

OSHSPA REPORT

2021



GRASSROOTS WORKER PROTECTION

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



2021

OSHSPA REPORT



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



April 11, 2022

Dear State Plan Partners:

On behalf of the Occupational Safety and Health Administration (OSHA), I am delighted to acknowledge the remarkable achievements of OSHA's State Plan partners, as shown in the Occupational Safety and Health State Plan Association's 2021 edition of *Grassroots Worker Protection*.

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

We appreciate your continued work during the COVID-19 pandemic. As we look ahead, we must emphasize OSHA's dedication to worker safety and make certain that we are promoting the safety and health of all workers.

I am excited about our future collaborative efforts to improve the safety and health conditions for every worker in this country.

Sincerely,



Douglas L. Parker



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I hope this edition inspires and motivates everyone as we continue our vitally important work to eliminate occupational fatalities, injuries, and illnesses.

The Occupational Safety and Health State Plan Association (OSHSPA) represents all 28 unique State Plans. OSHSPA presents a collective voice for the State Plans regarding occupational safety and health (OSH) initiatives, policies, and procedures that impact workplace safety and health throughout the country. While each State Plan is distinctly different, our steadfast dedication, perseverance, and devotion to the safety, health, and well-being of all employees unites us. I am grateful to every OSHSPA member for their unwavering commitment.

The novel severe acute respiratory syndrome coronavirus 2 pandemic and coronavirus disease 2019 continued to remain at the forefront of workplace safety and health during 2021. I was encouraged how the State Plans adapted, and responded, to meet the ever-changing challenges of the pandemic.

I am pleased to announce Massachusetts received congressional funding in Federal Fiscal Year 2022 to establish and implement the seventh public sector State Plan. The Massachusetts State Plan will provide OSH protections to all public sector employees in

the state. The establishment of a public sector State Plan in Massachusetts is a significant and positive advancement; it provides OSH protections to employees that OSHA cannot protect. I will extend an invitation to Massachusetts to join OSHSPA when it has an approved State Plan under section 18 of the OSH Act of 1970.

OSHSPA's annual Grassroots publication recognizes the work and celebrates the achievements of the State Plans. OSHSPA members continue to make a positive impact on workplace safety and health for the working men and women in each State Plan. I hope this edition inspires and motivates everyone as we continue our vitally important work to eliminate occupational fatalities, injuries, and illnesses.

Sincerely,

A handwritten signature in blue ink that reads "Chuck Stribling". The signature is stylized and cursive.

Chuck Stribling
OSHSPA Chair

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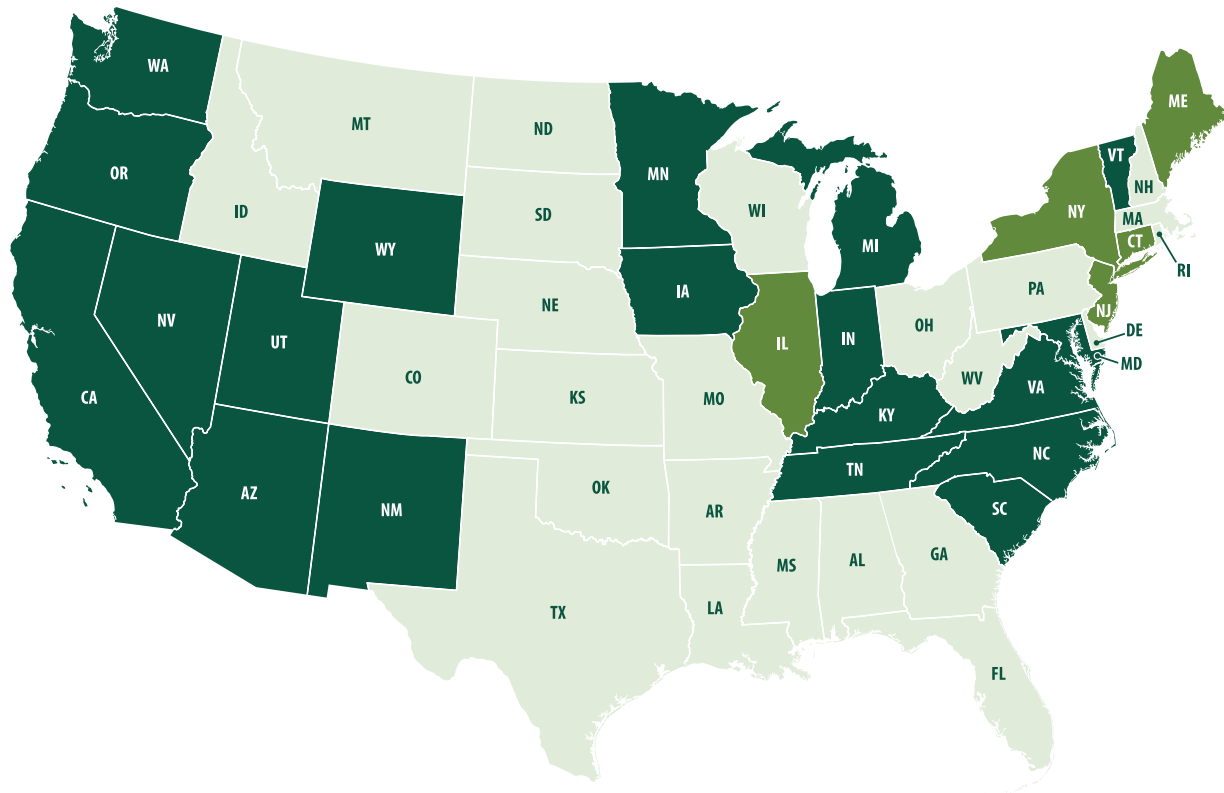
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OSHSPA COVERAGE



State Plan Programs Covering Private and Public Sectors

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

State Plan Programs Covering Public Sector Only

(Federal OSHA covers private sector)

Connecticut
Illinois
Maine
New Jersey
New York
Virgin Islands

States Covered by Federal OSHA Private Sector Only

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

*Massachusetts is currently working with federal OSHA to establish a State Plan covering state and local government workers.

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				
Maine	07/05/15				yes		
Maryland	06/28/73	02/15/80	07/18/85		yes		
Michigan	09/24/73	01/16/81		yes	yes	yes	
Minnesota	05/29/73	09/28/76	07/30/85		yes	yes	
Nevada	12/04/73	08/13/81	04/18/00		yes		
New Jersey	01/11/01	01/22/16			yes	yes	
New Mexico	12/04/75	12/04/84		yes	yes		
New York	06/01/84	08/18/06			yes		
North Carolina	01/26/73	09/29/76	12/10/96		yes		
Oregon	12/22/72	09/15/82	05/12/05		yes	yes	
Puerto Rico	08/15/77	09/07/82		yes	yes		
South Carolina	11/30/72	07/28/76	12/15/87		yes		
Tennessee	06/28/73	05/03/78	07/22/85		yes		
Utah	01/04/73	11/11/76	07/16/85		yes		
Vermont	10/01/73	03/04/77		yes	yes		
Virgin Islands	08/31/73	09/22/81	04/17/84		yes		
Virginia	09/23/76	08/15/84	11/30/88		yes		
Washington	01/19/73	01/26/82		yes		yes	yes
Wyoming	04/25/74	12/18/80	06/27/85		yes		

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

OSHSPA STATES PROTECTING WORKERS

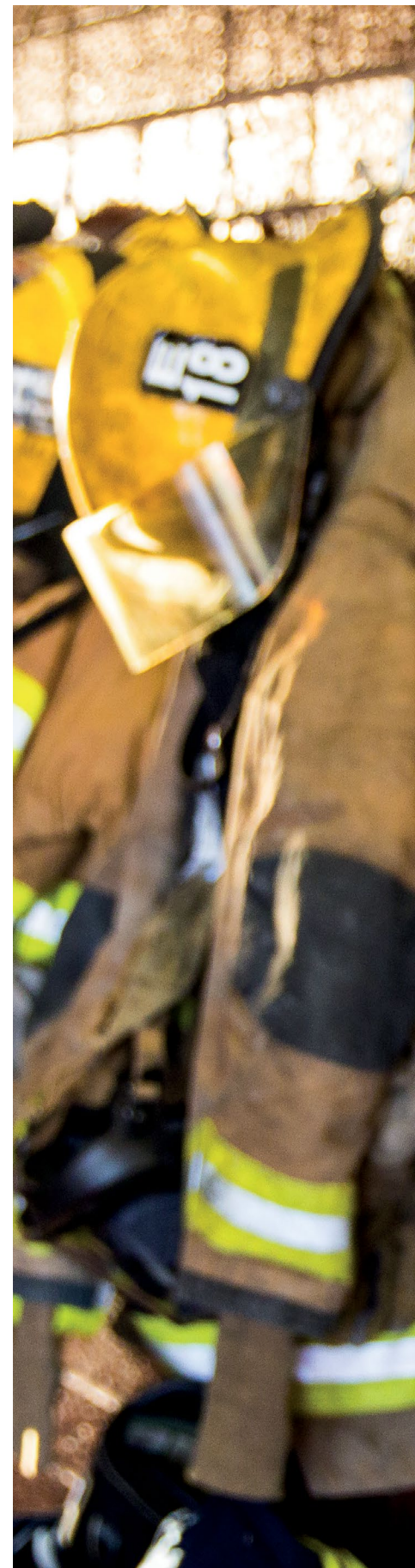
OSHSPA is the Occupational Safety and Health State Plan Association, an organization of 28 states and territories that have OSHA-approved state plans. OSHSPA is the link between the state plans, federal OSHA, and Congress. OSHSPA representatives meet three times a year to exchange information and address shared concerns. OSHSPA representatives also appear before congressional committees and other hearings to report on workplace safety and health matters. The Occupational Safety and Health Act of 1970 gives states and territories the right to develop their own workplace safety and health plans and to enforce safety and health rules within their jurisdictions. Federal OSHA approves and monitors state plans and funds up to 50% of their operating costs.

State plans must be as effective as federal OSHA in enforcing safe and healthful working conditions. State plans affect the safety and health of more than 64 million workers. In addition to their enforcement role, state plans help employers make safer workplaces with free consultative services, education, and technical assistance.

PROTECTING PUBLIC-SECTOR EMPLOYEES

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

Note: Virgin Islands did not provide a report.





NUMBERS AT A GLANCE

STATE PLAN INSPECTION DATA

Safety	22,083
Health	8,980
Total	31,063

INSPECTIONS BY TYPE

Programmed/Scheduled	11,315
Complaint	7,677
Referral	4,488
Fatality/Catastrophe	1,432
Follow-up	648
Other (<i>total inspections minus total inspections in categories above</i>)	5,503
Total	31,063

INSPECTION DATA

Total inspections with violations	19,510
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VIOLATIONS PER INSPECTION WITH VIOLATIONS CITED

Total number of S/W/R violations	33,001
Average S/W/R violations per inspection	1.71
Total number of OTS violations	23,347
Average OTS violations per inspection	1.21
Percent of inspections with no violations	

PENALTIES

Total current penalties	\$104,819,206.97
Average current penalty per serious violation	\$2,749.21
Total number of contested cases	3,556
Percent of inspections with citations contested	18.23%
<i>(contested cases divided by total number of inspections with violations)</i>	

CONSULTATION ON-SITE VISITS (STATE PLANS ONLY)

Consultation 21(d) initial	6,658
Consultation 23 (g) initial	1,758
Consultation 21(d) training	308
Consultation 23 (g) training	0
Consultation 21(d) follow-up	365
Consultation 23(g) follow-up	55
Total	9,144

CONSULTATION ON-SITE DATA

Total serious hazards identified	58,978
Average number of serious hazards identified per visit	3.8

Source: OSHA Office of Small Business Assistance

FEDERAL OSHA BUDGET

Federal OSHA Budget*	\$449,870,000
State Plans 23(g) - federal 50% share	\$110,075,000
State Plans 21(d) - federal 90% share (26 states)	\$31,842,000
Total Federal OSHA appropriation	\$591,787,000

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

FUNDING BY STATE PLANS

State Plans 23(g) 50% match **	\$109,875,000
State Plans additional 100% funding	\$123,604,705
State Plans 21(d) contribution - 10% funding	\$3,538,000
Total	\$237,017,705

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

EMPLOYERS UNDER STATE PLAN JURISDICTION

Private	4,455,737
Public	133,417
Total	4,589,154

Source: BLS 2020 Quarterly Census of Employment and Wages

EMPLOYEES UNDER STATE PLAN JURISDICTION

Private	49,358,069
Public	10,524,279
Total	59,882,348

Source: BLS 2020 Quarterly Census of Employment and Wages

ALLOCATED STATE PLAN POSITIONS

Total Compliance Inspectors	1,279.93
Safety 23(g)	845.87
Health 23(g)	434.06

TOTAL CONSULTANTS

Safety 21(d) - State Plan only	113.10
Safety 23(g)	73.53
Health 21(d) - State Plan only	73.60
Health 23(g)v	50.71

AKOSH MISSION STATEMENT

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

AKOSH ENFORCEMENT

In the early months of FY2021, AKOSH continued to face limitations and restrictions placed on travel activities and business operations due to the COVID-19 pandemic. For a period in FY2021, Alaska experienced the highest number of daily COVID-19 cases per capita in the nation. To meet state and local mandates, CSHOs traveled by car for inspections rather than by airplane. Some Alaskan small villages and small towns were closed for travelers, thus, limiting access for officers to conduct on-site inspections. COVID-19 complaints were handled with a COVID-specific inquiry process which not only inquired about any alleged hazardous conditions but also contained numerous resources for employers to obtain and implement to protect their employees from COVID-19. Additionally, AKOSH administratively controlled the exposure of health and safety compliance officers by utilizing technology to conduct virtual inspections.

ENFORCEMENT WHISTLEBLOWER PROGRAM

The Alaska Whistleblower Program had the honor of assisting Federal OSHA in beta-testing the OIS program to incorporate whistleblower case files into OIS from IMIS. This was a productive process and AKOSH looks forward to the roll-out. In addition to assisting in the development of the new OIS system for WBI, FY2021 was a busy year that included interface with the Alaska Department of Law to achieve greater clarity on State law and this program. As such, the WIM was revised. The AKOSH Whistleblower Program received complaints which equated to 124 inquiries during FY2021. Of those, twenty-three became investigative cases. The State of Alaska Whistleblower program is responsible for enforcing Alaska Statue 18.60.089, which says it is unlawful for a person to retaliate against an employee for engaging in a protected activity. Examples of protected activity are provided in Statute, Administrative Code, and a Whistleblower program Fact Sheet. Every person making an inquiry to AKOSH where an inkling of retaliatory action is mentioned is forwarded to the Whistleblower Investigator (WBI) for screening.

ENFORCEMENT ACTIVITIES

In FY2021, the State of Alaska had an average of 299,598 employees with four fatalities, resulting in a 1.34% fatality rate. The five-year moving average is 17%.

AKOSH Enforcement issued a total of 977 violations with an initial penalty totaling \$2,424,291.81.

Out of 977 violations:

462 serious
487 other than serious
27 repeat

ALASKA'S MOST CITED STANDARDS FOR FY 2021

	STANDARD	TOTAL # OF VIOLATIONS	COST
1	1910.1200(h)(1) – Hazard Communication: employee information and training	55	\$72, 745
2	1910.1200(e)(1) – Hazard Communication: written	42	\$201,218.38
3	1910.151(c) – Medical Services and First Aid	25	\$191, 384.30
4	1910.1200(g)(8) – Hazard Communication: Safety Data Sheets	23	\$22,494.00
5	1910.1200(e)(1)(i) – Hazard Communication: written, list of the hazardous chemicals	22	\$36,463.00
6	1910.1200(f)(6) – Hazard Communication: Workplace labeling	19	\$39,832.30
7	1910.1200(g)(1) – Hazard Communication: safety data sheets for each hazardous chemical	19	\$4,752.00
8	1910.37(a)(3) – Exit Routes: free and unobstructed	17	\$32,164.00
9	1904.32(a)(1) – OSHA 300 log review at the end of each calendar year	15	\$14,909.00
10	1910.303(g)(1)(ii) - Electrical: working space to be guarded and not used for storage	14	\$8,502

AKOSH ENFORCEMENT OUTREACH

In response to OSHA's published Occupational Exposure to COVID-19, Emergency Temporary Standard 29 CFR 1910, in 2021, AKOSH implemented the National Emphasis Program (NEP) directive and sent out 2000 letters for 90-day outreach to all employers covered by this NEP in AKOSH jurisdiction. Each letter included an overview of the COVID-19 NEP, where to find information about the program, and how to prepare for a potential unannounced inspection. The letter highlighted the advantages of requesting Consultation and Training services. As a result of this outreach, AKOSH experienced a great response from dental offices. The positive response stemmed from AKOSH's Project Assistant who sent out a newsletter to Alaska Dental Society's members encouraging them to request Consultation services.

CONSULTATION AND TRAINING

Alaska's Occupational Safety and Health Consultation and Training program has built a strong, solid working relationship with Alaskan employers. Program Manager and Chief of Consultation and Training, Elaine Y. Banda, strives to ensure the Consultation program maintains a positive presence with Alaskan employers.

In FY2021 the section met all programmatic goals. Consultation consultants conducted 369 private sector site visits with 284 safety visits and 84 health visits. A total of 1,050 serious hazards were identified with 242 hazards corrected on-site. 91,026 workers received formal and informal training from the Consultation and Training Program. Through Consultation's efforts, many Alaskan employers were able to correct workplace hazards, receive free training, and protect their workforce without incurring penalties.

SPOTLIGHT ON SAFETY AND HEALTH ACHIEVEMENT RECOGNITION PROGRAM (SHARP)

Mr. Mitch Wallace is the SHARP Coordinator for Alaska's prestigious SHARP program. Mr. Wallace ensures SHARP participants meet stringent workplace safety requirements before they are approved into the program. Employers are required to have policies, procedures, and processes in place to evaluate their worksites for potential hazards. As hazards are identified they must be eliminated, controlled, or protected from whatever harm they may cause. Alaska SHARP employers' safety and health program must address the work, safety, and training aspects for all managers, supervisors, and workers equally. Effective training and education programs are key to becoming a SHARP member. All SHARP participants must be committed to maintaining and improving their Safety and Health Management Systems. Through Mr. Wallace's hard efforts, as of FY2021, AKOSH has nine SHARP sites, a 200% increase from the previous year.

Fairbanks Community Food Bank (1 site)

In August 2021, Chief of Consultation and Training, Elaine Banda, presented Fairbanks Community Food Bank (FCFB) with their fourth renewal certification. Mrs. Anne Weaver, CEO of the organization, expressed how they have seen the benefits of a robust safety program, especially during the COVID-19 pandemic. Due to the established safety culture and its saturation throughout all staff, employees feel responsible for their co-workers' safety and do not hesitate to notify co-workers or management of potential hazards or unsafe practices.



Fairbanks Community Food Bank

Alaska Laser Wash (5 sites)

Alaska Laser Wash is an Alaskan-owned business that was the first to bring touchless and 24-hour car washing to Alaska in 1997. Alaska Laser Wash is committed to providing a safe and healthy working environment for their employees and customers by going above and beyond the minimum to follow all applicable safety regulations for our industry. With a total of seven car washes, five were approved into the SHARP program. In 2021, all five Alaska Laser Wash sites were renewed.



Alaska Laser Wash

General Family Dentistry (1 site)

General Family Dentistry is owned by Dr. Monte Burtch who has practiced as a dentist in Palmer, Alaska since 1995. Dr. Burtch is a proud member of the Academy of General Dentistry, a national organization for continued professional development, as well as the American Dental Association (ADA). It is his belief that being approved into SHARP was achieved through active employee involvement in all aspects of the business with an emphasis on the safety and health. General Family Dentistry was presented with their SHARP banner in the Summer of 2021.



General Family Dentistry



Lynden Transport

Lynden Transport (2 sites)

Lynden Transport formed in 1954 after the completion of the Alcan Highway and began providing service to major Alaska communities that were located on the highway system. Lynden consists of a total of 18 different companies, with the newest acquisition being Northland Services Inc., which creates the opportunity to start services between Washington, Alaska and Hawaii. There are a total of 94 unionized employees on-site, including administrative staff, sales representatives, drivers, maintenance, and warehousing personnel. In March 2021, two Lynden Transport sites were approved into Alaska's SHARP program.



Consultation and Training Industrial Hygienists Heather Miley, B.S. and Gina Agron, M.S., M.B.A assessing noise levels inside a warehouse during forklift operations

SIGNATURE PROJECTS

FY2021 was a very busy year for Consultation and Training Industrial Hygienists (IH) who conducted 84 health visits between two IH consultants. During this time, Consultation IHs identified 337 hazards of which 181 were serious. In addition to performing their duties as health consultants, they participated in several projects which include:

- Participating as part of the VPP inspection team
- Conducting a Departmental Podcast to educate the public on COVID-19 safety and health protocols during the state's telework mandate
- Meeting with Assisted Living Home organizations to educate on COVID-19 mitigation strategies
- Creating and distributing a of secondary labeling template that conforms to GHS requirements
- Collaborating with the Small Business Development Center to market Consultation and Training's free services



The Arizona State Plan is administered by the Industrial Commission of Arizona (ICA). The ICA is comprised of a Governor appointed Director, five appointed Commissioners, and the Director for the ADOSH Program. The state program provides enforcement, whistleblower assistance, free consultative help to small or mid-sized businesses, compliance assistance, and outreach training. Traditionally, ADOSH adopts Federal OSHA Standards, although there are a few unique rules that were created to protect workers in agriculture and employees who perform diving operations.

COOPERATIVE PROGRAMS

ADOSH offers cooperative programs to employers, employees, associations, and organizations who want to create a safer work environment. The program maintains five active Alliances with stakeholders who work in the construction and trade industry. One Alliance created is with the state's energy producers who have Lithium Ion Battery Storage Facilities. The energy producers work with ADOSH to establish industry guidelines to follow when constructing and maintaining these facilities to ensure safety for all. Currently the group has created a guidance document and several quick cards for employees, Fire Departments and the general public.

A second Alliance created in 2016 was the Chairman's Roofers Alliance. After many inspections competed in the residential construction industry, several of the largest roofing companies asked for assistance with understanding the requirements of the OSHA standards. Today there are more than 29 roofing companies who meet on a monthly basis and tackle issues such as Fall Protection, Silica, Heat Stress and safer ways of accomplishing a roof. The members created standardized training for all to follow. The training has best practices in place adopted from other mature safety cultures. Over the past several years members marketed and helped attract other small to mid-sized roofers to the meetings.

Partnerships continue to be a way for ADOSH to collaborate proactively with employers across the state. Our partnerships provide a grassroots approach to implementing a safety culture. Currently we have more than 63 partnership programs designed to reduce injuries and illnesses in the workplace, implement best practices, develop a safety and health committee, create a proactive way to encourage employees to participate in the safety program, and learn about the Voluntary Protection Program through one on one meetings. An ongoing partnership created with more than 18 Home Builders through the Home Builders Association of



ICA Agency Director, James Ashley; ICA Chairman, Dale Schultz; ADOSH Director, Jessie Atencio and leaders within the Arizona Home Building Industry

Central Arizona. The Association provides ADOSH Compliance Assistance and Consultation Consultants to interact with members during a quarterly meeting. During the meeting ADOSH provides what is seen on jobsites and offers ways to implement a safer way through best practices observed in the field. Some of the builders represented in the partnership include Pulte Homes, Shea Homes, Lennar, D.R. Horton, K Hovanian, Taylor Morrison and many others.

CONSULTATION

The Consultation Program is offered to small and mid-sized businesses. The program has a dedicated Assistant Director, two Supervisors, and a staff of consultants. Employers are visited, when requested, and provided a detailed report outlining findings and milestone dates for abatement. When visiting an employer, consultants assess for safety and health management systems (SHMS), and communicate whether or not a Supervisor should contact them later for SHARP candidacy. There are 11 SHARP sites and multiple candidates for the SHARP Construction Pilot program.

ADOSH continues to use AMS in all business functions. AMS is a lean management system based principals of six sigma. The system was rolled out seven years-ago and it started with process flow maps and tier board huddles. Today the staff is fully aware of what it takes to accomplish AMS and they have used other tools of the program to improve efficiency in their reports, standardized work, and visualizing their monthly successes. The staff deploys problem solving techniques for improvement registry items and from time to time use an A3 to track progress with a multi-faced system. While using an A3, the staff also uses counter measure forms when a goal is not met. What started out as simple tiered meetings is now a fully implemented lean management system that helps us to improve on our deliverables. The internal and external customers we serve all see the difference in what the AMS is doing for them.



VOLUNTARY PROTECTION PROGRAM

The VPP Star program continues to grow as there are now 64 sites. These sites are a mix of aerospace, power generation, services, manufacturing, and construction workplaces. To help gain more momentum in Public Sector, the Compliance Assistance department has been working with several cities and counties to submit a VPP application. Today, there are three public sector employers. Two of them represent the parent agency for ADOSH, the Industrial Commission of Arizona. The Phoenix and now Tucson offices submitted their applications and with the help of Special Government Employees (SGEs), the state agency successfully accomplished application review and on-site audit.

The other public sector employer is The City of Goodyear. The city had been working with our Compliance Assistance and Consultation departments over the past five years. Management and employee involvement is extremely high among all departments as well as multiple employees participating in the City's safety and health committee. The workplace represents more than 1,000 employees in an exemplary program.

VPP Audits proceeded during the COVID-19 pandemic to ensure VPP certification and recertification continued without extensive delay. The difficulties of having limited access into facilities was overcome and VPP Audits were conducted effectively through the utilization of smaller on-site teams, virtual employee and management interviews, and in some cases, hybrid (combination on-site/remote) or virtual workplace audits and reviews of internal programs were accomplished. While a reduced audit schedule was a challenge in 2020 and carried over into 2021, a total of eighteen re-certifications and three new VPP sites were recognized as star sites. ADOSH is currently up-to date on VPP recertification and working with four employers who are looking to become VPP Star sites in 2022.



AECOM Hunt - Phoenix, AZ



*MI Windows and Doors
Prescott Valley, AZ*



Salt River Project - Tempe, AZ

OUTREACH EFFORTS TO SPANISH-SPEAKING WORKERS

Labor Rights Week (Semana de Derechos Laborales) is an initiative around Labor Day in the United States with the goal of improving the knowledge of labor rights in the Latino community, as well as resources on when and how to report violations of those rights.

Labor Rights Week has been recognized by the community as a resource to better protect their rights, and it has empowered Mexican workers to be knowledgeable about their rights. ADOSH has focused outreach efforts annually to support Labor Rights Week for many years, and we have been able to continue these efforts during the pandemic.

This year there was an emphasis on providing information about the safety conditions and hygiene needed to work in a dignified environment without risk of illness or accidents. We emphasized that workers' rights apply to all despite their immigration status. The training sessions were done virtually via Zoom and Facebook Live on the Mexican Consulate Facebook page where the training videos can be viewed anytime.

The Mexican Consulates in Phoenix, Tucson, Nogales, Douglas, and Yuma have a long-standing partnership with ADOSH to protect the rights of Mexican workers in the United States. The Consuls and ADOSH intend to continue collaborating to provide Mexican nationals in Arizona with the information, guidance, and access to education and training resources that promote workers' rights. The goal is also to help them understand U.S. domestic laws on the rights and responsibilities of employers under the Occupation Safety and Health Act.

This year's presentations included:

- How to file a complaint with ADOSH/OSHA
- What is ADOSH/OSHA and how can it help me?
- What are my rights as an employee?

More than 1,000 people attended these three presentations, and many more later watched the recordings online. These trainings and presentations are provided to Spanish-speaking workers in their native language so they can be better informed of how to stay safe on the job. Beyond the presentations at the Mexican consulates, we also offer trainings in Spanish throughout the year in all regions of the State of Arizona.

COVID-19 RESPONSE

Early in March 2020, as the nation was seeing the rapid spread of COVID-19 cases, ADOSH quickly assembled a COVID-19 task force. This task force was a dedicated group of ADOSH staff whose primary focus was to provide the most up-to-date information to concerned stakeholders, as well as handling complaints when needed. Using new and existing CDC Guidance Documents COVID-19 Task Force members were able to address all concerns in a timely and professional manner.

Initially and throughout the course of the pandemic, concerns were handled immediately over the phone. Guidance documents were sent to employers and employees using email. Formal complaints were addressed by our Compliance Division. ADOSH Task Force members quickly acquired the knowledge and skills necessary to guide employees and employers through the ever-changing CDC guidance and applicable OSHA regulations. Arizona businesses and employees are now better prepared to handle future and emerging infectious disease outbreaks.

In addition to forming a task force to deal with incoming calls and complaints related to the pandemic, the Industrial Commission and ADOSH were able to quickly pivot to telework, virtual visits and webinars in order remain effective in our mission and ensure that our services were uninterrupted. Following CDC and Arizona guidelines to keep exposure to the virus to a minimum, all employees were encouraged to telework and take all possible precautions to avoid exposure. In-person consultation site visits were temporarily placed on hold while the agency developed a method to conduct virtual site visits. The ADOSH Consultation staff established methods for capturing and archiving real time video and photos relating to hazards identified during the walk-around portions of the visits, as well as the hardware and software needs required to perform the visits. Over the course of several weeks, an STW (Standard Work Procedure) was developed and virtual site visits became a reality. Our first virtual site visit was conducted on April 14, 2020 at an airplane hangar in north Scottsdale, Arizona and now virtual site visits are an option for employers throughout Arizona by the ADOSH Consultation Department.

ADOSH also temporarily suspended all in-person training, but quickly adapted our training presentations to be delivered exclusively via webinar. This proved to be a tremendous success, as ADOSH recorded a record number of employees and employers trained for the year. This can be attributed to the ability to reach stakeholders state-wide and beyond through the use of webinars.

ADOSH CONSULTATION AND ARIZONA DEPARTMENT OF CORRECTIONS OSHA 10-HOUR TRAINING – RECIDIVISM PROGRAM

The Arizona Division of Occupational Safety and Health (ADOSH) in partnership with the Arizona Department of Corrections (ADC) and the Arizona Department of Economic Security (DES) provides inmates with resume building and other soft skills for construction careers. This recidivism reduction program initiated by Governor Doug Ducey has achieved much success.

As an opportunity to partner with the ADC and DES, ICA/ADOSH agreed to provide quarterly OSHA 10 Hour Construction classes for inmates who are set to be released soon. Many safety and health professionals know that OSHA 10 hour classes are very basic, although if the right instructor is providing the information it can be a great starting point to understand the OSHA standards and what is expected from an employer/employee while on the jobsite. In fact, we see many construction General Contractors asking for training and prefer an employee with an OSHA 10-hour card to

start on a project. Furthermore, there are other OSHA State Plan States that require a minimum of an OSHA 10-hour card before employees can step on a construction jobsite. We at ADOSH want the inmates to be ready to go for the many construction careers available. The inmates can also provide the OSHA 10-Hour card on their resume and during hiring events since the certification continues to be on job announcements that are posted for candidates.

The Arizona Division of Occupational Safety and Health Consultation Department had initially agreed to provide the OSHA 10-hour Construction classes quarterly, however the class was so popular with the inmates that some that wanted to attend the class weren't able to

before their release date because of the high number of inmates that were signing-up for the class. The frequency of the training was increased to monthly and prior to the prison closing to all outside vendors such as ADOSH the classes were increased to two per month.

ADOSH has happily maintained that partnership with the Arizona Department of Corrections at Lewis Eagle Point Prison and over 400 inmates have received their OSHA 10-hour Construction cards through this program.

The shortage of construction workers in the current Arizona economy makes these programs a good fit and provides the inmates with employment and a second chance to a better quality of life.



ADOSH Training Officer, Jeff Wilson (far right), with some of the inmates that attended the Luis Prison Construction 10-Hour class

SIGNATURE PROJECTS

COVID-19 was a major focus of California's efforts in federal fiscal year 2021. Even before the pandemic, the state had a regulation addressing aerosol transmissible disease in health care and correctional settings, among others. (8 CCR 5199). Since the majority of workplaces were not covered by this regulation, California developed comprehensive COVID-19 emergency regulations to address

the pandemic. These took effect on Nov. 30, 2020 and required, among other things, that employers develop and implement a written program; meet face covering and physical distancing requirements; offer testing to employees with a close contact at work, on paid time; exclude people with COVID-19 and close contacts from the workplace for specified periods; and, with some limitations, continue paying excluded employees after workplace exposures. The regulations also included specific provisions for outbreaks; major outbreaks with 20 or more infections in 30 days; COVID-19 hazards in employer-provided housing; and COVID-19 hazards in employer-provided transportation. These regulations were later revised and re-adopted in accordance with changing pandemic conditions.

Employer groups sought a preliminary injunction against these emergency standards, but the state prevailed in Superior Court and was preparing for a hearing in the Court of Appeal at the close of the federal fiscal year. This later resulted in a favorable decision in *Western Growers Assoc. v. Occupational Safety and Health Appeals Bd.* (2021) 73 Cal.App.5th 916.

ENFORCEMENT

Cal/OSHA Enforcement opened 5,396 inspections in federal fiscal year 2021, comprised of 4,981 private industry inspections and 415 public sector inspections. During this time, Cal/OSHA identified approximately 11,011 hazards, potentially affecting the estimated 1.9 million workers employed at these establishments. Of the hazards identified, 3,016 resulted in serious, nine resulted in willful, 111 in repeat, and two in failure-to-abate citations. ¹



COVID-19 precautions on employer-provided transportation

1 OIS Inspection Summary and Scan Summary Reports, November 24, 2021

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

- Multiple investigations resulting in citations for COVID-19 hazards at meat processing facilities, including investigations of Smithfield Foods, Foster Farms, and Central Valley Meat, along with various staffing agencies which provided workers to such facilities.
- Multiple investigations resulting in citations for COVID-19 hazards at Kaiser Permanente facilities under California Code of Regulations Title 8, sec. 5199, Aerosol Transmissible Diseases.
- Investigation of Sierra Pacific Industries for the fatal explosion of an air compressor pipeline resulting in the issuance of nine citations, six of them serious, with assessed penalties totaling \$108,300. The serious citations were issued, among other things, for the employer's failure to ensure that all of the pressure piping was designed, constructed, installed, and maintained in accordance with good engineering practice; the energy within the pipeline was controlled to prevent an uncontrolled release; and a pressure-relieving safety device was installed in the line between the compressor and block valve.
- Investigation of framing contractor Steelbuilt Framing Technologies as the controlling and exposing employer (as opposed to the employer who created the hazard), for an injury which occurred when a concrete finisher's aluminum pole made inadvertent contact with an energized conductor, shocking him and causing him to fall from the unprotected edge of the structure. Cal/OSHA issued two regulatory, eight general, and four serious citations, with assessed penalties totaling \$85,665. The serious citations were issued for a failure to use a personal fall arrest system; failure to maintain clearance of the structure from energized high-voltage conductors; lack of guardrails; and failure to ensure that the bull float handles used by concrete finishers were constructed of nonconductive material.
- Investigation of farm labor contractor Alco Harvesting resulting in four serious citations, with assessed penalties totaling \$142,500. Of those citations, one was classified as willful-serious and issued for failure to effectively identify and evaluate workplace hazards relating to exposure to SARS-CoV-2, including lack of physical distancing among employees harvesting lettuce, traveling in employer-provided buses, and living in employer-provided housing. Another serious citation addressed a failure to provide in advance for prompt medical treatment for an employee who became seriously ill at the workplace.

- Investigation of Orange County Fire Authority for an incident in which two hand crew firefighters suffered serious burn injuries when they were overrun by rapidly-spreading spot fires. The investigation resulted in five serious citations, with assessed penalties totaling \$90,500. The serious violations were issued for failure to identify and correct the hazard of allowing firefighters to engage in wildland firefighting operations on sloped terrain covered with unburned fuel, when a rapidly-spreading fire was igniting spot fires across the fire line, and for failure to ensure that: all of the hand crew firefighters fastened the chin straps of their structural fire helmets to keep them in place; firefighters exposed to eye injury hazards used eye protection; firefighters were provided thermal protection against burns on the ears and neck; and firefighters wore suitable protective gloves to prevent burn injuries to their hands and wrists.

EMPHASIS PROGRAMS

Cal/OSHA continued its highly effective Heat Illness Prevention Special Emphasis Program (SEP). Although this is a longstanding emphasis program, it is more crucial than ever. According to the National Oceanic and Atmospheric Administration (NOAA), California experienced, once again, its hottest summer ever recorded. California temperatures in July 2021 were the hottest ever recorded, 5.3 degrees above normal.

The Heat and Agriculture Coordination Program provided heat illness prevention and Heat SEP implementation training to over 300 field enforcement personnel via webinar. Cal/OSHA conducted 2,434 inspections where outdoor heat hazards were evaluated.² Bilingual heat outreach efforts were augmented with television and radio interviews to raise awareness of worker protections related to heat illness. In addition to advertisements on billboards, lunch trucks, work vans, and gas stations, more than 35,700 multilingual educational commercials were aired in Spanish, Punjabi, Hmong, and Mixteco on 35 radio stations in the target areas during this reporting period. Ninety-three seminars/workshops were conducted where heat illness was emphasized, and staff distributed over 21,000 units of heat illness prevention materials during outreach events alone.

OUTREACH AND/OR COMMUNICATION

Direct communication with limited and non-English-speaking workers and their employers continues to be a high priority for Cal/OSHA. As of September 2021, Cal/OSHA's bilingual staff (in various languages) increased significantly, having 53 employees who passed the state's language certification exam. These efforts were supplemented by contracting with an external translation service, providing a network of native-speaking language interpreters telephonically available for over 100 languages and dialects.

² Coded S 18 HEAT in OIS as of Oct. 1, 2021

There were over 18,000 attendees at outreach events with vulnerable workers. Cal/OSHA also launched an online training academy to provide employers and workers simple, easy to understand training courses regarding COVID-19. During the federal fiscal year, over 135,000 individuals registered and completed this modular training.

The consultation program provided compliance assistance related to the state's COVID-19 emergency regulations, conducting 44 webinars with over 5,000 attendees representing a variety of industries. Another notable consultation success was California's outreach to a large horse racing track with over 100 employers and employees living on the premises. Staff assisted employers, in both English and Spanish, with developing an Injury and Illness Prevention Plan and a COVID-19 Prevention Plan.

PARTNERSHIPS

In FFY2021, Cal/OSHA continued work on its Alliance Program, despite the setback from the COVID-19 pandemic it faced in both FFY2020 and 2021. As a result, on September 3, 2021, the Consulate of Mexico and Cal/OSHA renewed our mutual commitment to assist vulnerable workers and educating employers by signing 10 new Alliance Agreements. The Alliance Agreement establishes a collaborative relationship to provide Mexican nationals in California and others information, guidance and access to education and training resources to promote workers' rights in protecting their occupational safety and health, and to help them understand U.S. domestic law on the rights of workers and the responsibilities of employers under the Occupational Safety and Health Act.

COVID-19 Response: In addition to the emergency regulations, California initiated over



Agricultural employees are protected by California's outdoor heat regulation, 8 CCR 3395

1,300 COVID-19 related inspections and cited close to 2,300 COVID-19 violations during FFY2021. In order to respond to more than 7,600 COVID-19 related complaints that could not all be investigated on-site, the Division of Occupational Safety and Health used a letter investigation procedure, supplemented by offering employers assistance in correcting the hazards. This allowed Cal/OSHA to obtain timely and satisfactory responses from employers to almost 4,800 such investigations.

Cal/OSHA authored and co-authored with the California Department of Public Health (CDPH) and other state agencies more than 50 COVID-19 prevention industry-specific guidance documents, as well as developed fact sheets, interim guidance, FAQs, training videos, and modular training accessible through the Cal/OSHA Training Academy.

OVERVIEW

FY2021 continued to present challenges to our country and CONN-OSHA due to the continued presence of the COVID-19 pandemic. Connecticut's public sector workforce continued to work remotely, except for the sectors that were deemed essential (i.e., fire, police, and public works departments).

FY2021 was the first year of a new five-year strategic plan, which was vastly different than the past strategic plans. The plan was based on abating hazards in high-hazards workplaces identified in state and municipal governments.

CONN-OSHA conducted inspections throughout FY21, even though the pandemic presented challenges to staff such as exposures to workplaces that had high COVID-rates which reduced employee presence making it difficult to perform interviews.

ENFORCEMENT

During FY2021, CONN-OSHA conducted two fatalities. One occurred in a State of Connecticut, Department of Developmental Services facility and the other occurred at the City of New Haven Fire Department while a firefighter was working at a structure fire. After completion of both inspections there were no citations issued.

The program was staffed by three safety and two health compliance officers. There were 169 safety inspections and 87 health inspections conducted for a total of 256 inspections. Of the 169 safety inspections conducted, 155 inspections were in the high hazard areas identified in the strategic plan. The state plan ensured abatement of 494 safety violations. Of the 87 health inspections conducted, 72 inspections were in the high hazard areas identified in the strategic plan and 354 health hazards were abated.



OUTREACH

- The state plan continues to distribute the CONN-OSHA Quarterly Newsletter to approximately 3,600 public and private sector employers/employees electronically. Articles in the quarterly are written by the CONN-OSHA staff and consists of safety and health issues.
- CONN-OSHA continues to provide monthly Breakfast Roundtable Discussion Group and provide OSHA 10-hour training classes.
- CONN-OSHA provides training, attends, and participates in trade shows with our alliance partners and have five active alliances.
- CONN-OSHA conducted 41 training sessions in the targeted high-hazard areas and trained 713 state and local government workers and employees.

CONSULTATION

The consultation program for the State Plan conducted 64 safety and 55 health consultations for FY2021. Of the 64 safety consultations conducted, 47 were in the strategic plan. The state plan abated 238 safety hazards. Of the 55 health consultations, 34 were conducted in the targeted area and 101 health hazards were abated.

SIGNATURE FOCUS

FY2021 was the first year of a new five-year strategic plan. In developing a new five-year strategic plan, CONN-OSHA decided to use a different approach than previously used. CONN-OSHA identified the high hazard areas is state and local government. Using the number of inspections conducted for the past five years in those high hazard areas and averaging the number of citations abated, a baseline was established. Next, the State Plan decided that an increase of 3% of citations abated per year over the baseline, 15% over five years would determine the effectiveness of the division. This same approach was used for consultation (violations/recommendations abated) and training (number of employees trained).

ENFORCEMENT

HIOSH conducted 529 inspections for the year, which resulted in 826 citable hazards and \$2,325,415.00 in issued penalties. In total, 11,292 employees were removed from hazard exposure.

HIOSH investigated six fatalities: five struck-by and one fall. All fatalities this year included moving machinery such as motor vehicles, powered industrial trucks, and/or cranes or lifts.

Internship Program

HIOSH welcomed two interns from the local community college. This opportunity gave them hands-on experience with the safety compliance section of HIOSH and was designed to increase their interest for permanent positions as compliance officers. The two interns finished their internship with a presentation summarizing their experience.

HIOSH Enforcement Survey

HIOSH is committed to making its operations as efficient and effective as possible to create optimum safe and healthy workplaces for Hawaii's workers. Employing feedback is one recognized way for entities to receive inputs on what is working, what is not working, and initiating improvements. Quarterly surveys were created to assess and respond to the compliance side of HIOSH, including inspection opening and closing conferences, hazard identification and communication, abatement aid, translation services, auxiliary aids and other services for those with disabilities, post-inspection communication, and post-citation informal conferences.

EMPHASIS PROGRAMS

Hawaii adopted the following National Emphasis Programs:

- COVID-19 Healthcare ETS
- Amputations in Manufacturing Industries
- Respirable Crystalline Silica

6% of HIOSH inspections were conducted under emphasis programs, which resulted in 41 identified hazards, 781 employees removed from hazard exposure, and \$168,888.00 in issued penalties.

OUTREACH AND COMMUNICATION

Compliance Assistance Activities

Due to the COVID-19 pandemic, most Compliance Assistance Activities continued virtually. During these virtual meetings and presentations, as many

as 1,376 companies participated and 1,443 employers and employees attended and/or participated.

The Consultation and Training Branch (C&T) continued to actively participate in the Safety Resource and Guidance Program, a monthly meeting of safety professionals discussing hot topics in their respective companies and industries. The program reaches out to over 170 safety professionals statewide.

HIOSH Website

Since the start of the COVID-19 pandemic, HIOSH realized the need for more efficient and timely updates on its public access platforms. News and Events on the main website are now updated within 24 hours, hot topic resources for employees and employers are routinely added and updated, and a continuous review of website pages was initiated to assess and update active and relevant information, including HIOSH standards, statistics information, directives, policies, and resources on common hazards and means of abatement.

Newsletters and News Releases

HIOSH performed outreach activities aimed at educating workers on the hazards of heat-related illness and excavation and trenching safety. Newsletters and news releases were used to educate employers and employees about the precautions that should be taken to prevent heat-related injuries and illnesses.

HIOSH created outreach promotions for the National Safety Stand-Down (May 3-7, 2021) to prevent falls in construction, as well as the Safe + Sound Week (August 9, 2021).

HIOSH continued monthly publications of HIOSH Hazard Highlights (HHH). These monthly activities highlight common or frequently cited hazards and target affect industries to promote prevention action.

PARTNERSHIPS

An increase of information sharing occurred this year, primarily due to the adoption of the COVID-19 Healthcare Emergency Temporary Standard (ETS #1). Information and ideas were shared regarding the ETS #1 with partners such as the HIOSH Advisory Committee (HAC) and State of Hawaii Department of Health in an effort to promote prevention action for the protection of Hawaii's workers.

COVID-19 RESPONSE

HIOSH adopted an identical form of the OSHA Emergency Temporary Standard (ETS) for Healthcare in July of 2021, as well as the corresponding Inspection Procedure and National Emphasis Program Directives for COVID-19. HIOSH included outreach mailouts and website updates to promote awareness of the ETS #1 adoption. Information and updates were also provided to the HAC in quarterly meetings and feedback from affected industries was gathered, both on the adopted ETS #1 and the prospect of a second ETS.

SIGNATURE PROJECTS

As a state and local government only state plan, IL OSHA has targeted outreach resources at the Illinois fire service due to the high hazard nature of the industry. Eight outreach events were conducted in FFY21 with over 180 fire department officers educated on IL OSHA standards and occupational safety and health best practices. Last year, IL OSHA was approached by the Illinois Office of the State Fire Marshal and the Illinois Society of Fire Service Instructors to assist with revamping the fire department training program manager (TPM) course, a state-level certification. IL OSHA developed a module on fire department training standards for the course. An IL OSHA enforcement inspector or manager is now invited to every TPM course across Illinois to present the module. This allows IL OSHA to educate current and future training officers about minimum training standards and fire ground safety.

IL OSHA has continued updating and distributing the Occupational Safety and Health Compliance Guide for Fire Departments. Inspectors are encouraged to pass out the guide at fire department inspections. In addition to physical published copies, a postcard with a QR code link to the guide was developed that allows firefighters to access a digital copy directly from their phones. Inspectors across the state have observed increased compliance and awareness of IL OSHA standards by fire departments during inspections.

ENFORCEMENT

Inspection # 1531592

Three Firefighters Hospitalized After Calling a Mayday and Bailing Out Second Floor of Apartment Building.

IL OSHA investigated the circumstances that led to three firefighters becoming lost on the second floor of an apartment building, declaring a mayday, and exiting the structure from a window resulting in a fall of approximately 21 feet. The fire department is a combination department with nine full-time paramedics, three full-time firefighters, and twenty-one volunteers. It responds to approximately 1,200 medical calls and 180 fire calls per year.

Originally built as a hotel in 1900, the involved structure was a two-story, ordinary brick construction building reconfigured as apartments with two apartments on the first floor and eleven on the second floor. The building was not equipped with a fire alarm or sprinkler system and had limited, battery-powered, standalone smoke detectors.



A crew of three firefighters assembled and made entry into the structure to rescue a victim on the second floor. They entered without a hose line and soon became disoriented. The crew declared a mayday and attempted to find a way out of the building for several minutes. Low on breathing air, the interior crew experienced increased heat and deterioration of conditions along with a “roaring” sound overhead. One firefighter located a window and yelled out for a ladder, as he did not have a radio. Due to heavy smoke conditions, the firefighter cannot see the ground and cannot be seen from the exterior of the building. This firefighter exits the window, hangs from the window ledge by his hands, and then falls to the ground. He suffers multiple leg and ankle fractures. The next firefighter exits through the window and suffers multiple hip and vertebra fractures. The fire chief is last to exit. By this time, a ground ladder is in place but is located to the side of the window. The chief attempts to jump to the ladder but misses and falls to the ground. He suffers multiple pelvis, sternum, and rib fractures.

As a result of the investigation, 15 indirect causes of the multiple injury incident were identified, eight citations were issued, and 19 non-binding recommendations were provided.

EMPHASIS PROGRAMS

In December of 2020, after five months of stay-at-home orders due to various Illinois Executive Orders, state and local government employees started returning to work. Schools reopened with in-person learning, and employees were

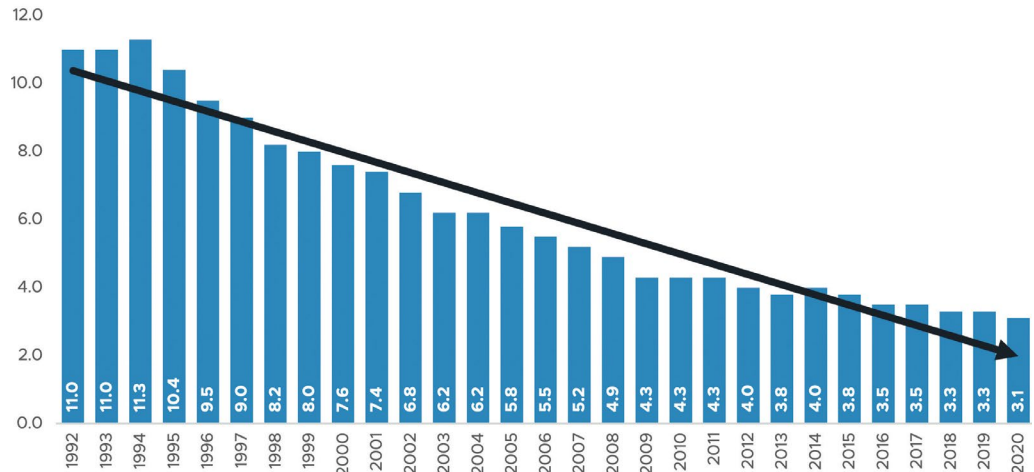
returned to the office, interacting with co-workers. Employers implemented occupancy limits and other controls, but workplace exposure to COVID-19 still occurred in some settings. Governments were grappling with what needed to be reported, how to report, and what data to include in the report.

Utilizing federal OSHA’s May 19, 2020, Memorandum for Regional Administrators and State Plan Designees titled “Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019” as a guide, IL OSHA developed its COVID-19 recordkeeping and reporting fact sheet. IL OSHA also conducted a webinar as a supplement to the fact sheet and reached over 750 employer and employee representatives, covering over 500 different governments within the State of Illinois.

The webinar was moderated by the IL OSHA Marketing and Outreach Coordinator, while two enforcement officials were available to answer specific questions. 45 minutes of Q&A was built into the timeline, and 50 follow-up emails were answered after the event. IL OSHA designed the virtual event to retain participant emails for future marketing. The event addressed many of the “what if” questions employers were anxious to ask.

A bonus of the event was the attendance of representatives of some of the state’s largest worker’s compensation providers. This created a train-the-trainer opportunity, allowing these companies to spread the message to their clients that did not attend.

The overall Indiana nonfatal occupational injury and illness rate for 2020 was 3.1 per 100 workers. The 2020 rate was the lowest rate in the state's history and since the inception of the federal Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses (SOII) in 1992. The 2020 rate also represents nearly a 73% reduction from a high of 11.3 in 1994.



Sixteen of Indiana's major employment industries or sub-industries experienced a decline in their respective nonfatal occupational injury and illness rate. The Indiana construction industry experienced a decrease of 30% from 2019 to 2020. Hoosier manufacturing, the largest employment sector in the state, experienced a one-year decrease of 8%.

ACCOMPLISHMENTS

Indiana VPP

Indiana's VPP is a key component of IOSHA and is supported at the highest level in the state. Currently, there are 90 Hoosier workplaces that actively participate in VPP. These workplaces often exceed OSHA requirements and set new best practices to protect the more than 25,000 Hoosier employees who work at these sites. These sites are safety leaders and have top-level management commitment to and high levels of employee involvement in the workplace safety and health management system.

During Federal FY 2021, Indiana VPP Leaders conducted 18 safety and health evaluations, which included 16 re-certifications and two new sites evaluations. From October 2020 through beginning of April 2021, VPP Leaders only performed hybrid virtual evaluations of documentation and formal interviews using Microsoft Teams. On-site evaluations were scheduled at later dates following COVID-19 safety precautions. Working together, the Indiana VPP team grew to four leaders on November 30, 2020, the team made more than 268 site visits to current and prospective VPP participants.

These site visits include providing on-site and virtual assistance, follow-up for 90-day item hazard correction, and evaluation readiness visits.

The Indiana Department of Labor currently has 105 Special Government Employees (SGEs) available from Indiana VPP sites. In 2021, 41 SGEs were utilized to complete the 18 evaluations.

Utilizing SGEs has reduced the burden on enforcement resources as more and more companies become committed to exemplary safety and health management systems through participation in VPP.

Recruitment of SGEs has enabled program to continue to grow in Indiana, seven new SGEs completed the August 3-4, 2021, Federal OSHA SGE class at Marathon Speedway Terminal in Indianapolis. The Indiana VPP Leaders continually engage this network of safety and health professionals with the goal of cross-promoting company and industry best practices, sharing ideas, and educating one another in matters related to worker safety and health excellence.

In the Fall of 2020, the VPP team conducted two Best Practice meetings covering Management Commitment and Leadership and SGEs shared their experiences about conducting virtual VPP evaluations. The Deputy Commissioner presented the Indiana Department of Labor and VPP updates. There were at total of 94 attendees at both meetings.

In the Spring of 2021, the VPP team conducted two Spotlight meetings via Microsoft Teams.

The topics covered included job safety analysis (JSAs) behavioral based safety program, and virtual shift starters. There were at total of 116 attendees at both meetings.

In March of 2021, the VPP team conducted three SGE training events to help SGEs know how a virtual evaluation would work using Microsoft Teams. During virtual evaluations, VPP Leaders also conducted one on one training

with SGEs who did not regularly use Microsoft Teams. There was a total of 63 SGEs in attendance at the three events.

Also, in Federal FY2021, Notre Dame continued to pursue VPP certification. In December 2020, the VPP Leaders conducted a gap analysis via Microsoft Teams, the site is working on

their action items to ensure all VPP elements are in place before their evaluation. The site and VPP team are hopeful the evaluation for VPP certification will be in 2023.

DEVELOPMENT AND IMPLEMENTATION OF LOCAL EMPHASIS PROGRAMS

IOSHA developed and implemented two new local emphasis programs (LEPs) in FY2020. The LEPs were developed to reduce workplace injuries and fatalities related to falls in both construction and general industry as well as to address hazards common in demolition and renovation-related jobsites exclusively in the construction industry.

In Indiana between 2014-2018, there were 56 workplace deaths related to falls to a lower level. IOSHA's falls LEP targets fall-related hazards in both general industry and construction. During FY2021, IOSHA conducted 150 inspections

under its “Falls in General Industry and Construction” LEP. About 80% of the inspections initiated under this LEP during the FY resulted in one or more violations. IOSHA issued 414 citations.

According to the BLS’ CFOI between 2014-2018, there were 11 worker fatalities in Indiana suffered by workers in NAICS associated with demolition and renovation activities. Hazards targeted in the LEP include electrical, fall, struck-by/caught-in-between, and airborne contaminants such as asbestos, lead, and silica. In FY2021, IOSHA conducted six inspections under its “DEMORENO” LEP.

A third IOSHA LEP was launched in May 2021. The LEP was initiated for residential construction activities (RESCON). During the FY, IOSHA conducted 52 RESCON-related inspections. About 81% of the inspections conducted had one or more violations identified. IOSHA issued 91 citations from May to September 30, 2021, under this LEP.

IOSHA will continue to review the effectiveness of the developed LEPs regularly and modify programs as appropriate with the goal of reducing workplace injuries, illnesses, and fatalities related to the emphasis areas.

EDUCATION AND OUTREACH

Indiana Safety and Health Conference and Expo

Each year, the Indiana Department of Labor partners with the Indiana Chamber of Commerce and the Central Indiana Chapter of the American Society of Safety Professionals to present the state’s largest occupational safety and health conference. The conference took place virtually March 1-3, 2021. More information about the Indiana Safety and Health Conference and Expo is available on the conference website at [INSafetyconf.com](https://www.INSafetyconf.com).

Recipients of the Governor’s Workplace Safety Awards are honored at the Governor’s Workplace Safety Awards Luncheon held on the final day of the conference. These awards recognize selected Hoosier companies and organizations for their dedication to growing their workplace safety and health programs. Companies are recognized for innovations, partnerships within and outside their organizations, education and outreach. The award also recognizes rising stars who are making great strides in occupational safety and health.

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

IN Review

INSafe's annual workplace safety and health-oriented publication, IN Review, focuses on safety and health topics and emerging trends identified during the previous calendar year. Along with specific injury- and occupation-related topics, IN Review offers analyses of data provided by the federal Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses (SOII) and Census of Fatal Occupational Injuries (CFOI), as well as "it happened here" sections based on OSHA case information.

The annual report was distributed to over 13,000 e-mail and newsletter subscribers. Current and past editions of IN Review are available online at [IN.gov/dol/2366.htm](https://www.in.gov/dol/2366.htm).

INSHARP

The Indiana Safety and Health Achievement Recognition Program (INSHARP) continues as a well-supported safety and health excellence program. The INSHARP evaluation team consists of two INSafe Consultants who work with other team members to identify worksites that have excellent safety and health management systems. As of the end of FY2021, there were 49 INSHARP sites and three Pre-INSHARP locations.

Social Media and Communication

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

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

The goal of our social media efforts is to share ideas and information while engaging with stakeholders.

CONCLUSION

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

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

The mission of Iowa OSHA is to save worker lives, prevent injuries, and protect the health of Iowa’s workforce. Our staff will accomplish this mission by conducting programmed and unprogrammed enforcement inspections; and through cooperative means by providing consultation services, compliance assistance, outreach, and educational programs.

GOAL

Iowa OSHA supports the strategic goal of our “Iowa Workforce Development” parent agency by enhancing the safety, health, and economic well-being of Iowa’s workforce and public through a balanced approach of consultation and enforcement of OSHA regulations. Our goal is to improve workplace safety and health for all workers as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities. FY2021 is the second year of the Iowa Occupational Safety and Health Administration’s five-year Strategic Plan (FY2020-2024).

ADMINISTRATION

During the first half of FY2021, the Iowa OSHA compliance officer staff continued to perform their duties in a telework status, in accordance with policy set by the Iowa State Executive Branch. In April of FY2021, state government allowed workers to return to their respective offices for duty. Iowa OSHA’s parent agency, the Iowa Workforce Development agency, allowed workers to continue in a telework status for up to two days a week. All compliance officers are equipped with mobile laptops with the ability to remain on the IWD network regardless of location and are issued business iPhones to ensure personal connection.

Two significant retirements occurred during FY2021:

- Don Peddy, the Senior Industrial Hygienist Supervisor retired after 36 years of service to the state of Iowa.
- Shashi Patel, our VPP coordinator, retired after 43 years of service to Iowa’s Department of Labor.



(Left-right) Don Peddy, Senior Industrial Hygienist Supervisor; Shashi Patel, VPP Coordinator

COVID-19 RESPONSE

FY2021 continued to be a unique year in that an illness, SARS-Cov-2, continued to have an enormous impact on the health and welfare of Iowa's citizens. For Federal OSHA, this pandemic caused the issuance of a COVID-19 Emergency Temporary Standard (ETS) on June 21, 2021. The ETS is aimed at protecting workers facing the highest COVID-19 hazards—those working in healthcare settings where suspected or confirmed COVID-19 patients are treated. This includes employees in Iowa's hospitals, nursing homes, and assisted living facilities; emergency responders; home healthcare workers; and employees in ambulatory care facilities where suspected or confirmed COVID-19 patients are treated. The Iowa OSHA Administrator, along with OSHA legal counsel, briefed the COVID-19 ETS to the Iowa State Legislature's Rules Committee on July 13, 2021. Iowa adopted the ETS and put it into effect on July 21, 2021. A training session was performed to train compliance officers in the inspection procedures and enforcement policies regarding the new ETS.

SIGNIFICANT PROJECT

Iowa OSHA completed a total revision of the Iowa Department of Labor website. The new site features online form submissions, current guidance and updates, and information about all of Iowa OSHA's programs. Check it out at IowaDivisionOfLabor.gov.

ENFORCEMENT

During FY2021, Iowa OSHA conducted a total 609 enforcement inspections with violations (424 safety and 185 health). Of the 609 enforcement inspections, 479 were unprogrammed inspections (329 safety and 150 health). Unprogrammed activities (UPAs) included 697 complaints, and 409 referrals. There were 130-programmed inspections (95 safety and 35 health). Unprogrammed

inspections again compromised the greatest number of inspections conducted. Programmed inspections were targeted on several of Iowa OSHA's local emphasis programs (LEPs) to include amputations; asbestos in construction; falls in construction; scaffolding; and grain handling establishments. Penalties collected for issued citations in FY2021 equaled \$3,073,144 dollars.

FY2021 TOP 10 IOWA OSHA GENERAL INDUSTRY VIOLATIONS

Control of Hazardous Energy	1910.147
General Requirements for All Machines	1910.212
Mechanical Power-Transmission Apparatus	1910.219
Wiring Methods, Components, Equipment	1910.305
Permit Required Confined Space	1910.146
Forms	1904.29
Workplace with Hazards	Chap. 88 Iowa State Code
Powered Industrial Trucks	1910.178
Electrical General Requirements	1910.303
PPE General Requirements	1910.132

FY2021 TOP 10 IOWA OSHA CONSTRUCTION VIOLATIONS

Asbestos	1926.1101
General Requirements	1926.403
Ladders	1926.1053
Wiring Methods, Components, Equipment	1926.405
Safety Training and Education	1926.21
Duty to have Fall Protection	1926.501
Mechanical Power-Transmission Apparatus	1926.307
Fall Protection Systems Criteria and Practices	1926.502
Specific Excavation Requirements	1926.651
Requirements for Protective Systems	1926.652

COOPERATIVE PROGRAMS

Iowa has 42 active Voluntary Protection Program (VPP) worksites. Seven of the 42 VPP sites were recertified in FY2021.

There were four alliances that continued to be active through FY2021:

- Master Builders of Iowa (MBI)
- Iowa Renewable Fuels Association (IRFA)
- IBEW 55 Transmission and Distribution Union
- Associated Builders and Contractors of Iowa (ABC)

Iowa is also partnering with Federal Region VII and their alliance with the North American Meat Institute and the Healthier Workforce Center of the Midwest at the University of Iowa.

12 ongoing partnerships were established throughout the year, including the Iowa State Capitol dome renovation and the construction of a new Federal Courthouse in Des Moines, Iowa. The general contractor, Neumann Brothers, Inc., are renovating the domes at the Iowa State Capitol building.



(Left-right) Russell Perry, Iowa OSHA Administrator; Rod Roberts, Iowa Labor Commissioner; and Dwayne Heckman, Iowa OSHA Partnership coordinator, sign a partnership agreement at the Iowa State Capitol building

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

SARS-COV-2

As was the case in FFY2020, the impact of the novel severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) virus and coronavirus disease 2019 (COVID-19) on the operations of the KY Occupational Safety and Health (OSH) Program in FFY2021 was significant. Every aspect of the program was profoundly affected in FFY2021. Several FFY2021 data points such as the number of fatalities, hospitalizations, and other metrics utilized by Kentucky, and OSHA, were skewed due to the pandemic. For instance, there was an increase of eighty-six (86) fatalities reported to the Division of OSH Compliance in FFY2021 from FFY2020. Forty-four (44) fatality investigations conducted in FFY2021 were COVID-19 related fatality investigations.

Additionally, hundreds, if not thousands, of hours were expended in FFY2021 by Department of Workplace Standards staff, including leadership, addressing external and internal SARS-CoV-2 related issues.

SIGNIFICANT LEGISLATION

HB 475 established that after July 1, 2021, neither the Kentucky OSH Standards Board nor the Secretary of the Labor Cabinet can adopt or promulgate any OSH regulation that is more stringent than the corresponding federal rule. HB 475 was delivered to Governor Beshear on March 16, 2021, and vetoed by the Governor on March 23, 2021. The legislators overrode the Governor's veto on March 29, 2021, and HB 475 became effective June 29, 2021. State specific OSH standards that were effective prior to July 1, 2021, remain in effect; however, the future of those state specific regulations is in jeopardy.

ENFORCEMENT

The Division of OSH Compliance maintained an emphasis on addressing serious hazards. Citations issued in FFY2021 with noteworthy penalties include:

- \$210,000 to a general industry employer for three willful violations for failure to provide and ensure safe means of access, failure to correct or guard a hazardous condition on a walking-working surface, and failure to provide fall protection for walking-working surfaces four feet or more above lower level.
- \$204,000 to a general industry employer for four repeat serious violations for failure to use machine-specific lockout procedures, failure to conduct periodic inspections of lockout/tagout procedures, failure to affix lockout devices to energy isolating devices, and failure to use

lockout/tagout procedures during the maintenance or servicing of equipment. There were three serious violations for failure to perform routine electrical test on electrical protective equipment, failure to provide blocks or wedges to employees to use during lockout/tagout, and failure to retrain authorized employees after updating energy control procedures. There were two other than serious violations for recordkeeping violations and failure to provide requested records within four business hours.

- \$119,400 to a construction employer for three willful violations for residential construction fall protection, fall protection training, and portable ladder access. There were two serious violations for head protection and personal fall arrest systems.
- \$87,500 to a construction employer for two serious willful violations for lack of employee fall protection while conducting steel erection and lack of fall protection on scaffolds. There were five serious violations for lack of personal fall protection, lack of head protection, fall hazards associated with improper scissor lift use, hoisted materials not rigged to prevent unintentional displacement, and lack of employee fall protection training.
- \$84,000 to a general industry employer for 11 serious violations for failure to implement ventilation to ensure safe confined space entry, failure to verify acceptable conditions throughout duration of authorized entry, failure to ensure testing and monitoring equipment was calibrated and used properly, failure to test conditions prior to confined space entry, failure to test or monitor conditions of permit space during entry operations, failure to prevent unauthorized

personnel from entering permit space in a rescue attempt, failure to identify purpose of entry, names, or initials on authorization permits and communication procedures used by entrants and attendants, lack of confined space training, failure to ensure confined space safety measures were in place, failure to use non-entry rescue retrieval system, and failure to conduct annual inspections of energy control procedures. There was one other than serious violation for failure to report an employee fatality within eight hours.

- \$70,000 to a general industry employer for one serious willful violation for an unguarded machine hazard.
- \$70,000 to a general industry employer for one repeat serious violation for an unguarded machine hazard.
- \$57,600 to a general industry employer for 10 serious violations for failure to provide an electrical PPE assessment, failure to have specific procedural steps to shut down and lock out a conveyor, failure to affix personal lockout/tagout device or group lockout when working together, failure to de-energize live parts, failure to provide written circuit de-energization procedures, improper de-energization of control circuit devices, failure to lockout the disconnecting means used to de-energize circuits and equipment, failure to provide appropriate electrical PPE, lack of protective eyewear or face shields where electric arcs or flashes or flying object hazards existed, and failure to make the hepatitis B vaccination available. There were two other than serious violations for failure to keep a portable fire extinguisher in its designated place and an electrical hazard.

- \$56,525 for 12 serious violations for a general duty citation, failure to provide fall protection, failure to protect employees from tripping or stepping into a hole by providing a cover or guardrail system, failure to provide fall protection training, failure to verify the required workplace hazard assessment was conducted, failure to ensure employees were provided appropriate PPE, failure to conduct an annual periodic inspection of energy control procedures, failure to ensure lockout/tagout training, lack of lockout devices affixed to each energy isolating device, lack of machine guarding, failure to ensure there were no damaged parts that may adversely affect safe operation or mechanical strength of equipment, and failure to ensure employees were trained and familiar with safety-related work practices. There were four other than serious violations for failure to review OSHA 300 Logs to ensure completeness and accuracy, failure to ensure that portable extinguishers or hoses were inspected monthly, failure to ensure the hazard communication program included a list of hazardous chemicals, and failure to ensure employees using hazardous substances were provided appropriate training.
- \$50,250 to a general industry employer for one repeat serious violation for failure to utilize lockout / tagout procedures as well as two serious violations for failure to ensure machine guarding and failure to offer hepatitis B vaccination.
- \$45,500 to a construction employer for one willful violation for residential construction fall protection and three serious violations for scaffolding, personal fall arrest systems, and portable ladder access.
- \$44,000 to a general industry employer for seven serious violations for failure to develop and implement hazardous energy control procedures, failure to have employee identification on applied lockout, lack of documentation for energy control periodic inspections, lack of lockout/tagout training, inadequate machine guarding, failure to provide adequate guarding for exposed chains and sprockets, and an electrical hazard due to a partially detached face plate.

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

TOP 10 MOST CITED STANDARDS

Recordkeeping, Reporting, Statistics <i>(the most cited standard in FFY2021 with recommended penalties over \$280,000**)</i>	803 KAR 2:180
Control of Hazardous Energy (Lockout/Tagout)	29 CFR 1910.147
Bloodborne Pathogens	29 CFR 1910.1030
Fall Protection, Duty to Have	29 CFR 1926.501
Machinery and Machine Guarding, General Requirements for All Machines	29 CFR 1910.212
Powered Industrial Trucks	29 CFR 1910.178
Fall Protection, Training	29 CFR 1926.503
Obligation of Employers and Employees (General Duty)	KRS 338.031
Recordkeeping Forms and Recording Criteria	29 CFR 1904.29
Personal Protective Equipment, General Requirements*	29 CFR 1910.132
Scaffolds, General Requirements*	29 CFR 1926.451

Recommended penalties totaled over \$2,450,000 for all top 10 most cited standards.**

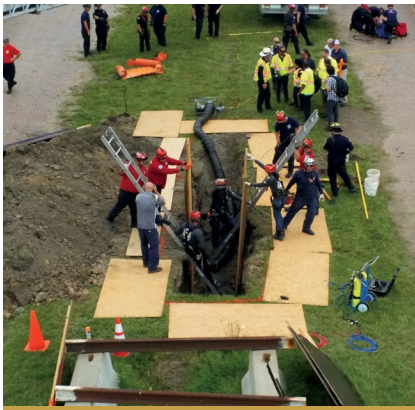
*29 CFR 1910.132 and 29 CFR 1926.451 tied for tenth place.

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

EMPHASIS PROGRAM

The Division of OSH Compliance initiated an emphasis program in FFY2021 addressing the electronic submission of injury and illness records and employer identification number (EIN). Data submitted by employers to OSHA assists in identifying trends in workplace hazards, developing KYSAFE outreach programs, and evaluating the effectiveness of

Kentucky enforcement activities. The Division of OSH Compliance inspected employers who failed to electronically submit their injury and illness data and EIN to OSHA. The Division of OSH Compliance conducted 34 emphasis program inspections in FFY2021; 29 citations were issued with penalties totaling \$51,050.



Trench Stand-Down

Notification of Asbestos Abatement / Demolition / Renovation or Ten (10) Day Notice

The Division of OSH Compliance has an agreement with the Division of Air Quality (DAQ) in the Department for Environmental Protection of the Energy and Environment Cabinet in which the Division of OSH Compliance is alerted of asbestos removals conducted in the Commonwealth. Employers are required to notify the DAQ 10 days in advance of any job involving asbestos removal. DAQ subsequently notifies the Division of OSH Compliance. The Division of OSH Compliance received 333 10-day notices from DAQ in FFY2021.

OUTREACH

Workplace Safety Savings

In FFY2021, the Division of OSH Education and Training, also known as KYSAFE, identified 1,345 serious hazards that exposed 44,648 employees and saved employers up to \$9,415,000 in potential penalties. KYSAFE identified 481 other than serious hazards that exposed 24,607 employees and saved employers \$3,367,000 in potential penalties.

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



Trench Stand-Down

Trench Stand-Down

In 2021, Marathon Refinery, Catlettsburg, a Labor Cabinet VPP facility, hosted a trench stand-down event. The event was held at the City of Ashland Fire Department training facility, and included members of Marathon's Safety and SORT Team, Ashland Fire Department, Boyd County Emergency Medical Services, City of Ashland, Ashland-Boyd County-Catlettsburg Office of Emergency Management, and United Rentals personnel. Two excavations were dug for the event. One was used as the "training trench" where a full response and simulated rescue was performed. The second trench was used as a "proper trench" example that demonstrated proper methods and equipment that can be used for employee protection. Several Labor Cabinet employees attended the training, including both KYSAFE and Division of OSH Compliance staff. Unmanned aircraft system pilots from the Kentucky OSH Program and Marathon participated and memorialized the event. Local media also covered the event.

COVID-19 Emergency Standard for Healthcare Outreach

On June 21, 2021, OSHA issued an ETS to protect healthcare and healthcare support service workers from occupational exposure to COVID-19 in settings where people with COVID-19 are reasonably expected to be present. KYSAFE presented, and subsequently posted on the KYSAFE website, a “COVID-19 Emergency Standard for Healthcare” webinar as well as a “COVID-19 in Healthcare FAQ” specific to questions posed by Kentucky constituents. Kentucky OSH Program staff also partnered in a statewide outreach with the Kentucky Department of Public Health. Both outreach efforts were extremely successful, over 850 participants attended the training just on the first day it was presented.

Heat Stress Campaign

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

Kentucky continued the outreach in FFY2021. Due to SARS-CoV-2, outreach was conducted through distance learning. The Labor Cabinet’s eLearning website hosts the interactive Heat Stress Awareness for Construction and General Industry module as well as the Occupational Heat Exposure and Occupational Heat Exposure-Masks webinars. The module and webinars were viewed 340 times in FFY2021.

KYSAFE Mobile App

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





eLearning Program

The Labor Cabinet recognized the need to make occupational safety and health training more accessible and economical for all of Kentucky's employers and employees and charged the OSH Program with achieving the goal. The Kentucky OSH Program applied for, and received, a one time federal award in FFY2011 to purchase web conferencing software, a video editing computer, and video equipment. After much planning and preparation, the Cabinet launched an online workplace safety and health training website, kysafe.ky.gov, the same year. Employers and employees have cost-free, 24/7 access to a variety of OSH webinars and training courses. The eLearning program has grown by leaps and bounds since its launch. To date, more than 225,000 participants have utilized the website.

KYSAFE added 15 cost-free interactive training products, five modules and 10 webinars, to the KYSAFE online library at kysafe.ky.gov. The newly developed modules were Slings in General Industry, Intro to OSHA Part 2: Spanish, Scaffolding Introduction, Methylene Chloride Part 1, and Methylene Chloride Part 2. The 10 webinars were three sessions of Injury and Illness Recordkeeping, and one session each of Falls Stand-Down, Heat Stress, COVID-19 ETS for Healthcare, Recordkeeping Update 2020, Beryllium Update, Electrical Hazards, and Forklift Safety.

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

Agreement with University of Kentucky Occupational Medicine Doctorate Program

In 2020, the Department of Workplace Standards entered into an agreement to facilitate residents enrolled in the University of Kentucky Occupational Medicine Doctorate Program. The goal of the program is to allow the medical student to work with the program assessing workplace health hazards and obtain general insight into the administrative functions of the Kentucky OSH Program. Participation was severely curtailed in FFY2021 due to the SARS-CoV-2 pandemic. In FFY2021, one doctor participated for a 30 day rotation and accompanied industrial hygiene consultants during health visits to observe survey procedures, air and noise monitoring, as well as hazard identification.

Partnership Program

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

In FFY2021, the Partnership Branch experienced 205 significant contact events. 110 events were site visits affecting 24,561 employees that identified 2,199 hazards; 427 were serious and 1,772 were other than serious. Partnership staff also conducted 17 excavation activities as part of the national emphasis program.

Voluntary Protection Partnership

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

The Partnership Program was very active in FFY2021, adding five new VPP sites. The 20 Kentucky VPP sites are:

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

VPP continues to be successful and sets the standard for program and participant quality. The Partnership Branch maintains 20 very strong, successful sites, the highest number of active sites in the history of the program.

Safety and Health Achievement Recognition Program

SHARP started FFY2021 with 15 active sites and ended FFY2021 with fourteen 14 active sites. The pandemic halted all SHARP activity for a significant portion of FFY2021.

Construction Partnership Program

KYSAFE continues to focus on the construction industry with CPP. There were fourteen (14) active CPP sites in FFY2021 with a total project cost of over \$3 billion. There were 34 site audits with CPP sites in FFY2021 affecting 3,591 employees. The most significant CPP project in FFY2021 was the new \$1.7 billion plate mill at Nucor Steel Brandenburg.

Annual Governor's Safety and Health Conference and Exposition

The Annual Governor's Safety and Health Conference and Exposition was cancelled in 2021 for the second consecutive year due to SARS-CoV-2. The event, co-sponsored by the Labor Cabinet and the Kentucky Safety and Health Network, Inc., is the largest safety and health exposition in the Commonwealth. The Labor Cabinet and the Network look forward to the return of the Governor's Safety and Health Conference and Exposition in 2022! Despite the 2021 cancellation, Scholastic Achievement for Education Awards, or "SAFE" awards, totaling \$11,000 were presented to five university students matriculating in the areas of occupational safety and health, industrial hygiene, or a closely related field.



On August 5, 2015 Maine received initial approval as a developmental State and Local Government only State Plan. FY2021 was the state's sixth full year in the program. MEOSH has implemented all items identified in our developmental plan and we are currently working with OSHA Region 1, Solicitor's and National Offices to obtain State Plan certification.

Note: Like many states, MEOSH activities were hampered in FY2021 due to COVID-19, MEOSH limited consultation visits and enforcement complaints and/or investigations were handled remotely where possible. The SafetyWorks! Training Institute classes continued with reduced class size, social distancing and required mask use.

SIGNATURE PROJECTS

Maine provides technical assistance through our SafetyWorks! on-site consultation and training program. In addition, the SafetyWorks! Training Institute (STI) is a state of the art training center that has a seating capacity of up to 48 students with an adjacent hands-on lab area that includes props for fall protection, video display terminal (VDT), confined space, fire extinguisher, electrical board, forklift, work zone, respiratory protection, vehicle lift, scaffolding, rigging, vehicle ergonomics and machine guarding training. All classes are conducted by SafetyWorks! staff or other industry experts. STI conducted 100 classes and trained 1006 attendees this year. The program also distributed 5,000 SafetyWorks! Training Institute calendars. In addition, the facility is an OSHA Region 1 Training Institute Education Center satellite training site. SafetyWorks! training classes can be viewed at maine.gov/tools.

Once again, SafetyWorks! Training Institute numbers were down this year due to COVID-19 restrictions. COVID-19 protocols included use of face coverings and social distancing. Class size was reduced from 48 to 18 but has since increased to 24 to allow for separation of students. STI has not yet opened access to the adjacent hands-on lab area due to social distancing concerns. However, STI hosted 10 Region 1 Education Center classes as well as two LO/TO classes provided by Georgia Tech OSHA Consultation Program via a Susan Harwood Grant.

The SafetyWorks! Training Institute was the recipient of OSHA 21d one-time funds in FY2020. These funds assisted the division with upgrading all audio-visual equipment within STI and adding ceiling mounted microphones. This upgrade will allow us the opportunity in the future to offer some blended classes (in person and remote attendance). Although we did not offer any blended classes this year, we did record and post eight SafetyWorks! Safety Shorts which are short safety and health training sessions that provide a brief overview of OSHA regulations. These short video clips have been viewed around 3,000 times.

EMPHASIS PROGRAMS

SafetyWorks! (consultation) conducted 133 state and local government public sector total visits. Of those, 16 were safety, 32 were health and 85 were both safety and health. These numbers continue to be down due to COVID-19 restrictions and virus outbreaks at on-site facilities that require the visit to be rescheduled.

ENFORCEMENT

MEOSH enforcement conducted only 18 inspections in FY2021 (15 safety and three health). MEOSH ceased all programmed inspections for most of the fiscal year. MEOSH fielded many COVID-19 calls (primarily private sector) but received few state and local government complaints. This can probably be attributed to most of state government employees being transitioned to remote work and many local government offices were either closed or had restricted staff and hours.

Governor Mills, through executive order mandated the use of face coverings when in public places. This order was lifted on May 24th if fully vaccinated. In addition, no OSHA emergency temporary standards were enacted via emergency work rules by our Board of Occupational Safety and Health (BOSH). However, ETS-1 was adopted via regular rule making.

OUTREACH

The project staffed an informational booth at numerous conferences. Unfortunately, many of these conferences were done remotely. However, we were able to attend the Maine Chiefs (fire) Conference in-person where over 150 members of the fire service were in attendance and the Workers' Compensation Conference which had similar numbers in attendance.



SafetyWorks! Training Institute (STI)

PARTNERSHIPS

MEOSH has a voluntary protection program called SHAPE. The Safety and Health Award for Public Employers is similar to the private sector SHARP program. However, SHAPE is only for the public sector and SHAPE can involve a whole city/town or just an individual department. At the end of FY2021, Maine had 81 SHAPE sites. MEOSH is especially proud of joint efforts with the Maine Department of Transportation (MDOT), which is the only state agency in the SHAPE program. MDOT has a total of four regions out of six in SHAPE, with a goal of full department acceptance into the program. Another, informal partnership is providing joint training with the Maine Fire Service Institute (MFSI) and the Office of the Maine State Fire Marshal. MEOSH currently has no formal partnerships but plans on establishing a formal partnership with MFSI during FY2022. This was also a FY2020 and 2021 goal, but COVID-19 restrictions hampered achieving formal partnerships during the last two-years.

ENFORCEMENT

Electrical Room Hazards

On September 9th, 2021, MOSH investigated an electrical shock where an employee suffered severe burns as a result of contacting live switchgear. On the day of the accident, the employees were searching a condominium complex for a location to store cardboard boxes containing pipe insulation. This condominium complex did not restrict electrical rooms to only qualified personnel and the employees entered the electrical room that contained unguarded 7,200-volt primary switchgear for the condominium building. One of the two employees thought the switchgear was old electrical equipment that was not energized and proceeded to reach out and touch the “A” phase of the energized 7,200-volt primary switchgear. At that time, the employee experienced an electrical shock which caused their body to tense, resulting in the employee falling into the “B” phase of the primary switchgear and contacting the energized handle with their head. The employee was taken to the Johns Hopkins Bayview Hospital Burn Unit and treated for injuries to their head and left hand/arm including soft tissue damage requiring multiple surgeries. The inspection found that unqualified employees and condominium owners were provided keys to access these electrical rooms where only qualified personnel would be allowed to enter. The employer was cited for this finding.

MOSH worked with the regional supplier of electricity in Ocean City, MD and found it was not uncommon for electrical rooms to be set up in this manner. Through outreach and education, MOSH is developing a Hazard Alert letter to make condominium managers aware of these electrical hazards that could be present in their electrical rooms to ensure accidents like this one are not repeated.

SIGNATURE PROJECT

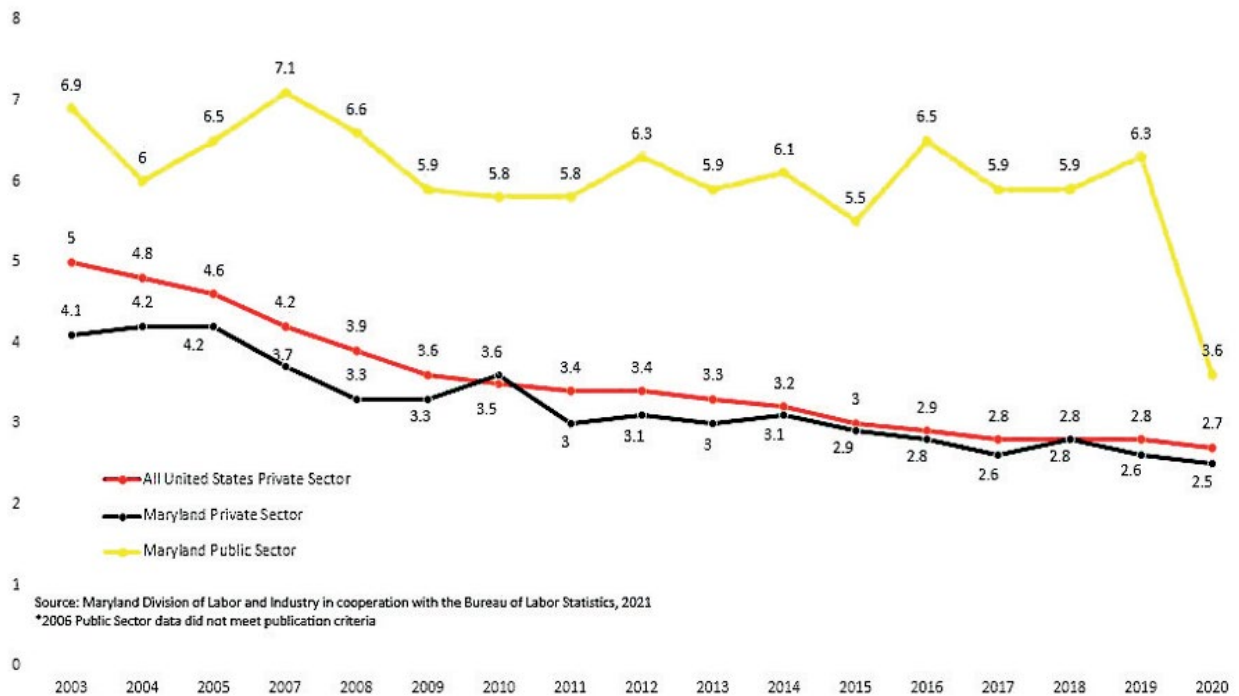
Online Complaint Form

MOSH developed and successfully refined a method for complainants to file occupational safety and health complaints online. This online complaint form now allows complaints to be directly sent to the Agency, provides new functionality to address confusion regarding the type of complainant and related anonymity, and ensures hazardous conditions are addressed more efficiently. The online form is available in both English and Spanish and can be found at dllr.state.md.us/MOSHComplaintForm.

OUTREACH

The MOSH Research and Statistics unit completed the reference year 2020 data collection for the Bureau of Labor Statistics (BLS) Survey of Occupational Injuries and Illnesses (SOII) program. The SOII charts the nature and magnitude of occupational injuries and illnesses across the United States. MOSH recently reviewed this data and found a sharp reduction in the Maryland Public Sector total recordable incident rates. For FY22, MOSH will continue to focus on public sector incident rates through outreach and enforcement initiatives to maintain this reduced rate and continue collaborative relationships borne out of COVID-19.

TOTAL RECORDABLE INCIDENCE RATES PER 100 FULL-TIME WORKERS FOR TOTAL NONFATAL OCCUPATIONAL INJURIES AND ILLNESSES, MARYLAND AND ALL U.S., 2003-2020



INSPECTIONS

MIOSHA conducted a total of 3,357 safety and health inspections in FY2021. MIOSHA responded to 97% of workplace fatalities within one day.

OUTREACH

MIOSHA conducted 2,271 consultations, 751 training sessions, 180 hazard surveys, 302 safety and health evaluations and trained more than 7,030 participants.

SIGNATURE PROJECTS

COVID-19 Response

During FY2021, MIOSHA continued to take a collaborative approach to COVID-19 workplace safety, combining extensive education and outreach programs to provide employers the resources they needed to understand and implement necessary precautions, along with clear and consistent enforcement to keep workers safe.

MIOSHA typically receives about 220 complaints per month. From October 2020 through September 2021, MIOSHA received 9,290 complaints, which is an average of 774 complaints per month. This is a 252% increase in complaint volume.

COVID-19 Hotline

MIOSHA continued to operate its COVID-19 hotline for employees and employers to get answers and guidance on COVID-19 precautions and compliance issues. The hotline was staffed by MIOSHA administrative support personnel equipped with frequently asked questions, with MIOSHA field staff available to provide more in-depth assistance as needed. In FY2021, the hotline addressed 12,480 calls with an average wait time of less than 15 seconds and an average call handling time of less than five minutes.

COVID-19 Safety Grant Program

The agency also continued to operate its COVID-19 Safety Grant Program, utilizing over \$8 million of federal CARES Act funding to provide up to \$10,000 in matching grants to small employers to purchase equipment and materials to protect their employees from COVID-19. There were more than 3,500 applicants and grants were awarded to over 1,700 different small employers. Including the employer match, over \$17 million was invested in protecting employees from COVID-19.

COVID-19 Ambassador Program

MIOSHA continued its COVID-19 Ambassador Program, utilizing MIOSHA Consultation Education and Training (CET) staff and a contractor (NSF International) to provide tier one and tier two consultative visits to small employers in the retail, restaurant, bar, and gym industry sectors. Tier one visits involved unannounced promotional visits to briefly cover toolkit information, which included a checklist and sample COVID-19 preparedness and response plan that the employers could use. The tier two visits were more in-depth assessments using the checklist in the toolkit to assist employers in protecting their employees and customers from COVID-19. Employers who completed the tier two visits were provided a window sticker to display. In total, MIOSHA Ambassador Program NSF and CET staff conducted 4,463 tier one visits and 1,032 tier two visits.

MIWISH GRANTS

MIOSHA offers small employers the opportunity to apply for a Workplace Improvement to Safety and Health (MIWISH) matching grant of up to \$5,000 to make improvements in their workplace safety and health. The grants are offered to employers to purchase safety and health related equipment and equipment-related training.

In FY2021, MIOSHA awarded 42 grants totaling \$133,410. Employers matched these funds making a total investment of approximately \$345,735 towards improving their employees' health and safety.



Employers who completed the tier two visits were provided an Ambassador Program window sticker to display.



Sugar diffusion tower



Vertical shaft deceased fell down



Sugar into permit space

SIGNIFICANT CASE

General Industry

The General Industry Safety and Health Division (GISHD) conducted three inspections at a granulated sugar producer, Michigan Sugar Company. As a result of those inspections, on July 12, 2021, the GISHD issued 25 serious, two willful-serious, three repeat-serious, and two other-than-serious violations, totaling \$343,000 to the company.

The first inspection was a safety inspection in response to a report of a fatality after an employee fell through an unguarded chute opening in the floor into a pulp press where the employee was crushed and sustained fatal injuries. The second inspection was a health inspection to cover items related to the fatality which required the expertise of an industrial hygienist, and the third inspection was a companion inspection to the health inspection to cover hazards not directly related to the fatality. The violations covered silica, respiratory protection, confined spaces, welding in confined spaces, walking-working surfaces, control of hazardous energy sources, and chromium (VI).

ALLIANCES

Active MIOSHA alliances performed the following activities in 2021:

- **Associated Builders and Contractors in Michigan** – CET consultants held an introduction to MIOSHA and hazard recognition training for high school trades students with the ABC affiliate, Greater Michigan Academy.
- **Associated General Contractors of Michigan** – CET consultants conducted 17 on-site safety consultation visits at jobsites, impacting the health and safety of approximately 400 workers. Additionally, 10 safety training sessions were conducted at alliance partner jobsites.
- **American Subcontractors Association-Michigan** – CET consultants completed visits at two members' construction worksites.
- **American Society of Safety Professionals (ASSP)** (Greater Detroit, Mid-Michigan, and West Michigan) – a CET consultant shared a 2019 MIOSHA fatalities presentation to Mid-Michigan ASSP.

- **Construction Association of Michigan (CAM)** – CAM and MIOSHA participated in a Fall Protection Panel Discussion and an Excavation Stand Down Panel Discussion.
- **Great Lakes Safety Training Center (GLSTC)** – MIOSHA and GLSTC established goals and renewed their Alliance agreement on June 2, 2021.
- **Macomb Community College (MCC)** – the MCC continued to partner with MIOSHA to facilitate the MIOSHA Training Institute (MTI) certificate program, issuing Level 1 and Level 2 – General Industry and Construction Safety and Health certificates, Occupational Health Certificates and Management Track certificates. 27 online courses were offered, including Part 1, Part 2 and When MIOSHA Enforcement Visits, resulting in 141 individuals being trained.
- **Michigan Assisted Living Association (MALA)** – a CET consultant provided a pre-recorded training session on Safety and Health Audits – Resources to Get you Started for 790 members during MALA’s 2021 Virtual Conference and Dementia Summit. Additionally, a CET consultant provided webinar training on MIOSHA’s emergency COVID-19 rules for 75 attendees.
- **Michigan Green Industry Association (MGIA)** – CET consultants participated in an MGIA Spring Trade Show with 200 attendees. Safety classes using MIOSHA grant funding were presented during the trade show as well. CET consultants participated in safety presentations at the Michigan Snow Conference and Expo Trade Show with 100 attendees.
- **Oakland University (OU)** – OU representatives and MIOSHA staff worked together to develop a video to promote the MTI-OU degree program. The MTI-OU video has since been incorporated into the MTI Welcome PowerPoint that is shared at the beginning of every MTI course and in MIOSHA update presentations.

OUTREACH

MIOSHA Take a Stand Day

During the week of August 9, MIOSHA compliance and consultation staff performed visits at Michigan worksites as part of its annual Take a Stand Day. This initiative is an opportunity for employers to proactively identify and address workplace hazards, improve their safety and health programs and stand up for worker safety and health.

The agency scheduled 54 visits to focus on preventing fall incidents, as well as to address other specific hazards/areas as requested by the employer. During this time, no citations or penalties were issued to participating workplaces, however, participants were obligated to correct all serious conditions.

Stand-Down Event to Prevent Falls in Construction

The National Safety Stand Down to Prevent Falls in Construction takes place annually during the first week of May. During this time, MIOSHA representatives visit active construction worksites across the state to meet with management representatives, employee representatives and employees to emphasize the importance of fall protection in the workplace. Due to restrictions surrounding the pandemic, MIOSHA opted to provide a free webinar about fall protection on May 3, 2021, for Michigan workers and other interested parties. In total, over 70 people participated.

A panel of representatives from the following construction groups participated in the webinar:

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

The panel presented topics and situations that employers and employees routinely experience and must decide how to perform safely, as well as ways to adhere to MIOSHA standards and how to plan to get the job done safely, provide the right equipment and train everyone to use the equipment safely. The panel answered audience questions utilizing a chat function, which allowed all participants to actively engage in the discussion.





Harness demonstration

SIGNATURE PROJECTS

Minnesota OSHA signs consent decree ending court ordered process

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

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

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

In 2021, the company has completed the permanent solutions and cleanup of employee vehicles and homes. All parties have executed a consent decree closing this process with the court and acknowledging the company has complied with the order of the court.

SAFETY GRANT PROGRAM

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

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

In state-fiscal-year 2021, MNOSHA WSC received 239 safety grant applications, totaling more than \$1.9 million in requested funds, and was able to award more than \$1.5 million in safety grants. The overall total project costs for all safety grant applications submitted exceeded \$7.4 million. Awarded safety grant projects included: fall protection equipment; trench boxes; boom-supported aerial lifts; fixed industrial ladder cages; exhaust ventilation systems; ergonomic material-lifting equipment; personal protective equipment (including respiratory protection); patient-lifting equipment; and hazardous-atmosphere detection equipment.

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

MNOSHA adapts and responds during the COVID-19 pandemic

As was true for every organization, many changes occurred for MNOSHA Compliance due to COVID-19. MNOSHA continued to practice social distancing and used face coverings whether working indoors while in the office or on field inspections. All field staff members were working remotely from home on a laptop and using a state cell phone. However, that did not mean MNOSHA was sitting on the sidelines. MNOSHA continued to perform inspections, as well as outreach and training for stakeholders and the public.

Since the onset of COVID-19, MNOSHA has seen a significant increase in email and phone call inquiries. This required MNOSHA to dedicate additional staff members to respond to these inquiries. Since the start of COVID-19, from March 1, 2020, through Sept. 30, 2021:

- MNOSHA received 26,183 email and phone inquiries, which included 2,352 non-formal complaints and 457 (178 COVID-19) formal complaints;
- MNOSHA conducted 1,911 inspections (221 COVID-19) and issued 2,747 citations (177 citations issued on inspections with a COVID-19 component, with 59 being general duty citations); and
- MNOSHA's Discrimination team fielded a total of 618 intakes, which resulted in 148 cases that are being pursued and of which 98 cases have been designated as having a COVID-19 component.

EMPHASIS PROGRAMS

In federal-fiscal-year 2021, MNOSHA Compliance conducted inspections under 17 local and national emphasis programs. 95% of the 790 programmed inspections MNOSHA Compliance conducted were in these emphasis programs.

MNOSHA developed a new emphasis program in FFY2021 to help reduce fatalities, injuries and illnesses in agricultural operations. The agricultural NAICS codes to be focused on were selected based on the highest incidence of indemnity claims in Minnesota – 112210 Hog and Pig Farming, and 112120 Dairy Cattle and Milk

Production, were the focus of the agriculture local emphasis program. MNOSHA's goal for four inspections under this new emphasis was achieved, with a total of six inspections being conducted in the applicable NAICS codes.

Despite the challenges of the COVID-19 pandemic, MNOSHA Compliance conducted a total of 15 inspections in the meat processing and health care industries: seven were programmed, planned inspections; the other eight included unprogrammed activity, mainly due to COVID-19 concerns.



ENFORCEMENT

General automotive repair

A complaint was filed against a tractor and trailer maintenance shop for not following COVID-19 protocols. MNOSHA Compliance cited the employer general-duty violations for not wearing face coverings and not social distancing in the shop and customer service area. MNOSHA Compliance issued two serious citations with \$11,200 in penalties.

Commercial printing

An employee crushed their left hand while unjamming an envelope folding machine. MNOSHA Compliance cited the employer for not using lockout/tagout (LOTO) procedures, not training employees about an energy control program and not conducting periodic inspections, as well as having a lack of machine guarding. MNOSHA Compliance issued four serious citations that included the serious-injury factor (SIF), with \$28,000 in penalties.

Grain and field bean merchant wholesalers

An employee was engulfed by corn in a flat storage building. MNOSHA Compliance cited the employer for having an unguarded floor hole, not training employees about the specific procedures and safety practices applicable to their job tasks, and not de-energizing equipment that poses an engulfment hazard. MNOSHA Compliance issued three serious citations that included the SIF with \$12,500 in penalties.

Site preparation contractors

An employer was installing drainage pipe and an inspection was conducted under the national emphasis on trenching and excavation. MNOSHA Compliance cited the employer for not having a competent person eliminate the hazards prior to entering the excavation, not

providing an adequate protective system and not providing a means of egress, as well as having spoil piles within two feet of the edge of the excavation. MNOSHA Compliance issued two repeat citations and two serious citations, with \$24,400 in penalties.

New housing operative builders

A general contractor and three subcontractors were building townhomes and an inspection was conducted under the local emphasis on activity generated in construction. MNOSHA Compliance cited the general contractor and subcontractors for not using fall protection and because the stairways were not provided handrails. MNOSHA Compliance issued two repeat citations and six serious citations, with \$18,700 in penalties.

Concrete block and brick manufacturing

An employee was asphyxiated when they attempted to obtain a material sample from a tanker trailer and was found unresponsive and face down in fly ash. MNOSHA Compliance cited the employer for not ensuring the employee was protected from falling, not training the employee to recognize fall hazards, not evaluating the tanker truck to be a permit-required confined space, not developing a written confined-space entry program, not providing training to an employee entering the space and not training employees about confined space rescue duties. MNOSHA Compliance issued six serious citations, including three cause or contribute citations, with \$79,200 in penalties.

General freight trucking and other animal food manufacturing

A logistics employee was fatally injured when they fell from the top of a semi-trailer in the loadout bay of a feed mill. MNOSHA Compliance cited both the host employer and

the logistics employer for not ensuring the employee was protected from falling. The logistics employer was also cited for not training employees about fall hazards while accessing feed trailers and for not developing a written safety and health program. MNOSHA Compliance issued two willful citations and two serious citations, including three cause or contribute citations, with \$125,200 in penalties.

OUTREACH

Presentations

In federal-fiscal-year 2021, Minnesota OSHA (MNOSHA) Compliance conducted 53 presentations to 2,240 participants. Most of the outreach presentations dealt with COVID-19. A lot of the discussion was about preparedness plans and protecting workers from COVID-19. MNOSHA continues to strive to improve communication with immigrant and “hard-to-reach” employers and employees. MNOSHA employs one investigator who is fluent in both English and Spanish, and one investigator who is fluent in English and Somali. MNOSHA gave one presentation in Spanish this year. In addition, MNOSHA provides written materials to immigrant and other hard-to-reach employers and employees in coordination with DLI’s community services representative.

Construction Seminar series

MNOSHA Compliance conducted five Construction Seminars in federal-fiscal-year 2021, reaching 349 participants. The Construction Seminar series was developed to help members of

the construction industry who are responsible for worksite safety to stay current with MNOSHA Compliance standards. The Construction Seminar series provides a forum for members of the construction trades and their employers to discuss issues and experiences with the presenting speaker, their peers and MNOSHA Compliance investigators. Topics included: “Cranes in construction”; “Why mental well-being and suicide prevention are leadership issues in construction”; “Don’t forget about health standards in construction”; and “Fall protection and safety for mobile elevating work platforms.”

Newsletter

MNOSHA continues to publish its quarterly newsletter Safety Lines. Topics in the past year included: grain-bin hazards; safety grants; MNOSHA Workplace Safety Consultation outreach; recordkeeping; partnerships; rulemaking updates; carbon-monoxide threats during the winter months; COVID-19 updates and information; health and safety of young workers; and more.

PARTNERSHIPS

Minnesota STAR (MNSTAR) Program

Federal-fiscal-year 2021 ended with 34 active full Minnesota STAR (MNSTAR) Program worksites; one worksite is a construction participant and the remainder are general-industry participants. Fifteen companies successfully achieved full re-certification as MNSTAR Program worksites; one worksite withdrew from the program.



General-industry participants in the MNSTAR Program have a three-year (2018 through 2020) average rate that is 65% below the current U.S. Bureau of Labor Statistics rate for total recordable cases and 66% below the current rate for “days away, restricted or transferred.” The MNSTAR Program construction participant, a resident contractor at a MNSTAR Program participant’s site, is 100% below the current U.S. Bureau of Labor Statistics rate for total recordable cases and 100% below the current rate for “days away, restricted or transferred.”

Partnerships with construction contractors

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

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

In federal-fiscal-year 2021, MNOSHA partnered with 46 AGC and 24 MN ABC contractors at 20 Level 3 construction sites. The MNOSHA Compliance partnership director also continues to have quarterly meetings with Level 3 contractors, focused on accident reduction. At these meetings, contractors share best-practices with each other.

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

Nevada OSHA has faced an unparalleled challenge during the pandemic and despite these challenges has shown notable improvement in inspection performance metrics. Through these challenges Nevada OSHA was resilient and took the opportunity to adapt and improve. The information below highlights signature projects, key enforcement issues, community involvement, and outreach.

SIGNATURE PROJECTS

MSG Sphere at The Venetian

A \$1.66 billion sphere-shaped music and entertainment arena being built in Paradise, Nevada that is less than one mile from the Las Vegas Strip. MSG Sphere is planned to open in 2023 and is owned by Madison Square Garden Entertainment.

The project was managed by AECOM until 2020 when Madison Square Garden (MSG) resumed general control, with AECOM transferring to a support role. This project is the largest spherical structure on earth and contains the world's largest and highest resolution LED screen. This venue is estimated to have a seating capacity of 17,500 to 18,000 seats. The roof of the dome required 6-million pounds of steel and was supported by 32 trusses. Each truss weighed approximately 100 tons. To lift the necessary construction materials, AECOM erected the fourth-largest crane in the world from Zeebrugge, Belgium which required 120 tractor-trailers to transport to the jobsite from Port Hueneme in California.

Nevada OSHA has been actively involved with the project including the approval of safety coordinators and the written safety program for their owner/contractor-controlled insurance program. Additionally, the property has been inspected by enforcement staff.



MSG Sphere, Nevada

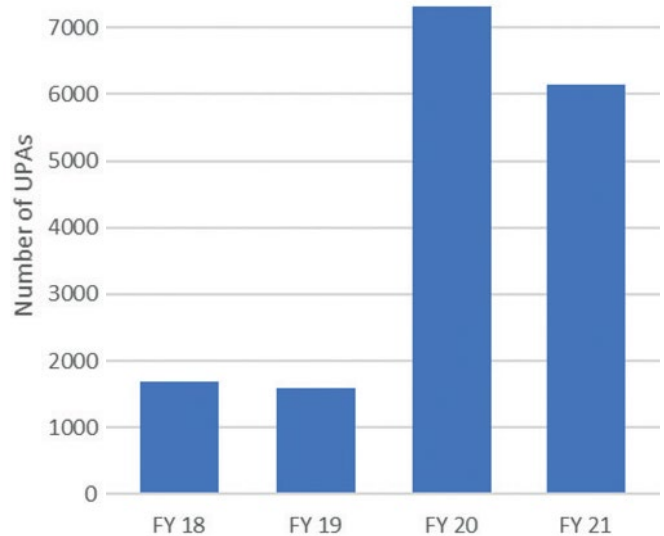
Digitalization of Unprogrammed Activity (UPA) Files

Nevada OSHA handled over 6,000 Letters of Inquiry during the October 1, 2020 to September 30, 2021 time period. This was an increase of over 400% compared to the annual averages preceding the pandemic. During this time period, Nevada OSHA moved from physical case files to digital files. This change in process enabled Letter of Inquiry reviews to be expedited as well as ease the financial burden from paper and material use.

ENFORCEMENT

Citations issued in FFY2021 with noteworthy penalties include:

- \$109,301 citation to a large retailer for one willful-serious violation for blocked exit routes. The employer required employees to barricade the emergency exit doors before leaving the store at night by strapping down and securing fixtures and bulk merchandise in front of all exits of the store.
- \$109,301 citation for one willful-serious violation following an accident on a walking working surface with an unprotected side. An employee fell off the platform at a height of 21 feet. The employee sustained fractures to their right ribs, right shoulder, and right hip.
- \$157,881 citation to a beverage wholesaler for one willful-serious and three serious violations. Employees were exposed to fall hazards on a walking-working surface approximately 15 feet high. Management instructed employees to create a walking-working surface by using eight-foot-long aluminum planks that were C clamped to the iron beam structure. Since 2005, the



employer obtained two different quotes to install a walking-working surface (catwalk). Employees were clearing jams on the conveyors such as jammed boxes, cans, and bottles. Employees were also doing preventative maintenance on the conveyors such as cleaning the rollers, changing the rollers, and replacing gearboxes and sprockets.

- \$200,481 citation to a casino hotel for one willful-serious and seven serious violations. The employer failed to ensure their employees that perform work less than six feet (1.6 m) from the roof edge are protected from falling. Areas of the property's roof had no parapet walls or protected edges and were two stories or approximately 20 feet to the next level below. The employer provided fall protection training but did not use fall protection because there were no anchor points for tie-off.
- \$210,256 citation to a manufacturing company for two willful-serious violations. The employer did not guard point of operation on machinery.

WHISTLEBLOWER

Nevada OSHA's Whistleblower Investigator Program is parallel to section 11(c) of the OSH Act. In FY2021, 143 cases were administratively closed, 12 cases withdrawn, 44 cases were opened, 45 cases were closed- 22 dismissed and 11 settled. Total amount recouped was \$40,106.65.

OUTREACH AND/OR COMMUNICATION

One of the significant construction projects that is currently taking place in southern Nevada is The Boring Company's (TBC) "Vegas Loop" tunneling project. Upon completion, the project will consist of a 29-mile tunnel network, connecting 51 stations throughout the resort corridor. It will also include the Las Vegas Convention Center (LVCC) Loop, the Resorts World Connector, and any future service extensions including resorts along the Strip, Harry Reid International Airport, Allegiant Stadium, and downtown Las Vegas. The Vegas Loop will be designed with similar compatible construction infrastructure and would provide an express connection between any two stations using Tesla vehicles. Scheduled for the 2nd quarter of 2022 is the Resorts World Connector tunneling project, which will provide a direct connection between the Resorts World and multiple exhibition halls at the LVCC.

Unlike conventional methods used in tunneling projects, the innovative equipment that TBC uses as part of the tunneling process allows them to continuously excavate, to where tunnel walls are added without stopping the tunneling process. As a result, employees working inside of the tunnel are not exposed to cave-in hazards. Additionally, because the tunneling equipment is launched from the surface, mining begins/end at the surface without constructing entry/exit pits. In addition, tunneling equipment is electric powered thereby mitigating employee exposure to harmful fumes.

Representatives of both the State of Nevada Division of Industrial Relations and TBC have initiated discussions for a potential worksite visit of the tunneling project, in addition to a potential partnership.



*TBC “Vegas Loop”
tunneling project*



*TBC “Vegas Loop”
tunneling project*

Community Involvement

Nevada OSHA employees identified a need in the community due to hardships of the COVID-19 pandemic and organized an effort to make donations to two local charities.

A food drive was conducted for Share Village Las Vegas which provides affordable housing for US veterans, seniors, and those with physical challenges or terminal illnesses. The donations stocked their pantry.

A toy drive was conducted for children hospitalized in Sunrise Children’s Hospital. These items were provided to the Child life Specialists on-site who help the children and families in medical settings, serving as emotional support and helping develop family coping strategies. The child life profession exists to promote optimal development of infants, children, youth and family members and to minimize psychosocial trauma in children facing a broad range of challenging experiences, particularly related to health care and hospitalization.

PARTNERSHIPS

Nevada OSHA was the lead contact for all COVID-19 complaints at businesses for the State of Nevada and was responsible for enforcing all violations of its guidelines, protocols, and regulations promulgated pursuant to the Governor’s Directives at workplaces. NVOSHA partnered with other state and local agencies to address the COVID-19 complaints received. The agencies included Nevada Gaming Control Board, Southern Nevada Health District, and municipal business licensing offices.

EMPHASIS

NJ PEOSH has completed the third year of its Five-Year Strategic Plan (FFY2019-2023). High hazard public sector workplaces that have been identified as emphasis areas include state support activities for transportation, local fire protection, departments of public works, and water and sewage treatment facilities. These workplaces received priority for both enforcement and outreach activities. In FY2021 the following activities took place:

State Support Activities for Transportation

- 2 Enforcement Inspections
- 0 Initial Consultation Visits
- 0 Training and Assistance Consultation Visits

Local Fire Protection

- 54 Enforcement Inspections with 77 Serious Violations
- 11 Initial and Follow Up Consultation Visits
- 0 Training and Assistance Consultation Visits

Public Works Departments

- 63 Enforcement Inspections with 279 Serious Violations
- 10 Initial and Follow Up Consultation Visits
- 3 Training and Assistance Consultation Visit reaching 13 employees

Water and Sewage Treatment

- 25 Enforcement Inspections with 108 Serious Violations
- 1 Initial Consultation Visit
- 0 Training and Assistance Consultation Visits

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

PEOSH SAFETY AND HEALTH ENFORCEMENT ACTIVITY/INITIATIVES

In FY2021, NJ PEOSH conducted 319 inspections: 175 were Safety inspections and 144 were Health inspections. As a result of these inspections, there were 872 total citations issued consisting of 555 serious violations and 317 other than serious violations.

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

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

These initiatives include:

- Highway work zone safety, trenching, amputations, heat stress, temporary workers and nursing homes/residential care facilities. Although the OSHA National Emphasis Plan (NEP) for Nursing Homes has expired as of April 2015, PEOSH continues to inspect nursing homes in accordance with its Five-Year Strategic Plan and the OSHA Inspection Guidance for Inpatient Healthcare Settings.

Compliance staffs are applying special emphasis in the above listed areas when conducting focused inspections at public facilities who engage in the above activities.

- Workplace Violence - PEOSH continues to enforce the PEOSH general duty clause for healthcare facility workplace violence referencing the New Jersey Violence Prevention in Healthcare Facilities Act, N.J.S.A. 26:2H-5.17 as a means of corrective action. This initiative has been implemented to address the characteristic violent acts committed by patients against employees in healthcare related types of facilities.

PEOSH OPERATIONAL STATUS/PLAN DURING COVID-19 RESTRICTIONS

Alternative PEOSH Enforcement Procedures

- PEOSH Enforcement is currently conducting alternative inspections to minimize PEOSH inspector's exposure to public facilities and still maintain enforcement activity in accordance with the PEOSH 5-Year Strategic Plan/State Plan Agreement with Federal OSHA.
- The alternative inspection process involves limited on-site activity upon completion of a Job Hazard Assessment (JHA) for each subject facility in accordance with the OSHA Risk Assessment Evaluation Table and pre-screening of the facility following the OSHA JHA guidelines.
- All Imminent Danger/Fatality/Complaint/Referral Actions are addressed through alternative inspection procedures and involve on-site visits by the inspectors whenever possible or as necessary.
- Orders to Comply and related correspondence are being issued electronically via email in accordance with PEOSH and OSHA requirements.

Alternative PEOSH Consultation Procedures

- PEOSH Safety Consultation and Training adopted a policy safeguarding the health of both PEOSH staff and members of the regulated community. PEOSH provides virtual services with limited on-site services as needed.
- As agencies reopened for in-person work, we have provided on-site consultation and training services but retained the potential for virtual visits and virtual training where appropriate to accommodate client needs.

OUTREACH

Consultation and Training Services

NJ PEOSH provides consultation and training services for public employers throughout the State of New Jersey. In FY2021, NJ PEOSH provided the following services:

- 34 initial safety consultation visits
- 5 initial health consultation visits
- 7 training and assistance consultation visits
- 13 follow up consultation visits
- 10 compliance assistance activities
- 1,452 employees were trained (178 safety and 1,274 health)

SIGNATURE PROJECTS

PEOSH Fire Service Update

NJ is unique in that about 89%³ of fire departments across the state are volunteer or mostly volunteer. This presents challenges in reaching both firefighters and fire officers, since many of them have a “day job” which limits their time and availability. Often times, departments don’t know what they don’t know, and typical “government” business hours don’t meet the needs of this population.

PEOSH offers training to all NJ-based fire departments as an opportunity to learn more about PEOSH, PEOSH regulations, the N.J.A.C. 12:100-10 Firefighter Standards, hazards specific to firefighting, and the PEOSH On-Site Consultation and Training program. The approximately two-hour long class is held at fire academies throughout the state to reach all geographic regions of NJ. Daytime and evening sessions are held to accommodate both career and volunteer firefighters. This class is also offered in-person and virtually through the NJ Department of Community Affairs/Division of Fire Safety training catalog administered by Kean University.

3 FEMA National Fire Department Registry, 2021
usfa.fema.gov/data/statistics/states/newjersey.html



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

On December 10, 2020, the PEOSH Assistant Chief and one PEOSH consultant presented the PEOSH Fire Service Update virtually via the Kean University Virtual Training Center to a collection of chief officers from departments throughout the state. A total of 35 attendees participated in the presentation.

Other Strategic Plan Outreach

On January 28, 2021, the Assistant Chief delivered a presentation regarding worker protection rules implemented via Executive Order 192 during the PEOSH Advisory Board virtual meeting. A total of 35 participants attended the presentation from a variety of public-sector agencies and private entities which advocate on behalf of public-sector workers.

A PEOSH Health consultant provided Respiratory Protection Standard training to long-term care health and safety professionals as members of the New Jersey Hospital Association to assist with OSHA COVID-19 respiratory protection protocols. The virtual event was attended by approximately 650 participants.

COVID-19 Worker Safety Initiatives

New Jersey’s Governor issued Executive Order 192 (EO192) which established worker rights and protections during the pandemic and required employers to implement social distancing, mandate (and provide) face coverings, provide time and supplies for sanitization and hand hygiene, clean and disinfect common areas in the worksite, conduct daily health checks for employees, and restrict access to the worksite for employees and visitors exhibiting symptoms of COVID-19. NJ was one of the first states to roll out these protections and provide for an enforcement mechanism under existing laws and regulations.

EO192 was signed by Gov. Murphy on October 28, 2020 and became effective on November 5, 2020. PEOSH was intimately involved in the creation of this rule during the tail end of FFY2020, designing the specific worker protections in consultation with CDC and NIOSH recommendations, and implementing a process to investigate complaints reported by public- and private-sector workers regarding unsafe work conditions related to the pandemic.

A web portal was established to field complaints from workers whose employers did not follow the requirements of EO192. Complaints received into the portal were screened by investigators. Some referred to other agencies having jurisdiction for action under their standards (such as the Department of Education, Department of Health, Alcoholic Beverage Control Commission, USDOL/OSHA, etc.).

All non-referred complaints were investigated. Employers were given five days to conduct a self-audit and communicate results to NJDOL. If their self-audit identified a violation of EO192, the employer was asked to provide documentation of abatement. When the complainant provided their contact info (anonymity was allowed), they were updated with the employer's correspondence and corrective actions. If compliance was achieved within a five-day period, there were no penalties assessed. However, penalties for violations of this order went up to a \$1,000 fine and up to six months imprisonment, as well as closure of the agency or business.

In addition to the rules set forth by EO192, NJDOL led by example in other ways. Most staff telecommuted from March 2020 through October 2021. NJDOL provided automated, electronic health screening upon entry to the worksite, reduced capacities in enclosed spaces such as elevators, eliminated in-person meetings and moved to virtual meetings on Microsoft Teams, and provided flexible work arrangements for individuals with immunocompromise, childcare issues, and elder care issues. NJDOL also provided access to early vaccination to all full-time, part-time, temporary, and internship employees.

While businesses and other agencies were closed, the Consultation and Training team took this opportunity to revamp training presentations, provide outreach to employers on safe work practices, distribute literature and information from NIOSH and the CDC, and assist employers in developing policies and procedures to assist in the safe reopening of their offices and/or realignment of the services they delivered from in-person to virtual.

A PEOSH Safety Consultant Assistant Chief delivered a presentation regarding worker protection rules implemented via EO192 during the PEOSH Advisory Board virtual meeting. A total of 35 participants attended the presentation from a variety of public-sector agencies and private entities which advocate on behalf of public sector workers.



PARTNERSHIPS

PEOSH enforces the New Jersey Indoor Air Quality Standard and continues its training partnership with the Rutgers Certified Educational Facilities Manager (CEFM) program to provide indoor air quality training as part of the CEFM curriculum. PEOSH Program staff taught five courses throughout the state in FFY2021 which enables to more efficiently reach our target audience while minimizing the cost of compliance to school districts. A total of 118 attendees were taught at these courses.

PEOSH continues to work with The American Lung Association, Pediatric/Adult Asthma Coalition of New Jersey (PACNJ) and the NJ School Building and Grounds Association to present a four hour Indoor Air Quality (IAQ) course. PEOSH taught seven IAQ courses reaching a total of 474 attendees. The main goal of the course is to assist school districts in understanding the NJ Indoor Air Quality Standard and provide guidance on implementation of a successful IAQ program.

SIGNATURE PROJECT

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

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

On August 5, 2020, Environment Secretary James C. Kenney issued an emergency temporary standard (ETS), under authority of the state Occupational Health and Safety Act, requiring employers to report all positive COVID-19 cases among workers within four hours. The ETS was later adopted as a permanent rule in FY2021 by the New Mexico Environmental Improvement Board. OHSB also entered into an agreement with the New Mexico Department of Workforce Solutions to hire a temporary staff of 26 specialists and support positions, under a Department of Labor Dislocated Worker grant, to handle the thousands of Rapid Responses to positive worker cases.

Through December 2021, NMED completed more than 31,400 rapid responses at workplaces statewide. Further, OHSB was assigned the lead role in responding to statewide complaints regarding violations of the PHO and investigated multiple occupational COVID-19 fatalities.

COVID-19 STATE EMPHASIS PROGRAM

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

In addition to applicable regulations and standards, the Act's general duty clause covers recognized hazards that are likely to cause death or serious physical harm to employees. Under the general duty clause, an employer is required to implement feasible methods to control recognized hazards. For COVID-19, feasible abatement methods include those established through the executive order, recommendations from public health authorities, occupational health authorities including OHSB, and industry-established best practices effective in controlling the hazards of COVID-19. Incorporating guidelines from the New Mexico Department of Health, federal OSHA, and the CDC, the Bureau developed instruction OHSB 20-07, SEP for COVID-19, with an effective date of March 19, 2020.

COVID-19 ENFORCEMENT IN MANUFACTURING FACILITIES

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

COVID-19 COMPLAINTS AND REFERRALS

OHSB logged more than 1,400 complaints and referrals directly from employees and other sources including the public in FY2021. More than half of complaints and referrals alleged COVID-19 hazards and violations of public health orders affecting workers.

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

RAPID RESPONSE

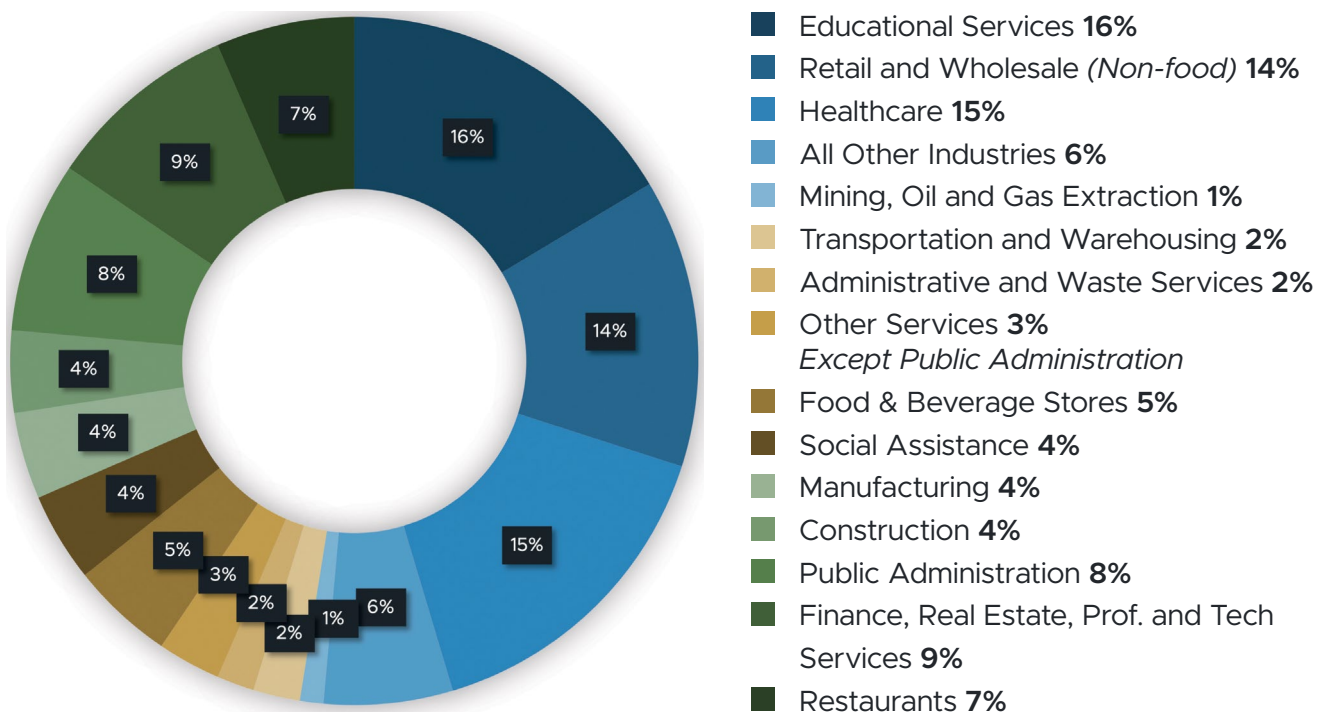
In early May 2020, New Mexico experienced its first notable worker outbreak of COVID-19 at a food manufacturing facility in the southern part of the state. OHSB and the state Department of Health (DOH) worked together to investigate conditions at the facility and direct temporary closure to control transmission.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

A COVID-19 Rapid Response in New Mexico is intended to ensure that: A positive employee is immediately isolated from the workplace; operations are ceased and the affected work area(s) are immediately isolated; all close contacts (by NM definition any person exposed within six feet for 15 minutes or more is a close contact) are quarantined; the affected area(s) are disinfected; the employer demonstrates implementation of all required CSPs; and worker testing is scheduled as directed by DOH.

From October 2020 through September of 2021, the state conducted approximately 47,000 rapid responses at establishments statewide. OHSB conducted 66% (more than

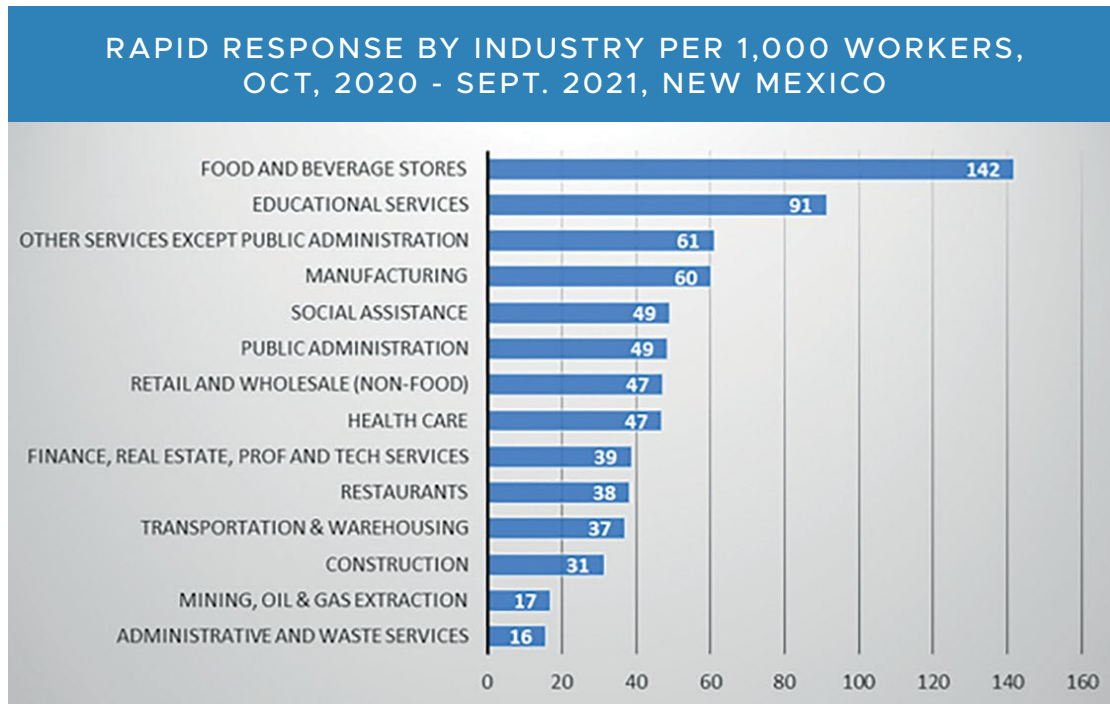
31,400) of those responses. Other agencies including DOH, Public Education Department (PED), Aging and Long-Term Services Department (ALTSD), Corrections Department, and Early Childhood Education and Care Department (ECECD) were also assigned cases to address transmission among both workers and other served populations (residents, patients, students, etc.). With most establishments under its jurisdiction, OHSB took the lead role in coordinating, tracking, and assigning agency response to employee cases. The chart below shows the distribution of rapid responses among industries in New Mexico between May 2020 and December 2021.

RAPID RESPONSE TO POSITIVE COVID-19 WORKERS BY INDUSTRY, MAY 2020 - DEC. 2021, NEW MEXICO



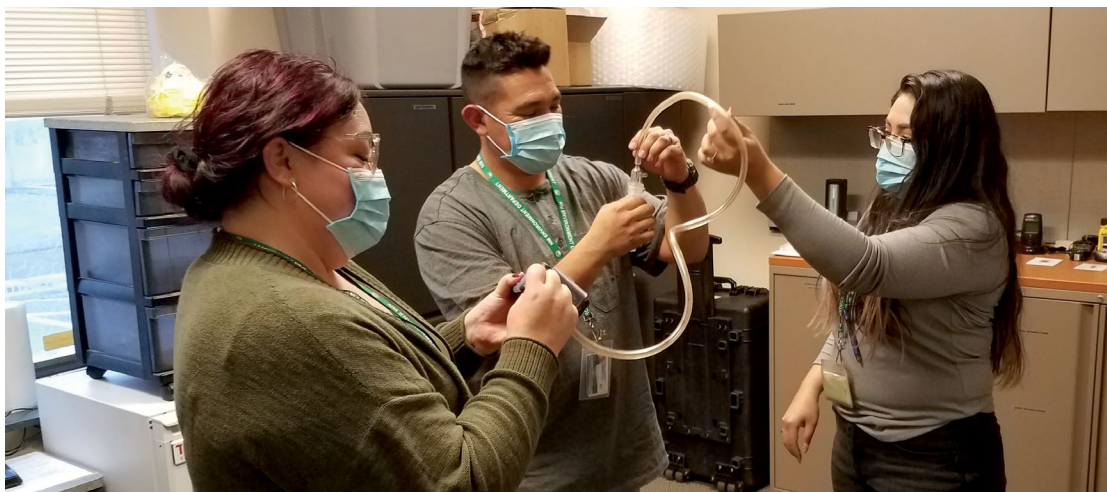
By July 2020 OHSB recognized it would not be able to sustain an effective outreach response to reported cases of COVID-19 among workers due to staff resource limits and the increasing rate of worker cases. The Bureau reached out to other state agencies to assist and partnered with the Department of Workforce Solutions to create a temporary staff of 26 positions, including 20 COVID response specialists and six support positions, under a Department of Labor displaced worker grant. By the end of FY2020 the Bureau filled 19 of the temporary positions and in October 2020 all 26 were filled, just ahead of the November peak in COVID-19 cases. During FY2021, four staff members accepted promotions within OSHB. Two accepted Safety Compliance Officer positions with the Compliance and Enforcement section and the other two accepted Consultant positions with the Certification and Assistance section.

The following graph breaks down the industry distribution of rapid responses in New Mexico per 1,000 employees from October 2020 through September 2021.



ENFORCEMENT

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



Enforcement Officer Monica Lechuga training the new IH staff

New Mexico continued to place significant enforcement emphasis in the construction and oil and gas industries. The number of fatal accidents in both these industry sectors represent a large proportion of occupational fatalities in the state as a long-term trend. OHSB focused resources toward enforcement in the oil and gas and construction industries in FY2021 based on the continuing high rate of fatalities within the industry as compared to rates in all industries within the Bureau's jurisdiction. Additional emphasis was placed on inspecting tank battery sites where employees have been injured and killed during explosions, fires, and exposure to hydrocarbon vapors.

New Mexico Senate Bill 229 (SB 229), signed into law on April 6, 2017, amended the state Occupational Health and Safety Act, 50-9 NMSA 1978, to adjust maximum and minimum penalties in conformance with federal law. The legislation adopted the equivalent federal maximum and minimum penalty levels and authorized the NMED Cabinet Secretary to increase levels annually to account for inflation. OHSB subsequently amended its policies to increase assessed penalties.

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

should receive appropriate recognition for maintaining safe workplaces.

COMPLIANCE ASSISTANCE AND OUTREACH

Highlighted COVID-19 Outreach Activities

In FY2021 the Bureau conducted a mass outreach effort including email blasts and robocalls to more than 3000 employers that informed them of the COVID-19 Healthcare Emergency Temporary Standard (ETS) and other COVID-19 state responsibilities under the OHSB and public health orders. Compliance Assistance Specialists also gave three presentations on the Healthcare ETS to several industry associations reaching over 150 healthcare professionals and industry representatives.

OSHB continued to revise the COVID-19 FAQ page to assist employers in complying with New Mexico public health orders and COVID Safe Practice workplace requirements. NMED and OHSB also continued to revise the COVID-19 resource page with FAQs, guidance documents and other resources to assist employers.

OHSB continued the response effort that guided employers in making their workplaces safer by reporting positive employee cases (rapid response) to the Bureau's Rapid Response Specialists. Consultants conducted rapid response outreach to employers as part of the effort. OSHB also kept up to date the interactive online mapping system that provided information on workplace COVID-19 complaints statewide.

OHSB continued to collaborate with DOH and provide employers access to COVID-19 testing and on-site vaccination pop-up events. Additionally, the OSHB staff worked closely with employers and local public health offices statewide to gather employee data, schedule testing, and facilitate pop-up vaccination events. The Bureau also worked with the state's restaurant association and other industries to encourage and provide worker testing and vaccination events.

The OSHB continued data reporting to the Governor's Office, New Mexico state agencies, and the public on workplace COVID-19 response statistics. A series of graphs and tables are updated weekly on the NMED website with information on industry response, state agency activities and county statistics. The Bureau also began daily publishing of COVID-19 response logs on the NMED website to inform workers and the public of establishments with positive cases.

In FY2021 OHSB maintained a team of approximately 10 COVID-19 response specialists under the DWS grant. Each specialist received OSHA specific training delivered by a Santa Fe Community College health and safety professional. During FY2021 temporary response specialists were handling most employer outreach interactions in responding to positive worker cases to prevent occupational outbreaks of the virus.

COVID-19 Vaccination Initiatives

OSHB participated in COVID-19 Vaccination Initiatives that included: Pop-Up Worksite Vaccination events organized by the Environmental Health Division Director and assisting the Department of Health's online vaccination scheduling initiative that included a \$100 incentive to New Mexico residents who received their vaccinations during certain timeframes over the summer of 2021. These events were partnered events with Walmart, New Mexico Restaurant Association, and pharmacies like Walgreens. OSHB staff assisted with 12 pop-up events across New Mexico in Farmington, Clovis, Los Lunas, Hobbs, and Albuquerque and in total helped 136 New Mexican's receive their vaccinations, answered questions, handed out fliers, and talked to individual business owners and employees about vaccinations and COVID Safe Practices.



Vaccination Pop-Up Events



OSHB partnered with Walgreens for Vaccination Pop-Up Event



*Consul of Mexico and
NMED Cabinet Secretary
sign Alliance Agreement*

Mexican Consulate Alliance Agreement

The Alliance Agreement affirmed the commitment for the Consulate and OHSB to work together to ensure worker safety for all New Mexicans, including workers from Mexico. On September 1, 2021, a Compliance Assistant Specialist/ Rapid Response Supervisor, and several Rapid Response Specialists from OHSB joined the Consulate Staff, from Department of Health, and a team from Walmart Pharmacy to put on a vaccination event at the consulate. On September 1, an OHSB Consultant conducted a Facebook live session for the consulate, explaining the role of OSHA in the time of COVID to a Spanish speaking audience. On September 2, the Consultant also gave an interview on the same topic to Spanish news outlet, Univision. Additionally, a Compliance Officer presented information about OSHA fall protection requirements on the Consulate of Mexico's Facebook page in May 2021 for National Safety Stand Down to prevent falls in Construction. The presentation was part of a continuing relationship between the Consulate and OHSB to provide Spanish-speaking employees with information on workplace safety and their rights under OSHA laws.

Oil and Gas Outreach

Compliance Assistance Specialists worked with the Southeast New Mexico Service Transmission Exploration and Production (SE NM STEPS) chapter to address safety concerns in the oil and gas industry. OHSB was active in planning quarterly meetings with the group and presented current OSHA information and priorities at the meetings. Topics covered included Bonding and Grounding Standards, Voluntary Protection Program Benefits, and the National Fall Prevention Stand Down.

OHSB Strategic Partnership in Construction (OSPC) Program

New Mexico improved strategic partnership programs through comprehensive on-site verification activities and by conducting reviews of existing agreements. The Bureau currently has partnerships with industry groups such as the Associated General Contractors, the Associated Contractors of New Mexico, the Associated Builders and Contractors, the New Mexico Utility Contractors Association, the Mechanical

Contractors Association, and the American Subcontractors Association. OHSB and partner members focus work on common safety issues. There are 72 member companies participating in six industry association partnerships.

The New Mexico Construction Safety Coalition held virtual meetings in FY2021 that emphasized best practices in preventing COVID-19 transmission at partner worksites. The Coalition is composed of OHSB staff and representatives for each of the six OSPC partnership associations.

Rapid Hire Event and NM OHSB Expansion

As a result of OSHB's leadership role for COVID-19 response among state agencies, the Environment Department's Human Resources Bureau (HRB) assisted OSHB with planning a three-day rapid hire event to fill vacancies and expansion positions within OSHB that took place during the month of October 2021. This event helped rapidly fill positions and expanded the Bureau from 28 to 64 positions across all sections (Administration, Compliance and Enforcement, and Consultation and Compliance Assistance) and retention of the pandemic response teleworkers. The section that experienced the largest growth was the Compliance and Enforcement section. This section brought in two additional compliance supervisors and 11 compliance officer staff. Staff were onboarded between November 2021 and February 2022. After initial bureau specific onboarding, each compliance office will start training initiatives tailored to their current level of experience and specialization (Health, Safety, Operational, and/or Advanced). On average, it takes each compliance officer three years to complete all their initial training with OHSB.

Cannabis Industry

New Mexico Governor Michelle Lujan Grisham signed the Cannabis Regulation Act into law in June, 2021 after a special legislative session. This bill paved the way for the statewide legalization of recreational cannabis in New Mexico from April 1, 2022. With the imminent launch of recreational cannabis, the New Mexico Environment Department's Occupational Health and Safety Bureau (OHSB) works tirelessly to remind employers of their responsibilities to protect cannabis workers health and safety in the workplace. The Bureau is developing Cannabis SEP to work with the industry.

OHSB has discovered common violations of standards at medical cannabis workplaces in recent years. One hazard that has resulted in serious injury to workers in the medical cannabis industry in New Mexico and nationwide is the use of flammable liquids in extraction processes. After investigating such accidents in New Mexico, OHSB has observed violations related to storage and use of flammable liquids, emergency exits, fire protection, protective equipment, and employee training. To minimize the workplace violations in the cannabis industry, OHSB is engaging in outreach, assistance and enforcement of health and safety regulations at cannabis establishments.

OVERVIEW

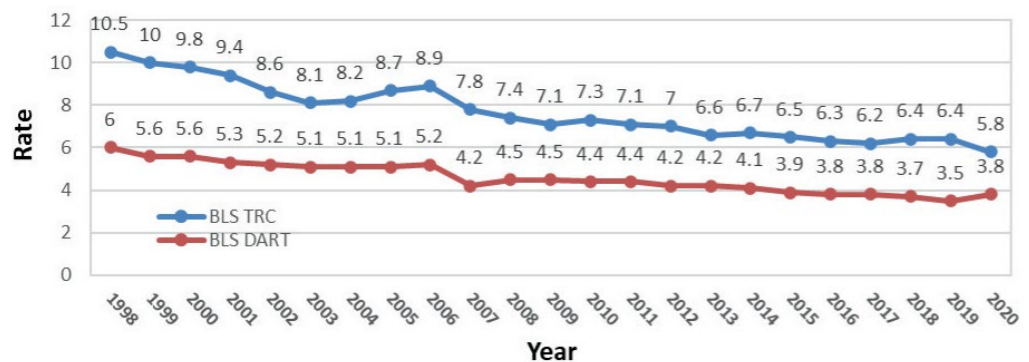
The Public Employee Safety and Health (PESH) program is responsible for the protection of approximately 1.4 million public employees within the State of New York. PESH staff perform inspections and consultations and participate in various strategic plan committees.

These committees continue to partner with public employers in specific high-hazard industries to help reduce occupational injuries and illnesses. Currently, PESH has three strategic plan committees with a cross section of safety and health professionals from across the state. The three strategic plan committees are:

- Police Protection (NAICS 922120)
- Fire Service (NAICS 922160)
- Healthcare (NAICS 623110 - Nursing Care Facilities and 622110 - Hospitals)

Though the combined effort of our staff, PESH has contributed to the reduction of workplace injuries and illness to public employees. Based on data from the NYS Department of Labor Office of Research and Statistics, the Total Recordable Injury and Illness Incident Rate (TRC) for Calendar Year (CY) 2020 for state and local government employment was 5.8 per 100 full-time equivalent workers, representing a 9.4% decrease from CY 2019, which was 6.4. However, the DART rate for CY 2020 was 3.8, an 8.6% increase from CY 2019, which was 3.5. Both the TRC and the DART Rates have experienced an overall downward trend of declining rates since the inception of the Strategic Plans in 1998, when the TRC and DART were 10.5 and 6.0 respectively. Overall, the TRC Rate has decreased 44.8% and the DART Rate has decreased 36.7% over this period.

NYS - STATE AND LOCAL GOVERNMENTS



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

*Based on BLS data

While overall progress continues trending in the right direction, the PESH program faced significant challenges in Federal Fiscal Years (FFY) 2020 and 2021, which was reflected in shorter term metrics. The effects of the ongoing COVID-19 pandemic, changes in the management team, staff attrition, and constraints on hiring continued to negatively impact PESH program activity into FFY2021, and we were not able to meet our inspection and consultation activity goals. This is symptomatic of the program's inability to quickly scale up staffing to meet the demands placed upon it by the magnitude and duration of the pandemic. The investigation of many COVID-related fatalities that occurred in FFY2020 continued up until the close of FFY2021, drawing upon available staff across the districts. The use of virtual inspection options and a pause in programmed enforcement also affected productivity. Staff were given appropriate discretion in conducting field activity and were encouraged to use virtual means whenever feasible where conditions warranted. While these methods help reduce risk of staff exposure to COVID-19, they are generally less efficient than in-person investigations. Adverse impacts include not only reduced productivity and completion delays, but also increased expression of dissatisfaction from employees and union representatives in the form of informal conferences and formal appeals. Nonetheless, as presented by the following highlights, PESH did experience some rewarding progress in addressing novel hazards, reinforcing the importance of program implementation to control known hazards, and interesting developments in our strategic plan focus areas. We hope sharing these notable cases will benefit our fellow member plans.

ENFORCEMENT

Contraband Drug Exposure at Correctional Facilities

PESH inspected two correctional facilities following complaints about employee exposure to fentanyl and other illicit drugs. Mail and packages received by incarcerated individuals are inspected for contraband by facility employees. Increased illicit drug entry into facilities has been noticed in recent years. Entry methods are constantly evolving, including, but not limited to liquid chemicals saturated into paper and powder hidden behind postage stamps. Of the estimated 100,306 drug overdose deaths in the United States reported by CDC⁴ for the 12-month period ending April 2021, over 75% (75,673) were related to opioids, so they are of great concern. Fentanyl is a potent synthetic opioid with legitimate medical uses for analgesic and anesthetic applications, while carfentanil is more potent and used to anesthetize large animals such as elephants. Fentanyl has become a well-known illicit drug in recent years due to its ability to produce the same symptoms and effects that heroin does at a fraction of the production cost and with higher potency. Unintentional exposure routes of entry include inhalation, ingestion, dermal or mucous membrane contact, and needlesticks. As opioids can act quickly to depress central nervous system and respiratory function, exposure can be fatal from even minute quantities. The subject facilities experienced a number of accidental staff exposure incidents in the past year requiring administration of Naloxone and further medical treatment. Fortunately, all staff survived these incidents. The NIOSH Fentanyl: Emergency Responders at Risk Guidance, ([cdc.gov](https://www.cdc.gov)) was used to determine

4 Provisional data from CDC's National Center for Health Statistics

appropriate personal protective equipment (PPE) based on job categories and anticipated level of exposure. Nitrile gloves with minimum 5 mil thickness are recommended for all of the evaluated tasks, and an N, P or R100 Filtering Facepiece Respirator (FFR) is the minimum recommended level of protection for the moderate risk tasks assessed. The employer was issued serious violations for observed PPE, respiratory protection, sanitation, and hazard communication deficiencies. The employer was also reminded that PPE is considered the last line of defense, and that other controls should be explored to effectively protect employees.

Back to the basics...

A fatality investigation was conducted at a town highway department after PESH received a report that an employee had been killed when a 2007 Sterling LT9500 dump truck he was servicing fell upon him. The event occurred in one of the garage shop bays, which had a substantially flat concrete floor that graded slightly toward the center drain grating that ran the length of the work bays. The victim was in the process of replacing the right air brake chamber on the rear drive axle. That corner of the truck had been elevated, both wheels had been removed from the axle end being serviced, and the dual wheel hub had been supported with a 12-ton jack stand. Wheel chocks had not been placed, and while the employee was positioned under the truck it rolled forward, tipped off the jack stand, and the frame came down onto the chest of the employee, pinning him to the floor. After discovery by another employee arriving to work, 911 was called and emergency responders arrived shortly but were unable to save the employee. The cause of death was identified as mechanical asphyxiation.



While the employer had a lockout-tagout (LOTO) program and procedures for large trucks, the following deficiencies were identified:

- Procedures had not been developed for all types of equipment serviced and maintained
- Awareness level training provided did not include specific equipment and procedures
- Appropriate procedures and devices, including use of wheel chocks, were not followed
- Periodic inspection of energy control procedures had not been conducted to ensure effectiveness and that they were being followed
- After the load was raised, it was not cribbed, blocked, or otherwise secured at once (Jacks)

As the title implies, this tragic incident involved one of the most basic hazards of equipment maintenance. The task of maintaining awareness and resisting complacency is never finished.

CONSULTATION

Silica Exposure at College Art Department

Kiln shelf maintenance associated with a ceramic art program was identified as a significant source of respirable crystalline silica exposure for employees. Initial findings and the effectiveness of recommended mitigations are presented below.

Before: Initial exposure monitoring indicated that the lab assistant was overexposed (111 $\mu\text{g}/\text{m}^3$) to respirable crystalline silica while using an orbital palm sander to remove glaze drippings from kiln shelving.

After: The orbital palm sander that was used previously was fitted with a Festool cleantech HEPA vacuum to collect silica-containing dust at the point of generation. Additional personal sampling was conducted while the task was completed using this new engineering control. The highest employee exposure to respirable silica was 7.5 $\mu\text{g}/\text{m}^3$. A significant reduction was realized.

Municipal Weights and Measures Department Ergonomic Hazards

Each county in New York State is required to have a Weights and Measures program to promote a fair and equitable marketplace by ensuring product measurement accuracy. Employees at a county department of weights and measures were interviewed during a visit and consensus among them indicated that all experienced periodic upper body pain (elbow, shoulder, and back) on the job. Veteran employees reported experiencing pain on a daily basis. Further review of records and assessment of typical tasks using the NIOSH Lifting Equation and ACGIH TLV identified two tasks posing ergonomic hazards, and recommendations were provided for their mitigation:

1. Retail gasoline station volume proofing

Before: Employee interviews revealed that they manually lift and dump the 5-gallon container of gasoline (approx. 44 lbs. once filled) between 60 - 85 times during a typical work shift involving retail fuel proofing. Many of these lifts originating



Silica exposure: before



Silica exposure: after



Truck-mounted proofer

below the knees. The task of lifting the containers from the ground exceeded the Recommended Weight Limit (RWL) of 28 pounds, as well as the TLV of 31 pounds.

After: The county invested in a truck-mounted proofer that eliminated the manual lifting and dumping. In addition to the ergonomic gains from this engineering control, the employees reported feeling safer from vehicle traffic when dumping fuel back into the retail store’s ground tanks which are commonly exposed to vehicle traffic.

2. Large scale proofing

Before: During this task, employees manually transferred 50-pound standard weights onto large floor scales. Most of these transfers were occurring at shin height and below. This task exceeded the Recommended Weight Limit (RWL) of 17 pounds, as well as the TLV of 15 pounds.

After: An assistive device was fabricated by the employer to facilitate the transfers without bending over



Employees manually transferring 50 lb. standard weights onto large floor scales

SPECIAL EMPHASIS

Public Safety Dive Fact Sheet

The law enforcement and fire department strategic plans teamed up to develop, publish, and distribute a fact sheet for public safety divers. In New York, most public safety divers are employed by police departments or fire departments. This fact sheet has been developed in response to several public safety dive fatalities that have occurred in New York. The purpose of the fact sheet is to clarify what standards apply and when. It also provides recommended safe work practices.

Fire Service Strategic Plan

Since BLS data has no longer been available the past few years, the committee started requesting injury and illness data from fire departments throughout the state. As of 2018, there were 1,771 fire departments in New York, consisting of career and volunteer firefighters. We randomly selected 5% of the fire departments in the state to collect data from, resulting in requesting data from 90 departments. This has proved challenging and time consuming as addresses change, fire stations move, and fire departments continue to



An assistive device

close and merge. Initially, fire departments were mailed letters requesting their injury and illness records. If no response was received, additional contacts were made through phone calls and emails. Contact has successfully been made with all 90 fire departments. This undertaking has led to involved discussions about how work hours are tracked by paid and volunteer departments. During the course of the data collection, PESH was able to provide consultation assistance to 20 fire departments that reached out for additional help.

New York State Department of Corrections and Community Supervision (NYSDOCCS)

As a secondary focus area to our Police Protection strategic plan, and to explore joint injury reduction efforts, meetings were held with the employer and the New York State Insurance Fund (NYSIF). The initial phase involved helping to ensure recordkeeping accuracy and consistent methods, discussing past projects and recent workers compensation annual reports, and acknowledging that workplace violence/ use of force and potential fraud will be most challenging issues.

Other Outreach

Over the last two years, an inverse relationship has been observed between standard enforcement/consultation activity and consultation compliance assistance (CA) activity. As enforcement inspection and consultation visit activity decreased, CA activity distinctly rose. During FFY2021, there were 218 CA activities conducted by as few as five PESH consultants, compared to 188 in FFY2020. For consultation CA activities, the number of employers reached

increased to 1,148 and the number of employees affected was comparable at 522,204. We believe this upward trend was due to greater use of outreach to help employers deal with pandemic restrictions that hindered traditional activity, and also because CA in general allows for greater flexibility and speed, allowing us to help employers quickly as pandemic conditions and guidance seemed to change day-by-day. Relationships with a number of organizations helped foster this increased activity and effective dissemination of information:

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

SIGNATURE PROJECTS

Virtual Education and Training Studio

During the COVID-19 pandemic, the Education, Training and Technical Assistance (ETTA) Bureau created a Virtual Education and Training Studio (EATS). What was formerly an equipment room, was refurbished with paint, carpet, data ports, lights, and installation of Life-size Video Meeting Solutions hardware. The dedicated studio will serve as a platform to expand ETTA's training capabilities, allowing them to reach more employers and employees throughout North Carolina. Virtual EATS allows creation of a more interactive virtual training experience such as improved attendee interaction, trainer collaboration, as well as equipment and practical demonstrations. Moving forward, the studio will regularly host scheduled virtual training events including 10-and 30-hour awareness training, four-hour workshops, and individual safety topic workshops. The studio will also be used for hosting internal staff training along with special training and outreach events such as the Fall Prevention Stand Down for Construction, Safe + Sound Week, and the Heat Illness Prevention Campaign. Future refinements will include filming and post-production work to create stand-alone video content as well as video content for educational platforms such as Adobe Captivate.

Consultative Services Establishes Virtual Visits Policy

When the COVID pandemic began in 2020, the North Carolina Consultative Services Bureau (CSB) promptly utilized a new policy allowing virtual visits for its customers. Due to North Carolina's success with the policy, the CSB program manager was asked to help create training content, instruct, and



Andy Sterlen, Health Training Specialist, demonstrates chainsaw safety in the Virtual EATS



The Virtual EATS, completed during FFY2021, has already been used to provide many virtual training events internally and externally to employees across the state.

encourage other consultative programs to use the policy. Bureau Chief Kevin O’Barr worked with OSHA’s National Office staff and another consultation program manager to provide a national webinar on the virtual visit policy, the technology involved, strategies for success, along with other details related to implementing virtual visits. On May 13th, 2021, the webinar was conducted and well attended by other consultation programs. Due to its success, it was made available as an archive recording for consultation staff nationwide to view on demand.

SPECIAL EMPHASIS PROGRAMS

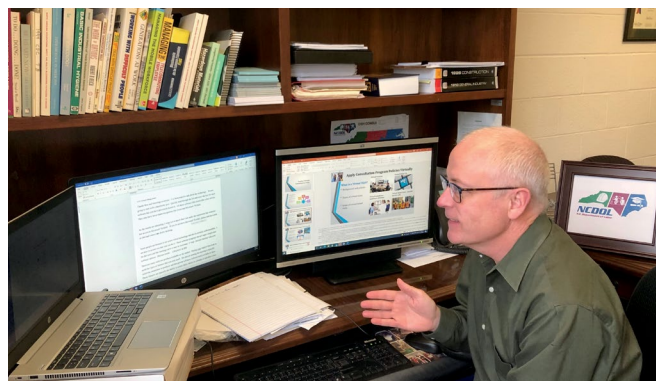
North Carolina’s five-year (FFY2019–2023) Strategic Management Plan focuses on industries that have the highest incident rates of injuries, illnesses, and fatalities. These industries are then placed into North Carolina’s special emphasis programs (SEP) which currently include:

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

ENFORCEMENT

Inspections

During FFY2021, the East and West Compliance Bureaus conducted 2,218 safety and health inspections and eliminated over 3,312 serious hazards. A total of 4,312 violations were noted during inspections which resulted in



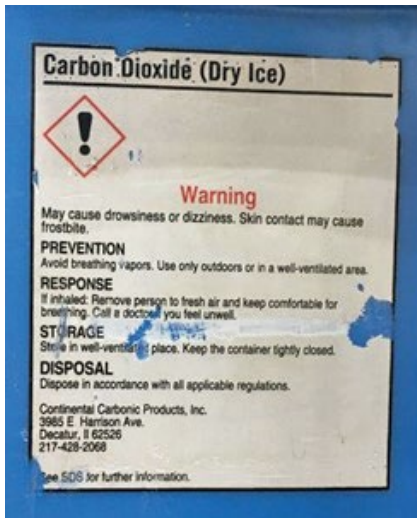
In May 2021, Consultative Services Bureau Chief Kevin O’Barr presents “Conducting Virtual Consultation Visits” for colleagues.

the assessment of \$7,123,571 in penalties. Additionally, the Complaint Desk processed 4,321 complaints which was an increase of 5% from the 4,120 complaints processed in the previous federal fiscal year. The continued increase in complaints was attributable to COVID-19 related concerns. The Complaint Desk also processed 744 referrals/accidents which resulted in 225 inspections and 519 related investigations.

In FFY2021, the OSH Division inspected 85 work-related fatalities (based on open date of inspection). COVID-19 related events were the most common, accounting for 36% of the total fatalities. Struck-by events were the second most common, comprising 20% of the total fatalities. This was a decrease from FFY2019 and FFY2020, as struck-by fatalities comprised 33% and 28% of the fatalities, respectively in those years. While the struck-by category also includes logging and arboriculture employees killed by falling trees or limbs, many of these fatalities involved pedestrians being struck-by vehicles, including heavy equipment, with limited visibility.



Dry ice package warning



Dry ice container warning

Notable Accident Investigation

Asphyxiation by Dry Ice

This accident involved a large manufacturing operation in North Carolina that uses dry ice for the deburring of injection-molded plastics. The facility normally receives a weekly dry ice delivery of approximately 400-500 pounds. However, on this day, the company was notified by their supplier that the shipment was delayed by one day. There was significant concern among the staff about the effect the dry ice shortage would have on production. An email from one manager stated, “This will have a critical impact on the month.” The issue was discussed amongst a few employees and managers via email, with others being added to the growing email chain throughout the discussion. Someone suggested that the dry ice could be purchased from a local grocery store so a search began for a nearby supply of that dry ice and to identify someone with a company credit card who could purchase it. Both were located and a human resources (HR) employee was dispatched to a grocery store about 20 minutes away to get their supply of dry ice.

Dry ice is the solid form of carbon dioxide. It does not have a liquid state and sublimates directly from the solid state to gaseous carbon dioxide as it warms. It is primarily used in industry as a cooling agent. Advantages when compared to “water ice” includes a lower temperature and the lack of residue after it sublimates. However, there are several hazards associated with dry ice usage. It is a cryogenic material and can cause severe frostbite upon contact with the skin for more than a few seconds. The production of gaseous carbon dioxide can also be acutely hazardous. If placed in a sealed container, the gas production can cause the container to expand and potentially explode. Of even greater concern is its property as a simple asphyxiant. Gaseous carbon dioxide being generated in an enclosed or poorly ventilated space will displace oxygen and create an oxygen deficient environment. These hazards are clearly identified on the dry ice packaging and the warning label on the outside of the larger shipping container.

The employee sent to get the dry ice was an HR Coordinator who had been with the company for approximately three

years. She traveled to the grocery store in her personal vehicle, a 2021 Toyota Corolla hatchback. After arriving at the grocery store, she took a picture of the dry ice and texted it to a manager at the facility, asking “How many?” The manager texted back “All of it.” With the assistance of a grocery store employee, the HR Coordinator then loaded over 216 pounds of dry ice into a shopping cart. She paid for it at 11:42 a.m. and loaded it by herself into open-topped crates in the hatchback area of her car. Video shows her leaving the grocery store parking lot at 11:50 a.m. She texted back to the manager, “I will need help when I get there. 216 lbs. worth of dry ice. ETA 12:10 p.m.” Tragically, she never made it back to the manufacturing plant.

By loading a large quantity of dry ice into the enclosed vehicle, the HR Coordinator unknowingly created an extremely hazardous condition. As the dry ice warmed, the solid-state carbon dioxide sublimated to the gaseous form and, in doing so, displaced the oxygen in her car.

An article in the Japanese Journal of Toxicology described a study where 100 pounds of dry ice was placed in a car to determine oxygen and carbon dioxide concentrations at certain intervals. The article notes that after 20 minutes, the oxygen level in the car had decreased to 16%. This concentration is well into the “oxygen deficient atmosphere” range and has been associated with loss of coordination and impaired attention and thinking. In this case, the amount of dry ice in her car was over twice that, so it’s not surprising those health effects were seen in half the time.

At 11:59 a.m., nine minutes after leaving the grocery store, her car is seen on a car dealership video exiting the highway, which was not part of the route back to the manufacturing plant. At 12:02 p.m., she backed into a parking spot at the dealership, taking two attempts to do it, and remained there with the windows up. She was found at 8:00 p.m. by her family and pronounced deceased by the Emergency Medical Services at 8:30 p.m. The Medical Examiner’s report was not received until after the OSH inspection was closed but determined the cause of death to be “suffocating gas asphyxiation due to carbon dioxide displacement of oxygen in confined space.”



216 lbs. of dry ice loaded into a Corolla Hatchback



Close-up of dry ice loaded into open-topped crates

Following the OSH Compliance inspection, citations were issued to the employer for three violations of OSHA regulations. One was a “Willful-Serious” violation of the General Duty Clause of the OSH Act of NC for transporting dry ice in an enclosed vehicle without sufficient ventilation. Another was a “Serious” violation of 29 CFR 1910.1200(h)(1) for not training the HR Coordinator in the hazards associated with dry ice prior to assigning her to transport it from the grocery store. The third was a “Nonserious” violation of 29 CFR 1904.39(a)(1) for the failure to report the fatality to OSHA within eight hours. The total penalty issued was \$81,000.

Following an informal conference, the Willful-Serious violation was reclassified to Serious with no change in penalty. The employer agreed to multiple safety and health program improvements, including training all employees’ facility-wide in the hazards associated with dry ice transportation and usage. The full \$81,000 penalty was paid and the case was closed. The OSH Division is currently working on a Hazard Alert notice to be sent to grocery stores across North Carolina informing them of the hazards associated with transporting dry ice in an enclosed vehicle so they, in turn, can provide that same warning to their customers.

Internal Training

In FFY2021, ETTA’s Training Section offered a variety of courses at the Compliance field offices and via webinar throughout the year. Virtual topics included the OSH 100 - Initial

Compliance Course, OSH 105 - Introduction to Safety Standards for Safety Officers, OSH 123/131 - Accident Investigation and Interviewing Techniques, Technical Writing, eight-hour Hazardous Waste Operations and Emergency Response, Defensive Driver, 10-Hour General Industry and 10-Hour Construction Awareness courses, Fall Protection, Long Term Care SEP, Food Manufacturing SEP, Health Hazards SEP, Lockout-Tagout, Machine Guarding, COVID-19, and a variety of other individual safety and health webinars. In addition to virtual events, Compliance Officers were able to attend advanced construction courses for Confined Space Entry and Trenching and Excavation. Each of these courses included a site visit to help students better understand the processes and hazards associated with these activities.

OUTREACH

Social Media

North Carolina Department of Labor (NCDOL) launched a Facebook page in 2011 to promote workplace safety and health and the many programs administered by the OSH Division. Some of the programs featured on Facebook include the Safety Awards Program, the Carolina Star Program, and the Safety and Health Achievement Recognition Program (SHARP). The platform is also used to promote current safety and health issues, newsletters, and education and training. The Facebook page currently has 1,923 followers.

In 2012, NCDOL began a Twitter account and currently has 2,105 followers. The Department also began an Instagram account in 2016 to share photos and videos from various safety and health events across the state. The Instagram account currently has 619 followers. Further, NCDOL uses YouTube, billboard posters and publications to spread its safety and health message to employers and employees across the state.

In 2019, NCDOL introduced Inside NC Labor, a podcast designed to inform and educate North Carolina citizens on the role that the NCDOL plays in state government. Eight episodes were recorded in FFY2021 and featured two OSH-related topics; safety awards program and on North Carolina fatalities.

Newsletters, Hazard Alerts, and Mailings

NCDOL publishes two newsletters throughout the year to inform the public of training events, new rules and publications, special emphasis program areas, and other outreach efforts. These include the bi-monthly Labor Ledger and the periodic OSH Training Newsletter which are sent out to over 12,000 subscribers and 11,000 subscribers, respectively. NCDOL also develops, mails, emails, and/or posts hazard alerts on new and trending safety and health issues that occur in the state.

During FFY2021, an outreach letter was mailed to 40 construction employers that had five or more serious violations in the previous year. The letter provided employers with information regarding OSH outreach services and publications. A thumb drive was also included that contained publications, brochures, industry guides and presentations deemed to be useful to the employer. This letter is an outreach strategy used by the Construction SEP committee to lower injury and illness rates in construction.

Library

The NCDOL Library provides service to internal and public patrons who utilize the safety video program in training their employees. In FFY2021, the Library loaned out 407 items (e.g., consensus standards, certification exam workbooks, safety videos), responded to 647 information requests from external and internal patrons, served 210 visitors, acquired 160 items, and cataloged 201 items for the library collection. Additionally, the Library continued to provide access to streaming safety videos via the Streamery (Training Network NOW) subscription and registered 60 new users. The librarian alerted staff to webinars and articles, referred patrons to online resources, and assisted OSH employees in their preparation for professional certification examinations via study workbooks and software access.

Consultative Services

During FFY2021, the Consultative Services Bureau conducted 1,425 consultative visits with employers across the state with 226 in the public sector and 1,199 in the private sector. This included 1,204 initial visits, 135 training and assistance visits, and 86 follow-up visits. During these visits, the consultants identified 5,545 hazards which were eliminated (i.e., 5,068 serious, 414 other-than-serious, 63 regulatory). CSB also conducted 260 interventions with employers and continued to market their services at conferences, association speeches, radio show appearances, and targeted mailings.

In North Carolina, a state-specific rule that requires employers with a workers' compensation experience rate modifier (ERM) of 1.5 or higher is required to have a written safety and health management program along with a safety committee for employers with 11 or more employees. CSB is tasked with notifying these

employers of their obligation. In FFY2021, 1,161 employers, with an ERM of 1.5 or higher, were sent letters by CSB informing them of the need to develop a safety and health program and committee structure under the state-specific rule, entitled “Safety and Health Programs and Committees”. The letter also provided information regarding the outreach services offered by CSB and ETTA.

Training and Education

Through ETTA’s Training Section, the OSH Division offered a wide variety of free safety and health training and outreach services to employers and employees across North Carolina. OSH participated in 175 courses and events providing training to 3,663 employers and employees. Additionally, the Consultative Services Bureau trained 3,934 employers and employees, which brought an overall total of 7,597 workers trained by the OSH Division. Training included seven 10-hour and one 30-hour general industry awareness courses, five 10-hour construction awareness courses, 35 speaker’s bureau events, 104 webinars, and four booth events/safety and health fairs. The Labor One mobile training unit was also used for one additional training event.

The OSH Train-the-Trainer Program was implemented in 2010. For FFY2021, state-authorized trainers, under the OSH Train-the-Trainer Program, provided 10-hour and 30-hour training courses for an additional training to 53 employers and employees in North Carolina. The Train-the-Trainer Program supports the Training Section’s outreach efforts thereby increasing the total number of employees/employers trained in the state.

The Bureau also offered three Spanish outreach events that provided training to 38 Spanish speaking workers.

Technical Assistance

ETTA’s Standards Section answered 2,785 inquiries for standards interpretation by phone or written correspondence for employers and employees across the state. Twenty-seven documents were added to the Field Information System including updates to the Field Operations Manual, new OSH Division policies and adoption of multiple federal OSHA Instructions. Final rules adopted in NC included



OSH staff training along with loggers

the Emergency Temporary Standard for Occupational Exposure to COVID-19 in the Healthcare Industry (29 CFR 1910 Subpart U), Cranes and Derricks in Construction: Railroad Roadway Work (29 CFR 1926 Subpart CC), and the revised rules for Occupational Exposure to Beryllium and Beryllium Compounds in General Industry, Construction and Shipyard Sectors (29 CFR 1910.1024, 29 CFR 1926.1124 and 29 CFR 1915.1024).

Publications

ETTA's Publications Sales Desk served 2,933 customers via email, fax, telephone or walk-in. The Bureau distributed 21,284 publications in support of the Division's outreach and regulatory goals to promote a safe and secure work environment across the state of North Carolina.

The Standard's Section made 33 revisions to existing publications including brochures, industry guides, hazard alerts and frequently asked questions, covering multiple safety and health topics. This included brochures on the following: Public Sector Survey, Top Ten Cited Serious Standards, Green Tobacco Sickness, Manager of Environmental Safety and Health Programs, Medical and Dental Offices, Safety Briefings for General Industry, Toolbox Reviews for the Construction Industry, and Safety Awards. Industry guides included Standards Requiring Programs, Inspections, Procedures, Records and/or Training in General Industry, Construction, Marine Terminals, Shipyards and Agriculture, as well as industry guides on OSHA for Small Businesses in NC and Occupational Safety and Health Standards for Agriculture. Hazard alerts on COVID-19 Safety and Health Guidelines for the Construction Industry and COVID-19 Safety and Health Guidelines for the Agriculture Industry were revised. The FAQs on COVID-19 in English and Spanish were revised

several times. In addition, a new example Heat Stress Prevention Program for Agriculture in English and Spanish was developed, and an example COVID-19 Preparedness Plan for Low and Moderate Risk Businesses was revised.

Agricultural Safety and Health

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

In FFY2021, the ASH Bureau completed 1,967 preoccupancy housing inspections of migrant farmworker housing and 59 compliance inspections. Housing certificates were issued to 1,944 sites with a total occupancy (beds) of 25,124. Five hundred and one growers operated 1,020 sites that were in 100% compliance at the time of the inspection.

RECOGNITION PROGRAMS

Carolina Star Program

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



Labor Commissioner Josh Dobson and Recognition Program Manager LaMont Smith presents the Carolina Star flag and certificate to Amentum at a ceremony held at GE Aviation

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

At the end of FFY2021, North Carolina had 146 Carolina Star Program Sites:

- 101 Carolina Star sites
- 4 Rising Star sites
- 19 Public Sector Star sites
- 22 Building Star sites

The 2021 Annual Carolina Star Safety Conference was held in-person and virtually. The hybrid conference allowed for more than 300 people to be in attendance. Because the 2020 conference was canceled due to COVID-19, the 2021 Carolina Star Safety Conference marked the 24th year for the annual conference.



Recognition Program Manager LaMont Smith with General Electric Aviation, one of six companies that reached a level of 25 years of active participation in the Carolina Star Program

During the Carolina Star Conference, six Carolina Star Program worksites were recognized for achieving 25 years of active participation in the program. These six worksites included:

- Owens & Minor – Lexington Mill
- Celanese – Shelby Facility
- General Electric Aviation – Wilmington
- General Electric Co. – Hitachi Nuclear Energy Americas LLC
- City of Mount Airy
- Elementis Chromium Inc.

During FFY2021, the Carolina Star Program hosted its 2nd Building Star Program Best Practices Workshop on November 17th, 2020, in Charlotte. The workshop allowed the 24 companies that participate in the Building Star Program the opportunity to collaborate and share construction specific ideas and perspectives that may further enhance a company's overall safety and health culture and performance. Additionally, senior management from some of Building Star participants spoke on behalf of their respective companies indicating their overall commitment to the safety and health of their employees.

Former Labor Commissioner Cherie Berry concluded the workshop by expressing her appreciation to all that were in attendance. This would be her final appearance at the Building Star Program Best Practices Workshop before her retirement. At the event, Commissioner Berry was awarded the Carolina Star Program Lifetime Achievement Award for her dedication and commitment to the success of the Carolina Star Program over her 20 years as Labor Commissioner.

Through a Special Star Team Member (SSTM) Program, OSH is able to leverage its limited resources by using specially trained Star site employees and independent private sector safety and health professionals for on-site Star evaluations. During FFY2021, four new SSTMs were trained and four were recertified. Currently, there are 92 SSTMs eligible to assist with Star evaluations. After SSTMs receive initial training, they are required to be retrained every three years while being in the SSTM Program.

The SSTM Program also includes the use of specially trained OSH Star Team Members (OSTM) from the bureau (bureau chief, supervisors, standards officers, and trainers). There are currently 13 OSTMs eligible to assist with Star evaluations.

Gold Star Grower Housing Program

The Gold Star Grower Housing Program recognizes growers who provide farmworker housing that meets or exceeds all the requirements of the Migrant Housing Act of North Carolina. All Gold Star Growers are recognized for their achievement by receiving a Gold Star certificate signed by the Commissioner of Labor. During Calendar Year 2021, there were 194 Gold Star Growers in North Carolina. Due to COVID-19, the 2021

Annual Gold Star Growers' meeting was canceled. This would have marked the 28th annual conference for the Gold Star Grower Housing Program.

Safety and Health Achievement Recognition Program

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

At the end of FFY2021, there were 161 SHARP and five Pre-SHARP sites in North Carolina:

- 111 SHARP General Industry sites
- 45 SHARP Public Sector sites
- 5 SHARP Construction sites

Consultative Services continued its special initiative to recognize employers who have been able to maintain SHARP status for ten consecutive years with a special plaque and presentation ceremony. The FFY2021 presentations were delayed due to the pandemic and will resume in the new fiscal year.

Safety Awards Program

The Safety Awards Program celebrated its 75th year with another successful season. The Gold Award was presented to employer sites with days away, restricted, or transferred case rate of at least 50% below the state average for its industry. The Silver Award went to employer sites with a lost workday case rate at least 50% below the state average. 27 Safety Awards banquets were conducted with a total banquet



Skanska USA is presented with a Million-Hour award by Labor Commissioner Josh Dobson

attendance of 1,263 attendees. As a result of COVID-19, five virtual Safety Awards presentations were conducted in lieu of in-person banquets. The program distributed 2,428 annual awards including 2,046 Gold, 382 Silver, and 40 Million-Hour safety awards.

PARTNERSHIPS AND ALLIANCES

Partnerships

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

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

At the end of FFY2021, there were three active partnerships: Holder-Edison Foard-Leeper, a joint venture project, for the Charlotte Douglas International Airport/Terminal Lobby Expansion; Barringer Construction project for the future site of Charlotte Pipe and Foundry; and Sanders Utility Construction Company, Inc. project on improving/up sizing/replacing the sanitary sewer along the Irwin Creek Tributary to Irwin Creek Interceptor.

Alliances

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

In FFY2021, OSH had the following seven active alliances: Carolinas Associated General Contractors, Lamar Advertising Co., National Utility Contractors Association of the Carolinas, NC State Industry Expansion Solutions (IES), the Safety and Health Council of North Carolina (SHCNC), Mexican Consulate, and the North Carolina Association of Local Governmental Employee Safety Officials. An alliance agreement was re-signed during FFY2021 with the Mexican Consulate.

Through an alliance with Lamar Advertising, four billboards were located on prominent highways in the state advertising the Fall Prevention Stand-Down, Safe + Sound Week, the Grain Stand Up Week, and another one was posted during the summer months regarding the Heat Stress Prevention Campaign.

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

COVID-19 RESPONSE

Internal Activities: Internal Activities

Due to the COVID-19 pandemic, many OSH Division employees were sent home to work in March 2020. Partial teleworking continued for many of the OSH employees throughout 2020 and 2021. OSH employees that were office based are expected to return to work at their assigned office locations in early 2022. As the pandemic response



OSHA Director Kevin Beauregard re-signing the alliance between the Mexican Consulate and the N.C. Department of Labor's OSH Division. This alliance ensures workplace safety and training for Mexican workers.

stretched out into a second year, OSH Administration frequently modified existing COVID-19 internal policies and procedures to address the changing work environment and to ensure employee safety.

Teleworking continued to be encouraged, when feasible, along with the use of videoconferencing systems for meetings and OSH hearings, tablets and iPads for conducting virtual site visits, and tour guide audio systems for on-site plant inspections. Remote work allowed for minimal occurrences of COVID-19 in the workplace and no outbreaks among staff were reported.

Personal protective equipment and cleaning supplies, including loose fitting hooded powered air purifying respirators, N95s, cloth face masks, face coverings, face shields, latex gloves, plexiglass barriers (desk and cubicle), signage, hand sanitizer, disinfecting wipes and sprays continued to be purchased as needed throughout the federal fiscal year and supplied to all offices.

Two hundred COVID-19 rapid antigen tests were purchased for staff to use before and after site visits where applicable. Instructions on their use were developed and posted to the One Stop Shop (OSH Division's intranet page).

OSH employees continued to receive training on COVID-19, both formally (i.e., webinars) and informally (i.e., guidance documents, ETS, media briefings, etc.), so they were well-prepared for outreach, employer/employee

training, interpretations, consultations, site visits, filing of complaints, and compliance activities.

All bureaus continue to submit tracking numbers for all COVID-19 related activities on a weekly basis during FFY2021. These numbers were provided to NCDOL Leadership and to Federal OSHA as requested.

Four ETTA employees and one CSB employee served as State Emergency Response Team (SERT) members and continued to act as liaisons between State Emergency Operations Center and NCDOL. Due to the COVID-19 pandemic, SERT had been activated early in the pandemic to provide daily updates. These staff members monitored SERT updates and sent routine email updates to NCDOL senior leadership.

External Activities

During FFY2021, the OSH Division responded to 3,173 calls and emails related to questions pertaining to COVID-19. The OSH Director's Office attended 93 meetings with other state agencies, employers, and other interested parties. These meetings included working with other agencies and companies looking at administrative and engineering controls such as procedures for safe opening, setting up work areas, use of barriers, and other relevant safety measures (i.e., PPE, disinfecting, social distancing, signage, health screening).

The OSH Complaint Desk responded to 1,325 valid COVID-19 complaints

(e.g., COVID-19 issues where standards could be applied) and 1,142 non-valid COVID-19 complaints (e.g., no social distancing being followed but also no reported COVID-19 cases). They also had 595 unprocessed COVID-19 related complaints that weren't processed due to insufficient information and/or they did not fall under OSH jurisdiction. Where applicable, the complaints were referred to the relevant agency for response.

To process COVID-19 Complaints, Compliance had developed COVID-19 Operational Procedures early in the pandemic that provided specific criteria on whether a complaint was considered valid or not valid. Based on the criteria, a standard letter was sent to the complainant regarding the OSH procedures that would be followed based on the complaint. Based on these procedures, during FFY2021, the Compliance Bureau conducted 114 COVID-19 related inspections and responded to 45 referrals for reports of hospitalizations by employers.

The Planning, Statistics and Information Management (PSIM) Bureau received 2,378 OSH and Retaliatory Employment Discrimination Bureau OSH-related disclosure requests during FFY2021. PSIM processed a total of 3,878 disclosure requests (2,139 from FY2021 and 1,739 from previous years) during this fiscal year. PSIM has continued to receive an unprecedented number of disclosure file requests. PSIM Bureau staff worked diligently to process disclosure requests, which resulted in a 67% increase in the actual

number of files processed compared to the last fiscal year. Many of the disclosure requests received this past fiscal year were COVID-19 related.

CSB conducted 28 interventions and 422 visits for worksites that involved consultants providing information and answering questions on-site and virtually regarding COVID-19 pandemic safety, virus exposure protocols, barrier set-up, use of PPE, and the explanation of resources available, such as up-to-date information from the Centers for Disease Control, Federal OSHA, North Carolina Department of Health and Human Services (NCDHHS) and other agencies.

In 2021, the ASH Bureau worked closely with various local and state agencies and other organizations to provide COVID-19 outreach, education, information and technical assistance to farmers and farmworkers in North Carolina.

The ASH Bureau collaborated with various sections of NCDHHS including the NC Farmworker Health Program and the Department of Health's (DPH) Communicable Disease Branch, the NC Agromedicine Institute, and the NC Community Health Center Association to develop COVID-19 training webinars for Gap Connections' annual grower training which was attended virtually by 1,589 growers.

The ASH Bureau partnered with the NC Farmworker Health Program and distributed COVID-19 packets in English and Spanish to all growers with registered farm worker housing in North Carolina. The ASH Bureau Chief participated in several COVID-19 workgroups that included representatives from the N.C. Department of Agriculture and Consumer Services, NC Agromedicine Institute, N.C. Farmworker Health

Program, NCGA, N.C. Farm Bureau, N.C. Community Health Center Assoc., NCSU Cooperative Extension, N.C. Christmas Tree Association, N.C. Sweet Potato Commission, and Legal Aid of N.C. to discuss COVID-19 challenges faced by growers and farmworkers and possible solutions. Discussion topics included transportation, housing, personal protective equipment, COVID-19 testing, vaccine distribution and training opportunities.



The Bureau also partnered with USDOL Wage and Hour Division and participated in a virtual training webinar for essential workers that discussed workers' rights and protections during the COVID-19 pandemic.

ETTA maintained a COVID-19 safety and health topic page on the NCDOL website that included applicable OSHA standards, COVID-19 resources, and guidance by industry and topic. The COVID-19 topic page is also used as a carousel banner on the main NCDOL website for ease of access by the public. Several existing safety and health topic pages (e.g., PPE, respiratory protection, recordkeeping) were also updated to reflect the new resources and available documents related to COVID-19. FAQs on COVID-19 in English and Spanish continued to be routinely updated to ensure continued accuracy with current information provided. An example COVID-19 Preparedness Plan for Low and Moderate Risk Businesses was revised.

The final rule on the Emergency Temporary Standard for Occupational Exposure to COVID-19 for healthcare (29 CFR 1910 Subpart U) was adopted in North Carolina and made effective in July of 2021. This also included the adoption of CPL 02 – Inspection Procedure for the COVID-19 Emergency Temporary Standard (ETS).

A new website was developed and added to the Which Standards Apply website that guides employers on understanding which standards apply to their workplace. The new ETS website

provided standard guidance in question-and-answer format to help employers identify whether the ETS applied to them.

ETTA hosted 13 COVID-19 webinars and trained a total of 371 employees. These topics included those for basic employee training for COVID-19, along with COVID-19 practices for manufacturing, meat and poultry processing, and construction. Five of the webinars were pre-recorded and made available on the NCDOL website.

Once the COVID-19 ETS for healthcare was in effect, ETTA developed four new COVID-19 presentations and one video on the COVID-19 ETS for healthcare. These included one long and one short presentation on the ETS, along with employee training presentations on the healthcare ETS and the mini-respiratory protection program. These presentations were made available on the website and were also used for webinars. Separate ETS webinars were conducted and directed at specific industry groups including healthcare, long term care, dental and doctor's offices and emergency services.

Lastly, the podcast and social media (i.e., Instagram, Twitter, Facebook) were utilized to promote COVID-19 resources and the COVID-19 ETS for healthcare to the employers and employees in the state. Additionally, two digital billboards that were designed by ETTA and posted by Lamar Advertising across the state to announce the effective date of the COVID-19 ETS for healthcare in North Carolina.

SIGNIFICANT ENFORCEMENT CASE

On March 12, 2021, a 50-year-old independent contractor and a 57-year-old ACW employee died on a remote ranch in eastern Oregon when they were run over by an excavator.

ACW provides a variety of farming services, including road construction. The independent contractor supervised operations at the ranch and the ACW employee – a 35-year veteran of the company – operated the excavator.

Oregon OSHA determined that the incident happened because the excavator operator did not turn off the excavator's engine when he got out of the cab.

There was only one witness, a friend of the independent contractor, who was helping him tend cows that day. Early that morning, the independent contractor and his friend drove a utility terrain vehicle (UTV) a short distance to the site – an access road that ACW had been contracted to build.

The excavator operator had been working at the site for about 15 minutes before the two arrived. As they approached the site, the independent contractor's friend noticed the excavator operator walking back to the cab from the excavator's bucket while the excavator's engine was still running.

The independent contractor got out of the UTV and walked toward the excavator operator, who had climbed up on the east track of the excavator and was standing next to the cab's entrance.

The friend looked away from the excavator for a moment. When he looked back, he saw the excavator operator fall toward the front of the machine between both tracks. Then, the excavator started moving.

The independent contractor rushed to the west side of the excavator to rescue the operator while the friend ran to move the pilot control shutoff lever – a red lever located above the east track of the excavator – to its locked position, which would immediately stop the machine.

When he went around to the other side of the excavator, the friend found both workers motionless, caught under the excavator's west track.

When officers from the Malheur County Sheriff's Department arrived, they noticed a lunch box stowed between the excavator's windshield and its directional control levers. ACW employees said that the excavator operator always brought his lunch box with him. Because the cab of the excavator – a John Deere 225DLC – was quite small, he would store the lunch box between the windshield and the directional control levers.

It was the first of a tragic set of circumstances that foreshadowed how the incident would unfold: the excavator operator had placed his lunch box against the windshield in such a way that it pushed back the machine's directional control levers. Then, while he was standing on the excavator's east track, his coat may have caught the machine's pilot control shutoff lever and moved it to its unlocked position. Because the excavator's engine was running and the directional controls were engaged, the machine lurched forward. The operator most likely lost his balance and fell between the excavator's tracks. The independent contractor died trying to rescue him.

The incident would not have happened if the operator had turned off the excavator's engine before he got out of the cab. The operator's manual for the John Deere 225DLC excavator states:

“Prevent Unintended Machine Movement: Be careful not to accidentally actuate control levers when coworkers are present. Pull pilot control shutoff lever to locked position during work interruptions. Pull pilot control shutoff lever to locked position and stop engine before allowing anyone to approach machine. Always lower work equipment to the ground and pull pilot control shutoff lever to locked position before standing up or leaving the operator's seat. Stop engine before exiting.”

Violations

- 437-001-0760(1)(a): ACW Inc. did not ensure that workers were properly instructed in the safe operation of any machinery that they were authorized to use. (Employees who operated the John Deere 225DLC Excavator had not been instructed to turn off the machine's engine before exiting the cab in accordance with the John Deere 225DLC Excavator Operator's Manual.



The lunch box the excavator operator stowed between the windshield and the directional controls of the excavator



The John Deere 225DLC excavator and the UTV

- 437-001-0765(13): ACW Inc. did not ensure that safety meetings were documented and retained for a least three years.
- 437-001-0700(22): ACW Inc. did not provide Oregon OSHA with an OSHA 300A summary log for 2019.

What did the employer do to comply?

- ACW Inc. began requiring employees to review the John Deere 225DLC Excavator Operator's Manual.
- ACW Inc. began holding weekly safety meetings every Monday, beginning March 15, 2021.
- ACW Inc. submitted a copy of its 2019 OSHA 300A log to Oregon OSHA.



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

SIGNATURE PROJECTS

Heat and wildfire smoke rulemaking, and enforcement efforts

During fiscal year 2021, Oregon OSHA implemented emergency rules to protect workers against the hazards of extreme heat and wildfire smoke, even as it continued to pursue permanent requirements addressing those hazards.

At the same time, the division responded to numerous heat-related complaints and launched multiple inspections, including investigations of heat-related worker deaths linked to an unprecedented heat wave in the Pacific Northwest in late June 2021.

Oregon OSHA's rulemaking efforts regarding extreme heat and wildfire smoke are part of the state's larger and ongoing work – initiated by Oregon Gov. Kate Brown in March 2020 – to mitigate the impacts of climate change.

The original deadline for the proposed rules was June 30, 2021, but the COVID-19 public health emergency led to a delay in developing the proposals.

In late June 2021, an unprecedented heat wave struck the Pacific Northwest with record triple-digit temperatures and deadly consequences. As the extreme heat wave loomed, Oregon OSHA issued a press release, and published messages on social media and online, reminding employers and workers to take the dangers seriously and to focus on prevention.

In an interview with The Oregonian newspaper, Oregon OSHA's public information officer said the division could cite employers for failing to provide workers ample water, shade, and breaks in line with existing rules.

Emphasis program in effect

In fact, the division had long maintained an emphasis program focused on heat stress prevention, particularly with respect to vulnerable workers in such industries as agriculture and construction. The emphasis program directed inspectors and consultants to address heat stress prevention with Oregon employers as they conducted their enforcement and consultation activities during the summer

months. Historically, Oregon OSHA issued public communications every year, before the arrival of hot weather, urging employers to deploy heat stress prevention plans.

Unprecedented heat wave hits

When the extreme heat wave gripped Oregon in late June 2021, Oregon OSHA received multiple reports of worker hospitalizations and fatalities. The division also received multiple complaints before and during the extreme heat.

As Oregon OSHA responded to heat-related complaints and launched fatality investigations, Gov. Brown directed the division to adopt a temporary emergency heat rule. That rule was adopted July 8, 2021. Its requirements included expanded access to shade and cool water; regular cool-down breaks; training and communication; and emergency planning and other measures. The rule applied to any workplace – outdoors and indoors – where heat dangers are caused by the weather.

Not long after the workplace rule's adoption, Oregon OSHA acted again to help protect workers against the dangers of extreme heat. In early August, the division implemented emergency protections for workers who rely on employer-provided housing, including as part of farm operations.

Before the adoption of the temporary emergency heat rule for all workplaces, Oregon OSHA had opened an estimated 71 inspections related to “ambient” heat. Another 214 inspections were initiated following adoption of the temporary emergency rule. Of the 285 inspections, about 13% were in agriculture, nearly 3% were in logging, and an estimated 45% were in construction. Of the estimated 196 inspections that showed violations, approximately 12 had violations related to heat.

One of the fatality investigations linked to the extreme heat wave involved the death of a Marion County farmworker. Sebastian Francisco-Perez, 39, a Guatemalan migrant worker, was found unresponsive in the field in St. Paul, Ore., after 3:30 p.m. on June 26, 2021.

Following investigations of two employers – a nursery and a labor contractor involved in Francisco-Perez's employment – Oregon OSHA issued citations to both companies. The investigations were opened before the temporary emergency rule was adopted. The violations encompassed failures to provide all of the necessary measures – including information and training – to protect employees from the known hazards of working in elevated temperatures.

In addition to the citations, Oregon OSHA's investigations led the companies to improve their safety programs to better account for heat stress prevention.

Requirements targeted for wildfire smoke

As it worked to address the hazards of extreme heat, Oregon OSHA also moved to help protect workers against the potential hazards of wildfire smoke. The division put an emergency rule into effect Aug. 9, 2021. The rule included a variety of exposure controls – everything from engineering and administrative controls to the use of filtering facepiece respirators – training and information, and other measures.

Oregon OSHA went further. Working with state agency and industry partners, the division also coordinated the distribution of the state's supply of filtering facepiece respirators to locations where employers could pick them up and put them in the hands of their employees. It was a project that helped employers protect their workers in light of their new obligations under the emergency wildfire smoke rule.

The division's efforts to help protect Oregon workers against the impacts of climate change were hardly done. Looking ahead to 2022, Oregon OSHA continued developing permanent rules addressing extreme heat and wildfire smoke. It proposed the rules in early February 2022, with an eye on adoption in April.

The proposed heat illness prevention rule includes a variety of protective measures, including access to shade and cool water, work/rest schedules, information and training, and other preventive actions and plans. The proposed wildfire smoke rule includes an array of exposure assessments and controls, and training and communication steps.

They would be the strongest such protections for workers in the nation.

PUBLIC EDUCATION/ COMMUNICATIONS

During the fiscal year 2021, Oregon OSHA ([oregon.gov](https://www.oregon.gov)) continued to develop and deliver free public education and communication resources, including additional Spanish-language online safety trainings, online training to help employers comply with new rules, and press releases about the division's enforcement efforts. Additional online tools included:

- “Residential Construction Building Safety,” a free training resource as part of PESO, a bilingual program that helps English-speaking employers train and talk about workplace safety and health with Spanish-speaking workers.

- A multimedia course, “[COVID-19 Training Requirements](#),” to help employers to meet certain employee training requirements found in Oregon OSHA's temporary emergency rule addressing COVID-19 risks in workplaces.
- A Spanish-language online video training course, “[Fall Protection for Roofing](#),” to help employers and workers address fall hazards and increase safety in the roofing industry.
- An interactive online training course, “[Wildfire Smoke Training Requirements](#),” designed to help employers meet certain training requirements found in Oregon OSHA's emergency temporary rule addressing wildfire smoke in workplaces.
- A Spanish-language online training course, “[Fall Protection for Construction](#),” to help Spanish-speaking employers and workers meet the requirements of Oregon OSHA's fall protection standards.
- A [Heat Safety App Tutorial video](#), in English and Spanish, to help employers plan outdoor work activities based on how hot it feels during the day.

Oregon OSHA issued 41 press releases during fiscal year 2021 to publicly communicate everything from its enforcement actions – especially regarding COVID-19 – and new training resources to rule adoptions and safety events. Seventeen of the press releases (41%) announced enforcement actions, 12 of which involved violations of COVID-19 requirements.

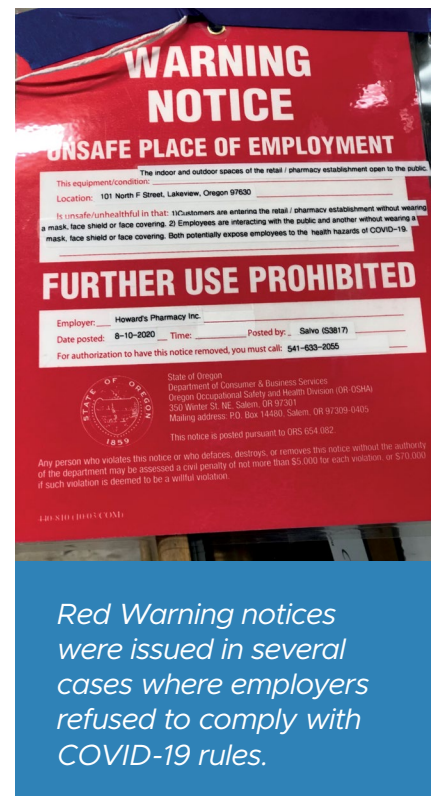
COVID-19 RESPONSE

Oregon OSHA deploys enforcement tools to protect workers against COVID-19

From emergency and permanent rules to complaint evaluations and on-site inspections, Oregon OSHA used every enforcement tool at its disposal to help move employers into compliance with workplace health and safety requirements designed to curb the spread of COVID-19.

During fiscal year 2021, Oregon OSHA's rule adoptions related to COVID-19 included:

- A temporary rule, which took effect Nov. 16, 2020, and remained in effect until May 4, 2021, to combat the spread of coronavirus in all workplaces. The rule was a continuation of the guidance produced by the Oregon Health Authority and enforced in the workplace by Oregon OSHA, including physical distancing; use of facial coverings; exposure risk assessment and infection control planning; and notification and training.
- An extension of the COVID-19 rule to maintain risk-reducing safety measures for workers across Oregon against the coronavirus. The rule extension took effect May 4, 2021. The rule went into effect after a public process that included both stakeholder involvement and more than two months of public comment.
- Adoption of COVID-19 workplace requirements for workers who rely on housing provided by employers, including as part of farm operations. The requirements were adopted April 30, 2021, and worked in tandem with the comprehensive COVID-19 rule by providing specific guidance for situations involving such housing.
- Multiple changes and updates to existing COVID-19 workplace requirements to reflect public health guidance modifications in response to the pandemic's evolution. Such changes included the reinstatement of statewide facial-covering requirements, and the relaxation and removal of certain elements in line with updates to statewide public health guidance.



Meanwhile, Oregon OSHA conducted enforcement of COVID-19 requirements through both inspections and non-inspection investigations, frequently addressing multiple and similar COVID-19 complaints concerning the same jobsite.

Since March 2020, the division has issued at least 246 citations to employers involving violations of requirements to protect workers from COVID-19. These are the result of at least 745 inspections.

The citations related to COVID-19 were based largely, but not entirely, on more than 31,000 complaints related to the pandemic. When non-COVID-19 complaints are included in the number of complaints received since the beginning of the pandemic, the total is more than 38,000. For perspective, Oregon OSHA typically receives about 2,000 complaints annually.

The 745 COVID-19 inspections include formal enforcement visits where the division addressed at least one complaint allegation that was related to COVID-19. It also includes enforcement visits where the division examined COVID-19 protocols as part of an inspection that otherwise addressed non-COVID-19 hazards.

Nearly 70% of the citations involving COVID-19 violations were never appealed by the employer. Of the estimated 30% that were appealed, the overwhelming majority involved willful violations and make up the largest amount of assessed penalties.

Of the estimated 246 citations issued involving COVID-19 violations, approximately 48 involved willful violations. Since the pandemic began, Oregon OSHA has not issued willful violations for non-COVID-19-related matters. Before the pandemic, the division issued citations involving willful violations an average of two to four annually.

The estimated 246 COVID-19-related citations issued amount to an approximate total of \$977,000 in initial penalties. Of the approximate 48 citations involving willful violations, the estimated total initial penalties were \$827,000. The 48 citations involving willful violations make up the overwhelming majority of citations that were appealed, and make up the largest amount of assessed penalties. Contested cases and settlements can affect final penalty outcomes.

Oregon OSHA Consultation Services helps multiple employers navigate the COVID-19 emergency

Oregon OSHA's Consultation Services responded to a tremendous demand for assistance during the COVID-19 pandemic. It did so by supporting multiple business sectors, individual employers, employees, and members of the public throughout Oregon. Moreover, the division's consultants aided colleagues and teamed up with other public agencies to address the pandemic in the workplace, even as the public health guidance and related challenges evolved. The services Oregon OSHA consultants provided include:

- Coordinated the infection control training provided by the Oregon Health Authority (OHA) to Oregon OSHA staff.
 - Supported Oregon OSHA's response as subject matter experts.
 - Provided an unusually high number of responses to questions from both employers and employees. These primarily related to the Oregon Health Authority's COVID-19 guidance, Oregon OSHA COVID-19 requirements, and other information related to the pandemic. Specifically, since March 1, 2020, approximately 1,670 consultations were conducted across the program that addressed COVID-19 in some capacity.
 - Participated in multi-agency, on-site consultations as part of the Interagency Facility Support Teams (IFST) program for food supply establishments that had experienced COVID-19 outbreaks.
 - Collaborated with the Oregon Health Authority on writing and updating at least three statewide public health guidance documents. One was for optimizing PPE during shortages, Use of Personal Protective Equipment by Health Care Personnel in Resource-Constrained Settings; one was specific to dental workplaces, Use of PPE in Dental Settings; and the third was Indoor Air Considerations for Smaller Spaces.
- › Reviewed Oregon Health Authority guidance
 - › Met with Oregon Health Authority representatives to discuss the guidance
 - › Drafted language for the guidance so that it considers Oregon OSHA interests and responsibilities
 - As part of a multi-agency and multi-disciplinary team with Oregon Health Authority staff and county public health staff, Oregon OSHA consultants advised Oregon Department of Corrections facilities, as well as a large county jail facility.
 - Presented relevant information to safety and health associations.
 - Presented relevant information to professional health care associations.
 - In collaboration with Business Oregon, provided ideas to multiple employers for safely maintaining business operations during the emergency.
 - Offered significant outreach and counsel to the agricultural industry in Oregon with a specific emphasis on agricultural labor housing, and the impact COVID-19 had on housing configuration and capacity.
 - Collaborated with the wine industry to develop a "playbook" for safe work practices during the COVID-19 pandemic and beyond.
 - To help keep businesses operating, developed model exposure risk assessments for employers in various sectors, including dental settings, retail groceries, construction, manufacturing, and agriculture.

Consultation Services also performed the following:

- › Organized meetings with dental advisory group stakeholders
- › Reviewed comments from advisory group members
- › Determined division policy through research and discussion with Oregon OSHA policy and technical staff

- To help keep businesses operating, developed model infection control and prevention programs for employers in various sectors, including dental settings, retail groceries, construction, manufacturing, and agriculture.
- Provided consultations to multiple sectors, including home health care, general medical care, dental services, retail groceries, agriculture, construction, manufacturing, and others.
- Provided consultation services to the retail grocery sector for developing exposure risk assessments, and infection control and prevention plans.
- Provided consultation services to the health care sector for developing exposure risk assessments and infection control plans.
- Supported other Oregon OSHA programs as the division responded to the pandemic.

ENFORCEMENT

Enforcement includes intervention in both the private and public sectors. In the 2021 fiscal year, the enforcement presence was dramatically affected by the COVID-19 response: 1,343 inspections were conducted; 967 were in safety and 376 were in health. Of the 1,343 inspections, approximately 834 citations, or 62%, were issued with initial penalties totaling \$2.1 million.

HIGH-HAZARD INDUSTRIES

Oregon OSHA focuses on high-hazard industries, such as construction and logging.

The following data demonstrates that focus in fiscal year 2021, in both enforcement and consultation:

- Total number of safety inspections in high-hazard industries: 742
- Total number of health inspections in high-hazard industries: 210
- Total number of safety consultations in high-hazard industries: 564
- Total number of health consultations in high-hazard industries: 195

OTHER RULEMAKING ACTIVITY

Penalty adjustments

Oregon OSHA adopted this rule before the end of 2021. It adjusted the division's penalties to mirror federal penalty adjustments. It was necessary to match federal OSHA's minimum and maximum penalties, as part of the "at least as effective" standard. Oregon OSHA's current penalty structure is available on its A-to-Z topic page at osha.oregon.gov

Permissible exposure limits

As part of its ongoing work to update permissible exposure limits, Oregon OSHA adopted a rule in fiscal year 2021 addressing manganese. It reduced the permissible exposure limit (PEL) for manganese compounds and fume. The change occurred in the air contaminants rules for general industry, construction, and agriculture.

The revised PEL is 0.1 mg/m³, as an 8-hour time-weighted average. It retains the ceiling limit of 5 mg/m³. Among other improvements, the rule adoption also clarified and cross-referenced welding rules with other standards including confined spaces.

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

VOLUNTARY PROGRAMS

Consultation

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

In fiscal year 2021, 1,550 consultations were conducted. Here they are by category and number:

- Health consultations: 578
- Safety consultations: 972
- Health consultations in high-hazard industries: 195
- Safety consultations in high-hazard industries: 564
- All safety and health consultations in high-hazard industries: 759
- Safety and health ergonomics consultations: 35
- Safety and health ergonomics consultations in industries with Muscle Skeletal Disorders (MSD) rates: 47
- There were 73 consultations where workplace violence was addressed.

Cooperative programs – SHARP and VPP

Building on Oregon OSHA's promotion of employer self-sufficiency, the division encourages employers to attain SHARP and VPP status. At the end of fiscal year 2021, 196 companies had participated in the SHARP program, and 20 companies were certified VPP.

PARTNERSHIPS AND AGREEMENTS

Teams of students at Parkrose, Ridgeview, Pendleton, and Sutherlin high schools earned top prizes in a media contest designed to increase awareness about workplace safety for young workers.

The annual media contest reflects a partnership with the Oregon Young Employee Safety Coalition (O[yes]), including a variety of sponsors: Oregon OSHA;



SAIF Corporation; Oregon Institute of Occupational Health Sciences at Oregon Health and Science University; SafeBuild Alliance; Oregon chapters of the American Society of Safety Professionals; Oregon SHARP Alliance; Construction Safety Summit; and Hoffman Construction.

The contest invited high school students across Oregon to participate in the competition, which featured video and graphic design categories, and the following theme: “Work. It can be more dangerous than you think.”

Students were invited to create a 30- to 90-second video or a graphic design that inspires young workers to think twice about their personal health and safety at work, while highlighting the contest’s theme. The mission of (O[yes]) is to prevent injuries and illnesses to young workers through outreach, advocacy, and sharing resources with young workers, educators, employers, parents, and labor organizations. View the 2021 media contest winners and their entries at youngemployeesafety.org.

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

At the end of fiscal year 2021, Oregon OSHA had 43 active stakeholder collaborations and partnerships, and six current alliances. Twenty-four partnerships were in targeted industry sectors: agriculture, construction, logging or health care. More

information about all of Oregon OSHA’s teamwork is available at osha.oregon.gov.

ACTIVITIES

Conferences

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

Some focus on specific industries, such as the Mid-Oregon Construction Safety Summit and the Western Pulp, Paper, and Forest Products Safety and Health Conference. Conferences scheduled in 2021 were canceled because of the pandemic. While in-person conferences were being cancelled, some conference sponsors offered other trainings and resources:

- The Mid-Oregon Construction Safety Summit compiled a list of virtual no-cost resources for safety and health trainings, and emailed them to past attendees.
- The Northwest Safety and Health Summit collaborated with the Blue Mountain Safety and Health Conference to provide no-cost, virtual workplace safety education using YouTube on May 19, 2021.
- The Southern Oregon Occupational Safety and Health Conference offered a three-day virtual event in 2021.

The various conference planning committees are actively planning in-person conferences for 2022.

Workers' Memorial Scholarship program

Seven Oregon high school graduates were recipients of the Workers' Memorial Scholarship in fiscal year 2021. The awards program helps finance higher education for family members of Oregon workers who have been fatally injured or permanently disabled on the job.

A total of \$26,000 was awarded in varying amounts to the seven recipients. Award recommendations are made by Oregon OSHA's Safe Employment Education and Training Advisory Committee, an advisory group with members from business, organized labor, and government.

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

Safety Break for Oregon

More than 35 employers participated in Safety Break for Oregon on May 12, 2021, promoting the value of keeping people safe and healthy while on the job. During the 18th year of the event, employers engaged in a variety of workplace health and safety activities while following the appropriate COVID-19 safety measures.



Oregon OSHA invited employers and workers to participate in the 18th annual Safety Break for Oregon, a stand-down to remind employers about the high value they should place on maintaining safe workplaces.

ON-SITE CONSULTATION SIGNATURE PROJECTS

FY2021's extraordinary circumstances shifted PR OSHA's On-site Consultation Program's projected goals dramatically. New goals and ultimately more important goals were drawn in lieu of the new and changing circumstances. In Puerto Rico, FY2020 started with a swarm of earthquakes that devastated the southern part of the island in the months of December 2019, January and February 2020. Hundreds of earthquakes were reported and the need for assistance and guidance on safety and health measures in shelters and other structures was imperative.

As the island was declared in a state of emergency all safety and health specialists, including those from the On-site Consultation Program were activated for Emergency Response. The Consultants performed Safety and Health compliance assistance activities in the shelters, identified hazards and recommended corrective actions in order to preserve the safety of the refugees, volunteers and employees.

Not yet done with the earthquake related activities the COVID-19 arrived to our shores. Similarly, to other State ordinances, the Governor of Puerto Rico issued several Executive Orders, the first of which issued on March 12, 2020 which declared the island in a State of Emergency and issued an immediate island-wide shutdown of all non-essential businesses and government operations. The general shutdown order for most non-essential businesses and government operations was lifted in May 2020, with various restrictions.

The shutdown order issued by the local government had an immediate impact on PR OSHA's On-site Consultation Program's plans for FY2020 and 2021. All pre scheduled consultation activities were suspended and the Program's attention and subsequent actions shifted towards the immediate needs of employers with regards to COVID-19 information, education and safety measures for their workplaces.

In answer to the immediate needs, the PR OSHA's On-Site Consultation Program developed and published in the State DOL website a set of guidelines for the employer, on how to develop and implement a COVID-19 Exposure Control Plan, designed to protect the health and safety of employees.

The guidelines included recommendations on physical distancing, engineering controls, PPE, sanitation, Indoor Quality, training and others. The guidelines were published in Spanish and English, providing assistance to all English speaking employers in the island as well. The implementation of a COVID-19 Exposure Control Plan became a requirement for all employers in the island, as established by a further Executive Order. All employers

were required to submit to PR OSHA's On-Site Consultation Program a copy of their COVID-19 Exposure Control Plan, for revision and further recommendations if necessary.

Although all on-site consultation visits were suspended, the Program performed countless telephone assessments and virtual visits to industries and workplaces and as of today has reviewed more than 30,000 COVID-19 Exposure Control Plans.

The On-Site Consultation Program voluntarily worked with the textile industries in the island, thirty-three in total, that wanted to mass produce face masks and other PPE that was greatly in need in the healthcare industry and for the general public. All textile companies that wanted to participate in this endeavor received an On-site Consultation Program evaluation and recommendations before reopening.

Continuous online or virtual conferences were given on COVID-19 State and CDC Guidelines and recommendations to Professional Associations, Cooperative Program Participants and employers (1074 participants) demonstrating the ongoing effort and commitment of our staff.

Even through the emergencies these past years has thrust upon us (hurricanes, earthquakes, pandemics), PR OSHA's On-site Consultation Program continues to work hand in hand with employers in the island in order to guarantee safe and healthful working conditions for all employees, and in doing so, significantly reduce occupational fatalities, injuries and illnesses.

ENFORCEMENT

Inspections and Discrimination Complaints

The Bureau of Inspections (Compliance) conducted a total of 905 inspections of the 1,260 projected, during the last two years (COVID-19 pandemic years) PR OSHA has been performing presential inspections during these two years and performing COVID-19 Protocols inspections and interventions during the crisis.

The inspections broke down as follows:

- Safety Inspections – 611
- Health Inspections – 294
- Programmed Planned/ Related - 142
- Unprogrammed/Related – 763
- Fat/Cat – 17

COMPLIANCE COVID-19 INITIATIVES

The bureau of inspections had performed 3,502 COVID-19 Task Force interventions (Police Department, Department of Health, PR Treasury Department and PR OSHA).

This is a Governor's Initiative that started on May 5, 2020 and until September 29, 2020, we had that amount but those inspections are still going. PR OSHA is in charge of verifying the COVID-19 Control Plans of the employers and that all employers comply with the auto certification of the Control Plan.

For FY2021, from October 1, 2020 until September 30, 2021, PR OSHA has done 804 interventions in total for the Pandemic COVID-19 Emergency, PR OSHA started on March 2020 to do COVID interventions following the Governor's executive orders for the Covid Pandemic.

State Emphasis Programs

LEP on Amputations – 137 inspections conducted, 39 serious violations and 86, one repeat, and 44 other than serious violations cited.

LEP on Gasoline Service Stations – 34 inspections conducted, 11 serious violations and two other than serious violations cited.

LEP on Hazardous Public Activities for Mobile Crews – 61 inspections conducted, 13 serious violations and 10 other than serious violations were cited.

Discrimination Complaints

We attended 30 Discrimination complaints. No case was found with merit, three cases were withdrawn, 19 were close at administrative level, two were dismissed, no case was settled, and six cases are still under investigation.

Consultation Program

SHARP

In FY2021, PR OSHA have a total of 13 companies participating in the SHARP program.

Training and Education Initiatives

The training and education services offered by PR OSHA's, On-Site Consultation 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 hazard recognition and prevention and involvement in safety and health matters.

In FY2021 PR OSHA's, On-Site Consultation Division delivered 15 Outreach activities that included events attended by the On-site Consultation staff, for the purpose of promoting the On-site Consultation service and presenting safety and health information to participants, during the Pandemic. These activities were performed virtually using platforms like Microsoft Teams and On-site where COVID-19 protocols could be followed.

Voluntary Protection Programs/Compliance Assistance (CAS)

For FY2021 there are 12 sites approved for VPP all participating at the Guanín Level (Star equivalent):

- Honeywell Aerospace – Aguadilla
- Industrial C&S of PR LLC – Vega Alta
- Industrial C&S of PR LLC -Arecibo
- Hindustan Platinum – Humacao
- Industrial C&S of PR LLC – Vieques
- GE International of Puerto Rico – Añasco
- Veolia ES Technical Solutions, LLC – Gurabo
- Stryker Puerto Rico, Ltd – Arroyo
- Pfizer Global Manufacturing – Vega Baja
- Hamilton Sundstrand – Santa Isabel
- Glaxo Smith Kline – Guayama

During FY2021, four participants were evaluated and reapproved in the Guanín level:

- Hindustan platinum of PR LLC, June 2021
- Industrial C&S of PR, LLC, Vega Alta (ABB Vega Alta), July 2021
- C&S of PR, LLC, Arecibo (ABB Arecibo), August 2021
- Veolia ES Technical Solutions, Gurabo, September 2021

Alliances:

PR OSHA has continued to actively work with the following Alliances:

- Ferrovial Agroman – Alliance is to be renewed in January 16, 2021
- Centro Unido de Detallistas de PR, to be renewed in October 2022
- Corporación del Fondo del Seguro del Estado, was renewed on June 18, 2021
- Colegio de Ingenieros y Agrimensores de PR – Renewed participation for four years – March 19, 2019
- Consulado General de México en Puerto Rico – To be renewed in August 2022
- Comité Estatal de Patronos, was renewed on May 21, 2021

PROSHA is a cosignatory of the following Alliances with Federal OSHA:

- University of PR Río Piedras – Renewed participation for four years – until March 29, 2023

COMPLIANCE

Enforcement is an integral part of the South Carolina State Plan and includes intervention in both private and public sectors. In fiscal year 2021, South Carolina OSHA conducted 391 inspections/investigations. During this period, 310 safety related inspections and 81 health related inspections were conducted. Statistics show the following:

169 Planned Inspections	46 Referral Inspections	0 Programmed-Related Inspections
108 Complaint Inspections	22 Follow-Up Inspections	During these inspections
36 Accident and Fatality Inspections	10 Unprogrammed-Related Inspections	646 violations were issued

Of these violations, 467 were serious violations, 178 were other-than-serious violations, and one repeat violation. Adjusted penalties for these violations were \$719,917.50.

STATISTICS

The Survey of Occupational Injuries and Illnesses is a federal/state program in which employers' workplace injuries and illnesses are collected and analyzed by the agency. This annual survey provides estimates of the number and frequency (incidence rates) of workplace injuries and illnesses based on logs kept by employers during the year. These records reflect not only the year's injury and illness experience, but also the employers' understanding of which cases are work-related under recordkeeping rules promulgated by the Occupational Safety and Health Administration (OSHA), U.S. Department of Labor. The number of injuries and illnesses reported in any year can be influenced by the level of economic activity, working conditions, work practices, worker experience and training, and the number of hours worked. This year's survey showed that South Carolina's injury and illness incidence rate for private sector in 2020 was 2.1 injuries and illnesses per 100 full-time equivalent workers. The national private sector injury and illness incidence rate was 2.7 in 2020. Within the public sector, South Carolina's occupational injury and illness rate was 3.6 in 2020.

OUTREACH AND EDUCATION

Consultation

South Carolina OSHA's Outreach and Education Program (O&E) consultation staff conducted 385 total visits, resulting in 1,207 hazards being identified and eliminated. Throughout the year, South Carolina OSHA's O&E programs made 278 OSHA recommendations, requiring the improvement or implementation of written safety and health programs. 29 requests for consultation services were conducted in the targeted NAICS. There was one additional SHARP site, four renewals and no withdrawals during this fiscal year. There are currently eight SHARP sites. The projected FY21 visit numbers were not met due to COVID-19 restrictions mandated on March 18, 2020.

The consultation program uses customer satisfaction surveys to evaluate its effectiveness. A survey form is included with each report to the employer. During this federal fiscal year, 36.5% of the surveys were returned, indicating 98.6% were satisfied with the services and met the employers' expectations. 97.3% of the employers indicated that the recommendations were clear and understandable. The most helpful and best-liked areas of the visits were the Hazard Identification (69.5%) and Hazard Correction Advice (60%).

Additionally, 52.1% of respondents indicated they were first-time users of O&E's Consultation Services. Of the responders, 98.6% strongly agreed that this service helped to improve workplace safety and health programs. South Carolina OSHA O&E will continue to use this customer satisfaction survey to evaluate and improve services provided to employers in the state.

Training and Education

South Carolina's OSHA's Outreach and Education (O&E) Program has a separate training division under 23g. This division provides free on-site training to employers and employees throughout the state. The total number of training classes continue to be lower than previous years due to the COVID-19 pandemic. Many employers preferred virtual training over on-site training. It is more difficult to capture the accurate number of attendees when virtual training is provided. During the past year, the training division conducted a total of 105 training classes for 2,165 private and public-sector employers and employees. A total of 302 private-sector employers, 605 private-sector employees, 267 public-sector employers, and 991 public-sector employees were trained. South Carolina's O&E training staff continues to participate in workshops and outreach projects with SC Association of Counties, SC Manufacturers Alliance, NC State OTI Outreach Center, SC Department of Transportation, SC Department of Corrections, Horry Georgetown Technical College, SC Dietary Managers Association, SC Metal Finishers Association, Low Country and Piedmont ASSE, Professional Construction Estimators Association, SC Vegetation Management Association, SC Masonry Contractors Association, SC Asphalt Association, and the Home Builders Association.

RECOGNITION PROGRAMS

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

Safety and Health Achievement Recognition Program (SHARP)

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

Palmetto Star Program

The Palmetto Star Program also recognizes and promotes effective safety and health management systems. A company that attains Palmetto Star status is considered to have one of the safest workplaces in the state. In 2021, due to COVID-19 restrictions, there were three Palmetto Star three-year re-evaluations conducted during this period with all sites receiving recommendations for continuing participation in the program. Currently, there are 36 recognized Palmetto Star sites.

PARTNERSHIPS

South Carolina OSHA currently has three active construction partnerships:

- Mascaro/Barton Malow, a joint venture, and its subcontractors are

working on the Carolina Panthers Rock Hill Development project. This partnership agreement was signed February 10, 2021.

- Harper General Contractors, Environmental Systems, and its subcontractors are working on the McCormick Wastewater Treatment Expansion in McCormick, S.C. This partnership agreement was signed March, 11, 2021.
- Holder Construction Group and its subcontractors are working on the Mustang MNK project in Monks Corner. This partnership agreement was signed June 30, 2021.

One of the long-term benefits of partnerships like Mascaro/Barton Malow is that subcontractors and workers take what they learn about safety at the Carolina Panthers Rock Hill Development project site to future construction worksites.

The Carolina Panthers Rock Hill Development is an innovative mixed-use, pedestrian friendly community anchored by the Carolina Panthers practice facility and headquarters on a 240-acre site adjacent to I-77. The development will not only include a world-class sports complex, but also be a true destination site for the entire region, offering entertainment, dining, retail, athletics and medical care.

OUTREACH

South Carolina OSHA's O&E Program is partnering with SC Voluntary Protection Program (VPP) sites to provide OSHA 10 and General Safety Awareness

training at high school career centers. The VPP sites provide the OSHA 10 trainers for the career centers. This allows the students to meet and interact with industry professionals while building a safety culture that the students can take to the workplace. This gives industry the opportunity to build the future workforce with safety as the foundation. This program was suspended due to COVID-19 restrictions; however, plans are to resume the program for the 2022-23 school year.

COMPLIANCE OFFICER TRAINING

The South Carolina OSHA staff training program did not slow down in 2021, despite obstacles presented by COVID-19 and the cancellation of OSHA Training Institute's (OTI) in-person courses. SC OSHA's program forged ahead with the addition of nine Compliance Safety Health Officers (CSHO), two Whistleblower Investigators, and two Outreach and Education Consultants. All new hires completed OTI virtual classes to obtain the basic building blocks of SC OSHA's training curriculum, with the exception of one new CSHO who is scheduled for completion by summer 2022. In addition, some personnel attended courses covering topics such as Permit-Required Confined Spaces, Lead in Construction, and Ammonia Refrigeration Systems, Technology, and Safety which were offered by other training providers, such as NC State's Southeastern Outreach Training Institute, Oregon OSHA and The Industrial Refrigeration Consortium at the University of Wisconsin-Madison, respectively. Furthermore, four members of SC OSHA's management team received certifications as Associate Public Managers, while a fifth member enrolled in the 2022 course offering. Another manager completed the prestigious Certified Public Manager program in 2021, while a second

manager began their journey through the 18-month course. Finally, two managers passed their examinations to attain internationally recognized credentials – one as a Certified Industrial Hygienist, and another as a Certified Safety Professional. Despite the ongoing pandemic, all levels of SC OSHA personnel continue to pursue educational opportunities.

By the beginning of FY21, as SC OSHA began to increase inspection activity, five CSHO trainees were released to the field to conduct inspections independently. Five other trainees are on schedule to be released in the early spring of 2022. The new Whistleblower Investigators are now working diligently as part of SC OSHA's Legal Division, while the new Outreach Consultants are projected to be released in early spring of 2022. In addition to outside training opportunities, SC OSHA senior personnel also delivered numerous in-house training sessions for CSHOs. For example, the annual Summer Training Series was held at the State Fire Academy, and included day-long presentations covering topics such as Lockout-Tagout, Machine Guarding, Scaffolding, Fall Protection, Respirable Crystalline Silica, and the Expanded Health Standards. SC OSHA looks forward to the eventual return of OTI's in-person classes, for which nearly all of SC OSHA's staff have something scheduled in the upcoming year.

STANDARDS

The South Carolina OSHA Standards Division assists many employers, employees, and compliance personnel who desire to eliminate safety and health workplace hazards. The Standards Division responded to over 1,000 phone calls and e-mails as part of outreach and compliance assistance during fiscal year 2021.



Gas-powered air compressor that was used to power nail guns.



The media blast booth is a steel frame that is wrapped with a clear polyvinyl chloride plastic film.



Location where the employee fell through the clear PVC plastic film.

SIGNIFICANT CASES

Framing Facility

On or about February 12, 2021, Employee #1 entered a jobsite work van to troubleshoot a pneumatic nail gun. While inside the van, Employee #1 closed the van's doors with the gas-powered air compressor switched on. Approximately 30 minutes later, a co-worker found Employee #1 inside the work van and unresponsive. Employee #1 had succumbed to carbon monoxide exposure from operating a gas-powered air compressor inside the enclosed van. SC OSHA's investigation found that the employer failed to instruct each employee in the recognition and avoidance of unsafe conditions, failed to keep employee exposure to carbon monoxide below the OSHA permissible exposure limit, failed to implement administrative or engineering controls for one employee exposed to carbon monoxide above the OSHA permissible exposure limit, and failed to report the fatality to SC OSHA within 8 hours in accordance with State regulations.

Technology Company

On or about June 1, 2021 at approximately 10 a.m., employee #1 and a co-worker were working out of a Skyjack scissor lift in Hangar 4, of bay B at a jobsite in Greenville, South Carolina. The structure being erected was a media blast booth that was 50 feet wide by 20 feet high, and 80 feet long. The media blast booth was a steel frame wrapped with a clear polyvinyl chloride (PVC) plastic film. Employee #1 and the co-worker were in the lift installing wiring and drilling holes into the poles of the frame. In order to check wiring, employee #1 climbed over the rails of the lift and onto the second beam of the media blast booth. As employee #1 reached the third beam, the PVC plastic ripped causing Employee #1 to fall 20 feet to the concrete floor. SC OSHA's investigation found that the employer failed to require employees to always stand firmly on the floor of the aerial lift basket, and not sit or climb on the edge of the basket or use planks, ladders, or other devices for a work position, failed to have each employee who performs work while on a scaffold trained by a person qualified in the subject matter to recognize the hazards associated with the type of scaffold

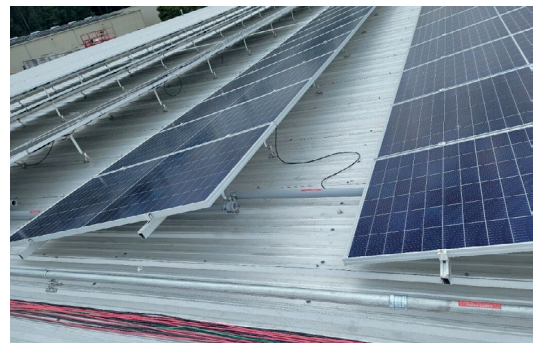
being used and to understand the procedures to control or minimize those hazards. The employer also failed to determine if the walking/working surfaces on which the employees are to work, have the strength and structural integrity to support employees safely, failed to protect each employee on a walking/working surface 6 feet (1.8 m) or more above lower levels from falling by a guardrail system, safety net system, or personal fall arrest system, and failed to provide a training program for each employee who might be exposed to fall hazards.

Electrical Contractor

On or about July 7, 2021, at approximately 2 p.m., Employee #1 was assigned to help tie in the wiring of a solar panel installation on the roof of Building 3. This involved putting wires down in rows to zip tie to solar panels. Employee #1 and another co-worker were working with the wire at the rear end of the second row of panels from the top of the installation. Employee #1 noticed two wires wrapped incorrectly around the feet of a solar panel. Employee #1 grabbed the wires and began to walk backwards on the roof towards the rear of the building in order to unwrap the wires. At approximately 4:15 p.m., Employee #1 stepped backwards off the rear edge of the roof, approximately 28 feet from the ground. Employee #1 was transported to the nearest trauma hospital, but succumbed to injuries associated with blunt force trauma to the body. South Carolina OSHA's investigation found that the employer failed to protect each employee from falling from a walking/working surface (horizontal and vertical) with an unprotected side or edge which was six feet (1.8 m) or more above a lower level, by the use of guardrail systems, safety net systems, or personal fall arrest systems. The employer also failed to provide a training program for five employees who were exposed to fall hazards and failed to report a fatality to South Carolina OSHA within eight hours after the death of any employee as a result of a work-related incident.



Aerial photograph of the solar panel installation on the roof of Building 3. The rear of the building is located on the upper right side. The area of the incident involved the rear edge of the roof, slightly to the right of the peak. Photo taken and provided by the general contractor.



Project set up near the front. Photo of the wire running alongside, and in the piping of, the solar panel installation on the roof of Building 3 near the rightmost bottom panels of the installation. Photo taken and provided by the employer. Note: the scissor lift used to gain access to the roof was located in the top left corner of photo.

SIGNATURE PROGRAMS

During FY21, Tennessee OSHA (TOSHA) continued to maximize the time staff engaged in enforcement activity, while observing applicable COVID-19 guidelines to protect compliance officers and the public. Staff continue to utilize the secure VPN which was deployed during the pandemic to allow alternate workplace solutions (AWS) on an as-needed basis.

During FY21, TOSHA implemented a new telephone answering system utilizing Zendesk, which enables TOSHA to better track and manage incoming and outgoing calls.

EMPHASIS PROGRAMS

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

Excavation safety (National)

Tennessee OSHA has maintained an emphasis program on trenching and excavation hazards for more than 10 years. All compliance officers, including industrial hygienists, are trained to identify cave-in hazards and are authorized to conduct inspections and interventions when they observe such hazards. During FY2021, TOSHA issued 51 violations of the trench standards and \$314,850 in penalties.

Noise (State)

During FY2021, noise exposures were reduced for 1,254 employees and 61 documented improvements were made to hearing conservation programs across the state. All compliance officers, including safety compliance officers, are trained to identify and evaluate employees' exposure to workplace noise.

Carbon monoxide (State)

Tennessee OSHA's special emphasis program on carbon monoxide exposure resulted in the reduction or elimination of carbon monoxide exposure to 540 employees during FY2021. All safety staff members have been trained and equipped to identify and quantify carbon monoxide exposure.

Fall protection (State)

Tennessee OSHA maintains an emphasis program to reduce the number of fall fatalities that occur in the workplace by focusing resources on these hazards. All compliance officers, including all industrial hygienists, have

received specific training on the identification and abatement methods of fall hazards. During FY2021, Tennessee OSHA identified 497 fall hazards and investigated 14 fall-related fatalities.

ENFORCEMENT

Tennessee OSHA performed 1,388 workplace inspections in FY2021. During these inspections, 5,131 hazards were identified and penalties of \$3,353,850 were assessed. Unpaid penalties are assessed a late fee of 10% at 30, 60, and 90 days, and statutory interest is assessed until the penalty is paid. Unpaid penalties are forwarded to the state attorney general's office for collection. During the pre-contest period, TOSHA retained 94.15% of the penalties assessed, compared to 70.03% retained by combined federal and state programs nationwide. During FY2021, complaint inspections were initiated an average of 3.58 days following receipt of the complaint, as indicated in the State Activity Mandated Measures (Source: SAMM). Complaint investigations were initiated in an average of 1.34 days. During FY2021, TOSHA processed 2,718 complaints.

During FY2021, Tennessee OSHA performed 45.47% of all inspections in the public sector. Public sector employers were given the opportunity to participate in the public sector program during the first two years following the formation of Tennessee OSHA and again, by statute, between July 1, 2004, and July 1, 2006. State law mandates that Tennessee OSHA inspect these entities every two years. Participants in the program must designate a safety and health director and establish a safety and health program. Participants are not issued monetary penalties for violations; however, the governor can remove a participant from the program for failure to comply with the TOSH Act. All public employers not currently

participating in the program are treated as private employers as mandated by state law. The 2020 total case incident rate (TCIR) for state and local government in Tennessee was 3.6 which is significantly lower than the national average of 3.9.

OUTREACH

Training

Tennessee OSHA offers training seminars to the public throughout the year. TOSHA works with seminar co-sponsors, including the University of Tennessee, the Tennessee Chamber of Commerce and Industry, and several state community colleges. The seminars are offered at various locations across the state. In FY2021, TOSHA trainers conducted 455 training sessions on numerous topics, including basic safety requirements, maintenance-related TOSHA standards, OSHA 10- and 30-hour courses, TOSHA recordkeeping, silica in construction, bloodborne pathogens, and walking-working surfaces. Safety and health training was provided to 8,214 attendees across the state.

COVID-19

TOSHA continues to provide a COVID-specific web site that provides resources for employers to utilize when protecting employees. The resources made available included checklists for use in conducting a self-evaluation of the work site to identify measures that may be taken to protect employees in the workplace.

Newsletter

Tennessee OSHA publishes a newsletter, "Together with TOSHA," distributed through TOSHA's website and Listserv containing more than 1,100 registered users. In addition, more than 40 employer/employee associations and other groups forward the newsletter to their members. The newsletter offers information,

interpretations, best practices, and compliance recommendations on occupational safety and health topics.

Tornado Outreach

The evening of December 10, 2021, and lasting until dawn the following day, a multistate tornado outbreak of at least 70 tornadoes occurred. Approximately 25 of those impacted Tennessee. TOSHA senior management identified a need for outreach in both middle and west Tennessee. Dividing resources based on locality, TOSHA Consultative Services responded to four areas within Middle Tennessee. TOSHA Consultative Services identified impacted areas via existing professional and personal relationships. Staff reached out to the Dickson County Local Emergency Planning Committee (LEPC), through our working relationship with this group. Additional outreach included contacting county safety directors on file with TOSHA's Public Sector division and staff relationships with emergency responders, homeowner's insurance adjusters, news outlets, social media community groups, and residents of impacted areas.

Flood Outreach

In 2021, extreme flooding devastated much of a five-county area across western Middle Tennessee. The city of Waverly was severely damaged by floodwater, with many homes and businesses destroyed or swept away. Numerous people became trapped,

leading to widespread water rescues and several deaths. Workers who respond to flooded area face great hazards during and after the floods. TN OSHA visited the area and provided recovery outreach. Safety and Health Compliance officers provided information about the hazards in which the workers were exposed, and handed-out personal protection equipment, such as gloves, safety glasses, hearing protection, etc.

Tennessee Safety and Health Conference

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

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

The exhibit hall generally features approximately 120 exhibitors offering a wide variety of safety equipment and products. The exhibitors are extremely knowledgeable and dedicated to their field and

provide the latest information on cutting edge technology and safety trends.

The 2022 Tennessee Safety and Health Conference is scheduled to be held at the Gaylord Opryland Hotel in Nashville on August 29 – 31.

CONSULTATION

The Tennessee OSHA consultation program works with employers to help them identify hazards and develop safety and health management systems. The program performed 290 consultation visits and identified 2,486 hazards. As required by statute, penalties are not assessed for violations identified by the consultation program. All serious hazards identified must be corrected.

SHARP

During FY2021, Tennessee OSHA Consultation evaluated one new SHARP site. A program designed for smaller employers, SHARP participants must have injury rates below the average for their industry, operate within a single-fixed worksite, have a minimum of one-year operating history, and have a high functioning safety and health program.

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

Tennessee currently has 15 SHARP site participants protecting almost 1,700 employees. These sites collectively have a total recordable

case rate one third below the national average for the past three years, theoretically preventing 76 injuries.

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

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

The Volunteer STAR program currently has 34 participants protecting approximately 25,109 employees.

A review of the 2020 annual self-evaluation data for Volunteer STAR sites reveal total case incident rates 51% below and days away, restricted, and transfer rates 59% below their respective national industry averages.

During calendar year 2021, 13 of the Volunteer STAR sites experienced a TCIR of 0.0, and 15 sites experienced a DART rate of 0.0.

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

During FY2021, TOSHA presented 12 Governor's Awards and 5 Commissioner's Awards.

SIGNATURE PROJECTS

Utah Occupational Safety and Health (UOSH) Advisory Council

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

The UOSH Advisory Council consists of the following representatives:

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

Workplace Safety Grant Program

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

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

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

Entities eligible to apply for a grant include Utah businesses, community-based organizations, Utah nonprofit and local associations, and educational institutions. During the 2021 calendar year, approximately \$517,800 in workplace safety grants were awarded throughout the state.

Significant Decrease in Non-Fatal Injury and Illness Rates

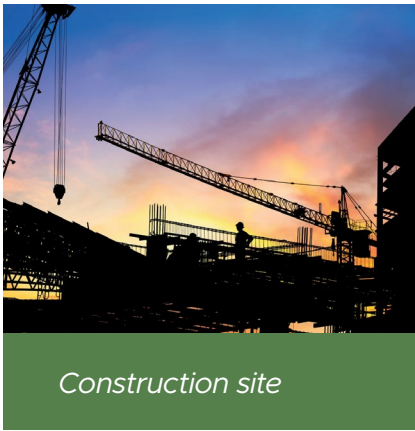
Private sector and state government (public sector) establishments experienced significant decreases in incidence rates, per 100 full-time workers, from 2019 to 2020 for total recordable and other recordable cases (see table below). Through local emphasis programs (LEPs), UOSH has focused many of its resources conducting programmed planned inspections, consultation visits and other outreach activities at construction, public sector and manufacturing establishments. By focusing resources in these areas, hazards that are likely to cause injury or illness in the workplace are able to be identified and reduced/eliminated. Identification and abatement of such hazards as a result of UOSH's efforts may play a role in the decreased injury and illness rates within state government and private sector establishments. Through enforcement and outreach activities, UOSH continues to implement LEPs to help prevent injuries in the workplace.

YEAR	CASE TYPE	INCIDENCE RATES	
		STATE GOVERNMENT	PRIVATE SECTOR
2019	Total recordable cases	2.7	2.9
	Other recordable cases	2.1	1.6
2020	Total recordable cases	2.1	2.6
	Other recordable cases	1.5	1.3

UOSH Emergency Rule

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

During FY2021, UOSH compliance received 1,024 safety and health complaints of which 719 (70.2%) were related to COVID-19, resulting in 158 COVID-19-related complaint inspections. UOSH conducted a total of 217 COVID-19-related inspections during FY2021 as a result of complaints, referrals, programmed planned and unprogrammed inspections. 48 violations of UOSH's emergency rule were observed by compliance safety and health officers (CSHOs) during these inspections of which 47 were deemed serious.



Construction site



Lockout/tagout (LOTO)

COVID-19 Tracing Support Team

Starting in April, 2020, five CSHOs joined the COVID-19 Tracing Support Team to assist the Utah Department of Health (UDOH) in tracing the potential spread of COVID-19 throughout Utah. Of the five CSHOs that were on the team, only one was utilized by UDOH to contact individuals who tested positive for COVID-19 based on information provided by UDOH. Individuals who tested positive for COVID-19 were asked standard questions to determine with whom they had contact and to where they have traveled; information collected by the CSHO was entered into UDOH's web-based tracking tool. The assignment of the CSHO to this project ended in May 2020. On October 1, 2020, Utah Governor Spencer Cox provided a letter of appreciation to the CSHO for his assistance in helping track the spread of COVID-19 in Utah.

LOCAL EMPHASIS PROGRAMS (LEPS)

Construction

Construction workers engage in many activities that may expose them to serious hazards which could result in serious injury or death. UOSH continues to implement its Construction LEP to assist employers in reducing injuries and fatalities by helping employers identify and eliminate hazards in the workplace. During FY2021, a total of 146 Construction LEP inspections, affecting 4,535 employees, were conducted; 348 hazards were identified and removed from the workplace. The top five hazards cited were those related to fall protection (145 violations), ladders (50 violations), excavations (48 violations), scaffolds (36 violations) and stairways (10 violations). A total of 86 compliance assistance activities under the Construction LEP were conducted during this timeframe, affecting 1,581 employees.

Amputation

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

A total of 130 Amputation LEP inspections, affecting 17,506 employees, were conducted in FY2021 which resulted in the identification and elimination of 277 hazards from the workplace. The top five hazards cited were those related to machine guarding (92 violations), lockout/tagout (49 violations), electrical (33 violations), hazard communication (11 violations) and powered industrial trucks (8 violations).

Public Sector

The Public Sector LEP focuses on local and state government entities that are likely to contain operations in which employees may be exposed to serious hazards due to the nature of the operations (utilities, sewer, water, streets, fleet service, parks and recreation, cemeteries, facilities, maintenance, road construction, power, emergency response, etc.). Public-sector entities included on the inspection scheduling list were counties, cities, school districts, colleges, technical schools, fire departments, police departments, correctional facilities, special service districts, and Utah state agencies.

41 Public Sector LEP inspections, affecting approximately 4,535 employees, were conducted in FY2021 where 117 hazards were identified and eliminated from the workplace. Thirty-nine consultation visits were conducted under this LEP, affecting 4,070 employees, where 348 hazards were identified and eliminated. In addition to inspections and consultation visits, outreach through compliance assistance efforts was provided to 52 public sector establishments covering 2,173 employees in the state.

The top five hazards identified during Public Sector LEP activities were related to machinery and machine guarding (24 violations); personal protective equipment (19 violations); hazard communication (15 violations); permit-required confined spaces (7 violations); and electric power generation, transmission and distribution (7 violations).

Respiratory Crystalline Silica (RCS)

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

Eleven RCS LEP inspections, affecting approximately 322 employees, were conducted in FY2021 where 51 hazards were identified and eliminated from the workplace. One-hundred forty-six consultation visits and 59 compliance assistance activities, affecting approximately 12,664 and 2,002 employees, respectively, were conducted where RCS was assessed, discussed and/or information on RCS was provided to employers. Consultation visits related to the RCS LEP resulted in the identification and elimination of 730 serious hazards from the workplace.

ENFORCEMENT

During FY2021, UOSH Compliance conducted 1,132 compliance interventions. The total interventions included 915 inspections, 39 public sector consultation visits, and 178 compliance assistance activities in public and private sectors. These interventions resulted in the removal of approximately 136,396 employees from more than 1,870 identified and corrected hazards.



Machine Guarding

OUTREACH

Due to the challenges imposed by COVID-19 during FY2021, many outreach events were cancelled or postponed to a later date; however, UOSH was still able to provide outreach to numerous employers on construction and general industry standards. Management staff worked with members of the construction

industry, general industry, construction trade associations, and manufacturing to keep them informed of changing UOSH requirements. During FY2021, UOSH had the opportunity to provide information on various safety and health related topics to different groups, and at many events, as follows:

- American Industrial Hygiene Association
- American Public Works Association
- American Society of Safety Professionals Annual Meeting
- American Sub-contractors Association
- Associated General Contractors of Utah
- Blue Stakes Event
- COVID Worksite Response
- Governor's Annual Public Safety Summit
- Governor's Office of Management and Budget Conference
- McWane Ductile Voluntary Protection Program (VPP) Recertification
- RMCOEH Conference
- Rural Water Association of Utah
- Utah Petroleum Association Annual Conference
- Utah Safety Council Annual Meeting
- Workplace Safety Grants Committee

In addition to the above listed outreach activities, UOSH Consultation worked with the following associations during FY2021 to help promote the importance of workplace safety and to reach a broader scope of private sector employers:

- American Public Works Association
- Associated General Contractors of Utah
- Associated General Contractors of Southern Utah
- Blue Stakes of Utah
- Brigham Young University
- Governor's Public Safety Summit
- Metro Water of Salt Lake City and Sandy

- Rocky Mountain Center for Occupational and Environmental Health
- Rural Water Association of Utah
- Utah International Code Council
- Utah Manufacturer’s Association
- Utah Safety Council
- Utah Women in Trades

PARTNERSHIPS

Voluntary Protection Program (VPP)

VPP promotes comprehensive workplace safety and health management systems through cooperative relationships among management, labor, and UOSH. VPP status constitutes UOSH’s official recognition of company management and employees with outstanding occupational safety and health management systems. UOSH currently has 11 private-sector employers in VPP as follows:

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

Safety and Health Achievement Recognition Program (SHARP)

SHARP recognizes employers who operate an exemplary safety and health management system. Upon receiving SHARP recognition, a worksite is exempt from UOSH Compliance programmed inspections during the period that

the SHARP certification is valid. UOSH currently has 13 private sector and five public-sector employers in SHARP as follows:

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



Universal Synaptics Corporation

As Vermont and the nation transition from the Pandemic to the Endemic phase of COVID-19, we are transitioning back to normal, only to find out that normal doesn't look like the pre-pandemic normal. It is obvious that some of the things we learned while working primarily virtually will be in place going forward. One example of such items is compliance assistance activities. Prior to the pandemic, nearly all such activities were done as "in-person" sessions. Even though there is still an important place for in-person trainings, conferences, etc., we can greatly expand our reach to otherwise unaffected populations via virtual platforms and working with partners that have established audiences on these platforms. Another example is inspections. An area that was very challenging during the pandemic has left us with virtual possibilities such as conduct of closing conferences, update meetings and document requests. Virtual informal conferences allow for a wider range of attendees that would be difficult for traditional meetings. In addition, the increasing propensity for multi state/national management structures lends to a natural fit for virtual platforms in the regulatory process. This is even more important now with the extra high cost of physical travel.

Work from home (telework) is a "thing" now, where it really wasn't something that was considered prior to the pandemic. As VOSHA (and many other entities) continue to be challenged in employee retention as well as attracting new employees, work life balance is a much more serious consideration, especially with younger employees who have responsibilities outside of work.

While these are only a couple of examples of the lessons we as managers and directors have taken away from this two plus year odyssey - and I'm sure there are many more experiences from other agencies - it has really compelled us to relook at the workplace and consider more nontraditional solutions which have proven viable and even most helpful to positively evolving our workplaces.

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

ENFORCEMENT ACTIVITY

In the past year VOSHA has conducted an incident investigation which was somewhat novel in its focus and conclusions:

- An employee crushed between two garbage containers (commonly known as rear loading containers or dumpsters) while making transfer of containers. The containers were transported via tilt back flatbed

truck (commonly known as a rollback) with enough room to fit two such containers for transport. The incident happened when the employee was loading the second of two containers on to the bed of the truck, utilizing the integrated winch. The employee lowered the first container to about the rear third of the tilted body and went around to chain the second container to the first, thereby “winching” both containers fully onto the truck bed. While the employee was doing this, the attachment of the first container failed and the first container slid the rest of the way down the body, pinning the employee and causing fatal injuries. The investigation resulted in the following citations:

- 5(a)(1) for the employer not following applicable ANSI standard in loading, transporting and employee training.
- 1910.132(d)(1) for the employer not conducting an assessment of the task.
- 1910.147(c)(4)(i) for the employer not instituting procedures for the securing and locking out of the gravitational energy applied to the first container, with the winch and attachment point being the energy control device.

VOSHA believes this approach to lockout/tagout, while novel, does expand the scope of the use of the standard and, more importantly, compels employers to take a unique view of hazards exposures not

traditionally given much consideration, thereby expanding the protections of employees such as those involved in these types of activities.

Compliance assistance/outreach

About midyear of 2021, VOSHA was able to fund the Compliance Assistance Specialist (CAS) position as a standalone position. The CAS position is responsible for outreach as well as maintaining partnerships (such as the Green Mountain VPP) and alliances. This move is paying dividends as during the first 6 months of FY2022, the CAS position has resulted in 150 outreach sessions with more than 1,000 attendees and more than 40,000 affected employees.

SIGNATURE PROJECTS

At the end of FY2021, VOSHA had an overage in funding due to staff turnover (and subsequent vacancies), travel and training reductions related to COVID-19, and a CAS position that had taken some time to fill. VOSHA decided to undertake a unique project to further increase awareness in the areas of Safety and Health Management Systems. VOSHA decided to contract with a video production company to create educational videos involving Vermont employers (ones that VOSHA had existing relationships with and we knew were good candidates). The idea is to have real Vermont employers talking about the value of safety and health management in their workplaces, but also to speak more specifically on the application of these initiatives. The focus was on the four core areas

of safety and health management systems: Management Commitment and Employee Involvement, Workplace Hazard Assessment, Hazard Prevention and Control, and Safety and Health Training. Five employers were approached and agreed to the project. Though this is still a work in progress, VOSHA ended up with over 70 videos that can be used in educational endeavors for years to come. VOSHA is very excited about the possibilities that this effort will open up for reaching employers and engaging them in ways that will not seem as daunting or intimidating, for the betterment of their safety and health management systems. The website address where these videos can be seen is labor.vermont.gov

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

- *State Emergency Response Committee (SERC)*: This is a statewide committee that meets bi-monthly at the State Emergency Operations Center (SEOC) in Waterbury, Vermont. In addition to VOSHA, this bi-monthly meeting includes the Vermont Department of Public Safety and Homeland Security, Agency of Natural Resources, Vermont Department of Agriculture and Health, and various local emergency planning commissions (LEPCs) from around the state. This meeting is usually attended by the VOSHA Manager.
- *State Elevator Board*: This committee consists of the Vermont Department of Public Safety, Fire Prevention Division, various elevator inspection and regulatory entities as well as VOSHA. These monthly meetings are usually attended by the VOSHA Compliance Supervisor.
- *Vermont Fire Service Training Counsel*: This committee, which meets quarterly, focuses on fire service training for volunteers as well as professional fire fighters. The meetings usually include the Director of Fire Service Training, The Vermont Agency of Natural Resources, and representatives of local volunteer and professional fire services.

Project WorkSAFE

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

OUTREACH

While VOSHA and Project WorkSAFE continue to recognize two active alliances, more alliances are being explored and we expect at least another one to be recognized. VOSHA is also looking at possible alliances with entities that can increase our exposure in the virtual workspace.

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

PARTNERSHIPS

Green Mountain VPP

VOSHA maintains the Green Mountain Voluntary Protection Program (GMVPP). The pandemic has caused a reduction in the number of Green Mountain VPP sites. This program, which is much the same as the program throughout the country recognizes employers with excellent safety and health management systems. VOSHA's application of the program follows the example of the model in Region One. Currently there are six GMVPP sites within Vermont. In FY2021, VOSHA reduced GMVPP membership by one and now is at 5 sites overall. VOSHA suspended on-site activities due to the pandemic. We expect to restart these activities in the upcoming year. The current sites represent employers with as few as 18 site-based employees to as many as 4,000+ site-based employees.

SHARP

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

SIGNATURE PROJECTS

Virginia Safety and Health Codes Board Begins Initial Steps to Adopt Heat Stress Regulation

At the request of a Board member representing the construction industry, the Department delivered a presentation on the topic of Heat Stress to the Virginia Safety and Health Codes Board at its March 19, 2019 meeting.

The Board subsequently authorized the Department to begin developing a comprehensive Heat Stress regulation for Virginia at its September 17, 2019 meeting; and adopted a Notice of Intended Regulatory Authority (NOIRA) at its March 5, 2020 meeting. Executive Branch review of the NOIRA was completed on April 12, 2021.

The NOIRA was published in the Virginia Register of Regulations on May 10, 2021. A 30-day written comment period on the NOIRA was provided from May 10, 2021 to June 9, 2021. The Department received 145 comments submitted to the Virginia Regulatory Townhall and 10 comments submitted directly to the Department.

The Department formed a Regulatory Advisory Panel) pursuant to 16VAC25-11-70 to assist the Department's VOSH program in identifying and analyzing issues associated with the development of proposed regulatory language to be considered by the Board.

The Panel consisted of 40 representatives from business, labor and public interest groups and held three virtual meetings on August 11, 2021, September 1, 2021 and October 7, 2021. The meetings were recorded and posted on the Department's Heat Illness Prevention webpage along with all the documents presented by the Department to the Panel. The Panel primarily focused on providing input to the Department on draft regulatory text for the proposed standard. Panel members were also provided the opportunity to provide written comments on the need for the standard.

The Department presented the Proposed Virginia Heat Illness Prevention Standard to the Board on December 3, 2021, with a recommendation to adopt the Standard. The Board, however, voted not to adopt the Standard.

Safety and Health Management System Standard for the Public Sector

Virginia is researching the possibility of adopting a Safety and Health Management System Standard applicable to State and Local government employers and employees. The Department presented on the topic to the Virginia Safety and Health Codes Board at its meeting on March 19, 2019. The Department held an initial round informational and comment gathering meetings with representatives of state and local government agencies during the summer of 2019.

ENFORCEMENT

Public Sector Penalty Regulation

The Virginia Safety and Health Codes Board final regulation permitting issuance of penalties to state and local government employers for willful, repeat and failure-to-abate violations; as well as serious violations that cause a fatal accident or are classified as “high gravity”, took effect on November 1, 2018 and applies to VOSH inspections opened on or after December 1, 2018.

The promulgation history for the final regulation can be found on the Virginia Regulatory Town Hall at townhall.virginia.gov.

The increased focus on state and local government employers has already resulted in the removal of multiple employees from an imminent danger situation. The inspection involved local government utility workers repairing a ruptured 8-inch water line at night. The employees were exposed to a potential trench cave in where the eight-foot vertical walls of the excavation were not protected from collapse.

One willful and one serious violation and \$127,254 in penalties were issued. As a result of settlement negotiations, the violations were affirmed as issued with a final penalty of \$101,804, with the county agreeing to undertake a series of measures to improve its safety and health management system.



This photo demonstrates the extremely dangerous situation that local government employees were removed from as a result of the VOSH inspection.

NOTABLE CASES

Impact of the COVID-19 Pandemic

As with many agencies in state government, but even more so because of its roll in working with employers and employees to provide safe and health workplaces in the Commonwealth, the Department's VOSH program and its enforcement inspection, voluntary compliance, and cooperative program resources have been taxed to the limit and beyond by the COVID-19 pandemic.

SUMMARY VOSH COVID-19 RESPONSE											
Dates	10/1/21	10/8/21	10/15/21	10/22/21	10/29/21	11/5/21	11/12/21	11/19/21	11/26/21	12/3/21	Total
Phone Calls											
Total Phone Calls	116	107	95	68	51	58	51	48	35	56	14719
UPAs Complaints OIS Statewide	17	15	9	9	9	3	4	7	2	10	2268 *
# Inspections											
<i>Complaints, Referrals, Hospitalizations & Fatalities</i>	4	2	1	2	1	0	1	1	0	0	247 **
<i>Inspections w/ Violations</i>	99	101	101	102	103	106	106	106	106	106	106
<i>Inspections Closed</i>	174	174	175	179	181	182	184	185	185	186	186
<i># of Violations Issued - Final Order Cases (Willful, Serious, OTS)</i>	329	346	346	350	352	358	358	358	362	358	358
<i>#EEs Exposed</i>	16092	16320	16320	16438	16475	16588	16588	16588	16595	16588	16588
<i>Initial Penalty (\$)</i>	\$ 820,725	\$ 820,725	\$ 820,725	\$ 835,125	\$ 835,125	\$ 840,125	\$ 840,125	\$ 840,125	\$ 840,725	\$ 840,125	\$ 840,125
# Hospitalizations	2	0	1	0	1	0	0	0	0	1	102 ***
Fatalities/Workplace deaths	1	0	0	1	1	0	0	0	0	0	50
# of Emails forwarded to Regional/Field Offices from MF											
<i>COVID-19 positive Cases Reports (ETS) Complaints (does not include reports submitted by phone in the Regional Offices).</i>	4	9	2	3	1	1	0	0	1	0	708
# REDCAP Notifications (Launched 09/28/20)	579	492	357	321	266	237	250	260	207	461	34186
# REDCAP Notifications (3 or more cases reported 2 or more - Since 09/10/21)	339	314	222	187	174	147	141	167	133	293	10805
<i>* Time Range: 01/01/2020 to 12/03/2021 UPA numbers may change as Regions update the system.</i>											
<i>**Inspections opened (Total: 247 - Draft + Final)</i>											
<i>% of COVID-19 Inspections closed - 75% (186)</i>											
<i>% of COVID-19 Inspections with violations - 43% (106)</i>											
<i>***There are Employers submitting multiple notifications. Some of the hospitalizations reported to VOSH later resulted in fatalities.</i>											

The VOSH program has handled thousands of contacts from employers, employees and the general public, received over 2,268 employee complaints (UPA – Unprogrammed Activity), and received notifications of the hospitalization of 101 employees and the death of 50 employees during the eleven month period from February 1, 2020 through December 6, 2021.

EMPHASIS PROGRAMS

Virginia Unique Regulations

Virginia has adopted state unique regulations in:

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

OUTREACH

Annual Conference

VOSH was unable to host the 2021 Annual Virginia Occupational Safety and Health (VOSH) Conference in-person due to safety concerns around COVID-19. Instead, VOSH opted to hold its first ever virtual VOSH Training Conference on October 6-7, 2021. Over 36 concurrent sessions were presented by knowledgeable speakers with expertise in the fields of safety, health, human resources, construction, and healthcare to name a few. The conference was attended by over 200 safety professionals.

Virginia Voluntary Protection Program (VPP) Best Practices Day

Unfortunately, no best practices days were held in 2021 due to pandemic related concerns.

Virginia CHALLENGE Program

Virginia VPP's Virginia CHALLENGE Program now has 19 participants employing 5,150 employees that are in various stages of the application process. Virginia CHALLENGE is a three stage, step-by-step roadmap to achieving Virginia STAR.

PARTNERSHIPS

Virginia VPP Strategic Partnership with Virginia Department of Corrections

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

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



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



Virginia VPP Strategic Partnership with Virginia Department of Corrections

Three stages of participation in VADOC Challenge are provided:

Stage I – Assess, Learn, and Develop

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

Stage II – Implement, Track, and Control

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

Stage III – Reassess, Monitor, and Improve

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

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

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

COVID-19 RESPONSE

VOSH Standard for Infectious Disease Prevention of the SARS-CoV-2 That Causes COVID-19, §16 VAC 25-220

On June 12, 2020 the Department posted a Notice of Meeting for a June 24, 2020 emergency meeting of the Safety and Health Codes Board to consider for adoption an Emergency Temporary Standard/Emergency Regulation (ETS/ER), Infectious Disease Prevention: SARS-CoV-2 Virus That Causes COVID-19, applicable to every employer, employee, and place of employment in the Commonwealth of Virginia within the jurisdiction of the VOSH program as described in §16VAC 25-60-20 and §16 VAC 25-60-30. The Department also opened a 10 day Comment Forum to provide the public the opportunity to submit written comments. The Board met on June 24th, 29th, and July 7th, 2020 and voted to adopt the Emergency Temporary Standard. The ETS was published on July 27, 2020 and took immediate effect. The ETS expired on January 26, 2021.

Publication of the COVID-19 ETS constituted notice that the Board intends to adopt a permanent standard within a period of six months. Although not required, the Board held a 60 written comment period and a public hearing which lead to the Department making recommended revisions to the Proposed Permanent Standard. The revised standard was published with a 30 day written comment period ending on January 9, 2021, and a public hearing on January 5, 2021. The Department also issued an economic impact analysis (EIA).

A meeting of the Board to consider adoption of a final standard was held January 12, 2021 and a continuation of the meeting was held on January 13, 2021, at which time the Board adopted the final standard, 16VAC25-220 with an effective date of January 27, 2021.

On June 29, 2021, the Board adopted federal OSHA's COVID-19 ETS for Virginia with an effective date of August 2, 2021. The OSHA COVID-19 ETS included a section that stated that within six months or when repealed by the Board, whichever occurs first, the Board would meet. During the pendency of the COVID-19 ETS, application of the VOSH Standard to healthcare services and healthcare support services was suspended and would reapply after the COVID-19 ETS was no longer in effect. This version of the standard included a clause that allowed employers to be in compliance if they were following the current CDC guidelines at the time. On June 29, 2021, the Board adopted proposed amendments to the VOSH Standard which were the subject of a 30 day written comment period.

On August 16, 2021, after consultation with the Virginia Department of Health (VDH), DOLI recommend revisions to the Board's Proposed Amendments to the VOSH Standard originally adopted on June 29, 2021, in response to the CDC's Updated Guidance for Fully Vaccinated People issued on July 27, 2021¹⁶² (requirement in certain situations for fully vaccinated employees to wear face coverings in areas of substantial or high transmission). The proposed revisions were then subject to a written comment period.

On August 26, 2021, the Board adopted as final the amendments and revisions to the standard. The standard was published on September 8, 2021 and became effective the same day.

On February 16, 2022, the Board voted for a proposed revocation of the Virginia Standard. A 30 day comment period and public hearing followed. A second Board meeting was held on March 21, 2021, when the Board voted to revoke the Virginia Standard, which became effective on its date of publication on March 23, 2022.

ENFORCEMENT

Significant Inspections

Gebbers Farms

DOSH reached a settlement with Gebbers Farms Operations, LP following one of the largest workplace safety and health fines in state history.

Under the agreement, Gebbers Farms will spend more than \$2 million improving housing, quality of life, safety, and access to health care for workers and their families.

Gebbers Farms was fined \$2,038,200 and \$13,200 after two inspections in 2020 found 24 egregious willful violations — 12 for unsafe sleeping arrangements in temporary worker housing and 12 for unsafe worker transportation during the coronavirus pandemic.

Two farmworkers died from coronavirus (COVID-19) while living and working on the farm. Gebbers was also cited for six other serious violations including not reporting a fatality.

The other investigation found the farm was not ensuring adequate social distancing by allowing workers to use both top and bottom bunks and there were no barriers in the kitchen/cooking areas.

“Real, on-the-ground improvements for farmworkers and their families are a fitting way to honor the memories of the Gebbers’ workers who died,” said L&I Director Joel Sacks. “This settlement means Gebbers Farms will invest more than \$2 million in changes that will improve the housing, health, and safety of workers.”

Terms of the settlement:

- Gebbers will make approximately \$1.4 million in capital improvements to temporary worker housing, including:
- Demolishing and rebuilding one of its older, temporary worker housing camps. The camp, originally built in the 1970s, has separate sleeping, cooking, and toilet facilities and consistently requires corrective actions to meet minimum licensing requirements. Three new units with all new amenities will be built in its place;
- Building a cell tower so workers have reliable communication with family;
- Upgrading electrical to support washing machines and dryers for workers;
- Purchasing new mattresses for temporary worker housing;

- Installing air conditioning units and making power upgrades;
- Installing signs at housing sites so emergency responders can locate them; and,
- Building and maintaining recreation areas including a soccer field, picnic tables, and benches.
- The company will donate \$513,000 to improve access to health care for workers and their families. The money will go to area hospitals, health care centers, emergency medical services, day care and recreational centers serving the workers and their families.
- It will spend \$150,000 to hire a full-time safety officer for three years who will:
- Oversee and supervise worker safety and health, including training and supervising the current staff who develop, implement, and enforce Gebbers' safety program.
- Has authority to stop any activity deemed unsafe or in violation of the safety and health rules.

In exchange for these actions that exceed all existing state regulatory requirements, the fines resulting from the citations will be reduced to \$10,000.

Director Sacks added, "Instead of possibly spending years and taxpayer resources in court to potentially collect fines, this settlement means the company will put significant money where it will help the most: improving health, safety, and quality of life for farmworkers and their families. Because a court could not order Gebbers to make these changes, this is a better result for workers than we could have achieved through litigation."

Evans Fruit Company

A Yakima area fruit grower was cited for two willful serious violations for not following workplace COVID-19 mask and social distancing requirements. It's the third time the company has been cited for COVID safety and health violations.

The violations are willful in that the company knew employees were required to wear masks and the employer knowingly did not enforce it. Because the violations are considered willful, the penalty is 10 times larger. The violations are deemed serious due to the risk of serious illness or death from exposure to COVID-19.



Apple processing station at Evans Fruit Company

Complaint prompts inspection

L&I opened the latest inspection Oct. 14, 2020 after receiving an anonymous complaint about several safety and health issues at the Cowiche worksite, including a lack of social distancing.

While inspecting the Evans fruit-packing warehouse, an L&I investigator observed numerous workers in different areas not socially distanced or without physical barriers between them. There were also several workers in the warehouse and the office who were not wearing masks as required. The Evans Fruit Co. safety manager said he would not require any worker to wear a mask.

As a result, L&I issued an Order and Notice of Immediate Restraint (OIR) requiring immediate COVID-19 safety and health rule compliance. The company came into compliance within a half-hour of receiving the notice.

Evans Fruit Co. was fined \$6,600 after two inspections at separate fruit packing locations last summer, where social distancing and masking violations were found. The company told L&I the masks made fruit packers hot to the point they were passing out.

“COVID-19 is a serious workplace hazard and we expect employers to treat it that way,” said Craig Blackwood, acting assistant director for L&I’s Division of Occupational Safety and Health.

“Mask and distancing requirements are not voluntary,” added Blackwood. “They are meant to prevent the spread of COVID in the workplace, but they won’t work if they’re not used. Evans Fruit Company’s blatant disregard for the rules threatens employee health and safety.”

Asbestos Citations

Above and Beyond Asbestos Removal LLC of Edmonds faces fines for more than a dozen asbestos safety violations related to work at homes in Bothell and Burien, while 4 Aces Restoration LLC of Des Moines is being cited for several safety issues at homes around King County.

Asbestos is extremely hazardous and can cause potentially fatal diseases like asbestosis, mesothelioma and lung cancer. Only a certified abatement contractor that follows specific asbestos-related safety and health rules may remove and dispose of asbestos-containing building materials.

Above and Beyond Asbestos Removal LLC

L&I decertified Above and Beyond in 2018, but the contractor has continued to bid on and perform asbestos abatement projects. The recent fines are in connection with two separate June 2021 inspections.

Inspectors observed an employee of Above and Beyond removing a popcorn ceiling in a Bothell home. When informed of the contractor’s license suspension, they left without arranging to clean up debris that L&I confirmed contained asbestos. There were no HEPA vacuums or wetting agents, no asbestos bags, no asbestos warning signs, and the home HVAC system was on and running — all violations of basic safety measures.

At a Burien home, investigators found the son of Above and Beyond's owner removing flooring that contained asbestos. The son, who like his father, is not certified for asbestos abatement, said he was unaware the company was decertified and unfamiliar with air monitoring and containment requirements.

In total, Above and Beyond was fined \$575,000 and cited for 13 willful serious violations for intentional disregard of asbestos regulations and continuing to pursue and complete abatement work without certification or a contractor's license. The company has been cited numerous times in the past, and has been identified by L&I as a [severe violator](#).

4 Aces Restoration LLC

At job sites in Normandy Park, Bellevue, and Seattle, 4 Aces Restoration had no machine to filter asbestos dust from the air and did not have the required decontamination shower. They also didn't have a compressor on-site, which is needed to operate the respirators workers rely on to prevent inhalation of extremely hazardous asbestos dust.

4 Aces Restoration has been inspected by L&I more than a dozen times since 2016. The company owner has more than 20 years' experience with the rules and regulations around this type of hazardous work and was cited for the same respirator violation in 2018. A company representative also lied to investigators about the company's qualifications.

Fines for Roofing Contractor

Responding to complaints from the public that workers roofing on top of homes had no protection from falls, DOSH inspected Allways Roofing at three job sites in Snohomish and one in Lake Stevens between Dec. 2020 and March 2021.

Inspectors found 12 willful serious violations including employees engaged in roofing work on a steep pitch roof with no fall protection installed, ladders not set up or used correctly, and workers not wearing eye protection while using pneumatic nail guns. All but one of the 12 violations were repeats of previous safety issues at the company's job sites. The total fines were \$1,242,807.

A number of factors figure into the dollar amount of fines: the number of workers employed by the company, the seriousness of the violations, and whether the company has a history of safety violations are a few. In the case of Allways Roofing, repeat violations, which have an increasing multiplier as the number of repeats increases, is the biggest reason why the fine is so large.

L&I has cited Allways Roofing for more than a dozen safety violations since 2010. In Jan. 2020, Allways Roofing was fined nearly \$375,000 for six willful, six serious, and two repeat-general violations for safety hazards found at three Woodinville and Arlington work sites. The company has been, and will remain in the Severe Violator Program and is subject to greater scrutiny by the state.

Additionally, Always Roofing has had at least four injury claims involving falls from steep roofs resulting in serious injuries and hospitalizations.

“This isn’t a case of the company not knowing what the rules are. They’ve blatantly chosen to ignore them, putting their workers at serious risk,” said Craig Blackwood, acting assistant director of L&I’s Division of Occupational Safety and Health.

“We hope these substantial fines will be the wake-up call that finally motivates Always Roofing to keep their people safe, before one of their workers is killed,” said Blackwood.

EMPHASIS PROGRAMS

Internal Training Program

The DOSH Internal Training Program has been very busy serving the largest new hire classes in its history. A new training center is being built with larger classrooms to accommodate these class sizes, but for now, we are fortunate to be able to train virtually.

Class sizes historically have been 12-15 staff and our current training room has a maximum capacity of 20. This past year, the class size mushroomed to 25 and the next session is scheduled with 35 new staff.

Planning is now underway for our first on-site Symposium after two years of providing virtual training in place of our annual meeting. The virtual training was well received and staff liked being able to attend more of the sessions. We are applying some of our lessons learned about accessibility as we look

forward to the networking opportunities provided by an on-site Symposium.

In addition, the program provides a variety of other required trainings as well as coordinating training with OSHA and other state programs.

Discrimination Program

The Discrimination program continues to receive COVID-19 complaints. The total number of COVID related complaints as of December 31, 2021 was at 129, with a total overall complaints received through December 31, 2021 at 391. The program continues to conduct enhanced screenings of all complaints to ensure that all related issues are reviewed and addressed as they relate to COVID-19. The Discrimination program continues to receive inquiries and questions from the Governor’s office and the L&I Director’s office relating to COVID-19 issues. The program continues to make referrals to other agencies and programs regarding issues related to COVID-19.

During the Legislative session of 2021, Engrossed Substitute House Bill 1097 (ESHB 1097) was passed. This bill increases worker protections. The DOSH Discrimination program is updating Chapter 296-360 WAC. The new law will change the allowed time period to file a complaint of a discriminatory act from 30 to 90 days, expand the definition of discrimination, and establish the Division of Occupational Safety and Health’s (DOSH) ability to cite and penalize an employer for discriminating against employees. This rulemaking also addresses changes in how complaints are resolved with final orders.

It is anticipated that with the passing of this legislation, DOSH Discrimination will see an increase in discrimination complaints filed. The new legislation allowed the DOSH Discrimination program to add three new investigators to their program.

Appeals

Slidewaters LLC v. WA St Department of Labor and Industries, Jay Inslee, Governor – No. 20-35634—9th Circuit Court of Appeals

Employer challenged Washington State's restrictions, imposed in response to the COVID-19 pandemic, prohibiting the waterpark from operating during 2020 and imposing capacity limits in 2021.

Panel affirmed district court's denial of injunctive relief and dismissal of state and federal claims. The panel held that defendants had authority under Washington law to impose restrictions and that doing so did not violate plaintiff's asserted rights under the US Constitution; that the governor had the lawful authority under RCW 43.06.010(12) to issue Proclamation 20-05, as the pandemic was both a public disorder and a disaster affecting life and health in Washington. The panel further held that the Department of Labor and Industries, in promulgating an emergency rule as part of the state's efforts to curb the pandemic, WAC 296-800-14035, acted within its scope of authority. It held that the executive branch's actions did not violate the principle of separation of powers with regard to the legislative branch; and the actions of defendants did not violate the principle of separation of powers with regard to the judicial branch. The panel rejected plaintiff's argument that state-level entities were not the proper entities to address the pandemic and that that of emergency and resulting state actions unlawfully impinged on the authority of county health officials.

State of Washington v. Numrich, Case No. 96365-7

On February 4, 2021, the Supreme Court held that, following a workplace fatality, the State can charge an employer under both the WISHA homicide statute (gross misdemeanor) and under the manslaughter statute (felony).

WA ST Dept. of Labor and Indus. v. Phillips 66 Company, Court of Appeals No. 80685-8-1

The Department cited Phillips 66 for violating both the mechanical integrity and process hazard analysis regulations by failing to inspect and analyze risks to its fire water system at the company's refinery in Ferndale, Washington. The Board of Industrial Insurance Appeals concluded the Process Safety Management (PSM) rules did not apply to Phillips 66's fire water system. The Department appealed to superior court, which affirmed the Board's ruling that PSM rules do not apply to Phillips 66's fire water system. The department appealed to the Court of Appeals, which overturned the Superior Court decision indicating that Phillip 66's fire water system is integral to preventing or minimizing the consequences of catastrophic releases at the Ferndale refinery and held that the system falls within the plain language and intent of the PSM rules, as well as the overall purpose of WISHA. On June 28, 2021, the court reversed the decision and remanded the case back to the Board of Industrial Insurance Appeals to reexamine whether Phillips 66's fire water system complies with the mechanical integrity and process hazard analysis regulations. Employer appealed to the Supreme Court, which denied review on February 2, 2022. Therefore, the Court of Appeals mandated the case to Superior Court / Board of industrial insurances Appeals for further proceedings based on the decision at the Court of Appeals. Still awaiting a decision from the Board.

RULEMAKING

DOSH has many workplace safety and health rulemaking projects in various stages of adoption and implementation.

Several high-profile rulemaking projects include:

- Wildfire Smoke
- Ambient Heat Stress
- Process Safety Management (PSM)
- Lead
- Temporary Worker Housing
- Adult Entertainer Panic Buttons
- Refinery safety training for high hazard facilities
- Public health emergency reporting and notification requirements for infectious and contagious diseases.
- Worker Protections for Discrimination

DOSH technical services has also been heavily involved in creating various directives and assisting in the creation of policies and guidance for workplaces regarding COVID-19 exposure in the workplace.

DOSH anticipates an infectious disease rulemaking project in the near future.

DOSH CONSULTATION

DOSH Consultants have continued to provide on-site consultations throughout the pandemic. There was a reduction in the number of on-site visits, however, virtual meetings allowed us to continue communicating the most current information necessary to keep Washington employers open for business. A large and varied network of contacts within our communities make it possible for our consultants

to continually update information and keep our communities safe and working. Business Associations, Unions, the Chamber of Commerce, other State Agencies, school boards, to name a few, have all participated in keeping the flow of information out to those in need. Essential businesses were able to remain open; through our work with the Office of the Superintendent of Public Instruction students returned to the classroom, restaurants opened their doors to customers, and this was possible, in part, due to the hard work performed by DOSH Consultation Services.

OUTREACH/PARTNERSHIPS

Education and Outreach

Safety and Health Investment Projects (SHIP) Grant Program

Washington's Safety and Health Investment Projects (SHIP) grant program funds safety and health ideas that prevent workplace injuries, illnesses, and fatalities, and projects for developing and implementing an effective and innovative Return-to-Work (RTW) program for injured workers. SHIP grants leverage the resources of DOSH with the knowledge, ideas, and expertise of grantees.

The impacts of these workplace safety and health grant projects have the potential to reach well beyond Washington State and make a significant difference in the lives of workers nationally as many previous grants have done. A few examples include:

Integrating Air Quality Sensors in AgWeatherNet project aims to improve the air quality monitoring for worker safety through integration of particulate matter (PM)2.5, PM10, O3 and CO2 sensors on WSU AgWeatherNet (AWN) managed weather stations. WSU AWN manages a statewide mesonet with 123 Tier 1 and 78 Tier stations to monitor and share weather data in real-time with the agricultural stakeholders. AWN aims to collect wildfire smoke related air quality data indicators and provide such data and associated data products to end users through our public web portal. Working with the WA State Tree Fruit Association (WSTFA) and UW-Pacific Northwest Agricultural Safety and Health (PNASH) Center we will be doing outreach and education.

Safe Volunteers seeks to assure that the people who volunteer for our communities stay safe and healthy. Volunteers make up a large part of the nonprofit workforce. The workforce was estimated to include up to 20,000 volunteers that worked within the emergency food system at the start of the COVID pandemic. However, the rules related to volunteers and WISHA and Workers' Compensation remain unclear to nonprofits. Through Safe Volunteers, a guide to inform food banks—and all nonprofits—on the safety and health rules that apply to volunteers will be produced. In addition, an on-demand course and webinar will explain this information and provide opportunities for discussion. Information cards with QR code links to explanatory short videos will give volunteers on-site help when they need it. Outreach efforts will be conducted to nonprofit networks across the state to assure that they know these resources exist and how to use them.

Governor's Advisory Board and Conferences

Despite ongoing COVID-19 restrictions into

2021, we successfully held three virtual outreach events. We hosted Agriculture Safety Day in English and Spanish, Construction Safety Day, and the 70th Annual Governor's Industrial Safety and Health Conference.

Agriculture Safety Day

Our English and Spanish offerings of the Agriculture Safety Days were some of the best-attended events this year with 372 attendees logging in. For many attendees, English is not their primary language, and being able to offer all eight sessions to attendees, in both languages was huge success. This virtual format allowed people to choose the language they were most comfortable receiving information in. It also provided the freedom to attend in both languages over the four-day event. Most sessions were recorded and made available to attendees for 30 days following the event.

Construction Safety Day

Construction Safety Day was packed with information. We held nine sessions on just one day, March 31, 2021. Attendees could attend the sessions live and interact with the speakers and other attendees, or watch the recorded sessions for weeks after the event. This year during the lunch hour, the committee honored their annual scholarship winner with a video produced by DOSH staff. After the video, they hosted a fun interactive virtual safety trivia game and had some great prizes!

The Governor's Safety and Health Conference

The Governor's Conference celebrated their 70th Annual event with a last minute pivot to virtual. Earlier in the summer of 2021, the pandemic appeared to coming into some sort of control, the vaccine was available to most, mask restrictions were somewhat loosened... and then there was the Delta variant. By the end



of August it was clearly too risky to bring people together in large groups. The staff quickly pulled together a plan to produce nearly 40 online sessions in just a few weeks. With limited time and resources, we decided to host the conference online over a four-week period. This schedule provided the space between session times so that attendees could show up to sessions as their schedule allowed, and again we recorded most sessions and made them accessible through the end of the year.

Lessons Learned

We learned many lessons over the past two years hosting online events. Most importantly, people still need to come together in some way, to network and share experiences with their professional peers, especially those who manage workplace safety. Overall 1,026 people attended the online events held this year and were able to connect with some of our state's leading experts on the unique challenges of workplace safety and health. Throughout the pandemic, focus has shifted slightly with more topics on managing mental health, telework ergonomics, and how to keep people on jobsites in the safest way possible, so they return safe and healthy at the end of the workday.

Voluntary Protection Program (VPP)

In Washington State we model our VPP after the national program of the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) whereby management, labor, and the government establish cooperative relationships.

We have 29 company sites enrolled with 3,918 workers working in safer and healthier workplaces.

2021 continued to be challenging for DOSH VPP. With the pandemic continuing to run rampant throughout the state, we completed three recertification on-site evaluations. DOSH VPP has a full schedule of evaluations planned for 2022, and if we are able to complete them, we will clear our backlog and look forward to adding new sites in 2023.

DOSH VPP partnered with the National Voluntary Protection Program Participants Association (VPPPA) to present a virtual 2021 Melvin E. James Honorary Lectures on Safety

on March 16, 2021. This partnership allowed us to provide a virtual event that allowed and reach a national audience. We had our highest attendance ever - over 350 attended from 14 states and another 100 viewed the recording on the VPPPA YouTube Channel. DOSH VPP will once again partner with the VPPPA to present the virtual 2022 Melvin E. James Honorary Lectures on Safety and Health on March 16, 2022, we hope it's as successful as last year.

DOSH VPP helped staff the 2021 Virtual Governors Safety and Health Conference. DOSH VPP staffed two 2022 Virtual Agriculture Safety Days and will staff the virtual Construction Safety Day. DOSH VPP will also have a big role in staffing the in-person 2022 Governor's Industrial Safety and Health Conference scheduled for September in Tacoma Washington.

Multicultural Safety and Health Outreach Program (MSHOP)

DOSH's Multicultural Safety and Health Outreach Program (MSHOP) is still out in front nationally with the only 10-hour certified worker safety and health training course for agriculture workers. The agriculture worker safety and health training parallels the OSHA-10 certified training courses for construction and general industry.

MSHOP also has a 40-hour TOT training for those who wish to conduct the WISHA-10 for Agriculture worker trainings.

From October 1, 2020 to September 29, 2021, MSHOP conducted in-person WISHA-10 for Agriculture training. Following COVID-19 protocols, approximately 150+ participants completed the training in multiple locations.

MSHOP's in-person outreach efforts were drastically altered by COVID-19. However, MSHOP was able to conduct in-person drive-thru Safety and Health Fairs with communities and distribute safety and health resources, hold Q&A with multiple state agencies and provide free vaccinations. We handed out resources safely on the 250+ participant personal vehicles.

Throughout the pandemic, a multitude of changes occurred in the Agriculture industry regarding safety and health Washington Administrative Codes (WAC's). Emergency Rules implemented in WA State related to Heat-Stress Illnesses,



During 2021 MSHOP's in-person outreach efforts at drive-through Safety and Health Fairs, in Eastern Washington. More than 250 vehicles received resources and information.



During 2021 MSHOP's in-person outreach efforts at Safety and Health Fairs in Eastern Washington.



DOSH Virtual booth at the 2021 National Safety Council's Safety Congress



DOSH returns to in-person outreach at the 2021 NW Facilities Expo in Portland, OR

Wildfire Smoke, SARS-Cov-2 and Temporary Worker Housing prompted a strong effort to reach farmworkers with new safety information.

In collaboration with the Washington Farm Labor Association (WAFLA), Approach Management, and the Washington Tree Fruit Association, Washington State Department of Agriculture, Employment Security Department, and Washington State Department of Health we performed over 30 site visits reaching approximately 2,000 workers. In an effort to reach our community members, MSHOP utilized digital media in multiple ways such as Radio Interviews, Zoom, and Facebook. One such interview reached over 26,000 listeners. MSHOP also participated in meetings with Community Health Advocates (Promotoras) who promote safety and health COVID19 resources for farmworkers; community health advocates provide services to farmworkers in-person with DOSH content.

CONFERENCE AND EVENTS OUTREACH

DOSH Outreach Roadshow

Typically exhibits at 40-50 in-person conferences/tradeshows/events each FFY. Between October 2020 and May 2021 we provided virtual outreach at five events including the National Safety Council's Safety Congress. Virtual booth traffic and interaction with attendees was 90-95% less than at in-person events.

In late summer 2021, we returned to in-person outreaching and exhibited at three large B2B industry events covering food service/restaurants, nursery/landscaping, and facility maintenance/management. Exhibitor/vendor/attendee numbers were down from pre-COVID days, but we reached approximately 7,500 individuals at those three events and attendees voiced their thanks in our being present in person.

In-person outreach has grown a large network of partnerships with various industries and statewide associations over the years and this allowed for direct sharing of applicable COVID resources that we had created. Those partners shared the resources and information further with their contacts and members, and some resources received national attention. This also provided additional referrals to DOSH Consultation.

Spot the Hazards Interactive Calendar

Our Workplace Safety and Health Calendar team had to also quickly shift gears late in the game on the development and production of the 2021 calendar due to COVID-19 and our production schedule. Typically, we take staged photos at businesses around the state and the majority of calendar distribution is done in the field by various staff or from a field office.

We partnered with WorkSafeBC (WSBC) and created our 2021 calendar (lni.wa.gov/safety-health/safety-calendar) using their “Spot the Hazards” staged images. We repurposed the photos for a web page that was updated monthly, providing a link to the month’s interactive calendar image along with several resources connected to the topic of the month. We also marketed each month’s photo and topic through our social media outlets. This approach provided a fun new way to raise awareness of workplace hazards and for employers to find/fix similar hazards in their own workplace.

Due to continuing COVID-19 concerns, we again collaborated with WSBC and did a second version of “Spot the Hazards” for 2022. We provided WSBC with the final publishing files so they could recreate and print the calendar for use in British Columbia if they’d like. This was a win-win for employers (and worker safety/health) in both the USA and Canada!

WEB AND DIGITAL EDUCATION

General Web Page

Website Redesign Launch Phase 2 completed - Includes the main L&I home page (lni.wa.gov) and Safety and Health main landing page (lni.wa.gov/safety-health). We added more applications, including the Ergonomics Ideas Bank and Hospitalizations look-up tool.

The COVID-19 topic page and COVID-19 safety topic (lni.wa.gov) is an industry-specific resource from the L&I Division of Occupational Safety and Health, including guidance for construction, grocery workers, and others.





In October 2020, several members of the DOSH Education and Outreach team began work on the Spanish Website Redesign project. The goal is to rebuild our lni.wa.gov website in Spanish. This website is targeted for launch in 2022 and 2023. Visit the current Spanish L&I website at lni.wa.gov/Spanish

The DOSH Web team began collaborating with an agency-wide team and DOSH Standards staff on a Rulemaking Consistency project that covers our Rulemaking Stakeholder Information pages. The workgroup approved a DOSH-initiated template, and few stakeholder pages were built and revised to fit within this new template such as information on [wildfire smoke](#) and [lead safety](#).

Internet apps and tools

[Hospitalizations look-up tool](#) launched December 2, 2020. Updated weekly, this tool provides preliminary data of in-patient immediate hospitalizations reported to DOSH. Data is cleaned so that workers and business aren't identifiable.

[Ergonomics Ideas Bank](#) re-launched March 3, 2021. This tool was popular on the previous website, but needed to be rebuilt after the November 2019 Website Redesign launch. Shares ideas for preventing sprains and strains, and includes filters for industry and risk factor.

Training Products

Unified Fall Protection eTool, published August 2021. With the success of and the warm reception to the Table 10 Silica eTool and Mask Selection eTool, DOSH Digital Education continued to use that training concept and format to develop the Unified Fall Protection (UFP).

The UFP eTool is a mobile-friendly training tool that allows users to easily learn and navigate through some of the new UFP rule changes (effective October 1, 2020) which consolidated all of the industry-specific fall protection rule language in WISHA rules into one new WAC Chapter (296-880).

In the construction industry, for example, workers are exposed to fall hazards through activities, equipment and work surfaces. This tool allows a worker to search those subjects and find the rules that pertain to that activity, equipment or work surface.

Users can easily access the definitions and descriptions to better understand terminology and how those words are used in the rule. The resources section shares our latest online learning modules, the unified fall protection rule and our topic page on falls from heights.

Wildfire Smoke Emergency Rule Training

To accompany emergency rulemaking, effective July 16, 2021 through November 13, 2021, we developed a sample Training Kit with a PowerPoint, Instructor's Guide, and other materials that employers could use to meet the training requirements in the emergency rule ([Ini.wa.gov/safety-health](https://ini.wa.gov/safety-health)). Since many of Washington workers are telecommuting, and/or can't gather their workers together for in-person training, we also provided a self-paced version of this training that could be viewed remotely. This training covers all of the topics that employers are required to cover when training their workers about wildfire smoke workplace safety and health.

Unfortunately, we are not able to capture web usage statistics for PDF, ZIP, and other downloadable files, so we don't have reliable data on how much the downloadable training kit was used. However, we do have web usage data for the self-paced wildfire smoke training (wisha-training.ini.wa.gov), and the numbers were very impressive. Between July 29, 2021 when the self-paced version was first published and September 30, 2021 (the end of FFY2021), the self-paced version was viewed over 23,000 times.

This is over nine times the number of all of our other self-paced training courses combined during the same time period!

Wyoming Occupational Safety and Health (WY OSHA) continues to implement its core mission to assure safe and healthful working conditions for working men and women by setting and enforcing standards as well as providing training, outreach, education and assistance to the people of Wyoming. WY OSHA has been helping keep employees safe since initial approval was granted on May 3, 1974.

The Wyoming State Plan is administered through the Department of Workforce Services and consists of two separate sections; Compliance and Consultation. The Compliance program enforces safety and health standards in private and public industry workplaces; investigates complaints, fatalities, and catastrophes; investigates safety and health whistleblower discrimination complaints for private, state and local government; and provides public-sector outreach services. The Consultation program provides free, confidential Consultation services and empowers private-sector employers to improve safety and health in their workplaces. Through the development of strong working relationships, Consultation provides employers with services designed to help them implement and maintain effective safety and health management systems, and ultimately become self-sufficient in managing those systems.

SIGNATURE PROJECTS

Safety Stand Down Events and Worker’s Memorial

Through Consultation’s industry and alliances contacts, Consultation shared, promoted and participated in the National Safety Stand-Down to Prevent Falls in Construction (May 3-7, 2021), and the Trenching and Excavation Safety initiative (June 14-18, 2021). WY OSHA also participated in Safe + Sound Week (August 9-13, 2021), through sharing of information and empowering alliances to participate. In addition, OSHA participated in the Worker’s Memorial with a press release through the Agency website to honor those that have lost their lives in a workplace fatality.

During the National Safety Stand Down to Prevent Falls in Construction, there were five Wyoming employers that hosted events, with 259 workers participating in the training.

For the Safe + Sound Week event, there were 12 employers that participated:

- City of Gillette – Gillette, WY
- Energy 1 – Jackson, WY
- Inman Roofing Inc. – Cheyenne, WY
- Petra Inc. – Casper, WY

- Phillips 66 Pipeline – Evansville, WY
- Pullen Services – Casper, WY
- Short Powerline Service – Glenrock, WY
- State of Wyoming Administration and Information – Cheyenne, WY
- Trihydro Corporation – Laramie, WY
- Union Telephone – Mountain View, WY
- WYDOT – Cheyenne, WY
- Wyoming OSHA – Cheyenne, WY

The Consultation program conducted 73 visits, with the total number of employees covered being 1,869, with 7,343 workers removed from the identified site visit hazards. In direct correlation of visits conducted, 169 serious hazards were identified, 11 regulatory, and 72 other than serious hazards were identified, with 521 employee's that were on-site receiving informal trainings. This calculates to an average of 3.45 hazards identified per visit and 2.3 serious hazards identified per visit for FY2021.

Through participation in the Department of Workforce Services, Health and Safety Consultation Employer Discount Program, employers may receive a Workers Compensation discounted premium base rate. Applications to participate in the program may be submitted to the OSHA Division at any time and upon approval, the employer's premium base rate discounts are implemented in the subsequent calendar quarter. In FY2020 and FY2021, there were 254 total employers enrolled in both years.

A key goal for WYOSHA was to increase marketing associated with our Prestige Programs. We had 24 SHARP Clients in FY2020, and added one new SHARP client in FY2021, and currently have four

clients in WYOSHA's EVTAP program, which closely resembles the National OSHA Pre-SHARP program and works to elevate employers to the SHARP level.

The Wyoming Safety and Workforce Summit

The Summit was held virtually this year due to the COVID-19 pandemic. The Wyoming OSHA Program Director presented "Making Sense of the COVID-19 Regulations" during the Summit. There were 125 participants at the Summit, and during OSHA's presentation there were 23 that watched virtually. Wyoming OSHA plans to hold the next workforce and safety summit in the fall of 2022.

Safety Improvement Fund

The Wyoming Safety Improvement Fund helps businesses implement health and safety training programs, and assists with the purchase of health and safety equipment beyond regulatory requirements for the industry or occupation. Businesses are eligible to apply each fiscal year and may qualify for up to \$10,000. A 10% monetary match is required of the business once approved. WY OSHA worked to assist in the review of applications and guidance to ensure requests are above and beyond the minimum OSHA standards for the industry. WY OSHA worked to assist in the review of applications and guidance to ensure requests are above and beyond the minimum OSHA standards for the industry. For SFY 2021, the Safety Improvement Fund awarded a total of \$199,958.79, which was awarded to 31 different employers for training and equipment.



Employee masked

Health and Safety Consultation Employer Discount

Marketing to promote the Health and Safety Consultation Employer Discount Program, which encourages employers to request full visits, continued throughout FFY2020. Information packets were distributed during industry events, on field visits conducted, and information was posted on the Wyoming OSHA website. In addition, information was shared and presented by management and staff at Alliance and Coalition meetings and various other presentations. An online application is still being used along with hard copies in all field offices to assist employers in participating in this program.

Through participation in the Department of Workforce Services, Health and Safety Consultation Employer Discount Program, employers may receive a Workers' Compensation discounted premium base rate. Applications to participate in the program may be submitted to the OSHA Division at any time. Upon approval, the employer's premium base rate discounts are implemented in the subsequent calendar quarter. In FFY2020 and FFY2021, there were 254 total employers enrolled. This program helps establish working relationships with OSHA staff, ultimately improving health and safety throughout industries within Wyoming.

ENFORCEMENT

For FFY2021, the WY OSHA Compliance program investigated 7 jurisdictional fatalities with four being COVID-19, SARS-CoV2, related. One investigation of significance involved a train tanker car. Two employees were assigned to clean welds and perform ultrasonic testing. During the cleaning process, the employees noticed a distinct smell and attempted to exit the car via a ladder not adequately designed for the permit required confined space. During the ascent, there was an explosion from within the car. The employees were not able to exit resulting in a double fatality. This investigation is currently open pending employer abatement.

During FFY2021, the program continued to follow inspection requirements for CSHOs potential exposure to COVID-19, SARS-CoV2. Our program used CDC guidance, as well as

The Department of Health to ensure in person inspections offered protection not only for our staff, but also for employees working in the State of Wyoming.

As far as significant inspections conducted by the program, we would like to highlight an inspection of a local public sector, government employer. This inspection was primarily focused on electrical issues and resulted in the employer revamping their dated electrical system. This required them to request funding to demolish and reconstruct their area of exposure. The employer was happy to be able to have the necessary support from our inspection to ensure that funding could be acquired to support this massive project.

Our program conducted 159 workplace inspections and identified 130 hazards. It is estimated that approximately 449 employees were removed from these hazards. The initial penalties for these inspections totaled \$447,976.00.

CONSULTATION

The continuing pandemic continues to significantly impact to primary industries of oil/gas and construction. This has provided for both positive and negative effects for the program.

The Consultation program conducted 73 visits, with the total number of employees covered being 1,869, with 7,343 workers removed from the identified site visit hazards. In direct correlation of visits conducted, 169 serious hazards were identified, 11 regulatory, and 72 other than serious hazards were identified, with 521 employee's that were on-site receiving informal trainings. This calculates to an average of 3.45 hazards identified per visit and 2.3 serious hazards identified per visit for FY2021.

OUTREACH

Alliance, coalition and association participation continues to be another venue used by WY OSHA Compliance Assistance/Consultation to promote a safety and health culture in Wyoming. Compliance Assistance and Consultation works to empower alliances to address health and safety within their industry and supplies services as requested. Currently, Compliance Assistance and Consultation take turns participating with five existing alliances/coalitions/associations. They include Wyoming Oil and Gas Industry Safety Alliance (WOGISA), Wyoming Construction Safety Alliance (WCSA), Transportation Safety Coalition (TSC), Cheyenne Roofing Alliance (CRA), Wyoming Construction Coalition (WCC), and the Wyoming Contractor's Association (WCA). WY OSHA primarily is involved in the groups listed below and participates with the others on an as-needed basis.

PRESTIGE PROGRAMS

Wyoming Cowboy STAR VPP

Molson Coors, Phillips 66, and Black Hills Energy represent the exceptional worksites for safety and health through the Wyoming Cowboy STAR Voluntary Protection Program (VPP). These companies' worksites showcase extraordinary safety and health protections and commitment to ongoing excellence. This is easily seen in the injury and illness rates significantly lower than industry counterparts, ranging up to 100% below current published industry rates. Wyoming Cowboy STAR participants report higher morale, increased site productivity, involvement and participation in state programs, community involvement, reduced absenteeism, reduced turnover, lower worker's compensation claims and costs, lower worker's compensation premiums.

OSHA continues to promote the VPP program both in state and out, as showcased through implementing a hybrid evaluation system, participating in Regional VPP Evaluations and conducting recertification of three STAR sites and an initial evaluation for our the new Wyoming STAR site, Black Hills Cheyenne Prairie Generating System (CPGS). In addition, both the Deputy Administrator and VPP Coordinator attended the National VPPA Conference held in Nashville, Tennessee in August 2021. This conference helped to strengthen processes, build working collaborative relationships and start conversations with potential new sites.

Wyoming Cowboy STAR VPP Best Practices and Relationships

Many Wyoming Cowboy STAR participants have a long and rich history within the program, a few even spanning over decades such as Molson Coors and Phillips 66. Phillips 66, has one long standing site and added an additional site. It is this type of experience that can be unmatched in providing support and guidance to companies that are interested in applying and committing to the challenges of VPP. The specific initiatives which have been successfully implemented often are not just specific to that company, but are universal challenges many VPP sites may



Phillips 66, STAR participant

encounter. Two prominent examples include contractor and subcontractor management, and community involvement to provide specific safety training and education to emergency responders. Phillips 66 contractor management takes a holistic approach, where inclusion and envelopment into their safety culture is evident. This is reflected in listing contractor incidents on the Phillips OSHA 300 forms, to create a team accountability for safety and health. In addition, contractors participate in positive leading indicators, such as good catch cards, which provides recognition and reward to those nominated building and supporting the culture of safety and health and inclusion of all into their company philosophy.

Often, these companies can help provide guidance and mentoring opportunities to support and empower newer interested VPP applicants to strive for the next level. Building and empowering these relationships between VPP participants has been very successful when connecting these companies to share experiences, challenges and ways to continuously improve through VPP. Continuing the vision of both excellence and camaraderie intrinsic to both VPP and Wyoming.

WY OSHA continues to promote the Voluntary Protection Program (VPP) with the assistance of existing VPP members and employees. WY OSHA also works to increase awareness through presentations, the Department of Workforce Services website, and

participation at conferences and other professional associations. WY OSHA Compliance Assistance continued to work cooperatively with Region VIII Federal OSHA to conduct renewals of current VPP participants and process one new application for the Voluntary Protection Program.

SHARP

A key goal for WYOSHA was to increase marketing associated with our Prestige Programs. We had 24 SHARP Clients in FY2020, and added one new SHARP client in FY2021. Currently, the Program celebrates 25 Safety and Health Achievement Recognition Program (SHARP) clients. The Annual Performance Goal is to develop relationships with companies, and increase participation in prestige programs. At this point, Wyoming OSHA maintains the SHARP Program, but does not have a federally recognized Pre-SHARP program.

EVTAP

The Employer Voluntary Technical Assistance Program (EVTAP) is a Wyoming State Prestige Program. It functions as an entry-level program for companies that want to build a better safety culture. This program is designed to improve health and safety through the cooperation of employers, employees, and WY OSHA. The ultimate purpose is to ensure that each establishment in the program reaches a level of self-sufficiency in the area of health and safety. Currently, four employers are enrolled in this program.





OSHSPA.ORG / OSHA.GOV