sessions, input and review by rule advisory committees, and input from employer and labor stakeholders. The rules built on temporary emergency requirements that were adopted in summer 2021 after several months of stakeholder and community engagement.

The heat illness prevention rule addresses access to shade and cool water, preventive cool-

down breaks, and prevention plans, information, and training (download the factsheet at [OSHA.Oregon.gov](https://www.osha-slc.gov)). The wildfire smoke rule includes an array of exposure assessments and controls, and training and communication (view the factsheet at [OSHA.Oregon.gov](https://www.osha-slc.gov)).

Both rules encompass protective measures for workers who rely on employer-provided housing, including as part of farm operations.

The heat illness prevention rule took effect June 15. The wildfire smoke rule took effect July 1.

Complaints about wildfire smoke were few in 2022. Likewise, few inspections were conducted. As to the heat illness prevention requirements, it was a different story.

Oregon once again experience an unusually hot summer, with temperatures frequently topping 90 degrees Fahrenheit.

Oregon OSHA provided training and guidance to inspectors, both for enforcing the heat illness prevention rule's provisions and protecting themselves against heat dangers while spending time in the field.

In 2022, the division received approximately 283 complaints alleging violations of heat requirements. The division addressed the complaints through both non-inspection investigations and onsite inspections.

Oregon OSHA conducted an estimated 100 heat-related inspections at a variety of workplaces, including construction sites and farms, restaurants and retail stores, and manufacturers. The division issued at least 72 citations involving violations of heat requirements. Many, but not all, of those citations were the result of inspections opened in response to complaints.

### **[Oregon OSHA Consultants Promote Safety at Museums and Cultural Heritage Sites](#)**

In 2022, Oregon OSHA teamed up with workplace safety and health consultation programs across the nation in identifying hazards at museums and cultural heritage sites. Oregon OSHA consultants visited four museums and two event centers in historic buildings across the state. Among their findings:

- There were electrical hazards at all the sites.
- Staff at all the sites needed help understanding how to control hazards and the requirements for necessary programs such as respiratory protection and personal protective equipment.
- Three of the four museums had not identified potential hazards in their collections, including asbestos, arsenic, lead, mercury, chromate, cyanide, pentachlorophenol, formaldehyde and uranium.
- Three of the four museums did not have personal protective equipment necessary for handling potentially contaminated objects.
- There were 39 historic guns that may or may not have been loaded in two of the four museums.
- Cellulose nitrate film (which is extremely flammable and can buildup dangerous levels of explosive gases) was stored on a museum shelf but the museum had no plan for dealing with potential emergencies.
- Museum staff members were routinely handed unknown historic pharmaceuticals without protective equipment.
- Most of the sites never had an Oregon OSHA consultant or other safety and health professional visit them.

After visiting each site, Oregon OSHA consultants provided staff members with information to help them control or eliminate all identified hazards. This year, Oregon OSHA consultants will be providing more outreach services to conservation professionals, including health and safety training and laboratory analysis of potential hazards in museum collections. Oregon OSHA consultants will also

be highlighting their services at the upcoming conferences hosted by the Oregon Museums Association and the Western Museums Association.

## PUBLIC EDUCATION

During FY22, Oregon OSHA continued to develop and deliver free public education resources, including additional Spanish-language online video trainings and online trainings to help employers comply with new rules.

The additional online tools included:

- [Spanish-language bloodborne pathogens online course](#), helping employers protect workers from bloodborne pathogens in emergency response, health care, hospitality, and other industries. Topics covered include assessing the potential for exposure in your workplace, understanding the elements of an exposure-control plan, preventing and reducing exposures, and managing your exposure control plan.
- [Silica safety online course](#), addressing protective measures for workers against the potential hazards of breathing in airborne crystalline silica dust. Featuring powerful visuals, personal stories, instructional videos, links to resources and a certificate of completion, the training course is designed to boost the ability of employers to meet the requirements of Oregon OSHA's silica rules. [The course is also available in Spanish.](#)
- [Heat illness prevention online course](#), addressing certain training requirements found in the heat rule. The course covers such topics as common signs and symptoms of heat-related illnesses, risk factors, how the heat index is measured, and access to shade, drinking water, and other measures. [The course is also available in Spanish.](#)



- [Wildfire smoke online course](#), encompassing certain training requirements found in the wildfire smoke rule. The course addresses such topics as air quality measurements, health effects and symptoms, the proper use of filtering facepiece respirators and other safety measures. [The course is also available in Spanish.](#)

## SOCIAL MEDIA

In FY22, highlights of Oregon OSHA's efforts to distribute and promote educational resources through its social media channels included:

- Oregon OSHA materials on Facebook, LinkedIn, Instagram, Twitter, YouTube and Vimeo.
- Established #OregonOSHA.
- Safety/health consultation services campaign that involved custom video testimonials from employers.
- Weekly #TipTuesday safety videos in English.
- Weekly #SabadoSeguro safety videos in Spanish.
- Multiple heat stress and heat prevention educational posts with custom designs and videos both in English and in Spanish.

## ENFORCEMENT

Enforcement includes intervention in both the private and public sectors. During FY22, Oregon OSHA's onsite inspection activity was curtailed by the impacts of the COVID-19 pandemic.

There were 1,916 inspections conducted; 1,381 were in safety and 535 were in health. There were 1,256 citations issued, with initial penalties totaling \$2.5 million.

## HIGH-HAZARD INDUSTRIES

Oregon OSHA focuses on high-hazard industries, such as construction and logging. The following data demonstrates that focus in FY22, in both enforcement and consultation:

- Total number of safety inspections in high-hazard industries: 1,185
- Total number of health inspections in high-hazard industries: 390
- Total number of safety consultations in high-hazard industries: 615
- Total number of health consultations in high-hazard industries: 269

## RULEMAKING ACTIVITY

### [Agriculture Labor Housing](#)

Oregon OSHA has engaged with stakeholders including the Agriculture Labor Housing Advisory Committee in a comprehensive rulemaking to improve requirements for employer-provided housing in agriculture.

The division expects to meet regularly in 2023 and plans to propose rule changes in 2024.

### [COVID-19 Rulemaking](#)

As the COVID-19 pandemic evolved, Oregon OSHA made changes to its requirements in general workplaces and employer-provided housing to reflect updated public health guidance.

In September and October 2022, for example, the division significantly relaxed or removed provisions in its requirements for general workplaces and employer-provided housing. Ultimately, Oregon OSHA rescinded all of its COVID-19 requirements, effective April 3, 2023, including removing facial-covering requirements in health care settings.

At the same time, the division adjusted its protective work clothing provisions to allow workers to still wear a facial covering if they choose. If employers require workers to wear a facial covering, they must pay for it.

### Heat and Wildfire Smoke

During FY22, Oregon OSHA adopted rules to protect workers from the hazards of atmospheric heat and wildfire smoke.

The preventing heat related illness rule addresses access to shade and cool water, preventive cool-down breaks, and prevention plans, information, and training. The wildfire smoke rule includes an array of exposure assessments and controls, and training and communication.

Both rules encompass protective measures for workers who rely on employer-provided housing, including as part of farm operations.

The rules, which took effect on June 15 for heat and on July 1 for wildfire smoke, are among the most protective of their kind in the United States. The rules reflect the need to strengthen protections in the workplace against the extraordinary hazards of atmospheric heat and wildfire smoke while focusing on the needs of Oregon's most vulnerable communities.

The rules were proposed in February. Proposal of the rules followed a development process that included worker and community stakeholder listening sessions, input and review by rule advisory committees, and input from employer and labor stakeholders. The rules built on temporary emergency requirements that were adopted in summer 2021 following several months of stakeholder and community engagement.



*Part of educational materials for employers and workers about Oregon OSHA's temporary rules addressing heat illness prevention and wildfire smoke*

All information about Oregon OSHA's rulemaking activities is available at [OSHA.Oregon.gov](https://www.osha-oregon.gov).

## 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 FY22, 1,747 consultations were conducted. Here they are by category and number:

- Health consultations: 682
- Safety consultations: 1,065
- Health consultations in high-hazard industries: 269
- Safety consultations in high-hazard industries: 615
- Safety and health ergonomics consultations: 57
- Safety and health ergonomics consultations in industries with high musculoskeletal disorders rates: 31

There were 96 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 FY22, a total of 186 Oregon companies participated in the SHARP program. That total includes

nine working towards SHARP, 10 active employers and 167 graduates.

At the end of FY22, a total of 23 Oregon companies were certified VPP. During the FY, nine existing VPP sites were recertified. There were two new VPP sites and no employers withdrew from the VPP program.

## PARTNERSHIPS AND AGREEMENTS

### Young Worker Safety Contest

Teams of students at Parkrose, Pendleton, Grant, North Eugene, Crook County and West Linn high schools earned top prizes in a media contest designed to increase awareness about workplace safety for young workers. The recipients were announced in May 2022.

High school students across Oregon were invited to participate in the annual contest organized by the Oregon Young Employee Safety Coalition (O[yes]). In its 14th year of putting a spotlight on the importance of young worker safety and health, the 2021-2022 competition challenged participants to create either a 30- to 90-second video or graphic design that inspires young workers to think twice about their personal health and safety in the workplace. Submissions had to include the tagline "Work. It can be more dangerous than you think." They also had to highlight the theme of young worker mental well-being.

Teams of students rose to the challenge. In crisply edited videos and bold graphic designs, they called

attention to everything from the stress of a young worker's first day on the job and the value of a healthy work-life balance to the need to take breaks and to place a high priority on mental health.

The top winners each won a cash prize. First-place teams in each category also earned a matching award for their schools. The winning submissions are available at [YoungEmployeeSafety.org](https://YoungEmployeeSafety.org).

The mission of (O[yes]) is to prevent injuries and illnesses and promote well-being to young workers. The nonprofit does this through outreach, advocacy and sharing resources with young workers, educators, employers, parents and labor organizations.

### Partnerships and Collaborations Continue

Meanwhile, Oregon OSHA continued to maintain collaborative relationships with industry groups in targeted industry sectors, as well as make full use of advisory stakeholder groups to help with rulemaking. Many of the partnerships have produced well-received services and developed strong working relationships with employers.

In FY22, Oregon OSHA had a total of 42 stakeholder collaborations and partnerships. Learn more at [osha.oregon.gov](https://osha.oregon.gov).

## ACTIVITIES

### In-person Regional Safety Conferences Return

Oregon OSHA has long partnered with labor, business, and associations to coordinate workplace safety and health conferences across the state. These one-day and multi-day conferences offer educational sessions and workshops designed for a region's industries.

FY22 marked the return of in-person conferences as the public health guidance around the COVID-19 pandemic evolved and cancellations of in-person gatherings were no longer needed. In FY21, some conference sponsors offered other trainings and resources, including virtual gatherings, despite the pandemic-related closures.





With the return of in-person conferences in FY22, the conferences held included:

- In October 2021, workplace health and safety professionals took opportunities to build up their skills and improve on-the-job health and safety through a virtual conference. It was all part of the October 18-20 Southern Oregon Occupational Safety and Health Conference.
- In March 2022, the Oregon Pesticide Symposium was held. Created by Oregon OSHA, the hybrid event involves multiple agencies and features opportunities to network and learn from other partners working on pesticide issues, including enforcement, consultation, training and registration.
- In May 2022, the Northwest Safety and Health Summit was held in Boise, Idaho. The summit includes a focus on the Voluntary Protection Program, but it is designed for all industries and worksites.
- Oregon OSHA partnered with the Oregon SHARP Alliance, and employers and employees in northeast Oregon to present the June 6-7, 2022, Blue Mountain Occupational Safety and Health Conference at the Pendleton Convention Center.
- Topics at the Central Oregon Occupational Safety and Health Conference in Bend included providing fall protection, identifying hazards and investigating accidents,

implementing safety and health in various welding and cutting tasks, addressing the risks of bloodborne pathogens, and properly recording an injury or illness. The conference was held September 19-20, 2022.

- The 30th annual Western Pulp, Paper and Forest Products Safety and Health Conference was held November 29-December 2, 2022. Although it focused on safety and health in those industries, the conference offered plenty to learn about safety and health in other workplaces.

### Workers' Memorial Scholarship Program

Three Oregon high school graduates were recipients of the 2022 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.

A total of \$3,000 was awarded in \$1,000 amounts to each of the recipients. 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.

The 1991 Legislature established the Workers' Memorial Scholarship at the request of the Oregon AFL-CIO, with support from Associated Oregon Industries. View the list of recipients at [osha.oregon.gov](https://osha.oregon.gov).



## Safety Break for Oregon

More than 50 employers participated in Safety Break for Oregon on May 11, promoting the value of keeping people safe and healthy while on the job.

During the 19th year of the event, employers engaged in a variety of workplace health and safety activities while following the appropriate COVID-19 safety guidance. Learn more at [OSHA.Oregon.gov](https://www.osha-oregon.gov).

The activities included everything from presentations on prevention of distracted driving and “spot the hazard” contests to the use of an obstacle course to increase forklift safety and fire extinguisher training for employees.

Participating employers were entered to win one of three \$100 checks, to be used for a luncheon of their choice.

The Oregon SHARP Alliance sponsored the contest, which involved a random drawing. This year’s prize winners were the Oregon Department of Transportation in Salem; Anderson Poolworks in Wilsonville; and Salem Housing Authority.

Oregon OSHA coordinates the one-day Safety Break event, designed to help employers renew and celebrate their commitment to on-the-job safety. The stand-down is flexible to meet an employer’s needs, and health and safety activities are determined by employers.

## MISSION

**Resolve is a word that accurately describes our small program. After years of continuous life altering events, the mission and vision of the Puerto Rico (PR) OSHA State Program has never wavered. Protecting every employee and educating employers on their responsibilities concerning safety and health remain present.**

In FY22, the island is still undergoing reconstruction and restoration after the devastating hurricane of 2017, the earthquake swarm of 2019-2020 and the COVID-19 pandemic. These events destroyed the electric power grid, commercial and housing structures, highways and roadways and closed thousands of businesses.

These trying times shifted our enforcement focus towards protecting workers performing rescue and reconstruction operations dealing with hurricane and the ongoing earthquake damage and towards the protection of healthcare personnel dealing with COVID-19. The Consultation Program assisted the Inspections Bureau, focusing on the emphasis industries providing training and education for existing and new employers in addition to on-site consultation services.

In FY22, the Inspections Bureau continued working with the state emphasis programs (SEP) established in our Strategic Plan: amputations, healthcare, mobile crews, and law enforcement. The amputations SEP produced 124 inspections in these high hazard industries. 173 amputation hazard related violations were issued. The healthcare SEP produced 43 inspections that yielded 41 violations on health hazards such as bloodborne pathogens, respiratory protection and the COVID-19 plan. The mobile crew SEP produced 49 inspections and 57 violations. The State Plan public sector SEP, law enforcement produced 26 inspections and 24 violations. In total, 242 inspections related to the SEP were performed in FY22. The construction industry in the island provided for 99 enforcement inspections, two of which were fatality investigations. The State Plan performed 541 inspections in General Industry, seven of which were fatality investigations. FY22 resulted in 640 inspections with 826 issued citations.

In FY22, PR OSHA strived to accomplish its mission with only 28 compliance officers in the Inspections Bureau. The worldwide phenomena of the Great Resignation, where about 50.5 million people quit their jobs in 2022, also affected our program. This event prompted the hiring and training of new compliance staff.

The PR OSHA State Plan has a unique situation with its consultation services. We work consultation services for public and private sectors with 23(g) and 21(d) agreements, respectively. Our program guarantees that no employer is deprived of the benefits the Cooperative Programs offer. 192 on-site consultation visits were provided to employers in the island and 718 hazards were identified and corrected during FY22.

## ALLIANCE PROGRAM

FY22 PR OSHA has been actively working with six Alliances.

## TRAINING AND ASSISTANCE

47 Training and Assistance activities, that impacted 3,263 employers, employees and members of the general public were performed.

## VOLUNTARY PROTECTION PROGRAMS

### STAR

For FY22 the program has 12 active sites approved for VPP all participating at the Guanín Level (Star).

### SHARP

For FY22 the program retained 13 active SHARP sites, all small to medium businesses in the private sector.

Even through the setbacks, PR OSHA has continued and will continue to work towards the protection of the island's workforce. The education and training of employees and employers in hazard recognition and control continues to be a key element in the reduction of workplace hazards. With these goals in mind, the PR OSHA State Program carries on toward FY23 with a strategic plan designed to achieve the program's mission of ensuring that every workplace is a safe workplace.



*PR OSHA On-site Consultation Program staff at an outreach event.*



*Puerto Rico Governor Pedro Pierulsi at an PR OSHA outreach event*



## ENFORCEMENT

Enforcement is an integral part of the South Carolina State Plan and includes intervention in both private and public sectors. In FY22, South Carolina OSHA conducted 284 inspections/investigations. During this period, 206 safety related inspections and 78 health related inspections were conducted. Statistics show the following:

**68**

Planned Inspections

**49**

Referral Inspections

**26**Unprogrammed-  
Related Inspections**87**

Complaint Inspections

**11**

Follow-Up Inspections

**4**Programmed-  
Related Inspections**38**Accident and Fatality  
Inspections**1**

Monitoring Inspection

During these inspections, 468 violations were issued. Of these violations, 395 were serious violations, 62 were other-than-serious violations, one willful violation, five repeat violations, and five failure-to-abate violations. Adjusted penalties for these violations were \$943,320.00.

## 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 2021 was 2.2 injuries and illnesses per 100 full-time equivalent workers. The national private sector injury and illness incidence rate was 2.7 in 2021. Within the public sector, South Carolina's occupational injury and illness rate was 3.2 in 2021.

## CONSULTATIONS

South Carolina OSHA's Outreach and Education Program (O&E) consultation staff conducted 576 total visits resulting in 3,174 hazards being identified and eliminated. Throughout the year, South Carolina OSHA's O&E consultants made 435 OSHA recommendations, requiring the improvement or implementation of written safety and health programs. 29 requests for consultation services were conducted in the targeted NAICS. There were two renewals, no additional SHARP sites and no withdrawals during the FY. There are currently eight SHARP sites. Program projected numbers for FY22 were not met due to corporate size restrictions.

The consultation program uses customer satisfaction surveys to evaluate its effectiveness. A survey form is included with each consultation report to the employer. During the FFY, 39.6% of the customer satisfaction surveys were returned, indicating 99.1% of the responding employers were satisfied with the services and met the employers' expectations. 98.3% of the employers indicated the recommendations were clear and understandable. The customer satisfaction survey results indicated the Hazard Identification (78.1%) and Hazard Correction Advice (71.2%) were the most helpful and best-liked areas of the visits.

Additionally, 59.2% of respondents indicated they were first-time users of O&E's Consultation Services. Of the responders, 99.6% 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. The total number of training classes continued to increase in FY22, however the numbers were not at the level of previous years prior to the COVID-19 Pandemic. Many employers preferred virtual training over on-site training. It was more difficult to capture the accurate number of attendees when virtual training was provided. During the past year, the training division conducted a total of 131 training classes for 2,750 private and public-sector employers and employees. A total of 605 private-sector employers, 1070 private-sector employees, 210 public-

sector employers and 865 public-sector employees were trained. South Carolina's O&E training staff continued 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, Carolina's General Contractors 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.

Although no new SHARP sites were added, there were two SHARP sites recertified during the FY, bringing the program to a total of eight sites.

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. There are currently 36 active VPP "Palmetto Star" sites. During FY22, there were 18 VPP re-evaluations. SC OSHA Outreach and Education is working with new companies to potentially achieve Star status and continues to promote this program to encourage companies to participate.

## PARTNERSHIPS

SC OSHA currently has four active construction partnerships:

- Harper General Contractors and its subcontractors working on the Daniel Hall Expansion project at Clemson University. This partnership agreement was signed August 10, 2022.
- Harper General Contractors, Environmental Systems and its subcontractors working on the McCormick Wastewater Treatment Expansion in McCormick, S.C. This partnership agreement signed March 11, 2021.
- Holder Construction Group and its subcontractors working on the Mustang MNK project in Monks Corner. This partnership agreement was signed June 30, 2021.
- Juneau Construction Companies and its subcontractors working on the USC Campus Village. This partnership was signed December 14, 2021.

## OUTREACH

The 2022 South Carolina Safety Summit was held on March 15-16, 2022. This year the safety summit was held in-person and highlighted the SC OSHA Panel and SC OSHA Updates. This platform allowed the attendees to participate in a two-hour question and answer session with SC OSHA Outreach and Education, OSHA Compliance, OSHA Standards and OSHA Legal Counsel. We are in the process of planning the 2023 Safety Conference to be held in Greenville, S.C.

Through partnership in conferences, forums and training courses, SC OSHA continues to work with associations, employers, and other groups to promote SC OSHA's Outreach and Education (O&E) services. Services are provided by the O&E division to promote a positive safety and health environment and to ensure a safe and healthy workplace for employees in South Carolina.



*Joseph Lamb and Kenyarda Edwards from SC OSHA's Outreach and Education Division at the Brewers Guild Conference*



*Fall Protection Training Simulator Vehicle utilized for construction and manufacturing on-site fall protection training, as well as regional training*



SC OSHA continues to develop and provide safety and health training programs on new or amended standards for OSHA staff members and companies.

SC OSHA's Outreach and Education program unveiled the Fall Protection Training Simulator Vehicle. The vehicle was utilized for construction and manufacturing on-site fall protection training, as well as regional training throughout the state.

### **COMPLIANCE OFFICER TRAINING**

The South Carolina OSHA staff training program provided effective training to 10 new hires during FY22. SC OSHA's program forged ahead with the addition of four Compliance Safety Health Officers (CSHOs), three Environmental Health Managers, one Whistleblower Investigator, and two Outreach and Education Consultants. These personnel were released in FY22 at various times to fill their rolls, while three other personnel remained in training until their scheduled release date in FY23.

As a result of the re-opening of the OSHA Training Institute to full time live classes in June of 2022, SC OSHA was able to send 33 students to technical training courses, while 31 other students attended virtual courses. In addition to the traditional courses, 34 SC OSHA personnel attended courses covering topics such as, Work Zone and Flagger Safety Training, Indoor Air Quality, Lockout Tagout and Welding. South

Carolina continues to capitalize on numerous training resources available throughout the country for both technical development, refresher training, and to discover what employers are using as their safety training resources.

SC OSHA continued to invest in their future leaders by enrolling supervisors in the Associate Professional Managers program (APM), a program intended to enhance skills and knowledge as a leader in state government. South Carolina OSHA also had a manager succeed at the next level from the APM, with completion of the Certified Professional Manager (CPM), an 18-month program that is nationally accredited for mid-level managers. Considering the success of individual development plans of CSHOs, several were enrolled and earned their Professional Development Program certificates in FY22.

In March of 2022, South Carolina had three employees receive their Unmanned Aircraft Systems licenses from the United States Department of Transportation (US DOT) and Federal Aviation Administration (FAA). These licenses permit employees to fly drones at work sites, assist with training or best practices for clients, and acquire pertinent information for accident and fatality investigations.

### **STANDARDS**

The SC 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 800 phone calls and e-mails as part of outreach and compliance assistance during FY22.

## SIGNIFICANT CASES

### Steel Manufacturing Industry

On or around March 7, 2022, an employee was tasked with operating a powered industrial truck (PIT) in order to transport a bundle of steel blanks from the press area to the die storage area. As the bundle was placed in the die area and stacked on top of two other previously stored bundles, the stack appeared to be unstable. The employee dismounted the PIT and walked to the front of the PIT to check the bundle. While standing between the PIT and the stamping die, the employee attempted to physically adjust the unstable bundle of steel blanks by hand. The top bundle fell from the two previously stored bundles onto the employee. The employee was temporarily trapped under the fallen bundle of steel blanks and suffered injuries to both legs below the knee.

Other employees arrived to assist in the rescue and removal. The employee was transported, via ambulance, to a local hospital. One bundle of steel blanks consisted of 125 vertically-stacked steel blanks, strapped together at approximately 18 inches high, and weighed approximately 4,125 pounds per bundle. Bundles of steel blanks in the die storage area at the time of the incident were stacked three bundles high, with an approximate total height of 54 inches, with three wood spacers included as support at the bottom of the stack. During the investigation, it was confirmed that both of the employee's legs were amputated below the knee due to the severity of the injuries caused by the accident.

South Carolina OSHA's investigation revealed that the employer failed to store bundles of steel blanks securely, so that they would not create a hazard. Bags, containers, bundles, etc., stored in tiers shall



*The Blank Storage area of the press where the bundles of steel blanks were being transported and stacked on top of each other. When the operator stacked the bundle, the stack was three bundles high and was not stable or secured against sliding and collapsing to the ground. The employee was pinned between the fallen bundle and the white stamping die machine pictured in the center of the photo.*



*Bundles of steel blanks located in the press area. One bundle of steel blanks consisted of 125 vertically stacked steel blanks, strapped together at approximately 18 in. high, weighing approximately 4,125 lbs. per bundle.*



*The PIT operated at the time of the incident, which was temporarily rented from a third-party company. At least one employee was not trained and evaluated to operate a PIT.*



*Employee was in between two steel girders with wood cribbing when the accident happened.*

be stacked, blocked, interlocked and limited in height so that they are stable and secure against sliding or collapse. The employer also failed to implement practical PIT training that consisted of a combination of formal instruction, practical training, and evaluation of the operator's performance.

### **Construction Industry**

On or around November 5, 2022, at approximately 3 P.M., an employee was making a splice connection on two beams to create a girder on the south end of the building that was being erected. The steel girder being connected was 76 feet long, weighed approximately 23,000 lbs. and consisted of two steel beams joined by a splice connection. The girder placed on top of the wood cribbing was placed on the ground. The employee was in between two girders that were standing upright on top of the wood cribbing, when the 23,000 lb. girder he was working on, dislodged and fell on him. The employee succumbed to his injuries and passed away at the jobsite. Through an investigation and employee interviews, it was determined that the 23,000 lb. steel girder was displaced because the integrity of the wood cribbing failed. If the girders had been composed of a stronger material or a sling had been wrapped around the girder which was hoisted by a crane, this application would have created a safer environment when connecting on the ground. South Carolina OSHA's investigation revealed that the employer failed to instruct each employee in the recognition and avoidance of unsafe conditions and the regulations applicable to the work environment to control or eliminate any hazards or other exposure to illness or injury.



*The 76-foot-long steel girder weighed 23,000 lbs. At the time of the accident, the girder was on its side and on top of wood cribbing.*



*Company began using concrete blocks after the accident as a means of abatement.*

## **Environmental Service Industry**

On November 1, 2021, employees were performing polyethylene terephthalate (PET) combustible dust clean-up for a recycling facility. During the clean-up process, the crystallization ovens were kept on while employees brushed and shoveled dust to a lower level (main floor) to be vacuumed. This operation resulted in the PET dust igniting. Three employees received severe burns to 43 %, 75% and 83% of their bodies and a fourth employee was treated for smoke inhalation.

It was determined that the employer failed to train employees on the hazards of combustible dust and ensure all ignition sources, such as electrostatic discharge, spark producing equipment and hot surfaces (crystallization ovens) were shut down and/or shielded prior to cleaning up or removing combustible dust. Violations were found and citations were issued.



## SIGNATURE PROGRAMS

During FY22, Tennessee OSHA (TOSHA) continued to maximize staff utilization in enforcement activity, with the assistance of the secure VPN which was deployed to allow alternate workplace solutions (AWS) on an as-needed basis.

TOSHA continues to utilize the telephone answering system called Zendesk, which enables TOSHA to better track and manage incoming and outgoing calls. This system was implemented in FY21.

## EMPHASIS PROGRAMS

Tennessee's emphasis programs target resources to eliminate specific hazards in the workplace. These programs have produced measurable results and have enabled TOSHA to improve safety and health programs in workplaces across the state. The following is a partial list of these programs:

### Excavation Safety (National)

TOSHA 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 FY22, TOSHA issued 52 violations of the trench standards and \$288,250 in penalties.

### Noise (State)

During FY22, noise exposures were reduced for 468 employees and 37 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 (State)

TOSHA's special emphasis program on carbon monoxide exposure resulted in the reduction or elimination of carbon monoxide exposure to 305 employees during FY22. All safety staff members have been trained and equipped to identify and quantify carbon monoxide exposure.

### Fall Protection (State)

TOSHA 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 FY22, TOSHA identified 667 fall hazards.

## ENFORCEMENT

TOSHA performed 1,452 workplace inspections in FY22. During these inspections, 4,569 hazards were identified and penalties of \$3,715,895 were assessed. Unpaid penalties are assessed a late fee of 10% at 30, 60, and 90 days, and statutory interest is assessed until the penalty is paid. Unpaid penalties are forwarded to the state attorney general's office for collection. During the pre-contest period, TOSHA retained 92.35% of the penalties assessed, compared to 73.71% retained by combined federal and state programs nationwide. During FY22, complaint inspections were initiated an average of 4.93 days following receipt of the complaint, as indicated in the State Activity Mandated Measures (SAMM). Complaint investigations were initiated in an average of 1.09 days. During FY22 TOSHA processed 2,009 complaints.

During FY22, TOSHA performed 40.70% of all inspections in the public sector. Public sector employers were given the opportunity to participate in the public sector program during the first two years following the formation of TOSHA and again, by statute, between July 1, 2004, and July 1, 2006. State law mandates that TOSHA inspect these entities every two years. Participants in the program must designate a safety and health director and establish a safety and health program. Participants are not issued monetary penalties for violations; however, the governor can remove a participant from the program for failure to comply with the TOSH Act. All public employers not currently participating in the program are treated as private employers as mandated by state law. The 2021 total case incident rate (TCIR) for state and local government in Tennessee was 3.5 which is lower than the national average of 4.5.

## OUTREACH

### Training

TOSHA 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 FY22, TOSHA trainers conducted 488 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, and walking-working surfaces. Safety and health training was provided to 9,997 attendees across the state.

### Newsletter

TOSHA 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.

### 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.

The 2023 Tennessee Safety and Health Conference is scheduled to be held at the Gaylord Opryland Hotel in Nashville on August 14 – 16.

## CONSULTATION

The TOSHA Consultation Program works with employers to help them identify hazards and develop safety and health management systems. The program performed 270 consultation visits and identified 1,908 serious hazards. As required by statute, penalties are not assessed for violations identified by the consultation program. All serious hazards identified must be corrected.

## SHARP

During FY22, Tennessee OSHA Consultation did not evaluate any new SHARP sites. A program designed for smaller employers, SHARP participants must have injury rates below the average for their industry, operate within a single-fixed worksite, have a minimum of one-year operating history, and have a high functioning safety and health program.

SHARP sites must have strong management commitment and employee involvement. TOSHA's SHARP sites share these two core values while having management styles as diverse as their industry types. The structure of these sites is equally diverse, including several sites without dedicated safety and health staff and one site with seven employees. The success of all these sites demonstrates a small business can serve as an example and a leader in workplace safety and health.

Tennessee currently has 11 SHARP site participants protecting almost 1,200 employees. These sites collectively have a total recordable case rate 82% below the national average for the past three years, theoretically preventing 84 injuries.

## Volunteer STAR Program (VPP) and Safety and Health Awards Programs

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.

The Volunteer STAR program currently has 33 participants protecting approximately 25,667 employees.

A review of the 2022 annual self-evaluation data for Volunteer STAR sites reveal total case incident rates 68% below and days away, restricted, and transfer rates 75% below their respective national industry averages.

During CY22, 12 of the Volunteer STAR sites experienced a TCIR of 0.0, and 15 sites experienced a DART rate of 0.0.

For the three-year period (2020 through 2022) there were six sites that experienced a TCIR of 0.0 and 10 sites that experienced a DART of 0.0.

The Tennessee Department of Labor and Workforce Development's Safety Award Program is designed to stimulate interest in accident prevention and to promote safety and health programs. These awards recognize manufacturing and construction employers across the state that, together with their employees, achieve and maintain safe and healthful work sites based on worker-hours worked without a lost time (Commissioner's Award) or without a lost or restricted duty incident (Governor's Award).

During FY22, TOSHA presented 16 Governor's Awards and three Commissioner's Awards.



## SIGNATURE PROJECTS

The Utah Occupational Safety and Health (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. Since the onset of the COVID-19 pandemic, public forum meetings were held virtually until recently, June of 2022, when in person meetings resumed.

The UOSH Advisory Council consists of the following representatives:

- American Federation of Labor and Congress of Industrial Organizations (AFL-CIO)
- Associated Builders and Contractors (ABC)
- Associated General Contractors (AGC)
- Laborers' International Union of North America (LiUNA!)
- Professional Fire Fighters Union (PFFU)
- Utah Home Builders Association
- Utah Manufacturers Association (UMA)
- Utah Petroleum Association (UPA)
- Utah Safety Council

### Success Management Information System

Beginning in FY17, UOSH began working with the Governor's "Success Management Information System" (SMIS) to measure UOSH's efficiency to process inspections in a timely matter.

The following measures are being reported:

- The percentage of citations issued within 45 days of opening conference.
- The percentage of inspections closed, if no citation was issued, within 45 days.
- The number of days it takes to issue a citation or otherwise close the inspection, if no citation is issued.

The next table shows UOSH results and how improvements have been made and maintained since the beginning of this program, compared to the national average.

**OPENING DATE TO ISSUANCE OF CITATIONS  
OR CASE CLOSE DATE *(No Citation)***

FISCAL YEAR (FY)	% WITHIN 45 DAYS		AVG. # OF DAYS	
	<i>UOSH</i>	<i>National</i>	<i>UOSH</i>	<i>National</i>
FY17	75.03	50.06	35.4	61.2
FY18	79.34	46.61	26.5	65.1
FY19	88.17	44.80	22.6	67.4
FY20	88.18	38.29	27.1	76.9
FY21	87.98	37.88	24.9	82.1
FY22	80.43	37.39	28.7	79.4

### 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, highway safety, and 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 CY22, approximately \$478,000 in workplace safety grants were awarded throughout the state.

### Significant Increases in Non-Fatal Injury and Illness Rates

State government establishments experienced a significant increase in incidence rates, per 100 full-time workers, from 2020 to 2021 for total recordable and other recordable cases. Construction and manufacturing in the private sector also experienced a significant increase in incidence rates, per 100 full-time workers, for cases with days away from work from 2020 to 2021. See tables below.

YEAR	CASE TYPE	INCIDENCE RATES
		STATE GOVERNMENT
2019	Total recordable cases	2.1
	Other recordable cases	1.5
2020	Total recordable cases	2.7
	Other recordable cases	2.2

Table 1. Significant Increase: Total and Other Recordable Cases Incidence Rates

PRIVATE SECTOR	INCIDENCE RATES*	
	2020	2021
CONSTRUCTION	.05	1.1
MANUFACTURING	.05	0.8

Table 2. Significant Increase: Cases with Days Away from Work Incidence Rates\*



*Construction site*

## LOCAL EMPHASIS PROGRAMS (LEPS)

Through local emphasis programs (LEPs), UOSH has focused many of its resources conducting programmed planned inspections, consultation visits and other outreach activities at construction, public sector and manufacturing establishments. By focusing resources in these areas, hazards that are likely to cause injury or illness in the workplace can be identified and reduced/eliminated. Through enforcement and outreach activities, UOSH continues to implement LEPs to help prevent injuries in the workplace.

### 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 FFY22, a total of 121 Construction LEP inspections, affecting 2,849 employees, were conducted; 325 hazards were identified and removed from the workplace. The top five hazards cited were those related to fall protection (136 violations), ladders (54 violations), stairways (54 violations), scaffolds (51 violations) and excavations (20 violations). A total of 76 compliance assistance activities under the Construction LEP were conducted during this timeframe, affecting 872 employees.

### 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 138 Amputation LEP inspections, affecting 19,929 employees, were conducted in FY22 which resulted in the identification and elimination of 279 hazards from the workplace. The top five hazards cited were those related to machine guarding (97 violations), lockout/tagout (73 violations), electrical (12 violations), respiratory protection (11 violations) and powered industrial trucks (eight 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.

39 Public Sector LEP inspections, affecting approximately 12,190 employees, were conducted in FY22 where 133 hazards were identified and eliminated from the workplace. 40 consultation visits were conducted under this LEP, affecting 4,643 employees, where 412 hazards were identified and eliminated. In addition to inspections and consultation visits, outreach through compliance

assistance efforts was provided to 62 public sector establishments covering 3,641 employees in the state.

The top five hazards identified during Public Sector LEP inspections were related to personal protective equipment (26 violations); machinery and machine guarding (21 violations); bloodborne pathogens (19 violations); hazard communication (15 violations); and permit-required confined spaces (seven violations).

### Respiratory Crystalline Silica (RCS)

UOSH established a Respirable Crystalline Silica (RCP) 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.

10 RCS LEP inspections, affecting approximately 587 employees, were conducted in FY22 where 34 hazards, including two overexposures to RCS, were identified and eliminated from the workplace. 122 consultation visits and 66 compliance assistance activities, affecting approximately 6,870 and 2,122 employees,

respectively, were conducted where RCS was assessed, discussed and/or information on RCS was provided to employers.

Consultation visits related to the RCS LEP resulted in the identification and elimination of 530 serious hazards from the workplace.

## ENFORCEMENT

During FY22, UOSH Compliance conducted 1,089 compliance interventions. The total interventions included 875 inspections, 45 public sector consultation visits, and 169 compliance assistance activities in public and private sectors. These interventions resulted in the removal of approximately 136,396 employees from more than 1,870 identified and corrected hazards.

## OUTREACH

UOSH continually provides outreach to employers on construction and general industry standards. Management staff is working with members of the construction industry, general industry, construction trade associations and manufacturing to keep them informed of changing UOSH requirements. Many opportunities to share safety and health information were made available during FY22. Presentations were conducted at:

- American Public Works Association
- Associated General Contractors of Utah
- Consulate of Mexico – Labor Rights Week
- Occupant Protection Advisory Committee
- RMCOEH Conference
- Salt Lake County Environmental Task Force
- State of Utah Emergency Response Center
- Utah Asphalt Pavement Association
- Utah Association of Counties
- Utah Department of Public Safety
- Utah International Code Council
- Utah Local Government Trust
- Utah Safety Council – Start with Safety
- Utah Valley University Fire and Rescue Academy
- University of Utah Engineering
- WCF Insurance – Workers Compensation
- Workplace Safety Grants Committee



In addition to the above listed outreach activities, UOSH Consultation worked with the following associations during FY22 to help promote the importance of workplace safety and to reach a broader scope of private sector employers:

- Associated Builders and Contractors of Utah
- Associated General Contractors of Utah
- Associated General Contractors of Southern Utah
- Blue Stakes of Utah
- Brigham Young University
- Institute of Scrap Recycling Industries
- Rocky Mountain Center for Occupational and Environmental Health
- Utah Golf Course Superintendent Association
- Utah Manufacturer's Association
- Utah Safety Council
- Wasatch Safety Group

## PARTNERSHIPS

### Voluntary Protection Program (VPP)

The Voluntary Protection Program (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 13 private-sector employers in VPP as follows:

- Albany Engineering Composites
- Clean Harbors Aragonite
- Energy Solutions
- Frito-Lay Inc.
- Firestone Building Products Company LLC
- Holder – Big D (Joint Venture)
- McWane Ductile Inc.

- Mortenson – Eagle Mountain Data Center
- Morton Salt Inc.
- Nucor Building Systems
- Phillips 66 NSL Terminal
- Smithfield Foods
- Steris AST

### **Safety and Health Achievement Recognition Program (SHARP)**

The Safety and Health Achievement Recognition Program (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 13 private sector and five 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
- Post-Consumer Products
- 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



In 2023, Vermont state agencies, including Vermont Occupational Safety and Health Administration (VOSHA), found ourselves in an unusual predicament. As the pandemic waned and economic activity increased, a national and statewide employee shortage became the norm. This phenomenon continues as of this writing and results in difficult staff shortages. VOSHA is not immune, and we have suffered vacancies in our compliance ranks for extended periods of time.

All of this really compels VOSHA as well as other state agencies to look at the way employees are compensated. Though pay is important, it is not the only thing. Inasmuch as VOSHA's pay scale is slow to react to economic conditions, VOSHA has also focused on "quality of life" issues in our recruitment advertisements. With that said VOSHA, like other agencies, is going through evaluation and upgrade for salaries of compliance staff.

At present, VOSHA staff consist of a Manager, Compliance Supervisor, Administrative Support Technician, 11(c) Whistleblower Investigator, four Safety CSHO's, two Health CSHO's, a dual discipline Health/Safety CSHO and a compliance assistance specialist (CAS) for a total of 12 staff.

## **ENFORCEMENT**

The past year has seen an increase in fall incidents as well as crush by incidents involving granite products such as head stone pieces and countertop slabs. VOSHA investigated three serious injuries including one that resulted in a fatality regarding crushing incidents. In addition, VOSHA has investigated a number of incidents, including a fatality, involving falls from ladders. Currently VOSHA is conducting two separate and unrelated workplace violence-related inspections, one involving a murder. These investigations, both involving workplaces in the social service arenas, are ongoing at this writing.

### **Compliance Assistance**

VOSHA's Compliance Assistance Specialist (CAS) works with employer groups, providing training for both employers and employees in a wide spectrum of workplace related health and safety issues. The compliance assistance program works extensively with the three alliance partners of VOSHA; Vermont Rural Water Association, Vermont Associated General Contractors and the Vermont Safety and Health Council.

## **SIGNATURE PROJECTS**

VOSHA is currently preparing for an upcoming statewide disaster drill event. This event will be similar to the former event called Operation Vigilant Guard that was held in August of 2016. This exercise will likely involve many

state agencies as well as local municipalities. Unlike Vigilant Guard, this exercise is likely to “play” a winter type scenario and is likely to include an extended length of time to stress longer term services which typically would include recovery both physically and economically. VOSHA is looking forward to its role in this event, especially since the recovery role will more align with the services that VOSHA can offer.

In addition to the above discussed CAS activities, VOSHA remained committed to these three key state agency committees which it serves as a representative of the Vermont Department of Labor:

- *State Emergency Response Committee (SERC)*: This is a statewide committee that meets bi-monthly at the State Emergency Operations Center (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 Departments of Agriculture and Health, and various local emergency planning commissions (LEPCs) from around the state. This meeting is usually attended by the VOSHA Manager.
- *State Elevator Board*: This committee consists of the Vermont Department of Public Safety, Fire Prevention Division, various elevator inspection and regulatory entities as well as VOSHA. These monthly meetings are usually attended by the VOSHA Compliance Supervisor.
- *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 provide onsite consultative services as well as training for employers who request it. 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.

## ALLIANCES

VOSHA and Project WorkSAFE now recognize three active alliances:

- *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 where the latest in safety and health information is made available. Training attendees 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.
- *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.
- *Vermont Associated General Contractors:* This alliance focuses on providing information to employers in the construction trade. Information provided encompasses existing standards and compliance issues as well as upcoming or newly adopted regulation. This is a relatively recent alliance and VOSHA has not yet done the volume of outreach to this group that it has others.

## PARTNERSHIPS

### **Green Mountain Voluntary Protection Program**

VOSHA maintains the Green Mountain Voluntary Protection Program (GMVPP). The pandemic has caused a reduction in the number of Green Mountain VPP sites. This program, which is 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. With the pandemic, VOSHA



saw the GMVPP program shrink with some sites choosing to drop out. However, we seem to have stabilized and even have received two new applications for 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.

### **Safety and Health Achievement Recognition Program**

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 use of SHARP in the construction industry. As such, the information gained by their efforts has been very useful throughout the country with other consultation programs. Currently there are seven SHARP sites in the general industry category including two breweries, and 1 site in construction.



## ADMINISTRATION CHANGE

Gary G. Pan was appointed Commissioner of the Virginia Department of Labor and Industry (DOLI) by Governor Glenn Youngkin in January 2022, and confirmed as the new Commissioner.

## SIGNATURE PROJECTS

### Revocation of Virginia COVID-19 Standard

In 2021, Virginia's Safety and Health Codes Board (Board) replaced the July 27, 2020 COVID-19 Emergency Temporary Standard (ETS) with a permanent standard (Virginia Standard) effective January 27, 2021, when it found that the SARS-CoV-2 virus that causes COVID-19 continued to pose a "grave danger" to employees in the workplace under Va. Code §40.1-22(6a) – the first such comprehensive standard in the nation. The Board also adopted federal OSHA's ETS governing healthcare workers' exposures to COVID-19 effective August 2, 2021. The Board further amended the Virginia Standard to reflect updated Centers for Disease Control and Prevention (CDC) guidance on vaccinated and unvaccinated persons in September 2021.

On January 15, 2022, Governor Youngkin issued Executive Order 6 (EO 6) directing the Virginia Safety and Health Codes Board to meet to discuss whether there was a continued need for the Virginia Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus That Causes COVID-19 and report its findings to the governor within 30 days.

In addition, 16VAC25-220-10.B.3 provided:

- Should the federal COVID-19 Emergency Temporary Standard, 29 CFR 1910.502 et seq., applicable to all settings where any employee provides health care services or health care support services, be adopted by the Virginia Safety and Health Codes Board but later be stayed by federal OSHA, or otherwise revoked, repealed, declared unenforceable, or permitted to expire, the provisions of this chapter, including 16VAC25-220-50, shall immediately apply to such employers and employees in its place with no further action of the board required. **In addition, the Virginia Safety and Health Codes Board shall within 30 days, notice a regular, special, or emergency meeting/conduct a regular, special, or emergency meeting to determine whether there is a continued need for this chapter or whether it should be maintained, modified, or revoked.**

The board met on February 16, 2022, to consider the department's recommendation to make a proposed finding that Virginia Standard no longer poses a "grave danger" to employees under Va. Code §40.1-22(6a). The board adopted the recommendation and also adopted the department's proposed recommendation that the Virginia Standard be revoked, and that the such proposed revocation be the subject of a 30-day written comment period, a public hearing (during the 30-day period), and a second board meeting to vote on final revocation of the Virginia Standard.

The proposed revocation was the subject of a written comment period from February 17, 2022, to March 19, 2022, on the Virginia Regulatory Townhall. The proposed revocation was the subject of a public hearing on March 14, 2022. The board met on March 21, 2022 and adopted as final a finding that the SARS-CoV-2 virus no longer poses a "grave danger" to employees under Va. Code §40.1-22(6a) and revoked the Virginia Standard for Infectious Disease Prevention of the SARS-CoV-2 Virus That Causes COVID-19, 16VAC25-220 (Virginia Standard). The revocation became immediately effective upon publication in a newspaper of general circulation published in the city of Richmond, Virginia on March 23, 2022.

### **Tunnel Boring Variance Applications**

The Department of Labor and Industry evaluated variance applications for two major tunnel boring projects in Virginia involving compressed air work. Chesapeake Tunnel Joint Venture (CTJV) applied for Permanent Variances from Sections 1926.803(e)(5), 1926.803(f)(1), 1926.803(g)(1)(iii), and 1926.803(g)(1)(xvii) of the VOSH Standards for Construction, by email dated July 7, 2021. In accordance with the procedures in the VOSH Administrative Regulations Manual (ARM), a

notice of the request and 30-day comment period was published in the Richmond Times dispatch on December 4 – 13, 2020. The comment period closed on January 8, 2021, with no comments having been received.

Hampton Roads Connector Partners (HRCP) applied for permanent variances from §§1926.803(e)(5), 1926.803(f)(1), 1926.803(g)(1)(iii), and 1926.803(g)(1)(xvii) of the VOSH Standards for Construction on July 7, 2021.

In accordance with the procedures in the VOSH Administrative Regulations Manual (ARM), a notice of the request and 30-day comment period was published in the Richmond Times dispatch on April 21 – 30, 2022. The comment period closed on June 1, 2022, with no comments having been received. The variance applications remained under review as of September 30, 2022.

### **ENFORCEMENT**

During FFY22, October 1, 2021, to September 30, 2022, VOSH Safety and Health Compliance Officers conducted 1,351 safety and 496 health inspections. Of the 1,847 total VOSH inspections conducted, 382 were the result of work-based complaints. An additional 750 informal complaint investigations (e.g., phone/fax/email) were conducted for a total 1,132 complaint-related compliance activities.

The number of fatalities investigated by VOSH totaled 40. That figure does not include COVID-19 related workplace death inspections/informal investigations, where it could not be determined that the COVID-19 infection was work-related. VOSH also conducts inspections/investigations of alleged medical incidents (e.g., heart attacks) to assure that a work-related hazard did not cause the employee's death (e.g., electric shock, heat stroke).



*Depiction of the VOSH Compliance Safety and Health Officer taking measurements of the pole that contacted the overhead powerline.*



*Location of the scaffold's pole that contacted the overhead powerline laying on the ground.*

The primary causes of the 40 fatalities inspected were employees struck by objects, equipment, or vehicles; being caught-by, caught-in, or caught-between objects, equipment, or vehicles; and falls. Agency efforts to reduce the incident of fatalities included delivery of safety and health messages in multiple languages.

## NOTABLE CASES

An electrocution accident at a new residential subdivision resulted in the death of two workers and a third hospitalization in central Virginia. The victims' ages were 18 and 34 years old. At the time of the incident, the crew was in the process of installing siding on a two-story single-family home using a pump jack scaffolding system, which was comprised of two 36-foot upright metal poles supporting a horizontal platform. While disassembling the scaffold, one of the poles from the scaffold became loose and contacted a 19,900-volt overhead powerline. The horizontal distance between the structure and the powerline was approximately 30 feet.

The investigation found that the employer failed to ensure that employees assembling and dismantling a pump jack scaffold followed the manufacturer's specifications, which require the use of a rope to hoist or lower pole combinations measuring more than 24 feet. Additionally, employees had not been trained in the hazards associated with working in proximity to overhead powerlines. Along with the aforementioned issues, the investigative team also addressed additional hazards at the same job site, including but not limited to, lack of fall protection, mud sills on another pump-jack scaffold, lack of fall protection for employees while on the rooftop, and improper use of ladders.

## EMPHASIS PROGRAMS

VOSH Program Directive 14-442 on Outdoor and Indoor Heat-Related Hazards became effective on September 29, 2022. This directive describes policies

and procedures for implementing a National Emphasis Program (NEP) to protect employees from heat-related hazards and resulting injuries and illnesses in outdoor and indoor workplaces. This NEP expands on the agency's ongoing heat-related illness prevention initiative and campaign by setting forth a targeted enforcement component and reiterating its compliance assistance and outreach efforts. This approach is intended to encourage early interventions by employers to prevent illnesses and deaths among workers during high heat conditions, such as working outdoors in a local area experiencing a heat wave, as announced by the National Weather Service. Early interventions include, but are not limited to, implementing water, rest, shade, training and acclimatization procedures for new or returning employees

### **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**

### **Annual Virginia Safety and Health Conference**

The 2021 VOSH Training Conference was held as a virtual event open to the public on October 6-7, 2021, from 9 a.m. to 12 p.m. each day. There were 20 different breakout sessions covering a broad range of safety and health topics as well as two keynote speakers and an opportunity to virtually meet with industry vendors.

### **Virginia Voluntary Protection Program (VPP) Best Practices Day**

Again in 2022, the pandemic restrictions eliminated opportunities for VPP Best Practices Days. It is hoped that these popular events will resume in 2023.



## PARTNERSHIPS

### Virginia CHALLENGE Program

Virginia CHALLENGE is a step-by-step approach to collaboratively building a viable Safety and Health Management System (SHMS) for Virginia's private and public sector employers. Participants commit to engaging employees in detecting, analyzing and correcting worksite hazards. The electronic assessment tool is completed at the company's own pace. VOSH provides coaching, mentoring and networking opportunities to assist participants. There are three stages of recognition. Upon completion of stage III, worksites have a fully functioning SHMS and should be able to apply for STAR recognition.

The Virginia CHALLENGE program continued to recruit and expand its ranks with 13 private and three public sector employer participants. In 2022, Mitsubishi Chemical's ALPOLIC Division in Chesapeake, Tecton Products in Salem, and Goodyear Tire and Rubber in Danville successfully completed stage III. Both, Damuth Trane in Chesapeake, and Ingevity Corporation in Covington advanced from stage II.

### Virginia STAR

Virginia STAR is the preeminent recognition program for Virginia businesses and employees who work together to implement an exceptional comprehensive safety and health management system.

Sites that accepted in Virginia STAR have a three-year average Days Away, Restricted, or Transferred (DART) and Total Case Incident Rate (TCIR) below the industry average. That means Virginia STAR sites can often experience reductions of 50% or more lost workday injuries as compared to the average site of the same size, in the same industry. Virginia STAR is the foundation for Virginia businesses to continue the process of reaching excellence in not only safety and health but in many other industry-related qualitative and quantitative productivity measures.

Virginia STAR had 36 active sites as of September 30, 2022. Six Virginia STAR sites have been in the program for over 20 years, including the first medium security correctional facility in the country to be recognized by either a state program or federal OSHA: Lunenburg Correctional Facility. A second such correctional facility has been in the program for over 17 years: August Correctional Facility.

### Virginia VADOC Challenge

The Department of Labor and Industry and the Virginia Department of Corrections (VADOC) Challenge is a unique partnership between the Virginia Department of Corrections and VOSH that was initiated in 2018. The VADOC established and staffed a dedicated, stand-alone agency Safety Department that includes three Regional Coordinators who in addition to their regular duties, vet

new participants and guide the advancement of current sites. In 2022, three VADOC facilities completed stage 1. The ultimate goal is to have all VADOC sites working toward STAR and mentor other Virginia State agencies in achieving VPP recognition.

### **Virginia BEST**

Virginia BEST is a strategic partnership with the Associated General Contractors of Virginia (AGCVA). The AGC Review Board vets its member candidates and submits candidates to VOSH for review and approval. The three participation Levels follow Challenge principles for establishing and maintaining a Safety and Health Management System (SHMS). The highest Level (Level 3) provides an exemption from scheduled VOSH inspections for all the participants' sites within VOSH jurisdiction in Virginia. No exemptions are provided for unscheduled VOSH inspections, accidents, or investigations.

There are now 10 companies recognized as BEST participants. Of these, three companies, Southern Air, Inc. MEB, and Holder Construction, achieved Level 2 recognition in 2022 and joined W.M. Jordan as Level 2 participants. .

### **Virginia BUILT**

Virginia BUILT is a unique strategic partnership between the Associated Builders Contractors of Virginia (ABCVA) and VOSH. The strategic partnership agreement was signed August 18, 2020. Virginia BUILT is designed to encourage and recognize ABC-VA members who voluntarily implement highly effective safety and health management systems (SHMS) to benefit construction workers and reduce or eliminate injuries, illnesses, and fatalities on construction sites in Virginia.

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).

Virginia BUILT follows Challenge principles to establish a SHMS and has three Tiers of recognition. The highest level (Tier 3) provides an exemption from VOSH scheduled inspections for all the participants' sites within VOSH jurisdiction in Virginia. No exemptions are provided for unscheduled VOSH inspections, accidents, or investigations.

In 2022, James G. Davis Construction joined Hourigan as the second BUILT Tier II participant.

### **Consultation Safety and Health Achievement Recognition Program (SHARP)**

Virginia SHARP is administered by VOSH Consultation Services and is designed to recognize small businesses that commit resources to implement exemplary safety and health management systems that result in immediate and long-term prevention of occupational injuries, illnesses, and fatalities. Virginia SHARP had 15 active sites and two pre-SHARP sites as of September 30, 2022.

### **EVENTS ORGANIZED AND HELD**

DOLI's VOSH program hosted the Fall 2022 Meeting of the Occupational Safety and Health State Plan Association (OSHSPA) (<https://oshspa.org/>) at the Hotel Roanoke on August 30-31, 2022. 90 safety and health professionals representing the 29 State Plans for occupational safety and health, and the federal Occupational Safety and Health Administration (OSHA) met to discuss national policy on workplace safety and health. The group was addressed by OSHA Assistant Secretary of Labor Douglas Parker and received the following briefings:

- OSHA Directorate of Standards and Guidance Update
- OSHA Directorate of Whistleblower Protection Programs Update
- OSHA Directorate of Construction Update
- OSHA Directorate of Enforcement Programs Update
- OSHA Office of Maritime Enforcement Update
- Massachusetts State Plan: Injury Prevention for State and Local Government
- North Carolina State Plan Fatality Investigation: Employee Asphyxiation from Exposure to Carbon Dioxide Off Gassing from Dry Ice
- OSHA Directorate of Administrative Programs Update
- AFL-CIO Presentation: Tools for OSHA and Labor Unions Working More Effectively Together
- OSHA Directorate of Cooperative and State Programs Update



## ENFORCEMENT

This year the Division of Occupational Safety and Health (DOSH) is celebrating 50 years as a State Plan. However, safety and health has been a foundational part of Washington State from the beginning. In the Washington State Constitution dated 1889, Article II Section 35 Protection of Employees states “The legislature shall pass necessary laws for the protection of persons working in mines, factories and other employments dangerous to life or deleterious to health; and fix pains and penalties for the enforcement of the same.” Washington adopted safety standards in 1923 which were repealed when the Washington Industrial Safety and Health Act was adopted in 1973. Washington State has a robust State Plan that our legislature supports which includes funding to support a specific group to focus on only agricultural employers and another to focus on PSM employers. Because DOSH is so well supported, we have a large compliance presence and an established consultation program. Working together, we have been able to consistently have one of the lowest injury and fatality rates in the country.

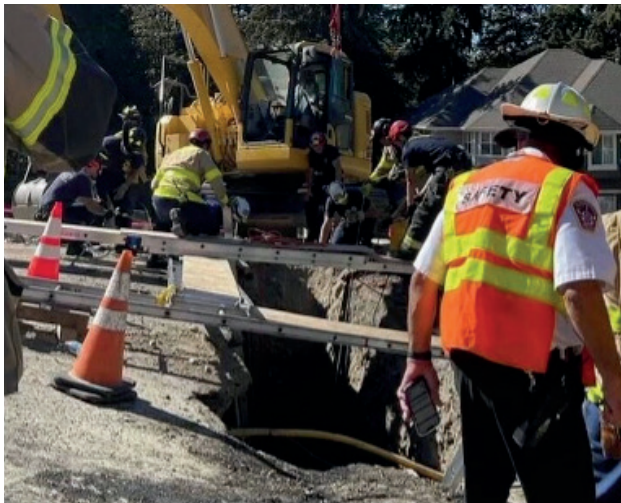
But that definitely does not mean there isn’t room for improvement. We have our share of habitual offenders that no matter how high of a penalty is issued, we find them doing the same things again and again. When asbestos removal contractors continue to violate asbestos codes, DOSH can revoke certifications since we certify companies to be an asbestos abatement contractor and also certify asbestos supervisors and asbestos workers. We are working with other divisions within Washington State Labor and Industries to see if we can take similar steps with other employers as well.

Another way to hold employers accountable is by bringing criminal charges. Alki Construction owner Phillip Numrich was sentenced in March 2022 to 45 days in jail for his role in a 2016 trench collapse in West Seattle. Criminal charges are being considered for Boss Construction where a 39-year-old man died after falling approximately 60 feet from the bridge deck to the ground below while laying concrete curing blankets as part of a bridge restoration project. The structure was an old railroad bridge that was being converted to a pedestrian walking bridge. A week prior to the fatal fall, a picture was taken of the work showing seven of the eight employees working without proper fall protection. The one employee that was wearing fall protection was the safety person for the job. Two egregious serious willful violations were issued for not ensuring workers were using fall protection. Inspectors determined that many of the workers did not use fall protection on the day of the incident and on multiple other days. The company was issued \$283,864.00 in penalties.



*Bridge deck*

Criminal charges are also being considered due to another trench collapse where an employee was killed when the dirt walls of the trench he was working in collapsed and buried him. It was determined the employee had been working in a trench 18-20 feet deep at a new housing development. No one had inspected the trench for safety before the worker entered, and the shields installed were inadequate for the soil type and depth.



*Trench*

Employees inside the trench also did not have a safe way of getting out. The employer, AAA Contractors Inc., was cited for three willful and one serious violation in connection with the incident. The fines total \$437,581.00.

During the COVID-19 pandemic, DOSH was the enforcement arm to hold employers that were not abiding by the governor's orders accountable. We did a fair amount of work in the healthcare industry enforcing masking, social distancing and PPE, but we became involved with other businesses that don't normally receive inspections. With lockdown orders in place and restrictions on which businesses could or could not be open, DOSH had to contend with gyms and restaurants that were not abiding by the governor's orders. A couple of gyms persisted in remaining open when ordered not to be, which resulted in willful violations. There were multiple restaurants that would not abide by the orders against indoor dining and DOSH cited these restaurants for daily willful violations with penalties until they came into compliance or shut down.

As restrictions were loosened in the latter days of the pandemic, DOSH still had several employers that would not adhere to the COVID-19 requirements which were in place to prevent COVID-19 transmission. United Natural Foods, Inc. (UNFI) owns and operates a million-square-foot food supply warehouse that serves hundreds of regional grocery stores and military operations. There are about a thousand employees at the location; 600 work directly for the company, and the rest are contract workers.

Several inspections were opened after receiving a referral from the County Health

Department. As a result, three businesses with employees working at that location — United Natural Foods Inc., Capstone Logistics LLC and Prime 360 — were cited more than \$285,000 in overall fines for willful violations for knowingly putting their workers at risk of exposure to COVID-19. Six other businesses in the warehouse were cited for less serious violations including not having COVID-19 plans and not keeping proper records.

Inspections revealed a lack of basic safety procedures to limit the spread of COVID-19. Inspectors also found a disregard for workers' rights to information about their health and exposure to infection. Approximately one in four employees working in the warehouse between July 7 and October 5, 2021 tested positive for COVID-19. Of the 253 workers who tested positive, five were hospitalized.

After the initial investigation in July made the extent of the outbreak clear, United Natural Foods told officials that they voluntarily closed most operations, committing to using minimal required staffing. However, further investigation from County Public Health and Social Services found that they continued to fulfill shipments from the site with their general workforce.

United Foods also initially failed to provide contact information for employees who had tested positive through onsite testing, claimed not to know who some employees worked for, and allowed employees to work at the facility while the company knew or should have known that they tested positive for COVID-19. As a result, an Order of Immediate Restraint (OIR) was issued to ensure safety measures were in place before the facility re-opened.

With Capstone, a worker was told he had not tested positive for COVID-19 by his supervisor and to go to work when he actually had tested positive. Even after committing to social distancing and other safety measures in vans used to transport workers to the building, Capstone loaded crowded vans with employees without screening for temperature and COVID-19 symptoms or requiring masks.

Washington State is a national leader in addressing emerging hazards that come to light such as isocyanates in the truck bed lining industry, carbon monoxide from forklifts in warehouses and silica exposures from work on granite counter tops. DOSH is once again at the forefront of addressing ergonomic hazards in a world where ergonomic regulations are scarce.

Amazon was cited a willful serious violation and a \$60,000 fine for knowingly putting workers at risk of injury at its fulfillment center.

An inspection at an Amazon fulfillment center found 10 of the 12 processes evaluated created a serious hazard for work-related back, shoulder, wrist and knee injuries. Ergonomists found that many Amazon jobs involve repetitive motions, lifting, carrying, twisting and other physical work. Workers are required to perform these tasks at such a fast pace that it increases the risk of injury.

The citation required Amazon to submit a written plan within 60 days, detailing methods the company will use to abate the safety issues. Numerous options were provided for Amazon to consider reducing the risk of injuries. Some examples include installing height adjustable platforms to reduce awkward lifting, using powered equipment to move heavy pallets and setting a safe pace of work for each process.

The company is aware of these hazards, as DOSH has cited Amazon for similar violations at three Washington locations. Therefore, the most recent violation was classified as a willful and came with a significantly higher penalty than those issued as a result of earlier inspections. The company has not yet made necessary changes to improve workplace safety and has consistently denied the association between pace of work and injury rates.

Over the last 50 years as a State Plan and before, DOSH and Washington State have worked hard to protect workers so that each has the opportunity to arrive home at the end of the workday in the same condition and health as when they left home for their

work. Until there are no more fatalities, injuries or health conditions brought on by the work environment, DOSH will be tirelessly addressing safety and health hazards in the workplace. This is so important to the Washington State Department of Labor Industries that our mission is, “Keep Washington Safe and Working.” Thanks to all of those that have strived to make Washington State one of the safest states to work in these past 50 years and cheers to those that are continuing to make Washington State even safer into the next 50 years.

## EMPHASIS PROGRAMS

### Operations Program

The DOSH Operations Program continued to provide essential services to division staff as the agency continued to work remotely. Specific steps taken by each program in March of 2020 have continued and, in some cases, have been modified to respond to changes in work processes, remote work technology and state mandated vaccine requirements for state workers.

### DOSH Business Systems Analysis and Support

New systems were added to support two new enforcement programs within DOSH:

- *High Hazard Facilities:* This new system supports DOSH in administering new workplace rules requiring specialized training for workers in certain high hazard industries such as petroleum refinement. These requirements were adopted by the Washington State legislature and are now enforced by DOSH Process Safety Management (PSM) staff.



- *WISHA Discrimination Complaints:* This new system supports DOSH in administering new workplace rules that significantly changed how DOSH Discrimination Investigations are processed. New laws enacted by the Washington State legislature extended the amount of time Complainants have to file WISHA Discrimination complaints, provided the ability for DOSH to issue penalty assessments to employers found to be in violation of discrimination rules and provided the ability to process employer or complainant appeals of investigation results.

### DOSH IT Unit

This year, the DOSH IT Unit focused on upgrading equipment, continuous process improvement as well as security enhancements. This included lifecycle upgrades on computers and smart phones, a deployment of secure removable media devices and a WSP audit to ensure compliance with federal regulations. Our unit is also providing technical assistance for a new state of the art training center AV system and supported two large in person events. See below for a detailed list:

- Implementation of WEBSVN within Apache for seamless version control and document availability during rule making.
- Deployed iPhone 13s to all 243 eligible staff with improved camera capabilities for inspections and remote meetings.
- Updated all DOSH central computers for 94 staff and supported enterprise-wide computer upgrade.
- Assisted with AV Design technical aspects for the new DOSH building to include an emphasis on technology that supports hybrid training and meetings.

- Helped integrate secure removable media in a manner that had least disruption to business deploying over 250 secure thumb drives.
- Completed CJIS audit with zero deficiencies on our background checking system for explosives licensing.
- DOSH IT staff provided IT support for the Washington State Governors Conference and DOSH symposium.
- Completed over 1000 tickets, 50% of IT support tickets across the state in field offices.

### APPEALS, AUDIT, DISCRIMINATION AND INTERNAL TRAINING PROGRAM

#### Discrimination Program

During the Legislative session of 2021, Engrossed Substitute House Bill 1097 (ESHB 1097) was passed. This bill increased worker safety and health protections. The DOSH Discrimination program updated Chapter 296-360 WAC. The new law changed the time period to file a complaint of a discriminatory act from 30 to 90 days, expanded the definition of discrimination, and established the Division of Occupational Safety and Health's (DOSH) ability to cite and penalize an employer for discriminating against employees. This rulemaking also addressed changes in how complaints are resolved with final orders.

With the passing of ESHB 1097 the Discrimination program updated and revised the desk/operation manual for its program and included a new section for citations, notices, and penalties. The DOSH Discrimination program added three new investigators to their program.

In the FFY22, the DOSH Discrimination Program completed 100% of all cases within 90 days, which puts us at the top when compared to all other Whistleblower programs nationwide. In addition, we averaged 66 days to complete our investigations, placing us first in the nation for this category as well.

In addition, the Discrimination program accomplished the following:

- Settled – 4  
*6th place in nation of all State Plans*
- Settled Other – 5  
*4th place in the nation of all State Plans*
- Total Merit cases – 11  
*7th place in the nation of all State Plans*
- Total dollars returned to employees for damages – \$67,195.49  
*6th place in the nation of all State Plans*
- Average Days to Screen Complaints – 7.8  
*2nd place in nation of all State Plans*
- Total Cases Completed – 81  
*5th place in nation of all State Plans*
- Average Days Pending – 41  
*1st place in nation of all State Plans*

### Internal Training

Two New Hire Trainings were done completely virtually. The most recent underway is a hybrid with five weeks in person and three weeks via Teams/Zoom. We will continue to improve the interactivity when training virtually but are anticipating much better results with the return to the classroom for the majority of the sessions. We continue to plan for the future.

We will continue to offer virtual courses—the benefits of providing short topics that address current needs quickly and easily—like the COVID updates and the virtual symposium sessions were obvious given the numbers of attending staff and the positive feedback.

We were very pleased with the positive feedback about the DOSH Technical Symposium this July—breakout sessions continue to receive the highest praise and the heat in Wenatchee in July topped the list for the negatives. But overall, staff really seemed to enjoy the opportunity to see others face-to-face, to re-acquaint or meet for the first time. The Symposium provides about 20 hours of technical training for staff conducting investigations. We also completed two sessions of Accident Investigation this summer, with 32 new staff qualified to conduct fatality investigations. We have OSHA coming in December to train 32 more students, completing the requirement for the remainder of our COVID induced back-up.

## APPEALS

### Significant Accomplishments

In the last FFY, the DOSH Appeals Program received 761 appeals out of 4,607 citations issued. The Appeals program issued 691 Corrective Notices of Redetermination that included 2,854 violations.

- 2,583 violations were affirmed (90.5%)
- 154 violations were modified (5.4%)
- 117 violations were vacated (4.1%)

## Program Accomplishments

The DOSH Appeals Program has made some strides for improvement of our program. Below are some of those significant accomplishments within the last FFY:

- Appeals has increased their number of Reassumption Hearings Officers by two to keep pace with the increase in compliance inspectors.
- The appeals section of the Administrative Manual was updated and approved by DOSH leadership. It is a great improvement towards outlining our processes within our program.
- A new External Appeals Page on the LNI website for employers use when they have questions about the appeals process or how to file an appeal. The goal with this is to build greater transparency for our customers and make it easier for those that wish to appeal their citation.

## Standards, Technical and Lab Services

The Standards and Technical Services Team has continued to be greatly impacted by the work being done to help protect workers and the public from the SARS-CoV-2 pandemic. As the pandemic has continued to evolve and as a multitude of new variants continued to spread locally and globally it was imperative that we maintain our work and continue

to adjust to ensure workers were protected. During the period of October 1, 2021 and September 30, 2022 DOSH issued multiple emergency rules designed to protect workers from SARS-CoV-2 in the workplace.

The Standards and Technical Services Team worked diligently on multiple directives, fact sheets and other industry specific guidance as well as coordinating with our State Health Department as we worked together to address the public health crisis that has been SARS-CoV-2.

DOSH has continued to interpret and enforce various governor's orders to include vaccine mandates issued for state agencies, K-12 education, contractors and healthcare.

During the summer of 2022 Washington State workers continued to experience increased exposure to higher-than-normal temperatures and wildfire smoke. DOSH issued two emergency rules from June 2022 to September 2022 to protect workers from heat and wildfire smoke.

Our very own DOSH Industrial Hygiene lab is getting a brand-new facility built. Groundbreaking for this project took place November, 1st, 2021 with an anticipated move in date of summer 2023.

DOSH staff have provided expertise in musculoskeletal injury prevention to the Firefighter Injury and Illness Reduction (FIIRE) initiative. DOSH

Ergonomists have worked with industry stakeholders to identify best practices and develop risk management training materials. We've been able to hire an Ergonomist with fire department experience who will be dedicated to this project and will be one of the lead trainers for the project. This program has now reached 49 different fire departments and has provided funding for equipment that has allowed these first responders to not only perform their job more safely, but also with increased efficiency.

## **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
- Ambient Heat Stress
- Process Safety Management
- Temporary Worker Housing
- Infectious Disease rulemaking
- Exposure to Surgical Smoke
- Cranes
- Trenching and Excavation Rescue Plan
- Workplace Violence in Healthcare
- Occupational Exposure to Lead

DOSH is taking a key role in establishing protections from environmental hazards such as heat stress and wildfire smoke exposures that have gotten worse due to climate change and have been detrimentally impacting outdoor workers and some of our most vulnerable worker populations.

As we continue to work towards making workplaces safer, DOSH is focusing on some key areas that are either new or getting up to date with current science and technology. Some of these key areas include Infectious Diseases, Cranes, Workplace Violence in Healthcare, Process Safety Management for refineries, Trenching and excavation rescue plans, and Occupational Exposure to Lead to name a few.

DOSH continues to support its mission of keeping Washington safe and working by taking on new challenging safety and health hazards that are impacting workers day in and day out. These hazards that are not commonly regulated through safety and health measures bring forth challenging efforts in the rulemaking arena, however DOSH is committed to taking on these challenges as we focus on protecting the workers of our state.



## DOSH CONSULTATION

### Consultation Marketing

DOSH Consultation has begun a marketing collaboration strategy with DOSH Educational Outreach and the Multimedia group to market Consultation services to the public on a variety of social media platforms (YouTube, Facebook, and Twitter). The goal of this collaboration is to remove potential barriers in working with DOSH and to better provide our services to employers wanting assistance. We have created a new logo for our program to be used in this marketing campaign.

### Safety Through Achieving Recognition Together

Ocean Spray's Aberdeen facility began its journey to our Safety Through Achieving Recognition

Together (START) certification two years ago working with DOSH risk management consultant, Erin Nutter. She saw that safety was embedded in Ocean Spray's culture, values and mindset and knew the company would be a great candidate for the START program.

Unfortunately, COVID-19 threw a wrench into those plans and the process came to a halt. As soon as things began to open up, Ocean Spray's safety manager, Cristian Dumitrescu, brought L&I back to the business to "re-START" the process. The Aberdeen facility received certification in June 2022, marking the accomplishment with a big party. "Even with a global pandemic going on, our team members' commitment to performing their jobs safely never wavered," said Dumitrescu.



*Ocean Spray's  
Aberdeen facility  
received START  
certification in  
June 2022*

## OUTREACH/PARTNERSHIPS

### Education and Outreach

Education and Outreach is the outwardly facing element of DOSH. We provide safety and health content and media to our website and DOSH customers. We manage translated safety and health content, educate the agriculture industry via our WISHA 10 training, participate in multicultural outreach, and conduct onsite safety and health outreach. Innovative SHIP grants are funded yearly to safety and health projects that benefit all workers in Washington and beyond.

### Safety and Health Investment Projects Grant Program

Washington's Safety and Health Investment Projects (SHIP) grant program funds safety and health ideas that prevent workplace injuries, illnesses and fatalities, as well as projects for developing and starting an effective and innovative Return-to-Work (RTW) program for injured workers. SHIP grants leverage the resources of DOSH with the ideas and knowledge of grantees.

The impacts 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:

- *Washington On-Site Sewage Association:* WOSSA has finalized an industry specific Struck-By (by or against object or equipment) training resource to address the needs of small business owners by increasing occupational safety and health capacity within the plumbing and on-site Specialty Trade Contractor industries. This

grant developed both a practical hands-on training resource and a self-guided on-line training PowerPoint for workers in these industries. This program was created for small businesses in the industry to help prevent catastrophic accidents related to the issue of Struck-By incidents.

- *Washington State Tree Fruit Association:* Tree fruit producers in Washington are producing updated videos in some areas of worker's safety tailored to the industry and their common practices. The Washington State Tree Fruit Association (WSTFA) is producing six bilingual training videos. Following Washington state's regulations, this video series would include orchard and packinghouse modules, subdivided in these chapters: Harvesting safety to include platform and ladder safety, safety with bin trailers, and prevention of musculoskeletal disorders; packinghouse safety: to include modules on safety basics in a packinghouse and prevention of musculoskeletal disorders; and Prevention of the transmission of communicable diseases.

## GOVERNOR'S ADVISORY BOARD AND CONFERENCES

### Agriculture Safety Day

The 18th Annual Agriculture Safety Days were held virtually in 2022. Attendees had three opportunities to participate in virtual sessions. Eight sessions were available that specifically addressed the unique hazards faced by agriculture workers.

Employers were encouraged to have groups view and participate in the virtual sessions providing additional training for their agriculture workers and safety professionals.

The sessions were recorded and available for six weeks following the event.

Three Pesticide Recertification/WPS handler-workshops were held to provide an opportunity for agriculture workers to receive important ongoing training needed to maintain their pesticide licenses and to earn WPS handler training cards.

Over 300 attendees attended the events with 124 attendees receiving CEUs.

### Construction Safety Day

The 14th Annual Construction Safety Day was held virtually in 2022.

Governor Jay Inslee provided a special welcome message to open the event along with L&I Director Joel Sacks, and Assistant Director of DOSH, Craig Blackwood.

Despite the challenges faced over the past two years, the Construction Industry persevered and continued working with new ways to keep safe. The online event hosted 150 attendees with seven sessions available. Each session was recorded and provided to attendees to view for six more weeks.

### Governor's Industrial Safety and Health Conference

The 71st Annual Governor's Industrial Safety and Health Conference was held in person at the Greater Tacoma Convention Center. This was a return to in person events after two years of virtual conferences. This year's conference started with a pre-conference workshop followed by two days of sessions.

The conference itself had 750 paid attendees in attendance over the two-day conference event. This event represented the hard work of

16 industry-planning committees comprised of both labor and management, putting forward sessions representing safety topics that would educate and inform our WA workers, owners and safety professionals.

The conference kicked off with an opening ceremony that included a tribute to 17 Lifesaving Award recipients, emceed by Drew Mikkelsen of KING 5 News. The finalists of the Pole Top Rescue competition were announced, and Dr. Charlie Cartwright presented his keynote titled The Heart of Safety.

The second day of the conference attendees started their day with keynote Rick Gleason as he presented Over 100 Years of Safety and Workers' Compensation in Washington State.

The exhibit hall had 79 show booths presenting the latest in safety related products and services.

This year's conference included 50 sessions presented over the two days with attendees learning, sharing and networking. CEUs were available through four workshops.

### Voluntary Protection Program (VPP)

In Washington State we model our VPP after the national program Federal OSHA, whereby management, labor and the government establish cooperative relationships. DOSH VPP has 26 company sites enrolled with 3,610 workers working in safer and healthier workplaces. For the 2021/2022 calendar years, DOSH VPP focused on completing backlogged evaluations. DOSH VPP strives to ensure employers we work with are deserving of VPP participation and are model workplaces in Washington State. We do this by conducting



*The Conoco Phillips Pipeline LLC Terminal on the Thea Foss Waterway in the Port of Tacoma, Washington*

thorough background checks, including other state agencies to ensure compliance. DOSH VPP has a full schedule of evaluations planned for 2023, and even though we may lose a few more sites, we look forward to adding new sites in 2023. DOSH VPP partnered with the National Voluntary Protection Program Participants Association (VPPPA) to present a virtual 2022 Melvin E. James Honorary Lectures on Safety on March 16, 2022, and an in-person event March 21, 2023 in our Central Office Auditorium. DOSH VPP is a proud partner with VPPPA and was grateful for the opportunity to go to the National Symposium in Washington D.C. in August 2022. DOSH VPP is excited to have the Region X VPPPA Safety Summit in Kennewick, Washington in May 2023. DOSH VPP helped staff the in-person 2022 Governors Safety and Health Conference in Tacoma, Washington in September 2022. DOSH VPP will staff two 2023 Agriculture Safety Days and will staff the 2023 Construction Safety Day. DOSH VPP will also have a big role in staffing the in-person 2023 Governor's Industrial Safety and Health Conference scheduled for September in Spokane, Washington.

### **Multicultural Safety and Health Outreach Program (MSHOP)**

DOSH's Multicultural Safety and Health Outreach Program (MSHOP) continues to offer its state recognized 10- hour safety and health certification for agriculture workers. The agriculture worker safety and health training (WISHA-10) parallels the OSHA-10 certified training courses for construction and general industry. Further, MSHOP Provides a 40- hour Training of Trainers (TOT) training for those who wish to conduct the WISHA-10 for Agriculture worker trainings. From October 1, 2021 to September 29, 2022, MSHOP conducted in-person WISHA-10 for Agriculture training. Ten trainings were hosted with 200+ participants completing the training in multiple locations.

MSHOP also ran a pilot project that includes a new approach at educating high school aged agriculture workers. Nineteen students and three teachers attended the pilot with the overall goal of having teachers attend a WISHA 10 for Ag. Workers Training of Teachers. With the completion of the training of teacher's course, educators can implement





the WISHA 10 content into their curriculum, which will allow students to become WISHA 10 Certified. Through the Office of Superintendent of Public Instruction (OSPI) for Washington State, WISHA 10 for Ag. Workers Training is now a recognized Career and Technical Education (CTE) certification. With this CTE recognition, schools who participate in offering WISHA 10 for Ag. Workers Training can ensure that students will receive significant academic credit and assist us in our mission of keeping Washington State workers safe. The next phase of this project is to train educators throughout CY23 and continue to grow our certified trainers list.

MSHOP was also able to conduct outreach, both in-person and virtually. MSHOP attended drive-thru Safety and Health Fairs and was able to distribute safety and health resources along with holding Q&A sessions with multiple state agencies. In collaboration with the Washington Farm Labor Association (WAFLA), Approach Management, and the Washington Tree Fruit Association, Washington State Department of Agriculture, Employment Security Department, and Washington State Department of Health we performed over 25 site visits reaching approximately 3,000 workers. MSHOP visited many H2-A campsites throughout the state and was able to educate employees on rules associated with Wildfire Smoke, Outdoor Heat Exposure, Temporary Worker Housing, and COVID19. Through our collaboration with multiple state agencies and community promoters we educated WA State's domestic workforce as well. Our virtual outreach footprint remained strong and consisted of working with Radio KDNA on a Spanish language Summer Safety Series and Winter Safety Series. On air, we covered a multitude of topics such as HELSA, Claims, Agriculture Overtime, H2A Transportation and Worker Rights.

An on-going partnership with WA State Department of Agriculture (WSDA) resulted in the completion of the first Agriculture Leadership Program (ALP) cohort. MSHOP covered elements of Safety and Health for the ALP along with facilitating other topics. WSDA's Hands-on Respirator

Fit Test Train the Trainer provided an opportunity to collaborate and provide Chemical Hazard Communication (HAZCOM) training. This collaboration is an answer to the request of training employees on the main differences between enforcement agencies WSDA and LNI. For the upcoming year, we have a commitment to collaborate with WSDA on their Spray Calibration and Configuration training, so that we can educate on Tractor Safety.

## CONFERENCE AND EVENTS OUTREACH

### DOSH Outreach Roadshow

The DOSH Outreach Roadshow exhibited and educated attendees at 30 in-person conferences and large B2B tradeshows during this FFY. We reached about 30,000 employers, elected city/county officials, managers, supervisors and workers at events covering everything from agriculture, automotive, coffee industry, construction, food service, cannabis, police/sheriffs/fire service, city and county entities across WA, migrant healthcare and community promotoras, independent telecommunications, PUD, high school students, and union reps/shop stewards during the annual state labor convention. We've been heavily marketing Consultation services, our annual campaigns, and encouraging people to follow us on social media and sign up for our GovDelivery email messages.

Our 2023 Workplace S&H Calendar was distributed to employers at our 2022 Governor's Industrial S&H Conference. This year's calendar has information on Consultation services, campaigns DOSH participates in throughout the year, the GISHAB events, face-to-face outreach, WISHA 10 for Ag, and SHIP Grants. Users can get directly to our calendar webpage by using the QR code on the bottom front of the calendar, and the webpage is updated monthly with links and useful resources applicable to each monthly topic. This is a helpful tool for employers for finding and fixing hazards, training their workers, safety committee meetings, etc.



## WEB AND DIGITAL EDUCATION

### Digital Education

The Digital Education is responsible for creating safety and health content for the DOSH website and safety and health information for outreach activities. We manage the DOSH website and create digital and video content.



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## Connect with us online!

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## Content and Web Teams

Our compact work teams created resources for outdoor heat and wildfire smoke. This includes summaries, training kits, APP addendums, safety orientation and infographics with translations into Spanish and Russian.

Topic pages are returning and have been added to the DOSH content on our website. Respiratory Protection, Silica, Teen Safety, Trenching and Excavation, and Monkeypox are recently added topics. Avian Flu and Asbestos are topics in queue for publication.

For COVID-19 prevention, there is the Q&A handout about voluntary use of masks that can be shared with crews and supervisors. The respirator user medical evaluation questionnaire and the required Voluntary Use Advisory Sheet from the Respirators rule are now available in 12 languages in addition to English.

## Spanish Website Redesign Project

A web team assisted in the Spanish website redesign project. MSHOP and Digital Education are reviewing and updating our safety and health content and training to improve accessibility compliance.

## Creative Team

The creative team produced digital videos for DOSH.

*Mortenson Consultation Testimonial Video* - This comprehensive filming excursion captures an actual DOSH Consultation in process.

*DOSH Symposium video* - This was a great example of what can be done with a quick turnaround and was shared with the rest of the agency.

Governor's Conference 2022 promotional video and the Outdoor Heat Exposure video were completed.

## Safety and Health Campaigns

We managed eight safety and health campaigns, coordinated nationally. Each campaign topic has specific content on DOSH's website. Every year more businesses are joining these campaigns activities, including employee training.



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.



*CAS employee receiving award from Wyoming Governor Mark Gordon.*

## SIGNATURE PROJECTS

### **Safety Stand Down Events and Worker's Memorial**

Through Consultations with industry and alliances contacts, consultation shared, promoted and participated in the National Safety Stand-Down to Prevent Falls in Construction (May, 2022), and the Trenching and Excavation Safety initiative (June 2022). WY OSHA also participated in Safe & Sound Week (August 2022), through sharing of information and empowering alliances to participate. In addition, OSHA participated and presented in the Worker's Memorial hosted by the Wyoming American Federation of Labor and Congress of Industrial Organizations AFL-CIO and Wyoming Trial Lawyers Association (WTLA) at a commemoration on April 28, 2022, at the Wyoming State Capitol.

## **Safety Improvement Fund**

The Wyoming Safety Improvement Fund helps businesses implement health and safety training programs and assists with purchasing health and safety equipment beyond regulatory requirements for the industry or occupation. Businesses can apply each FY and may qualify for up to \$10,000. A 10% monetary match is required of the business once approved. Applicants must demonstrate how the equipment or training exceeds the minimum OSHA standards for the industry. For SFY22, the Safety Improvement Fund awarded a total of \$99,915.12, which was awarded to 17 different employers for training and equipment.

## **Health and Safety Consultation Employer Discount**

Marketing to promote the Health and Safety Consultation Employer Discount Program, which encourages employers to request full visits, continued throughout FFY22. Information packets were distributed during industry events, 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 Worker's Compensation discounted premium base rate. Applications to participate in the program may be submitted to the OSHA Division at any time and upon approval, the employer's premium base rate discounts are implemented in the subsequent calendar quarter. In FFY22, there were 228 total employers enrolled.

## **ENFORCEMENT**

Analyzing our enforcement performance for the year, our top NAICS group inspected was construction. After several roofing fatalities, emphasis was placed on the construction industry and primarily focused on roofing. The majority of fatalities occurred in the northwestern corner of our state. Since this was now a focus in this part of the state, we also ensured that any complaints or referrals received from this area were inspected if resources were available. We enhanced the enforcement presence from December through June with the intention to regularly target this area. Logically, an increased presence in this corner of the state yielded more unprogrammed inspections.

Unprogrammed inspections in this area raised the attention of business owners, and they began to exercise their right to contest. Three businesses, in particular, worked together and contacted their local representative to discuss recent



*Fit testing activities  
for staff.*

inspections they had received. Our administrator and deputy administrator met with the representative and the businesses. The meeting resulted in an opportunity for our program to inform the participants of our mission and the resources that we provide to the employees and employers of the state. This was an excellent opportunity for us to meet with employers who do not know our complete mission firsthand, highlight what information can be lost in translation on a job site and expound when necessary.

Our program conducted 180 workplace inspections and identified 216 hazards. We investigated 10 fatalities, with six being work-related. It is estimated that approximately 836 employees were removed from these hazards. The initial penalties for these inspections total \$711,021.00.

## CONSULTATION

WY OSHA Consultation strives to reduce the average number of fatalities by promoting a safety and health culture and maximizing Workers Compensation Division (WCD) effectiveness and efficiency by providing information and site support associated with the four leading causes of fatalities; falls, electrocutions, caught in-between, and struck-by.

The Consultation Program projected 40 total visits in the emphasis industries and was able to complete 46. The top three visits conducted within these emphasis programs include falls, electrocutions and amputations. There were 24 visits conducted related to falls, 42 visits conducted with potential electrocutions, 11 visits conducted in potential caught in between and 14 struck by. The program conducted 111 visits, there were 351 serious hazards identified; seven regulatory hazards identified, and 88 other than serious hazards identified, with 1,346 employees receiving informal training during those onsite visits.

## OUTREACH

Alliance, Coalition and Association participation continues to be another venue used by WY OSHA Consultation to promote a safety and health culture in Wyoming. Consultation works to empower alliances to address health and safety within their industry and supplies services as requested. Currently, the CAS position and WY OSHA Consultation Program Manager take turns participating in monthly/quarterly meetings with the three existing alliances/coalitions. They include the Wyoming Oil and Gas Industry Safety Alliance (WOGISA), Transportation Safety Coalition (TSC), and the Wyoming Association of General Contractors (WAGC) on an as-needed basis.

## PRESTIGE PROGRAMS

### Wyoming Cowboy STAR VPP

Molson Coors, Phillips 66, and Black Hills Energy represent the exceptional worksites or safety and health through the Wyoming Cowboy STAR Voluntary Protection Program (VPP). These companies' worksites showcase extraordinary safety and health protections and commitment to ongoing excellence. This is easily seen in the injury and illness rates significantly lower than industry counterparts, ranging up to 100% below current published industry rates. Wyoming Cowboy STAR participants report higher morale, increased site productivity, involvement and participation in state programs, community involvement, reduced absenteeism, reduced turnover, lower workers compensation claims and costs, lower worker's compensation premiums.

OSHA continues to promote the VPP program both in state and out, as showcased through participating in Regional VPP Evaluations, Special Government Employee (SGE) Training and conducting recertification of one STAR site Black Hills Cheyenne Prairie Generating System (CPGS).

### Wyoming Cowboy STAR VPP Best Practices and Relationships

Many Wyoming Cowboy STAR participants have a long and rich history within the program, a few even spanning over decades such as Molson Coors and Phillips 66. One such company, Phillips 66, has one long standing site and added an additional site. It is this type of experience that can be unmatched in providing support and guidance to companies that are interested in applying and committing to the challenges of VPP. The specific initiatives which have been successfully implemented often are not just specific to that company but are universal challenges many employers may encounter. Two prominent examples include contractor and subcontractor management, and community involvement to provide specific safety training and education to emergency responders. Phillips 66 contractor management takes a holistic approach, where inclusion and envelopment into their safety culture is evident. To create a team accountability for safety and health site wide, contractors participate in activities such as good catch cards. The good catch system reduces hazards, provides recognition, and rewards those who actively and meaningfully contribute to the company's safety and health culture.



The Special Government Employee (SGE) Program was established to allow industry employees to work alongside OSHA, particularly during Voluntary Protection Programs'

(VPP) On-Site evaluations. Not only does this innovative program benefit OSHA by supplementing its on-site evaluation teams, but it gives industry and government an opportunity to work together and share views and ideas. Phillips 66 continues their legacy of giving back by actively participating in the SGE program by adding a new SGE, Andrew, based out of their Casper site. Andrew was also awarded the Region VIII "VPP Employee Leader of the Year" during the 2022 Voluntary Protection Program Participants Association (VPPPA) annual regional conference in Cheyenne, WY.

Often, VPP Participants help provide guidance and mentoring opportunities to support and empower employers interested in VPP and while striving for the next level. Building and empowering these relationships between VPP participants has been very successful when connecting these companies to share experiences, challenges and ways to continuously improve through VPP. Continuing the vision of both excellence and camaraderie intrinsic to both VPP and Wyoming.

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.

## **SHARP**

One SHARP client that the program worked with in 2022 is Moser Energy Systems based in Casper, Wyoming. Moser Energy Systems provides innovative, low-emission, grid-interactive distributed energy solutions used for Oilfield Services, Commercial, Industrial, and Military applications. They also have locations in North Dakota, Colorado, Texas, and Utah. The Casper, WY Moser Energy Systems location has been working with Wyoming OSHA Consultation since 2014. Since then, they have become a valued participant in the Safety and Health Achievement Recognition Program (SHARP). They are constantly improving their company's health and safety, ensuring their employees are provided with a safe working environment. SHARP recognizes businesses that work with OSHA's On-Site Consultation Program services and operate an exemplary injury and illness prevention program. Acceptance into SHARP is an achievement that distinguishes a company among its business peers

as a model for workplace safety and health. Moser Energy Systems has appreciated the advantages of having fewer injuries and illnesses and achieving SHARP. From 2019 to 2021, the Moser Energy Systems' Casper, WY location had a Total Recordable Case Rate (TRC) rate of 0.0, and their Days Away from Work, Job Transfer, and Restriction (DART) rate was also 0.0 for three years in a row. Compared to the Bureau of Labor Statics, for their NAICS code 335312, the TRC was 1.7 and the DART was 1.0 as the 2021 national average. This shows just how great of an accomplishment Moser Energy Systems has shown for ensuring a safe working environment to their employees can be.

### **EVTAP**

The Consultation Program projected an increase of one new SHARP client and met the goal when Cowboy State Trucking reached SHARP status. The company had a DART and TRC below the projected national average and scored higher than 2's on the Form 33. Wyoming proudly created and implemented the EVTAP program to create working relationships with employers interested in improving health and safety in their workplace. The EVTAP program allows employers to participate for up to three years, if renewed annually, and there are 13 current employers in this program. Wyoming OSHA believes that developing working relationships with employers to improve health and safety is paramount to providing a safe and healthy work environment for the people within the state.













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