



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



2013  
OSHSPA Report  
Grassroots Worker  
Protection





# 2013

OSHSPA Report  
Grassroots Worker  
Protection



## Occupational Safety & Health State Plan Association

October 2013

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Economic issues have dominated the political landscape for much of the past year. The 2013 budget sequestration had a significant negative impact on State Plan programs. The current government shutdown, if not resolved in short order, will have devastating effects on both federal OSHA and the State Plans. If matching federal funds are unavailable to help pay the operating expenses and salaries of State and Federal OSHA programs, our joint mission "to assure so far as possible every working man and woman in the Nation safe and healthful working conditions" will be severely compromised.

Despite the fiscal challenges we have encountered this year, State Plan programs have continued to aggressively address workplace health and safety issues. Those efforts, many of which are documented in this edition of "Grassroots", exemplify the value of having State Plan programs. State Plans continue to serve as laboratories of innovation, and successful approaches created in one state are often adopted by other states and federal OSHA. Collaboration among safety and health professionals at all levels of government is a key component of the effort to continuously reduce workplace injury, illness, and fatality rates nationwide.

There is little doubt that the size and composition of federal budgets will almost always be a major source of disagreement among the elected officials in Washington D.C. But as the political debates proceed, we hope that our nation's Chief Executive and Congressional representatives will come to realize how their decisions and actions (or inactions) will impact the American workforce. Only a relatively few government agencies directly affect the personal health and safety of millions of Americans on a daily basis. As this report indicates, the state agencies that make up the Occupational Safety and Health State Plan Association are part of that group.

Sincerely,

Butch Tongate  
OSHSPA Chair



This Grassroots Worker Protection 2013 report by the Occupational Safety and Health State Plan Association documents the contributions of OSHA's State Plan partners to protect America's working men and women. It also highlights the ingenuity that the states employ to make workplaces safer and more healthful.

For more than forty years, OSHA and the State Plans have made remarkable progress. We continue to tackle deadly safety and health hazards by establishing common-sense standards, strong enforcement and effective cooperative programs that have saved thousands of lives and prevented countless injuries. Today, workplaces in America are far safer. A preliminary total of 4,393 fatal work injuries were recorded in 2012, down from a revised count of 4,693 fatal work injuries in 2011. The rate of fatal work injury for U.S. workers in 2012 was 3.2 per 100,000 full-time equivalent workers, down from a rate of 3.5 per 100,000 in 2011. That is still too many deaths, but we have continued to make great progress. OSHA commends the 27 State Plans for their commitment, their strong worker protections and innovative programs. Investing in safety and health and reducing injuries and fatalities not only saves lives, but also saves employers money and increases productivity.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "DM", is positioned below the word "Sincerely,".

David Michaels, PhD, MPH

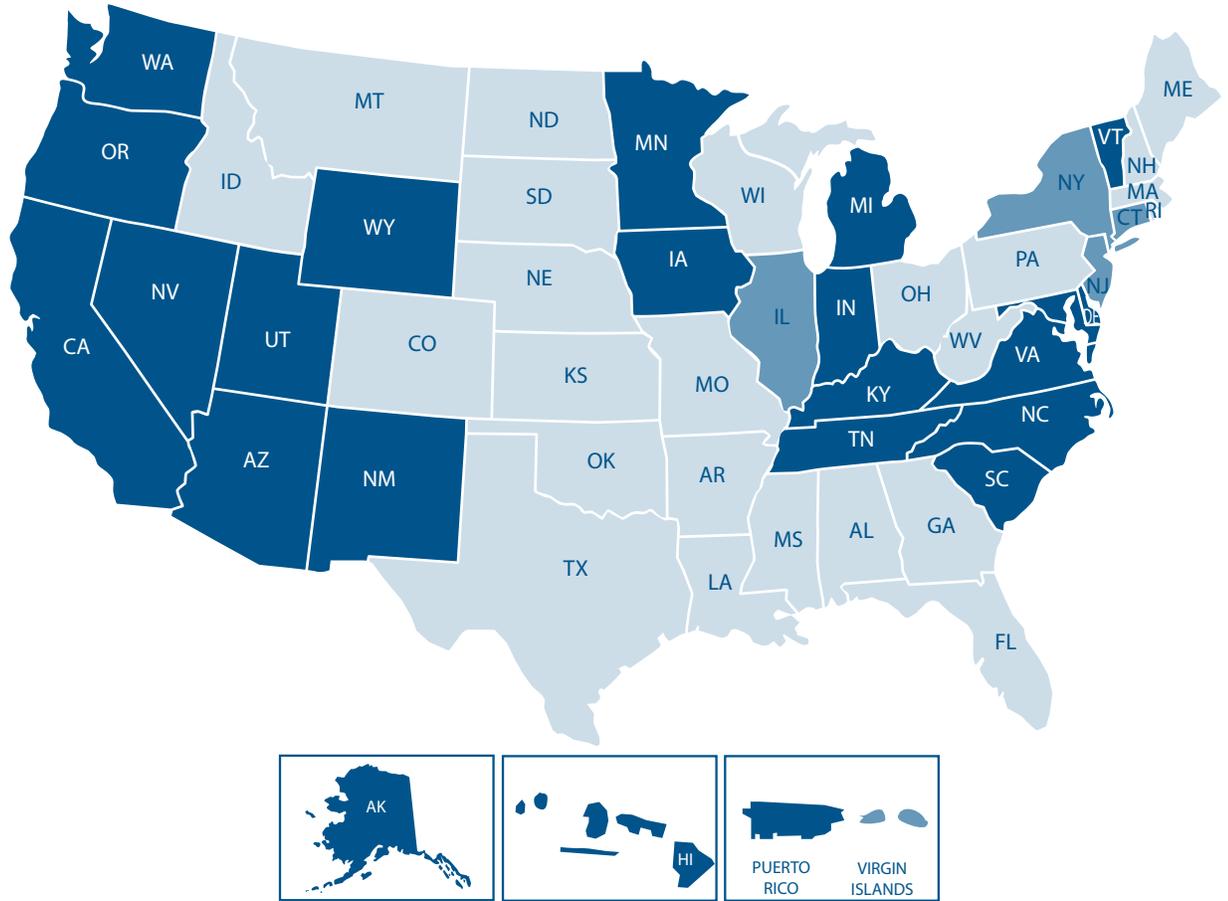
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# OSHSPA

## Coverage



**State Plan Programs Covering Private and Public Sectors**

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

**State Plan Programs Covering Public Sector Only (OSHA covers private sector)**

- Connecticut
- Illinois
- New Jersey
- New York
- Virgin Islands

**States Covered by Federal OSHA Private Sector Only**

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

# OSHSPA

## States Protecting Workers

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

- 1 – Certified: Date developmental steps completed  
 2 – 18(e) Final approval: Date concurrent federal jurisdiction relinquished  
 3 – Operational status agreement: Concurrent federal OSHA jurisdiction suspended

- 4 – 21(d) consultation funding in addition to 23(g) funding  
 5 – Different standards: Standards not identical to federal standards

# OSHSPA

## Numbers at a Glance

<b>Federal OSHA budget</b>	<b>FY 2012</b>
Federal OSHA	\$431,584,833
State plans 23(g) – federal 50% share	\$104,195,697
State plans 21(d) – federal 90% share	\$29,007,000
<b>Total Federal OSHA Appropriation</b>	<b>\$564,787,530</b>

Source: OSHA Office of Program Budgeting & Financial Management

<b>Funding by State Plan programs</b>	<b>FY 2012</b>
State plans 23(g) – 50% match*	\$103,995,697
State plans – additional 100% state funding	\$72,912,980
State plans 21(d) contribution – state 10% share	\$3,223,000
<b>Total</b>	<b>\$180,131,677</b>

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

Source: OSHA Office of State Programs

<b>Employers under State Plan jurisdiction</b>	<b>FY 2012</b>
Private sector	2,836,650
Public sector	177,500
<b>Total</b>	<b>3,014,150</b>

Sources: BLS Employment and Earnings, 2011\* ; U.S. Census County Business Patterns, 2011\*

\*At the time of publication, 2012 statistics are not available.

<b>Employees covered by State Plans</b>	<b>FY 2012</b>
Private sector	43,318,188
Public sector	10,373,571
<b>Total</b>	<b>53,691,759</b>

Source: BLS Employment and Earnings, 2011\* ; U.S. Census County Business Patterns, 2011\*

\*At the time of publication, 2012 statistics are not available.

## Numbers at a Glance cont.

<b>State Plan Inspectors and Consultants</b>	<b>FY 2012</b>
<b>Total Compliance Inspectors</b>	<b>1,272</b>
• Safety	837.21
• Health	435.2
<b>Total Consultants</b>	<b>112</b>
• Safety	62
• Health	50
<b>Total Inspectors and Consultants</b>	<b>1,384</b>

*Source: State Plan FY 2013 Grant Applications*

<b>Compliance Inspections</b>	<b>FY 2012</b>
Safety	39,196
Health	11,937
<b>Total</b>	<b>51,133</b>

<b>Compliance Inspections by type</b>	<b>FY 2012</b>
Programmed/scheduled	28,442
Complaint	9,218
Referral	5,478
Accident	2,898
Other	2,801
Follow-up	2,296
<b>Total</b>	<b>51,133</b>

<b>Compliance Inspection Data</b>	<b>FY 2012</b>
Inspections with violations cited	30,524
Average violations per inspection with violations cited:	3.6
• Serious/willful/repeated (S/W/R)	1.7
• Other than serious (general)	1.9
Percentage of inspections with no violations	40%
Total current penalties	\$73,023,190
Average penalty per serious violation	\$992
Contested cases	4,954
Percentage of inspections with citations contested	15%

*Source: OSHA Inspection Reports, State Plans FY 2012*

## Numbers at a Glance cont.

<b>Consultation Onsite Visits - State Plan states only</b>	<b>FY 2012</b>
Consultation 21(d) – initial	11,902
Consultation 23(g) – initial	2,331
Consultation 21(d) – training	1,104
Consultation 23(g) – training	115
Consultation 21(d) – follow-up	915
Consultation 23(g) – follow-up	66
<b>Total</b>	<b>16,433</b>

*Source: OSHA Office of Small Business Assistance*

<b>Consultation Onsite Visit Data</b>	<b>FY 2012</b>
Total serious hazards identified	58,131
Average # of serious hazards identified per visit	4.1



# Alaska

Division of Labor Standards and Safety – AKOSH

## Signature Projects

Alaska's Seafood Processing Industry is the second largest revenue producing industry in the state. The industry has relatively high workplace illness and injury rates. Based on the well-established concept that education and training can make significant improvements in work related accidents, the Alaska Department of Labor/Occupational Safety and Health Consultation & Training Program (AKOSH C&T) developed a 10-hour Seafood Safety Training Course. The course is not designed to replace site specific training



*Alaska seafood processing*

required by OSHA standards, but to give employees an enhanced understanding of seafood processing industry hazards and OSHA regulations related to this industry. This project was developed through a cooperative partnership program with Trident Seafoods, Inc. The course is deliv-



*Dutch Harbor seafood processing plant*

ered by AKOSH C&T instructors at various locations across Alaska to mid-level management,

floor managers, line managers, maintenance personnel and plant workers. Each successful student receives an AKOSH 10-hr Seafood Safety Training Card that certifies successful completion of the course. The course is provided to any seafood processing company that makes a request and is planned to be delivered through general sessions at seafood job fairs and other events.

This type of industry training is challenging in such a large state with a seasonal industry that employs a high percentage of foreign workers. Travel challenges, language barriers, facility limitations, time constraints and the nature of a high production perishable product industry are all factors that must be met with flexibility, innovation and the resolve to succeed. AKOSH C&T is determined to make positive improvements to the program and to assist the industry in a quest to enhance the safety culture in the Seafood Processing Industry and reduce workplace accidents.

As a result of two helicopter skiing workplace fatalities in the past two years, AKOSH has committed to working with operators to develop standards to improve safety and health of the guides who take clients backcountry skiing in extreme terrain and conditions. In addition to standard enforcement actions related to the accidents, AKOSH required the operators to request consultation services for settlement purposes. The consultation efforts allowed for a dialogue concerning the hazards faced by workers in this extreme occupation and the equipment, training and systems that should be in place to minimize those hazards.

## Outreach

AKOSH is continuously looking for new and innovative ways to educate employers on workplace safety and health. 2013 outreach initiatives included radio public service announcements, Safety Minutes for the monthly Alaska Economic Trends publication, and OSHA 10-hour classes in General Industry, Construction and Seafood Processing. Consultants have been informing employers of the revisions to the Hazard Communication Standard and additional information is being sent with every employer report.

AKOSH once again had a strong presence at the annual Alaska Governor's Safety and Health Conference hosting seminars and information booths. The event closed out with a powerful speaker who told her story of losing an arm while working in the one of Alaskan seafood processing plant.

## Significant Activities

On May 30, 2013, the Governor of Alaska, Sean Parnell, declared a Disaster Emergency for Yukon River ice jam flooding in the Alaska Gateway Regional Education Attendance Area (REAA), including the community of Eagle; the Yukon Flats



*AKOSH ten hour seafood class*

REAA, including the communities of Circle and Fort Yukon; the Yukon-Koyukuk REAA, including the community of Hughes and Galena; and the Cooper river REAA, including the area of Sourdough. The 2013 Spring Floods Disaster caused widespread and severe threats to life and property. The Alaska OSH received a request for a Safety Officer to work directly with the State Interagency Incident Management Team in Galena. AKOSH responded to the request and dispatched five Safety and Health Officers and Consultants to Galena between June 2 and July 8, 2013.

In the fall of 2012, a forestry worker was killed by a brown bear in a remote area of Southeast Alaska. The accident victim, a tree thinner for Alvarado Brothers Reforestation, was sent to deliver a worker and replenish supplies when his boat broke down near the midway point of his 50 mile return trip. The worker was stranded on the beach on a remote island, but refused help from a passing vessel. Instead, he appeared to be waiting for a company rescue, but the company had no emergency action plan and failed to recognize that the worker was missing for days. A person from a passing vessel observed the broken down skiff and was charged by the brown bear when he approached the victim's camp site. Authorities investigated and found the victim. The employer was cited and agreed to penalties associated with multiple alleged violations including:

- 29CFR 1910.38 (b) emergency action plan
- 29CFR 1910.132 protective equipment (pepper spray or firearm)
- 29CFR 1910.132 (d) (2) Hazard assessment
- AS18.60.058 (a) Report of fatality in a timely manner
- 29CFR1910.266 (l) (7) (i) First aide training, Logging Standard.

## Partnerships

AKOSH continues to support participants in the Voluntary Protection Program (VPP) and currently maintains 12 participant sites. AKOSH also maintained 12 Safety and Health Achievement Recognition Program (SHARP) sites. The AKOSH Construction Partnership Agreement (AK CHASE) is continuing to expand with 16 participants. AKOSH is committed to working with employers and employees through cooperative programs aimed at reducing workplace accidents and is convinced that these programs are instrumental in producing positive results and shifts in safety culture.



*Ammonia system at seafood plant in Whittier Alaska*

A survey of the recordable cases per 100 equivalent full-time workers for the entire State of Alaska over the six years from 2006-2011, as documented by BLS, shows that there has been a 26 percent reduction during that time span (from 6.1 to 4.5). This reduction was about 5.5 percent faster than the nation as whole (from 4.4 to 3.5). AKOSH has observed a steady ongoing improvement in general safety culture in the state. This is due to efforts by management leaderships and concerned employees, influences from insurance companies, and examples set by large corporate entities in risk control programs, as well as guidance from AKOSH.

AKOSH expects the 2006-2011 trends to continue. Through cooperative partnerships, government contributes in positive ways that impart momentum to a larger overall process of transformation of behaviors and priorities. ♦

# Arizona

Division of Occupational Safety and Health – ADOSH

## Outreach

### Voluntary Protection Program

ADOSH's Voluntary Protection Program recently welcomed in three new employers into the program with the designation of STAR award. Currently there are 36 VPP (general industry and construction) participants recognized as STAR sites. Safety and Health professionals on our VPP sites continue to facilitate mentorship, ADOSH Advocate articles and occasional sample worksites where OTI/UC-San Diego classes may visit as a way to reaffirm knowledge gained from a particular class that is taught.

New STAR participants include: Prudential Overall Supply, Palo Verde Nuclear Generating Station, and Maricopa Integrated Health System.

Each new site truly embodies VPP's four core elements: Management Commitment and Worker Involvement, Hazard Prevention and Control, Worksite Analysis and Training.



Assistant Director, Jessie Atencio presents the VPP Flag to Palo Verde Nuclear Generating Station employees to hold up for display.

### SHARP Program

The SHARP program continues to show a rebound in active employers requesting information in the form of speeches from the consultation staff. Currently there are 26 SHARP designated sites who also provide ADOSH with a partnership that helps other employees see how the department can help them reach a higher level of safety through surveys and training. New SHARP participants include: Carf International and Concrete Design Inc.



Assistant Director, Jessie Atencio stands behind VPP Flag with various Maricopa Integrated Health System senior leadership and staff.



Prudential Overall Supply and ADOSH VPP Team members celebrate the company's first STAR site.

## Partnerships

### Rate Reduction Awareness Program

In its fifth year, the Rate Reduction Awareness Program (RAPP) continues to be available to employers struggling with injury and illness rates that are above the national average for their NAICS code in the most current BLS listing. The program has seen eleven employers take the challenge of becoming better at safety through routine consultation surveys and site designed training. Over the past year, five of the eleven have successfully completed the program with decreased injury/illness and DART rates. Those employers who finished the program provided the ADOSH Consultation Program Manager with valuable information on increased worksite

moral, safety culture and overall understanding from employees and management that ADOSH is a resource for them when trying to propel their safety program overall.

This type of program is an example for all employers, both small business and large, that we help to educate about what constitutes an effective safety management system, ways to improve the program in place, and to identify breakdowns that may occur and provide training to all employees.

## **Alliances**

ADOSH maintains its current alliance partner, The Southwest Carpenters Training Fund (SWCTF). CSHO's were invited throughout the

year to work and learn along side Carpenter Hall members in the Phoenix training center. In return the Assistant Director has provided outreach presentations to the members during night and weekend classes.

To add to the alliance program, ADOSH has entered an alliance partnership with The Arizona Business Association. The Association provides ADOSH outreach material and class registrations to its members in an effort to help educate their workforces. ADOSH helps by providing members outreach training on a quarterly basis. The alliance has been seen by both sides that safety is free information that should be provided to all regardless of the size of a company. ◆



# California

Division of Occupational Safety and Health – Cal/OSHA

## Signature Projects

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

## Emphasis Programs

### Confined Space Safety

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

### Safe Patient Handling

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

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

## Partnerships

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

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

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

SHARP (Safety and Health Achievement Recognition Program) is a mid-level recognition program that may offer eligible employers an exemption from Cal/OSHA Enforcement

programmed inspections. Cal/SHARP is for high-hazard employers with fixed- and mobile-worksites.

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

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



# Connecticut

Division of Occupational Safety and Health – CONN-OSHA

## Signature Projects

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

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

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

## Enforcement

CONN-OSHA investigated a fatality involving an Easton firefighter responding during the height of Tropical Storm Sandy; no citations were issued. During this fiscal year, four repeat violations were issued.

## Outreach

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

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

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

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

## Alliances

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). ♦



# Hawaii

Occupational Safety and Health Division – HIOSH

## Restoring Capacity

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

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

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

## Overview

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

1. Compliance inspections and investigations: HIOSH staff conduct programmed inspections of high hazard workplaces, as well as investigations in response to accidents, complaints of safety and health hazards in the workplace or discrimination, and referrals.
2. Consultations and onsite training: HIOSH consultants perform workplace audits and evaluations and make recommendations to improve the site's safety and health management system in response to requests from employers. This service is free and confidential.
3. Certifications are issued to qualified individuals: These programs are 100% state or fee funded. OSHA does not permit federal funds to be used for these types of activities.
  - a. Explosives and Pyrotechnics – certificates of fitness are issued to persons qualified to handle explosives, fireworks, and/or special effects for movie and theatrical productions.
  - b. Certified Safety and Health Professionals – certificates are issued to persons who perform third party workplace safety audits to qualify businesses for a reduction in workers' compensation premiums and limited enforcement inspections.
  - c. Hoisting machine operators – certificates are issued to operators of cranes and other hoisting equipment, with requirements for continued training and testing.

## Emphasis Programs

HIOSH continued its successful Fall Protection Emphasis Program (FPEP) in 2012 after marked improvement in reducing workplace falls since its inception in 2010.

## Partnerships

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

## Statistics

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





# Illinois

Safety Inspection and Education Division – IDOL-SIED

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

## Signature Projects

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

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

## Enforcement

During FY 2012, IDOL-SIED conducted 1,229 inspections; 1,003 safety and 226 health. Of those 1,229 inspections, 935 were programmed and 294 unprogrammed. The unprogrammed inspections included 107 complaints, 16 accident, 43 referrals, three monitoring and 125 follow-ups. The total number of inspections was a slight reduction from 1,408 conducted in FY 2011. Of the 2,099 citations issued, 82% were serious. This is a 30% increase from FY 2011. Penalties were assessed in the amount of \$7,500.

## Outreach

A total of 10 safety and 32 health consultation visits were conducted, Over 115 serious and 15 other-than-serious hazards were identified. ◆

# Indiana

Occupational Safety and Health Administration – IOSHA

## Signature Projects

With a new Commissioner, Deputy Commissioner, Director of Industrial Compliance and many other key players, the Indiana Occupational Safety and Health Administration (IOSHA) is in rebuilding mode. The Indiana Department of Labor's Quality, Metrics and Statistics (QMS) division is currently assisting IOSHA in "mapping" its processes. The process mapping project takes into account the entire IOSHA process from intake to billing. Ultimately, the goal of this project is to seek reductions in unnecessary and duplicate steps as well as process inefficiencies. IOSHA is also investing a significant amount of money to implement the "OSHA Express" software. OSHA Express will replace the CSHO Application, an older, less effective data collection application.

Indiana's Voluntary Protection Program "VPP" continues to grow with 60 sites now certified. Indiana's VPP is anchored by 61 Special Government Employees (SGE). IOSHA VPP managers meet regularly with the SGEs to train on the VPP process and seek consistency. This fast growing program expects to reach a certification level of 80 sites within the next two years.

In August 2012, the Indiana Department of Labor released the 2012 preliminary Census of Fatal Occupational Injuries (CFOI) report. The agency reported 113 occupational fatalities in 2012, the lowest experienced since the CFOI report was introduced in 1992. The most significant improvement was in manufacturing, which saw a 28 percent decrease in fatalities in 2012. Decreases in workplace fatalities were seen in eight of ten major Hoosier industries. The initial review of workplace deaths demonstrates the number one cause of worker fatality in Indiana in 2012 was vehicle crashes. Early in 2013, the IDOL began executing strategies to help companies reduce transportation-related worker deaths.

## Emphasis Programs

IOSHA is placing a special emphasis on transportation, agriculture and healthcare. Approximately 50 percent of Indiana's occupational fatalities occur in the transportation area. IOSHA partnered with the Indiana Department of Transportation (INDOT) for a two-day

classroom and field training on work zone safety and compliance. Members of the IOSHA management team participated with INDOT in a special work zone safety week which included press releases, presentations and set ups of mock work zones for the public to visit. In partnership with INSafe, IOSHA has reached out to truck owner/operators and transportation companies to raise awareness of roadway



*Indiana Department of Labor IOSHA and INSafe representatives participate in a two-day work zone safety training course in partnership with the Indiana Department of Transportation. This two-day course incorporated a classroom style presentation as well as field exercises.*

dangers. Along with INSafe's consultation on safe driving programs, IOSHA will continue to target investigations in transportation incidents within its jurisdiction.

Similarly IOSHA is targeting inspections in the agricultural and healthcare industries. The Indiana Department of Labor is reaching out to establish partnerships in these industries to better understand the Industry players and raise awareness on the pressing safety issues. IOSHA also adopted three local emphasis programs (LEPs) covering scaffolds, fall protection and trenches.

## Federal Recognition

Indiana's OSHA Consultation Program, INSafe, was recognized in April 2013 in Salt Lake City by federal OSHA with an OnSite Consultation Achievement Recognition (OSCAR) award at the Annual Consultation Conference. The

division was recognized for its late-night retail workplace violence prevention efforts. This is the third time in the last five years the division has received this recognition.

More information about the IDOL's late-night retail workplace violence prevention campaign is available online at [www.in.gov/dol/2797.htm](http://www.in.gov/dol/2797.htm).

## Enforcement

**Pilkington** – Pilkington is an auto glass maker located in Shelbyville, Indiana. A worker fatality in 2010 prompted an investigation from IOSHA. Subsequently, a follow up inspection was performed in 2012. The follow-up inspection resulted in 19 serious, four repeat and three knowing violations within the logout/tagout and machine guarding standards. The follow up inspection of Pilkington resulted in proposed penalties of \$453,000. This case is in the final stages of settlement.

**Indianapolis Power and Light (IPL)/SSI** – This case was a result of a fatality that occurred at the IPL power generation facility in Indianapolis, Indiana. A contractor, SSI working for IPL was cleaning out a mill when an explosion occurred August 7, 2012. The result was a combustible dust explosion killing an employee of the contractor. IOSHA proposed penalties of \$214,200. The case is still in settlement.

**BP/Clean Harbors** – Clean Harbors Catalyst Technologies located at a BP refinery in Whiting, Indiana was investigated by IOSHA on August 15, 2012, as a result of a fire that occurred during a confined space operation. Multiple employees suffered burns and were hospitalized. The investigation is completed resulting in \$14,000 in proposed fines. The settlement is ongoing.

**Exotic Feline Animal Rescue** – IOSHA opened an investigation on in July 2013 for The Exotic Feline Rescue Center located about 60 miles southwest of Indianapolis in Center Point, Indiana. The Center is home to approximately 230 exotic felines such as lions, tigers, leopards and bobcats.

The investigation was initiated due to a referral from federal OSHA Region V and local media. An employee with the facility was attacked by a tiger while cleaning the tiger's cage. As a result of her injuries, the employee was later life-lined to Wishard Hospital in Indianapolis. IOSHA's investigation is presently ongoing and is focused on employee training and procedures utilized by the facility for animal care activities.

## Voluntary Protection Program

Between Oct. 1, 2012 and Sept. 30, 2013, the Indiana VPP program conducted 17 safety and health evaluations. Five were new VPP sites and six were re-certifications of existing sites, four were Merit to STAR and two were one year conditional to STAR. There are now 60 certified VPP sites in Indiana.

The Indiana Department of Labor continues to enjoy the benefits of Special Governmental Employees (SGEs) for use during VPP evaluations. Using SGEs has reduced the burden on enforcement resources as more and more companies become committed to exemplary health and safety man-



*Indiana Department of Labor Deputy Commissioner Tim Maley celebrated CF Industries' achievement of 15,000 days without a lost time injury in July 2013. The Huntington, Indiana site is an active member of the Indiana Voluntary Protection Program (VPP).*

agement systems through VPP. The agency estimates that each SGE used for a VPP evaluation yields a cost savings of \$2,500, which can then be reinvested in a robust enforcement program.

Fourteen additional SGEs were added to Indiana's resource pool as a result of training that was conducted in Crawfordsville, Indiana in August 2013. The training was hosted by Indiana VPP site, Nucor Steel. SGE training has been held at Indiana locations in conjunction with federal OSHA Region V each year for the last four years. This brings the SGE total to 61 for the state of Indiana.

On July 9, 2013, one of Indiana's VPP STAR sites, CF Industries celebrated 15,000 days without a lost time injury. CF Industries is a major distributor of anhydrous ammonia for the agricultural industry. This is a remarkable achievement for any company. Members of the Indiana Department of Labor, CF Industries Management and Employees, and several other representatives gathered at CF Industries Facility in Huntington, Indiana to celebrate the event.

## Outreach

### Governor's Workplace Safety Awards

In February 2013, Indiana Department of Labor Commissioner Sean M. Keefer launched the agency's educational and outreach initiative aimed at reducing workplace injuries and illnesses in the Hoosier healthcare industry. The on-site healthcare media launch took place in Terre Haute, Indiana, at Union Hospital, Inc. The facility was a past recipient of a Governor's Workplace Safety Award for their efforts to reduce and eliminate employee injuries specifically from patient handling/transfers and workplace violence.



*Indiana Department of Labor Commissioner Sean M. Keefer, Indiana State Department of Health Commissioner Dr. William C. VanNess II and Union Hospital CEO Scott Teffteller help launch the agency's healthcare worker safety and health initiative in February 2013.*

In March 2013, the agency maintained its longstanding relationship with the Indiana Chamber of Commerce, the Central Indiana Chapter of the American Society of Safety Engineers and the Indiana Association of Occupational Nurses to present the state's largest occupational safety and health conference. More than 700 participants attended the 2 1/2 day 2013 conference which was held in downtown Indianapolis.

The 2013 conference keynote speaker was World Trade Center first responder and 24-year veteran of the New York City Fire Department, Joseph Torrillo. Torrillo, who was seriously injured during a New Year's Eve fire in 1996, co-created the first state-of-the-art fire safety learning center. He was also on the ground at the World Trade Center when the second plane struck the South Tower on September 11, 2001. While he was assisting the evacuation of ambulance crews, Torrillo was buried under debris from the first collapse. He was later dug out by rescue personnel.

A second general session was offered the final day of the conference. Jacy Good presented her story. After her graduation from Muhlenberg College, Good was traveling home with her parents when a distracted driver on a cell phone ran a

red light and forced a semi-truck to swerve into the Goods' vehicle. Both her parents were killed instantly. After months of healing and rehabilitating, Good re-learned how to walk, talk and feed herself. Good now dedicates her life to raising awareness about the dangers of distracted driving, specifically using a cell phone while behind the wheel.

On the final day of the conference, Commissioner Keefer and Indiana Lieutenant Governor Sue Ellspermann recognized the 2013 Governor's Workplace Safety Award recipients. The annually-awarded Governor's Workplace Safety Awards are a result of a partnership among the Indiana Department of Labor, on behalf of Governor Michael R. Pence, the Indiana Chamber of Commerce and the Central Indiana Chapter of the American Society of Safety Engineers. The award provides recognition for companies based on best practices for eliminating workplace injuries and illnesses. The award salutes those organizations for which safety and health have been made a top priority.

In 2013, eight Indiana companies and their employees were recognized for their innovations, increased safety and health outreach and partnerships to further advance the safety, health and prosperity of Hoosiers in the workplace.

The 2013 conference featured more than 50 educational breakout session topics including forklift safety, workplace violence, combustible dust, etc. More information about the conference is available online at [www.INSafetyconf.com](http://www.INSafetyconf.com).



*Indiana Lieutenant Governor Sue Ellspermann and Indiana Department of Labor Commissioner Sean M. Keefer presented Aisin Drivetrain, Inc. of Crothersville, Indiana with a 2013 Governor's Workplace Safety Award. Eight Hoosier companies were recognized at the annual Indiana Safety and Health Conference in 2013.*



*The Indiana Department of Labor and Indiana Department of Transportation partnered to increase awareness of Work Zone Safety Week in Indiana in April 2013. The week-long awareness campaign featured two media events, in which Indiana Department of Labor representatives spoke at, radio public service announcements (PSAs) and the development of stakeholder-specific news advisories for Hoosier motorists, trucking fleets and construction contractors.*

Indiana Governor Pence and Commissioner Keefer attended an onsite celebration for Hoosier companies recognized with a Governor's Workplace Safety Award in early April 2013.

#### **Work Zone Safety Awareness Week**

The Indiana Department of Labor partnered with its sister agency, INDOT, in April 2013 for *Work Zone Safety Awareness Week*. The worker safety initiative underscored the hazards associated with work zone activities. The week-long awareness campaign featured two media events, in which Indiana Department of Labor representatives spoke at, radio public service announcements (PSAs) and the development of stakeholder-specific news advisories for Hoosier motorists, trucking fleets and construction contractors. The agency sent a mass email to more than 5,000 trucking owner/operators to proactively remind them of the importance of work zone safety and the impact they have on these workers. A similar direct-mail letter was sent to about 150 trucking fleets. The Indiana Department of Labor and INDOT also partnered together to send a letter about road safety and resources available for assistance to all construction contractors working on an INDOT work zone project in 2013.

Assistant Commissioner for the Indiana Department of Labor, Michelle Ellison, and INDOT spokesperson, Nathan Riggs, also participated in a live interview for Sirius XM Satellite Radio, on their trucker-talk program, Road Dog Trucking, to speak about work zone and transportation safety. The hour-long live interview also featured call-in questions and comments from truckers.

To complement its activities, the Indiana Department of Labor also launched a Work Zone Safety website at [www.in.gov/dol/2835.htm](http://www.in.gov/dol/2835.htm).

#### **Social Media**

As of May 2013, Hoosiers are now able to receive updates from and interact with the Indiana Department of Labor using the social media platforms of Facebook® and Twitter®. With the proliferation of technology, many stakeholders have quick and easy access to tablet PCs and smart phones to ensure they remain connected and have access to resources including social media platforms such as Twitter® and Facebook® and other helpful applications. Both Facebook® and Twitter® dovetail with the agency's mission of advancing the safety, health and prosperity of Hoosiers in the workplace.

#### **Teen Summer Worker Safety Campaign**

In July 2013, the Indiana Department of Labor also successfully launched its Teen Summer Worker Safety Campaign. This year's campaign was aimed at educating teen workers on the dangers of texting while driving when commuting to and from home and work.

In support of the initiative, Indiana Department of Labor Commissioner Keefer and Governor Pence's daughter, Charlotte, participated in an interview on Fox59's morning news. During the interview, Charlotte's video PSA was featured. To watch Charlotte's video and receive additional information about teen worker safety, visit the Indiana Department of Labor's Teen Worker Safety webpage at [www.in.gov/dol/2638.htm](http://www.in.gov/dol/2638.htm). The video is also displayed on the agency's YouTube® channel.

In support of the summer-long safety campaign, bi-weekly radio PSAs were developed and distributed to local media outlets.



*Cummins Seymour Engine Plant: Indiana Governor Michael R. Pence and Indiana Department of Labor Commissioner Sean M. Keefer recognized southern Indiana Governor's Workplace Safety Award recipients during an onsite visit of Cummins Engine Company's Seymour Engine Plant. Companies were recognized in the categories of innovations, partnerships and safety and health education and outreach.*

### **Indiana Department of Labor's Strategic Occupational Safety and Health Partnerships and Alliances**

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

The agency's partnerships and alliances continue to provide an opportunity to learn, share best practices and foster a dialogue that promotes safer and healthier workplaces for all Hoosier workers. More information about the Indiana Department of Labor's strategic occupational safety and health alliances and partnerships may be found online at [www.in.gov/dol/2387.htm](http://www.in.gov/dol/2387.htm). ◆



# Iowa

Iowa Occupational Safety and Health Administration – IOSHA

The Iowa State Plan applies to all public and private sector places of employment in the State with the exception of private sector maritime activities; marine terminals; longshoring; federal government-owned, contractor-operated military/munitions facilities; bridge construction projects spanning the Mississippi and Missouri Rivers between Iowa and other states; federal government employers and employees; and the United States Postal Service; which are subject to Federal OSHA jurisdiction. The U.S. Department of Labor, Employment Standards Administration exercises jurisdiction with respect to field sanitation and temporary labor camps.

## Signature Projects

### 42nd Annual Iowa Governor's Safety & Health Conference

On November 7th and 8th 2013 Iowa will hold its 42nd annual Governor's Safety & Health Conference in Cedar Rapids. Over the course of the two days scholarships will be awarded to selected exceptional students, continuing education courses for Certified Safety Professionals will be offered, and numerous breakout sessions covering a range of health and safety issues will be held. Keynote speakers will include

Michael Melnik, Owner and President of Prevention Plus, Inc., who will discuss ways to make safety within the workplace more enjoyable, and Tim Page-Bottorff, Senior Safety Consultant at SafeStart, whose "Humor in Safety" seminar will help students who are learning safety and health information to find their "aha! moment."

## Outreach

### Safety Video Catalog

In addition to free training on safety and health topics offered by our Consultants, Iowa OSHA Education offers an extensive selection of safety education videos that can be borrowed free of charge for public use, allowing for self-paced learning on a variety of topics. A few of the most popular video topics include the following:

- Asbestos Awareness
- Confined Space
- Ergonomics
- Hotel and Housekeeping
- Workplace Violence

A complete list of available videos can be found at the following link: [www.iowaworkforce.org/labor/iosh/consultation/safetyvideocatalog.pdf](http://www.iowaworkforce.org/labor/iosh/consultation/safetyvideocatalog.pdf). ◆



# Kentucky

Occupational Safety and Health Program – Kentucky OSH

## Signature Projects

### SHOTS

The Kentucky OSH Program had serious concerns regarding employee exposure to lead during clean-up operations at indoor shooting ranges. Specifically, concerns were raised by evidence of extremely high lead exposure during removal and recycling of catch materials. To address the concern, the Division of OSH Education and Training initiated the Safety and Health Outreach for Target Shooting (SHOTS) initiative. The initiative was an opportunity for employers to take advantage of the division's expert consultative services to address employee lead exposure without the risk of monetary penalties. Although SHOTS was primarily concerned with lead clean-up operations at shooting ranges, employers were notified of all hazards encountered during consultative visits to the facilities.

The Division of OSH Education and Training sent written correspondence to indoor shooting ranges in Kentucky explaining the nature of SHOTS and offered employers an opportunity to participate. Facilities that declined were referred to the Division of Compliance. Eight (8) facilities received full service industrial hygiene surveys focusing on employee and contractor exposure to lead. These surveys resulted in 52 serious Notice of Violations identifying hazards that were subsequently fully abated.

### Software

The Kentucky OSH Program deployed new comprehensive data management software for both the Division of OSH Compliance and the Division of OSH Education and Training that "replaced" OSHA's NCR/IMIS system. The software did not actually replace the NCR/IMIS system; NCR equipment is presently maintained as required by OSHA but Kentucky OSH Program staff members do not utilize it. The new software communicates to OSHA's IMIS "behind the scenes" via the NCR equipment. In addition to the collection, retention,

and transmission of Kentucky's data to OSHA, the software provides new, advanced OSH Program capabilities including report writing, inspection and survey milestone tracking, time management, and program performance reports, etc. Each division also has specific functionality capabilities unique to their individual needs. Kentucky is very pleased with the new software.

## Enforcement

### Citations reinstated

For the first time in the history of the Kentucky OSH Program, citations were reinstated to an employer who did not adhere to the terms of a settlement agreement.

### Residential construction fall protection

803 Kentucky Administrative Regulation 2:412, effective January 2006, specifically addresses residential construction fall protection. In FY 2012, the Division of OSH Compliance conducted 108 residential construction inspections resulting in four (4) willful serious violations, eleven (11) repeat serious violations, and 105 serious violations.

## Outreach

### West Liberty Tornado

On Friday, March 2, 2012, tornados devastated several communities in Kentucky; 23 Kentuckians died and more than 300 suffered injuries. The National Weather Service concluded a single EF-3 tornado traveled 95 miles across Kentucky and into West Virginia. One of the hardest hit areas was West Liberty in Morgan County. The small town in the state's eastern region was essentially obliterated. The Labor Cabinet's incident response-outreach vehicle, the KYOSH IMPACT, deployed to West Liberty for 13 days to provide technical assistance to responders, contractors, and the general public. The KYOSH IMPACT and Kentucky OSH

Program staff were welcomed with open arms and assisted hundreds of individuals. Several companies donated personal protective equipment (PPE) to the Kentucky OSH Program to support the mission. Division of OSH Education and Training consultants distributed PPE, performed on-site hazard analysis, and provided training in areas such as respirators, PPE, chain saw safety, scaffolding, and fall protection.



### **Heat Stress**

The Kentucky Occupational Safety and Health Program continued its support of OSHA's heat-related illness campaign in 2012. In 2011, the first year of the campaign, the Division of OSH Education and Training deployed all field staff to businesses and industries across the state to conduct educational briefings on heat-related illnesses awareness. In 2012, the division implemented a similar strategy; consultants once again hand-delivered information and provided cost-free instruction for employers and employees on recognizing the signs and symptoms of heat-related illness and how to handle such emergencies. The heat stress outreach has been extremely successful and over the past two summers affected over 100,000 Kentucky employees.

### **Latino Event**

The Labor Cabinet participated with the Mexican Consulate for an event in Lexington that affected over 1,000 immigrants. Labor Cabinet staff were on hand to disseminate OSH information, answer OSH questions, and provide wage and hour information, all in Spanish and English.

### **Ammonia Safety Day**

The Kentucky OSH Program co-sponsored and facilitated a free one day workshop in Louisville on ammonia safety. Topics included managing hazards, risks, and threats of ammonia, managing pressure to avoid an emergency event, reducing pipeline and valve problems, improving valve operations and readiness, maintaining the ammonia detection system to achieve reliable and timely warning of problems, and the "One Plan" emergency response system. There was also a panel discussion with regulators and responders.

### **KYOSH IMPACT**

The KYOSH IMPACT deployed in 2012 to nine events throughout the state for outreach efforts affecting over 5,200 people.

## Partnerships

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

SHARP continued to gain interest and steadily grow. There are 18 active SHARP sites in Kentucky, including four new sites added in 2012. The Division of OSH Education and Training's Partnership Branch is currently working with several companies in varying phases of the SHARP process and expects to certify three or four more in 2013 (1 photo: SHARPS recipient American Standard Brands).

### Voluntary Protection Partnership (VPP)

Since 1997, Kentucky has developed a very detailed and stringent VPP process designed to identify companies who are truly the "best of the best" relative to safety and health program management. There are currently ten active VPP sites. The Partnership Branch continues work with several companies mentoring them toward VPP certification and training dozens of employees in the recognition, correction, and control of hazards.



### Construction Partnership Program (CPP)

The CPP program continued to grow with as many as 19 sites active at one time representing nearly \$1 billion in total project costs. CPP is poised for the addition of more sites on a continual basis. The Partnership Branch is actively working with an employer to enter into the CPP for two massive long-term construction projects in the Louisville area.



CPP site

### eLearning Program

The Labor Cabinet's web-based eLearning program, found at [www.LaborCabinetEtrain.ky.gov](http://www.LaborCabinetEtrain.ky.gov), has grown by leaps and bounds since its initial launch. Over 11,000 participants received training in 2012. The eLearning library grew with the addition of modules such as Mechanical Power Press Safety, Bloodborne Pathogens, The Globally Harmonized System of Classification and Labeling of Chemicals, Fall Protection, Heat Stress Awareness for Construction and General Industry, Forklift Fundamentals, and Recordkeeping. A Spanish-language class, *Introducción a OSHA Parte 1*, was also added to the library. The module provides valuable information regarding the history of OSHA, employee rights, the inspection process, and numerous other topics.

Recorded webinars added to the eLearning website library include GHS Hazcom 2012 Q&A, Slips, Trips, and Falls, and Basics of Confined Space for General Industry.

All eLearning material is available free-of-charge and can be accessed 24/7. Kentucky is particularly proud of the fact that [www.laborcabinetettrain.ky.gov](http://www.laborcabinetettrain.ky.gov) has been created, designed, and developed solely by Labor Cabinet staff. Division of OSH Education and Training consultants compose all course content in addition to performing their full plate of regular duties. A division Training Development Specialist assists with presentation and production details.

### 29th Annual Governor's Safety and Health Conference and Exposition

The Labor Cabinet, in conjunction with the Kentucky Safety and Health Network, Inc., presented the 29th Annual Governor's Safety and Health Conference and Exposition in Louisville on May 7-10, 2013. The event, the largest safety and health exposition in the Commonwealth, featured pre-conference courses, concurrent workshops, and outstanding keynote speakers.

Scholastic Achievement for Education Awards, or "SAFE" awards, totaling nearly \$40,000 were presented at the conference to 17 university students matriculating in the areas of occupational

safety and health, industrial hygiene, or a closely related field. Kids Chance of Kentucky presented scholarships to children of Kentucky workers killed or seriously injured in work-related incidents.

24 Kentucky companies received the Governor's Safety and Health Award at the event. The award recognizes employers and employees who together achieve a required number of hours worked without experiencing a lost time injury or illness. An additional 21 companies received the Governor's Safety and Health Award at their facilities. ♦



*SAFE Award recipients and KSHN scholarship committee members*



*Governor's Safety and Health Award recipient Big Rivers Electric. Please note, far left Secretary Mark Brown; far right Governor's Deputy Chief of Staff Jamie Link.*

# Maryland

Occupational and Safety Health Program – MOSH

## Signature Projects

In the fall of 2012, Maryland issued new regulations for the tree care industry. Code of Maryland Regulations (COMAR) 09.12.28 Tree Care and Removal was published in the Maryland Register on August 24, 2012, and became effective on September 3, 2012. With a number of fatalities occurring each year in this industry, MOSH took



Photo of Tree Care Conference Banner

the initiative to develop regulations that would protect these workers above the basic safety and health standards. To introduce the new regulations, MOSH hosted a Tree Care Conference allowing employers to ask questions; talk with vendors; observe chipper, crane, and fall protection safety demonstrations; and network with peers in their industry on how to best protect their workers; 237 people attended the day-long conference. Since the conference, MOSH has provided ten more educational seminars and speakers on the new tree care regulations to nearly 400 additional people.

## Enforcement

MOSH investigated a potential combustible dust exposure at a local frozen pizza dough manufacturer. The focus of the concern was a 12ft square by 24ft tall, fabric silo/storage bin that contained up to 70,000 lbs. of dry wheat flour. The flour was conveyed to this silo via a pneumatic transport system. During the visit by MOSH inspectors, bonding/grounding systems were observed to be substantially absent, combustible dust (flour)



This photo shows the pneumatic conveying system used to transport flour into a fabric silo.



This photo shows the fabric silo that received the flour from the pneumatic conveying system.



This photo shows where the clamping mechanism failed catastrophically.



*This photo shows the horizontal baler door that flew open when the clamping mechanism failed.*

was observed discharging from the fabric silo during the fill process and combustible debris was stacked near the fabric silo. A general duty citation was issued for employee exposures to explosion or deflagration hazards as they worked in the immediate area of the flour silo and flour transport equipment.

In January 2012, MOSH investigated the fatality of an employee due to the failure of a Max-Pak Model HCE60FE 8 full-eject, horizontal, closed-end paper baler. MOSH requested an analysis of the failure by OSHA's Health Response Team (HRT) based at the Salt Lake Technical Center in Salt Lake City, Utah. The HRT found that the failure of the door lock clamping bars resulted from classic metal fatigue associated with excessive cyclic loading of the clamping bars. The fatality occurred as a load of scrap paper was being compressed within the baler. With fatigue cracks already in advanced stages of failure, the clamping mechanism failed catastrophically. Complete failure of the clamping bars allowed the heavy discharge door to swing open; fatally injuring a worker located near the end of the baler.



*This photo shows the scaffold on a 12-story high rise where the fatality occurred.*

In the spring of 2012, MOSH investigated a fatality that occurred on a Jolly Junior self-lifting (mast climber) scaffold, approximately 10 stories above the ground. Employees were manually removing lead paint from the balconies of a 12-story high rise apartment building. At some time, the victim unhooked from his lanyard and fell head first through a hole in the work platform at the support column. There were no guardrails at either support column, or along the entire inner side of the scaffold. The scaffold was equipped with mounting brackets for guardrails. MOSH requested the technical assistance from the Federal Occupational Safety and Health Administration in evaluating the mast-climbing platform



*This photo shows where employees tied off to the guardrail system.*

and lifeline anchors. During the investigations it was determined that employees tied off to the guardrails of two cantilevered platforms that were not capable of supporting their own weight and four times the maximum intended load of 250 pounds. From this investigation it was determined that the employer did not provide separate vertical lifelines for each employee; and the employer did not ensure that the scaffolding system would support four times the intended load. Seven serious and one other than serious citation was issued, totaling over 13K in penalties.

## **Outreach**

The Training and Education Unit was able to offer 92 educational seminars covering 35 topics, including three new subjects: Ergonomics Awareness, NFPA 70E, and Siding – Installation Safety). These courses are offered at no cost to the employees and employers in Maryland, including many federal employees and contractors. The majority of these seminars were taught by MOSH compliance officers and were offered at locations throughout the state. Topics included Bloodborne

Pathogens, Hand and Power Tool Safety, MD Tree Care & Removal – New Regulations, and Respiratory Protection to name a few. Four of the 92 classes held were held in Spanish: Construction Site Safety and OSHA 10 Hour – Construction. Over 1,800 employees and employers participated in the seminars that were given. MOSH also offers employers the opportunity to bring a CSHO to their job site for presentations on any safety and health topic. These engagements are meant for presentations that are less than four hours in length and have at least 25 participants. Another approximately 4,000 employees attended speaking engagements given by MOSH staff.

## Partnerships

The MOSH Cooperative Compliance Partnership (CCP) program signed two new partnerships in 2012; this brings our total to 59 since the program began in 1997. MOSH managed nine active CCP sites in 2012 totaling over 700 million dollars in new constructions. Nearly 330 employers participated in site inspections covering over 2600 employees. The CCP unit was able to perform 20 site visits and identify nearly 200 safety and health hazards. The partnership sites are among the largest and most dangerous construction sites in Maryland. ◆



# Michigan

Occupational Safety and Health Administration – MIOSHA

## Signature Projects

The State of Michigan's Office of Regulatory Reinvention (ORR) was established to simplify Michigan's regulatory environment by reducing obsolete, unnecessary and burdensome rules that are limiting economic growth without jeopardizing the health and safety of workers. The ORR issued a report in early 2012 which listed recommendations to rescind hundreds of individual Michigan Occupational Safety and Health Administration (MIOSHA) rules.

In addition to the rule rescission recommendations, there were other specific recommendations issued in the ORR report. One of the specific recommendations was to eliminate the three standard setting commissions as they no longer had rule promulgation authority. Legislation was passed in 2012 that disbanded the commissions. In place of the commissions, MIOSHA has instituted a policy to seat ad hoc advisory committees to assist, if necessary, in developing and amending rules and also in identifying best practices to help carry out new rule changes. MIOSHA has made substantial progress in the implementation of the ORR recommendations and anticipates completion of the project in late 2013.

MIOSHA will enter into its fourth strategic plan in October 2013. The plan will help focus resources and guide activities in fiscal years 2014 to 2018. During the development of previous strategic plans, a stakeholder meeting was held to allow for review of the draft plan and gather feedback prior to finalizing and implementing the plan. As part of our continuous improvement efforts, something new was added to the beginning of the process to gather input on what others thought was being done right or what could be improved upon from the previous plan. During the fall of 2012, a separate focus group was held for each of the sectors of construction, general industry, and labor. The valuable information received from these focus groups was used in the drafting of the new plan which was again reviewed via a stakeholder meeting prior to the plan being finalized.

Some of the changes for the next plan include the addition of new industry sectors to the list of high hazard industries. Based on injury and illness rates the Support Activities for Transportation, Accommodations, and Warehousing and Storage sectors will be targeted. The next plan will also increase outreach efforts to agricultural operations, employers and employees in the public sector, and to agencies that provide temporary workers. All of the compliance and outreach efforts are designed to reduce the unnecessary injuries and illnesses occurring in these industries.

The next five-year strategic plan will also see MIOSHA looking to improve the ways we use technologies and initiatives to communicate the benefits of workplace safety and health. The "Connecting MIOSHA to Industry" initiative has been a very successful endeavor and will continue in order for us to identify opportunities to increase collaboration, communication, and create collective ownership for workplace safety and health. Strategic planning continues to play a vital role in helping MIOSHA ensure the health and safety of Michigan workers!

## Emphasis Programs

**Residential Fall Protection Initiative:** MIOSHA has continued their "Residential Fall Protection Initiative" to increase awareness of fall hazards in the residential industry, educate employers on the requirements of fall protection, and assist them in developing fall protection solutions. MIOSHA developed this initiative in partnership with the Michigan Association of Home Builders.

**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.

**MIOSHA Training Institute (MTI):** In FY 2008, MIOSHA implemented a new safety and health training/certificate program. Seminars offered through MTI provide an opportunity to earn a certificate. In FY 2012, 165 courses were offered across the state.

In FY 2012, the first-ever MIOSHA Training Institute “Boot Camp” was held. Twenty-three students successfully completed the requirements for their MTI Level One Certificate in General Industry. The MTI Boot Camp was especially designed for those students who have not taken any MTI courses previously and are interested in an overall introduction to specific topics that will help them build a basic safety and health management system.

**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

MIOSHA conducted 5,396 safety and health inspections/investigations during FY2012. 65% were conducted in the construction industry and 35% took place in general industry; 14,131 violations were issued with 47% being classified as serious/willful/repeat.

**Renovation Project:** In July 2012, the Construction Safety and Health Division initiated a complaint investigation at a former assisted living facility that was being renovated into luxury apartments. The investigation revealed that employees were exposed to asbestos-containing materials, such as thermal system insulation (TSI) and flooring materials, during the demolition phase of the renovation project and also during installation of new building components. The employer knew asbestos was present at the site, but did not inform their employees and did not provide adequate protection against the asbestos exposures.

A total of nine serious violations of the asbestos standard for construction were alleged, with three classified as willful. The total proposed penalty was \$102,750.

**Transmission Tower Painting Projects:** In August 2012, the Construction Safety and Health Division conducted two variance inspections of a transmission tower painting contractor. At the first location the inspector witnessed several employees “free-climbing” an energized transmission tower at various heights up to 120 feet and voltages ranging from 125K to 345K. Consequently, another variance inspection was initiated at a different location. The employer had been granted an interim order for a variance that included specific terms and conditions for climbing the towers and working within the minimum approach distances of the electrical power lines. A total of 11 willful and two serious violations were alleged as a result of the employer not ensuring the terms and conditions of the interim order were being followed or enforced. The total proposed penalty for the two investigations was \$101,800.

**Liquid Food and Drink Manufacturer:** In May 2012, the General Industry Safety and Health Division opened three inspections initiated by a complaint at a food and drink manufacturer. The three inspections resulted in 34 serious, 2 repeat, and 19 other-than-serious violations. The initial penalties for the three cases were \$104,300. The most serious violations included machine guarding, lockout/tagout, electrical and unguarded pinch points.

## Outreach

MIOSHA’s Consultation Education and Training (CET) Division focuses its outreach efforts on those companies with the greatest need. CET Division consultants provided the following outreach services during FY2012:

- 3,487 safety and health consultations.
- 718 onsite surveys – 21(d) and 23(g).
- 1,786 training sessions for 17,395 participants.

In addition:

- 125,894 pieces of literature were distributed.
- 1,746 videos were loaned.

In FY 2012, the eighth annual “Take a Stand Day” was a great success. “Take a Stand Day” provides an opportunity for employers to receive a

special one-on-one consultation with no citations and no penalties. A total of 233 requests were received in the CET Division and assigned to both enforcement and consultation staff. This event provides all MIOSHA staff an opportunity to “connect with industry.”

The Michigan Voluntary Protection Program (MVPP) assists employers and employees by providing a mechanism and a set of criteria designed to evaluate and recognize outstanding safety and health management systems. The program is designed to establish a cooperative relationship between management, labor, and MIOSHA. MVPP participants implement safety and health management systems that provide protections beyond what is required by MIOSHA standards. In FY 2012, there were six new MVPP companies – double the strategic plan goal of three per year.

MIOSHA awards CET grants on an annual basis for the development and implementation of safety and health training and services to supplement CET division activities. In FY 2012, awards were given to 22 grantees totaling \$1,015,000.

Michigan Safety and Health Achievement Recognition Program (MSHARP) is a cooperative program between businesses and government that recognizes Michigan employers and employees committed to creating a workplace culture that makes safety their top priority. MSHARP provides an incentive to employers to emphasize accident and illness prevention by anticipating problems, not reacting to them. In FY 2012, MIOSHA had 27 MSHARP companies including one new company.

## Partnerships

Four new construction partnerships were signed in FY 2012. MIOSHA construction partnerships have consistently experienced injury and illness rates well below the industry average. Innovative best practices and safety initiatives are shared and posted on the MIOSHA website. The partnerships continuously develop new strategies to encourage employee involvement and create a more collaborative culture with workers and employers.

MIOSHA continues its partnership with the Ford Motor Company and the United Auto Workers (UAW). The partnership agreement strives to continuously reduce work-related injuries and illnesses at the company’s Michigan manufacturing locations by optimizing the resources of the partners in the development and administration of plant health and safety standards.

## Alliances

Alliances are a written agreement between MIOSHA and organizations committed to workplace safety and health. An alliance provides the opportunity for organizations and MIOSHA to work together to reach out, to educate, and lead the state’s employers and employees in improving and advancing workplace safety and health. In FY 2012, there were a total of 13 active alliances including one new alliance with the Michigan Laborers’ Training and Apprenticeship Institute. ◆



# Minnesota

Occupational Safety and Health Administration – MNOSHA

## Signature Projects

**Window Washing:** Minnesota OSHA (MNO-SHA) Compliance initiated a local emphasis program targeting window washing operations. MNOSHA adopted a new Minnesota Rule, which took effect March 1, 2012. The rule further protects employees in the window washing industry and is designed to increase worker protection to provide clarity for contractors that perform interior or exterior window washing or building maintenance operations. It applies to workers who are suspended more than 14 feet above grade; the standard does not apply to operations that are performed from grade level or from a ladder. The standard also: requires window washers to have a written plan that discusses the hazards of each building they will be working on; requires a visual inspection of the building to identify hazardous areas of the building; requires inspection data to be reviewed for all anchorage points in place prior to use; implements new regulations when using rope descent systems; and includes requirements for training of window washing employees.

MNOSHA Compliance also conducted outreach training specific to window washing operations to 64 participants and conducted 40 inspections of window-washing operations (See Emphasis Programs for additional information).

### **Minnesota's Safe Patient Handling Act - final effective date in federal fiscal year 2012:**

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 Minnesota 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.

Through federal fiscal year 2012, Minnesota OSHA Compliance issued 49 citations and \$35,810 in penalties under the Safe Patient Handling Act statute.

MNOSHA's Workplace Safety Consultation (WSC) unit has developed sample programs for safe patient-handling in hospitals, nursing homes and outpatient surgical centers, dental clinics and clinical settings. Sample hazard assessments and training programs for all facilities have also been developed. MNOSHA WSC's safe-patient-handling Web page has been significantly increased with more resources for facilities. The safe-patient-handling legislation and resource materials are available at [www.dli.mn.gov/WSC/Sph.asp](http://www.dli.mn.gov/WSC/Sph.asp).

MNOSHA Workplace Safety Consultation conducts outreach through on-site visits, training sessions and interventions, as well as through alliances. Inspection emphasis for WSC has been focused on health care, particularly related to safe-patient-handling. During federal fiscal year 2012, WSC conducted 104 initial visits and training/interventions with an ergonomics focus; 16 visits were for safe patient-handling. WSC also presented 26 ergonomics training seminars, conferences and outreach activities with 12 focused on safe-patient-handling.

**Cause or contribute penalties:** In 2003, the Minnesota Legislature enacted a Minnesota OSHA Compliance penalty provision that created a minimum, nonnegotiable penalty of \$25,000 for serious violations (\$50,000 minimum for willful and repeat) that caused or contributed to the death of an employee. From 2003 through the end of federal-fiscal-year 2012, MNOSHA Compliance has issued citations for cause or contribute violations in 103 cases; it issued willful citations in 12 of those cases. More than \$4 million in penalties for all citations were issued in the 103 fatality cases. The cause or contribute penalty provision also provides relief for employers with fewer than 50 employees, in cases where there are no willful citations. A total of 57 employers qualified for relief from cause or contribute penalties.

## Emphasis Programs

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

MNOSHA has had a nursing home emphasis program since 2004. In federal fiscal year 2012, MNOSHA expanded its nursing home emphasis program to include hospitals and all establishments located within the hospital campus. Under the new health care emphasis program, MNOSHA Compliance conducted 38 inspections in federal-fiscal-year 2012, resulting in 67 citations, 53 of which were serious violations.

MNOSHA Compliance revised its lead emphasis program to focus on indoor firing ranges, including those operated by public employers such as local law enforcement and community colleges. In federal fiscal year 2012, MNOSHA Compliance conducted eight inspections through the lead emphasis program, resulting in 28 citations.

MNOSHA Compliance added a local emphasis program to target industries with increased risk of hearing loss and respiratory illness or injury. The program focuses on industries that commonly have both noise and respiratory hazards, recognized through MNOSHA Compliance inspection history. Through this emphasis program, 166 inspections were conducted in federal fiscal year 2012; 258 citations were issued to 107 employers, including 39 violations of either the respiratory protection or occupational noise exposure standards.

## Enforcement

A health care campus was inspected in conjunction with Minnesota's local emphasis inspection for nursing homes. As a result of the inspections, MNOSHA Compliance issued 15 serious citations and four nonserious citations, including violations for not implementing a safe-patient-handling committee to fulfill the duties described in Minnesota's Safe Patient Handling Act. Penalties totaling \$25,200 were issued.

An employee was hand-retrieving corn samples from a grain bin while the auger was running when something hit his hand pulling it into the auger. He sustained injuries to his right middle and third fingers. MNOSHA Compliance issued two willful and five serious citations, carrying penalties of \$42,800. The willful citations were issued because the employer had repeatedly allowed employees to enter grain bins without using a body harness with a lifeline or a boatswain's chair. In addition, an observer was not stationed outside the grain bin while another employee entered the bin. The serious citation for failure to guard the auger caused or contributed to the serious injury, resulting in a higher penalty.

A water-cooled air compressor ruptured at a paper mill, killing one employee and seriously injuring four others. A subsequent fire damaged the building, which has not been able to reopen, creating significant loss to more than 250 employees. Two violations of the lock-out/tagout standard and a penalty of \$39,200 were assessed.

## Outreach

Minnesota OSHA Compliance conducted 102 presentations to 4,341 participants. Ninety-eight percent of outreach presentations were in emphasis industries, including construction with a focus in excavation and residential construction. Five outreach training sessions were presented, specific to trenching operations, to more than 350 employer representatives.

MNOSHA Compliance conducted five free Construction Seminars, developed to assist members of the construction industry who are responsible for worksite safety to stay current with MNOSHA Compliance standards. The seminars also provide a citation-free forum for members of the construction trades and their employers to discuss issues and experiences with the speaker, their peers and MNOSHA Compliance investigators.

MNOSHA Compliance continues to work with a Construction Seminar Focus Group to select safety topics and presenters for each event. The group comprises various representatives from the construction industry, including insurance agents, company safety directors and safety consultants. In total, the Construction Seminar presentations attracted 310 participants.

Minnesota OSHA continues to participate in major safety conferences throughout the state, including staffing information booths at four separate exhibitions.

MNOSHA published Spanish versions of its “An Employer’s Guide to AWAIR” and its “AWAIR Program for Small Construction Employers.”

In addition to the specific publications, MNOSHA continues to publish its quarterly newsletter “Safety Lines.” Some of the topics covered during the past year included the most frequently cited standards, the new window-washing

standard, grain handling, construction partnerships, beverage distribution injury rates, MNOSHA year-in-review, temporary help firms, the Globally Harmonized System of Classification and Labeling of Chemicals, follow-up inspections, silica in concrete and masonry work, safe patient-handling and the “MNOSHA Answers Frequently Asked Questions” column.

## Partnerships

### **Minnesota STAR (MNSTAR) Program/Voluntary Protection Program (VPP)**

In federal fiscal year 2012, two new organizations in Minnesota achieved full MNSTAR status. In addition to these new participants: five employers received their full recertification and associated five-year exemption; one employer was placed under a two-year rate reduction plan; two employers were placed in a one-year conditional status; and one employer participant had its Merit status extended for two years.

In federal fiscal year 2012, the MNSTAR Program comprised 35 employers, one of which was a construction participant and the remainder were general industry. Of these 35 employers, 31 are full MNSTAR Program participants and four are working in a Merit status.

On average, general industry participants in the MNSTAR Program had total recordable case (TRC) rates that were 58 percent below the current U.S. Bureau of Labor Statistics (BLS) rate. Their days away, restricted, transfer (DART) rates were 71 percent below the current BLS DART rate data. The TRC rate for Minnesota’s MNSTAR construction-industry participant, a resident contractor at a MNSTAR participant’s site, was 89 percent below the current BLS TRC rate and 100 percent below the current DART rate.

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

Construction Health and Safety Excellence (CHASE) Minnesota; Minnesota Chapter of Associated Builders and Contractors (MN ABC) In federal fiscal year 2012, MNOSHA Compliance signed newly revised construction safety and health partnerships with the Minnesota

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

Also, in federal fiscal year 2012, the Minnesota Department of Labor and Industry hosted 14 stakeholders – representing large and small construction contractors from throughout the state and loss control insurers – to identify ways to improve the current partnership programs between MN ABC, AGC and MNOSHA Compliance. The meeting focused on identifying ways to have an even greater impact on employee safety and health, increasing participation by association members, making all levels of the partnership achievable

while maintaining accountability and ensuring there were no overlaps with other MNOSHA programs.

The partnership is managed by both associations and has three levels. Level 1 requires the employer to maintain the minimum requirements of a safety and health program. Level 2 requires a more comprehensive safety and health program. Level 3 is MNOSHA's Cooperative Compliance Partnership (CCP), whereby MNOSHA Compliance will provide compliance assistance for a specific project. To qualify, contractors must be at Level 2 for a minimum of one year and can then apply for participation in the CCP for construction projects expected to last at least six months, but fewer than 18 months. ◆

# Nevada

Occupational Safety and Health Administration – NV OSHA

## Signature Projects

Construction jobs still have not recovered in the state of Nevada. 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.

### Safety and Health Practitioner Certificate Program

Safety Consultation and Training Section (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 27 SCATS training classes within three years of the date of enrollment. As of June 30, 2013, a total of 1436 students are enrolled in the Safety and Health Practitioner Certificate Program. Since its inception, there have been over 387 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 2013, SCATS conducted 612 safety and health consultations and identified 6,837 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 2 years to ensure it is operating in accordance with laws, regulations, and ordinances relating to 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 private and charter schools throughout Nevada.

### Training and Education

For State Fiscal Year 2013, in the periods between July 1, 2012 to July 30, 2013 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 294 formal training sessions reaching 6,684 participants from 2,910 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 consolidated its' dedicated 10 and 30 Hour Construction Class registration website ([www.nv1030.org](http://www.nv1030.org)) its' electronic class registration website ([www.SCATS-classes.org](http://www.SCATS-classes.org)), for the registration of its other safety and health awareness classes and its' main website ([www.4safenv.state.nv.us](http://www.4safenv.state.nv.us)) to offer a one stop safety shop for its' clients.

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 1,269 videos were loaned and viewed by about 23,610 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 postcards to new employers, 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 including the launch of a consolidated website this year, consultation and training requests have increased.

SCATS continuously promotes and advertises its services through traditional means such as mailings, print media, and radio. In addition we now offer more on line options to learn about SCATS through, Electronic means like as E-mail and websites to include our newly merged site ([www.4safenv.state.nv.us](http://www.4safenv.state.nv.us)). A marked increase in consultation requests has been experienced as result of our web presence.

## **Partnerships**

### **SHARP**

Currently, Nevada SCATS maintains 21 SHARP sites; and 9 Pre-SHARP companies are under review for SHARP status. In the last fiscal year, 3 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.

### **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. ♦

# New Jersey

## Public Employees Occupational Safety and Health Program – PEOSH

### Signature Projects

#### Hurricane Sandy Response

Hurricane Sandy made landfall in New Jersey on October 29, 2012. Damage from the storm in NJ has been estimated at \$36.9 billion with over 30,000 homes and businesses destroyed or experiencing some form of structural damage. An additional 42,000 homes are estimated to have been impacted by the storm in some other way. At least 30 fatalities have been directly attributed to the storm in NJ.



Following the storm, FEMA and other state and federal agencies combined to create a Joint Field Office (JFO) in Lincroft, NJ which served as a regional command center for Hurricane Sandy response. Agencies which participated in the JFO included FEMA, OSHA, NJ State Police, PEOSH, and many others. PEOSH staff at the Joint Field Office served as a technical liaison for issues surrounding occupational safety and health. Additionally, PEOSH participated in daily OSHA conference calls pertaining to Hurricane Sandy response efforts, and manned the Hurricane Sandy Emergency Call Center which was located within the NJ Department of Health (NJDOH).

Many municipalities in both the coastal and inland areas of New Jersey incurred severe damage to public facilities, roads, parks, and water and sewer infrastructure. Municipal public works employees were sourced with hazardous storm clean up tasks including debris removal, tree work, roofing, drywall work, demolition, carpentry, and many others.

Additionally, to assist with the tremendous task of storm clean up the US Department of Labor issued a National Emergency Grant (NEG) for New Jersey to hire temporary workers in this capacity. The NEGs were administered primarily to public agencies including state, county, and local government, which included many municipal public works departments. The NEG workers were tasked with performing the same hazardous tasks as the municipal public works employees. The additional danger is that the majority of these NEG workers had little experience with the tasks they were hired to complete and minimal knowledge of occupational safety and health.

To protect these workers in such difficult times, PEOSH Enforcement Staff performed interventions at municipal public works departments throughout the state in a cooperative manner. Through these interventions municipal employees and NEG workers were provided with informal instruction in the proper use of PPE, work zone safety, chain saw use and safety, and hazard determination and risk assessment. The majority of the PEOSH Enforcement



Unit was used in this capacity until all affected municipalities had been visited. PEOSH Enforcement also accompanied OSHA into hurricane stricken areas to assess the potential hazards of large rubble/debris piles that accumulated during storm clean up.

PEOSH Safety Consultation Staff traveled with NEG grant administrators to multiple sites to observe the work being done by NEG workers. At these sites PEOSH Consultants interviewed NEG workers and made recommendations to the supervising employers to provide additional training, PPE, and to utilize assistance from PEOSH Consultation and Training.



Since the NEG temporary workers were in need of more extensive training than could be provided during the PEOSH Enforcement and Consultation interventions, the PEOSH Occupational



Safety Training Unit at the NJ Department of Labor and Workforce Development (NJLWD) and Occupational Health Training Unit at the NJ Department of Health (NJDOH) offered formal classroom training for NEG workers. NEG grant recipients from state, county, and local government were contacted by PEOSH regarding the need for occupational safety and health training for their NEG employees in order to advertise these training sessions.

In all, PEOSH provided eight training classes for 141 NEG workers. Considering the wide span of tasks being performed the training covered many topics including chainsaw and wood chipper safety, fall protection, PPE, safe lifting, work zone

safety, and mold. In addition, an OSHA 10 Hour Construction class was offered to 19 job seekers that were interested in being hired under the NEG.

As Hurricane Sandy clean up continues in NJ, PEOSH remains vigilant in protecting public sector workers engaged in these activities. The PEOSH website contains a large assortment of links to assist public employers with safe storm clean up including OSHA's Hurricane Sandy page, and various OSHA and NJ resources pertaining to PPE, mold, portable generators, flooding, chainsaws, and whistleblower rights. PEOSH Enforcement, Consultation, and Training will continue to make protecting Hurricane Sandy affected workers a top priority.

## Outreach

### Consultation and Training Services

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

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

### OSHA Outreach Classes

Through Q3 in FY2013, PEOSH has conducted eight OSHA Outreach classes including six OSHA 10 Hour Construction and two 10 Hour General Industry. In all, 137 students were instructed in these topics. PEOSH also partnered with OSHA Region 2 staff to cosponsor another six OSHA Outreach classes including two each of OSHA 10 Hour Construction, 10 Hour General Industry, and OSHA 7600 Disaster Site Worker. Through these cosponsored classes another 145 students were trained.

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

NJ PEOSH presently has three public sector SHARP sites including a fire department, a police department, and a municipal complex. Several requests have been received from new public sector employers interested in pursuing the SHARP Award. ♦

# New Mexico

Occupational Health & Safety Bureau – NM OHSB

## Cooperative Programs

### Residential Construction SHARP Pilot

OHSB implemented a pilot program in 2013 to recognize small construction companies with good employee safety programs. The Safety and Health Achievement Recognition Program (SHARP) Pilot was developed to address employee injuries at small contractor companies. OHSB met with several large homebuilders in the Albuquerque area in July and August 2013 to promote the program. The pilot is a newly developed program, unique to New Mexico, designed to reach small contractors in the industry for the purpose of improving employee safety at residential construction worksites. In the program, OHSB will work with general contractors at large developments to deliver bureau consultation services to the smaller subcontractors. As incentive to enter the program, those general contractors and subcontractors whose safety programs and worksite safety practices are reviewed and determined to meet specific criteria will be provided recognition and deferral from certain types of enforcement activities.



### Voluntary Protection Program

New Mexico continues to approve only star level employers for program participation. OHSB approved several sites for renewal and one new site during the past year to bring the total number of Zia Star participants to 13.

## Partnerships

New Mexico has partnerships with six construction associations including the Associated Builders and Contractors (ABC), Associated General Contractors (AGC), Associated Contractors of New Mexico (ACNM), American Subcontractors Association (ASA), National Utility Contractors Association (NUCA), and the Mechanical Contractors Association (MCA). Representatives from each of the associations and from OHSB meet as part of the Construction Health and Safety Council of New Mexico. The Council, now in its second year, has begun to sponsor joint health and safety training for construction workers.

## Outreach

### Public Sector Assistance

Public sector injury and illness rates in New Mexico have remained high relative to the private sector in recent years. As a result, OHSB has continued to increase activities, including outreach and assistance, with other state agencies to address hazards and concerns at state workplaces.

- In April 2013, OHSB, along with the Radiation Control Bureau, a sister state agency, presented information on occupational exposure to radon to state employees working in old buildings where the gas has been found to exceed ambient levels.
- In May 2013, OHSB provided OSHA 10-hr training to employees of various state agencies based on their work at either general industry or construction worksites. Additional classes are scheduled to take place in September 2013.

## Emphasis Programs

### Tribal Outreach Training

New Mexico's diverse culture includes 22 separate Native American Indian tribes from pueblos and reservations statewide. Tribal employers and members often perform work both on tribal lands and at establishments in OHSB jurisdiction. In 2013, OHSB is working with local pueblos to provide four one-day health and safety training sessions to tribal members from across the state. The first two training sessions took place at the Santa Ana Pueblo on March 12 and 13, 2013. OHSB compliance officers, compliance assistance specialists, and consultants presented separate health and safety topics. More than 100 members of different tribes attended the training each day. The third and fourth training sessions are scheduled for late September, 2013.

### Heat Stress Awareness in Agriculture

New Mexico has an ongoing relationship with other state and federal agencies, including the state's Department of Workforce Solutions, Department of Agriculture, the New Mexico State University Cooperative Extension Service, and federal Department of Labor, in outreach services for agricultural employers and employees in southern New Mexico. During the 2013 growing season, OHSB has worked with the New Mexico Chile Association and individual employers to deliver heat stress prevention materials to employees, including water bottles and other items with the message, "water, rest and shade".



### Hospitals and Nursing Care

The New Mexico Occupational Health and Safety Bureau (OHSB) initiated a local emphasis program in 2012 to address high injury and illness rates in hospital, nursing and residential care industries, which are anticipated to continue experiencing high employment growth rates and high injury and illness rates within the state. Information obtained from the New Mexico Department of Workforce Solutions projected employment growth between 2007 and 2017 for personal care to be 29.4% and healthcare support growth to be over 20%. The directive was initially issued in 2012 to include the hazards of ergonomics, bloodborne pathogens (BBP) and slips, trips and falls. OHSB added the hazards of workplace violence, chemical hazards, and non-BBP multi-drug resistant organisms (MRDOs) in 2013, following issuance of the federal OSHA National Emphasis Program for care facilities. One major difference between the federal and state directive is that New Mexico includes hospitals as part of its inspection targeting process.

### Solid Waste

OHSB's emphasis program in the waste management industry has been in place since 2007 due to high rates of injuries and fatalities. The state has conducted more than 80 inspections since implementing the program. In addition to enforcement activities, OHSB provides training to employers and employees, both private and municipal, several times each year during operator certification courses across the state.



## Enforcement

### Oil and Gas

Production continues to increase in both the Permian and San Juan formations in New Mexico, OHSB has accordingly increased inspection scheduling at rig sites over the past year. The oil and gas industry continues to experience the greatest per capita fatality rate in the state.

### Refineries

There are currently two refineries operating in New Mexico and each has been inspected under the state's local emphasis program, which mirrors the federal program for refining. Both facilities have also experienced accidents which resulted in either multiple employee hospitalizations or fatalities within the past ten years. OHSB will continue its emphasis program to inspect each refinery.

### Review Commission Decision

Following a hearing in a case against a highway paving company on January 16, 2013, the New Mexico Occupational Health and Safety Review Commission determined that employee actions leading to the violation were not reasonably foreseeable and dismissed the general duty citation issued to the company. The citation arose from an accident where an employee used the bucket of a front loader to access a bin at an asphalt plant. The employee fell onto the tines of the bucket and subsequently died of related injuries. The citation alleged that the company had not taken reasonable steps to prevent employees from using the loader bucket as a work platform. ◆



# New York

Division of Safety and Health – DOSH

## Signature Projects

### Emergency Preparedness

The New York State Department of Labor, Division of Safety and Health (DOSH) Crisis Response Team provides support to local and state emergency responders. On October 28, 2012 as Hurricane Sandy traveled up the eastern Atlantic coast and made landfall in NYC, many closings were announced in preparation for this storm. The New York Stock Exchange, Broadway, public schools and mass transit were all closed as Sandy approached. Mayor Bloomberg evacuated approximately 350,000 people from low lying coastal areas known as Zone A and additional evacuations were also made in Long Island.

On October 27, 2012 a couple of days before landfall, Hurricane Sandy was downgraded to a post-tropical cyclone which may have lessened the public's perception of the storm's severity. Superstorm Sandy was over 800 miles in diameter; after landfall, the mid-Atlantic coastal regions were left with at least 650,000 houses either damaged or destroyed. Overall 8.5 million people were left without power as a result of the storm. On November 8, 2012 as New Yorkers recovered from the damaging effects of Superstorm Sandy, a second round of power failures were caused by a winter nor'easter storm causing more than 100,000 additional power outages.

On October 27, 2012 the DOSH Crisis Response Team was activated to assist with the Hurricane Sandy Response at the New York State Emergency Operations Center (EOC). During our activation DOSH responders represented the Department of Labor by working 12 hour operational periods during both the day and night shifts for 20 straight days at the EOC. Besides manpower, the DOL provided trucks, fork lifts and drivers to fill request for assistance from the impacted areas.

On November 8, 2012 DOSH activated additional responders to perform safety and health surveys within the New York City 5 boroughs and within affected areas of Long Island. The

DOSH Crisis Response Team provided 5 teams (15 responders) to assist public employers and employees who were impacted by the storm. Approximately 110 safety and health surveys were completed, assisting 30 different government agencies from November 8th through deactivation starting on December 5, 2012.

During the response contact was maintained on a daily basis with the Occupational Safety and Health Administrations (OSHA) as well as the New York City agencies impacted. This included sharing information on the work being performed by employees and to share guidance and outreach information with public employers in the effort to keep all responding employees safe.

Throughout the activation period, DOSH responders assisted by performing hazard and PPE assessments, and by sampling and monitoring for asbestos, carbon monoxide, hydrogen sulfide and other contaminants. In total 33 different DOSH responders worked a total of 2585 regularly scheduled hours with an additional 335 overtime hours. Based on the assessment reports the concerns that were identified most frequently were related to a lack of PPE and not over exposures from noise or hazardous atmospheres. The maps below show the locations of each safety and health survey performed by the DOSH Crisis Response team during our Superstorm Sandy Response.

### Emphasis Programs

The Public Employee Safety and Health Bureau (PESH) engaged in three different emphasis programs in 2012 through the use of strategic planning committees. The PESH Strategic Plan began in 1998 and continues to be the largest and most long lasting initiative. The overall goal of the committees is to reduce the fatalities, accident, illness and DART rates within targeted industries. The committees review the recordable lost work time data to identify the most significant types of injuries

and illnesses and the most hazardous public occupations. Specific employers are identified and are offered a free consultation to help reduce not only the number of injuries but the seriousness as well.

Over the past several years the data have been refined and queries have been developed which allows trending of injuries and illnesses. Through this effort the strategic plan committees have been able to develop site-specific training. In some cases this data was used to estimate the cost of lost wages in an effort to assist employers in building the business case for implementing safety and health programs or specific training programs. The data from the SH 900 Log of Work Related Injuries and Illnesses (New York's equivalent to the OSHA 300 Log) and the SH900.1 Summary of Work Related Injuries and Illnesses has also been used to develop a list of facilities targeted for inspection.

One common challenge within all three strategic planning groups pertains to the quality of information being obtained from the employer's SH900, improper reporting is still very common across the board for all industries. One focus of each PESH Strategic Planning Committee has been to provide outreach and training on record keeping compliance.

### **Fire Protection/Ambulance Service**

This committee continues to focus on reducing injuries and fatalities to workers, including both paid employees and volunteers who provide these services. The annual goal of this committee is to decrease the Injury and Illness Rate by 1.0% per year. By working with employers to improve the accuracy of their injury and illness reporting data, the committee will be able to better identify the employers with the highest DART rates and the most significant types of injuries.

In FY 2012 much effort was invested in developing compliance assistance material for the NYS Emergency Escape and Self Rescue Ropes Law. The committee partnered with the Department of Homeland Security, Fire Protection Bureau to develop an online training video that highlights various sections of the standard and includes live bail out demonstrations with suggestions on training programs. The video can be viewed at: <http://labor.ny.gov/workerprotection/safety-health/Firefighter-Emergency-Escape-Systems.shtm>.



### **Police Protection**

Calendar year 2012 was the first full year for the PESH Police Protection Strategic Plan (NAICS 922120). Much of the committee's efforts have been focused on obtaining SH 900 and SH 900.1 data from the various county level police departments and identifying contacts within these agencies. All logs and summary reports have been collected for 2010 and 2011. The committee is in the process of reviewing the data for trends. This information, coupled with existing research, literature and hazard recognition will be used to develop strategies to help reduce injuries in this sector.

A member of this committee encountered a bloodborne issue relating to TASER darts while conducting an inspection at a police department. They researched this hazard and started to develop a TASER Dart Hazard Advisory based on the information found. This advisory explains how the TASER dart penetrates the perpetrator's skin, when removed; the dart could be contaminated with blood or potentially infectious body tissue. The used dart would then be considered a contaminated sharps and the employer is now responsible for addressing this work task within their Exposure Control Plan.

This committee also identified an apparent increase in police officer suicides which has received considerable media coverage. Teams were formed within the committee to begin collecting materials on these subjects. A Beta version of a PESH Law Enforcement Resource CD has been developed to provide resources for employees and employers within this industry.

## Healthcare

The PESH Healthcare Strategic Plan originally focused on occupational injuries and illnesses in county nursing homes and state veterans' homes (NAICS 623110). Recently the committee has expanded their efforts to include NYS Office of Mental Health and the NYS Office for People with Developmental Disabilities. The initial goal was focused on reducing the Total Recordable Injury Rate; the focus now is to reduce the DART rate while continuing to track the overall injury rate.

This healthcare committee continues to strengthen its partnership with PEF, CSEA, NYS Zero Lift Task Force, NYCOSH, WNY-COSH, and Kaleida Health. The committee partnered with NYSNA and the NYS Zero Lift Task Force to co-sponsor the Safe Patient Handling conference scheduled for April, 2013. Finishing touches have been made to latest Healthcare CD.

During FFY 2012 this committee conducted four nursing home NEP inspections. Two General Duty violations related to musculoskeletal injuries linked to patient handling were issued as a result of the Nursing Home NEP. Additionally, numerous violations of the PESH Workplace Violence Prevention regulation were issued. This committee also followed-up on violations issued as a result of the Recordkeeping NEP inspections conducted in the previous year.

## Enforcement

PESH conducted 2,057 inspections in FFY 2012, a 17% increase from FFY 2011 when there were 1759 inspections conducted. There were 4783 Notices of Violations issued in FFY 2012 which is a 24% increase from FFY 2011 (3856 Notices of Violations issued). This resulted in a 21% increase in the number of employees covered by PESH inspections.

PESH investigated 403 complaints in FFY 2012, 382 in FY 2011 which is a 5.5% increase.

PESH performed 375 consultations in 2012, which is a 9% increase from the 345 consultations conducted in FFY 2011. In addition to consultation visits, PESH staff conducted 221 outreach visits compared to 228 in FFY 2011. The New York State Workplace Violence Prevention rule continues to be an emphasis for programed inspections. In 2012 the Workplace Violence Standard became the most commonly cited standard by being cited 761 times. Employers are required to perform a workplace assessment, create and post a Policy Statement, develop a written program and provide employee training.

During FFY 2012 an inspection at one state agency resulted in Lock Out/ Tag Out and Safe Electrical Practices citations being issued at 13 different facilities state wide.

## Outreach

In 2012 DOSH participated in the StormWest multi-agency functional exercise that was designed around a hurricane response. DOSH responders provided various Fact Sheets, PPE assessment information and a Health and Safety Plan to the participating County Emergency Operation Centers. The exercise was used internally as a training tool for new DOSH employees and also as a vehicle to showcase the DOSH services available to the local emergency response community.

## Statistics

Based on the Bureau of Labor Statistics, the Total Recordable Injury and Illness Rate decreased from 7.3 in 2010 to 7.1 in 2011 for public sector employment in NYS. The DART remained the same at 4.4 during this same period. ◆



# North Carolina

Occupational Safety and Health Division – OSHNC

## Signature Projects

In recent years, budget cuts at both the state and the federal levels have had a significant impact on North Carolina Occupational Safety and Health (OSH) Division's program operation and the state's ability to achieve both outcome and activity goals. The most recent impact on program funding was the federal sequestration budget cuts. Realizing the negative impact the accumulation of budget cuts have had on the state program, the North Carolina Commissioner of Labor, Cherie Berry, went directly to the North Carolina General Assembly to request additional state funding.

To most observers, the possibility of any state agency in North Carolina receiving additional funding was remote at best. Nevertheless, the Commissioner moved forward with the budget request. She advanced with the philosophy that even in tough economic times it is possible that there are certain programs that warrant additional funding instead of cuts. With this in mind, the Commissioner went about selling the program's value. At the end of the day when budget negotiations were completed and a final budget was signed by the Governor of the State, the supplemental funding that seemed like a greater than remote possibility was realized. The North Carolina Department of Labor (NCDOL) was awarded an additional \$500,000 in state funds to replace the Federal budget cuts that all state programs have realized.

## Emphasis Programs

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

The success of this outcome-driven Strategic Plan is measured by comparing baseline data with subsequent years' data over a five-year period of time. Work-related fatalities in North Carolina have decreased in the special emphasis areas since 2008, the baseline year. In FY 2012, the total numbers of fatalities dropped from the baseline number of 47 to 35 resulting in a 26% reduction. In construction, fatalities decreased from 17 in 2008 to 10 in 2012, and the number of logging fatalities has decreased from 3 in 2008 to 2 in 2012. The state's most recent Total Recordable Case (TRC) rate dropped to 3.3 which represents a historical low for the state program.

## Enforcement

Enforcement is an integral part of the North Carolina State Program and includes intervention in both the private and public sector. In 2012, the OSH Division conducted 4,236 safety and health inspections, and 7,449 serious violations were identified and abated as a result of compliance intervention. Enforcement efforts support each area of emphasis included in the Strategic Plan with specific activity goals.

With limited resources and over 250,000 establishments in North Carolina, the Strategic Plan ensures that enforcement activity is assigned where it can have the greatest benefit and impact beyond a specific inspection. Investigations that result in the identification of specific hazards that can be found at other similar sites receive additional attention. This attention includes putting these sites in a program that identifies them for distribution of educational materials specific to their industry. This material can take the form of Industry Guides, Hazard Alerts, Brochures, Quick Cards, and Fact Sheets. As an example, the most recent Hazard Alerts distributed to industry groups included the following topics: 1-Bromopropane, Carbon Monoxide, Heat Stress, and Combustible Dust.



*Educational Material Available from the NCDOL*

### **Food Manufacturing Facility Inspected**

Enforcement inspections are designed to eliminate hazards in the work place. A 2012 inspection was conducted at a food manufacturing facility in response to a workplace fatality. An employee died as a result of exposure to hydrogen sulfide gas while in the process of removing waste water by truck to a city waste water treatment plant.

Food processing facilities are designated as an area of special emphasis within the state's Strategic Plan. For this reason, specific guidance has been provided for conducting inspections in food manufacturing facilities. The guidance includes operations most likely found at food processing facilities which include hazards related to chemical exposures, ergonomics, machine guarding, and process safety management.

This systematic approach to the inspection process at this specific facility resulted in three willful and seven serious violations documented with \$238,125 in proposed penalties. In settlement negotiations, the employer agreed to monitor the work environment, take the necessary preventive measures, and properly train employees to ensure that a similar accident does not occur again. By targeting those industries with the highest

injury and illness rates including food manufacturing, and sharing hazard information within industry groups, hazards that cause serious injury, illness or death can be eliminated from the work place.

## **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 various locations such as employer worksites, community colleges, and OSH Division field offices. In 2012, 9,735 employers and employees were trained, including 3,743 in special emphasis program areas. Training is offered in both English and Spanish.

To ensure adequate focus for special emphasis programs, ETTA developed industry-specific presentations and made training more available and efficient through online courses. Training outreach has expanded to workers in high-risk industries such as construction, logging, arboriculture, and agriculture by using Labor One, a mobile training unit, at or near job worksites.

Because of the initial success of the Train the Trainer State Program for General Industry and Construction, the OSH Division offered the program again in August and September 2012. This program leverages OSH staff and reaches employers/employees who may not be able to attend OSH 10 and 30 hour courses. In FY 2012, 171 additional students were trained through the program. Since the program has been highly successful, ETTA plans to offer the program every Fall at no cost. It will continue to target industries that are in North Carolina's special emphasis programs which allow the attendee to conduct 10 and 30 hour courses for their employees.

The ETTA Bureau maintains more than 60 standardized safety and health presentations, available to the public for download via the NCDOL website. The employer is encouraged to tailor the presentations to meet their specific needs. In FY 2012, ETTA continued developing standard presentations for the Spanish speaking work force including Fall Protection, Caught In-Struck By, PPE, and Electrical Safety.



*OSHNC 30 Hour Course in Pitt County, North Carolina*

### **Education Materials**

The OSH Division distributed 66,913 publications and responded to 15,247 phone calls as part of outreach services during FY 2012. New publications developed and available for free download from the website include safety and health management program industry guides for all special emphasis program industries along with guides for the public sector, and medical and dental offices. Industry guides were developed for construction and general industry standards that have special requirements such as programs, inspections, tests, training and recordkeeping. New posters were developed covering the big 4 in construction, prevention of struck by injuries, and heat related illness. Heat prevention and fall prevention wallet cards were developed and distributed during outreach events. All publications affected by technical amendments were identified and updating started in the spring of 2012.

A DVD on farm safety, the fifth to be produced by the Agricultural Safety and Health (ASH) Bureau, was completed in English and Spanish during the 2012 growing season. All previous DVDs created by ASH, including heat stress prevention, forklift safety, green tobacco sickness identification and prevention, are also available using YouTube.

### **Library**

The NCDOL Library circulated 2,802 safety videos (including 303 in Spanish), responded to 2,180 information requests, handled 477 reference questions, and served 739 walk-in patrons in FY 2012. Additionally, the library acquired labor-related publications and safety DVDs as part of its mission to promote safety and health training. New videos were posted on the NCDOL Facebook page and tweeted through its Twitter account.

## **Recognition Programs**

### **Carolina Star**

The Carolina Star Program encourages employers and employees in their efforts to reduce hazards, institute new programs, and perfect existing programs for providing safe and healthy working conditions. With higher participation requirements than the Federal OSHA Voluntary Protection Program, the Carolina Star Program recognizes excellence in safety and health programs, and provides assistance to employers in their efforts to reach this highest level of distinction in safety and health. In FY 2012, fourteen new companies were awarded and recognized as Carolina Star, Rising Star, Building Star, or Public Sector Star sites. At the end of FY 2012, there were a total of 147 Star sites in the State.



*Carolina Star Conference held in September with over 600 participants*

### **Safety Awards Program**

The Safety Awards Program recognizes private and public sector firms throughout North Carolina that achieve and maintain good safety records. The program is designed to stimulate interest in accident prevention and to promote safety in the workplace by providing an incentive to employers and employees to maintain a safe and healthful workplace. The program has been in operation since 1946 and currently extends to more than 3,000 firms. In FY 2012, 2,826 safety awards were distributed.



*Commissioner Cherie Berry at the Monroe, NC Safety Awards Banquet*

### Gold Star Growers

In FY 2012, the Eighteenth Annual Agricultural Gold Star recognition program was held with 83 Double Gold Star Growers nominated, and an additional 116 were invited as recipients of a Single Gold Star. Growers receive Gold Star designation when they are in full compliance at the time of their preoccupancy inspection conducted by the ASH Bureau.

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

SHARP continues to expand in North Carolina. NCDOL recognized 61 SHARP sites in FY 2012, including 18 new sites. Part of the expansion included a new Public Sector SHARP Program in which the Consultative Services Bureau (CSB) awarded SHARP status to four public sector employers that represented ten work locations. The CSB also developed a Construction SHARP Program which was approved as a pilot program. Currently, there are 111 SHARP sites in North Carolina.



*North Carolina Site Receives SHARP Designation*

### Partnerships and Alliances

North Carolina had 12 active partnerships and alliances in FY 2012. The NCDOL develops partnerships with general contractors of a construction project that have good safety and health programs while alliances are generally established with industries that are in their special emphasis program areas or provide outreach assistance in those areas.

Ongoing partnerships in 2012 included Barnhill Contracting Company/Balfour Beatty – Justice Center, Flatiron Construction Corporation/Lane Construction Corporation – Yadkin River Bridge Project and Raleigh-Durham Road Builders

– Western Wake Freeway. The Barnhill Contracting Company/Balfour Beatty – Justice Center and Durham Road Builders – Western Wake Freeway partnerships were successfully completed in FY 2012.

In FY 2012, a new alliance was signed with the North Carolina Department of Health and Human Services' (DHHS) Caswell Developmental Center in Kinston, North Carolina. The alliance will promote training and outreach toward preventing injuries and illnesses in the long term care industry.

Active alliances now include the Carolinas AGC, Forestry Mutual Insurance Company, DHHS Caswell Developmental Center, Lamar Advertising



*Commissioner Berry with OSHNC Staff and the NC Home Builders Association*

Company, N. C. Forestry Association, N. C. Home Builders Association, N. C. State University/Industrial Extension Service, N. C. Utility Contractors Association, and the Safety and Health Council of North Carolina.

The ASH Bureau continues to strengthen associations with groups such as the North Carolina State University Cooperative Extension Service, the East Carolina University Agro-medicine Program, and the Office of Rural Health.

### Consultative Services

The Consultative Services Bureau provides free on-site safety and health intervention for primarily small employers in both the private and public sector. This activity can include full-service safety and health surveys. The Bureau helps employers meet current OSHA safety and health regulations by assisting in the development and strengthening of safety and health programs. In FY 2012, CSB conducted 1,242 consultative visits and 328 safety and health interventions which included speeches, training, and similar outreach efforts. ◆

# Oregon

Occupational Safety and Health Division – Oregon OSHA

## Signature Projects

From singing restaurant workers to a quirky teacher passionate about lifting techniques, Oregon OSHA has created four new videos to educate young people about common workplace hazards.

After winning a top prize two years in a row in the Oregon Young Employee Safety video contest, 19-year-old Austin Coburn was hired to produce short videos to engage youth in safety and health topics. Coburn, who is studying filmmaking in college, produced four videos during his internship that use humor, original music, and special effects to engage young workers. The topics cover general awareness for teens about speaking up on the job, safe lifting, ladder safety, and restaurant safety.

To watch the videos, go to:

[http://www.youtube.com/playlist?list=PLM-1D0lwVypsrGzJ3OM\\_0BTpkIH7Hb3YiT](http://www.youtube.com/playlist?list=PLM-1D0lwVypsrGzJ3OM_0BTpkIH7Hb3YiT).

## Enforcement

### Methylene chloride exposures in bathroom refinishing

One worker died and another became sick after an exposure to methylene chloride while performing separate bathroom resurfacing projects in Oregon. In January 2013, the victim in the first incident was discovered hunched over the bathtub by the homeowner after vapors from a methylene chloride stripper overcame him. He was not wearing a respirator and was working in a small bathroom with a ceiling fan and closed door. He never regained consciousness and died in the hospital.

In the second incident, a worker finished applying methylene chloride to a sink in a bathroom with no fan and a window opened just a few inches. The homeowner called for help after the worker became incoherent. The worker was not wearing a respirator.

Oregon OSHA cited both companies for not conducting respirator evaluations and for not training employees about the risks of methylene chloride. In the fatal incident, the employer was also cited for not spending enough time conducting field checks.

Many stripping products, including those found over the counter, contain high percentages of methylene chloride. Use of these chemicals in bathrooms is dangerous, particularly because bathrooms are often small, with little or no ventilation. Oregon OSHA created a hazard alert to address these concerns: [www.orosha.org/pdf/hazards/2993-30.pdf](http://www.orosha.org/pdf/hazards/2993-30.pdf).



### Bluehour Restaurant

A bartender suffered second-degree burns at an upscale Portland restaurant when a large container filled with alcohol shattered on the counter and generated a flash fire with nearby tea light candles. The restaurant used the large glass containers at the bar to create alcohol infusions with a mixture of fruit, grain alcohol (commonly known as Everclear), and vodka. The container didn't have a spigot and was kept on the bar for decorative purposes.

At the time of the accident, the bartender grabbed a bottle of alcohol and nicked one of the large containers filled with the alcohol infusion. The glass container shattered and alcohol poured

out onto the bar counter and down the front of the bartender's clothing and body. Fire spread across the counter when the alcohol fueled nearby candle flames. The fire quickly reached the victim and his alcohol-soaked clothing.



Oregon OSHA cited the restaurant for storing more than one gallon of a flammable liquid in a container not approved by the Department of Transportation and for placing multiple open flames next to flammable liquid. Candles were placed directly under and around the glass containers stored on the bar.

Oregon OSHA consulted the fire marshal during the inspection, which determined the volume of alcohol, combined with the type of vessel and candle placement, was a violation of local and state fire guidelines.

## Outreach

### Oregon Governor's Occupational Safety and Health Conference

The Oregon Governor's Occupational Safety and Health (GOSH) Conference was held March 4-7, 2013, at the Oregon Convention Center in Portland. It is one of the largest conferences of its kind in the Pacific Northwest and featured more than 150 workshops and sessions.

This year, more than 1,700 attended the conference, up from the previous event. The conference featured session tracks on specialties such as utility work, construction, emergency preparedness and response, agriculture, and health care. Jeff "Odie" Espenship delivered the keynote address, "Getting Back to Basics is Vital to Superior Performance — It's the Little Things that Matter."

An author, renowned speaker, and former U.S. Air Force fighter pilot, Espenship motivated audience members to rethink and refocus their work behavior.

Trained forklift drivers also competed in the Columbia Forklift Challenge, an obstacle course designed to test their skills and safe operation.

### Safety Break for Oregon

About 70 organizations participated in Safety Break for Oregon on May 8, 2013, by hosting training events, award presentations, and safety fairs. Oregon OSHA coordinates Safety Break to raise awareness and promote the value of safety and health in preventing on-the-job injuries and illnesses.

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

## Partnerships

### FACE Program

Oregon OSHA is partnering with the Oregon Fatality Assessment and Control Evaluation (FACE) Program (NIOSH funded) to improve the quality and quantity of fatality investigations. The FACE program is designed to deepen the understanding of factors that contribute to workplace injuries and deaths and to identify more proven strategies for prevention.

FACE program researchers will be provided access as a silent observer to select fatality investigations and will be able to make suggestions to Oregon OSHA investigators about questions that should be explored. The FACE program will not publish any information until the Oregon OSHA investigation report is public. Oregon OSHA can also nominate compelling closed cases for follow-up and further investigation. Program priorities include any fatality in the Portland metro area, falls in residential construction, and workers 65 and older involved in transportation or mobile machinery events. Ultimately, the partnership will result in new outreach and educational materials surrounding workplace fatalities. ◆

# Puerto Rico

Occupational Safety and Health Administration – PR OSHA

## Enforcement

### Inspections and Discrimination Complaints

To achieve our goal of assuring a reduction in hazardous exposures, injuries, illnesses and fatalities for FY 2012, PR OSHA conducted 1,600 inspections. Two willful violations, 73 repeat violations, 1259 serious violations, 1966 other-than-serious and two failure-to-abate violations were issued with a proposed penalty of \$2,112,560. Additionally, Puerto Rico suffered five fatalities in the construction industry and were investigated. Twelve discrimination complaints were received and completed during FY 2012.

### Local Emphasis Programs

Our new strategic plan includes three new LEPs and we continued with Public Sewage and Water Treatment Plants emphasis:

**General Medical Services in the private sector.** During FY 2012, PR OSHA inspected 32 establishments. 22 out of the 32 establishments were cited with a total of 88 violations: 63 serious violations and 22 other-than-serious violations.

**Limited and Full Service Restaurants in the private sector.** During FY 2012, PR OSHA inspected 240 establishments. Out of the 240 establishments, 148 were cited with a total of 1006 violations: 291 serious violations, 442 other-than-serious violations and one repeat violation.

**Emergency Preparedness and Management Offices in the public sector.** During FY 2012, PR OSHA inspected 57 establishments. Out of the 57 establishments, 42 were cited with a total of 237 violations: 113 serious violations and 124 other-than-serious violations.

**Public Sewage and Water Treatment Plants in the public sector.** During FY 2012, PR OSHA inspected nine establishments. Out of the nine establishments seven were cited with a total of 76 violations: 57 serious violations and 19 other-than serious violations.

## Outreach

### SHARP

FY 2012 was again a great year for PR OSHA's SHARP Program. Two new establishments were approved; two new sites were certified and nine others were re-certificated for a total of 21 companies participating in the SHARP.

### Training and Education Initiatives

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

We have delivered 68 training sessions in different workplaces, as requested by employers. The participation was as follows:

- 612 – employer representatives,
- 1319 – employees,
- 483 – students and,
- 10 – general public.

Also, we delivered 32 training sessions open to the general public in Hato Rey, Ponce and Humacao. The participation was as follows:

- 1088 – employer representatives,
- 380 – employees,
- 149 – students and,
- 101 – general public.

### Voluntary Protection Program

PR OSHA has 17 VPP participants at Guanin level (Star equivalent).

During FY2012, PR OSHA evaluated and approved two new VPP in the Guanin level: Torcon, Inc. (In the facilities of the Menonita Hospital, Cayey) a construction project was approved at Guanin level on May 16, 2012. Hamilton Sundstrand in Santa Isabel was approved at Guanin level on March 22, 2012.

Two participants were evaluated and reapproved in the Guanín level: Pfizer Pharmaceutical in Guayama and Veolia SE Technical Solutions in Caguas were reapproved for continuation.

#### **Door to Door in Construction Initiative**

The Door to Door initiative continues to be favorably accepted by employers in the construction industry. The Door to Door Construction Industry initiative is designed to promote safety and health through on-site consultation visits to general contractors in construction projects with 50 or more employees, which last for 12 months or more. The general contractor shall demonstrate an interest in complying with the safety and health standards and regulations, and a commitment towards the protection of the working force. Nine construction projects were accepted to participate in the Door to Door Initiative during FY 2012.

## **Alliances**

We continued working with the 3M Puerto Rico, Inc. and the Department of Professional Development and Continuing Education of the Professional Engineers and Land Surveyors Association of Puerto Rico (CIAPR) to provide employees and employers with information, guidance, and training sessions that will help employers to protect employees. Particular emphasis was given to reduce and prevent exposure to hazards involving personal protection, specifically respiratory and hearing protection; eye, face and head protection in the construction and general industry, as well as in confined spaces and welding processes; emergency response and domestic preparedness; and pandemic avian flu or influenza issues. ◆

# South Carolina

Occupational Safety and Health – SCOSH

## Enforcement

Enforcement is an integral part of the South Carolina State Plan and includes intervention in both private and public sectors. In fiscal year 2012, South Carolina OSHA conducted 1,084 inspections/investigations. During this period, 915 or 84% safety-related inspections and 169 or 16% health-related inspections were conducted. Statistics show the following:

- 748 Planned Inspections
- 160 Complaint Inspections
- 39 Accident and Fatality Inspections
- 26 Referral Inspections
- 57 Follow Up Inspections
- 20 Unprogrammed-Related Inspections
- 34 Programmed-Related Inspections

During these inspections, 1,849 violations were issued. Of these violations, 1,254 or 68 % were serious violations, 588 or 32% were other-than-serious violations, and seven or .4% were repeat violations. Adjusted penalties for these violations were \$656,070.00.

## Significant Inspections

### Sanders Brothers Construction

On March 6, 2012 at approximately 6:30 a.m., an employee was preparing to perform maintenance on the pug mill located at the Berkeley County asphalt production plant of Sanders Brothers Construction. This was not the employee's normal job task. The pug mill was used to make special asphalt mixtures which required the addition of lime. The employee was to visually inspect and replace any worn paddles which

were located in a trough-like housing at the pug mill which measured approximately 56 inches wide by 109 inches long and 36 inches deep.

The employee was replacing the ends of worn paddles with new paddles at the time of the incident. The paddles are used for mixing all of



the raw materials that will be used to produce a certain grade of asphalt. There are approximately 100 paddles in the lime pug mill/lime mixer. These pieces of the machine were referred to as paddles, pedals and tips by employees and employers of Sanders Brothers Construction. Although the terms were used interchangeably, they referred to the same piece of equipment in the pug mill which is housed on shafts.

This type of maintenance was performed every 500 hours of operation. The employee began his maintenance work at approximately 7:45 a.m.

The employee was receiving tools and parts from other employees who were located outside of the trough. At about this same time, another maintenance operation was being conducted on collect auger number two of the bag house which was located approximately 60 feet away from the area where the first employee was working. A second employee working on the collect auger requested the assistance of another employee to bump test the collect auger. The second employee entered the electrical room which was approximately 80 feet away from the area that the first employee was performing maintenance. The second employee removed the lock attached to the breaker which controlled the energy of the pug mill instead of the lock attached to the breaker corresponding to the collect auger.



The accidental start-up of the machine occurred by energizing the pug mill WEG brand motor one. The paddles in the pug mill began to rotate. The rotation of these paddles caused the first employee to become pinned within the pug



mill at approximately 9:59 a.m. He suffered extensive trauma to his lower body and extremities as a result of the paddles digging into his tissue. By 10:11 a.m., the Pine Ridge Fire Department

responded to the incident and attempted to extract the first employee from the pug mill. The employee was pronounced dead at Trident Medical Center at approximately 11:35 a.m. from cardiopulmonary arrest and hemorrhaging.

#### **ATI Allvac**

On June 26, 2012, two heat treat operators at a metal alloy manufacturing facility were monitoring the progress of steel rectangles cooling in a cryogenic nitrogen box. The cryogenic nitrogen box was used to super cool metal at a controlled rate. It was determined that the thermocouple in the back right corner of the box was giving readings outside of the acceptable range of 0-30 degrees. The first employee went out to the nitrogen box to service the thermocouple that was reading approximately -40 degrees.

The nitrogen box was constructed of steel and plywood and was designed by ATI Allvac in 1998. The nitrogen box was approximately 26' in length, 6'6" in width, and 4'10" in height (lid closed). When the lid was open, the employee must step up 17" into the box. The size of the opening for the employee to enter was approximately 26' in length and 6'1" in height. The internal width of the box was approximately 5'6". There were a total of seven risers inside of the box. Each riser was approximately 10" in height. The condition inside of the nitrogen box was icy/slippery on the metal walking surface and the area was poorly lit. The lid on nitrogen box was 3,800 pounds and was lifted by two Hydro-Line Single Acting Standard pneumatic cylinders (1-3/8" diameter rod, 40" Stroke, 6" Bore) on the right and left sides of the box. The pressure of the air going through the flexible air hose was 98-105 psi.

The flexible air hose rated at 200 psi was attached to a hard line using a brass coupling and a HS10 Dixon worm gear clamp rated up to 30 psi. The psi rating of the brass coupling connecting the hard line to the flexible air hose was 150 psi. According to the manufacturer, the worm gear clamp was not adequate to hold the hose in place at a pressure of 98 psi.

The first employee entered inside the nitrogen box to reposition and secure the thermocouple. The employee did not engage the safety arms while adjusting the thermocouples on the steel rectangles inside the box. When the hose clamp failed, the lid to the box closed and the heat treat operator was asphyxiated due to nitrogen inhalation. Secondary injuries were related to extreme cold, but were not the cause of death. Two maintenance workers found the heat treat operator 30 minutes to one hour after the accident occurred.

There were four violations of OSHA standards related to the accident. Citations were issued for failing to develop machine specific lockout procedures and for failing to engage the safety arms. An additional citation was issued for failing to install locking pins or other mechanisms to secure the lid of the nitrogen box in place. A final citation was issued for failing to train employees on the procedures for isolating the nitrogen box.

## Outreach

During this fiscal year South Carolina Voluntary Programs (SC OVP) conducted a total of 550 training classes for private and public sector employers/employees. A total of 14,997 employees were provided training.

SC OSHA Voluntary Programs 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.

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

SC OSHA Voluntary Programs consultation staff conducted 965 total visits resulting in 4758 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 the total to nine sites.

Ten Palmetto Star VPP re-evaluations were conducted during 2012 with all sites receiving recommendation for continued participation in the program. Despite having the strictest requirements in the nation, South Carolina currently has 41 recognized Palmetto Star sites.

SC OSHA partnered with SC Manufacturing Alliance and The National Safety Council to present a three day Workforce Safety Conference. The third annual safety conference was held March 5-7, 2013 and there were over 200 attendees. The workshops concentrated on best practices and specific safety topics that appealed to the companies with mature safety programs as well as companies that are starting from the ground level. The conference was a huge success and the 4th annual safety conference is already in the final planning stages.

## Partnerships

South Carolina's OSHA Office of Voluntary Programs began a partnership with KBR Building Group (formerly the BE&K Building Group) on August 6, 2012. KBR Building Group is providing construction management at risk services for a new six-story Intensive Care Unit (ICU) bed tower, designated the McLeod Center for Intensive Care. In February, KBR Building Group had an outstanding safety record of more than 500,000 man-hours without a lost-time incident. This partnership has helped reduce the TCIR and DART for the construction industry and has given the small contractor access to OSHA training and proven safety systems. These contractors will utilize the knowledge gained from the KBR partnership on future construction projects. This partnership continues to be successful. ◆



*South Carolina OSHA Administrator, Dorothy Ison signing partnership with KBR Building Group (formerly the BE&K Building Group) on August 6, 2012.*



# Tennessee

Occupational Safety and Health – TOSHA

## Signature Programs

Tennessee OSHA, with the Tennessee Chapters of the American Society of Safety Engineers, co-sponsored the 36th annual Tennessee Safety & Health Congress. The event was held at the Gaylord Opryland Hotel and was attended by more than 1,000 attendees and 120 exhibitors. The event included an exhibit hall and more than 60 classes and seminars covering a variety of workplace safety and health issues. The purpose of the Safety & Health Congress is not only for attendees to have an educational experience through the classes and exhibit hall, but also to network and learn from each other in the hopes of creating safer workplaces across the state.

## 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 partial list of these programs:

### Excavation Safety

All compliance officers, including industrial hygienists are trained to identify cave-in hazards and are authorized to conduct inspections and interventions when they observe such hazards. Tennessee has investigated one fatal injury from a cave-in since 2005.

### Noise

During FY 2013, noise exposures were reduced for employees and improvements were made to hearing conservation programs across the state. All compliance officers, including safety compliance officers, are trained to identify and evaluate employees' exposure to workplace noise.

### Carbon monoxide

Tennessee OSHA's special emphasis program on carbon monoxide exposure resulted in the reduction or elimination of carbon monoxide exposure to 379 employees during FY 2013.

### Fall protection

All compliance officers, including all industrial hygienists, have received specific training in the identification and abatement methods of fall hazards. TN OSHA investigated eight fall related fatalities in FY 2013.

### Amputations

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

## Enforcement

During FY 2013, Tennessee OSHA performed 1,808 workplace inspections. During these inspections 6,852 hazards were identified and penalties of \$2,559,810 were assessed. Unpaid penalties are assessed a late fee of 10% at 30, 60, and 90 days and statutory interest is assessed until the penalty is paid. Unpaid penalties are forwarded to the state attorney general's office for collection.

Both the DART and TCIR rate for Tennessee fell in 2011. The DART rate is below the national average and dropped from 1.9 percent to 1.7 percent. The TCIR rate is in line with the national average at 3.5 percent, dropping from 3.7 percent.

## Outreach

### Consultation

Tennessee OSHA performed 414 consultation visits and identified 3,375 hazards. As required by statute, penalties are not assessed for violations identified by the consultation program.

### VPP/Volunteer STAR

During FY 2013, Tennessee Volunteer STAR Program conducted 13 safety and health evaluations. Two were initial VPP evaluations and 11 were re-certifications of existing sites. A fourth of the re-certification visits also required process safety management (PSM) reviews.

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

The Tennessee Dept. of Labor and Workforce Development continues to use Special Governmental Employees (SGEs) on VPP evaluations. Using SGEs has reduced the burden on enforcement resources as more and more companies become committed to exemplary health and safety management systems through VPP. An SGE course was conducted at the 2013 National VPPPA Conference in Nashville, and several of the graduates from that course are employed at the Tennessee VPP sites.

For the calendar year 2012, five of the Volunteer STAR sites experienced a TCIR of 0.0 and seven experienced a DART rate of 0.0. The Tennessee Volunteer STAR sites continue to maintain injury and illness rates approximately 70% below their respective current national averages. As a result, during the period from 2010 to 2012 the Tennessee Volunteer STAR sites have avoided 1,367 recordable cases and 822 DART cases by implementing an effective safety and health management system.

There are currently 38 Volunteer STAR sites.

### SHARP

During FY 2012, one new participant was added to the Tennessee OSHA Consultation SHARP Program. The SHARP program is designed for smaller employers; to be eligible to be a SHARP participant the employer must have a LWDII rate and a TRCR below average for their industry, be a single, fixed worksite, have a minimum of one-year operating history, and have an effective safety and health program in place. Historically, TOSHA's SHARP sites have effective management commitment and employee involvement. Tennessee's sites all have management styles as different as their processes, but these two core values must be in place. Many of these sites do not have a full-time safety and health manager, and some have fewer than ten employees at the site, demonstrating that it takes the workforce, not just one person, for a company to be a leader in workplace safety and health.

As of June 30, 2013, the Tennessee OSHA SHARP program had 18 participants.

### Stand Down

Tennessee OSHA cosponsored, along with several other groups, the **Caught In/Between Safety Stand Down** that took place on June 10, 2013, at 7:00 a.m. across the state. Construction employers were asked to shut down the job site and discuss the prevention of these types of injuries. Participation in the event included 125 employers, 830 jobsites, and more than 21,000 employees.

### Heat Advisory

During the summer months a **Summer Heat Advisory** was issued to remind employers and employees of the precautions that should be taken to prevent heat-related injuries and illnesses.

### Newsletter

Tennessee OSHA's quarterly newsletter, "[Together with TOSHA](#)," was mailed to 17,500 employees and employers throughout the state. The newsletter covers a variety of safety and health topics. Copies of prior newsletters are available on the Tennessee OSHA website.



Scenes from the Tennessee Safety and Health Congress

**Safety Fest**

TOSHA partnered with the Oak Ridge Business Safety Partnership to put on the first annual event known as Safety Fest. The event took place September 11-14, 2012, at the New Hope Center. The event included an array of safety and health course topics all offered for free. Tennessee OSHA provided several speakers and sponsored a booth in the exhibit hall.

**Training**

During FY 2013 Tennessee OSHA trained more than 8,400 employers and employees over a course of 313 sessions covering a wide range of workplace safety and health topics ranging

from Basic Safety to the OSHA 30-Hour General Industry Course. Tennessee OSHA maintains training partnerships with several organizations including the Associated Builders and Contractors, the Tennessee Chamber of Commerce and Industry, the University of Tennessee, the Associated General Contractors, the Tennessee Road Builders Association, and several state community colleges.

**Legislative Changes**

Governor Haslam signed a bill to update the Tennessee Right-to-Know law to align with the federal Globally Harmonized System (GHS) of classification and labeling of chemicals. ◆

# Utah

## Utah Occupational Safety and Health – Utah OSHA

The tradition of protecting our workers and improving workplace safety and health is nothing new in the great State of Utah.

By the 1950s, two decades before the creation of Federal OSHA, Utah had promulgated standards and safety orders addressing some of the most serious threats to worker's safety at that time. This proactive approach was again evident in 1973, when Utah enacted the Utah Occupational Safety and Health Act, giving Utah OSHA the mandate to administer all laws and lawful orders to ensure that every employee in this state has a workplace free of recognized hazards.

### Signature Programs

**The new face of Hazard Communication in the workplace:** OSHA's Global Harmonization Standard Federal OSHA adopted the update of the Hazard Communication standard, known as the Global Harmonization Standard or GHS on May 25, 2012. Utah OSHA adopted it on November 25, 2012. The new standard updates the existing Hazard Communication standard to make workplace chemical safety and health information more universal and enhance hazard understanding for employees.

There are some critical dates by which employers are required to take action. These are:

- December 1, 2013 – employers must train employees on what to expect for new chemical labels and Safety Data Sheets (SDS's).
- June 1, 2015 – Chemical manufacturers and importers must comply with all standard requirements except that they can sell previously manufactured materials with old labels until December 1, 2015.
- June 1, 2016 – All employers must have policies, signs, SDS's, and programs updated.

Utah OSHA offers a number of resources available to help employers understand the new standard and train their employees about the changes that will affect them.

### Outreach

#### SHARP

The Safety and Health Achievement Recognition Program (SHARP), modeled after the Federal

OSHA program, recognizes employers who operate an exemplary safety and health management system. Acceptance of a worksite into SHARP from Utah OSHA is an achievement of status that singles out the employer among business peers as a model for worksite safety and health. Upon receiving SHARP recognition, a worksite is exempt from Utah OSHA Compliance programmed inspections during the period that your SHARP certification is valid under most circumstances.

Utah recognized its first SHARP employer in 2004 and now has eleven employers in the program, including four that were added in 2012. These newly recognized businesses include Boart Longyear, Harris Rebar, Lehi City Fire and Rescue, and Western Metals Recycling.

#### Voluntary Protection Program (VPP)

The VPP promotes comprehensive workplace safety and health management systems through cooperative relationships among management, labor, and OSHA. Admission to VPP status constitutes Utah OSHA's official recognition of company management and employees with outstanding occupational safety and health management systems.

Utah OSHA proudly presents our current Utah VPP Sites: ConocoPhillips, Firestone Building Products, Frito Lay, GE Healthcare, Morton Salt, and Pacific States Cast Iron Pipe Company

#### Workplace Safety (WPS) Grant Program

Every year, the Utah Labor Commission accepts applications for grant projects or initiatives demonstrating a commitment to workplace safety (WPS). Some of the proposals may include, but are not limited to:

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

The WPS Committee of the Labor Commission has identified key priorities upon which to focus safety prevention efforts for the upcoming year. The focus is with industries and occupations that

have higher incidences of workplace accidents and fatalities such as construction, manufacturing and highway safety, as well as projects that assist Utah employers in maintaining safer work environments regardless of language and cultural barriers.

Entities eligible to apply for a grant include Utah businesses, community-based organizations, Utah non-profits and local associations and educational institutions. During the 2012-2013 award period a total of \$581,426 in WPS grants were awarded to nineteen recipients throughout the state.

### **Partnerships**

The function of Utah OSHA Consultation is to help identify safety and health hazards in the workplace and provide recommendations for correction. Our goal is to educate and assist

employers and their employees in promoting safety and health in the workplace to prevent injuries and illnesses. Utah OSHA Consultation helps accomplish this without issuing citations or penalties, and offers its services to both public and private sector employers, with priority given to small business employers in high hazard industries.

### **Success Stories**

The partnerships forged through Utah OSHA Consultation's engagement with businesses throughout the state yield overwhelmingly positive results that make workplaces safer and save employers both time and money. Several notable success stories are featured online at: <http://laborcommission.utah.gov/divisions/UOSH/successStories.html>. ♦

# Vermont

Occupational Safety and Health Administration – VOSHA

## Signature Projects

### Vermont Governor's Safety Awards

In 2012, Vermont held the 8th annual Governor's Safety Awards. These awards recognize companies with superior safety and health programs.

To be eligible a company must have the following:

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

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

### Project RoadSafe

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

The workplace driver-safety program has three major goals:

1. Change attitude and behavior at all levels of the workplace concerning driver safety;
2. Strengthen the workplace driver safety outreach program to the Vermont business community; and
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 Program

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

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

## Enforcement

VOSHA conducted 306 Safety and Health inspections during FY 2012, 140 of which (46%) were performed within the construction industry. VOSHA conducted 185 inspections that had 415 Serious/Willful/Repeat violations cited (for an average of 2.24 S/W/R violations per inspection with violations cited). This average is better than the national average of 2.1 and is an improvement over the VOSHA FY 2011 average of 1.99.

### Project WorkSAFE

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

## Outreach

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

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

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

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

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

Employers requesting SHARP must meet the following criteria:

- Employ not more than 250 employees at one site and not more than 500 total employees nationwide; larger companies may be eligible for VOSHA's Compliance Assistance/Voluntary Protection Program (VPP). Companies larger than 250/500 may be eligible on a case by case basis.

- Be an industry on VOSHA's high hazard list.
- Be a fixed worksite.
- Have at least one year operating history.

SHARP Requirements:

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

## Partnerships

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



# Virginia

## Occupational Safety and Health Program – VOSH

### Signature Projects

The Virginia Occupational Safety and Health (VOSH) Program has recently expanded its Voluntary Protection Program (VPP) for larger employers by hiring four new staff members to advocate for voluntary compliance throughout the state. These individuals will be working with employers to improve workplace safety.

The Department is utilizing its resources for a new program called “Building Excellence in Safety and Training” (BEST), which is an agreement that the Department has developed, in conjunction with the Associated General Contractors, to adapt VPP criteria that will work for the construction industry. It is the goal of the VOSH Program to expand and have more partnerships with other associations as well for their members and for those who are in the construction industry, which has 40 percent of the workplace hazards and incidents in Virginia Enforcement.

### Enforcement

#### Residential Construction

The VOSH Program issued willful violations and made a criminal referral in the case of an employee of a small residential siding subcontractor who was electrocuted as he and a co-worker were erecting a pump jack scaffold next to a garage under construction. The co-worker received serious burn injuries. The employees were moving a pump jack pole when it contacted the 7.6 kV overhead high voltage line. The pump jack scaffold pole that contacted the power line was 23 feet, 9 inches long and the distance from the 7.6 kV single phase overhead high voltage line to the ground was 23 feet, 10 inches.

The general contractor and the siding subcontractor were issued willful violations of the Virginia Overhead High Voltage Line Safety Act, Va. Code §§59.1-408.1 (for allowing workers to bring tools, materials or equipment within 10 feet of an overhead high voltage line); and 59.1-410.A (for failing to make temporary safety arrangements with the owner/operator of the overhead high

voltage line when work is conducted within 10 feet of the line). Proposed penalties for the general contractor totaled \$140,000, which were reduced to \$22,000 in an informal settlement agreement which affirmed the willful violations, and required significant enhancements to the safety and health program and employee training for the employer. The siding subcontractor was issued \$77,000 in proposed penalties, which were reduced to \$3,500 in an informal settlement agreement which affirmed the proposed serious and willful violations, and required significant enhancements to the safety and health program and employee training for the employer. The victim was the brother of the owner of the siding subcontractor. The local Commonwealth’s Attorney conducted an independent criminal investigation of the accident and decided not to pursue charges against either company.

#### Workplace Violence

The VOSH Program issued its first workplace violence citation in a residential health care setting to a health services corporation that provides small group and supported living for people who are physically and mentally handicapped. The inspection resulted from a complaint detailing separate incidents of workplace violence involving two caregivers, causing the workers to be out of work for 20 and 24 days, respectively. The employer was issued three serious and one other-than-serious violations and \$9,450 in penalties, including a general duty violation related to workplace violence.

The following abatement methods were identified during the inspection to correct the hazard:

- 1) Modify the employer's current written Workplace Violence Program to assure that it comprehensively addresses workplace violence issues, including methods for employees to obtain immediate assistance in the event of an attack, and immediate notification of other employees who may be providing services to the same client in the near future;
- 2) Train management and counselors to be members of an emergency response team;
- 3) Provide alarm devices such as panic buttons which alert members of the emergency response team in the event of an emergency;
- 4) Provide training in the principles of self-defense and reaffirm employees right to use reasonable force in the defense of themselves or others. (This should be given in addition to training for Non-violent Crisis Intervention Techniques such as SOLVE);
- 5) Provide 20 hours of initial SOLVE Training prior to certification of all employees that interact with clients;
- 6) Assure that employee input is taken into consideration when determining changes to policies with regard to client behaviors, and employee training; and
- 7) Set up a liaison with local police to provide assistance in case of an emergency.

## Outreach

**The Seventeenth Annual Virginia Occupational Safety and Health Conference** was held on October 2-5, 2012 at the Hotel Roanoke and Conference Center in Roanoke, Virginia. The conference participants engaged in safety and health training sessions among others. Safety and health training, equipment and related products were displayed to 236 attendees and demonstrated at 20 vendor exhibits.

Concurrent session topics also included opportunities to learn about behavioral-based safety, emerging trends in substance abuse, what to expect during a VOSH inspection, and distracted driving safety. Concurrent sessions also highlighted the VPP and SHARP programs and the Labor Laws of Virginia.

Keynote speaker, Dr. Robert Emery of the University of Texas Health Science Center, Houston, TX, discussed effectively capturing and displaying health and safety data.

The conference continues to improve the variety of training sessions offered at an affordable price to employers, employees and safety and health professionals in Virginia. Contributors for this annual event included: local branches of the ASSE, the Virginia State Association of Occupational Health Nurses, Central Virginia Section of the American Industrial Hygiene Association, Drive Smart Virginia, Virginia Tech's Center for Organizational and Technological Advancement and Virginia Western Community College.

**Consultation Services** provides safety and health consultation to private and public sector employers with priority given to companies which have 250 or fewer employees and which have high hazard NAICS codes. In 2012, with funding by federal OSHA, consultants provided on-site safety and health services to 571 private sector employers. The total visit numbers were slightly higher than 2011, as the program was able to fill existing vacancies. Consultants also conducted 32 activities in Safety and Health Program Assistance, as well as 71 activities in other outreach activities. Consultants also conducted 22 formal training sessions, 109 interventions, and 30 promotional visits.

**The Safety and Health Achievement Recognition Program (SHARP)** provides incentives and support to small, high hazard employers to work with employees to develop, implement, and continuously improve safety and health programs. Participants in the SHARP program must have one year of operating history, and have Days Away Restricted/Transferred (DART) and Total

Recordable Cases (TRC) below those of the latest published national average for that industry. As of 2012, there were 38 participants in the SHARP program. Four companies were re-certified into the program.

**The Virginia Voluntary Protection Program (VPP)** welcomed one new Star site to the program bringing the total to forty, and re-certified nine sites during 2012. As noted previously, the VOSH Program received funding and positions from the 2012 Virginia General Assembly to increase VPP staffing and resources. Virginia VPP is in the process of filling four new regional coordinator positions, along with an administrative assistant position. An initial assessment of possible new sites indicates one new site is ready for certification in 2013 and up to eleven establishments that may be ready for certification in 2014.

### **Asbestos Program**

In August 2013, the VOSH Asbestos Program provided site-specific technical assistance to the Virginia National Guard for its Operation Renew. Under the Operation Renew program, the Virginia National Guard provided engineer assets to assist the City of Petersburg in reclaiming control of drug trafficking areas by tearing down derelict structures associated with the drug trade. A team of approximately 30 soldiers and airmen demolished 17 houses across the city deemed to be havens for drug dealers, users and buyers. The VOSH Asbestos Program deployed 2 Industrial Hygiene Compliance Officers to promote and assist with safe practices during the demolition operations. Asbestos awareness training was also provided to the National Guardsmen. ◆



# Virgin Islands

Division of Occupational Safety and Health – VIDOSH

## Overview

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

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

## Emphasis Programs

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

This mission is carried out by:

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

## Enforcement and Outreach

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

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

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

# Washington

Division of Occupational Safety and Health – DOSH

## Signature Projects

### Logger Safety Initiative

Recognizing that workers in the manual logging industry have more frequent and more severe injuries than in other industries, and that logging companies face steadily increasing workers' compensation premium rates as a result, the Logger Safety Initiative was passed by the Washington State Legislature in April 2013, and signed into law by Governor Jay Inslee the following month.

The initiative will focus on ways to promote occupational safety, reduce the frequency and severity of workplace injuries and fatalities, increase proper reporting, and explore options for reducing costs in an effort to create a culture of safety that is pervasive throughout the logging industry in Washington State.

The Division of Occupational Safety and Health (DOSH), in partnership with the Washington Department of Labor and Industries' (L&I) Insurance Services Division, is working with industry representatives on a Logger Safety Taskforce that is responsible for the development and ultimate success of the initiative. The taskforce is comprised of private land owners, the Washington Contract Loggers Association, logging companies, the Washington Department of Natural Resources, and L&I.

### Hazardous Drugs Rule Enforcement Timeline Established

In January 2012, Washington became the first state in the nation to pass a Hazardous Drugs Rule, designed to protect healthcare workers from exposure to chemotherapy and other hazardous drugs. The rule was adopted in response to a bill passed by the state legislature requiring DOSH to enact protections consistent with, but not exceeding recommendations initially made in a 2004 National Institute of Occupational Safety and Health (NIOSH) report and later updated in 2010 and 2012.

The final rule included provisions for creating a Hazardous Drugs Advisory Committee to discuss new NIOSH recommendations, scientific and technological development, and other issues related to implementing the rule. The committee



includes both employer and employee representatives from the healthcare industry and representatives of affected state agencies.

In response to a written request from both the business and labor chairs of the Hazardous Drugs Advisory Committee, DOSH is granting an additional one year delay in enforcing the provisions of the Hazardous Drugs Rule. This delay will give employers more time to develop the written programs and training programs they are required to have. This delay will also allow DOSH to develop the education and outreach support materials employers will need to comply with the rule before it becomes effective.

**The newly established timeline now requires:**

- Written hazardous drugs control programs completed and implemented by January 1, 2015.
- Employee training implemented by July 1, 2015.
- Installation of appropriate ventilated cabinets completed by January 1, 2016.

**eRules**

Over the years, regulations pertaining to Occupational Safety and Health in Washington State have been disseminated in multiple formats, and web pages have been published by different sources, ultimately creating differences that caused confusion and frustration. In some cases customers have had to view rules at a separate website in a version that is difficult to read and interpret, and incompatible with newer devices like smartphones and tablets.

As customers come to rely more and more on electronic availability, it is imperative that safety and health rules be accessible in this medium and on new devices. Lack of accessibility to regulations could compromise worker safety and health.

In June 2013, DOSH began a rule improvement project to make the safety and health rules easier to read, understand, and refer to – both online and in print – and easily readable using smartphones, tablets, or other mobile devices. In addition to containing shorter sentences written in a conversational style, the newly written rules will

also appear consistent in look and feel with new quick-navigation features such as bookmarks and word search features, and will print the way they look online. While the wording will be affected, no rule requirements will be changed.

**Enforcement**

While DOSH serves both the public and private sectors in the State of Washington, many of the most notable inspections within the past year have been performed at other state agencies and municipal entities.

**Department of Natural Resources (DNR)**

**Diver Fatality**

In July 2012, a team of four divers from DNR's Aquatic Resources Division were taking geoduck samples off the southern tip of Bainbridge Island to test for paralytic shellfish poisoning when one of them surfaced in apparent distress and then immediately re-submerged. The other divers were unable to reach him before he drowned, and the body wasn't found for another three days due to heavy currents and unfavorable conditions in the area.

The subsequent DOSH investigation revealed several violations, including two determined to be willful for not requiring divers to carry reserve air and for not having a Designated Person in Charge (DPIC) on site and in charge of certain aspects of the diving operation. Investigators also found eight serious violations. Total penalties in this case amounted to \$172,900.

**Seattle City Light Tugboat Demolition Results in Lead Contamination Violations**

The City of Seattle's public electricity provider, Seattle City Light, incurred three willful and five serious violations in August 2012 in relation to the salvage of a decommissioned tugboat that had been used in the utility's hydroelectric operations. Willful violations were cited for failure to provide information about lead paint to workers assigned to perform grinding and torch cutting, not requiring that employees wear appropriate Personal Protective Equipment (PPE) and for not monitoring the air for lead at the worksite. The serious violations ranged from additional lead-related issues to unmitigated fall hazards. Penalties cited in this investigation totaled \$114,000.

### **Workplace Violence Hazards Cited at Western State Hospital, Department of Social and Health Services (DSHS)**

In response to allegations of workplace violence and unsafe working conditions by employees, in September 2012 DOSH inspectors reviewed the facilities of Western State Hospital, one of two state-owned psychiatric hospitals for adults run by DSHS. Their findings included two repeat serious and two serious violations resulting in penalties of \$35,000.

Of particular concern, inspectors discovered that in several areas the nurses' station windows were posted with papers blocking the view of areas where employees routinely deal with volatile patients. Workers were exposed to physical assaults in some of these low-visibility areas because of the patients' access to unsafe items that could be used as weapons such as chairs, file cabinets, DVDs, etc.

DSHS was also cited for multiple issues that prohibited the hospital from adhering to a state law that stipulates minimum staffing requirements at the facility, as well as the hospital's own guidelines laid out in their APP that were developed to address adequate coverage in each ward. These problems were further exacerbated by employees calling in sick and replacements taking up to several hours to arrive.

### **Bellevue Firing Range Exposes Employees, Contractors to Elevated Lead Hazard during Renovation**

In May 2013 DOSH fined a gun shop in Bellevue \$23,480 for exposing workers to health hazards caused by lead exposure. Wade's Eastside Gun Shop, Inc. was cited for 17 violations of worker safety and health rules at the business's indoor firing range.

An inspection was opened after receiving a referral from the Washington State Adult Blood Lead Surveillance Program showing that blood tests on a number of Wade's employees indicated elevated blood-lead levels. Additionally, several construction workers employed by the contractor and subcontractors experienced elevated blood-lead levels from working at the site.

The exposures occurred in the summer and fall of 2012 when the gun range was undergoing extensive remodeling. Construction and demolition activity in an indoor gun range presents a much greater exposure hazard due to disturbing the settled dust. In this case a repeat serious violation for failure to ensure air monitoring as required by law was compounded by problems with inadequate ventilation. Without additional measures to control these hazards, acute lead poisoning is possible.

Several workers had blood-lead levels high enough to require medical removal from the workplace, which requires that the worker be sent immediately away from the workplace exposure while continuing to receive full pay and getting a medical exam. Blood-lead levels normally drop when a person is removed from the exposure. However, because the lead deposits in the bone and the brain, it may contribute to long-term health effects.

## **Outreach**

### **SHIP Grant Provides Funding for Underground Worksite Training and Outreach**

Washington's Safety and Health Investment Projects (SHIP) program was created in 2007 and authorized by the legislature in 2011 as a permanent program within DOSH. It is aimed at encouraging new approaches to improving workplace safety and health. SHIP awards grants funded by the State's workers' compensation program to trade associations, employers, unions and a variety of other entities that apply for financial assistance with projects that address workplace safety and health needs of employers and employees, with priority going to those that place an emphasis on accident prevention.

The latest SHIP grant to be awarded went to the Associated General Contractors of Washington, a professional organization, to fund the Hazard Orientation & Labor Education (HOLE) project. The purpose of HOLE is to reduce injuries, illnesses, and fatalities in the underground construction industry, an area of increasing focus at DOSH due to numerous high-profile tunneling projects throughout the state, by creating a video based safety orientation training program as a tool for employers to implement a safer underground worksite and create employee awareness. The video will be used for training new workers and also used in segment form as a refresher course.

### **Hispanic Outreach**

DOSH created the DOSH Hispanic Outreach Program in 2012. The responsibility of the program is to assist with reducing the rate of injuries, illnesses, and fatalities in the Hispanic workforce by providing information and training on workers' rights, hazard recognition, and correction and avoidance of unsafe work situations.

The Hispanic Outreach Program conducts outreach by partnering with a number of entities including advocate organizations, employee and employer organizations, the Mexican Consulate, Ventanillas de Salud, Consulados Móviles, and church and community groups such as Promotoras de Salud. The Program also conducts radio interviews and organizes health and safety fairs.

### **During the 2012-2013 state fiscal year the Hispanic Outreach Program has:**

- Participated in 65 events, including Consulate events, community events, safety and health fairs and overall conferences reaching 7,816 participants.
- 14 radio interviews, reaching over a million people.
- Assisted in resolving 402 complaints on safety, wage and injury claims. ◆



# Wyoming

Workers' Safety & Compensation Division – OSHA

## Signature Projects

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

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

## Enforcement

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

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

## Outreach

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

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

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