



GRASSROOTS Workplace Protection

2005 OSHSPA Report

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







Occupational Safety & Health State Plan Association

Chair

Stephen M. Cant
Washington
Department of Labor
and Industries
Division of Occupational
Safety and Health
P.O. Box 44600
Olympia, WA 98504
cant235@lni.wa.gov
360.902.9166 Phone
360.902.5619 Fax

May 23, 2006

Vice Chair

Vicky Heza
California
Department of Industrial
Relations
Division of Occupational
Safety and Health
2100 E. Katella Ave. Ste.215
Anaheim, CA 92806
vheza@dir.ca.gov
714.939.8093 Phone

The Occupational Safety and Health Act of 1970 authorized states to administer their own occupational safety and health programs as long as those programs are at least as effective as federal 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 cover public sector employment only.

Past Chair

Douglas J. Kalinowski
Michigan
Department of Labor &
Economic Growth
Michigan Occupational Safety
& Health Administration
P.O. Box 30643
Lansing, MI 48909
dkalin@michigan.gov
517.322.1814 Phone
517.322.1775 Fax

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

Collaboration among states, federal OSHA, employers and employees is a key factor in success. The states and territories have often 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. Safer workplaces contribute to the economic vitality of America.

In this report, we describe innovative approaches to outreach and education, voluntary compliance, inspection targeting and cooperative programs that have been developed by the states. All of the statistical data and program-related information is current for the most recent federal fiscal year.

Directors

Kevin Beauregard
North Carolina

Grey Mitchell
Alaska

John Winkler
Tennessee

Jay Withrow
Virginia

OSHSPA members and federal OSHA will continue to work in partnership for the safety and health of this nation's workers.

Sincerely,

A handwritten signature in black ink that reads 'Stephen M. Cant'.

Stephen M. Cant, CIH
OSHSPA Chair

U.S. Department of Labor

Assistant Secretary for
Occupational Safety and Health
Washington, D.C. 20210



It gives me great pleasure to write the introductory letter to the Occupational Safety and Health State Plan Association's 2005 edition of *Grassroots Workplace Protection*. This year's report documents the significant contributions made by the Occupational Safety and Health Administration's 26 State plan partners to the protection of America's working men and women.

Thirty-five years ago, OSHA was established in accordance with the Occupational Safety and Health Act of 1970. Since then, workplace fatalities have been reduced by 60 percent and injury/illness rates are down 40 percent. Yet last year, more than 5,000 people died on the job, and workplace injuries, illnesses and fatalities cost the country more than \$170 billion per year. OSHA and its State partners have accomplished much, but clearly have much to do.

Together, OSHA and the States are finding new ways to communicate to employers that investing in safety and health not only saves lives, but has positive economic value. Companies that implement comprehensive safety and health programs reduce their injury and illness rates an average of 20 percent. Fewer injuries and illnesses mean lower workers' compensation costs, less lost work time and greater productivity. Companies are more profitable, and more lives are saved.

The State plans have worked closely with OSHA over the years. I am impressed with the talent, ideas and professionalism of our State plan partners, and their innovative approaches. Together, we have a new opportunity to commit ourselves to conduct inspections and consultations with a high and consistent quality. The result is a uniform message to employers and employees: employers are responsible for the safety and health of their employees, and OSHA - Federal or State plan - is there to enforce and to assist with compliance.

Together, we can and will continue to get the message out that it pays to invest in safety and health - and more loved ones will come home from work safe and whole at the end of the day.

A handwritten signature in blue ink that reads "Edwin G. Foulke, Jr.".

Edwin G. Foulke, Jr.

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Produced by:
Minnesota Department of Labor and Industry
Occupational Safety and Health Division
Total copies printed: 1,500 Total cost: \$?? Cost per copy: \$??

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 its 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.

The **Occupational Safety and Health State Plan Association (OSHSPA)** 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 has 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 about workplace safety and health issues.

Protecting public-sector employees

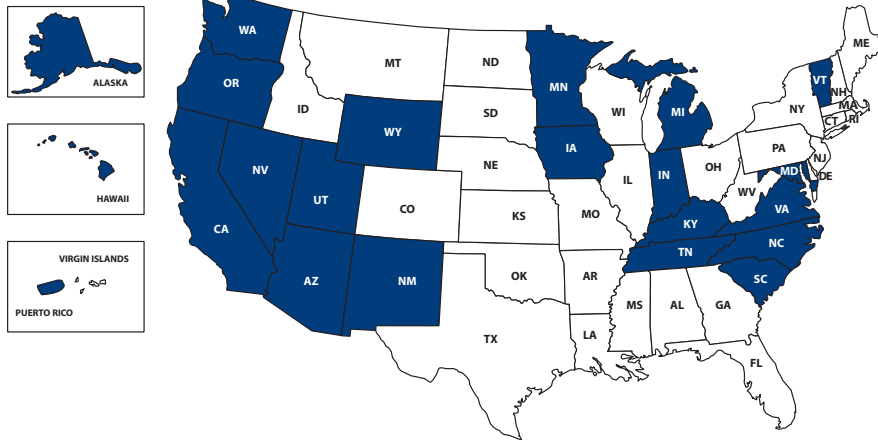
Even though the OSH Act of 1970 specifically excludes from federal coverage states' public agencies and their political subdivisions, the state plans are required to provide occupational safety and health protection to public-sector employees. This is a significant requirement and benefit of the state-plan programs, because some of the most hazardous workplaces are in the public sector: firefighting, emergency response, corrections, law enforcement, publicly funded health care facilities and transportation. With 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. **New Mexico** developed a standard that is more effective than OSHA's standard regarding 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 | New Mexico |
| Arizona | North Carolina |
| California | Oregon |
| Hawaii | Puerto Rico |
| Indiana | South Carolina |
| Iowa | Tennessee |
| Kentucky | Utah |
| Maryland | Vermont |
| Michigan | Virginia |
| Minnesota | Washington |
| Nevada | Wyoming |

State-plan programs covering public-sector only

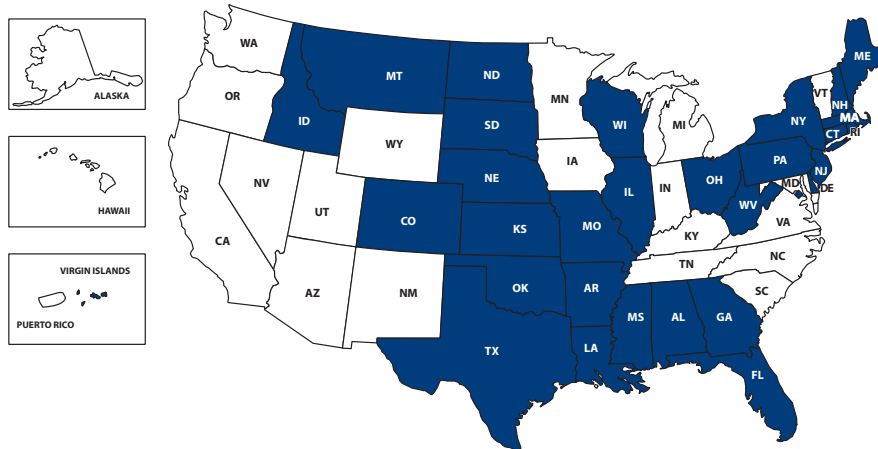
(Three states and one territory – private-sector coverage provided by federal OSHA)



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

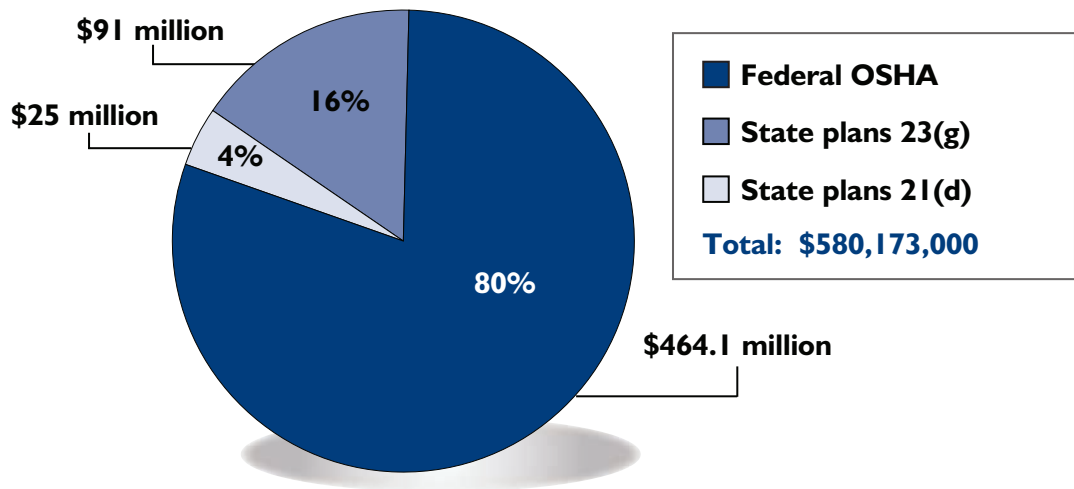
Investing in worker protection

In federal-fiscal-year 2005, state programs received \$91 million in 23(g) and \$25 million in 21(d) funding from the Occupational Safety and Health Administration's total budget of \$464.1 million. The states are required to provide at least 50 percent of the total funds for a 23(g) compliance program and at least 10 percent for a 21(d) consultation program.

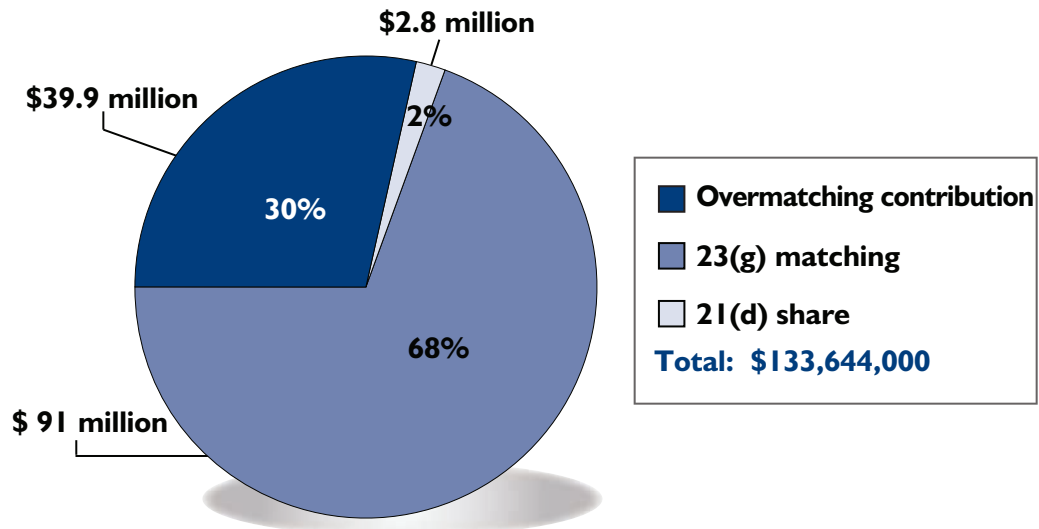
In addition, many states fund other programs focused on safety and health in the workplace. Even in states facing serious budget constraints, the respective legislatures continue to provide matching funds for occupational safety and health programs in recognition of their value in reducing workplace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

In fiscal-year 2005, state and territorial funds of \$133.6 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.

Fiscal-year 2005 total federal OSHA budget

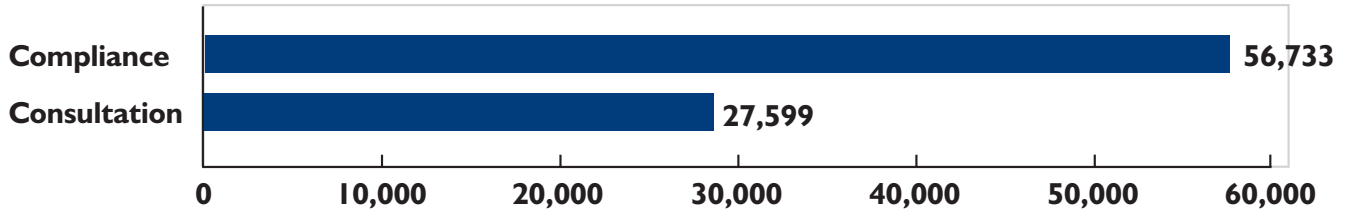


Fiscal-year 2005 total state-plans budget

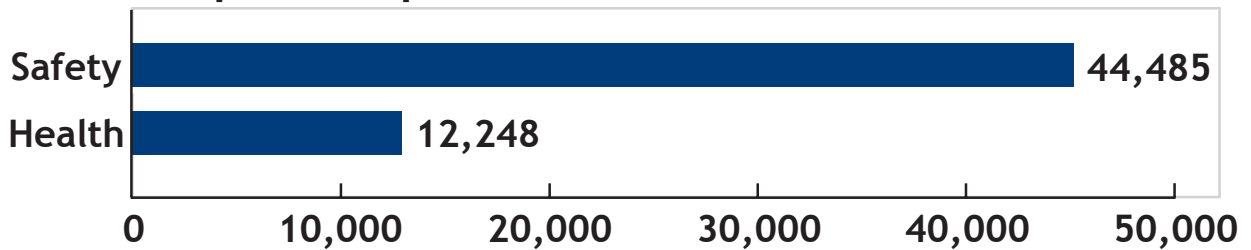


Fiscal-year 2005 OSHSPA inspection data

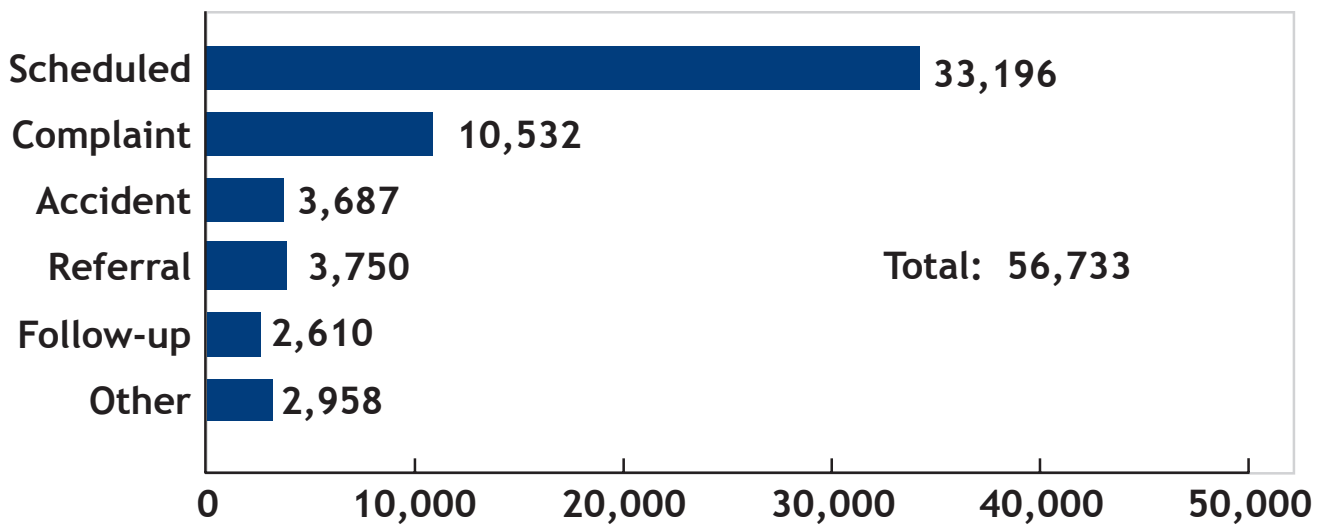
Quantity of on-site visits



Compliance inspections conducted



Type of inspections conducted



Data source: OSHA's Integrated Management Information System (IMIS)

Fiscal-year 2005 OSHSPA inspection data

Inspection results	
Number of inspections with violations cited	34,648
Average number of violations per initial inspection	2.2
Average number of violations per inspection, with violations cited	3.68
Percentage of inspections with no violations	38.9%
Total penalties assessed	\$73,116,402
Average penalty per serious violation	\$906.20
Total number of contested cases	4,937
Percentage of inspections with citations contested	13.3%

Quantity of state-plan positions	
Safety compliance	804
Health compliance	486
Safety consultants	237
Health consultants	170

Employers and employees covered by state plans	
Total employers covered	Not available
Private sector	2,924,156
Public sector	Not available
Total employees covered	56,286,000
Private sector	45,878,000
Public sector	10,408,000

Data source: OSHA's Integrated Management Information System (IMIS)

Workplace security: safeguarding the workplace

Alaska

Alaska's Enforcement and Consultation and Training sections have both been integrated into the emergency response plans and training activities in the state. **Alaska Occupational Safety and Health (AKOSH)** staff members actively participated in emergency response exercises designed to test the state's ability to react to potential threats.

After Hurricane Katrina, AKOSH offered employees to assist with the disaster cleanup efforts. To date, AKOSH contributed five industrial hygienists and six safety officers to support the cleanup effort in Louisiana through identifying and eliminating workplace safety and health hazards.

Arizona

The **Arizona Division of Occupational Safety and Health (ADOSH)** has begun serving on the advisory committee for the Arizona State Emergency Response Commission (AZSERC). This commission oversees 15 local emergency planning committees and supports community, industry, 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, 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, AZSERC serves as a state clearinghouse for hazardous chemical emergency preparedness and planning activities and information through coordination with federal, state and local governments, and industry and community interest groups. Additionally, ADOSH continued to participate in monthly conference calls among federal OSHA and other state-plan states to discuss homeland security issues and the role for OSHA and state-plan states.

California

California OSHA (Cal/OSHA) has successfully achieved integration into the Statewide Emergency Management System used by California emergency responders. The Cal/OSHA emergency response staff is now represented in the statewide operations center, the regional emergency operations centers and in local incident command systems as technical specialists. This successful outcome was the result of meetings and negotiations with high-level staff members from the Governor's Office of Emergency Services. The Worker Safety and Health Annex to the National Response Plan was also instrumental in providing a framework for this integration.

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 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.

Hurricane Katrina assistance

Cal/OSHA teams were sent to New Orleans to assist federal OSHA in preventing deaths, injuries and illnesses among workers assigned to recovery efforts after Hurricane Katrina.

Residents and workers encountered by Cal/OSHA staff members were usually exhausted and demoralized. Foot traffic/workers were at high-risk of serious injury. Haulage vehicles, loaders, dozers and other similar equipment were constantly moving around. Piles of debris, waste and other materials were usually piled high and stability was uncertain. Pot holes, broken boards with nails, broken glass, sharp edges, large waste materials such as boats, loose materials, snakes, spiders and other bugs were plentiful.

Many of the dwellings had large amounts of black mold that was clearly visible throughout the walls, furniture, ceilings, floor and appliances. Many workers are not aware of the hazards of mold, asbestos, petroleum waste and unstable structures. Fact sheets were distributed and safety and health instructions were provided.

- Connecticut** **Connecticut OSHA (CONN-OSHA)** emergency response teams successfully participated in TOPOFF3. CONN-OSHA continues to take on a larger role with the state of Connecticut Office of Emergency Management (OEM) for protecting emergency responders, including participating in the National Certification Process for OEM.
- CONN-OSHA is preparing for its role in a *Strategic National Stockpile* training event.
- Indiana** The Indiana Department of Labor (IDOL) is working with OTI with respect to workplace violence training for **Indiana OSHA (IOSHA)** and other IDOL personnel to develop and implement a working program and training for the agency. In July 2005, IDOL adopted an internal policy about responding to complaints regarding workplace violence or hazards within Indiana worksites.
- Kentucky** The **Kentucky OSH Program** has representation on the Governor's Security Working Group and meets quarterly with the Kentucky Office of Homeland Security's Training and Development Consortium. These groups work toward assisting in the development and implementation of programs and initiatives to ensure Kentucky is prepared.
- Maryland** **Maryland** continues to offer the *Emergency Response and Disaster Preparedness* (updated periodically) course to guide participants through the process of preparing and implementing an emergency response plan. This seminar was presented three times during this period, reaching 87 employers and employees for a total 522 training hours.
- Michigan** **Michigan OSHA's (MIOSHA's)** strategic plan for 2004 through 2008 includes a specific objective to address emergency preparedness strategies to enable MIOSHA to assist in the event of a terrorist attack or other significant threat or attack. MIOSHA developed an emergency response plan and has designated staff members to provide initial response and assistance following a catastrophic incident.
- MIOSHA developed a workplace security resource guide for use in outreach and training efforts. Through a MIOSHA Consultation Education and Training grant, a video and workbook were developed and are available to employers and workers about workplace violence assessment, planning and prevention. MIOSHA staff members also conducted three security hazard surveys at higher-risk places of employment.
- MIOSHA staff assisted federal OSHA in recovery and clean-up efforts following Hurricanes Katrina and Rita. Staff members performed a variety of functions during two-week, 12-hour-day assignments.
- Minnesota** The Minnesota Department of Labor and Industry is represented by **Minnesota OSHA (MNOSHA)** Compliance at the state's Department of Public Safety. This representation ensures its involvement in all incidents of natural and human-made disasters. In addition, MNOSHA is 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 Inspection (CEI) Team that is its first line of contact in regard to an event. MNOSHA also provides help to employers with emergency response and preparation plans.
- In federal fiscal-year 2005, MNOSHA continued to be an active participant on the State Emergency Response Team. Two directors from the CEI Team attended the two-day *Minnesota Incident Management System* course in June 2005. Team members reviewed the *Emergency Response Contingency Plan* and updates were made to several response checklists.
- Nevada** Since being formed in 2002, **Nevada's** two OSHA-Safety Consultation and Training Section (OSHA-SCATS) emergency response teams continue to train and prepare to meet OSHA's responsibilities when responding to catastrophic emergencies. Frequent drills and exercises were significant in honing team members' skills and abilities to meet these responsibilities. However, only real world emergencies and application of what they learn can ultimately assess their level of preparedness. One of Nevada's response teams was put to the test in early 2005.
- An unusual amount of rain came to Nevada in January 2005. And in one remote area of southern Nevada, an unprecedented water runoff and flooding caused the erosion of railroad track-beds, collapse of the tracks and eventual derailment of railroad cars. Reports of possible releases of chlorine, liquid propane gas and sulfuric acid from these cars sparked concerns from the media, community and emergency management officials. These reports prompted the Federal Emergency Management Agency (FEMA) to issue a mission assignment requesting assistance and deployment of resources to assess these potentially disastrous conditions – the first of its kind issued and responded to by a state-plan-state OSHA response team.

Responding to the call, an OSHA-SCATS response team, integrating with other state and local agencies, was airlifted to two target sites. They collected air-quality data, determined the rail cars' condition and possible breaches, identified and evaluated potential safety and health hazards for responders or recovery workers, and completed an overall assessment of the sites for the decisionmakers.

From this experience, the OSHA-SCATS response team proved it was prepared and capable of performing its assigned mission. The team learned lessons that only real events can give. The bottom line: Team goals and objectives were met – mission accomplished.

SCATS also provided outreach-training activities about planning for emergencies through its *Workplace Emergencies and Evacuation* and *Workplace Violence Awareness* programs. The Nevada OSHA/SCATS response teams made additional presentations at some of the larger *Workplace Emergencies and Evacuation* training programs.

New Jersey

New Jersey participated in TOPOFF 3. TOPOFF 3 was the most comprehensive terrorism response exercise ever conducted in the United States. The states of New Jersey and Connecticut participated in the exercise. In New Jersey, the exercise tested the ability of the state to plan and respond to a biological attack. The state tested its ability to coordinate inter-agency preparedness and response plans to a biological response; conduct epidemiological investigations and criminal investigations; supply medication to ill patients; and deploy assets statewide. The exercise involved all 21 counties, many municipalities, state agencies and federal agencies. The New Jersey Department of Health and Senior Services (NJDHSS) Public Employees Occupational Safety and Health (PEOSH) program participated by responding to injects and assisting the NJDHSS in the preparation of a plague occupational health alert and in the distribution of medication.

New York

The **New York State Division of Safety and Health (DOSH)** continues to enhance its emergency preparedness responsibility. Currently, there are more than 60 trained responders whose primary purpose is to support the emergency response community by assisting in pre-crisis planning and on-site monitoring, providing safety and health training, providing PPE selection expertise, conducting fit-testing or training others to conduct fit-testing, and assisting in the development of site or incident safety and health plans. In 2005, the team identified five trainers who provide safety and health training about subjects pertinent to the emergency at hand. These trainers are fully resourced and ready to provide prompt training upon request.

Eight hours of refresher training is provided annually to team members that includes the conduct of functional exercises designed by State Emergency Management Officials (SEMO).

During 2005, DOSH coordinated with various state agencies assigned to the New York State Department of Homeland Security's Chemical Biological Radiological Nuclear and Explosive (CBRNE) Task Force in the development of a safety and health plan designed specifically for emergency workers who may be deployed following an incident to perform critical response and recovery activities. This agency-specific plan contains key ingredients necessary for the protection of emergency responders during a CBRNE event. The completed safety and health plans will be annexed in a task-force-specific plan that will identify multi-agency emergency response safety and health procedures.

The DOSH Crisis Response Team stands ready to fulfill its mission to provide safety and health technical assistance and resources to the New York SEMO and state and local emergency response agencies.

North Carolina

The primary responsibility of the **North Carolina Division of Occupational Safety and Health** in response to a catastrophic event, natural disaster or terrorist activity is to help protect responders and recovery personnel, and to assure all post-event activity is conducted in as safe and healthy a manner as possible. The division has provided personnel and equipment in response to significant events at the state and national level. This included 29 personnel in response to Hurricane Katrina. The role of the division has been defined in the *State Emergency Management Plan (SEMP)* and shared with emergency responders through participation with Local Emergency Planning Committees and as a member of the State Emergency Response Team. The SEMP has also been posted on the state's official Emergency Management Web site.

One of the ways the division takes a proactive approach in helping to protect responders is through pre-event safety and health training, and instruction in the proper use of equipment. This can include bloodborne pathogen or hazard communication training for fire departments or respirator fit-testing for emergency services personnel.

Oregon

Disaster exercise at the Capitol

In October 2005, **Oregon OSHA (OR-OSHA)** participated in a coordinated disaster response event with local, state, federal and nongovernmental partners called *Operation Cooperation*, on the Capitol Mall. Nine hundred participants took part in the exercise, which involved detonating a bus on the mall and several other explosions in the surrounding area. The exercise was funded in part by a Homeland Security grant.

Participants gained insight into triage, hospital traffic flow, communication barriers (wireless issues and native language issues when dealing with first responders) and jurisdiction. Local high school students also had a chance to participate, playing the part of mock victims. OR-OSHA staff members were part of the Exercise Planning Group and performed as safety officer/controller for the exercise.

Cow exercise

OR-OSHA participated in “COWEX” (cow exercise), a full-scale hoof and mouth disease exercise funded by a Homeland Security grant and encompassing five counties. OR-OSHA’s involvement included being a member of the Exercise Planning Team, staffing the State Emergency Communication Center, serving as safety officer (SO) and serving as safety evaluator for the exercise. As SO, staff members trained and worked with county public works staff members about trenching issues, heavy equipment and traffic control. According to state agriculture rules, if a cow with hoof and mouth disease is found, every cloven hoofed animal in a five-mile radius must be collected, killed and disposed of in accordance with Environmental Protection Agency (EPA) regulations.

Emergency outreach

As part of its outreach efforts to industry, OR-OSHA has been involved in industry group training about contingency planning. The primary focus is about the benefits of planning for emergencies to minimize business disruption and increase the likelihood of a company surviving a major event.

Puerto Rico

In response to ever-demanding conditions of the diverse working environments in the island, and continuing a 30-year tradition of commitment toward occupational safety and health, the **Puerto Rico Occupational Safety and Health Administration (PR OSHA)** has engaged in several projects and strategies aimed at increasing its presence among employers throughout different industries.

PR OSHA strives to combine results from multiple program areas and is focused, among other objectives, on three strategic goals:

- improvement of safety and health at the workplace for all employees, thus, assuring a reduction in hazards, exposures, injuries, illnesses and fatalities;
- modification of the workplace culture by increasing awareness, commitment and involvement regarding occupational safety and health; and
- achievement of the confidence of the public through excellence in the development and delivery of PR OSHA’s program and services.

Tennessee

Tennessee OSHA has established a relationship with the Tennessee Emergency Management Agency (TEMA) and has provided input and expertise into the revision of several of the emergency response procedures, including earthquake preparedness. Presentations have been made to TEMA to inform the agency of the skills, knowledge and equipment Tennessee OSHA can provide in an emergency response.

Utah

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

Vermont

Vermont OSHA (VOSHA) is a member of the SERC and a VOSHA staff member is attached to the ICS command structures as assistant to the safety officer. VOSHA continues to be an active participant in the monthly Homeland Security teleconferences.

Washington participated in the 2003 *TOPOFF 2* exercise in Seattle, conducted by the U.S. Department of Homeland Security and U.S. Department of State. The exercise tested response by federal, state and local emergency responders to a simulated explosion containing radioactive material.

Washington

Washington’s program works with the Washington Military Department’s Emergency Management Division, the agency that has primary responsibility for coordination and emergency contingency planning. Washington

participated in a chemical stockpile emergency preparedness (CSEPP) exercise with the Emergency Management Division. The exercise included representatives from Oregon and FEMA. Washington representatives also work 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.





Strategic plans: focusing on performance

Alaska

Alaska Occupational Safety and Health (AKOSH) is in the third year of its five-year strategic 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 Alaska workplaces (both public and private sectors) through compliance assistance, cooperative programs and consultation assistance; and
- secure public confidence through excellence in the development and delivery of AKOSH programs and services.

AKOSH is focusing on reducing injuries, illnesses and fatalities in the construction industry in Alaska. By directing attention and strategic efforts to those situations most likely result in serious injuries or fatalities (falls, struck-by, etc.), AKOSH has been able to lower the injury rate in construction by 31.4 percent during the past two years. This reduction is particularly significant, because construction industry activity and the number of employees have significantly increased during that same time period.

In addition to construction, AKOSH continues to target enforcement and consultation inspections toward the transportation and warehousing industry. This industry group was targeted as a result of high injury rates revealed through workers' compensation data analysis. Also, AKOSH provided various training classes to employees in this industry.

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 the Arizona Division of Occupational Safety and Health (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 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 that will help to eliminate hazards and provide a safe working environment. In addition, Arizona 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 accident prevention.

California

California OSHA (Cal/OSHA) remains committed in its next five-year plan (2004 through 2008) to targeting the construction industry in a continuing effort to reduce fatalities, injuries and illnesses in the industry. In fact, Cal/OSHA anticipates the creation of a dedicated team of inspectors whose primary targets will be employers in the underground economy, with an emphasis on the construction and agricultural industries. The presence of a dedicated team targeting the construction industry should serve to encourage employers to improve health and safety on the job, which – in turn – should result in a reduction of fatalities, injuries and illnesses.

The number of Hispanic worker deaths in California continues to decline. Specifically, the number of Hispanic worker deaths in California was down 16 percent from 2001 to 2004. The California downtrend exceeded the national downtrend during the same period.

Cal/OSHA met most of its performance goals for 2005. Rates of injuries, illnesses and fatalities demonstrate a declining trend in agriculture, high-hazard industries and residential construction.

As part of Cal/OSHA's high-hazard consultative and high-hazard enforcement program, various efficacy outcome measures have been obtained during 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 the efficacy data 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, illnesses and workers' compensation claims for employers that were targeted for consultation or enforcement interventions. These programs have a continuing role to play in Cal/OSHA's efforts to eliminate workplace hazards and reduce occupational injuries and illnesses.

Connecticut **Connecticut OSHA (CONN-OSHA)** continues to use Bureau of Labor Statistics data to identify high-hazard public-sector workplaces. This is the third year of the five-year strategic plan. It has identified municipal departments and state agencies in the following NAICS codes:

- 922160 – fire service;
- 23000 – state DOT and local public works;
- 62000 – state health care;
- 62000 – residential social service; and
- 22130 – municipal water, sewer, etc.

Indiana In 2005, the **Indiana Department of Labor (IDOL)** continued working to reduce occupational hazards through direct interventions. Specific activities included emphasis programs in construction for trenches, scaffolding and fall hazards. Targeted industries were based on the most recent Bureau of Labor Statistics data and included:

- motor-vehicle parts and accessories;
- millwork, plywood and structural members; and
- refrigeration and machinery services.

When possible, joint inspections were conducted to promote cross-training.

Kentucky **Kentucky** has managed to achieve the initial five-year goal of decreasing the injury rates for struck-by and falls by 10 percent. In comparing its 2002 baseline with 2004 for "falls," Kentucky had a 35 percent reduction and is also below the national rate for 2004. In comparing the 2002 baseline for "struck-by," Kentucky had a 68.5 percent reduction and fell well-below the national average.

Maryland **Maryland's** strategic management plan focuses on the following goals: reduce occupational hazards through direct interventions; promote a safety and health culture through compliance assistance, cooperative programs, strong agency leadership, ongoing safety training provided to employers and employees through Maryland Occupational Safety and Health (MOSH) Training and Education; and secure public confidence through the development and delivery of MOSH programs and services.

In fiscal-year 2005, Maryland conducted approximately 1,146 inspections in construction and general industry emphasis areas. Of those inspections, 62.4 percent were specifically targeted to strategic emphasis areas. Eighty-eight percent of the fatality and catastrophe investigations were initiated by MOSH within one working day of notification. Employers could not be located/contacted in the 12 percent that were initiated after one working day.

Michigan The **Michigan OSHA (MIOSHA)** strategic plan for fiscal-year 2004 through 2008 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 its 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.

MIOSHA has made significant progress toward nearly all program goals. Significant decreases in injuries and illnesses were reported, including: a 21 percent reduction in the three-year average for amputations; a 19 percent reduction in the three-year average for overexertion; and a 28 percent reduction in injury rates in the furniture and fixtures industry, a new strategic-plan emphasis.

Minnesota

Minnesota OSHA's (MNOSHA's) five-year strategic goals for federal fiscal-year 2004 through 2008 support and guide its efforts during the next several years. The goals are to:

- reduce occupational hazards through compliance inspections;
- promote a safety and health culture through compliance assistance, outreach, cooperative programs and strong leadership; and
- strengthen and improve MNOSHA's infrastructure.

With few exceptions, MNOSHA's federal fiscal-year 2005 performance goals were achieved.

New Jersey

New Jersey's five-year strategic plan for fiscal-years 2004 through 2008 has three major strategic goals:

- improve workplace safety and health for all public employees as evidenced by fewer hazards, reduced exposures and fewer injuries, illnesses and fatalities;
- promote safety and health values in New Jersey's public-sector workplaces; and
- secure public confidence through excellence in the development and delivery of programs and services.

Outcomes from implementation of the five-year strategic plan will:

- reduce the number of worker injuries and illnesses, by focusing statewide attention and resources on the most prevalent types of injuries and illnesses, the most hazardous public occupations and the most hazardous workplaces;
- increase the public-sector employer and employee awareness of, commitment to and participation in safety and health;
- improve the response to legal mandates, so workers are provided full protection under the Public Employees Occupational Safety and Health (PEOSH) Act; and
- increase and improve the number of implemented emergency preparedness/homeland security programs and services, coordinating efforts with federal, state, county and local agencies.

New York

New York's Public Employee Safety and Health Bureau (PESH) is in its second five-year strategic plan cycle. The goal for this period is to further reduce the injury and illness rates by 10 percent in 623110 (nursing care facilities), NAICS 237310 (highway, street and bridge construction) and 922160/621910 (fire and ambulance services). Specific committees have been established to address each of these disciplines.

Nursing care facilities

This committee is focusing on county and state veterans' homes. Each nursing home was provided a review of recordkeeping procedures. In 2005, each facility was visited and the injury and illness logs were corrected as needed. This provided a sound baseline to compare the future year's data. Based on this data, the first five-year commitment witnessed an employee injury rate reduction of 18.1 percent, which exceeded its goal by more than 80 percent. An injury rate reduction of 10 percent has occurred since 2002, with an overall injury reduction of 33 percent.

This committee also focused resources on comprehensive safety and health consultation to the five nursing homes with the highest injury rates. These site visits included a detailed review of the resident handling procedures, because these are the identified tasks that result in the majority of injuries to employees. The committee promotes the development of a "zero lift policy" and strives to reach that level while continually working with the facilities.

Outreach activities continue to include *Employee Injury Prevention Conferences* that focus on providing safe resident/patient handling, workplace violence and emergency response needs for health care.

The Nursing Home Strategic Plan committee has ongoing partnerships with the County Nursing Facility of New York, which is an association of county nursing home administrators, and the Civil Service Employees Association, which is the public-sector union that represents the majority of nursing assistants in New York State. These partnerships provide a unique opportunity for government, union and management to work as a team with a focused goal aimed at reducing employee injuries.

Highway, streets and bridge construction

The primary goal of this strategic plan committee is to build partnerships to reach more employers and ultimately reduce highway department employee injuries. Partnerships with the New York State Association of Counties and the New York State Safety Officers Association have promoted workplace safety initiatives.

This committee continues to work with New York State Department of Transportation, Thruway Authority and the Office of General Services providing safety awareness training to employers and employees. Members of this committee also network with equipment manufacturers in an effort to better understand the safe operation of highway equipment.

Most counties in New York are self-insured and include the towns and villages within their geographical boundary. By working with individual counties and self-insurance groups, PESH is able to reach many more municipal workers. This committee developed a training program for employers that is available for conduct by PESH staff members or can be delivered independently by local trainers. The specific topics of this training program are ones that most employers requested on a safety and health survey that was begun in federal fiscal-year 2005. A training package includes Microsoft PowerPoint presentations for municipal workers, copies of the appropriate OSHA standard and sample tailgate meeting information. This information is also available on CD for training and distribution. Topics include:

- welding and cutting;
- lockout/tagout and safe electrical work practices;
- flagging and traffic control;
- hazard communication and right-to-know;
- confined space;
- back safety;
- rabies, west nile and Lyme disease; and
- trenching and excavation.

Fire and ambulance services

The Fire Protection/Ambulance Service Strategic Plan Committee continues to focus on reducing injuries and fatalities to individuals, both paid employees and volunteers, who provide these services. This committee has established partnerships with the New York State Association of Fire Chiefs, State Office of Fire Prevention and Control, State Emergency Management Office, the New York State Department of Homeland Security CBRNE Task Force and the New York State Safety Officers Association.

One area of current focus is the physical ability of interior firefighters when performing strenuous work. This group is now promoting fitness evaluation and training. Recently, they worked with an occupational health physician to better understand the synergistic effect of stress as related to body condition. Future activities will focus on the cause of worker illnesses and fatalities while performing emergency response duties.

This group is interested in developing a universal tracking method for training of all fire departments and county and state emergency services and will provide more awareness activities aimed at reducing injuries by preventing firefighter exhaustion. The committee will also examine accountability, hydration, team rotation, mutual assistance, physical fitness and newer/lighter PPE as ways to reduce such stress and will work with fire departments in an effort to reduce injuries through rehabilitation of firefighters by promoting the set-up of rehabilitation stations, incorporating EMS response for structure fires and establishing guidelines for mandatory evaluations after two SCBA bottles are used.

North Carolina **North Carolina** is currently pursuing the goals contained in the state's *Strategic Management Plan* representing the second five-year strategic planning cycle, which began in fiscal-year 2004. The success of the strategic planning process is reflected in the state's 4.1 injury and illness rate in 2004. The overall number of fatalities declined from 90 in fiscal-year 2004 to 72 in fiscal-year 2005. This included a drop in construction fatalities from 35 to 23.

The goals for the current five-year *Strategic Management Plan* include continued reduction of the state's injury and illness rate and reduction of the workplace fatality rate. One strategy for reaching these goals is by placing emphasis on a number of specific industries and workplace hazards. These include: construction; logging; lumber and wood products, furniture and fixtures; long-term care; and health hazards including lead, crystalline silica, styrene, asbestos and isocyanates. Additional rate reduction strategies include: site-specific targeting of employers with high injury and illness rates; public-sector targeting; safety and health program assistance; partnership development; and expanding the safety and health recognition programs. A multidisciplinary resource allocation, including compliance, consultation, education and training, will also continue to be used.

Oregon **Oregon OSHA's (OR-OSHA's)** nationally recognized lab analyzes silica samples received from enforcement inspections, consultations and general technical assistance. Analyzing the sample data from fiscal-year 2005 showed silica over-exposures in a broader base of industries than initially expected, which may cause OR-OSHA to revise target SIC codes in the future.

At the end of the first five-year plan (2001 through 2005), data showed an 11 percent reduction in fatalities from the previous five-year period. Targeted efforts, consultation outreach and education have helped achieve this reduction.

Puerto Rico By combining results from multiple program areas, **Puerto Rico OSHA (PR OSHA)** has been successful in meeting the goals and objectives outlined in its strategic plan, and complying with its mandated activities. Most often, the office adapts to ever-changing conditions in the industry and has been able to respond well to emerging issues. For example, due in part to the aggressive efforts and campaigns of the office, the fatality rate in the construction industry remains significantly lower when compared to the average baseline.

Tennessee **Tennessee OSHA** continues to focus resources, through its strategic plan, on the elimination of workplace hazards by intervening in workplaces where serious hazards are observed. Special emphasis programs about fall protection, carbon monoxide, noise, amputations, and trenching and excavation are currently in place. Training employees and employers about safety and health issues continues to be part of the strategic plan. During 2005, Tennessee OSHA trained more than 12,000 people about workplace safety and health topics.

This concentration of resources has produced tangible results. Fatalities from falls have decreased by 33 percent and the DART rate in construction and in metal-working industries have been reduced 21.6 percent and 20.1 percent respectively.

Utah **Utah** completed the first year of its second five-year strategic plan. The plan essentially mirrors the federal plan. The plan includes a focus on reductions in amputations, ergonomics-related injuries and blood-lead levels; the second-year results achieved significant reductions in amputations and ergonomics-related injuries. Also of note was a 12 percent decrease in the general industry fatality rate.

Vermont **Vermont OSHA's (VOSHA's)** strategic plan for 2004 through 2008 focuses on all food processing and on reducing worker injuries in highway workzones. The Vermont State Police set up radar in highway workzones and issue tickets to speeders.

Virginia **Virginia Occupational Safety and Health (VOSH)** is in the last year of its current strategic plan and is in the process of preparing its new multi-year plan.

Washington **Washington's Division of Occupational Safety and Health (DOSH)** completed its 2001 through 2005 plan and has adopted a new five-year strategic plan. Some of the 2006 through 2010 performance goals are:

- reduce the number of workplace fatalities by 15 percent;
- reduce the rate of workplace injuries and illnesses by 20 percent;
- develop or continue at least two industry or hazard-based initiatives each year to provide additional attention to areas contributing to high fatality or injury and illness rates;
- greatly expand online or downloadable employer assistance tools by at least 50 percent; and
- encourage voluntary efforts to improve occupational safety and health and expand worker protection systems through approval of at least 10 new Voluntary Protection Program sites.

Some of Washington's accomplishments during the 2001 through 2005 plan include the following.

- For each of the five years, time-loss claim rates for fixed-site employers that DOSH visited (enforcement inspections or consultation visits) declined between 7.8 percent and 29.9 percent more compared to worksites in the same industry that DOSH did not visit.
- DOSH conducted special-emphasis programs for nursing homes, sawmills, residential framing and masonry. Back injury claims for nursing homes participating in a zero-lift initiative decreased 23.2 percent compared to 20.8 percent for other nursing homes. Shoulder injuries decreased 41.3 percent for participating nursing homes compared to a 5 percent increase for other nursing homes. Injuries in the framing industry declined from a baseline of 46 per 100 workers to 30.7 per 100 workers in the second year of the initiative.

- It rewrote the core safety and health standards, plus 36 industry or subject matter rules, in plain language. Employers can access Washington's workplace safety and health rules by CD or on the Web site at www.lni.wa.gov/Safety/Rules/Find. The plain language rules have received national recognition, including receiving the Council of State Governments' 2002 Innovations award and being a finalist for the John F. Kennedy School of Government at Harvard University's Innovation in American Government Award.
- The time it takes to issue a citation with hygiene violations decreased from a high of 110 days to an average of 66 days between the inspection opening conference to the citation issue date. DOSH reduced the average time for safety violations from a high of 76 days to an average of 41 days.
- DOSHA verified correction of serious hazards identified by consultants within 14 days of the abatement date in 97 percent of cases. For serious violations identified by inspectors, DOSH verified correction within 30 days of the abatement date in 95 percent of the cases.
- Of Washington's safety and health professionals (consultants, inspectors, supervisors, hearing officers and technical staff members), 94.5 percent completed at least 40 hours of safety and health training annually.
- DOSH improved the timely completion of discrimination investigations from less than 50 percent to a high of 92 percent in 90 days or fewer.

Wyoming

Wyoming's new five-year strategic plan for fiscal-years 2004 through 2008 measures three areas: fatality reduction, reduction in workplace hazards and injuries, and workplace safety culture.

The first strategic goal is to "improve workplace safety and health for all Wyoming workers by reducing fatalities." In the strategic plan, the performance goal is to "reduce workplace fatalities by minimizing occupational hazards, promoting safety and health cultures, and maximizing Workers' Safety and Compensation Division effectiveness and efficiency."

The second strategic goal is to "improve workplace safety and health for all Wyoming workers as evidenced by fewer hazards, reduced exposures, and fewer injuries and illnesses."

The third strategic goal is to "promote a safety and health culture in Wyoming through a strong and effective consultation program." The strategic plan performance goal is to increase participants in VPP and SHARP.

No progress was achieved in meeting the first goal (fatality reduction): fatalities increased over the benchmark used for comparison. Mixed results were noted with the second goal for reducing workers' compensation injury claims for companies receiving a Workers' Safety Compliance or Consultation intervention. And excellent results were achieved in the third strategic goal (CVPP and SHARP growth).

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.



Customer service: increasing program satisfaction

Alaska

Alaska's five-year strategic plan includes several goals to increase program results. Goals for responding to complaints, accidents and fatality/catastrophe incidents (FATCATs) have been established.

Processes have been evaluated and modified to improve speed and efficiency in enforcement. The citation review process and data entry has been improved to dramatically reduce citation lapse times. The informal contest process has been streamlined to decrease administrative processing time. Upon resolution during an informal conference, the documents are quickly finalized to allow the employer to leave with finalized documentation.

The use of near real-time workers' compensation data to target high-hazard worksites means that fewer businesses with current low injury rates are targeted for inspections.

Arizona

The **Arizona Division of Occupational Safety and Health (ADOSH)** continues to improve on its ability to serve the citizens of Arizona. ADOSH has increased the number of consultative visits and training seminars in rural communities throughout the state. It has also increased outreach efforts by establishing a close working relationship with several industry associations. ADOSH continues to publish a quarterly newsletter, *The ADOSH Advocate*, and has seen a rise in the number of subscribers.

In an effort to gauge employer attitude toward ADOSH inspectors and the inspection process, as well as solicit feedback about how ADOSH might improve programs and services, a random sample of employers was 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 its involvement in the inspection, and the likelihood that the employer would use ADOSH's consultation services in the future. Of the 81 surveys returned, 77 provided responses to all or most of the 13 questions.

This first-ever survey of employers that have participated in an ADOSH compliance inspection indicates that, while many 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.

California

California OSHA (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.

Advisory committees are also used to assist Cal/OSHA Standards Board staff members and Cal/OSHA staff members in developing rulemaking proposals that may significantly impact California employers and employees. The practice is most prevalent in the development of highly sensitive, controversial or complex regulations. Although the use of an advisory committee is not mandated, Cal/OSHA Standards Board and Cal/OSHA staff members have used them for years as an effective method to reach consensus among affected groups.

Connecticut

Connecticut OSHA (CONN-OSHA) is recognized as a leader in the safety and health field in Connecticut. Personal service, respect and professionalism are trademarks of the CONN-OSHA staff. Customer service surveys for clients of all CONN-OSHA services are used to monitor and improve delivery of services.

All CONN-OSHA staff members are encouraged to participate in professional development and professional certification classes and training.

Kentucky

During fiscal-year 2005, **Kentucky** responded to 100 percent of imminent danger reports by initiating an inspection within one working day of notification. There were 209 imminent danger inspections in 2005. Kentucky also met its performance goals by responding to 100 percent of fatality/catastrophe notifications, with inspection within one working day of notification.

Maryland

The **Maryland Occupational Safety and Health (MOSH)** Training and Education Department distributes an evaluation survey at the end of each training and education safety course. The results of these surveys from the course attendees rate the training received at a 92 percent overall satisfaction rating.

The department is also required by the Maryland Department of Labor, Licensing and Regulation, to use a standard external customer survey. This annual survey is mailed to customers who have used the MOSH Training and Education Department services during the year. The results of the survey from employees and worker respondents rated the MOSH Training and Education Department at a 90 percent overall satisfaction rating.

Michigan

Michigan OSHA (MIOSHA) marked the 30th anniversary of the program in 2005. During the year, MIOSHA conducted a number of outreach efforts aimed at improving communication and increasing satisfaction with program services, including a special “Take a Stand Day” in August. MIOSHA enforcement and consultation field staff members, along with supervisors and managers, provided one-on-one consultations to employers to help address a specific workplace safety or health issue. **Participant feedback indicated it was a very positive experience.** MIOSHA designated a special week as “Make a Difference Week” and created a toolbox of ideas, suggestions and activities to use in the workplace. Feedback about the week and the toolbox contents was also very positive.

The MIOSHA CET Division distributes an evaluation form at the end of each seminar presented to the general public. For fiscal-year 2005, MIOSHA received 2,140 forms from 114 seminars – with 99.8 percent of respondents indicating they were satisfied or very satisfied.

MIOSHA developed a customer comment card that will be left with employers and workers during both enforcement and consultation visits to encourage feedback about whether the intervention was useful and to gain suggestions for program improvement.

Minnesota

Every business day, **Minnesota OSHA (MNOSHA)** has two safety and health professionals on duty to answer questions primarily received through phone calls and e-mail messages. MNOSHA has an information officer and a senior industrial hygienist assigned to answer these inquiries. Additional assistance is provided as needed by investigative staff members. MNOSHA responds to approximately 5,700 phone calls and 1,400 e-mail messages each year. More than 98 percent of these inquiries are answered within one day. These phone calls and e-mail messages include compliance assistance and cover a wide variety of topics. They are received from three primary sources: employees, employers and consultants.

New Jersey

New Jersey’s Public Employees Occupational Safety and Health (PEOSH) Advisory Board formed an Indoor Air Quality (IAQ) Standard Subcommittee to:

- review and make recommendations about a proposal to modify the PEOSH IAQ Standard;
- review and make recommendations about an IAQ Standard inspection protocol; and
- review and make recommendations about a written manual of report recommendations.

As a result of nine meetings in fiscal-year 2005, the IAQ Standard Subcommittee submitted to the PEOSH Advisory Board:

- suggestions for revisions to the IAQ Standard;
- a draft PEOSH IAQ inspection guidance document with the recommendation that the New Jersey Department of Health and Senior Services (NJDHSS) use the guidance document as an educational tool and as a guide for inspections and consultations; and
- boilerplate language with the recommendation that the advisory board advise NJDHSS to include the appropriate boilerplate language in inspection and consultation reports.

New Jersey adopted the PEOSH Hazard Communication Standard (HCS). Regional training sessions were conducted throughout the state to explain the standard. To address the most commonly asked questions generated during the training sessions and those received by telephone, the NJDHSS PEOSH Program developed an additional document, *PEOSH Program Hazard Communication, N.J.A.C. 12:100-7 Public Employers’ and Employees’ Frequently Asked Questions*.

Oregon

Every new employee of **Oregon OSHA (OR-OSHA)** is required to take a four-hour course about customer service. Customer surveys are conducted for public education training, conferences, consultation visits, audiovisual library materials, informal conferences (appeals) and compliance visits. Annual survey results are

tallied by the information management division and fed back into the process highlighting any areas needing improvement. Results for fiscal-year 2005 show a customer satisfaction rating exceeding 90 percent in all areas.

Tennessee Tennessee OSHA surveys all attendees following safety and health training classes and seminars to assess the effectiveness of the training presented.

A program is currently being developed to survey employers and employees following interventions to determine the level of customer satisfaction and to evaluate the effectiveness of the intervention.

Utah Utah continued to significantly increase its efforts to communicate safety and health requirements to Hispanic workers. UOSH tries to have a presence at Hispanic fairs and holiday celebrations. UOSH continued to enhance its construction safety CD that includes most of the information presented in English and Spanish (Note: This CD was originally developed in 2004.) UOSH continues to work closely with the local Mexican Consulate to determine effective methods of providing safety and health information to Spanish-speaking workers. In 2004, this included participation in forums on local Hispanic radio and TV programs.

Washington Washington has had two customer surveys conducted through an independent research firm during the past several years. The purpose was to:

- measure satisfaction levels with customer service;
- identify how services and staff training can be improved; and
- determine how to best provide information employers want and need.

In the most recent survey, employers using consultation services reported an overall satisfaction level of 97 percent, with 78 percent in the “most positive” category. Employers receiving compliance services reported an overall satisfaction level of 83 percent, with 52 percent giving the “most positive” rating.





Enforcement: targeting high-risk worksites

The primary mission of all state plans is to ensure 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 its program.

The state-plan states continually review 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. Because 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 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.

Safety and health programs

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.

Oregon

Oregon OSHA's (OR-OSHA's) emphasis areas in fiscal-year 2005 were: falls, silica and lead in construction. OR-OSHA has agreed to target 5 percent of its annual inspections in each of these areas.

Washington

Washington requires every employer to develop a written plan (Accident Prevention Program, or APP) addressing the hazards of that business. The plan must include a safety and health committee of employer and employee representatives, and employee training about safe work practices. Washington has developed videos, workshops and online sample programs to help employers and their employees establish accident prevention programs on their own. Washington's APP Web site includes sample programs for general industry, as well as industry-specific samples for construction, agriculture, firefighting, logging, masonry, restaurants and sawmills. It is online at www.lni.wa.gov/safety/basics/programs/accident/default.htm. In addition, the Web site has sample programs for chemical hazard communication, confined space, respiratory protection and hearing loss prevention. Employers can also request an on-site consultation for assistance with developing written programs.

Site-specific targeting

Alaska

Alaska continues to use workers' compensation data to target worksites with high injury or illness rates. This data is typically current to within 60 days. As a result, the reliability of the targeting method is improved. Worksites with significant injuries and injury rates are placed on a high-hazard target (HHT) list used to make enforcement efforts efficient and effective.

AKOSH has two local-emphasis programs to include the public sector and worksites qualified as HHT sites. HHT sites are notified of their status as potential enforcement inspection targets and provided an opportunity to request a consultation visit. The sites that choose to have a comprehensive consultation visit and voluntarily correct identified hazards can be removed from the HHT list.

Arizona

Arizona has developed an inspection targeting program that uses workers' compensation data to identify individual employers with high rates of claims.

California

California OSHA (Cal/OSHA) continues to receive funding under workers' compensation reform legislation for a targeted consultation program with a 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 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, repetitive motion injuries (RMIs) and other topics.

Kentucky

During fiscal-year 2005, **Kentucky** maintained its increased compliance presence in the construction sector by conducting 972 inspections, which represents an increase of 11.2 percent in inspection activity and has increased follow-up inspections for both general industry and construction where serious violations were issued. Not only has compliance increased the number of inspections in construction, but has also dramatically increased the number of responses to reports of imminent danger, especially related to fall and trenching hazards. In fiscal-year 2005, compliance inspections resulting from reported imminent danger conditions increased to 209. This represents a 302.9 percent increase in the number of imminent danger referrals reported to by the Division of Compliance since fiscal-year 2002. Kentucky was able to maintain this level of activity in construction by increased efficiency and productivity, and with fewer field staff members.

Maryland

Maryland Occupational Safety and Health (MOSH) continued to maintain an increased compliance presence in the construction sector by conducting 756 construction inspections. The MOSH Training and Education Department provided training for employers and employees in the construction sector with 584 employers/companies being trained.

Michigan

Michigan pioneered a general industry safety inspection scheduling program that relies on survey data, site-specific injury data and workers' compensation data to target workplaces with high hazard conditions. Michigan OSHA (MIOSHA) has recently piloted a focused inspection concept as an alternative to wall-to-wall inspections. With this approach, significant industry hazards are the focus of inspections. This approach was determined to be an effective use of agency resources and will be expanded.

MIOSHA initiated an increased focus on health issues at construction sites by piloting joint safety and health inspections. Construction safety and health officers are cross-trained to recognize significant hazards outside their areas of expertise. This program continues to be very successful, with 167 combined inspections in fiscal-year 2005.

MIOSHA has received Centers for Disease Control and Prevention (CDC) funding since 1997 for the *Adult blood lead epidemiology and surveillance (ABLES)* program. Because of the referrals from ABLES to enforcement and other related MIOSHA initiatives, there have been great reductions in the rate of elevated blood leads in Michigan adults.

Minnesota

Minnesota OSHA (MNOSHA) inspection activities concentrate on workplaces with high injury and illness rates. To determine which industries to target in general industry scheduling, MNOSHA uses the federal OSHA Data Initiative, workers' compensation information and high-hazard NAICS codes that are based on data from the Bureau of Labor and Statistics.

Health inspections are prioritized based on NIOSH-identified industries with a high potential of chronic obstructive pulmonary disease, BLS-identified industries with high nonfatal occupational illness rates and local emphasis programs targeting potential isocyanate exposure and potential occupational asthma.

MNOSHA's current strategic goal is to conduct 60 percent of all programmed (routine) inspections in the following areas:

- lead and silica;
- construction;
- lumber and wood products;
- furniture and fixtures;
- paper and allied products;
- rubber and miscellaneous plastic;
- food and kindred products;
- industrial machine and equipment; and
- public sector.

In addition, MNOSHA has established pilot programs in which the goal is to conduct 5 percent of all programmed inspection in the following areas:

- printing and publishing;
- auto dealers and service stations;
- communication; and
- hotels and lodging.

In construction, MNOSHA uses construction Dodge reports to locate active construction worksites. Additionally, MNOSHA conducts activity-generated inspections in construction. Criteria used to determine if a worksite is appropriate for an activity-generated inspection includes: demolition work, bridge work and structures taller than 30 feet, roofing work and sites that have equipment that could cause a crushing or struck-by injury.

Nevada

The **Nevada** Bureau of Labor Statistics (BLS) most current annual data about injury and illness rates and the agency's own special emphasis programs guide Nevada OSHA's site-specific targeting system. Both processes form the foundation for ranking and selecting workplaces for inspections. And it helps NV OSHA focus its resources and priorities on the protection of employees who can potentially be exposed to the most hazardous work environments.

New Jersey

New Jersey Public Employees Occupational Safety and Health (PEOSH) is working to reduce the number of worker injuries and illnesses by focusing statewide attention and resources on the most prevalent types of injuries and illnesses in the most hazardous public occupations and workplaces in state, county and local agencies in specific targeted NAICS codes.

New Jersey PEOSH enforcement maintains a strong presence as an effective deterrent for employers that fail to meet their safety and health responsibilities.

During federal fiscal-year 2005, the NJDLWD safety enforcement conducted a total of 1,168 inspections of which 682 were programmed, 42 were complaints, six were fatalities and 486 were follow-up inspections.

NJ PEOSH enforcement targeted:

- Department of Transportation, NAICS 234;
- sewage treatment, NAICS 22132; and
- nursing homes, NAICS 623.

North Carolina

North Carolina has established a site-specific targeting schedule based on data secured through the OSHA Data Initiative. A survey is completed 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 public-sector establishments that may receive consultation, a comprehensive compliance inspection and/or education and training assistance. Targeting schedules have also been established for special-emphasis programs, including lumber and wood products; furniture and fixture industries; construction; and where employees may be exposed to health hazards such as lead, crystalline silica, styrene, asbestos and isocyanates.

Oregon

Targeting based on 2003 claims data added trucking and warehousing, lumber and wood products, and health services sectors (SIC codes 42, 24, 80) to **Oregon OSHA's (OR-OSHA's)** local emphasis program. A program directive requires the list to be revisited each fiscal year and that the list not include the same sector two years in succession.

Puerto Rico

One of the areas targeted by **Puerto Rico OSHA (PR OSHA)** has been the woodworking industry. The office has continued to use the local emphasis program (LEP) directive to target the manufacture of wood products and furniture (CPL 2-0.0201 Woodworking Industries).

Another sector significantly impacted by the program was the auto repair and body shop industry, for which an LEP has been issued since 2002, targeting automotive painting and refinishing activities.

Also worth mentioning is the establishment in June 2005 of the PR OSHA Instruction CPL 2-0.0501, *Local Emphasis Program – Fall and Electrical Hazards in Construction*. This instruction described the policies and procedures for the implementation of a local emphasis program for the programmed safety inspections for fall and electrical hazards on construction worksites.

Through this program, whenever a CSHO observes the reference hazards and/or there is evidence of employee exposure or potential exposure, or sufficient circumstantial evidence has been gathered indicating that an exposure exists at the time of the inspection, the CSHO will notify the general contractor and will ask for abatement before leaving the site. In case the general contractor does not agree to correct the hazards, the corresponding area director will decide to post an imminent danger notice (PR-OSHA 8).

Utah uses a combination of federal (BLS), state (Division of Industrial Accidents) and commercially available data sources to target high-risk worksites. Industries with BLS incidence rates higher than the state's private-sector average are initially targeted. This list is fine-tuned by using the local Industrial Accidents data, which provides more "real time" data. Finally, new construction projects are identified through the building permit process and are targeted during the construction "drive around" program.

Vermont OSHA (VOSHA) has two local emphasis programs: trenching and excavation; and falls. Compliance officers are instructed to stop whenever they encounter a trench or workers exposed to falls. VOSHA uses a high-hazard list developed from ODI and workers' compensation. VOSHA has access to the employer database maintained by the Vermont Department of Labor.

Virginia has special emphasis inspection programs to address the major causes of fatal and serious nonfatal accidents in the following areas: fall hazards in construction, scaffolding, heavy construction equipment, public-sector workshops, overhead high-voltage lines, trenching and excavation, lumber and wood products, amputations, tree felling and delimiting, asbestos, lead, silica, waste water and water treatment facilities, and First Report of Accidents (FRA), such as amputations and serious chemical exposures.

Washington was the first state in the nation to have its occupational safety and health program in the same agency with an exclusive workers' compensation system. Employers must either buy their industrial insurance from the state or apply and be approved to self-insure. Third-party private industrial insurance is not an option. Having OSH data and all of the state's workers' compensation data together in a data warehouse provides an excellent opportunity to conduct research about prevalent injuries in different industry sectors, target resources to address those issues, and to assess the results of services provided.

Although Washington has had a comprehensive targeting system for many years, it is in the process of being re-evaluated and updated. Analysis conducted during Washington's Government Management Accountability and Performance (GMAP) process, where injury data was matched with visit data, shows there are industries where more worksite visits need to be conducted. The targeting system is used to schedule inspections and for contacting employers to offer consultation or risk management services.

Wyoming In 1994, Wyoming's state plan merged with its workers' compensation system, giving it access to employers' compensation data. With that access to company-specific workers' compensation data for more than 16,000 businesses, Wyoming is able to identify specific employers for inspections by comparing their number of claims reported to the number of employees, the cost of claims compared to the premium cost, the average cost of a claim and the experience modification rating. Instead of concentrating on specific industries, Wyoming is able to focus on individual employers. This information is used to identify employers for inspections or, if the employer chooses, a consultation visit.

State responsibility: enhanced enforcement

Significant cases

Alaska

For the first time in years, **Alaska Occupational Safety and Health (AKOSH)** made a health and safety sweep of the North Slope oilfield production and associated facilities by conducting 36 safety and health inspections in four days. These worksites are extremely remote and access is tightly controlled. While numerous serious and other-than-serious citations were issued, the major oil producers (BP Exploration Alaska, Inc. and ConocoPhillips Alaska, Inc.) and their contractors were grateful for the enforcement professionalism and the constructive guidance to correct hazards and help improve worksite safety and health performance.

AKOSH investigated an ammonia leak that required evacuation of a fish processing plant (Waterkist Corporation/Nautilus Foods) and adjacent community areas in Valdez. The inspection resulted in the issuance of two willful citations, one repeat citation, one 5(a)(1) citation with 25 elements related to ammonia refrigeration deficiencies, five serious citations with 18 grouped violations and two other-than-serious citations. The inspection also required that the ammonia refrigeration systems were shut down through a “red-tag” legal injunction to stop work until the violations and deficiencies were corrected. The shutdown lasted more than a week during the peak of the salmon fish processing season, but worker safety and health required this significant action. The case remains in contest as of April 1, 2006. In December 2005, the AKOSH Review Board affirmed \$59,225 in penalties for several serious, repeat and failure to abate violations identified in an inspection conducted in 2003 at this same site.

California

A **California OSHA (Cal/OSHA)** issued penalties totaling \$216,000 to a window-cleaning company in response to an imminent hazard complaint filed alleging unsafe use of boatswain chairs while cleaning the windows of a 14-story building. The employer has a significant history of noncompliance, as evidenced by numerous inspections and citations, mostly in San Francisco, but also in Oakland and Foster City, Calif. jurisdictions. The employer had also been inspected and cited as the result of a near-fatal accident of one of its employees who was cleaning windows at the Golden Gate Bridge Administration buildings.

At the site of this inspection, several employees, along with the operations manager, were engaged in cleaning the windows of the subject building using boatswain chairs that were improperly rigged on the roof of the building, without having received an OPOS from the building owner or having developed one, had working lines and suspension lines tied together, to vent pipes on the roof (which are not approved anchorages), and had knots on these lines, which are not allowed because they reduce their strength. As a result, six citations were issued.

Each of the willful serious repeat citations carried the maximum penalty allowed for a citation, \$70,000, bringing the total penalty to \$216,000. The willful classifications were submitted for legal review and found appropriate for issuance. This is the first time Cal/OSHA issued citations with both repeat and willful classifications.

Cal/OSHA issued citations with penalties totaling \$196,325 to a company involved in the manufacture of fishing tackle. A \$70,000 willful citation was issued for failure to prohibit the removal of lead from protective clothing or equipment by blowing, shaking or any other means, which disperses lead into the air. The company has been manufacturing lead fishing lures since 1936. The fishing industry associations post numerous cautionary statements on their Web sites regarding lead; the hazards of lead are common knowledge.

In spite of the company paying the California Franchise Tax Board a *Lead Poisoning Prevention Program* fee since 1992, and having had hazardous waste regulatory involvement with the City of Long Beach a month before the inspection, an employee was observed blowing dust off with shop air and stated this was how most of the employees removed dusts from their clothing.

Numerous citations were issued for other violations, such as lack of a HEPA filter, failure to maintain surfaces free of lead accumulation, sweeping of lead accumulations, failure to use suitable hoods or enclosures connected to exhaust systems, lack of plumbed eyewash facilities in some locations, failure to provide potable water in eyewash systems, improper storage of respirators and failure to provide guards for band saws.

Indiana In **Indiana**, United Armor Services was cited for a willful violation after a fatality of an employee as the result of the employer not seeking prompt or reasonable medical attention.

Maryland As a result of a workplace fatality of a 15-year-old involving a mulch blowing system, **Maryland Occupational Safety and Health (MOSH)** investigated and issued citations to the employer. Additionally, the MOSH Training and Education Department conducted a special event for employers about teen safety and continued promoting the MOSH train-the-trainer courses *Youth at Work – Talking Safety*. There was also an increased involvement of compliance officers speaking at schools throughout the state to inform teens of workplace hazards and teen work requirements and regulations.

Michigan Following a fatality investigation at EaglePicher Automotive, **Michigan OSHA (MIOSHA)** issued \$100,800 in penalties for failure to enforce lockout procedures. Bing Metals Group received 23 serious, 11 repeat serious, 18 other-than-serious and five repeat other-than-serious citations, with a total penalty of \$113,900, following a routine wall-to-wall inspection selected per the 2004 through 2008 strategic plan. An employee complaint and focused inspection at Michigan Sugar found seven willful, 24 serious and 15 other-than-serious violations, with a total of \$277,650 in penalties.

On Feb. 24, 2006, Right Rail, Inc., was convicted and sentenced for a MIOSHA felony violation. Right Rail, a guardrail installation company, pled no contest in January 2006, and was sentenced to the maximum fine of \$10,000 and placed on probation for two years.

Minnesota Fatality: In October 2004, a worker from a small demolition company was digging a shallow trench at the base of a poured concrete foundation wall of a 1920s-vintage building. A second employee was following the first employee building framework directly in front of the same existing wall. As the employee was digging the trench and going through a deteriorated cement floor base, a large section of the wall (24 cubic feet; 3,600 pounds) broke free from the upper part of the now-collapsing wall and fatally crushed the employee. The wall that collapsed was not shored or braced at the time of the accident and was in poor condition with cracking, crumbling and moisture present. **Minnesota OSHA (MNOSHA)** issued two willful citations, \$50,000 each, to the employer for failure to conduct an engineering survey by a competent person prior to starting demolition work, and failure to shore or brace walls where employees are required to work within a damaged structure to be demolished. Additional serious citations were issued, resulting in a total of \$104,500 in penalties.

Fatality: On April 15, 2005, the victim approached, from the right side, an employee who was occupying a lift truck and told him he needed to use the lift truck immediately. The employee occupying the lift truck assumed the victim was going to mount the lift truck from the right side. However, the victim walked around the rear. Before the employee dismounted the lift truck, he did not shut off the engine nor set the parking brake. As the employee dismounted from the left side of the lift truck, he inadvertently bumped the forward-reverse shift lever into reverse. The lift truck went into reverse, striking the victim and crushing him between the rear of the lift truck and a concrete wall. MNOSHA issued a willful citation to the employer for failure to remove from service a lift truck with numerous defects, including uncontrollable engine high idle speed and RPM fluctuations, ignition key broken off inside the ignition switch and an unapproved knob on the forward-reverse shift lever. MNOSHA also issued serious citations for failure to set the parking brake and replacing the knob on the shift lever with one that was longer than the original design, for penalties totaling \$100,000.

Nevada **Nevada** has a specific regulation pertaining to violations that result in the death of an employee. Any employer that willfully violates any requirement of this chapter, or any standard, rule, regulation or order promulgated or prescribed pursuant to this chapter, where the violation causes 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 six months, or by both fine and imprisonment; for the second offense, double the fine and/or imprisonment.

North Carolina Enforcement activity continues to be an integral part of **North Carolina** state-plan activity. In 2005, the Division of Occupational Safety and Health conducted 4,964 safety and health inspections. The state's strategy for investigating significant cases includes mobilizing adequate resources, including equipment and personnel, conducting a thorough investigation and sharing any significant findings with others who might benefit from the information. North Carolina prepared and distributed an industry alert about the hazards associated with 1-bromopropane after inspecting a manufacturing facility where employees were exposed to the chemical, which was being used as an adhesive in making furniture cushions. There is no standard for 1-bromopropane, so the

North Carolina General Duty Clause was cited. Eight employees in the furniture plant became seriously ill with damage to their nervous system, which caused leg numbness and unsteady walking.

Oregon

Tri-Met Bus #62 pulled into a commuter transit center for a fall lunchtime stop in Beaverton, Ore., so the driver could take a break. After the driver failed to properly set the brakes and reached through the driver's window to close the doors, the bus started rolling. The driver attempted to stop the bus with her hands and the force of her body, but was fatally pinned between the bus and a bus stop sign. No penalties were assessed by **Oregon OSHA (OR-OSHA)**, but this offered the tri-county transportation agency a visible example for reinforcing awareness of policies, including properly functioning seat alarms and policies regarding door closure.

At a pharmaceutical manufacturer in Portland, Ore., preparing hydroxybenzotriazole (HOBT), a batch ticket missing critical parameters resulted in run-away reaction. A 500-gallon steel vessel detonated, causing a catastrophic explosion that destroyed several buildings. A unified command was set up between EPA, DEQ, Coast Guard, the employer and OR-OSHA to coordinate several concurrent investigations and the environmental clean-up effort. Three serious violations were cited and a \$10,000 penalty assessed.

The dangers of industrial vehicles and workplace policies resulted in a penalty at a Madras, Ore., sawmill operation in the fall of 2004, where a forklift carrying a load of lumber struck a worker. A language communication barrier between the driver and witnesses conveys the mutual responsibility for cross-cultural communications in the workplace.

Washington

In 2005, **Washington** issued citations with penalties for three significant enforcement inspections, several with willful violations. Three of the cases involved fatalities that could have been prevented had the employer adhered to required safety standards.

The first case involved an asbestos removal company working at a local high school. Washington's DOSH fined the company a total of \$106,400 for 10 willful, four serious and four general violations. The company failed to provide basic protection for its employees who perform asbestos removal work. The employer also failed to provide medical testing, proper respirators and respirator fit-testing, failed to conduct air-quality monitoring in the contained work area and failed to provide a decontamination area where workers could clean up and change out of contaminated clothing.

In a significant case involving a wood product company, DOSH fined the employer \$76,960 for workplace safety violations that led to the death of one of its employees. The employee died when a rag he was using to wipe water off a debarker drum got caught between two spinning tires and dragged him into the machine that strips bark from the tree limbs. A storm had blown away the roof covering the debarker, allowing it to get wet and not operate efficiently. Rather than turn off the equipment and lock it out before drying it, the employee attempted to clean the drum while it was operating. DOSH cited the employer for several violations, including failure to have proper lockout/tagout protection, failure to protect workers from dangerous machinery, failure to correct malfunctions on the machines and failure to provide proper safety training to employees.

The third significant case in 2005 involved four construction contracting companies fined with penalties totaling \$132,600 for exposing workers to fall hazards. Two of the companies were cited with willful violations, following two fatalities. The deaths prompted Washington to issue a hazard alert to all roofing and construction contractors reminding them of the dangers of unguarded openings. Washington's safety regulations require skylights and roof and floor openings be properly covered or guarded at all times.

Settlement agreements

California

California OSHA (Cal/OSHA) issued citations to multiple employers for violations leading to a gas pipeline explosion that occurred Nov. 9, 2004, which fatally injured five employees and seriously injured four others. The owner of the petroleum line was fined \$640,000 by Cal/OSHA and pipeline regulators. Cal/OSHA penalties totaled \$140,000. The State Fire Marshall's Office, which regulates fuel lines, fined the company \$500,000. Appeals are ongoing. Cal/OSHA also has an active criminal investigation underway through its Bureau of Investigations.

The findings from the criminal investigation, which focuses on possible criminal liability involved in the accident, will be given in a confidential report to the Contra Costa District Attorney's Office for a determination of whether criminal charges are applicable.

Cal/OSHA determined the explosion was completely preventable. The primary cause of the incident was that the employees working in the area did not know the location of the petroleum line. A fireball erupted when an excavator working on a water project punctured a high-octane gasoline line. The gas ignited, most likely from friction caused by escaping liquid, and fire engulfed workers on a six-foot water main. All of the fatalities and injuries were due to the explosion and fire. There was also extensive property damage.

The major cause of the tragic accident was failure to mark an offset in the gas line around the roots of a long-since removed oak tree. Several employers failed to take required action and committed errors that contributed to the failure to determine and mark the location of the utility line. Cal/OSHA issued serious accident-related citations of \$22,500 each to two other employers and a serious citation of \$6,750 to another employer.

In April 2006, the owner of the petroleum line signed a settlement agreement with the U.S. Pipeline and Hazardous Materials Safety Administration that requires the company to spend as much as \$90 million to improve its problem-plagued pipeline network in California and five western states. The company agreed to review all accidents on its system since March 31, 2001, including the Walnut Creek explosion, an April 2004 spill in Suisan Marsh, Calif., and a February 2005 spill in the Oakland Estuary.

The company has agreed to identify and repair all safety threats, to improve its methods for inspecting the interior of its pipes, to evaluate its effectiveness in assessing pipeline corrosion and to develop a system of “one-call centers,” so excavators can determine the exact location of the company’s underground pipes before digging.

Under the agreement, the company can face fines of up to \$10,000 a day if it fails to meet the terms of the agreement.

Indiana

The **Indiana Department of Labor (IDOL)** has placed significant focus on confirming and pursuing abatement following settlement agreements and informal conferences and has significantly increased required and appropriate safety training and programs as part of agreed resolutions.

Minnesota

In federal fiscal-year 2004, **Minnesota OSHA (MNOSHA)** established the 75/25 Program, a penalty reduction incentive program available to qualified employers, that links workers’ compensation claim rates and MNOSHA compliance penalties. This program allows an employer to obtain a 75 percent reduction in penalties, provided it reduces its workers’ compensation claims by 25 percent within a one-year period. The program is available to employers with an initial penalty equal to or in excess of \$5,000, provided the inspection was not the result of a fatality, serious injury or catastrophe. In federal fiscal-year 2005, there were 23 employers that entered into the 75/25 Program via settlement agreement. Results of the effect on workers’ compensation claim rates are not yet available.

Oregon

In **Oregon**, in a significant case, an administrative law judge found an employer failed to establish the rogue supervisor defense. The case involved four sites around the state – three sites involved supervision, two involved fall protection and one involved traffic control. A serious injury resulted at one of the sites when an employee fell 50 feet due to an improperly inspected climbing rope.

Puerto Rico

During fiscal-year 2005, the office received 28 discrimination complaints under Section 29 of the **Puerto Rico Occupational Safety and Health Act**. All complaints were processed with full effectiveness within the 90-day period stipulated by law.

The negotiation mechanism used by federal OSHA was adopted as of the previous fiscal-year, and has been very effective in reaching agreements between employers and employees in discrimination cases. This mechanism allows investigators to analyze the merits of each case to make recommendations before issuing a referral to PR OSHA’s Legal Division. This process has led to a considerable reduction in the investigation period for each case and has increased the confidence of employees when requesting this service.

The decisions pertaining to the discrimination complaints received during the fiscal year can be classified as follows:

- settlements..... 7
- in litigation/meritorious 2
- dismissals/nonmeritorious..... 16
- complaints withdrawn..... 3

As to the seven cases settled between the employer and the employee, where both parties reached an agreement in good faith, four employees were reinstated and three did not wish to return to their jobs. All of them were awarded retroactive payment of salary not received.

Utah includes an informal settlement agreement with citations issued to small employers (250 employees or fewer) for a first-time inspection where penalties are issued. The employer is offered up to a 60 percent reduction in the penalty for implementing a comprehensive safety and health program that includes provisions for: management leadership; employee participation; hazard identification, prevention and control; employee training; and program evaluation. On average, Utah Occupational Safety and Health settles 44 percent of its citations through the informal settlement process.

Washington Although not related to a single employer or specific inspection, **Washington** recently settled a three-year-old lawsuit involving the manner in which inspections of privately owned farms and other businesses are conducted under the Washington Industrial Safety and Health Act. The Washington Farm Bureau filed suit in 2003, alleging the existing law, which authorized entry without permission or a warrant, was unconstitutional. The Farm Bureau also claimed that without changes to the law, Washington's DOSH inspectors lacked the legal right to obtain search warrants if permission to enter private property was denied.

While DOSH did not agree with the Farm Bureau's legal arguments, both parties agreed to work cooperatively to develop and support legislation that could settle the lawsuit. Under terms of the settlement, the Farm Bureau agreed to dismiss its case after the Washington State Legislature approved legislation that requires inspectors to ask permission from the property owner, manager, operator or the on-site person in charge prior to conducting an inspection. The new law also removes any doubts about the constitutionality of Washington's right to enter and inspect workplaces, and provides clear authority to obtain a warrant.

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 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 is a consultation audit.

Violation approach in cases involving death or serious injury

Arizona **Arizona** statute directs the Industrial Commission to assess an additional \$25,000 penalty against any employer for each employee who suffers permanent disability or death as a 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.

California In January 2000, legislation became effective in **California** that provides 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.

A framing company, BLF, Inc., and the owner of a framing company were charged with willfully violating Cal/OSHA safety orders resulting in the death of an employee. The charges arose from the death of an employee when he fell approximately 40 feet through an opening while doing sheeting work on the roof (fifth level) of an apartment house under construction. The employer had failed to install any worker safety protections, such as guardrails or floor covers, and personnel were not provided with personal fall protection, such as safety harnesses. Both defendants pled no contest and were convicted of the same offenses. Part of the agreement included a \$40,000 restitution fine paid to the deceased employee's family, a \$19,000 restitution payment to Cal/OSHA for investigative costs, a \$5,000 fine paid to the court and a \$1,000 fine paid to the State Victim's Restitution Fund.

The District Attorney for Santa Clara County filed a complaint against United Technologies Corporation. After a six-week jury trial, the jury convicted the defendants on all counts. The complaint alleged that United Technologies failed to inform the employer that the pipe, which the employee cut, might be contaminated with

explosive residue. A total penalty of \$1,303,650 was imposed upon the defendant – \$833,018 in the form of penalties for violations of the Business and Professions Code.

Another case was filed against Bodycote Thermal Processing. Two fatalities occurred when a worker repairing a hydraulic leak on the inside of a vacuum furnace was overcome by lack of oxygen and collapsed. Another worker tried to rescue him and both workers died. Neither worker was wearing a harness or retrieval line. The employer pled no contest to two misdemeanor counts. Under terms of the plea agreement, the employer was fined \$350,000 and placed on probation for two years.

Kentucky

Kentucky is currently looking at updating its penalty calculations policy to increase the deterrent effect on violations related to fatality, accidents and imminent danger conditions.

Under Kentucky law, liens may be placed against employers that are in violation of any requirement of the Kentucky safety and health statutes, after administrative and judicial appeals have been exhausted.

Minnesota

During its 2000 session, the Legislature amended the **Minnesota** 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 nonnegotiable 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 nonnegotiable fine to reduce the penalty amount for employers with fewer than 50 employees. As a result of this legislation, MNOSHA has issued nonnegotiable fines in 66 fatality cases.



State initiatives: changing the work environment

Alaska

Alaska Occupational Safety and Health (AKOSH) contracted with a private collection agency to collect delinquent fines and penalties. In the past, overdue fines were turned over to the Department of Law for collection. The Department of Law charged AKOSH an hourly rate for all collection activities regardless of whether any collections were made and did not aggressively pursue legal action to collect fines. AKOSH now turns delinquent accounts over to a collection agency and is charged a percentage only when a collection is actually made.

AKOSH Enforcement has developed several citation settlement mechanisms to improve workplace safety and health results. In one example, the settlement agreement allows a construction contractor an alternative to pay the penalty amount to the Alaska General Contractors' drug and alcohol rehabilitation program (a program designed to reduce workplace injuries and illnesses by assisting construction workers with substance abuse habits). This settlement program is completely voluntary and provides a contractor with a mechanism to directly impact the workplace injury and illness rates in their industry. Initial response to the program has been very good.

AKOSH gained responsibility for certain mine safety issues, such as temporary camps, medical facilities and mine access roads that are open for public use. Previously, the line between MSHA responsibilities and AKOSH responsibilities were very vague. The agreement between MSHA and AKOSH has clarified where responsibilities lie.

AKOSH is also continuing to update the following state regulations:

- "Z" tables for chemical exposure; and
- helicopter logging.

California

Multilingual communications

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

Cal/OSHA has issued 31 Spanish publications, seven Chinese publications, five Korean publications, two Russian publications, eight Tagalog publications and seven Vietnamese publications.

Due to the largely Spanish-speaking agricultural workforce in California, Cal/OSHA strives to increase awareness of workers' rights and employers' responsibilities through an increase in bilingual educational and public relations efforts that target worker advocacy groups, employers and workers.

Cal/OSHA hosted, co-hosted and/or participated in numerous multi-agency farm worker forums that provide workers with an opportunity to learn about Cal/OSHA and other agencies and services available to them. Cal/OSHA attended meetings with various advocacy group, such as Lideres Campesinas, California rural assistance (CRLA), Pesticide Coalition and farmworker coalitions.

Cal/OSHA has significantly increased the number of in-house staff members who have been certified as bilingual. Employees fluent in Arabic, Cantonese, Korean, Mandarin, Punjabi, Spanish, Tagalog and Vietnamese have met requirements needed to earn a salary augmentation.

Ergonomics

California's Repetitive Motion Injury (RMI) standard, which became effective July 3, 1997, was the first ergonomics 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: 1) are diagnosed by a licensed physician; 2) are caused predominantly by identical work activity; and 3) occurred within 12 months of each other.

Educational outreach relating to ergonomics was twice the projected goal. The Cal/OSHA Consultation Service produced an updated *Office Ergonomics for Computer Users*. The Consultation Service is working on a *Materials Handling Guide* in cooperation with NIOSH and the Materials Handling Institute. Other publications

Emergency standard about heat illness prevention

The new Cal/OSHA Emergency Heat Illness Prevention Standard was re-adopted on an emergency basis. Cal/OSHA expects to adopt a permanent standard in June 2006, for submission to the state Office of Administrative Law, with a permanent standard to be effective by August 2006.

Fatalities related to heat-related incidents in 2005 added to the impetus for development of an emergency standard. The occurrence of sustained extreme hot temperature conditions in the state during the summer of 2005 was accompanied by an unusual number of reports of occupational heat-related illnesses and deaths. A summary of heat-related compliance inspections was prepared and 26 cases are being tracked. Two-thirds of the heat illness cases occurred in agriculture and construction.

Most cases of heat illness involved workers who had been on the job four days or fewer. Many workers who either fell ill or died had been on the job one day or fewer. None of the workers had been trained in heat acclimation and the vast majority of employers did not have a heat illness prevention program in place, although 80 percent of employers had an injury and illness prevention program.

That workers had been on the job a very short period before their heat stress illness occurred suggests lack of acclimation is a critical factor. The majority of workers spoke Spanish as their primary language. In all cases, drinking water was available, but in 18 cases there was evidence of dehydration.

A temperature of 90 degrees F at a humidity of 30 percent *in the shade* calls for a warning of extreme caution for heat illnesses, such as sunstroke, heat cramps and heat exhaustion. If the person is working in direct sunlight, the “extreme caution” warning is called for at 75 degrees F. A warning of “extreme danger” is called for at a temperature of 85 degrees F for a person working in direct sunlight.

New requirements for work on underground installations (advisory committee)

An advisory committee recently released a proposed revision to Construction Safety Orders, which is intended to address problems identified as a result of a tragic explosion in November 2004. A fireball erupted when an excavator working on a water project punctured a high-octane gasoline line. The gas ignited, most likely from friction caused by escaping liquid, and fire engulfed workers working on a six-foot water main.

Cal/OSHA determined the explosion, which claimed the lives of five employees and left four other seriously injured, was completely preventable. The primary cause of the tragic incident was that the employees working in the area did not know the location of the petroleum line.

The proposal for a new standard is aimed at addressing how high-risk installations, such as gas pipelines and high-voltage lines, are identified before excavation begins.

Connecticut

The **Connecticut OSHA (CONN-OSHA)** safe driving/fleet safety initiative is a huge success with many state agencies and municipalities attending or scheduled to attend at least the safe-driving portion of the training.

CONN-OSHA has achieved a 60 percent mark of its total goal of training 80 vocational technical instructors to be able to deliver the 10-hour OSHA Outreach course to each student prior to graduation.

Indiana

Indiana OSHA continues to use the informal settlement process to promote hazard-specific safety training and programs. Approximately 60 percent of informal settlement agreements contain stipulations requiring employer appropriate safety training.

The Indiana Department of Labor (IDOL) continues to use the expedited informal settlement agreement process.

Kentucky

The **Kentucky** Department of Labor has added a position in the Commissioner’s Office with responsibilities to provide outreach to the Hispanic-speaking employers and employees of the commonwealth. Additionally, the Division of Compliance has hired bilingual personnel to ensure communications during compliance inspections.

Kentucky also prints its *Safety and Health Protection on the Job* poster in English and Spanish.

Kentucky is exploring and has proposed regulatory changes in reporting of accidents to include one or two employers hospitalized and all amputations.

In a settlement agreement with a large employer that smelts aluminum, a new type of agreement was developed whereby the employer agreed to implement the requirements set forth in TED 8.4 dated March 25, 2003. These are the safety and health management system elements that must be implemented before VPP status can even be considered. Not only did the company agree and sign the agreement, but the union also agreed to sign the settlement agreement. The total penalty was reduced from \$81,900 to \$27,900 in consideration for a detailed settlement agreement preparing the company and union to apply for VPP status in the future.

The settlement includes all elements of a *Comprehensive Safety and Health Plan* based on the 1989 Safety and Health Guidelines. This settlement represents the most detailed requirements developed in Kentucky as part of a settlement agreement. The Division of Compliance was especially pleased to have played a role in facilitating a settlement that included both the company and the union. The division had issued several willful citations related to safety and health violations at the facility.

The employer has agreed to abate and accept all violations as serious and develop within three months a detailed comprehensive safety and health plan as set forth in the settlement agreement for its workers. The employer has until July 1, 2008, to fully implement the plan at the facility. The employer has agreed to have a certified safety professional (CSP) or certified industrial hygienist (CIH) verify the program was developed and implemented and provide written verification. If the employer fails to provide the Department of Labor verification, then the remaining unpaid penalty of \$54,000 will be due.

The Construction Partnership Program was directly involved in the statewide training offered to the residential construction industry. More than 1,000 participants received 10-hour OSHA construction industry training specific to residential construction. The program was also directly involved with the Kentucky Administrative Regulation change relating to fall protection requirements for the residential industry.

The Construction Partnership Program has also entered into a five-way training partnership with the Kentucky Department of Education, the Department of Workforce Investment, the Kentucky Community and Technical College System, and the Associated General Contractors of Kentucky. The partnership will provide the 30-hour construction industry courses and certification to the instructors affiliated with these departments. The successful completion by the instructors will allow them to obtain the 500-level certification. After the 500-level certification has been obtained, those instructors will teach the 10- and 30-hour construction industry courses to the students at the secondary and post-secondary levels.

Maryland

The dramatic increase in Hispanic workers entering the labor force dictated **Maryland Occupational Safety and Health (MOSH)** address this in its mission goals. Maryland now prints its *Safety and Health Protection on the Job* poster in English and Spanish, and now also publishes its *MOSH Closing Conference Guide* in Spanish; this booklet explains the employer's rights following an inspection.

A full-day course about construction safety was developed for Spanish-speaking employers and employees, *Seguridad en la Construcción*. A conference targeted to construction companies that use or hire Spanish-speaking subcontractors or workers was developed in fiscal-year 2004, and then expanded and presented again in fiscal-year 2005, in a different region of the state. The conference was done in cooperation with the Maryland Department of Labor and Industry and Maryland Occupational Safety and Health. Take-home tools were developed and distributed to attendees, such as a clipboard with common phrases in English and Spanish, and scaffolding diagrams. The division also developed a CD that provides employers with resources and information to help improve safety programs for Spanish-speaking employees. Additionally, the MOSH Training and Education Department purchased additional safety videos in Spanish to enhance the public lending library.

Michigan

Manufacturing forum

As part of the 30th anniversary activities, **Michigan OSHA (MIOSHA)** presented the Governor's Workplace Safety and Health Forum, Nov. 3, 2005. More than 250 manufacturing employers from across the state attended the forum, which continued Governor Jennifer Granholm's focus *Manufacturing Matters* in Michigan. Top executives from Michigan's *Best of the Best* companies shared their stories of business successes while creating a safe and healthful work environment. During roundtable sessions, companies shared their best practices, lessons learned and "how-to" strategies.

Fall protection

On Sept. 22, 2005, **MIOSHA** launched an extensive awareness campaign to alert construction employers they

must provide appropriate fall protection and training for employees exposed to fall hazards. The initiative is being implemented in two phases. The first phase focuses on residential construction. A mass mailing was sent to more than 6,000 Michigan construction employers identified as having work activities that may expose employees to fall hazards in residential construction, with training seminars beginning in October. The second phase of the initiative, nonresidential fall protection, will follow in 2006.

Ergonomics

Michigan's strategic plan includes musculoskeletal disorders as a focus for reducing injuries and illnesses by 20 percent. In 2005, MIOSHA revised its guidelines for conducting ergonomics investigations, provided staff training and hired an ergonomics specialist. MIOSHA also conducts extensive outreach and education activities, focused on improving ergonomic conditions. During fiscal-year 2005, MIOSHA conducted eight workshops and 88 consultations/interventions related to ergonomics.

In 2002, two MIOSHA standards commissions responsible for developing and adopting workplace safety and health standards established an advisory committee to draft a Michigan ergonomics standard. The advisory committee is researching, drafting, obtaining public input and making recommendations to the commissions.

Workplace violence

A **MIOSHA** CET grant was awarded to the Center for Workplace Violence Prevention to develop a video/DVD, *Workplace Violence Prevention: Implementing Your Program*. The video provides practical information and guidelines for employers to structure and implement a violence prevention program. In 2005, the video won two national Telly Awards for production excellence.

Minnesota

Ergonomics Task-force

Ergonomics specialist positions: In July 2003, **Minnesota OSHA** created two positions to assist employers in reducing the occurrences of work-related musculoskeletal disorders (WMSD). The positions were created in response to recommendations made by the Ergonomics Task-force, which convened during the summer of 2002. The main responsibilities of the positions are to educate Minnesota employers and employees about the recognition and control of risk factors associated with WMSD. This will be accomplished through development of training and education presentations and materials, on-site ergonomics evaluations and providing resources about ergonomics and the control of WMSD via the Minnesota Department of Labor and Industry Web site.

In an effort to maximize impact in reducing WMSD within the state, initial efforts will focus on the nursing-home industry. Part of this focus has included the development and commencement of a nursing-home study. This study is assessing the injury and illness impact at nursing-home facilities that choose to obtain assistance from MNOSHA Workplace Safety Consultation, compared to those facilities that do not. The study requires volunteers to reduce WMSD through the acquisition of lift and transfer equipment, and the development and implementation of required elements of an ergonomics management system and associated work policies. This study began in January 2004; 26 employers are now committed to the study. All 26 employers have received initial comprehensive safety and health on-site consultation visits. As a result of these visits, the consultants identified 651 safety and health hazards, which have been corrected on a timely basis. The estimated penalty savings is about \$256,000.

Workplace violence prevention

In federal fiscal-year 2005, MNOSHA Workplace Safety Consultation (WSC) conducted 45 violence-related intervention presentations, covering 1,390 private-sector employers and employees. WSC has partnered with the Minnesota Corporation Citizenship Initiative program to help develop information for employers about how to address domestic violence in the workplace.

Minnesota Statutes and Rules update

In federal fiscal-year 2005, three changes occurred to Minnesota-specific statutes that apply to **MNOSHA**. Effective Aug. 1, 2005, Minnesota Statutes §182.653, subd. 9, was amended to include the addition of NAICS to the choice of industrial classifications of employers that must comply with subdivision 8 (A Workplace Accident and Injury Reduction, or AWAIR, program). The other amendments, related to certification and regulation of crane operations, are effective July 1, 2007: M.S. §182.6525 is new; and subdivision 1a was added to M.S. §182.659.

An annual review of Minnesota-specific rules was conducted; no MNOSHA rules were recommended for repeal in federal fiscal-year 2006.

Workflow analysis

In federal fiscal-year 2005, **MNOSHA** reviewed the workflow of its verification of abatement process. Refinements to abatement date tracking resulted in a 50 percent decrease in the number of cases in which abatement is not verified within 30 days of the abatement date.

Prior to federal fiscal-year 2005, settlement agreements negotiated by MNOSHA were prepared by attorneys in the Legal Services unit of the Minnesota Department of Labor and Industry. Recently, MNOSHA began drafting all settlement agreements it negotiates. Using a case management software program, which is also used by the Legal Services unit, relevant data is entered and merged into form letters to schedule informal conferences and settlement agreements. MNOSHA edits the settlement agreement according to the terms of the settlement and the draft amendment is then reviewed by Legal Services, before being sent to the employer. The goal is to reduce the turnaround time for settlement agreements, to rely less on Legal Services and to achieve greater consistency in settlement agreements.

Discrimination unit improvements

MNOSHA analyzed the work-flow process for its Discrimination unit. This work-flow analysis was a prime driver in reducing the case load of the unit. It has also proven to be a useful tool in training new discrimination investigators and the continued refinement of the screening process. In federal fiscal-year 2005, the Discrimination unit closed 69 cases, the largest number of cases closed in a single year. This led to a significant decrease to the backlog of cases.

Nevada

In 2005, the **Nevada** Legislature passed enhancements to state regulations governing cranes. A significant part of these enhancements included the responsibility of NV OSHA to set, oversee and enforce certification requirements for tower and mobile crane operators.

Additionally, anticipating growth in the use of sustainable energy, such as solar energy, the state Legislature put into place statutes that require NV OSHA to institute continuing education/training and licensing requirements for photovoltaic installers.

Ergonomics

Nevada's Safety Consultation and Training Section continued to conduct ergonomics presentations through the training section.

Workplace violence

Nevada's Safety Consultation and Training Section presented several daylong programs about workplace violence to enhance the scope of awareness to employers. Shorter conference programs were also conducted at the request of employer associations.

Bilingual and multilingual communications

Nevada's Safety Consultation and Training Section (SCATS) has expanded the number of presentations available and conducted in Spanish. Many of the training sessions were for Hispanic employers, through the joint activities of SCATS and various associations.

The inaugural *Hispanic Safety Month* activities in April 2005 were a success. Nevada's governor proclaimed April as Hispanic Safety Month. Nevada's SCATS conducted two 10-hour OSHA construction courses in Spanish, made several conference presentations in Spanish and staffed booths at many outreach activities to the Hispanic community in an effort to enhance safety awareness.

Nevada has produced Spanish and English videos, compact discs and pamphlets about rights and responsibilities. Nevada statutes mandate that employers provide the rights and responsibilities information to their employees, who in turn must sign that they have reviewed the information. The pamphlets are also available on the SCATS Web site.

New Jersey

Ergonomics

Workers in **New Jersey's** county long-term and personal care facilities experience rates of occupational injury and illness similar to public-sector workers who perform heavy labor jobs, such as refuse collection and utility work (NJ Department of Labor, 2001). The majority of these injuries and illnesses are musculoskeletal in nature and are associated with lifting, moving and transferring residents. New Jersey is encouraging all long-term and acute health care facilities to implement the OSHA *Guidelines for Nursing Homes: Ergonomics for the Prevention*

of Musculoskeletal Disorders through the services of the New Jersey Department of Health and Senior Services (NJDHSS) Public Employees Occupational Safety and Health (PEOSH) Consultation Project.

The NJDHSS Consultation Project is evaluating compliance with the occupational health standards that apply to long-term-care settings, including bloodborne pathogens, asbestos, hazard communication and respiratory protection. In addition, the NJDHSS Consultation Project is evaluating workplace tuberculosis (TB) prevention activities and workplace violence protection.

NJDHSS consultations at long-term-care facilities have revealed assistance is required in the following areas:

- 1) assuring the 2001 amendments to the Bloodborne Pathogens Standard, which requires the use of safe needle devices, have been implemented and that frontline employees are included in the process;
- 2) performing TB risk assessments and assuring the TB exposure control plan is appropriate to this risk level;
- 3) understanding the rationale for issuing employees respirators for protection from airborne exposures and implementing a comprehensive respiratory protection program; and
- 4) initiating effective efforts to prevent musculoskeletal disorders related to patient handling and movement.

HAZMAT teams

In March 2003, **NJDHSS PEOSH Program** began a programmed inspection initiative of hazardous materials (HAZMAT) response teams throughout the state. NJDHSS conducted compliance inspections at 30 of the 45 public HAZMAT teams and will inspect all New Jersey HAZMAT teams. The inspection procedures focused on evaluating compliance with the Respiratory Protection Standard (29 CFR 1910.134) and the Hazardous Materials Operations and Emergency Response (HAZWOPER) Standard (29 CFR 1910.120).

Violations cited primarily consisted of failure to provide medical monitoring and to establish a written respiratory protection program that included a section to outline criteria used to select the type of respirator used at a particular event.

Bloodborne pathogens

Results of the **PEOSH** bloodborne pathogens survey were published by NJDHSS. The findings of the survey indicate:

- close to 100 percent of the employees identified with potential occupational exposure to bloodborne pathogens had been offered the hepatitis B vaccine by their employer;
- of those employees offered the vaccine, 58 percent had completed the vaccine series;
- the most frequently cited reason for employees declining the vaccine was they had already received the vaccine series;
- other reasons commonly reported were fear of needles or injections, and fear of possible complications.

The report recommends more outreach:

- regarding the importance of accepting and completing the hepatitis B vaccine series;
- to reduce the number of employees who decline the hepatitis vaccine series, particularly because of fear of complications or fear of needles;
- to improve compliance in use of sharps with engineered sharps injury protection (SESIPs), puncture-resistant sharps containers, employee input about the selection of SESIPs and maintaining a sharps injury log.

North Carolina *Communication Tower Standard*

The first Communication Tower Standard in the country was approved in **North Carolina**. Most of the standard's requirements became effective May 1, 2005. The standard requires 100 percent fall protection for tower work above six feet. Industry groups and other stakeholders helped in the development of the standard.

Oregon

In May 2005, **Oregon OSHA (OR-OSHA)** received final 18(e) determination from federal OSHA as a state-plan state. After this achievement, the previous administrator, Peter DeLuca, retired from public service after more than 20 years of service, the last nine-and-a-half years with OR-OSHA. Many attended the official ceremony May 12, 2005, in Portland, Ore., including Acting Assistant Secretary of Labor for OSHA Jonathan Snare, Directorate of Cooperative and State Programs Paula White, Region 10 Administrator Richard Terrill, Governor Ted Kulongoski and Department of Consumer and Business Services Director Cory Streisinger.

Examining ergonomics data has resulted in placing a special focus on the health care field; OR-OSHA will be sponsoring a second *Healthcare in Ergonomics* conference in 2006.

The bilingual PESO program (Programa en Español de Seguridad e Higiene en el Trabajo de OR-OSHA) continues to attract both employers and employees. The train-the-trainer workshop, *Safety Training and Your Hispanic Workforce*, is drawing great interest among employers wanting to understand a multicultural workforce. In fiscal-year 2006, new modules will continue to be developed. Visit www.orosha.org/educate/peso.html, which includes instructions for printing the bilingual publications.

Prior to passage of HB 2093, Oregon law required OR-OSHA to notify in writing each employer whose accepted disabling claims rate was above the state average for its SIC and each employer whose industry was noted by the director of the Department of Consumer and Business Services (DCBS) as one of the most unsafe, of the increased likelihood of inspection and the availability of consultative services.

The result was that several thousand low-hazard employers were receiving the notification, even though those places of employment were not unsafe, nor were they likely to be inspected. HB 2093 amended the statute by eliminating the accepted disabling claims rate as a criteria for employer notification and provided the director of DCBS the authority to determine which industries are the most unsafe and, therefore, which employers have an increased likelihood of receiving an OR-OSHA inspection.

This year, three recipients received scholarships as part of the Workers' Memorial Scholarship program; Jillian Becker, Annette Maraey and Natasha Whitaker Kilfoil each received \$4,700. At the request of the AFL-CIO and Associated Oregon Industries, the Oregon Legislature established a Workers' Memorial Scholarship fund, with principal initially derived from OR-OSHA civil penalty assessments. Interest from this fund is available in the form of scholarships to further the education of surviving children or spouses of workers who were killed or permanently disabled by on-the-job injuries.

The third annual *Safety Break for Oregon* was May 11, 2005. Materials available for employers and community groups included ideas for enhancing the message of worker safety, including: awarding *Safety All-Stars* in your organization, delivering your message to young workers (or soon-to-be workers) at *Bring Your Child to Work Day* and making safety awareness part of new-employee orientation.

Puerto Rico

Puerto Rico OSHA (PR OSHA) adopts many federal occupational safety and health standards and, by law, it must translate all English-language standards it adopts into Spanish. During fiscal-year 2005, the Technical Support Division translated seven standards into Spanish:

- Controlled Negative Pressure REDON Fit Testing Protocol;
- Exit Routes, Emergency Action Plans and Fire Prevention Plans, final rule;
- Mechanical Power-Transmission Apparatus, Mechanical Power Presses, Telecommunications, Hydrogen;
- Powered Industrial Trucks;
- Respiratory Protection for M. Tuberculosis;
- Standard for Cadmium in Shipyard Employment and in Construction Work, reprint with corrections and technical amendments, final rule; and
- Safety Standard for Steel Erection, final rule.

Also, several brochures were translated into Spanish: hand and power tools (OSHA 3080); scaffolds in construction (OSHA 3150); control of hazardous energy (lockout/tagout); and OSHA 3120 and OSHA 3067.

PR OSHA also aided in the revision of the Spanish version of the OSHA Construction eTool. The Technical Support Division provided personnel and resources to help in the preparation of a new set of terms and phrases for the agency's Web site, particularly the links to the Construction eTool.

Tennessee

Tennessee OSHA continues to work with representatives from non-English-speaking communities. A pool of interpreters is available throughout the state to travel with a compliance officer when on-site interpreting is needed. In addition, an interpretive service is available to the compliance officer by telephone in approximately 23 different languages. All compliance officers have been issued cellular phones to allow them to access this service. Two cases involving the termination of non-English-speaking Hispanic workers, who voiced safety and health concerns to their employer, were filed by the attorney general and are awaiting adjudication.

Utah

Utah Occupational Safety and Health (UOSH) is a member of a lead task-force with membership that includes the Utah Division of Air Quality, Utah state and county health departments, and local county governments.

Through participation in this task force, UOSH provides information and training about the regulatory requirements for worker exposure to lead during the removal of lead-based paint in housing.

Utah established a new standard for raising framed walls in residential construction as a result of several injuries and fatalities caused by wall “kick-out.”

Utah Compliance Assistance developed compliance guidelines for tire servicing, methamphetamine lab assessment and clean-up, dental office operations, work hazards for masonry contractors, silica hazards in construction and raising wood-framed walls.

UOSH regularly provides outreach instruction to local universities (University of Utah, Weber State University, Brigham Young University, Utah State University and Salt Lake Community College) with programs in industrial hygiene, ergonomics and safety engineering, and construction management. The presentations address information about UOSH and regulatory requirements.

Vermont

Vermont OSHA (VOSHA) is working with the Vermont Refugee Resettlement Program to provide training for new workers. VOSHA staff members are providing safety training for apprentices and high school students in vocational technical schools.

Virginia

Virginia was one of the first states in the country to adopt unique state standards for confined spaces in the construction and telecommunications industries back in 1987. These unique standards require covered employers to develop an entry permit system, perform atmospheric testing, provide mechanical ventilation when required, assure attendants and rescue teams are available when required, and train employees about the standard.

In 2003, Virginia adopted a state-unique fall protection standard for steel erection workers for heights starting at 10 feet above a lower level (i.e., working surface), instead of federal OSHA’s requirement for fall protection starting at 15 feet. There is an exception to the 10-foot fall protection requirement for employees working as “connectors” (a connector is defined as “... an employee who, working with hoisting equipment, is placing and connecting structural members and/or components”). Connectors have the option of using a personal fall-arrest system or not when steel is being lifted in the air, if they determine that a greater hazard of injury exists from the swinging steel. In addition, controlled decking zones are prohibited. Although controlled decking zones (CDZ) are prohibited, the standard provides that access to leading edge decking operations is limited to only those employees engaged in leading edge work, as is provided in the federal standard.

Washington

Discrimination

Washington’s discrimination investigations program is a nationwide leader with exemplary timeliness, merit and settled case rates. In 2005, DOSH completed 93 percent of 91 case investigations within the 90-day statutory time line. Thirty-seven percent of investigated cases resulted in a merit finding. In addition, 87 percent of the merit cases were settled by DOSH, with more than \$120,900 in settlement monies obtained for complainants. About 67 additional cases that failed to comply with the criteria or failed to meet the requirement of prima facie evidence to establish that a complaint has merit were screened and administratively closed. “Prima facie” elements must include evidence of the following:

- protected activity – the complainant was engaged in a safety and health related activity, such as: complaining to the employer, the state OSH program or OSHA about safety conditions in the workplace; participating in a walkaround inspection or interviews with a state OSH inspector; or refusing to perform a task with a high likelihood of injury or death.
- employer knowledge – the employer knew of the complainant’s involvement in a protected activity.
- reprisal – after learning of the complainant’s involvement, the employer took some kind of adverse action, such as firing, demotion, assignment to an undesirable shift or onerous duties, or loss of wages or benefits.
- nexus – the connection among the events must be established by timing and evidence of the employer’s ill will or disparate treatment toward the complainant.

Multilingual communications

Washington provides a Spanish version of its Web site, including a description of services, answers to frequently asked questions and copies of Spanish language publications. The site is online at www.lni.wa.gov/spanish/safety/default.asp. In partnership with the construction industry, DOSH developed online videos for residential construction about siding, roofing and framing safety. All of these are available on the Web in both English and Spanish.

Cholinesterase rulemaking

Cholinesterase is essential to the normal function of the nervous system. Without the normal protective levels, nerves in the body may be overstimulated to the point of exhaustion, leading to symptoms ranging from blurred vision and tremors to seizures, loss of consciousness and even death. **Washington** adopted cholinesterase monitoring rules that went into effect in February 2004, to protect agricultural pesticide handlers. The state conducted an extensive public outreach and training program in both Spanish and English. Tests of the level of free cholinesterase in workers' blood can identify their overexposure to certain dangerous pesticides that suppress the body's production of the enzyme. Washington has recommended such tests since 1993, and, in 2002, was required by a Supreme Court decision to initiate rulemaking for a mandatory cholinesterase monitoring program for agricultural pesticide handlers. DOSH worked with employer and employee advocates, as well as members of both houses of the Washington State Legislature.

During spring 2004, Washington conducted an extensive outreach and training program, including workshops, presentations, radio talk shows, fact sheets and news releases in Spanish and in English. Thousands of growers, workers, medical providers and others learned about the new rules, which require that employers:

- record the number of hours employees spend handling the pesticides;
- implement a medical monitoring program for workers who could meet or exceed the threshold of 50 or more hours in any consecutive 30-day period;
- identify a medical provider to provide medical monitoring services;
- make baseline and periodic testing available to employees who could meet or exceed the handling threshold;
- investigate work practices when a handler's red blood cell or plasma cholinesterase level drops more than 20 percent below the employee's own baseline;
- remove employees from exposure when recommended by the health care provider;
- provide training to covered employees; and
- maintain medical monitoring and other records for seven years.

Road construction and traffic safety

In 2004, **Washington** launched a new 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 doing construction or utility work on road projects had died during a five-year period. Six of those workers died when they were backed over by dump trucks, despite the trucks being equipped with audible back-up alarms. DOSH worked with the Construction Advisory Committee to address this issue.

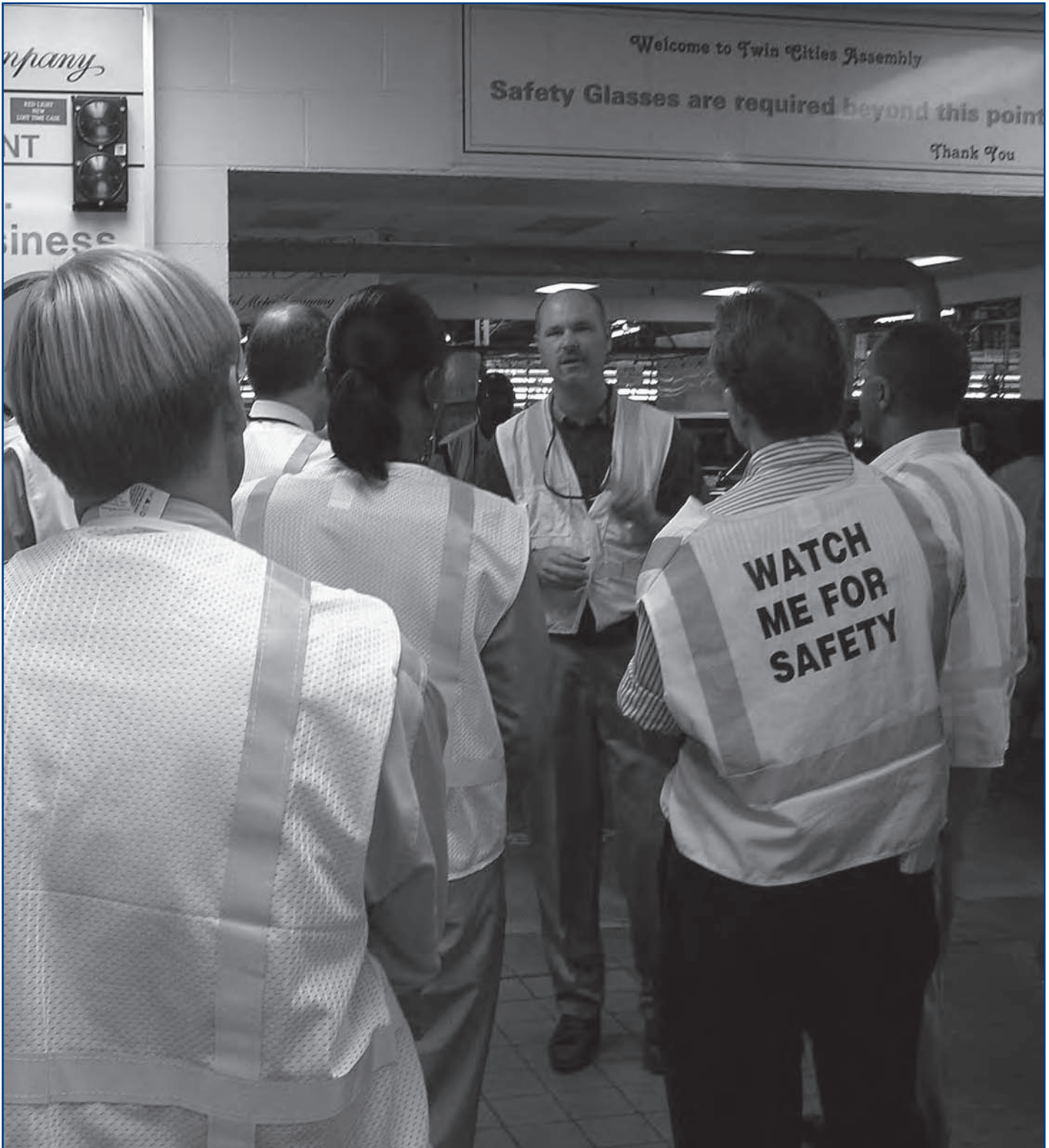
Prior to the 2004 construction season, Washington adopted an emergency rule requiring that in addition to a back-up alarm, dump-truck drivers must have either an observer signaling when it is safe to back up or a mechanical device such as a video camera that provides a full view of the area behind the truck. DOSH provided educational materials and training about the revised work-zone rules. DOSH also informed industry groups that more inspections would be conducted, and encouraged them to request an on-site consultation visit instead. The rules have since been permanently adopted, including clarifying the requirements for signs, signaling and flagging. One provision states that seat belts must not only be properly installed, they must be used by all occupants of the vehicle. Since the rules were adopted in May 2004, no workers have been killed in dump-truck back-up incidents in Washington and no employer has been found out of compliance with the rules.

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 10 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 and Industries' prevailing wage program and referrals from other agency programs to locate worksites.

Wyoming

Wyoming uses its access to company-specific workers' compensation data to determine the impact of an inspection or consultation visit on the company's injuries. Workers' compensation claims cover a much broader spectrum of workplace injuries and illnesses than those recorded on the OSHA Form 300. For measurement purposes, the 12-month period before the visit is compared to 12 months after. Three variables are measured in each company: the number of employees, the number of claims filed and the cost of the claims. Essentially, these three indicators measure injury and illness frequency and severity.

In the course of inspections and consultations, the inspector or consultant presents a cost/benefit analysis to the employer. In this analysis, the employer is shown its number of claims reported to Wyoming Workers' Compensation, the body part injured, the cost of the claims and the amount of money held in reserve for future medical treatment of these claims. Lastly, the employer is shown current and past premium amounts, which are compared to the amount the employer would have paid if it had reported the average number of claims for its standard industrial classification (SIC) code. These two amounts are then compared to the lowest amount the employer would have paid with the least number of claims and/or the lowest claims cost.



State innovations: technical advances

Alaska

Alaska Occupational Safety and Health (AKOSH) purchased a high-speed scanner capable of scanning entire case files in minutes. This allows AKOSH to transfer case files to compact discs or other storage space to speed up the Freedom of Information Requests (FOIR). The FOIR clerk will only have to edit the file once in its electronic format and store it to disc. Subsequent requests can then be printed with little or no additional editing.

California

Use of videoconference equipment in meetings and training

Having several locations in the state of **California** that support videoconferencing, the program has extensively used videoconference as an effective tool for managers to attend meetings locally, rather than traveling to the meeting location. This has been a benefit to many managers and an effective use of time. Training can now be viewed at several locations throughout the state.

Testing and development of wireless communication

Fieldwork is best supported by the concept of the virtual office. Today, there are many options to link with the Internet, information network and federal Integrated Management Information System without having to be in the office. Cellular phones and a wireless data link provide information and act as a conduit to receive and send information.

Fourth-generation digital camera deployment

Advances in digital photography, coupled with a law enforcement system for data retrieval and cataloging, provide field personnel the ability to review pictures of the site immediately and prepare cases without having to wait for film processing. The new systems can also take short video clips using the same camera, effectively giving the field personnel a camera and camcorder in one unit.

Update of industrial hygiene equipment and testing of new products in the market

Updating of equipment and testing of new products has been ongoing. As a result, some old equipment has been replaced with modern versions that are easier to carry and are user friendly, such as photo ionization detector equipment and personal air sampling pumps.

Improvement of Web sites – Technology Services and Laboratory

Improved Web sites have resulted in increased access and better information management. Posting the information at the site that can be accessed from all locations, information can easily be sent and updated to all interested parties.

Use of the Global Positioning System (GPS) as a locating tool to accurately describe the site when landmarks or street information is not available

Field personnel have increasingly used GPS information to give an accurate location of the site. GPS is also used to guide field personnel to the site using geological maps.

Text messaging on cell phones

Text messaging is used to inform field personnel of assignments and scheduling of work. It also is an inexpensive way of broadcasting information to all field personnel or to selected groups of field personnel.

Connecticut

Connecticut OSHA (CONN-OSHA), working with the Connecticut Housing Authority Association, has delivered the 10-hour outreach course to multiple locations throughout Connecticut via teleconferencing media.

Industrial hygiene equipment is continually being upgraded when technological improvements are available. CONN-OSHA staff members are on their fourth generation of digital cameras.

CONN-OSHA has purchased a 15-station interpreter sound system that will allow trainers to present training programs in a foreign language. Currently, CONN-OSHA has access to a Hispanic-speaking interpreter.

Kentucky

Kentucky continues to update its Internet capabilities to provide improved access to standards, education and training materials, and forms. Kentucky now provides online registration for its Population Center training sites.

Maryland Maryland continues to address the timeliness of citation issuance to achieve quicker abatement and resolution of safety hazards in the workplace. During the past year, **Maryland Occupational Safety and Health (MOSH)** initiated a pilot program to issue citations at the regional level. This pilot program quickly reduced case processing time by 15-plus days to an average of 27 days. MOSH is now in the process of phasing in this program in the other regions.

Michigan During 2005, **Michigan OSHA (MIOSHA)** developed an innovative safety training CD, *MIOSHA Walkthrough for Manufacturers*. The CD contains 22 modules and was produced by eMedia Solutions at Universal Studios, Orlando, Fla., using its professional production team and Disney animators. The CD is a high-end, interactive training tool that makes safety and health training interesting and memorable. MIOSHA partnered with the Michigan Economic Development Corporation, the Lansing Area Safety Council and the private sector to produce the CD. In February 2006, the CD was distributed to 30,000 Michigan manufacturers at no cost.

MIOSHA continues to improve access to safety and health material on its Web site. During fiscal-year 2005:

- a search capability was added to MIOSHA policy and procedures as part of the Web document management system;
- the Web site was used to announce commission and advisory committee meetings (15 notices), agendas of meetings (nine) and minutes (six); and
- the MIOSHA CET Division established an electronic mailing list (LISTSERV) to inform subscribers of training programs and announcements.

Minnesota **Minnesota OSHA (MNOSHA)** evaluates potential new equipment and technology throughout the year. In fiscal-year 2005, MNOSHA purchased new noise dosimeters for field investigators with PC interface and infrared communication capabilities. The capability of this technology represents a better and more efficient way to present monitoring results to employers. Air-monitoring testing capabilities were expanded with the purchase of an updated version of an indoor-air-quality meter and an additional photoionization detector. The use of handheld computer devices was expanded to a total of nine field investigators throughout the state.

Digital voice recorders are used routinely by both Discrimination and Compliance staff members. Not only are the recorders small and lightweight, they do not require staff members to carry extra tapes or to worry about the tape running out during a crucial point in an interview. The recorders, with upgraded memory cards, can contain up to 22 hours of interviews before having to download the information. The recorders can be used with the agency's phone system to record phone interviews. Downloading from the recorder to the hard drive of an investigator's computer allows for the investigator to put all of the interviews for a given case on a single CD to be put into the file. This also allows easy access for the department's transcription team if the interview needs to be transcribed; the finished transcript can be e-mailed to the investigator. Having a recorded interview helps to keep the integrity of an investigation solid; memories fade over time.

Nevada **Nevada OSHA** and the Safety Consultation and Training Section (SCATS) continue to use digital cameras as an integral part of their inspections and consultation visits. Since their introduction, compliance officers found the digital cameras invaluable for documenting violative conditions. And for consultants, the cameras proved to be helpful in providing visuals that assisted employers in recognizing and correcting hazards. The camera's impact in reducing operating costs that, in the past, were associated with conventional cameras, such as film and photo processing, was also noteworthy.

SCATS instituted an e-mail service to notify customers when the *Tip of the Month* was posted on the SCATS Web site. Additionally, requests for training services can now be accessed online.

North Carolina **North Carolina** has fully implemented the CSHO and Consultant applications. This is a stand-alone system that supports time-efficient report preparation in the field. This approach translates into less report-writing time and more on-site inspection activity. The state has also become a key player in the IMIS redesign effort through participation on the Information Systems Council. The state installed video conferencing equipment in field offices to reduce travel time and costs.

Oregon In fiscal-year 2005, **Oregon** upgraded its Web site (both intranet and external sites) with the use of content management software that helps to cull "moldy" Web pages. Use of the Internet and intranet is becoming an increasingly important tool for tying the central and regional offices together, as well as providing on-the-spot

technical information during site visits. From 2000 to 2005, the site has experienced a 500-fold increase in hits to the Web site.

The OR-OSHA field staff has been supplied with digital cameras (which have short video-clip capability), which enhances the quality and efficiency of producing reports. Through experience, Olympus cameras were purchased, which appear to meet the robustness needs of field work.

Puerto Rico **Puerto Rico OSHA (PR OSHA)** engaged in the implementation of a new communication system that will allow communication during emergency situations among the program's area offices and headquarters, the office of the Assistant Secretary for Management Affairs, the Emergency and Disaster Management State Agency (AEMEAD, by its Spanish acronym), the Puerto Rico Police, the Fire Department and the Medical Emergencies Corps.

In addition, in a cooperative effort to cover more employees, PR OSHA will join MSHA to provide miners with information, education and training that will help them to prevent injuries and illnesses, and protect their safety and health in the mining industry.

Tennessee **Tennessee OSHA** has equipped all compliance officers with five megapixel digital cameras capable of recording digital video. The digital photographs are used to document case files and can also be used as a training aid.

All closed files are currently scanned to eliminate the need for file storage space and to allow compliance officers and consultants desktop access via Internet access.

Utah **Utah** has commenced using special software that allows still frames to be made from inspection videos. The still frames are used to document specific safety and health violations. Utah also uses special hardware to allow inspectors to view inspection videos on their computer monitors.

Utah now uses cellular telephones with two-way communications capability to improve communications with inspectors in the field.

Vermont **Vermont OSHA (VOSHA)** has purchased digital cameras and digital voice recorders for all staff members. The photos are put on a shared drive and are available to all VOSHA staff members. The digital voice recorders have proven reliable and helpful when conducting accident investigations and discrimination investigations.

Virginia **Virginia** uses both the PC CSHO and Consultation applications for input of safety/health inspections and consultation visits. These applications input inspection data from the field into the two central IMIS systems. Virginia currently uses the IMIS systems strictly for report generation and processing corrections. All data entry is performed in the stand-alone Oracle-based applications.

The Information Technology (IT) division is currently implementing cost-saving measures by moving from the more expensive leased telecommunication lines to less expensive DSL circuits. An analysis was performed earlier and it was determined that DSL technology is available in all parts of the state where agency offices are located.

Last year, all agency CSHOs and consultants were upgraded to reliable digital camera technology. Cameras with high focal strength and 4.0 or greater megapixel image capacity were introduced to the staff. To date, this has resulted in savings compared to film-based, conventional cameras and affords the inspector/consultant the ability to store digital images directly in the case file on the PC.

Virginia's IT division has also started a dialogue with federal OMDS to provide technical expertise for enhancements and/or fixes to the PC CSHO/Consultation application.

Washington In 2002, **Washington** began implementation of a Web-based system for collecting inspection and consultation visit data and feeding it to the federal Integrated Management Information System (IMIS). The consultation application in the WISHA Information Network (WIN) was implemented in August 2002. The compliance application was implemented in April 2003. Consultants and compliance inspectors now enter visit and inspection data directly into the WIN system. This has significantly reduced the lag-time for issuing citations. Before WIN, paper forms were either hand-completed or typewritten and submitted to the central office for data entry into IMIS.

Another benefit of WIN is that many data fields are pre-filled. Employer information from Washington's industrial insurance system is linked to the WIN system, improving consistency and data integrity. Another significant advantage of WIN is the ability to build in "business rules," so all required information must be entered correctly before the record can be saved and forwarded to the supervisor for review and approval. The supervisory review process includes electronic approval signatures, but supporting documentation in paper files is still reviewed as well. While there have been some unexpected challenges to overcome, the development and implementation of Washington's WIN system, and its resulting efficiencies and improved timeliness, has been a resounding success.

Phase two of the WIN system was started in August 2005. It adds Washington's appeals and collections data to the system and will remove the dependency on IMIS to get citations issued. By October 2006, Washington expects to be able to issue citations directly from the WIN system. Data will still be transmitted to keep the federal IMIS system up to date, but it will not be a necessary step in the citation issuance process.



State incentives: promoting voluntary compliance

Voluntary protection programs

Arizona

The Consultation Section of **Arizona Division of Occupational Safety and Health (ADOSH)** is responsible for promoting and operating Arizona's Voluntary Protection Program (VPP). In 2003, the Consultation Section did an outstanding job at promoting the virtues of VPP. Because of its outstanding outreach and promotion of the program, ADOSH is now seeing a significant increase in employer interest and application assistance requests. ADOSH continues to interact with and promote the Voluntary Protection Participants Program Association (VPPPA). ADOSH participated in regional and national meetings to promote safer workplaces throughout the nation.

California

California OSHA (Cal/OSHA) offers four programs that recognize employers with exemplary safety and health programs and employers that are working toward achieving such goals. California had 126 new employers that received some form of recognition for safety and health achievements during federal fiscal-year 2005.

Cal/OSHA accepted 72 new applications for the entry-level recognition program – the Golden Gate. Cal/OSHA also awarded 50 SHARP (five fixed worksites and 45 construction) and four Golden States – Cal/OSHA's leadership-level partnership. Eight new VPP site applications were submitted. Cal/OSHA enrolled five new VPP applicants and are evaluating nine existing VPP sites for extension.

Many construction contractors want to receive recognition for their safety and health achievements, but are not quite ready for the leadership level of Golden State. However, Consultation has been individually evaluating construction worksites using the criteria in SHARP, plus some additional multi-employer requirements. This process then prepares the worksites for recognition under the requirements of Golden State. The Consultation area offices have seen a marked improvement in housekeeping, scaffolding, electrical and the use of fall protection.

Connecticut

Connecticut OSHA (CONN-OSHA) continues to support and encourage small business in the state to participate in and achieve Safety and Health Achievement Recognition Program (SHARP) status. The state currently has seven SHARP sites, with two more moving toward achieving SHARP status.

CONN-OSHA also attended the Region 1 SHARP luncheon this year in Rhode Island.

Indiana

In **Indiana**, five employers achieved VPP status in 2005.

Kentucky

In 2005, **Kentucky** raised three new VPP Star flags. The mentoring of 12 sites occurred and many matches for mentoring were made Promising Star in Kentucky. Kentucky also awarded two more SHARP certifications.

Maryland

Maryland approved the recertification process of the Northrop Grumman Electronic Systems site in fiscal-year 2004 for an additional five years and initially certified Northrop Grumman Advanced Technologies Laboratory in fiscal-year 2005 for three years. Performance Pipe was certified in fiscal-year 2006 for four years; FritoLay of Aberdeen is scheduled to be recertified next year.

Michigan

Michigan awarded its first Star flag in 1999. In fiscal-year 2005, three Star, one Rising Star and two SHARP awards were celebrated. As of Sept. 30, 2005, Michigan OSHA had awarded MVPP status to 21 sites and SHARP recognition to four sites.

Minnesota

By federal fiscal-year 2005, **Minnesota** had awarded 19 MNSHARP and 14 MNSTAR sites.

Nevada

Nevada OSHA currently has three VPP Star sites in its program and continues to work with interested employers throughout the state.

North Carolina

North Carolina initiated the Carolina Star program in 1993. There are currently 82 Carolina Star sites. Included under the Carolina Star umbrella is Building Star, which recognizes construction worksites that have quality safety and health programs, and Public Sector Star, which recognizes state agencies and local governments. The state also has 41 active SHARP sites.

Oregon **Oregon OSHA (OR-OSHA)** continues to use its SHARP program to help employers more effectively manage workplace health and safety. As of September 2005, Oregon had 23 SHARP graduates, 77 current SHARP employers and 73 additional companies working toward SHARP. In addition, OR-OSHA has SHARP Partnership Agreements with four employers that have multiple sites, enabling these larger employers to use SHARP tools to become more successful at managing workplace health and safety. This unique approach makes use of the resources available to larger companies as they work with OR-OSHA Consultation toward self-sufficiency. Employer self-sufficiency is one of the 2006 through 2010 strategic goals.

As of September 2005, Oregon had eight VPP sites, six Star and two Merit, with an additional deferred approval site working to complete some 90-day items before becoming the ninth Oregon VPP site.

Puerto Rico In **Puerto Rico** during fiscal-year 2005, three VPP sites were evaluated and their participation in the Guanín or Cemí Program was approved. Caribe GE International Electrical Meters from San Germán was evaluated in December 2004, and its participation in the Guanín level was approved in June 2005. Chevron Phillips Chemical PR Core from Guayama was re-evaluated in October 2004, and its participation from the Cemí to the Guanín Program was approved in February 2005. Positronic Caribe, Inc. from Ponce was evaluated in February 2005, and its participation in the Cemí Program was approved in June 2005.

Three new VPP applications were received: Pfizer Pharmaceuticals, LLC, Barceloneta; Caribe GE Manufacturing, LLC, Vieques; and Bristol Myers Squibb, Mayagüez Operations.

The participation of a nursing home known as Jardín de Oro was approved in the SHARP in September 2005.

Tennessee **Tennessee OSHA** began its VPP efforts in 1991, with the Volunteer Star Program. Interest in the program continues to grow as current members network with their peers and communicate the value of the Volunteer Star Program. The Volunteer Star Program currently has 22 members, including four sites added and five sites recertified during 2005. The Tennessee OSHA Safety and Health Achievement Recognition Program (SHARP) has 10 participants. Three new employers were added to this program and seven were recertified during 2005.

Utah Voluntary programs continue to grow in **Utah**. During 2005, two VPP Star companies were recertified and one company was upgraded from Merit to Star. Utah actively participates in the VPPPA, VPP initiatives led by OSHA National Office and Region VIII VPP activities.

Vermont **Vermont OSHA (VOSHA)** has two VPP sites and is working with three other companies on VPP applications. VOSHA has a Construction VPP with one applicant. VOSHA is also participating in the VPP Challenge.

Virginia The **Virginia** VPP continued to see increased participation from Virginia employers, certifying eight new VPP sites and five new SHARP sites in 2004 through 2005.

Washington **Washington** recognized its first VPP site in 1996, and currently has 28 VPP sites, including 14 large-scale residential construction projects. About 20 more companies are in various stages of the application process. Washington has a VPP Web site at www.lni.wa.gov/safety/topics/atoz/vpp.

Quadrant Homes, a subdivision of the Weyerhaeuser Corporation, is the first residential construction company in Washington state and the nation to be awarded the prestigious VPP Star award. Quadrant and all 14 of its residential development sites located in the Puget Sound area received state and national recognition for excellence in workplace safety and health programs. Since beginning the VPP, Quadrant Homes has had an 89 percent decrease in severity of employee-related injuries and accidents. Another VPP company, Welco Lumber, one of the largest western red cedar manufacturers in the United States, reduced its workers' compensation direct costs by 92 percent in the first two years after VPP approval.

Wyoming **Wyoming** offers three workplace recognition and assistance programs for state employers.

- Cowboy Voluntary Protection Program (CVPP) – Wyoming started fiscal-year 2005 with five participants in the Cowboy Voluntary Protection Program (CVPP), all in the private sector. They were Chevron's Painter Reservoir gas plant and its Carter Creek gas plant, both in Evanston, Wyo.; the Georgia Pacific Gypsum Plant in Lovell, Wyo. (first manufacturing site); the G.M. Stewart Construction Company in Evanston, Wyo. (first construction company); and Xanterra Parks and Resorts in Yellowstone National

Park, approved as a Merit site. At the time, Xanterra was the first and only national park resort operator to be approved in CVPP. In September 2005, Wyoming added its sixth CVPP site: Grand Teton Lodge Company in Grand Teton National Park. Grand Teton Lodge Company is the second national park resort operator to be approved in CVPP.

- Safety and Health Achievement Recognition Program (SHARP) – In fiscal-year 2005, 15 new participants were added to Consultation’s pre-eminent recognition program, SHARP. Wyoming ended the year with 60 companies in SHARP, a 33 percent growth.
- Employers Voluntary Technical Assistance Program (EVTAP) – EVTAP has been a Wyoming program for more than 20 years, established to provide assistance to those state companies that wish to put together and implement a health and safety program in the workplace. EVTAP began the year with 92 members and experienced excellent growth by year-end, with 18 new participants. Showing the successful intent of EVTAP for developing self-sufficiency in their safety program, 16 companies progressed through EVTAP and became SHARP participants. Due to the loss of three other companies from the program, Wyoming had 91 companies working with it at the end of fiscal-year 2005.

Partnerships and alliances

Alaska

Alaska Occupational Safety and Health (AKOSH) devotes substantial resources to its Voluntary Protection Program (VPP) and Safety and Health Achievement Recognition Program (SHARP), and currently has 11 SHARP sites and eight VPP sites. This represents a 30 percent increase in VPP sites in 2005.

Alaska has four partnerships in place:

- the wood products industry in Alaska;
- the construction industry;
- the municipality of Alaska; and
- the Alaska Department of Transportation.

Each partnership site receives a comprehensive consultation designed to reduce the number of injuries, illnesses and fatalities. AKOSH then monitors each site and tracks the rate of injuries, illnesses and fatalities to evaluate the effectiveness of the partnership program.

Arizona

The **Arizona Division of Occupational Safety and Health (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 about workplace safety and health. These alliances have proved to be valuable tools for both ADOSH and its alliance participants.

California

Employment education and outreach (EMPLEO)

California’s Employment Education and Outreach (EMPLEO) program was established as an alliance to provide Hispanic employees and employers with information about federal and state workplace laws. This partnership is two-fold – helping workers know what rights and protections they have and helping employers know what resources they have available to them. Partners in the EMPLEO program include the U.S. Department of Labor’s Wage and Hour Division; OSHA; the U.S. Equal Employment Opportunity Commission; California Division of Labor Standards Enforcement; Cal/OSHA; the consulates of Mexico, El Salvador, Guatemala, Honduras, Nicaragua and Costa Rica; the regional Hispanic Chamber of Commerce; and the Coalition of Human Immigration Rights in Los Angeles.

San Francisco Bay Bridge – DOSH/Kiewit/FCI/Manson (KFM) joint venture

While functioning in a compliance assistance mode, **Cal/OSHA** identified approximately 240 bridge construction hazards. Cal/OSHA subsequently notified KFM of the hazards via letter and received written verification from KFM that most of the hazards identified, excluding those rare instances in which specialized design and/or engineering was required, had been corrected immediately.

The new span of the San Francisco/Oakland Bay Bridge has been constructed thus far without an incidence of serious injury or a fatal event, which is commendable for a high-hazard construction project of this magnitude.

Connecticut

Connecticut OSHA (CONN-OSHA) currently has training alliances with:

- University of Connecticut (T₂);

- Connecticut Highway and Street Supervisors Association;
- Connecticut Tree Protection Association;
- Tri State Prevent Blindness; and
- State of Connecticut Department of Environmental Protection.

CONN-OSHA is currently engaged in dialogue to go forward with two new alliances:

- Connecticut Interlocal Risk Management Association (CIRMA); and
- Connecticut Department of Public Utilities (Call Before you Dig).

Indiana

The **Indiana** Department of Labor (IDOL) entered into seven partnership agreements: Duke-Simon; MICCs; Indianan Stadium and Convention Center; Indianapolis Airport Mid-field Terminal; Indiana Chamber; Elkhart Chamber; Indiana Manufactures Association.

Kentucky

During fiscal-year 2005, **Kentucky's** Partnership Program continued to make new strides by completing partnerships through the Churchill Downs Master Plan Phase II Project in May 2005. The Construction Partnership Program continued its association-based partnerships with the Associated General Contractors (AGC) of Kentucky and the Western Kentucky Construction Association, as well as the Associated Builders and Contractors (ABC) with the Ohio Valley Chapter and the Kentuckiana Chapter. The AGC is involved in the Construction Health and Safety Excellence (CHASE) partnership and the ABC is involved in the Safety Training and Evaluation Process (STEP) partnership.

Next fiscal-year, Kentucky's Construction Partnership Program is planning to enter into a site-based partnership with Messer Construction at the Memorial Coliseum Addition and Renovation on the University of Kentucky campus.

Also, Kentucky is planning on submitting a state-plan change to implement a demonstration project for the Voluntary Protection Program for Construction (VPPC) during fiscal-year 2006.

During fiscal-year 2005, **Maryland** continued its alliance with the Independent Electrical Contractors Association and will be working on three additional alliances in fiscal-year 2006.

Maryland

Maryland continues to expand its Cooperative Compliance Partnership (CCP) program. Originally limited to construction companies, in fiscal-year 2004, one manufacturing company (Paul Reed Smith Guitars) was added and remains an ongoing site. MOSH continues to limit the CCP effort to construction companies due to limited resources. Bovis-Lend Lease continues as a CCP site at Holy Cross Hospital Renovation/Addition. Four new construction cooperative compliance partnerships were entered into during fiscal-year 2005: G.A. & F.C. Wagman, Inc. at the Woodrow Bridge project; Whiting-Turner Contracting Company at the Carroll Lutheran Village; Whiting-Turner Contracting Company at the Rockville Town Square; and Poole & Kent An Emcor Company at the Ashburton Filtration Plant project.

Michigan

On Jan. 12, 2005, Walbridge Aldinger, the Michigan Department of Labor and Economic Growth (DLEG), the Greater Detroit Building and Trades Council and **MIOSHA** signed a historic partnership to ensure the safety and health of workers on a large and complex construction project. Walbridge Aldinger, the Detroit-based, worldwide, full-service construction company, has been contracted by the City of Dearborn to construct a \$34 million combined sewer overflow (CSO) project to build the largest sinking caisson in the world. As general contractor, Walbridge Aldinger will coordinate the work of 21 subcontractors and 20 building trades unions, involving more than 500 trades workers. The ultimate partnership goal is zero injuries.

In fiscal-year 2004, Michigan renewed its partnership agreement with UAW, the Ford Motor Company and Visteon Corporation. The partnership's primary goals continue to not only reduce injuries and illnesses at each location, but also to create a proactive safety and health culture, and a non-adversarial relationship that emphasizes cooperation. By the end of fiscal-year 2005, MIOSHA staff members had completed a *MIOSHA Day* visit at each facility covered by the partnership.

The MIOSHA Alliance program was officially launched in fiscal-year 2004. MIOSHA's current alliances include: Michigan Road Builders Association; Great Lakes Fabricators & Erectors Association, Ironworkers Local Union #25 and Operating Engineers Local Union #324; Associated General Contractors of America, Michigan Chapter; Associated General Contractors of America, Detroit Chapter; State of Michigan, Office of State Employer;

Michigan Society of Infection Control; Macomb Community College; Construction Association of Michigan; and Alliance for the Polyurethanes Industry.

Minnesota

During federal fiscal-year 2005, **Minnesota OSHA (MNOSHA)** Compliance entered into a formal partnership agreement with the UAW and Ford Motor Company. Goals of the partnership agreement are for Ford management and employees to work cooperatively to provide a common vision for providing Ford employees a safe and healthful workplace. This partnership enables MNOSHA to meet and discuss safety and health challenges openly with the UAW and Ford Motor Company staff members to benefit the Minnesota employees. MNOSHA also continued its work in the three previously established partnerships, including: the Machine Guarding Agreement Partnership; the Construction Health and Safety Excellence (CHASE) Minnesota Partnership (Associated General Contractors of Minnesota); and the National Association of Tower Erectors Partnership.

Alliances are administered through the MNOSHA Workplace Safety Consultation (WSC) unit, using one state-funded position. WSC currently has seven alliances. In federal fiscal-year 2005, it established two new alliances. WSC joined the OSHA Region V Alliance for the Polyurethanes Industry (API), a business unit of the American Plastics Council that focuses on reducing and preventing exposure to hazardous substances for workers employed in the application of spray-on truck-bed liners. The second alliance for federal fiscal-year 2005 was with the Minnesota Mechanical Contractors Association (MMCA), a member-driven organization designed to lead and direct the mechanical contractors industry. The MMCA offers many services to its members, including safety and health training opportunities.

Nevada

Nevada's Safety Consultation and Training Section (SCATS) developed joint activities with leading edge employers, association groups and others to leverage outreach activities. Some of the activities included the following.

- Workplace violence awareness training was conducted jointly with the largest hospital in Nevada. Joint presentations were provided to management, employees and other hospitals in the Las Vegas area to enhance the awareness of potential violence-type problems in hospital settings. As a result, the hospital developed new procedures for identifying potential threats and added physical and administrative controls to help reduce threats to employees. Further, information was provided to other hospitals to help them to identify similar potentially hazardous conditions and how they might be abated.
- Nevada has an ongoing alliance effort with the Nevada Small Business Development Center (NSBDC). Nevada's Safety Consultation and Training Section conducted the programs and NSBDC advertised these programs.
- Nevada continued the informal alliance effort with the National Association of Minority Contractors (NAMC). SCATS conducted several 10-hour construction courses as part of the overall training NAMC provides.
- Nevada is 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 schedule. To better leverage limited resources, SCATS conducts an eight-hour *State Safety Supervisor* course that all state supervisors attend and an eight-hour advanced program for state supervisors, *Workplace Evaluation and Management Tools*.
- SCATS has participated in the Department of Labor's nontraditional partnership, Employment Education Outreach (EMPLEO), to reach out to the immigrant communities, particularly Hispanics. The group consists of many government agencies and companies that provide services to employers and employees. As part of the activities, seminars for employers were conducted about various regulations; cross training was conducted between agencies for proper redirection; brochures with contact information were disseminated; and participation was conducted at many shows, conferences and fairs through joint booth activities.

North Carolina

North Carolina signed a partnerships with Skanska/Barnhill Contracting Company on April 29, 2005, in an effort to eliminate accidents at the new Raleigh Convention Center site. This is the state's first partnership with a major construction company. This is in addition to partnerships and alliances with the Carolinas Roofing and Sheet Metal Contractors Association, Inc., North Carolina Forestry Association, the Safety and Health Council of North Carolina, Boat People S.O.S., Inc., and Patterson & Wilder Construction Co., Inc.

Oregon In fiscal-year 2005, **Oregon OSHA (OR-OSHA)** maintained 21 partnerships. Some new relationships that were developed include the Ergonomics Advisory Committee, with a focus initially on the health care and construction sectors, and the Landscape Contractors Association. OR-OSHA is one of multiple parties (state agencies and nongovernmental organizations) that are signatories to the Oregon Sustainable Agriculture Resource Center, working together to promote sustainable agriculture (which includes a safety and health component) in Oregon.

Puerto Rico **Puerto Rico OSHA (PR OSHA)** signed two important alliances for the program. One of them was entered with Abbott Puerto Rico Operations, aimed at developing information and accessibility of training resources to the construction industry. The other alliance was signed with the Medical Sciences Campus of the University of Puerto Rico and the American Industrial Hygiene Association (AIHA), Puerto Rico Chapter. This alliance intends to provide students and AIHA members with information and training resources that will help them to protect employees from occupational hazards.

In May 2005, a training session was delivered as part of the partnership with J&J in an effort to raise awareness about ergonomics issues.

Utah **Utah** established its first strategic partnership with a local general contractor for the construction of a medical facility at the University of Utah medical complex. The general contractor reports a marked improvement in subcontractor attitude toward safety and health as a result of the partnership. This partnership continued through 2005 and the contractor wants to enter another partnership with UOSH for the construction of a hospital facility in northern Utah.

Vermont **Vermont OSHA (VOSHA)** has signed alliances with the Vermont Agency of Transportation, the Safety and Health Council of Northern New England, AGC, the Vermont Chamber of Commerce and the North Country Career Center (VOTEC school).

Washington **Washington** signed its first two cooperative program agreements, or alliances, with business associations in March 2006. The first agreement provides that members of the Washington State Farm Bureau can apply for the WSFB's Safety Star Program. These members must have a strong safety and health management program that goes beyond DOSH requirements. The WFSB will conduct a worksite and records evaluation. If certified, in the first year DOSH will only inspect a member if a worker is killed, there are serious injuries or a formal employee complaint is filed. In subsequent years, a DOSH targeted inspection would focus on tractor and forklift safety, machine guarding, fall hazards, personal protective equipment (PPE) and any chemical hazards. If serious violations are found but corrected within 30 days, the penalty would be reduced to \$100.

Under the second alliance, with the National Federation of Independent Businesses (NFIB), small businesses can complete a safety program developed by the Evergreen Safety Council (ESC), a private nonprofit organization that promotes workplace safety and health. After completing the program and following an on-site consultation from DOSH or ESC, the benefits would be similar to those for WSFB certified members.

Training and education initiatives

Alaska The annual **Alaska** Governor's Safety Conference brings together hundreds of employers, employees, safety professionals and vendors from all over the state to discuss new and existing safety topics. The structure of the conference is flexible enough to allow targeting training to current safety and health issues.

Arizona The **Arizona Division of Occupational Safety and Health (ADOSH)** continued to offer top quality hazard recognition training to more than 3,000 employers and conducted training to more than 4,500 employees. Its 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 ADOSH concerning training sessions have been overwhelmingly appreciative of the agency's efforts to bring the services out to the rural areas of Arizona.

Connecticut **Connecticut** continues to provide consultation and training to public-sector and private-sector employers, employees and professional groups. CONN-OSHA has committed to providing 25 percent of its resources to industries identified as high hazard in the public-sector strategic plan and supports the federal Department of Labor area office local-emphasis programs and initiatives through training, outreach and consultation.

Connecticut has undertaken a challenge to provide four teachers from each of its 19 vocational/technical schools with a 40-hour outreach course to enable the teachers to provide 10-hour courses to each student before the student enters the workforce.

Indiana

Indiana Department of Labor (IDOL) adopted the *OTI Legal Aspects Training* program and presented the training internally to all safety officers.

Plans and schedules are in place for two OTI training programs in Indianapolis for mid to late 2006, tower training and fall arrest systems.

The execution of the Ford/Visteon Partnership was scheduled for April 2006.

All Indiana OSHA (IOSHA) compliance officers attended an ergonomics course in Indianapolis, conducted by the OTI.

Michigan

In **Michigan**, the Consultation Education and Training (CET) Division focuses its outreach efforts on those companies with the greatest need. Michigan is required to report its CET activities annually to the Michigan Legislature. During the fiscal year, 21 (d) and 23 (g) consultants provided the following outreach services: 3,065 safety and health consultations; 691 on-site surveys (23g and 21d); and 2,539 training sessions. The total number of attendees for the CET programs was 11,097 employers and 14,161 employees. CET also distributed 569,773 pieces of safety and health literature.

CET initiatives are part of the MIOSHA strategic plan. CET initiatives are customized activities developed and delivered to employers and employees in response to significant changes in MIOSHA standards or emerging safety and health issues. In fiscal-year 2005, the CET Division: provided outreach activities to promote asbestos awareness through 63 half-day workshops to 4,436 employers and employees; conducted follow-up site visits to bedliner applicators; and provided 35 excavation training sessions for 1,233 employers and employees.

Minnesota

In federal fiscal-year 2005, **Minnesota OSHA (MNOSHA)** conducted 42 presentations with a total of 3,267 participants. Each year, MNOSHA provides outreach services for five leading organizations: Midwest Center for Occupational Health and Safety; Minnesota Safety Council; Minnesota Health and Housing Alliance; Associated General Contractors of Minnesota; and American Society of Safety Engineers. In addition, MNOSHA has continued to provide its popular *Construction Breakfast* program five times a year.

The *Construction Breakfast* program provides a forum for members of the construction trades to discuss and share issues and experiences with the speaker and other field investigators in attendance. Participants are encouraged to ask questions, express opinions and voice safety concerns to nurture an open relationship between MNOSHA and the construction industry. These presentations were targeted at clarifying OSHA statutes, standards and rules that will ultimately reduce workplace hazards in the construction industry. The topics included: lead hazards; skid steer and backhoe worksite safety; the A Workplace Accident and Injury Reduction (AWAIR) and the Employee Right-To-Know programs; most-cited standards and fatality statistics; multi-employer responsibilities and inspection procedures; and residential fall protection. Overall participation in the *Construction Breakfast* program increased 34 percent in federal fiscal-year 2005.

In addition to the *Construction Breakfast* program, MNOSHA continues to participate in major safety conferences throughout the state. MNOSHA staffed a booth of safety and health investigators and provided speakers at the Minnesota Safety Council Conference, the Associated General Contractors Safety Days and the American Society of Safety Engineers Professional Development Conference. Topics of presentations at these events included: a MNOSHA update, fall protection and lockout/tagout.

Nevada

Nevada, in an effort to increase awareness of safety and health hazards and educate employers about what is required to control hazards, conducted 323 formal training sessions, reaching 5,952 participants, using 55 different programs. Of these, 25 formal training sessions – reaching 369 participants and using seven different programs – were conducted in Spanish. Some of the program topics include: bloodborne pathogens awareness, confined space awareness, control of hazardous energy – lockout/tagout, fall protection, hazard communication, injury and illness recordkeeping, powered industrial trucks, workplace violence and written workplace safety programs. Continuing education units are available through a joint 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 35,784 individuals have viewed the videos.

New Jersey

The **New Jersey Department of Health and Senior Services (NJDHSS) Public Employees Occupational Safety and Health (PEOSH)** Program has developed numerous information bulletins to familiarize public employers and employees with the requirements of health standards. New bulletin topics include *PEOSH Hazard Communication Standard Frequently Asked Questions*.

NJDHSS PEOSH offers a variety of occupational health training sessions in response to concerns about workplace hazards. The NJDHSS PEOSH *Education and Training Project* presented training about the following topics: asbestos awareness, bioterrorism, personal protective equipment, hazards of bird and pigeon droppings, bloodborne pathogens, custodial hazards, public work health hazards, ergonomics, hazard communication, hazardous materials awareness, health and safety committees, hearing conservation, indoor air quality, mold in the workplace, outdoor work health hazards, personal protective equipment, renovation and construction in schools, and respiratory protection. New Jersey continues to distribute occupational health literature and provide consultation by participating in numerous conventions and conferences. To provide public employers and employees with up-to-date information, NJDHSS PEOSH maintains a Web site (www.nj.gov/health/eoh/peoshweb) that contains PEOSH publications, regulations and training notification.

The PEOSH Program in the NJDHSS has assisted the NJ Department of Personnel, Human Resource Development Institute, to establish a PEOSH HCS train-the-trainer course that is designed to help public employees meet the definition of a technically qualified person as set forth in the PEOSH HCS at N.J.A.C. 12:1007-3. This six-day course focuses on explaining the provisions of the PEOSH HCS and includes additional topics, such as: how chemicals can enter and affect the body, hazard classes, principles of industrial hygiene, developing a written program and presentation skills.

New York

In **New York**, the Public Employee Safety and Health Bureau and the On-Site Consultation Bureau continue to work together to reduce injuries to New York State workers. They continue to conduct *Employee Injury Prevention in Health Care* conferences for both public and private employers and employees. *Best Practices* in regard to resident/patient handling is presented along with the financial benefit seen after implementing a safe patient handling program. Other topics include sessions about workplace violence and emergency response needs. Both bureaus also continue to deliver the OSHA 10-hour construction course to employers and employees across New York.

North Carolina

North Carolina has developed and conducts state-specific 10-hour and 30-hour awareness workshops. The OSH Division conducts two 30-hour construction workshops and two 30-hour general industry workshops a year. This training effort is augmented by an average of eight to nine 10-hour workshops for both construction and general industry, and spearheaded by the Education, Training, and Technical Assistance Bureau (ETTA).

Specific training initiatives have been targeted for the fast-growing Spanish-speaking workforce. This includes *Construction Forums* about prevention of workplace fatalities by addressing electrical, struck-by, caught in between and fall hazards. The emphasis directed toward the Hispanic population is managed by the two Hispanic outreach positions that were established by the North Carolina General Assembly in 2004.

Oregon

In **Oregon**, the Governor's Occupational Safety and Health Conference was in March 2005, with the theme: *Safety and Health Expedition: Advancing Industry Knowledge and Practices*. Jack McGowan, executive director of SOLV, a nonprofit organization working to enhance the livability of Oregon since 1969, was the keynote speaker. Presentations included: *Critical Issues and Best Practices in Construction*, *Keeping Safe When Working with Behavior Challenges*, *Property Liability Exposures for the Business Owner* and *The Needs of an Aging Workforce*. This biennial conference has occurred since 1944; in 2005, it attracted 1,876 attendees.

OR-OSHA's *Safety for Small Business* initiative provides various workshops and online materials with a focus on small business needs, which include keeping a written hazard communication plan and developing an innovative safety committee. (Oregon law requires employers with 10 or more employees, as well as small high-hazard employers, to have a safety committee. Small low-hazard employers are given additional flexibility in developing an innovative approach to safety committees.) An online presentation is available at www.orosha.org/educate/smallbsr/basics.html.

OR-OSHA contributed to a new publication released jointly by the USDA Forest Service and the Bureau of Land Management, *Field Guide for Danger Tree Identification and Response*, which is available online at www.orosha.org/pdf/pubs/reserve_trees.pdf.

OR-OSHA combined a number of agency-produced hearing conservation materials into a new DVD/CD-ROM boxed set, *Hearing Conservation for At-risk Workers*. The product is targeted to general industry, construction, forest activities and agriculture. State-plan members may request a sample copy, at no charge, by contacting the OR-OSHA Resource Center.

The OR-OSHA Resource Center was accepted as a member of the National Network of Libraries of Medicine and will soon be able to share its journal collection with other occupational health and medical libraries across the United States through its participation in the National Library of Medicine's DOCLINE program.

Puerto Rico

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

It must be noted, for instance, that three open training sessions for safety and health in the woodworking industries were delivered during fiscal-year 2005, and two training sessions were delivered about different topics as part of the alliance signed with Abbot Puerto Rico Operations for employees and employers from the construction industry. Also, the programs' Voluntary Programs Division delivered three training sessions about how to develop or improve an effective safety and health program for which a booklet about the development of safety and health guidelines was developed. In addition, two training sessions of employee involvement in safety and health matters were delivered as part of the 34 conferences delivered for the general public about several safety and health matters, aimed at reducing workplace hazards and encouraging employees to work toward such reduction.

It also bears mention that to address safety and health condition in the grocery store industry, the Voluntary Programs Division developed and disseminated occupational safety and health training and reference materials.

Also, on a regular basis, the office engages in outreach activities and strives to reach the general public and disseminate information about its services. To such effects, PR OSHA launched promotional campaigns and publications. For instance, in September 2005, the advertising campaign for the 10th Occupational Safety and Health Conference was started and five billboards were located along some of the most traveled highways of the San Juan Metropolitan Area and nearby municipalities. All of this promotional activity will serve as the background for further awareness campaigns aimed at employers and employees about the importance of protecting life by following safety measures and the use of personal protection equipment.

At the same time, an aggressive campaign complements the outreach efforts. For example, an educational supplement was published in the *El Nuevo Día* newspaper (the island's most widely read) with emphasis on the mission of PR OSHA, the rights of employers and employees, contact information for the filing of complaints and consultations, and information about cooperative programs and alliances.

Tennessee

Tennessee OSHA continued to use senior compliance officers and senior consultants to deliver seminars and presentations to more than 12,212 people about safety and health topics during 2005. The diverse training programs presented included training loggers in the *Master Logger Program* and training dental students at Meharry Dental School about bloodborne pathogen protection for dentists.

Tennessee OSHA mailed the quarterly newsletter *Together with TOSHA* to more than 14,000 employees and employers.

Utah

Utah has a contract with Costal Training Technologies Corporation to provide interactive Internet training for 26 courses ranging from aerial lifts to machine guarding. These courses are used to familiarize newly hired compliance officers with safe work practices and as refresher training for experienced compliance officers.

Through compliance assistance, Utah continues to work with the Utah Local Governments Trust, a public agency insurance mutual designed specifically for government agencies, including cities, towns, counties, special service districts and school districts to provide assistance and training to the public sector about Utah OSH regulations.

Vermont

During the past year, **Vermont OSHA (VOSHA)** has accomplished the following training and education initiatives:

- conducted an accident investigation seminar with the Maine Department of Transportation; and
- formed an agreement with a local technical school to provide 10-hour training for students.

Virginia

Virginia hosted the *10th Annual Occupational Safety and Health Conference* in Portsmouth, Va., in June. A record 430 participants and 43 vendors took part in the conference.

In September, Virginia's Consultation/Training had 67 classes about occupational safety and health standards and hazard recognition with 702 individuals from private- and public-sector businesses attending the training.

Washington

In March 2006, **Washington** had its second annual *Agriculture Safety Day*, which drew a crowd of more than 350 agriculture employers, workers, supervisors, and safety and health professionals to Yakima, Wash., for a day of safety and health training. This represents a 40 percent increase in attendance from the first event in 2005. Jointly sponsored by the Governor's Industrial Safety and Health Advisory Board, the Washington State Farm Bureau, United Farm Workers and the Department of Labor and Industries, the conference focused on topics such as heat stress and sun damage, injuries in orchards and cholinesterase monitoring. Experts from Washington's Department of Labor and Industries, Department of Agriculture, University of Washington, Washington State University and industry experts presented information. Panel discussions included health care providers, workers and agricultural employers. Sessions were offered in English and Spanish; about one-third of the participants attended the Spanish-language presentations. Planning is already underway for the third annual *Agriculture Safety Day*, slated for February 2007, in Yakima.

Washington continues to expand its use of the Internet and other electronic media in delivering safety information and training. It 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, Washington launched a Spanish version of the DOSH Web site in 2002.

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

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

Washington's 55th annual *Industrial Safety and Health Conference* is Sept. 27 and 28, 2006, at the Spokane Convention Center. Thousands of workers are injured and about 80 workers die from job-related injuries each year. Many of these injuries and deaths are preventable. The conference provides resources to assist in design and maintenance of a sound safety and health culture at the workplace. Every year, the conference offers two days of training and education, providing the latest tools, technologies and strategies for workplace safety and health. Alternating between the eastern and western side of the state, each year it attracts approximately 3,000 safety and health attendees. More than 300 volunteers, representing the diversity of industrial Washington, contribute to its success year after year.

In addition to the numerous presentations and workshops, the conference offers a keynote opening session, blockbuster panel presentations featuring noted speakers, the ninth annual *Forklift Rodeo*, the 33rd annual *Pole Top Rescue Competition*, and a safety and health product tradeshow where more than 100 exhibitors feature state-of-the-art products and services.

Also included in the conference is the *Governor's Lifesaving Award* presentation. The award is available to employees in the state of Washington who are covered by industrial insurance (state fund or self-insurance). The

award is given for personally performing urgently required “hands-on” action(s) in a lifesaving effort. At the 2005 conference, Washington Governor Christine Gregoire presented 47 people with either a lifesaving or humanitarian award. These 47 people provided heroic aid to individuals who suffered heart attacks, near-drownings, auto accidents and other perils.

Wyoming

Wyoming has a strong safety and health training program, reaching more than 2,400 people through almost 100 training presentations or seminars. Several training programs were developed 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 and increase profits, as well as providing other benefits; and
- construction safety programs – for general construction, excavations, scaffolding, fall protection, residential and roofing operations.



State-plan directory

Alaska Department of Labor

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

Industrial Commission of Arizona

800 W. Washington Street
Phoenix, AZ 85007
Phone: (602) 542-1693
Fax: (602) 542-1614
www.ica.state.az.us

California Department of Industrial Relations

455 Golden Gate Ave., 10th floor
San Francisco, CA 94102
Phone: (415) 703-5100
Fax: (415) 703-5135
www.dir.ca.gov/dosh

Connecticut Department of Labor

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

Hawaii Department of Labor and Industrial Relations

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

Indiana Department of Labor

402 W. Washington Street, Room W195
Indianapolis, IN 46204-2751
Phone: (317) 232-2655
Fax: (317) 233-6831
www.state.in.us/labor

Iowa Division of Labor

1000 E. Grand Ave.
Des Moines, IA 50319-0209
Phone: (515) 281-3469
Fax: (515) 281-7995
www.state.ia.us/government/wd/labor/index.html

Kentucky Department of Labor

1047 U.S. Hwy. 127 S., Suite 4
Frankfort, KY 40601
Phone: (502) 564-3070
Fax: (502) 564-5387
www.labor.ky.gov/osh

Maryland Department of Labor, Licensing and Regulation

1100 N. Eutaw Street, Room 613
Baltimore, MD 21201-2206
Phone: (410) 767-2241
Fax: (410) 767-2986
www.dllr.state.md.us/labor/mosh.html

Michigan Department of Labor and Economic Growth

P.O. Box 30643
Lansing, MI 48909-8143
Phone: (517) 322-1814
Fax: (517) 322-1775
www.michigan.gov/miosha

Minnesota Department of Labor and Industry

443 Lafayette Road N.
St. Paul, MN 55155
Phone: (651) 284-5050
Fax: (651) 284-5741
www.doli.state.mn.us/mnosha.html

Nevada Division of Industrial Relations

1301 N. Green Valley Pkwy., Suite 200
Henderson, NV 89704
Phone: (702) 486-9020
Fax: (702) 990-0358
www.dirweb.state.nv.us/oshes.htm

New Jersey Department of Labor and Workforce Development

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

New Mexico Environment Department

P.O. Box 26110
Santa Fe, NM 87502
Phone: (505) 827-4230
Fax: (505) 827-4422
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

Phone: (518) 457-1263

Fax: (518) 457-5545

www.labor.state.ny.us

North Carolina Department of Labor

1101 Mail Service Center

Raleigh, NC 27699-1101

Phone: (919) 807-2900

Fax: (919) 807-2856

www.nclabor.com

Oregon Department of Consumer and Business Services

350 Winter Street N.E., Room 430

Salem, OR 97301

Phone: (503) 378-3272

Fax: (503) 947-7461

www.orosha.org

Puerto Rico Department of Labor and Human Resources

Puerto Rico Occupational Safety and Health Administration

505 Munoz Rivera Ave.

Hato Rey, PR 00918

Phone: (787) 754-2171

Fax: (787) 767-6051

www.dtrh.gobierno.pr

South Carolina Department of Labor, Licensing and Regulation

P.O. Box 11329

Columbia, SC 29211

Phone: (803) 896-7688

Fax: (803) 734-9772

www.llr.state.sc.us/labor.asp

Tennessee Department of Labor and Workforce Development

Third floor, Andrew Johnson Tower

710 James Robertson Pkwy.

Nashville, TN 37243-0659

Phone: (615) 741-2793

Fax: (615) 741-3325

www.state.tn.us/labor-wfd

Utah Labor Commission

P.O. Box 146600

Salt Lake City, UT 84114-6600

Phone: (801) 530-6864

Fax: (801) 530-7606

www.uosh.utah.gov

Vermont Department of Labor and Industry

National Life Building

Drawer 20

Montpelier, VT 05620-3401

Phone: (802) 828-2765

Fax: (802) 828-2195

www.state.vt.us/labind/vosha.htm

Virginia Department of Labor and Industry

13 S. 13th Street

Richmond, VA 23219

Phone: (804) 786-2377

Fax: (804) 371-6524

www.doli.virginia.com

Virgin Islands Department of Labor

(public-sector only)

16AB Church Street

Christiansted, St. Croix, VI 00820-4660

Phone: (340) 772-1315

Fax: (340) 772-4323

www.usvi.org/labor

Washington State Department of Labor and Industries

P.O. Box 44600

Olympia, WA 98504-4600

Phone: (360) 902-5430

Fax: (360) 902-5619

www.lni.wa.gov/safety

Wyoming Department of Employment

1510 E. Pershing Blvd.

Cheyenne, WY 82002

Phone: (307) 777-7700

Fax: (307) 777-3646

www.wydoe.state.wy.us

Federal OSHA link to state-plan Web sites

www.osha.gov/fso/osp



Occupational Safety and Health State Plan Association Board of Directors 2004 through 2005

Chairperson

Steve Cant

Assistant Director
Division of Occupational Safety and Health
Washington State Department of Labor and Industries
P.O. Box 44600
Olympia, WA 98504-4600
Phone: (360) 902-5495
E-mail: cant235@lni.wa.gov

Vice Chairperson

Vicky Heza

Deputy Chief
Division of Occupational Safety and Health
California Department Industrial Relations
2100 E. Katella Ave., Suite 215
Anaheim, CA 92806
Phone: (714) 939-8093
E-mail: vheza@dir.ca.gov

Past Chairperson

Douglas Kalinowski

Director
Michigan Occupational Safety and Health Administration
Michigan Department of Labor and Economic Growth
P.O. Box 30643
Lansing, MI 48909
Phone: (517) 322-1814
E-mail: dkalin@michigan.gov

Directors

Kevin Beauregard

Assistant Deputy Commissioner
Division of Occupational Safety and Health
North Carolina Department of Labor
1101 Mail Service Center
Raleigh, NC 27699-1101
Phone: (919) 807-2863
E-mail: kevin.beauregard@nclabor.com

Grey Mitchell

Director
Division of Labor Standards and Safety
Alaska Department of Labor
P.O. Box 21149
Juneau, AK 99802
Phone: (907) 465-4855
E-mail: grey_mitchell@labor.state.ak.us

John Winkler

Administrator
Development
Tennessee Department of Labor and Workforce
710 James Robertson Parkway, third floor
Nashville, TN 37243
Phone: (615) 741-2793
E-mail: john.winkler@state.tn.us

Jay Withrow

Director
Office of Legal Support
Department of Labor and Industry
Powers-Taylor Building
13 S. 13th Street
Richmond, VA 23219
Phone: (804) 786-9873
E-mail: laborlaw.doli@va.visi.net

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