

# GRASSROOTS Workplace Protection

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## 2003 OSHSPA Report State Plan Activities

Occupational Safety & Health  
State Plan Association







## Occupational Safety & Health State Plan Association

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August 24, 2004

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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 federal OSHA. 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.

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The Occupational Safety and Health State Plan Association (OSHSPA) is an association comprised of states and U.S. territories that run their own occupational safety and health programs. The OSHSPA State Plan States share the common goal: a safe and healthful workplace for every worker through prevention of injuries, illnesses, and fatalities on the job.

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The states and territories have frequently led the way in developing innovative approaches to making America's workplaces safer and healthier. Through a combination of targeted enforcement and outreach services, State Plan States are helping employers realize that protecting their workers is a sound business decision.

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#### **Patricia Todd** **Minnesota**

In this report, 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. Two sections have been added in this publication - Emergency Preparedness and Customer Service. They highlight some of the original approaches OSHSPA members are taking to address these important areas.

OSHSPA members and federal OSHA will continue to work together to "Make a Difference" in the safety and health for this nation's workers.

Sincerely,

Douglas J. Kalinowski  
OSHSPA Chair

**U.S. Department of Labor**

Assistant Secretary for  
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Once again it gives me great pleasure to write the introductory letter to the Occupational Safety and Health State Plan Association's annual edition of *Grassroots Worker Protection*. The 2003 report documents the significant contributions made by the Occupational Safety and Health Administration's State plan partners to the protection of America's working men and women.

The 26 State plans, which provide occupational safety and health coverage to 40 percent of the nation's workforce, have worked closely with OSHA in pursuing the mutual goals of our strategic management plans of reducing occupational hazards through direct interventions and promoting a safety and health culture through compliance assistance, cooperative programs and strong leadership. Working together since 1971, OSHA and the State programs have helped to decrease injuries and illnesses in the workplace by 40 percent and to cut workplace fatalities by more than 60 percent. In the years to come we fully expect our ongoing Federal-State partnership to achieve even greater results.

One unique aspect of the State safety and health programs is their coverage of public sector employees. Four of the 26 State programs cover only public sector employment; the remaining 22 cover both private and public sector employees. This puts State programs in the forefront of protecting state and local government emergency responders in times of crisis. We are proud of the significant cooperation we have had with our State partners in developing a better understanding of OSHA's role in the nation's emergency preparedness efforts and strategies to deal with potential emergencies as they may arise.

We have tremendous opportunities and a tremendous responsibility. There can be no work more rewarding, no job more fulfilling than helping to protect the lives and well-being of the working men and women who keep our nation strong. I continue to be impressed with the talent and skills we have within the OSHA family. Together, we can and will accomplish our goals on behalf of all workers in America.

John L. Henshaw

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## 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

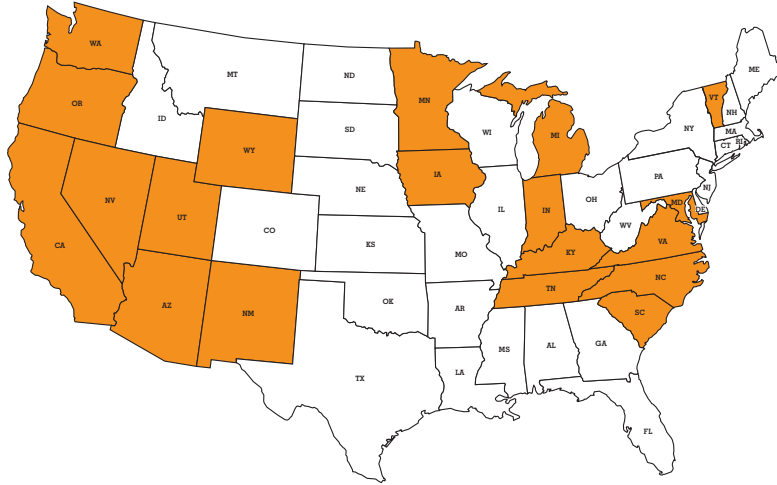
Even though the OSH Act of 1970 specifically excludes from federal coverage states' public agencies and their political subdivisions, the state plans are required to provide occupational safety and health protection to public-sector employees. This is a significant requirement and benefit of the state 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

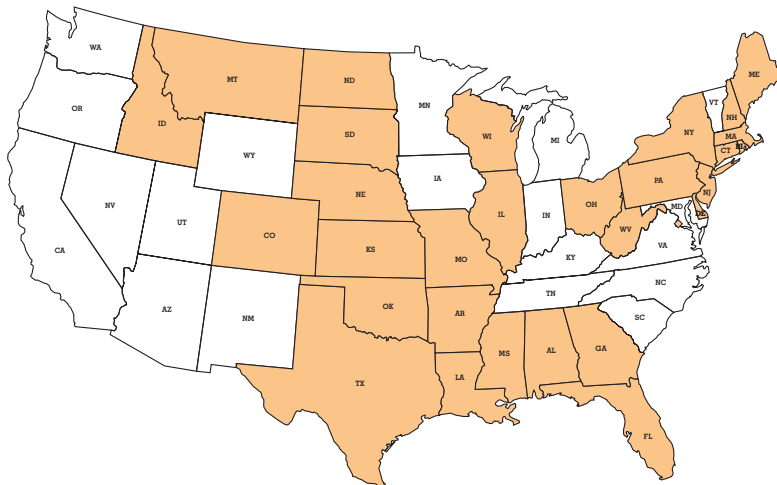
(Three States and One Territory—Private sector coverage provided by federal OSHA)



- 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
- 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
- Utah
- Vermont
- Virginia
- West Virginia
- Wisconsin

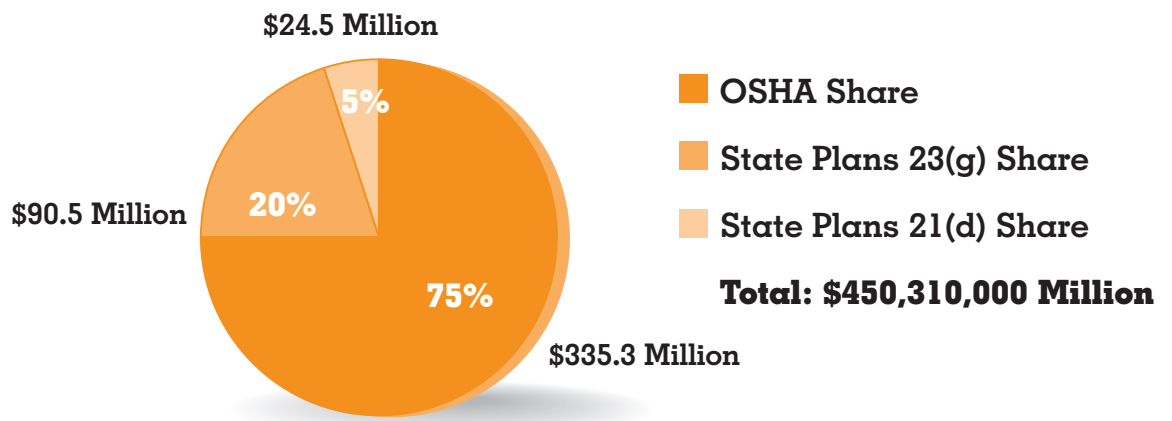
## Investing in Worker Protection

In federal fiscal year 2003, state programs received \$90.5 million in 23(g) and \$24.5 in 21(d) funding from the Occupational Safety and Health Administration's total budget of \$450.3 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.

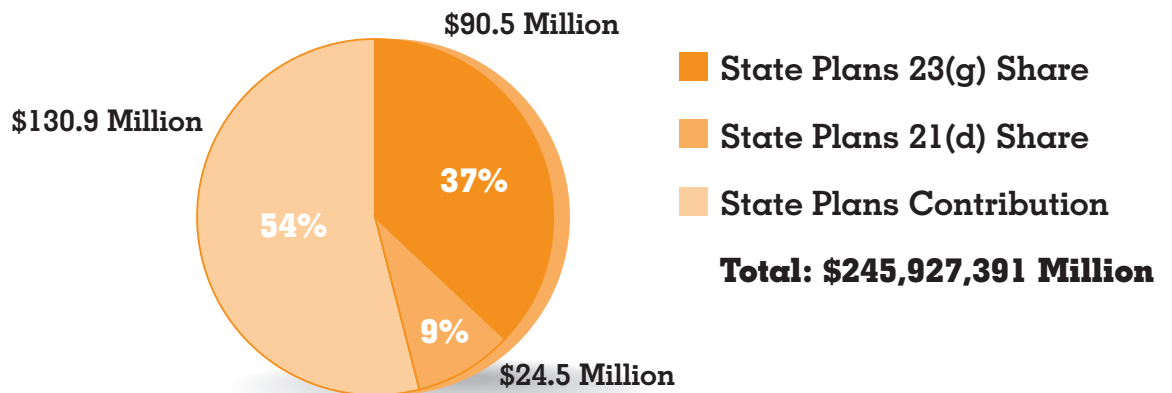
In addition, many states fund other programs focused on safety and health in the workplace. Even in states facing serious budget constraints, the respective legislatures continue to provide matching funds for occupational safety and health programs in recognition of their value in reducing workplace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

In fiscal year 2003, state and territorial funds of \$130.9 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 2003 Total Federal OSHA Budget



### FY 2003 Total State Plans Budget





# 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 OSHA's report summarizing the work at the World Trade Center, **Inside the Green Line**, the lessons learned include the firm understanding that on September 11th, the United States entered a new era that requires increased levels of vigilance and stronger commitments than ever before to emergency preparedness. (**Inside the Green Line** is available online at [www.osha.gov](http://www.osha.gov), or by calling 800.321.OSHA.)

Following the work in New York, both federal OSHA and state plan programs for occupational safety and health are taking action to address this important lesson learned by developing emergency preparedness strategies. 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)** continues to focus on enhancing capabilities to respond to emergencies, natural disasters or acts of terrorism to provide safety and health expertise to first responders. The DOSHS 9/11 WTC Response Team, and other staff, developed the DOSHS Crisis Response Plan and are ensuring that employees have appropriate emergency response training (Incident Command, HAZWOPER, etc.) and have necessary resources readily available in the event of an emergency. Staff continue to participate in emergency response training/refreshers and are utilizing "tabletop" sessions to evaluate readiness and response capabilities. Last fall, DOSHS exercised its Crisis Response Plan as Hurricane Isabel was moving northward up the eastern seaboard. DOSHS personnel were positioned at the New York State Command Center throughout the weekend activation.

DOSHS has also continued to work closely with emergency services throughout New York including SEMO, Office of Public Security, Weapons of Mass Destruction Task Force, Fire Service and Police, EMS, etc. Outreach efforts include providing training, fit testing, PPE assessments and safety and health consultations. The inspection and consultation staff continue to evaluate emergency response plans throughout their jurisdiction, providing assistance in updating and improving emergency response plans for various employers and municipalities. Consultants are actively contacting their local emergency response agencies to establish working relationships and provide information on the DOSHS Crisis Response Plan and the role DOSHS plays in emergency situations throughout New York.

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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;
- Assisted in coordinating a validation study conducted by the IT Corporation and the NJDHSS Laboratory; and
- Conducted inspections of a high volume state government mail sorting facility and made recommendations for engineering controls.

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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, WMD, response to terrorism, incident command, and advanced medical training. 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 help to ensure that employers are prepared for the unexpected. Outreach sessions have proven productive for 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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### Arizona

The **Arizona Division of Occupational Safety and Health (ADOSH)** has begun serving on the Advisory Committee for the Arizona Emergency Response Commission. This Commission oversees 15 Local Emergency Planning Committees and supports community, industry and government and academia in: planning, release and incident reporting, data management guidance for inventory reporting, public disclosure of information about hazardous chemicals in Arizona as well as development of training and outreach programs.

The Commission supports individual agency goals and objectives. This is accomplished through the receipt and coordination of emergency notifications of chemical releases, collection and provision of chemical inventory information to interested parties, training and grants programs.

Additionally, the AZSERC provides consultative services, conducts and participates in workshops and coordinates development and review of plans and programs for 15 Local Emergency Planning Committees. Further, the AZSERC serves as a state clearinghouse for hazardous chemical emergency preparedness and planning activities and information through coordination with federal, state, local governments, industry and community interest groups. Additionally, ADOSH continued to participate in monthly conference calls between Federal OSHA and other state plan states to discuss homeland security issues and the role for OSHA and state plan states.

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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.

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**Iowa** 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.

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**Kentucky** The **Kentucky OSH Program** 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.

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**Maryland** continues to offer the "Emergency Response and Disaster Preparedness" seminar to guide participants through the process of preparing and implementing an emergency response plan. This seminar was presented five times during this period reaching 150 employers and employees for a total 900 training hours.

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**Michigan** The new **MIOSHA** 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 has also developed an Emergency Management Plan and designated staff to provide initial response and assistance following a catastrophic incident.

In response to the terrorism and anthrax concerns that emerged 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 information on helpful websites. The guide is available in hard copy and on the MIOSHA website.

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**Minnesota** The **Minnesota Department of Labor and Industry** is represented by **MNOSHA** 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.

In FY03, MNOSHA continued to monitor the activities of the Minnesota Emergency Preparedness and Response Committee and participated as a member when the committee was addressing MNOSHA-related issues. Agendas for the quarterly meetings in 2003 dealt primarily with homeland security issues.

The members of the internal Catastrophic Event Inspection Team and MNOSHA management completed training for both the Basic Incident Command System and Emergency Response to Terrorism. In FY03, MNOSHA purchased equipment such as: Reference books; A chemical detector kit; Rolling duffle bags; Various gloves; Hooded windbreakers; A weatherproof first aid kit; and A portable eyewash.

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**Oregon** In FY 2002, **Oregon OSHA** created its Terrorism Task Force. The mission of the task force is two-fold: to develop a strategy for OR-OSHA's response in the event of a major terrorist event or disaster, and to participate with other state and local agencies in preparing for and planning a coordinated response to such an event.

The development of a draft plan of action for responding to a major terrorist event is one of the most significant accomplishments resulting from the efforts of the Terrorism Task Force. The detailed plan outlines a very specific course of events that will be set into motion following a qualifying event, including identifying the different roles of OR-OSHA staff, meeting locations, internal and external communications, initial discussion issues, sampling policy, and a plan for providing incident specific safety and health training to responders.

Training members to enhance their knowledge of emergency response and CBRNE (chemical, biological, radiological, nuclear, and explosive) threats is a top priority of the Task Force. Members have received specialized training in the areas of incident command, the role of industrial hygiene in a terrorist response, and biohazard agents.

Locally, the Task Force has been actively involved with Oregon Emergency Management (OEM), the branch of Oregon state government responsible for coordinating emergency responses. Oregon OSHA serves as a member of the Oregon Emergency Response System Council, which meets quarterly. The primary role of OR-OSHA in this group is to assure the safety and health issues of first responders and first receivers (i.e. hospital staff) are addressed. OR-OSHA is also part of an OEM working group of state and local agencies that meets monthly to discuss emergency planning.

Oregon OSHA also participates in national emergency preparedness efforts including the OSHA monthly conference call and the Interstate Chemical Terrorism Working Group (ICTWG). The ICTWG teleconferences monthly to discuss issues affecting the ability of the national public health community to effectively respond to an act of terrorism involving chemicals.

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### Tennessee

**Tennessee OSHA** 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. Tennessee OSHA has provided input to OSHA's Region IV Emergency Response Plan. Staff members most likely to be involved in emergency response activities have received training in both Incident Command and Emergency Response to Terrorism procedures. The Commissioner of Labor and Workplace Development is a member of the Governor's Homeland Security Council.

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### Utah

In preparation for the 2002 Winter Olympics, **Utah** established a separate state agency with the responsibility of coordinating the response in the state to large scale workplace emergencies. This agency is the Division of Emergency Services and Homeland Security. It is part of the Department of Public Safety. The Utah Occupational Safety and Health Division plays a supporting role by making its resources available as needed.

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### Virginia

In 2002, **Virginia Consultation**, 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 [www.doli.state.va.us](http://www.doli.state.va.us).

The VOSH Emergency Response Plan includes coordination with and monitoring of state emergency services and related activities. Direct support activities will include proper respirator usage and testing of equipment as well as other procedural assistance as required during rescue and relief operations.

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### Washington

Washington had active participation in the "TOPOFF 2" exercise that was held in 2003 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.

**Washington (WISHA)** is working with the Washington Military Department's Emergency Management Division, the agency that has primary responsibility for coordination and emergency contingency planning. WISHA representatives also worked with other state agencies to address issues regarding the preparation and response to acts of terrorism and other catastrophic events. Activities include discussion and incorporation of safety and health requirements for emergency responders, training, planning, and attending scheduled emergency exercises. WISHA participated in a Chemical Stockpile Emergency Preparedness (CSEPP) exercise with the Emergency Management Division. The exercise included representatives from Oregon and the Federal Emergency Management Administration (FEMA).

## 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.

OSHA and all states included decreased injury and illness rates and fatalities for selected industries or worksites in their strategic goals. Over the past five years, the plans provided the state programs with a focus for enforcement and outreach resources, and enabled them to develop results-based measurement systems. Most of the state plan states are currently in the first year of their second 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** is in the first year of a new five-year plan. The three major strategic goals are:

- Improve workplace safety and health in both the public and private sectors as evidenced by a reduction in the rate of illnesses, injuries, and fatalities.
- Promote a safety and health culture in the Alaskan workplace (both public and private sectors) through compliance assistance, cooperative programs, and consultation assistance.
- Secure public confidence through excellence in the development and delivery of Alaska Occupational Safety and Health programs and services.

In addition to construction (a national emphasis industry), Alaska is also targeting the transportation and warehousing industry as a result of workers' compensation data analysis.

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### Arizona

**Arizona's** Strategic plan contains five annual performance goals within two major goals of the plan. Construction continues to be one of the high-hazard industries nationwide and ADOSH has directed significant resources to reducing the number of work-related injuries, illnesses and fatalities in Arizona's construction industry.

ADOSH is committed to building and maintaining partnerships with Arizona organizations and individuals with an interest in workplace safety and health. ADOSH recognizes that the division's effectiveness in reducing workplace injuries, illnesses and fatalities depends on the active involvement and support provided by management, labor, and government.

Arizona has devoted significant resources to increase public awareness of the importance of workplace safety and health by offering partnerships to employers, providing compliance assistance services, improving outreach efforts, and encouraging active worker participation. By increasing public confidence in the Division, ADOSH expects employers and employees to be more willing to use the services provided which

will help to eliminate hazards and provide a safe working environment. In addition, Arizona has established a close relationship with the Spanish speaking media and ADOSH has had articles published periodically to get the word out about its services, accidents that have occurred and how they can be prevented.

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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

Using Bureau of Labor Statistics data from 1997, **Kentucky** identified five industries as having the highest incident rates in the Commonwealth. Kentucky's strategic objective was to reduce injury and illness rates in these industries by 15 percent during the course of the five years covered by the Strategic Plan.

By the close of the five-year period, however, all targeted industries had dropped dramatically, sharply exceeding the OSH Program's objective. The Total Case Rate for Meat Packing, for example fell by 69 percent over the course of the strategic plan period. Motor Vehicles and Motor Equipment showed a reduction of 34.5 percent. As a percentage change, rates for Household Appliances saw the sharpest change, plummeting 78.2 percent from 1997 to 2002. Meanwhile, the Total Case Rates for Fabricated Structural Steel and Refrigeration and Service Industry Machinery fell 55.5 percent and 47 percent, respectively.

The change in these industries has been so dramatic that all but one has fallen from the 2002 five highest incident rate industries, and three are no longer found even in Kentucky's top ten list. Perhaps of most significance is that the five year period began with Kentucky's highest ranked SIC's having Total Case Rates in the range of 24.7 to 31.6 and ended with no industry in the state having a rate higher than 19.9.

Kentucky targeted four specific, prevalent types of injuries in construction for attention in the FY1999-2003 strategic plan, including falls, struck-by injuries, crushed-by injuries and electrocutions. The Program's strategic objective was to reduce these construction injuries by 15 percent during the five-year period.

Although BLS data for electrocutions in construction was unavailable because incident levels were extraordinarily low and did not meet publication guidelines, rates from 1997 through 2001 for the other three categories were published based upon lost workday cases. The rate of fall injuries in construction from 1997 through 2002 (the most recent injury characteristic data available), was reduced by an impressive 47.1 percent. During the same period, struck-by injuries fell 21.2 percent and crushed-by injuries dropped 42.4 percent.

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## Michigan

The **MIOSHA** Strategic Plan for FY 03-08 calls for targeting both outreach and enforcement resources toward some of the most hazardous industries in Michigan, including: construction, furniture and fixtures, primary metals, fabricated metal products, industrial machine and equipment, and transportation equipment. MIOSHA also directed 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. The goal is to reduce injuries and illnesses in targeted industries by 20 percent at the end of the five-year plan. Workplace fatalities continue to decrease in most areas.

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## Minnesota

Four of five goals set forth in **MNOSHA's** five-year strategic plan were realized in FY03. Bureau of Labor Statistics figures also indicate injury and lost-workday case rates dropped during the same five-year period. The total injury rate in Minnesota per 100 full-time-equivalent (FTE) workers was 7.7 in 1998, 6.0 in 2002 – a 22-percent reduction. The lost-workday case rate per 100 FTE workers was 3.5 in 1998, 3.1 in 2002 – an 11-percent reduction.

MNOSHA's five-year strategic goal to reduce injuries and illnesses in six high-hazard industries by 15 percent by focusing on those workplaces with the highest rates of injuries and illnesses was exceeded in four of the six targeted SICs. MNOSHA also successfully reached and surpassed its five-year strategic goal to respond to 95 percent of written requests for assistance within five working days. Complete results are available in the MNOSHA annual report for 2003, online at [www.doli.state.mn.us/pdf/osh2003report.pdf](http://www.doli.state.mn.us/pdf/osh2003report.pdf).

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## New York

**New York's** Public Employee Safety and Health Bureau (PESH) has completed its first five-year strategic plan and has entered into its second five-year strategic plan. The goal of the first strategic plan was to reduce workplace injuries in SIC codes 1611, 4111, 805, 9224 each by 10 percent. Data for the first four years of the plan indicate that all four areas of focus have exceeded the injury reduction goal of 10 percent. The current strategic plan will continue to focus on three of the high injury rate SIC codes. The goal is to further reduce injury rates by 10 percent over the next five years.



Outreach efforts for each of these industries include:

- SIC 1611 (Heavy Construction-except Building) - Injury reduction after four years was 15 percent. This workgroup is continuing to develop partnerships with highway departments to provide training seminars on safety and health topics.
- SIC 805 (County Nursing Homes and State Veterans' Homes) - Based on data collected, injury rates have decreased by 15.77 percent. Networking opportunities between Nursing Homes with low injury rates and those with higher injury rates was facilitated. "Employee Injury Prevention in Long Term Care" conferences were held across New York State.
- SIC 9224 (Fire Service) - This workgroup has developed partnerships with over 600 local fire organizations, firefighter unions, associations and individual fire departments to cooperatively provide training to firefighters.





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**North Carolina** **North Carolina** established a five-year performance goal of reducing the fatality incidence rate in logging and construction by 20 percent. There were a total of 16 logging fatalities and 32 construction fatalities in the base line year. However, by the fifth and final year of the strategic plan, the fatality rate for logging had been cut by 85.3 percent, which represented a reduction in fatalities to two and in construction by 31.4 percent, with 25 fatalities.

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**Oregon** **Oregon OSHA's** strategic plan focuses on three major areas: Workplace Culture, Workplace Safety & Health, and Public Confidence. While the goal of Oregon's strategic plan is to reduce worker injuries, illnesses, and fatalities in all industries, many activities in the plan are focused on five targeted industries. These industries are agriculture, construction, food and kindred products, lumber and wood products, and health care.

Highlights of FY 2003 plan activities include:

- Twenty-one fatalities were investigated during FY 2003, a decrease of 37 percent from FY 2002.
- A total of 77 companies were SHARP certified as of September 30, 2003.
- Two new companies received VPP status in FY 2003, increasing the total to 7 sites.
- 727 fall emphasis inspections were conducted in FY 2003.
- Customer surveys in all program areas reflected a 91 percent or higher satisfaction rating.
- Twenty collaborations and partnerships with stakeholders were active during the year.

Due to significant revisions of the plan in the second year, Oregon OSHA's current 5-year strategic plan will be concluded in FY 2005.

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**Tennessee** The 5 year Strategic Plan implemented by **Tennessee OSHA** resulted in the:

- Elimination of 24,158 serious workplace hazards,
- Reduction of carbon monoxide exposure to acceptable levels for 4,731 employees,
- Reduction of fatalities from falls by 14 percent,
- Reduction of the lost workday incident rate in nursing homes by 35 percent,
- Reduction of the lost workday incident rate in metal working industries by 20 percent,
- Reduction of the lost workday incident rate in construction industries by 5 percent,
- Training of 42,597 employees and employers on safety and health topics, and
- Improvement of safety and health programs in 3,882 workplaces.

New target areas include reducing amputations, and reducing employee exposure to methylene chloride.

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**Utah** **Utah** completed its first five-year strategic plan in FY2003. Overall, it was assessed that the majority of the goals in the plan were accomplished, but valuable lessons were learned. Due to budget reductions mid-way through the plan, a critical source of data collection was eliminated resulting in the inability to continue progress toward the accomplishment of those goals. As a result, the new Utah occupational safety and health strategic plan is modeled closely after the federal plan and utilizes only data sources that will not be affected by budget reductions.

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**Virginia** During FY 2003, **Virginia** continued its emphasis on high-hazard worksites and remains committed to the same strategic goals as federal OSHA. Virginia finalized its state unique regulation to supersede §§1926.760 (a), (b) and (c) of OSHA's revised final rule on Fall Protection in Steel Erection. VOSH's changes require fall protection at the 10-foot level rather than 15 feet; requires that workers connecting structural steel be tied off unless steel is moving in the air; and also prohibits the use of controlled decking zones.

VOSH also initiated regulatory action to amend the General Requirements for Clearances, Construction of Electric Transmission and Distribution Lines and Equipment standard, §1926.950 (c)(1)(i). This amendment will provide identical safety protections for construction electrical transmission workers equivalent to safety protections already afforded general industry workers performing similar tasks under §1910.269(l)(2)(i).

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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.

Washington's strategic plan focuses on improving workplace safety and health by reducing hazards, injuries, illnesses and fatalities. It is also focused on achieving program excellence through regulatory improvement, outreach and training, and quality service delivery. Key results over the past five years include:

- Increased the number of enforcement inspections and consultation visits.
- Increased the number of serious violations and serious hazards identified and corrected.
- Reduced the average compensable claims rate for fixed site employers visited by WISHA by 29.9 percent more than the decrease for employers with no WISHA activity. The rate for non-fixed site employers, such as construction and logging, decreased 18.4 percent more for employers visited by WISHA.
- Reduced the rate of fall injuries in residential wood frame construction by 17.5 percent, and eye injuries by 29.5 percent.
- Rewrote and redesigned WISHA's general safety and health rules to make them easier to understand and follow. These core rules which are published in one book, and available on CD and the Internet, are all that most of the state's employers need to follow to be in compliance with WISHA requirements.
- Greatly expanded the use of the Internet to provide outreach and training materials. Washington's website includes online videos, interactive courses, publications that can be downloaded, and sample accident prevention programs that employers can customize for their business. WISHA also provides a Spanish version of their website including a description of services, answers to frequently asked questions, and Spanish language publications.
- Decreased the time it takes to issue safety and health citations, and the time it takes to ensure that serious hazards and violations are corrected. Together, this has resulted in shorter periods of time that workers are exposed to the hazards identified during inspections and consultations.

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## Wyoming

**Wyoming** can access the workers' compensation data of over 16,000 companies. This information is used to measure the impact of consultation visits and compliance inspections. During federal fiscal year (FY) 2003, these employers reported **1,292** fewer claims than in the prior year. The 508 companies Wyoming consulted or inspected submitted **618** less claims. To put this in perspective, approximately **3 percent** of the total number of the employers accounted for **48 percent** of the claims reduction. Additionally, in FY2003, the employers inspected and public sector ones consulted filed **16 percent** fewer claims than in the year before. Cost was down **19 percent** and employment down by only **1.3 percent**. Private sector employers consulted had **11 percent** fewer claims, while cost was up over **2 percent**. During the four-period, FY2000 through 2003, the 16,000 plus employers reduced claims by **2,123**. Visits were made to 2,579 of these companies and they reported **1,122** fewer claims. So, **16 percent** of the total was credited with **52 percent** of the overall reduction. Over this period, inspected employers and public sector employers consulted posted a **6.8 percent** reduction in claims, a **6.7 percent** cost reduction, and employment was up **3.7 percent**. Private sector employers consulted had **9.5 percent** fewer claims, costs were down **4.9 percent**, and employment was up **2 percent**.

A successful method of reducing claims has been the 75/25 plan, where an employer is offered a 75 percent penalty reduction if workers' compensation claims are reduced by **25 percent** during the next 12 months. In FY2003, **25** companies, **0.16 percent** of the 16,000 plus employers, reduced claims by **145** or **11 percent** of the **1,292** total claims. Looking at five years of data, there was a net reduction of **1,194** claims from FY1999 through FY2003. Eighty-four (**84**) employers in the 75/25 plan or **0.53 percent** reduced **458** claims for **33 percent** of the total.

## Customer Service: Increasing Program Satisfaction

OSHA and the State Plan States have made customer service a top priority. The State Plan States have worked diligently to satisfy their customers by providing them with useful information and opportunities for involvement in inspections, in partnerships and alliances, and in education and training activities. The states are committed to providing program services that are high quality, and that are relevant in today's work environment.



Most of the State Plan States' strategic plans have goals for both providing customer service and surveying key stakeholders who had direct contact with the programs. The initial surveys gave high marks to the State Plan States, particularly in the area of public confidence in the safety and health information provided. The survey findings will provide the programs with valuable information to define their focus, deliver on expectations, and improve overall customer satisfaction.

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### Alaska

**Alaska's** new five-year strategic plan includes several goals to increase program satisfaction. Goals for responding to complaints, accidents, and FATCATs have been established. The informal contest process has been streamlined to decrease administrative processing time allowing the cited employer to leave the informal conference with all documentation finalized. In addition, the use of workers' compensation data to target high hazard worksites means that fewer businesses with low injury rates are targeted for inspections.

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### Arizona

The **Arizona Division of Occupational Safety and Health (ADOSH)** continues to improve on our ability to serve the citizens of Arizona. We have increased the number of consultative visits and training seminars in rural communities throughout the state. We have also increased our outreach efforts by establishing a close working relationship with several industry associations. We continue to publish a quarterly newsletter, The ADOSH Advocate, and have seen a rise in the number of people who wish to have the newsletter sent out to them on a regular basis.

In an effort to try and gauge employer attitude toward ADOSH inspectors and the inspection process, as well as solicit feedback on how ADOSH might improve programs and services, a random sample of employers were surveyed.

The main body of the survey consisted of 13 questions regarding the knowledge and conduct of the ADOSH inspector, the usefulness of the inspection process and information provided by the inspector, the employer's satisfaction regarding his/her involvement in the inspection, and the likelihood that the employer would utilize ADOSH's consultation services in the future. Of the 81 surveys returned, 77 provided responses to all or most of the thirteen questions.

This first-ever survey of employers who have participated in an ADOSH compliance inspection indicates that, while they may be unwilling participants, employers are generally pleased with the compliance process. Overall, compliance officers received favorable marks for their professionalism, knowledge and general conduct during an inspection.

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## California

**Cal/OSHA** has an Advisory Committee that allows for public and selected committee input. Regularly scheduled meetings are open to the public. Committee members represent labor, industry, academia, insurance and other organizations.

The Cal/OSHA Consultation Service periodically sends out quality assurance surveys to employer customers. Feedback from the surveys has given consultation the opportunity to make changes to improve the quality of service and to validate those areas where they are performing well.

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## Michigan

The **MIOSHA Strategic Plan** included goals for our agency to help ensure that programs and services are of high quality, delivered with integrity, and relevant to those interacting with the agency. To determine whether we have been successful in this area, a customer service survey was developed. The target was that 90 percent of employers and workers receiving a MIOSHA intervention would rate their experience as "useful."

During fiscal year 2002, all enforcement divisions, the consultation program, and the MIOSHA Information and MIOSHA Standards Divisions distributed the one-page survey. In all, more than 4,500 surveys were mailed to employers, employees and their representatives across the state, with 672 usable surveys returned for a 15 percent response rate.



Overall those who interacted with MIOSHA gave the program positive marks in all areas, with 80 percent or more of respondents rating their experiences highly. Especially positive were respondent's beliefs that MIOSHA safety and health information is accessible to them and that they feel confident relying on the workplace safety and health information we provided. Although the overall results were very positive, we are closely reviewing all results and the many additional written comments submitted to determine those areas where programs and services can be enhanced to be even more valuable.

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## Minnesota

**Minnesota OSHA's** vision is to be a leader in occupational safety and health and make Minnesota's workplaces the safest in the nation. Part of working toward that vision includes striving to improve customer satisfaction with the MNOSHA program.

In federal fiscal year 2002, MNOSHA conducted a customer service survey of employers that received inspections. The emphasis was placed on evaluation of the investigator, how useful the employer felt the inspection was toward improving workplace safety and health, and general feedback about MNOSHA services. (See complete survey results online at [www.doli.state.mn.us/pdf/ersurveyreport.pdf](http://www.doli.state.mn.us/pdf/ersurveyreport.pdf).)

- Survey respondents were "quite satisfied" with the inspection and the usefulness of the information provided during the inspection in improving workplace safety and health.
- General industry respondents were, on average, slightly happier with the inspection aspect than were construction respondents.
- In a few cases, responses indicated fines were too large or the time period for corrective action was too short.
- A few construction employers felt enforcement of the rules was inappropriate in their situation.
- Approximately two-thirds of all businesses responding to the survey either expected or had received citations as a result of the MNOSHA visit.

In FY03, MNOSHA conducted a second customer service survey, this time of the employees of employers that had been inspected. The emphasis was placed on the evaluation of the investigator, how useful the employee felt the inspection was toward improving workplace safety and health, and the employee's understanding of why an inspection was conducted. (See complete survey results online at [www.doli.state.mn.us/pdf/eesurveyresults.pdf](http://www.doli.state.mn.us/pdf/eesurveyresults.pdf).)

- Survey results were overwhelmingly favorable about the inspection and the usefulness of the information provided during the inspection in improving workplace safety and health.
- Overall, MNOSHA received high marks for the investigators' conduct and the quality of information imparted.
- Employees rated the inspection experience as valuable in improving workplace safety and health, and felt information provided and explanations offered during the visit were worthwhile.

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#### North Carolina

The **North Carolina Department of Labor** has a viable quality program that defines quality in terms of meeting or exceeding customer requirements. The department's commitment to quality management has included ISO 9001 registration facilitated through a third-party audit. Customer requirements are verified, and procedures are established to assure consistent delivery of services. Program improvement is realized through preventive and corrective action, and internal evaluation. Public trust is enhanced through program successes that are measured and shared with external customers.

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#### Virginia

**VOSH** increased the number of program documents that provide information or guidance on interpreting or implementing standards by making these documents accessible on our website at: [www.doli.state.va.us](http://www.doli.state.va.us). Added to DOLI's website are a search feature, current events and a public feedback form.

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#### Wyoming

**Wyoming's** five-year strategic plan for 1999 - 2003 measured three items: the usefulness of enforcement and consultation outreach efforts, the fairness and equability in applying safety and health rules, and the professionalism of the staff. Employers rated consultation's usefulness at **99 percent** and scored enforcement at **94.6 percent**. As for the application of the rules, consultation earned a **99.5 percent** score and enforcement was **96.3 percent**. Employers deemed consultants to be professional **99.6 percent** of the time and enforcement **98.4 percent** of the time.

## Enforcement: Targeting High-Risk Worksites

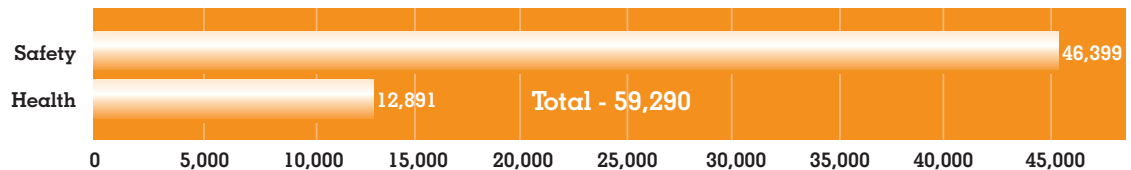
The primary mission of all state plans is to ensure that every worker goes home healthy and whole. Enforcement plays a critical role in fulfilling this mission. Each state plan has legislative authority to monitor safety and health conditions in the workplaces covered by their program.

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.

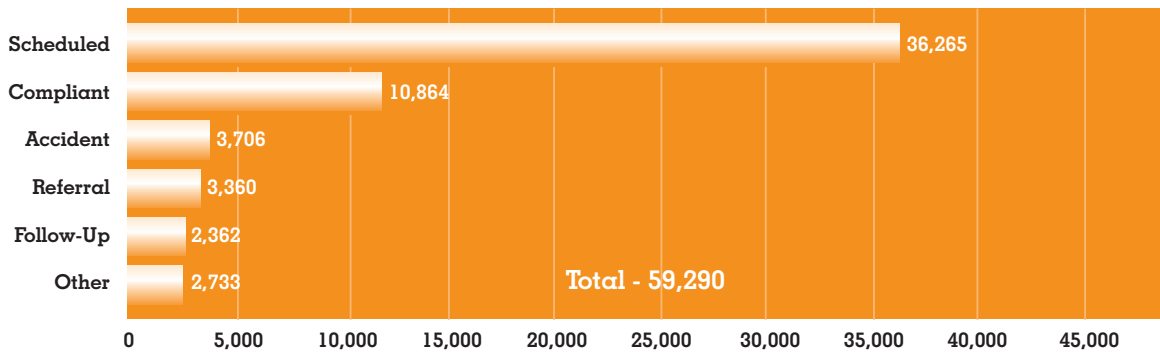
Each state plan's legislation proscribes how these monitoring or inspection visits will occur. Since this statutory authority prevents the programs from giving advance notice, compliance officers may not set up an appointment prior to the initial visit. The state plans are also required to issue citations 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 2003 Compliance Inspections by Kind



### FY 2003 Compliance Inspections by Type



### FY 2003 Case Data

Number of inspections with violations cited	36,700
Average number of violations per inspection	2.3
Percentage of inspections with no violations	38.1%
Total penalties assessed	\$71,310,017
Average penalty per serious violation	\$905
Total number of contested cases	4,835
Percentage of inspections with citations contested	12.2%

## Site-Specific Targeting

A number of state plans have site-specific targeting data available from their 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—that is, three injuries or illnesses resulting in lost workdays for every 100 full-time workers.

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**Alaska** **Alaska** continues to merge workers' compensation data with other state data, so they can target their workplace inspections toward employers with accidents and excessive lost workdays.

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**Arizona** **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.

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**Iowa** **Iowa** continues to use Bureau of Labor Statistics (BLS) total injury and illness case rate data to set high injury/illness Standard Industrial Classification (SIC) codes and Iowa information for establishment specific data to target enforcement inspections. In addition, our Consultation Division has established an LEP with Iowa's Department of Public Health regarding residential lead removal. The LEP included contractors and Department of Health employees.

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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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**Minnesota** **MNOSHA** inspection activities concentrate on workplaces with high injury and illness rates. In general industry inspections, it prioritizes based on industries identified in the federal OSHA Data Initiative, workers' compensation information and Bureau of Labor Statistics survey as being the most hazardous. Health inspections are prioritized based on NIOSH-identified industries with a high potential of Chronic

Obstructive Pulmonary Disease and BLS-identified industries with high nonfatal occupational illness rates. For construction inspections, MNOSHA prioritizes based on large construction sites occurring within the state and based on the activity being performed, such as roofing and trenching.

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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 DART 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 receive a consultation, a comprehensive compliance inspection, and/or education and training assistance.

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**Oregon** **Oregon OSHA** ranks employers on one of four inspection scheduling lists based on their history of accepted disabling claims, industry, violation history, a weighted claims count, a weighted claims rate. The system assigns employers point values for each category based on specific criteria. Employers eligible for inspection are then ranked by their inspection history.

Oregon OSHA has also established a site-specific inspection program for construction sites. Based on active project site data received from several sources, a randomly sorted inspection scheduling list of construction sites is generated monthly. All employers on a selected inspection site are subject to a comprehensive inspection.

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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.

## 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.

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 the Washington Department of Labor and Industries negotiated settlement agreements in two different industries 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 exceeded \$6.9 million, including a total of \$1.7 million in penalties.

In the first case, six workers at the **Equilon-owned refinery** in Anacortes, Washington, died in a fire as they were attempting to restart the delayed coking unit. A storm the previous day had interrupted power and shut down refinery operations. 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).

WISHA concluded its six-month investigation with an unprecedented \$4.4 million compliance agreement designed to make the Equilon-owned refinery, a joint operation of Shell and Texaco, safer and healthier for workers. The settlement 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 the second case, WISHA concluded its investigation of a fatal fall at an aircraft maintenance plant with a \$2.5 million compliance agreement. 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 Group**, the largest aerospace maintenance, repair and overhaul facility in the country, included 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; and that the company make \$1.1 million in safety improvements beyond what was 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

**Cal/OSHA** and the **Sonoma County District Attorney** reached a settlement agreement with **Spectrum Organic Products** as a result of a 2002 incident when two workers died in an oil tank at the company's processing facility. The company pleaded no contest to two misdemeanor charges and agreed to pay \$150,000 in criminal penalties, \$150,000 to the California DA's Association's, \$25,000 each to police and fire departments and the county DA's office. The company will also pay \$70,000 in Cal/OSHA penalties and \$30,000 in assessments to the Worker's Compensation Appeals board.

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. Naphtha flowed through the line onto hot surfaces of the adjoining tower and ignited, causing a fire that spread up and down the tower and engulfed the four workers.

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. An Alaskan grand jury indicted **Whitewater Engineering Corporation** and its president for manslaughter in the death of one of its employees. The state later dismissed the case against the president and the corporation pled no contest to criminal negligent homicide. The court assessed a penalty of \$275,000 against the corporation with \$125,000 suspended so long as the corporation complies with Alaska Occupational Safety and Health and OSHA requirements. The court also gave the corporation three years to pay the penalty. In addition to the criminal fines, the Whitewater Engineering Corporation paid \$50,000 in fines and penalties for four willful violations cited by **Alaska Occupational Safety and Health**.

Another 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 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 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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## Minnesota

In July 2002, a settlement of \$240,000 was reached between an employer, **Minnesota OSHA** and the Minnesota Pollution Control Agency. The investigation concerned the employer's failure to properly disclose the hazardous materials content of some of its powdered paint supplied to local and national purchasers. More than 60 material safety data sheets were identified being in error. Final payment was received in June 2003.

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## Oregon

**Oregon OSHA** utilizes "Conditional Settlement Agreements" on a limited basis, when such agreements are in the best interest of workers, employers and the agency. These agreements require the employer to take actions which are over-and-above those required by rule. They are intended to move a willing employer toward "self-sufficiency" in managing workplace safety and health. In exchange for successful completion of the settlement terms, consideration is provided by Oregon OSHA in the form of penalty reductions or violation modification.

Oregon OSHA has achieved a settlement rate for contested cases that is consistently over 90 percent. Oregon OSHA works closely with the Oregon Department of Justice in their approach to contested cases and has significantly reduced legal costs over the past five years through this partnership.

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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.

### Ergonomics

#### 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 (IIIP), Cal/OSHA believes that an effective IIIP will capture ergonomic hazards as well as it captures other hazards. Cal/OSHA's proposal would make the IIIP 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.

The Education Unit is working on two publications that are both being developed cooperatively on a national level. The first is **Easy Ergonomics: A Guide to Selecting Non-Powered Handtools**. The second publication is titled **Best Practice Guidelines for Manual Materials Handling**. Both projects are also a cooperative venture between Cal/OSHA, NIOSH, and industry, labor organizations and the University of California.

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### Washington

After a 20-month process that included conferences, extensive work with two large advisory committees, and statewide public hearings, **Washington** adopted an ergonomics rule in May, 2000. The requirements of the prevention-based rule were designed to be triggered by specific hazards in the workplace rather than occurrence of musculoskeletal disorder symptoms or injuries. Requirements were set to be phased in over a two through six-year period, depending on the size of the business and hazardousness of the industry.

An **Ergonomics Blue Ribbon Panel** convened in 2001 at the request of the Governor determined that the following criteria were met: Demonstration projects were successful; Effective educational materials were widely available; Requirements were understandable; and, WISHA's enforcement policies were fair and consistent. In 2002, a business coalition mounted a legal challenge contending that the Department of Labor and Industries exceeded its authority in adopting the rule, acted arbitrarily, and did not properly follow rule-making requirements. The case went to trial, and Washington's actions were affirmed by a Superior Court ruling. The case was appealed to and heard by the Washington State Supreme Court, but before the Justices could issue a ruling, industry groups launched another challenge through the state's voter initiative process. The ergonomics rule was repealed by voters in Washington's November 2003 general election.

In the absence of a rule, WISHA still faces the challenge of addressing work-related musculoskeletal disorders. These types of injuries (50,000 annually) account for one-third of injury claims and 40 percent of claims costs. Washington is continuing to work with businesses and employee groups to conduct comprehensive education and outreach efforts. Efforts are now focused on workshops, helpful materials and tools for employers, demonstration projects that can be adapted and used by other employers, and onsite consultation visits.

One of the tools available is an Ergonomics Ideas Bank, a searchable collection of ideas for preventing workplace injuries. Many ideas were collected from companies with existing ergonomics programs and employers who participated in demonstration projects. The bank is located at: <http://www.lni.wa.gov/Safety/Topics/ReduceHazards/ErgoBank/> and can be searched by risk factor or industry.

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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 20 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.

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**Minnesota**

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.

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 have hired two ergonomics specialists in the consultation area to help employers resolve ergonomics-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's** activities in the areas of ergonomics are focused on outreach and education. A stakeholder advisory committee assists the division in selecting and prioritizing efforts in the area of ergonomics. During FY 2003, healthcare employers formed their own committee to advance the issue of ergonomics within their industry. The Oregon Coalition for Healthcare Ergonomics began planning for a 2004 ergonomic conference for healthcare employers. The conference is going to be an international event, with presenters from Canada, the United Kingdom and other European countries.

Oregon OSHA offers four workshops on ergonomics, one of which is available on-line. During FY 2003, 325 people participated in workshops, 87 completed the on-line course, and 577 people attended ergonomic training sessions offered at one of the conferences co-sponsored by Oregon OSHA.

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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.

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## 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.

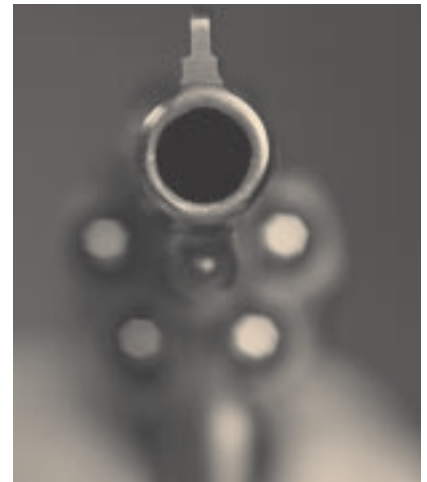
#### Alaska

In **Alaska**, both the enforcement section and the consultation and training section continue to be proactive in their efforts to protect employees against violence in the workplace.

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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*.



Although workplace violence is part of a larger societal problem, the employer is still required to provide a safe and healthful workplace. State regulations require employers to establish, implement and maintain an effective Injury and Illness Prevention Program (IIPP). The IIPP must include procedures for identifying and evaluating workplace hazards, including scheduled periodic inspections to identify unsafe conditions and work practices. Employers at risk for robbery or other types of violent assaults must include workplace security in their injury and illness prevention program.

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#### Michigan

**Michigan** has 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 training seminars by the Consultation Education and Training (CET) Division.

A CET Grant was awarded to the Center of Workplace Violence to develop a video entitled "How to Implement a Violence Prevention System for you Company," which will provide practical information and guidelines for employers to structure and implement a violence prevention system in their company.

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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.

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**New Mexico**

The **New Mexico OSHA** staff has worked diligently to pass new regulations for convenience stores to reduce the high incidence of violence resulting in worker injuries and deaths in the industry. Outreach activities have been initiated to provide training and compliance assistance for convenience store employers.

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**Oregon**

**Oregon** addresses the issue of workplace violence primarily through outreach and training. The OR-OSHA publication, *Violence in the Workplace*, provides employers information about the causes of workplace violence, their responsibility to maintain a safe work environment, how to deal with potentially volatile situations, and how to develop a violence prevention program. The on-line training course, *Developing Your Violence Prevention Program*, is another resource available from Oregon OSHA. The course offers guidelines and suggestions for customizing a workplace violence prevention program. Twenty-two educational titles on video or CD-ROM are also available for loan to employers on the subject of workplace violence.

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**Utah**

**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**

**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.

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**

**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.

Washington's Safety and Health Assessment and Research for Prevention (SHARP) program at the Department of Labor and Industries has conducted several comprehensive studies of workplace violence. The most recent is based on federal and state data for 1995-2000. Homicide remained the fourth leading cause of workplace deaths in Washington, with eight percent of all fatal workplace injuries and an average of 11 cases per year. There was a **decrease in the number of homicides** reported in SHARP's 1997 study.

Most incidents were consistent with 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. This is in striking contrast to the circumstances in which non-fatal workplace assaults occur, which were in a custodial or client-caregiver relationship such as healthcare or social services. While progress has been made in the healthcare and social services sectors, there is a troubling rising trend in police protection and some other public service sectors. In most cases, though, there are predictable and controllable risk factors which increase the likelihood of assault. Prevention strategies such as hazard assessment and de-escalation training can help address known risk factors.



## Other State Plan Initiatives

State Plan States have been active in FY 2003 addressing emerging safety and health issues that address hazards specific to their particular states. Key issues include: Traffic Safety, Correctional Facilities, Tower Construction, Hispanic Workers, and Road Construction.

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### California

**Traffic Safety - California** legislation provides for a “targeted” inspection program and a “targeted” consultation program. These programs are supported fiscally by assessments on the subset of insured and self-insured California employers who have an EX-MOD of 1.25 or greater to a Targeted Inspection and Consultation Fund (TICF). Since employers with a high EX-MOD for worker’s compensation purposes are required to pay an assessment, they are given priority for consultations.

It has been found that a high EX-MOD rate does not distinguish between “claims” of injuries for workers compensation purposes and “occupational hazards” which represent violations of safety regulations. Therefore, the consultant reviews the record of on-the-job injuries and illnesses and worker’s compensation claims and makes recommendations in addition to conducting an on-site safety and health consultation. If traffic accidents are a predominant reason for the high EX-MOD rate, Consultation makes recommendations along the lines of providing driver training to workers.

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### Maryland

**Correctional Facilities** - During FY 2003, **Maryland** created a roundtable discussion group to address the increasing occupational safety and health issues in correctional facilities. The roundtable group included MOSH staff and representatives from correctional facilities and fire departments. The group identified four areas of occupational safety and health concerns: compliance auditing, respiratory protection, right-to-know and personal protective equipment. MOSH has held six outreach sessions reaching 157 attendees. MOSH is in the preliminary stages of creating a roundtable discussion group with the State Highway Administration and the Maryland State Police to address traffic safety issues.

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### Michigan

**Tower Construction** - After the issues of a fatality were settled, **MIOSHA** worked with Grant Tower to develop a safe method for accessing communications towers. The discussions resulted in the first-ever “*Experimental Variance*” for the MIOSHA program, issued in July 1997, which allowed Grant Tower to hoist employees on the gin pole load line, in accordance with mandated stipulations.

The variance spawned discussions between the National Association of Tower Erectors (NATE) federal OSHA, and MIOSHA, to develop a compliance directive to address tower safety. In August 1997, OSHA established a Tower Task Force of tower industry employers and employees, OSHA and NIOSH staff, MIOSHA staff, the Army Corps of Engineers, the FAA, and other interested groups. This task force developed 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.**

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.

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### New Mexico

**Hispanic Workers - The New Mexico Hispanic Worker Initiative** has targeted workers in the construction and agriculture industries. State consultants provide training in Spanish for site trainers and supervisors as well as employees. In addition, joint outreach activities have been conducted with organizations including the Mexican Consulate of Albuquerque and the Agencia de Companias Latinas de Albuquerque (ACLA).

**North Carolina** **Tower Construction** - A final draft of a Communication Tower Standard has been approved by the **North Carolina** Commissioner of Labor Cherie Berry. The rule should become effective sometime during FY 2005. It would become the first of its kind in the country to address safety issues related to the construction operation, and maintenance of communication towers. Industry groups and other stakeholders helped in the development of the standard.

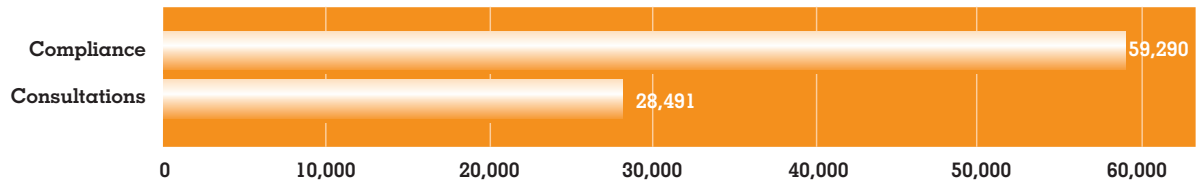
**Washington** **Road Construction - Washington** just launched a new multi-year emphasis program for **road construction** with two significant goals: to prevent fatalities and injuries caused by moving vehicles at jobsites, and to protect workers from hearing loss caused by exposure to hazardous noise levels from heavy machinery. Seventeen workers have been killed since 1999 while doing construction or utility work on road projects. Six of those workers died when they were backed over by dump trucks, including two last year in King County. These deaths occurred despite the trucks being equipped with audible back-up alarms. Most of these deaths were preventable, and WISHA is taking further steps to protect workers in this industry. On May 5, 2004, Washington adopted an emergency rule requiring that in addition to a back-up alarm, dump-truck drivers must have either an observer signaling when it is safe to back up, or a mechanical device such as a video camera that provides a full view of the area behind the truck.

Noise was selected as a focus area out of the desire to expand Washington’s cross-agency safety initiatives to a health emphasis program. One-third of the costs of all permanent job-related impairments are due to hearing loss (\$43 million in 2001). The incident rate for road construction is ten times higher than for all other risk classes, and three times higher compared to the rest of the construction industry. Washington is using contacts with partners in state, county and city offices; the Department of Labor & Industries’ prevailing wage program; and, referrals from other agency programs to locate worksites.

### FY 2003 State Plan Positions By Title

Safety Compliance	825
Health Compliance	526
Safety Consultation	280
Health Consultation	210

### FY 2003 On-Site Visits By Type



### FY 2003 State Plan Employers & Employees Covered

<b>Total Employers Covered</b>	3,051,469
Private Sector	2,855,000
Public Sector	196,469
<b>Total Employees Covered</b>	56,888,000
Private Sector	46,543,000
Public Sector	10,345,000

## 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. The cumulative total for all State Plan States in fiscal year 2003 was 286 VPP sites.



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.

**State plan's VPP and SHARP highlights are listed below.**

- **Alaska** devotes substantial resources to its VPP and SHARP programs. As a result, Alaska exceeded its goals at the end of the previous five-year strategic plan by 10 percent in VPP sites and by 20 percent in SHARP sites.
- The **Consultation Section of ADOSH** is responsible for promoting and operating **Arizona's VPP Program**. In 2003 the Consultation Section did an outstanding job at promoting the virtues of VPP. Because of their outstanding outreach and promotion of the program, ADOSH is now seeing significant increase in employer interests and application assistance requests. ADOSH continues to interact with and promote the Voluntary Protection Participants Program Association (VPPPA.) ADOSH participated in regional as well as national meetings to promote safer workplaces throughout the nation.
- **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 21 VPP sites, with three more facilities pending.
- **Kentucky** currently has nine VPP participants, having certified its first VPP participant in August 1997.
- Maryland is pleased they now have two VPP sites: Northrop Grumman and Frito-Lay manufacturing.
- **Michigan** awarded the first MVPP Star Flag in 1999. As of December 2003, MIOSHA has awarded Star status to 10 sites, and Rising Star status to three sites. One company has achieved SHARP recognition.
- **Minnesota** has offered its MNSHARP award since 1996, certifying 12 worksites by FY03. In 1999, MNOSHA launched its more stringent Minnesota Star (MNSTAR) program, modeled after the federal VPP. By FY03, 12 worksites have been awarded under this program.
- **Nevada OSHA** is proud to currently have three VPP Star sites in the program. The Nevada OSHA VPP Team is working with many interested employers throughout the state, with program growth anticipated to double this next fiscal year.
- **New Mexico** has one Zia Star VPP worksite and three SHARP worksites. The enforcement and consultation sections have worked closely together in promoting both voluntary programs. The State expects to double the number of both VPP and SHARP participants in the next year.
- **North Carolina** initiated the Carolina Star program in 1993. There are currently 63 Carolina Star sites. Included under the Carolina Star umbrella is the Building Star program that recognizes construction worksites that have quality safety and health programs. The newest Carolina Star Program is the Public Sector Star which recognizes state agencies and local governments. This new program was launched in April 2004. To assist in the expansion of all of the state's recognition programs with limited resources available, North Carolina has developed the Independent Star Assessors (ISA) Program. This joint venture allows safety and health professionals in the private sector to assist in conducting evaluations of North Carolina's top employers applying for STAR status. ISA has been approved as a pilot project by Federal OSHA.



- At the end of FY 2003, **Oregon** had 77 SHARP certified companies and seven VPP sites. Oregon SHARP employers have formed a unique organization known as the Oregon SHARP Alliance. The mission of the Alliance is to “promote safety and health management and cooperation among companies and government for the betterment of all Oregon workers.” The Alliance provides an opportunity for networking, sharing best practices, and mentoring among companies and safety professionals.



- **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** has 47 approved Palmetto Star sites and continues to see increased interest and activity in the program. A Super Star category for current Palmetto Star sites has been implemented to recognize sites that continue to reduce their TCIR and DART rates, improve their safety and health system, and maintain the requirements of the Palmetto Star program. Participants must have also successfully completed one three-year re-evaluation. Sites that receive this recognition will have their three-year re-evaluation extended for one year as long as these requirements continue to be met. Two companies are candidates for approval as SHARP participants.

- **Tennessee OSHA** began their VPP efforts in 1991 with the Volunteer STAR program. Interest in the program is experiencing substantial growth as current participants network with peers and communicate the value of the VPP Program. Tennessee OSHA currently recognizes 17 Volunteer Star sites. In 2003, three sites were added and three sites were re-evaluated. The SHARP Program continues to help employers improve their safety and health programs. The Tennessee SHARP Program currently has nine employer participants. During 2003, seven were re-certified and one new employer was added.



- Since 2002, **Utah** has enhanced its Voluntary Protection Program and the program has grown from one company in 2002 to four in 2004. Several other companies are at some stage of the review and approval process. Utah will also participate with OSHA National Office in the three new VPP initiatives – Corporate, Construction and Challenge. In 2002 Utah developed and implemented a SHARP program. Two companies achieved SHARP status in 2003. Several other companies are at various stages of the approval process. Utah has also developed a SHARP program for construction companies, but that program is on hold until guidance is promulgated by OSHA National Office.

- **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 2003, the Virginia VPP program continued to see increased participation and interest from Virginia employers, certifying an additional seven Star worksites. Currently, there are 25 VPP Star worksites and 38 SHARP worksites.
- **Washington** recognized its first VPP site in 1996, and currently has nine VPP sites including a construction site. The most recent recipient, Utility Vault of Auburn, makes precast concrete products for the construction industry. It is a division of an international building materials group headquartered in Dublin, Ireland. They are the first precast facility in the U.S. to earn the VPP distinction.
- **Wyoming’s** “Cowboy VPP” has two sites enrolled with two additional sites approved for participation and awaiting presentation of their awards. The number of SHARP sites has increased from 34 to 48 and there are 92 companies in their third voluntary program, Employer Voluntary Technical Assistance Program.

## 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.

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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.

**Alaska** has established three new partnerships with: the wood products industry, the construction industry, and the Municipality of Anchorage. All partnerships are managed by the consultation side of Alaska Occupational Safety and Health. Each partnership is designed to reduce the number of injuries, illnesses and fatalities in each industry.

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### Arizona

The **Arizona Division of Occupational Safety and Health's (ADOSH)** Alliances provide parties an opportunity to participate in a voluntary cooperative relationship with ADOSH for purposes such as training and education, outreach and communication and promoting a national dialogue on workplace safety and health. These Alliances have proved to be valuable tools for both ADOSH and its Alliance participants.

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### California

The first formal partnership agreement to come to fruition was signed by **Cal/OSHA** and the **Port of San Diego Ship Repair Association**. Federal OSHA approached Cal/OSHA in January 2003 stating that they had already signed a partnership agreement wherein members of the Port of San Diego Ship Repair Association can contact federal OSHA and indicate their interest in participating in the agreement. Employers must agree to voluntarily comply with safety and health regulations, and agree to submit to an audit of their facilities and programs. Cal/OSHA has conducted audits, with the understanding that any serious or imminent hazards found must be promptly corrected. Concerned labor unions have also been involved in reaching this agreement.

**Cal/OSHA** and **KFM**, a joint venture contractor for the new skyway portion of the San Francisco – Oakland Bay Bridge continue to finalize the terms of a partnership agreement. Precast roadway segments weighing 750 tons each are made in Stockton, California, and then loaded by section on a barge and floated to the area of bridge construction. The agreement will, among other things, simplify jurisdictional issues between Cal/OSHA and federal OSHA relating to the bridge construction. For example, cranes on barges on the water would be under federal OSHA jurisdiction while stationary cranes are under Cal/OSHA jurisdiction. Cal/OSHA requires crane certification while federal OSHA does not require such certification. The agreement provides that both state and federal inspectors will respond to incidents occurring on the project, eliminating confusion over jurisdictional issues and applicable regulations.

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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** OSH Program 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. Kentucky offers the OSHA 10 and 30 hour courses for Occupational Safety and Health Standards for the Construction Industry, exclusively and without cost, to companies and organizations that have entered into formal construction partnership agreements with the Kentucky OSH Program.

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**Maryland**

**Maryland** has been working aggressively to expand its Cooperative Compliance Partnership (CCP) program in the construction industry. Maryland entered into seven new Cooperative Compliance Partnerships (CCP) during FY 2003. The new partnerships are as follows: Cherry Hill Construction at MD 450 and Quarantine Road Landfill projects; Clark Realty Builders, LLC on the Mill Pond II project; G.A. & F.C. Wagman on the Woodrow Wilson Bridge project; Cianbro Corporation at the Dundalk Marine Terminal; Whiting-Turner at the National Aquarium Pier 3 Expansion project; Gilford Corporation at the Reid Temple AME Church project.

The partnerships entered into during FY 2002 with Clark Construction at BWI airport and G.A. & F.C. Wagman on the Woodrow Wilson Bridge I-295 project are ongoing and should come to completion during FY 2004. The other new partnership that was established during FY 2002 with Willow Construction, LLC on the Chesapeake College, Wye Mills Project was successfully completed during FY 2003 with no injuries.

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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, which were renewed in 2003 for an additional three years, 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**

**MNOSHA Compliance** has signed partnerships with the Association of General Contractors and the National Association of Tower Erectors. MNOSHA is working cooperatively with all members of Federal Region V to establish a joint partnership with Ford Motor Company. **MNOSHA Workplace Safety Consultation** has numerous informal alliances with various entities. In FY04, these alliances will be formalized through signed agreements.

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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, who are able to attend any programs on Nevada's quarterly schedules. 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** is continuing the Reciprocity Agreement with Region VI – OSHA. The agreement will recognize the participants in the AGC Partnering Agreement and will extend recognition of state incentives to areas of federal jurisdiction in NM. The state is negotiating with the Associated Builders and Contractors to renew a Partnership Agreement and, if signed, a Reciprocity Agreement will also be enacted for participating contractors.

New Mexico is working on specialty trade contractor emergency response training based on SMART card system. Participants include: AGC contractors, operators union, laborer's union. Presently, looking to expand participation with railroad, forest service, Sandia National Laboratory, Kirtland AFB and Native American Tribes.

The Compliance Section will assist with the management of partnership programs as needed and help with the verification process in roles permitted within the agreements. Additionally, enforcement activities will be conducted to assure the effectiveness of partnerships in the residential construction industry.

**New Mexico** has signed an **Alliance** with the National Utility Contractors Association (NUCA) of New Mexico. The Alliance signing, was the first agreement for any NUCA Chapter in the Nation.

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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, Carolina Roofing and Sheet Metal Contractors Association, Inc, and Patterson and Wilder Construction.



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## Oregon

At any given time, **Oregon OSHA** has around 20 active stakeholder collaborations and partnerships. Major revisions of standards are always undertaken with the involvement of a stakeholder committee, conferences are planned in partnership with various industry groups, and new training initiatives often involve stakeholders.

Of particular note in the area of partnerships in Oregon is the Oregon Forest Activities Advisory Committee. This committee of logging employers and employees, state and federal forestry agencies, industry associations, academia, equipment manufacturers, and Oregon OSHA employees met on a monthly basis over a five year period to completely revise Oregon's forest activities standard.



This partnership resulted in a highly effective, innovative standard supported by business, workers and government. The process of developing these rules moved Oregon OSHA, industry and equipment manufacturers from an adversarial relationship to a true partnership with a common goal.

Examples of other stakeholder collaborations in Oregon not already mentioned include:

- During FY 2003, Oregon OSHA entered into a unique agreement with two local electric power providers to train OR-OSHA compliance staff on power generation, transmission and distribution. The training sessions were delivered on-site by power company staff.
- Along with WISHA, Oregon partnered with the Northwest Ironworkers and Employers Apprenticeship and Training Trust to assist them in modifying their national training program on steel erection.

**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 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.

**FY 2003 State Compliance Assistance Activities**

	<b>Events</b>	<b>Participants</b>
Formal Training	5,228	<b>77,799</b>
Workshops/Seminars	1,470	<b>29,450</b>
Toolbox Talks	119	<b>3,252</b>
Speeches	547	<b>18,939</b>
Conferences	405	<b>25,277</b>
Other	405	<b>45,675</b>
<b>Total</b>	<b>8,174</b>	<b>200,392</b>

## Consultation, Training & Education Initiatives

During the fiscal year 2003, 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.

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### Alaska

The **Alaska Occupational Safety and Health Consultation and Training** section 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.

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### Arizona

The **Arizona Division of Occupational Safety and Health** continued to offer top quality hazard recognition training to over 3,000 employers and conducted training to over 4,500 employees. Our three trainers continued to provide training services throughout the state of Arizona. Participation from employers in rural areas increased significantly during 2003. Many of the responses provided to us concerning the training provided, have been overwhelmingly appreciative of the agency's efforts to bring the services out to the rural areas of Arizona.



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### California

**California** 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.

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### Connecticut

**Connecticut** 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.

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### Iowa

**Iowa** 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.

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.

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### Kentucky

**Kentucky** instituted a strategy for reaching employers whose injury/illness rates are three times the private sector rate in Kentucky as indicated by the OSHA Data Collection. The division directors determined that every employer identified as meeting these criteria would be visited either by a Division of Education and Training consultant or a Division of Compliance inspector. By coordinating the BLS injury/illness SIC information to establish the most hazardous industrial classifications in the state and the employer-specific information produced by the OSHA Data Collection, Kentucky embarked on a series of **Targeted Outreach Programs (TOP's)**.

Smaller employers, whose occupational safety and health records indicate high rates of injuries and/or illnesses were given the option of receiving on-site consultation. A list of larger employers and employers who chose not to request consultative assistance was provided to the Division of Compliance.

The first round of promotional outreach resulted in a response rate of nearly 30 percent and led to breakthrough contacts with nursing home and assisted living associations for statewide training. A second round of promotion resulted in a response rate nearly as successful.

Kentucky also has developed a training campaign involving a week of safety and health seminars offered annually at each of the state's seven largest population centers. The "Pop Centers" campaign has proven to be extremely successful over the years in reaching employers and employees in the Commonwealth's far-flung industrial centers. The population center training campaign averages over 3,000 attendees each year and offers nearly 60 classes on a wide variety of occupational safety and health subjects.

As a service to contractors who have entered into a partnership agreement with the Kentucky OSH Program, the OSHA 10 hour and 30 hour construction safety courses are offered exclusively and without cost.

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### Maryland

**Maryland** continues to develop ways to improve and conduct extensive training sessions for employers and employees. New seminars on Construction Site Safety, Ergonomics in Construction Industry, Heat Stress, Injury Prevention, Infectious Disease Control, MSDSs for General Industry, Office Ergonomics, Practical Approach to Choosing PPE, and Safety Pays were developed and presented.

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### Michigan

In **Michigan**, the Consultation Education and Training (CET) Division focuses its outreach and training efforts on those companies with the greatest need. Michigan is required to report its CET activities annually to the Michigan legislature. In fiscal year 2003, Michigan provided the following consultation, education and training services: 3,418 safety and health consultations; 353 hazard surveys; 357 onsite consultations; and 1,834 workshops, seminars, apprentice training and special programs. They also distributed 620,000 pieces of safety and health literature. The total number of participants in Michigan CET programs was: 39,522 employers and employees.

CET Initiatives are activities related to significant changes in MIOSHA standards or emerging safety and health issues. In fiscal year 2003, the CET Division continued providing outreach activities to promote five initiatives: Bloodborne Infectious Diseases - five seminars; Recordkeeping - 12 seminars; Firefighting - four seminars; Overhead and Gantry Cranes - a training program, employee manual and sample permits were developed and used for nine workshops; Steel Erection - 10 workshops. The CET Division also conducted 137 initiative consultations.

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### Minnesota

Recognizing that construction is an especially high-hazard industry, **Minnesota** established a series of Construction Breakfast training seminars specifically for the industry that are attended by construction employers, employees and union representatives. Topics include an analysis of recent construction accidents, new standards, workers' compensation and other safety and health topics pertinent to the construction industry. Scheduled and requested compliance training sessions for all types of industries in FY03 reached more than 1,200 individuals. Training sessions conducted by Workplace Safety Consultation were attended by more than 18,000 participants statewide.

Logging is another high-hazard industry in Minnesota. To emphasize the importance of safety in lowering workers' compensation costs in the logging industry, Minnesota provides free, eight-hour LogSafe safety seminars to 95 percent of the state's logger employers and their employees each year. Minnesota's sawmill owners pay 30 cents for every cord of wood they purchase or process annually above 5,000 cords into a special logger's fund. Of the money paid into the fund each year, \$125,000 covers the LogSafe program costs. Participating logging companies receive the remainder as rebates on their workers' compensation premiums after providing proof of workers' compensation insurance and proof of annual LogSafe attendance for each employee. In addition, Minnesota OSHA offers a lending library of more than two dozen videos to interested parties.

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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 379 formal training sessions reaching 7,300 participants using 78 different programs. Of these, 26 formal training sessions, reaching 756 participants, and using seven different programs, were conducted in Spanish. 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 29,864 individuals have viewed the videos.

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**New Mexico**

**New Mexico** has developed a residential construction partnership program. The partnership program, Construction Agreement for Residential Employee Safety (CARES), is focused on the large Hispanic construction workforce in the residential construction industry. It is a joint effort between the Enforcement and Consultation sections of the State OSHA program. There are currently more than 100 subcontractor companies participating in the CARES program.

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**New York**

**New York** continues to respond to the needs of public employers and small private employers by developing model written plans such as, the Bloodborne Pathogen, Exposure Control and Permit Required Confined Space Plan's. These plans were updated to reflect the recent regulatory changes.

The **Public Employee Safety and Health Bureau (PESH)** and the **21D On-Site Consultation Bureau** sponsored numerous *Employee Injury Prevention in Long Term Care* Conferences throughout New York which focused on major causes and prevention strategies of employee injuries. Nationally renowned speakers presented cost/benefit information pertaining to zero-lift policies as well as how to get started implementing such policies. The experts and vendors provided valuable hands-on demonstrations of resident handling equipment. Other conference topics included slips, trips and falls and an update on the changes to the recordkeeping regulation. The publication "*Patient Handling Solutions*" was also distributed.

The On-Site Consultation Bureau (21D) and PESH presented OSHA 10-Hour Construction Training to the NYS Department of Transportation and their contractors at a variety of locations throughout the state. Hundreds of employees were provided valuable safety training. We anticipate this training effort to be expanded the coming year.

PESH continues to coordinate with Town and Village Highway Departments and is providing conference style safety training sessions to employees and their supervisors. Vendors are invited to show their safety equipment and supplement training. The On-Site Consultation Bureau has developed a youth initiative focusing on the future employees and the young worker, providing safety training and hazard recognition.

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**North Carolina**

**North Carolina** conducted Construction Forums on Workplace Fatalities throughout the state. The training was presented in partnership with the Home Builders Association, and safety conscious and successful North Carolina construction companies. Breakout Panels for Commercial, Residential, and Public Sector construction activity were included in the forum agenda to respond to specific customer concerns.

North Carolina's Labor One, a mobile training vehicle, is a very useful training tool, especially in the construction industry. On-site training is offered in both Spanish and English to employees who might not attend training in a formal class room setting.

In the area of training, **Oregon OSHA** offers a wide variety of occupational safety and health workshops, special request training sessions, and on-line courses. To keep employers up-to-date, Oregon OSHA updates, publishes, and distributes quarterly a CD-ROM containing Oregon rules, regulations, training materials and publications.

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**Oregon**

In a unique approach to outreach, **Oregon** OSHA held the first “*Safety Break for Oregon*” on May 14, 2003. The event was organized to remind people of the need to focus on improving workplace safety to reduce injuries, illnesses and fatalities. The “*Safety Break*” encouraged employers to sponsor events at their work site highlighting the value of safety and health. Several thousand employees at work sites across the state participated in a wide range of events designed to raise awareness. Oregon OSHA is planning to make “*Safety Break for Oregon*” an annual event.

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.

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**Puerto Rico**

**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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**South Carolina**

**South Carolina** has conducted two OSHA 10-hour General Industry classes this year and an OSHA 10-hour class for Construction is scheduled for October.

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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** has several initiatives in progress to address workplace safety for Spanish-speaking employees. Utah has cooperative programs in place with the Mexican Consulate and other state agencies with the main purpose of educating Spanish-speaking employees on their rights and the services available to them from the state. Utah actively participates in Hispanic fairs (e.g. Paisano Picnic) and events such as Cinco de Mayo celebrations. The intent is to educate Spanish-speaking employees on the safety and health resources available to them. Utah also has a state-sponsored program in conjunction with the Utah Chapter of the AGC, Associated Builders and Contractors, Utah Farm Bureau Federation, Utah Chapter AFL-CIO and Utah Restaurant Association and the University of Utah’s Rocky Mountain Center of Environmental and Occupational Health to train Spanish-speaking trainers on workplace safety issues so they, in turn, can train Spanish-speaking employees.

Utah is also working on several fronts to educate students on the benefits of workplace safety and health. In a cooperative effort with a recent VPP recipient, Utah trained several hundred middle school students on workplace safety and health fundamentals.

Additionally, Utah is working with Utah’s major universities to establish formal programs to educate students about to enter the workplace. In these programs students will work with Utah compliance personnel on actual workplace inspections.

The Utah Workplace Safety Program also conducts an **annual safety poster contest** for Utah middle school students. The grand prize for the contest is \$500 to the winner and \$500 to the winner's school. Each year the top 12 posters are used to create a Workplace Safety Calendar that is distributed by the Utah Labor Commission.



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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 Hovenssa. VIDOSH began conducting a four-hour safety orientation for hundreds of local prospective employees who were applying for positions in Hovenssa'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** continues to expand use of the Internet and other electronic media in delivering safety information and training. WISHA has online interactive courses in many areas including forklift safety, flagging safety, ergonomics awareness, noise exposure, engineering controls to reduce needlestick injuries, fall protection, respiratory protection, noise exposure, confined spaces, concrete pumpers, ladder safety and lawn mower safety. In an effort to better communicate and share workplace safety and health information with Spanish language communities, in 2002 WISHA launched a Spanish version of the WISHA website.

Our newest online resources are "training kits" to provide employers with materials and information needed to meet WISHA safety and health training requirements. Each kit includes PowerPoint presentations and other materials with detailed instructions on how to present the training. Topics include silica and lead in construction, respirator safety, chemical hazard communication, hearing protection, and ergonomics awareness education.

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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.

The value of **Wyoming's** continued training and enforcement activities in construction can be shown in the reduced number of excavation fatalities that occurred in the last 21 years. During the 80's from 1983 through 1990, there were six trenching fatalities, in the 90's there were four, and from 2001 to mid 2004 there have been none.

## 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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**Kentucky**      **The Kentucky Department of Labor** has added a position in the Commissioner's Office whose responsibilities are to provide outreach to the Hispanic-speaking employers and employees of the Commonwealth.

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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.

MOSH sent several employees to a two-day training session titled *Spanish for Construction Sites*. This training enabled staff to learn the proper pronunciation and definition of key words used by Spanish-speaking individuals on construction sites. As a follow up to that training MOSH staff established a shortened version for the remainder of our field employees. MOSH has also been aggressively working on preparing a Spanish for Construction Sites seminar for inclusion in our free public training schedule.

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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. The CET Video Loan Library now includes Spanish-speaking construction safety videos.

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**Minnesota**      **Minnesota** publishes its *Safety and Health Protection on the Job* poster in 11 languages: Arabic, Cambodian, English, Hmong, Laotian, Oromo, Russian, Serbian, Somali, Spanish and Vietnamese. The poster summarizes employee rights under the Minnesota Occupational Safety and Health Act. Minnesota OSHA consultation added a temporary 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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**New Mexico**      **New Mexico** is working with several organizations to promote safety and health among the state's Spanish-speaking workforce. Bilingual consultants have participated in an information fair sponsored by the Mexican Consulate and a call-in show on a Spanish radio station.

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**North Carolina**      **North Carolina** has a number of safety and health documents in Spanish including the Safety and Health Protection on the Job poster, and inspection forms that describe specific employees' rights and responsibilities. The State also communicates a safety and health message to the Hispanic population through the availability of Spanish language videos with over 50 Spanish titles. Safety and Health videos in Spanish have also been developed for use on Spanish-speaking television outlets. Efforts have been made to increase the number of staff that speaks Spanish. This has been accomplished through hiring practices and training. Currently the State has 19 employees who speak Spanish.

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**Oregon** has been very proactive in addressing the needs of its large population of Spanish-speaking workers. The *Oregon OSHA Dictionary of Occupational Safety and Health Terms*, available in English to Spanish and Spanish to English, is one of the most popular documents accessed on the OR-OSHA web site. To serve Spanish-speaking construction workers, Oregon OSHA partnered with the construction industry to develop industry specific training materials in both English and Spanish. The program, known as PESO, is designed to provide English-speaking supervisors materials from which to train their Spanish-speaking employees on a variety of construction safety issues.

Oregon OSHA 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 OSHA also has a Spanish-language web page that provides workers occupational safety and health information and resources.

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**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** 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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**Utah** is pursuing an opportunity to work in cooperation with the Consultation programs of Colorado and Florida to develop training materials for Spanish-speaking employees.

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**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.

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**Virginia** publishes the following documents in Spanish as well as English: Emergency Preparedness Manual; Fall Protection; Occupational Safety and Health – Job Safety and Health Protection Poster; and Guide for the Employment of Teenagers.

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In partnership with the construction industry, **Washington** developed online videos for residential construction on siding, roofing, and framing safety. All of these are available on the web in both English and Spanish. WISHA has now added online videos for back injury prevention, ergonomics awareness, nursing home hazards and solutions, and preventing road rage (aggressive driving).



## 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.

### Safety & Health Programs

Statistics show that many 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 implementation of such a program should result in lower injury, illness and fatality rates along with lower comp 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.

**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.

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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. Under Minnesota’s A Workplace Accident and Injury Reduction (AWAIR) Act, employers of 25 or more employees are required to establish a joint labor-management safety committee.

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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.” Nevada also requires employers with 25 employees and up to develop and implement a safety committee. To assist the employers in understanding the Nevada statutes, regular training sessions are conducted and a written guide is made available to employers.

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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. To assist small employers in meeting this requirement, Oregon offers an alternative to the traditional safety committee. The innovative approach is for employers with 10 or fewer employees and is designed to meet the needs and special issues of small businesses in the state. To assist employers in setting up an “innovative safety committee,” a guide is available in hard copy or on the OR-OSHA web site. Along with outlining the process, the guide provides blank copies of all necessary paperwork.

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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.

## Violations Causing Worker Death or Serious Injury

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<b>Arizona</b>	<b>Arizona</b> 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.
<b>California</b>	Legislation that became effective in <b>California</b> in January 2000 provided increased penalties and prison terms for willful violations causing an employee's death or prolonged bodily impairment, if charged by a district attorney. Under new felony provisions that became effective in 2000, an individual can be fined up to \$250,000 and a corporation up to \$1.5 million. Heavier penalties for those criminally responsible for workplace death or injury and the criminal investigations are a powerful deterrent.
<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. In 2004, an Iowa District Court ruled that the defendant was guilty on one count of Willful Violation Causing Death and one count of Willful Injury Causing Death. Sentencing included fines of \$1500 for each count and the defendant was committed to the custody of the Sheriff of the County for 365 days for each count.
<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>	For the first time in <b>Michigan</b> history, an employer will serve time in jail for a workplace fatality. On Oct. 10, 2002, James Morrin, Jr., foreman for J.A. Concrete Construction Company, was sentenced to 360 days in jail and three years probation for a workplace fatality. The corporation was sentenced to five years probation, and must 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 their employees will be protected.
<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. In the 2002 session, the Legislature amended the minimum non-negotiable fine to reduce the penalty amount for employers with fewer than 50 employees.
<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 \$50,000 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 the fine and sentence. Virginia's policy is to recommend criminal prosecution for manslaughter against any person whose flagrant, violation of VOSH laws results in the death of an employee. Virginia has successfully prosecuted a criminal willful violation and a manslaughter charge.

**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/osh/osh.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 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.dlrr.state.md.us/labor/mosh.html>

## **Michigan Department of Labor & Economic Growth**

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 and Industry**

443 Lafayette Road  
St. Paul, MN 55155  
Program Phone: 651-284-5372  
Fax: 651-284-5741  
<http://www.doli.state.mn.us/mnoshq.html>

## **Nevada Division of Industrial Relations**

1301 N. Green Valley Parkway, Suite 200  
Henderson, Nevada 89704  
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**

1101 Mail Service Center  
Raleigh, NC 27699-1101  
OSH Program Phone: 919-807-2900  
Fax: 919-807-2856

<http://www.nclabor.com>

**Oregon Department of Consumer & Business Services**

350 Winter Street NE, Room 430  
Salem, OR 97301  
Program Phone: 503-378-3272  
Fax: 503-947-7461

<http://www.orosha.org>

**Puerto Rico Department of Labor and 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, and 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 and Industry**

National Life Building – Drawer 20  
Montpelier, Vermont 05620-3401  
Program Phone: 802-828-2765  
Fax: 802-828-2195

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

**Virgin Islands Department of Labor**

(public sector only)  
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 and Industry**

13 South 13th Street  
Richmond, VA 23219  
Program Phone: 804-786-2377  
Fax: 804-731-6524

<http://www.doli.state.va.us>

**Washington State Department of Labor & Industries**

P.O. Box 44600  
Olympia, WA 98504-4600  
Program Phone: 360-902-5430  
Fax: 360-902-5529

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

**Wyoming Department of Employment**

1510 E. Pershing Blvd.  
Cheyenne, WY 82002  
Program Phone: 307-777-7786  
Fax: 307-777-3646

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

**Federal OSHA link to state plan websites**

<http://www.osha.gov>

Click on About OSHA, then click on State Plans

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