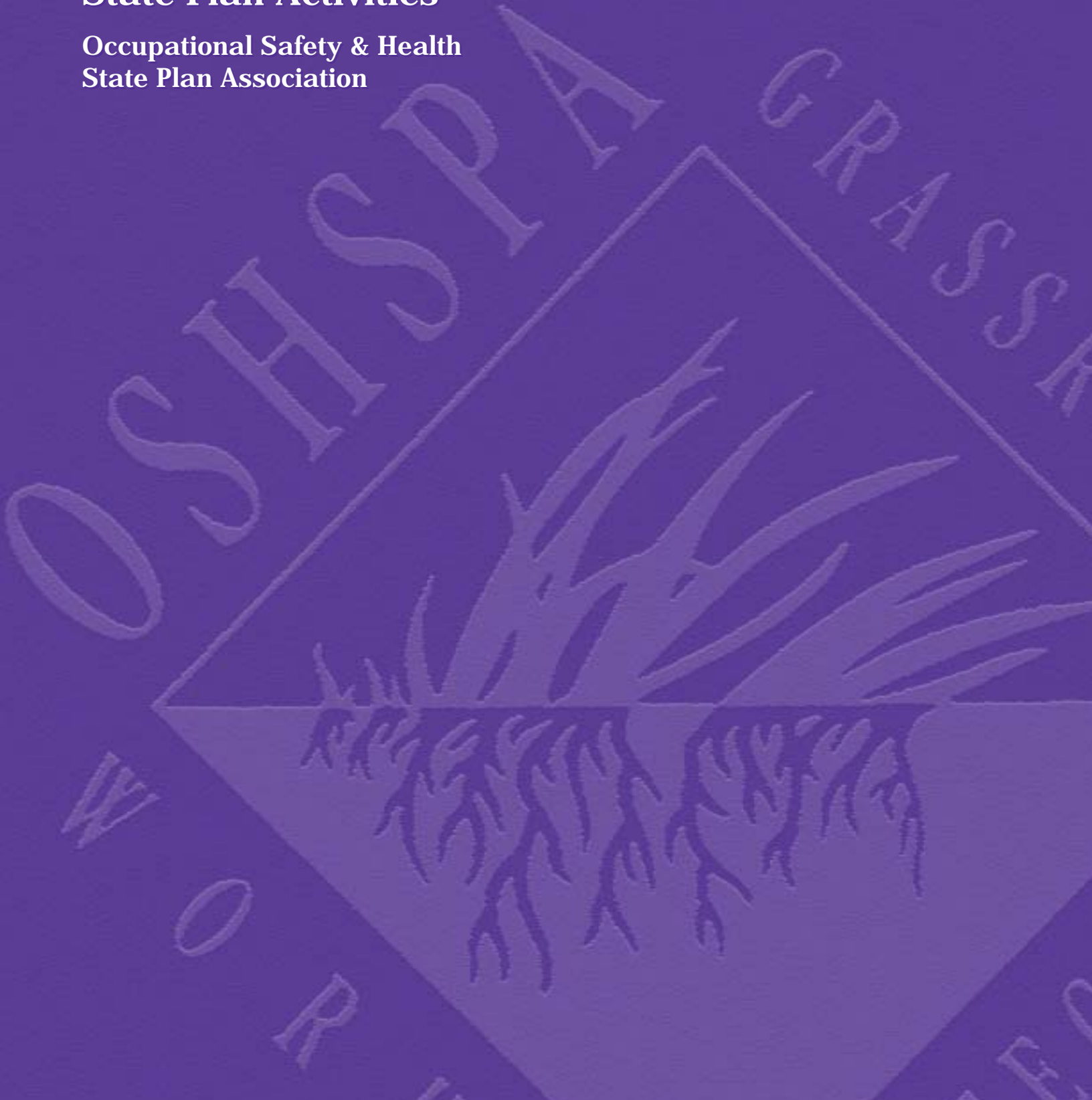


# GRASSROOTS Workplace Protection

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## 2002 OSHSPA Report State Plan Activities

Occupational Safety & Health  
State Plan Association





## Occupational Safety & Health State Plan Association

August 12, 2003

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The Occupational Safety and Health Act of 1970 established OSHA at the federal level, and provided that states may elect to run their own occupational safety and health programs as long as those programs are at least as effective as the federal program. Under the approval of OSHA, twenty-six states and territories operate State Plans, twenty-two of which cover both private and public sector employment while three states and one territory only cover public sector employment.

The Occupational Safety and Health State Plan Association is an association comprised of states and U.S. territories that have opted to run their own occupational safety and health programs. OSHSPA assists member states and territories in carrying out their obligations under the Occupational Safety and Health Act, and serves as a communications link among members, and between OSHSPA members and the federal government.

The states and territories have frequently led the way in developing innovative approaches to making America's workplaces safer and healthier. California and Washington, for example, were the first to have developed state ergonomic standards.

Since the September 11, 2001 attack on the World Trade Center and Pentagon, many states have established programs aimed at addressing homeland security issues and protecting the safety of public sector workers whom we rely on during the first minutes of a crisis. State plans are taking on a leadership role for information sharing and ensuring that state emergency response plans take the worker safety needs of first responders into account. For example, the Nevada Division of Industrial Relations has developed response plans that address chemical weapons and radiological emergencies.

On the following pages, we describe the innovative approaches to creative partnerships, outreach and education, voluntary compliance, inspection targeting and settlement agreements that have been developed by the states. If you have questions that I have not addressed, I urge you to call or write.

Sincerely,

Peter De Luca  
OSHSPA Chair



For more than 30 years, the States and territories operating their own occupational safety and health programs have been partners with OSHA in protecting America's working men and women. The 26 approved State plans provide occupational safety and health coverage to over 40 percent of the nation's workforce.

For years, the State plans have experimented with ways to go beyond the basic enforcement of rules and regulations to involve employers and employees in promoting a culture change in U.S. workplaces that emphasizes the value of safety and health. OSHA shares this vision. Workplace injuries and illnesses have been declining for the past nine years -- but we must do more. Nationally, we are seeking to reduce workplace fatalities by 15% and injuries and illnesses by 20% over the next five years. Promoting a culture change in U.S. workplaces -- where every employer recognizes that occupational safety and health adds value to American business, workplaces, and workers' lives -- is central to achieving lasting safety and health solutions. This *Grassroots* report highlights recent State initiatives promoting voluntary compliance and strong employer safety and health programs, including partnerships and employer recognition programs. I am also pleased to note that this edition contains a new section on what the States are doing in the important area of workplace security and emergency preparedness.

The strategic plans of our State plan partners, together with OSHA's new strategic management plan for FY 2003 to 2008, will support the Department of Labor's goal of fostering quality workplaces that are safe, healthful and fair. While the States tailor their strategic plans, goals and targets to their own specific issues and concerns, the outcomes of their activities will contribute to the achievement of the national fatality, injury and illness rate reduction goals set by OSHA. This edition of *Grassroots* focuses on the successful results of the first five years of State strategic plans.

I continue to be impressed with the talent, ideas and professionalism of our State plan partners, and their innovative approaches to making workplaces safer and more healthful. Together, we can and will accomplish our goals on behalf of all workers in America.



John L. Henshaw

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Produced by:  
Michigan Occupational Safety & Health Administration (MIOSHA)  
Bureau of Safety and Regulation  
Michigan Department of Consumer and Industry Services



## OSHSPA: States Protecting Workers



States and territories may elect to develop their own unique workplace safety and health program. Each state program takes responsibility for developing and enforcing workplace safety and health standards in their jurisdiction. The state and territorial programs cover 40 percent of the nation's workforce, conducting enforcement inspections and providing consultative services. They also provide free training and outreach, encouraging employers and their employees to follow safe and healthful work practices.



**OSHSPA**, the **Occupational Safety and Health State Plan Association**, links the 26 state plan jurisdictions, federal occupational safety and health jurisdictions, and Congress. The 26 states and territories operating state plan programs—and the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA)—share this common goal: a safe and healthful workplace for every worker through prevention of injuries, illnesses and fatalities on the job.



According to Section 18 of the federal OSH Act of 1970: "Any State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety and health issue with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement."



State standards and their enforcement must be "at least as effective" as federal OSHA in promoting safe and healthful working conditions. State plans are approved and monitored by federal OSHA, which funds up to 50 percent of an approved plan's operating costs. Benefits of a state plan include coverage for public sector employees, as well as creating new programs that address hazards specific to the state's industries.

OSHSPA holds three meetings a year at which state program representatives share information and discuss common problems. It also provides information to states or territories considering application for state plan status. OSHSPA representatives appear before congressional committees and other agencies to report on workplace safety and health issues.

### Protecting Public-Sector Employees

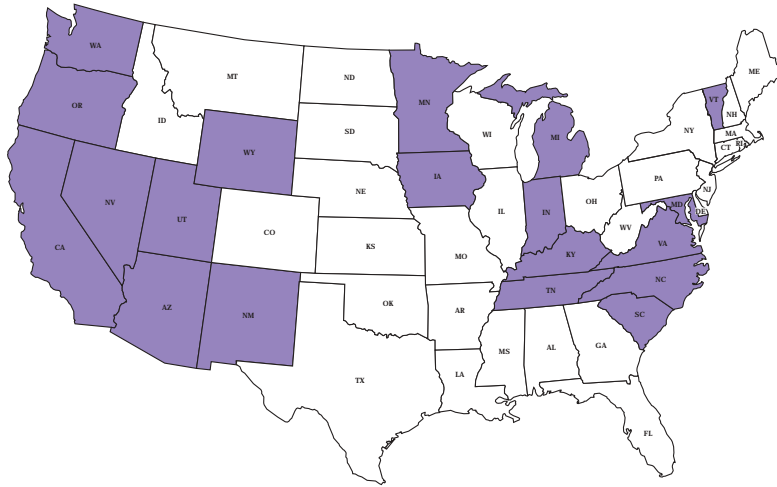
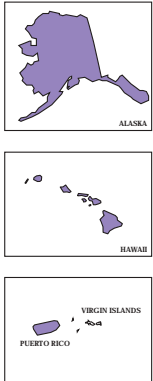
Even though the OSH Act of 1970 specifically excludes from federal coverage states' public agencies and their political subdivisions, the state plans are required to provide occupational safety and health protection to public-sector employees. This is a significant requirement and benefit of the state plan programs, as some of the most hazardous workplaces are in the public sector: firefighting, emergency response, corrections, law enforcement, publicly-funded healthcare facilities, and transportation workers. Under the state plan program, public employees receive protection equal to that of private-sector employees.

A number of states have special emphasis programs for public employees, as well as the private sector. Special emphasis programs in state and local hospitals and nursing homes deal with ergonomics and bloodborne pathogens, and **New Mexico** developed a standard that is more effective than OSHA's standard on firefighting.

The **Connecticut**, **New Jersey** and **New York** state plans cover only public-sector employees—federal OSHA covers private-sector employees in these states. The **Virgin Islands** converted the Territory's comprehensive state plan to a public employee only state plan in July 2003.

## State Plan Programs Covering Private and Public Sectors

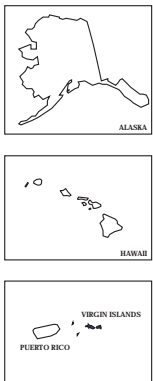
(21 States and One Territory)



- 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

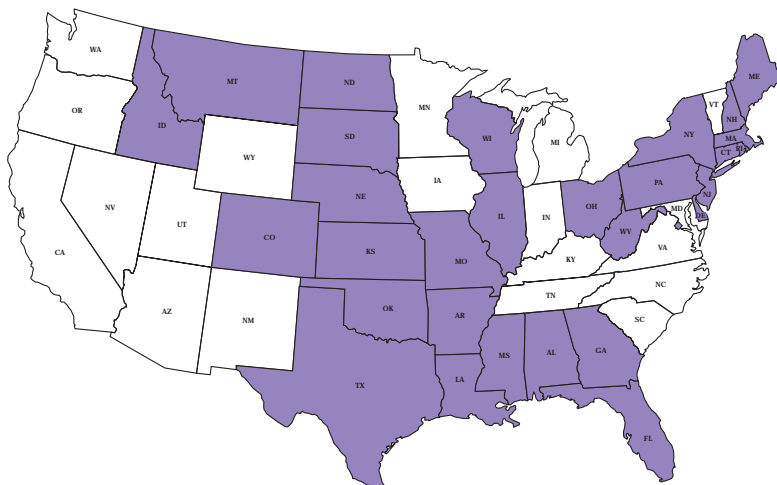
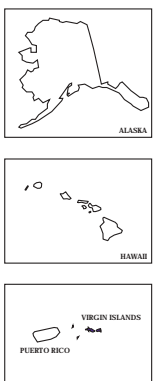
(Three States and One Territory—Private sector coverage provided by federal OSHA)



- Connecticut
- New Jersey
- New York
- Virgin Islands

## States Covered by Federal OSHA—Private Sector Only

(29 States, One Territory and the District of Columbia)



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

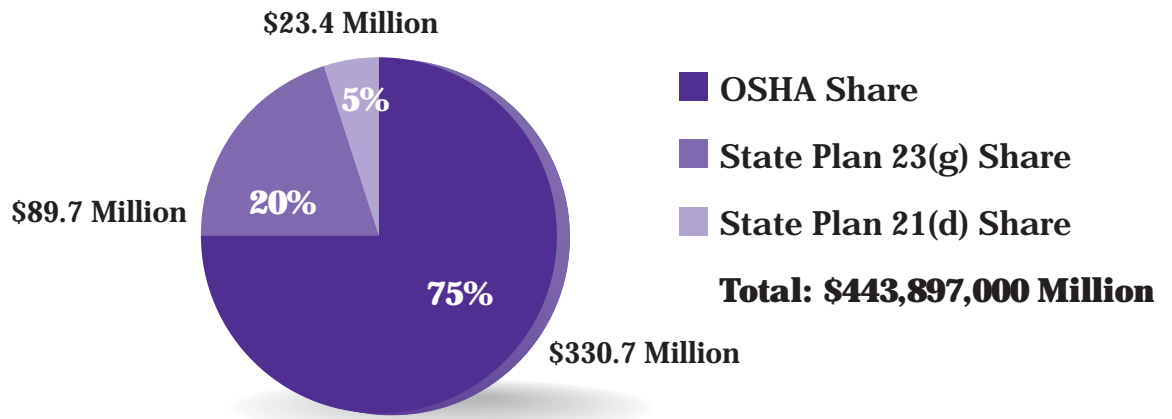
## Investing in Worker Protection

In federal fiscal year 2002, state programs received \$89.7 million in 23(g) and \$23.4 in 21(d) funding from the Occupational Safety and Health Administration's total budget of \$443.9 million. The states are required to provide at least 50 percent of the total funds for a 23(g) program, and at least 10 percent for the 21(d) program.

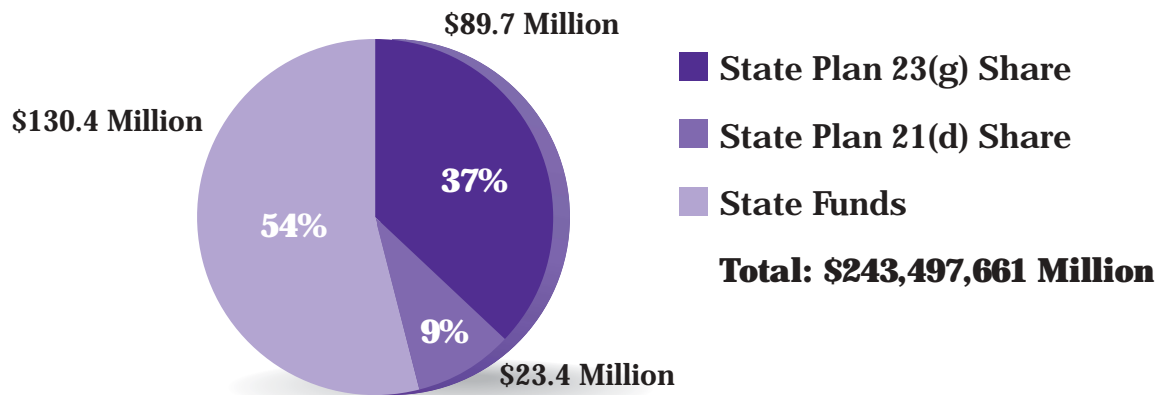
In addition, many states fund other programs focused on safety and health in the workplace. Even in states facing serious budget constraints, the respective legislatures continue to provide matching funds for occupational safety and health programs in recognition of their value in reducing workplace injuries and illnesses, conserving both human and fiscal resources.

In fiscal year 2002, state and territorial funds of \$130.4 million were allocated to state plan programs. This commitment to worker safety and health is worthy of recognition. State plan programs make a significant contribution to the goal of safe and healthful workplaces for all American workers.

## FY 2002 Total Federal OSHA Budget



## FY 2002 Funding for State Plan Programs



# Workplace Security: Safeguarding the Workplace

## Protecting Workers at Ground Zero

The United States will never be the same following September 11, 2001. The destruction of the World Trade Center (WTC) was unprecedented in American history. The tragic events of 9/11 have become a national benchmark. The heroic dedication of the rescue workers at what became known as Ground Zero filled the nation with hope and pride.



**New York**  
**Arizona**  
**California**  
**Hawaii**  
**Indiana**  
**Iowa**  
**Michigan**  
**Minnesota**  
**Nevada**  
**New Jersey**  
**New Mexico**  
**North Carolina**  
**Oregon**  
**Puerto Rico**  
**South Carolina**  
**Tennessee**  
**Vermont**  
**Virginia**  
**Washington**

The **New York Division of Safety and Health (DOSH)** and federal OSHA took immediate steps in the aftermath of 9/11 to protect the search and rescue workers.

Besides **New York DOSH**, 18 state plan states sent staff to work in New York City as part of the around-the-clock effort to ensure the safety and health of workers involved in the World Trade Center recovery operations. States sending workers were: **Arizona, California, Hawaii, Indiana, Iowa, Michigan, Minnesota, Nevada, New Jersey, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Vermont, Virginia, and Washington.**

On May 30, 2002, the recovery and cleanup at the World Trade Center disaster site came to an end. Three million work hours were logged by rescue and recovery personnel at the World Trade Center worksite. More than 1,000 members of the OSHA family from around the country came to New York City to help protect those recovery workers.

The state plan states were proud to aid in the efforts to protect the thousands of working men and women at the World Trade Center disaster site. Staff who volunteered expressed a unified gratitude to be able to assist the heroic men and women who worked tirelessly in the rescue and recovery operations.

## Preparing for Workplace Emergencies

In response to the events at the World Trade Center, the Pentagon and numerous anthrax scares—government officials combined their efforts to protect citizens from acts of terrorism. Many federal and state agencies charged with protecting workers developed guidelines, formed project groups and enlisted other organizations to address terrorism and emergency preparedness in the workplace.

No one expects an emergency or disaster to directly affect them, their employees or their business. An emergency or disaster, however, can happen to anyone, anywhere, at any time. Workplace emergencies in the past have included: fires, floods, toxic gas releases or chemical spills, explosions, etc. Now that list must also include acts of terrorism.

State plan states have responded in a variety of ways to this new workplace hazard. Typically we know what the hazards of the workplace are, and we know how to protect workers against known risks. When dealing with the unexpected and unknown risks related to workplace security and emergency preparedness, a cooperative effort is essential.



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## New York

The **New York State Division of Safety and Health (DOSHS)** has expanded its ability to respond to emergencies and to protect the workplace through a combination of outreach, training and consultant services. Since the World Trade Center (WTC) disaster, DOSHS has focused on a number of emergency preparedness readiness activities.

Under the Comprehensive Cooperative Agreement Strategic Plan, significant safety and related work has continued with New York's fire and emergency services organizations. Outreach, training, and resources are provided to foster operational response working relationships, assist with incident command and line of authority training, and facilitate necessary updates to emergency response plans. These efforts have included coordination with state and local fire services, emergency management offices and fire associations. To date, over 600 partnerships have been established with various fire organizations. In addition, DOSHS consultant services are coordinating with weapons of mass destruction (WMD) officials to assist with respirator fit testing, training for first responders, local response teams planning, and the development of procedures for equipment distribution in time of need.

DOSHS utilized collective experiences of its 9/11 WTC response team by conducting a two-day critique of emergency readiness, response and recovery activities that resulted in the development of the DOSHS Crisis Response Plan. This plan addresses the DOSHS role to provide safety and health assistance and support to state and local government emergency responders in time of need. This plan addresses the DOSHS response role for all natural and man-made disasters, including terrorist actions.

Work is also underway or has recently been completed as follows:

- Updated and re-issued the employee and supervisor Emergency Reference Manual, which identifies procedures to follow in the event of an emergency.
- Issued guidelines and delivered specialized employee training on mail-handling and workplace building security procedures.
- Coordinated with New York State Office of Public Security and the Division of State Police on data sets to facilitate response to potential explosive and radiological incidents.

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## New Jersey

**New Jersey** was significantly impacted by the bio-terrorist attack in the fall of 2001. Four letters containing anthrax passed through postal facilities in New Jersey. The letters caused contamination that resulted in four cases of cutaneous and two cases of pulmonary anthrax, contamination of postal facilities, and public concern. The New Jersey Department of Health and Senior Services (NJDHSS), **Public Employees Occupational Safety and Health Program (PEOSH)**, participated in the efforts to protect postal employees public employees and the public during this serious public health emergency.

PEOSH staff assisted in the development of guidelines including:

- Sample Collection and Building Evacuation and Decontamination and Re-entry Guidelines for Suspect Anthrax Incidents;
- Interim Guidelines for Minimizing the Risk from Cutaneous and Inhalation Anthrax While Handling Mail;
- Guidelines for Employees Potentially Exposed to *Bacillus anthracis*.

PEOSH staff also assisted in environmental evaluations including:

- Environmental sampling strategy for the Hamilton Township Postal Facility;
- Site entry into the Hamilton Facility, West Trenton Facility, Princeton Facility and the Bellmawr Facility;
- Conducted environmental surface sampling in all postal facilities served by the main Hamilton Facility (896 samples from 49 facilities);
- Assisted in decontamination of the Hamilton Facility;
- Attended meetings with representatives of US Postal Service, IT Corporation, EPA, and CDC NIOSH;
- Conducted inspections of a high volume state government mail sorting facility and made recommendations for engineering controls.

Other activities conducted by staff:

- Participated on the Domestic Security Preparedness Task Force;
- Answered phone calls at the State Police Emergency Operations Center to address bio-terrorism concerns;
- Assisted at local hospitals providing anthrax screening; and
- Prepared and administered a survey determining the effectiveness of guidelines prepared for mail handlers.

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## Nevada

After the events of 9/11, it became clear to **Nevada** government agencies that they needed to be better prepared to handle catastrophic emergency situations. Through a combined effort, the **Nevada OSHA and Safety Consultation and Training Sections** were able to receive federal grants and one-shot money to form two response teams. These two teams began training in early October 2002.



All team members have been trained to the Technician Level for HAZMAT response, as well as, many training dealing for emergency response to terrorism. The two teams drill in conjunction with local first responder agencies, and work with high-hazard employers throughout the state. A major function of the teams is to perform outreach presentations to local employers to assist them in preparation for response to emergency situations.

Outreach presentations are focused around “Emergency Preparedness in the Workplace.” Team members assist employers in reviewing emergency response plans, observe and participate in drills, and provide any type of help deemed necessary to ensure that the employer is prepared for the unexpected. Outreach sessions have proven to be productive for both employers and team members.

The two response team trailers are stocked with various types of personal protective equipment, which can be issued to affected employees and responders during the course of an incident. Files pertaining to high-hazard employers throughout the state are kept with the response team equipment to ensure quick access to much needed information during an emergency situation.

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## California

**California** has worked with local and state emergency response agencies on integrating safety into their planning and response to catastrophic events. For a number of years, **Cal/OSHA** representatives have met with the California Office of Emergency Services, the organization charged with coordination and emergency contingency planning. More recently, Cal/OSHA has met with the Office of Homeland Security.

Cal/OSHA recently expanded on its liaison with the Office of Homeland Security by completing a systematic evaluation of Cal/OSHA’s preparedness in terms of personnel and other resources to respond to terrorist events. Cal/OSHA has created emergency response teams in northern and southern California. Cal/OSHA personnel were selected to serve at the Risk Assessment level or the Competent Technical level based on the level of training, expertise and experience in one or more of the risk categories. Risk categories include biohazard, industrial chemical hazard, radiological hazard, chemical weapons or nuclear device hazard or structural collapse hazard.

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## Connecticut

**Connecticut (CONN-OSHA)** is working with the Connecticut Office of Emergency Management (OEM) developing personal protective equipment (PPE) protocols and guidelines for response to weapons of mass destruction (WMD) incidents. They are also meeting with OEM to define CONN-OSHA’s roll to protect the safety and health of emergency responders, should an incident occur. CONN-OSHA continues to offer all employers in the state, emergency evacuation training and provided information to 300 emergency responders at the height of the anthrax incidents.

|                   |   |
|-------------------|---|
| <b>Iowa</b>       | <b>Iowa</b> participated in inter-agency planning meetings in the statewide response to the anthrax threat in mail handling. They are also prepared to provide respiratory protection training to employers and employees.  |
| <b>Kentucky</b>   | The <b>Kentucky OSH Program</b> has representation on the Governor's Security Working Group. The delegates meet monthly to plan actions to be taken and discuss homeland security issues, and participate in state security exercises and planning conferences.   |
| <b>Maryland</b>   | During federal fiscal year 2002, <b>Maryland</b> developed an "Emergency Response and Disaster Preparedness" seminar. The program guides participants through the process of preparing and implementing an emergency response plan. This seminar was presented four times during this period reaching 123 employers and employees for a total 738 training hours.   |
| <b>Michigan</b>   | The new <b>MIOSHA</b> Strategic Plan for 2003-2008 includes a specific objective to address emergency preparedness strategies to enable MIOSHA to assist in the event of a terrorist or other significant threat or attack. MIOSHA will provide preparedness information to increase workplace knowledge of and readiness for a terrorist attack or other significant threat or attack. MIOSHA will train and equip program staff to provide consultation and technical assistance to clean up and recovery personnel. In response to the terrorism and anthrax concerns following 9/11, MIOSHA developed a workplace security resource guide for use in outreach and training efforts. The guide includes information on preparing for emergencies, terrorism and industrial chemicals, terrorism and biological/chemical agents (including anthrax) and helpful websites.   |
| <b>Minnesota</b>  | The <b>Minnesota Department of Labor</b> is represented by <b>MNOSHA</b> compliance at the Department of Public Safety. This representation ensures their involvement in all incidents of natural, as well as human-made disasters. In addition, they are involved in state of Minnesota planning for potential acts of terrorism. The role of MNOSHA compliance is defined in the Minnesota Emergency Operations Plan. The state has an internal Catastrophic Event Team that is their first line of contact in regard to an event. MNOSHA also provides help to employers in regard to their emergency response and preparation plan.   |
| <b>Oregon</b>     | In FY 2002, <b>Oregon OSHA</b> initiated a work group to coordinate and communicate information on biological and chemical terrorism. The group's efforts are focused in five key areas: 1) identification and collection of information and resources related to biological and chemical terrorism; 2) networking and establishing a coordinated effort to address the occupational safety and health issues associated with emergency response; 3) emergency planning for the Portland metropolitan area; 4) participating with Oregon Public Health Services on chemical terrorism issues, including work being coordinated by NIOSH and the Agency for Toxic Substances and Disease Registry; and 5) seeking out training on bioterrorism and related issues. The goal is to create a team of experts knowledgeable in biological and chemical hazards trained to respond to a variety of contaminants under potentially catastrophic conditions. |
| <b>Tennessee</b>  | <b>Tennessee OSHA</b> has worked with the Tennessee Office of Homeland Security and the Tennessee Emergency Management Agency to develop a response plan to provide technical assistance and assure the safety and health protection of emergency workers. The Commissioner of Labor and Workforce Development is a member of the Governor's Homeland Security Council.   |
| <b>Virginia</b>   | In 2002, <b>Virginia Consultation</b> , in cooperation with the Virginia Labor Studies Center at Virginia Commonwealth University, conducted "Emergency Preparedness" training sessions for small businesses in three areas of the state. This project was to focus on businesses that were prone to any potential disasters, e.g., natural, man-made, and individual or organized terrorism. An Emergency Preparedness Manual was developed and is available in English and Spanish on their website at <a href="http://www.doli.state.va.us">www.doli.state.va.us</a> .   |
| <b>Washington</b> | <b>Washington</b> had active participation in the "TOPOFF 2" exercise that was held in Seattle by the U.S. Department of Homeland Security and U.S. Department of State. The exercise consisted of response by federal, state and local emergency responders to a simulated explosion containing radioactive material.  |

## Strategic Plans: Focusing on Performance

In 1998 federal OSHA required all state plans to include an annual performance plan in their grant application and to meet requirements of the Government Performance and Results Act (GPRA). States were required to submit a five-year strategic plan for 1999-2003. State programs were required to adopt OSHA's first strategic goal: to "improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities." Strategic and performance planning focuses on safety and health outcomes rather than activities.

Most of the state plan states are currently in the fifth year of their first five-year strategic plans. OSHA and all states included decreased injury and illness rates and fatalities for selected industries or worksites in their strategic goals. Over the past four years, the plans provided the state programs with a focus for enforcement and outreach resources, and enabled them to develop results-based measurement systems. The state plans are in the process of evaluating their first strategic plan, as well as developing the next five-year strategic plan. The state plans are dedicated to building on the successes of the first five years, while also moving to address new areas of concern—with the overall goal of focusing resources on activities that result in workplace safety and health improvements.

State plans maintain a strong enforcement presence for employers not meeting their safety and health responsibilities by focusing on worksites and industries with the highest injury and illness rates. One important aspect of a state's strategic and performance planning is coordination of enforcement, consultation, education and training in targeting hazards, industries and occupations identified in the strategic plans. Cooperative programs and partnerships supplement traditional enforcement methods.

Another significant component is emphasis on increased employer and worker awareness of the value and importance of safety and health programs through expanded delivery of targeted outreach. State goals identified in their strategic plan establish the parameters by which federal OSHA evaluates the state program.

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### Alaska

**Alaska** has developed a new five-year strategic plan with three major strategic goals:

- To reduce the number of workplace fatalities (caused by circumstances that are under AKOSH jurisdiction) by 15 percent;
- To reduce the number of worker injuries, illnesses and fatalities in the construction industry by focusing on construction compliance, consultation, and outreach; and
- To reduce the number of worker injuries, illnesses and fatalities in the most prevalent major industrial category on the High Hazards Target (HHT) list.

In the strategic plan AKOSH is also committed to: Responding effectively to legal mandates; promoting safety and health programs in the workplace; promoting cooperative/partnership agreements and recognition programs as a means of lowering accident/fatality rates; and ensuring AKOSH staff is well trained and knowledgeable and is delivering services in a fair and consistent manner.

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### California

As part of **California's** high-hazard consultative assistance and high-hazard enforcement, various efficacy outcome measures have been obtained over the years from employers to measure pre-intervention and post-intervention data. Among these measures are injury and illness rates, injury and illness severity rates, number and type of preventable work-related injuries and illnesses, and pertinent data about workers' compensation claims made and costs per claim.

In reviewing efficacy measures from a sample of high-hazard employers, it has been determined that both the high-hazard consultation program and the high-hazard enforcement program have been effective interventions in reducing injuries and illnesses and workers' compensation claims. These programs have a continuing role to play as part of Cal/OSHA's efforts to eliminate workplace hazards, as well as to reduce injuries and illnesses and workers' compensation losses in California workplaces.

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**Iowa**

**Iowa** registered successful results during the last year of their strategic plan. Under their first strategic goal, construction fatalities showed an overall 20.2 percent decrease in these incident rates over four years, which exceeded the targeted goal. Under their second goal, the overall occupational injury and illness incidence rate for Iowa decreased 12.3 percent overall for four years.

Performance outcome measures also showed that 38.7 percent of all IOSHA interventions (formal and informal) were comprehensive interventions that ensured employers in Iowa had either implemented a safety and health program or improved their existing program in FY2002. Iowa showed a significantly improved response time over the previous year in FY2002, with 95.5 percent of the fatality and catastrophe inspections initiated by the next working day, and 97.9 percent of complaints processed within three working days.



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**Kentucky**

**Kentucky's** Strategic Plan has targeted five industries in general industry with the highest injury and illness rates in the state. The results have been most satisfying, as the latest figures show that all five industries showed significant decreases in their rates, including two of the categories plunging 30 percent or more by the fourth year of the plan. In the construction industry, Kentucky's plan focused on reducing sources of injuries initiated by falls and struck-by incidents. Likewise, results have been most gratifying. By the fourth year of the plan, the most recent figures indicate that injuries resulting from falls have decreased 19.4 percent and injuries from struck-by incidents have been reduced by over 41 percent.

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**Michigan**

The **MIOSHA** Strategic Plan helped the program target both outreach and enforcement activities toward some of the most hazardous industries in Michigan, including: construction, structural metal products, metal forgings and stampings, nursing/personal care facilities, and public-sector education. MIOSHA also directed their efforts toward reducing ergonomic-related injuries and illnesses, amputations and noise-induced hearing loss.

MIOSHA developed their plan with substantial stakeholder input, and used the team concept to develop the performance goals. Overall, significant improvements have been seen throughout the past four years in Michigan. Workplace fatalities have decreased in most areas, work-related injuries and illnesses have decreased in targeted areas, improvements in customer services have been realized, and the overall commitment to workplace safety and health by employers has increased.

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**North Carolina**

**North Carolina** established a five-year performance goal of reducing the fatality incidence rate in logging by 20 percent. There were a total of 16 fatalities in the base line year. However, by the end of the fourth year of the strategic plan, the fatality rate had been cut by 47.6 percent, which represented a reduction in fatalities to six. During the first six months of FY 2003, the last year of the strategic plan, the state has not experienced any logging fatalities.

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**Oregon**

**Oregon OSHA's** strategic plan focuses on three major areas: Workplace Culture, Workplace Safety & Health, and Public Confidence. The Workplace Culture goal identifies strategies for assisting employers to become self-sufficient in the area of occupational safety and health. Tools for accomplishing this include the SHARP and VPP recognition programs, safety committee assistance, and workforce education.

The Workplace Safety & Health Goal focuses resources on targeted industries and specific hazards. Oregon OSHA's strategic plan targets agriculture, construction, food and kindred products, lumber and wood products, and health care. Oregon OSHA has been focusing on identifying and reducing silica, lead-in-construction, and noise over-exposures, and on fall hazards. With the Public Confidence goal, Oregon OSHA is striving to continue a strong relationship with stakeholders through the delivery of high quality services and successful partnerships. Due to a significant revision of the plan in the second year, Oregon OSHA's 5-year plan will be concluded in FY 2005.

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**Tennessee**

The strategic plan implemented by **Tennessee OSHA** resulted in reductions in the Lost Workday Incident Rate of 35 percent in Nursing Homes, 20 percent in the Metal Working Industry, and 5 percent in the Construction Industry. The decline in these industries was the result of compliance activity, consultation outreach, training, and employer commitment.

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**Virginia**

During FY2002, **Virginia** continued its emphasis on high-hazard worksites. **VOSH** also initiated regulatory action to provide safeguards to workers in excess of what was mandated by federal OSHA. Beyond the safeguards built in by federal OSHA's complete rewrite of Part 1926 Subpart R, Steel Erection, VOSH adopted all of the new subpart except for §§1926.760(a), 1926.760(b), and 1926.760(c). VOSH then began the regulatory process to:

- Require fall protection in steel erection at the 10-foot level rather than 15 feet as required by OSHA;
- Require workers who are connecting structural steel to be tied off unless steel is moving in the air; and
- Prohibit the use of controlled decking zones.



Also in the planning stage was an amendment of the General Requirements for Clearances, Construction of Electric Transmission and Distribution Lines and Equipment §1926.950(c)(1)(i) to be functionally identical to the greater safeguard from electrocution afforded general industry workers performing similar tasks under §1910.269(i)(2)(i). During the year, VOSH followed its current six-year strategic plan program goal outcomes. Also, information systems are under continuous development and improvement to collect necessary performance data to be analyzed to help improve VOSH performance.

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**Washington**

**Washington's** strategic plan agreement streamlined targeting based on safety and health priorities in partnership with business and labor, and enhanced coordination between WISHA enforcement, consultation and risk management.

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**Wyoming**

**Wyoming** has access to company specific workers' compensation data and uses it to determine its safety and health impact after an inspection or consultation visit. They compare the 12-month period before the visit to 12 months after and measure three variables for each company: the number of employees, the number of claims filed and the cost of the claims. Essentially, measuring injury and illness frequency and severity.

The compliance inspection and public-sector consultation data for October 2001 through September 2002 showed excellent results. There were a total of 295 companies visited and analyzed. During this period, the visited companies' employment decreased minimally. However, claims went down from 2956 to 2643, or 10.59 percent—and the costs of these claims decreased from \$7,047,698 to \$6,289,613, or 10.76 percent.

One of **Wyoming's** proven claims reduction methods is to offer an employer the opportunity to reduce claims 12 months after an inspection. If an employer has eight or more claims and they can reduce claims by 25 percent, then the penalty is reduced by 75 percent. The employer pays 25 percent of the penalty within two weeks and after 12 months, Wyoming verifies the number of claims filed and determines if an additional penalty is required. The strategy is performance based, the more claims are reduced, the smaller the penalty. In 2002, 40 employers in this plan reduced total claims by **26.9 percent**, and **72.5 percent** of the employers met their goal. In the five-year period from 1998 through 2002, employers in this program were successful in reducing total claims by **29.8 percent**.

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**Michigan  
North Carolina  
Oregon  
Washington  
Wyoming**

Previous to the 1998 federal requirement, a number of states—including **Michigan, North Carolina, Oregon, Washington and Wyoming**—had originated unique performance agreements with OSHA. The U.S. Vice President's *Hammer Award* recognizes outstanding efforts to make government more efficient and less expensive. In November 1998, Oregon became the first state in the nation to receive the *Hammer Award* for their performance agreement with federal OSHA.

## Enforcement: Targeting High-Risk Worksites

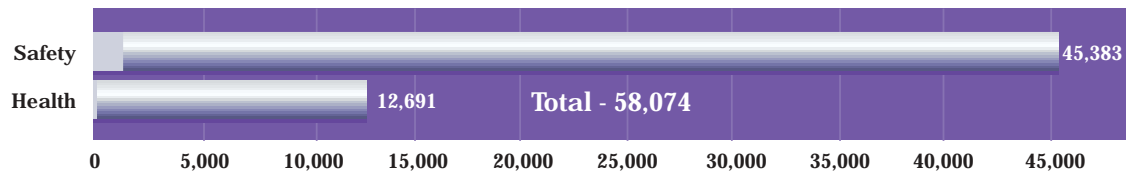
The primary mission of all state plans is to ensure that every worker goes home healthy and whole. Enforcement plays a critical role in fulfilling this mission. Each state plan has legislative authority to monitor safety and health conditions in the workplaces covered by their program.

The state plan states continually review their targeting systems to make sure they are inspecting those establishments that have the most problems, and avoid inspecting those establishments that are providing a safe and healthful work environment.

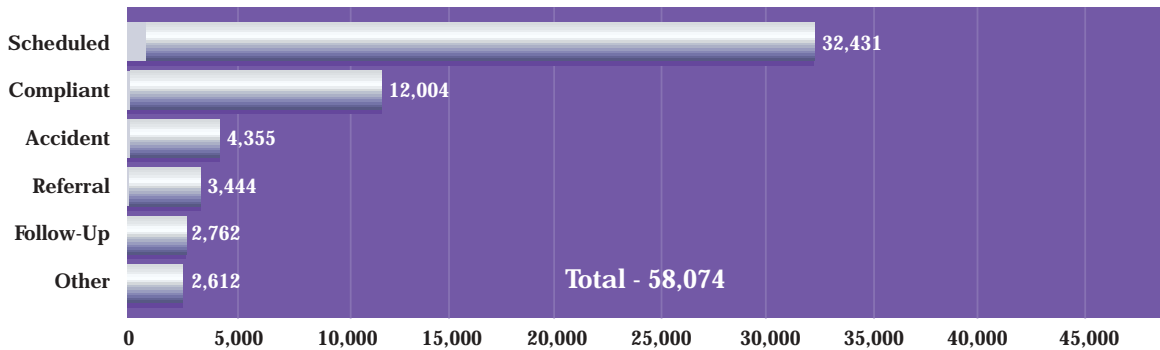
Each state plan's legislation proscribes how these monitoring or inspection visits will occur. Since this statutory authority prevents the programs from giving advance notice, compliance officers may not set up an appointment prior to the initial visit. The state plans are also required to issue citations and assess penalties for identified hazards.

Every day, more than 1,300 enforcement personnel in the state plan states work diligently to help ensure that workplaces are as safe and healthy as possible. It is the goal of these compliance officers to conduct inspections in a professional and efficient manner, with minimal disruption in the workplace.

### FY 2002 Compliance Inspections by Kind



### FY 2002 Compliance Inspections by Type



### FY 2002 Case Data

|  |              |
|--|--------------|
| Number of inspections with violations cited        | 36,206       |
| Average number of violations per inspection        | 2.4          |
| Percentage of inspections with no violations       | 38.0%        |
| Total penalties assessed                           | \$75,871,882 |
| Average penalty per serious violation              | \$932        |
| Total number of contested cases                    | 5,508        |
| Percentage of inspections with citations contested | 14.2%        |

## Site-Specific Targeting

A number of state plans have site-specific targeting data available from their state workers' compensation system. The foundation of an effective enforcement program is the ability to target workplaces with the most hazardous conditions, and state plans use a variety of data sources to direct their enforcement and consultation efforts toward businesses with a high rate of preventable injuries and illnesses. Site-specific claims history, rather than industry-wide data, is a better indicator of worksite safety and health deficiencies.

States may also participate in the federal OSHA Data Initiative to collect data from individual employers for targeting high-risk worksites. The Data Initiative gives OSHA a new targeting tool: the ability to determine the lost-workday injury and illness (LWDII) rate for every employer included in the sample.

The annual survey has been mailed since 1996 to 80,000 employers in non-construction industries. To verify the accuracy of information submitted, OSHA audits a sample of employers. From the information submitted by employers in the Data Initiative, each state determines its cut-off rate for site-specific targeting inspections. For example, in 1999 federal OSHA targeted workplaces with an LWDII rate above 16. The national LWDII rate for 1997 and 1998 was about three–three injuries or illnesses resulting in lost workdays for every 100 full-time workers.

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**Alaska**  
**Arizona**

**Alaska** is merging workers' compensation data with other state data, so they can target their workplace inspections toward employers with accidents and excessive lost workdays. **Arizona** has also developed an inspection targeting program that uses workers' compensation data to identify individual employers with high rates of claims.

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**California**

**California OSHA** continues to receive funding provided under workers' compensation reform legislation for a targeted consultation program with a more proactive focus. Consultation visits are offered to high-hazard employers as an alternative to targeted inspections. The targeted consultation program supplements the enforcement program and targets industries selected for targeting by enforcement. The Cal/OSHA consultation program has developed numerous publications including model injury and illness prevention training programs dealing with such topics as workplace security, RMI's, and other topics.

The **Southern California Process Safety Management Unit** conducted an incident investigation of two events at the Keysor-Century facility. Both events involved runaway reactions occurring within the reactors, resulting in the release of vinyl chloride. An investigation was conducted concerning the failure to report an emergency involving the release of vinyl chloride to the Division, the Process Hazard Analysis not being appropriate to the complexity of the polymerization process, failure to include PPE in written operating procedures, failure to include plant air system in the company's preventive maintenance schedule, and responding to a release without the proper respiratory equipment. The case has been referred to the FBI for investigation of possible falsification of air monitoring data.

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**Michigan**

**Michigan** pioneered a general industry safety inspection scheduling program that relies on survey data as well as site-specific injury information. Most significant is the addition of workers' compensation data to the information sources used. Under the new system, employers reporting higher numbers of compensable workers' compensation cases in selected Standard Industrial Classification (SIC) codes and randomly selected establishments will be identified for inspection. Most of the specific SICs are based on the goals of the MIOSHA Strategic Plan.

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**Nevada**

The state of **Nevada** inspection activities concentrate on workplaces that have high hazard conditions present. Statewide BLS data is evaluated each year to help in the inspection site determination process. The ability to make sure that employees working in the most hazardous and critical areas throughout the state are protected, is a major goal for Nevada OSHA.



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**North Carolina** **North Carolina** has established a site specific targeting system based on data secured through the OSHA Data Initiative. The system is based on establishment specific employer LWDII data. The state has also initiated a public-sector survey. The data from this survey is used to determine high injury and illness incidence rates at specific public-sector establishments that may qualify for consultation, a comprehensive compliance inspection, and/or education and training assistance.

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**Oregon** **Oregon's** Department of Consumer and Business Services administers workers' compensation laws, a non-exclusive state fund, and workplace safety and health programs. For workplace inspections, OR-OSHA merges workers' compensation claim data with state employment data, targeting employers with accidents.

**Oregon** is a strong agricultural state that employs thousands of seasonal farm workers each year. All agricultural labor housing operators in Oregon are required to register their dwelling units with Oregon OSHA. Upon initial registration, the housing operator must receive a pre-occupancy consultation from OR-OSHA. Active labor housing units are also subject to inspection to enforce minimum living standards for occupants. Oregon OSHA employed a new strategy during the 2002 growing season to ensure that workers and families living in agricultural labor housing in Oregon are afforded a basic standard for health and safety. Two positions were dedicated solely to locating unregistered agricultural labor housing facilities in targeted counties. Operators of unregistered agricultural housing in Oregon face a minimum fine of \$5,000, with additional penalties potentially leading to a maximum fine of up to \$7,000.

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**Utah** **Utah** uses the Utah Labor Commission Industrial Accident's data base and a workers' compensation system (a non-exclusive state fund) that provides accessible information for targeting of employers and industries.

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**Vermont** **Vermont** uses workers' compensation data to develop a safety inspection schedule, using information on the total number of injuries, the number of lost-time injuries, and employment at the firm.

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**Washington** **Washington** was the first state in the nation to have both an exclusive state fund workers' compensation system and an OSH program, WISHA, in the same agency. This provides an unequalled opportunity to use injury, illness and claims data to identify hazardous industries and problem employers. WISHA targets employers for services coordinated by enforcement, consultation, education and training, and risk management.

In 2001, **Washington** initiated a special emphasis program to address safety hazards and reduce the overall injury rate in the residential wood framing industry. This program was launched to bring all residential wood framers in compliance with workplace safety and workers' compensation requirements. The goal is to reduce injuries to the thousands of framers in Washington and to bring premiums, now among the highest in the industry, in line with other trades.

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**Wyoming** In 1994, **Wyoming's** state plan merged with its workers' compensation system giving it access to employers compensation data. This information is used to identify employers for inspections or if the employer chooses, a consultation visit. The parameters used for this purpose are: experience modification rating, loss ratio (cost of claims compared to premium), claims to employee ratio, and average cost of claims.

### **Local Emphasis Programs (LEP)**

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**Alaska** In 2001, **Alaska** sponsored a logging seminar for all states in the northwestern United States. It also had Local Emphasis Programs and training for hospitals, logging, construction, seafood processing and power generation. In 2002, they also be initiated LEPs for "struck by's" and "falls."

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**California** During the course of the Longshoreman's Strike by the International Longshore and Warehouse Union (ILWU) on the West Coast, the **Cal/OSHA High Hazard Unit**, in response to a federal request, mounted a Special Maritime Inspection Program during October and November 2002, of the three major West Coast Ports, Oakland, Los Angeles, and Long Beach.

The purpose of the inspections was to provide a neutral arbiter of actual and potential occupational safety and health hazards in the hostile environment. Cal/OSHA's presence permitted the union and management to focus on real concerns for genuine attempts to achieve safety and health compliance. During the course of the two-month operational period involving at times almost 24/7 coverage, the Cal/OSHA High Hazard Unit conducted approximately 176 Intervention Inspections at the tree major ports.

The **Cal/OSHA** Agricultural Safety and Health Inspection Project (ASHIP) is an emphasis program inaugurated in 1999, in response to the fact that agricultural production is one of the most hazardous industrial activities in California, yet Cal/OSHA receives few complaints from agricultural workers. During the summer and fall seasons, agricultural production is at its peak and a large number of employees are exposed to serious hazards. Agricultural inspections have focused on fields where manual labor was performed as well as harvesting activities involving mechanized equipment used in sugar beet, cotton and feed corn harvesting, as well as mechanized processing of crops such as bean shelling. Cal/OSHA recently directed attention to the dairy industry, following a rise in fatalities and serious injuries.

Beginning in CY 2000, **Cal/OSHA** organized the Construction Safety and Health Inspection Project (CSHIP), an emphasis program increasing both enforcement inspections and the Cal/OSHA Consultation Service education, outreach and on-site assistance, with the goal to reduce the number of construction fatalities and serious injuries and illnesses.

In response to the higher incidence of fatalities and serious injuries in the residential sector of the construction industry, Cal/OSHA conducted residential construction sweep inspections with emphasis on serious violations. The emphasis of CSHIP has been on falls from elevations, electrical hazards, machinery or vehicle hazards, trenching and shoring hazards and repetitive violations of construction standards.

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**Indiana** **Indiana** implemented an LEP on scaffolding that proved very successful in identifying and controlling hazards. The typical scaffold LEP inspection now has four times the average number of serious violations compared to previous similar inspections.

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**Iowa** **Iowa** assisted the federal OSHA offices in FY2002 with the Special Emphasis Program that targeted popcorn manufacturers. IOSHA inspected two facilities that used diacetyl in closed process containers. Both facilities were issued citations as well as 5(a)(1) letters that alerted the employers to the respiratory hazards associated with diacetyl. These inspections identified two employees that developed obstructive lung diseases after working with diacetyl. The recommendations made by IOSHA were very similar to those later made by NIOSH. Employers were required by IOSHA occupational safety and health standards to do baseline medical evaluations for employees that wore respirators. Employers were also encouraged to continue tracking the health of workers exposed to diacetyl.

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**Minnesota** **Minnesota** OSHA has focused their inspections on: construction, nursing homes, meat products, structural wood members, primary metal industries, fabricated structural metal products, and transportation equipment. In addition, they have LEP on trenches and roofing.

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**Nevada** **Nevada** OSHA participates in many of the Federal Emphasis Programs and has Local Emphasis Programs dealing with analytical laboratories, automotive repair -health, hotels/casinos, and electrical utilities.

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**New Jersey** In January 2002, the **New Jersey** Department of Health and Senior Services, Public Employees Occupational Safety and Health (PEOSH) Program, Enforcement Project, began an enforcement initiative targeting municipal public works departments (DPWs) throughout the state. The decision to target DPWs was made based on previous experience and the high level of risk posed by activities conducted by these departments.

It quickly became apparent how critical the need was for such an enforcement initiative. Despite the numerous and potentially serious hazards they are exposed to; nearly all towns inspected did not have basic employee health and safety programs in place.

Since beginning the enforcement initiative, the PEOSH Program has issued citations for personal protective equipment selection and training, respiratory protection, hazardous materials response training, occupational noise exposure, and asbestos at nearly every DPW inspected to date. Communication with several DPW professional organizations by the DHSS-PEOSH Education & Training Project has made DPW supervisors aware of the initiative. Faced with the threat of an enforcement inspection, many DPWs have begun to voluntarily react to the initiative and have initiated voluntary compliance efforts.

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### **Oregon**

**Oregon** OSHA currently has five Local Emphasis Programs. In 1993, a Local Emphasis Program was issued to provide field sanitation inspections and guidelines for inspection of agricultural establishments covered by the Oregon Field Sanitation Standard. An LEP was initiated in 1998, to address increasing concerns regarding agricultural and reforestation worker housing conditions in Oregon. The program modifies scheduling and inspection criteria to more effectively identify and eliminate sub-standard housing. In 2000, an LEP was issued to address pesticide exposure in places of employment where pesticides are used, stored or manufactured. Pesticides are of particular concern in agriculture due to the large numbers of potentially exposed farm workers. With accidents attributed to falls among the leading causes of serious injuries and fatalities in the construction industry, Oregon OSHA initiated an LEP that applies to all construction activities subject to Oregon OSHA jurisdiction. To address the hazards associated with logging in the state of Oregon, an LEP addressing struck-by hazards in logging was implemented. The program provides for scheduled inspections and gives compliance officers the ability to address struck-by hazards when observed on a logging site.

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### **North Carolina**

**North Carolina** has Special Emphasis Programs for construction activities, logging, silicas, lead in construction and methylene chloride.

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### **Puerto Rico**

**Puerto Rico** has established three Local Emphasis Programs (LEPs) since 1999, to comply with the PROSHO Strategic Plan. On March 15, 1999, an LEP for “Occupational Exposure to Blood in Chemical and Reference Laboratories” was established. The purpose was to program health inspections of occupational exposure to blood or other potentially infectious materials in clinical and reference laboratories. This LEP has covered 97 percent of establishments identified by the Board of Medical Technicians.

The revision of the 2002 Strategic Plan resulted in the development of two LEPs to cover high-risk industries identified during the analysis. An LEP for “Woodworking Industries” was developed and activated during FY 2002. The mission was to program inspections on establishments engaged in manufacturing wood products and furniture. This LEP will cover hazards related to nip points, rotating parts, flying chips or sparks, slips and falls, noise, exposure to chemical substances, etc.

The second LEP activated during FY 2002 was related to “Auto Repair and Body Shops Industries.” Inspections focused in all automotive painting and refinishing activities where employees may be potentially exposed to chemicals and physical hazards.

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### **Tennessee**

Tennessee OSHA implemented four Local Emphasis Programs to target employees exposed to carbon monoxide, high noise levels, falls, and unprotected excavations. All staff members were cross-trained to identify hazards in these areas and assure appropriate protective measures were implemented. A training videotape was developed and distributed to educated employers and employees on these workplace hazards.

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### **Wyoming**

Wyoming uses workers’ compensation data to identify employers for fixed establishment inspections and this is one of their Local Emphasis Programs (LEP). Additionally, they give local emphasis to the construction industry, oil and gas well drilling and servicing, wood product manufacturing, and nursing care facilities. With the resurgence of coal bed methane drilling, it will be given special emphasis.

## Settlement Agreements

State plan states today are using settlement agreements, at either the pre-citation or post-contest level, to resolve complex investigations of catastrophic incidents, most of which involve fatalities. Settlement agreements are unique and innovative resolutions, and are designed to assure a safer and healthier work environment for all affected employees in the future. Historic settlement agreements have been negotiated by **Michigan, Washington, California, and Oregon.**

The agreements allow the participants to focus their efforts on helping the companies create a safe and healthy workplace in the future—rather than spending limited resources on litigation. The agreements can include: a monetary sanction/penalty; assurance of abatement for the cited conditions; establishment of programs to achieve lasting improvements in safety and health; research to increase the understanding of industrial safety and health; training programs with monitoring capabilities; and other components specific to each individual incident.

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### Michigan

On May 2, 2002, **Michigan** announced a Settlement Agreement with **ATOFINA Chemicals, Inc.**, and PACE International Local No. 6-0591, with a combined total of **\$6.2 million** in penalties, safety enhancements, and the resolution of multiple violations. The settlement closed a seven-month investigation of a catastrophic accident at the ATOFINA Riverview facility on July 14, 2001, that claimed the lives of three workers. This is the second-largest monetary sanction ever levied in Michigan as a result of a MIOSHA investigation.



The Settlement Agreement agreed to by the company and the union includes a MIOSHA penalty of \$500,000, abatement of all cited hazardous conditions, and dedicates significant resources to safety improvements. The primary concern in developing the agreement was to enhance the overall safety and health for company employees by developing and implementing ongoing safety improvements in workplace safety and process safety.

In 2001, Michigan negotiated a settlement agreement with **Lomac LLC** in Muskegon and its union representatives, with a combined total of more than **\$3 million** in penalties and additional activities. The settlement closed a nine-month investigation of a double explosion at Lomac on April 12, 2000, that injured 10 workers. The Settlement Agreement agreed to by the company included an action plan with 15 safety enhancement initiatives.

On Sept. 2, 1999, Michigan OSHA concluded its seven-month investigation of a fatal explosion at the **Ford Rouge Complex** power plant with an unprecedented **\$7 million** settlement agreement with Ford Motor Company and the UAW. One of the worst automotive industry accidents in Michigan, the February 1999 explosion in the power plant at the Ford Rouge Complex in Dearborn resulted in the death of six workers and serious injury to 14 others. The unique and innovative resolution included a record \$1.5 million penalty, the largest monetary sanction ever levied in Michigan as a result of a MIOSHA investigation.

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### Washington

In **Washington** during FY 1999, following two unrelated fatality investigations in different industries, the Washington Department of Labor and Industries negotiated settlement agreements that were unprecedented in the history of state-administrated occupational safety and health programs, and ranking among the top compliance agreements ever obtained by federal OSHA. The combined settlement terms exceed \$6.9 million, including a total of \$1.7 million in penalties.

In November 1998, six workers at the **Equilon-owned refinery** in Anacortes, Washington, died in a fire as they were attempting to restart the delayed coking unit after a storm had interrupted power and shut down refinery operations the previous day. The tragic event marked the worst industrial catastrophe since the Department of Labor and Industries began enforcing the Washington Industrial Safety and Health Act (WISHA) more than 26 years ago.

WISHA concluded its six-month investigation in May 1999, with an unprecedented \$4.4 million compliance agreement designed to make the Equilon-owned refinery safer and more healthful for workers. Equilon Enterprises is a joint operation of Shell and Texaco. The innovative settlement, future-focused in approach, included a record \$1.1 million penalty, the highest penalty that had ever been assessed by a state program, and among the largest penalties issued nationwide.

In September 1999, WISHA concluded its investigation of a fatal fall at an aircraft maintenance plant with a \$2.5 million compliance agreement. The previous March, a 64-year-old worker at the Paine Field, Everett facility fell from a portable stairway stand used for access to airliners and died five days later. WISHA's agreement with the **B.F. Goodrich Aerospace MRO Group**, the largest aerospace maintenance, repair and overhaul facility in the country, calls for: payment of a \$600,000 penalty; an \$800,000 investment to promote worker and community safety; the company's acknowledgment that nine worker safety rules were violated, one willfully; the company to make \$1.1 million in safety improvements beyond what is required for correcting the violations, including a third-party audit to verify compliance with the agreement.

These creative and significant enforcement actions provide immediate and ongoing benefits to Equilon and B.F. Goodrich workers. The agreements provided for timely abatement of hazards and eliminated protracted legal battles that would have held compliance and abatement in limbo pending outcome of the conventional enforcement and appeal process. The settlement terms send a strong message to all employers that workers' lives will not be compromised.

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## California

In **California**, Cal/OSHA spent six months on an exhaustive investigation of the February 1999 **Tosco refinery** accident that killed four workers and seriously injured a fifth. The division's investigations found that Tosco failed to shut down the naphtha piping operations prior to maintenance work that involved cutting into and removing a portion of the line. As a consequence, naphtha flowed through the line onto hot surfaces of the adjoining fractionator tower and ignited, causing a fire that spread up and down the tower and engulfed the four workers.

The Cal/OSHA team coordinated its on-site investigations with federal OSHA and the U.S. Chemical Safety and Hazard Investigation Board, Bay Area Air Quality Management District and Contra Costa County Department of Health Services. Cal/OSHA cited Tosco Refining Company for 33 alleged violations of state workplace safety and health regulations. The total amount of the proposed penalties was \$810,750—the highest penalty amount ever issued against a single employer by Cal/OSHA. The division conducted a concurrent criminal investigation through its Bureau of Investigations, and the case was referred to the district attorney's office for prosecution.

The Contra Costa County District Attorney filed criminal charges against Tosco, which pleaded no contest and agreed to pay the maximum fine of \$945,000. In addition, Tosco reimbursed Contra Costa County up to \$100,000 for its investigative and legal costs. Tosco offered to contribute \$1 million to the county to aid in development of the Los Medamos Health Clinic, which the county had identified as a needed facility because of recent closure of Los Medamos Community Hospital.

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## Alaska

**Alaska** has had several major settlement cases. One case involved British Petroleum (BP) and a worker who was badly burned due to an explosion at the wellhead. The case was investigated for five months and a settlement brought a fine and abatement costs in the millions. In December of 2002, a Norcon employee was killed at Pruhdoe Bay. A settlement agreement was reached with Norcon (the employer) and BP Exploration (the owner of the Gathering Center). Norcon settled with no reduction in the fine and is changing the way pipe is purged while welding when hydrocarbons are present in the pipe. Other oil well service companies around the country will employ this new method. BP also settled with a fine and abatement to install the new method of purging the pipe while welding.

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**Kentucky**

In **Kentucky**, one of the performance goals of its Strategic Plan encourages any settlement agreement resulting in a penalty reduction of \$10,000 or more to include a provision requiring the money involved in the reduction be used to develop and implement a comprehensive safety and health program. These programs must involve the workers as well as committed management officials and must be based on the 1989 Safety and Health Management Guidelines, as published in the Federal Register.

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**Maryland**

In **Maryland**, the burden of proof when employee misconduct is raised and the definition of a repeated violation, was challenged by an employer. This July 1997 case involved employees of Cole Roofing Co., Inc. that were engaged in installing and repairing a flat roof at a local high school without fall protection, adequate monitoring, or warning lines. Cole raised the issue of unpreventable supervisor misconduct and moved to dismiss the citations on the ground that it was the Commissioner's burden to prove the absence of unpreventable employee misconduct. The Commissioner contended that unpreventable employee misconduct and unforeseeable conditions were affirmative defenses that must be established by the employer. The Maryland Court of Appeals reaffirmed the Commissioner's long-standing position that employee misconduct is an affirmative defense that must be raised and proven by the employer. The court held that to establish a repeat violation, MOSH must show that the same standard was previously violated. Prior to this decision, an employer in Maryland would have been cited for violation of the same or similar standard as a repeat.

In August 2002, the Maryland Court of Special Appeals affirmed a Maryland Occupational Safety and Health (MOSH) citation that alleged a violation of the Logging Operations standards (29 CFR 1910.266). This June 1997 case involved employees of Asplundh Tree Expert Co. who were removing brush, vegetation and tree growth near electrical power facilities so that the gas and electric company could install new telephone poles. A 20-foot tree was cut down which hit another employee who was nearby. MOSH alleged that a sufficiently safe distance was not maintained between the employees (29 CFR 1910.266(d)(6)(ii)). Asplundh argued that the Commissioner was wrong as a matter of law in finding that its activities fell within the scope of the logging standards since it is a line clearance tree-trimming business, not a logging company. The Court analyzed the case, as did the Commissioner, in light of the purpose of the standard and the regulatory history underlying it and affirmed the violation. Asplundh filed a writ of certiorari with the Court of Appeals, which was denied.

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**Oregon**

**Oregon OSHA** reached a **\$1 million** settlement in connection with a multiple count citation issued to Midwest Steel after the July 31, 1997, collapse of a parking garage under construction at Portland International Airport killed three iron workers. Under the settlement agreement reached with Divest Steel Inc., formerly Midwest Steel, the company will pay \$140,000 in civil penalties for two willful violations and invest \$860,000 in the company's employee safety and health programs. One willful violation stated that steel sections were connected with one bolt instead of the OR-OSHA required minimum of two bolts per connection. A second willful violation stated the structural steel was not properly stabilized using guylines or bracing to prevent a collapse. In the settlement agreement, the company admits that safety violations did occur at the worksite.

**Oregon** has expanded its use of the conditional settlement agreement in which the employer is granted reduced penalties in exchange for agreeing to specific conditions. Though conditions of settlement agreements vary widely depending on the employer and violations involved, many agreements require employers to use OR-OSHA Consultation Services, to develop or improve current safety and health programs, or to provide specific employee training.

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**Wyoming**

**Wyoming** uses a consent or settlement agreement to document every informal, pre-contest conference with inspected employers. The document shows what actions were agreed upon such as penalty reductions, workers' compensation claims and penalty reduction plans; the establishment of a safety and health program; and the attendance at a Management Excellence Seminar. The impetus for the seminar is that nothing within an organization is done or done well unless management commits to it! If deemed necessary, training offered by the consultation staff is discussed with the employer as well as a consultation audit.

## State Initiatives: Reducing Workplace Risks

State plan states have been a strong national force in recognizing emerging workplace hazards and originating new methods for addressing those hazards, including the adoption of new standards. State plans emphasize that whatever the emerging issue, employers are still required to provide a safe and healthful place of employment

In particular, **California** was the first state in the nation to adopt an ergonomic standard in 1997. State plans are continuing efforts to reduce the number and severity of musculoskeletal disorders caused by risk factors in the workplace. Several state programs are developing formal rules as well as voluntary guidelines to help prevent workplace violence. In 1997, **Michigan** developed an experimental variance to protect tower construction workers.

### Ergonomics

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#### California

**California's** Repetitive Motion Injury (RMI) standard, which became effective July 3, 1997, was the first ergonomic standard adopted in the nation. The application of the standard is triggered when at least two employees at the employer's worksite report RMIs that were: (1) diagnosed by a licensed physician and (2) predominantly caused by identical work activity, and (3) occurred within 12 months of each other.



However, ergonomics continues to be a difficult issue to regulate. Last year, the California Labor Federation submitted a petition requesting that the standard be amended to delete the two-injury trigger and paragraph (c) of the standard. Paragraph (c) puts the burden on Cal/OSHA, when alleging a violation of the standard, to prove that the employer knew of the proper compliance measures, and that those measures are not unreasonably costly and "substantially certain" to cause a greater reduction in injuries than the measures taken by the employer.

In the five years since Cal/OSHA has been enforcing the standard, a number of problems with the two-injury trigger have become apparent. Some injured employees do not report their injuries, and others do not go to a licensed physician for treatment. Physicians sometimes do not describe the injury as "repetitive motion injury" and the issues of whether injuries were "predominantly caused" by work or were caused by "identical work activity" are always difficult to address. These problems require Cal/OSHA staff to spend considerable time on RMI inspections, often to come up with equivocal results.

Cal/OSHA submitted its own suggestions for revising the standard to the Standards Board as an alternative to those made by the California Labor Federation. Since California law requires all employers to set up effective written injury and illness prevention programs (IIP), Cal/OSHA believes that an effective IIP will capture ergonomic hazards as well as it captures other hazards. Cal/OSHA's proposal would make the IIP the backbone of a revised ergonomics standard.

However, none of the proposals before the Standards Board have been capable of generating consensus for change. Meanwhile, an advisory committee will continue to meet to search for possible consensus on whether change is needed, and if so, how to change the standard. Cal/OSHA is committed to finding a solution that works for all interests and will continue to attempt to use the consensus approach. There is a strong commitment to the belief that control of ergonomics hazards needs to be based on cooperation among industry, labor and Cal/OSHA to be effective.

Cal/OSHA Consultation Service has worked with industry, labor, the medical community and others to develop best practices and programs for preventing repetitive motion injuries in specific industries. The Consultation Service has issued a number of publications based on best practices and programs actually adopted by employers in a particular industry for reducing musculoskeletal disorders.

Publications are developed with input from industry associations, employers, labor organizations, and others. A recent publication, **Ergonomics in Action**, describes best ergonomics practices for the food processing industry. The **Back Injury Prevention Guide** gives examples for lifting patients and other tasks in nursing homes. The Consultation Service has also recently issued “**Ergonomic Survival Guides**” for workers on construction sites.

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## Washington

**Washington** adopted a new ergonomics rule on May 26, 2000, which differs from California’s workplace repetitive motion injury standard—its requirements are triggered by specific hazards in the workplace rather than occurrence of musculoskeletal disorder symptoms or injuries. Intended to reduce work-related musculoskeletal hazards (WMSDs) that cripple or injure more than 50,000 Washington workers each year, the Washington rule was adopted after a 20-month rulemaking process that included conferences across the state, extensive work with two large advisory committees, publishing a proposed rule with supporting documents, and 14 public hearings in seven cities statewide.

Requirements of Washington’s ergonomics rule are phased in over a two- through six-year period, depending on the size of the business and its industry sector. First to comply in the state will be larger businesses in the 12 industries showing the highest risk of WMSDs. These employers have two years to come into compliance with several of the requirements and three years for total compliance. Smaller businesses not in the 12 highest-risk industries are given up to five years to come into compliance with those requirements and six years for total compliance.

Some employers and labor organizations are eligible for direct financial incentives—safety and health grants or workers’ compensation premium discounts—to help them implement the ergonomics rule. The state has convened a panel of experts to help determine whether employer and employee technical assistance activities are successful and sufficient before compliance with the new rule begins.

Washington has created an Ergonomics Ideas Bank, a searchable collection of ideas for preventing workplace injuries and improving job safety and health. Many ideas were collected from companies with existing ergonomics programs and employers who participated in Washington sponsored demonstration projects. The bank is located at: [www.lni.wa.gov/wisha/forms/ergoideassubmitform.htm](http://www.lni.wa.gov/wisha/forms/ergoideassubmitform.htm).

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## Connecticut

**Connecticut** is developing training programs to complement its ergonomics enforcement, and plans to make such training available on CDs.

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## Maryland

During FY 2002, **Maryland** created a roundtable discussion group to address the increasing occupational safety and health issues in the non-acute healthcare industry. The roundtable group included MOSH and OSHA staff and representatives of the non-acute healthcare industry. The group identified three areas of occupational safety and health concerns: ergonomically induced musculoskeletal disorders, control of occupationally acquired infections, and workplace violence. MOSH scheduled two pilot outreach programs to address these three areas of concern; one was held in October 2002, and the other in December 2002. These programs reached 91 participants from the non-acute healthcare industry for a total of 637 training hours.

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## Michigan

**Michigan’s** Strategic Plan includes musculoskeletal disorders as a focus for reducing injuries and illnesses by 15 percent. Without a standard, MIOSHA can rely on the General Duty requirement to issue citations and penalties in the most extreme cases. Citations are issued where the state finds repetitive motion injuries of which the employer was aware and knew how to prevent, but did not make adequate reasonable effort to prevent them.



MIOSHA conducts extensive outreach and education focused at improving ergonomic conditions. Since 1991, the Ergonomics Committee has encouraged proactive voluntary compliance through training, consultation and recognition of positive efforts. The committee oversees an ergonomics awards program that recognizes voluntary ergonomic innovations and activities. Since the program began, more than 79 Michigan companies have been recognized through this program for their proactive efforts to improve the “job fit” for their workers.

In 2002, two MIOSHA standards commissions responsible for developing and adopting workplace safety and health standards approved establishing an advisory committee to begin the process of exploring a Michigan ergonomic standard. This advisory committee has responsibility for researching, drafting, obtaining public input, and making recommendations to the commissions.

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### Minnesota

Although it does not have a state ergonomic standard, **Minnesota** was one of the first states to examine and cite ergonomic problems in the workplace. The ergonomics team, which produced *Guidelines for Resident Handling in Long-term Care Facilities*, conducts comprehensive inspections of selected facilities that include a thorough review of injury and illness records, a complete walkaround inspection, and abatement recommendations.

Minnesota OSHA had an ergonomics task force meet during the summer of 2002. The purpose of the task force was to determine how best to reduce ergonomic-related injuries in the state. As a result of this task force they are hiring two ergonomic positions in the consultation area to help employers resolve ergonomic-related hazards.

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### Nevada

**Nevada’s** Safety Consultation and Training Section continued their ergonomic emphasis by providing training that concentrated on ergonomic concerns connected with video display terminals. These efforts are scheduled to be expanded to more targeted areas in the future.

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### North Carolina

**North Carolina** provides consultation on ergonomics, and the North Carolina Ergonomics Resource Center (NCERC) is a partnership between the state’s Department of Labor and North Carolina State University. Funds were appropriated to the Department of Labor for establishment of the center, which is housed at the university. NCERC opened in November 1994. Its services cover ergonomics consulting and training workshops, on-site ergonomic training individually tailored to a company’s needs, a variety of publications, a series of ergonomics tips dealing with specific industries and environments, and two employee video training packages.

Emphasizing applied research and timely delivery of programs, NCERC identifies, analyzes and corrects ergonomic deficiencies in the workplace. Its primary goal is to act as a bridge for technology transfer and information exchange between the university, state agencies and industry.

North Carolina established an alliance with the American Furniture Manufacturers Association to produce voluntary ergonomics guidelines that will help the furniture industry reduce ergonomic hazards and potential injuries.

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### Oregon

**Oregon OSHA** established an Ergonomics Advisory Committee to provide assistance in determining a direction for ergonomics in Oregon as well as to provide guidance in the area of ergonomic outreach. The committee includes representatives from management, labor and government. As a result of the efforts of this committee, Oregon OSHA has published a web page that provides industry specific ergonomic information and resources.

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### Utah

**Utah** has not adopted an ergonomics regulation, yet has worked with nursing homes and similar types of businesses since 1993, on the benefits of applying ergonomic principles and practices to help reduce workplace injuries and illnesses. In March of 2003, Utah OSHA participated with federal OSHA and the airline industry in developing web-based ergonomic practices for the airline industry.

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### Virgin Islands

**Virgin Islands** has not adopted state-specific ergonomics regulations, and its General Duty Clause is used when an employer should have known existing abatement methods for an injury that occurred.

## Workplace Violence

Workplace violence is an occupational safety and health hazard that demands action. Whether the risk of violence comes from a coworker, client, patient or the public, employers must be provided with tools to develop comprehensive plans that reduce levels of risk. State programs are developing formal rules as well as voluntary guidelines to help prevent this type of workplace hazard.



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### Alaska

**Alaska** has issued two general duty clause citations for workplace violence and has had both violations affirmed. One of the citations was issued to the Alaska Psychiatric Institute because staff had been exposed to violent acts from their patients.

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### California

**California's** 1994 conference on workplace security, the first of its kind, was part of a drive to promote additional research and develop guidelines for preventing workplace violence. California issued *Guidelines for Security and Safety of Health Care and Community Service Workers*, *Cal/OSHA Guidelines for Workplace Security* and a *Model Injury and Illness Prevention Program for Workplace Security*.

Cal/OSHA has been investigating violent worksite events since 1993. Although workplace violence is part of a larger societal problem, the employer in California is still required to provide a safe and healthful place of employment. Employers at risk of robbery or other violent assaults must include workplace security in their injury and illness prevention program. And in response to the growing recognition of violence in the workplace, government agencies that oversee workplace safety are incorporating security issues into safety plans. Fatalities from assaults and violent acts accounted for 18.8 percent of the 1999 California workplace fatality total, down from 23.4 percent in 1998 and decreasing steadily: from 194 in 1995 to 111 in 1999.

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### Michigan

**Michigan** has recently completed work on a "Violence in the Workplace" program. The heightened awareness of the population to workplace exposures due to terrorism, domestic violence and potentially out-of-control workers, along with many requests from employers for assistance, has led to the development of outreach materials by the Consultation Education and Training (CET) Division. Seminars, workshops and training materials are available to assist employers in developing their own workplace violence prevention protocols. The CET Division has developed a program that can be adapted to any workplace, however special segments are being developed that will focus on high-risk areas such as nursing facilities, late-night establishments and occupations where employees work alone.

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### Minnesota

**Minnesota's** Workplace Violence Prevention Program helps employers and their employees reduce the incidence of violence in their workplaces by providing on-site consultation, telephone assistance, education and training seminars and a resource center. This program targets workplaces at high risk of violence: convenience stores, service stations, taxi and transit operations, restaurants and bars, motels, guard services, patient care facilities, schools, social services, residential care facilities and correctional institutions. The program is administered by the Workplace Safety Consultation (WSC) Division.

Outreach tools include a brochure, *Workplace Violence: Are You at Risk?* to increase awareness of workplace violence and outline steps to minimize its threat, and a guide, *Minnesota Workplace Violence Prevention—A Comprehensive Guide for Employers and Employees*, providing sample policies, checklists and tools to help assess and prevent violent incidents.

Minnesota OSHA has conducted training for all internal staff in regard to this issue. The training was to help their staff to deal with potential threatening situations. The purpose was to train the staff to de-escalate the situation as quickly as possible.

**Oregon** takes a strong information and training approach to raise awareness and encourage action. By creating several publications and working directly with the Associated Oregon Industries and other groups, statewide education network training forums address this emerging area. Oregon offers on-line training for employers: *Developing Your Violence Prevention Program*.

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**Utah** believes that substance abuse and workplace violence need to be addressed together because of their relationship to each other. Utah OSHA has provided seminars for employers and their employees on workplace violence prevention.

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**Virgin Islands** Workplace Violence Prevention Program helps employers and their employees reduce the incidence of violence in their workplaces by providing on-site consultation, telephone assistance, education and training seminars and a resource center. In 1999, there were three workplace violence employee-to-employee incidents that required workers' compensation claims filing. VIDOSH recognizes the need to address workplaces at high risk of violence: convenience stores, service stations, taxi and transit operations, restaurants and bars, motels, guard services, patient care facilities, schools, social services, residential care facilities and correctional institutions. Staff is being trained to provide workplace violence prevention assistance.

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During the 2000 session of the General Assembly, the **Virginia** Department of Labor and Industry was requested to study workplace violence in the commonwealth and submit its written findings and recommendations to the governor and 2001 session of the General Assembly.

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**Washington** developed safety and health standards for the late-night retail industry in 1990, and uses enforcement and consultation for hazard abatement and prevention. The Workplace Violence Awareness and Prevention workshop helps participants assess risk factors and develop preventive measures. A written guide covering these topics and a sample prevention program were developed by WISHA with over 30 representatives of labor, business and the academic community. WISHA's video *Is It Worth Your Life?* with real-life scenarios demonstrates what workers and employers can do to prevent injuries. The video is distributed to employer networks and associations.

In 1997, the Washington Department of Labor and Industries' Safety and Health Assessment and Research for Prevention program completed a comprehensive study of workplace violence based on federal and state data for 1992-95. Homicide was the fourth leading cause of workplace deaths in Washington, and most incidents were consistent with well-known risk factors. Most were committed by persons unknown to the victims, and most of the victims worked in retail trade, security services or transit. The majority of non-fatal injuries also occurred in predictable settings, but in contrast to the fatal assaults, most of these injuries occurred in a setting where the victim and attacker were in a custodial or client-caregiver relationship such as healthcare or social services. While the trend for assaults against private-sector workers in the state was downward, that for state government workers was rising. This study counters the notion that violence on the job is a random event and impervious to remedy. Prevention strategies such as hazard assessment and de-escalation training address risk factors in the work setting.

## Tower Construction

Telecommunications tower construction is a booming industry, however it presents significant fall hazards to construction workers. In 1993, a Grant Tower Inc. employee was fatally injured during the erection of a telecommunications tower in **Michigan**. As the Construction Safety Division investigated the fatality, accessing towers and heights became a key issue. After the issues of the fatality were settled, Grant Tower continued to work with **MIOSHA** to develop a safe method for accessing communications towers.

The discussions between Grant Tower and MIOSHA Construction Safety officials resulted in the development of the first-ever **“Experimental Variance”** for the MIOSHA program. An experimental variance was issued in July 1997, which allowed Grant Tower to hoist employees on the gin pole load line, in accordance with mandated stipulations. The variance was effective for three years, during which time MIOSHA monitored the safety benefits and Grant Tower’s compliance with the variance.



An experimental variance is authorized by MIOSHA to demonstrate or validate new or improved techniques to safeguard the health or safety of workers. When current standards do not recognize changes in technologies or processes, the experiment may allow the collection of data to support the promulgation of new or amended standards.

The variance spawned discussions between the National Association of Tower Erectors (NATE) and federal OSHA, along with MIOSHA officials, to develop a compliance directive to address telecommunications tower safety. In August 1997, OSHA established a Tower Task Force of tower industry employers and employees, OSHA and NIOSH staff, the Army Corps of Engineers, the FAA, the U.S. Navy, and other interested groups involved in tower construction. The MIOSHA program was invited to join the task force because of their proactive work with the industry.

This task force met over the next year and a half, and developed a federal compliance directive, CPL 2-1.29, Interim Inspection Procedures During Communication Tower Construction Activities, which covers access and other lift conditions. **The MIOSHA experimental variance was the model for the compliance directive, which became effective Jan. 15, 1999.** The directive provides for uniform enforcement of regulations and policies in the tower industry.

OSHA’s Region V formed a partnership with the National Association of Tower Erectors in July 2002, to provide a safe and healthful work environment for employees involved in the tower erection industry. The partnership between the tower industry, MIOSHA and OSHA has improved safety and health conditions for employees and has fostered an environment of cooperation that will continue to protect workers in the future.

## State Incentives: Promoting Voluntary Compliance

State legislatures and state plan administrators alike believe that enforcement is just one tool for decreasing worker injuries, illnesses and fatalities. Federal OSHA and state plans use incentives that promote voluntary compliance, as well as employer/employee education and training to identify and abate worksite hazards. Through the strategic planning process, these activities are coordinated with the enforcement program in each state to focus on priorities identified by their strategic plans.

The state plans work to educate employers that besides reducing the suffering associated with workplace injuries, illnesses and accidents—a strong safety and health program also has a very positive impact on their bottom line. Other benefits include:

- Lower workers' compensation costs,
- Increased productivity,
- Increased employee morale,
- Lower absenteeism, and
- Lower employee turnover.

States have a broad array of programs focusing on voluntary compliance with workplace safety and health regulations—including free consultation visits to employers' worksites, voluntary protection incentives, safety and health conferences, publications and guidelines for model programs. Many innovative solutions developed by the states have been adopted by federal OSHA.

### Voluntary Programs

Companies whose managers and employees are working together to build comprehensive safety and health programs with proven performance levels are receiving local and national recognition. Companies demonstrate their desire to strive for excellence by using flexibility and creativity to go beyond minimum regulations—to provide the best feasible safety and health protection for workers at that site.

**Voluntary Protection Programs (VPP)** recognize worksites with exemplary safety and health programs that get tangible results from reducing industrial hazards and occupational disease, as evidenced in an injury/illness rate below the average within their industry. Initiated in **California**, the concept was adopted by the federal government and is now successful nationwide.

VPP is a partnership between labor, management, and government which helps businesses and industries **voluntarily** improve their health and safety programs to create safe worksites. The VPP Award recognizes outstanding companies that provide an exemplary work environment. The VPP is the most prestigious safety and health award given in the nation. Award sites represent the “**Best of the Best**” in workplace safety and health. VPP companies have created a work environment where everyone accepts responsibility for safety, every day.

Some states also offer the **Safety and Health Achievement Recognition Program (SHARP)**, which provides an incentive for employers to develop a comprehensive injury and illness prevention program that involves employees in a significant way.

The cumulative total for all state plan VPP sites in 2002 was 258, with 153 SHARP sites. State plan's VPP and SHARP highlights include:

- **Alaska** devotes substantial resources to its VPP and SHARP programs.
- **Arizona** adopted the VPP STAR program in 1995.
- **California** has VPP worksites, and also has initiated a pilot project to certify non-fixed-site worksites of construction contractors. They recently implemented three new programs to complement their VPP Program: the Golden Gate for high-hazard employers, the Golden Eagle which is similar to the SHARP, and the Golden State which is a leadership program.

- **Connecticut** has four SHARP certifications and another working through the process.
- **Iowa** initiated a program in 1992. They now have a total of 19 VPP sites, with three more facilities pending.
- **Kentucky** certified its first VPP participant in August 1997.
- **Maryland** is the newest state to adopt state plan changes incorporating VPP. The program was developed after comprehensive pilot studies.
- **Michigan** awarded the first Star Flag in 1999. As of December 2002, MIOSHA has seven Star sites and three Rising Star sites. Recently there has been tremendous interest in the MVPP program, with 11 sites in the approval process.
- **Minnesota** has offered a program since 1996 that combines elements of VPP and SHARP. Large companies must agree to mentor two small businesses to be eligible for MNSHARP recognition.
- **Nevada** is proud to announce the implementation of the VPP Star Program in 2002. Numerous employers are in the approval process, with the first Star awarded on April 4, 2003.
- **North Carolina** initiated the “Carolina Star” program in 1993, and 45 sites have received the award since 1993. They have recently initiated the Building Star Program and the Gold Star Grower Program. To assist in expansion of the program, they have developed the Independent Star Assessors Program. This joint venture allows private-sector safety and health professionals to conduct Star evaluations.
- **Oregon** had four VPP sites at the close of FY 2002. This number is expected to increase dramatically in the next few years as SHARP sites take the next step to achieve VPP status. At the end of FY 2002, 69 Oregon companies were SHARP certified, an increase of 19 from the previous year. Oregon SHARP employers have formed the SHARP Alliance to “promote safety and health management and cooperation among companies and government for the betterment of all Oregon workers.”
- **Puerto Rico** has a VPP program, as well as a Taíno program designed for small businesses. They currently have nine VPP sites, and recently granted approval to the first construction company that earned the Guanin Award, which is equivalent to the Star.
- **South Carolina’s** Office of Voluntary Programs inaugurated the “Palmetto Star” in 1994.
- **Tennessee** has recognized 13 Volunteer Star sites. They also have continued to help small employers improve their safety and health programs through the SHARP Program. In 2002 nine employers participated in the SHARP Program, six were re-certified and one new employer was added.
- **Utah** has a VPP Star and Merit Program in Compliance, and a SHARP Program in Consultation.
- **Vermont** began work on a VPP Program this year. They are actively promoting the program and have several promising candidates.
- **Virginia** launched VPP and SHARP initiatives patterned after OSHA’s model in 1995. In 2002, the Virginia VPP Program continued to see increased participation from Virginia employers, certifying an additional seven Star sites. They now have 23 VPP Star sites and 36 SHARP sites.
- **Washington** recognized its first VPP site in 1996, and currently has six VPP sites. Other sites are in the approval process, and the program is experiencing increased interest from employers in the construction industry.
- **Wyoming** has implemented the “Cowboy Star and Merit” VPP program, and currently has two Cowboy VPP sites. The U.S. Vice President sent a letter of congratulations to one of the Cowboy Star sites upon their three-year renewal. There are 34 public and private employers in SHARP. The third voluntary program is the Employer Voluntary Technical Assistance program, which has 82 employers enrolled.



## Partnerships & Alliances

States have maintained partnerships for many years with employer, employee and other organizations in a voluntary, cooperative, problem-solving relationship. States have jointly sponsored safety and health conferences and sought input from the occupational safety and health community on standards, initiatives and emphasis programs. Employer and employee training and outreach have been coordinated with other agencies and organizations that have expertise in a particular field.

Employers who reach a partnership agreement with federal OSHA or a state plan are not exempted from programmed inspections—the exemption is available only to employers who qualify to participate in the Voluntary Protection Program (VPP) and the Safety and Health Achievement Recognition Program (SHARP).

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**Alaska** **Alaska** has established a partnership with the seafood processing industry on Process Safety Management. Alaska has a new partnership with the logging industry whereby logging companies can partner with the consultation side of AKOSH to reduce the number of accidents and other potential OSHA issues.

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**Arizona** **Arizona** has partnered with construction contractors to provide a visible presence on specific sites with regular consultation visits.

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**Connecticut** **Connecticut** has entered into a partnership with the Small Business Development Center to promote safe and healthy workplaces for small employers. Connecticut has also developed a partnership with the state's Department of Administration Services to provide safety and health training to state employers.

CONN-OSHA has signed alliances to share information and best practices and provide training with the Connecticut OSHA area offices and the Connecticut Business and Industry Association. CONN-OSHA has a second alliance with the Connecticut OSHA area offices and the Towing and Recovery Professionals of Connecticut.

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**Hawaii** In **Hawaii** partnerships with Associated Builders and Contractors, General Contractors' Association, and Dick Pacific provide a safe and healthful work environment for the state's construction workforce.

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**Iowa** **Iowa** has partnerships established with certain employers with emphasis related to construction, amputations and long-term healthcare.

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**Kentucky** The **Kentucky** Labor Cabinet was instrumental in organizing a private, non-profit safety and health network with participants representing business, labor, academia, and government. The Network's mission is to increase awareness of safety and health in the workplace through educational programs, scholarships and endowments, and statewide symposiums. The KY OSH Program, through its continued representation on the Network's Board of Directors, has sustained its influence and activity within the Network.

Kentucky is the first state program to enter into a Platinum Partnership with the Associated Builders and Contractors and has entered into CHASE partnerships with the Western Kentucky Associated General Contractors and the Associated General contractors of Kentucky.

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**Maryland** **Maryland** has been working aggressively to expand its Cooperative Compliance Partnership (CCP) program in the construction industry. Three new cooperative compliance partnerships were approved during federal FY 2002. Another partnership with Clark Construction was established on a three million square foot parking garage at BWI airport. Training with the laborers and carpenters are key additions to this partnership agreement. The other new partnerships are with G.A. & F.C. Wagman, on the Woodrow Wilson Bridge I-295 project and Willow Construction, LLC, on the Chesapeake College, Wye Mills Project. In FY 2003, Maryland will extend this partnership program to include general industry employers.

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## Michigan

**Michigan** signed a groundbreaking partnership on March 18, 2002, with Ford Motor Company, the Visteon Corporation, and the United Auto Workers Union (UAW). The partnership's primary goals are not only to reduce injuries and illnesses at each location, but also to create a proactive safety and health culture, and a non-adversarial relationship that stresses cooperation. Each Ford and Visteon location covered under the agreement will conduct a MIOSHA Day meeting which will include a review of the injury and illness reports, an overview of their safety and health progress, and an informal walk-through of the facility.

**Michigan** also has signed formal partnership agreements with:

- The Michigan Road Builders Association with the goal of assuring road and bridge worker safety;
- The Associated General Contractors of Michigan to achieve construction workforce safety; and
- The Society of the Plastics Industry, Inc. (SPI), to provide a safe workplace for all workers in the plastics processing industry.

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## Minnesota

The **Minnesota** Workplace Safety Consultation has partnership agreements with five contractors on five large construction sites. Minnesota has recently signed partnership agreements with the Association of Building Contractors, the Association of General Contractors, the National Association of Tower Erectors, and Ford Motor Company. The implementation of these partnerships is still in process.

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## Nevada

**Nevada** has an ongoing effort with the Nevada Small Business Development Center (NSBDC). Nevada's Safety Consultation and Training Section conducted the programs and NSBDC advertised them. One of the most successful programs conducted was the *Injury and Illness Recordkeeping* program.

Nevada also started a partnering/alliance effort with the National Association of Minority Contractors (NAMC). The Safety Consultation and Training Section presents a 10-hour Construction Course as part of the overall training NAMC provides. Nevada is also working with the state's Risk Management to enhance safety awareness for state employees. To better leverage limited resources, Nevada conducts an 8-hour State Safety Supervisor course that all state supervisors attend.

They also have an alliance with the Department of Emergency Management to provide guidance on required OSHA training for emergency responders, and assist in developing training for emergency responders. This training program will be taught as a "Train the Trainer" for the Highway Patrol, and many other agencies.

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## New Mexico

**New Mexico** developed partnering charters with both the Associated Builders and Contractors (ABC) and with the Associated General Contractors (AGC), which are patterned after the national agreements. In both charters, the state participation requirements exceed the national elements. Over 30 contractors currently participate in these two agreements. New Mexico is exploring the establishment of partnering agreements with the NM Heavy Construction Branch of the AGC and with the local chapter of the Communication Tower Erectors. Five site-specific safety and health agreements are scheduled to expire after the three-year projects end in late 2002.

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## North Carolina

**North Carolina** has partnerships with the Regional Safety and Health Schools, N.C. Forestry Association, N.C. Arbours Association, N.C. Department of Transportation, N.C. Professional Plumbers Association, Manager of Environmental Safety and Health, Carolina's AGC, NC Community Colleges, National Association of Tower Erectors and American Furniture Manufacturers Association.

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## Oregon

**Oregon OSHA** has a strong commitment to working with stakeholders as evidenced by the number of groups participating in various initiatives.

- Forest Activities Advisory Committee: This committee worked many months to rewrite Oregon's Forest Activities Standard. The new standard has been adopted and becomes effective on December 1, 2003.
- Multi-Employer Worksite Policy Stakeholder Group: This stakeholder group developed guidelines for the issuance of multi-employer worksite citations. The guidelines became effective January 1, 2003.
- Ergonomic Advisory Group: The goal of this committee is to look for new and innovative ways to further good ergonomic practices across all industries.



- Administrator's Partnership Committee: The Oregon OSHA Administrator convened this committee to provide guidance to the division on a wide variety of current issues.
- Public Safety Advisory Committee: This standing committee meets quarterly to discuss current issues facing public safety professionals.
- Joint Emphasis Program (JEP): The Oregon construction industry and OR-OSHA are working together to reduce construction injuries and fatalities. The JEP is a cooperative effort among management, labor, and government to design and implement focused training sessions. To date, the committee has developed training materials on fleet safety, health hazards in construction, respiratory protection, and scaffold safety training.
- American Society of Safety Engineers (ASSE): Oregon OSHA and the Columbia Willamette Chapter of ASSE partnered to organize the 2003 Governor's Occupational Safety and Health Conference. The conference was held in March 2003.
- Construction Advisory Committee: The primary focus of this committee is to address fatalities in the construction industry and explore ways to raise awareness.

### **Puerto Rico**

**Puerto Rico** and federal OSHA signed an agreement with the Associated General Contractors, Puerto Rico Chapter, to achieve construction workforce safety through shared goals and objectives. The goal is to develop a contractor/government partnership that will encourage Puerto Rico construction contractors to: improve their safety and health performance; strive for the elimination of the four major hazards (falls, electrical, caught in/between, and struck-by hazards), which account for the majority of the fatalities and injuries in this industry; prevent serious accidents through implementation of enhanced safety and health programs; increase employee training; and recognize those contractors with exemplary safety and health programs.

### **Tennessee**

**Tennessee** OSHA is negotiating partnership agreements with several construction associations. Tennessee uses an approach that has yielded tremendous benefits: Industry-TOSHA discussion groups are formed when new standards and requirements are proposed, such as bloodborne pathogens, hazard communication, and electrical power generation, transmission and distribution standards.

### **Utah**

**Utah** has partnerships with the Associated General Contractors, Utah Manufacturing Association, the Local Trade Council, the NIOSH regional educational center, Rocky Mountain Center for Occupational and Environmental Health, and other professional, safety and trade organizations to promote safety and health and help reduce injuries and illnesses. Each year Utah OSHA joins with the local chapters of the American Society of Safety Engineers, American Industrial Hygiene Association, Utah Safety Council and the Rocky Mountain Center to support the Annual Utah Conference on Safety and Industrial Hygiene. Utah also appreciates its long-term working relationship with its federal partners of the Salt Lake Technical Center's health response team, laboratory staff and computer experts.

### **Vermont**

**Vermont** OSHA has strategic partnerships with the Associated General Contractors, the Vermont Nursing Home Association, and Green Mountain Coffee Roasters. They have also formed alliances with the Vermont Ski Areas Association and the Vermont Agency of Transportation.

### **Virginia**

**Virginia** has partnership agreements with the Virginia Health Department to advise VOSH on Seasonal Farm workers, Worker's Compensation Commission to provide VOSH with First Reports of Injury and Illness, Virginia Department of Transportation to report violations cited by workers and the State Police/Sheriff's Department to advise VOSH of fatalities and serious injuries.

### **Washington**

The Hazard Impact Partnership (HIP) program is a **Washington** Department of Labor and Industries' effort to help Washington businesses become safer workplaces. A cross-agency planning team agreed in 1998 that the new initiative must have agency-wide representation and coordination, be a joint effort with selected industries and labor, include small businesses, be realistic, implement agency priorities, and be able to be replicated. HIP focuses on industries rather than individual employers, uses data specific to the selected industry, develops mutual expectations and creates measurements to determine success.

Nursing homes are the first focus industry, with emphasis on reducing back and shoulder injuries. Participating nursing homes received up-front reductions in workers' compensation premiums to enable them to purchase equipment for a "zero-lift" environment. Participants already report reductions in lost workdays and improved resident comfort during transfers. During FY 2000 participants reduced back injuries 43 percent and shoulder injuries 61 percent.

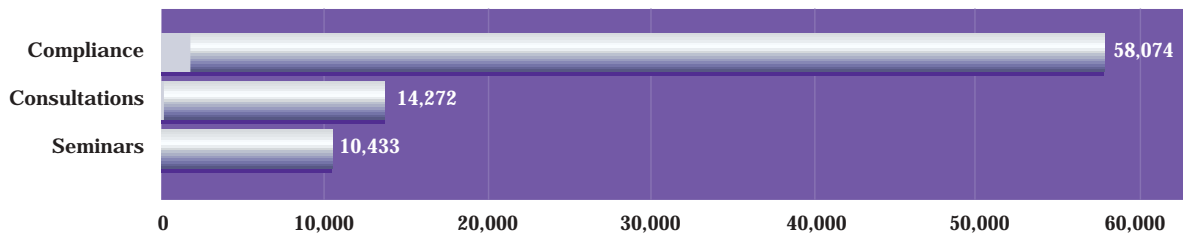
During project startup the department produced two new publications, *Frequently Asked Questions about Portable Total Body Patient/Resident Lifts* and *Frequently Asked Questions about Sit-to-Stand Patient/ Resident Devices*, to encourage use of zero-lift technology in resident and patient care facilities—both are available on its website. (See directory.) Other activities include: performing job modifications on open claims for nurses and nursing assistants; documenting best practices currently used in skilled nursing facilities and sharing the information throughout the industry; and evaluating the interventions to determine the effectiveness of each and which ones can be modified and replicated in other industries. The department's Safety and Health Assessment and Research for Prevention (SHARP) program received a NIOSH grant to complete this evaluation. WISHA provides technical expertise in risk management and occupational health and conducts annual site visits to participating nursing homes.

During FY 2000, Washington implemented a similar program for the sawmill industry. The sawmill HIP plan was developed by a joint work group that included agency staff, sawmill business owners and representatives, and organized labor. The project's first phase includes five volunteer demonstration sites that will identify causes of musculoskeletal disorders among lumber handlers, explore remedies and develop a core set of best practices. The second phase of the project will extend implementation of these best practices to sawmills region-wide.

### FY 2002 State Plan Positions By Title

|   |         |
|---|---------|
| Safety Compliance                             | 827     |
| Health Compliance                             | 500     |
| Safety Consultation                           | 97      |
| Health Consultation                           | 71      |
| Training & Education                          | 151     |
| Total Training & Education Programs Conducted | 10,433  |
| Total EmployEes/ERs Provided Training         | 805,157 |

### FY 2002 On-Site Visits By Type



### FY 2002 State Plan Employers & Employees Covered

|                                |            |
|--------------------------------|------------|
| <b>Total Employers Covered</b> | 3,039,274  |
| Private Sector                 | 2,842,805  |
| Public Sector                  | 196,469    |
| <b>Total Employees Covered</b> | 56,643,431 |
| Private Sector                 | 46,098,277 |
| Public Sector                  | 3,545,154  |

## Consultation, Training & Education Initiatives

During the fiscal year 2002, states provided training programs for more than a quarter million employers and their employees on topics such as: ergonomics training and back safety, confined space, hazard communication, construction and road builders safety, hazard recognition and prevention, bloodborne pathogens and training for healthcare workers, hearing conservation, and workplace violence.

In fiscal year 2002, state programs conducted more than 10,000 on-site consultation visits, identifying and directing the abatement of about 62,000 serious hazards. No penalties are proposed nor citations issued for hazards that are found by the consultants.

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|                    |  |
|--------------------|--|
| <b>Alaska</b>      | The <b>Alaska</b> Consultation and Training Unit provides training to a variety of employers and employees in the urban areas of Alaska, as well as areas that are remote and difficult to access.   |
| <b>California</b>  | <b>California</b> participated in seminars statewide on subjects related to high incidences of workplace injury/illness, such as fall injury protection, ergonomic and agricultural hazards. Cal/OSHA Consultation Service materials range from model programs and guides to training videos. Their Easy Ergonomics guide for general industry won national acclaim, and a new video features employers from the state's diverse industries who explain how the consultation service helped them attain their safety and health objectives, heightened employee morale and helped their bottom line.   |
| <b>Connecticut</b> | <b>Connecticut</b> continues to conduct many training programs to enhance the safety and health of the firefighting community through outreach, training, consultation and coordination with the state's Fire Academy.   |
| <b>Iowa</b>        | <b>Iowa</b> worked closely with the OSHA Training Institute, a local community college and the American Federation of State, County and Municipal Employees to provide nationwide training on such topics as confined space entry and lockout/tagout via their Interactive Communication Network. IOSH staff also received training on electrical hazards through the OSHA Training Institute pilot via this network.<br><br>Safer Workplaces 2000 performance outcome measures showed a 90 percent increase in the employers participating in the program over the past four years. These interventions are time consuming, but result in positive feedback from the participating facilities.  |
| <b>Maryland</b>    | <b>Maryland</b> continues to develop ways to improve and conduct extensive training sessions for employers and employees. New seminars on compliance auditing, workplace hazard assessment, emergency response and disaster preparedness, injury and illness recordkeeping, introduction to industrial hygiene for the non-industrial hygienist, introduction to safety and health for supervisors, mobile crane safety, and workplace hazard assessment were developed and presented.   |
| <b>Michigan</b>    | In <b>Michigan</b> , the Consultation Education and Training (CET) Division focuses its outreach and training efforts on those companies with the greatest need. CET developed self-help kits for employers in industries addressed by the MIOSHA Strategic Plan. Special outreach efforts included seminars, mailings, and articles providing information on workplace safety requirements and best industry practices.<br><br>Michigan is required to report its CET activities annually to the Michigan legislature. In fiscal year 2002, Michigan provided the following consultation, education and training services: 4,931 safety and health consultations; 406 onsite consultations; and 2,493 workshops, seminars, apprentice training and special programs. They also distributed 850,000 of safety and health literature. The total number of participants in Michigan CET programs was: 26,523 employer participants and 21,804 employee participants. |

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**Minnesota**

Recognizing that construction is an especially high-hazard industry, **Minnesota** established a bimonthly training seminar specifically for them—the Construction Breakfasts were attended by construction employers, employees and union representatives. Average attendance was 125. The discussions included analysis of recent construction accidents, new standards, workers' compensation and other safety and health topics pertinent to the construction industry. Training and outreach go together in the Minnesota program and provide much the same service to stakeholders as the new compliance assistance positions do in federal OSHA offices.

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**Nevada**

**Nevada**, in an effort to increase awareness of safety and health hazards and what is needed to control the hazards, conducted 293 formal training sessions reaching 5,078 participants using 59 different programs. Some of the programs include Bloodborne Pathogens Awareness, Confined Space Awareness, Control of Hazardous Energy-Lockout/Tagout, Fall Protection, Hazard Communication, Injury and Illness Recordkeeping, Powered Industrial Truck, Workplace Violence, and Written Workplace Safety Program. CEU's are available through a partnering effort with the state's community colleges. The training conducted concentrated on high-hazard industries or targeted areas. Nevada's Safety Consultation and Training Section has a safety and health video lending library for Nevada employers. A total of 23,179 individuals have viewed the videos.

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**New Mexico**

**New Mexico** conducted joint training with the New Mexico Department of Health and University of New Mexico Medical School.

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**New York**

**New York** recognizes that many public employers need help complying with regulations that require a written program, and has developed model programs to help employers comply with the bloodborne pathogen and permit-required confined space standards.

The New York Labor Department sponsored sharps injury prevention conferences in the state's eastern, western, central and southern regions. Conference speakers included physicians, epidemiologists, infection control specialists and safety and health professionals with expertise in needlestick prevention devices, AIDS, Hepatitis C and Hepatitis B prevention, post-exposure follow-up treatments, and challenges in enforcing the OSHA bloodborne pathogen standard.

New York Department of Labor safety and health staff organized the conferences, which drew more than 500 participants throughout the state. Participants received information on bloodborne diseases and resources for prevention and intervention. Vendors displayed and demonstrated products, including needleless systems and a variety of needle covering devices. The publication *Needlestick Injury Prevention Solutions*, funded by a grant from the New York Department of Labor safety and health inspectors and industrial hygienists, provided additional information. Feedback was very positive.

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**North Carolina  
South Carolina**

**North Carolina** set up a training network through its statewide community college system to teach a variety of safety and health topics. By tapping into this system, employers and employees both have easy access to the information. North Carolina also partnered with the **South Carolina** Department of Labor, Licensing and Regulation, the North and South Carolina Departments of Transportation, and the Carolinas' Associated General Contractors to present a live and interactive videoconference on the hazards associated with work zone safety.

North Carolina also conducted construction forums throughout the state on the topic of workplace fatalities. The training was presented in partnership with the Carolinas AGC, Home Builders Association, and safety conscious and successful North Carolina construction companies. The companies shared their "lessons learned."

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**Oregon**

**Oregon OSHA** provides a wide variety of occupational safety and health workshops, special request training sessions, and on-line courses. A CD-ROM containing Oregon rules, regulations, training materials, and publications is published and distributed approximately every quarter.

Oregon OSHA has developed the 'Safety for Small Business' program to help small business owners implement safety and health programs in their workplaces. The program, specifically designed to accommodate the special needs of small business owners, consists of two free one-hour "brown bag" workshops. Participants learn how to integrate a safety and health program into their business plan, receive industry-specific resource materials, and are introduced to the program's 10 short-duration safety and health training modules. The workshops are presented two weeks apart giving participants an opportunity to implement a portion of their safety and health program prior to the second session. This unique approach allows the employer to return to the second session with real life experience.

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**Puerto Rico**

Because the demand for training in employer in workplaces is high, **Puerto Rico** continues delivering training and conference sessions open to general audiences in different towns on the island. Information on each session is published in the newspaper to reach and benefit a higher number of employers, employees, students and the general public. Some themes covered in the training sessions are: How to Develop and Maintain an Effective Safety and Health Program; Safety and Health in the Woodworking Industries; Safety and Health in the Auto-Repair Shops; Safety and Health in the Construction Industry.

Puerto Rico emphasizes training to small employers of less than 100 employees. As part of its Strategic Plan, PROSHO has chosen agricultural production-crops (SIC 0170) and nursing homes as target industries. These employers receive preference in consultation visits and training. Puerto Rico also developed two booklets of safety and health matters related to each target industry. In addition, Puerto Rico translated two OSHA publications into Spanish.

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**Tennessee**

**Tennessee** OSHA is working to develop partnerships with associations and stakeholders, striving to improve the strategic planning process and targeting programs, and has produced a 20-minute video overview of special emphasis programs for statewide distribution. Tennessee OSHA addressed ergonomic risk factors and needlestick hazards in the nursing home industry in seminars provided for nursing home employer and employees held in conjunction with the Tennessee Healthcare Association. These hazards were also addressed in a nursing home targeting initiative

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**Utah**

**Utah** passed a bill in 1995 authorizing a percentage of workers' compensation premiums, about \$1 million, to support workplace safety and health programs. This allowed the hiring of two state fully funded consultants to provide additional consultation and training. Utah continues to provide training, education and consultative services for associations, employers and the public requesting assistance.

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**Virgin Islands**

Risk of injuries in the **Virgin Islands** construction industry will be on a high scale of probability during a \$500 million, three-year expansion of the local oil refinery Hovensa. VIDOSH began conducting a four-hour safety orientation for hundreds of local prospective employees who were applying for positions in Hovensa's expansion project.

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**Virginia**

**Virginia's** Consultation Program conducts formal training programs across the state by working in cooperation with various associations and groups.

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**Washington**

**Washington** uses the Internet to deliver safety information and training. WISHA launched interactive Forklift Safety and *Flagging Safety* packages and is adding online *Respiratory Protection* training. WISHA safety professionals in partnership with the Construction Advisory Council produced online videos: *Residential Construction–Siding Safety and Roofing Safety* in English and Spanish, to be followed by *Framing Safety*. WISHA also published *Guarding Mechanical Power Transmission Parts*, available in hardcopy and on the WISHA Homepage, and has launched an Internet portal for safety and health training: *WISHA University*.

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**Wyoming**

**Wyoming** developed several training programs for specific workforce segments:

- Three-Day Collateral Duty Health and Safety Program for personnel having safety duties in addition to their primary duties.
- Management Excellence Seminar directed toward corporate officers and business owners to demonstrate the value of safety efforts, which can reduce workers' compensation premiums, increase profits, as well as other benefits.
- Construction safety programs for general construction, excavations, scaffolding, fall protection, residential, and roofing operations.

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## Financial Incentives, Awards & Grants

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**Washington**

Business and labor organizations in **Washington** requested legislation to appropriate some of the state's medical aid fund for an occupational safety and health impact grant program. The medical aid fund is a portion of the workers' compensation system into which workers pay dividends, and its use must benefit workers. Approved by the 1999 Washington Legislature, with \$5 million appropriated for the first biennium and \$5 million each successive year, the grant program is administered by the Department of Labor and Industries in consultation with the WISHA Advisory Committee.

The grants are intended to help prevent injuries and illnesses, save lives, and educate Washington employers and employees about workplace hazards and safe work practices. The program is particularly aimed at small businesses that lack the injury and illness prevention resources of larger companies. Using a competitive application process, grants can be awarded to trade and business associations, employers, employee groups or organizations and labor unions. Applicants can form partnerships with educational institutions and other organizations.

The four grant categories are: education and training; technical innovation to develop engineering controls or other technical solutions for injury and illness problems; best practices for the application of hazard control; and innovative statewide programs to address safety and health. Nearly 200 applications with \$38 million in requests were narrowed to 32 recipients with collective budgets totaling \$4.7 million. The expected outcome and results of each project will be built into the grant contracts and monitored by staff to ensure completion of milestones. The projects reflect a diversity of Washington industries, companies, labor unions and government agencies.

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**California**

**California** workers' compensation reform legislation passed in 2002 included a provision for the establishment of a Workers' Occupational Safety and Health Education Fund for the purpose of creating a worker-training program. The program is designed to address skills needed for workers who will take an active role in Workplace Injury and Illness Prevention Programs and joint labor-management committees.

A certificate program will be available for employees who complete a certain number of core and supplemental modules. Expanded "train the trainer" courses will also be developed for those interested in using the curriculum to train other workers.

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**Hawaii**

**Hawaii's** five percent workers' compensation premium discount is offered for workplace safety and health programs certified effective.

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**Indiana** Three **Indiana** companies received the inaugural Governor's Workplace Safety Award in March 1999 at the Hoosier Safety Council's 13th annual convention. The awards recognize the most innovative safety and health initiatives among Indiana's workplaces. All of the award recipients have taken a proactive stance to educate workers, develop new safety technology and forge partnerships to maintain a safe workplace. Sponsored by the state's Department of Labor, Bureau of Safety Education and Training in partnership with the Hoosier Safety Council, the awards salute companies who believe safety in the workplace should be the number one priority of every employer.

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**Michigan** The **Michigan** CET Grant Program was established in 1979 to enhance the services provided by the Consultation Education and Training (CET) Division. In FY 2002, Michigan awarded 18 CET Grants totaling \$1 million to promote workplace safety and health. Most of the grants focused on the performance goals identified in the MIOSHA strategic plan. The grants are designed to address emerging issues like workplace violence; ergonomics issues, particularly in the health care field; fall protection; new employee safety training; plastic injection molding hazards; and a wide range of other safety needs. Many of the grants offered interactive computer-based training modules and may include: text, video, interactive questions, and retention testing.

The **MIOSHA CET Division** recognizes successful Michigan companies that have established a comprehensive safety and health program that positively impacts their workplace. The CET Division presented the following **CET Awards** during the 2002 fiscal year: one Bronze Award for improved safety and health program; three Silver Awards for a one-year, one Gold Award for a two-year, one CET Plaque for a five-year achievement of outstanding MIOSHA injury and illness records; and three Ergonomic Innovation Awards for innovative ideas which have been implemented to reduce worker strain. The recognized companies were awarded their certificates at ceremonies attended by state and local elected officials and MIOSHA staff.

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**Minnesota** **Minnesota** has a Safety Grants Program that awards matching funds up to \$10,000 to qualifying endeavors for projects designed to reduce the risk of injuries and illnesses.

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**North Carolina** **North Carolina** celebrated the 55th year of its Safety Awards Program receiving 2,516 applications and presenting 1,704 Annual Awards at 29 banquets.

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**Oregon** **Oregon's** training grant program, funded from the civil penalties paid by employers, awards grants for the development of innovative educational programs. Grants are awarded to assist in the development of education programs that can be used by an entire industry or a specific work process to reduce or eliminate hazards.

Oregon OSHA encourages grant applications for the development of training programs that support their strategic plan. Materials produced with grant funds become the property of the Oregon OSHA. The final products are available for loan to the public from the OR-OSHA Resource Center. Training programs developed with the grant funds include such topics as: lifting guidelines; a dairy farmers checklist and video; pictograms for training mentally challenged individuals on hazards in the workplace; a home builders' manual and videos in Russian, Spanish, and English; and a pilot educational program for prevention of ergonomic-related injuries for nurses.

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**Puerto Rico** **Puerto Rico's** Quick Fix program provides a 15 percent additional reduction in penalties for safety and health violations abated during the inspection.

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**Utah** With the support of \$1 million from workers' compensation premiums, the **Utah** Labor Commission promotes workplace safety and health through consultation, media outreach and workplace safety grants.

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**Wyoming** **Wyoming** reduces penalties for employers in informal conferences when their workers' compensation is less than one and/or if they correct the hazard in the presence of the inspector. When an employer has eight or more claims, an offer to reduce penalties by 75 percent is made if the employer can reduce claims by 25 percent over the following 12 months. During every fixed establishment inspection and consultation visit, the employer is given an analysis of his workers' compensation account. Shown are the injuries by body part, the cost of those injuries by body part, how much was paid on past year's premiums and a one- or two-year premium projection. Also, shown is the monetary loss, which is the difference between premiums paid versus the least amount that could be paid. The intent is for an employer to make the connection between increased safety awareness and increased profits.

## Multilingual Communications

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**California** In an effort to better serve the growing number of limited and non-English speaking workers in California, **Cal/OSHA** has actively sought to overcome language barriers between Cal/OSHA staff and the public it serves. Recent publications have been translated into multiple languages, depending on the type of industry that they address.

Significant efforts have been made to identify bilingual (mainly Spanish-English) staff to assist in enforcement and consultation interventions at bilingual worksites and to respond to inquiries in the office or on the telephone.

Cal/OSHA has supplemented these efforts by contracting with an external translation service. This service is able to provide translation services via a teleinterpreter, 24 hours a day and in 150 different languages. Each Cal/OSHA office displays a multi-lingual poster so that if it is not possible to identify the language spoken by the other party, the person can simply point to his/her language on the poster. The majority of requests are for Spanish interpretation but requests for interpretation by Russian, Thai, Romanian, Japanese, and Vietnamese have been received.

Over 75 on-site consultation visits were conducted at worksites where the primary language of the employer and/or employees was Spanish. Bilingual assistance was provided primarily in agriculture, garment, manufacturing and construction.

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**Maryland** **Maryland** prints its *Safety and Health Protection On The Job* poster in English and Spanish. MOSH also publishes their *Closing Conference Guide* in Spanish. This booklet explains employer rights following an inspection.

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**Michigan** **Michigan** prints its *Safety and Health Protection on the Job* poster in English and Spanish. MIOSHA also publishes two brochures, *Your Rights and Responsibilities under MIOSHA*, and the *Michigan's Employee Right to Know* in Spanish. The MIOSHA video, *MIOSHA: Your Workplace Partner - Onsite Consultation Program*, was dubbed into a Spanish version.

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**Minnesota** **Minnesota** publishes its *Safety and Health Protection on the Job* poster in English, Spanish, Hmong, Cambodian, Vietnamese and Laotian. The poster summarizes employee rights under the Minnesota Occupational Safety and Health Act. Minnesota OSHA consultation has added a position to help train non-English speaking people working in the construction industry.

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**Nevada** **Nevada** has produced promotional videos in Spanish and English on their consultation program, and spot announcements aired on local television stations.



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## Oregon

Between 1990 and 2000, the number of Hispanics in **Oregon** grew by 144 percent, representing over 8 percent of the Oregon population. The Oregon economy relies heavily on industries that employ a large number of workers with limited English skills, including nursery, agriculture, manufacturing, forestry, construction, food processing, restaurants, hospitality, and services.

During FY 2002, Oregon OSHA completed development of a *Spanish-English/English-Spanish Dictionary* of occupational safety and health terms targeted at English-speaking employers and limited English-speaking Latino/Hispanic workers, supervisors and employers who wish to improve their communication on occupational safety and health issues. The dictionary contains a section on basic terminology, including such things as directions, telling time, basic safety and health expressions, and work titles. The dictionary is available on the OR-OSHA web site and has become the most accessed document on the site.

To serve the increasing number of Spanish-speaking construction workers, Oregon OSHA has partnered with safety and health professionals in the construction industry to develop industry specific safety training materials in both English and Spanish. These materials are specifically designed to provide English-speaking supervisors materials from which to train their Spanish-speaking employees on construction safety.

Oregon OSHA also offers a variety of publications in Spanish, including the Safety and Health Protection on the Job poster, Clothes Washing for Pesticide Handlers, Directory of OR-OSHA Services, Field Sanitation Notice, Safe Practices When Working Around Hazardous Agricultural Chemicals, and a pamphlet for operators of seasonal farm worker housing. Oregon also offers workshops in Spanish and a web page for Spanish speaking Oregon workers provides occupational safety and health information and resources.

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## Puerto Rico

**Puerto Rico** has two official languages, Spanish and English. All government and private transactions are usually conducted in Spanish, and all state laws and regulations must be in both languages. The safety and health poster advising employers and employees of their responsibilities and rights is in both languages, as are some NIOSH and OSHA publications, all the state-adopted occupational safety and health standards, and citations issued. This reduces the probability of violating employer or employee rights through lack of understanding the language.

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## Tennessee

**Tennessee OSHA** has translated several publications into Spanish and developed an alliance with the Tennessee Foreign Language Institute to assist compliance officers when a Spanish interpreter is needed. Tennessee has participated in the Hispanic Community Outreach Program sponsored by the Mexican Consulate Office in Atlanta, GA.

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## Virgin Islands

**Virgin Islands** distributes Spanish literature and brochures provided by Puerto Rico OSH to its extensive Spanish-speaking workforce. In 1999 its consultation program offered a course, *Derechos de el Empleado Bajo la Ley OSHA* (Employees' Rights Under the OSHA Act), which was attended by Spanish-speaking public employees.

## Safety & Health Conferences

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### Alaska

The **Alaska** Governor's Safety Conference is an annual event and brings hundreds of employers, employees, safety professionals, and vendors from all over the state and out-of-state together to discuss new and existing safety topics.

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### Iowa

**Iowa** has held an annual Governor's Safety and Health Conference for 26 years. The conference is organized by a committee of representatives from labor, industry and the public sector, and draws attendance from many segments of the state population. Nationally known speakers are featured. The conference is so successful the committee established scholarships totaling \$9,500 for seven college students who are safety and health majors.

|                       |  |
|-----------------------|--|
| <b>Kentucky</b>       | <b>Kentucky's</b> annual Governor's Conference was first held in 1985. This joint effort of business, labor, government and academia is facilitated by the Kentucky Labor Cabinet and Kentucky Safety and Health Network. It averages 50 sessions, 115 exhibitors and 1,800 participants. Complementing the Governor's Conference held in Louisville each spring are mid-year symposiums offered at a variety of locations throughout the commonwealth during the late fall, with combined attendance of more than 1,000 participants.   |
| <b>Maryland</b>       | <b>Maryland's OSH</b> , along with its safety council and a number of safety organizations, sponsors an annual safety and health conference that draws an average 500 people. Maryland also participates in several other annual conferences with local associations targeting construction and public-sector employees.   |
| <b>Michigan</b>       | With more than 5,500 attendees annually, the <b>Michigan Safety Conference</b> is one of the largest and most informative state conferences in the nation. The conference goal is to help participants improve worker safety and health, reduce workers' compensation costs, and increase productivity and profitability. In April 2002, nearly 100 MIOSHA safety and health professionals and support staff were involved in planning and facilitating more than 14 seminars.<br><br>In February 2002, <b>Michigan</b> sponsored the 51st Annual Industrial Ventilation Conference. Staffed by ventilation experts of the United States and Canada, the weeklong conference features general ventilation information and the newest control technologies. |
| <b>Minnesota</b>      | <b>Minnesota</b> OSHA is an active participant in the annual Minnesota Safety and Health Conference sponsored by the Minnesota Safety Council. The conference has been held for the past 69 years and draws more than 1,700 participants. The conference includes exhibitor/vendor booths and numerous seminars on safety-related topics—including regulatory compliance, ergonomics, behavioral issues, risk control, commercial vehicle safety, basic workplace safety and safety management. Minnesota OSHA also participates in the Association contractor Safety Days in both the Duluth and St. Paul/Minneapolis areas.  |
| <b>Oregon</b>         | <b>Oregon</b> OSHA partners with businesses, trade and safety organizations to offer numerous safety and health conferences around the state. Oregon's biennial Governor's Conference draws approximately 3,000 participants to the Portland Convention Center. The conference, co-sponsored by Oregon OSHA and the Columbia Willamette Chapter of the American Society of Safety Engineers, is one of the largest events of its kind on the west coast. Oregon OSHA also co-sponsors three regional safety and health conferences around the state as well as the Western Pulp and Paper Workers Safety and Health Conference.  |
| <b>Puerto Rico</b>    | On December 2002, <b>Puerto Rico</b> held its Ninth Occupational Safety and Health Conference, a three-day safety and health conference with workshops on compliance requirements and updating professionals in safety and health and related disciplines.   |
| <b>Tennessee</b>      | The <b>Tennessee Safety Congress</b> , sponsored by TOSHA and Tennessee chapters of the American Society of Safety Engineers, is an assembly of safety and health professionals sharing information and ideas on programs and educational techniques that promote good workplace safety and health practices. The Congress is nationally recognized for its high quality and diverse activities.   |
| <b>Virgin Islands</b> | <b>Virgin Islands</b> sponsors a biannual safety and health conference on St. Croix and an annual conference on St. Thomas.  |
| <b>Virginia</b>       | <b>Virginia's</b> Annual Occupational Safety and Health Conference was first held in 1996. Held each year in June, the conference now has approximately 350 participants and 40 exhibitors. Locations rotate from the Tidewater area to Roanoke.   |
| <b>Washington</b>     | This year marks the 52nd anniversary of the <b>Washington State Governor's Industrial Safety and Health Conference</b> , which will be held September 17 & 18, 2003, at the Washington State Convention and Trade Center in Seattle. Expected attendance is 4,900. The annual conference alternates between western Washington in Seattle/Tacoma and eastern Washington in Spokane.  |

# State Responsibility: Providing Worker Protections

Historically, states have embraced their responsibility to protect the safety and health of their workers. States plans use a variety of activities to encourage employers to establish worker protections programs. States offer companies leadership, guidance and flexibility to help them save lives and prevent injuries and illnesses.

A comprehensive safety and health program is one of the most effective tools employers have to address workplace injuries and illnesses. Recent studies have estimated that safety and health programs save \$4 to \$6 for every dollar invested. States use a combination of additional penalties and criminal prosecution against employers in cases of death or serious injury. States also have specific rules to prohibit discrimination against employees who exercise their rights under the safety and health statutes.

## Safety & Health Programs

Statistics show that many occupational accidents and illnesses are preventable through an effective safety and health program. For a workplace program to be effective, the employer should develop a comprehensive plan emphasizing both management commitment and employee participation. Development and conscientious implementation of such a program should result in lower injury, illness and fatality rates along with lower workers' compensation costs.

Safety and health programs further the goal of changing the workplace environment to increase employer and worker awareness of, commitment to, and involvement in safety and health. Federal OSHA has 70 partnerships with 4,600 employers nationwide that stress the importance of employer and employee commitment to developing a safety culture which becomes an integral part of operations.

**Alaska, California, Connecticut, Hawaii, Minnesota, Nevada, New Mexico, North Carolina, Tennessee and Washington** require employers to develop and maintain comprehensive safety and health programs—which contain the elements of worksite analysis to identify actual and potential hazards, technical and administrative control of the hazards, and training for all personnel, including supervisors and managers.

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### California

**California** law requires all employers to set up effective written injury and illness prevention programs. Employers must conduct periodic worksite inspections to identify unsafe conditions and work practices, and eliminate any hazards found.

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### Minnesota

**Minnesota** requires employers in industries with high injury and illness incidence and severity rates to develop a written workplace safety and health program. Employers of 25 or more employees are required to establish a joint labor-management safety committee, and those with fewer than 25 employees must establish a committee if their pure premium rate is in the top 25 percent for all classes.



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### Nevada

**Nevada** requires employers with 11 or more employees or any manufacturer of explosives to have a "Written Workplace Safety Program." To assist the employers in understanding the Nevada statutes, how to develop a program, and the purpose or need for such a program, regular training sessions are conducted and a written guide is made available to employers. The guide has been placed on the Nevada Safety Consultation and Training Section's web site along with the required Rights and Responsibility Pamphlet (both in English and Spanish). The web site address is [www.4safenv.state.nv.us](http://www.4safenv.state.nv.us).

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**North Carolina** **North Carolina** requires employers with a high rate of workers' compensation claims to have written safety and health programs, and to establish formal safety and health committees.

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**Oregon** **Oregon** law requires labor-management workplace safety committees for most employers in the state. An innovative alternative to the traditional safety committee has been developed to accommodate the special needs of the many small employers in the state. A pamphlet describing this safety committee option is available on Oregon OSHA's website.

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**Washington** **Washington** requires every employer to develop a written plan addressing the hazards of that business. The plan must include a safety and health committee of employer and employee representatives, and employee training in safe work practices. The state's video, *Staying a Step Ahead*, helps employers and their employees establish accident prevention programs on their own without waiting first for on-site consultation.

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## **Violations Causing Worker Death or Serious Injury**

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**Arizona** **Arizona** statute directs the Industrial Commission to assess an additional \$25,000 penalty against any employer for each employee who suffers permanent disability or death as the result of a willful or repeated OSH violation. The following provisions must be met: the citation was a final order; workers' compensation benefits were paid as a result of the employee's permanent disability or death; and the OSH violation did not result from employee disobedience. The additional penalty is paid to injured employees or their dependents.

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**California** **California** law provides that if a repeat or willful violation caused death or serious injury, illness or exposure, the penalty is not reduced for any reason other than size of employer and no abatement credit is given. Legislation provides that any employer or employee who has direction or management of any place of employment or employee, and who willfully violates any occupational safety or health standard, order, special order or Section 25910 of the Health and Safety Code—and that violation caused an employee's death or permanent/prolonged bodily impairment—is guilty of a public offense. The penalty is county jail imprisonment up to one year or a fine of up to \$100,000 or both—or state prison for 16 months to three years or a fine of up to \$250,000 or both. If the defendant is a corporation or limited liability company, the fine may not exceed \$1,500,000.

A California roofing contractor, owner of 101 Roofing, pled guilty to 52 felony violations. The charges included involuntary manslaughter in connection with the death of a worker. The worker was not wearing fall restraints and fell four stories to his death. The contractor was also charged with violating an occupational safety standard at a workplace resulting in the death of an employee.

Roofing employees were not provided with fall protection equipment and were not trained in use of equipment, despite the height and pitch of the roof. Normal fall protection consisted of ropes tied around the employee's waist but these were untied when moving from one area to another or when climbing a scaffold without the help of a ladder.

The contractor and three of his employees were arrested. The roofing contractor and 101 Roofing were also charged with numerous felony violations of income tax evasion, workers' compensation insurance premium fraud, unemployment insurance fraud and underreporting corporation income. The contractor had cashed more than half the corporate checks at a check-cashing establishment in order to avoid reporting this income. The contractor was held on \$1 million bail. The contractor will be sentenced to a three-year state prison term and will surrender his contractor's license and discontinue business operations. Three co-defendants are set for further proceedings in the same courtroom.

The case was prosecuted by the San Francisco District Attorney's office following a joint investigation conducted by the District Attorney's Office, Cal/OSHA, the California Employment Development Department and the California Department of Insurance Fraud Division and tax agencies.

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|------------------|--|
| <b>Iowa</b>      | In September 2001, <b>Iowa</b> filed criminal willful charges for the first time for a communication tower fatality when a 29-year-old employee died on his first day on the job.  |
| <b>Kentucky</b>  | Under <b>Kentucky</b> law, liens may be placed against employers who are in violation of any requirement of the Kentucky safety and health statutes, once administrative and judicial appeals have been exhausted.   |
| <b>Michigan</b>  | <p><b>For the first time in Michigan history, an employer will serve time in jail for a workplace fatality.</b> On Oct. 10, 2002, James Morrin, Jr., foreman for J.A. Concrete Construction Company, was sentenced to <b>360 days in jail</b> and three years probation for the fatality of Robert Sorge. On Aug. 11, 2000, Sorge, was directed by Morrin to deliver a gravel load into an area under a 7600-volt power line. Sorge was electrocuted when the truck bed contacted the energized wire.</p> <p>The J.A. Morrin Corporation was sentenced to five years probation. The corporation must also pay fines totaling \$156,903 to the Court, a \$50,000 penalty to MIOSHA, and must adhere to all the terms of the Settlement Agreement. The agreement will provide MIOSHA with the tools and the ability to closely monitor the company and to help ensure that their employees will be protected.</p> <p>In an earlier case, an employee was killed and two others seriously injured at <b>Midland Environmental Services</b> while removing an underground petroleum storage tank. The MIOSHA investigation resulted in the issuance of several citations for willful violations of MIOSHA rules. The outcome of the case was a guilty plea by the employer on behalf of himself and the corporation to two counts of attempted involuntary manslaughter. Sentencing took place on Dec. 19, 2000. The owner received five years probation and 200 hours of community service. The owner and the corporation paid the full combined statutory fine of \$35,000, and were required to abide by all MIOSHA and DEQ laws.</p> |
| <b>Minnesota</b> | During its 2000 session, the Legislature amended the <b>Minnesota</b> Occupational Safety and Health Act by increasing the minimum penalty assessed in cases where a violation causes or contributes to the death of an employee. The minimum non-negotiable fine for all citations connected to the death of an employee if there is a willful or repeat violation is \$50,000. If there is no willful or repeat violation, the minimum fine is \$25,000. The legislation went into effect July 2000. In the 2002 session, the Legislature amended the minimum non-negotiable fine to reduce the penalty amount for employers with less than 50 employees and if the person who died was a major owner of the company. This change will go into place in August of 2003.  |
| <b>Nevada</b>    | <b>Nevada</b> has a specific regulation pertaining to violations that result in the death of an employee. Any employer who willfully violates any requirement of this chapter, or any standard, rule regulation or order, where the violation results in the death of any employee shall be punished. For the first offense, by a fine of not more than \$20,000 or by imprisonment in the county jail for not more than 6 months, or by both fine and imprisonment. The second offense would be double both the fine and jail time.   |
| <b>Oregon</b>    | <b>Oregon</b> law provides for a civil penalty of up to \$10,000 or imprisonment up to six months or both, if a willful violation of the OSHA Act materially contributed to the death of an employee.  |
| <b>Virginia</b>  | <b>Virginia</b> law provides criminal penalties up to \$70,000 or imprisonment up to six months or both for the first occurrence of any willful violation that causes the death of an employee. A second occurrence can double both the fine and length of sentence. Virginia's policy is to recommend criminal prosecution for manslaughter against any person whose flagrant, culpable and wanton violation of VOSH laws results in the death of an employee. Virginia has successfully prosecuted a criminal willful violation and a manslaughter charge. A \$7,000 penalty is assessed for a serious fatality-related violation, a \$70,000 penalty is assessed for a repeat or willful fatality-related violation, and no adjustments are made.   |

## Discrimination Against Workers Reporting Hazards

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### **Kentucky**

**Kentucky's** uniquely structured system for addressing discrimination against employees who exercise their rights under the safety and health statutes includes reinstatement under order of the Secretary, pending litigation outcome. Citations and penalties up to \$10,000—in addition to reinstatement and back pay to the employee—may be assessed against employers who have discriminated. Cases are appealed through the Kentucky Occupational Safety and Health Review Commission.

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### **Michigan**

According to federal OSHA records, **Michigan's** Employee Discrimination Division (EDD) has one of the fastest resolution times in the nation. Complaints are normally settled within three months. One case that went to the Michigan Supreme Court clearly shows the total commitment of the MIOSHA program to protect employee rights. In 1991 the case was investigated by EDD, which determined a dismissed employee should be reinstated with full seniority and back pay including interest. The company appealed the decision first to the department's Office of Hearings, then to Wayne County Circuit Court, next to the Michigan Court of Appeals, and finally the Michigan Supreme Court. Eight and a half years later the case was finally resolved, and it was determined the company would issue to the employee two payments totaling \$40,000 including interest. Though this case is not typical, during every step of the proceedings, there was judicial and administrative support for the protection of employee rights.

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### **Nevada**

The State of **Nevada** has a specific regulation (NRS618.445) pertaining to an employee being discharged or in any way discriminated against because a safety and/or health complaint has been filed. If the court finds that the employee was discharged or discriminated against, the employee is entitled to reinstatement, and reimbursement for lost wages and work benefits.

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### **Puerto Rico**

**Puerto Rico** accomplished the time frame of 90 days for the resolution in the discrimination cases. On FY 2002, OSHO settled three cases at the Agency Level.

## State Standards: Addressing Specific Hazards

The regulatory process can work more quickly at the state level, and state plan programs have set standards that have sometimes been a model and forerunner of standards later adopted or expanded by federal OSHA at the national level. Individual states and territories have promulgated standards addressing hazards specific to local industry, often involving labor and management representatives in the process.

### Needlesticks

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Attention nationwide is focused on incorporating into OSHA requirements the new technologies of engineered sharps devices and systems without needles. Needlestick injuries are the primary mode of transmission of bloodborne pathogens in the workplace. **California** was a leader in passing a bloodborne pathogens standard to protect healthcare workers. Since California's breakthrough in July 1999, several state plan states passed legislation to strengthen their bloodborne standards, including **Alaska, Hawaii, Minnesota,** and **Tennessee.** **Kentucky** enforces the bloodborne standard in the construction industry, as well as general industry. Outreach activities for reducing needlestick injuries have been developed by **Iowa, Michigan, New Jersey, New Mexico** and **Puerto Rico.**

### Permit Requirements

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**Alaska, California, Hawaii, Iowa, Nevada** and **Virginia** have permit requirements for asbestos handling. Iowa requires businesses engaged in the removal or encapsulation of asbestos to hold a permit for that purpose, and asbestos workers must be licensed. **California** and **Nevada** require pre-job conferences for certain high-hazard construction projects.

### Crane Regulations

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**California, Hawaii, Nevada, Maryland, New Mexico, Oregon** and **Puerto Rico** have state specific regulations on crane operations. **Oregon** requires certification for operators of cranes that are five tons or more. **Maryland** has a unique standard for personnel platforms suspended from cranes, derricks and hoists in general industry. **California** inspects fixed and mobile tower cranes within 10 business days of receiving an application for an operating permit. **Puerto Rico** requires crane inspectors to be licensed by its Department of Labor and Human Resources.

### Logging

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**Alaska, California, Minnesota, North Carolina, Oregon, Tennessee, Vermont, Virginia,** and **Washington** have state-specific standards on logging practices. Many of these states developed comprehensive logging standards in the early 1970s. **Alaska** also developed safety codes for highline, tractor and helicopter logging. The **Washington** logging standard was adopted in a clear-rule writing style and updated to meet current industry needs. **Oregon** recently adopted revisions to its Forest Activities standard, which will become effective in October 2003. The new rules were made to include changes in technology, outdated and obsolete rules were eliminated, and areas not previously addressed were added.

### Confined Space

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In 1973, **Washington** developed a confined space standard covering all industries. **Utah** developed confined space entry requirements for farming operations in 1987. Before federal OSHA adopted its 1993 permit-required confined space standard, **Virginia** had maintained confined space standards for the general, construction and telecommunications industries since 1987. In 1988, **Minnesota** adopted a confined space entry standard for construction and general industry. **Kentucky** has had a confined space standard since 1996. In 1978, **Maryland** adopted regulations that established safety standards for all types of work in a confined space.

## Right-to-Know

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Many states had right-to-know laws before federal OSHA implemented the hazard communication standard in 1984. Although the national standard initially covered only manufacturing and later expanded, in **Tennessee**, labor, management, TOSHA, and the Tennessee General Assembly cooperated to expand coverage to all workers. **Minnesota's** employee right-to-know law, adopted in 1983, covers more than hazardous substances. It also covers harmful physical agents—such as noise, heat, ionizing and non-ionizing radiation—and infectious agents. MNOSHA has required training on all infectious agents, including bloodborne pathogens, since 1983.

**Alaska's** hazard communication regulations cover noise and radiation in addition to workplace chemicals and hazardous physical agents. **Michigan** covers piping systems containing hazardous substances, and requires employers to post employee notices on where material safety data sheets (MSDS) are kept.

From its inception in 1988, **Iowa's** right-to-know legislation covered all industry sectors, including construction, as well as right-to-know laws for the general public and in public emergency response. **California** maintains an information system that alerts employers and workers to the dangers of toxic substances in the workplace.

**Maryland's** Access to Information about Hazardous and Toxic Substances law, adopted in 1985, provides specific requirements for compiling a chemical information list, which they must submit to the Department of the Environment.

## Lead in Construction

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**Maryland** adopted a comprehensive lead-in-construction standard in 1983, combining information, education and enforcement to protect construction workers. The state also requires laboratories to report high blood-lead levels. **Virginia** adopted a regulation to monitor lead contractors' compliance with state and federal requirements for removal and disposal of lead.

## Fall Protection in Steel Erection

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In addition to adopting the revised OSHA steel erection standard, **Maryland** adopted additional fall protection requirements. Except for connectors and employees performing leading edge work in a controlled decking zone, employees from 10 up to and including 15 feet in height are required to have fall protection.

## Petroleum

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In 1980, **Utah** promulgated and adopted standards that cover all phases of oil and gas well drilling and servicing. **Wyoming** set regulations in 1970 covering oil and gas well drilling and servicing, and expanded its coverage in 1984 to include special servicing. **Alaska** also developed unique safety codes for the petroleum industry.

## High Voltage

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**Vermont's** standard for electric power generation, transmission and distribution requires two qualified line workers whenever energized lines and equipment are involved. **Virginia's** Overhead High Voltage Line Safety Act requires employers to work with the owners of overhead power lines to de-energize or guard power lines against accidental contact while work is being conducted around such lines. **Maryland's** High Voltage Line Act, adopted in 1968, requires employers to work with owners of overhead power lines to ensure the lines are effectively guarded.



## Off-Highway Vehicles

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Recognizing that the hazards of off-highway vehicles exist in industrial settings as well as on construction sites, **Kentucky** adopted safety standards for off-highway motor vehicles and equipment used in general industry locations. **Minnesota** adopted a standard in 1999, to provide protection to operators and ground crews working with and around mobile earthmover equipment on construction sites.

## Indoor Firing Range

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The **New Jersey** Public Employees Occupational Safety and Health (PEOSH) Indoor Firing Range Standard became effective in May 1989. The standard has requirements to protect employees using and maintaining indoor firing ranges, and applies to indoor firing ranges operated by public employers. The purpose is to reduce the potential for exposure to lead and high noise levels to shooters, range officers and maintenance personnel.

## Indoor Air Quality Standard

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The **New Jersey** Public Employees Occupational Safety and Health (PEOSH) Indoor Air Quality standard became effective in 1997. The main goal is to reduce health symptoms associated with poor indoor air quality by increasing employer compliance with the standard's provisions. Contributing to the success of the standard is a strong educational component.

## Cold Weather Shelter

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Because **Minnesota's** climate can adversely affect working outdoors at certain times during the year, Minnesota adopted a unique job-site shelter standard in 1978 that requires employers to provide heated privies and shelters for employee mealtimes and clothing change when working in cold weather.

## Migrant & Immigrant Regulations

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Every **California** employer operating a labor camp is required to obtain a permit issued by the Department of Housing and Community Development (DHCD) or by a local government agency authorized to issue such permits. California's Targeted Industries Partnership Program (TIPP) combines and coordinates resources from state, federal and local agencies to enforce labor laws pertaining to immigrants and to educate employers and their employees.

For over 20 years **North Carolina** has been a leader in committing resources to provide protection for agricultural workers. They conduct pre-occupancy inspections of migrant housing, and enforce OSHA regulations. North Carolina adopted a field sanitation standard in 1983 that covers all migrant and seasonal farm workers.

**Oregon** issues raised by OR-OSHA stakeholders during the 1999 growing season precipitated changes to the agricultural labor housing regulations. Effective October 1, 2000, housing operators are required to provide a mattress or pad, and the bed or bunk must keep the mattress at least six inches off the floor. Each unit is required to have a working smoke detector. Tents must be either made of or treated with flame-retardant materials.

The 1999 **Washington** legislature passed legislation requiring the Department of Labor and Industries and the Department of Health to adopt joint rules for the licensing, operation and inspection of temporary worker housing. They developed regulations that will improve housing conditions for farm workers living in temporary on-farm housing during the harvest seasons. The new rules will be stable and predictable so that growers and workers alike know what to expect.

**Virginia's** field sanitation standard for agriculture ensures the availability of drinking water for all employees regardless of the number.

# Addendum

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## State Plan Directory Board of Directors



# State Plan Directory

## **Alaska Department of Labor**

P.O. Box 21149  
Juneau, AK 99802-1149  
Program Phone: 907-465-2700  
Fax: 907-465-2784  
<http://www.labor.state.ak.us/lss/lss.htm>

## **Industrial Commission of Arizona**

800 W. Washington Street  
Phoenix, AZ 85007  
Program Phone: 602-542-1693  
Fax: 602-542-1614  
<http://www.ica.state.az.us>

## **California Department of Industrial Relations**

P.O. Box 420603  
San Francisco, CA 94142-0603  
Program Phone: 415-703-5100  
Fax: 415-703-5135  
<http://www.dir.ca.gov/dosh>

## **Connecticut Department of Labor**

(public sector only)  
38 Wolcott Hill Road  
Wethersfield, CT 06109  
Program Phone: 860-566-4550  
Fax: 860-566-6916  
<http://www.ctdol.state.ct.us/osha/osha.htm>

## **Hawaii Department of Labor & Industrial Relations**

830 Punchbowl Street, Room 423  
Honolulu, HI 96813  
Program Phone: 808-586-9116  
Fax: 808-586-9104  
<http://www.state.hi.us/dlir/hiosh/>

## **Indiana Department of Labor**

402 West Washington Street, Room W195  
Indianapolis, IN 46204-2751  
Program Phone: 317-232-3325  
Fax: 317-233-3790  
<http://www.state.in.us/labor/>

## **Iowa Division of Labor**

1000 E. Grand Avenue  
Des Moines, IA 50319-0209  
Program Phone: 515-281-3469  
Fax: 515-281-7995  
<http://www.state.ia.us/government/wd/labor/index.html>

## **Kentucky Labor Cabinet**

1047 U.S. Highway 127 South, Suite 4  
Frankfort, KY 40601  
Program Phone: 502-564-3070 ext.240  
Fax: 502-564-5387  
<http://www.state.ky.us/agencies/labor/kyosh.htm>

## **Maryland Division of Labor & Industry**

Department of Labor, Licensing and Regulation  
1100 North Eutaw Street, Room 613  
Baltimore, MD 21201-2206  
Program Phone: 410-767-2213  
Fax: 410-767-2003  
<http://www.dlir.state.md.us/labor/mosh.html>

## **Michigan Department of Consumer & Industry Services**

Bureau of Safety and Regulation  
P.O. Box 30643  
Lansing, MI 48909-8143  
Program Phone: 517-322-1814  
Fax: 517-322-1775  
<http://www.michigan.gov/miosha>

## **Minnesota Department of Labor & Industry**

443 Lafayette Road  
St. Paul, MN 55155  
Program Phone: 651-284-5372  
Fax: 651-297-2527  
<http://www.doli.state.mn.us/mnosha.html>

## **Nevada Division of Industrial Relations**

400 West King Street, Suite 400  
Carson City, NV 89710  
Program Phone: 702-486-9020  
Fax: 702-990-0358  
<http://www.dirweb.state.nv.us/oshes.htm>

## **New Jersey Department of Labor**

(public sector only)  
John Fitch Plaza, 3rd Floor  
P.O. Box 386  
Trenton, NJ 08625  
Program Phone: 609-292-2425  
Fax: 609-292-3749  
<http://www.state.nj.us/labor>

## **New Mexico Environment Department**

P.O. Box 26110  
Santa Fe, NM 87502  
Program Phone: 505-827-4230  
Fax: 505-827-4422  
<http://www.nmenv.state.nm.us/>

**New York Department of Labor**

(public sector only)

W. Averell Harriman State Office Building – 12  
Room 158

Albany, NY 12240

Program Phone: 518-457-1263

Fax: 518-457-5545

[http://www.labor.state.ny.us/html/safety/saf\\_hlth.htm](http://www.labor.state.ny.us/html/safety/saf_hlth.htm)

**North Carolina Department of Labor**

4 West Edenton Street

Raleigh, NC 27601-1092

OSH Program Phone: 919-807-2863

Fax: 919-807-2856

<http://www.dol.state.nc.us/osha/osh.htm>

**Oregon Occupational Safety & Health Division**

Department of Consumer & Business Services

350 Winter Street NE, Room 430

Salem, OR 97310-0220

Program Phone: 503-378-3272

Fax: 503-947-7461

<http://www.orosha.org>

**Puerto Rico Department of Labor &  
Human Resources**

505 Munoz Rivera Avenue

Hato Rey, PR 00918

Program Phone: 787-754-2171

Fax: 787-767-6051

<http://www.dtrh.gobierno.pr>

**South Carolina Department of Labor,  
Licensing & Regulation**

P.O. Box 11329

Columbia, SC 29211

Program Phone: 803-734-9644

Fax: 803-734-9772

<http://www.llr.state.sc.us/OCSAFE.HTM>

**Tennessee Department of Labor**

710 James Robertson Parkway

Nashville, TN 37243-0659

Program Phone: 615-741-2793

Fax: 615-741-3325

<http://www.state.tn.us/labor-wfd/>

**Utah Labor Commission**

P.O. Box 146600

Salt Lake City, UT 84114-6600

Program Phone: 801-530-6901

Fax: 801-530-6390

<http://www.labor.state.ut.us/uosh/usosha.htm>

**Vermont Department of Labor & Industry**

National Life Building – Drawer 20

Montpelier, VT 05620-3401

Program Phone: 802-828-2765

Fax: 802-828-2195

<http://www.state.vt.us/labind/vosha.htm>

**Virgin Islands Department of Labor**

2203 Church Street

Christiansted, St. Croix, VI 00820-4660

Program Phone: 340-772-1315

Fax: 340-772-4323

(no website at press time)

**Virginia Department of Labor & Industry**

(public sector only)

13 South 13th Street

Richmond, VA 23219

Program Phone: 804-786-2377

Fax: 804-731-6524

<http://www.dli.state.va.us/programs/index.htm>

**Washington Department of Labor & Industries**

P.O. Box 44600

Olympia, WA 98504-4600

Program Phone: 360-902-5430

Fax: 360-902-5529

<http://www.wa.gov/lni/wisha/>

**Wyoming Department of Employment**

Workers' Safety and Compensation Division

122 West 25th Street

Cheyenne, WY 82002

Program Phone: 307-777-7786

Fax: 307-777-3646

<http://www.wydoe.state.wy.us>

**Federal OSHA link to state plan web sites**

<http://www.osha.gov>

Click on About OSHA, then click on State Plans

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