



# GRASSROOTS

## Worker Protection

### 2011 OSHSPA Report

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







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## Worker Protection

2011 OSHSPA Report



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## **Occupational Safety & Health State Plan Association**

It is hard for me to believe another year has passed and my term as OSHSPA Chair is coming to an end. I have been honored to represent the 27 State Plan jurisdictions over the past several years. I have found that engaging in activities related to State Plans has been both challenging and rewarding. Our Board members met with Congressional representative staff on several occasions over the past year in an effort to provide education on important issues directly affecting our State Plan programs such as: federal funding, auditing, monitoring, staff training and development, national emphasis programs, penalties, and mandatory adoption of OSHA policies.

During the past 40 years OSHA and State Plans have worked in conjunction with one another to significantly reduce occupational injuries, illnesses and fatalities within our states and nationwide. The economic realities taking place on both a state and national level will require us all to be even more diligent in utilizing our limited resources in the most efficient manner possible, to best ensure continued success toward our mutual goals.

This edition of the Grassroots publication highlights various activities and innovative approaches taken by State Plan Programs to obtain the desired results. Please take the time to read through the projects and activities that have proven effective for our State Plans members. Implementing initiatives within our own State Plans that have been previously developed and proven successful for other State Plans is one way to maximize our resources.

The years ahead will likely be challenging for all of us who administer occupational safety and health programs. However, I believe that OSHA and OSHSPA working together can meet those challenges head on and will continue to make positive contributions toward enhancing occupational safety and health in our nation's workplaces. I am also confident that OSHSPA's future leadership will continue to advance State Plan issues in a manner that will best benefit our organization's members.

Sincerely,

Kevin Beauregard, CSP, CPM  
OSHSPA Chair

**U.S. Department of Labor**

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



Once again it gives me great pleasure to write an introductory letter to the Occupational Safety and Health State Plan Association's annual edition of *Grassroots Worker Protection*. This 2011 report documents the significant contributions made by the Occupational Safety and Health Administration's State Plan partners to protect America's working men and women. It also showcases innovative approaches by the states to make workplaces safer and more healthful.

It is hard to believe that it has been 40 years since OSHA was established, and began enforcing standards across the country to protect America's workers – and states were encouraged to assume responsibility to enforce standards under their own OSHA-approved state plans. OSHA values our state partners because we share a common mission and a common goal. Together we have come a long way. In 1970, 14,000 workers – men, women and teens, 38 every day of the year – died from a workplace injury. Now 12 workers die every day – more than 4,500 a year. That is still too many, but we have made great progress. OSHA commends the 27 State Plans for their commitment, their innovative programs and the strong worker protections provided by their independent standards and additional requirements, such as an employer safety and health program.

I appreciate and strongly support our continuing dialogue with the states as we work together to find a more consistent national approach for assuring that more workers will come home safely at the end of the day.

Sincerely,

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

David Michaels, PhD, MPH

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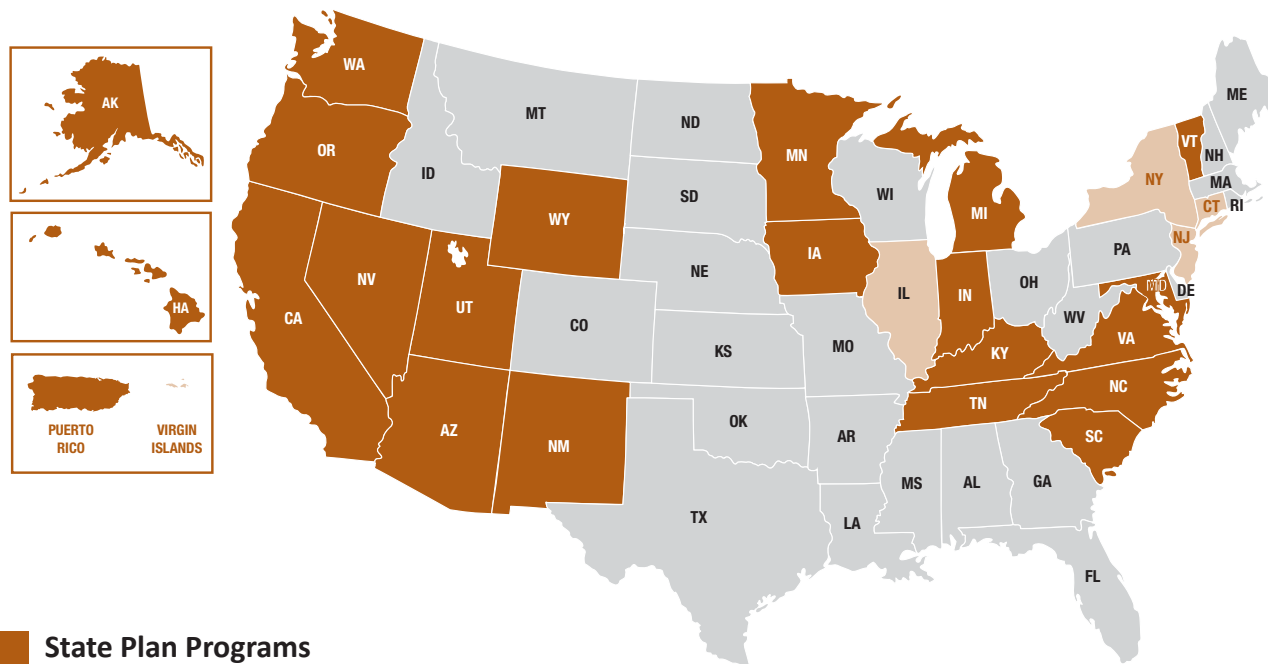
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# OSHSPA – Map



## State Plan Programs Covering Private and Public Sectors

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

## State Plan Programs Covering Public Sector Only

Connecticut	New York
Illinois	Virgin Islands
New Jersey	

## States Covered by Federal OSHA Private Sector Only

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



# OSHSPA

## States protecting workers

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

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

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

### Protecting public-sector employees

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



# OSHSPA – States at a glance

## States and territories with approved safety and health plans

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

◆ Report included in this document

1 - Operational status agreement: Concurrent federal OSHA jurisdiction suspended

2 - Different standards: Standards not identical to federal standards

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

4 - Certified: Date development steps completed

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

# OSHSPA – Numbers at a glance

## FY 2010 – overview

• Federal OSHA budget	\$558,620,000.00
• Funding by state plan programs	\$178,832,667.00
• Allocated state plan positions	2,673
• State plan employees covered	54,786,200
• On-site visits	45,359
• Compliance inspections	57,124
• Inspections with violations cited	34,109
• Average violations per initial inspection	3.4
• Average violations per inspection with violations cited	3.5
• Percentage of inspections with no violations	38%
• Total current penalties	\$72,233,480.00
• Average penalty per serious violation	\$870.90
• Contested cases	5,140

Federal OSHA budget	FY 2010
• Federal OSHA	\$426,597,000
• State plans 23(g)	\$104,393,000
• State plans 21(d)	\$27,630,000
<b>Total</b>	<b>\$558,620,000</b>

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

Funding by state plan programs	FY 2010
• State plans 23(g) - 50 percent match	\$104,193,000*
• State plans 100 percent funding - state funding	\$71,569,677
• State plans 21(d) contribution	\$3,070,000
<b>Total</b>	<b>\$178,832,667</b>

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

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

## OSHSPA — Numbers at a glance continued

Compliance inspections	FY 2010
• Safety	45,023
• Health	12,101
<b>Total</b>	<b>57,124</b>

*Source: OSHA Inspection Reports, State Plans 11/09/10*

Compliance inspections by type	FY 2010
• Programmed/scheduled	35,085
• Complaint	8,986
• Referral	4,976
• Accident	2,967
• Other	2,469
• Follow-up	2,641
<b>Total</b>	<b>57,124</b>

*Source: OSHA Inspection Reports, State Plans 11/09/10*

Allocated state plan positions	FY 2010	FY 2011	Change
• Safety compliance	878.8	842.3	-36.5
• Health compliance	452.6	450.78	-1.82
• Safety consultants 23(g)	53.8	54.23	+0.43
• Health consultants 23(g)	41.0	53.35	+12.35
<b>Totals</b>	<b>1,426.2</b>	<b>1,400.66</b>	<b>-25.54</b>

*Source: FY 2010 State Plan Grant Application*

## OSHSPA — Numbers at a glance continued

Onsite visits	FY 2010
• Consultation 21(d) – initial private sector, 54 projects	25,936
• Consultation 21(d) – initial private sector, state plans	9,874
• Consultation 21(g) – training private sector, 54 projects	3,099
• Consultation 23(g) – initial private sector	2,640
• Consultation 21(d) – follow-up private sector, 54 projects	2,246
• Consultation 21(d) – training private sector, state plans	757
• Consultation 21(d) – follow-up private sector, state plans	546
• Consultation 23(g) – follow-up private sector	100
• Consultation 23(g) – training private sector	161
<b>Total</b>	<b>45,359</b>

*Note: 21(d) consultation data is shown for both the 21(d) consultation projects in 24 state plan states and for all 54 21(d) consultation projects nationwide. In previous years, 21(d) data in the Grassroots report has reflected only the nationwide data.*

*Source: OSHA Office of Small Business Assistance*

State-plan employees covered	FY 2010
• Private sector	43,489,600
• Public sector	11,296,600
<b>Total</b>	<b>54,786,200</b>

*Source: BLS Employment and Earnings, 2010*

### Signature projects

**Young Workers:** 2010 marked the third full year of Alaska's youth workplace safety education and outreach program. Interest in and acceptance of the program increased significantly as more than 5,000 middle and high school students were provided introductory workplace safety training in 57 schools across Alaska. In addition, training seminars were presented to 183 employers of youth in Alaska. The program focuses on hazard identification and elimination in the types of jobs that most young workers get their first employment exposures. By encouraging Alaskans to consider workplace safety and health in a positive light from a young age, AKOSH is moving toward the goal of reducing Worker's Compensation claim accidents and providing a solid foundation for a life-long positive attitude toward workplace safety and health.

The Youth Training Coordinator provided safety training at state fairs and at the Annual Governor Safety and Health Conference. The ultimate expectation of the youth safety and health training initiative is that accident rates for young workers will drop immediately and that overall accident rates for all age groups will be reduced in the long term.

**Seafood Processing:** 2010 marked the third year of focused efforts to develop cooperative efforts with the seafood processing industry. This industry experiences significant hazards and accident rates are high. Work is performed in highly mechanized environments under cold, wet, time-sensitive conditions due to the perishable nature of the product, and the workforce is highly transient with a high percentage of workers who do not speak English as their primary language. Many facilities have ammonia refrigeration systems which require compliance with process safety management regulations.

In addition to outreach efforts, seafood processing establishments are a strategic target for enforcement inspections over the next five years as of 2009.



AKOSH Signing ceremony with Trident Seafoods, Inc.



## Emphasis programs

AKOSH has strategic emphases to reduce accidents in the seafood processing, construction and transportation/warehousing industries. The lost time rate results for these industries demonstrated significant progress in 2010:

- Construction – 55% reduction,
- Transportation/Warehousing – 47% reduction.

## Enforcement

The number of inspections increased in 2010 and the quality of reports and inspection supporting documentation continued to improve as new CSHO's received the best training available from the OSHA Training Institute and internal AKOSH sources. In 2010, AKOSH conducted six inspections of oil/gas drill sites to maintain an enforcement presence at Alaska's North Slope. AKOSH and the OSHA Alaska area office have coordinated training efforts for drill rig inspections to ensure consistency between state and federal inspections.

## Outreach

The 2010 Annual Governor's Safety and Health Conference was extremely successful with increased participation and sponsorship. Attendees took advantage of dozens of industry-related safety and health training topics. In the third year of a pilot project, over 50 high school students attended a half-day of training sessions geared for youth. The response from the students and teachers involved continued to be positive and the program will be an integral part of future conferences.

## Partnerships

AKOSH developed the Construction and Health Safety Excellence partnership for construction companies. Participation increased substantially in 2010 from two members in 2008 to eleven members. These partnerships are critical to establishing industry leaders and business support for improved workplace safety and health efforts and results in construction.

AKOSH maintained 16 VPP sites in 2010 and 17 SHARP sites. These recognition programs continue to produce tremendous results, as participants are committed not just to meet AKOSH standards, but to exceed them in a positive, cooperative environment.



Alaska North Slope BP Gas Processing Facility.



Processing facilities at the Kuparuk Oil and Gas Field VPP Site.

### Enforcement

The ADOSH enforcement program continues to be strong, despite challenges resulting from a downturn in the economy. ADOSH conducted 1085 inspections during fiscal year 2010. Most of those inspections were planned.

ADOSH continues to conduct a fair number of inspections under our emphasis programs, including those related to falls; trench/excavations, silica and employers with high experience modification rates. Approximately 15 percent of our total enforcement inspections are dedicated to local emphasis programs.

### Outreach

**Training and Education Initiatives:** The training and education services offered by ADOSH target a wide variety of industries and sectors. The training classes and activities are free of charge, and informational material is delivered as part of the training efforts. ADOSH aims to provide employers and workers with necessary safety and health awareness training to ensure an active participation in their respective work environments.



#### Training Sessions:

- 1957 – Managers,
- 6862 – Employees,
- 679 – Hours of training conducted,
- 7.17 – Average management per class,
- 24.43 – Average employees per class,
- 276 – Total number of training courses.

**Voluntary Protection Program:** ADOSH has 32 VPP (general industry and construction) participants at STAR level. During FY2010, ADOSH approved five new sites and re-evaluated seven. New STAR participants include:

**Yuma Cogeneration Associates, 2/25/10; Printpack Inc., 2/25/10; Raytheon Missile Systems Palo Verde, 4/20/10; Cintas Corporation Location 696, 9/28/10. Hunter Contracting Company, 8/30/10** was approved as the third Construction-VPP participant. The **Central Arizona Project** was one of several employers receiving their VPP recertification award.

ADOSH presentation of the VPP recertification to the Central Arizona Project.

**SHARP Program:** ADOSH has 24 recognized SHARP participants. Due to economic reasons, a few SHARP participants had to leave the program. The SHARP program continues to be a valuable tool for all employers that wish to partner with ADOSH and improve their overall safety management system.

## Partnerships

**Construction Partnerships:** Currently, there are 13 construction partners in the program. The program is designed to promote workplace safety and health on construction sites. ADOSH requires those construction employers to submit injury/illness records and their safety program for evaluation before granting a partnership.

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

### Signature project

Heat illness prevention continues to be a major focus of the Cal/OSHA program. As in previous years, Cal/OSHA increased awareness of the importance of heat illness prevention on the part of employers and employees through enforcement and education.

Again, Cal/OSHA intensified enforcement of the heat illness standard during the summer months by increasing targeted inspections of industries with outdoor employment, conducting 3,183 heat inspections (programmed and unprogrammed) and shutting down seven employers for failing to protect their employees from extreme heat conditions during CY 2010. Enforcement efforts were complimented by training sessions for both supervisors and workers that detailed the elements of the Heat Illness Prevention Program that employers are required to have and implement, as well as how to recognize the symptoms of heat illness and appropriate action if this is suspected.

The combined enforcement and educational efforts yielded positive results. Compliance with the heat standard increased from 32 percent in CY 2006 to 75 percent during CY 2010. More significant, however, is the decrease in heat-related fatalities, which decreased from eight in CY 2006 to two in CY 2010.

### Emphasis Program

**Refinery Industry:** On April 6, 2010, a tragic accident occurred at the Tesoro Refinery in Anacortes, Washington, in the Naphtha Hydrotreater process unit (NHT). During routine operations involving an on-line switching of unit heat exchanger feed trains, seven employees were killed when a feed-effluent heat exchanger catastrophically failed due to high temperature hydrogen attack (HTHA), releasing a hot, pressurized flammable hydrocarbon/hydrogen mixture which ignited.

The Cal/OSHA Process Safety Management Units proactively initiated a California Emphasis Program (CEP) on April 14, 2010, under which Program Quality Verifications (PQV) were conducted on 11 out of 12 California petroleum refineries to examine each refiner's procedures and practices for identifying and mitigating corrosion damage known to be produced in the NHT process environment. The PQV focused on the NHT process units in



Cal/OSHA intensified enforcement of the heat illness standard during the summer months by increasing targeted inspections of industries with outdoor employment.



Enforcement efforts were complimented by training sessions for both supervisors and workers that detailed the elements of the Heat Illness Prevention Program.

general, and on NHT feed-effluent heat exchangers in particular. The Program Quality Verifications (PQV) were completed on September 27, 2010.

The NHT process unit removes sulfur and nitrogen from straight run naphtha downstream of the Crude Distillation process unit (CDU). Removing these impurities involves treating the naphtha with hydrogen to create a suitable feed stock. The process poses operating and mechanical integrity challenges due to the presence of inorganic salts such as sodium chloride, magnesium chloride, and calcium chloride. Hydrogen is absorbed into metal, becomes trapped, and can cause embrittlement, cracking, and blisters.

The California Emphasis Program was initiated in response to a tragedy that, like most workplace injuries, likely could have been avoided. While it might be axiomatic that corrosion is inherent in the petroleum refining process, the direct costs of which approach \$4 billion annually, the technology exists to manage its effects. The California refining industry collectively meets the challenges presented by corrosion phenomena known for decades to exist in the Naphtha Hydrotreating process.

Each refiner has developed and implemented its own proprietary strategies for controlling the constellation of damage mechanisms common to the complexities of crude oil refining. All of these programs incorporate recognized and generally accepted good engineering practices for managing and reducing risk.

The California Emphasis Program report, which can be accessed online at [www.dir.ca.gov/dosh/CARefiningIndustry.pdf](http://www.dir.ca.gov/dosh/CARefiningIndustry.pdf), found that California's refiners are using the most advanced technology available for controlling the type of corrosion that can be caused by crude oil refining. The report highlights the existence of best practices in California's refinery industry. The California Department of Industrial Relations' (DIR) Division of Occupational Safety and Health, which runs the Cal/OSHA Program, provided each refinery with a copy of the findings.

Cal/OSHA's Process Safety Management Unit is the only PSM unit in the nation dedicated to oversight of refineries and other operations handling large volumes of chemicals and was created in the aftermath of a 1999 settlement with the Tosco Corporation, which operated a refinery in California where an explosion killed four workers. In the 11 years since the PSM Unit was created, there have been three worker fatalities at refineries in California. The PSM Unit also regulates ammonia refrigeration and chlorine facilities, alcohol and beverage manufacturer's chemical plants, and explosive manufacturers, among other industries.



The Cal/OSHA Process Safety Management Units proactively initiated a California Emphasis Program (CEP) on April 14, 2010, on the refinery industry.

## Enforcement

**Alta Bates Summit Medical Center (Aerosol Transmittable Disease Case):** On April 19, 2010, the Cal/OSHA Oakland district office issued \$101,485 in citations to Alta Bates Summit Medical Center in Oakland for 10 violations of the state safety and health standards in connection to a life-threatening exposure of bacterial meningitis. The case also involved citations issued to the Oakland Police Department and Fire Department as well as American Medical Response. The exposure resulted in the emergency hospitalizations of an Alta Bates employee and an Oakland police officer.

On December 3, 2009, Alta Bates Summit Medical Center in Oakland received a patient with bacterial meningitis. The patient was transported by American Medical Response with the assistance of a fire department paramedic. Employees of all three responders at scene were exposed to bacterial meningitis.

Cal/OSHA was notified on December 15, 2009, by Alta Bates that a respiratory therapist, who treated the patient, was treated at another facility for 11 days for bacterial meningitis. Alta Bates was issued citations that included not implementing an Aerosol Transmittal Disease (ATD) program, not properly fit testing employees for respirators and not reporting the case in a timely manner.

The Oakland Police Department, which had an officer hospitalized in the ICU for five days with bacterial meningitis, was cited \$31,520 for nine violations that included failure to develop and implement the required ATD standard and not obtaining a medical evaluation of the exposed employee. The Oakland Fire Department was cited \$2,710 for five violations that included failure to develop and implement an ATD standard. American Medical Response was cited \$5,420 for nine violations that included missing elements from written ATD program and failure to inform other employers of exposure.

**Strategic Outsourcing Inc. and Soex West Textile Recycling USA:** On Feb. 26, 2010, Cal/OSHA issued citations to Strategic Outsourcing Inc. and Soex West Textile Recycling USA LLC with proposed penalties totaling \$212,000 for each. All Soex West Textile employees are leased from Strategic Outsourcing. On Aug. 28, 2009, an employee was cleaning trash fiber from underneath a Chinese Carding machine with a hook. While removing the fiber pile his right thumb was pulled through the unguarded chain resulting in amputation at the distal joint. The citations included failure to stop or de-energize the machine.



**Pacific Gas & Electric Company:** On Sept. 16, 2010, Cal/OSHA issued citations to Pacific Gas & Electric Company with proposed penalties totaling \$ 176,165. The citations were the result of an accident that occurred on March 17th, in which an employee was electrocuted while working inside an energized underground enclosure. The citations included failure to insulate conductors and failure to require and ensure that the work location was safely accessible by protecting employees from coming into contact with energized parts.

## Outreach

Cal/OSHA's heat illness prevention outreach, education and enforcement efforts went a step further in 2010. For the first time, Cal/OSHA reached out to workers through paid radio and billboard advertisements to complement training and enforcement efforts. The comprehensive ad campaign began running in May/June 2010 in languages such as Spanish, Hmong, Punjabi, Mixteco and English, and explained the importance of water, rest and shade. The radio and outdoor advertising extended throughout much of the state, strategically targeting the most underserved population of outdoor workers.

To develop the campaign, the California Department of Industrial Relations (DIR), the administrator of the Cal/OSHA program, contracted with the Labor Occupational Health Program at UC Berkeley, who worked in collaboration with UCLA-Labor Occupational Safety and Health (UCLA-LOSH), UC Davis Western Center for Agricultural Health and Safety and Underground Advertising. Funding for this advertisement campaign was mandated by the legislature and did not come from the state's general fund. Under California Labor Code 2698, a portion of money received from lawsuits filed due to violations of the state's labor laws is earmarked for educating employers and employees about their rights and responsibilities.

## Partnerships

Partnerships have been extremely beneficial in helping Cal/OSHA reach out to industries and maximize our resources. In April of 2010, the Cal/OSHA Consultation Program received its third OSHA Consultation Achievement Recognition (OSCAR) award from Federal OSHA. The award was granted to recognize the success of a project designed to educate Hispanic/Latino employers and workers on relevant health and safety requirements as well as best practices to conduct their work safely. Cal/OSHA Consultation earned this award by partnering with insurance carriers, construction and agricultural associations as well as individual employers who shared our views in the importance of education, training and targeted outreach.



In April of 2010, the Cal/OSHA Consultation Program received its third OSHA Consultation Achievement Recognition (OSCAR) award from Federal OSHA.

## Signature projects

Connecticut OSHA (CONN-OSHA) provided technical assistance to State and Municipal disaster recovery teams following the aftermath of Tropical Storm Irene. CONN-OSHA assisted with workzone safety, hazard recognition, handed out PPE, provided informal training and passed out reference material.

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

CONN-OSHA coordinates a Breakfast Roundtable Discussion Group on a monthly basis. This discussion group began as a way to inform employers and employees about the latest safety and health information. The Breakfast Roundtable recently held their 100th meeting where topics have ranged from evacuation plans, air quality and ergonomics.

## Emphasis programs

CONN-OSHA provides training to municipal firefighters to protect them from electrical hazards during fire fighter response.

CONN-OSHA also conducted a meeting with Northeast Utilities and the CT Fire Training Academy to address this hazard and to initiate outreach to the CT Fire Chiefs Association.

CONN-OSHA supported the Connecticut Fire Academy at the June Fire School discussing workplace safety and health and what happens when CONN-OSHA conducts an inspection.

## Enforcement

CONN-OSHA responded to a double fatality involving firefighters for the Bridgeport Fire Department. CONN-OSHA issued five serious violations. Currently, one of the violations is being contested by the City of Bridgeport.



On August 29, 2011, CONN-OSHA offered assistance in the aftermath of Tropical Storm Irene.



On July 19, 2011, four CONN-OSHA instructors presented information during the 100th Breakfast Roundtable meeting.

## Outreach

CONN-OSHA conducted a series of informational sessions held at locations scattered throughout the state for municipalities and state agencies. These sessions were designed to acquaint public sector employers with CONN-OSHA's consultation services, training opportunities, and compliance activities.

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

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

CONN-OSHA is a representative for the Department of Labor, Occupational Safety and Health Committee. The mission of the committee is to identify and offer solutions relative to safety and health for DOL employees. The committee's responsibilities include establishing procedures with the employer concerning safety incidents, evaluating accident and illness prevention programs, and instituting training programs to reduce hazards.

CONN-OSHA staff members continue to support and participate with the "Young Worker Safety" team and promote that curriculum.

## Partnerships

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

### Enforcement

On April 8, 2011, an explosion at a storage bunker used to store contraband class 1.3G fireworks seized by the Bureau of Alcohol, Tobacco, and Firearms, claimed the lives of five workers and injured another.



This is the entrance to the bunker where fireworks were stored and the explosion occurred. (KITV file photo)

The workers were disassembling cake-type pyrotechnics for the purpose of soaking the components in diesel fuel for eventual transport to the final disposal site. On the morning of April 8, 2011, they moved part of the operations within the storage bunker because of rain.

A multi-agency investigation team was formed – county fire and police, BATF, OSHA, OSHA Health Response Team, U.S. Chemical Safety Board, U.S. DOT, and the Hawaii Occupational Safety and Health Division – to investigate the cause. On September 30, 2011, 12 total violations were proposed, of which 9 were determined to be willful, and penalties totaling \$415,200 were proposed. Violations included:

- Failure to adequately assess the hazards of pyrotechnic materials being disassembled in an uncontrolled environment where heat and humidity could increase the sensitivity of the materials to shock, heat and friction;
- Failure to prohibit the use of ferrous tools,
- Not prohibiting the use of work practices creating friction;
- Not using bonding and grounding;
- Not using non-static plastic garbage bags;
- Failure to provide appropriate PPE; and
- Failure to provide proper signage.

### Emphasis programs

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

## Outreach

Due to severe staff shortages, HIOSH's outreach efforts were significantly curtailed. Some accomplishments included:

- The OSHA/Hawaii Workshop in May 2011, serving 300 employers with safety and health information.
- Pathway to Success – a training and certification program for collateral duty managers, supervisors and HR persons.

## Partnerships

Hawaii's partners include the following organizations:

- HIOSH Advisory Committee – comprised of both general industry and construction employers and unions.
- American Society of Safety Engineers – Hawaii Chapter.
- American Industrial Hygiene Association – Hawaii section.
- Honolulu Community College, and
- Hawaii VPPPA – an organization comprised of Hawaii-VPP companies.

## Statistics

### Compliance Inspections – FY 2010

Safety: 232                      Health: 90

### Compliance Inspections By Type – FY 2010

Programmed: 83                      Complaint: 98  
Referral: 129                      Accident: 5  
Other: 0                      Follow-Up: 7

### Allocated State Plan Positions – FY 2011

Safety Compliance: 9                      Health Compliance: 8  
Safety Consultants: 2                      Health Consultants: 2

### FY 2010 Overview

Funding by State Plan: \$1,445,400  
Allocated State Plan Positions: 16  
Compliance inspections: 322  
Inspections w/violations cited: 210  
Average Violations per Initial Inspection: 3.3  
Percent of inspections with no violations: 34.8%  
Total current penalties: \$695,201

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

### Signature projects

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

- The Administrative Rules that formalize Illinois' adoption of the current OSHA standards for enforcement were updated and kept current. The remaining administrative rules that apply to program administration and recordkeeping are being revised.
- The SIED staff has been enhanced by the promotion and addition of critical management, support and enforcement field staff. The current Division headcount is 28.
- An Illinois Field Operations Manual has been drafted and is undergoing review to ensure consistency with the OSHA Field Operations Manual and its updates.
- IDOL-SIED has joined the OSHA IMIS system and has been entering enforcement reporting data since January 2010. This system has altered the enforcement reporting program significantly.
- The Bureau of Labor Statistics survey is administered by a different state agency. The Agencies are working on a plan to ensure better public sector data.
- The Illinois Health and Safety poster was updated to include the OSHA requirements for State Plans.



## Enforcement

For 2010, IDOL-SIED conducted the following inspections/investigations:

- Fatality/Accident Investigations – 25,
- Complaint Inspections – 125,
- Referrals – 5,
- Monitoring – 1,
- Follow-up Inspections – 272\* (two different databases),
- Programmed Planned – 1203,
- Programmed Related – 2,
- Programmed Other – 2.

## Outreach

For 2010, IDOL-SIED conducted the following consultation activities, please note that a moratorium on Consultation Activities was instituted in mid-2010:

- Educational/Training Classes – 254,
- Advisory Inspections – 100,
- Program Evaluations – 26.

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



As a result of this trench inspection, a large municipal water management agency was issued four Serious Citations.



Display of SIED materials at an outreach seminar at Harper College.

### Signature projects

The Indiana Occupational Safety and Health Administration (IOSHA) has begun developing its new five-year strategic plan. One of the most prominent and new components of it will be to focus outreach and enforcement resources on the healthcare industry, which typically has one of the highest injury and illness rates of all sectors in the state.

IOSHA has established a number of strategic occupational safety and health partnerships and alliances. These partnerships include the Metropolitan Indianapolis Coalition for Construction Safety (MICCS), the Indiana Construction Association (ICA), the Associated Builders and Contractors, as well as a number of successful site-specific partnerships.



The Indiana Department of Labor's IOSHA team is dedicated to advancing the safety, health and prosperity of Hoosiers in the workplace.

Indiana has 42 Indiana **Special Governmental Employees** (SGE) for use during Voluntary Protection Program (VPP) evaluations. Using SGEs reduces the drain on enforcement resources as more and more companies become committed to exemplary health and safety management systems through the VPP.

IOSHA continues to be integrated in Indiana Department of Homeland Security (DHS) efforts. IOSHA provides staff that act as safety officers for the Incident Management Team. Staff also serve in various advisory roles and capacities on a number of DHS emergency and disaster response committees. IOSHA also has a collaborative working relationship with the Environmental Protection Agency's Criminal Investigative Division and the Federal Bureau of Investigation (FBI) Environmental Crimes Unit.

### Emphasis programs

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

## Enforcement – High profile cases

University of Notre Dame: IOSHA investigated the University of Notre Dame and its athletics department after a student employee was killed while videotaping a football practice from a scissor lift. On the day of the fatal accident, there were high wind warnings. University staff working outside that day, at practice, acknowledged gusty but variable wind speeds. Drawing national attention, the inspection yielded one knowing violation and a number of serious violations of the Occupational Safety and Health (OSH) Act.

IOSHA worked with representatives from the University of Notre Dame on specific settlement terms. Both IOSHA and the University included the victim's family in most major decisions. The University, as part of the settlement, developed and launched a nationwide educational and awareness campaign. The campaign was designed to reach out to educational institutions on the safe operational use of scissor lifts. It has been noted this equipment may be used in videotaping or observing athletic, band and drama practices, productions and live events. The information and resources developed by the University may be found online at [www.LiftUpRight.org](http://www.LiftUpRight.org).

Ford Lumber/Jefferson Proving Grounds: IOSHA worked with a number of regulatory and criminal investigative agencies on the Ford Lumber/Jefferson Proving Grounds case. This case involved a military base that was sold to a private individual under the BRAC program. The base contained a large amount of asbestos, which was subsequently removed by untrained and unqualified persons in Ford's employ. IOSHA worked closely with IDEM, EPA and U.S. Army C.I.D. in this case. Although IOSHA issued significant citations that were subsequently settled, many of the other organizations are just now beginning to bring legal action against Ford for issues associated with asbestos removal.

IOSHA continues to support a wide array of voluntary compliance initiatives. Employers with exemplary safety programs can apply to participate in VPP, the Indiana Safety and Health Achievement Recognition Program (INSHARP) or other programs that carry relief from general schedule inspections. This allows IOSHA time to concentrate enforcement efforts on employers who demonstrate less commitment to workplace safety and health.



Indianapolis Colts Center Jeff Saturday addressed the 2011 Indiana Safety and Health Conference and Expo and spoke about worker safety and health from a professional athlete's perspective.

## Outreach

More than 440 requests for onsite consultation were fulfilled by the Indiana Department of Labor's OSHA consultation program, INSafe, in 2010. Given the number of requests received in early 2011, there is no indication of slowing down in the near future.

The Indiana Department of Labor partnered with the Indiana Chamber of Commerce, the Central Indiana Chapter of the American Society of Safety Engineers and the Indiana Chapter of the American Industrial Hygiene Association to present the state's largest occupational safety and health conference. More than 600 occupational safety and health professionals attended the annual conference that took place on February 28 - March 2, 2011, in Indianapolis.

Offering a very different perspective on occupational-related injuries and illnesses, Jeff Saturday, Center for the Indianapolis Colts football team, was the conference keynote speaker. Saturday spoke of worker safety and health from a professional athlete's perspective. He also commented on the nature of occupational injuries suffered by National Football League (NFL) players.

Representatives from INSafe and IOSHA presented seven of the more than 40 educational sessions during the conference.

INSafe is actively developing several distinct worker safety and health initiatives to promote Hoosier worker safety and health. These initiatives include scissor lift safety, distracted driving and a focus on the healthcare and social assistance industry. These initiatives will include developing a workers safety and health initiative website link for each, videos, fact sheets, checklists and other web-based tools. Stay tuned for more information on these initiatives.

## Partnerships

The Indiana Department of Labor continues to have a well-balanced approach in promoting Hoosier occupational safety and health in workplaces by developing strategic partnerships and alliances. Currently, the Indiana Department of Labor has nine active alliances and partnerships.

In 2010, the agency renewed its successful alliances with the Indiana Ready Mixed Concrete Association (IRMCA) and the Sheet Metal and Air Conditioning Contractors Association (SMACNA). Together, these two alliances have generated more than 30 requests for onsite consultation submitted by their respective association members. Another alliance was signed with the Indiana Builders Association (IBA). Representatives from the Indiana Department of Labor's INSafe division and IBA regularly met to discuss outreach and compliance assistance services for Hoosier builders.

Site-specific partnerships continued to be successful as well. In September 2010, the Indiana Department of Labor successfully completed a site partnership with Meyer Najem Construction, LLC for the construction of an orthopaedic surgical center. Each project subcontractor was required to identify a site-specific safety person. Altogether, workers logged more than 289,000 hours on this project. The project was completed with two OSHA recordable injuries – a Total Recordable Case and Days Away rate of 1.38.

In addition to lagging indicators (occupational injury and illness incidents and rates), the project used leading indicators to identify successes, issues and concerns. Throughout the project's duration, more than 2,500 safety and health-related observations were cited. The project measured its percent safe versus unsafe observations. Unsafe observations that were cited were classified as non-serious, medium, high and life-threatening. Those classified as "high or life-threatening" were immediately corrected. All other observations were prioritized and corrected as appropriate.

In June 2011, the Indiana Department of Labor, Indiana Department of Transportation and Maryland Heights, Missouri-based Fred Weber, Inc. teamed up for a site-specific safety partnership for the Interstate 69 project. The project includes an 11-mile stretch of highway and the construction of more than two dozen bridges. This agreement marks the first infrastructure partnership for the Indiana Department of Labor. The partnership emphasizes fall protection above any surface six feet or greater from the ground level. It also stresses the importance of the construction industry emphasis four hazards.



The Indiana Departments of Labor and Transportation signed a strategic partnership with Missouri-based Fred Weber, Inc. covering the construction of an 11-mile stretch of Interstate 69 in southwest Indiana.

### Emphasis Programs

The Kentucky Occupational Safety and Health (OSH) Program has **state-specific injury reporting regulations** that are more stringent than OSHA's. Kentucky requires employers to report hospitalizations of two or fewer employees as well as all amputations to the Division of Compliance within 72 hours. In 2010, the Division of Compliance received 145 hospitalization reports. Subsequently, 85 inspections were conducted resulting in 95 serious violations issued for a total penalty of \$281,400. Also, 52 amputations were reported in 2010 resulting in 48 inspections with 75 serious violations issued for a total penalty of \$230,625.

Since 2002, Kentucky has enforced a state regulation that specifically addresses residential construction fall protection. The Division of Compliance continued its local emphasis program in 2010 for **fall protection in residential construction** and conducted 86 residential construction inspections resulting in 127 violations.

### Enforcement

The Division of Compliance remained focused in 2010 on fall protection in construction. Fall protection was the most cited construction standard in 2010. Kentucky cited 29 CFR 1926.501, Duty to have Fall Protection, 113 times.

The Division of Compliance conducted 230 imminent danger inspections in 2010 due to increased awareness of fall and trenching hazards in the residential and non-residential construction industries.

**Significant Case:** As a result of a follow-up inspection, the Division of Compliance issued citations totaling \$372,000 to **Lost Lodge Properties, LLC, dba Bluegrass Indoor Range** for four failure-to-abate violations, three repeat serious violations, and three serious violations of the lead, electrical, respirator protection, and hazard communication standards. The Division also determined that lead found in the facility could pose a health hazard to the general public, including children, and a referral was made to the health department.





**Significant Case:** The Division of Compliance conducted a follow-up inspection of a construction site which resulted in a willful serious citation issued to **R&R Fabricators & Erectors, Inc.**, with penalties totaling \$42,000 for violations of the fall protection standards. The company refused to provide any information to the Division during the inspection. Consequently, the Labor Cabinet issued administrative subpoenas to require the release of requested documents. The employer did not appear at two hearings in circuit court (to enforce compliance with the subpoena) and did not comply with an order to show cause. The company president was subsequently found in contempt and an arrest order was issued. The individual has disappeared and an independent contractor not employed by the company has since provided some documents.

## Outreach

**Surveys and Training:** The Division of Education and Training collects data through the OSHA Data Initiative which is utilized to identify the top 10 high-hazard industries, as well as specific employers within these identified industries, using four-digit North American Industry Classification System codes. The Division subsequently sent out industry-wide letters, as well as letters to specific employers, which resulted in 402 safety and health surveys.

The Division conducted training at six Population (POP) Centers across the Commonwealth. Fifty-four POP sessions were presented addressing a wide variety of OSH subjects that reached over 2,400 participants. The Division also continued specialized outreach efforts in 2010 offering 37 construction specific training courses that reached over 800 employees.

**SHARP Program:** The Safety and Health Achievement Recognition Program (SHARP) added two new companies in 2010. **Ceradyne**, Lexington, develops and manufactures ceramic products for defense, such as bulletproof plating for personal protection as well as military applications, nuclear power, oil and gas, and other varied industries.

**SUN Products**, Bowling Green, is a leading manufacturer and marketer of fabric care and dish care products.

**Safety Partnership Program (SPP):** The SPP is designed for employers who recognize the need for assistance with safety and health management structure, program development, and injury and illness rate reduction. The program lasts for three years, with safety and health professionals from the Labor Cabinet working with the company to strengthen its identified weaknesses. **Stone Plastics** of Cadiz was added to SPP in 2010. Stone Plastics is a leading manufacturer of custom and stock plastic products for both consumer and industrial uses.

**Construction Partnership Program (CPP):** Kentucky continues to add to the CCP as previous partnership sites are brought to successful conclusions. Two exciting new additions are “tri” partnerships. The first is a partnership with Jenkins-Essex, the City of Elizabethtown, and the Labor Cabinet. **Jenkins-Essex** is constructing a \$29,000,000 sports park for the City of Elizabethtown, and the city wanted to collaborate in the project.



Messer Construction, Pikeville Medical Center and the Labor Cabinet signed a partnership to protect workers during the construction of an expansion to the Center.

The second “tri” partnership is with Messer Construction, Pikeville Medical Center, and the Labor Cabinet. **Messer Construction** is building a \$100,000,000 expansion for Pikeville Medical Center that includes a new medical office tower and a 1,000-space parking garage. Pikeville Medical Center, which received the “Hospital of the Year” award from a nationally recognized healthcare organization for the second year in a row, wanted to be involved in all phases of the partnership and requested to be the third partner in the agreement.

**Voluntary Partnership Protection (VPP) Program:** The VPP continues to thrive and set the benchmark for VPP nationally. Kentucky added one new VPP facility during the 2010 calendar year, **General Electric Service and Repair** in Louisville. This was the fourth GE plant to join VPP in Kentucky and brought the number of active sites to 10. Since 1997, Kentucky has developed a very detailed and stringent VPP process designed to identify those companies who are truly the “best of the best.” Kentucky continues to refine the process to identify new companies and also help strengthen current VPP companies.

**Voluntary Protection Partnership for Construction (VPPC):** Kentucky retained two participants in the VPPC. At the close of 2010, **Turner Construction** was completing the finishing touches on a multi-million dollar expansion at the University of Kentucky Hospital and **Miller-Valentine** was involved with the expansion of L’Oreal USA in Florence. L’Oreal manufactures hair care products and is also one of 10 general industry VPP sites. Kentucky continues to look for other construction companies that can emulate the high level of excellence these two have achieved.

**Videos:** Kentucky developed two professionally produced videos in 2010 that showcase employee/employer occupational safety and health rights and responsibilities as well as the services offered by the Labor Cabinet’s Division of Education and Training. The videos were filmed in the Commonwealth at partnership program sites and feature both private-sector employees and Labor Cabinet staff. The “Occupational Safety and Health Rights and Responsibilities” video is presented in a question-and-answer format highlighting situations and circumstances that employees and employers frequently address to Division of OSH Compliance staff.

**KYOSH IMPACT:** The Labor Cabinet's Occupational Safety and Health Program took delivery in 2010 of a custom-built incident response/outreach vehicle. The Incident Mobile Post and Consultation Training vehicle, dubbed KYOSH IMPACT, is a Class A state-of-the-art multi-purpose motor coach. KYOSH IMPACT is equipped with satellite service, surveillance equipment, internal and external monitors, workstations, and a host of other hi-tech devices.

As the name indicates, the IMPACT deploys to occupational safety and health incidents and supports specialized strategic enforcement efforts. The Division of OSH Education and Training also utilizes KYOSH IMPACT for outreach to traditional and non-traditional Labor Cabinet partners. IMPACT provides a means to contact populations the Cabinet might not otherwise reach. In 2010, the KYOSH IMPACT deployed to 18 events from one end of the state to the other participating in outreach efforts affecting over 12,750 people.

**27th Annual Governor's Safety and Health Conference and Exposition:** This exposition, hosted by the Labor Cabinet and the Kentucky Safety and Health Network, Inc., was a success. The 2010 event featured a day of pre-conference courses, two days of concurrent workshops addressing a wide variety of safety and health topics, and vendors presenting the latest state-of-the-art products. Highlights included:

- The keynote address by OSHA Deputy Assistant Secretary Richard Fairfax, CIH.
- The presentation by the Kentucky Safety and Health Network, Inc. of \$40,000 in Scholastic Achievement for Education (SAFE) Awards to 12 university students.
- The presentation by Kids Chance of Kentucky of \$15,000 in scholarships to 10 children of Kentucky workers killed or seriously injured in work-related incidents.
- The recognition of 29 employers representing 37 worksites who were awarded the Governor's Safety and Health Award. The award is given to employers who achieved the required number of hours worked without experiencing a lost time injury or illness.

**Labor Cabinet Regional Seminars:** In an effort to keep citizens abreast of the services offered by the Kentucky Labor Cabinet, the Cabinet hosted a series of six multi-day seminars across the Commonwealth during the summer of 2010. The seminars showcased all of the Cabinet's agencies and was developed for employers, employee organizations, public works projects, workforce development, workforce education, and registered apprenticeship programs. The Division of Compliance and the Division of Education and Training provided attendees with detailed presentations of their many-faceted services as well as explanations of various statutory and regulatory mandates. The seminars were well received and attended by over 600 participants.



KYOSH IMPACT is used for outreach as well as strategic enforcement efforts.



KYOSH IMPACT is a state-of-the-art multi-purpose incident response/outreach motor coach.

### Signature project

In a follow up to a December 2009 accident investigation at a poultry processing plant on Maryland's Eastern Shore, an additional Industrial Hygiene case and formal settlement occurred. The original accident resulted in the victim sustaining multiple fractures of the right arm, wrist and hand. As the accident investigation evolved the case was opened up into a comprehensive plant-wide inspection. When the inspection was completed 14 willful, 11 serious, eight repeat serious, and two other-than-serious citations had been issued, totaling just over one million dollars (the highest penalties ever issued by the agency).

The company contested the citations and a formal hearing was held in October 2010. Each citation was upheld and a final penalty of \$521,000 was assessed. The inspector who investigated this accident and subsequent comprehensive inspection referred the facility to our Industrial Hygiene department with concerns over process safety management. An industrial hygiene inspection was performed at this same facility in March 2010, and resulted in 19 serious and seven other-than-serious citations being issued. The original penalties totaled over \$22,000, and the company settled at an informal conference paying nearly \$18,000. Since these two inspections the company has sold the business and the new owners have requested and received help from our consultation department.

### Enforcement

**Explosion:** MOSH investigated a catastrophe where three employees were severely burned. The employees were installing a geothermal heating system in a residential home. They were nearing the end of the project and began to flush out the system. Two employees were located within a small room where they began to add ethylene to a flush cart. All doors to the room had been closed and no other means of ventilation had been provided. One of the employees flipped the motor switch on the flush cart when an explosion occurred. It was determined the flush cart and its equipment had not been rated for a hazardous location and that the cans of ethylene were stored outdoors in the heat. The flashpoint of the liquid had been exceeded and when the switch was flipped to start the machine a spark was created which ignited the vapors. We feel this may be a national concern.

**Crushing fatality:** In August 2010, MOSH investigated a fatality that involved an employee being crushed between the tracks and cab of an excavator. The employee was helping to install a new storm drain system when he allegedly walked up behind the cab of the equipment. The operator did not see him and swung the cab away from the excavation crushing the other employee. The excavator had no mirrors on the cab and the swing radius was not barricaded. MOSH cited general duty for failure to provide a safe and healthful working environment by not providing a barricaded swing radius. This is the second fatality that MOSH has investigated involving unguarded swing radius on heavy equipment; the other case involved a Gradall.

**New compliance officers:** In late April 2010, MOSH welcomed seven new compliance officers, four of which made it through the probationary period. The new CSHOs finished their formal training in April 2011. In March 2011, MOSH welcomed another trainee class consisting of six safety compliance officers, one compliance hygienist, one safety consultant, and one industrial hygienist consultant. These new CSHOs will go through our rigorous training program and then be assigned to Regions.



A MOSH Industrial Hygienist conducts formaldehyde sampling at a local hospital.

## Outreach

MOSH staff was able to provide, through the Training and Education Unit, 115 educational seminars and speaker requests that totaled over 10,000 hours of free training for the general public. Many of our classes were revamped to make sure the employers and employees attending received the most up-to-date information. We added an OSHA 10-hour for General Industry seminar. MOSH focuses on Hispanic outreach and in 2010 we offered four classes in Spanish: excavation & trenching, construction site safety, and the OSHA 10-hour. In all, 161 people attended these Hispanic outreach seminars.

The training and education unit is fortunate to have two training rooms at our new facility in Hunt Valley, MD. These rooms are equipped with state-of-the-art audiovisual equipment that allows our instructors to use the most up-to-date tools to present their information. Our large training room is capable of holding 52 students (74 with students seated around the perimeter of the room), this is almost double the amount of students from our previous facility in Laurel, MD.

## Partnerships

In 2010, the **Cooperative Compliance Partnership (CCP) Program** signed three new partnerships; these new sites totaled nearly 67 million dollars. The unit managed 14 active partnerships throughout the year and accepted numerous applications for new partnerships. Over 330 employers participated in site inspections covering nearly 3,600 employees. The CCP unit was able to perform 21 site visits and identify 341 hazards. The partnership sites are among the largest and most dangerous construction sites in Maryland.

As of this report the MOSH CCP unit has entered into 55 partnerships since the program began in 1997. The total of all partnerships sites totals over 4.70 billion dollars of new construction.

## Statistics

2009 was a record year for MOSH injury and illness statistics. Based on the Survey of Occupational Injuries and Illnesses, a cooperative program between the State of Maryland's Division of Labor and Industry and the U.S. Department of Labor's Bureau of Labor Statistics, Maryland's private sector total recordable case (TRC) rate was, for the second year in a row, at an all time low of 3.3 injury and illness cases per 100 equivalent full-time workers. This represents a decline of slightly over two-thirds (68%) from the series high of 10.6 recorded in 1972. Private sector construction's TRC rate declined three percent from 3.9 cases reported in 2008 to 3.8 in 2009 and was also the lowest rate on record for this industry sector in Maryland since the survey program's inception in the early 1970s.



MOSH Commissioner and Assistant Commissioner at a signing ceremony for a new CCP partnership.



### Signature accomplishment

Global Settlement with Davenport Masonry: On February 28, 2008, a 32-year-old employee of Davenport Masonry, Inc., of Holt, Michigan, fell 40 feet to his death while working from a scaffold. The MIOSHA Construction Safety and Health Division began an investigation the same day. The investigation determined that the scaffold was not properly installed with guardrails and planking to protect against a fall. The investigation revealed a history of safety violations. Davenport Masonry was cited for one serious and three willful violations, with \$61,600 in fines.

In Michigan, all willful violations connected to a fatality are referred to the Attorney General's Office. In April 2010, Michigan's Attorney General filed felony charges against Davenport Masonry for willfully violating the Michigan Occupational Safety and Health (MIOSH) Act in connection with the fatality.

In December 2010, Davenport Masonry entered into an agreement with the Attorney General's Office and the Washtenaw County Circuit Court, which delayed prosecution for a period of 12 months and included an opportunity for the company to have the charges dismissed provided it met certain terms and conditions. Under the agreement, Davenport Masonry agreed to:

- Implement an enhanced scaffold safety program to protect its employees;
- Adhere to increased reporting and monitoring requirements as set forth by MIOSHA for projects involving scaffolds;
- Accept the violations, grouped and reclassified as a single serious citation;
- Pay \$10,000 in penalties to MIOSHA; and
- Pay \$78,000 into educational trust accounts for the deceased's three minor children.

As part of the agreement, Davenport Masonry was eligible for dismissal of the felony charges if the company was not cited for a similar scaffolding violation or another willful violation of a MIOSHA construction standard during the 12-month period, and all other terms and conditions were satisfied. On December 15, 2011, following confirmation by MIOSHA of the company's compliance with the agreement, the Michigan Attorney General and Davenport Masonry jointly moved the court for dismissal of the criminal charges.



A Davenport Masonry employee fell to his death while working from this scaffolding.





The number one cause of death and serious injury at residential construction sites is falls.



MTI Graduates recognized at the 2011 Michigan Safety Conference.

## Emphasis Programs

**Residential Fall Protection Initiative:** On April 4, 2011, MIOSHA launched the “Residential Fall Protection Initiative” to educate Michigan employers about the changed rule requirements for residential fall protection. Federal OSHA made the rule changes effective June 16, 2011, and the State Plan States were required to make the same changes. MIOSHA developed this initiative in partnership with the Michigan Association of Home Builders (MAHB) and presented more than 70 seminars to help employers comply with the new requirements. Since 2008, MIOSHA has had an active “Fall Protection Initiative” to increase awareness of fall hazards, highlight the need for appropriate fall protection, and ensure employees receive required training.

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

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

**MIOSHA Training Institute (MTI):** In FY 2008 MIOSHA implemented a new safety and health training/certification program, the **MIOSHA Training Institute (MTI)**. Seminars offered through MTI provide an opportunity to achieve certification. In FY 2011 **133 courses** were offered across the state. To date, training has been provided to more than **9,000 individuals** and certificates have been issued to more than **440 students**.

**Connecting MIOSHA to Industry:** MIOSHA is continuing its very successful initiative, “Connecting MIOSHA to Industry.” The goals are to support proactive safety and health systems, decrease workplace safety and health hazards, expand partnership opportunities and, therefore, increase the competitiveness of Michigan employers. Overall, the initiative is linking MIOSHA’s legislative mandates with opportunities to interact with employers and workers to create collective ownership for the safety and health of Michigan’s workforce.

## Enforcement – High Profile Cases

**Bharat Forge:** On Oct. 27, 2010, the General Industry Safety and Health Division announced the conclusion of an inspection at Bharat Forge America, Inc. of Lansing. MIOSHA identified 42 alleged violations of MIOSHA regulations. The citations consisted of 19 Serious, four Willful, and 19 Other- than-Serious violations, with a total penalty of \$137,750. The four Willful violations were all related to the Permit Required Confined Spaces standard.

**Detroit Water and Sewerage Department:** On Dec. 3, 2010, the Construction Safety and Health Division issued several citations to the Detroit Water and Sewerage Department for inadequately protecting its employees when they were repairing a broken water main. Four employees were exposed to serious hazards while working in an excavation that was seven feet deep, with nearly vertical sides. The penalties totaled \$110,400.

**Pellston Airport Fatality:** On May 20, 2011, the Construction Safety and Health Division. issued citations with total penalties of \$352,000 to two employers involved in a fatality in December of 2010 at the Pellston Airport. Employees were covering a scaffold with weather proofing. The scaffold overturned in high winds and fell on an employee below, killing him. Grand Traverse Construction was the exposing contractor, with penalties of \$237,200. DeVere Construction was the controlling contractor, with penalties of \$115,000.

**Oakwood Pump Station Fatality:** On May 3, 2011, the Construction Safety and Health Division issued citations with total penalties of \$229,600 to four employers involved in a fatality in November of 2010 at the Oakwood Pump Station in Detroit. An employee went through a roof hatch and fell about 50 feet. Royal Roofing Company was the exposing employer, with penalties of \$145,600. E. W. Ensroth Company was the creating contractor, with penalties of \$72,100. L. D'Agostini & Sons, Inc. was an exposing and controlling contractor, with penalties of \$8,400. De-Cal, Inc. was a controlling contractor, with penalties of \$3,500.

**Posen Construction:** On June 6, 2011, the Construction Safety and Health Division issued three Willful violations, three Repeat Serious violations, and five Serious violations to Posen Construction for alleged safety hazards with total penalties of \$199,200. On Dec. 23, 2010, three employees placed concrete in the bottom of a wet well and left a propane torch device running overnight to dry the concrete. The torch went out and filled the confined space with propane gas. At about 8:00 a.m. the employees attempted to relight the heater and an explosion occurred. All three employees suffered burns and were transported to a hospital.



A Grand Traverse Construction employee was struck and killed by this scaffolding that overturned due to high winds.



An explosion occurred at the bottom of this wet well, injuring three Posen employees.



Siemens Industry Metallurgical Services in Benton Harbor Received the Michigan SHARP Award.



Pioneer Construction signed a partnership to protect workers at Grand Valley State University.

## Outreach and Education

MIOSHA's **Consultation Education and Training (CET) Division** focuses its outreach efforts on those companies with the greatest need. In April of 2011, over 2,100 letters offering assistance through the CET Division were sent to Michigan employers targeted by the MIOSHA Strategic Plan. CET Division 21 (d) and 23 (g) consultants provided the following outreach services during FY 2011:

- Provided 3,508 safety and health consultations;
- Provided 829 onsite surveys (21 (d) and 23 (g));
- Conducted 1,333 training sessions, with an attendance of 15,128 participants;
- Distributed 134,719 pieces of literature; and
- Loaned 1,800 videos and DVDs.

The Michigan Voluntary Protection Program (MVPP) currently has a total of **27 Star sites**, **7 Rising Star sites**, and **three VPP in Construction sites**. MIOSHA also has a cumulative total of **26 SHARP companies**.

MIOSHA awarded 22 Consultation Education and Training (CET) Grants in FY 2011, totaling \$1 million. The CET Grant Program provides additional options for safety and health education and training.

## Alliances and Partnerships

**Barton Malow Company:** On Nov. 4, 2010, Barton Malow Company, MIOSHA and the Greater Detroit Building and Construction Trades Council, signed a partnership to protect workers at the Stoney Corners Wind Farm project in McBain. On Dec. 8, 2010, Barton Malow Company, MIOSHA and the Greater Detroit Building and Construction Trades Council, signed a partnership to protect workers at the University of Michigan's C. S. Mott Children's Hospital.

**Pioneer Construction:** On June 13, 2011, Pioneer Construction and MIOSHA signed a formal partnership to protect workers at the Grand Valley State University (GVSU) Mary Idema Pew Library Learning and Information Commons project in Allendale.

**Alliances:** On Nov. 7, 2011, the **Michigan Laborers' Training & Apprenticeship Institute (MLTAI)** and MIOSHA signed a formal alliance. The **MIOSHA Alliance Program** was officially launched in FY 2004 and MIOSHA currently has **13 active alliances**. These alliances have generated hundreds of opportunities to improve the worksites represented by the signing organizations.

### Signature projects

**Minnesota OSHA internal reorganization:** In federal-fiscal-year 2010, Minnesota OSHA (MNOSHA) implemented a reorganizational plan to maintain consistency and quality throughout the organization's field staff. The plan included restructuring the investigative field staff into four units/territories – North, Central, Southeast and Southwest – with similar numbers and disciplines of staff members in each. The four new units/territories each also have a portion of the Minneapolis-St. Paul metropolitan area. The division of counties was determined by the number of inspections conducted historically. Each unit has at least three industrial hygienists and nine safety investigators, who conduct both construction and general industry inspections. A fifth unit was developed for the purpose of conducting informal conferences, case file review and mentoring.

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

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

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



Minnesota OSHA implemented a re-organizational plan to maintain consistency and quality throughout the organization's field staff. Each unit has at least three industrial hygienists and nine safety investigators who conduct both construction and general industry inspections.

## Emphasis program

Within a two-year span (2007 to 2009), Minnesota OSHA had inspected three fatalities involving workers engaged in window-washing activities. In response, MNOSHA arranged stakeholder meetings with representatives in the window-washing industry to discuss the recent increase in fatalities and develop means to avoid future fatalities. In April 2010, MNOSHA added a local emphasis program for window-washing activities. The emphasis program directs investigators to initiate an inspection when the investigator observes employees using platform installations permanently dedicated to interior or exterior building maintenance of a specific structure or group of structures, or employees engaged in window-washing from suspended or supported equipment intended to provide access to the face of a building or from working platforms of suspended units. Minnesota OSHA has issued citations in more than half of the inspections and assessed penalties in excess of \$170,000 under this emphasis program.

## Enforcement

On June 11, 2006, an employee was engulfed by animal feed in a feed storage room. The employee was attempting to break open a “bridge” of feed that was over a grate in the floor, while standing on the feed above the grate. The bridge collapsed, dropping the employee into the void, where the feed engulfed him. The inspection resulted in one willful citation for allowing an employee to walk on stored grain and eight serious citations, including citations for confined space and lockout/tagout violations. Minnesota OSHA assessed penalties in the amount of \$83,500.

On July 15, 2008, a MNOSHA investigator observed three employees working in an excavation without an adequate protective system and initiated an inspection. The employer had been cited by MNOSHA for similar trench violations in the recent past. This inspection resulted in one willful and two serious citations for excavation and training violations, with penalties in the amount of \$37,000.



During an inspection Minnesota OSHA inspectors are always on the lookout for hazardous work practices such as this worker exposed to burns from molten metal without wearing flame-retardant personal protective clothing. View this and other photos from MNOSHA's “Best of the Worst” photo gallery online at <http://www.dli.mn.gov/osha/bestofworst.asp>.



## Outreach

**Construction seminars:** During federal-fiscal-year 2010, Minnesota OSHA completed another successful year administering its construction seminars program. Two significant changes were made to customize the program and increase stakeholder participation. First, MNOSHA formed a steering committee of various construction stakeholders to choose presentations and speakers based on current topics that need to be discussed from a compliance standpoint. Secondly, the breakfasts – and the associated costs for the participants – were discontinued; coffee is still being served, but there is no longer a fee for attendees.

Seminar speakers included MNOSHA staff members, equipment vendors, consultants and contractors. More information about the MNOSHA construction seminars can be found at [www.dli.mn.gov/OSHA/ConstructionBreakfast.asp](http://www.dli.mn.gov/OSHA/ConstructionBreakfast.asp).

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

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

Presentations about the new crane standard: Minnesota OSHA also began working with the construction industry, presenting information about the new crane standard at various strategic locations throughout the state.

## Partnerships

**Minnesota STAR (MNSTAR) Program/VPP:** Fiscal-year 2010 was a year filled with recertifications for organizations in the Minnesota STAR (MNSTAR) Program. Five employers participating in the MNSTAR Program received five-year exemption/recertification status during this period; an additional employer achieved Merit status in the program.

On average, general industry participants in the MNSTAR Program were 56 percent below the current U.S. Bureau of Labor Statistics (BLS) rate data for total recordable cases and 72 percent below the current BLS rate data for days away from work, job transfer or restriction (DART).

Construction participants in the MNSTAR Program shared very similar results and were – on average – 76 percent below the current BLS data for both the total recordable cases rate and the DART rate.

Participants benefited from the MNSTAR Program with an approximate **\$1.9 million total cost savings**.

**Construction Health and Safety Excellence (CHASE) Minnesota:** Minnesota OSHA also maintains its partnerships with Associated General Contractors (AGC) of Minnesota and the Minnesota Chapter of Associated Builders and Contractors (MN ABC).



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



### Signature projects

**Clark Construction – Pilot for Safety and Health Achievement Recognition Program (SHARP):** Construction jobs have declined more in the state of Nevada than in any other state. Nevada has seen in the past year alone, about a 10% decline which means close to 6,000 jobs were lost in the state. As a result of the market downturn and decrease of construction contracts, the construction industry has become very competitive for the limited jobs that are available.

In response to the growing interest in SHARP by construction contractors, the **Safety Consultation and Training Section (SCATS)** initiated a SHARP Construction pilot program. SCATS worked diligently with Clark Construction, LLC; and as a result, Clark Construction became the first construction company in Nevada to receive SHARP status. Although, companies in the construction industry are not granted an exemption from OSHA inspections at their construction sites, SHARP status may give construction firms a competitive edge when vying for future contracts.

**Safety and Health Practitioner Certificate Program:** SCATS continues its Safety and Health Practitioner Certificate program to heighten the standard of safety in Nevada. The program recognizes those who have completed a curriculum of 26 SCATS training classes within three years of the date of enrollment. As of August 30, 2011, a total of 1051 students are enrolled in the Safety and Health Practitioner Certificate Program. Since its inception, there have been over 285 graduates of the program.

### Outreach

**Major Industries:** SCATS' strategic emphasis is to reduce accidents in the construction, manufacturing, and hotel and casino industries. More recently, in response to Nevada's clean energy (geothermal, wind, and solar) initiatives, SCATS has experienced an increased demand for its services in that sector. For State Fiscal year 2011, SCATS conducted 718 safety and health consultations and identified 6,163 hazards in Nevada workplaces.

**Private Schools:** Per Nevada Revised Statute (NRS) 394.245 a private school is required to have a health and safety inspection every two years to ensure it is operating in accordance with laws, regulations, and ordinances relating to



Clark Construction LLC received with the first ever Construction SHARP award.

the health and safety of persons on the premises. Per Nevada Administrative Code (NAC) 394.110 the school must provide proof of compliance with the Federal Occupational Health Act of 1970, before a private school license be issued or renewed. As a result of these statutes, SCATS has been chartered to conduct compliance visits to over 200 private and charter schools throughout Nevada.

**Training and Education:** For State Fiscal Year 2011, in the periods between July 1, 2010 to July 30, 2011, as part of an on-going effort to increase awareness of safety and health hazards and educate employers on what is required to control hazards, SCATS conducted 311 formal training sessions reaching 7,752 participants from 3,157 Nevada employers. We continued to meet Nevada workforce training needs by providing courses in both English and Spanish. Many of the training sessions were directed to Hispanic employers through the joint activities of SCATS and various associations. Of the total training sessions for the year, about 20% were administered to the Spanish speaking workforce.

SCATS publishes a quarterly class schedule that spans various safety and health topics. Nevada legislation mandates all construction workers engaged in construction activities in Nevada to have an OSHA 10-Hour Construction card and supervisory employees have an OSHA 30-Hour Construction card. SCATS has developed a dedicated 10- and 30-Hour Construction Class registration website ([www.nv1030.org](http://www.nv1030.org)). Work is underway to expand electronic class registration and launch another website ([www.SCATSclasses.org](http://www.SCATSclasses.org)), for the registration of its other safety and health awareness classes. SCATS provides various resources to its customers such as informational brochures, copies of the OSHA standards, NRS/NAC, etc. Further, SCATS provides a safety and health video lending library for Nevada employers. This year, a total of 893 videos were loaned and viewed by about 14,183 individuals.

**State of Nevada:** Nevada SCATS continues to work with the State's Risk Management to enhance safety awareness for state employees. To better leverage limited resources, Nevada SCATS conducts an 8-hour 'State Safety Supervisor' course that all state supervisors are required to attend.

**Hispanic Outreach:** SCATS is committed to improving the health and safety of immigrant workers. SCATS promotes its services at Small Business Development meetings chaired by the Hispanic Chamber of Commerce. In addition, SCATS is an active participant in the annual Nevada Hispanic Safety Month which is a month-long safety event that promotes safety in the workplace among the Hispanic population with safety fairs, free bilingual safety training classes, and an extensive bilingual marketing campaign urging Hispanic workers to attend the free training sessions.

**Marketing Initiatives:** SCATS continuously promotes and advertises its services through letters to new employers and construction companies registering new site locations, print newspaper ads and press releases, radio spots, dissemination of a quarterly newsletter, presentations and speaking engagements at various workplaces and professional associations throughout Nevada. As a result of SCATS' robust marketing initiatives this year, consultation and training requests have increased by 20%.

## Partnerships

**SHARP:** Currently, Nevada SCATS maintains 16 SHARP sites; and nine Pre-SHARP companies are under review for SHARP status. In the last fiscal year, three Safe Partner awards have been awarded. Nevada recognition programs continue to encourage employers' commitment to promoting a safety culture that exceeds Nevada safety and health standards. In addition, press releases announced the SHARP recipients' demonstrated achievement of an exemplary safety and health management system.

**Alliances:** SCATS continues its Alliance with OSHA Region IX and the National Utility Contractors Association of Las Vegas (NUCA-LV). SCATS continues to provide the State of Nevada and NUCA members with information, guidance and access to training resources that will help them protect employees' health and safety; with emphasis placed particularly on reducing and preventing exposures to work-related hazards by addressing safety training issues. The Alliance is crucial to establish industry leaders and business support for improved workplace safety and health efforts and serves as a means to communicate information to employees and employers in the industry.

**EMPLEO:** SCATS is an active participant in the Department of Labor's non-traditional partnership, EMPLEO (Employment Education Outreach), which provides outreach to the immigrant communities, particularly Hispanics. The group consists of many government agencies and companies who provide services to employers and employees. As part of the activities, SCATS representatives attended seminars, cross-train between agencies for proper redirection, and disseminate informational brochures. SCATS participated at many shows, conferences, and fairs through joint exhibitor activities.

## Signature project

**PEOSH Advisory Board Subcommittee on Workplace Violence in Schools:** The New Jersey Public Employees Occupational Safety and Health Program (PEOSH), Advisory Board convened a Workplace Violence in Schools subcommittee following a safety enforcement investigation of student/teacher violence that occurred in a northern New Jersey school district. The subcommittee gathered information and made recommendations concerning workplace violence in schools. The PEOSH Program researched the recommendations and developed a spread sheet that outlined current laws and regulations that pertain to the recommendations of the subcommittee. The committee met four times in 2010.

The workplace violence subcommittee is comprised of representatives of the PEOSH Advisory Board, school board members and the NJ Education Association. A final condensed list of recommendations was sent to members in July 2011. Once the list has been agreed upon it will be presented to the PEOSH Program Advisory Board for further action.

## Enforcement

The New Jersey PEOSH Program adopted the full Federal monetary penalty schedule. As a State Plan for public employees only, the New Jersey PEOSH Program does not apply first instance monetary penalties. First Instance penalties are assessed only in cases of willful/repeat violations. New Jersey **PEOSH emphasis programs** per the 5-year Strategic Plan (2009-2013) include:

- South Jersey Transportation Authority,
- State Nursing and Residential Care Facilities,
- Local Fire Protection, and
- Police Protection.

## Significant case

**County Medical Examiners Office:** In December 2010, the New Jersey PEOSH Program responded to an employee complaint from a County Medical Examiner's Office. An inspection by PEOSH revealed a general absence of

health and safety programs required by the NJ HAZCOM, PPE, Bloodborne Pathogens, and Formaldehyde Standards. Autopsies on bodies of victims with unknown health histories were being performed in a facility with an inadequate canopy hood ventilation system. Autopsy staff was using surgical masks for respiratory protection from infectious bioaerosols and chemicals, including *Mycobacterium tuberculosis* and formaldehyde. Support staff occupied offices which were only accessible through the autopsy suite and were instructed to close office doors in order to minimize exposure to formaldehyde and bone dust. Personal sampling revealed that employees were exposed to formaldehyde below the TWA and STEL, but above the NIOSH REL. In addition, two abandoned and unventilated walk-in refrigeration units were being utilized for the long-term storage of formalin-fixed histology tissue samples.

The PEOSH Program issued 20 citations of the NJ HAZCOM, PPE, Medical Services and First Aid, Bloodborne Pathogens, and Formaldehyde Standards. Recommendations included upgrading the facility to meet the requirements of Biosafety Level 3 as defined by CDC/NIH Biosafety in Microbiological and Biomedical Laboratories (BMBL), 5th ed., and installing a downdraft autopsy table to control airborne hazards generated during the procedures. Staff was also equipped and trained to utilize proper PPE.

This case has brought the potentially hazardous activities conducted by local Medical Examiners to the attention of the PEOSH Program. PEOSH anticipates including this population as part of future programmed inspection initiatives.

## OUTREACH

**Certified Educational Facilities Manager Program:** The New Jersey PEOSH Program entered into a training partnership with the Rutgers University – Bloustein School of Planning and Public Policy, Certified Educational Facilities Manager (CEFM) Program. Under the agreement the PEOSH Program is providing Designated Person Training in five locations throughout the state as part of the Rutgers certificate program. The course is attended by Educational Facilities Managers. The Rutgers CEFM program benefits from this partnership by being able to offer attendees up-to-date regulatory guidance directly from the regulatory agency and by being able to assure that students who achieve the certification will meet the training requirements of the PEOSH Indoor Air Quality Standard. Assuring that facilities managers in New Jersey Schools have a basic understanding of the importance of good indoor air quality is anticipated to have a benefit to all occupants of our public schools by reducing preventable hazards associated with poor indoor air quality.

**Consultation and Training Services:** The NJ PEOSH provides consultation and training services for public employers throughout the state. These services are provided for all public employers, but high-hazard industries are the primary focus including police protection, fire protection, nursing homes, and transportation services. In FY2010, NJ PEOSH provided the following services:

- 134 on-site safety and health consultation visits,
- 204 training sessions which reached 4,645 participants.

**OSHA 10 Hour Outreach Classes:** The NJ PEOSH provided 11 10-Hour Construction classes and one 10-Hour General Industry class during FY2010. Ten of the construction classes were provided under the ARRA Green Jobs initiative to students training to work in the Green Jobs field.

**Latino Worker Health and Safety:** A representative of PEOSH was present for the National Action Summit for Latino Worker Health and Safety in Houston, TX. Two representatives of PEOSH were also present at the Northern NJ Action Summit for Latino Worker Health and Safety in Morristown, NJ. In FY 2010, training and consultation services were available in both English and Spanish. In partnership with the NJLWD One-Stop Career Centers, PEOSH provided multiple sessions of forklift operation training in Spanish at several locations.

**SHARP:** NJ PEOSH had six public sector SHARP sites in FY2010 including three fire departments, a police department, a public works department and a municipal complex.

**Governor's Occupational Safety and Health Awards Program:** The NJ Governor's Occupational Safety and Health Awards Program has been recognizing employers with outstanding performance in the prevention of workplace injuries and illnesses since 1927. NJ PEOSH assisted with the annual award program where 406 private sector and 96 public sector awards were presented in the spring of 2011 based on calendar year 2010 illness and injury rates.

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

An ever increasing number of police departments in New Jersey are providing respiratory protection to police officers. Police departments must establish and implement a written respiratory protection program with worksite-specific procedures. The program must be administered by a suitably trained program administrator.

**PEOSH Collaboration with the Pediatric Asthma Coalition of New Jersey:** New Jersey PEOSH Program is collaborating with the Pediatric Asthma Coalition of New Jersey (PACNJ) to reduce asthma triggers in schools. PACNJ sponsors the “Asthma-Friendly School Award” which recognizes school district efforts to enhance the quality of education for students and staff who face the challenges of asthma. Previously, the award required attendance at the EPA’s “Tools for Schools” training. Now, as one of the six steps required award, PACNJ requires that a school nurse and the school or district level IAQ designated person attend PEOSH Indoor Air Quality Designated Persons training. To tailor the training to the needs of participants, NJ PEOSH consultation personnel met with PACNJ staff and EPA Region II representatives. Educational goals for the different audiences were identified, and required content and exercises were developed. An EPA-funded video produced by Rutgers University is utilized in the training. Both PACNJ and PEOSH personnel participate in the presentation and discussions.

**Preparing the Workplace (H1N1 Flu related outreach):** The NJ PEOSH Program received requests from public employers and public employee groups for presentations on preparing the workplace for H1N1 flu. The PEOSH Program presentation included information on the modes of transmission of influenza, a comparison of seasonal flu and pandemic flu and workplace pandemic planning. The NJ PEOSH assisted the NJ Fire Commission, Firefighter Health and Safety Advisory Council in the development of a handout to provide to firefighters. The NJ PEOSH Program met with representatives from Local Information Network Communication System (LINCS) agencies to discuss worker protection issues relating to the H1N1 flu.

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

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



### Enforcement — High-profile investigation

New Mexico Occupational Health and Safety Bureau (OHSB) is very pleased to report that we have not had a high profile investigation since the last Grassroots publication.

### Emphasis program

For several years, OHSB has operated a local emphasis program directed at the construction industries (NAICS 236, 237, 238). The program calls for at least 200 comprehensive inspections in these industries per year.

In addition to our enhanced enforcement actions, OHSB has also implemented a highly successful recognition and exemption program tailored after the federal Safety and Health Achievement Recognition Program. The Construction Agreement for Residential Employee Safety (CARES) program is an objective, organized tool for residential construction companies to use in evaluating, strengthening, and measuring improvements in their occupational health and safety programs. It allows companies to benchmark their programs against standards of excellence in 20 specific operational areas.

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

#### Construction of Buildings DART Rates:

- New Mexico: Reduced from 7.8 in 2006 to 3.3 in 2009;
- U.S.: Reduced from 5.1 in 2006 to 3.7 in 2009.

#### Heavy and Civil Engineering Construction DART Rates:

- New Mexico: Reduced from 5.1 in 2006 to 3.2 in 2009;
- U.S.: Reduced from 5.3 in 2006 to 3.8 in 2009.

#### Specialty Trade Contractors DART Rates:

- New Mexico: Reduced from 5.9 in 2006 to 3.6 in 2009;
- U.S.: Reduced from 6.3 in 2006 to 4.6 in 2009.



New member of Construction Agreement for Residential Employee Safety (CARES).

## Signature project

The fastest growing industry within New Mexico has been and is projected to continue to be in the area of health care and social assistance. The nursing and residential care industries also continue to experience high injury and illness rates. To insure the safety and health of workers in this growth industry, OHSB has created a Local Emphasis Program to focus our compliance, consultation, and compliance assistance efforts. The LEP calls for at least 15 compliance inspections at employees classified as General Medical and Surgical Hospitals, Nursing Care Facilities, and Continuing Care Retirement Communities (NAICS 622110, 62311 and 623311). Special focus during the inspections will be applied to three general areas of concern:

- Slips, Trips, and Falls,
- Bloodborne Pathogens, and
- Ergonomics associated with moving residents.

This LEP also directs Consultation and Compliance Assistance personnel to conduct outreach activities in these industries, including the establishment of alliances for sharing industry leading practices and raising awareness of safety and health issues unique to their industries.

## Outreach

In November of 2010 and June of 2011, OHSB continued its outreach efforts by funding safety experts to conduct training to New Mexico employees at no costs to the employee or employer. In order to reach a larger segment of our population, these classes were taught in English and in Spanish. The locations for the instruction were varied to minimize travel expenses for attendees; classes were taught in Albuquerque, Las Cruces, and Roswell. Over 500 employees attended the following classes:

- 30-Hour Construction Safety,
- Fall Protection,
- 10-Hour General Industry,
- Trenching and Excavation.

We believe that by helping employers minimize their expenses, we have created a safer workplace for hundreds of New Mexico employees.

## Partnerships

OHSB continues to work with companies who are exemplary in their promotion of effective and systematic safety and health management programs. The Star designation of the Voluntary Protection Program was awarded to two Nabors Well Services Ltd. sites, one in Hobbs and in Carlsbad. OHSB now has recognized 11 companies for achieving this highest level of VPP recognition.

The Mechanical Contractors Association of New Mexico Workers' Compensation Group Fund and OHSB have established a cooperative partnership to foster, maintain, and improve the safety and health conditions for commercial construction workers and workplaces. A unique feature of this partnership involves a 3% discount in their worker's compensation premium provided to members who achieve the highest level of recognition in the program.

OHSB now has partnerships with the following associations:

- Associated Builders and Contractors, Inc. with 13 members in the construction industry;
- Associated Contractors of New Mexico with eight members in the heavy highway construction industry;
- Associated General Contractors of America with 27 members in the construction industry;
- American Subcontractors Association of New Mexico with eight members in the commercial construction industry;
- National Utility Contractors Association with five members in the construction industry;
- Mechanical Contractors Association of New Mexico Workers' Compensation Group Fund with 13 members in the commercial construction industry.

### Signature project

The Division of Safety and Health (DOSH) Crisis Response Team provides support to the Local and State emergency response community. During the 2010 calendar year team members participated in the FEMA Rolling Earth COOP (Continuity of Operations Plan) Exercise.

FEMA sponsors the Rolling Earth exercise series as a vehicle to increase COOP awareness among government agencies. Planning for this exercise took place over a six month period, during that time FEMA offered various COOP classes to bring the participants to a needed level of proficiency. An initial, mid term and final planning conference was conducted and FEMA shared many exercise resources during their COOP classes and planning conferences.

Day 1 of the exercise started with the mass notification of all DOSH employees, approximately 250. The exercise scenario provided by FEMA was customized to fit our objectives and response capabilities. All of the generic injects provided by FEMA were rewritten to test our response plans and our response capabilities. The Master Scenario Events List (MSEL) contained approximately 40 injects for our 6-hour exercise.

After the exercise an After Action Report and a Corrective Action Plan was written which helped identify areas needing improvement and lessons learned.

### Emphasis programs

The Public Employee Safety and Health Bureau (PESH) engaged in several emphasis programs in 2010. The Strategic Plan continues to be the largest and most long lasting initiative. The Strategic Plan began in 1998 and continues to be a major focus. Other areas of specific emphasis in 2010 included Workplace Violence Prevention, Emergency Response and Emergency Escape Ropes.

Public Employee Safety and Health Strategic Plan: The overall goal of the PESH Strategic Plan continues to be the reduction in worker injuries, illnesses and fatalities by focusing statewide attention and bureau resources on the most significant types of injuries and illnesses, the most hazardous public occupations, and the most hazardous workplaces. In FY 2010 the Strategic Plan consisted of a one-year commitment and involved two committees.

- **Highway, Streets and Bridge Construction:** The goal of this committee was to decrease the Total Recordable Injury Rate in county and local agencies by 1%. Based on data collected from the Log of Work Related Injuries and Illnesses, the committee has been able to document a reduction in the injury and illness rates every year since 2002. The injury rate decreased 20.8% from 2006-2009. The committee attributes this success to the process of identifying and working with the agencies that have the highest incident and illness rates and by providing site specific training and resources to these agencies.
- **Healthcare:** This committee began by focusing on public-sector nursing homes but recently added residential facilities for people with developmental disabilities and residential mental health facilities to their focus. Based on data collected from the Log of Work Related Injuries and Illnesses; the injury rate in the nursing home sector decreased more than 40% from the beginning of this initiative (1998). The major focus for nursing homes was on providing education on Safe Resident Handling principles and practices through conferences held throughout the state. Although resident handling will continue to be a focus, other healthcare issues such as workplace violence and slips trips and falls have become a priority. The goal of this committee is to decrease the Lost Workday Rate by 4% in each of these sectors: Nursing Care Facilities, Residential Mental Health, and Residential Mental Retardation Facilities.

## Enforcement

Enforcement continues to be a major focus of the Public Employee Safety and Health Bureau (PESH). The number of inspections conducted in CY 2010 was 2085, 1471 were safety inspections and 614 were industrial hygiene inspections. These visits resulted in 4892 Notices of Violations.

**Workplace Violence:** The “New York State Public Employer Workplace Violence Prevention Law” has been in effect since (April 29, 2009). During CY 2010 PESH staff conducted 367 inspections involving workplace violence and has issued 1,078 violations of NYCRR 800.6. Review of the employer’s Workplace Violence Program and Policy Statement is a routine part of the PESH Bureau’s programmed inspections.

**Emergency Escape Ropes:** The “Emergency Escape and Self Rescue Ropes and System Components for Firefighters” rule, is specific to interior structural fire fighting duties. Since the effective date of June 6, 2008, employers are required to perform a risk assessment to determine if employees are exposed to the risk of entrapment at elevations and to determine exactly when the ropes and system components will be used.

The rule is intended to ensure that firefighters are provided with necessary escape rope and system components for self rescue and emergency escape. The rule also establishes the specifications employers must follow when providing ropes and system components to their employees. The National Fire Protection Association standard on Fire Service Life Safety Rope and Equipment for Emergency Services is used to define the specifications on the ropes and system components required by this rule. PESH has conducted 26 inspections regarding Emergency Escape Ropes in CY 2010 and has issued 39 violations.

## Outreach

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

**Highway, Streets and Bridge Construction:** The group has continued with the one day training sessions specific to the types of injuries occurring within the requesting department. There were approximately 120 Technical Assistance visits conducted in 2010 and 74 outreach sessions were conducted in this SIC code.

**Healthcare Facilities:** The Division of Safety and Health (PESH and On-Site Consultation Bureau) held a one and a half day Safe Patient Handling conference in Syracuse, NY. In attendance were 200-plus nurses, PTs, OTs and other professionals interested in reducing injuries due to lifting, repositioning and handling individuals they care for. The PESH Strategic Plan committee visited various nursing care facilities with PowerPoint presentations on injury data specific to their facility. This committee has finalized a resource CD for healthcare.

**Workplace Violence:** The stepped compliance period written into 12 NYCRR PART 800.6, New York State's Workplace Violence rule began in April 2009 and came into full effect in August of 2009. This is the date employers were to be in full compliance with the rule. PESH has posted various resources on their website to help employers with compliance of the final rule. In preparation to the August compliance date PESH has provided training statewide on their Compliance Directive to all PESH inspectors.

**Emergency Escape Ropes:** PESH has provided in house training on enforcement and consultative strategies for the rule and continues to provide outreach and interpretations of the Rope Rescue Law.



## Statistics

Based on the Bureau of Labor Statistics, the Total Recordable Injury and Illness Rate has steadily decreased from 2006-2009 for public sector employment in NYS. The injury rate in 2009 was 7.1 per 100 full-time equivalent workers, which is a decrease of 20.2% from 2006. The number of public sector fatalities reported in CY 2010 was 33.

One focus of the PESH Strategic Plan has been to develop databases based on information from the Log of Work Related Injuries and Illnesses. Over the past several years the data have been refined and queries have been developed which allows trending of injuries and illnesses. Through this effort the healthcare committee has been able to develop site-specific presentations and estimate the cost of lost wages (with and without benefits) in an effort to assist employers in building the business case for implementing a Safe Resident Handling program. This information is also being used to develop a list of facilities targeted for inspection. The Highway, Streets and Bridge Construction committee used the data to develop site specific training targeting the injuries occurring at each facility.



## Signature Projects

**OSH One-Stop Shop (O2S2):** Having resources readily available can be a challenge for any organization; for this reason, North Carolina has implemented O2S2 (OSH One-Stop Shop), a resource website to give OSH personnel easy access to frequently-used sites and documents. The website categorizes resources as Federal, Field Information System (FIS), Inspection, State, NC Occupational Safety and Health (OSH), and Training. Within these categories, OSH personnel have quick access to a wealth of internal and external resources, including training PowerPoints, the training catalog, and training records; NCDOL publications, directives, procedure notices, and field operations manual; OSHA establishment search; state-specific rules; and links to the NCDOL library, the Secretary of State, NIOSH, OSHA, ANSI, NFPA, Reference USA, and other resources.

**Advancing State Plan State Issues:** Throughout the year, **Kevin Beauregard**, Assistant Deputy Commissioner of Labor of the North Carolina OSH Program and chairperson of OSHSPA, and other board members have championed issues affecting all state plan states. These have included budget issues (in which funding for federal OSHA states has surpassed funding for state plan states), the monitoring process, defining effectiveness, the national emphasis program concept, and penalty assessment strategy.

## Emphasis Programs

North Carolina's emphasis programs target those industries or hazards that have the greatest impact on overall injury and illness and fatality rates. Current areas of emphasis include construction; logging and arborist-related activity; wood products manufacturing, including manufactured homes; long-term care; food manufacturing; and health hazards, including lead, silica, hexavalent chromium, asbestos, and isocyanates. These industries and hazards are addressed with an allocation of multi-disciplinary resources, including compliance, consultation, and education and training.

The success of this outcome-driven program is measured by comparing baseline data with subsequent years' data. Work-related fatalities in North Carolina have decreased 9% since 2008, the baseline year. Manufacturing fatalities dropped from 13 in 2009 to six in 2010. The state's most recent Total Recordable Case (TRC) rate and the Days Away, Restricted, or Transferred (DART) rate dropped to 3.4 and 1.6; both represent historical lows for the state program.



OSHSPA Chair Kevin Beauregard (far right) providing testimony on June 16, 2011, before the Congressional Subcommittee on Workforce Protections.

## Enforcement

Enforcement continues to be an integral part of the North Carolina State Plan. In 2010, the Occupational Safety and Health (OSH) Division conducted 4,500 safety and health inspections. Strategies for investigating significant cases include mobilizing adequate equipment, personnel, and other resources; conducting a thorough investigation; and sharing significant findings with others who might benefit. In 2010, more than 10,000 violations were documented and 6,073 serious hazards abated in North Carolina as a result of inspections, most of which were not associated with a fatality.

In 2010, a high-profile inspection was conducted of a North Carolina municipality's fire department, employing approximately 200 employees. The inspection was initiated in response to an employee complaint about serious hazards. Citations were issued for the lack of an emergency response plan, an inadequate respirator program, and the city's failure to ensure that fire fighters working inside a structure had backup in case rescue was necessary. The inspection resulted in \$57,000 in assessed penalties.

Unlike states under Federal OSHA jurisdiction, State Plan States are required to include public employees in their plans. In North Carolina, public-sector workplace inspections and penalties issued are identical to those in the private sector. Special emphasis is placed on the public sector when warranted by injury and illness records. The State has pursued alliances with municipalities to spread information about the many hazards associated with work in the public sector.

## Outreach

**Training:** Training is a cornerstone of North Carolina's safety and health program that has major impact on the overall goal of reducing injury, illness, and fatality rates. The state's strategic plan determines where resources are allocated and how training outreach is prioritized, and each OSH bureau contributes resources. Training is coordinated by the Education, Training, and Technical Assistance (ETTA) Bureau and conducted at employer worksites and other locations, as well as online. In 2010, 11,523 employers and employees were trained, including 6,163 in special emphasis areas.

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



This billboard was used in North Carolina through an alliance with Lamar Advertising Company to provide heat stress awareness.

Because of the overwhelming success of the State Plan Train the Trainer Program for General Industry and Construction offered in October 2010, the OSH Division will offer the program again in January and February 2012. It will again target industries in the state's special emphasis programs and allow employers and employees to receive quality training, with an emphasis on adult learning principles, at no cost.

The ETTA Bureau maintains more than 60 standardized safety and health presentations, available to the public via the Internet. Employers have the ability to tailor training to their specific needs, and an online catalog provides course information.

The public also receives information about training initiatives through an online monthly newsletter, sent to more than 8,000 employers and employees, and the online training calendar. In June 2011, OSH launched a new online automated registration platform that greatly improves overall efficiency.

**Publications:** The OSH Division provides a resource CD that includes all OSH publications, PowerPoints, OSHA standards (including state-specific standards), and a course catalog. Resources can be downloaded for desktop use or burned onto a CD for portability.

New publications developed in 2010 include a medical and dental standards compliance brochure and a Top Ten for logging and arboriculture brochure, along with fact sheets on process safety management, personal protective equipment, hexavalent chromium, excavations and trenching, lockout/tagout, hazard communication, and defensive driving. New quickcards include portable ladders, women in construction, and scaffold inspection; Spanish versions of 17 existing quickcards have also been created. A toolbox review booklet was developed for general industry, and new hazard alerts, including tree care, bridge construction, gas purging, and forklifts, were developed and distributed.

To expand outreach to employers in special emphasis programs, the State began to develop industry guides focused on safety and health management programs and a new health hazard series on hexavalent chromium, isocyanates, and silica. In 2010, OSH distributed 53,960 publications and responded to 9,471 phone calls as part of outreach services.

North Carolina expanded its web-based A-Z topics list to deliver more training information and materials through the NCDOL website. The list covers safety and health topics, with links to more in-depth information and resources, including training materials, publications, sample programs, applicable standards, and operating documents.

## Standards



Profile Products, LLC of Conover, North Carolina received the SHARP Award and Flag at a ceremony at their facility on April 23, 2010.

The OSH Division's Standards Section answered 5,322 public inquiries by phone or written correspondence and provided technical assistance in two instances for employers and employees in the state. Standards also reviewed and adopted rules clarifying and specifying safety and training requirements for all workers.

In the last year, the Standards Section created a PEL committee of industrial hygienists from across the state (both public and private sector) to research and make recommendations about hazardous chemicals with unsafe or non-permissible exposure limits. Four chemicals were considered, researched, and reported on. The recommendations and reports were reviewed by the full committee and OSH Division management.

**Recognition Programs:** North Carolina began the **VPP Carolina Star Program** in 1993. At the end of 2010, there were 126 companies in the program, ranking NC first among state plan states and second among all states with VPP programs. The Carolina Star umbrella includes Building Star, which recognizes construction worksites with quality safety and health programs, and Public Sector Star, which recognizes state agencies and local governments. NC also had 89 active **Safety and Health Achievement Recognition Program (SHARP)** sites.

## Partnerships



NC Commissioner of Labor Cherie Berry and OSH Director Allen McNeely sign a partnership with Raleigh-Durham Roadbuilders, a joint venture between Archer Western Contractors and Granite Construction.

North Carolina had 16 active partnerships and alliances in 2010. Partnerships are usually developed in conjunction with high-visibility construction projects. The success of a partnership is measured, in part, by a reduction in injury and illness rates. On-site verification is a component of measuring progress towards established goals; partnerships can be terminated if progress is not made.

**Two new partnerships were added in 2010:** the Guilford County Detention Center with Balfour- Beatty and D.H. Griffin Construction Companies; and the Western Wake Toll Road project with Archer-Western Contractors and Granite Construction. The latter project encompasses 12.6 miles of roadway and includes blasting, earthmoving, grading, culverts, bridges, bridge removal, concrete and asphalt paving, greenways, underground conduit network, pavement resurfacing, erosion control, and water and sewer. Three new alliances, Carolinas AGC, Public Safety Divers Association, and Sampson Community College were added.

## Signature project

**Hair smoothing products investigation:** Oregon OSHA, in partnership with the Center for Research on Occupational and Environmental Toxicology at Oregon Health and Science University, published an Oct. 29, 2010, report that found significant levels of formaldehyde in a number of hair smoothing products, despite some being labeled “formaldehyde free.”

In the report, 105 samples of “Keratin-based” hair smoothers were tested from 54 Oregon salons. More than one-third of the samples were the Brazilian Blowout Acai Professional Smoothing Solution, with a formaldehyde content that ranged from 6.8 percent to 11.8 percent.

Air samples were taken in seven salons during Brazilian Blowout treatments with Brazilian Blowout Acai Professional Smoothing Solution (labeled “Formaldehyde Free”). Although no airborne exposures above regulatory limits were identified, Oregon OSHA and CROET noted that the exposures were significant and changes in circumstances (such as multiple treatments by a stylist in a single day) might result in exposures above the limits. In addition, Oregon OSHA’s monitoring identified several exposures above the levels recommended by the American Conference of Government Industrial Hygienists and the National Institute for Occupational Safety and Health.

Oregon OSHA issued a hazard alert to stylists warning of the high formaldehyde levels, available at <http://www.oro sha.org/pdf/hazards/2993-26.pdf>. The Oregon Health Licensing Agency, which licenses salons, electronically distributed the alert to salons and stylists. The complete report with sampling results is at [http://www.oro sha.org/pdf/Final\\_Hair\\_Smoothing\\_Report.pdf](http://www.oro sha.org/pdf/Final_Hair_Smoothing_Report.pdf).

## Emphasis program

**Amputations emphasis:** In February 2011, Oregon OSHA initiated an emphasis program to reduce injuries and workplace risks that result in amputations. The program focuses on inspections of job sites with machinery, equipment, and processes that cause amputations and where amputations have occurred in the past. Industries with significant hazards and high amputation rates include meat packing plants, food processing, pulp and paper mills, sawmills, cabinet manufacturing, sheet-metal work, foundries, and commercial printing.



From 2005 to 2009, Oregon had more than 800 accepted workers' compensation claims for amputations. Machinery was the source of more than half of those claims, and powered hand tools added another 8 percent to the total. Nearly all of the amputations – 97 percent – were fingers. Inspectors will assess machinery cleaning, jams, and regular operations, along with maintenance procedures. The scope of an inspection may be expanded to address unrelated hazards if they pose a serious danger.

## Enforcement

**Select Onion:** Oregon OSHA fined Select Onion nearly \$60,000 for extensive safety and health violations found during both health and safety inspections at the company's Ontario, Ore., facility. By not safely managing their anhydrous ammonia refrigeration systems, the company put workers in serious danger of injury or death due to a chemical leak or explosion. The food processor was cited for 55 serious violations and two other-than-serious violations. The bulk of the violations were related to the company's system for handling anhydrous ammonia.

Among other issues, the inspection identified serious mechanical deficiencies including numerous previous ammonia leaks, corrosion of piping, dangerous entries into permit-required confined spaces, and a lack of equipment and training that could make a catastrophic ammonia release and or death of employees more likely. The majority of violations were related to the company not implementing a Process Safety Management program for the safe handling of anhydrous ammonia.



Excessive ice build up on valves was a PSM violation at Select Onion.



A blast at the Nosler ammunitions plant destroyed 10 percent of the facility.

**Nosler:** Oregon OSHA fined Nosler Inc. \$6,300 after an accident/near miss at the small caliber ammunition manufacturer's plant in Bend, Ore. On June 2, 2010, a fire started in Nosler's underground explosives store room. Nearly 10 percent of Nosler's manufacturing and sales facility was destroyed after the fire and explosion. The investigation determined that the company had been storing large quantities of gun powder in their underground shooting range. An apparent spark from a stray bullet likely ignited the powder, which eventually blew out 8,000 square feet of the building. Ballistics testers observed the fire at its inception and were able to evacuate the building before the explosion occurred. No one was injured. Oregon OSHA found serious violations relating to the improper storage of ammunition, hazard analysis, and Process Safety Management (PSM).

**Police shootings:** Over the past year, Oregon OSHA investigated three officer-involved shootings. The recent uptick in accidents has led the division to have further discussions with Oregon public safety associations about safety and hazards in the industry.

## Outreach

**2011 Oregon GOSH Conference:** The Oregon **Governor's Occupational Safety and Health (GOSH)** Conference was held March 7-10, 2011, at the Oregon Convention Center in Portland. The largest conference of its kind in the Pacific Northwest, the event featured more than 140 workshops and sessions. More than 1,500 people attended the conference, which was themed *"Safety: It's a marathon, not a sprint."*

The conference featured the inaugural **Columbia Forklift Challenge**, which showcased the operating skill and safety awareness of 21 drivers. Individuals and teams from Boeing, Fred Meyer, Cascade Steel, Boise Packaging and Newsprint, and National Frozen Foods competed in the event. Drivers were judged on time and course violations, such as not fully engaging the load and not looking behind before backing up.

The conference also included a full-day youth program with students from area schools. The students heard from a worker who lost his arm in a mill accident and a panel of retail and fast food employers.

**Oregon SHARP Alliance:** Many SHARP and VPP companies in Oregon are part of a unique nonprofit organization known as the Oregon SHARP Alliance. Full membership is open to companies who have received SHARP or VPP recognition and are in good standing. This year, the alliance sponsored the annual *"Safety Break for Oregon"* event on May 11, 2011, by awarding pizza parties to three participating companies. With over 50 organizations involved, companies held events at their worksites to promote workplace safety and health. Annually, the alliance and Oregon OSHA co-present the **Blue Mountain Occupational Safety and Health Conference** in eastern Oregon.

**Resource newsletter:** Oregon OHSA's Resource newsletter, a full-color online publication, continues to be a top download on the division's website. Recent features have highlighted ammonia hazards, ATV safety, workplace violence, and crane rule changes. Readership exceeds 3,000 subscribers.

**Public education:** Recently, the public education section has focused on developing online training by using streaming audio and flash videos. Oregon OSHA conducts workshops for approximately 2,500 attendees each quarter. Classes, both in-person and online, cover more than 40 topics with 18 workshops available in both formats.

Historically, there has been high demand for training from businesses that employ Spanish-speaking workers. Oregon OSHA offers a number of materials in Spanish as part of its PESO program. The program includes 17



The Columbia Forklift Challenge debuted at the Oregon GOSH conference, where operators negotiated tight turns, stacked pallets and containers, and went bowling.



modules, six four-hour workshops, and two audio guided online modules. Each module can be taught in less than 60 minutes and has an English/Spanish workbook, overheads, and an English/Spanish tailgate sheet.

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

## Partnerships

**The O[yes]:** Oregon OSHA's involvement in the Oregon Young Employee Safety Coalition (O[yes]) includes coordination of the annual student video contest. A group of four students took home first-place honors in the 2011 contest and won \$500 for the group and their school for their public service announcement. The other top contest winners won \$400 and \$300 prizes, with a matching amount for their schools.

The winning 45-second video, titled "Texting and Driving," depicts a realistic accident that occurs when a pizza delivery driver is texting with friends. By using special effects, the students ensured no one was injured while making the video. The contest was designed to increase awareness about safety and "speaking up" on the job, with the theme: "Save a Friend. Work Safe."

**Oregon Home Builders Association:** Oregon OSHA renewed its two-year alliance with the Oregon Home Builders Association (OHBA). The partnership will increase outreach efforts to employers and employees in the construction industry to help reduce accidents and fatalities. Oregon OSHA will partner with the association to develop materials for workshops, conferences, and other safety programs. In addition, the OHBA will help promote Oregon OSHA's services to its membership.

**OCHE:** Oregon's active alliance with the Oregon Coalition for Healthcare Ergonomics (OCHE) has produced the definitive website of resources for ergonomics in health care, achieved a change in the nursing curriculum to include safe patient handling, and provided the technical resources for two safe patient handling grant-supported model programs. A successful fourth National HealthCare Ergonomics Conference was held in June. OCHE members are extremely active in reaching out to a wide spectrum of the health care community to raise awareness around the need for safe patient handling.



Student video contest first place winner Piers Dennis (middle) with Chuck Easterly and Dede Montgomery, both co-chairs of O[yes].

### Enforcement

**Inspections and Discrimination Complaints:** To archive our goal of assuring a reduction in hazardous exposures, injuries, illnesses and fatalities for FY 2010, PR OSHA conducted 1,465 inspections and issued 12 willful violations, 47 repeat violations and 1,204 serious violations.

#### Highlights included:

- Two fatalities in the construction industry related to the four leading causes were investigated: one fall, and one struck. PR OSHA conducted two investigations and issued five violations (three willful and two serious).
- PR OSHA conducted 460 programmed planned inspections in the construction industry, covering 1,572 employees.
- Eight discrimination complaints were received and completed during FY 2010.

### Local Emphasis Programs

PR OSHA works with the LEP in the **Warehouse and Storage Industries** (NAICS 493110 and 493120), for programmed Safety inspections. During FY 2010, PR OSHA inspected 156 establishments. Eighty-five were cited with a of total of 370 violations: 202 serious violations and 181 “other-than-serious violations.”

PR OSHA works with the LEP in the **Metal Door and Window Industries** (NAICS 332321), for programmed Safety inspections. During FY 2010, PR OSHA inspected 17 establishments. Seven were cited with of total of 33 violations: 15 serious violations and 18 “other-than-serious violations”.

PR OSHA works with the LEP in the **Printing, Publishing and Allied Industries** (NAICS 333110), for programmed hygiene inspections. During FY 2010, PR OSHA inspected 28 establishments. Five were cited with of total of 13 violations: 8 serious violations and 5 “other-than-serious violations”.

PR OSHA works with the LEP in the **Public Sewage and Water Treatment Plants** (NAICS 221310 and 221320), for programmed hygiene inspections. During FY 2010, PR OSHA inspected 57 establishments. Thirty were cited with of total of 126 violations: 76 serious violations, 14 repeated and 36 “other-than-serious violations”.



## Outreach

**SHARP:** During FY 2010, PR OSHA continued to increase the participation of small employers in the SHARP Program. We are proud that many of our participants have continued with us for many years meaning that they are committed to operate an exemplary safety and health management system. Two new establishments were approved, two were granted a second term for two years, three were granted a third term for two years, and two were granted a fourth term of two years.

**Training and Education Initiatives:** Our training and educational services target a wide array of industries and sectors. PR OSHA offers training and activities that are free of cost for employers, employees, students and general public; also informational material is delivered as part of these training efforts. This year we delivered 98 training sessions in different workplaces as a request of employers. The participation was as follow: 407 employer representatives; 2,386 employees; and 751 students.

Also, to provide safety and health knowledge and information to employers, employees and the general public, PR OSHA delivered open training sessions in different towns of the Island. During FY 2010, 39 open training sessions were delivered in Hato Rey, Ponce and Humacao. The participation was as follows: 1,071 employer representatives; 764 employees; 258 students; and 72 from the general public.

**Voluntary Programs Division:** In order to address safety and health conditions in the nursing homes industry, the Voluntary Programs Division delivered occupational safety and health training sessions and disseminated reference materials.

**Annual Meeting 2010:** Puerto Rico OSHA celebrated 35 years as a State Plan State at our Annual Meeting 2010 titled “Protecting our Workers.” PR OSHA is proud of our 35 years protecting the safety and health of Puerto Rico’s working men and women.



Jose Carpena, OSHA Area Director for the Puerto Rico Area Office, and Gladys Cruz-Mercado, PR OSHA Assistant Secretary, celebrate Puerto Rico’s 35 years at PR OSHA’s Annual Meeting 2010.

**Voluntary Protection Program:** On March 11, 2010, one new VPP site, **Striker Puerto Rico Ltd**, was approved at the Guanín level (Star equivalent). Also, two new sites submitted their applications for VPP participation.

**Worker's World Safety and Health Day:** On April 28, PR OSHA celebrated the **Worker's' World Safety and Health Day** established by the Law Num. 94, 2007. The purpose of this law is to create awareness about the importance of the safety and health in the workplace.

Some of the activities conducted by PR OSHA were:

- Sent an invitation to both private and public employers encouraging them to join us by promoting different activities in their workplaces.
- Delivered the trainings, How to Be Prepare for Emergencies and Driving Safety, in the facilities of Politech University.
- Distributed Banners and Pens with a prayer for the safety and health of the employees of Puerto Rico.
- Lighted a candle as a remembrance of the workers that were injured or killed in their workplaces.



VPP Guanin Presentation at Stryker Puerto Rico LTD, Arroyo: Gladys Cruz-Mercado, PR OSHA Assistant Secretary; Mr. Luis A. Rodriguez, Stryker General Manager; Tania Alvarez, Stryker EHS Manager; and Miguel Romero, Secretary of Labor.

### Enforcement

**Inspections/investigations:** In fiscal year 2010, the South Carolina Office of OSHA conducted 1,905 inspections/investigations. During this period, 1,731 or 91% safety inspections and 172 or 9% health inspections were conducted.

#### Statistics show the following:

- 1,504 Planned Inspections,
- 176 Complaint Inspections,
- 33 Accident and Fatality Inspections,
- 60 Referral Inspections,
- 26 Follow Up Inspections,
- 78 Unprogram-Related Inspections,
- 28 Program-Related Inspections.

During these inspections, 2,918 violations were issued. Of these violations, 2,044 or 70% were Serious violations and 872 or 30% were Other-Than-Serious violations. Adjusted penalties for these violations amounted to \$578,500.

**Tanner Industries:** SC OSHA responded to an 1800-gallon ammonia leak at Tanner Industries in Lexington County where one woman died and seven other people were sent to the hospital.

The chemical leak occurred while a tanker truck unloaded anhydrous ammonia at Tanner Industries, an ammonia distribution company. A transfer hose burst, releasing a heavily concentrated cloud of ammonia gas that left a swath of blackened vegetation as it drifted from the facility toward US 321.

A female resident of Wagener, SC, died after driving directly into the ammonia cloud on US 321. SC OSHA determined the transfer hose to be the direct cause of the release. The contract company and an employee from Tanner Industries connected a hose to the tanker truck and loading tank that was designed only for LP gas. Instead of using a hose designed for LP gas, the company should have used a hose designed for anhydrous ammonia.

Tanner Industries is covered under OSHA's Process Safety Management (PSM) standard due to the amount of anhydrous ammonia used in their process. It was determined that Tanner had not completed a Process Hazard analysis nor had they developed Standard Operating Procedures for the ammonia transfer process.



A transfer hose burst, releasing a heavily concentrated cloud of ammonia gas.

**Welch Group Environmental (WGE):** A health referral inspection concerning high blood lead levels was conducted at Welch Group Environmental (WGE) in Anderson, South Carolina. The company removes lead bullets from both outdoor and indoor shooting ranges; they refine and resell the lead that is retrieved.

South Carolina OSHA's inspection found WGE using two methods for bullet removal. The first method was the chute method. This reclamation method was utilized in shooting ranges where rubber mats were used to stop bullets. The employees raked down the rubber and bullet mixture and set up a chute system. Electrical leaf blowers were duct taped to a table and positioned to blow up the chute. The chute was positioned one to three feet off the ground and at approximately a 45 degree angle. The rubber and bullet mixture was poured into the top of the chute. The leaf blowers blew the rubber up and out of the chute, while the bullets fell back down the chute into a five gallon bucket. The rubber was put back into the range and WGE collected the bullets.

The other method was a pneumatic powered vibrating conveyor system. The vibrating conveyor system was utilized where sand was used to stop bullets. In this method, the sand and bullet mixture was shoveled down from the range and placed into piles. The conveyor was started and the mixture was shoveled onto a vibrating screen to separate the sand from the bullets. The sand that fell through the screen was replaced into the range and the bullets were placed into buckets.

Bullets were taken to a remote site in a wooded area in Fair Play, South Carolina to be melted down. Upon arrival, the bullets were unloaded from the truck. Using a forklift, the bullets were dumped out of the containers onto the floor. The bullets were shoveled from the floor into a 3'x3' crucible. The crucible was heated with a kerosene jet heater which melted the bullets. Employees scraped the copper and other metals that floated to the top. Molten lead was manually scooped from the crucible with old one-gallon paint containers and poured into molds to solidify. This process produced ingots that weighed approximately 25 lbs. On average 10,000 to 15,000 lbs of lead was melted down each week. WGE sold the ingots.

Personal air monitoring was conducted by South Carolina OSHA. Six employees were exposed to lead at levels of 1530 ug/m<sup>3</sup>, 1120 ug/m<sup>3</sup>, 600 ug/m<sup>3</sup>, 360 ug/m<sup>3</sup>, 45 ug/m<sup>3</sup> and 40 ug/m<sup>3</sup> while removing and melting lead bullets. One willful, 15 serious, and two other than serious violations were issued to Welch Group Environmental.

**North American Midway Entertainment:** On October 11, 2010, South Carolina OSHA responded to a worker fatality at North American Midway Entertainment.



Welch Group Environmental: The Chute System.



Welch Group Environmental: The Melting Operation.



Welch Group Environmental: Removing lead from the crucible by a one gallon paint bucket.





An employee of North American Midway Entertainment was checking wiring to the “Rainbow” amusement ride without utilizing lockout/tagout.

The employee was checking wiring to the “Rainbow” amusement ride without utilizing hazardous energy control procedures (Lockout/tagout). The fatality occurred inside the rotating tower section of the ride at the South Carolina State Fair. The employee came into contact with live exposed electric parts and was electrocuted. The deceased was the supervisor for this particular amusement ride.

Citations were issued for; failure to utilize electrical safety-related work practices, lack of electrical protective equipment, failing to provide electrical safety-related work practices training, allowing unqualified employees to service the ride and for not using safety signs and/or tags on equipment indicating the presence of electrical safety hazards.

## Outreach

**Office of Voluntary Programs (OVP):** During this fiscal year a total of 492 training classes were conducted for private and public-sector employers/employees. A total of 12,093 employees were given training.

OVP Training Staff participated in workshops and outreach projects with various governmental agencies including SC Municipal Association, The SC Association of Counties, SC Department of Labor, Licensing & Regulation (Long Term Care Board), The SC Timber Association and SC Forestry Association. OVP staff members participated on the Overhead Power Line Alliance as well as the SC Hispanic Worker Safety Taskforce and SC Residential Home Builders Association Alliance.

Also during this year SC OSHA participated in the *Southeastern Workforce Protection Conference* in cooperation with SC Manufacturers Alliance and National Safety Council.

OVP conducted four OSHA 10-hour General Industry courses and two OSHA 10-hour construction courses. Regional training sessions continue to be conducted quarterly throughout the state.

The OSHA Voluntary Programs consultation staff conducted 1,004 total visits resulting in 4,730 hazards being identified. Throughout this year, OSHA Voluntary Programs made 840 OSHA recommendations requiring written Safety and Health programs be improved or implemented. There was one SHARP site approved during this fiscal year bringing a total of six sites.

There were two new Palmetto Star VPP sites and 10 Palmetto Star VPP three-year re-evaluations conducted during in 2010 with all sites receiving recommendation for continuing participation in the program. There are 44 recognized South Carolina Palmetto Star sites.



## Emphasis programs

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

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

**Noise:** In 2010, noise exposures were reduced for 633 employees. All compliance officers, including safety compliance officers, are trained to identify and evaluate employees' exposure to workplace noise.

**Carbon monoxide:** Tennessee OSHA's special emphasis program on carbon monoxide exposure resulted in the reduction or elimination of Carbon monoxide exposure to 328 employees in 2010.

**Fall protection:** All compliance officers, including all industrial hygienist, have received specific training in the identification and abatement methods of fall hazards. TN OSHA investigated 9 fall related fatalities in 2010.

**Amputations:** Tennessee OSHA's special emphasis program on amputations has resulted in a significant downward trend in these injuries over the last 5 years.

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

## Enforcement

**Inspections:** Tennessee OSHA conducted 1,887 inspections during the 2010 state fiscal year. TN OSHA investigated 29 fatalities. There were 7,356 violations cited during this period, with proposed penalties of \$3,776,350. Fewer than 3 percent of the violations were vacated or reclassified.

## Outreach

**VPP and SHARP:** Tennessee OSHA continues to have active participation in its Voluntary Protection Program and Safety and Health Achievement Recognition Program. At the end of 2010, VPP had 33 participants and SHARP had 19 participants.

**Training:** During 2010, Tennessee OSHA trained more than 8,000 employees and employers on a wide range of safety and health topics. Most of this training was done in partnership with the Tennessee Chamber of Commerce and Industry, and the University of Tennessee.



Karla Davis, Commissioner of the TN Department of Labor and Workforce Development presented the TOSHA Governor's Award for Workplace Safety and Health Excellence to representatives of Performance Pipe.



Alisa Malone, Deputy Comm. of the TN Department of Labor and Workforce Development, with employees of the Bridgestone Tire Plant in Morrison, TN, as she presented them with the VPP Award.

### Signature projects

**Vermont Governor's Safety Awards:** In 2010 Vermont held the 6th annual Governor's Safety Awards. There were 150 people attending the conference. These awards recognize companies with superior safety and health programs. To be eligible a company must have the following:

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

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

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

The workplace driver-safety program has three major goals:

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

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

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

## **Emphasis programs**

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

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

## **Enforcement**

VOSHA conducted 197 construction inspections and 175 general industry inspections. Of the total number of construction violations that VOSHA issued in FY2010, 76.6% were classified as serious/willful/repeat. A total of 168 general industry inspections were conducted. Of the total number of violations issued, 62.2% were classified as serious/willful/repeat.

Vermont has two safety compliance officers that investigate discrimination complaints in addition to their regular duties as CSHOs. Additionally, Vermont has legislation that provides workers that have been discriminated against with a private right of action. Workers can seek appropriate relief including, but not limited to reinstatement, triple wages, damages, costs and reasonable attorney's fees. This action can be brought in addition to or in lieu of VOSHA's investigation.

## **Outreach**

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

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

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

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

## Partnerships

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

During 2010, Vermont had two companies in its VPP Challenge program. Each of these companies was mentored by GMVPP Star companies. One of the firms has just recently submitted an application for VPP status.

### Signature project



Tree Trimming Operations in Virginia – Employees without proper PPE or training.



Tree Trimming Operations – Employees being lifted in an unauthorized basket.

In 2011, Virginia promulgated a new comprehensive regulation entitled **Tree Trimming Operations**, 16VAC25-73, to reduce and eliminate employee injuries and fatalities in non-logging, arborist/tree trimming and cutting operations on residential and commercial work sites. The Tree Trimming Industry approached the Department about the possibility of adopting a comprehensive regulation addressing tree trimming in 2001. The Industry requested a regulation based on then current ANSI Z133.1-2000. Discussions with the Department resulted in a commitment from the Industry to make significant changes to the ANSI standard which culminated in the adoption of the revised ANSI Z133.1-2006.

The need for the regulation was very evident when fatality statistics were reviewed. Since 1993, Virginia has had 52 non-logging, tree trimming/cutting/felling fatalities or 7% of all fatalities. Forty of those occurred since 2000, which represents 9% of all fatalities since 2000. For an industry of the relatively small size of the tree care industry, this is a very high number of fatal accidents. Virginia seeks to accomplish a reduction in injuries and fatalities associated with current unsafe tree trimming practices. On average over the last 10 years, there were four fatal tree trimming accidents that occurred per year which could be prevented if employers had complied with requirements in this new regulation.

### Emphasis programs

While enforcing the Virginia unique **Overhead High Voltage Power Lines (OHVPL)** standard remains an important emphasis program, in the last year we have stressed compliance with the new Virginia unique standard on **Reverse Signal Operation Safety Requirements for Motor Vehicles, Machinery and Equipment** in General Industry and the Construction Industry, 16VAC25-97, and the new **Tree Trimming Operations** standard, 16VAC25-73, to ensure the maximum knowledge and compliance with these important programs. Enforcement of the new Tree Trimming Operations standard, 16VAC25-73, has had a significant impact on the arborist industry. Virginia continues with other local emphasis inspection programs to address the major causes of fatal and serious non-fatal accidents in the following areas: fall hazards in construction; scaffolding; heavy construction equipment, lumber and wood products; waste water and water treatment facilities; and use of workers' compensation accident reports to identify specific occurrences such as amputations, serious chemical exposures, etc. Virginia participates in the following **National Emphasis Programs (NEPs)**: amputations; lead; combustible dust; crystalline silica; and trenching and excavation. Thus far, VOSH has conducted 871 emphasis program-related inspections in the Commonwealth.

## Enforcement

The Commonwealth of Virginia successfully prosecuted a criminal willful case that arose from the 2009 death of a 14-year-old employee who was permitted by a tree trimming company to use a wood chipper. The company was performing tree felling and removal and storm clean-up and was using a chipper to dispose of the tree branches and debris. It was a heavy-duty, drum-style chipper and was purchased new by the company. None of the employees on site witnessed how the victim was pulled into the chipper. A metal shovel with a triangle-shaped handle went through the chipper and was likely being used by the victim to push debris into the chipper. Either the victim's gloved hand was caught in the shovel's handle or his clothes were snagged on a branch, drawing the victim into the chipper.

The VOSH investigation revealed the wood chipper was extremely unsafe. Four separate safety features which could have possibly prevented the victim's death were either not available or not functioning at the time of the accident.

- The missing infeed extension tray table allows an additional 18 inches of space between the infeed chute and the employee. This would have kept the victim that much farther away from the chipper's rotating blades, and if a portion of the victim's clothing or a glove was snagged on a branch or caught in the handle of the shovel being used, the extra 18 inches could have provided the victim a few extra seconds to untangle himself.
- The "Last Chance" emergency cords were missing. These cords were designed by the manufacturer to hang vertically down in the feed chute and be available for an employee who was being pulled into the chute to pull on and immediately stop the chipper.
- The manufacturer's wooden pusher paddle was missing. The paddle was designed for use by employees to push materials into the chute to avoid getting too close to the blades. It was also designed so there were no grab or pinch points that an employee could catch his clothing or gloves on or in. The absence of the paddle forced the victim to use a metal shovel which had a handle on it and in which the victim could have caught his glove.
- The non-functioning feed control bar hydraulic valve and linkage was located at the infeed chute and if operational could have been pushed in by the victim to stop or reverse the direction of the blades and prevent him from being pulled into the chipper.

As a result of the investigation, the VOSH Program issued two willful and 12 serious violations and \$185,500 in penalties. Criminal charges were also filed for child endangerment and a criminal willful violation of VOSH regulations. The employer pled guilty to the criminal willful violation. The civil case is still pending.



A 14-year-old boy was fatally injured after being pulled into this chipper.



## Outreach

**Fifteenth Annual Virginia Occupational Safety and Health Conference:** This conference was held on June 1-4, 2010, at the National Conference Center in Lansdowne, Virginia. The conference provides safety and health training opportunities to employers, workers and safety and health professionals. Safety and health training, equipment and related products were displayed and demonstrated at 39 vendor exhibits.

Concurrent session topics included opportunities to learn about the new Reverse Signal regulations, what to expect during a VOSH inspection, Crane Safety, and Using Fun and Games to Motivate Employees. Concurrent sessions also highlighted the VPP and SHARP programs and Boiler and Pressure Vessel Safety. Keynote speaker, Workers' Compensation Commissioner Virginia Diamond, discussed the new automated filing system for workers' compensation claims.

The conference continues to improve the variety of training sessions offered at an affordable price to attendees. Partners for this annual event include: local branches of the ASSE and the Virginia State Association of Occupational Health Nurses.

**Consultation Services:** Safety and health consultation is provided to private and public sector employers with priority given to high-hazard companies with 250 or fewer employees. In 2010, with funding by federal OSHA, consultants provided on-site safety and health services to 442 private-sector employers. The total visit numbers were slightly higher than 2009, as the program was able to fill existing vacancies. Consultants also conducted 21 activities in Safety and Health Program Assistance, as well as 40 activities in other outreach activities, including Emergency Response during Hurricane Irene. Consultants also conducted 37 formal training sessions, 118 interventions, and five promotional visits.

**Safety and Health Achievement Recognition Program (SHARP):** This program provides incentives and support to small, high hazard employers to work with employees to develop, implement, and continuously improve safety and health programs. Participants in the SHARP program must have one year of operating history, and have Days Away Restricted/Transferred (DART) and Total Recordable Cases (TRC) below those of the latest published national average for that industry. As of 2010, there were 30 participants in the SHARP program. Seven companies were re-certified.

**Virginia's VPP Program:** The VPP goals include continued growth in the number of Star worksites in Virginia and an increased level of involvement by Star sites, both in the area of mentoring and in participating as Private Industry Volunteers. In all of these areas, the program achieved favorable results. In 2010, there were two worksites that

achieved Star status during the year. The active number of sites actually decreased to a total of 40. As a result of the current business climate, there was a loss of four VPP sites due to closings. A total of seven sites were re-certified as Star status during 2010. In the spirit of VPP, at least half of the current Star worksites were actively involved in mentoring new sites.

**Asbestos Workshops:** During calendar year 2010 and into 2011, the VOSH Program's Asbestos Division continued its outreach efforts in the asbestos abatement industry by holding workshops throughout the state which reached 557 participants. The workshop presentations provided an overview of Virginia's asbestos rules and regulations governing worker safety, abatement, waste disposal, and licensing requirements. The target audience included asbestos project managers, estimators, contractors, company safety/environmental officers and local building officials. This was a cooperative effort between the Associated General Contractors of Virginia and the Departments of Labor and Industry, Environmental Quality, and Professional and Occupational Regulation.

**Special Government Employee Class:** In January of 2011, a Special Government Employee (SGE) class for the Private Industry Volunteers was conducted in Sterling, Virginia, in conjunction with the U.S. Department of Labor's Region III and the Virginia Department of Labor and Industry. The SGE class prepares volunteers from existing VPP sites to become VPP auditors. A total of 30 employees attended, with 21 employees from Virginia sites.

**DOLI Volunteer Program:** Also in 2010, our Department inaugurated the DOLI Volunteer Program. There were 10 initial former SGEs that were inducted. Their volunteers added over 350 hours to the VPP effort through assisting DOLI, mentoring and onsite evaluations.

### Signature Projects



**2011 Workplace Safety & Health Calendar:** An employee health nurse at Providence St. Peter Hospital in Olympia uses safe work practices when drawing blood from patients.



**2011 Workplace Safety & Health Calendar:** A wine cellar employee at Gordon Brothers Vineyards in Pasco follows all the requirements for safe confined space entry.

**Enforcement & Consultation Effectiveness Study:** A 10-year study by the Department of Labor and Industries' (L&I) Safety & Health Assessment & Research Program (SHARP) measured program effectiveness. In early June 2011, SHARP published results of the 10-year study indicate that Divisions of Occupational Safety and Health (DOSH) enforcement and consultation activity, especially when violations are issued, is followed by a sustained reduction in worker compensation claims and their associated costs. The report can be found at <http://www.lni.wa.gov/Safety/Research/OccHealth/DoshEval/DoshEffect19992008.asp>.

**Redesign of Safety & Health Website:** DOSH began a user-based review and overhaul of its safety and health website. We expect to have rolled-out a fully redesigned website by the end of 2011.

**New Legislation:** In 2011 three new pieces of important legislation were passed that will provide greater protection for workers in Washington.

**1. Abatement: Senate Bill 5068**, signed into law on April 15, 2011, eliminated the automatic stay of abatement during the appeal process for serious, willful, repeated serious, or failure to abate serious violations cited under the Washington Industrial Safety and Health Act. Employers will now be required to correct the cited serious hazards during the appeal process unless they receive a stay of abatement from L&I or the Board of Industrial Insurance Appeals. Rules should be in place during 2012.

**2. Hazardous Drugs: Senate Bill 5994**, signed into law on April 13, 2011, makes Washington the first state in the nation to have enforceable regulations protecting health care personnel from exposures to hazardous drugs. This bill requires L&I to establish rules consistent with and not to exceed the NIOSH 2004 alert "Preventing Occupational Exposures to Antineoplastic and other Hazardous Drugs in Health Care Settings" and its updates. Rules should be in place during 2012.

**3. SHIP Grants:** The **Safety and Health Investment Projects (SHIP)** grant program was made permanent by the 2011 Legislature which now allows for long-term planning and program development. The Legislature provided that future grant funds are to be distributed as follows: 50% to general safety and health grants, 25% to fund grants that assist small business safety and health efforts, and 25% to fund injured worker return-to-work programs. We are revising policies and procedures in order to address these three areas of emphasis by 2012.

## Enforcement

**Spenser Abatement Services LLC:** Two enforcement related investigations were conducted with this Puyallup, WA-based employer who was operating as a certified asbestos contractor at the time. Spenser Abatement Services LLC was cited for 11 willful violations and three serious violations at one site and 8 willful and three serious violations at another. Total penalties were more than \$400,000. DOSH inspections determined that Spenser ignored basic safety measures, exposing workers to unsafe levels of asbestos including open removal of dry asbestos with no containment. The heavy dust at one site drove a Spenser employee to seek medical care for breathing difficulties.

**Discrimination:** The DOSH Discrimination Program continues to protect Washington workers from being discriminated against for voicing workplace safety and health concerns. This program enforces the safety provision of the Federally mandated Whistleblower Act. The program investigated 87 cases in 2010 and found merit in 45% of the cases. Of those, 66% resulted in “make-whole” settlements. A total of \$90,908 was collected from employers and awarded to complainants. The five Investigators completed 100% of these cases within the 90-day statutory time frame.

**WISHA Information Network (WIN) System:** The WIN team continues to work with OSHA technical teams toward completing a direct data exchange with the new OSHA Information System (OIS). The new direct data exchange is expected to be in place by the end of FY 2012.

**Inspection Scheduling Lists:** In our strategic plan effort to “Get DOSH field staff to the right places at the right time,” a workgroup was formed to continually evaluate the inspection scheduling system which uses a data system that incorporates previous DOSH activity information along with Washington worker’s compensation claims and insurance data.

## Outreach

**Safety Through Achieving Recognition Together (START):** START, which is equivalent to OSHA’s SHARP program, has been in place for just over a year. We have two companies that are now certified as START sites and a third in the process. <http://www.lni.wa.gov/safety/topics/atoz/start/default.asp>

**2012 Job Safety & Health Calendar:** For the 6th year, Washington has developed a 2012 Workplace Safety and Health Calendar containing weekly safety tips. Local businesses throughout the state were visited to take photos of actual workers doing their jobs in various industries. <http://www.lni.wa.gov/IPUB/417-231-000.pdf>



**2011 Workplace Safety & Health Calendar:** This worker at NuCor Steel in Seattle wears protective gear that includes flame-resistant clothing and a full-face respirator with a powered air filter.



**2011 Workplace Safety & Health Calendar:** To protect employees, Trident Seafoods’ Pier 91 facility makes sure cutting and chopping machines are well guarded.



The Hampton Mills VPP celebration was held on May 13, 2010.



The PSC (Burlington Environmental) VPP celebration was held on May 27, 2010.



The Simmons VPP celebration was held on September 1, 2010.

**Governor's Industrial Safety and Health Conference:** Washington's 60th annual Governor's Industrial Safety and Health Conference was held on September 28-29, 2011, at the Tacoma Convention Center. This year the 1,500 attendee conference offered two days of training and education, special recognition of 100 years of the Worker's Compensation Act and had over 80 exhibitors providing the latest tools, technologies, and strategies for workplace safety and health.

**Industry Specific Safety Days:** The 7th annual Agriculture Safety Day held on March 2, 2011, provided a full day of training in both English and Spanish. The 4th annual Construction Safety Day was held May 4, 2011. The Maritime and Waterfront-Related Activities Seminar was held on October 20, 2010.

**VPP: Washington's Voluntary Protection Program (VPP)** has 32 STAR sites (29 fixed, two residential construction, and one demonstration project). Three new sites have been added and three sites have been recertified since October 2010. Sixteen more sites are at various stages in their pursuit of VPP. Thirteen of the Washington VPP sites are mentoring other companies interested in VPP and 24 sites are interested in a mentoring workshop. We conduct workshops to provide tools and assistance to sites interested in mentoring.

**Formation of the Pacific Northwest Latino Worker Safety & Health Group:** An interagency group was formed by Federal OSHA Region X, DOSH, and OR-OSHA called the Pacific Northwest Latino Worker Safety & Health Group, and its primary goal is to improve outreach and promotion of Latino worker safety and health in the Pacific Northwest.



### Signature Projects

**WOGISA Alliance:** Wyoming Workers' Safety and the Wyoming Oil and Gas Industry Safety Alliance (WOGISA) signed an alliance agreement on June 15, 2011. The signing was attended by new Wyoming Governor Matthew H. Mead. The alliance has the broad goal of promoting better cooperation between OSHA and employers and employees. Three committees are working to implement the alliance. Public meetings and an annual Safety Conference were well attended. In the midst of increasing oil and gas development in the state the efforts of this group are vital to the safety of Wyoming employees.

**Wyoming Workforce Services Merger:** Formally under the Department of Employment, Wyoming Workers' Safety – OSHA is now under a newly merged department, Wyoming Department of Workforce Services. This merger provides more resources and expertise available, while streamlining duplicative services. A "Hays Group" reclassification process has been completed for all employees, resulting in higher base pay to attract new employees with a greater skill set.

### Outreach

**Wyoming Governor's Safety Award Conference:** This year's safety award conference featured Karl Mecklenburg, former Denver Bronco captain, who spoke about "Inspiring Long-Term Positive Change for Your Safety Team." The speaker was sponsored by Rocky Mountain Power. Event sponsors were Chevron USA, Halliburton and Anadarko. BP America sponsored the Awards ceremony.

**Asbestos Training:** We have worked with the Department of Environmental Quality – Air Quality Division to provide a four-hour class that explains the similarities and differences between the requirements of our two agencies in regards to asbestos renovation and demolition projects.

**Workforce Services:** Our agency has joined with other agencies to provide employer informational seminars around the state that explain and promote the services of the entire agency to small business owners in an effort to reach those employers who would not raise their hand to attend an "OSHA seminar."

**Oil and Gas Drilling and Servicing Training:** We have been working with private companies to provide hands-on experience for our own compliance officers and consultants. We have expanded this opportunity to compliance/consultation programs from other states within our region in an effort to address the expanding oil play across state borders.



Signing of Wyoming Oil and Gas Industry Safety Alliance agreement, with Wyoming Governor Matthew H. Mead in the middle.



During the Governor's Safety Awards Conference, awards were presented to 10 companies with outstanding safety and health programs.



# OSHSPA – Directory

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