



GRASSROOTS Workplace Protection

2004 OSHSPA Report

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







Occupational Safety & Health State Plan Association

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June 6, 2005

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

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

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Collaboration among states, federal OSHA, employers and employees is a key factor in success. The states and territories have often worked with our federal partners and have led the way in developing innovative approaches to making America's workplaces safer and healthier. Through a combination of targeted enforcement and outreach services, State Plan States are helping employers realize that protecting their workers is a sound business decision.

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Kevin Beauregard North Carolina

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Patricia Todd Minnesota

In this report, we describe the innovative approaches to creative partnerships, outreach and education, voluntary compliance, inspection targeting and settlement agreements that have been developed by the states. All of the statistical data and much of the program-related information has been updated.

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

Sincerely,



Douglas J. Kalinowski
OSHSPA Chair



U.S. Department of Labor

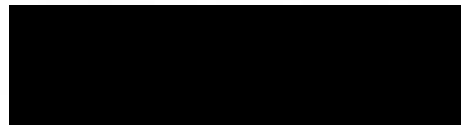
Assistant Secretary for
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I am very pleased to have been asked to write the introductory letter to the 2004 edition of the Occupational Safety and Health State Plan Association's *Grassroots Worker Protection*. Once again, this year's report provides numerous examples of the strategies used by the 26 State occupational safety and health plans to better protect America's working men and women.

Our State partners have always understood that making our workplaces safer and healthier requires a balanced approach that combines fair and effective enforcement with outreach, education and compliance assistance as well as cooperative and voluntary programs. It is clear that these strategies have worked. Workplace injuries and illnesses have been declining for more than a decade. In the last five years workplace injury and illness rates have decreased 11 percent, and recent annual workplace fatality rates have been at record lows.

We at OSHA have always recognized the valuable contributions of our State plan partners and know that those who read this year's *Grassroots Worker Protection* will also recognize the significant accomplishments and innovations of the State occupational safety and health plans. In the coming years we look forward to even great achievements in meeting the challenges that may lie ahead.



Jonathan L. Snare
Acting Assistant Secretary

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OSHSPA: States protecting workers

States and territories may elect to develop their own unique workplace safety and health program. Each state program takes responsibility for developing and enforcing workplace safety and health standards in 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

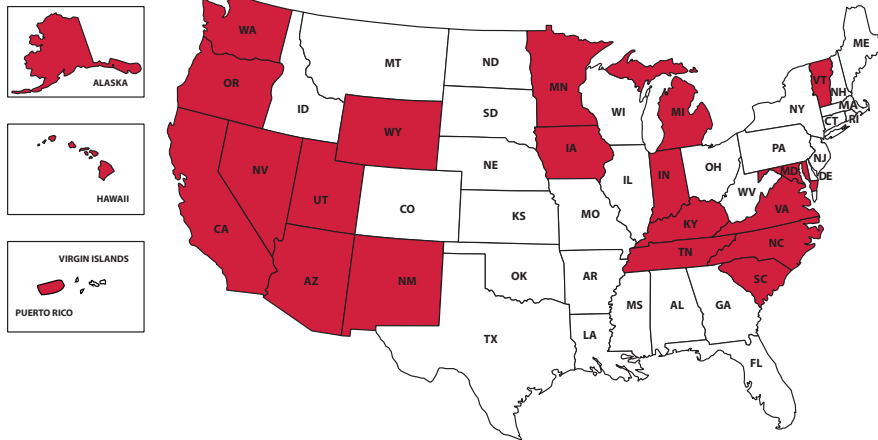
Even though the OSH Act of 1970 specifically excludes from federal coverage states' public agencies and their political subdivisions, the state plans are required to provide occupational safety and health protection to public-sector employees. This is a significant requirement and benefit of the state-plan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

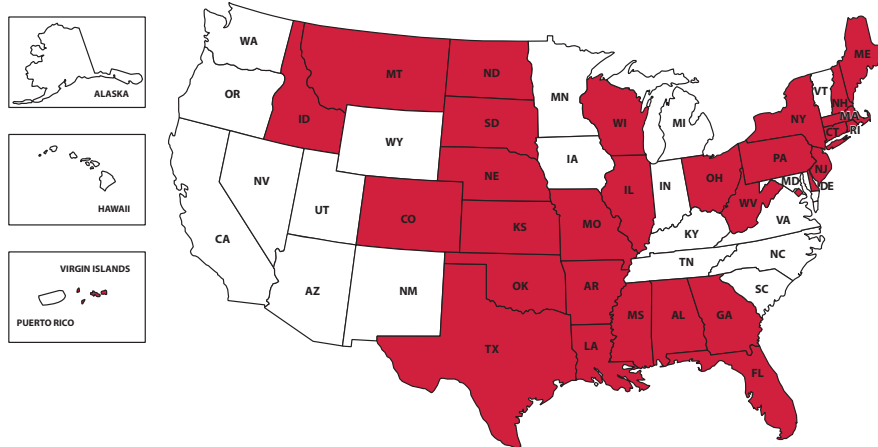
(Three states and one territory — private-sector coverage provided by federal OSHA)



- 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 |
| District of Columbia | North Dakota |
| Florida | Ohio |
| Georgia | Oklahoma |
| Idaho | Pennsylvania |
| Illinois | Rhode Island |
| Kansas | South Dakota |
| Louisiana | Texas |
| Maine | Virgin Islands |
| Massachusetts | West Virginia |
| Mississippi | Wisconsin |
| Missouri | |

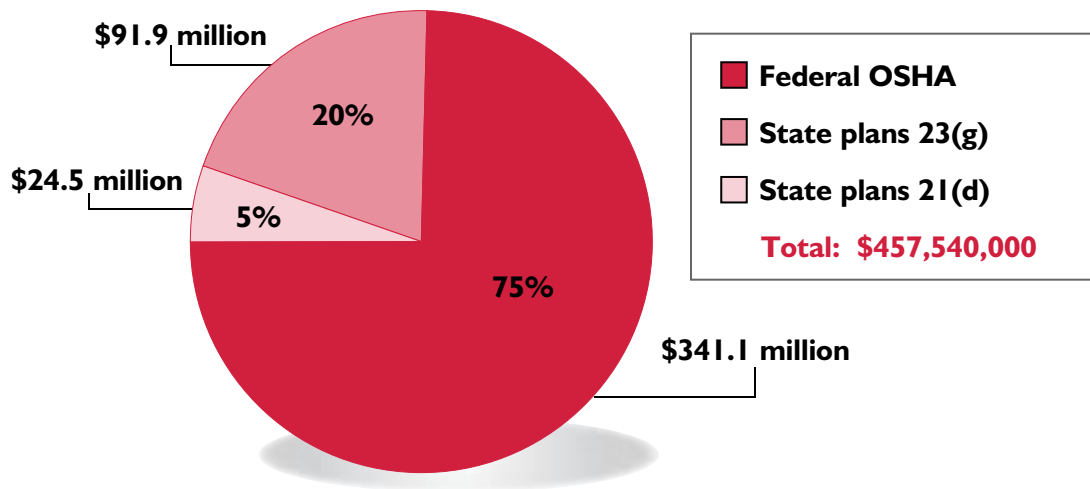
Investing in worker protection

In federal-fiscal-year 2004, state programs received \$91.9 million in 23(g) and \$24.5 million in 21(d) funding from the Occupational Safety and Health Administration's total budget of \$457.5 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.

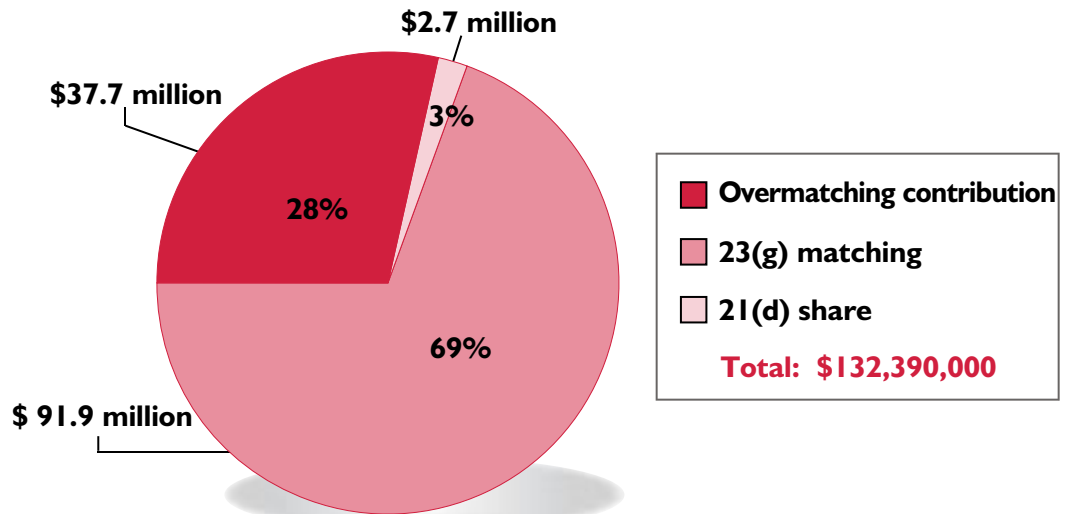
In addition, many states fund other programs focused on safety and health in the workplace. Even in states facing serious budget constraints, the respective legislatures continue to provide matching funds for occupational safety and health programs in recognition of their value in reducing workplace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

In fiscal-year 2004, state and territorial funds of \$129.7 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 2004 total federal OSHA budget

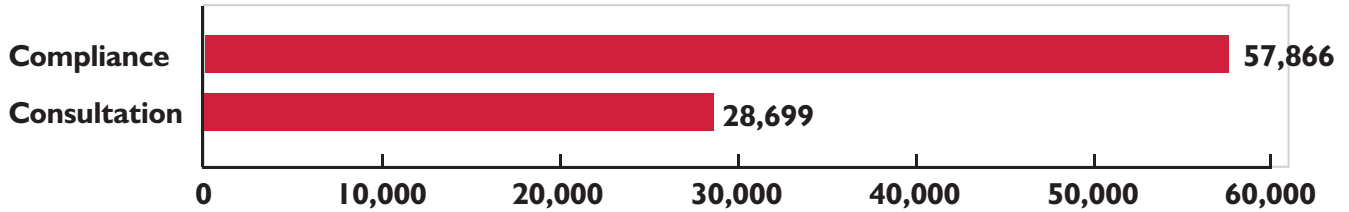


Fiscal-year 2004 total state-plans budget

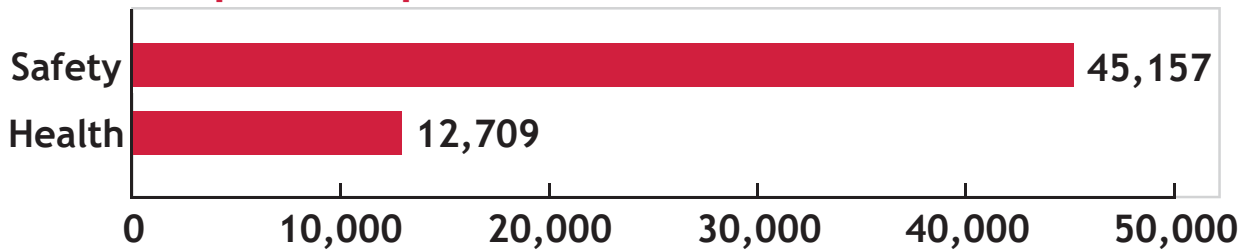


Fiscal-year 2004 OSHSPA inspection data

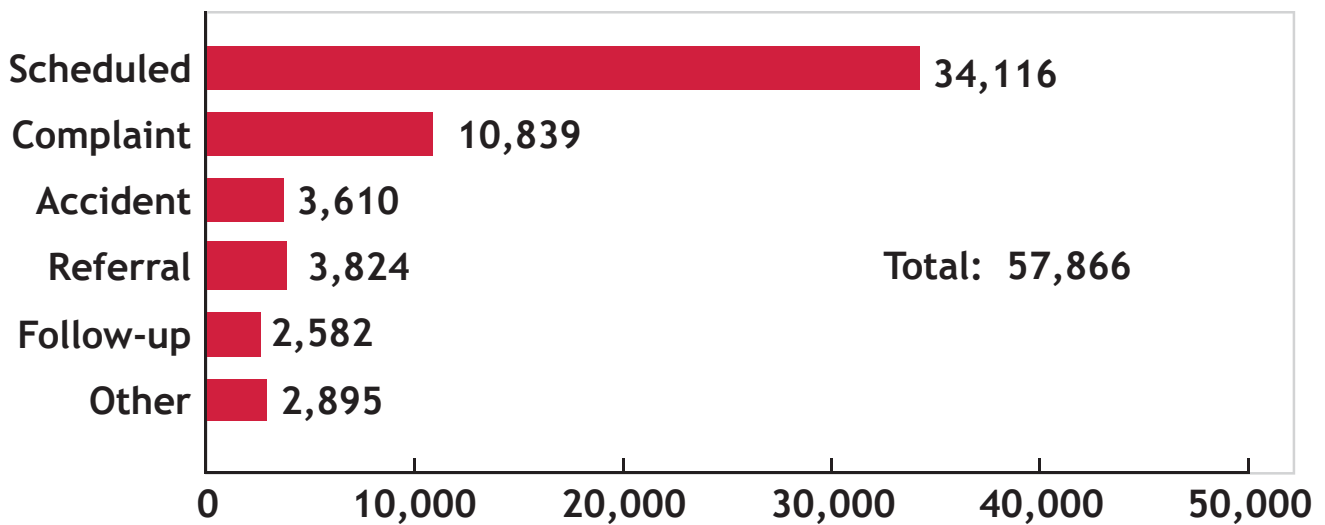
Quantity of on-site visits



Compliance inspections conducted



Type of inspections conducted



Fiscal-year 2004 OSHSPA inspection data

Inspection results

Number of inspections with violations cited	35,539
Average number of violations per inspection	2.2
Percentage of inspections with no violations	38.6%
Total penalties assessed	\$74,058,959
Average penalty per serious violation	\$885.70
Total number of contested cases	5,164
Percentage of inspections with citations contested	13.4%

Quantity of state-plan positions

Safety compliance	787
Health compliance	490
Safety consultants	209
Health consultants	136

Employers and employees covered by state plans

Total employers covered	Not available
Private sector	2,945,000
Public sector	Not available
Total employees covered	55,204,000
Private sector	44,900,000
Public sector	10,304,000

Workplace security: safeguarding the workplace

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 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.

The Cal/OSHA staff is currently participating in the planning of the 2005 Golden Gate statewide weapons of mass destruction (WMD) exercise to be conducted in November, which will include three large-scale, concurrent WMD incidents in SoCal, NoCal and the Bay Area. Cal/OSHA Emergency Response Team members have been participating in local oil spill response exercises sponsored by oil refineries and local utilities, which include tabletop exercises and equipment deployment, as well as incident command systems (ICS) activation.

Cal/OSHA has developed an emergency management plan, modeled after OSHA's national emergency management plan, to provide an organizational structure, as well as policies and procedures for Cal/OSHA's Emergency Response Teams. Cal/OSHA ER Team staff members have attended training that is targeted toward building inspectors and other building officials about structural damage assessments during earthquakes and other emergencies.

Cal/OSHA intends to renew its efforts to apply for Department of Homeland Security grant funds.

Connecticut

Connecticut (CONN-OSHA) continues its work with the state's emergency response community, offering and providing information and training, participating in tabletop training exercises and attending local, regional and state emergency response planning meetings.

Since Sept. 11, 2001, CONN-OSHA has created, trained and implemented two response teams to provide technical guidance and support to emergency units in the event of a weapons of mass destruction (WMD) incident or declaration of emergency in the state. Those teams are currently planning and preparing for their role in TOPOFF 3.

Indiana

Indiana OSHA (IOSHA) continues to work with the state's Emergency Management Agency to remain involved in Indiana's comprehensive emergency management plan. IOSHA has designated agency coordinators who are to be notified in the event of an emergency for coordinating support at a scene and reporting to the emergency operations center when appropriate. Indiana continues to participate in the monthly Department of Homeland Security conference calls coordinated by federal OSHA.

Kentucky

The **Kentucky OSH Program** has representation on the Governor's Security Working Group. The delegates meet monthly to plan actions to be taken and discuss homeland security issues, and participate in state security exercises and planning conferences.

Maryland

Maryland continues to offer the *Emergency response and disaster preparedness* seminar to guide participants through the process of preparing and implementing an emergency response plan. This seminar was presented four times during this period, reaching 71 employers and employees for a total 426 training hours.

Michigan

The new **Michigan OSHA (MIOSHA)** 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 will provide preparedness information to increase workplace knowledge of and readiness for a terrorist attack or other significant threat or attack. MIOSHA has also developed an emergency management plan and designated staff members to provide initial response and assistance following a catastrophic incident.

In response to the terrorism and anthrax concerns that emerged following Sept. 11, 2001, MIOSHA developed a workplace security resource guide for use in outreach and training efforts. The guide includes information about preparing for emergencies, terrorism and industrial chemicals, terrorism and biological/chemical agents (including anthrax) and information about helpful Web sites. The guide is available in hard copy and on the MIOSHA Web site.

MIOSHA has developed an emergency management plan that details the technical assistance and consultation role of the agency in response to a terrorist attack or other significant events. Two teams of 12 individuals have been trained to provide initial response.

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 fiscal-year 2004, MNOSHA continued to be an active participant of the State Emergency Response Team and in the federal OSHA conference calls. MNOSHA's emergency response contingency plan and Minnesota's emergency operations plans were updated to ensure compliance with federal OSHA's national emergency response plan, regional emergency response plan and national incident management system.

Members of MNOSHA's internal CEI Team participated in a two-day state agency tabletop exercise in June 2004, and a three-day functional exercise in August 2004. This exercise simulated an anthrax release and was sponsored by the Minnesota Department of Public Safety, Homeland Security and Emergency Management division.

Nevada

Recognizing the challenges presented by the events of Sept. 11, 2001, **Nevada** continues to maintain, as one of its top priorities, its ability to respond to catastrophic emergencies – including the role of ensuring the safety and health of emergency responders working in inherently unsafe environments. To be better prepared to accomplish this role, Nevada OSHA and the Safety Consultation and Training Section (SCATS) combined their efforts to form two emergency response teams.

Although it is not the intent for the teams to enter a Level A environment, they are trained to cope with any situation where potential exposures could increase. The two teams have been trained to the technician level for hazardous materials (HAZMAT) response, as well as weapons of mass destruction (WMD) response to terrorism, incident command and advanced medical training. The teams continue to participate in drills with local first

responder agencies and work with high-hazard employers throughout the state to maintain their proficiency and to ensure seamless integration when the need arises.

Nevada OSHA and SCATS response teams also maintain an arsenal of equipment that enables them to work in Level A environments. Two trailers are stocked with various types of personal protective equipment, including those that can be issued to employees and responders during the course of an incident. Another valuable resource, files pertaining to high-hazard employers throughout the state, is kept with the response team equipment. These files ensure quick access to critical information during an emergency situation.

Nevada's Safety Consultation and Training program complements these efforts by providing outreach training activities about workplace emergencies and evacuation in an effort to emphasize the need for employers to have appropriate emergency and evacuation plans to protect their workers.

New York

The **New York State Division of Safety and Health (DOSHS)** continued its focus on enhancing capabilities to respond to emergencies, natural disasters or acts of terrorism. Working with emergency services organizations throughout New York state (SEMO, Office of Public Security, Weapons of Mass Destruction Task Force, fire service and police, EMS, etc.), DOSHS provided safety and health training, fit testing, personal protective equipment (PPE) assessments and consultations as required.

Other emergency-management-related activities accomplished in 2004 included the following.

- Consultants and inspectors coordinated with local emergency response agencies, providing information and assistance in the development of local emergency worker safety and health plans.
- DOSHS participated in a tabletop and a functional exercise with Erie County in conjunction with its Department of Emergency Services. This exercise was conducted with assistance from the U.S. Department of Homeland Security Office for Domestic Preparedness. DOSHS also conducted several tabletop drills designed to evaluate various components of the crisis response plan.
- As a member of the OSHA Region II Regional Emergency Management Plan (REMP) Committee, DOSHS continues to coordinate with OSHA concerning integration of its response plans to mutually support safety and health requirements in time of disaster.
- DOSHS continued to enhance its Crisis Team member training requirements (ICS, HAZWOPER, OSHA 3600 courses, etc).

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 to 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 is prepared to provide personnel and equipment in response to a significant event at the state or national level. 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 Division of 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.

Puerto Rico

The Secretary of Labor signed an administrative order Oct. 13, 2004, to change the name of the program from Occupational Safety and Health Office (OSHO) to **Puerto Rico Occupational Safety and Health Administration (PR OSHA)**.

The Secretary of Labor signed an administrative order Sept. 27, 2004, to integrate PR OSHA as part of the emergency response agencies for the commonwealth of Puerto Rico.

South Carolina

South Carolina developed *Catastrophic guidelines* after a chemical plant explosion in 1991. It is working to revise the guidelines to reflect current policies and procedures regarding emergency responses. Procedures for

conducting a technical assistance response were implemented during the chemical release from the train wreck in Graniteville, S.C.

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.

Washington **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's program, WISHA, works with the Washington Military Department's Emergency Management Division, the agency that has primary responsibility for coordination and emergency contingency planning. WISHA participated in a chemical stockpile emergency preparedness (CSEPP) exercise with the Emergency Management Division. The exercise included representatives from Oregon and the Federal Emergency Management Administration (FEMA). WISHA 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 is in the second 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 the Alaskan workplace (both public and private sectors) through compliance assistance, cooperative programs and consultation assistance.
- secure public confidence through excellence in the development and delivery of Alaska Occupational Safety and Health programs and services.

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

Alaska produced tremendous results in fiscal-year 2004 with a 75 percent reduction in workplace fatalities and a 29 percent reduction in the lost-workday illness and injury rate (LWDII). In addition, the LWDII rates in transportation and construction were reduced by 8 percent and 32 percent, respectively.

Arizona

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

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

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

California

Cal/OSHA met most of its performance goals stated in its strategic plan. Rates of injuries, illnesses and fatalities demonstrate a declining trend in agriculture, high-hazard industries and residential construction. While the number of fatalities in construction increased slightly, the rate of fatalities in residential construction declined from 7.4 per 100,000 workers in 2001, to 6.7 per 100,000 workers in 2003.

It should be noted Cal/OSHA has maintained a high-profile presence in the agricultural industry since 1992, whereas the construction emphasis program is fairly new. Cal/OSHA believes the construction industry will improve its health and safety performance as Cal/OSHA continues to make its enforcement and consultation presence in construction a higher priority.

The number of Hispanic-worker deaths in California continues to decline. Specifically, the number of Hispanic-worker deaths in California during 2003 was down 15.7 percent – from 191 in 2001, to 161 in 2003. The California downtrend exceeded the national downtrend during the same period, which showed a 12 percent decrease.

As part of California's high-hazard consultative assistance and high-hazard enforcement, 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' claims made and costs per claim.

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

Indiana

In 2004, **Indiana OSHA** 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;
- refrigeration and machinery services.

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

Kentucky

In 2003, **Kentucky's** total case rate in construction fell 27.6 percent, dropping below the national rates and continuing Kentucky's ongoing downward trend of injuries and illnesses in construction.

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 and strong leadership; secure public confidence through excellence in the development and delivery of Maryland Occupational Safety and Health (MOSH) programs and services.

In fiscal-year 2004, Maryland conducted approximately 1,125 inspections in construction and general industry emphasis areas. Of those inspections, 32 percent were specifically targeted to strategic emphasis areas. Ninety-seven 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 3 percent that were initiated after one working day. Ninety percent of serious complaints were initiated by MOSH within five working days of notification.

Michigan

The **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.

Minnesota

MNOSHA's five-year strategic goals for 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 fiscal-year 2004 performance goals were achieved.

New Jersey

New Jersey has developed a five-year strategic plan with 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.

In federal-fiscal-year 2004, the New Jersey DLWD safety enforcement conducted 1,292 inspections: 713 programmed, 54 complaint, three fatality and 522 follow-up inspections in the public sector.

New York

New York's Public Employee Safety and Health Bureau (PESH) completed its first five-year strategic plan and is now working on its second five-year strategic plan. The goal of the first strategic plan was to reduce workplace injuries by 10 percent in SIC codes 1611, 4111, 805 and 9224. Injury and illness rates decreased in most of the targeted sectors for the first five-year (1999 through 2003) strategic plan. The current strategic plan will continue to focus on three of the high-injury-rate SIC codes. The goal is to further reduce injury rates by 10 percent during the next five years. Outreach efforts for each of these industries included the following.

- **SIC 1611 (heavy construction, except building)** – The overall injury rate reduction based on the baseline year (1995) is 13.2 percent, which exceeds the 10 percent goal set for the first five-year strategic plan.

The local Highway Construction Workgroup has continued to foster partnerships to reduce the injury rate for employees working in SIC code 1611, highway construction. These partnerships primarily include highway departments in villages, towns and counties. Additional partnerships have been created with the New York City DOT, the New York State DOT, the New York Power Authority, the New York State Association of Towns and the New York State Thruway Authority. The local Highway Construction Workgroup also established partnerships with Niagara County Mutual Self Insurance Group and Suffolk County. In coordination with Suffolk County, training was provided about safety hazards experienced in highway construction work settings. The partnership within Niagara County resulted in the analysis of useful risk management/worker compensation insurance data for the benefit of the membership.

- **SIC 805 (county nursing homes and state veterans homes)** – Although a steady decrease in the injury rate was seen in 1999, 2000 and 2001, calendar-years 2002 and 2003 showed a gradual reverse in injury rate reduction. Due to changes in the requirements for recording injuries and illnesses in 2002, the Bureau of Labor Statistics has determined data from 2002 and 2003 cannot be compared to previous years. One reason for this is that beginning in 2002, all contaminated needlesticks and sharps injuries must be reported; this was not the case prior to this date. Secondly, the definitions of new case and restricted work activity changed in 2002, which could directly or indirectly affect the injury rate.

Injury rates in 2003 ranged from two to 57 injuries per 100 full-time employees. Because the committee has developed partnerships with many of the nursing homes that are actively implementing resident-handling programs in their facilities, injury rates from those facilities with either consultation or inspection visits from 1998 through 2003 were compared with those that had no formal PESH visits. Injury rate data showed that those facilities with PESH visits had an overall 7 percent injury rate reduction as compared to those facilities without PESH activity, which had a 7 percent increase in injury rate, representing a 14 percent swing. Nursing homes that requested consultations had an 18.72 percent reduction in injury rates compared to the baseline year (1998).

The data shows no change in the injury rate from the 1998 baseline at 16.0 to the 2003 injury rate at 16.0. This could lead one to believe the goal of a 10 percent reduction was not met. However, the committee believes the goal was met, because the more telling statistic is the 14 percent swing in rate between facilities that had been visited by PESH and those facilities that were not visited. In addition, there was an 18.72 percent reduction of injury rate in those long-term-care homes that requested and received a PESH consultation. The statistical analysis enabled the committee to focus on those nursing homes with the highest injury rates. Injury rate data from the five nursing homes with the highest injury rates (top 10 percent) was evaluated. These five nursing homes collectively had an injury rate increase of 50 percent during the past five years. These facilities received a letter from PESH outlining their injury rate as compared to other public nursing homes in New York state. They were provided an option to request a comprehensive safety and health consultation or be placed on an inspection list. These visits will be completed in fiscal-year 2005.

It has been determined by experts in occupational safety and health that resident handling is the largest contributor to nursing home injuries and that implementing a resident-handling program, which eliminates or greatly minimizes the amount of manual lifting of residents, is a most cost effective way to reduce injuries. The committee will continue to coordinate the nursing home community about the impact of resident handling on injury rate reduction and worker compensation costs. This issue will be a focal point of the consultations and/or inspections of the targeted nursing homes.

Based on the evaluations from past injury prevention conferences, and because the majority of injuries in this SIC code are due to musculoskeletal disorders as a result of manual resident-handling, the main focus of the *Injury prevention in long term care facilities conferences* in fiscal-year 2004 was on prevention of injuries resulting from resident handling. Other subject areas included slips, trips and falls, and dealing with difficult or combative residents. The presenters at the conferences were nursing home representatives who have successfully reduced work-related injuries and illnesses and were eager to share their strategies for resident lifting, back safety and violence prevention. The nursing home conferences also featured numerous vendors displaying the latest resident-handling equipment.

- **SIC 9224 (fire service)** – This workgroup has developed partnerships with more than 600 local fire organizations, firefighter unions, associations and individual fire departments to cooperatively provide training to firefighters. The workgroup has attended and participated in many conferences throughout the state. The group has actively promoted wellness-fitness programs within fire service in an effort to reduce the number and severity of injuries due to cardiopulmonary problems or overexertion. This group has provided training in fit testing and has worked with fire departments in developing written programs that include respiratory protection, bloodborne pathogens and hazard communication. The workgroup has also assisted in preparing organizational statements and accountability programs.

From the inception of the strategic plan in 1999, SIC 9224 data has been obtained from the NYS Office of Fire Prevention and Control. Due to data processing problems in 2003, injury data for 2003 will not be available for numerous months. When this data becomes available, the rate will be recalculated, but – based on the 2002 injury data – the injury reduction for SIC 9224 has exceeded the five-year goal of 10 percent, with the total firefighter injuries showing an 18.1 percent reduction from the 1997 baseline.

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 4.0 injury and illness rate in 2003. This rate matches the lowest figure ever recorded in North Carolina.

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; lead; and silica. 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

A major focus of **Oregon OSHA's** strategic plan has been assisting employers in integrating safety and health management into their culture, specifically through the implementation of effective safety committees. When meeting with employers, both compliance officers and consultants stress the role of safety committees in a comprehensive safety and health management program. In fiscal-year 2004, OR-OSHA consultants worked with safety committees to improve their effectiveness during 80 percent of visits with employers that had an active safety committee.

Oregon OSHA's workforce education goal was met with 99.5 percent of safety and health workshop attendees rating the training as useful for improving safety and health in their workplace. Oregon OSHA sponsored or co-sponsored six conferences during the fiscal year. One hundred percent of conference attendees rated the training as useful.

Oregon OSHA continued to focus on reducing fall hazards, as well as silica and lead in construction exposures. Twenty-seven workshops addressing these targeted hazards were offered during the year, with 238 people attending. Oregon's fall emphasis program resulted in 693 inspections with 533 violations related to fall hazards. In the area of silica and lead hazards, 20 percent of employees sampled tested higher than the permissible exposure limit (PEL) for silica and 3 percent tested higher than the PEL for lead.

South Carolina

Fiscal-year 2004 was the first year of the new five-year strategic plan. **South Carolina** met or exceeded all but one goal during the first year. Two goals are to reduce the injury and illness total case rate in both manufacturing and construction by 10 percent (2 percent a year). To obtain these five-year goals, South Carolina is focusing resources on industries with the highest rate, based on South Carolina Bureau of Labor Statistics data and other work-related data.

Tennessee

Tennessee OSHA will build on the successes of the first five-year strategic plan by continuing to focus resources on areas of high-hazard employment. Special emphasis will be placed on elimination of carbon monoxide exposure, high noise exposure, methylene chloride exposure, trench and evaluation collapse, and fall hazards. Inspection resources will be concentrated in the construction industry, nursing home and personal care facilities, metal working industries and workplaces with high amputation rates.

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 first-year results achieved significant reductions in each area. Also of note was a 9 percent decrease in the general industry fatality rate.

Virginia

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

VOSH also completed regulatory action to amend its previously federal-identical subparagraph §§1926.950(c)(1)(i), General Requirement for Clearances, Construction of Electric Transmission and Distribution Lines and Equipment standard. This amendment provides identical safety protections for construction electrical-transmission workers equivalent to safety protections already afforded general industry workers performing similar tasks under §1910.269(1)(2)(i).

Washington

Washington's 2001 through 2005 strategic plan focused on improving workplace safety and health by reducing hazards, injuries, illnesses and fatalities, including several industry-specific initiatives. Other performance measures addressed regulatory improvement, education and outreach, and customer service improvements. Key results include:

- increased the number of enforcement inspections and consultation visits;
- increased the number of serious violations and serious hazards identified and corrected;

- reduced the average compensable claims rate for fixed-site employers visited by WISHA by 7.8 percent more than the decrease for employers with no WISHA activity (the rate for nonfixed-site employers, such as construction and logging, decreased 14.5 percent more for employers visited by WISHA);
- reduced the rate of fall injuries in residential wood frame construction by 17.5 percent and eye injuries by 29.5 percent;
- rewrote and redesigned WISHA's core general safety and health rules to make them much easier to understand and follow (Washington is now rewriting and redesigning hazard and industry-specific safety and health rules, which are available at www.lni.wa.gov/safety/rules/find/default.htm);
- greatly expanded the use of the Internet to provide outreach and training materials, including online videos, interactive courses, publications that can be downloaded and sample accident prevention programs employers can customize for their business (at www.lni.wa.gov/safety/traintools/default.asp); and
- decreased the time it takes to issue safety and health citations, and the time it takes to ensure serious hazards and violations are corrected. Together, this has resulted in shorter periods of time that workers are exposed to the hazards identified during inspections and consultations.

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 participation in VPP and SHARP.

Excellent success was achieved in meeting the first and third strategic goals, while limited and mixed results were noted with the second goal.

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 following 12 months.

Customer service: increasing program satisfaction

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

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 common 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.

The rulemaking package that is developed through use of an advisory committee typically goes through the public hearing process with little or no controversy and results in a more effective and efficient final regulation.

Maryland

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

The unit 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 Training and Education Unit services during the year. The results of the survey from employees and worker respondents rated the MOSH Training and Education Unit at a 90 percent overall satisfaction rating.

Minnesota

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

Discussion during the 2003 Legislative session regarding MNOSHA's effectiveness resulted in a special meeting of the Occupational Safety and Health Advisory Council. The meeting produced ideas and 16 suggestions for potential improvement to the MNOSHA Compliance and Workplace Safety Consultation units. The recommended items identified for improvement have been used in further developing and refining the MNOSHA Compliance and Workplace Safety Consultation units. In general, the process was beneficial toward ongoing improvement efforts. The recommendations can be found at www.doli.state.mn.us/oshac_0903.html.

MNOSHA also has online surveys for employers and employees that received inspections. Overall, MNOSHA received high marks to date. A Web site satisfaction survey was launched in fiscal-year 2004; the results are reviewed quarterly. All three surveys are online at www.doli.state.mn.us/oshasurvey.html.

New Jersey adopted the Public Employees Occupational Safety and Health (PEOSH) Hazard Communication Standard (HCS). To help public employers and employees understand the new PEOSH HCS, the New Jersey Department of Health and Senior Services (NJDHSS) Public Employees Occupational Safety and Health (PEOSH) Program provided 14 regional training sessions, plus 15 additional sessions, and developed two guidance documents, *PEOSH program adopts the hazard communication standard* (N.J.A.C. 12:100-7) and *Public employer's guide and model written program for the hazard communication program*.

North Carolina The **North Carolina Department of Labor Division of Occupational Safety and Health** has a viable quality program that defines quality in terms of meeting or exceeding customer requirements. Customer requirements are verified and procedures are established to assure consistent delivery of services. Program improvement is realized through preventive and corrective action, and internal evaluation. An internal audit is conducted of at least one program activity on an annual basis. Program successes are documented through established outcome measures. These successes are shared with external customers, which enhances the level of public trust.

Oregon **Oregon OSHA** is dedicated to customer service and continual improvement in this area. The division continued to exceed its customer satisfaction goal in fiscal-year 2004 by achieving 90 percent or better in every area surveyed. Areas surveyed included: consultation, with a 97 percent satisfaction rating; public education at 99.5 percent; conferences at 100 percent; compliance at 95 percent; audio-visual library at 90 percent; and the appeals section at 91 percent.

South Carolina One of the strategic-plan goals for the **South Carolina Office of OSHA Voluntary Programs (OVP)** is to obtain an overall customer satisfaction rate of 95 percent. The division sends customer satisfaction survey forms to every company that has received a training or consultation visit. During fiscal-year 2004, the overall satisfaction rating was 98.2 percent.

OVP participated as an exhibitor at the South Carolina Chapter of the National Safety Council Conference. This was the first conference the South Carolina Chapter has had.

Utah has significantly increased its efforts to communicate safety and health requirements to Hispanic workers. Utah Occupational Safety and Health (UOSH) tries to have a presence at Hispanic fairs and holiday celebrations. UOSH developed a construction safety CD that includes most of the information presented in English and Spanish. UOSH worked closely with the local Mexican consulate to determine effective methods of providing safety and health information to Spanish-speaking workers.

UOSH enhanced its Web site by providing an electronic complaint form and a compliance assistance newsletter.

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 their program.

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

Each state-plan's legislation proscribes how these monitoring or inspection visits will occur. 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

California

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

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.

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. WISHA has developed videos, workshops and online sample programs to help employers and their employees establish accident prevention programs on their own. WISHA'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 allows for targeting worksites based on current data, because most of the data is entered within three months.

Alaska has two local-emphasis programs, the public sector and the high-hazards targets (HHT). The HHT list is developed using workers' compensation data, allowing Alaska Occupational Safety and Health to target those worksites with the highest injury rates.

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 continues to receive funding provided under workers' compensation reform legislation for a targeted consultation program with a more proactive focus. Consultation visits are offered to high-hazard employers as an alternative to targeted inspections. The targeted consultation program supplements the enforcement program and targets industries selected for targeting by enforcement. The Cal/OSHA consultation

program has developed numerous publications, including model injury and illness prevention training programs dealing with such topics as workplace security, repetitive motion injuries (RMIs) and other topics.

Kentucky

During fiscal-year 2004, **Kentucky** maintained its increased compliance presence in the construction sector by conducting 874 construction inspections. Kentucky was able to maintain this level of activity in construction by increased efficiency and productivity with fewer field staff members.

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. The program proved very successful in fiscal-year 2004, with 210 inspections and 100 combined inspections.

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 standard industrial classification (SIC) 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 a local emphasis program targeting potential isocyanate exposure.

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

- 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

Nevada OSHA (NV OSHA) starts its site-specific targeting system using the Nevada Bureau of Labor Statistics (BLS) most current data. By evaluating BLS data, NV OSHA can select and rank workplaces with the highest incidence rates of injury and illness to employees. The agency also augments this selection process by establishing

its own special-emphasis programs. Both processes help ensure NV OSHA's focus and priorities remain to be the protection of employees who are exposed to the most hazardous work environments.

New Jersey

In federal-fiscal-year 2004, **New Jersey Public Employees Occupational Safety and Health (PEOSH)** planned 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 standard identification classification (SIC) codes.

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

Federal-fiscal-year 2004 NJ PEOSH enforcement targeted:

- Department of Transportation, SIC 1611;
- sewage treatment, SIC 4592; and
- nursing homes, SIC 8051.

North Carolina

North Carolina has established a site-specific targeting schedule based on data secured through the OSHA Data Initiative. The survey schedule is based on establishment-specific employer DART data. The state has also initiated a public-sector survey. The data from this survey is used to determine high injury and illness incidence rates at 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; lead; and silica.

Oregon

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

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

Puerto Rico

Puerto Rico OSHA continued using two local-emphasis program (LEP) directives issued during fiscal-year 2004: woodworking industries – targeting manufacturing wood products and furniture; and auto repair and body shops industries – targeting automotive painting and refinishing activities.

Utah

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 Division of Industrial Accidents data that 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.

Washington

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

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

California

A Cal/OSHA investigation of Northern Lights Company involved an explosion during the cleaning of an above-ground storage tank containing gasoline. The employers and supervisors failed to test for and subsequently purge flammable vapors in the tank, in addition to failing to ensure the equipment used to clean the tank would not discharge static electricity. As a result of the explosion, one employee was killed and another was severely burned and permanently disfigured. The corporation and the general manager were charged with six felony counts. Based on additional testimony, the employer and general manager were charged with three additional counts and for involuntary manslaughter.

Minnesota

On Sept. 7, 2004, MNOSHA investigated a workplace fatality at a major Minnesota employer. Employees were threading an adhesive webbing machine, located on three floors of the plant. While an employee on the third floor was in a hazardous area, removing debris from a vacuum roller, the employee located on the first floor engaged the machine to continue the threading process. The employee on the third floor was pinned between the vacuum roller and threader bar. MNOSHA cited the employer for failure to develop, document and use specific lockout/tagout procedures for the thread-up process. The threading bar could be activated from the first, second or third floor and the operator on the first floor could activate the controls without a clear view of the operator on the third floor. In addition, the employer was cited for failing to guard the hazardous area located on the third floor, where the victim died. The employer abated the violations and paid the penalties, without contest.

On Aug. 21, 2004, several youth employees at a summer camp were engaged in the end-of-season beach cleanup, including disconnecting buoys from submerged stationary anchors and connecting extension cables to shallow anchors to facilitate finding the stationary anchors in the spring. Due to windy conditions, cold lake water and anchor cables being entangled in underwater vegetation, the employees were having difficulty in completing the task. A 16-year-old worker, who had been treading water for more than 25 minutes, submerged without verbal warning or indication. The victim resurfaced and another employee grabbed him, but because the victim was pulling the other employee under, the employee let go of the victim and he drowned. No flotation devices were used during this process. MNOSHA cited the employer under the general duty clause for failing to render its workplace free of the hazard of drowning, including the failure to provide personal flotation devices and emergency equipment, such as a personal flotation throw-ring. The employer was also cited under Minnesota's A Workplace Accident and Injury Reduction (AWAIR) program for failure to conduct a job assessment and provide employees with adequate safety procedures. The employer abated the violations and paid the penalties, without contest.

North Carolina

Enforcement activity continues to be an integral part of **North Carolina** state-plan activity. In 2004, the Division of Occupational Safety and Health conducted 5,580 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 widely distributed an industry alert about combustible dust after investigating an explosion of fine plastic powder that killed six employees at a pharmaceutical plant. In another fatality investigation, in which a 53-year-old man died from carbon monoxide poisoning, the hazards associated with DX generators were shared with federal OSHA and other state-plan states. This included a presentation at a meeting of the Occupational Safety and Health State Plan Association.

Tennessee

Tennessee OSHA issued willful, repeated and Right to Know citations with fines totaling \$429,600 to Lowell Industries, Inc. in a workplace fatality inspection involving metal working machinery. Tennessee OSHA also issued willful and serious citations with fines totaling \$166,500 to Safeway Services, Inc. following the investigation of a scaffold collapse in which five employees were injured and one employee was killed.

Washington

In 2004, **Washington** issued citations with penalties totaling \$593,000 for three significant enforcement inspections, all with willful violations. One of the inspections followed a fatality that could have been prevented if the employer had adhered to WISHA safety standards for lockout/tagout procedures.

In the first of these cases, a construction employer working on an underground utility installation project in the Tri-Cities area exposed workers to cave-in hazards from trenches as deep as 30 feet in Type C (very loose or

sandy) soil. The company had repeatedly failed to use proper shoring, sloping or shielding protection for work being performed during fall 2003. Although it was some of the most dangerous trench work ever observed by WISHA inspectors, fortunately, no one was killed or seriously injured. During the past six years, 10 workers in Washington have been killed in other trenching incidents.

WISHA issued this employer a citation with five willful and one serious violations, and a combined penalty of \$245,700. In addition, because of the seriousness of the violations and the company's pattern of disregard for safety, Washington used the egregious policy for the first time in determining the penalties. Also in 2004, WISHA fined a Spokane area asbestos removal contractor \$144,000 for seven willful violations of asbestos exposure rules. The supervisor on site during the inspection claimed no asbestos work was being done and that she did not have a key to a locked boiler room. WISHA inspectors left the area but returned several minutes later to find the supervisor and another employee removing asbestos insulation from the boiler room. The citation included violations related to air monitoring and air quality; safe handling and disposal of asbestos debris; use of personal protective equipment; and establishment of a decontamination area for employees.

In the third case, WISHA fined a southwestern Washington paper mill \$203,100 for three willful and one repeated serious violation following the death of an employee caught inside a paper cutter when another employee inadvertently started it up. The investigation found a pattern of company disregard for lockout/tagout procedures and training, evidenced by an injury in 1998 and a near miss in 1999. Both of those incidents occurred on the same paper machine as the 2004 fatal injury. The company had been cited for 11 serious lockout/tagout violations in the past.

Settlement agreements

Alaska

When appropriate, **Alaska** works to achieve settlements that directly support and contribute toward goals to reduce workplace illnesses, injuries and fatalities. While these settlements are more time consuming to develop and execute than simply issuing a monetary fine that is paid into the general fund, the importance of targeting penalty settlements to achieve workplace safety and health goals is worth the effort.

Indiana

Indiana OSHA (IOSHA) entered into an agreement with Hayes Lemmerz International in April 2004, following an inspection triggered by a fatal explosion in November 2003. IOSHA investigated concurrently with the U.S. Chemical Safety and Hazard Investigation Board. The agreement included several steps to improve safety for those at the site, improved communication and coordination with the local fire department and steps to share lessons learned with the entire industry.

In January 2004, IOSHA entered into an agreement with RPT Painting, following an inspection resulting from a catastrophic fire that seriously injured 11 painters and fatally burned two others while the employees were riding in the back of a box truck traveling from the job site. The agreement included several provisions for additional employee training (construction 10- and 30-hour courses, sponsor employee attendance at smoking cessation classes), development of a written vehicle transport policy, publication of articles concerning lessons learned and a donation to a local hospital burn unit.

IOSHA continued to use the informal settlement process to promote 10- and 30-hour training for both management and nonsalaried employees with safety and health responsibilities. Approximately 60 percent of informal settlement agreements contained stipulations for attendance at 10- or 30-hour training or other specified training.

Indiana OSHA implemented an expedited informal settlement agreement process. Approximately 50 percent of eligible employers are taking advantage of this process.

Minnesota

In **Minnesota**, as a result of litigating a discrimination case, the complainant was given his position back with the employer, awarded \$58,000 in back pay (the original estimate of \$242,033 for wages and benefits was offset by the complainant's earnings before the case settled) and the agency received \$8,000 in attorney fees.

Oregon

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

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 42 percent of its citations through the informal settlement process.

Washington In 1999, the **Washington** Department of Labor and Industries negotiated settlement agreements in two industries; the agreements were unprecedented in the history of state-administrated occupational safety and health programs, and rank among the top compliance agreements ever obtained by federal OSHA. The combined settlement terms exceeded \$6.9 million, including a total of \$1.7 million in penalties.

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

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

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

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

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 well as 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.

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, 49 nonnegotiable fines have been issued.

Other

Alaska

Alaska continues to assess meaningful penalties for serious violations.

Kentucky

Kentucky offers a unique system for protecting workers' safety and health rights. Violations of Kentucky's anti-discrimination provisions may result in citations and penalties of up to \$10,000 for each violation, in addition to reinstatement and back pay to the employees. Litigation in such matters is taken through the OSH Review Commission, which is authorized to order all appropriate relief, including reinstatement, back pay, etc. In addition, upon initial finding of illegal discharge in violation of the anti-discrimination provisions, the secretary may order reinstatement pending the outcome of litigation, leveling the playing field during the potentially lengthy period of litigation.

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.

State initiatives: changing the work environment

California

Multilingual communications

In an effort to better serve the growing number of limited- and non-English-speaking workers in **California**, Cal/OSHA has actively sought to overcome language barriers between the Cal/OSHA staff and the public it serves. Recent publications have been translated into multiple languages, depending on the type of 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 enforcement 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. The Cal/OSHA Enforcement Unit is working collaboratively with agricultural worker advocacy groups to increase compliance at agricultural worksites through education, outreach and referral inspections.

The Cal/OSHA Enforcement Unit has attended meetings with various advocacy groups, such as Lideres Campesinas, California Rural Legal Assistance (CRLA), Agricultural Pesticide Coalition and Farmworkers' Coalition. These meetings provide Cal/OSHA with additional opportunities to open pathways of communication among DOSH, worker advocates and the Hispanic agricultural community.

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 for their bilingual ability.

Hand weeding regulation

California has adopted a historic regulation banning hand weeding in agriculture. Cal/OSHA banned "el cortito" ("the short one," a short-handled hoe), but determined it did not have the legal authority to force employers to use "available and reasonable" tools as an alternative to hand weeding. Under the new regulation, hand weeding, thinning or "hot-capping" in a stooped, kneeling or squatting position is no longer permitted if there is a "readily available, reasonable" alternative. Exemptions are provided for high-density crops spaced less than two inches apart, organic farms, seedlings and horticultural commodities.

Permissible exposure limits

Cal/OSHA has asked for stakeholder input about a proposal to add or reduce the permissible exposure limits (PELs) for 14 substances considered air contaminants. Cal/OSHA has scheduled an advisory meeting to discuss the PEL situation.

Personal protective equipment

The **Cal/OSHA** Standards Board approved revisions to "clearly indicate that the employer is responsible" for ensuring all personal protective equipment, whether provided by the employer or owned by the employee, complies with established standards and the equipment is stored in a safe, sanitary condition. The revision stems from an incident in which an employee used protective gloves that had been improperly stored and were contaminated with corrosive material. The employee, unaware of the contamination, sustained chemical burns to both hands.

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 are: 1. diagnosed by a licensed physician; 2. caused predominantly by identical work activity; and 3. occurred within 12 months of each other.

Enforcement related to ergonomics

Cal/OSHA investigated AC Transit as a result of a complaint alleging repetitive motion injuries. Employees at this facility pulled moneyboxes from buses and emptied them into a wall safe. Each moneybox weighed 20 to 30 pounds. Employees emptied as many as 50 moneyboxes an hour and carried them as far as 50 feet to the wall safe.

Three new repetitive motion injuries were documented since the injuries that resulted in an earlier inspection with citations issued in 2001. Abatement of the 2001 citations was found to be inadequate upon reinspection. This conclusion was aided by comparing the Hayward facility to other facilities at which the identical job task is performed. Two citations totaled \$108,000 for the repeat violations and lack of training.

Consultation and education efforts related to ergonomics

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

Publications are developed with input from industry associations, employers, labor organizations and others. *Ergonomics in action* describes best practices for the food processing industry. The *Back injury prevention guide* gives examples for lifting patients and for other tasks in nursing homes. The Consultation Service has also issued ergonomic survival guides for workers on construction sites.

A series of publications for very small businesses cover ergonomics issues for cosmetology, dry cleaning, retail and wholesale, child care providers, landscaping, auto repair, bars and restaurants, and health care. Many of these have been translated into more than one language.

Process safety management

One of the most potentially dangerous tasks at a refinery is “turnaround” – the shutdown of part of the plant for maintenance or repair. The turnaround can lead to serious accidents because of the frenetic pace to complete projects and get the refinery back on line.

An accident at Tosco refinery in 1999, which killed four workers and seriously injured a fifth, occurred during “turnaround.” The division’s investigations found Tosco failed to shut down the naphtha piping operations prior to maintenance work. Naphtha flowed through the line onto hot surfaces of the adjoining tower, ignited and burst into a fireball after hitting hot equipment.

As a result of the Tosco accident, **Cal/OSHA** received funding for two process safety management (PSM) offices – in Northern and Southern California. The PSM offices are dedicated to doing inspections of refineries, chemical plants and explosives facilities. The PSM units work closely with refineries and other facilities, conducting up to four yearly inspections each. They also work with hazardous-materials units. Safe turnarounds as well as everyday operations depend on training of workers and employers, and well-developed emergency response and communications systems.

Cal/OSHA’s VPP approved the first refinery to certify as a Star site. Valero Wilmington Refinery, Wilmington, Calif., uses behavior-based safety to prevent accidents and turnaround safety teams to manage safety during shutdowns for maintenance. Valero’s Benicia, Calif., plant is also a VPP applicant and will probably be approved by the end of 2005.

Workplace violence prevention

California’s 1994 conference about workplace security, the first of its kind, was part of a drive to promote additional research and develop guidelines for preventing workplace violence. California issued *Guidelines for security and safety of health care and community service workers*, *Cal/OSHA guidelines for workplace security and a model injury and illness prevention program for workplace security*.

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

Traffic safety

California legislation provides for a targeted inspection program and a targeted consultation program. These programs are supported fiscally by assessments on the subset of insured and self-insured California employers that have an EX-MOD of 1.25 or greater to a Targeted Inspection and Consultation Fund (TICF). Because employers

with a high EX-MOD for workers' compensation purposes are required to pay an assessment, they are given priority for consultations.

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

Connecticut **Connecticut (CONN-OSHA)** is developing a major outreach program to address the number one cause of workplace fatalities – motor-vehicle accidents. The program will be more than a defensive driving course, because it will also identify bad driving habits and provide solutions for resolving them. It will also focus on fleet safety and developing safe driving programs for municipalities and state agencies or those employers that provide multiple vehicles for their workforce. The program is expected to roll out in time for the summer vacation travel.

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.

Maryland prints its *Safety and health protection on the job* poster in English and Spanish. Maryland Occupational Safety and Health (MOSH) also publishes its *Closing conference guide* in Spanish; this booklet explains the employer's rights following an inspection.

During fiscal-year 2004, Maryland developed a *Seguridad en la construccion* full-day seminar for Spanish-speaking employers and employees. The delivery of this program will begin during fiscal-year 2005. MOSH also began working on hosting a conference targeted to construction companies that use or hire Spanish-speaking subcontractors or workers. This conference is a direct response to concerns about a disproportionate number of deaths and injuries to non-English-speaking workers.

Michigan *Ergonomics*

Michigan's strategic plan includes musculoskeletal disorders as a focus for reducing injuries and illnesses by 20 percent. Without a standard, MIOSHA can rely on the general duty requirement to issue citations and penalties in the most extreme cases. Citations are issued when the state finds repetitive motion injuries of which the employer was aware and knew how to prevent, but did not make adequate, reasonable effort to prevent them.

Michigan OSHA conducts extensive outreach and education focused at improving ergonomic conditions. Since 1991, the Ergonomics Committee has encouraged proactive, voluntary compliance through training, consultation and recognition of positive efforts. The committee oversees an ergonomics awards program that recognizes voluntary ergonomic innovations and activities. Since the program began, 43 Ergonomic Innovation Awards and 11 Ergonomic Success Awards have been issued. During fiscal-year 2004, MIOSHA conducted 89 workshops and 147 consultations/interventions related to ergonomics.

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

Workplace violence

Michigan has completed work on a *Violence in the workplace* program. The heightened awareness of the population to workplace exposures due to terrorism, domestic violence and potentially out-of-control workers, along with many requests from employers for assistance, has led to the development of training seminars by the Consultation Education and Training (CET) Division.

A CET grant was awarded to the Center 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 their workplace. During fiscal-year 2004, two seminars about this topic were conducted.

Bedliner alert

In response to a fatality related to the spraying of truck-bed liners, **Michigan OSHA (MIOSHA)** conducted a campaign to warn companies of the toxic chemicals included in spray-on truck-bed liner products. MIOSHA mailed a bedliner alert to all companies using these products and conducted 73 site visits.

Asbestos awareness campaign

This initiative informed all construction companies they are required by law to provide asbestos awareness training for employees who may contact asbestos-containing materials. **MIOSHA** mailed information to 25,000 construction companies, informing them of the training requirements, and conducted 21 workshops.

Trenching and excavation campaign

MIOSHA launched an extensive awareness campaign to remind employers they are required to provide excavation protection and training. MIOSHA sent letters to 4,100 employers and 23 associations to encourage them to use all available resources, including MIOSHA outreach services, to provide required employee training. In response, 272 companies requested training for 2,098 employees.

Multilingual communications

Michigan prints its *Safety and health protection on the job* poster in English and Spanish. MIOSHA also publishes two brochures, *Your rights and responsibilities under MIOSHA* and the *Michigan's employee right to know*, in Spanish. The MIOSHA video *MIOSHA: Your workplace partner – on-site consultation program* was dubbed into a Spanish version. The CET video loan library now includes 14 Spanish-speaking construction safety videos.

Minnesota

75/25 Program

In fiscal-year 2004, **MNOSHA** established a 75/25 Program, a penalty reduction incentive program available to qualified employers that links workers' compensation claim rates and MNOSHA compliance penalties. This program will allow 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. This plan provides employers in Minnesota an economic incentive to reduce accidents and protect employees from harm. Participation in this program does not preclude an employer from using consultation services; in fact, it is encouraged. Employers selecting this option receive a 75 percent reduction in penalties assessed as a result of a compliance inspection, provided the citations issued were not willful, repeat or failure to abate citations. In addition, the compliance inspection could not be the result of a fatality, serious injury or catastrophe. Complete information about the program is online at www.doli.state.mn.us/mnosha.html.

Ergonomics

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

Two ergonomics specialists in MNOSHA's Workplace Safety Consultation unit continue to help employers resolve ergonomics-related hazards.

Workplace violence prevention

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

Minnesota Rules review and update

Minnesota-specific standards are reviewed annually by the Department of Labor and Industry; obsolete rules are recommended for repeal. In fiscal-year 2004, MNOSHA did a broad review to identify obsolete rules and rules that needed updating. Three rules were repealed: Minnesota Rules 5207.0010 Anchor Bolts; Minn. Rules 5207.0020 Bar, Floor, and Roof Joists; and Minn. Rules 5207.0250 Walking, Working Surfaces, subp. 5, Roofs;

and, two were amended to clarify the definition of a confined space: Minn. Rules 5207.0300 and 5207.0301, Confined Spaces in Construction.

Workflow analysis

In fiscal-year 2004, MNOSHA reviewed the workflow of three internal processes. Priorities for further analysis were then determined as follows: citation lapse time in health, processing time for the support staff, and contested cases lapse time. The average citation issuance lapse time for health was reduced 5 percent, to 54 calendar-days. Support staff members were able to reduce the processing time from an average of 12 days to three days. And, the average lapse time from receipt of contest to first level decision was 135 days in fiscal-year 2004, a 12 percent reduction from the previous year, when 246 cases were settled in an average of 153 days. Lapse time regarding response to abatement verification, discrimination and information requests were not evaluated at this time.

Discrimination unit improvements

MNOSHA consulted two state-plan states, Washington and Michigan, to facilitate discussion and comparison of their approach and process with regard to discrimination. As a result, some of the processes at MNOSHA were streamlined and staffing changes were made near the end of fiscal-year 2004. A third investigator position was added, which reduced open-case time dramatically. MNOSHA also consulted legal advisors to determine requirements for legal sufficiency to ensure case files contained appropriate documentation.

Nevada

Nevada’s Safety Consultation and Training Section expanded its ergonomics training to include a class about typical ergonomic risk factors found in businesses, besides the emphasis on ergonomic concerns with video display terminals. Bilingual outreach training to the Hispanic community has been provided, covering subjects in both construction and general industry. Nevada is also presenting a class for supervisors with non-English-speaking employees to address the state statutes requiring that employers train in a language and format the employees understand and identify the issues that can cause miscommunication.

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 that 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 of 22 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 failure 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.

New Mexico

Workplace violence prevention

On Oct. 5, 2004, the **New Mexico** Environmental Improvement Board adopted regulations designed to improve workplace safety for convenience store employees. The regulations, which are the most comprehensive of their kind in the country, require convenience stores that are open between 11 p.m. and 5 a.m. to either have two workers on duty or to limit public access to store clerks through the use of bullet-resistant glass. Additional required safety measures include surveillance cameras, panic alarms for employees, adequate lighting, unobstructed views of the cashier counter from outside the store, cash management procedures and training for employees.

Bureau of Labor Statistics data shows that in 2003, workplace violence was the third leading cause of job-related deaths, accounting for 902 of the 5,575 fatalities that year, and was the second leading cause of fatalities among women. Even more dramatic is that 97.5 percent (39 of 40) of convenience store worker deaths were the result of assaults and violent acts.

The New Mexico Petroleum Marketers Association appealed the adoption of the regulations in the Court of Appeals. However, the regulations are in effect pending consideration of the case by the court.

North Carolina

Communication Tower Standard

The first Communication Tower Standard in the country has been 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.

Multilingual communications

North Carolina has a number of safety and health documents in Spanish, including the *Safety and health protection on the job* poster and inspection forms that describe specific employee rights and responsibilities. The state also communicates a safety and health message to the Hispanic population through the availability of Spanish language videos with more than 50 Spanish titles. Safety and health videos in Spanish have also been developed for use on Spanish-speaking television outlets. Efforts have been made to increase the number of staff members who speak Spanish. This has been accomplished through hiring practices and training. Currently, the state has 19 employees who speak Spanish. Work has begun on creating a Web page in Spanish. Visitors to the Web site will be able to download training materials in Spanish. This will include course training modules, brochures and samples of written safety and health programs.

Oregon

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

The second annual Safety Break for Oregon was in 2004. The event was organized to help remind people of the need to focus on improving workplace safety to reduce the number of injuries and illnesses that occur each year in Oregon's workplaces. Several thousand employees in worksites across the state took advantage of the opportunity to talk about the value of safety, celebrate their accomplishments and post the proclamation that Governor Ted Kulongoski issued recognizing the Safety Break for Oregon. Employers were able to take advantage of the public information and community promotion assistance offered on the Oregon OSHA Web site.

Oregon OSHA partnered with the Oregon State Association of Nurses and the Oregon Coalition for Healthcare Ergonomics to present an innovative Healthcare Ergonomics Conference in 2004. The purpose of the conference was to share real-world solutions to reducing injuries among health care providers and support service personnel. According to workers' compensation data, more than 1,500 health care professionals in Oregon received serious on-the-job injuries in 2002, 68 percent of which were sprains, strains and muscle tears. Injury prevention is crucial

to Oregon's health care industry. Presenters from Canada, Australia and Denmark participated in the conference. The three-day event was attended by 198 participants.

Puerto Rico *Discrimination against workers reporting hazards*

Puerto Rico completed the investigation of 19 discrimination cases. All the cases accomplished the established time frame. PR OSHA settled two cases at the agency level during fiscal-year 2004.

The Secretary of Labor signed an administrative order requiring the chief of every government agency to develop or improve a safety and health program for his or her agency. To help each government chief, PR OSHA provided information and training sessions to develop effective safety and health programs.

South Carolina To address the steady increase of Hispanic worker deaths and accidents, the **South Carolina** Hispanic Worker Task Force was initiated. This group is made up of representatives from business, associations, South Carolina Occupational Safety and Health (SCOSH) and Hispanic groups throughout South Carolina. Several training sessions have been completed and many others are scheduled throughout the state. The training sessions have been well-attended by workers and employers; the goal is to see a decrease in Hispanic deaths or accidents on the job.

Tennessee **Tennessee OSHA** has made significant improvements in the staff's ability to communicate with non-English-speaking workers. A pool of interpreters is available throughout the state to travel with a compliance officer when on-site interpretation 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.

Utah **Utah Occupational Safety and Health (UOSH)** is a member of a lead task-force whose membership 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.

Due to a large number of accidents resulting in serious injury to employees handling marble and granite slabs, Utah compliance assistance developed an informative pamphlet about safe handling and storage techniques for slabs. The pamphlet also addressed other recognized stone industry safety and health hazards, including methods of preventing of silicosis.

UOSH regularly provides outreach instruction to local universities with programs in industrial hygiene, ergonomics and safety engineering, and construction management. The presentations address information about UOSH and regulatory requirements.

Virgin Islands The **Virgin Islands Division of Occupational Safety and Health (VIDOSH)** is working on revising the legislation governing its program to reflect its new public-sector-only status. VIDOSH is also upgrading its computers and developing an online complaint form.

Washington *Ergonomics*

After **Washington** adopted an ergonomics rule in May 2000, the state faced a number of attempts to have the standard overturned. In 2002, a business coalition mounted a legal challenge contending the Department of Labor and Industries exceeded its authority when adopting the rule, acted arbitrarily and did not properly follow rulemaking requirements. The case went to trial and Washington's actions were affirmed by a Superior Court ruling. The case was appealed to and heard by the Washington State Supreme Court, but before a ruling was issued, industry groups launched another challenge through the state's voter initiative process. The ergonomics rule was repealed by voters in Washington's November 2003 general election.

The requirements of the prevention-based rule were designed to be triggered by specific hazards in the workplace, rather than occurrence of musculoskeletal disorder symptoms or injuries. In the absence of a rule, WISHA still faces the challenge of addressing work-related musculoskeletal disorders. These types of injuries (50,000 annually) account for one-third of injury claims and 40 percent of claims costs. Washington is continuing to work with businesses and employee groups to conduct comprehensive education and outreach efforts. Efforts are now focused on workshops, helpful materials and tools for employers, demonstration projects that can be adapted and used by other employers, and on-site consultation visits.

One of the tools available is an ergonomics ideas bank, a searchable collection of ideas for preventing workplace injuries. Many ideas were collected from companies with existing ergonomics programs and employers that participated in demonstration projects. The bank is online at www.lni.wa.gov/safety/topics/reducehazards/ergobank/default.asp and can be searched by risk factor or industry.

Workplace violence

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

Washington's Safety and Health Assessment and Research for Prevention (SHARP) program at the Department of Labor and Industries has conducted several comprehensive studies of workplace violence. The most recent is based on federal and state data for 1995 through 2000. Homicide remained the fourth leading cause of workplace deaths in Washington, with 8 percent of all fatal workplace injuries and an average of 11 cases a year. There was a decrease in the number of homicides reported in the SHARP 1997 study.

Most incidents were consistent with known risk factors. Most workplace homicides were committed by persons unknown to the victims and most of the victims worked in retail trade, security services or transit. This is in striking contrast to the circumstances in which nonfatal workplace assaults occur, which were in a custodial or client-caregiver relationship such as health care or social services. While progress has been made in the health care and social services sectors, there is a troubling rising trend in police protection and some other public service sectors. In most cases, though, there are predictable and controllable risk factors that increase the likelihood of assault. Prevention strategies such as hazard assessment and de-escalation training can help address known risk factors.

Discrimination

Having a strong and effective program to investigate complaints of alleged workplace safety and health related discrimination is an essential component of a state occupational safety and health (OSH) program. Absent this incentive for employers to comply, a state's ability to effectively enforce its safety and health regulations would be seriously impacted. A state-plan's authorizing legislation must include a section prohibiting retaliation against any employee because that employee complained about safety or health issues or exercised any right provided by the OSH Act.

Washington's discrimination investigations program is a nationwide leader with exemplary timeliness, merit and settled case rates. In 2004, WISHA completed 92 percent of 102 case investigations within the 90-day statutory time line. Forty-six percent of investigated cases resulted in merit findings, more than twice the average national rate. In addition, 98 percent of the merit cases were settled by WISHA, with more than \$140,000 in settlement monies obtained for complainants. About 70 additional cases that did not meet the requirement of prima facie evidence to establish that a complaint has merit were screened and 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 WISHA 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, WISHA 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. WISHA 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 have been killed since 1999 while doing construction or utility work on road projects. Six of those workers died when they were backed over by dump trucks, including two last year in King County. These deaths occurred despite the trucks being equipped with audible back-up alarms. Most of these deaths were preventable and WISHA is taking further steps to protect workers in this industry.

On May 5, 2004, Washington adopted an emergency rule requiring that in addition to a back-up alarm, dump-truck drivers must have either an observer signaling when it is safe to back up or a mechanical device such as a video camera that provides a full view of the area behind the truck. Following public hearings in September, the rules were permanently adopted Dec. 1, as part of Chapter 296-155 WAC, Safety Standards for Construction. WISHA also reorganized and rewrote the sections of the rule about signs, signaling and flagging, and the rules for motor-vehicle safety. One provision clarifies that seat belts must not only be properly installed, they must be used

by all occupants of the vehicle.

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.

Prevention initiative

In 2004, the **Washington** State Department of Labor and Industries developed and implemented a new model for delivering workplace injury prevention services throughout the state. The Prevention Services Initiative integrates the resources of the department's WISHA program, Insurance Services and Field Services. Key elements include:

- development of a system (referral screening assessment tool) to identify employers most in need of services;
- providing services based on an individual employer's needs, such as hazard recognition, employee training, claims management or loss control;
- offering services based on a routine schedule with set intervals or after a significant event, such as a serious injury, an increase in the employer's industrial insurance experience factor, a change in ownership or the nature of the business, or a WISHA citation for serious safety violations.

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 has recently acquired a high-speed scanner to allow for electronic transmission of records in response to Freedom of Information Act requests. This has produced a much more efficient way to quickly respond to requests.

California

Use of videoconference equipment in meetings and training

Having several locations in the state that support videoconference, the program has extensively used videoconference as an effective tool for managers to attend meetings locally, rather than traveling to the meeting location. It has been a benefit to many managers and an effective use of their time. Training can now be viewed at several locations in the state for those who do not have to be physically present at the training site.

Testing and development of wireless communication

Field work 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 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 also can 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

This 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, personal air sampling pumps, etc.

Improvement of Web sites (Technology Services and Calico Lab)

This resulted in increased access and better information management. Posting the information at the site that can be accessed by all concerned provides information dissemination. Because the sites can be accessed from all locations, information can best be sent and updated to all using this site.

Use of the global positioning system (GPS) as a locating tool to accurately describe the site when landmarks or street information is not available

More and more, field operations have used GPS information to give an accurate location of the site. It is also used to guide field personnel to the site using geological maps.

Text messaging on cell

Text messaging provides field personnel for 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.

Maryland

In fiscal-year 2002, **Maryland Occupational Safety and Health (MOSH)** initiated a centralized database that allows management to view field inspection data in “real time.” During fiscal-year 2004, improvements and additions to the centralized database were made that included inventory control, as well as access to staff training data, video library, MPIA responses and accounts receivables. Independent of the federal integrated management information, MOSH has linked administrative and regional databases. This allows management real-time information about case location and processes ranging from citation issuance to the appeals process.

Michigan

Michigan continues to update its Internet capabilities, to provide improved access to standards, education and training materials, and employee/employer forms. In fiscal-year 2004, Michigan OSHA (MIOSHA) produced its first online training program. The training, a PowerPoint presentation, provides an overview of the MIOSHA Standard Part 554, Bloodborne infectious diseases (BID), in a train-the-trainer format.

Employees can now file a notice of alleged safety and health violation (complaint) via e-mail. The form may be completed and submitted via the Internet. A copy of the completed form is sent to the appropriate enforcement

division. MIOSHA has also released Forms 300, 300A and 301 in Microsoft Excel. This allows employers to record information in an electronic format using a personal computer.

MIOSHA public notices of new, amended and rescinded standards are now being sent via the Internet. In addition, MIOSHA standards are available in both hypertext mark-up language (HTM or HTML) and portable document format (PDF). This dual format allows greater access to employees and employers who may need accommodation under the Americans with Disabilities Act (ADA).

Minnesota MNOSHA conducts ongoing evaluations of potential new equipment and technology. In fiscal-year 2004, MNOSHA evaluated: a laser trench measuring device; digital voice recorders; higher strength zoom digital cameras; and a new handheld computer device. As a result of these evaluations, MNOSHA decided to purchase digital voice recorders for safety investigators. The interviews conducted during an inspection are now saved on CD with the digital pictures. The higher strength zoom digital camera has been purchased for construction and Greater Minnesota investigators. The handheld computer device was found to be most useful for health and Greater Minnesota investigators. Another pilot group will use these devices in fiscal-year 2005.

In an effort to become more efficient and customer-service oriented, MNOSHA began making forms available online. Employers can access several progress report and notice of contest forms.

Nevada Nevada OSHA and the Safety Consultation and Training Section continually strive to take advantage of currently available technological advances. The introduction of digital cameras during inspections and consultation visits, combined with the procurement of new computers, has increased the effectiveness and efficiency of compliance officers and consultants. The inherent gains in the processing speed and memory of the newer computers allowed digital imaging to be a feasible alternative to conventional photos. The consultants provide the photos of the hazards as part of their service, so companies can use these in their training. It was evident from the onset that digital imaging reduced operating costs compared to the use of conventional photos; the costs of film and photo processing were virtually eliminated.

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 integrated management information system redesign effort through participation on the Information Systems Council.

Puerto Rico Puerto Rico OSHA's Legal Division worked on the amendment of Regulation 1903 to take videos and digital photos without court delays.

South Carolina The Office of South Carolina OSHA Enforcement made the move to digital cameras three years ago. They have been well-received by the inspectors and other staff members who review case files. The cameras print directly onto a disc, which is placed with the file for easy access for review. Because the cameras use small discs, one is used for each inspection. There have not been any technical or legal issues to date.

Tennessee Tennessee OSHA has equipped all compliance officers with five mega pixel 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.

Tennessee OSHA publishes, on its Web site, an annual review of fatalities investigated during the previous year, including any citation that may be issued.

Tennessee OSHA now digitally scans all closed inspection files. This allows electronic access to these files in all Tennessee OSHA area offices. It also eliminates the need for shelf storage of the files.

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.

All inspectors have digital cameras for use on inspections. Transfer of digital photos is now made to the Windows EX-version of the PC CSHO Consultation Application that runs on updated PCs that have color printing and DVD storage and retrieval for case file data and related photography.

Virginia

Virginia now uses the Web-based Whistle Blower application for handling discrimination cases and running reports. In addition, overall information technology system security has been enhanced and upgraded. Novell Netware has been added.

Washington

In 2002, **Washington** began implementation of a new Web-based system for collecting WISHA inspection and consultation visit data. 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 are responsible for direct entry of visit-related data into the system, which reduced lag times by replacing redundant processes. In the past, paper forms were completed either by hand or electronically and submitted to the central office for data entry into the federal integrated management information system (IMIS).

Many data fields are now pre-filled with employer information transported from Washington's industrial insurance data system or WISHA data entered on a previous screen, improving consistency and data integrity. Another significant advantage of the WIN system that enhances the quality of WISHA's data was 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, with its resulting efficiencies and improved timeliness, has been a resounding success.

State incentives: promoting voluntary compliance

Voluntary protection programs

Alaska

Alaska devotes substantial resources to its VPP and SHARP programs. As a result, Alaska exceeded its goals by increasing the number of VPP sites by 20 percent. Alaska currently maintains six VPP sites and 12 SHARP sites.

Alaska has established four partnerships:

1. The wood products industry in Alaska
2. The construction industry
3. The Municipality of Anchorage
4. The Department of Transportation, State of Alaska

Partnerships have been limited to industries and categories with high-hazard worksites. Each partnership is managed by the Alaska Consultation and Training Section and is designed to reduce the number of injuries, illnesses and fatalities in each industry.

The annual Alaska Governor's Safety Conference brings hundreds of employers, employees, safety professionals and vendors – from all over the state – together 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. The Alaska Consultation and Training Section provides training courses about construction and general industry standards to participants at the conference.

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 their 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.

Connecticut

Connecticut currently has five employers that have been awarded SHARP certifications. Connecticut also recently hosted the Second Annual Region 1 SHARP Luncheon. Ten companies throughout the New England region were honored. Approximately 80 individuals attended the event. Marthe B. Kent, Region 1 regional administrator, delivered the keynote address.

Indiana

Eight new employers achieved VPP status in **Indiana** in 2004.

Kentucky

In fiscal-year 2004, **Kentucky** awarded its first two SHARP certifications. Kentucky also raised one new VPP flag in fiscal-year 2004.

Maryland

Maryland approved the recertification process of the Northrop Grumman site for an additional five years. There are two additional sites that should successfully complete the VPP process during fiscal-year 2005.

Michigan

Michigan awarded its first Star flag in 1999. In fiscal-year 2004, eight Star and two Rising Star awards were celebrated. As of Sept. 30, 2004, Michigan OSHA (MIOSHA) has awarded Star status to 16 sites and Rising Star status to seven sites. Two companies have achieved SHARP recognition.

Minnesota

By fiscal-year 2004, **Minnesota** had awarded 13 MNSHARP and 13 MNSTAR sites.

Nevada

Nevada OSHA is proud to currently have three VPP Star sites in the program. The Nevada OSHA VPP Team continues to work with many interested employers throughout the state, with program growth anticipated to double during the next fiscal-year.

Nevada's Safety Consultation and Training Section (SCATS) currently has 15 businesses in SHARP status, two in deferral status and another five businesses finalizing entry into deferral status. The state of Nevada also recognizes exceptional employers through the *Safe partner of the quarter* recognition program. The program recognizes

employers that participate in a comprehensive survey and enhance employee safety awareness through attendance at a SCATS 10- or 30-hour formal training program. *Safe partner of the quarter* not only recognizes businesses, it also provides state-level recognition to associations that request SCATS participation in their meetings or seminars. SCATS currently has four *Safe partner of the quarter* recipients.

North Carolina **North Carolina** initiated the Carolina Star program in 1993. There are currently 76 Carolina Star sites. Included under the Carolina Star umbrella is the Building Star program that recognizes construction worksites that have quality safety and health programs. The newest Carolina Star program is the Public Sector Star, which recognizes state agencies and local governments. This new program was launched in April 2004. To assist in the expansion of all of the state's recognition programs with limited resources available, North Carolina has developed the Independent Star Assessors (ISA) Program. This joint venture allows safety and health professionals in the private sector to assist in conducting evaluations of North Carolina's top employers applying for Star status. ISA has been approved as a pilot project by federal OSHA. The state also has 27 active SHARP sites.

Oregon **Oregon OSHA's** SHARP program has been so successful that strategic-plan targets have been met and increased several times during the life of the plan. As of Sept. 30, 2004, 86 Oregon companies had achieved SHARP. The interest shown by Oregon employers in SHARP has exceeded all expectations.

This high level of participation has prompted OR-OSHA to re-examine the goals for the program and the agency's role, particularly with those employers that have successfully implemented an effective safety and health management program. It has been Oregon's experience that companies that have participated in SHARP for three or more years have made the changes necessary to support a culture of continual improvement in safety and health. These employers tend to have an in-depth understanding of the value of an effective safety and health program and have incorporated this value into their culture. Given the level of sophistication in implementing a safety and health program, the benefits these long-time SHARP employers receive from OR-OSHA monitoring is minimal. As such, Oregon has implemented a pilot program to "graduate" employers from SHARP. This "graduation" will allow OR-OSHA to focus its resources on companies that are in need of more basic safety and health assistance.

Puerto Rico The **Puerto Rico** Voluntary Protection Programs have approved nine VPP sites in the electronics, pharmaceutical and petrochemical industries. On Feb. 27, 2004, the program approved the first agricultural industry, Monsanto Caribe, LLC to the Guanín Award, equivalent to the Star Award, under the VPP Program.

The first company participation of the SHARP Cooperative Program is the Clendo Reference Laboratory. The company's participation was approved June 24, 2004.

South Carolina **South Carolina** has now approved 48 Star sites and two SHARP sites. There continues to be increased interest and activity in these programs. One goal is to add two SHARP sites a year. Seven companies have been recognized as Super Star sites; these sites are current Palmetto Star sites that have successfully completed one three-year re-evaluation and continue to reduce TCIR and DART rates. The sites must also complete a thorough self-evaluation to assess improvements in the its safety and health system. A Palmetto Star "Best Practices" workshop was conducted for current Palmetto Star sites to discuss best practices that have been implemented at their facilities. This provided a great opportunity for current VPP sites to learn from each other and help make their workplaces as safe as possible. A workshop is planned for the last quarter of the year for companies interested in becoming Palmetto Star sites.

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 18 members, including two sites added and three sites recertified during 2004. The Tennessee OSHA Safety and Health Achievement Recognition Program (SHARP) has nine participants. Two new employers were added to this program and seven were recertified during 2004.

Utah Voluntary programs continue to grow in **Utah**. During 2004, two companies were approved for VPP (one Star and one Merit) and one company was re-approved for Star. Utah actively participates in the VPPPA, VPP initiatives led by federal OSHA and Region VIII VPP activities.

Utah's VPP manager wrote an article for the VPPPA magazine that discussed the challenges of managing VPP programs in state-plan states with limited resources.

Vermont

During the past year, **Vermont OSHA** (VOSHA) has accomplished the following:

- conducted two VPP on-site visits and approved both for VPP participation;
- set up its own VPP for construction; and
- participated with Region 1 in VPP Challenge (the controlling company is in New York; however, there are two sites in Vermont).

Washington

Washington recognized its first VPP site in 1996, and currently has 10 VPP sites, including a construction site. The most recent recipient, Utility Vault Auburn, makes precast concrete products for the construction industry. It is a division of an international building materials group headquartered in Dublin, Ireland. They are the first precast facility in the United States to earn the VPP distinction. WISHA has a VPP Web site with information about all its VPP sites, plus information and instructions for interested applicants. It is online at www.lni.wa.gov/safety/topics/atoz/vpp/default.asp.

Wyoming

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

- Cowboy Voluntary Protection Program – Wyoming started fiscal-year 2004 with two participants in the Cowboy Voluntary Protection Program (CVPP): ChevronTexaco's Painter Reservoir gas plant and its Carter Creek gas plant, both in Evanston, Wyo. In June 2004, two new Cowboy Star sites were approved: the Georgia Pacific Gypsum Plant (first manufacturing site) in Lovell, Wyo., and G.M. Stewart Construction Company (first construction company) in Evanston, Wyo. In July, Wyoming's fifth CVPP site was added: Xanterra Parks and Resorts in Yellowstone National Park, approved as a Merit site. Xanterra is the first and only national park resort operator to be approved in VPP. In addition, the ChevronTexaco Carter Creek plant was renewed for another three years as a Cowboy Star site.
- Safety and Health Achievement Recognition Program (SHARP) – In fiscal-year 2004, nine new participants were added to consultation's pre-eminent recognition program, SHARP. Wyoming ended the year with 45 companies in SHARP, a 25 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 72 members and experienced excellent growth by year-end, with 23 new participants. Five companies progressed through EVTAP and became SHARP participants. At the end of fiscal-year 2004, 83 companies were working with Wyoming's program.

Partnerships and alliances

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

Cal/OSHA, federal OSHA, the KFM Joint Venture and the District Council of Ironworkers/California Ironworker Employers Council have forged a safety and health partnership that gives Cal/OSHA and federal OSHA greater access to the San Francisco Bay Bridge project worksite in return for a compliance assistance role. The agreement has not yet been signed, but the parties are working in a compliance assistance mode.

The project, to replace the cantilever section of the bridge because of seismic instability, has an excellent safety record. There have been no fatalities, serious injuries or hospitalizations during the historic and complex replacement of the eastern span of the bridge. KFM has corrected any safety problems pointed out by Cal/OSHA without any hesitation.

Cal/OSHA's presence has resulted in at least 60 violative conditions being corrected. The intent of Cal/OSHA is to have violations corrected immediately, to prevent accidents.

The agreement will also simplify jurisdictional issues between Cal/OSHA and federal OSHA relating to bridge construction. For example, cranes on barges on the water would be under federal OSHA jurisdiction while stationary cranes are under Cal/OSHA jurisdiction. Cal/OSHA requires crane certification; federal OSHA does not require such certification. The agreement provides that both state and federal inspectors will respond to incidents occurring on the project, eliminating confusion about jurisdictional issues and applicable regulations.

Cal/OSHA has also signed a partnership agreement with the Korean Immigrant Workers Association/Low Wage Advisory Board.

Compliance assistance

Extensive bark beetle infestation, coupled with the fires in mountainous areas such as Lake Arrowhead and Big Bear, Calif., caused extensive damage to thousands of trees in Southern California, necessitating their removal for purposes of public safety. Many of the damaged trees were unstable and prone to falling on people, power lines and structures in residential and commercial areas. Other trees needed to be removed to allow restoration of damaged telephone lines, cable and electrical lines. Last year's Southern California fires covered more than half a million acres, caused 16 fatalities, destroyed approximately 2,300 homes and other structures, and caused billions of dollars in damage. **Cal/OSHA** participated in recovery activities by inspecting and evaluating work practices and providing technical expertise and compliance assistance to those contractors unfamiliar with California regulations.

The location and condition of damaged trees that needed to be removed made it difficult and hazardous for tree workers to access them by conventional methods, such as by climbing or use of aerial devices. As a result, Cal/OSHA proposed an emergency temporary standard that would allow qualified tree workers to be hoisted safely into trees by cranes, under specified conditions. Cal/OSHA also took an active role in the training of employers and employees about these procedures, following adoption of the emergency temporary standard. The standard has now been adopted as a permanent standard.

Cal/OSHA had 11 meetings with contractors and subcontractors to share findings and concerns, met with management teams from utility companies, had 14 training sessions and conducted 19 enforcement investigations.

Connecticut

Connecticut has signed two new alliances that should have a direct effect on the strategic plan "Identified high-hazard industries," State and Local Highway and Street Maintenance and Repair. The first alliance is with the University of Connecticut, Transportation Institute, that provides comprehensive training programs to those industries. The second alliance is with the Connecticut Highway and Street Supervisor's Association (CHSSA), a professional organization dedicated to bringing best practices and quality training to its members.

Indiana

The **Indiana** Department of Labor (IDOL) continued to pursue a partnership with the UAW and Visteon Corporation, Indianapolis facility, and expects the agreement will be executed in 2005.

IDOL entered into a partnership with the St. Joseph Valley Project's Worker Rights Call Center and also pursued an expansion of the agreement to include the South Bend Human Rights Commission and the U.S. Department of Labor's Wage and Hour Division. The partnership offers toll-free assistance to employees in English, Spanish and Polish.

Kentucky

Fiscal-year 2004 represented the first full year of the **Kentucky** Construction Partnership Program. Through this partnership program with the Associated General Contractors of Kentucky (AGC), the Kentucky program was influential in developing AGC's safety committee.

Kentucky also entered into an agreement for a construction partnership for phase two of the Churchill Downs construction project.

Maryland

During fiscal-year 2004, **Maryland** formed its first alliance with the Independent Electrical Contractors-Chesapeake. This alliance promotes safe and healthful working conditions for electrical contractors' employees.

Maryland has continued to expand its Cooperative Compliance Partnership (CCP) program. The program had been offered to construction companies only. During fiscal-year 2004, the program was expanded to include general-industry companies. The first General Industry Cooperative Compliance Partnership was entered into with Paul Reed Smith Guitars. Three new construction cooperative compliance partnerships were entered into during fiscal-

year 2004: Cherry Hill Construction at the MTA Light Rail project; Whiting-Turner at the Sheppard Enoch Pratt Hospital Renovation/Addition project; and Bovis Lend Lease at the Holy Cross Hospital Renovation/Addition project.

Michigan

In fiscal-year 2004, **Michigan** renewed its partnership agreement with the UAW, Ford Motor Company and Visteon Corporation. The primary goals of the partnership 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. This fiscal year, Michigan conducted seven MIOSHA Days.

The MIOSHA alliance program was officially launched this fiscal year. Two formal alliances were signed, one with the Michigan Road Builders Association and the second with the Great Lakes Fabricators & Erectors Association, Ironworkers Local Union #25 and Operating Engineers Local Union #324.

Minnesota

MNOSHA Compliance has signed partnerships with the Association of General Contractors and the National Association of Tower Erectors. MNOSHA is working cooperatively with all members of federal Region V to establish a joint partnership with Ford Motor Company. MNOSHA Workplace Safety Consultation has numerous informal alliances with various entities. In fiscal-year 2004, these alliances will be formalized through signed agreements.

During fiscal-year 2004, in keeping with MNOSHA's efforts to support and strengthen relationships with organizations that represent safety and health best practices, MNOSHA signed the Minnesota Machine Guarding Partnership. This partnership targets high-hazard industries that have a history of serious injuries and illnesses.

Nevada

Nevada's Safety Consultation and Training Section developed an informal alliance with the University Medical Center to jointly conduct workplace violence awareness training. As a result of the joint training, new workplace violence procedures and a safety assistance team to react to incidents have been instituted. Additionally, physical controls were implemented or budgeted to protect the employees in high-hazard areas.

The Safety Consultation and Training Section has worked with the Employment Education Outreach (EMPLEO) group to reach more of the recent immigrants and, particularly, the Hispanic community. EMPLEO is an alliance of employer, labor, community organizations, consulates, and federal, state and local governmental agencies dedicated to educating both employers and employees – especially recent immigrants – in Southern Nevada about regulatory issues and rights and responsibilities in the American workplace. A hot line was developed; cross-training was conducted for the service groups; and training of employers was conducted. This is to be expanded to more employee outreach and training.

Nevada has an ongoing effort with the Nevada Small Business Development Center (NSBDC). Nevada's Safety Consultation and Training Section conducted training programs and NSBDC advertised them. The NSBDC established an online registration for easy access to register for the programs Safety Consultation and Training Section offers.

Nevada continues its partnering/alliance effort with the National Association of Minority Contractors (NAMC). The Safety Consultation and Training Section conducts a 10-hour construction course as part of the overall training NAMC provides.

Nevada is also working with the state's Risk Management Division to enhance safety awareness for state employees, who are able to attend any programs on Nevada's quarterly training schedules. To better leverage limited resources, Nevada conducts an eight-hour state safety supervisor course that all state supervisors attend and an advanced program about workplace evaluation and management tools.

North Carolina

North Carolina has partnerships with the Carolinas Roofing and Sheet Metal Contractors Association, Inc., Management of Environmental Safety and Health Program, North Carolina Forestry Association and the Safety and Health Council of North Carolina. Alliances have been established with the American Meat Institute, American Textile Manufacturer's Institute, Boat People S.O.S., Inc. and Patterson & Wilder Construction Co., Inc.

Oregon

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

One of the longest running and most active partnership committees in Oregon is the Forest Activities Advisory Committee. This committee of logging employers and employees, state and federal forestry agencies, industry associations, academia, equipment manufacturers and Oregon OSHA employees successfully drafted a plain-language forest activities standard that addresses Oregon-specific forest activities. Following that project, the committee began work to address wild land fire fighting, danger trees and tree climbing.

Also of note, the “502” Committee was formed to develop practical approaches to fall protection for construction processes where fall protection has been traditionally viewed as infeasible. The committee has published a guide for safely setting trusses in construction. Three Oregon truss manufacturers are now including the guide with all of their shipments.

Puerto Rico

The **Puerto Rico** state program and federal OSHA signed an agreement with Johnson & Johnson (J&J) Feb. 22, 2004, to establish a cooperative effort aimed at developing policies, practices and processes designed to reduce the incidence and severity of musculoskeletal disorders (MSDs) associated with the performance of job tasks posing ergonomic risk factors. J&J enters this OSHA Strategic Partnership (OSP) to work with OSHA and PR OSHA to identify best practices for the development and implementation of successful ergonomics programs and guidelines. These best practices will be shared among all J&J facilities, employers and employees in related industries, and with the public, as appropriate.

The agreement establishing an alliance between OSHA, PR OSHA and the Department of Professional Development and Continuing Education of the Professional College of Engineers and Land Surveyors of Puerto Rico (CIAPR, for its Spanish acronym) was signed Sept. 9, 2004, to achieve training and education programs about occupational safety and health issues focusing on construction-industry hazards such as falls, electrical, struck by, and caught by and in between.

Two alliances for Puerto Rico OSHA were signed Dec. 20, 2004. One was with Abbott Puerto Rico Operations with the commitment to develop information and increase access to training resources for small and mid-sized contractors in the construction industry. An important goal is to translate and deliver in Spanish the 10-hour construction course to small and mid-sized contractors.

The other alliance was signed with the Medical Sciences Campus, University of Puerto Rico, and the American Industrial Hygiene Association, Puerto Rico Chapter. This alliance has the goal to provide students and AIHA members with information and training resources that will help them to protect employees of occupational hazards.

South Carolina

South Carolina entered into an alliance with The Overhead Power Line Safety Coordination Committee on April 15, 2005. This was the first alliance for South Carolina Occupational Safety and Health. This group includes representatives from electric utilities, SCDOT, Carolinas AGC and private businesses, all sharing a concern for the prevention of overhead power line contact accidents and fatalities.

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.

Vermont

During the past year, **VOSHA** has accomplished the following:

- formed alliances with Vermont Chamber of Commerce and Vermont Utilities for Electrical Education; and
- continued alliances with Vermont Agency of Transportation, with focus on workzone safety.

Washington

In February 2005, **Washington** had its first Agriculture Safety Day, which drew a crowd of 260 agriculture employers, workers, supervisors, and safety and health professionals to Yakima, Wash., for a day of safety and health training. Jointly sponsored by the Governor’s Industrial Safety and Health Advisory Board, the Washington State Farm Bureau and the Department of Labor and Industries, and with support from the United Farm Workers, the conference focused on topics such as the cholinesterase-monitoring rule, recordkeeping and eye/ladder/tractor safety. Experts from Washington’s Department of Labor and Industries, University of Washington, Department of Agriculture and Washington State University presented the information. Panel discussions included health care providers, workers and agricultural employers. The workshops and panel discussions were offered in English and

Spanish; about one-third of the participants attended the Spanish presentations. Planning is already underway for the second Agriculture Safety Day, slated for February 2006 in Yakima.

Training and education initiatives

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

Construction and general-industry safety courses were conducted by OTI in Indianapolis in an effort to cross-train **Indiana** staff members.

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

Maryland

Maryland continues to develop ways to improve and conduct extensive training sessions for employers and employees. New seminars – Construction Site Safety II, Controlling Electrical Hazards, Health and Safety on the Web, and Scaffolding – were developed and presented to the public.

Another new program that was obtained by the Maryland Occupational Safety and Health (MOSH) program was the Youth at Work: Talking Safety train-the-trainer curriculum developed by the Young Workers Resource Center at the University of California at Berkeley. MOSH successfully obtained acceptance into the university's grant program; the center came to Maryland to present the curriculum in two sessions to educators throughout the state. Through this program, MOSH was able to obtain the Maryland-specific curriculum and presented the program two additional times through its regular seminar schedule.

To affect the youth outreach portion of the strategic plan, letters were sent to 218 high schools and vocational centers in the state during fiscal-year 2003. The letter offered MOSH services at each facility to present information regarding safety in the workplace to students. Historically, MOSH had a presence at approximately four vocational schools in the Baltimore area. Since the mailing of the letter in 2003, that presence increased to 17 schools across the state in fiscal-year 2004. MOSH will send similar letters during 2005 to schools that were not reached through the first mailing. There is still a great deal of outreach to be accomplished in this area; however, MOSH has shown a drastic improvement in outreach toward the youth working population.

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 this fiscal year, 21 (d) and 23 (g) consultants provided the following outreach services: 4,439 safety and health consultations; 579 hazard surveys; and 2,163 workshops, seminars, apprentice training sessions and special programs. The total number of attendees for the CET programs was 12,144 employers and 16,542 employees. CET also distributed 364,187 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 2004, the CET Division: provided outreach activities to promote asbestos awareness through 21 half-day workshops; conducted 78 site visits to bedliner applications, which provided information about the health hazards and offered hazard surveys; and provided 272 companies with requested excavation training for 2,098 workers.

Minnesota

In recognition of the hazards present in the industry, **Minnesota** continues to conduct its bimonthly Construction Breakfast seminars. The events allow participants to stay current with worksite safety issues, while providing an opportunity to meet and interact with MNOSHA staff members in a relaxed, friendly atmosphere. Topics covered during fiscal-year 2004 included cold weather hazards, construction fatalities, forklift safety, residential fall protection and lead. Total attendance at the breakfasts during this period was 653 participants; including employers, employees, union officials, consultants and insurance loss-control representatives. Overall, MNOSHA staff members gave 125 outreach presentations during fiscal-year 2004, reaching 5,077 individuals. The subjects varied widely and included: hazardous waste operations and emergency response (HAZWOPER), nursing home compliance and lockout/tagout.

Another high-hazard industry that receives special attention from MNOSHA is logging. The LogSafe program provides loggers with the opportunity to attend a free, eight-hour safety seminar annually. By attending the seminar and showing proof of current workers' compensation insurance, an employer is eligible for a rebate on its insurance premiums. This program is financed through a fee assessed to sawmills, based on the number of cords of wood its purchases or produces more than 5,000. The LogSafe program also operates a small video lending program to the public and provides on-site consultation.

Nevada

In an effort to increase awareness of safety and health hazards and what is needed to control hazards, **Nevada** conducted 384 formal training sessions, reaching 8,340 participants, using 74 different programs. Of these, 27 formal training sessions – reaching 886 participants and using 11 different programs – were conducted in Spanish. Some of the programs presented include: Introduction to OSHA, Bloodborne Pathogens Awareness, Confined Space Awareness, Control of Hazardous Energy – Lockout/tagout, Fall Protection, Hazard Communication, Injury and Illness Recordkeeping, Powered Industrial Trucks and Written Workplace Safety Program. Continuing education units are available through a partnering effort with the state's community colleges. The training conducted concentrated on high-hazard industries or targeted areas.

Nevada's Safety Consultation and Training Section has a safety and health video lending library for Nevada employers. During the past year, 30,531 individuals have viewed these videos.

Nevada continues to produce Spanish and English videos and pamphlets about rights and responsibilities.

New Jersey

The **New Jersey Department of Health and Senior Services (NJDHSS) Public Employees Occupational Safety and Health (PEOSH)** Program continues to respond to the needs of public employers and employees by developing model written plans and guidelines such as the *Bloodborne pathogens standard model exposure control plan*, the *Public employer's guide and model written program for the hazard communication standard* and *Computer workstation guidelines*. The plans and guidelines were developed to reflect recent regulatory changes. New Jersey has also published numerous information bulletins to familiarize public employers and employees with the requirements of health standards. Bulletin topics included *PEOSH adopts the hazard communication standard*, *Mold in the workplace*, *Hazardous materials regulations for New Jersey emergency responders* and *Renovation and construction in schools*.

NJDHSS 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: asbestos awareness and lead-based paint; bioterrorism and personal protective equipment; hazards of bird and pigeon droppings; bloodborne pathogens; custodial hazards; public work health hazards; ergonomics; the hazard communication standard; 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 and fit testing. 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 at www.nj.gov/health/eoh/peoshweb that contains PEOSH publications, regulations and training notification.

New York

New York continues to respond to the needs of public employers and small private employers by developing model written plans, such as the bloodborne pathogen, exposure control and permit required confined space plans. These plans, which are now available in an electronic fillable format, are distributed on CD upon request.

The Public Employee Safety and Health (PESH) Bureau and the 21D On-Site Consultation Bureau co-sponsored numerous Employee Injury Prevention in Long Term Care conferences throughout New York state, which focused

on major causes and prevention strategies of employee injuries. Nationally renowned speakers presented cost/benefit information pertaining to ergonomic zero-lift policies and how to begin to implement such policies in the workplace. Other conference topics included slips, trips and falls, and an update about the changes to the recordkeeping regulation.

These bureaus also conducted several OSHA 10-hour construction training courses for New York State Department of Transportation employees and their contractors and the New York State Office of General Services employees. Three courses about job hazard analysis and accident prevention were also specially designed and conducted for the New York Power Authority. PESH also coordinated with numerous town and village highway departments, providing conference-style safety training sessions to employees and their supervisors. Vendors were invited to these conferences to display safety equipment and supplement training.

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 Hispanic outreach coordinator position that was established by the North Carolina General Assembly in 2004.

Oregon **Oregon OSHA's** PESO training program is an easy-to-use tool for employers to deliver job safety training to Hispanic workers. The materials in each module are provided in both English and Spanish. The modules are designed for two-sided copying, so the English text and graphics are on the left side and the Spanish text and graphics are on the right side. The module "Cultures, Languages & Safety" shows how to deliver effective training to Hispanic workers. The materials are available on OR-OSHA's Web site at www.orosha.org.

Safe Jobs/Smart Business initiative – Oregon OSHA has a partnership with ASSE to purchase display stands that are being strategically placed in building supply businesses to provide outreach to small employers that may have never had an opportunity to learn about Oregon OSHA and its service.

Puerto Rico **Puerto Rico OSHA** continues to deliver training and conference sessions open to general audiences in towns throughout the island. Information about each session is published in the newspaper to reach and benefit a higher number of employers, employees, students and the general public. Some topics of the training sessions are: How to Develop and Maintain an Effective Safety and Health Program; Safety and Health in the Construction Industry; Fall Protection; Employees Involvement in the Safety and Health Program.

Puerto Rico emphasizes training to employers employing fewer than 100 employees. As part of its strategic plan, PR OSHA has chosen auto repair and body shops as a target industry. These employers receive preference for consultation visits and training. Puerto Rico OSHA also developed a booklet of safety and health guidelines related to the selected industry.

South Carolina An OSHA 30-hour general industry class was conducted for the first time, with 37 participants. **South Carolina Occupational Safety and Health (SCOSH)** Voluntary Programs (OVP) will be working with the state's Long Term Care Association to conduct an eight-hour course about topics specific to the industry. Participants will be awarded continuing education credits (CEUs); three additional classes have been planned throughout the state. OVP has one staff member participating on the state's Hispanic task-force, which is providing training and education to employers and employees about the hazards of falls, trenching, electrical and being struck-by. OVP continues to actively participate with the Logging Association and the South Carolina Forestry Association in workshops throughout the state.

Tennessee **Tennessee OSHA** continued to use senior compliance officers and senior consultants to deliver seminars and presentations to more than 7,000 people during 2004.

Utah Through compliance assistance, **Utah** is working 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 Occupational Safety and Health regulations.

Vermont

During the past year, **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's Consultation Program conducts formal training programs across the state by working in cooperation with various associations and groups. The department added a full-time training coordinator in November 2003, and developed a training calendar to offer courses about Virginia Occupational Safety and Health standards at various locations throughout the commonwealth.

The ninth Annual Occupational Safety and Health Conference was in Roanoke, Va., in June. More than 340 attendees and 40 vendors participated in the 2004 conference.

Washington

Washington continues to expand its use of the Internet and other electronic media in delivering safety information and training. WISHA has online interactive courses in many areas, including forklift safety, flagging safety, ergonomics awareness, noise exposure, engineering controls to reduce needlestick injuries, fall protection, respiratory protection, noise exposure, confined spaces, concrete pumpers, ladder safety and lawn mower safety. In an effort to better communicate and share workplace safety and health information with Spanish language communities, WISHA launched a Spanish version of the WISHA Web site in 2002.

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

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

Two recent preventable deaths in the construction industry prompted Washington's Department of Labor and Industries to issue a hazard alert to roofing and construction contractors reminding them of the dangers of unguarded openings. The hazard alert is online at www.lni.wa.gov/safety/basics/hazalerts, along with notices about other potentially fatal workplace hazards.

The lack of relatively simple precautions on rooftop worksites led to the deaths of the two workers; WISHA is warning contractors to head off such tragedies that are so easy to avoid. WISHA regulations require that skylights, roof openings and floor openings be properly covered or guarded at all times. In August 2004, a worker on a commercial construction site died after falling 29 feet through a skylight opening. In September 2004, a residential construction worker suffered fatal injuries after he fell 15 feet through an unguarded roof opening. Four contractors were cited a total of \$132,600 for exposing the workers to fall hazards.

Since 1998, eight construction workers in Washington state have died after falling through unguarded skylights, roof openings and floor openings. When people are focused on their work, it's easy to lose track of something they know is there, such as a hole in the roof – that is why it is so important to be relentless about safety. Warning workers to "be careful" is not an effective safety restraint. A few minutes of work to cover the roof openings would have prevented the workers' deaths.

Wyoming

Wyoming has a strong safety and health training program, reaching more than 2,100 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.

The value of Wyoming's continued training and enforcement activities in construction can be shown in the reduced number of excavation fatalities that occurred in the past 21 years. During the 1980s – from 1983 through 1990 – there were six trenching fatalities; in the 1990s, there were four; from 2001 through 2004, there were none.

State-plan directory

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<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
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Fax: (415) 703-5135
www.dir.ca.gov/dosh

Connecticut Department of Labor

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www.ctdol.state.ct.us/osha/osha.htm

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Honolulu, HI 96813
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Fax: (808) 586-9104
www.state.hi.us/dlir/hiosh

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www.state.ia.us/government/wd/labor/index.html

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www.dllr.state.md.us/labor/mosh.html

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www.michigan.gov/miosha

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www.dirweb.state.nv.us/oshes.htm

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Trenton, NJ 08625
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Fax: (609) 292-3749
www.state.nj.us/labor

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www.nmenv.state.nm.us

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

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www.doli.state.va.us

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www.usvi.org/labor

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Olympia, WA 98504-4600
Phone: (360) 902-5430
Fax: (360) 902-5529
www.lni.wa.gov/safety

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1510 E. Pershing Blvd.
Cheyenne, WY 82002
Phone: (307) 777-7700
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Federal OSHA link to state-plan Web sites

www.osha.gov/fso/osp/index.html



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