

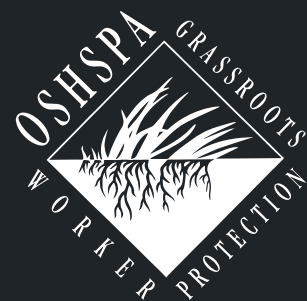
# OSHSPA REPORT

2023



## GRASSROOTS WORKER PROTECTION

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







2023

# OSHSPA REPORT





**May 28, 2024**

Dear State Plan Partners:

On behalf of the Federal Occupational Safety and Health Administration (OSHA), I want to acknowledge the achievements of OSHA's State Plan partners, and your continued efforts to protect America's working men and women. We appreciate the contributions highlighted in the Occupational Safety and Health State Plan Association's 2023 edition of Grassroots Worker Protection.

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

I look forward to our continuing partnership and efforts to ensure more workers will come home healthy and safe at the end of the day.

Sincerely,

A handwritten signature in blue ink that reads "Douglas L. Parker". The signature is fluid and cursive, with the first name "Douglas" and last name "Parker" clearly legible.

Douglas L. Parker







## CHAIR

### **Bart Pickelman**

Michigan Department of Labor  
and Economic Opportunity  
530 West Allegan Street  
PO Box 30643  
Lansing, MI 48909

[pickelmanb@michigan.gov](mailto:pickelmanb@michigan.gov)  
517-284-7772

## VICE CHAIR

### **Renee Stapleton**

Oregon Department of Consumer  
and Business Services  
350 Winter Street, NE  
Salem, OR 97301

[renee.m.stapleton@dcbs.oregon.gov](mailto:renee.m.stapleton@dcbs.oregon.gov)  
971-719-6708

## TREASURER

### **James Krueger**

Minnesota Department of  
Labor and Industry  
443 Lafayette Road North  
St. Paul, MN 55155

[jim.krueger@state.mn.us](mailto:jim.krueger@state.mn.us)  
651-284-5462

## PAST CHAIR

### **Chuck Stribling**

Kentucky Education and Labor  
Cabinet  
Mayo-Underwood Building  
500 Mero Street, 3rd Floor  
Frankfort, KY 40601

[chuck.stribling@ky.gov](mailto:chuck.stribling@ky.gov)  
502-564-3289

## DIRECTORS

**Michelle Ellison**, Indiana

**Steve Greeley**, Maine

**Mischelle Vanreusel**, Maryland

**Robert Genoway**, New Mexico





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

I am honored to begin my two-year term as chair for the Occupational Safety and Health State Plan Association (OSHSPA), which represents 29 state plans devoted to employee safety and health. OSHSPA provides a collective voice for individual state plans who work hard to impact workplace safety and health across the nation. The size of each state plan varies but we are all united in our commitment to protect American workers.

The Occupational Safety and Health Act of 1970 granted states and territories the opportunity to develop and administer their own occupational safety and health programs and enforce safety and health rules. State plans work collaboratively with the Occupational Safety and Health Administration (OSHA) to ensure consistent compliance and enforcement of the regulations designed to protect employee health and safety.

We are proud of the 2023 addition of Massachusetts as the 29th state plan devoted to employee safety and health and seventh state plan that provides occupational safety

and health protections to state and local public sector employees only. That is significant since Massachusetts now provides occupational safety and health protections to employees OSHA cannot protect. My hope is that additional states pursue their own individual plans, whether they cover both private and public sector employees or just the public sector employees in state and local government.

OSHSPA publishes an annual Grassroots Worker Protection report that recognizes state plan efforts and achievements. This report illustrates the extensive work OSHSPA members perform and celebrates abundant accomplishments. I am grateful for every OSHSPA member's unwavering commitment to employee safety and health.

Sincerely,

A handwritten signature in blue ink that reads "Barton G. Pickelman".

Barton G. Pickelman, CIH  
*OSHSPA Chair*



# CONTENTS



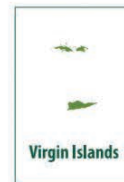
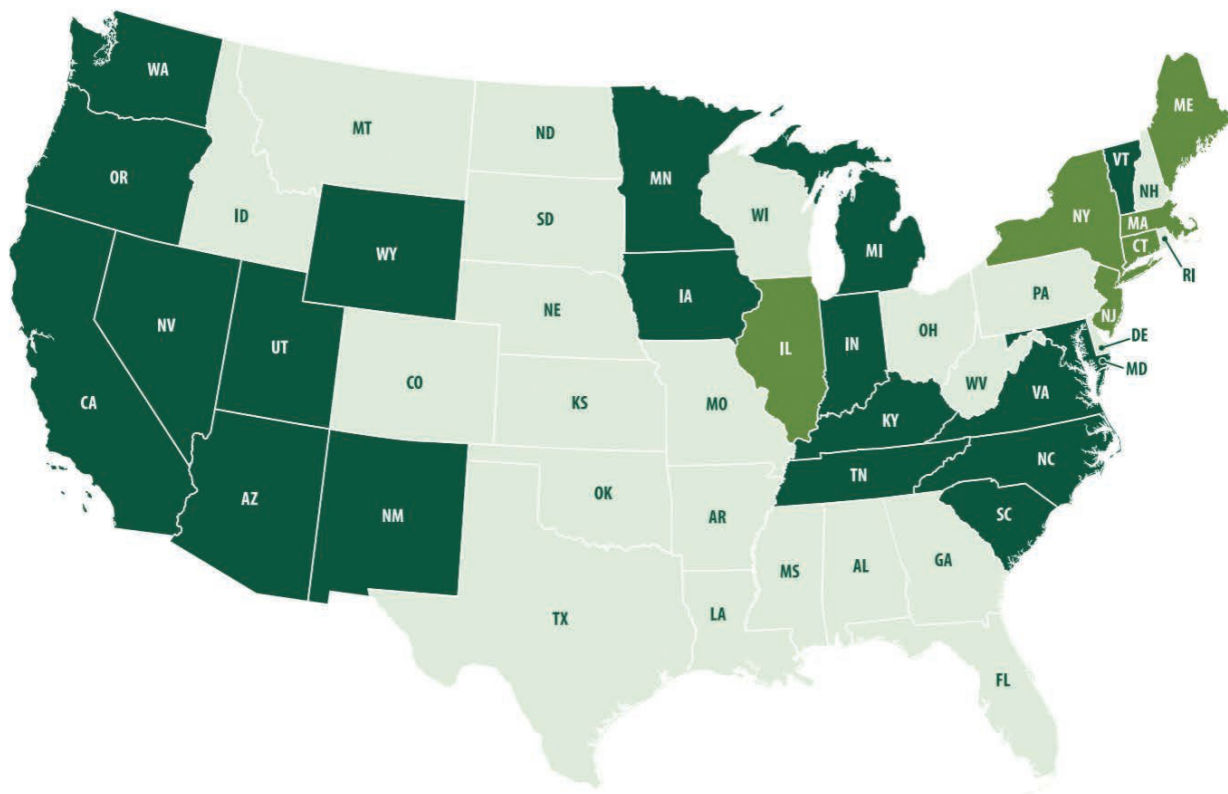
<b>08</b>	COVERAGE	<b>30</b>	CONNECTICUT
<b>09</b>	STATES AT A GLANCE	<b>32</b>	HAWAII
<b>11</b>	STATES PROTECTING WORKERS	<b>38</b>	ILLINOIS
<b>12</b>	NUMBERS AT A GLANCE	<b>42</b>	INDIANA
<b>14</b>	ALASKA	<b>46</b>	IOWA
<b>22</b>	ARIZONA	<b>50</b>	KENTUCKY
<b>24</b>	CALIFORNIA	<b>58</b>	MAINE
		<b>60</b>	MARYLAND





<b>64</b>	MASSACHUSETTS	<b>130</b>	PUERTO RICO
<b>68</b>	MICHIGAN	<b>132</b>	SOUTH CAROLINA
<b>76</b>	MINNESOTA	<b>140</b>	TENNESSEE
<b>84</b>	NEVADA	<b>146</b>	UTAH
<b>90</b>	NEW JERSEY	<b>152</b>	VERMONT
<b>92</b>	NEW MEXICO	<b>156</b>	VIRGINIA
<b>96</b>	NEW YORK	<b>162</b>	WASHINGTON
<b>104</b>	NORTH CAROLINA	<b>176</b>	WYOMING
<b>120</b>	OREGON		

# OSHS&PA COVERAGE



## State Plan Programs Covering Private and Public Sectors

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

## State Plan Programs Covering Public Sector Only

(Federal OSHA covers private sector)

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

## States Covered by Federal OSHA Private Sector Only

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



# OSHSPA STATES AT A GLANCE



## STATES AND TERRITORIES WITH APPROVED SAFETY AND HEALTH PLANS

State	Date of Initial Approval	Date Certified	Date of 18(e) Final Approval	21(d) On-Site Consultation Agreement	Different Standards	On-Site Maritime Coverage
Alaska	8/10/1973	9/13/1977	9/28/1984	X		
Arizona	11/5/1974	9/18/1981	6/20/1985	X		
California	5/1/1973	8/19/1977		7/12/90 Amended 6/9/00; new agreement 4/30/14	Yes	Yes
Connecticut	11/3/1978	8/21/1986	N/A	X		
Hawaii	1/4/1974	5/9/1978		2/14/14 Amended 9/24/15; new agreement 4/13/2017	Yes	
Illinois	9/1/2009		N/A	X		
Indiana	3/6/1974	10/6/1981	9/26/1986	X		
Iowa	7/20/1973	9/14/1976	7/2/1985	X		
Kentucky	7/31/1973	2/8/1980	6/13/1985			
Maine	8/5/2015	3/21/2023	N/A	X		
Maryland	7/5/1973	2/15/1980	7/18/1985	X		
Massachusetts	8/18/2022			X		
Michigan	10/3/1973	1/16/1981		6/9/00 Amended 10/12/11 and 1/23/2017	Yes	
Minnesota	6/8/1973	9/28/1976	7/30/1985	X Amended 1/17/97 and 6/9/00	Yes	Yes
Nevada	1/4/1974	8/25/1981	4/18/2000	X		
New Jersey	1/11/2001	1/22/2016	N/A	X	Yes	
New Mexico	12/10/1975	12/17/1984		9/24/97 Amended 6/9/00 and 6/29/06		
New York	6/1/1984	8/16/2006	N/A	X		
North Carolina	2/1/1973	10/5/1976	12/18/1996	X Amended 6/9/00 and 10/19/00		
Oregon	12/28/1972	9/24/1982	5/12/2005	X Amended 1/18/06, 6/29/06(7), and 8/30/23(8)	Yes	
Puerto Rico	8/30/1977	9/7/1982		6/11/82 Amended 6/9/00		
South Carolina	12/6/1972	8/3/1976	12/18/1987	X Amended 1/19/1997 and 6/9/00		
Tennessee	7/5/1973	5/16/1978	7/22/1985	X		
Utah	1/10/1973	11/19/1976	7/16/1985	X Amended 1/17/97, 6/9/00, and 6/29/06		
Vermont	10/16/1973	3/4/1977		5/12/75 Amended 6/9/00		
Virgin Islands	7/23/2003	N/A(5)	X			
Virginia	9/28/1976	8/21/1984	11/30/1988	X Amended 6/9/00 and 6/29/06		
Washington	1/26/1973	2/9/1982		9/25/75 Amended 6/9/00 and 4/19/04	Yes	Yes
Wyoming	5/3/1974	12/30/1980	6/27/1985	X Amended 1/17/97, 6/9/00, and 6/29/06		









# OSHSPA STATES PROTECTING WORKERS

OSHSPA is the Occupational Safety and Health State Plan Association, an organization of 29 states and territories that have OSHA-approved state plans. OSHSPA is the link between the state plans, federal OSHA, and Congress. OSHSPA representatives meet three times a year to exchange information and address shared concerns. OSHSPA representatives also appear before congressional committees and other hearings to report on workplace safety and health matters. The Occupational Safety and Health Act of 1970 gives states and territories the right to develop their own workplace safety and health plans and to enforce safety and health rules within their jurisdictions. Federal OSHA approves and monitors state plans and funds up to 50% of their operating costs. State plans must be as effective as federal OSHA in enforcing safe and healthful working conditions. State plans affect the safety and health of more than 64 million workers. In addition to their enforcement role, state plans help employers make safer workplaces with free consultative services, education and technical assistance. While the Occupational Safety and Health Act of 1970 does not cover public-sector employees, 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	26,184
Health	8,760
Total	34,944
INSPECTIONS BY TYPE	
Programmed/Scheduled	13,064
Complaint	9,521
Referral	3,861
Fatality/Catastrophe	850
Follow-up	1,052
Other (total inspections minus total inspections in categories above)	6,596
Total	34,944
INSPECTION DATA	
Total inspections with violations	23,278
VIOLATIONS PER INSPECTION WITH VIOLATIONS CITED	
Total number of S/W/R violations	36,034
Average S/W/R violations per inspection	1.03
Total number of OTS violations	34,307
Average OTS violations per inspection	0.98
Percent of inspections with no violations	31.68%
PENALTIES	
Total current penalties	\$119,331,679.43
Average current penalty per serious violation	\$2,733.87
Total number of contested cases	4,301
Percent of inspections with citations contested (contested cases divided by total number of inspections with violations)	18.48%
CONSULTATION ONSITE VISITS (STATE PLANS ONLY)	
Consultation 21(d) initial	7,212
Consultation 23 (g) initial	1,878
Consultation 21(d) training	407
Consultation 23 (g) training	0
Consultation 21(d) follow-up	462
Consultation 23(g) follow-up	58
Total	10,017
<i>Source: OSHA Office of Small Business Assistance</i>	



# NUMBERS AT A GLANCE

## CONSULTATION ONSITE DATA (STATE PLANS ONLY)

Total serious hazards identified	36,195
Average number of serious hazards identified per visit	4

Source: OSHA Office of Small Business Assistance

## FEDERAL OSHA BUDGET

Federal OSHA Budget*	\$449,648,000
State Plans 23(g) - federal 50% share	\$120,000,000
State Plans 21(d) - federal 90% share (27 states)	\$33,643,000
Total Federal OSHA appropriation	\$632,309,000

\*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 **	\$119,800,000
State Plans additional 100% funding	\$143,214,372
State Plans 21(d) contribution - 10% funding	\$3,738,111
Total	\$266,752,483

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

## EMPLOYERS UNDER STATE PLAN JURISDICTION

Private	4,883,687
Public	141,294
Total	5,024,981

Source: BLS 2022 Quarterly Census of Employment and Wages

## EMPLOYEES UNDER STATE PLAN JURISDICTION

Private	53,986,785
Public	11,040,757
Total	65,027,542

Source: BLS 2022 Quarterly Census of Employment and Wages

## ALLOCATED STATE PLAN POSITIONS

Total Compliance Inspectors	1367.74
Safety 23(g)	875.41
Health 23(g)	433.16
Total Consultants	189.64
Safety 21(d) - State Plan only	116.13
Safety 23(g)	36.37
Health 21(d) - State Plan only	73.51
Health 23(g)	25.60

## 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

The Alaska Occupational Safety and Health (AKOSH) Enforcement section is spearheaded by Chief of Enforcement Dale Williamson. Through his leadership, AKOSH strives to reduce and eliminate workplace hazards and the incidences of workplace safety and health accidents through enforcement, compliance assistance and fostering partnerships with the community and other agencies.

In addition to enforcing the standards, Enforcement provides compliance assistance through training, outreach and education to employers. Establishing partnerships encourages continual improvement in workplace safety and health and the development of comprehensive safety and health management systems.

Williamson and the AKOSH Enforcement team embraces the pioneering Alaskan spirit to tackle the state's unique challenges by providing innovative approaches to enforcement programs. While under his guidance, in Fiscal Year 2023 (FY23) AKOSH Enforcement adopted a more stringent version to CPL 02-00-169, Compliance Directive for OSHA's Severe Violator Enforcement Program (SVEP) and began a diversionary program for employers.



## SEVERE VIOLATOR ENFORCEMENT PROGRAM

AKOSH's SVEP policy is more stringent than Federal OSHA CPL by considering an inspection and SVEP case where AKOSH finds at least one willful or a third repeated violation of the same standard or substantially similar hazard. Whereas the federal policy requires either two willful or two repeated violations in a singular inspection.



Alaska has experienced a notable uptick in complaints and incidents related to workplace violence. To bring awareness to employers, AKOSH Enforcement is forging a proactive path, preparing a local emphasis program to address workplace violence awareness and prevention. This local emphasis covers many employers statewide, not just the OSHA-identified, high-risk industries.

Rank	Standard	# Total Vio	Initial Penalty
1	1910.1200(e)(1)	18	\$ 129,225.00
2	1910.1200(h)(1)	14	\$ 14,502.00
3	1926.501(b)(10)	12	\$ 115,252.00
4	AS 18.60.058 (a)	12	\$ 60,000.00
5	1910.37(a)(3)	12	\$ 14,868.00
6	1904.40(a)	11	\$ 13,000.00
7	1910.151(c)	10	\$ 88,951.00
8	1910.134(c)(1)	10	\$ 79,791.00
9	1926.503(a)(1)	9	\$ 21,511.00
10	1910.37(b)(2)	8	\$ 7,252.00

AKOSH Top 10 Most Cited Citations

#### ENFORCEMENT SIGNATURE PROJECT

AKOSH Enforcement was also strategically innovative with an internal Diversionary Program Policy for employers that have no citation history within the past five years. This program allows these employers to utilize the services of Consultation and Training (C&T) in a comprehensive or limited manner for a full or partial reduction in penalty. This ensures that the violations are properly abated while assisting the employer to prepare or strengthen their safety and health programs through the guidance of Consultation and Training.

20 cases have met the criteria and agreed to the utilization of the diversionary program since the policy's inception in Sept. 2023. To date, 30% of the employers have completed the requirements outlined in the informal settlement agreements and ensured their employees are receiving a higher level of health and safety protection in their facilities.

#### ENFORCEMENT OUTREACH

The AKOSH Enforcement team began building professional relationships with other regulatory agencies, including the Mine Safety and Health Agency, National Oceanic and Atmospheric Administration, Alaska Department of Environmental Conservation, Alaska Marijuana Control Office, and Environmental Protection Agency, to better understand their jurisdiction and to communicate our jurisdiction, roles and responsibilities. Other regulatory agencies often encounter employee hazards but do not have the jurisdiction to address them. AKOSH has recognized this and

works to ensure agencies know what issues could be referred to us for better employee protection. AKOSH encounters issues outside of its jurisdiction and wants to understand the roles other agencies play in potential referrals. Good government service includes good customer service. AKOSH will never say, "It's not our job, therefore it's not our problem". AKOSH will always seek to find an answer.

### ALASKA ENFORCEMENT OFFICERS

AKOSH enforcement's team is as diverse as Alaska's geography. The experience and background of the team ranges from military, nursing, explosives, heavy equipment, construction, tech, avionics, mechanics, law enforcement, electrical, and warehousing and expediting.



*AKOSH Enforcement Team (left to right): Melody Russo/IH, SueLynn Watts/IH-Asst. Chief of Enforcement, Paul Janis/Safety, Chris Madrid/IH, Viki Kelly/Project Assistant, Tony Robinson/IH*

Six safety enforcement and four industrial hygiene health officers provide enforcement coverage for employers across Alaska's 663,268 square miles of land. Officers must be trained in multiple industry sectors to include construction, fishing and processing, timber, and in certain cases, mining. With less than 7,000 miles of paved roads and inaccessibility to most rural communities, officers must have

the fortitude and stamina to travel in small air/watercraft, helicopters and all-terrain vehicles.

AKOSH is proud to ensure our officers are provided with the best training possible. Based on our logistics and time zone, it is sometimes difficult to coordinate out-of-state training. We are forging partnerships with other state plans to coordinate training, as well as providing instructor-level training to experienced officers to train the rest of the team and other department divisions.

### ALASKA CONSULTATION & TRAINING PROGRAM

Farewell! Alaska's Occupational Safety and Health Consultation and Training program has been led by Elaine Banda, who was promoted to the position of program chief in July 2019. During her tenure, Chief Banda completely overhauled the consultation program. She began by hiring passionate people who were committed to helping Alaska's employers maintain work environments that are safe. Chief Banda re-vitalized the VPP, CHASE and SHARP programs by putting the right people in the right job. She ensured consultants maintained a vital presence throughout Alaska. Whether it's

Kotzebue, Kodiak, Juneau, Fairbanks, Dutch Harbor or the North Slope, consultants traveled wherever they were needed. Under her guidance, the AKOSH Consultation and Training program consistently met or exceeded federal

goals. Chief Banda retired in July 2024 after 27 years of service with the state of Alaska.



*AKOSH Consultation and Training Section Chief Elaine Banda*



## CONSULTATION AND TRAINING ACTIVITIES

In FY23, the Consultation section met all programmatic goals. Consultants conducted a total of 403 private and public sector site visits with 266 safety visits and 137 health visits. A total of 1,551 workplace hazards were identified, with 741 being serious hazards and 174 hazards were corrected on site. The total number of employees trained on-site was 9,791.

### VPP SIGNIFICANT ACHIEVEMENT

The Oct. 20, 2023 VPP renewal ceremony of Insulfoam Inc. marked a significant achievement for the insulation product manufacturing company. Participating in the program since May 2005, the ceremony celebrated the manufacturer's remarkable safety record,



*AKOSH Consultation and Training members are pictured with Insulfoam Inc staff during the company's 2023 VPP renewal ceremony.*

boasting 20 years without lost time injury and over 3,000 days without a recordable injury. This significant achievement reflects their steadfast commitment to a culture of safety in the workplace. Insulfoam has been operating since 1972 and continuously excels in manufacturing high-quality expanded polystyrene (EPS) insulation products for Alaska. This remarkable milestone demonstrates Insulfoam's unwavering dedication to employee safety and well-being. Their extensive safety record not only distinguishes them within the industry, but also sets a commendable standard for others to follow. Their commitment to safety showcases how prioritizing a secure work environment can lead to both success and recognition. Congratulations to Insulfoam on this outstanding accomplishment, which is a testament to their continuous efforts in upholding exemplary safety standards.

### ALASKA CONSULTATION AND TRAINING SIGNATURE PROJECT

In 2023, a project featuring Alaska's On-Site Consultation Training Services was [hailed as a success story](#) by the U.S. Department of Labor OSHA Office of Small Business Assistance:



*Alaska's oldest building, the Russian American Magazine, houses the Kodiak History Museum*

Alaska's Museum & Cultural Heritage Sites Consultation Pilot Project promotes Alaska Occupational Safety and Health's On-Site Consultation and Training Services (AKOSH C&T) to small businesses that manage museums and cultural heritage sites. This effort is part of OSHA's work with the American Industrial Hygiene Association (AIHA) Museum and Cultural Heritage Industry Working Group. Currently, 12 states are participating in the group's pilot program to promote consultation to museums and cultural heritage sites. The working group has also developed presentations, marketing materials and guidance documents on topics such as emergency preparedness and response and guidance for museums and laboratories on reopening after COVID-19.

Alaska's Museum & Cultural Heritage Sites Consultation Pilot Project is:

- Actively promoting AKOSH C&T services to managers and employees at museums and cultural heritage sites.
- Developing industry-related expertise within C&T.
- Developing safety and health-related expertise within the small business museum and cultural heritage sites industry.
- Contributing to the development of safety and health data for this often-overlooked industry.

One example of the success of this pilot project to promote consultation services to Alaska's museums is the Kodiak History Museum. The museum is a two-story, 3,800-square-foot log structure built in 1808 as a pelt warehouse by Russian colonists in Alaska. Declared a National Historic Landmark in 1962, it is the oldest continuously occupied building in Alaska and the earliest documented log structure on the west coast.

The museum operates as a partnership between the Kodiak Historical Society and the city of Kodiak. The museum has a five-member staff who host visitors, operate a small gift shop, curate and store historical items, and develop educational offerings and events for the public and staff during tourist season. The Kodiak

History Museum requested consultation services from AKOSH C&T after preparing Alaska's Cultural Organizations for Emergencies (PACO) program and working with the Alutiiq Museum to revise that museum's emergency action plan.

The Kodiak History Museum was undergoing an extensive review of its emergency procedures and staff-wide training. Increasing staff safety and awareness of potential hazards and solutions was a priority. The On-Site Consultation Program provided professional guidance to improve emergency procedures and staff and board awareness of safety in the workplace. Consultation staff identified workplace hazards regarding portable fire extinguishers, fall protection, fire detection equipment, ladders, lighting in infrequently used storage areas, use of corrosive chemicals without immediate access to an eyewash, no workplace hazard assessments, hazard communication program, bloodborne pathogen program, first aid kits and an automated external defibrillator, Alaska Physical Agent Data Sheets (PADS), and a potential for employee exposure to workplace violence from the public.

The employer corrected all identified hazards. As a result of the museum's work with AKOSH C&T, the museum is a safer place for both staff and visitors.

To locate the OSHA On-Site Consultation program nearest you, call 1-800-321-OSHA (6742) or visit [www.osha.gov/consultation](http://www.osha.gov/consultation).



## CONSULTATION OUTREACH AND TRAINING

Every year, AKOSH consultation staff attend outreach events including annual conferences, community meetings, outdoor events and industry organization meetings to promote the program. In 2023, consultants gave multiple presentations, attended fairs and participated in conferences and presentations across Alaska to highlight AKOSH C&T services. Consultants participated in 310 compliance assistance activities which included informal trainings, presentations, outreach, written articles, ceremonies, fairs and conferences.



## PARTNERSHIP PROGRAM

The Alaska Construction Health and Safety Excellence (CHASE) program is a partnership with state-licensed contractors that aims to reduce injury and illness rates within Alaska's construction industry. With three levels of participation: AK-Blue, AK-Gold and AK-Flag, the program accommodates a wide range of employers with various numbers of employees, resources, availability of safety and health professionals, and experience.

The partnership is made effective through a cooperation partnership with Alaska Occupational Safety & Health (AKOSH) Consultation and Training. Participating contractors commit to actively engage with AKOSH to evaluate and enhance their safety and health programs to better protect their employees. Increased participation in AKOSH Consultation and Training visits to contractor sites, as part of the CHASE agreement, fosters collaboration, employee participation, hazard identification, information sharing, and exposure to AKOSH Consultation & Training to subcontractors on CHASE sites.

The goals of the CHASE partnership are achieved through the following:

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

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

The latest addition to the CHASE program is Prism Design & Construction LLC., formed by Scott Yaskus in 2003 and based in Wasilla, Alaska. The multifaceted company specializes in providing construction and support services for Alaska’s retail petroleum sales and car wash industry.

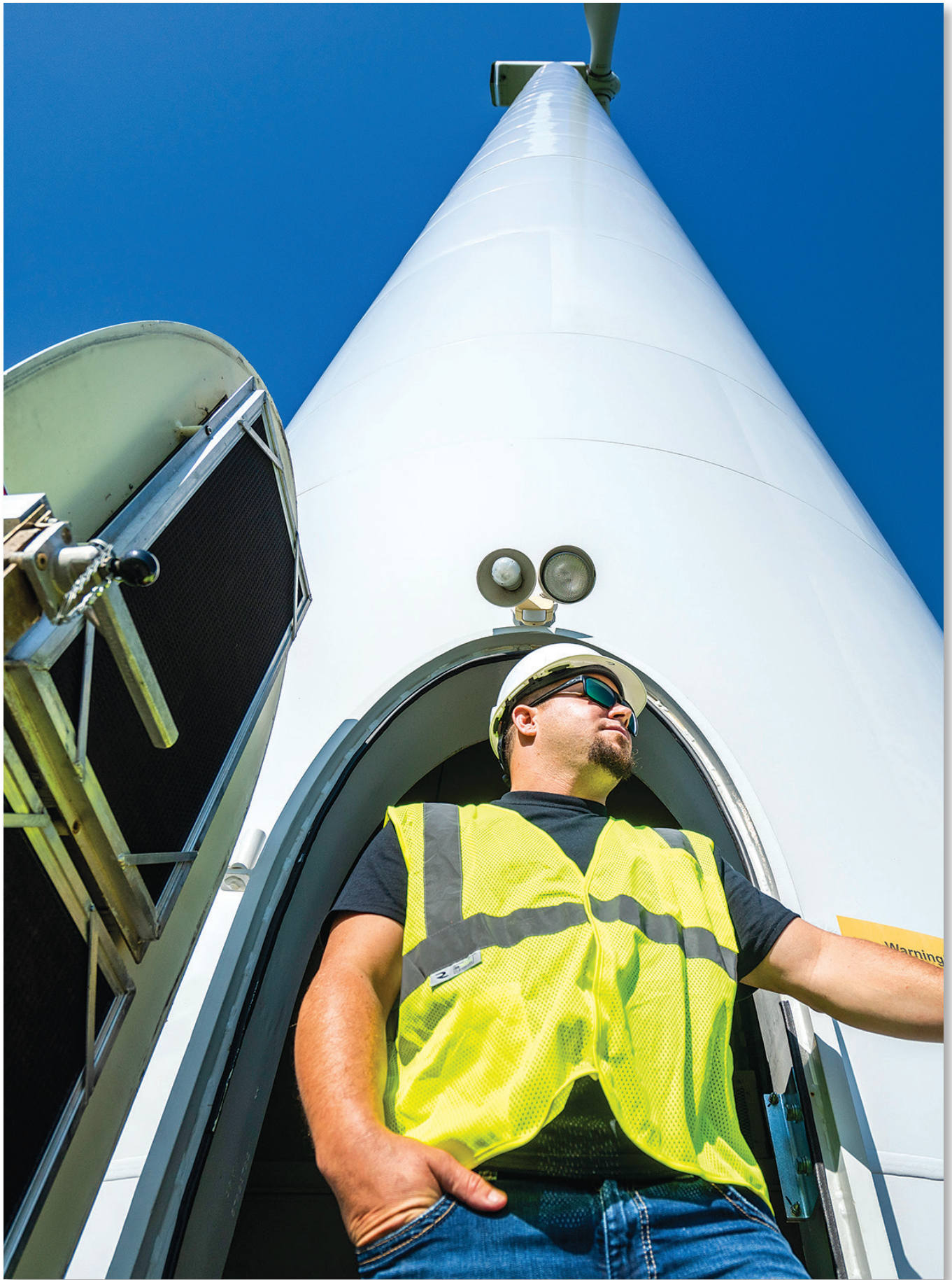
Following a 2019 enforcement action, Prism Design & Construction began to make

measurable gains in increasing the effectiveness of their safety and health programs, employee education and training and hazard identification procedures. Prism’s management along with the assistance of a third-party safety consultant, realized the benefits of the consultation & training program and began requesting site visits. The company’s continued commitment to improving the safety and health of its workforce culminated into acceptance to the CHASE Program in 2023.



*(left to right) Prism Design & Construction Manager Randy Hunter is pictured Prism Design & Construction Owner Scott Yaskus during a 2023 AKOSH SHARP Ceremony.*





## WHISTLEBLOWER PROTECTION PROGRAM

The Arizona Division of Occupational Safety and Health (ADOSH) Retaliation Unit was established to replace the ADOSH Discrimination Unit in August 2021 due to numerous discriminatory complaints that were filed unrelated to any occupational safety and health concern. The now defunct unit only had two safety and health professionals to handle a backlog of complaints.

Under the newly established ADOSH Retaliation Unit, we assembled a team of professionals with investigative backgrounds which enabled ADOSH to investigate complaints more effectively and efficiently, clearing the backlog of complaints. By April 2023, ADOSH successfully resolved 100% of the backlog and significantly reduced the average pending compliant time from 500 days in 2021 to 143 days in 2023.

***ADOSH's Whistleblower Protection Program mission statement:  
"ADOSH's Whistleblower Protection Program, bringing fair and  
impartial investigations to all of Arizona's workforce."***

ADOSH also implemented a lead investigator to support the investigations manager by reviewing reports from investigations and letters from other investigators before they were sent for approval. The lead investigator assists in high profile cases and provides guidance for investigators to include training. The role is also responsible for conducting all intake screenings within 30 days of a complainant being filed, with initial contact made within at least seven days and at least two attempts within the 30-day period. This streamlined approach ensures that complaints falling outside ADOSH jurisdiction are promptly redirected to the appropriate regulatory agency. By adopting this method, ADOSH achieved a 100% completion rate for intakes received each month.

Additionally, the lead investigator was responsible for drafting and sending out 10-day letters for complaints where the complainant could not be contacted due to a lack of cooperation. This aided in reducing the average pending time as well as administratively closing complaints not meeting ADOSH jurisdiction. On average, approximately 25 complaints were closed per month in 2023, comprising both administrative closures and completed full investigations.

To ensure swift and efficient responses to retaliation calls, each investigator's office phone was provided with the retaliation hotline. This enabled investigators to directly address calls, log any potential retaliation complaints and screen out those falling under other agency jurisdictions. This approach has resulted in better service to the public.







## SIGNATURE PROJECTS

### **CAL/OSHA'S REGIONAL EXPANSION**

In FY23, the Division of Occupational Safety and Health (DOSH), better known as Cal/OSHA, made significant strides in expanding its presence to better serve workers and employers in California's Central Valley, Inland Empire and Central Coast regions. The division announced plans to establish offices in Fresno, Santa Barbara and Riverside counties, with the aim of improving response times to complaints, accidents and proactive inspections in high-hazard industries. As Cal/OSHA continues to grow its presence in these key regions, it reaffirms the division's mission to protect workers from workplace hazards and these additional offices will facilitate outreach, enforcement and consultation efforts, ensuring that workers' health and safety rights are safeguarded.

### **COVID-19 RESPONSE**

Amidst the persistent challenges posed by COVID-19, California remained committed in its response efforts throughout FY23 with a continued focus on protecting and preventing occupational exposure. Despite the May 2023 conclusion of the Federal COVID-19 Public Health Emergency (PHE) declaration, Cal/OSHA recognized the ongoing hazard posed by the virus and took decisive action by swiftly enacting non-emergency regulations ahead of the expiration of the Emergency Temporary Standard (ETS). In Feb. 2023, Cal/OSHA modified ETS regulations, converting them into non-emergency COVID-19 prevention regulations, streamlining requirements and obligations for employers to provide consistent protections to workers while accommodating potential future changes in guidance from the California Department of Public Health (CDPH).

Recognizing the importance of education in combating the spread of COVID-19, Cal/OSHA continues to educate as many employers and workers as possible by disseminating crucial information to stakeholders. Through a combination of virtual and in-person events, the division reached a wide-ranging audience, while also ensuring accessibility by offering guidance materials in both English and Spanish. This comprehensive effort, including the development and updating of various guidance materials, including frequently asked questions ([FAQs](#)), [fact sheets](#), [model COVID-19 prevention plans](#) and [online training courses](#), highlights Cal/OSHA's commitment to equipping stakeholders with the knowledge and resources necessary to navigate the complexities of pandemic-era workplace safety.

## HEAT ILLNESS PREVENTION

This year, Cal/OSHA increased its focus on indoor heat work environments. In Oct. 2022, Cal/OSHA updated its Heat Illness Prevention Special Emphasis Program (Heat SEP) to include indoor heat illness prevention and increase the number of inspections in response to these types of complaints.

In 2023, Cal/OSHA opened more than 200 indoor heat-related complaint inspections. Additionally, during the high-heat season – generally April through October – Cal/OSHA opened over 260 proactive outdoor high-heat inspections.

Nine news releases were issued this heat season that reminded employers of their obligations and informed workers of their rights related to heat exposure. Cal/OSHA also reached over 89,000 employers with email heat exposure reminders.

Cal/OSHA's Heat Illness Prevention campaign included multilingual advertisements on 22 billboards, 144 wall posters, 87 lunch trucks and 170 work vans across the state and aired more than 16,890 multilingual educational advertisements in Spanish, Punjabi, Hmong and Mixtec on 42 radio stations.

The Cal/OSHA Consultation Services Branch held a Heat Illness Prevention Webinar Series from July through Sept. 2023, where 14 total webinars were conducted (seven in English and seven in Spanish) on heat illness prevention, and over 6,349 participated in the heat seminars.

## ENFORCEMENT, LEGAL UNIT AND BUREAU OF INVESTIGATION (BOI)

### ENFORCEMENT

Cal/OSHA Enforcement opened 6,759 inspections in Federal Fiscal Year (FFY)23, an increase of 5% over FFY22, surpassing its goal of 6,125 private and public sector inspections

combined. Of the total inspections conducted, 6,445 were private industry inspections and 314 were public sector inspections.

During FFY23, Cal/OSHA identified and issued over 14,000 violations of the California Code of Regulations, potentially affecting the estimated 1.4 million workers employed at these establishments. Of the violations identified, 2,923 resulted in serious citations, 26 resulted in willful citations, 117 resulted in repeat citations and 11 resulted in failure-to-abate penalties. Cal/OSHA issued over \$40 million in initial penalties. Of these penalties, approximately \$9.3 million (23%) have been successfully collected to date.

### LEGAL UNIT

Cal/OSHA Enforcement works jointly with the Division's Legal Unit to protect workers and educate employers on occupational safety and health hazards in the workplace. Some of the responsibilities of the Legal Unit include:

#### LITIGATION:

Prosecuting Cal/OSHA citations in appeals before administrative law judges, filing and responding to petitions for reconsideration before the Occupational Safety and Health Appeals Board (Appeals Board) and subsequent writ and appellate actions in civil court, and representing Cal/OSHA in other civil and criminal litigation.

#### OTHER LEGAL PROCEEDINGS:

Handling or advising on other legal matters such as issuance of warrants, enforcement of investigatory subpoenas, opposition to third party subpoenas, filing of motions to compel, and issuance of orders prohibiting use or operation where there is an imminent hazard to employees or to members of the public.

## BOI

The BOI is responsible for investigating employee fatality and serious injury cases for evidence of criminal conduct and preparing and referring cases to local and state prosecutors for criminal prosecution.

Cal/OSHA had many high-profile inspections which required coordination between the Enforcement Branch, Legal Unit and BOI. Notable cases where this occurred were:

1. **Parter Medical Products, Inc. Overexposure Case:** Cal/OSHA took decisive action against Parter Medical Products, Inc., citing 18 violations, including six willful-serious violations for exposing employees to toxic ethylene oxide. Despite shutdowns for modifications, Cal/OSHA found ongoing overexposure issues, with employees consistently exposed to levels far exceeding permissible limits. The penalties totaled \$838,800, reflecting the seriousness of the violations and the Division's commitment to safeguarding worker health and safety.
2. **Meeder Equipment Company and D&D Construction Specialties, Inc. Confined Space Incidents** (two separate investigations): Tragic incidents at Meeder Equipment Company and D&D Construction Specialties, Inc. underscored the critical importance of confined space safety.
  - Cal/OSHA responded to a fatal incident at Meeder Equipment Company, where a worker suffocated in an LPG gas tank trailer while performing maintenance. Serious violations were identified, including failure to adhere to confined space regulations, inadequate provision of safety training and respiratory equipment and the absence of an emergency rescue plan. Meeder Equipment Company and its successors faced penalties totaling \$272,250 for the cited violations.
  - In a separate and unrelated investigation, Cal/OSHA examined a fatal incident at D&D Construction Specialties, Inc., where a worker lost consciousness and fell to his death in a drainage sump. Violations included failure to conduct hazard inspections before work, inadequate atmospheric testing and monitoring, absence of an attendant during entry operations and insufficient training for working in confined spaces, with penalties totaling \$337,700 for the cited violations. Cal/OSHA's BOI successfully referred D&D Construction Specialties, Inc. for criminal prosecution, highlighting the severity of the violations.
3. **Half Moon Bay Workplace Mass Shooting:** Cal/OSHA responded to a workplace violence incident resulting in the mass shooting deaths of seven workers at two agricultural farms on Jan. 23, 2023. California Terra Garden, Inc. and Concord Farms Inc. were cited for multiple violations, including failure to address past violence incidents and establish proper safety plans. California Terra Garden, Inc. faced 22 violations with proposed penalties of \$113,800, while Concord Farms Inc. received 19 violations with penalties totaling \$51,770. These citations reflect Cal/OSHA's commitment to enforcing workplace safety and preventing future tragedies by holding employers accountable.



## LITIGATION: DECISIONS AFTER RECONSIDERATION

In addition to Cal/OSHA's high-profile inspections, the Appeals Board addresses legal challenges from private and public-sector employers regarding citations issued by the Division for alleged violations of workplace safety and health laws and regulations. When a decision from an administrative law judge is challenged, the Appeals Board may issue a Decision After Reconsideration (DAR), which could be cited as precedent in subsequent cases.

In the case of Rios Farming Company, LLC (Cal/OSHA App. 1336276, Decision After Reconsideration, Feb. 6, 2023), the Appeals Board adopted the Decision of the Administrative Law Judge (ALJ) as its own and incorporated it into its own DAR.

This matter is of significance because the ALJ decision addresses in depth, for the first time, what it means to locate drinking water “as close as practicable to the areas where employees are working,” as required by the Maria Isabel Vasquez Jimenez Heat Illness Standard, which applies to all outdoor places of employment. (California Code of Regulations, title 8, § 3395, subd. (c).) Failure to locate water as close as practicable to the area where employees are working may result in employees not drinking water frequently enough, which can put them at risk for heat illness. The Division of Occupational Safety and Health cited Rios Farming Company, LLC (Employer) for not adequately providing water to workers at a vineyard. The Division alleged the employer “failed to ensure that drinking water was located as close as practicable to the areas where employees are working.” “Practicable” is not defined in the regulation, and thus required interpretation.

In this instance, a crew of about 13 employees worked in the outdoor vineyard, engaged in training and pruning grapevines. The vineyard

was laid out in rows of grapevines supported by a trellis system, which includes posts, support wires and a drip irrigation line running along each row. The trellises stood approximately five and a half feet high, with the irrigation line positioned about one foot off the ground. The vines and trellis system created a barrier to moving across the rows, requiring employees to perform coordinated movements of stepping over, balancing and bending multiple times to cross the trellises.

The employer placed water in two locations. One water jug was located at one end of the center vineyard row where the crew was working. Vineyard employees worked in multiple rows, with one worker in the center row where a shade trailer, which followed the crew as they worked, was stationed. Additionally, there was one employee in each of about five rows extending out from both sides of the shade trailer. The vineyard was configured diagonally, making some rows significantly longer than others. At the time of inspection, a crew member in the center row, with the shade trailer, was approximately 1,500 feet away from the water jug located at the end of that row.

Another water jug was located on the shade trailer. The rows of trellises were about eight feet apart. Although the farthest worker was, at most, only 40 feet from the drinking water, employees not working in the row with the shade trailer had to cross through one or more rows of grapevine trellises to reach the water jug. Some employees brought their own plastic water bottles, which they passed from one coworker to the next in adjacent rows. The bottles would be filled at the water jug located on the shade trailer and then passed back, rather than crossing the trellises to get water.

To interpret the term “practicable” in the context of section 3395, the ALJ analyzed the regulatory history of the “as close as

practicable” standard. The ALJ noted that during the 2015 amendment process of section 3395, a proposed amendment to subdivision (c) would have added language requiring that water be located within 400 feet of employees, unless it was not possible to place water within that distance due to worksite conditions. The Occupational Safety and Health Standards Board (Standards Board) ultimately removed this language in response to public comments from agricultural industry stakeholders. The “as close as practicable” requirement is therefore a performance standard, which establishes a requirement but leaves employers free to determine the most appropriate method of compliance under various working conditions.

## CONSULTATION SERVICES BRANCH

Cal/OSHA’s Consultation Services Branch provides onsite consultation services to the public and private sectors under the state plan. During FFY 2023, the Consultation Services Branch conducted 26 initial public sector visits and 750 private sector visits. During these visits, a total of 260 hazards were identified. Of these, 86 classified as Serious, 162 as Other-Than-Serious and 12 as Regulatory. Additionally, the Consultation Services Branch provided 17 formal training events and 13 other compliance assistance activities for the public sector.

Cal/OSHA’s Consultation Services Branch held quarterly state agency workplace safety and health network meetings with public employers to facilitate knowledge sharing, empowering employers to uphold regulatory compliance. The Consultation Services Branch also administers the Voluntary Protection Program (VPP), which welcomed 10 new establishments and renewed 12 sites, with 64 VPP-Star sites and two VPP-Reach sites. Within construction, the Voluntary Protection Program-Construction (VPP-C) added five new sites and maintained 13 active sites.

## RETALIATION COMPLAINT INVESTIGATION (RCI) UNIT

The Division of Labor Standards Enforcement (DLSE), also known as the Labor Commissioner’s Office, is another division within the Department of Industrial Relations alongside Cal/OSHA. DLSE has responsibility for enforcing labor laws, including the protection of workers from retaliation through the Retaliation Complaint Investigation (RCI) unit. This year, the RCI unit:

- Created videos describing employees anti-retaliation rights in six languages: English, Spanish, Punjabi, Mandarin, Cantonese and Chatino.
- Developed training materials and conducted sessions for employers on workplace health and safety rights and anti-retaliation laws that protect employees who report unsafe work conditions or workplace injuries.

## OUTREACH AND COMMUNICATION

### OUTREACH COORDINATION PROGRAM

Outreach Coordination Program team members and other Cal/OSHA personnel participated in 297 individual events; workers with non-English or limited English-speaking skills attended at least 224 of these events. In some instances, workers were monolingual speakers of indigenous languages. Events were facilitated in Mixteco and Zapotec, in addition to Spanish and/or Tagalog, as many of these workers mainly employed in low wage jobs.

## PARTNERSHIPS

### ALLIANCE PROGRAM

Cal/OSHA developed a tri-fold brochure providing details about the Alliance Program with information on how to become an Alliance partner.

The Cal/OSHA Alliance Program grew in FFY23, signing three new Alliance Agreements:

1. California District Council of Iron Workers (DCIW) on Jan. 24, 2023
2. Safety Center Inc. and Sacramento Regional Builders Exchange on Feb. 9, 2023
3. National Safety Council on Mar. 28, 2023

These Alliance Agreements will establish a framework that includes scheduled meetings, increased worker access to effective workplace safety and health tools, information about worker rights to maximize worker safety and health protection in their prospective industries, and mutually supported and promoted safety and health campaigns.





During FY2023 CONN-OSHA continued to work within its five-year strategic plan that was vastly different from previous strategic plans. The current plan is based on abating hazards in high-hazard workplaces identified in state and municipal governments.

## ENFORCEMENT

During FY2023, the program was staffed by three safety compliance officers and three health compliance officers. A total of 112 safety inspections and 101 health inspections were conducted. Approximately 81% of the total inspections were conducted in the high hazard areas identified in the strategic plan. These targeted inspections resulted in 628 safety violations abated and 594 health violations abated in the high hazard industries.

In Oct. 2022, CONN-OSHA investigated an incident involving two police officers who were shot dead. The inspection was initiated following media reports that two officers had suffered fatal gunshot wounds, and a third officer was wounded. The three officers were ambushed by gunfire when they arrived at a home on a disturbance call, according to reports. Based on information CONN-OSHA obtained during the inspection, no citations were issued to the employer.

## CONSULTATION

The consultation program for the state plan conducted 67 safety consultations and 78 health consultations for FY23. Of these consultations, 91% of the safety consultations and 83% of the health consultations were performed in the high hazard areas identified in the strategic plan. The state plan abated 218 safety hazards and 122 health hazards in the targeted industries.

## OUTREACH

- The state plan continues to electronically distribute the CONN-OSHA Quarterly, which covers a wide range of safety and health topics written by CONN-OSHA staff. The newsletter email distribution list continues to grow, now reaching 3,246 public and private sector employers/employees.
- CONN-OSHA continues to provide monthly Breakfast Roundtable discussion groups and provides OSHA 10-hour training classes.
- CONN-OSHA provides training at and participates in trade shows with our alliance partners. In FY23, we had four active alliances.
- CONN-OSHA conducted 49 training classes for state and local governmental workers in the targeted high hazard industries. A total of 727 workers and employers received training.

## SIGNATURE FOCUS

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

Because of the highly hazardous nature of the work performed by firefighters, CONN-OSHA included fire services among the program's targeted industries and continues to focus enforcement and consultation resources in this area. In FY23, CONN-OSHA conducted 23 inspections in fire departments, including eight programmed inspections and fifteen inspections initiated from complaints, referrals and two fatalities.



*Gear worn by firefighter who sustained burns during a residential fire.*

As a result, 91 violations were issued and subsequently abated.

The violations primarily addressed deficiencies regarding respiratory protection, portable fire extinguishers, bloodborne pathogens, electrical hazards, fire brigades, emergency response to hazardous substance releases, hazard communication and eyewashes.

One area where CONN-OSHA consistently identifies deficiencies is when fire departments allow employees to utilize their own physician or licensed health care professional (PLHCP), as opposed to an employer contracted PLHCP, to conduct medical evaluations in accordance with 1910.134, Respiratory protection. When this occurs, the employer typically does not comply with numerous medical evaluation requirements, including providing the medical evaluation at no charge, providing the PLHCP with the required information, obtaining a written recommendation regarding the user's ability to wear a respirator that contains all the required information, and determining a time frame in which the user should be reevaluated. These deficiencies have resulted in multiple violations.

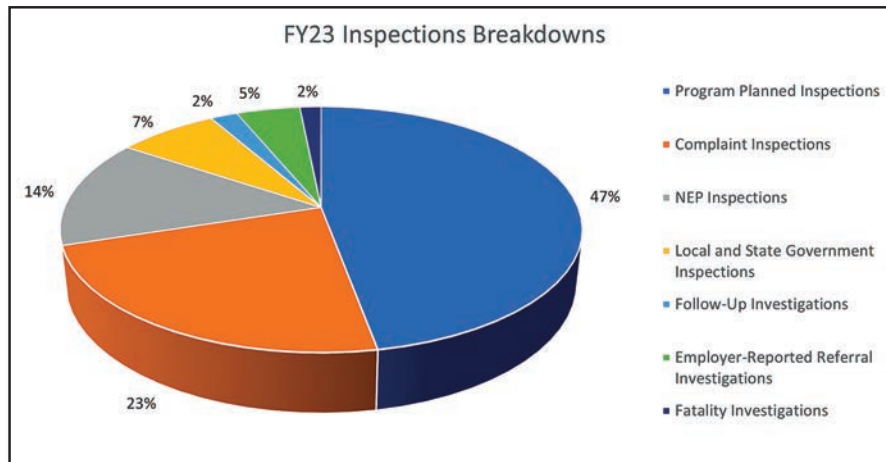
## HAWAII STATE PLAN

Hawaii's State Plan Program is administered through the Hawaii Occupational Safety & Health Division (HIOSH), a division of the State of Hawaii Department of Labor and Industrial Relations. Hawaii's State Program has jurisdiction over most employment in the state in both public and private sectors. Exceptions to state jurisdiction are private sector maritime and shipbuilding activities, federal agencies, military, and all employment contained within the national parks and secured military locations. Activities mandated under the OSH Act are considered core elements of Hawaii's Occupational Safety and Health Program and provide an essential safety net for workers exposed to hazards with the potential to cause death or serious physical harm.

HIOSH's mission as stated by the Hawaii Occupational Safety and Health Law, Chapter 396, Hawaii Revised Statutes, is to "Assure so far as possible, every working man and woman in the State safe and healthful working conditions." HIOSH's goal is to work in partnership with Hawaii's business to save lives and prevent injuries in the workplace.

## ENFORCEMENT

In FY23, HIOSH conducted 460 inspections. During these inspections, 887 violations were identified and penalties of \$2,025,444 were assessed.



FY23 top 10 most cited serious violations:

- 1926.501(b)(13) – Fall Protection, Residential Construction.
- 1910.28(b)(1) – Walking and Working Surfaces, Duty to have fall protection.
- 1910.303(b)(2) – Electrical, Listing and Labeling.
- 1910.305(b)(1)(ii) – Electrical, Unused Opening not Properly Closed.
- 1926.501(b)(1) – Fall Protection, Unprotected Sides and Edges.
- 1910.304(g)(5) – Electrical, Ground Path Missing/Not Continuous.
- 1910.1200(e)(1) – Hazard Communication, Written Hazard Communication Program.
- 1910.1200(h)(1) – Hazard Communication, Hazard Communication Training.
- 1926.102(a)(1) – Personal Protective and Life Saving Equipment, Eye or Face Protections.
- Hawaii Administrative Rules 12-60-2(a)(3) – Hawaii's General Duty Clause.



## SIGNIFICANT CASES

### A MAUI FIREFIGHTER SWEEP INTO A STORM DRAIN, KILLED DURING SEVERE RAINSTORM (#1650075)

During a severe rainstorm, a Maui County firefighter died after being pulled into a drainpipe of a sewer channel while assisting homeowners in a flood. Prior to the incident, Maui County Fire Department management determined that the flooding was caused by a blockage of a chain-link fence at the storm drain channel head wall and deep inlet.

Fire crews decided to remove the chain link fence and accumulated debris, allowing nearly four inches of floodwater from the surface street to drain. Public works crews helped removed approximately 11.5 feet of chain link fence. However, due to the submerged storm drain, fire department management was unaware that the deep end of the storm drain channel head wall led to an underground drainpipe. No warning signs were present to alert firefighters on the scene about the drop-off. The 24-year-old firefighter was found unresponsive near the shoreline, approximately 800 yards from the drainpipe. Despite efforts, he succumbed to being submerged underwater for too long.

HIOSH's investigation resulted in four accident-related serious violations resulting in \$62,500 in penalties.

### DEAF WORKER SEVERELY BURNED IN BAKERY EXPLOSION (#1683242)

A Molokai woman suffered critical injuries with severe burns following a bakery explosion. The victim, who is deaf, did not know sign language or speak, and relied on gestures and grunts to communicate.

During a night shift, coworkers found the woman engulfed in flames and attempted to extinguish the fire using their clothes and bare hands. Due to the severity of her injuries, the woman was airlifted from Molokai Island to Oahu for treatment. The victim survived but suffered second to third degree burns on more than 80% of her body.

HIOSH's investigation revealed the auto-ignite function on all the company's propane-powered commercial ovens had not been operational for some time. To ignite the ovens, employees were



*The submerged storm drainpipe is pictured following the death of a firefighter pulled into a sewer channel drainpipe.*



*The oven clean-out port of a bakery oven is pictured following an explosion that left a woman critically injured with severe burns.*

instructed to manually release propane gas into the oven, physically enter the oven through the clean-out port and manually ignite the propane jets inside the ovens. Despite having another deaf employee (the victim's aunt), and another employee who only understood Korean, the bakery owner provided verbal instructions and training solely in English.

HIOSH issued 10 serious accident-related violations including, but not limited to, improper training, improper housekeeping allowing the accumulation of combustible dust, expired portable fire extinguishers and improper machine guarding, resulting in \$48,875 in penalties.

## HIOSH ENFORCEMENT SURVEY

HIOSH is committed to optimizing its operations to ensure safe and healthy workplaces for Hawaii workers. Employing feedback is a recognized method for entities to gather insights on what is effective and what needs improvement. Since its inception in FY21, quarterly surveys have provided valuable information to HIOSH. These surveys enable us to identify areas for improvement and enhance our compliance efforts, including inspection opening and closing conferences, hazard identification and communication, abatement aid, translation services, auxiliary aids, and other services for individuals with disabilities, as well as post-inspection communication and post-citation informal conferences. Feedback is crucial in helping us improve our services and better serve Hawaii's workforce. Thank you for your continued support.

## CONSULTATION AND TRAINING SERVICES

In support of HIOSH's mission, the HIOSH Consultation and Training Branch complements HIOSH's Enforcement Branch by providing proactive outreach, training and on-site visits to all employers within the State of Hawaii, with a priority on small high-hazard businesses. In FY23, the Consultation and Training Branch conducted 93 onsite visits, identifying 390 hazards, and removing 6,948 employees from workplace hazards.

## HAWAII VOLUNTARY PROTECTION PROGRAM (HANA PO`OKELA)

HANA PO`OKELA is a Hawaiian term meaning "Excellent Work." Polynesian voyaging canoes were made by skilled craftsmen, using only hand tools and ancient construction methods. The Polynesians sailed thousands of miles of open ocean without modern navigational devices, trusting their canoe, the wind, waves, seabirds, sun and stars to take them to new civilizations. Using the voyaging canoe, they discovered and inhabited widely scattered places in the Pacific Ocean, such as the Hawaiian Islands. One such canoe was named Hokule`a, meaning "Star of Gladness." To the ancient Hawaiians, a bright star in the Herdsman constellation, known by astronomers as Arcturus, was the "Star of Gladness." Hokule`a signified the joyful ending of a long journey. It is in the spirit of Hokule`a that the Hawaii Occupational Safety and Health Division recognizes rigorous and detailed attention to workplace safety and health with the Hana Po`okela Star Award of Excellence.



In FY23, Hawaii VPP participants include:

- Monsanto Molokai
- Monsanto Kihei

## OTHER OUTREACH ACTIVITIES

### NATIONAL SAFETY STAND-DOWN

In FY23, HIOSH continued to promote National Safety Stand-Down through radio and newspaper advertisement. Topics included Fall Hazards in Construction, Hazards of Heat-related Illness, Safe + Sound Week, Trench and Excavation, and Suicide Prevention in Construction.

### HIOSH MONTHLY HAZARD HIGHLIGHTS

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

## SPECIAL PROJECTS

### MAUI WILDFIRE

The state of Hawaii was devastated by a series of wildfires that broke out on Maui and nearly destroyed the historic town of Lahaina and parts of Kula and Olinda in Aug. 2023. Although the cause of the fire remains unknown, the fire spread due to dry and gusty conditions in Maui in the months leading up to the disaster. The fire first broke out on Aug. 8, 2023. Fueled by winds reaching up to 67 mph, the fire quickly burned uncontrollably. The fire destroyed an estimated 2,170 acres and 2,207 structures in Lahaina, 1,081 acres in Kula, and 202 acres in Olinda, and took 110 people's lives as of Feb. 2024.



*The historic town of Lahaina, situated on the west coast of Maui, was ravaged following the Aug 2023 wildfire.*

The Hawaii Department of Labor and Industrial Relations offered its

assistance to the county of Maui during the early stages of recovery. HIOSH was tasked to assist in obtaining, managing and distributing personal protective equipment (PPE), and providing hazard assessment awareness seminars.

With the assistance from Federal OSHA, HIOSH staff distributed more than 110,000 items of PPE (coveralls, vests, gloves, shoe covers, etc.) obtained by OSHA through International Safety Equipment Association (ISEA) donations. Additionally, OSHA provided two personnel to conduct the hazard assessment and awareness seminars. HIOSH's Consultation and Training Branch assisted with scheduling, coordinating venues and presented 14 seminars, drawing a total of 110 employees



from 16 organizations. HIOSH personnel also assisted in the respirator fit testing of 29 employees. The agency continues to participate in weekly safety meetings related to the ongoing Maui Wildfire response.



## ONGOING CHALLENGES

### STAFFING ISSUES

The challenge of hiring and retaining qualified compliance staff has always been difficult for HIOSH. In FY23, eight staff members left HIOSH (five safety and health inspectors, one clerical assistant, one program specialist, one administration and technical support branch manager). Additionally, one safety inspector was transferred to the Consultation and Training Branch as a consultant. During FY23, HIOSH hired two safety and four health inspectors. At the end of FY23, HIOSH had five of the nine funded safety inspector positions filled, as well as seven of the nine funded health inspector positions. HIOSH did complete the reclassification of a compliance assistant specialist (CAS) position to a higher grade level and created an environment health specialist V position to be filled as a supervisor in the Occupational Health Branch. HIOSH will continue to advertise job openings at job fairs and through radio in FY24.







## SIGNATURE FOCUS

IL OSHA's signature focus for FY23 was "Lessons Identified. Lessons Learned." Based on stakeholder and inspector feedback, IL OSHA found the traditional citation packet was an ineffective learning tool for workers following an occupational injury or fatality. To further the division's mission to ensure safe and healthy working conditions, several incident reports were developed as learning tools. Each report identifies lessons, provided as bullet point style recommendations, that employees and employers can implement to reduce the risk of a similar incident occurring again. Presentations using the "Swiss Cheese" human factors model invented by James Reason have also been developed to supplement some incident reports. IL OSHA has adopted a "push" rather than a "pull" method to access the reports through media releases, public availability via the [osha.illinois.gov](https://osha.illinois.gov) website, and handing out printed industry-specific reports during inspections.



## ENFORCEMENT

On the morning of Feb. 23, 2023, Matthew Heiden, a 20-year-old worker with the Village of Westmont Water Department, was repairing a leaking flange on a 12-inch water main valve in an underground utility vault. The water main on the opposite side remained pressurized. After initial attempts to repair the leak failed, the crew attempted to cut a section of the PVC pipe. During this process, the valve was displaced, trapping Matthew's hand in the pipe. A large volume of pressurized water then surged into the vault. Despite immediate rescue efforts and the involvement of a regional technical rescue team, Matthew drowned due to being trapped in the water main. Following an inspection (Ins. #1652863), IL OSHA issued a citation to the Village of Westmont, citing multiple violations of the permit-required confined space standard. The village formally contested the violations after initially failing to reach an agreement. Following several months of negotiations, IL OSHA and Westmont reached a formal settlement agreement, which included detailed abatement stipulations and additional enhancements designed to prevent future incidents.



- **Unrestricted Access:** Westmont will provide IL OSHA with unfettered access to employees and facilities for the purpose of writing an incident report learning tool.
- **Virtual Outreach Sessions:** Westmont is required to co-present with IL OSHA at in-person and virtual outreach sessions to discuss the incident and lessons learned.
- **Outreach Video Development:** Westmont is required to engage a third-party vendor to produce an outreach video in cooperation with IL OSHA and OSHA Region V. The video will cover the incident and lessons learned. Upon completion, the Village will transfer ownership of the video to IL OSHA for unlimited free distribution.
- **Scholarship Fund:** Westmont is required to establish a scholarship in the memory of Matthew Heiden for local students interested in pursuing careers in local government or safety. The fund is to be administered by the local chamber of commerce.



## OUTREACH EFFORTS TO SUPPORT OSHA'S NATIONAL EMPHASIS PROGRAM ON WAREHOUSING

The Illinois Department of Labor (IDOL) On-Site Safety and Health Consultation Program (On-Site) presented at the O'Hare International Airport Air Handler Cargo Association meeting. The Association includes over 100 members representing global warehouse cargo operators within the air and land transportation industries.

The consultation program also reached out to 500 warehousing industry employers to provide information about warehousing hazards and information about free consultative services. Marketing outreach will continue through 2024 with over 1,000 letters being sent to employers in the industry.

## OSHCN PARTICIPATION

The consultation program took on an active role with the National Association of Occupational Safety and Health Consultation Programs (OSHCON). The association is a resource for board of safety and health professionals from

consultation programs and the small employers they serve nationwide. OSHCON, formed in 1985, provides a united voice to address issues and challenges facing consultation programs across the U.S. It includes members from every state and territory.

Consultation Program Industrial Hygiene Supervisor Mica Chunes was elected OSHCON Treasurer in 2023. Monthly meetings are held to provide feedback regarding OSHCON's financial details and to provide input on how promote consultation programs nationally.

## HARD ROCK CASINO PARTNERSHIP

On Apr. 18, 2023, Federal OSHA and the Illinois On-Site Safety and Health Consultation Program signed a strategic partnership with Ringland-Johnson Construction Company and Mid-America Carpenters Regional Council to promote safety and health practices during the construction on the Hard Rock Casino in Rockford, IL. Partnership agreement details included:

- A consultation program health consultant with a construction was appointed to attend monthly meetings.
- The program conducted exposure assessments for isocyanates through personal air monitoring during the spray-on insulation phase of the project.
- The program provided six on-site visits that included hazard assessment and abatement assistance.
- The Program's Safety Supervisor provided two on-site training sessions on topics including, falls, trenching and ladder safety with over 100 workers trained in 2023.
- Injury and illness rates have remained well below the industry average for the duration of the project.









The mission of the Indiana Occupational Safety and Health Administration (IOSHA) is to advance the safety, health and prosperity of Hoosiers in the workplace. All activities performed by IOSHA focus on meeting the mission to help protect the safety and health of Hoosier workers.

The United States Bureau of Labor Statistics reported Indiana had an estimated 2.9 workplace injuries or illnesses per 100 full-time workers in 2022—the lowest rate in the state’s history. The 2022 nonfatal occupational injury and illness rate also represents a 74% reduction from a high of 11.3 per 100 full-time workers reported in 1994.

In FY23, IOSHA conducted 1,020 inspections. This represented a 15% increase from the 883 inspections conducted in FY22.

## IOSHA REORGANIZATION

Effective Oct. 1, 2022, IOSHA was restructured into the Divisions of Safety and Health teams. Previously, IOSHA’s Compliance Officers were split into Construction or General Industry teams, each focusing on their respective sectors. Despite Indiana’s workforce being primarily engaged in general industry activities, IOSHA’s construction team made up nearly 45% of the total team. Most of the Unprogrammed Public Activity (UPA) cases handled by IOSHA were related to non-construction workplaces. Historically, construction compliance officers would routinely run out of UPAs for inspections and would search for emphasis inspection-related hazards. Conversely, general industry compliance officers would have multiple week delays in opening new inspections as the workload was too great. This did not leave much, if any time, for programmed inspection activities in general industry settings.

Now, a team of dedicated IOSHA Safety Compliance Officers address safety-related issues in all industries, and a team of health compliance officers focus on addressing industrial hygiene concerns but

also assists with safety inspections as necessary. This has created a more balanced program and has virtually eliminated any delays in addressing UPAs assigned for inspection in any industry sector. Additionally, this change has provided the department the ability to be proactive and perform planned inspection activities in both sectors rather than exclusively in construction.

IOSHA also eliminated a multi-year backlog of nonformal complains during the fiscal year. Now, upon receipt of a nonformal complaint, a compliance officer immediately follows up with the complainant and contacts the employer to informally resolve the alleged complaint. If the complaint cannot be resolved, the officer will recommend upgrading the investigation to an inspection. This system, introduced in FY23, has resulted in very few nonformal complaints exceeding 30 days. IOSHA continues to evaluate its processes to ensure it serves stakeholders effectively.

## LOCAL EMPHASIS PROGRAMS

IOSHA currently has three active local emphasis programs (LEPs) launched in late 2020: Residential Construction (RESCON), Demolition, Renovation and Rehabilitation (DEMORENO), and Falls for General Industry and Construction (FALLS).

These LEPs were developed using the published Bureau of Labor Statistics (BLS) data as a guide. The RESCON LEP was initiated for specifically for residential construction activities.

According to the BLS Census of Fatal Occupational Injury (CFOI) data from 2014-2018, there were 11 worker fatalities in Indiana associated with demolition and renovation activities. The DEMORENO LEP targets hazards like electrical, fall, struck-by/caught-in-between, and airborne contaminants including asbestos, lead and silica.

Between 2014-2018, Indiana recorded 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 FY23, IOSHA performed more than 250 inspections related to its three LEPs. More than 85% of the LEP-related inspections were generated from programmed activities. IOSHA's compliance safety and health officers (CSHOs) identified nearly 450 violations during these LEP inspections, with about 80% classified as serious, repeat or knowing violations. Given its success in targeting high hazard industries, occupations, and tasks, IOSHA will continue to use these LEPs regularly to identify and ensure the correction of workplace hazards likely to result in employee injury.

## GET OUT AND LOOK (GOAL)

IOSHA has re-emphasized its commitment to excavation safety through its Get Out and Look (GOAL) initiative. In Apr. 2023, IOSHA

participated in a training session highlighting the compliance officer's authority and obligation to stop and initiate contact at any open excavation site. During the fiscal year, IOSHA conducted 60 inspections under the National Emphasis Program for Trenching and Excavation Activities.

IOSHA' GOAL efforts are ongoing in Indiana.

## INDIANA VPP

The Indiana Voluntary Protection Program (VPP) continues to thrive with 90 participating companies, including two operating under the Voluntary Protection Program's mobile program. Indiana VPP is managed by a team of four occupational safety and health professionals, who alongside the state's Special Government Employees (SGEs), conduct evaluations, provide guidance and mentor Hoosier workplaces that have developed and implemented successful workplace safety and health management systems.

In summer 2023, Indiana VPP Leaders worked with federal OSHA to host two SGE training events. One event was hosted in conjunction with the Region V Voluntary Protection Program Participant's Association (VPPPA) Conference in South Bend, and the other was hosted by Indiana VPP site, Nucor Fastener (St. Joe, Indiana). The two sessions ensured nearly 30 SGEs were trained.

Indiana VPP Leaders worked with certified sites to present nine separate "Best Practices" sessions throughout the year, covering topics such as seasonal weather preparedness, ergonomics, workplace violence and powered industrial trucks. More than 300 attendees participated in these 30-to-60-minute events.

In addition to their evaluation visits, Indiana VPP Leaders conducted nearly 300 site visits to discuss the annual VPP submission, share best practices and trends, perform gap analysis, and prepare sites for upcoming evaluations.

The VPP Leaders also worked with the Indiana Office of Technology (IOT) to develop and launch an online portal for VPP sites to submit their annual submissions. The portal, tested throughout the fiscal year was launched in 2023. Indiana Gov. Eric J. Holcomb recognized the team with 6a Governor’s Public Service Achievement Award for their efforts to improve service offerings to customers.

## EDUCATION AND OUTREACH

### INDIANA SAFETY AND HEALTH CONFERENCE AND EXPO

The 2023 Indiana Safety and Health Conference and Expo conference, the state’s largest occupational safety and health conference took place Feb. 27 – Mar. 1. Every year, the Indiana Department of Labor partners with the Indiana Chamber of Commerce and the American Society of Safety Professionals Central Indiana Chapter to organize the event. More information about the annual conference and expo can be found at <http://www.INSafetyconf.com>.

Indiana’s onsite consultation program, INSafe, works with the conference partners to score and present the Governor’s Workplace Safety Awards. These awards recognize Hoosier businesses that show significant dedication in 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 make great strides in the occupational safety and health field. Award recipients are honored at the Governor’s Workplace Safety Awards Luncheon held on the final day of the conference. In 2023, five companies received Governor’s Workplace Safety Awards.

In addition to the company-level recognition, six individuals received Everyday Safety Hero awards, which recognize the contributions made

by individuals to advance workplace safety and health in their companies, communities or industries. More information about these awards and the recipients can be found at <https://www.in.gov/dol/governors-workplace-safety-awards/everyday-safety-hero-awards/>.

### INSHARP

The Indiana Safety and Health Achievement Recognition Program (INSHARP) continues as a well-supported safety and health excellence program. Two consultants work on the INSHARP evaluation team and identify worksites with excellent safety and health management systems. As of Sept. 30, 2023, Indiana had 58 participating INSHARP sites.

### INJURY TRACKING APPLICATION (ITA) DATA AND DIRECT MARKETING

In Mar. 2023, INSafe expanded its use of 2022 Injury Tracking Application (ITA) and launched a wide-reaching direct marketing campaign. Using the list of respondents from 2023 ITA data, INSafe targeted over 1,200 Indiana companies with TRC or DART at least twice the industry average, according to BLS estimates. These companies received an e-mail alerting them of their high rates and onsite consultative services. The marketing efforts led to a noticeable increase in requests and numerous employer inquiries about OSHA recordkeeping and potential over-recording.

### Industry-Specific Marketing and Partnering with Other Agencies

INSafe used the success of the ITA marketing effort to create additional direct-mail and email marketing opportunities, such as outreach to companies with open UPAs with IOSHA enforcement. INSafe also worked with OSHA Region V to gather lists of companies in specific industries such as museums, mortuaries and



auto racing. These lists, contacted primarily via direct mail, yielded fewer results compared to the ITA and UPA lists but saw some success in the auto racing and mortuary sectors.

INSafe took it a step further by reaching out to other state agencies and trade organizations to partner in marketing to their constituents. These included:

- 6,700 + emails to Indiana municipalities
- 330 + emails to employers who hire minors in Hendricks County, IN
- 160 + letters to chambers of commerce across Indiana Office of Technology

The increased marketing efforts resulted in a 69% increase in consultation requests, increasing from 67 requests in Q1 to 113 in Q4 2023. The marketing boost helped bring the number of INSafe consultation requests in line with pre-COVID numbers, which hopefully ended a two-year drought of consultation requests.

## CONCLUSION

Indiana's overall nonfatal workplace injury and illness rate is one of the lowest rates in the state's history. IOSHA must continue to be innovative and effective and focus on ways to continue to take Hoosier workplace safety and health to the next level.



## MISSION

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

## ENFORCEMENT

During FY23, Iowa OSHA conducted a total 545 enforcement inspections (404 safety and 141 health). These inspections resulted in 657 violations. The previous fiscal year had 650 enforcement inspections, marking a decrease from FY23.

The decrease in inspections can be attributed to various factors, including newly hired personnel completing initial OTI training during FY22, with their growth continuing into 2023. As these newly appointed compliance officers gain experience, they are expected to positively impact the number of inspections in FY24.

Of the 545 FY23 enforcement inspections, 464 were unprogrammed inspections (351 safety and 113 health). Unprogrammed activities (UPAs) included 760 complaints, and 405 referrals. The unprogrammed activities (UPAs) in FY23 showed a decrease of 115 fewer complaints and 39 fewer referrals than in FY 2022. There were 81 programmed inspections (53 safety and 28 health), targeted at several of Iowa OSHA's local emphasis programs (LEPs), including amputations, asbestos in construction, and grain handling establishments. Proposed initial penalties for issued citations in FY 2023 totaled \$3.8 million.

In the second half of FY23, Iowa OSHA faced significant challenges, including government realignment, which placed the department under new executive leadership, IT, and HR teams, introducing new operational philosophies. Iowa OSHA was mandated to adopt a fully electronic case management system, eliminating most paper forms, a drastic shift without additional technological support. Additionally, a physical move required the scanning of all paper records. Compounding these challenges, the Iowa OSHA Division Administrator left at the onset of these changes, creating a leadership void. Each of these changes alone would have been significant, but together they caused major disruption.

## FY23 FATALITIES 26

### FY23 TOP TEN IOWA OSHA VIOLATIONS

- General Requirements for all Machines
- OSHA Record Keeping
- Control of Hazardous Energy
- Electrical Hazards in General Industry
- Powered Industrial Trucks



- Hazard Communication
- Respiratory Protection
- Ladder Safety
- Asbestos
- Electrical Hazards in Construction

## SIGNIFICANT EVENT

The Davenport, a six-story apartment building in Davenport, Iowa, was badly damaged during the August 2020 Midwest derecho. Davenport Hotel LLC acquired the property for \$4.2 million in 2021. Days before the building's collapse on May 28, 2023, a structural engineer noted deformation in the brick façade. Repair work began on May 25, 2023, but reports indicated that part of the building was still bulging out the day before the collapse, on May 27, 2023.

When the building collapsed around 5 p.m. May 28, 53 residents lived in the 80-unit building. Surveillance footage shows a chunk of brick façade falling underneath a second story window. The lower portion of the wall proceeded to crumble, followed by more façade falling. Eight people were rescued and about a dozen others were escorted out of the building. Additional search and rescue efforts were delayed until water and gas utilities could be shut off. Unfortunately, three people were killed in the collapse.



*The Davenport Apartment Collapse 5.28.2023*

Demolition of the building began on June 12, 2023. Iowa OSHA Consultation Services were on site from the start, assessing the process and meeting with city representatives, the demolition crew from Zinzer Demolition, the Iowa Department of Natural Resources, and Hawkeye Environmental. Iowa OSHA consultants remained on site for most of the demolition, validating procedures, identifying



potential hazards, discussing alternatives, and maintaining constant contact with air monitoring officials, city officials, and Zinzer Demolition.

An open line of communication with Zinzer Demolition led to a request for Iowa OSHA Consultation services for another demolition project in Dubuque. Zinzer Demolition asked Iowa OSHA Consultation to conduct a site visit to assess the building, outline expected processes, and explore options to preserve portions of the structure. During the visit, several serious hazards were identified and discussed with Zinzer Demolition representatives

to ensure the demolition could be performed safely, preventing potential injuries or illnesses to workers and the public.

### COOPERATIVE PROGRAMS

During FY23, Iowa OSHA continued their strong association with four Alliance Program members:

Iowa had 38 VPP sites in FY23. Additionally, Iowa had an average of 15 partnerships throughout FY23. Partnership projects in FY23 include the completion of the Iowa State Capitol Small Domes Rehabilitation.



### MAJOR PROJECTS

Rehabilitation of the Small Domes of the Iowa State Capitol; involving brick masonry, removal and repair, stone repair and replacement, new monitoring levels in the small domes, copper repair, wood window repair and painting, partial gilding, installation of building LED light fixtures, lightning protection and ice melt systems repair. Also included in the Dome Project was historical repair



and renovation of the roof elements, and windows updating copper gutters, copper downspouts, replacement skylights, and interior painting, Cranes and multiple types of scaffolding were just some of the significant hazards present during this project.

Work was completed by Nov. 2023 with a total of 79,336 hours and zero OSHA recordable injuries for Neumann Brothers and all of the subcontractors on site.

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



*Rehabilitation of the Iowa State Capitol in Des Moines, Iowa*



## SIGNATURE PROJECTS

**HEAT ILLNESS CAMPAIGN**

Since 2011, the Division of Occupational Safety and Health Education and Training, referred to as KYSAFE, has participated in heat awareness campaigns and conducted concentrated statewide efforts to educate employers and employees about working in the summer heat. In FY23, KYSAFE consultants reached 7,561 employees during targeted heat stress outreach efforts. KYSAFE promoted heat stress education through one in-person heat stress education class and two virtual trainings. The Cabinet's eLearning website hosted the interactive Heat Stress Awareness for Construction and General Industry module as well as the Occupational Heat Exposure and Occupational Heat Exposure-Masks and Heat Stress webinars. A "Heat Stress NEP 2022 Webinar" presented in English and Spanish posted on the KYSAFE eLearning website at [kysafe.ky.gov](https://kysafe.ky.gov). The module and webinars were viewed 715 times.

All Division of OSH Compliance enforcement officers and KYSAFE consultants were issued a WetBulb Globe Temperature (WBGT) meter and trained on the use of the instrument. Starting Aug. 1, 2023, all enforcement officers and consultants began using the WBGT meter to address heat related issues during applicable onsite KY OSH Program activity.



## LATINO COMMUNITY OUTREACH

KYSAFE used multiple avenues to reach the state's Latino population in FFY23. Ads in Spanish were developed and published in *El Kentubano* for several topics including heat stress, fall protection, silica, trenches and ladder safety. The monthly publication distributes 9,000 copies to more than 150 locations



statewide. Free copies of each edition were strategically distributed in high traffic locations such as grocery stores, markets, restaurants, doctors' offices, salons, barber shops, etc.

KYSAFE staff participated in Latino events to distribute water bottles featuring the "Water, Rest, Shade" logo, along with heat stress information in both English and Spanish. Safety and Health Quick Cards were also handed out during these events. KYSAFE was present at four events, reaching over 500 people.

A commercial was created for airing on Spanish radio stations to raise awareness about the dangers of heat and available resources. The ad reached over 45,000 listeners.

## SALARY INCREASE

The Kentucky OSH Program implemented a long overdue salary increase for all enforcement and consultation staff. The increase was complemented with a subsequent 6% percent increase for all state employees. The base pay for all enforcement officers and consultants was permanently increased.

## SIGNIFICANT LEGISLATION

Introduced on Jan. 4, 2024, Kentucky House Bill 154, proposed the Education and Labor Cabinet Secretary annually adjust the maximum OSH civil penalties. The adjustments would be based on the percent increase in the non-seasonally adjusted annual average Consumer Price Index for All Urban Consumers (CPI-U), U.S. City

Average, All Items, between the two most recent calendar years available, as published by the United States Bureau of Labor Statistics.

Beginning Aug. 1, 2024, the Secretary would start a three-year phase-

in for the penalty adjustments, which would take effect annually on Aug. 1.

## ENFORCEMENT

The Division of OSH Compliance maintained an emphasis on addressing serious hazards. Citations issued in FFY23 with noteworthy penalties include:

- \$253,000 to a general industry employer for three (3) serious willful, two (2) willful other than serious, and one (1) repeat serious violation.
- \$196,000 to a general industry employer for four (4) repeat serious violations.
- \$148,500 to a general industry employer for one (1) serious willful and three (3) repeat serious, and one (1) serious violation.
- \$130,500 to a general industry employer for three (3) repeat serious violations.
- \$109,000 to a general industry employer for four (4) repeat serious, fourteen (14) serious, and nine (9) other than serious violations.

- \$96,000 to a general industry employer for fourteen (14) serious violations.
- \$84,000 to a construction employer for one (1) serious willful, one (1) repeat serious, and three (3) serious violations.
- \$83,000 to a construction employer for one (1) serious willful and four (4) serious violations.
- \$77,000 to a general industry employer for two (2) repeat serious violations.
- \$73,000 to a general industry employer for two (2) repeat serious and one (1) serious violation.
- \$65,000 to a general industry employer for two (2) repeat serious and one (1) other than serious violation.
- \$65,000 to a general industry employer for one (1) repeat serious, ten (10) serious, and four (4) other than serious violations.
- \$59,500 to a general industry employer for one (1) repeat serious and three (3) serious violations.
- \$57,400 to a general industry employer for eighteen (18) serious and two (2) other than serious violations.
- \$54,000 to a construction employer for three (3) repeat serious violations.
- \$54,000 to another construction employer for three (3) repeat serious violations.
- \$53,950 to a general industry employer for eight (8) serious and two (2) other than serious violations.
- \$50,400 to a construction employer for seven (1) serious and one (1) other than serious violations.
- \$49,000 to a general industry employer for seven (7) serious and one (1) other than serious violations.
- \$48,600 to a general industry employer for seventeen (17) serious violations.
- \$47,300 to a general industry employer for one (1) repeat serious and one (1) serious violation.
- \$44,850 to a general industry employer for one (1) repeat serious, five (5) repeat other, two (2) serious, and one (1) other than serious violations; and
- \$41,000 to a general industry employer for six (6) serious and four (4) other than serious violations.

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

### TOP 10 MOST CITED STANDARDS

29 CFR 1910.1030, Bloodborne Pathogens, was the number one most cited standard in FFY23. Below are the nine others rounding out the top 10 most cited standards:

- 29 CFR 1910.178, Powered Industrial Trucks
- 29 CFR 1926.503, Fall Protection Training
- 803 KAR 2:310. Medical Services and First Aid
- 803 KAR 2:181, Recordkeeping, Reporting, Statistics
- 29 CFR 1926.501, Duty to Have Fall Protection
- 29 CFR 1910.1200, Hazard Communication
- 29 CFR 1910.132, Personal Protective Equipment, General Requirements
- 29 CFR 1910.147, Control of Hazardous Energy (Lockout/Tagout)
- 29 CFR 1910.212, Machinery and Machine Guarding

## LOCAL EMPHASIS PROGRAM

The Division of OSH Compliance continued an emphasis program 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.

Employers who failed to electronically submit their injury and illness data and EIN were randomly selected for inspection. The Division of OSH Compliance conducted 23 inspections with 19 citations issued and recommended penalties totaling \$50,575.

## COLLECTION OF DELINQUENT OSH PENALTIES

Pursuant to Kentucky Revised Statute 45.239(4) and 45.241, the Kentucky OSH Program entered into an agreement with the Kentucky Department of Revenue in FFY23 to collect delinquent debts. Employers who have outstanding OSH debts are reported to the Department of Revenue (DOR) for collection and further action. Such action may include:

- Adding a 25% collection fee to the total debt to defray the cost of collection.
- Filing a notice of State Lien, impacting credit reports maintained by various credit bureaus.
- Seizing all property rights, both real and personal, including attachments of funds held by a bank, wages paid to the employer, and seizure and sale of any real estate.

- Using any tax refunds or other monies due to the employer from the Commonwealth of Kentucky to offset the outstanding debt.

The effort has resulted in success, with delinquent debts collected by Department of Revenue being returned to the OSH Program. Additionally, Kentucky OSH has seen an increase in employer efforts to settle debt payment to avoid being reported to DOR. Since Oct. 2013, the OSH Compliance Division submitted 312 cases to DOR for collection, totaling \$3.38 million.

## OUTREACH

### WORKPLACE SAFETY SAVINGS

In FFY23, KYSAFE identified 2,825 serious hazards that exposed 56,108 employees and saved employers up to \$19.7 million in potential penalties. KYSAFE also identified 910 other than serious hazards that exposed 34,987 employees and saved employers up to \$1.8 million in potential penalties. The aforementioned amounts were calculated using \$7,000 as the maximum for a serious and other than serious violation.

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

The Annual Governor's Safety and Health Conference and Exposition was held May 17-19, 2023 in Louisville. The Education and Labor Cabinet and Kentucky Safety and Health Network, Inc., co-sponsored the event, considered the largest safety and health exposition in the Commonwealth. A total of \$19,295 in Scholastic Achievement for Education Awards (SAFE) were presented to five university students pursuing studies in occupational safety and health, industrial hygiene or closely related fields.



## KYSAFE ELEARNING

In 2011, the Education and Labor Cabinet recognized the need to make OSH training more accessible and convenient for all Kentucky employers and employees. Following extensive planning, the cabinet launched the online workplace safety and health website [www.kysafe.ky.gov](http://www.kysafe.ky.gov). The online resource offers a wide variety of free OSH webinars and training opportunities. Since its inception, the program has amassed 693,736 page views and engaged approximately 295,000 participants.

ky.gov. The online resource offers a wide variety of free OSH webinars and training opportunities. Since its inception, the program has amassed 693,736 page views and engaged approximately 295,000 participants.

Webinars are streamed and offer real-time instruction and immediate feedback for participants. Advanced registration for webinars is required and is free to all participants. Each webinar is recorded and available for review 24/7.



KYSAFE added 14 free interactive training products, five modules and nine webinars to its online library in FFY23.

**Newly developed modules:** Walking Working Surfaces Part 1, Bloodborne Pathogens Revision, Fall Protection - Training Requirements, Wages and Hour Child Labor Laws, and Fall Protection - Systems.

Kentucky is particularly proud [www.kysafe.ky.gov](http://www.kysafe.ky.gov) was created, designed, developed and maintained solely by KYSAFE staff. In addition to performing their regular duties, KYSAFE consultants create course content, and a division training development specialist helps with presentation and production details.



## PARTNERSHIP PROGRAM

In addition to consultative surveys, the KYSAFE Partnership Program offers training and several voluntary and cooperative programs, such as the Voluntary Protection Program (VPP) and the Construction Partnership Program (CPP).

In FFY23, the Partnership Branch participated in 206 significant contact events with participating sites. Among these, 164 were site visits impacting over 26,750 employees, during which 1,590 hazards were identified, including 558 categorized and 1,032 as other than serious. Partnership staff also conducted 27 excavation interventions 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 are removed from programmed inspection lists. Detailed reviews of records and written programs, as well as intensive on-site surveys of worksite operations, assure that only companies with a strong commitment to workplace safety and health, institutionalized safety and health management systems in place, and proven success maintaining a safe and healthful workplace, qualify for Kentucky's highest achievement recognition. VPP continues to be successful and sets the standard for participant quality. There are 20 VPP sites, the highest number of active sites in the history of the program.

The Kentucky VPP sites are:

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

## CONSTRUCTION PARTNERSHIP PROGRAM

KYSAFE remains dedicated to its focus on the construction industry by promoting its Construction Partnership Program (CPP). In FFY23, there were 22 active CPP sites with project costs totaling \$10.5 billion. KYSAFE conducted quarterly audits at 60 job sites,



which collectively employed 11,000 workers. KYSAFE's audits included both the general contractor(s) and every subcontractor, at minimum.

The most significant CPP project continues to the \$5.8 billion BlueOval SK Battery Park site in Glendale, Kentucky. The Ford Motor Company and SK joint venture will begin producing advanced batteries for Ford and Lincoln electric





*The \$5.8 billion BlueOval SK Battery Park in Glendale, Kentucky is of Kentucky OSH's most significant new Construction Partnership Project member in FFY23*

vehicles at the Glendale site in 2025. SK On was launched as an independent company in 2021 after SK Innovation, South Korea's largest energy company, split off its battery business. BlueOval SK will operate twin collocated battery manufacturing facilities at BlueOval SK Battery Park in Glendale and one battery manufacturing facility at BlueOval City in Stanton, Tennessee.

Barton Malow Company and Gray Construction are the primary general contractors for the two collocated BlueOval facilities. At least 15 trade labor organizations are participants in the agreement, with representatives from the Greater Louisville Building and Construction Trades Council and the Kentucky State Building and Construction Trades Council as signatories for the trades. The construction project employs between 4,000 and 4,500 workers. The facility is scheduled to open in 2025, bringing 5,000 new jobs to Kentucky and will power the production of next-generation electric Ford and

Lincoln vehicles. The collocated facilities will be capable of producing up to 43 gigawatt hours renewable energy for a total of 86 gigawatt hours annually.

Barton Malow Company and Gray Construction are also building a new 42,000-square-foot Elizabethtown Community and Technical College (ECTC) BlueOval SK Training Center at the 1,500-acre site. ECTC BlueOval SK Training Center will be the only co-branded learning facility within the Kentucky Community College System and represents a \$25 million investment by the Commonwealth of Kentucky. The curriculum will support battery knowledge, roles and skills. BlueOval SK will train employees in proprietary technical, quality and manufacturing processes in the ECTC BlueOval SK Training Center's virtual reality labs, industrial maintenance lab, work simulation lab and ergonomics techniques classrooms. The training center is scheduled to be completed in 2024.







FY23 marks eight years since Maine Occupational Safety & Health (MEOSH) became a state plan, after Maine received initial approval on Aug. 5, 2015 for a state plan covering state and local government only. MEOSHA received certification from federal OSHA on Mar. 21, 2023 after MEOSH implemented all items identified in our developmental plan.

## SIGNATURE PROJECTS

Maine provides technical assistance through our SafetyWorks! on-site consultation and training program. The SafetyWorks! Training Institute (SWTI) is a state-of-the-art training center and lab facility able to accommodate up to 48 students. The facility, an OSHA Region 1 Training Institute Education Center satellite training center, has a hands-on lab area with props for fall protection, a 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. SWTI trained 2,085 attendees, including 634 local and state government workers in FY23. The program also distributed 5,000 SafetyWorks! Training Institute calendars to private and public sector employees. To view SafetyWorks! classes, [visit the Maine Department of Labor website](#).

**SafetyWorks!** Training Institute attendance increased in FY23 after enrollment declined in recent years due to COVID-19 restrictions. To allow for social distancing, SWTI reduced class size to 18 and restricted lab area access until COVID restrictions were lifted in late FY22.



## EMPHASIS PROGRAMS

SafetyWorks! (consultation) conducted 217 state and local government public sector visits, which was a decrease from FY22 due to staff retirements and new hires in FY23. The program continues to focus on engaging fire service, police departments, correctional facilities, public educational facilities, transportation, public works, including sewer and water district employers and employees.

## ENFORCEMENT

MEOSH enforcement conducted 101 inspections in FY23, which was a decline from 2022, due to the training of new inspectors. In the field, MEOSH currently has a chief safety & health inspector (whistleblower), two construction safety officers and a health construction safety officer.

## OUTREACH

The project staffed informational booths at conferences, including Maine Municipal Association, Maine School Management, Maine Resource & Recovery Association, Maine Fire Chiefs' Conference and the National Safety Council New England Chapter Annual Safety & Health Conference. MEOSH staff presented during the annual Maine Safety & Health Conference.

## PARTNERSHIPS

MEOSH's Voluntary Protection Program, known as SHAPE, is similar to the SHARP program

for private sector employers. The Safety and Health Award for Public Employers (SHAPE) is for public sector employers, which can include entire municipalities or individual departments. At the end of FY23, Maine had 88 SHAPE certified sites.

MEOSH takes pride in its collaborative efforts, particularly with the Maine Department of Transportation (MDOT), the sole state agency enrolled in the SHAPE program. Four of MDOT's six regional offices participate in SHAPE, with a future goal of securing full agency acceptance into the program.

MEOSH established its first formal alliance partner during FY23. MEOSH formalized the partnership initiative for joint fire service training with the Maine Fire Service Institute (MFSI) and the Office of the Maine State Fire Marshal. Due to scheduling conflicts, the formal signing ceremony was postponed until 2024.





## ENFORCEMENT

- In FFY23, Maryland Occupational Safety and Health (MOSH) averaged 31 inspections and 125 violations per compliance officer.
- Hazards were identified in over 80% of enforcement inspections (81% safety, 82% health).
- Out of 1,236 enforcement inspections, 967 (74%) fell under one or more of the state's Local Emphasis Program (LEP), and 134 (10%) under one or more of the adopted National Emphasis Programs (NEP).
- MOSH compliance officers investigated 108 accidents and 18 workplace fatalities, both below historic averages.

## WORK ZONE SAFETY

MOSH investigated the fatality involving six construction workers hit and killed by a speeding driver on Mar. 22, 2023. The driver breached a median before fatally striking the workers in a work zone on Interstate 695. Our inspection found the contractors did not violate laws or regulations related to the fatal incident. To reduce the risk of future roadway work zone fatalities, MOSH issued hazard alert letters to contractors and the Maryland Department of Transportation that highlight recommendations and best practices for work zone safety. Additionally, MOSH along with other stakeholders, participated in a statewide safety workgroup that provided recommendations to the governor's office aimed at enhancing work zone safety.



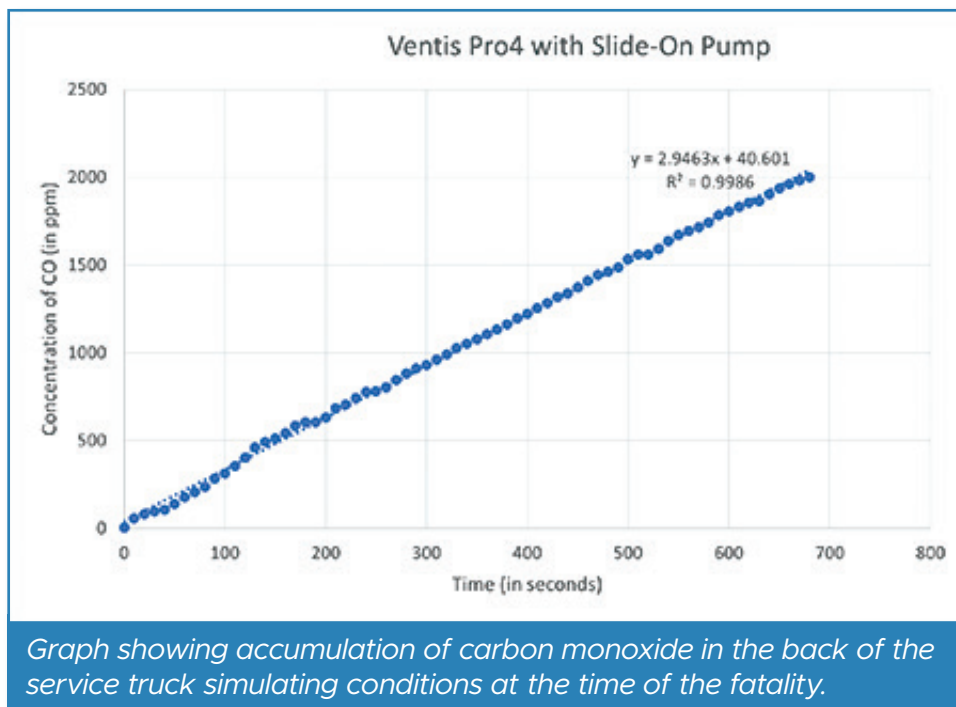
*Photo showing the 65-foot-long path of destruction left after a passenger vehicle breached a highway work zone, killing six workers.*

## CARBON MONOXIDE WORKER DEATH IN SERVICE TRUCK

On Feb. 22, 2023, MOSH was notified a worker reportedly died from carbon monoxide (CO) exposure while working inside the enclosed service body of

a utility truck with the door closed. According to toxicology results, the victim had a 75% blood concentration level of carbon monoxide (normal range: 0-5%). MOSH industrial hygienists observed a 13-horsepower gasoline engine had powered a 30 gallon; two-stage air compressor installed in the rear of the truck. The compressor was reportedly used during normal service, maintenance and repair activities. The compressor's exhaust was directed outside the truck using a fabricated piping system. MOSH conducted numerous tests to determine the cause of the carbon monoxide exposure and to measure CO exposure levels inside the truck.

1. To confirm CO presence inside the compressor air tank, industrial hygienists used an air nozzle to transfer air from the tank to an aluminized bag, then analyzed it with a multi-gas meter, finding approximately 600 parts per million (ppm) of CO inside the tank.
2. To check for leaks in the exhaust piping system into the body of the truck, the IH's introduced smoke into the exhaust pipe using a modified cap and used an electric air compressor to apply positive pressure to the exhaust system to allow the smoke to escape from unsealed points in the piping configuration. They found leaks at each coupling and threaded connection of the exhaust piping system.
3. MOSH IH's assessed the CO concentration inside the truck while the compressor was running and when the door was closed. One multi-gas meter was placed inside the truck and a second meter pump was placed outside and fitted with a pump and tubing to draw air from the inside of the truck body. This allowed the MOSH inspectors to monitor real-time CO levels inside the truck while the compressor ran. CO levels within the back of the service truck reached levels immediately dangerous to life or health within seven minutes. The IDLH (immediately dangerous to life or health) level for carbon monoxide is 1,200 ppm.





*Photo showing the inside of the service truck body with the compressor installed forward of the rear entry doors closest to the cab.*

### EMPHASIS PROGRAMS

In FFY23, MOSH Local Emphasis Programs (LEPs) continued to focus on the public sector, construction health hazards, tree care activities, targeted non-construction high hazard industries and construction safety hazards (electrical, struck /crushed-by). MOSH emphasis programs increase awareness and target enforcement, outreach and consultation activities to reduce workplace injuries and illnesses.

### OUTREACH AND EDUCATION

In FFY23, MOSH staff took part in speaking engagements and events that reached 1,310 employers, employees, students, as well as over 20 employers, institutions and government agencies. MOSH remains dedicated to addressing youth worker safety, responding to numerous requests from high schools. In FY23, MOSH provided youth worker safety training to 725 students at nine high schools. Additionally, MOSH collaborated with a state workers' compensation organization to offer basic first aid, AED and CPR training to 125 MOSH and Division of Labor employees. MOSH regularly conducts webinars covering consultation services, hazard communication and recordkeeping and reporting.

### CONSULTATION

In FY23, MOSH Consultation Services conducted 293 visits, including 245 in high hazard industries. A total of 952 serious hazards were identified, with 342 of the serious hazards corrected and verified onsite. MOSH Consultation Services worked with Maryland employers to help protect a total of 16,664 employees in FY23.







## MASSACHUSETTS WORKPLACE SAFETY AND HEALTH PROGRAM MISSION STATEMENT

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

### THE NEED FOR A STATE PLAN

The Commonwealth of Massachusetts has a population of 6.985 million. Our 433,900 public sector employees support these residents and businesses by providing clean drinking water, transportation, bridge inspections, fire and police protection, K-12 and college education, healthcare, social services, waste treatment, and recreation at local and state parks.

**MASSACHUSETTS DEPARTMENT OF LABOR STANDARDS**

# Massachusetts State Plan

For State and Local Government

State Plan Effective: August 18, 2022

Employees Covered: 433,900 Total  
98,200 State Employees  
335,700 Local Government Employees

*The Massachusetts State Plan covers 433,900 public sector employees.*

### Public Sector Fatalities in Massachusetts, 2012-2020

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

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

The need for a state plan was evident following the fatalities of 18 state and local government employees from 2012-2020. Massachusetts Workplace Safety and Health Program inspections revealed the fatalities were preventable if employers had maintained their equipment and properly trained employees.

## FOCUS

The Workplace Safety and Health Program focuses on reducing fatalities and work-related injuries in the following industry sectors that experience fatalities or have high injury rates:

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

## FY23 ACTIVITY

FY23 marked Massachusetts' first full year as a state plan for local and state government workers. WSHP has a staff of 15 occupational safety and health professionals.

**198 Enforcement onsite inspections**

**102 Voluntary onsite consultation visits**

**83 Outreach events or training**

**70% Enforcement activity occurred in workplace sectors identified as high risk for work-related injuries.**

## ENFORCEMENT

WSHP conducted 198 on-site inspections of local and state municipal workplaces. The need for these inspections was evidenced by several public sector employees who suffered severe injuries. The following examples show how work-related injuries can be prevented by job planning and preventive maintenance:

- A worker lost four fingers after a balance weight fell on his hand. Our inspection revealed the employer did not have written standard operating procedures for the task.
- Air sensors at a drinking water facility were not working when an employee was injured by a chlorine gas leak.
- A trench collapse left a public works employee buried up to his knees. Our investigation revealed there was a lack of cave-in protection, and the town's on-site safety checklist was blank and was not completed.



## VOLUNTARY CONSULTATION

WSHP conducted 102 voluntarily on-site workplace consultation visits at public works facilities, transfer stations, parks departments, wastewater treatment facilities, senior centers, town halls, recreation departments, police departments, libraries, town museums, housing authorities and schools. In 2023, a notable success was receiving requests from six different local municipalities to inspect all locations where their crossing guards were assigned. WSHP completed five of these inspections in FFY23. The sixth municipality, which has over twenty crossings, will have its visits spread out across FFY24.

## COMPLIANCE ASSISTANCE

The purpose of compliance assistance is to assist employers in implementing safety and health management systems at their workplaces with the goal of preventing work-related injuries and illnesses. WSHP provides training, outreach and technical assistance. Training events are tailored towards management, who have the authority and budgetary control to implement safety and health programs. WSHP conducted training for the following organizations:

- Barnstable County Public Works Association
- Berkshire County Highway Superintendents Association
- Digsafe Managing Underground Safety Training (MUST)
- Massachusetts Association of Science Teachers (MAST)
- Massachusetts Building Commissioners and Inspectors Association
- Massachusetts Facility Administrators Association (MFAA)
- Massachusetts Environmental Health Association
- Massachusetts Municipal Association Conference (MMA)
- Massachusetts Water Works Association (MWWA)
- National Association of Housing and Redevelopment Officials (NAHRO)
- New England Public Works Expo
- New England Water Works Association (NEWWA)
- Norfolk Bristol Middlesex Highway Association
- Plymouth County Highway Association
- Western Massachusetts Tree Wardens Association

## ORGANIZATION AND FUNDING

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



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

## INSPECTIONS

MIOSHA conducted 3,378 safety and health inspections in FY23. MIOSHA responded to 100 % of workplace fatalities within one day.

## OUTREACH

MIOSHA conducted 1,139 consultations, 628 training sessions, 404 hazard surveys, 362 safety and health evaluations and trained 12,000 employers and employees.



## SIGNATURE PROJECTS

### WORK ZONE SAFETY

During the July 4th holiday weekend, the Michigan Department of Transportation (MDOT) and MIOSHA teamed up to bring a national work zone memorial to Michigan to honor road workers killed on the job, and to raise awareness of the importance of work zone safety. The memorial was on display at the heavily visited Clare Welcome Center from July 4-7, where MIOSHA Consultation Education and Training Division staff made information on work zone safety and other MIOSHA services available to visitors.



## **HEAT-RELATED ILLNESS**

On July 27, 2023, MIOSHA renewed a State Emphasis Plan (SEP) which adopts the OSHA National Emphasis Program for Outdoors and Indoor Heat-Related Hazards. The SEP began July 5, 2022, and MIOSHA met the goal of conducting seven inspections in Construction Safety Health Division and 17 inspections for General Industry Safety and Health Division.

## **TAKE-A-STAND DAY FOR WORKPLACE SAFETY AND HEALTH EVENT**

MIOSHA conducted the 19th annual Take a Stand Day (TASD) for workplace safety and health on Aug. 7-11, 2023. The annual week-long event provides the opportunity for employers to bolster their workplace safety and health. MIOSHA compliance and consultation staff visited Michigan worksites to provide a day of one-on-one consultations focusing on specific hazards/areas as requested by the employer. There are no citations or fines for participating workplaces. However, participants must agree to correct all serious conditions. TASD promotional letters were mailed to 9,659 Michigan high-hazard industries targeted by MIOSHA's strategic plan. Since TASD is a registered Safe + Sound Week event, participating employers also were recognized for their Safe + Sound Week participation.

## **CANNABIS STATE EMPHASIS PROGRAM (SEP)**

MIOSHA's SEP aims to address safety and health hazards associated with the growing, harvesting and processing of cannabis. The program was created in response to the influx of new cannabis industry employees after voters passed a statewide ballot proposal to legalize cannabis for recreational use in 2018. In FY23, MIOSHA mailed approximately 110 letters to establishments targeted for programmed

inspections under the Cannabis SEP advising them of their targeted status and offering Consultation Education and Training (CET) services.

## **OIL AND GAS OPERATIONS SEP**

On Dec. 5, 2022, MIOSHA established an SEP to reduce employee exposures to safety and health hazards during oil and gas drilling, production and servicing operations. MIOSHA mailed 1,162 letters to establishments targeted for programmed inspections under the Oil and Gas Operations SEP, advising them of their targeted status and offered MIOSHA consultative services.

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

MIOSHA offered small employers the opportunity to apply for a MIWISH matching grant of up to \$5,000 to make improvements in their workplace safety and health. The grants are offered to employers with less than 250 employees to purchase safety and health related equipment and equipment-related training. In FY23, MIOSHA awarded 63 MIWISH grants totaling over \$245,420. Employers over matched these funds making a total investment of approximately \$591,000 toward improving their employees' health and safety.

## **SIGNIFICANT CASE**

### **HOTEL CITED IN CARBON MONOXIDE DEATH OF MAINTENANCE WORKER**

MIOSHA's General Industry Safety and Health Division investigated a fatal carbon monoxide poisoning of a 49-year-old maintenance worker at Victory Inn and Suites of Ann Arbor that occurred on Nov. 28, 2022. The hotel employee was fatally overcome by carbon monoxide while working in a third-floor boiler.



*Photo of the steel plate that covered the exhaust vent stack for the third-floor boiler system.*

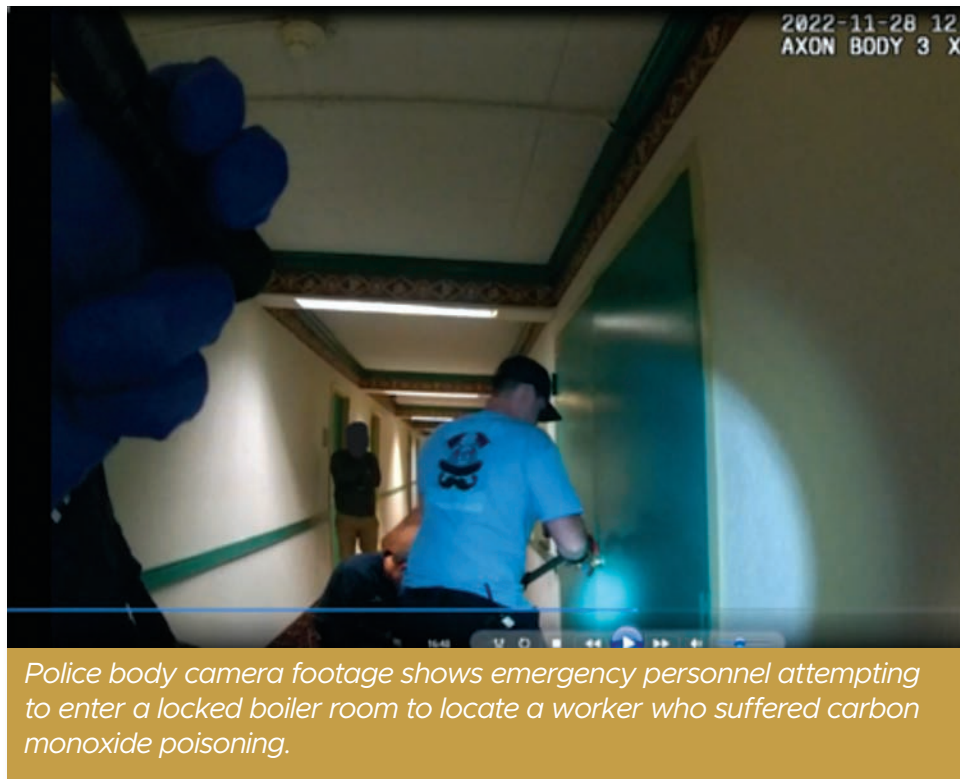
During MIOSHA's inspection, it was discovered the hotel boiler system exhaust was blocked with a metal sheet which allowed the carbon monoxide gases to build up inside the room. Additionally, the system's air intake was blocked off with a garbage bag that prevented the flow of fresh air into the boiler room.

MIOSHA issued a total of eight citations totaling \$155,600 during the fatality investigation. The employer was deemed a severe violator, and at least one of the two willful citations were issued directly related to the employee's death.

The employer also received six serious citations related to ventilation control, design safety standards for electrical systems, powered groundskeeping equipment, asbestos and not having a hazard communication program in place.

Two willful citations were issued:

- Part 301, Air Containments, Rule 325.51103(a)(iii) - \$70,000  
On Nov. 27-28, 2022, an on-call maintenance employee working in the establishment's 3rd floor boiler room was exposed to an airborne concentration of carbon monoxide in excess of the 8-hour time-weighted average (TWA) limit of 35 parts per million (ppm) and in excess of the ceiling limit of 200 ppm.
- Part 1, General Provisions, Rule 408.10011(a) - \$70,000  
An employee (the deceased) tasked with the operation and maintenance of the establishment's third-floor boiler system was not given employer-provided training regarding the operation, hazards or safeguards associated with boiler heating systems and their operation.



## ALLIANCES AND PARTNERSHIPS

In FY23 MIOSHA had 19 active MIOSHA alliances and seven construction partnerships. Some of the activities of these cooperative programs were:

- **Associated General Contractors of Michigan (AGC)** – MIOSHA and the AGC renewed their long-standing alliance on May 25, 2023. AGC, along with Granger Construction (AGC member) and Michigan State University, partnered in MIOSHA’s Construction Suicide Awareness event in Sept. 2023. AGC also assisted in MIOSHA’s alliance program 20th anniversary video project.
- **Operating Engineers Local 324 Journeyman & Apprentice Training Fund, Inc. & Stationary (OE JATF)** – MIOSHA and OE JATF renewed their long-standing alliance on Apr. 12, 2023. The alliance provides the 14,000 OE JATF members and others with information, guidance and access to training resources that help them protect the health and safety of workers, by reducing and preventing exposure to mobile equipment, excavation and crane operation hazards.
- **University of Michigan Center for Occupational Health and Safety Engineering (COHSE)** – MIOSHA renewed this alliance on June 26, 2023 to help promote dialogue, resources and training information with Michigan workers and employers.
- **American Society of Safety Professionals (ASSP) (Greater Detroit, Mid-Michigan and West Michigan Chapters)** – ASSP has been instrumental in facilitating Coffee with MIOSHA events and increasing awareness of the agency. ASSP’s Mid-Michigan chapter also hosted a mental health awareness event in June 2023.



- **Michigan Industrial Ventilation Conference (MIVC)** – MIOSHA formed this alliance in 2022 to expand critical education and outreach to reduce and prevent exposure to airborne contaminants in the workplace. The 71st annual Michigan Industrial Ventilation Conference (MIVC) on Feb. 6-10, 2023 drew 101 attendees. MIVC remains a primary resource for those interested in learning about the design, operation, maintenance and troubleshooting of industrial ventilation systems. The conference continues to offer its three original multi-day course tracks on the design of industrial ventilation systems, plus two additional multi-day course tracks addressing industrial ventilation and three optional, one-day workshops on specific aspects associated with industrial ventilation system design and operation. A new course offered in 2023 was Industrial Ventilation for Non-Engineers. The new course was well received and received positive reviews by MIOSHA participants who attended.
- **Construction Association of Michigan (CAM)** – CAM hosted five MIOSHA training Institute (MTI) seminars. CAM also hosted MIOSHA’s CET consultants for their additional training and continuous improvement summit.
- **Macomb Community College (MCC)** – MCC continued to partner with MIOSHA to facilitate the MTI certificate program, issuing Level 1 and Level 2 – General Industry and Construction Safety and Health certificates, Occupational Health Certificates and Management Track certificates. During FY23, 53 seminar trainings were held resulting in 1,746 individuals being trained.
- **Liftbuild LLC dba LB Gratiot Builder LLC.** – The company’s \$64 million,153-unit eXchange Detroit residential tower was completed in Sept. 2023. MIOSHA entered into a partnership with Liftbuild LLC., in 2021, prior to the construction of the 16-story tower in Detroit’s Greektown neighborhood. The project utilized LIFTbuild technology, the first project in North America to use utilize a top-down approach to the assembly process where the roof and floor plate assemblies were completed at ground level along with the façade and building systems and then raised into final position and locked in place.



*The LIFTbuild LLC. eXchange site is shown under construction in 2022.*

- **Ford and United Auto Workers (UAW)** – General Industry Partnership – MIOSHA, Ford Motor Company, the UAW launched in 2002 and was designed to share information and resources and to allow all parties to work together to address workplace safety and health issues in a focused, efficient, and effective manner.

During the 2020-2023 Partnership agreement period, a total of 20 MIOSHA day visits were conducted at Ford facilities across Michigan.

#### **MIOSHA/Ford/UAW Partnership MIOSHA Day Visits - 2023:**

- Flat Rock Assembly: Mar. 15, 2023
- Brownstown Part Redistribution Center: Mar. 16, 2023

The Partnership agreement has proven to be a valuable and enduring demonstration of the commitment to worker safety and health by Ford Motor Company, the UAW and MIOSHA.

#### **NEW AGREEMENTS**

- Dan Vos Construction Company – In Mar. 2023, MIOSHA entered into a construction partnership agreement with Dan Vos Construction Co. The partnership included partnering subcontractors and unions involved in the construction of a 70,000-square-foot beef processing facility in Hudsonville, Michigan.
- Walsh Construction II – In Mar 2023, MIOSHA entered into a construction partnership agreement with Walsh Construction II. The partnership included partnering subcontractors and unions involved in the construction of the I-496 interstate realignment project in downtown Lansing, Michigan. The \$80 million project involved drainage, traffic and safety improvements, including the installation of 17 bridges.

MIOSHA Partnerships have demonstrated safer statistics than the rest of the construction industry when compared to national and state statistics, according to [Bureau of Labor Statistics – Census of Fatal Occupational Injuries \(CFOI\)](#) and [Survey of Occupational Injuries and Illnesses](#).

#### **OUTREACH**

##### **Coffee with MIOSHA**

MIOSHA held eight Coffee with MIOSHA (CWM) events to invite businesses and employees to have a cup of coffee and meet MIOSHA staff to learn about training opportunities and other resources MIOSHA has to offer.

##### **Coffee with MIOSHA events held in FY23:**

Lakeland Health Occupational Clinic – Oct. 19, 2022

Construction Association of Michigan – Oct. 27, 2022

Michigan Safety Conference – Dec. 21, 2022

Michigan Infrastructure and Transportation Association – MITA – Feb. 15, 2023

American Society of Safety Professionals (ASSP) - West Michigan Chapter – Feb. 21, 2023

Economic Development Alliance of St. Clair County - April 14, 2023

Lawrence Technical University - May 16, 2023

American Society of Safety Professionals (ASSP) - Greater Detroit Chapter, Greater Detroit Chapter– Aug. 15, 2023



## STAND DOWN EVENTS TO PREVENT FALLS IN CONSTRUCTION



*MIOSHA and Christman Company staff are pictured outside the Corewell Health Grand Rapids construction site during a stand down event to prevent falls in Construction on May 5, 2023.*

As part of the 10th annual National Safety Stand-Down to Prevent Falls in Construction, MIOSHA participated in 11 safety stand-down events to engage in dialogue with companies and more than 1,000 workers. During these events, construction workers voluntarily stopped work on projects to focus on the importance of fall hazards, such as holes or skylights, training on proper set-up and safe use of equipment, protective methods, including guardrail systems and fall protection harnesses, and company safety policies and goals.

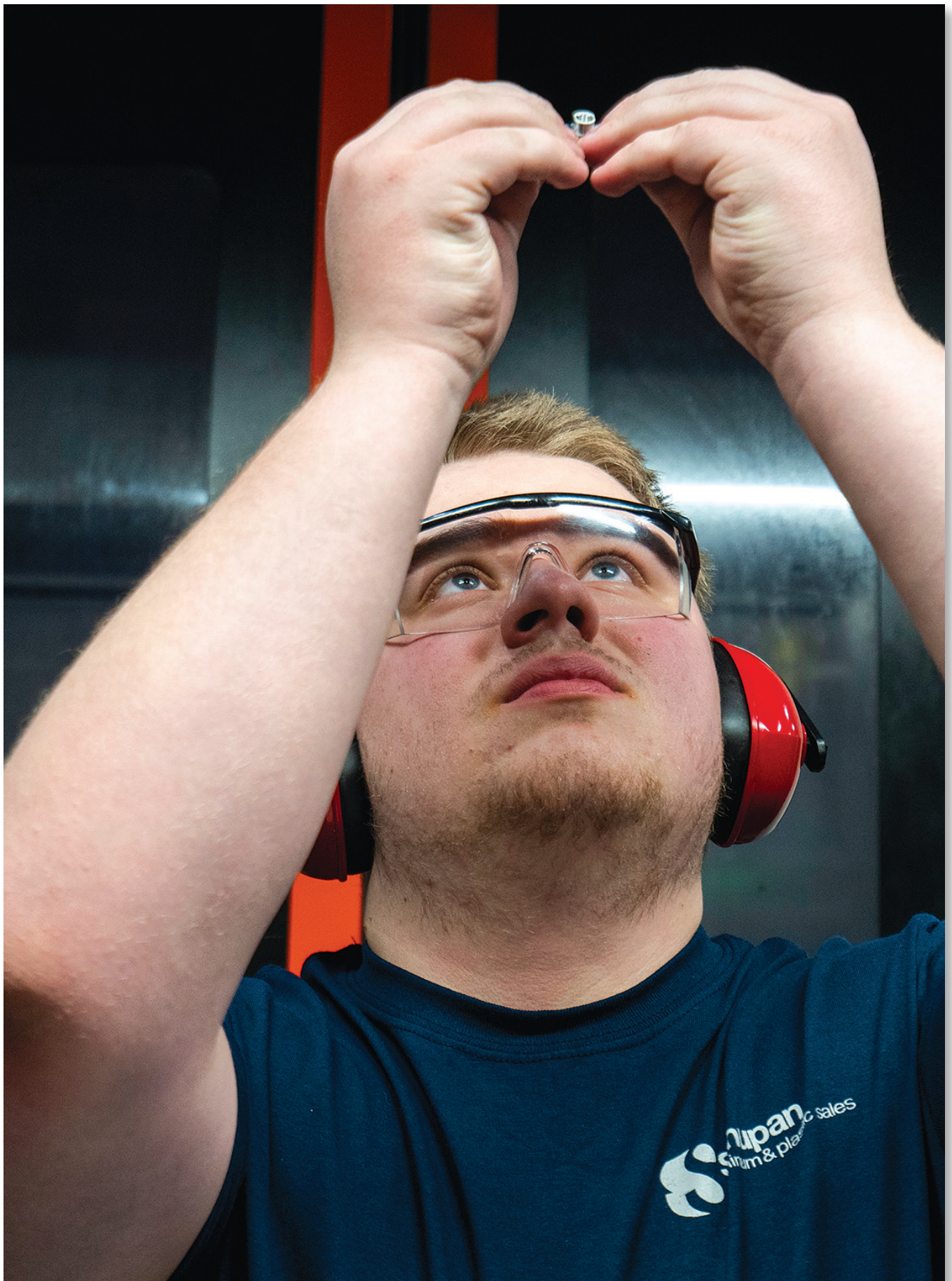
Fatalities caused by falls from elevation continue to be a leading cause of death for construction employees, accounting for 38% of the 986 construction fatalities recorded nationwide in 2021, according to the U.S. Bureau of Labor

Statistics. In 2022, MIOSHA investigated 11 fall related deaths. Eight of these deaths were in the construction industry.

Each of these deaths were preventable.











## SIGNATURE PROJECTS

### OSHA Express

Minnesota OSHA (MNOSHA) conducted a review to replace its outdated software program, the Minnesota OSHA Operations System Exchange (MOOSE), which was 16 years old. This software not only facilitated investigations, but also stored all compliance data generated and retained by MNOSHA. Recognizing MOOSE's limitations and the need for a more sustainable solution, MNOSHA transitioned to a new case management system called OSHA Express on Oct. 2, 2023. The decision to adopt OSHA Express over the federal OSHA Information System (OIS) was based on several significant advantages, detailed below:

- Full document and case file management capability
- Full data migration to the new system
- Inspection file review process
- Configurable forms and templates
- Configurable workflows
- Configurable data retention schedule
- Fully auditable system
- Dashboard capability
- Case files can be exported
- Real-time access to all reports
- Can be integrated with Minnesota's financial system, SWIFT
- Already integrated with federal OIS for SOD/EOD data file transfer

- Customizes to meet most of Minnesota's requirements
- Familiarity with OSHA Express because it is similar to MOOSE, which saves training and transition time.

In FY23, MNOSHA reviewed all its case management operations, including forms, reports, penalties, data migration and training of all staff members at various degrees. All staff members received at least a day of training about the new OSHA Express system during the year.

Highlights of changes MNOSHA made include integrating higher penalties into OSHA Express; it will also use the federal OSHA rapid response procedure. For discrimination cases, MNOSHA has a new case management system to streamline data migration from MNOSHA to federal OSHA and help streamline administrative tasks.

### MNOSHA TURNS 50

The Minnesota OSHA program marked its 50-year anniversary Aug. 1, 2023. In 1968, Minnesota workplace safety advocates started planning for the potential the federal government would allow states to create their own OSHA programs. The advocates envisioned a strong state program that would be so effective it would make all workplaces safe and would eventually put itself out of business.

Thanks to those advocates, MNOSHA became a reality as a state program on Aug. 1, 1973. The task has been a

huge undertaking and MNOSHA's idea of a safe workplace has continually evolved as conditions and technology change. MNOSHA remains committed to the goal of ensuring every worker in Minnesota is provided safe and healthful working conditions.

From typewriters and carbon paper to computers and email, the workplace has not remained idle in the past 50 years. New workplace hazards are created every day through changes in work processes, technology and the use of new chemicals and materials. Through this constant change, MNOSHA has worked diligently to identify new hazardous conditions and develop or update standards to keep workers safe.

Minnesota OSHA has taken innovative strategies to prevent fatalities, injuries and illnesses.

- MNOSHA created a first-of-its-kind database to track inspections, allowing MNOSHA to have one of the shortest citation issuance lapse times nationwide. Timely citation issuance directly impacts employers ability to abate hazards timely, leading to the prevention of workplace fatalities, injuries and illnesses.
- In 2007, MNOSHA's hands-on approach during the I-35W bridge collapse, demolition and rebuilding resulted in the entire project being completed without a single injury or illness among workers under MNOSHA's jurisdiction.
- During the COVID-19 pandemic, MNOSHA was one of the few state programs that continued to respond to its stakeholders needs. From Mar. 1, 2020, to Apr. 29, 2022, MNOSHA received more than 30,000 email and phone inquiries, which included 3,000 non-formal and 598 formal complaints (192 COVID-19 related). During the same

timeframe, MNOSHA conducted 2,623 inspections (251 COVID-19 related) and issued 3,756 citations (189 COVID-19 related).

Currently, MNOSHA is working on implementing legislation that was passed during the 2023 legislative session (see [dli.mn.gov/about-department/rulemaking/minnesota-osh-rulemaking](https://dli.mn.gov/about-department/rulemaking/minnesota-osh-rulemaking)).

## MNOSHA HAS A BUSY LEGISLATIVE SESSION IN 2023

As the result of legislation passed in July 2023, Minnesota OSHA saw updates to the following topics:

### **Ergonomics**

Ergonomics program requirements apply to warehouse distribution center employers with 100 or more employees, meatpacking and poultry processing sites with 100 or more employees, and health care facilities. One-time funding of \$2 million from the state's general fund is also included for ergonomics safety grants to be awarded to qualifying employers for projects designed to reduce the risk of ergonomic injury to their employees. This program is estimated to result in \$12.6 million in workers' compensation cost savings for employers due to reductions in workplace ergonomic injuries. Effective Jan. 1, 2024, the ergonomics safety grants are effective July 1, 2023, see [revisor.mn.gov/statutes/cite/182.677](https://revisor.mn.gov/statutes/cite/182.677).

### **Warehouse Worker Safety**

This law establishes workplace safety requirements for warehouse employers with 250 employees or more at one site (or at least 1,000 employees across one or more warehouse distribution centers in the state) and gives MNOSHA Compliance authority. If a particular worksite or employer is found to have



an employee incidence rate at least 30% higher than that year's average for the North American Industry Classification System (NAICS) codes included in the bill, the Department of Labor and Industry commissioner shall open an investigation of violations under this law. Additionally, such employers must have safety committee meetings monthly until the incidence rate is not 30% above the average for the relevant NAICS code. Effective Aug. 1, 2023, see [revisor.mn.gov/statutes/cite/182.6526](https://revisor.mn.gov/statutes/cite/182.6526).

### **Federal OSHA Penalty Conformity**

Penalties under Minnesota Statutes 182.666 are increased to conform with federal OSHA penalty levels. Penalties for willful and repeat violations are increased to a maximum of \$156,259 for each violation, while penalties for serious violations, nonserious violations, failure to correct violations and posting violations are increased to a maximum of \$15,625 for each violation. Future increases are now tied to inflation, ensuring continued conformity to federal penalty levels and protecting the state-plan status of MNOSHA, see [revisor.mn.gov/statutes/cite/182.666](https://revisor.mn.gov/statutes/cite/182.666).

### **Ergonomics Safety Grant Program**

The Ergonomics Safety Grant Program became effective July 1, 2023, and awards matching funds up to \$10,000 to those employers covered under Minnesota Statutes 182.677, Ergonomics (health care, meatpacking and warehousing). One-time funding of \$2 million from the state's general fund is available for employers in these industries for projects designed to reduce the risk of ergonomic injury to their employees. The application process is the same as for the general Safety Grant Program. Ergonomics safety grant funds will be available to these covered industries until June 30, 2026, or until all funds have been distributed, whichever comes first.

### **MNOSHA Policy and Technical changes**

MNOSHA policy and technical changes include:

- Making MNOSHA Compliance citations public 20 days after receipt by the employer (see [Minnesota Statutes, Section 182.66, Subdivision 4](#)).
- Clarifying that employee interviews conducted by MNOSHA Compliance are private and that employer representatives may not be present (see [Minnesota Statutes, Section 182.659, Subdivision 1](#)).
- Clarifying when a small employer needs to have a safety committee (see [Minnesota Statutes, Section 182.676](#)).
- Providing MNOSHA with an expedited hearing process through which employers could be required to abate serious workplace hazards even when a citation is contested (see [Minnesota Statutes, Section 182.661, Subdivision 3c](#)).
- Clarifying that former MNOSHA employees are not subject to subpoena (see [Minnesota Statutes, Section 182.659, Subdivision 8](#)).

### **HIRING AND TRAINING**

MNOSHA is committed to maintaining a strong, well-trained workforce. Over the past two years, hiring and training new safety investigators and industrial hygienists have increased. MNOSHA continues to focus on attracting and retaining knowledgeable and well-trained staff to ensure all employees in Minnesota have a safe and healthy place to work.

New investigators have a wide variety of safety and health backgrounds and experiences. After being hired, investigators are sent through MNOSHA's extensive training curriculum, with classroom instruction, federal and state

standards review, and investigative observation and participation. In addition, newly hired employees attend a variety of in-depth courses through the federal OSHA Training Institute (OTI). As new investigators progress, they are partnered with seasoned, knowledgeable staff members throughout a months-long training period, receiving close supervision from trainers and supervisors. Throughout their MNOSHA careers, investigators also attend continuing education courses.

During FFY23, MNOSHA focused on increasing field staff by hiring 13 new staff members. Additionally, MNOSHA created one temporary position within the Discrimination team to manage the increased intake. The team now includes three full-time discrimination investigators and a new discrimination supervisor. MNOSHA also hired a new supervisor to lead the new ergonomics unit, responsible for enforcing the new statutes. With the increase in staff, MNOSHA also added a director to oversee field supervisors.



*After being hired, investigators are sent through MNOSHA's extensive training curriculum, with classroom instruction, federal and state standards review, and investigative observation and participation.*

MNOSHA Compliance had four employees retire, one employee transfer to a position within MNOSHA Workplace Safety Consultation and four employees leave for outside employment.

The training director continued to use OSHA Training Institute (OTI) for investigative staff members. During FFY23, MNOSHA received on-site, state-specific training for its investigators and staff members enrolled in courses. MNOSHA also sent 30 staff members to 16 OTI classes (virtual and in-person). MNOSHA maintains its best-in-class training both in the classroom and in the field, consistently investing in the development of its field staff.

In FFY23, MNOSHA took the following steps to streamline hiring, training, and mentoring:

- Reinstated the practice of having new investigative staff members report directly to the training director.
- Maintained continual job postings to attract potential new hires.
- Ensured consistent hiring without delays.

These steps enabled MNOSHA to extend job offers quickly, avoiding the risk of potential hires accepting other positions before receiving a MNOSHA job offer.

## SAFETY GRANTS

The Minnesota Department of Labor and Industry's MNOSHA Workplace Safety Consultation (WSC) administers the state's Safety Grant Program, which provides reimbursement funding grants of up to \$10,000 to employers incorporating hazard controls designed to reduce workplace injuries and illnesses while enhancing workplace safety and health. The 100% state-funded grant program operates on Minnesota's fiscal year (July through June) and is broken into six two-month cycles when MNOSHA WSC receives 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 FY23, MNOSHA WSC received 291 safety grant applications, totaling more than \$2.2 million in requested funds, awarding more than \$875,000 in safety grants. The overall total project costs for all submitted safety grant applications exceeded \$6.2 million. Awarded safety grant projects included: fall protection equipment, trench boxes, boom-supported aerial lifts, fixed industrial ladder cages, exhaust ventilation systems, ergonomic material-lifting equipment, personal protective equipment

(including respiratory protection), patient-lifting equipment, and hazardous-atmosphere detection equipment.

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

## EMPHASIS PROGRAMS

In FFY23, MNOSHA Compliance staff conducted 752 programmed inspections, with 94% of these inspections carried out under 16 local and national emphasis programs.

## ENFORCEMENT

### **CHS Inc. (318185378)**

An employee was killed after being struck in the head with a fertilizer spreader boom while fertilizing a field with a second employee. During the incident, one employee was at the exterior controls of a fertilizer tender truck (tender) while another employee was in the fertilizer applicator machine (spreader) repositioning it to accept the fertilizer load. The tender was at the edge facing west, with the auger at the rear of the vehicle facing east. The spreader was facing north, positioned behind the tender, under the auger. While repositioning the spreader and moving forward, the spreader operator failed to stop, causing the spreader's boom to strike the tender operators head resulting in fatal injuries. MNOSHA cited the employer for Minnesota general duty statute for measures not taken to protect an employee to be clear of equipment, and because training on the safe operation of farm field equipment was not provided.

MNOSHA Compliance issued two serious citations, both of which carried the cause-and-contribute factor, with \$54,400 in penalties.



## **ISD 197 – Two Rivers High School (318182359)**

An employee was seriously hurt after being struck by a falling tree that another employee was in the process cutting down. When the tree fell, the trunk end split and struck the employee in the back, causing pelvic fractures. The injured employee was kneeling on the ground when the tree fell. Minnesota OSHA Compliance cited the employer under the Minnesota general duty statute for inadequate precautions prior to cutting the tree; and for personal protective equipment not used for the leg, body, eye/face under and head. A late reporting of an inpatient hospitalization was also cited.

Four serious citations were issued, including one which carried the serious injury factor and a nonserious citation with \$19,600 in penalties.

## **Dive Guys, LLC (318180072)**

In June 2022, an employee and a team of scuba divers were working to remove underwater weeds from a lake when one employee drowned. MNOSHA issued five citations, including two citations issued as “willful” with penalties totaling \$128,450.

- Lack of experience and training to use the equipment (29 C.F.R. 1910.410(a)(2)(i));
- Failure to develop a safe practices manual (29 C.F.R. 1910.420);
- Failure to establish a joint labor-management safety committee (Minn. Stat. 182.676)
- Failure to train in CPR (29 C.F.R. 1910.410(a)(3));
- Failure to use a standby diver (29 C.F.R. 1910.4242(c)(1))
- Failure to report a fatality to OSHA within eight hours (29 C.F.R. 1904.39(a)(1)).

## **Japs-Olson Company (318171873)**

In Oct. 2021, an employee was crushed and seriously injured while trying to clear a paper jam in a large press machine. When part of the machine suddenly shot upward, it crushed the employee, resulting in serious injuries. MNOSHA Compliance issued four citations to the employer:

- Failure to use lockout/tagout procedures (29 C.F.R. 1910.147(c)(4)(i));
- Failure to conduct periodic inspections of the lockout/tagout procedures (29 C.F.R. 1910.147(c)(6)(i)); failure to provide hazardous energy control training (29 C.F.R.
- 1910.147(c)(7)(i)); and failure to provide machine guarding (29 C.F.R. 1910.212(a)(1)).

The citations were issued as “repeat” because the employer was cited for the same violations in 2020, with penalties totaling \$234,750. MNOSHA and the employer agreed to a settlement agreement, which amended the citations from four repeat citations to 12 serious and one nonserious citation. The increased number of serious citations reflected the number of paper processing machines. The terms of the settlement included an amended penalty of \$154,000. The employer also agreed to perform significant enhanced abatement, including installing customized guarding, adding a cage and interlock system on all 13 of its Roll Stand machines, establishing a safety task force, and retraining its employees on issues related to control of energy.

## **Duke Aerial (318152030)**

In Nov. 2020, an employee was killed after contacting a power line while working from an aerial lift. MNOSHA issued three citations totaling \$75,000. The respondent appealed, but it was filed around three weeks too late. The Minnesota Occupational Safety and Health

Review Board determined the appeal was untimely but was without jurisdiction to take up the appeal. An administrative law judge later affirmed MNOSHA's citations.

Citations Issued:

- Failing to train (29 C.F.R. 1910.332(b)(2))
- Failing to maintain proper clearance from power lines (29 C.F.R. 1910.333(c)(3)(iii) (A))
- Failing to use signs, tags, barricades or safety attendants (29 C.F.R. 1910.335(b)).

## OUTREACH

### Presentations

In FFY23, MNOSHA Compliance conducted 48 presentations which reached 1,562 participants. MNOSHA is working toward offering virtual and in-person presentations. MNOSHA continues to strive to improve communication with immigrant and “hard-to-reach” employers and employees. MNOSHA employs investigators who are fluent in English, Somali and Spanish. In addition, MNOSHA provides written materials to immigrant and other hard-to-reach employers in coordination with Department of Labor and Industry community services staff.

## Construction Seminars

In FFY23, MNOSHA Compliance conducted five construction seminars that reached 236 participants. The Construction Seminar series was developed to help employees construction industry workers responsible for worksite safety to stay current with MNOSHA Compliance standards. The Construction Seminar series provides a forum for members of the construction trades and their employers to discuss issues and experiences with the speaker, their peers and MNOSHA Compliance investigators. These seminars were conducted virtually and in-person. Topics included: how to build an effective safety program in construction; equipping your teams to destigmatize mental health; worker protection in trenches; fall protection, what does it take to be safe at heights; and health hazards in construction.

MNOSHA continues to publish its quarterly newsletter Safety Lines. Topics included: Grain-bin hazards; safety grants; MNOSHA Workplace Safety Consultation outreach; recordkeeping; partnerships; rulemaking updates; carbon-monoxide threats during the winter months; heat stress in the summer months; safety and health for young workers; and other safety and health information.



*MNOSHA continues to strive to improve communication with immigrant and “hard-to-reach” employers and employees. MNOSHA employs investigators who are fluent in English, Somali and Spanish.*

## PARTNERSHIPS

### Minnesota STAR (MNSTAR) Program

MNOSHA has 35 full MNSTAR Program worksites, which include 34 general industry employers and one construction participant. Six companies successfully achieved full recertification as MNSTAR Program worksites, and one site withdrew during FFY23.

General industry participants in the MNSTAR Program exhibit a remarkable safety record, with a three-year accident and illness rate 67% below the current U.S. Bureau of Labor Statistics rate for total recordable cases and 72% below the current rate for “days away restricted transfer.” Similarly, the construction participant, a resident contractor at a MNSTAR Program participant site, has an accident and illness rate 65% below the current U.S. Bureau of Labor Statistics rate for total recordable cases and 36% below the current rate for “days away restricted transfer.”



*In FFY22 MNOSHA partnered with 47 AGC and 26 MN ABC contractors at 22 Level 3 construction sites.*

### 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 FFY23, MNOSHA partnered with 53 AGC and 26 MN ABC contractors at 19 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 OSHA

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

## SIGNATURE PROJECTS

### **Nevada OSHA Adopts National Emphasis Program (NEP) on Warehousing and Distribution Center Operations**

On Sept. 11, 2023, Nevada OSHA adopted the NEP in a modified form to reflect Nevada specific injury and illness data.

#### **Heat Stress Emphasis**

Nevada Safety Consultation and Training Section (SCATS) supported the Federal NEP on heat stress. SCATS developed and presented seven three-hour classes and three offsite presentations to both public and private employers.

#### **Training and Education**

SCATS' Training section made a major impact with empowering employers and employees to work towards a safer workplace. SCATS' website ([www.4safenv.state.nv.us](http://www.4safenv.state.nv.us)) provides information, resources and the opportunity for employers and employees to sign-up for SCATS' training 24 hours a day, seven days a week.

#### **Safety and Health Practitioner Certificate Program**

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

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

After 18 years, the program continues to grow in relevance by introducing newcomers to the realm of safety and updating those with varying levels experience to new or more advanced areas that are constantly emerging.

To complete the program, participants must complete 27 SCATS training programs within three years. Many continued to expand their horizons through our in-person

and online classes. The classes offered are either OSHA standard based or provide skills to ensure attendees are more effective in their safety and health responsibilities.

As of Sept. 30, 2023, we have had 3,642 registrants sign up for the Safety and Health Practitioner Certificate Program and we have had 1144 complete the program. Currently, we have approximately 600 active participants in the program.

## PARTNERSHIPS

### Recognition Programs

Among the over 60,000 employers in Nevada, only 30 employers obtained SHARP status and 10 companies are VPP sites.

The Safety Consultation and Training Section has overseen the VPP program since 2017, successfully completing four VPP renewals in FY23.

Employers in these elite programs continued to reap numerous benefits, including reductions in worker compensation costs, decreased incidents of injury and illnesses, boosted employee morale, enhanced retention rates, and improved communication between workers and management.

### SHARP Success Stories

**Dig This Las Vegas Pre-SHARP success Story:** Dig This Las Vegas is an attraction offering visitors the chance to experience driving real earth-moving machines such as bulldozers, excavators, backhoes and more. A variety of experiences are available to all ages, with no heavy-equipment licenses required. Safety and Health Achievement Recognition Program (Pre-SHARP) status in May 2023.



*Dig This Las Vegas is an attraction offering visitors the chance to drive real-moving machines such as bulldozers, excavators, backhoes and more.*

## ENFORCEMENT

### Top 10 Cited Standards

1. 1910.212(a)(1) Machine Guarding
2. 1910.303(b)(2) Electrical listing and labeling
3. 1910.134(e)(1) Respirator medical evaluation
4. 1910.305(b)(2)(i) Covers for pull boxes, junction boxes, and fittings
5. 1910.1200(e)(1) Hazard communication program
6. 1910.303(g)(1) Space around electric equipment
7. 1910.1200(h)(1) Hazard communication training
8. Nevada Revised Statutes 618.376(1) Rights and responsibilities
9. Nevada Revised Statutes 618.383(1) Establishment of a safety program
10. 1910.134(c)(1) Respiratory protection program

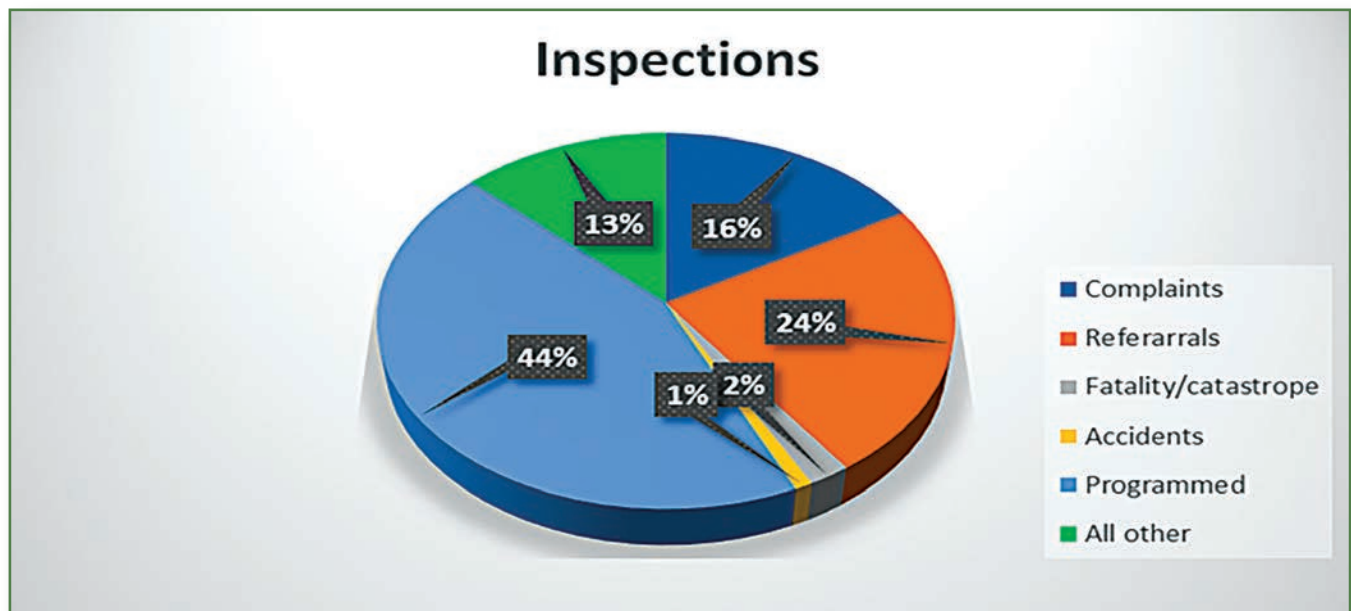
### Violations:

Serious 771

Other-than-serious 503

Regulatory 189

Total violations issued 1,462



### CITATIONS ISSUED IN FFY23 WITH NOTEWORTHY PENALTIES INCLUDE:

- \$140,630 for a fatality which resulted in 10 serious and two other-than-serious citations. An employee was working from an upper catwalk removing electrical cable drops and fell approximately 40 feet to the floor.
- One employer had a combined penalty of \$468,118 for four inspections which resulted in one willful serious, three repeat serious and one serious due to excavation hazards.
- \$161,691 for one willful serious, four serious, two other-than-serious and four regulatory citations. Proposed citations included hazards regarding powered industrial trucks, safe clearance, recordkeeping and Nevada specific requirements.



- \$101,563 due to a hospitalization for an employee who fell 12 feet from a skylight onto a machine table below. The employer received one repeat serious and one serious citation.

### ENFORCEMENT STAFF INTERNAL TRAINING

In FFY23, Nevada OSHA construction safety and health officers received numerous training courses through OTI and other vendors. In addition, CSHO staff took part in several hands-on courses related to electrical hazards, lead, drones, machine guarding and cranes. These courses allowed staff to familiarize themselves in-person with the processes and hazards associated with these activities.

### WHISTLEBLOWER

Nevada OSHA's Whistleblower Investigation Program is parallel to section 11(c) of the OSH Act. In FY23, the program administratively closed 45 complaints, opened 51 investigations and docketed and dismissed 12 investigations. Additionally, 75 cases were closed, with 53 dismissals dismissed, 10 withdrawal and 12 settlements recorded. The program recouped \$43,786.02 in lost wages. Whistleblower investigators actively participated in two community outreach events during this period.



*Construction safety officers are pictured at a crane training exercise.*

### OUTREACH



## Enforcement

Nevada's OSHA enforcement and whistleblower divisions continue to place a large emphasis on community outreach. Enforcement representatives attended two Construction Career Day events aimed at youth entering the construction field. They also conducted training onsite at a union hall twice, focusing on the "Focus Four" hazards as part of union's foreman training program. Management also provided a training course on the OSHA process and offered information about identifying fake OSHA inspectors.

A virtual presentation was conducted on the adoption of the ANSI eyewash requirements with the American Society of Safety Professionals (ASSP). Enforcement staff and whistleblower investigators attended two Hammers and Hope events, which guide women interested in a career in construction.

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

Enforcement staff and whistleblower investigators attended small business fairs and a college career fair.

## SCATS

**Social media:** SCATS uses social media outreach as way to communicate any safety events, tips, educational opportunities and changes to state and federal regulations. We help start conversations about making workplaces safer.

**13 safety spotlights:** Our Safety Spotlights help inform both employers and employees about



safety issues, changes to OSHA regulations, changes to the Nevada Revised Statutes (NRS), clarification letters from NV OSHA Enforcement and general safety communication.

During FY23 SCATS distributed four press releases promoting Voluntary Protection Program (VPP) recipients, employer resources for preventing heat illness and mental illness. Additionally, regulatory guidance updates from NV OSHA were highlighted.

### **54,896 unique visitors to our website:**

Communication is a powerful tool over 200 people reference our site every day.

**14 OSHA 10-hour classes taught:** The Nevada legislature has identified four industries that it requires workers to have specific OSHA 10-hour cards to work in. SCATS provides free classes on a regular basis to help employees comply with these requirements.

**7 OSHA 30-hour Classes taught:** The Nevada legislature has identified four industries that it requires supervisors to have specific OSHA 30-hour cards to work in. SCATS provides free classes on a regular basis to help employees comply with these requirements.

**216 classes for 4985 students:** Education is without a doubt the most powerful tool we have to keep people safe, that is why we started and ended this section with it.







## SAFETY ENFORCEMENT

The New Jersey State Plan (known as Public Employees' Occupational Safety and Health -PEOSH) was notified early in the morning on July 6, 2023 that a serious fire erupted aboard a multistory roll-on/roll-off cargo ship carrying used motor vehicles named the Grande Costa D'Avorio in Port Newark located in Newark New Jersey. Tragically, during the firefighting efforts, PEOSH was advised that two City of Newark firefighters may have lost their lives during the incident. PEOSH immediately dispatched compliance officers to the location of the Incident Command Post where the report of the deceased firefighters was confirmed. As a result, a PEOSH compliance officer was integrated into the investigative team and collaborated with a multi-jurisdictional group including representatives from the United States Coast Guard, the National Institute for Occupational Safety and Health, the National Transportation Safety Board, the New Jersey Department of Health, federal, state, county and local law enforcement authorities, the New Jersey Division of Fire Safety, the New Jersey Port Authority and others. Due to the complicated nature of the investigation, work still continues on this project as of the writing of this article.

## EMPHASIS PROGRAMS

PEOSH maintains an active Beach Patrol Local Emphasis Program (LEP) and drafted a new LEP for ground maintenance at schools, public works facilities and the like following numerous serious incidents with tractors and related lawn mowing equipment seriously or fatally injuring public employees. The grounds maintenance LEP is being rolled out during the new PEOSH Five Year Strategic Program.

## OUTREACH AND/OR COMMUNICATION

As a result of the PEOSH Beach Patrol LEP, in March 2023 PEOSH released two Safety & Health Alerts titled "Preventing Worker Injuries and Deaths Involving Surfboats" and "Preventing Worker Injuries and Deaths Involving Lightning Exposure. They are available for download at <https://www.nj.gov/labor/safetyandhealth/programs-services/peosh/>. The alerts feature updated graphics developed after collaboration with the New Jersey Department of Labor's Communications and Marketing Team.

## PARTNERSHIPS

PEOSH continues to work with the New Jersey PEOSH Advisory Board by holding quarterly meetings with representatives of numerous government entities including State departments, County employers and municipal employers. The public is also represented during these meetings. PEOSH has also leveraged our relationship with the New Jersey State Fire Commission, the New Jersey Firefighter Health and Safety Advisory Council as well as the New Jersey State Industrial Safety Council to improve the delivery of the PEOSH program.







## COMPLIANCE & ENFORCEMENT

### OHSB Investigation of City of Albuquerque

On Mar. 9, 2023, the Occupational Health and Safety Bureau (OHSB) opened an inspection in response to complaints alleging employee exposure to asbestos at the City of Albuquerque's Gateway Center while renovations were underway at the community health facility.

As a result of the investigation, OHSB issued seven citations to the City of Albuquerque including five Willful-Serious citations and two Serious citations with penalties totaling \$761,112. OHSB also cited the general contractor Consolidated Builders, LLC. for eight Willful-Serious citations and five Serious citations totaling \$331,475. The citations have been contested by both employers and the cases are in informal administrative review at the time of this publication.

### Compliance Emphasis Programs

The OHSB Compliance & Enforcement (C&E) program focused on conducting inspections at industrial workplaces with high injury, illness and fatality rates. The bureau targeted industries identified as having a high number of health and safety hazards with the ongoing use of state emphasis programs (SEPs). SEPs were implemented to emphasize enforcement activities within the following sectors:

- primary and fabricated metal manufacturing.
- oil and gas well drilling and servicing operations.
- commercial and residential construction.
- work processes with silica exposures.
- hospitals and nursing care facilities.

OHSB also engaged in training for and conducting programmed inspections at facilities through the adoption of national emphasis programs (NEPs). NEPs provided guidance to enforce the state's Occupational Health and Safety Act including:

- primary metals processing.
- hexavalent chromium.
- process safety management PSM covered chemical facilities.
- trenching and excavation, heat related illness, and combustible dusts.

In 2023, OHSB also began implementing the NEP for outdoor and indoor heat-related hazards. This approach is intended to encourage early interventions by employers to prevent illnesses and deaths among workers during high heat conditions. Additionally, the growing cannabis and hemp industry with producers and product manufacturers continued as an emerging sector requiring regulatory enforcement activities.

## Inspectors Stop Dangerous Trench Activity

On June 14, 2023, three OHSB compliance officers inspected an open trench worksite in Albuquerque. A concerned constituent called to report that workers were inside of a trench at least eight feet deep outside a large truck stop. The caller stated that no shoring or a trench box was in use. OHSB

requires that any call received regarding workers inside of any excavation be considered as imminently dangerous. Imminent danger calls result in immediate inspection by OHSB compliance officers. Upon arrival at the worksite, inspectors found that employees were working near the trench and had only moments before been



inside the excavation. Inspectors found that this excavation was six feet deep, five-seven feet wide, and 35 feet long. OHSB found violations including a lack of cave-in protection, inadequate egress, and location of spoils piles. The OHSB inspectors were able to stop work that could have resulted in serious injury or the death of employees.

## NMED Career Achievement

In 2023, senior OHSB Safety Compliance Officer Kelly Stevenson achieved a major milestone in his career by completing his 1500th inspection with OHSB. Mr. Stevenson started his role as a compliance officer with the state program in 2001 and has worked in the Roswell field office since 2017. He has also worked in the Las Cruces and Santa Fe offices and was the first OHSB compliance officer to work in a field office outside of Santa Fe. As a veteran compliance officer working for OHSB for over 22 years, he completed more inspections than any other officer including 75 fatality investigations. Mr. Stevenson is also involved with the American Society of Safety Professionals (ASSP) and has held various ASSP officer-level roles in both Roswell and Las Cruces.





## COMPLIANCE ASSISTANCE AND OUTREACH

### Farmworker Workshops in Southern New Mexico

The OHSB presented and participated in farmworker workshops in Deming, Anthony, and Hatch, New Mexico. The purpose of the workshops was to provide information about health and safety resources and services available to the farm working community. Over 350 farmworkers and representatives from federal, state, and local agencies and organizations attended the events.



### OHSB Alliance with Somos Un Pueblo Unido

The OHSB signed an Alliance Agreement with Somos Un Pueblo Unido, a statewide community-based and immigrant-led organization that promotes worker and racial justice. The organization has an active membership of 2,500 people in eight counties. The organization offers community education about rights and remedies, and it forges leadership opportunities for immigrants and low-wage workers.



### Hazard Prevention in Dairy Industry through Alliance Agreements

The OHSB conducted virtual presentations on the common hazards in the dairy industry as a part of our outreach goals through Alliance Agreements with Consulate of Mexico in Albuquerque, New Mexico and Somos Un Pueblo Unido. New Mexico's Dairy industry is a top contributor to national milk production with NM/TX combining for the 3rd largest milkshed in the nation behind CA and WI. Additionally, New Mexico is the fourth leading state in cheese production for the nation. (NMSU-2023 Statistics). Information was also presented in a radio interview with a local radio station.



## **OHSB Alliance with the Consulate of Mexico in Albuquerque**

The OHSB has worked closely with the Consulate of Mexico in Albuquerque, New Mexico to provide information about worker's rights, employer obligations, and occupational safety and health since 2007, and more formally through signed Alliance Agreements since 2016. The Bureau renewed the Alliance Agreement in 2023 for the third time since 2016.

## **WHISTLEBLOWER PROTECTION ACTIVITIES**

The OHSB continued to build upon the success of its whistleblower protection program in 2023. In Feb. 2023 the program added a direct supervisor (section chief position) and an additional whistleblower investigator.

The New Mexico whistleblower program implemented an electronic case file system, adapted from the federal program. The state also adopted an updated training directive to ensure all whistleblower personnel receive consistent training. Late in 2023 New Mexico

submitted an updated draft Whistleblower Instruction Manual (WIM) for federal and legal review. The updated manual brings many of the practices of New Mexico whistleblower investigators in line with current federal procedures while accommodating differences in state statutes and policy.

In late 2023 OHSB began the hiring process for an entry level position that will serve as a screener for Whistleblower and Enforcement complaints. The purpose of the screener is to identify prima facie allegations and docket them in OIS for assignment by the supervisor to an Investigator. In this way we should be able to handle the increase in incoming complaints more efficiently.

### **Below are the Whistleblower statistics for 2023:**

- 278 Complaints Received
- 13 Cases docketed
- 4 determinations of non-merit made
- 1 merit recommendation made to our Office of General Counsel





## DIVISION OF SAFETY AND HEALTH – PUBLIC EMPLOYEE SAFETY AND HEALTH (PESH)

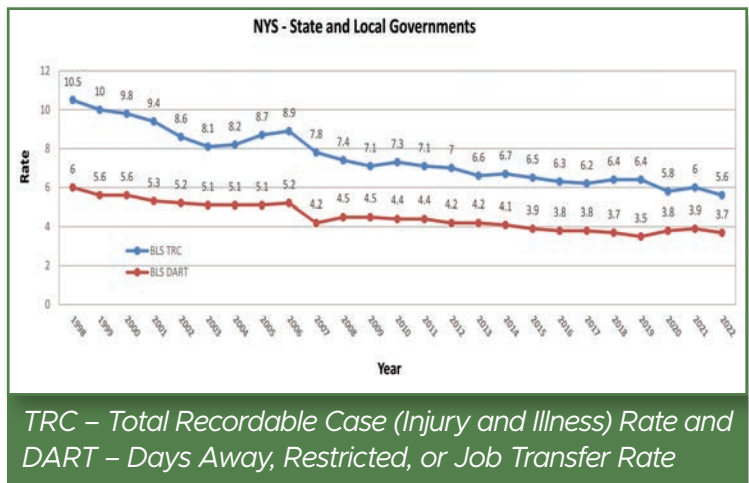
The Public Employee Safety and Health (PESH) program is responsible for the protection of more than 1.2 million public employees within the State of New York. PESH staff perform inspections, consultations, and participate in various strategic plan committees. These committees continue to partner with 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)

Based on data provided by the (NYSDOL) Office of Research and Statistics to the US Bureau of Labor Statistics (BLS), the Total Recordable Case (TRC) injury and illness incident rate for 2022 for state and local government employment was 5.6 per 100 full-time equivalent workers, a 6.7% decrease from the 6.0 TRC in 2021. Likewise, the Days Away Restricted Transferred (DART) rate for Calendar Year (CY)22 was 3.7, a 5.1% decrease from the 3.9 DART in 2021. Both 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 46.7% and the DART rate has decreased 38.3% over this period.

Through the combined efforts of our staff, PESH has contributed to the reduction of workplace injuries and illness to public employees. According to data provided by the New York State Department of Labor (NYSDOL) Office of Research and Statistics to the U.S. Bureau of Labor Statistics (BLS), the Total Recordable Case (TRC) injury and illness incident rate for state and local government employees in 2022 was 5.6 per 100 full-time equivalent workers. This marks a 6.7% decrease from the 2021 TRC rate of 6.0. Similarly, the Days Away, Restricted, or Transferred (DART) rate for 2022 was 3.7, reflecting a 5.1% decline from the 3.9 DART rate in 2021.

Both TRC and DART rates have shown a consistent downward trend since the launch of the Strategic Plans in 1998, when the TRC and DART rates were significantly higher at 10.5 and 6.0, respectively. Over this period, the TRC rate has decreased by 46.7%, and the DART rate has fallen by 38.3%.



During this period, the results of enforcement activity showed a notable increase compared to the previous year, further indicating a return to pre-pandemic conditions. The number of Public Employee Safety and Health (PESH) inspections rose by nearly 29% over the prior year, substantially surpassing the expected increase correlating with the rise in the number of Compliance Safety and Health Officers (CSHOs).

The number of violations issued and violations per inspection increased by over 50% from last year. The healthcare strategic plan observed reduction in their injury and illness statistics, while the police and fire protection plans had dramatic increases in compliance assistance activity, two to five times that of the previous year. These metrics represent a trend in the right direction for enforcement and consultation.

Despite ongoing progress, the program faces challenges in staffing, managing promotions and adapting to staff changes. Efforts to handle organizational and policy shifts have been crucial for enhancing program efficiency and addressing Federal Annual Monitoring Evaluation (FAME) findings. The following significant changes were implemented by department leadership and program management to improve overall effectiveness:

- PESH resumed hosting statewide in-person staff training for the first time since 2019. The training was designed to address program-specific issues, bridge the skills gap between the training offered at the OSHA Training Institute (OTI) and implementation within PESH, and to address ongoing issues from the FAME, Corrective Action Plan (CAP), and recent Complaints Against State Program Administration (CASPA)s. The training focused on improving the technical, writing, and documentation skills of inspectors. Such training will be held twice per year moving forward, and plans were made for future inclusion of more hands-on exercises and demonstration.





- In July 2023, NYSDOL held the inaugural Shield Ceremony for worker protection and PESH staff at the Hart Theater in Albany. The event opened with an introductory speech by Commissioner of Labor Roberta Reardon, who also officiated. Speeches were also given by the commissioners of the State Police, Department of Agriculture and Markets, and the President of the Public Employees Federation (PEF), the union representing NYSDOL enforcement staff and thousands of New York State public employees. Each staff member recited their oaths of office and received their new shields and credentials. This event emphasized the value of our programs and empowered staff with the authority and support needed to carry our critical mission on behalf of the commissioner and New York’s workers.



- A staff directive was implemented to clarify procedures and prohibit giving advance notice of an inspection to an employer without authorization from the Commissioner or her delegate. Under the directive, advance notice is only to be authorized in exceptional circumstances.
- A case management directive was issued to require weekly meetings between supervisors and inspectors to discuss casework. Inspectors are responsible for maintaining an accurate inventory of their work which includes feedback from supervisors. The goal is a two-fold effort: to increase case quality through early and frequent case discussions, and to close cases in a timely manner which ultimately equals quicker abatement.
- Efforts in progress at the time of this report include development of a Centralized Intake Unit (CIU) to ensure consistent and timely intake, processing, and assignment of all complaints and inquiries; creation of an Enforcement Case Coordinator (ECC) role to oversee and ensure the proper and timely completion of all fatality investigations; and restructuring the organizational chart to ensure proper separation of enforcement and consultation functions.

As presented by the following highlights, PESH experienced some rewarding progress in addressing novel hazards, reinforcing the importance of program implementation to control known emerging hazards. There have also been exciting developments in our strategic plan focus areas. We hope sharing these notable cases will benefit our fellow member plans.

## ENFORCEMENT

### FINAL UPDATE - Exposure to Illicit Drugs at Correctional Facilities

This is a final follow-up report on inspections at correctional facilities in response to complaints about employee exposure to fentanyl and other illicit drugs. Citations were issued to facilities for violation of PPE, respiratory protection, sanitation, and hazard communication standards, as well as the General Duty clause. Applying hierarchy of controls, feasible abatement focused on hazard elimination and engineering controls at the points and means by which contraband enters the facilities. Effective means of preventing the entry of illicit drugs protects employees screening incoming mail and packages, as well as those exposed elsewhere in the facility by reducing the entry of illicit drugs into and throughout the facility. Reasonable and effective methods to abate this hazard include, but are not limited to:

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

On-site follow-up inspections were also conducted at two facilities. The employer corrected all of the PPE, respiratory protection, sanitation, and hazard communication deficiencies. The General Duty Clause violation was abated by a combination of corrective measures. Both facilities implemented digitization of the mail, use of more tools for legal mail - such as light boards (for examination of letters), and a vendor package program. Portable ventilated enclosures with HEPA filtration were implemented at both facilities, with more on order for all facilities throughout the state.

During the Fall 2023 OSHSPA meeting hosted by New York in Saratoga Springs, the Commissioners of the NYSDOL and NYS Department of Corrections and Community Supervision (NYSDOCCS) delivered a presentation on illicit drugs in correctional facilities. The presentation was well received by the members and representatives from the OSHA Region and National Office. The illicit drugs case was an excellent opportunity to share the great work PESH has done on this topic that impacts the nation. As the drug crisis continues to impact workers across America, PESH illustrated a strong enforcement case involving a general duty clause violation, extensive corrective action throughout the state prison system that focused on the hierarchy of controls, and the partnership that can be created between the employer and authority cooperating to protect workers. The illicit drugs presentation also related to the National Safety Council presentation on the opioid overdose epidemic.



## **SVEP Work Zone Fatality Case**

PESH investigated the death of a 28-year-old town highway department employee struck by a vehicle that unexpectedly entered a work zone. The work zone was established for a drainage related project along the roadway. As a result of the inspection, PESH issued four willful violations for not ensuring employee use of head protection, not using traffic control signs and devices in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), and flaggers not wearing high visibility garments. The issuance of the willful violations resulted in our first implementation of the Severe Violator Enforcement Program (SVEP). Follow-up inspections have established that the employer has complied the orders, but they will remain on the SVEP list for at least three years. Before an employer may be removed from the list, they must comply with the following requirements: abate all SVEP-related hazards, receive no additional serious citations related to the hazards identified in the original SVEP inspection, and have received one follow-up or referral inspection. The employer has also requested and received consultation assistance services to further protect staff.

## **Combustible Dust Issue at Wastewater Treatment Plant**

PESH discovered potential combustible dust hazards during a complaint investigation at a large county wastewater treatment plant. The complaint alleged employee exposure to dust associated with the facility's sludge drying and handling operations. While these plants generate and handle biosolids have been identified as having heightened potential for combustible dust hazards by OSHA's Revised Combustible Dust National Emphasis Program (CPL 03-00-008), the typical belt presses used for dewatering do not produce a very dry material that easily produces airborne dust.

However, at this facility, the employer retained a contractor to retrofit a paddle dryer into the system to further grind and dry the anaerobically digested sludge solids after being pressed. The employer desired to produce a class A (no detectable pathogens) biosolid product to be used as a soil amendment. While minimal water content is desirable to reduce shipping costs, the new dryer produced material that was so dry and finely divided that it made agricultural application difficult due to wind and drift loss. The drying process equipment was fully enclosed and posed no issues in the dryer building, but problems arose when the material was off loaded into the loading dock area. A dust collector was used to capture fugitive dust, but it was not entirely effective.

While excessive material accumulations or quantities that could be sampled in place were not encountered during the inspection, a sample of representative process material was collected from the dust collector and submitted for analysis to determine its ability to combust and explode. The results of the test indicated a deflagration index (K<sub>st</sub>) value of 102 bar m/s, which indicates potential for a weak explosion (St 1). For prospective, the fatal 2008 Imperial Sugar explosion that involved sugar dust and killed 14 workers and demolished several buildings, was also classified as a "weak explosion" (St 1).

Ultimately, the employer had not yet taken ownership of the new system and continued to work with the contractor to improve the process and resulting material characteristics. While the observed conditions did not support a general duty clause violation, a hazard alert letter was issued, as well as related housekeeping, respiratory protection and hazard communication violations. The employer has been cooperative and responsive in taking steps to further reduce the hazard potential.

## CONSULTATION

### NYSDEC Salmon River Fish Hatchery

We jumped at the chance to assist the New York Department of Environmental Conservation's Salmon Fish Hatchery, one of the premier Pacific salmon hatcheries in the northeast. The employer wanted assistance to refine the facility's existing permit required confined space entry program. A comprehensive evaluation of every space inside the facility was conducted over two days. Aquaculture on this scale involves enormous volumes of clean cold water, drawn from drilled wells and pumped into concrete raceways and tanks that collectively hatch and grow. Pacific salmon is stocked in Lake Ontario, in an effort to help sustain a multimillion-dollar travel and tourism industry. More than 40 spaces meeting the criteria of a permit required confined space were identified. The standard, as well as feasible entry strategies were discussed with the employer and hatchery staff. Ultimately, the facility was left with staff feeling more aware of the hazards these spaces pose and how to successfully navigate said hazards and still complete their very important job of hatching and raising fish for the enjoyment of the public.



### Fire Service Outreach

The PESH fire service strategic management plan has been working very hard at fire department outreach and has achieved

remarkable results. The first step was recognizing the challenges encountered when working with the fire service including:

- Fire department reluctance of government oversight.
- Reluctance to seek assistance.
- Misunderstanding and misinformation about PESH/OSHA.
- Volunteer fire departments lack of members.
- Recordkeeping and resource challenges.
- Challenges contacting volunteer fire departments.
- Inspector knowledge and experience with fire department operations and their specific inspection procedures.

In an effort to overcome these challenges, PESH has added inspectors with fire service experience to the fire strategic management plan, providing fire department specific resources to departments and inspectors, training inspectors on fire department specific standards, and increasing our visibility at fire service events. We are on our third year of collecting injury and illness data from a random 5% sampling survey of fire departments in the state. We continue to develop working relationships with fire departments, fire service agencies and associations, other state agencies that work with the fire service, insurance companies, and emergency managers. Members of the fire service strategic management plan attend an average of six conferences a year to provide outreach and to allow us the opportunity to interact with firefighters. PESH continues to provide fire department specific presentations to fire service organizations. PESH developed a presentation titled "Firefighter Requirements: Myth vs Fact" that has been presented to group sizes ranging from 20 to 100 people. This training was presented nine times in the



first year of development and continues to be updated and expanded as firefighters ask additional questions and we gain additional insight into this industry. A presentation on the efforts and success of this initiative was presented by program staff during the fall 2023 New York OSHSPA meeting.

## SPECIAL EMPHASIS

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

During the first half of FFY23, limited American Rescue Plan (ARP) COVID-19 grant funds were allocated to staff time associated with completing and reviewing COVID-19 cases. Fit testing equipment purchased in FFY22 was received during the first quarter of FFY23.

By the close of the FFY23 second quarter, in anticipation of the May 11, 2023, end of the federal declaration and due to ongoing apparent endemic conditions, allocation of ARP COVID-19 grant funds ceased and the closeout process was initiated.

### **Workplace Violence in Schools Legislation**

To help prevent workplace violence in public schools, on Sept. 6, 2023, New York Gov. Kathy Hochul signed legislation (S1746/A1120) amending the Workplace Violence Prevention Law (Section 27-b of Labor Law), extending coverage of the law to elementary and secondary public education that was previously exempted. This was done by removing the exemption from the definition of “employer” in the law. The changes went into effect 120 days after becoming law, and a plan was developed to notify stakeholders, update website resources, and conduct an aggressive outreach campaign to inform and assist those affected in the education community. The campaign got underway swiftly with a presentation at the headquarters of New York State United Teachers (NYSUT) on Sept. 12. Plans were

made to include other large stakeholders, such as the Association of Educational Safety and Health Professionals (AESHP), New York City Department of Education (NYCDOE), United Federation of Teachers (UFT), District Council 37 (DC37), with the list growing with more interaction.

### **Strategic Plan Conferences**

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

- NYS Department of Transportation (NYSDOT) symposium (EMS, Fire, Police, DOT and Vehicle Recovery)
- NYS Sheriffs’ Association (NYSSA) Committee on Policing and Safeguarding Schools (C-PASS) Conference
- NYS Sheriff’s Association summer conference
- New York State Emergency Management Association (NYSEMA) and Local Emergency Planning Committee (LEPC) meetings
- Fire and Life Safety Educators’ Conference hosted by the New York State Office of Fire Prevention and Control (OFPC)
- Firefighter Myth vs Fact Presentations
- Association of Fire Districts Conference
- New York State Association of Fire Chiefs Fire Expo in Syracuse
- Firefighters Association of the State of New York (FASNY) Conference
- Vital Signs Conference (hosted by the New York State Department of Health)

## State Corrections Secondary Focus Area

A secondary focus area continued with the New York State Department of Corrections and Community Supervision (NYSDOCCS) due to its elevated BLS injury and illness rate. As a result of focused outreach, a partnership was formed with the employer and representatives from their Workers' Compensation insurance provider, the New York State Insurance Fund (NYSIF). NYSIF completed the collection and compilation of five years of loss data for NYSDOCCS. A meeting was held with representatives from NYSDOCCS health and safety and NYSIF to review and discuss five years of claim loss data and potential causal/contributing factors. Parties were informed by NYSIF that this was the first meeting of its type with a state agency. Representatives discussed the positive effect of prompt reporting of claims, top five incurred loss injury types and characteristics, camera installation affect, recordkeeping resources at hubs, availability of NYSIF's Risk Control Resource Center, Fire Safety Officer (FSO) role at facilities and training lieutenants for regions, and next steps. A report was shared with project members regarding key takeaways from the last meeting and prompted meetings to discuss next steps. Feedback indicates need to involve additional representatives from NYSDOCCS management.

## State Government Correctional Institutions (NAICS 92214) TRC and DART Rates

Year	Baseline (2019)	2020	2021	2022	% Change from 2020 Baseline Year
TRC Rate	13.9	10.2	10.5	10.7	-23.0
DART Rate	10.1	8.8	8.4	9.4	-6.9

Source: U.S. Bureau of Labor Statistics, U.S. Department of Labor

## Other Outreach

The trend of heightened compliance assistance activity continued during this period, with a consistent number of 265 compliance assistance activities completed, mirroring the previous year. A significant portion of these endeavors stems from established partnerships with large statewide safety and health organizations, including:

- **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. PESH consultants attend and present at biannual Education Day events whenever possible. Membership diversity further increased during this reporting period.
- **Association of Educational Safety and Health Professionals** – Safety and health professionals assisting school districts throughout NY through regional Boards of Cooperative Education Services (BOCES) organizations. This group has and will continue to be very valuable during the WPV rollout for schools.
- **Clean, Green & 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.
- **NYS Office of Employee Relations (formerly Governor's Office of Employee Relations)** – An effective conduit to provide up-to-date information and guidance to state agencies.
- **Large public employee unions** including the Public Employees Federation (PEF), Civil Service Employees Association (CSEA), New York State United Teachers (NYSUT), United Federation of Teachers (UFT), District Council 37 (DC37) and others.



## SIGNATURE PROJECTS

### **Instructional Designer Position**

In FFY23, the Occupational Safety and Health (OSH) Division reclassified one Education and Training Specialist position to create a new instructional designer position. The instructional designer provides effective pedagogical consulting, design, and development assistance to the NC OSH Training Section within the Education Training and Technical Assistance (ETTA) Bureau.

This position was created to manage existing PowerPoint and Captivate presentations and associated course materials, record and update OSH Division webinars, update and maintain the photo library, and manage the ETTA Virtual Studio. In addition, this position has the primary responsibility for designing and developing new safety and health training programs and videos for internal and external personnel with the assistance of subject matter experts.

### **Arboriculturist Guide**

In Apr. 2023, the Logging and Arboriculture Special Emphasis Program (SEP) committee began work on an industry guide for the small arboriculturist employer. It focuses on informing employers and employees of arboriculture hazards and the importance of developing a work site plan to recognize hazards and abatements necessary to reduce hazard exposures. The guide will also provide guidance to OSH personnel in inspection and investigation activities.

The guide references 29 CFR Part 1910 General Industry and the American National Standards Institute (ANSI) Z133 Consensus standards which apply to arboricultural operations. It contains safety requirements for arboricultural operations, including cutting brush, climbing trees, using chainsaws, operating chippers, and inspecting trees, along with pruning, repairing, and removing trees. It also provides requirements for performing pest and soil management. The projected completion date for the guide is May 2024.

## SPECIAL EMPHASIS PROGRAMS

North Carolina's five-year (FFY 2024–2028) Strategic Management Plan (SMP) focuses on industries that have the highest incident rates of injuries, illnesses and fatalities. These industries are then placed into North Carolina's special emphasis programs (SEP) which currently include:

- Construction
- Logging and Arboriculture
- Long Term Care
- Warehousing and Storage and Related Product Distribution Industries
- Health Hazards (e.g., isocyanates, silica, beryllium, hexavalent chromium, lead)
- Food Manufacturing
- Amputations

For the new five-year SMP, changes were made to the Health Hazards (HH) SEP and the Grocery and Related Merchant Wholesalers SEP. The HH SEP committee removed asbestos as a focused health hazard and replaced it with beryllium. The Grocery and Related Merchant Wholesalers SEP committee changed its name to Warehousing and Storage and Related Product Distribution Industries after adding eight new NAICS codes to the SEP due to increased injury and illness rates in these industries.

**Health Hazards and Amputations SEPs:** Of special note, two of the SEPs have proven to be particularly effective in identifying serious violations; the HH and Amputations SEPs. To evaluate the effectiveness of the SEPs, a baseline was established. From FFY21 to FFY23, OSH conducted nearly 6,000 programmed and unprogrammed compliance inspections. The overall in-compliance rate was 36.8%. Serious, willful or repeat (SWR) violations were identified on 53.7% of inspections. On cases where citations were issued, OSH averaged 1.99 SWR violations per inspection. Additionally, the overall contestment rate for the three-year period was 4.5%.

**Health Hazards SEP:** For FFY21 through FFY23, the HH SEP focused on exposure to five contaminants: silica, lead, isocyanates, hexavalent chromium and asbestos. Other chemicals, such as methylene chloride and styrene have been included in the past and beryllium recently replaced asbestos for FFY24. The targeting program for general industry starts with the Class I and II Safety and Health North American Industry Classification System (NAICS) codes from Federal OSHA. Once those “General Schedule” assignments are randomly selected by the Planning, Statistics and Information Management (PSIM) Bureau, those establishments that also fall under a NAICS code associated with one of the five chemicals (from Federal OSHA National Emphasis Programs) are

placed on a separate “Health Hazards” targeting list. From this list, OSH District Supervisors make assignments to compliance officers, who then initiate a comprehensive inspection with the employer. The compliance officers cross-reference the NAICS code with the SEP to determine which of the five chemicals they should be looking for during the inspection. Programmed HH inspections at construction sites can also be initiated in conjunction with the Construction SEP when compliance officers observe chemical exposures such as a cloud of silica dust during dry cutting of concrete.

From FFY21 to FFY23, OSH conducted 144 programmed inspections under the HH SEP; two-thirds were in manufacturing (general industry) and one-third in construction. The in-compliance rate for these inspections was only 14.6% while SWR violations were cited on 74.3% of the inspections. On cases where citations were issued, OSH averaged 2.60 SWR violations per inspection, which is 31% higher than the average for all inspections. More importantly, the specific standards being cited are primarily those associated with “health hazards,” meaning that compliance officers are finding the types of hazards the SEP was developed to address. Of the top ten frequently cited standards under this SEP, nine of them were under Silica in Construction (29 CFR 1926.1153), Respiratory Protection (29 CFR 1910.134) and Hazard Communication (29 CFR 1910.1200). The contestment rate on the HH SEP inspections was 2.1% for the three-year period; less than half of that for all inspections.

**Amputations SEP:** Unlike the HH SEP, the Amputations SEP uses only North Carolina-specific data for targeting industries with likely amputations hazards. All injuries reported to OSH that were classified as either an “Amputation-Digit,” “Amputation-Limb,” or “Pulled into Machinery,” were exported from



OSHA Express to a spreadsheet and sorted by NAICS code. The original targeting list used four years of data from CY15 through CY18, however, it was then updated in 2022 using data from CY18 through CY21.

From there, PSIM obtained data on the number of North Carolina employers and employees in each NAICS code so the incidence rate of “Amputation injuries per 1,000 NC employees” could be calculated. The targeting schedule only included NAICS codes with three+ amputation events AND an incidence rate equal to or greater than 1.5 injuries per 1,000 NC employees. Of the 250+ NAICS codes with at least one “Amputation” or “Pulled into Machinery” event, 42 met the criteria to be included in the targeting program. Industries like supermarkets with 20+ amputation events on meat slicers were not targeted since most of these employers resulted in an incidence rate of only 0.2 events per 1,000 employees.

From FFY21 to FFY23, OSH conducted 176 programmed inspections under the Amputations SEP. The in-compliance rate for these inspections was 18.2% and SWR violations were cited on 75.6% of the inspections. On cases where citations were issued, OSH averaged 2.50 SWR violations per inspection which is 26% higher than the average for all inspections. As with the HH SEP, the types of standards cited align with the purpose of the SEP. Under this SEP, the top five most frequently cited standards were for machine guarding violations under 29 CFR 1910.212 and lockout and tagout violations under 29 CFR 1910.147. While SWR violations were identified on three-quarters of inspections and over \$1.2 million in penalties assessed, the contestment rate on these cases was 3.4%.

With recent struggles to recruit and retain qualified staff, the OSH compliance officer vacancy rate has gone up while the number of

inspections has decreased. Fatalities and certain accidents and complaints must be inspected, leaving less available time for “proactive” inspections under the various SEPs. It is important to evaluate results of those programs to ensure they are effective and shift available resources accordingly. From FFY21 through FFY23, the Amputations and HH SEPs had low in-compliance rates and identified SWR violations on over 75% of inspections. Additionally, the standards cited on those inspections have been consistent with the mission of the emphasis program. As a result, the OSH Division FFY24 inspection goals for both SEP programs have been significantly increased.

## ENFORCEMENT

Inspections: During FFY23, the East and West Compliance Bureaus conducted 1,762 safety and health inspections and eliminated over 3,208 serious hazards. A total of 3,314 violations were noted during inspections which resulted in the assessment of \$9,354,697 in revised and current penalties. Additionally, the Complaint Desk processed 3,575 complaints which remained the same as the total complaints processed in the previous federal fiscal year. The Complaint Desk also processed 707 referrals/accidents which resulted in 198 inspections and 509 related investigations.

In FFY23, the OSH Division inspected 76 work-related fatalities (based on open date of inspection). Fall events were the most common, comprising 28% of the total fatalities. This was an increase from FFY22 and FFY21, as fall fatalities comprised 22% and 20% of the fatalities, respectively in those years. Struck-by events were the second most common, comprising 26% of the total fatalities. While the struck-by category also includes logging and arboriculture employees killed by falling trees or limbs, many of these fatalities involved

pedestrians being struck-by vehicles, including heavy equipment with limited visibility.

**Notable Accident Investigation: Death by Fire.** The incident occurred at a small fuel station in eastern North Carolina. The owner of the station was attempting to seal the inside floor of an above ground gasoline storage tank (Capacity: 15,000 gallons) by applying a highly flammable coating, a task that he had no training or experience in performing, when the fire occurred. The owner stated he was acting upon recommendations to seal the tank from an employee of the company that delivered fuel to the business. About a month prior to the incident, the owner had the tank emptied and the inside of the tank cleaned by a contractor. The owner then decided that he would seal the tank himself because, as he explained, he could not get a professional interested in doing such a small job. The owner ordered six gallons of Northern Fuel Tank Liner RW0125-2 from a local business and obtained a paint roller with an extension rod and tray. His intention was to spread out the coating on the floor of the tank with the supplies.

According to the distributors of the fuel tank liner that was purchased, the chemical was meant to be used on small automotive or motorcycle fuel tank repairs. The warning label on the fuel tank liner stated, “Highly flammable liquid and vapor” and “May cause drowsiness or dizziness. Keep away from sparks and open flames. No smoking. Use only outdoors or in a well-ventilated place. Avoid breathing vapors.” The label had flammable and harmful (irritant, acute toxicity) pictograms on it. The cardboard boxes that the tank liner came in also had flammable pictograms on them.

According to interviews, the business partner went to the fuel station to assist the owner in lining the tank on the day of the incident. Three extension cords were daisy chained from the front

of the store to the fuel storage tank to power a small portable light to shine inside the tank. The owner climbed into the tank through a 19-inch diameter manhole on the sidewall of the tank with the painting supplies. He was using gloves and a defective 3M half facepiece respirator that had a missing exhaust valve and organic vapor filters for personal protective equipment. A medical mask had been placed over the hole where the exhaust valve was missing. The business partner opened the cans of fuel liner and handed them to the owner. The owner applied the liner using the paint roller to approximately two-thirds of the tank floor. He indicated that he got out of the tank three times to catch his breath.

The accident victim (hereafter, decedent), age 45, was leasing a separate building from the owner of the fuel station. On the day of the incident, the decedent went to the fuel station to see the owner about the lease. According to the owner, when the decedent arrived, he saw what the owner was doing and “insisted” on helping him line the tank. The owner stated that he had given his gloves to the decedent and went to get water. The owner indicated that he did not give the decedent any instructions or warnings.

Based on the investigation, while the owner was getting water, the decedent pulled his pickup



*Glove melted around the electrical cord.*

near the tank and got a more powerful portable light from the back of his truck. He then climbed inside the tank through the small manhole. It appeared that the decedent was handling the extension cord inside the tank when the flash fire occurred because the owner's glove had melted around the cord.

The owner stated that as he was coming back to the tank, he saw the flash of fire and he ran to help the decedent. He described seeing the decedent exiting the tank on his own with his clothes on fire. The owner sat the decedent on the ground and notified emergency services while the business partner used a fire extinguisher to put out the remaining fire. Emergency services responded within minutes to take the victim to a hospital located 11 miles from the site. Afterwards, they noticed some of the decedent's burnt skin remained on the ground. The decedent died the next day from the third-degree burns he experienced on 90% of his body.

To establish an employer and employee relationship, the compliance officers asked the owner questions from the Field Operators Manual (FOM) Chapter IV – Violations. During the interview, the owner stated that the decedent never worked for him and had only offered to help him line the tank, which amounted to about two minutes, but he was never asked to work. The owner also confirmed that he had not paid the decedent for his help and denied that any verbal exchanges were made regarding the lease agreement. The facility's employment records were examined and there was no evidence that the decedent had been previously employed by the owner.

The hazards leading up to the incident were abundant. The electrical equipment and extension cords were not intrinsically safe, and they were used in a hazardous location where a flammable liquid was also being used.

The employer did not assess the workplace to determine if hazards were present, or were likely to be present, which necessitated the use of personal protective equipment.

The employer did not evaluate the workplace to determine if any spaces were permit-required confined spaces. The fuel storage tank was not identified as a permit-required confined space and the dangers of the permit-required confined space were not posted with "DANGER-PERMIT-REQUIRED CONFINED SPACE, DO NOT ENTER." Further, the employer did not establish a written permit space program, implement the program, or ensure all persons performing work at the facility were aware of the program and trained on it. The premium gas storage tank's internal atmosphere was not tested with a calibrated direct-reading instrument for oxygen, flammable gases and vapors and potential toxic air contaminants before entry.

The employer did not develop and implement a written hazard communication program, which is necessary since there were known hazardous chemicals at the facility that needed to be understood by employees. The fuel tanks were not labeled with the name of the chemicals inside the tank and the hazards associated with the chemicals. The employer did not maintain safety data sheets for any of the hazardous chemicals that were stored and/or used. Additionally, the employer had not conducted training on the hazardous chemicals that were used at the facility.

The employer used three extension cords connected to power portable lights. A flexible cord should only be used in continuous lengths without splice or tap to prevent a serious risk of overloading. The circuits in the electrical boxes were not labeled to indicate their purposes and the owner did not know which breaker was being used to power the lights.



The employer was not cited for these hazards because compliance officers could not establish an employee/employer relationship to prove employee exposure to the hazards. A recommendation letter was drafted and sent to the owner and to the owner's attorney listing the OSH violations so that corrective actions could be implemented for any future tank lining projects.

**Internal Training:** In FFY23, ETTA's Training Section offered a variety of courses at the Compliance field offices and via webinars throughout the year. Courses included the OSH #100 – Initial Compliance Course, OSH #125 – Introduction to Health Standards for Industrial Hygienists, OSH #105 – Introduction to Safety Standards for Safety Officers, Investigative Interviewing Techniques, Technical Writing/OSHA Express, Heat Stress, Machine Guarding/Lockout/Tagout, Process Safety Management, Using Toxicology to Determine Sampling Priorities, Significant Cases, How to Document a Willful Trench Violation in Five Minutes or Less, Agriculture Safety and Health Preoccupancy Inspection System, Long Term Care SEP, Food Manufacturing SEP, Logging and Arboriculture SEP, Grocery and Related Product Merchant Wholesalers SEP, Bloodborne Pathogens, Cardiopulmonary Resuscitation/Automated External Defibrillator (CPR/AED), Remote Pilot (Drone) and a variety of other individual safety and health webinars. In addition, compliance officers were able to attend advanced construction courses for Confined Space Entry and Trenching and Excavations. Each of these courses included a site visit to help students better understand the processes and hazards associated with these activities.



*Staff members took part in remote pilot flight training on the same day five new pilots joined the drone team on Nov. 9, 2023.*

## OUTREACH

Social Media: The North Carolina Department of Labor (NCDOL) launched a Facebook page in 2011 to promote workplace safety and health and the many programs administered by the OSH Division. Some of the programs featured on Facebook during FFY23 included the Safety Awards Program, the Carolina Star Program and the Safety and Health Achievement Recognition Program (SHARP). The platform is also used to promote current safety and health issues, newsletters and education and training. The Facebook page currently has 2,449 followers.

In 2012, NCDOL began an X account (formerly known as Twitter) and currently has 2,305 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 882 followers. NCDOL also uses YouTube, billboard posters and publications to spread its safety and health message to employers and employees across the state.



**2023 Construction Forum**

**Concrete: The World's Foundation**

**Sept. 7**  
**Statesville, NC**

**NCDOL**  
N.C. Department of Labor

**1-800-NC-LABOR**  
**www.labor.nc.gov**

*A billboard poster promoting the 2023 Construction Forum was posted 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. Nine episodes were recorded in FFY23 and featured four OSH-related topics: Safety Awards Program, Trenching and Excavations, Women in Construction, and the Role of OSHA.

In FFY23, NCDOL launched a LinkedIn page to expand its social media presence and has 284 followers.

Newsletters, Hazard Alerts, and Mailings: NCDOL publishes two newsletters throughout the year to inform the public of training events, new rules and publications, special emphasis program areas, and other outreach efforts. These include the bi-monthly Labor Ledger and the periodic OSH Training Newsletter which are sent out to 13,037 subscribers and over 8,500 subscribers, respectively. NCDOL also develops, mails, emails, and/or posts hazard alerts on new and trending safety and health issues that occur in the state.



During FFY23, an outreach letter was mailed to 51 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, programs, industry guides, and presentations deemed to be useful to the employer. This letter is an outreach strategy used by the Construction SEP committee to lower injury and illness rates in construction.

**Library:** The NCDOL Library provides services to internal and public patrons and offers a variety of safety and health resources, including a video program designed to facilitate worker safety training. In FFY23, the library loaned out 312 items (e.g., consensus standards, safety and health-related books, safety DVDs, certification exam preparation books) to NCDOL employees and registered public patrons. Additionally, the library responded to 610 information requests and 296 reference questions, provided streaming safety and health video access (via a subscription to Streamery) to 90 patrons, served 352 visitors, acquired 129 items for the collection, and cataloged 62 items. The librarian alerted staff to webinars and online publications, referred patrons to online resources, and assisted NCDOL OSH employees in their investigations and preparation for professional certification examinations via books and software access.

**Consultative Services:** During FFY23, the Consultative Services Bureau (CSB) conducted 1,498 consultative visits with employers across the state with 255 in the public sector and 1,243 in the private sector. This included 1,287 initial visits, 99 training and assistance visits, and 112 follow-up visits. During these visits, the consultants identified 6,683 hazards which were eliminated (6,331 serious, 287 other-than-serious, 65 regulatory). CSB also conducted 276

interventions with employers and continued to market their services at conferences, association speeches, radio show appearances and targeted mailings.

A state-specific rule requires employers with a workers' compensation experience rate modifier (ERM) of 1.5 or higher to have a written safety and health management program along with a safety committee for employers with 11 or more employees. CSB is tasked with notifying these employers of their obligation. In FFY23, CSB sent letters to 972 employers with an ERM of 1.5 or higher informing them of the need to develop a safety and health program and committee structure under the state-specific rule, entitled "Safety and Health Programs and Committees." The letter also provided information regarding the outreach services offered by CSB and ETTA.

**Training and Education:** Through ETTA's Training Section, the OSH Division offered a wide variety of free safety and health training and outreach services to employers and employees across the state. OSH staff participated in 206 courses and events that provided training to 5,562 employers and employees. Additionally, CSB trained 4,375 employers and employees, which brought an overall total of 9,937 workers trained by the OSH Division. Training included six 10-hour and two 30-hour general industry awareness courses, seven 10-hour and two 30-hour construction awareness courses, 82 speaker's bureau events, 93 webinars, and 18 booth events and safety and health fairs. The Labor One mobile training unit was also used for four additional training events including Stand-Downs.

The OSH Division participated with federal OSHA in the National Safety Stand-Down to Prevent Falls in Construction. ETTA hosted four webinars: one each on fall protection, scaffolds, steel erection, and stairways and ladders. ETTA also participated in three Labor One events at



partnership sites, including the FUJIFILM Diosynth Biotechnologies/Jacob Engineering site in Holly Springs, Holder-Edison Foard-Leeper/Charlotte-Douglas International Airport site in Charlotte, and the Wolfsped/Whiting-Turner Contracting Co. site in Siler City. A total of 1,709 employees were trained during these webinars and events.



*North Carolina Occupational Safety and Health Division Deputy Commissioner Jennifer Haigwood, along with NCDOL staff, visited the Barnhill DHHS worksite as part of Fall Prevention Safety Stand-Down Week.*

The OSH Division implemented its Train-the-Trainer Program for general industry and construction in 2010. Under this program in FFY23, state-authorized trainers provided 10-hour and 30-hour training courses to 260 employers and employees in North Carolina. The Train-the-Trainer Program supports the Training Section's outreach efforts thereby increasing the total number of employees and employers trained in the state.

Through the alliance with the Mexican Consulate, ET TA provided Spanish outreach during Labor Rights Week, Aug. 28 – Sept. 1, 2023, in Raleigh. During this event, ET TA hosted a booth and distributed Spanish publications on safety and health.

**Technical Assistance:** The ET TA's Standards Section responded to 2,247 inquiries for standards interpretation by phone or written correspondence for employers and employees across the state. 21 documents were added to the Field Information System (FIS) including updates to the FOM, revisions to OSH Division policies, and multiple federal OSHA Instructions and Final Rules that were adopted. Final rules included 29 CFR 1903 federal Civil Penalties Inflation Adjustment Act Annual Adjustments for 2023 and the revised 29 CFR 1904 rule to Improve Tracking of Workplace Injuries and Illnesses.

**Publications:** ETTA staff distributed 64,242 publications to employers and employees across the state. The Standards Section created several new publications including a brochure on injury reporting and quick cards on forklifts, safety data sheets, hazard communication labels, and hazard communication pictograms. Additionally, ETTA revised the Top 10 Serious Standards Cited in FFY22 brochure and Industry Guide 114 – Introduction to Migrant Housing Inspections in N.C.

**Agricultural Safety and Health:** In 2023, the Agricultural Safety and Health (ASH) bureau conducted 2,141 preoccupancy housing inspections of migrant farmworker housing and 40 compliance inspections. Housing certificates were issued to 2,033 sites with a total occupancy (beds) of 26,014. At the time of the inspection, 1,201 sites were found to be in 100% compliance.

During annual preoccupancy inspections, ASH distributed 5,821 safety and health publications to farmers and farmworkers. Topics included the following: human trafficking; heat stress prevention; injury/illness recording and reporting; venomous snakes, ticks, and spiders in N.C.; and migrant housing regulations.

In 2023, the ASH Bureau Chief presented at an H2A stakeholder event that was attended by 274 farmers, farm labor contractors, H2A agents, and other stakeholders. Training topics included migrant housing regulations, field sanitation requirements, and heat stress prevention. ASH staff also trained 27 farm labor contractors during three workshops hosted by the N.C. Cooperative Extension. Training topics included migrant housing regulations, field sanitation requirements and heat-related illnesses and prevention methods. In December 2023, the ASH Bureau Chief presented at the North Carolina Agriculture Labor Forum

and discussed migrant housing registration, regulations, and best practices.

Throughout the year, ASH staff educated farmers, farmworkers, and farm labor contractors about injury and illness recording and reporting requirements, heat stress prevention, forklift safety and field sanitation requirements.

ASH continues to strengthen partnerships and associations with other groups, such as: U.S. Department of Labor's Wage and Hour Division, N.C. Cooperative Extension, N.C. Agromedicine Institute, N.C. Department of Health and Human Services, N.C. Farmworker Health Program, N.C. Community Health Center Association, N.C. Farm Bureau, N.C. Agribusiness Council, N.C. Growers' Association and the N.C. Human Trafficking Commission.

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





*Labor Commissioner, Josh Dobson, presents the Public Sector Star award for recertification to Catawba Public Health.*

At the end of FFY23, North Carolina had 150 Carolina Star sites:

- 104 Carolina Star sites
- 5 Rising Star sites
- 18 Public Sector Star sites
- 23 Building Star sites

The annual Carolina Star Safety Conference (CSSC) was held at the Joseph S. Koury Convention Center in Greensboro, Sept. 20-22, 2023. The theme of the conference was “RE-FOCUS, RE-ENGAGE, RE-COMMIT.” The theme represented the CSSC initiative to return to the basics of workplace safety, and best practice



*International Paper Company - Cape Fear Woodyard receives a 25-year Star award from Labor Commissioner, Josh Dobson, at the Carolina Star Safety Conference in Greensboro.*



sharing. There were 627 participants from across the state that attended the conference, including a variety of vendors and speakers.

During the CSSC, one Carolina Star worksite, International Paper Company - Cape Fear Woodyard was recognized for achieving 25 years of active participation in the program. There are now 10 Star designated worksites that have achieved the status of 25 years as a Carolina Star Program participant.

On Jan. 24, 2023, the Carolina Star Program hosted its 4th annual Building Star Program Best Practices

Workshop. The workshop was held in Charlotte with a total of 33 participants in attendance.

Through a Special Star Team Member (SSTM) Program, OSH can leverage its limited resources by using specially trained Star site employees and independent private sector safety and health professionals for on-site Star evaluations. During FFY23, 21 new SSTMs were trained and four were recertified. After SSTMs receive initial training, they are required to be retrained every three years while being in the SSTM Program. Currently, there are 112 SSTMs eligible to assist with Star evaluations.



*Participants attending the 4th annual Building Star Program Best Practice Workshop held in Charlotte.*



*SSTM participants attend the 15th annual SSTM initial training held in Winston-Salem, Mar. 15-16, 2023.*

The SSTM Program also includes the use of specially trained OSH Star Team Members (OSTM) from ETTA (bureau chief, supervisors, standards officers and trainers). There are 18 OSTMs currently eligible to assist with Star evaluations.

**Gold Star Grower Housing Program:** The 29th annual Gold Star Growers' meeting was held at the N.C. State University McKimmon Conference and Training Center in Raleigh on Feb. 2, 2023. At this event, growers were recognized for achieving Gold Star status in CY 2022. There were 119 growers that achieved Double Gold Star status and 83 growers achieved Single Gold Star status for a total of 202.

Since there was no event held in 2022 due to COVID-19, awards were given to growers for the 2021 and 2022 seasons. For CY22, Costa Farms LLC received an award for Housing of the Year and for CY21, awards were given to AMD Farms for Most Improved Housing, Sandy Plain Sod LLC for Best Maintained Housing, and WF Partnership for Best New Housing.

### **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 FFY23, there were 150 SHARP and four Pre-SHARP sites in North Carolina:

- 102 SHARP General Industry sites
- 45 SHARP Public Sector sites
- 3 SHARP Construction sites

Consultative Services continued its special initiative to recognize employers who have been able to maintain SHARP status for 10 consecutive years with a special plaque and presentation ceremony.



*Commissioner Dobson presented Gate Precast Company with a SHARP renewal at their Oxford, N.C. plant location.*

For CY23, 65 growers achieved Double Gold Star status and 115 growers achieved Single Gold Star status for a total of 180.

Of special note, North Carolina employer Olympic Products, a long-term SHARP participant, was one of the published success stories on the federal OSHA website.



## Safety Awards Program:

The Safety Awards Program celebrated its 77th year with another successful season. The Gold Award was presented to employer sites with days away, restricted, or transferred case rate of at least 50% below the state average for its industry. The Silver Award went to employer sites with a lost workday case rate at least 50% below the state average. 28 Safety Awards banquets were conducted with a total banquet attendance of 2,021 attendees. The program distributed 2,151 annual awards including 1,860 gold, 291 silver, and an additional 58-million-hour safety awards. Million-hour safety awards are awarded to businesses which accumulate one-million-man hours with no injuries or illnesses involving days away from work.



*The many achievements along with Olympic Products' history is showcased at their facility in Greensboro.*



*Commissioner of Labor Josh Dobson presents award to General Electric Hitachi Nuclear Energy America, LLC for achieving 10-million-man hours worked without a lost time injury at the Wilmington Safety Awards Banquet in 2023.*

## 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. The partnership agreement requires a quarterly consultative walk-through to identify hazards, promote best practices, and educate both OSH personnel and the construction workers. 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 FFY23, there were three active partnerships with the following general contractors: Holder - Edison Foard - Leeper, a joint venture; Jacobs Engineering Group, Inc., and Whiting Turner Contracting Company.



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

In Holly Springs, the OSH Division partnered with Jacobs Engineering Group, Inc. for the FUJIFILM Diosynth Biotechnologies project, aka Project Galaxy. The project consists of new construction from ground up of a large-scale biotech manufacturing facility which will be the largest end-to-end cell culture biopharmaceutical manufacturing facility in the U.S. consisting of 984,531 square feet.

A new partnership was signed with the Whiting Turner Contracting Company on Sept. 18, 2023 for the new Wolfspeed facility in Siler City. The project consists of a large semiconductor/silicon carbide manufacturing plant located on approximately 400 acres.

A closing ceremony was held on Mar. 28, 2023, at the Barringer Construction partnership site in Oakboro for the new Charlotte Pipe and Foundry. The project had consisted of a 500,000 square foot foundry building including ancillary buildings for an office-bathhouse and a wastewater treatment plant on approximately 135 acres of land. Barringer Construction completed this project with four recordable injuries and illnesses during the entire project which consisted of approximately 1,121,877 man-hours with 502 sub-contractors on site.

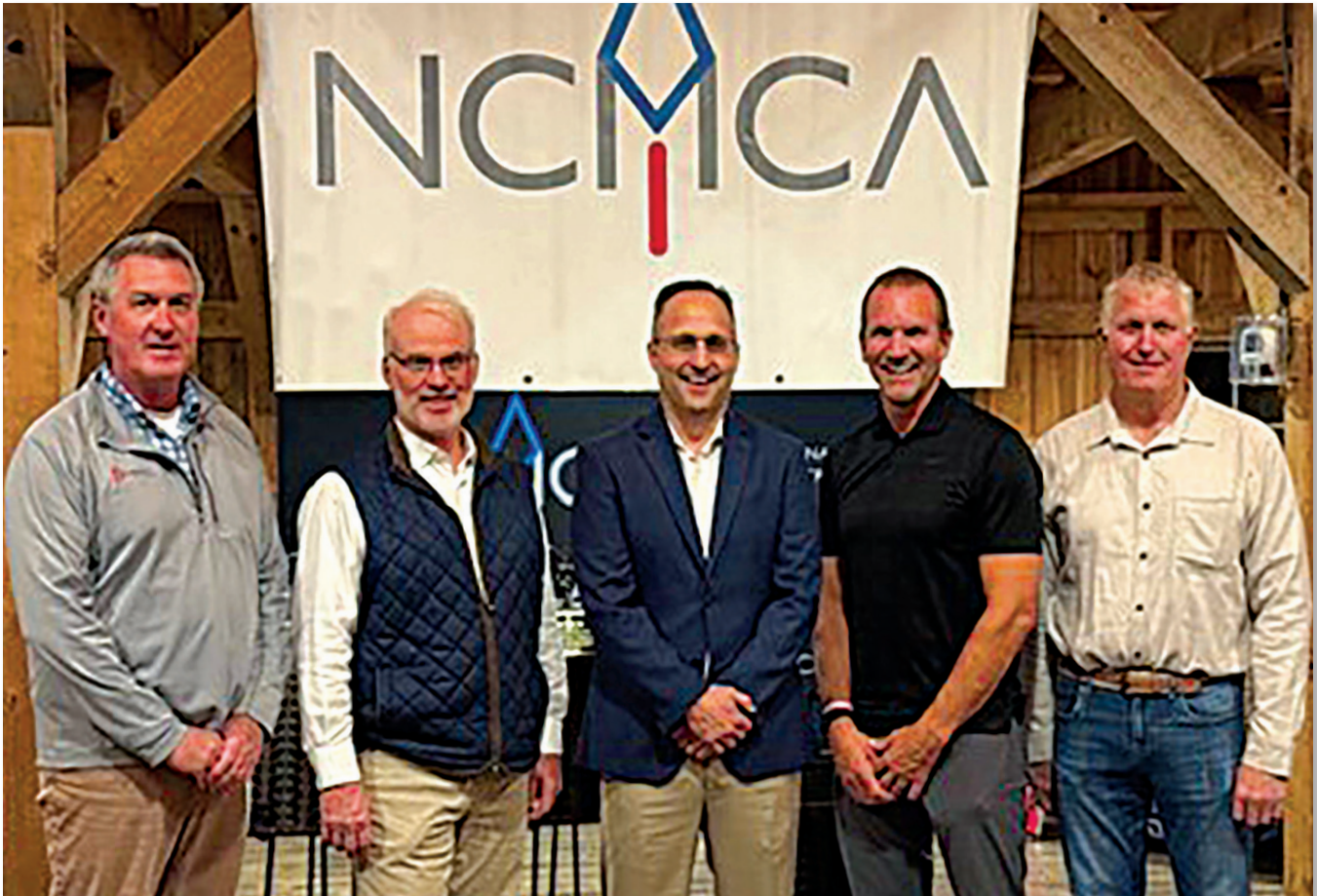


*On Mar. 28, 2023, the Department of Labor presented Barringer Construction with a NCDOL Partnership certificate during the closing ceremony.*

**Alliances:** The OSH Division establishes alliances with organizations and companies directed toward North Carolina’s special emphasis programs to support and promote education and outreach. Through viable alliance agreements, the OSH Division can leverage its resources to educate the public as well as internal staff about safety and health regulatory issues and hazards.

These include outreach initiatives such as construction forums, safety summits, and safety and health certificate programs.

In FFY23, OSH had ten alliances: Carolinas Associated General Contractors, Lamar Advertising Co., National Utility Contractors Association of the Carolinas, N.C. State Industry Expansion Solutions (IES), Safety and Health Council of North Carolina (SHCNC), Mexican Consulate, North Carolina Association of Local Governmental Employee Safety Officials, Tree Care Industry Association, Plumbing-Heating-Cooling Contractors Association (PHCC), and North Carolina Masonry Contractors Association (NCMCA). The PHCC and NCMCA were new alliances signed during FFY23.



*Commissioner of Labor Josh Dobson attends the alliance signing for the North Carolina Masonry Contractors Association*

Through the alliance with Lamar Advertising, six billboards were posted across the state promoting outreach events for the 2023 Construction Forum, Grain Safety Stand-Up, Fall Prevention Stand-Down, Trench Safety Stand-Down, Safe + Sound Week, and the Heat Illness Prevention campaign.

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



## SIGNIFICANT ENFORCEMENT CASE

### Environmental services company cited for multiple confined space violations.

#### What happened?

Oregon OSHA fined River City Environmental Inc., a Portland environmental and emergency services company, \$118,800 for allowing two untrained and poorly equipped employees to enter a sewer system that had oxygen levels of only 12.5%.

#### How did it happen?

Four River City Environmental (RCE) employees arrived at Widmer Brothers Brewery in Portland at 8 a.m. July 14, 2023, to replace stormwater filters located under a busy loading dock in the company's sewer system. This was RCE's second attempt to begin the work; just two weeks earlier brewery staff prohibited RCE employees from starting because they were not equipped to enter the sewer, which the brewery had identified as a permit-required confined space.

At 8:45 a.m., an RCE on-the-job trainee entered the sewer through a maintenance hole to replace the filters; the company used a vacuum truck "snorkel tube" to ventilate the space while the trainee did the work. Twenty minutes later the trainee finished the work, climbed out of the maintenance hole, and the snorkel tube was removed.

At 9:35 a.m., another RCE employee entered the maintenance hole to inspect the filters. But it sounded to his coworkers like he was in distress so a second RCE employee entered the maintenance hole to help him. His coworkers waited a few seconds for a response but heard nothing. A third RCE employee entered the space to help his two unresponsive coworkers but exited after 30 seconds and shouted, "Call 911!" Then he lowered the vacuum truck "snorkel tube" into the maintenance hole in an attempt to ventilate the space.

City of Portland paramedics arrived at 9:44 a.m., but they were not trained to do confined space rescues, so they summoned a confined space rescue team from Portland Fire & Rescue. Just as the rescue team arrived, one of the two RCE employees climbed out of the maintenance hole, and, at 9:51 a.m., Portland Fire & Rescue helped the second RCE employee out of the sewer. The airflow created by the vacuum process created enough airflow to provide the fresh air exchange to allow one of the workers to exit the sewer.





## What did River City Environmental do wrong?

Oregon OSHA cited RCE for multiple violations of its [employee supervision](#) and [confined spaces rules](#), including:

- Not ensuring employees who were authorized to complete permit confined space work were supervised in the practices used to safely enter such spaces.
- Not identifying the atmospheric and physical hazards that made the space a permit confined space.
- Not ensuring the written confined space program included instructions on equipment use and maintenance, and the procedures necessary for concluding the entry and canceling the permit after entry operations are completed.
- Not ensuring the procedures for issuing and completing an entry permit were implemented, including evaluating the hazards of the space and of the work to be performed, and identifying safe entry conditions.
- Not performing initial testing for atmospheric hazards before entry.
- Not ensuring continuous monitoring was completed during entry to confirm safe conditions for entry.
- Not ensuring employees were equipped with air testing and monitoring equipment.
- Not ensuring employees were equipped with ventilation equipment.
- Not ensuring employees were equipped with rescue and emergency equipment.
- Not following the manufacturer's instructions for testing and maintaining air monitors.
- Not providing information to employees entering the space about the hazards inside it or about the signs, symptoms, and consequences of those hazards.
- Not providing information to attendants who monitor employees entering the space about the hazards inside or about the signs, symptoms, and consequences of those hazards.
- Not providing information to supervisors of the entry about the hazards inside the space or about the signs, symptoms, and consequences of those hazards.
- Not implementing procedures to remove entrants if an emergency occurs or if they are unable to remove themselves from danger.
- Not ensuring all employees assigned to perform confined space entries were trained or currently certified in basic first aid and CPR.

## SIGNATURE PROJECT

### New penalty structure takes effect.

In FY23, Oregon OSHA took a significant legislative decision – passage of a new penalty structure – and rearranged its enforcement program to incorporate it.

The Oregon Legislature adopted Senate Bill 592 to amend the Safe Employment Act. Gov. Tina Kotek signed the bill into law in the summer of 2023.

To implement the change, Oregon OSHA followed a transparent rulemaking process that included robust engagement with our employer and worker stakeholders and abundant opportunity for public comment. We adopted the rule on Nov. 22, 2023. It became effective on Jan. 1, 2024.

## Oregon lawmakers approve stiffer penalties for businesses that violate workplace safety rules

The rule's changes and subsequent 2024 annual penalty bulletin include:

- serious violations increase to a range between \$1,153 and \$16,138 for each violation.
- a new serious violation type, "caused or contributed to a work-related fatality," with penalties ranging from \$20,656 to \$51,641 for each violation.
- willful or repeat violations increase to a range between \$11,528 and \$161,386 for each violation.
- a new violation type of willful or repeat violation that caused or contributed to a work-related fatality with penalties ranging from \$51,641 to \$258,203 for each violation.

Under the changes, Oregon OSHA is also required to conduct a comprehensive inspection of an employer when certain criteria are met.

Those criteria include:

- an inspection of an accident reveals that a violation caused or contributed to a work-related fatality,
- when three or more willful violations have occurred at a workplace within a one-year period, or
- when three or more repeat violations have occurred at a workplace within a one-year period,
- when an employer has a history of non-compliance, and the administrator deems a comprehensive inspection is necessary for the protection of employees.

3

Administrator's message

**With penalty changes comes a steadfast focus on putting all of our resources to work**

Oregon OSHA continues to engage with stakeholders to help them understand the changes. That work has included inspectors and consultants explaining the changes as they interact with employers in the field. It also includes the following free online resources that address everything from penalty determinations and reductions to annual penalty adjustments under the Consumer Price Index for All Urban Consumers/West Region:

- Determining penalties fact sheet: <https://osha.oregon.gov/OSHAPubs/factsheets/fs89.pdf>
- Understanding Oregon OSHA's new rules affecting civil penalties fact sheet: <https://osha.oregon.gov/OSHAPubs/factsheets/fs98.pdf>
- Violations and penalties adjustments summary: <https://osha.oregon.gov/OSHAPubs/5632-2024.pdf>



- Annual adjustments to penalties bulletin: <https://osha.oregon.gov/Pages/topics/violations-and-penalties.aspx>
- Video overview of the changes prompted by Senate Bill 592: <https://osha.oregon.gov/media/videos-online/Pages/sb592-inspections-and-Penalties.aspx>

## CONSULTATION & OUTREACH



### **Safety, health efforts of LatinoBuilt supported by Oregon OSHA**

[LatinoBuilt](#) – an Oregon nonprofit organization – works to overcome barriers and improve opportunities for Latino-owned businesses in Oregon’s construction industry. The trade association also focuses on workplace safety and health, an effort supported by Oregon OSHA’s consultation services program.

Just two years after it launched, LatinoBuilt has made a significant impact in the industry. The trade association – with a current membership of 318 contractors, providers and partners – is the only one of its kind in Oregon that offers training programs to Latino construction contractors, taught in Spanish and English, by industry professionals.

The bilingual training focuses on topics such as leadership development, employee safety and energy management with the goal of developing a community that supports Latino-owned businesses as they develop and enrich their livelihoods.

LatinoBuilt is supported in part by its sister organization, the [LatinoBuilt Foundation](#), which assists Latino business owners through:

- Mentoring and networking opportunities
- Bilingual workshops
- One-on-one training

The Foundation also works to strengthen the fabric of Latino families, offering “wraparound services” to improve their lives and strengthen their ties with the community.

Oregon OSHA became a LatinoBuilt member in 2022 when the division's [consultation services](#) began providing occupational safety and health training for contractors covering topics such as safety committees, heat illness prevention, and ladder safety, and through the division's [Challenge Program](#).

LatinoBuilt's membership has grown from 142 members in 2022 to 318 in 2024.

Learn more about LatinoBuilt and the LatinoBuilt Foundation at [latinobuilt.org](http://latinobuilt.org).

## PUBLIC EDUCATION

During FY23, Oregon OSHA's public education team modernized many online courses, created standalone videos, helped plan a Spanish-language safety and health conference, produced a radio program for the multicultural communications section, and continued to help grow the division's social media presence.

The following is a summary of the team's activities:

### Online courses

#### **Accident Investigation**

Initially launched in 2018, this English online course was modernized in Nov. 2022. A [Spanish](#) version was then modernized and launched in Feb. 2023. The course is designed to provide training in the principles of investigating workplace accidents and fulfills a basic training requirement for training safety committee members.

#### **Confined Space Safety**

Currently in development, this online course will include five modules and cover Division 2 Confined Spaces rule, 437-002-0146, as well as the Division 4 Confined and Hazardous Spaces rule, 437-004-1250.

#### **Everyday Ergonomics**

This [English](#) online course was first launched in Jan. 2012. It was revised and modernized in July 2023. In Sept. 2023, the [Spanish](#) version

was newly launched. The course is designed to provide an understanding of the basic principles of proper ergonomics in the workplace and while working at home.

#### **Hazard Identification and Control (Scenarios)**

The hazard identification and control [online course](#) provides English and Spanish scenarios (as an added bonus to the online courses) that were evaluated and updated in Oct. 2022. The hazard identification scenarios include topics about [Machine Guards](#) and [Office Environment](#), and provide a safe environment to take risks that you wouldn't normally take in real life, making for a valuable educational experience.

#### **Recordkeeping and Reporting**

The [English](#) online course was first launched in 2016 and modernized in Apr. 2023. When it was modernized, a [Spanish](#) version was newly created. The course explains what businesses are required to comply with updated Oregon OSHA recording and reporting rules.

#### **Safety Committees and Safety Meetings**

This [online course](#) was first launched in Aug. 2015. The English version was then revised and modernized in April 2023, and the [Spanish](#) version in Aug. 2023. The course is designed to provide training about the requirements of the safety committee and safety meetings rule.

#### **Walking-Working Surfaces**

This online course is the fifth and final course in the [Fall Protection Suite](#) and is under development. It will cover the requirements for general industry employers to help keep employees safe on walking-working surfaces.

#### **PowerPoints for online courses**

PowerPoint presentation downloads are a newer feature for instructors that the public education team includes when modernizing and creating online courses. This tool is now available in English and Spanish for *Accident Investigation*,



Everyday Ergonomics, Hazard Communication, Recordkeeping and Reporting, and Safety Committees and Safety Meetings.

### Standalone videos

#### **Health Hazards & Control in Agriculture**

This [video](#) was launched in Oct. 2022. It is designed to educate the agriculture industry about the hazards of sulfur dioxide.

#### **Propane Safety Discussion video**

This [video](#) launched in Jan. 2023. It is available in English and Spanish. It is a byproduct of the [Compressed Gas Rule Review Video](#).

#### **Oregon OSHA's 50 Year Anniversary**

To help celebrate Oregon OSHA's 50 years, in July 2023, the public education team collaborated with the communications team to produce a video, which is displayed on the new [50 years of protecting workers](#) webpage. The video highlights Oregon OSHA's history and outstanding success as a state plan.

### Other activities

The public education team assisted the planning committee with all logistics of the Spanish-language conference, including Qualtrics surveys, promotional videos, translation services



and the creation of highlight videos to share on social media.

The public education team produced and provided to the multicultural communications section a 30-minute radio program that aired in eastern Oregon July 15-16, 2023. The program covered wildfire smoke, heat illness prevention, and consultation services.

Social media, YouTube channel (English and Spanish combined)

Since its inception in 2014, the [Oregon OSHA YouTube Channel](#) has amassed 4.1 million views, and there are a total of 364 videos available. During FY23, the division's Vimeo channel received 264,594 video views. Meanwhile, Facebook received 18,744 video views.

## SOCIAL MEDIA



In FY23, highlights of Oregon OSHA's efforts to distribute and promote educational resources through its social media channels included:

- Oregon OSHA materials on Facebook, LinkedIn, Instagram, Twitter, YouTube and Vimeo
- Ongoing use of #OregonOSHA
- Continued promoting safety/health consultation services through [custom video testimonials](#)
- Weekly #TipTuesday safety videos in English
- Weekly #SabadoSeguro safety videos in Spanish
- Ongoing promotion of free virtual and in-person safety and health workshops
- Multiple heat stress and heat prevention educational posts with custom designs and videos both in English and in Spanish.



## ENFORCEMENT

Enforcement includes intervention in both the private and public sectors. During FY23, Oregon OSHA conducted 2,687 inspections. Of those, 1,974 were in safety and 713 were in health. Additionally, there was a combined average penalty of \$1,948 for 1,030 violations where the standard cited suggested that the violation would

normally create a meaningful increase in the risk of workplace death and 526 where the standard was rated and cited as a “death” violation. Of these, 220 violations were in both categories.

## HIGH-HAZARD INDUSTRIES

Oregon OSHA focuses on high-hazard industries, such as construction and logging. The following data demonstrates that focus in FY23, in both enforcement and consultation:

- Total number of safety inspections in high-hazard industries: 1,648
- Total number of health inspections in high-hazard industries: 478
- Total number of safety consultations in high-hazard industries: 876
- Total number of health consultations in high-hazard industries: 33

## RULEMAKING ACTIVITY

### ***Agriculture labor housing***

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

### ***Improve tracking of workplace injuries and illnesses***

To stay in harmony with recent changes to federal OSHA standards, Oregon OSHA adopted two changes to its requirements for recording workplace injuries and illnesses:

All employers with 100 or more employees in high-hazard industries (a subset of those who are already required to submit their OSHA Form 300A data) must electronically submit their OSHA Form 300 and DCBS Form 801 for case-specific data.

Employers must include their legal company name in their electronic submission of injury and illness data, along with the existing requirement of providing their Employer Identification Number (EIN).



Oregon OSHA adopted the rule putting those changes into place on Dec. 21, 2023. It took effect on Jan. 1, 2024.

All information about Oregon OSHA's rulemaking activities is [available online](#).

## VOLUNTARY PROGRAMS

### Consultation

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

In FY23, 2,321 consultations were conducted.

### Cooperative programs – SHARP and VPP



Building on Oregon OSHA's promotion of employer self-sufficiency, the division encourages employers to attain Safety and Health Achievement Recognition Program (SHARP) status and Voluntary Protection Program (VPP) status.

At the end of FY23, a total of 180 Oregon companies participated in the SHARP program. That total includes two working towards SHARP, 10 active employers and 168 graduates.

At the end of FY23, a total of 23 Oregon companies were certified VPP. During the fiscal year, four existing VPP sites were recertified. There was one new VPP site and no employers withdrew from the program.

Here they are by category and number:

- Health consultations: 857
- Safety consultations: 1,464
- Health consultations in high-hazard industries: 331
- Safety consultations in high-hazard industries: 876
- Safety and health ergonomics consultations: 55
- Safety and health ergonomics consultations in industries with high musculoskeletal disorders rates: 46
- There were 105 consultations where workplace violence was addressed.



## PARTNERSHIPS & AGREEMENTS

### ***Partnerships and collaborations continue.***

During FY23, Oregon OSHA continued to collaborate with established partners and alliance members.

The division continued to maintain 44 stakeholder group and partnership activities. It also began working with two new stakeholder groups. That work included enhancing the relationship with the Strategic Enforcement Group of the Oregon Bureau of Labor and Industries (BOLI), which enforces whistleblower rights under the Safe Employment Act. The relationship is intended to encourage enforcement collaboration across agencies.

Oregon OSHA also participated in a “convening” event organized by BOLI to meet with labor advocates, legislators, and BOLI staff. The group focuses on developing enforcement strategies for high-violation, low-reporting industries with investigators from proactive units, and education programs for workers in those industries.

**Billboard campaign supported by new alliance.**

In Sept. 2023, federal OSHA, Oregon OSHA and Lamar Advertising Co. established an alliance to provide workers with information, guidance, and access to training resources on workplace safety and health. Lamar will use their billboards across Oregon to share messages on how to improve workplace safety and health.

**SAFE WORKPLACES LEAD TO SUCCESS**

Get free help and training at [osha.oregon.gov](https://www.osha.oregon.gov)

**Worker safety is our mission.**

**CONFERENCES & ACTIVITIES**



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.

In FY23, Oregon OSHA forged partnerships to co-sponsor conferences throughout the state:

- American Society of Safety Professionals (ASSP) – Southern Oregon Chapter, Oct. 18-20, 2022, in-person and virtual
- Association of Western Pulp & Paper Workers (AWPPW) – Oregon Safety Council, Nov. 29-Dec. 2, 2022, Portland
- Central Oregon Safety & Health Association (COSHA), Jan. 30-31, 2023, Bend
- Oregon Governor’s Occupational Safety & Health Conference (GOSH), partnered with American Society of Safety Professionals (ASSP) – Columbia-



Willamette Chapter, Mar. 6-9, 2023,  
Portland

- Region X Voluntary Protection Program Participants' Association (VPPPA), May 16-18, 2023, Kennewick, Wash.

- Oregon Safety and Health Achievement Recognition Program (SHARP), June 5-6, 2023, Pendleton
- Central Oregon Safety & Health Association (COSHA), Sept. 25-26, 2023, Bend



**Tercera conferencia anual sobre seguridad y salud laboral y sus derechos en el lugar de trabajo, ofrecida por Oregon OSHA. Completamente en español.**

**17 de Octubre, 2023**  
**8:30 a.m. a 3:30 p.m.**

**Ashland Hills Hotel • Ashland, Oregon**

Additionally, Oregon OSHA presented the third Spanish-language conference addressing workplace safety and health, and workers' rights while on the job. The event was held in Oct. 2023 in Ashland.

The event was part of Oregon OSHA's ongoing commitment to bolstering its outreach efforts, breaking down language barriers, connecting with more workers and employers about free workplace safety and health resources, and advancing on-the-job safety and health for all workers in Oregon.

### ***Safety Break for Oregon***

During fiscal year 2023, 50 employers participated in the 20th Annual Safety Break for Oregon event on May 10. Representatives from various industries—including construction, healthcare, food service, and state and local governments—held activities across Oregon to promote workplace safety and health.

Safety Break for Oregon is coordinated by employers and workers decide how they will participate in the event. It is a time for employers and workers to celebrate safety and health achievements, and to examine and renew their efforts to shield people from harm while on the job.

Sponsored by the Oregon SHARP Alliance, prizes are awarded to participating companies as part of a random drawing. The winners of a \$100 check to be used for a luncheon of their choice were: The Corvallis Clinic, and Sheridan Fruit Co.

The Puerto Rico Occupational Safety and Health Administration (PR OSHA) is committed to improving workplace safety and health for all employees and changing workplace culture by increasing employer and employee's commitment and involvement in occupational safety and health. We continue to provide training and workplace safety consultative services and conduct inspections in both the private and public sector ensuring compliance with all applicable safety and health regulations.

## FY23 OVERVIEW AND PERFORMANCE

Due to the staffing challenges encountered after the pandemic, this year the program's administration focused its attention into filling vacant positions, developing and implementing an aggressive training matrix for both new hires and experienced personnel and refocusing the Evaluations Division with a teaching perspective.

Our assessment of the progress obtained in FY23 reflected a great improvement with a total 924 inspections performed in contrast to the 640 inspections completed in FY22.

The Program continued with its emphasis on the high hazard industries included in the Five-year Strategic Plan: State Emphasis Program on Amputations NAICS codes 311, 322, 326, 327, 335, 451, 452, 445 and 722; State Emphasis Program on the Healthcare Industry, NAICS codes 621111, 621210, 621310, 621320, 621340, 621391, 621399, 621492, 621493, 621498, 621511, 621512, 621910, 621991, 621999, 622110, 623110, 623311, 623312

and 623990; and State Emphasis Program on Hazardous Activities in Roads and Highways, NAICS 2383, 2389, 5617, 2373, 2371, 2382.

### **State Emphasis Program on Amputations**

The Inspections Bureau identified 483 establishments within the scope of the SEP for the five-year strategic period. In FY23, the IB conducted 144 inspections. 226 violations were issued, classified as follows: 129 serious violations, six repeat violations and 91 other than serious violations.

### **State Emphasis Program on the Healthcare Industry**

The Inspections Bureau identified 255 establishments within the scope of the SEP for the five-year strategic period. During FY23, the IB conducted 42 inspections; with 13 issued violations classified as follows: nine serious violations and four other than serious violations related to hazards associated with the SEP.

### **State Emphasis Program on Hazardous Activities in Roads and Highways**

The Inspections Bureau identified 204 establishments within the scope of the SEP for the five-year strategic period. 53 serious violations, two repeat violations and 36 other than serious violations.

### **Construction**

During FY23 the Inspections Bureau conducted 143 construction inspections in the private sector, broken down as follows: 107 programmed planned safety inspections and 37 unprogrammed safety inspections, and one unprogrammed health inspections. The inspections yielded 197: 128 serious, three repeat and 66 other than serious.



In the island, during FY23, no fatalities were reported or investigated in the construction industry, thus the fatality rate for this industry was 0.0.

### Cooperative Programs

PR OSHA's On-site Consultation Program falls under 21(d), thus all private sector consultation activities are under their jurisdiction. PR OSHA's Voluntary Programs has public sector jurisdiction for Consultation On-site Visits, VPP, Alliance Program, Compliance Assistance and Public Sector Outreach activities.

### Alliances

At the end of FY23, PR OSHA has been actively working with six alliances.

### VPP

For FY23 PR OSHA has 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
- Weiland - Caguas

### Compliance Assistance/Outreach

PR OSHA Voluntary Programs Division conducted and/or participated in 83 training/conference sessions around the island. The activities were addressed to employers, workers, students and public. 8,426 persons were affected.

During FY23 PR OSHA resumed its full on-site participation in outreach activities.



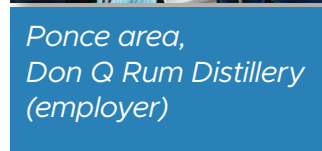
Local Newspaper report on the VPP recertification of Stryker PR, LLC. with Stryker EHS representatives, the PR Secretary of labor and PR OSHA's Voluntary Program Division Team Leader.

### FY23 PR OSHA OUTREACH ACTIVITY – “PR OSHA TAKES TO THE STREET”

In Apr. 2023, few days before the celebration of Workers Memorial Day, PR OSHA's field staff took to the street and visited employers, addressed the importance of safety and health management systems, distributed information and reference materials on occupational safety and health and promoted the On-site Consultation Services. 390 establishments in 39 municipalities were visited in one day with a positive impact on approximately 17,000 employees.



Mayaguez area, PR Institute for the Blind (employer)



Ponce area, Don Q Rum Distillery (employer)



Utuado Area, Lab Otao (employer)



## ENFORCEMENT

In FY23, South Carolina OSHA conducted 252 inspections/investigations. During this period, 176 safety related inspections and 76 health related inspections were conducted.

Statistics show the following:

- Planned Inspections = 49
- Referral Inspections = 25
- Unprogrammed-Related Inspections = 17
- Complaint Inspections = 108
- Follow-Up Inspections = 16
- Programmed-Related Inspections = 7
- Accident and Fatality Inspections = 29
- Monitoring Inspection = 1

During these inspections, 331 citations were issued. Of these citations, 286 were serious violations, 44 were other-than-serious violations and one repeat violation. Adjusted penalties for these violations were \$758,580.00.

### **Bureau Of Labor Statistics (BLS)**

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 2022 was 2.3 injuries and illnesses per 100 full-time equivalent workers. The national private sector injury and illness incidence rate was 2.7 in 2022. Within the public sector, South Carolina's occupational injury and illness rate was 3.5 in 2022.

## SOUTH CAROLINA'S OFFICE OF OUTREACH AND EDUCATION

### **Consultation**

South Carolina OSHA's Outreach and Education Program (O&E) consultation staff conducted 626 total visits, resulting in 2,819 hazards being identified and eliminated. Throughout the year, South Carolina OSHA's O&E consultants made 416 OSHA recommendations, requiring the improvement or implementation of written safety and health programs. 42 requests for consultation services were conducted in the targeted NAICS. There was one SHARP site added and two additional Partnerships added to the program. There were no Voluntary Protection Program (VPP) "Palmetto Star" sites added and no withdrawals during the fiscal year. There are currently eight Safety and Health Achievement Recognition Program (SHARP) sites. The projected program numbers for FY23 were met.

The consultation program uses customer satisfaction surveys to evaluate its effectiveness. A survey form is included with each consultation report to the employer. During the fiscal year, 43.6% of the customer satisfaction surveys were returned, indicating 99.4% of the responding employers were satisfied with the services and met the employers' expectations. Ninety-eight percent of the employers indicated the recommendations were clear and understandable. The customer satisfaction survey results indicated the Hazard Identification (80.1%) and Hazard Correction Advice (74.2%) were the most helpful and best-liked areas of the visits.

Additionally, 58.1% of respondents indicated they were first-time users of O&E's Consultation Services. Of the responders, 99.0% strongly agreed that this service helped to improve workplace safety and health programs. South Carolina OSHA's Office of 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 OSHA's Outreach and Education (O&E) Program has a separate training division under the 23G grant. This division provides free on-site training to employers and employees throughout the state. The total number of training classes increased in FY23, following lower recorded training numbers following the COVID-19 Pandemic. Many employers continued to request virtual training over on-site training, making it more difficult to capture the number of attendees accurately. During the past year, the training division conducted 227 training classes for 6,369 private and public-sector employers and employees. A total of 865 private-sector employers, 3,502 private-sector employees, 379 public-sector employers, and 1,623 public-sector employees were trained. South Carolina's O&E training staff continued to participate

in workshops and outreach projects with SC Association of Counties, SC Manufacturers Alliance, NC State OTI Outreach Center, SC Department of Transportation, SC Department of Corrections, SC State Association of Fire Chiefs, Horry Georgetown Technical College, National Association of Women in Construction, SC Metal Finishers Association, Low Country and Piedmont ASSE, Professional Construction Estimators Association, National Association of Scientific Materials Managers, SC Masonry Contractors Association, SC Asphalt Association, Carolina's General Contractors Association and the Home Builders Association.

### **RECOGNITION PROGRAMS**

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

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

The Safety and Health Achievement Recognition Program (SHARP) recognizes small and high-hazard employers that have developed and maintained effective safety and health programs. Acceptance of a worksite into SHARP from South Carolina OSHA is an achievement of status that singles out the employer among business peers as a model for worksite safety and health.

South Carolina added one new site to the SHARP program for FY23, bringing the total to ten sites.

South Carolina OSHA is working with new companies to potentially become SHARP sites. A great deal of emphasis has been put into this program to encourage smaller companies to participate.



## Palmetto Star Program

The Palmetto Star Program also recognizes and promotes effective safety and health management systems. A company that attains Palmetto Star status is considered to have one of the safest workplaces in the state. There are currently 33 active VPP “Palmetto Star” sites. During FY23, there were 10 VPP re-evaluations. SC OSHA Outreach and Education is working with new companies to potentially achieve Palmetto Star status and continues to promote this program to encourage companies to participate.

## PARTNERSHIPS

SC OSHA currently has two active construction partnerships:

- Juneau Construction and its subcontractors are working on the Bryan Mall Project Historic Dormitory Remodel at Clemson University. This partnership agreement was signed on June 8, 2023.
- United Insulated Structures Corp (UIS) and its subcontractors are working on the Karis Cold structure which will be a cold storage facility. This partnership agreement was signed on Aug. 3, 2023.

## OUTREACH

The 2023 South Carolina Safety Summit was held on Mar. 21-22, 2023. The safety summit was held in-person and highlighted the SC OSHA Panel and South Carolina OSHA Updates. This platform allowed the attendees to participate in a two-hour question and answer session with SC OSHA Outreach and Education, OSHA Compliance, OSHA Standards, and OSHA Legal Counsel.

Through partnership in conferences, forums, and training courses, SC OSHA continues to work with associations, employers, and other groups to promote SC OSHA’s Outreach and Education (O&E) services. Services are provided by the O&E division to promote a positive safety and health

environment and to ensure a safe and healthy workplace for employees in South Carolina.

## COMPLIANCE OFFICER TRAINING

South Carolina OSHA trained 11 new hires in FY23. These compliance office positions were in all three disciplines: five safety, three health, and three construction. South Carolina OSHA intends to grow its compliance division this upcoming year by onboarding at least six more safety and health compliance officers.

Annual training continued with Legal Aspects from the OSHA Legal Team and in-house standards training from the Outreach and Education Training Team. Topic training was provided for all three disciplines of Safety, Health, and Construction to enhance cross training and hazard recognition for compliance officers outside of their specific discipline. South Carolina OSHA also hosted a six-day class on Fire Protection and Life Safety put on by the OSHA Training Institute. 35 compliance officers, supervisors, consultants, managers and trainers attended.

Other technical and professional development classes with OSHA were scheduled across the country sending 114 attendees to 40 different classes. Class subjects were on topics such as, but not limited to: Steel Erection, Combustible Dust, Industrial Hygiene Chemistry, Grain Handling, Applied Welding Principles, Concrete Forms and Pouring, Permit Required Confined Space and Machine Guarding.

A program intended to enhance skills and knowledge as a leader in state government, South Carolina OSHA had a manager complete the South Carolina Certified Public Manager® (CPM) program. The 18-month nationally accredited management development program is designed for mid-level managers in South Carolina government, of which only two employees are selected from each agency to attend.

## STANDARDS

The SC OSHA Standards Division assists many employers, employees and compliance personnel who desire to eliminate safety and health workplace hazards. The Standards Division responded to over 600 phone calls and e-mails as part of outreach and compliance assistance during FY23.

## SIGNIFICANT CASES

### Construction Industry

On or around Apr. 28, 2023, employee 1, was completing a framing work punch list on the third floor of Building 8 at the jobsite. Employee 1 stopped their assigned task and walked over to the landing area near the guardrail system on the third floor. A framer working in the area stated he saw employee 1 approach the guardrail system and handle the top rail



Front of building under construction



Third floor accident scene



Close up photo of elevated area depicting the failed guardrails.

aggressively. When employee 1 approached and handled the guardrail, it gave way and employee 1 fell 20 feet to the first working level of concrete. Employee 1 landed on a metal bracket which impaled the back of his head. The emergency medical service supervisor pronounced employee 1 deceased at the scene.

South Carolina OSHA's investigation revealed that the employer failed to protect employees on a walking/working surface (horizontal and vertical surface) with an unprotected side or edge which is six feet or more above a lower level, from falling by the use of guardrail systems, capable of withstanding, without failure, a force of at least 200 pounds applied within two inches of the top edge, in any outward or downward direction.

### Compactor and Recycling Center

On or about Nov. 23, 2022, at approximately 3:30 p.m., employee 1 was assisting a coworker with the change out of a full container at the household and garbage area of a collection site. The process involved disconnecting the full container from the compactor. The coworker was responsible for disconnecting the left side, referred to as the driver side, and employee 1 was responsible for disconnecting the right side, also referred to as the passenger side. The driver side and passenger sides were referenced to due to



the positioning of the Mack rollback truck. Once both the left and right sides were disconnected, the full container could be moved. The coworker relocated to the driver side of the Mack rollback truck. The coworker and employee 1 signaled to each other to proceed retrieving the full container by indicating thumbs up. The coworker observed employee 1 from the passenger side windows located in a clear position. Employee 1 was standing at the top right corner of the compactor which was the end closest to the right tail end of the full container when the coworker proceeded to retrieve the full container. As the coworker attempted to pull the container forward, both employees sensed that the container may have been heavier than expected, which made it harder to pull it forward. As the coworker proceeded forward, the top right corner of the container shifted off the bed of the truck towards the cement retention wall. Employee 1 was pinned between the container and retention wall. Employee 1 succumbed to their injuries at the scene, to include blunt force trauma to the head, chest and lower extremities of the body.

South Carolina OSHA's investigation revealed that the employer knew or should have known that employees assisting in a container changing out process were exposed to the hazard of being caught between container while removing a full



*The area between the retention wall and the household/garbage waste container was approximately 33 inches.*



*The household/garbage waste container and the compactor were connected. Due to the two items being connected when the rollback truck was retrieving the container, the container shifted towards the retention wall resulting in employee 1 being pinned between the retention wall and the container.*



*Overview of the household/garbage area from the platform located at Compactor and Recycling Center.*



*Area between the retention wall and household/garbage waste container where employee 1 was pinned.*





container and replacing with an empty container. A feasible and useful method to correct this hazard, among other methods, is to ensure that employees are not located between the retention wall and the container when the container is being loaded or unloaded by a rollback truck. A general duty citation was issued for this hazard.

### **Public Safety**

On May 26, 2023, at approximately 4:00 p.m., employee 1 responded to a structural fire. Employee 1 arrived and entered the structure to start fire operations. Two other firefighters breached a wall from the third floor of the middle unit to conduct fire and rescue operations. As the fire progressed, a collapse occurred and caused the third floor of the middle unit to fall into the second floor of the middle unit onto employee 1. Employee 1 was trapped, and firefighters worked to remove employee 1 from the fire structure, but were unsuccessful. As a result of the collapse and being trapped, employee 1 succumbed to asphyxia.

One respiratory protection and three general duty citations were issued. South Carolina OSHA's investigation revealed that the employer:

1. Failed to ensure that an employee using a tight-fitting facepiece respirator is fit tested prior to initial use of the respirator,

whenever a different respirator facepiece (size, style, model or make) is used, and at least annually thereafter. An annual respirator fit test was not provided for 1 employee required to wear an MSA Model: G1 SCBA (500) respirator while responding to fires. The last fit test on record for the employee was in May 2021.

2. Knew or should have known that supervisory personnel's failure to assume responsibility for activities within their span of control, including failing to take responsibility for the safety and health of responders and other authorized persons within their designated areas, failing to take immediate action to correct imminent hazards, and failing to maintain a constant awareness of the position and function of all responders assigned to operate under their supervision. This hazard would expose employees to inhalation hazards from an IDLH (immediate danger to life and health) atmosphere or other hazards such as falling through the floor and/or being struck by, caught in and caught between, and crushed by building materials, which could result in blunt force trauma, broken bones, paralysis, asphyxiation (lack of oxygen), and/or death. A feasible and useful method to correct this hazard, among other methods, is to train, assess, audit, and otherwise ensure supervisory personnel assume responsibility for activities within their span of control, including taking responsibility for the safety and health of responders and other authorized persons within their designated areas, taking immediate action to correct imminent hazards, and maintaining a constant awareness of the position and function of all responders assigned to operate under their supervision.

3. Knew or should have known that the failure to develop, utilize, and assess an effective on-site communication plan, including procedures for communications when responding to incidents with adjacent jurisdictions, designed to prevent ineffective radio communication resulting in missed urgent messages, including mayday calls, would expose employees to inhalation hazards from an IDLH (immediate danger to life and health) atmosphere or other hazards, such as falling through the floor and/or being struck by, caught in and caught between, and crushed by building materials, which could result in blunt force trauma, broken bones, paralysis, asphyxiation (lack of oxygen), and/or death. A feasible means of abatement of this hazard included developing, training responders on, utilizing, and auditing/assessing an effective on-site communications plan, including procedures for communications when responding to incidents with adjacent jurisdictions.
4. Knew or should have known, that not holding regular, full-scale exercises and simulations with adjacent jurisdictions of a sufficient number to develop employee proficiency would expose employees to inhalation hazards from an immediate danger to life and health (IDLH) atmosphere; falling through the floor; and/or being struck by, caught in and caught between, and crushed by building materials, which could result in blunt force trauma, broken bones, paralysis, asphyxiation (lack of oxygen), and/or death, as employees were not allowed to maintain necessary skills to effectively handle fires necessitating adjacent jurisdiction response. A feasible and useful method to correct this hazard, among other methods, was to ensure responders who

fill the incident management team positions train together with adjacent jurisdictions, to include participating in full-scale exercises and simulations of a sufficient number to develop their proficiency and allow them to maintain the necessary skills.



*Front view of fire damage to building*



*View of fire damage on side of building*



*Side view of collapsed building due to fire damage*





*Back view of collapsed building due to fire damage*



*Front view of fire damage to building*



*Additional front view of fire damage to building*

### **Steel Manufacturing Industry**

At 3:00 p.m. on Jan. 12, 2023, an employee was delivering materials from one facility to another. While at the second facility, the employee was told there was a load that needed to go back to the first location. After the load was placed on the employee's truck, it was determined that information for the packing list was missing. Another coworker was instructed to remove the load from the truck. As the coworker was removing the load with the forklift, the employee opened the bay door by reaching through a small opening. The employee pushed the wrong button and the door closed on their head, crushing their skull. The employee died due to their injuries. South Carolina OSHA's investigation revealed the employer failed to prevent employees from being caught in between the bay door and the door frame. The employer abated the hazard by installing a presence sensing device to provide protection if the door encounters an obstacle.



## SIGNATURE PROGRAMS

On Nov. 22, 2023, Tennessee OSHA published a Safety & Health Information Bulletin detailing key differences between traditional hard hats and more modern safety helmets and the advancements in design, materials and other features that help protect workers' entire heads better. Today's safety helmets may also offer face shields or goggles to protect against projectiles, dust and chemical splashes. Others offer built-in hearing protection and/or communication systems to enable clear communication in noisy environments. During FY23, Tennessee OSHA began utilizing safety helmets for their staff.



Also, during FY23, Tennessee OSHA adopted OSHA's NEP on Warehousing and Distribution Center Operations identically, except for the Heat NEP, and it became effective Sept. 8, 2023, in Tennessee.

## EMPHASIS PROGRAMS

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

### Excavation safety

Tennessee OSHA has maintained an emphasis program on trenching and excavation hazards for more than 10 years. All compliance officers, including industrial hygienists, are trained to identify cave-in hazards and are authorized to conduct inspections and interventions when they observe such hazards. During FY23, TOSHA issued 71 violations of the trench standards and \$417,700 in penalties.

### Noise

During FY23, noise exposures were reduced for 419 employees and 41 documented improvements were made to hearing conservation programs across the state. All compliance officers, including safety compliance officers, are trained to identify and evaluate employees' exposure to workplace noise.

### Carbon Monoxide

Tennessee OSHA's special emphasis program on carbon monoxide exposure resulted in the reduction or elimination of carbon monoxide exposure to 704 employees during FY23. All safety staff members have been trained and equipped to identify and quantify carbon monoxide exposure. Tennessee



OSHA's regulation is more stringent in General Industry at 35ppm using the Z-1-A table. TOSHA enforces Table 1 under 29 CFR 1926.55 in the Construction Industry at 50ppm.

### **Fall Protection**

Tennessee OSHA maintains an emphasis program to reduce the number of fall fatalities that occur in the workplace by focusing resources on these hazards. All compliance officers, including all industrial hygienists, have received specific training on the identification and abatement methods of fall hazards. During FY23, Tennessee OSHA identified 52 fall hazards through their consultation division, and 318 fall hazards through their enforcement division.

### **ENFORCEMENT**

Tennessee OSHA performed 1,552 workplace inspections in FY23. During these inspections, 5,734 hazards were identified and penalties of \$4,577,950 were assessed. Unpaid penalties are assessed a late fee of 10 percent at 30, 60 and 90 days, and statutory interest is assessed until the penalty is paid. Unpaid penalties are forwarded to the state attorney general's office for collection. During the pre-contest period, TOSHA retained 93.65% of the penalties assessed, compared to 75.19% retained by combined federal and state programs nationwide.

During FY23, complaint inspections were initiated an average of 2.84 days following receipt of the complaint, as indicated in the State Activity Mandated Measures (Source: SAMM). Complaint investigations were initiated in an average of 1.45 days. During FY23 TOSHA processed 1,529 complaints.

During FY23, Tennessee OSHA performed 38.81% 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 2022 total case incident rate (TCIR) for state and local government in Tennessee was 4.0.

### **OUTREACH**

#### **Training**

Tennessee OSHA offers training seminars to the public throughout the year. TOSHA partners with co-sponsors to offer these seminars, including but not limited to, the Tennessee Chamber of Commerce and Industry, Tennessee Association of Utility Districts, Associated Builders and Contractors (ABC), Association of General Contractors (AGC) State Community Colleges, and other state, county and city Agencies. The seminars are offered at various locations across the state. In FY23, TOSHA trainers conducted sessions on several topics including Lockout Tagout, Emergency Action, Machine Guarding, Electrical, Hazard Communication, Personal Protective Equipment, Respiratory Protection, Recordkeeping, Powered Industrial Trucks, and Health Hazards. Safety and health training sessions were provided to 6,063 attendees across the state.

#### **Newsletter**

TOSHA published a newsletter, "Together with TOSHA". The newsletter is posted on TOSHA's web site and distributed through the "EMMA" which currently contains 1,268 registered users.



In addition, many employer and employee associations and other groups forward the newsletter to their members. The electronic publication of the newsletter in portable document format (pdf) allows the reader to follow embedded web links to additional information or print the document for employees without electronic access. The newsletter offers information, interpretations, best practices, and compliance recommendations on occupational safety and health topics. Topics covered in the newsletters in FY23 include:

- Reports on the National Census of Fatal Occupational Injuries, Tennessee fatality statistics, and Tennessee Workplace Fatality summaries,
- OSHA published documents for Winter Weather Hazards, Tower Cranes, Workplace Stress, Truck Yard Safety, Trench Safety, Tree Care, Forklifts, Heat Stress, Tornado Preparedness, Small Business Handbook, Electronic Reporting OSHA Form 300A, Safe & Sound Week 2023,
- State VPP and SHARP participant updates, awards, and best practices,
- Recent TOSHA outreach efforts with posting of seminar schedules,
- Safety and Health educational efforts throughout Tennessee, including Safe + Sound Week, National Safety Stand-down to Prevent Falls in Construction, and Trench Safety Stand Down



### **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 2024 Tennessee Safety and Health Conference is scheduled to be held at the Gaylord Opryland Hotel in Nashville on June 10 – 12.

### **Social media**

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

### **CONSULTATION**

The Tennessee OSHA consultation program works with employers to help them identify hazards and develop safety and health management systems. The program performed 319 consultation visits and identified 2,323 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 FY23, Tennessee OSHA Consultation had continued interest in SHARP by small employers. 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 engagement to be successful. TOSHA's SHARP sites share these two core elements while having management styles as diverse as their industry types. The operational structure of these sites is equally diverse, including several sites without dedicated safety and health staff. The sites have on average 106 employees per site, with two of the eleven sites with fewer than ten employees. The success of all these sites demonstrates a very small business can serve as an example and a leader in workplace safety and health.

Tennessee currently has 11 SHARP site participants protecting almost 1,200 employees. These sites collectively have a total recordable case rate 80% below the national average for the past three years, theoretically preventing 84 injuries to working Tennesseans at the 11 sites.

### **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.

For FY23, the Volunteer STAR program had 33 participants protecting approximately 25,667 employees.

A review of the 2022 annual self-evaluation data for Volunteer STAR sites reveal total case incident rates 68% below and days away,



restricted, and transfer rates 75% below their respective national industry averages.

During CY22, 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 FY23, TOSHA presented 11 Governor's Awards and 5 Commissioner's Awards.

## Volunteer STAR News



On October 5, 2023, TOSHA Assistant Administrator Larry Hunt presented the employees of Chemours in New Johnsonville with their Volunteer STAR Award as part of the site's sixth certification effort.



On November 2, 2023, Deputy Commissioner Dewayne Scott presented the employees of Energy Solutions in Oak Ridge with their Volunteer STAR Award as part of the site's fifth certification effort.



On November 16, 2023, TOSHA Assistant Commissioner Wendy Fisher presented the employees of John Deere Power Products in Greeneville with their Volunteer STAR Award as part of the site's fifth certification effort.



On December 18, 2023, TOSHA Assistant Commissioner Wendy Fisher presented the employees of Cintas in Kingsport with their Volunteer STAR Award as part of the site's first certification effort.





## 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 were held virtually until recently, June 2022, when in person meetings resumed.

The UOSH Advisory Council consists of the following representatives:

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

### Success Management Information System

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

The following measures are being reported:

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

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

YEAR	Opening Date to Issuance of Citations or Case Close Date (no citation)			
	% Within 45 Days		Average Number of Days	
	UOSH	National	UOSH	National
FY17	75.03	50.06	35.4	61.2
FY18	79.34	46.61	26.5	65.1
FY19	88.17	44.80	22.6	67.4
FY20	88.18	38.29	27.1	76.9
FY21	87.98	37.88	24.9	82.1
FY22	80.43	37.39	28.7	79.4



## Workplace Safety Grant Program

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

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

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

		Incidence Rates
Year	Case Type	State Government
2020	Total recordable cases	2.1
	Other recordable cases	1.5
2021	Total recordable cases	2.7
	Other recordable cases	2.2

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

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

## LOCAL EMPHASIS PROGRAMS (LEPS)

### Construction

Construction workers engage in many activities that may expose them to serious hazards which could result in serious injury or death. UOSH continues to implement its Construction LEP to assist employers in reducing incidences of injury and fatalities by helping employers identify and eliminate

safety and projects that help Utah employers maintain safer work environments.

Entities eligible to apply for a grant include Utah businesses, community-based organizations, Utah nonprofit and local associations, and educational institutions. During CY22, approximately \$478,000 in workplace safety grants were awarded throughout the state.

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

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

			Incidence Rates (Cases with Days Away from Work)	
Private Sector	2020	2021		
Construction	0.5	1.1		
Manufacturing	0.5	0.8		

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

hazards in the workplace. During FFFY22, a total of 121 Construction LEP inspections, affecting 2,849 employees, were conducted; 325 hazards were identified and removed from the workplace. The top five hazards cited were those related to fall protection (136 violations), ladders (54 violations), stairways (54 violations), scaffolds (51 violations) and excavations (20 violations). A total of 76 compliance assistance activities under the Construction LEP were conducted during this timeframe, affecting 872 employees.

### **Amputation**

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

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

Thirty-nine (39) Public Sector LEP inspections, affecting approximately 12,190 employees, were conducted in FY22 where 133 hazards were identified and eliminated from the workplace. Forty (40) consultation visits were conducted under this LEP, affecting 4,643 employees, where 412 hazards were identified and eliminated. In addition to inspections and consultation visits, outreach through compliance assistance efforts was provided to 62 public sector establishments covering 3,641 employees in the state.

The top five hazards identified during Public Sector LEP inspections were related to personal protective equipment (26 violations); machinery and machine guarding (21 violations); bloodborne pathogens (19 violations); hazard communication (15 violations); and permit-required confined spaces (7 violations).

### **Respirable Crystalline Silica (RCS)**

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

10 RCS LEP inspections, affecting approximately 587 employees, were conducted in FY22 where 34 hazards, including two overexposures



to RCS, were identified and eliminated from the workplace. 122 consultation visits and 66 compliance assistance activities, affecting approximately 6,870 and 2,122 employees, respectively, were conducted where RCS was assessed, discussed and/or information on RCS was provided to employers. Consultation visits related to the RCS LEP resulted in the identification and elimination of 530 serious hazards from the workplace.

### **Enforcement**

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

### **Outreach**

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

- American Public Works Association
- Associated General Contractors of Utah
- Consulate of Mexico – Labor Rights Week
- Occupant Protection Advisory Committee
- RMCOEH Conference
- Salt Lake County Environmental Task Force
- State of Utah Emergency Response Center
- Utah Asphalt Pavement Association
- Utah Association of Counties

- Utah Department of Public Safety
- Utah International Code Council
- Utah Local Government Trust
- Utah Safety Council – Start with Safety
- Utah Valley University Fire & Rescue Academy
- University of Utah Engineering
- WCF Insurance – Workers Compensation
- Workplace Safety Grants Committee

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

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

### **PARTNERSHIPS**

#### **Voluntary Protection Program (VPP)**

VPP promotes comprehensive workplace safety and health management systems through cooperative relationships among management, labor and UOSH. VPP status constitutes UOSH’s official recognition of company management and employees with outstanding occupational safety and health management systems. UOSH currently

has 13 private-sector employers in VPP as follows:

- Albany Engineering Composites
- Clean Harbors Aragonite
- Energy Solutions
- Frito-Lay Inc.
- Firestone Building Products Company LLC
- Holder – Big D (Joint Venture)
- McWane Ductile Inc.
- Mortenson – Eagle Mountain Data Center
- Morton Salt Inc.
- Nucor Building Systems
- Phillips 66 NSL Terminal
- Smithfield Foods
- Steris AST

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

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
- Jenmar
- 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









On July 9, 2023, Vermont experienced an extraordinary rain event over the course of two to three days. The storm ended up depositing seven to 12 inches of rain in parts of the state. As the summer up until that point was unusually wet with the ground mostly saturated, the result was severe flooding throughout the state with areas of major waterway drainages experiencing some of the worst flooding. Montpelier, being in the Winooski River waterway was hit as hard as any community, but many experienced washouts of streets and highway infrastructure with literally hundreds of buildings flooded and uninhabitable.

Early in this event, Region One OSHA reached out to Vermont with offers of assistance, which Vermont took advantage of. As a result, VOSHA field staff teamed up with Region One field staff to engage workers trying to recover from the floods. VOSHA Utilized a FEMA assessment map to assign areas in both the northern and southern parts of the state. Three teams worked for a number of days conducting consultative visits to worksites, advising, handing out information and basic PPE. In addition, VOSHA helped staff FEMA disaster outreach centers as well as multi-agency resource centers (MARC) along with other Vermont Department of Labor staff. As a result of these efforts, VOSHA and Region One distributed many packets of information, as well as hundreds of PPE packets (NIOSH N-95's, safety glasses, nitrile gloves, hearing protection). VOSHA and region one collaboration resulted in more than 113 contacts with an estimated 9,000 employees/workers reached.

VOSHA's experience collaborating with the region one staff on this project was a resounding success and can be held up as an example of cooperation between state plans and federal partners.

## ENFORCEMENT

Four uniquely different fatality cases in the past year highlight the dangers of Struck by/crushing hazards:

1. Earlier in summer of 2023, a worker, while working alongside a fork truck, assisting the operator to rig clamps in order to move quartz countertops, was crushed when the clamp became un-done by his inadvertent actions. The worker a male, died as a result.
2. Also in the summer of 2023, a truck driver was crushed to death, while working in warehouse facility to unload a large, top-heavy machine from the flatbed of his truck. The load was unsecured from the truck while the crane was being rigged to unload. In the process of moving the crane, rigging became caught on the side of the unsecured load, causing the load to fall off the truck, pinning the driver to the ground. He subsequently died of his injuries.

3. In the fall of 2023, while removing trees, a tree worker was crushed by the tree he was harnessed to, when he cut a cable that was holding a series of three trees from falling apart. Once the worker cut the cable, the stem he was harnessed to immediately failed. Though he tried to “unhook” from the stem, he was not able to and was crushed when both he and the tree came in contact with the ground.
4. Again, in the fall of 2023, an employee at a construction site was killed when 2 units of OSB plywood fell off the forks of a telehandler style fork truck and crushed him. The worker – who was a supervisor on site – was spotting the load, which was part of a series of units stacked two high, in a row. The units had been in place for nearly a year and were covered by a large tarpaulin to protect them from the weather. A large “CONNEX” style container was set directly alongside and inches from the OSB stack, because of this the tarp was not completely taken off the stacks of OSB. While the truck was backing with a load, the tarp became taught, and the worker ran in between the stacks (presumably to assist in removing the tarp). The load slid off the forks and tipped forward and onto the worker. The worker died of his injuries.

In all of these cases, VOSHA investigated and issued citations. One of the cases is currently in contest. Because of this hazard, VOSHA will be focusing outreach on struck by/crushing injuries and fatalities. It was found that all of these cases were preventable.

### COMPLIANCE ASSISTANCE/OUTREACH

As mentioned above, VOSHA is currently developing outreach materials and will focus considerable energy on struck by/crushing injuries and their avoidance. The compliance assistance program works extensively with the three alliance partners of VOSHA; Vermont Rural Water Association, Vermont Associated General Contractors and the Vermont Safety and Health Council. Information on these organizations can be found below.

### SIGNATURE PROJECTS:

VOSHA’s operations during the storm event in 2023 highlighted VOSHA’s interoperability with fellow state agencies, Region One OSHA, as well as Emergency Agencies such as FEMA. VOSHA was able to conduct field audits and visit emergency aid centers, where distribution of emergency personal protective equipment as well as information on keeping safe during cleanup was not only successful, but showed that working collaboratively, protection of Vermonters and Vermont workers an achievable outcome.

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.

1. State Emergency Response Committee (SERC): This is a statewide committee that meets bi-monthly at the State Emergency Operations Center (SEOC) in Waterbury, Vermont. In addition to VOSHA, this bi-monthly meeting includes the Vermont Department of Public Safety and Homeland Security, Agency of Natural Resources, Vermont Departments of Agriculture and Health, and various local emergency planning

commissions (LEPCs) from around the state. This meeting is usually attended by the VOSHA Manager.

2. **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.
3. **Vermont Fire Service Training Counsel:** This committee, which meets quarterly, focuses on fire service training for volunteers as well as professional fire fighters. The meetings usually include the Director of Fire Service Training, the Vermont Agency of Natural Resources, and representatives of local volunteer and professional fire services.

### **Project WorkSAFE**

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

### **OUTREACH**

VOSHA and Project WorkSAFE now recognize three active alliances.

- **Vermont Safety and Health Council:**  
This alliance focuses on providing

information and training to a wide variety of stakeholders both large and small. In addition to training sessions, VOSHA and Project WorkSAFE attend multiple board meetings 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.
- **Vermont Associated General Contractors:** This alliance focuses on providing information to employers in the construction trade. Information provided encompasses existing standards and compliance issues as well as upcoming or newly adopted regulation. This is a relatively recent alliance and VOSHA has not yet done the volume of outreach to this group that it has others.





## PARTNERSHIPS

### Green Mountain VPP

VOSHA maintains the Green Mountain Voluntary Protection Program (GMVPP). 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 four GMVPP sites within Vermont. With the pandemic, VOSHA saw the GMVPP program shrink with some sites choosing to drop out. However, we seem to have stabilized and even have received two new applications for the upcoming year. The current sites represent employers with as few as 18 site-based employees to as many as 4,000+ site-based employees.

### 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.

## LEADERSHIP CHANGE

Charles Stiff assumed the position of Assistant Commissioner in June 2023. Mr. Stiff is a Certified Safety Professional, both in Management Aspects and Construction, and has 40 years of experience in occupational safety and health as well as progressive leadership roles. He has worked in both the public and private sectors gaining experience in construction, manufacturing, research/development, innovation, and materials handling and distribution operations. In the private sector, he worked both domestically and globally. In the public sector, he worked with the Virginia's Department of Transportation and Department of Labor and Industry serving in technical and leadership roles. He served as Chair and member of the Safety and Health Codes Board for over 20 years. In his current role, Mr. Stiff oversees all regulatory programs within the DOLI.

## SIGNATURE PROJECTS

### Tunnel Boring Projects

VOSH completed the review of two variance requests which were approved during FFY23 Both variance requests involved four compressed air work standards, 29 C.F.R. §1926.803(e)(5), 29 C.F.R. §1926.803(f)(1), 29 C.F.R. §1926.803(g)(1)(iii), and 29 C.F.R. §1926.803(g)(1)(xvii). The variances allowed worksite operations at higher maximum pressure, the use of different compression and decompression procedures and tables, the use of automatic controls to regulate decompressions, and eliminated the need for employee decompression processes.

The review of these variance requests was performed in accordance with VOSH's regulatory requirements. Employers were required to include in the variance application a description of the conditions, practices, means, methods, operations, processes and evidence that these would assure working conditions and practices that are as safe and healthful as would be provided by the standard from which the variance was sought. The Agency provided a period for public comments, followed by an internal review of employer submissions. After review, the variance was granted with conditions. The Chesapeake Joint Venture (CTJV) and Hampton Roads Connector Partners (HRCP) submitted Hyperbaric Operations Manuals (HOM) which were site-specific. The HOMs underwent thorough review by VOSH with assistance from OSHA's Directorate of Construction.

The variances for CTJV were approved on Jan. 20, 2023, allowing the construction of a 1.1-mile sub-aqueous tunnel crossing, using an Earth Pressure Balance Tunnel Boring Machine to begin. The variance for HRCP was approved on Jan. 23, 2023, allowing the Hampton Roads Bridge Tunnel Expansion Project, one of the largest infrastructure projects in the country, to begin construction.

## ENFORCEMENT

During FFY23, Oct. 1, 2022, to Sept. 30, 2023, VOSH Safety and Health Compliance Officers conducted 1,185 safety and 490 health inspections. Of the 1,675 total VOSH inspections conducted, 967 were the result of work-based



complaints. An additional 1,046 informal complaint investigations (e.g., by phone/fax/email) were conducted for a total 2,721 complaint-related compliance activities.

The number of fatalities investigated by VOSH in CY23 totaled 22. VOSH also conducts inspections/investigations of alleged medical incidents (e.g., heart attacks) to assure that a work-related hazard did not cause the employee's death (e.g., electric shock, heat stroke, etc.).

The primary causes of the 22 fatalities inspected were employees struck by objects, equipment, or vehicles; being caught-by, caught-in, or caught-between objects, equipment, or vehicles, and falls. This number has decreased significantly since the 2009 adoption of the Virginia Unique Standard for Reverse Signal Operation Safety Requirements for Vehicles, Machinery and Equipment for General Industry and the Construction Industry, 16VAC25-97. Agency efforts to reduce the incident of fatalities included delivery of safety and health messages in multiple languages.

## NOTABLE CASES

### **Manslaughter Indictment Returned Against Supervisor**

As a result of a VOSH inspection into the death of a Master Mechanic working for the County of Spotsylvania, Virginia, on July 7, 2022, two willful and three serious violations of the General Industry Standards were issued on Jan. 3, 2023, with proposed penalties in the amount of \$296,402.00. The victim was working at the Spotsylvania County Chancellor Convenience Center attempting to remove a piece of metal beneath the hydraulic cylinder of a waste compactor. The compactor ram was actuated via the operator station, resulting in fatal crushing injuries to the victim. The Spotsylvania Grand Jury met on July 17, 2023, and returned an indictment for manslaughter for the supervisor in charge.

### **Metropolitan Washington Airports Authority (MWA)**

In November of 2021, MWA filed suit in the United States District Court for the Eastern District of Virginia challenging the authority of DOLI to enforce Virginia occupational safety and health regulations against MWA. This suit arose from DOLI issuing a citation to MWA for an alleged violation of VOSH standards. MWA argued that as an interstate compact under the Compact Clause, DOLI does not have authority to enforce occupational safety and health regulations. Alternatively, DOLI argued that because the District of Columbia is not a state, MWA does not meet the standard to be considered an interstate compact. The Court granted MWA's Motion for Summary Judgment finding that DOLI does not have the authority to enforce occupational safety and health regulations against MWA. The matter is currently under appeal to the Fourth Circuit Court of Appeals.

## EMPHASIS PROGRAMS

VOSH adopted Federal Standard 29 CFR Part 1904, 2023, 1488 as 16VAC25-85, VOSH Federal Identical Standard for Recording and Reporting Occupational Injuries and Illnesses. The federal changes were adopted by Jan. 1, 2024, through the exempt regulatory process to amend Virginia's standards.

### **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

## NEPs

- Warehouse Safety NEP Outreach campaign.

## OUTREACH

### Annual Virginia Safety and Health Conference

The 25th annual VOSH Training Conference was held on Mar. 29-31, 2023 in Newport News, Virginia. There were 20 different breakout sessions covering a broad range of safety and health topics as well as two keynote speakers and an opportunity to virtually meet with industry vendors.

### Virginia Voluntary Protection Program Best Practices Days 2023

In response to concerns about COVID resurgence, plans for VPP Best Practices Days in 2023 were delayed and rescheduled for 2024.

## PARTNERSHIPS



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

worksites have a fully functioning SHMS and should be able to apply for STAR recognition.

The Virginia CHALLENGE Program added five new sites to its ranks for a total of 21 sites that include both public and private sector employers. In 2023, three participants, Damuth Trane, MicroHealth and UVA FM West Grounds Maintenance completed Stage III. Sites that advanced into Stage III included Cintas of Bedford Location 524, JMU Signage Shop, and Wabtec Graham White.



Virginia STAR is the preeminent recognition program for Virginia businesses and employees who work together to implement an exceptional comprehensive safety and health management system. Sites that participate in Virginia STAR typically attain a three-year average Days Away, Restricted or Transferred (DART) rate and Total Case Incident Rate (TCIR) that are well below the most recent Bureau of Labor Statistics (BLS) average for their industry. That means Virginia STAR sites can often experience reductions of 50% or more lost workplace injuries as compared to the average of sites in the same industry. Virginia STAR is the foundation for Virginia businesses to continue the process of reaching excellence in not only safety and health but in many other industry-related qualitative and quantitative productivity measures.

Virginia STAR had 36 participant sites in 2023. Six Virginia STAR sites have been in the program



for over 20 years, including the first correctional facility in the country to be recognized by either a state program or federal OSHA: Lunenburg Correctional Center.



VADOC Challenge is a unique partnership between the Virginia Department of Corrections (VADOC) and VOSH that was initiated in 2018. The VADOC established and staffed a dedicated, stand-alone agency Safety Department that includes 3 Regional Coordinators who in addition to their regular duties, vet new participants and guide the advancement of current sites. In 2023, all eight VADOC facilities completed Stage 1. The ultimate goal is to have all VADOC sites working toward STAR and mentor other Virginia State agencies in achieving VPP recognition.



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



There are now 11 companies recognized as BEST participants. Of these, four companies Southern Air, Inc. MEB, Holder Construction, and W.M. Jordan have achieved Level 2 recognition. Anderson Construction entered the program in 2023.

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

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

Another essential component of Virginia BUILT is the incorporation of the ABC STEP program (Safety Training Evaluation Process) as the gateway to participation in Virginia BUILT. Founded in 1989 as a safety benchmarking and improvement tool, STEP has evolved into a world-class safety management system that dramatically improves safety performance among participants regardless of company size or type of work. Participating ABC member firms measure their safety processes and policies on 24 key components resulting in recognition through progressive levels of achievement (Bronze, Silver, Gold, Platinum and Diamond).

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

Several BUILT applications were considered by the ABC BUILT Review Committee in 2023. However, none were able to complete the requirements during 2023 in time to join the current participants, James G. Davis Construction and Hourigan.

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



Virginia SHARP is administered by VOSH Consultation Services and is designed to recognize small businesses that commit resources to implement exemplary safety and health management systems that result in immediate and long-term prevention of occupational injuries, illnesses and fatalities. Virginia SHARP had 16 active sites as of Dec. 31, 2023.

### **Virginia Manufacturers Association Environmental Health and Safety Conference, Sept. 20-21, 2023 – Richmond, Virginia**

Staff participated in the Virginia Occupational Safety and Health (VOSH) Regulatory Workshop and Panel Discussion: Best Management Practices, Case Studies & Technology. A few topics discussed were recent changes in labor laws, heat related illness best practices and the impacts medicinal use of cannabis products in the workplace.

### **Washington DC chapter of the National Electrical Contractors Association (NECA) Annadale, Virginia**

The National Electrical Contractors Association (NECA) represents over 100 union electrical contractors in the DC, Maryland, and Virginia market. In partnership with International Brotherhood of Electrical



Workers (IBEW) Local 26 they employ more than 12,000 electricians in the jurisdiction. The Washington, DC NECA Safety Committee members are responsible for establishing safety related working conditions for these 12,000 electricians in partnership with Local 26 IBEW. Assistant Commissioner Stiff represented DOLI and addressed the Washington DC NECA and IBEW Local 26 Safety Committee on Nov. 15, 2023. This alliance brings together representatives of the National Electrical Code, Electrical Contractors, and the IBEW Local 26 union to address occupational safety and health.

### **VOSH Institute of Learning and Outreach (VILO)**

The Virginia Department of Labor and Industry (DOLI) secured a long-term lease for classroom space at the Virginia Public Safety Training Center. The Center, which was repurposed, is now the premier training facility for public safety agencies in the Commonwealth of Virginia. In addition to classroom space, our Agency has access to an array of modern training facilities and features at the Center, including a computer training lab and video production, as well as large meeting rooms and conference center.

The attributes of this facility and the presence at the Center of other state agencies whose missions are aligned with DOLI's mission, the Center's proximity to Interstate 95 and easy access to lodging, offer a unique opportunity for DOLI to continue to expand its outreach efforts.

The mission of VILO is to provide an educational and learning environment that promotes advanced knowledge and technical skills in the field of occupational safety and health driving the integration of best practices in businesses across the Commonwealth. Outcomes will include enhanced business performance, in both private and public sector employment, through enhanced knowledge, skills and abilities in leadership, technical, and practical applications of occupational safety and health.

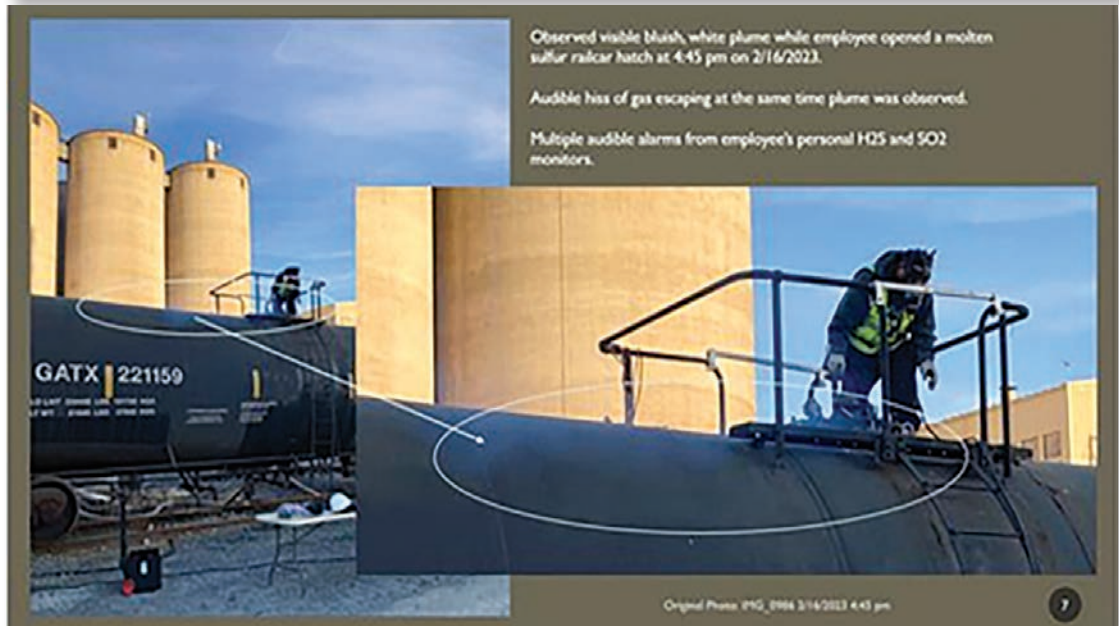
Immediate VILO objectives include:

- Establishing a curriculum that integrates best practices, innovation, and technical proficiency through applied courses.
- Establishing a qualified instruction base that includes subject matter expertise of diverse fields and partnerships with stakeholders.
- Providing both classroom and applied field instruction that supports adult learning principles.
- Incorporating innovative learning platforms such as virtual reality, 3D immersion and new equipment technology.
- Measuring learning outcomes to show impact and benefit.

## ENFORCEMENT

### Two Rivers Terminal, LLC

A manufacturing company that works with dangerous chemicals in Moses Lake was issued \$479,700 in fines for having a worker unload molten sulfur from a railcar without wearing the proper respiratory protection, along with other serious safety violations. DOSH cited and fined Two Rivers Terminal in July for seven willful serious violations, seven serious violations and four general violations. DOSH inspectors found that an employee who had been working on top of a railcar became incapacitated and fell to the ground after being exposed to the toxic hydrogen sulfide gas. The worker suffered serious injuries. He was not wearing a hydrogen sulfide gas monitor, respiratory protection or fall protection. Two Rivers was previously cited for more than 60 safety violations following an Oct. 2022 inspection. Six of the recent willful violations are for hazards that were not corrected from the 2022 citations.





## Osprey Group

A Kirkland construction company was issued \$170,000 in fines for not protecting workers from the dangers of trenching.

DOSH inspectors arrived at the site in Kent to find Osprey workers digging storm drains in the right of way for two adjacent lots of land. The inspectors photographed two workers in a trench approximately 11 feet deep without a trench box installed. An eight-foot-tall trench box (inadequate for the depth of the trench) was available on site, but the company was not using it. Additionally, even though there were ladders on site, they weren't being used and workers had to walk the entire span of the trench to reach an exit.

The company owner told inspectors they would install the trench box and slope back any dirt above the height of the box away from the edge of the trench. However, inspectors returned the next day to find trenching was still happening without adequate protection, so DOSH stopped all work at the site.



DOSH cited the Osprey Group with six willful serious safety violations because the contractor knew the dangers of trenching and excavating but still failed to follow the required safety measures to protect workers.

## Young Corporation

DOSH conducted inspections in November and December of 2022 at Young Corporation's Seattle headquarters, where they manufacture excavator equipment, and two other divisions of the company.

Across the three locations DOSH found 31 willful serious, seven willful general, 94 serious and more than 40 general violations. The total fine of \$2,013,120 is among the largest in DOSH history.

Among the many safety and health hazards inspectors found:

- Cranes that had not been inspected for years,
- Damaged wire ropes and rigging,
- Unqualified crane operators and riggers,
- Machinery with no protective guards, and pits without railings,
- Crumbling and falling ceiling tiles that contained asbestos,
- A roof leaking on electrical wiring,
- Respirators covered in paint overspray,
- Welders not wearing protective helmets,
- Workers eating, drinking, and smoking in the presence of toxic chemicals.





### **Walt's Wholesale Meats / Skyline Transport Group, LLC**

This inspection took place in a beef slaughterhouse where dry ice is used to chill meat products as the Employer's refrigeration system can't maintain cold enough temperatures on its own. This inspection was initiated due to the hospitalization of a truck driver. Walt's Meats employees filled the driver's refrigerated trailer with 22 totes of meat products that had been packaged with dry ice, resulting in the trailer becoming pressurized shortly thereafter. The driver went to take a picture of the load before leaving and as the driver began opening the trailer, the pressure buildup caused the doors to "blow" open, striking the driver and knocking them to the ground unconscious.



*Bin of dry ice observed during inspection.*



*Employee working with dry ice.*

While there, the inspector discovered how widespread the use of dry ice was throughout the plant and expanded the inspection. Fourteen employees were monitored for Carbon Dioxide and all 14 exceeded the eight-hour TWA of 5,000 parts per million. Five of the 14 employees exceeded the 15-minute STEL of 30,000 ppm and eight of the 14 employees exceeded the IDLH level of 40,000 ppm. Measurements exceeded the limit of the meters that stopped at 49,999 ppm.

Early the next day after the monitoring, the inspector posted an Order of Immediate Restraint to shut the process down. The employer was able to resume operations a month later after changing the workflow, reducing the amount of dry ice used, reducing overall production and increasing ventilation.

Six willful serious violations were issued for not evaluating exposures, not controlling exposures, not using respirators, deficiencies with CO2 alarms, inadequate emergency action plan and not providing effective training on CO2. Two serious violations for Hazcom program and labeling of totes of CO2. The total penalty equaled \$432,000. Employees made statements about how much better they felt after being away for a month.

## EMPHASIS PROGRAMS

### Operations Program

#### ***DOSH Hosts Winter 2023 OSHSPA Meeting in Vancouver, WA***

In Feb. 2023, DOSH Operations hosted the Winter Occupational Safety and Health State Plan Association (OSHSPA) Winter meeting over two days at the Heathman Lodge in Vancouver, WA. The meetings included representatives from OSHSPA, federal OSHA and the State OSHA Lawyers' Organization (SOLO.) Labor and Industries Director Joel Sacks opened the joint meeting with a warm welcome to Washington State, and the DOSH Education and Outreach booth was stationed outside the meeting room for attendees to learn about DOSH activities and resources. A surprise visitor even visited the joint meeting, the DOSH Sasquatch, who walked into the meeting room in plain sight. A well-attended reception followed the first day's meetings, which featured local Pacific Northwest food, and a photo booth with a Mount Rainier photo backdrop and a Polaroid camera. With a total of 115 attendees, the meeting was a great success.





## STANDARDS, TECHNICAL & LAB SERVICES

### Rulemaking

DOSH has many workplace safety and health rulemaking projects in various stages of adoption and implementation.

Several high-profile rulemaking projects that are in progress or recently adopted include:

- Wildfire Smoke – Adopted
- Ambient Heat Stress – Adopted
- Process Safety Management (PSM) – Adopted
- Infectious Disease rulemaking
- Occupational Exposure to Lead
- Exposure to Surgical Smoke – Adopted
- Cranes
- Fire Resistant Materials Applicator Certification
- Trenching and Excavation Rescue Plan
- Workplace Violence in Healthcare

DOSH will be initiating a rule project to update our penalties in early 2024. The DOSH Industrial Hygiene Laboratory moved into its new facility in July 2023. The new location co-houses the DOSH Safety & Health Training Program, SHARP research group and several Washington State Department of Agriculture (WSDA) laboratories.

This state-of-the-art facility was built with cutting edge renewable energy, making it the first laboratory in Washington to be Net Zero Ready. The natural lighting and human centered design replaces aging state facilities that made it difficult for L&I and WSDA programs to carry out their missions of keeping Washingtonians safe and healthy.

## DOSH CONSULTATION

### Community Outreach

In an effort to prepare students for careers, employment, pre-apprenticeship and apprenticeship opportunities some schools are providing an OSHA 10 class as a part of their curriculum, and DOSH Consultation has continued to work with our local schools. In Eastern Washington two of our DOSH Consultants are OSHA authorized construction trainers, and many of our consultants are instructors in several topics that can be part of the classroom instruction.

DOSH Consultation partnered with the Eastern Washington and the North Idaho Chapters of the National Utility Contractors Association (NUCA) to provide a stand down for Trench & Excavation Safety Summit. This event was well attended and provided the attendees with information to promote safety in the industry.



*Setting up the new organic chromatography lab.*

## Safety Through Achieving Recognition Together (START)

The START (Safety Through Achieving Recognition Together) Program is a partnership between L&I and employers to help them improve their workplace safety culture and reduce hazards, illnesses and injuries.

### Agriculture

In 2023, DOSH Consultation celebrated a significant milestone by welcoming its first agricultural establishment into the START program. We are thrilled to announce that Franz Farms, a multi-generational family-owned and operated farm, has become the inaugural agricultural establishment to join this prestigious safety initiative. Franz Farms has a long-standing commitment to safety, rooted deeply in family values. This commitment is a core principle passed down through generations, ensuring that family members, friends, and neighbors are always protected from harm. This dedication makes Franz Farms not only a leader in agricultural safety but also a shining example of how safety can become an integral part of a company's culture.



### Construction

START sites are traditionally brick and mortar buildings where businesses conduct their everyday activities, and this has included the offices of a handful of general contractor construction companies.

In 2021 the DOSH Consultation Programs began an effort to create a START in Construction Program. This new program is modeling a program currently running in North Carolina, DOSH Consultation started accepting active general contractor construction sites into the program if they were slated to be working from a particular construction site for one full year. In 2023, the construction company Robertson & Olson successfully enter an active construction site into the START Program. In fact, they were able to actually get two of their active construction sites into the program; the first site will be a future parking garage in Vancouver while the second site will be a future multi-level homeless shelter also located in Vancouver. The entrance of these two sites into the START Program shows Robertson & Olson's commitment to safety in the workplace and providing a safe and healthy workplace for not only their employees but their subcontractors on the jobsite as well.



## OUTREACH/PARTNERSHIPS

### DOSH Education and Outreach

Education and Outreach is the outwardly facing element of DOSH. We provide safety and health content and media to our website and DOSH customers. We manage translated safety and health content, the DOSH webpages in English and Spanish, educate the agriculture industry via our WISHA 10 training, participate in multicultural outreach and conduct onsite safety and health outreach. The VPP program audits and certifies participating sites that demonstrate safety and health management excellence. We annually fund innovative SHIP grants to safety and health projects that benefit all workers in Washington and beyond. Finally, the Governor's Industrial Safety and Health Conference Program (GISHCP) brings together safety and health experts from all over to offer events that provide workshops, new technologies, and products in the field of occupational safety and health.

### Safety and Health Investment Projects (SHIP) Grant Program

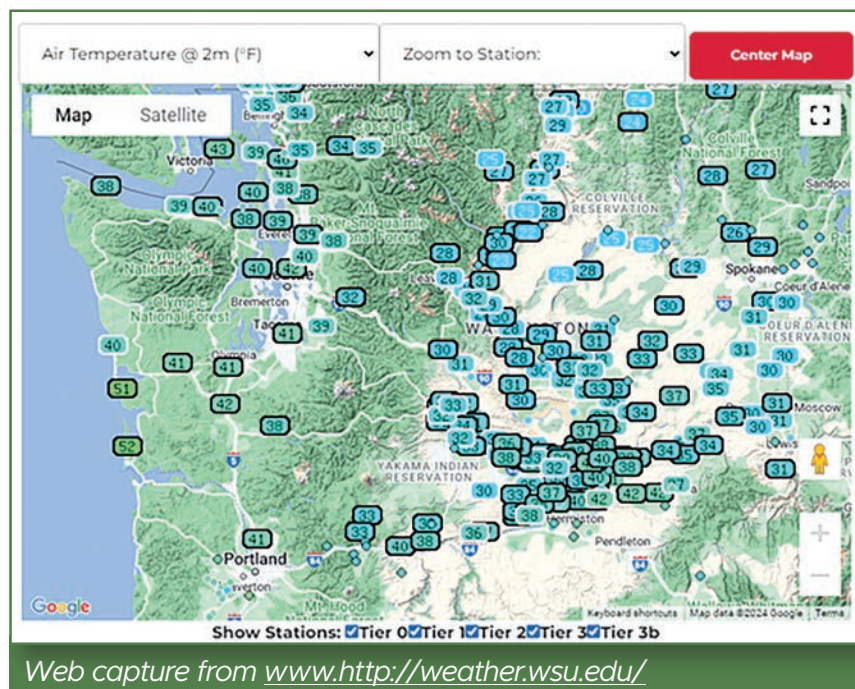
Washington's Safety and Health Investment Projects (SHIP) grant program funds safety

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:

### WSU Ag WeatherNet Phase 2

Continuation of a Phase 1 to improve 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 346 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.





## Latino Education Training Institute- Spanish Safety Campaign

Updating, translating and adding cultural relevance to previously developed English safety content from past SHIP funded projects using a responsive internet-based tool compatible with phones, tablets and computers; local and regional radio spots, and live call-in radio shows/online interviews.



## Casa Latina - Musculoskeletal Disorders in Day Laborers Older than 40 Years


Tailgate training with tip sheets on musculoskeletal disorders for Latino day laborers. Develop and disseminate training on the six most useful tips for avoiding musculoskeletal disorders for Latino day laborers.

## Washington Retail Association - Automated Accident Prevention Plan-Phase Two

Added increased functionality to the eAPP – A workplace safety management and risk assessment tool to create a customized Accident Prevention Program online for each workplace located in Washington State. <https://eapp.waworksafe.org/>

### Simple Process

It is easy to create hazard assessments, manage and print all from one location.



- Step 1**  
**Create a Free Account**  
This free tool simplifies the process of creating your required APP.
- Step 2**  
**Customize Your Business Type**  
Find the business type with your NAICS number and begin building your accident prevention program.
- Step 3**  
**Start Your Hazard Assessment**  
Step through business specific Hazards to build your custom eAPP.
- Step 4**  
**Generate Your APP Report**  
When finished, download the APP Report or duplicate for each of your other locations.

[GET STARTED NOW](#)

## University of Washington - A Comparative Study of Different Wheelchair-Toilet Transfer Approaches to Reduce Caregiver's Work-Related Musculoskeletal Disorders

Patient transfer between a wheelchair and a toilet as toileting-related patient transfer is essential. This grant supports the development of training materials and informative dissemination of materials about the benefits and limitations of the evaluated toileting wheelchair/toilet add-on approaches.

## Washington Food Coalition – Nonprofit Safety Hero

Training specifically for food banks and its workers including on-demand tools and training and in-person training delivered through regular local meetings across Washington and quarterly webinars.

## Governor's Advisory Board and Conferences

In 2023, we successfully held three outreach events: Agriculture Safety Day, Construction Safety Day, and the 70th Annual Governor's Industrial Safety & Health Conference.







### **Agriculture Safety Day**

Agriculture Safety Day 2023 was a huge success. Held in Yakima on Feb. 1 and in Wenatchee on Feb. 22 these two days of Agriculture workplace safety training are the largest safety training events for Spanish-speaking agricultural workers in Washington State. Each year, the event brings together over 500 agricultural employers, supervisors and workers across two locations. The majority of participants are Spanish-speaking (79%) and identify mainly as workers (23%) or supervisors (52%).





## Construction Safety Day

The 15th annual Construction Safety Day (CSD) took place on Mar. 29, 2023 at the Mattress Firm Showplex Center, Washington State Fairgrounds, Puyallup. This was the first CSD hosted in person event since 2019 and we were glad to be back together.







### **Voluntary Protection Program (VPP)**

In Washington State, DOSH VPP is modeled 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.

DOSH VPP currently has 19 recognized VPP sites with approximately 1,900 workers.

DOSH VPP performs evaluations to ensure VPP sites are meeting the requirements of participation. DOSH VPP welcomed two new participants in 2023, Perma-Fix in Richland, Washington and Milgard Pultrusion in Tacoma, Washington. An evaluation for a third new participant, NuStar Energy Vancouver, Washington was completed, and the approval report is in process.

19



1,900







*Milgard Pultrusion in Tacoma, Washington VPP Ceremony*

DOSH VPP is an active participant in the planning of the Region X VPPPA Safety Summit, and a Regulatory advisor to the Region X Board of Directors. We are excited for the 2024 Safety Summit scheduled for May in Anchorage Alaska.

### **DOSH Multicultural Safety and Health Outreach Program (MSHOP)**

DOSH's Multicultural Safety & Health Outreach Program (MSHOP) continues to innovate with its 10-hour certified worker safety and health training course for agriculture workers and high school students and teachers. The agriculture worker safety and health training parallels the OSHA-10 certified training courses for construction and general industry. WISHA-10 trainings were conducted throughout the state with employers, employees and educators.





MSHOP also has a 40-hour Training of Trainer (TOT) training for those who wish to conduct the WISHA-10 training for agriculture workers or high school students and teachers. The first TOT training for high school teachers was conducted in Sept. 2023 with 13 educators from seven different school districts becoming certified to provide the WISHA 10 for Agriculture Workers Training in high schools.

MSHOP successfully conducted its first in-person WISHA 10 Refresher Training since the COVID-19 Pandemic. DOSH Consultation and Agriculture Overtime specialists both spoke at the event and discussed their programs in detail.

Radio outreach efforts in Spanish have continued with our third summer of an ongoing Spanish-language safety series in collaboration with the Department of Health, Pacific Northwest Agricultural Safety and Health Center and Radio KDNA. These series have included discussions on outdoor heat exposure, COVID-19, wildfire smoke and other safety and health related topics.



The state plan of Wyoming Occupational Safety and Health (WYOSHA) has been in effect since its approval on May 3, 1974. The plan is administered by the Wyoming Department of Workforce Services (DWS) and is overseen by a governor-appointed director, seven appointed commissioners, and the director for the WYOSH program. The state plan provides enforcement, whistleblower assistance, compliance assistance, outreach training and free consultative help to businesses. WYOSHA's fundamental message is to ensure that both public and private sector employers provide their workforce with a safe and healthy work environment. WYOSHA has a team of proactive and dedicated safety and health professionals, who work ardently to fulfill this mission.

The Consultation Program team provides private-sector employers with free, confidential professional services and resources to help identify and reduce health and safety hazards and improve their safety and health programs. The Compliance Program team enforces safety and health standards in both private and public industry workplaces. They investigate complaints, fatalities, and catastrophes



as well as safety and health whistleblower discrimination complaints in private and public sectors. As part of our compliance program, a dedicated team, the Compliance Assistance Program, provides valuable outreach services to the public sector to foster positive relationships and ensure regulatory compliance. Our Compliance team carried out 148 regulatory inspections, while the Compliance Assistance team conducted 68 outreach activities.



*Members of the WYOSHA Compliance Assistance Program conduct a compliance inspection at a trenching worksite.*

## RESOURCES

WYOSHA provides employers with a variety of resources to ensure safe and healthy workplaces for their employees. These include online templates for health and safety programs and the Safety Improvement Fund. Employers can visit the WYOSHA website (<https://dws.wyo.gov/dws-division/osha/>) for templates to help develop and implement their health and safety programs. Additionally, we have a worker's compensation discount program for employers who actively participate in consultation and compliance assistance programs with specific elements in place. Our Safety Improvement Fund helps Wyoming businesses by providing support for health and safety training and equipment purchases that go beyond regulatory requirements. This enhances the work environment for employees and enables businesses to acquire equipment they may not have otherwise been able to afford.

## ENFORCEMENT

In May 2023, WYOSHA conducted an inspection at a parking garage following a catastrophe reported by the OSHA Region 8 office, who received information that five employees of a landscaping business had been overcome by Carbon Monoxide (CO) exposure. Fire/EMS responded and dedicated elevated CO readings, leading to an evacuation of the building, and hospitalization of the employees. The inspection revealed that the employees were non-English speakers, and two additional employees were exposed but not hospitalized. Furthermore, it was discovered that an electrician working on an electrical panel had de-energized the HVAC & CO and Nitrogen Dioxide (NO<sub>2</sub>) monitoring system. The employee left the jobsite to get more supplies but did not inform his employer or the landscaping business which was power washing the garage using gas powered equipment. Unfortunately, the electrician was involved in a car accident and did not notify his employer or the landscaping company of the accident, de-energization of the panel and HVAC system or his delayed return to the jobsite. Approximately two and a half hours later, a landscaping business employee reported that several employees fell ill. The landscaping business employer

contacted the general contractor (GC) and asked if the ventilation system was operational, to which GC responded that he believed it was. The Landscaping general manager then went to the site, set up additional fans, and had the employees work outside the parking garage. About an hour and a half later, the same employee contacted the landscaping supervisor again to report that workers were still feeling ill, some feeling worse than before. The supervisor immediately returned to the job site, assessed the situation, and called 911. Fire EMS personnel arrived to transport the employees and conducted CO monitoring which revealed high levels. Hospital tests later confirmed elevated carboxyhemoglobin levels in the employees, directly linking the exposure to their illness.

During the inspection, several deficiencies were noted, including training employees in hazard recognition associated with this project and regular inspections of job sites by competent persons. These deficiencies led to a review of programs and training and additional recommendations. The recommendations focused on reviewing accident prevention programs and developing specific training for uncommon jobs, such as pressure washing in enclosed spaces. Providing thorough training in the employees' native language would help raise awareness and enable the identification of hazards that may not be immediately obvious during less common tasks. This opened a critical discussion about the unseen and unexpected dangers of carbon monoxide exposure, the need to provide training on all potential hazards, and the importance of conducting timely job inspections of safety devices, such as carbon monoxide monitors. This inspection resulted in two serious citations.

## RECOGNITION PROGRAMS



*Four Wyoming companies participate in WYOSHA's Employer Voluntary Technical Assistance Program (EVTAP).*

WYOSHA currently has three recognition programs: the Employer Voluntary Technical Assistance Program (EVTAP), the Safety and Health Achievement Recognition Program (SHARP) and the Cowboy Voluntary Protection Program (VPP). Four employers are participating in EVTAP, three in the VPP, and 19 in SHARP. We take great pride in our employers' active involvement in these programs



and dedication to continuously improving their health and safety management systems. In 2023, WYOSHA was proud to award the Cheyenne Prairie Generating Station with two VPP awards: a three-year vesting award and the VPP Leader of the Year award to Joe Sviatko with Black Hills Energy.



*OSHA Region VIII recognized Joe Sviatko with Black Hills Energy with its 2023 VPP Leader of the Year award*

## **ALLIANCES**

WYOSHA has formed alliances with two important organizations - the Wyoming Transportation Safety Coalition and the Associated General Contractors. These partnerships are crucial for the success of our state plan, as they actively support and promote its initiatives. The Transportation Safety Coalition aims to reduce work-related transportation fatalities by providing education, training, and collaboration with transportation entities across Wyoming to develop strategies that decrease roadway-related fatalities.

The Associated General Contractors provides several benefits and services to its members, such as political advocacy training, safety programs, and career opportunities. Their goal is to promote the construction industry and ensure equal opportunities for all Wyoming residents. By collaborating with our alliances, we can achieve our objective of ensuring safety across various industries through outreach and education.

## **SAFETY STAND DOWN EVENTS AND WORKER'S MEMORIAL**

In FY2023, WYOSHA participated in various safety events with other organizations, including the National Safety Stand-Down to Prevent Falls in Construction from May 2-6, 2023, the 2023 Safe & Sound Department of Workforce Services Safety and Health Summit on April 18-19, and participation in the 2023 Safe & Sound Week. Furthermore, the Occupational Safety and Health Administration (OSHA) joined the Wyoming AFL-CIO in organizing the Worker's Memorial event at the Wyoming State Capitol on April 28, 2023. The event was held to honor those who lost their lives in workplace fatalities. Two articles highlighted the story of a Wyoming worker and emphasized the importance of this day.

## OUTREACH

Outreach and education are vital to the success of WYOSHA. Every inspection and visit help employers and employees better understand the hazards within their industries and workplaces. In addition, this allows real-time assistance with noted workplace hazards, abatement measures and provide information on resources available within the state to raise awareness of workplace protections and rights. In FFY23, WYOSHA expanded its reach by adding a Compliance Assistance Specialist position, to allow for more resource available to public sector, where injury and illness rates have consistently exceeded consistently higher than the BLS baselines. This allows for more emphasis and assistance to large state agencies to identify, abate and educate employers and employees on hazards in various workplaces and develop and implement necessary programs to provide support to all employees that are often located in many different geographical locations within the state.

To prepare the workforce of today and tomorrow, WYOSHA has also established positive working relationships with academic institutions in Wyoming. These partnerships help bring real-life experiences and information to future workers. The program provided presentations and training for students involved with the University of Wyoming, Casper College, Laramie County Community College and high school students involved through the Pathways Innovation Center looking to enter the construction industry. Through careful evaluation of injury and illness data both nationally and in Wyoming, it is evident that the construction industry is typically one of the highest ranked for fatalities and injuries. To this note, the program has targeted the opportunities to work and coordinate with educational programs to educate students to these hazards and resources. These events provide information on hazards within the Construction Industry, state-specific data, theories on incident causation, and a comprehensive understanding of safety and health practices in construction both nationally and on the state level. These efforts help connect classroom learning to real-world experiences. Additionally, these outreach activities have sparked interest in developing and implementing a paid internship opportunity with educational institutions.







[OSHSPA.ORG](http://OSHSPA.ORG) / [OSHA.GOV](http://OSHA.GOV)