

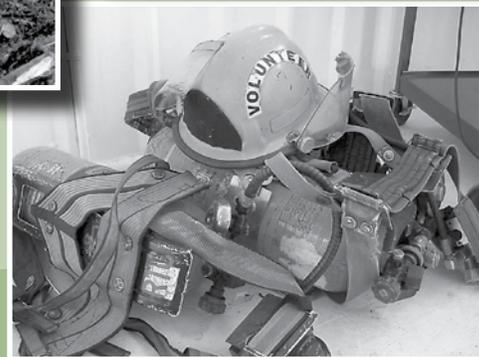
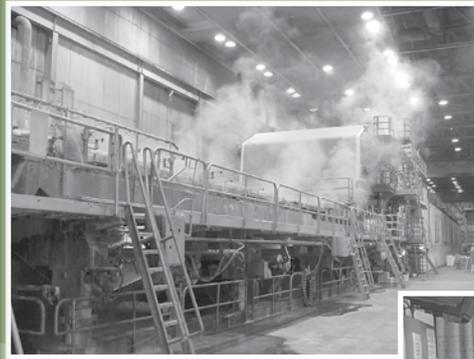


GRASSROOTS

Workplace Protection

2007 OSHSPA Report

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





Letter from OSHSPA Chair



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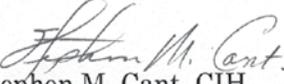
State managed occupational safety and health programs were authorized by Congress when it passed OSHA in 1970. Currently, we have twenty-six states and territories having some form of a local program. Some only cover public employees, but twenty-two of the programs provide comprehensive coverage to both public and private sector workplaces.

The Occupational Safety & Health State Plan Association (OSHSPA) represents all of the programs run by states and territories. Through OSHSPA, the non-federal programs have access to the national OSHA leaders and a voice in the policies and initiatives that shape the workplace safety and health programs across the country. States promote program and technical assistance, effective enforcement balanced with consultation, and often adopt creative new programs to address unique issues in a particular state.

In this report, we describe state initiated approaches to outreach and education, voluntary compliance, inspection targeting and cooperative partnership programs. These programs conduct the majority of work place inspections, have tailored their consultations and outreach efforts to the businesses they serve, and they have led the effort to reduce ergonomics-related injuries even though there are no standards. Rather than simply meet the "as effective as" OSHA minimum requirements, many states have programs which are more effective and comprehensive.

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

Sincerely,


Stephen M. Cant, CIH
OSHSPA Chair

Letter from Assistant Secretary Foulke

U.S. Department of Labor

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



I am pleased to write the introductory letter to the Occupational Safety and Health State Plan Association's 2006 edition of *Grassroots Workplace Protection*, for the second year. Once again, this report provides an overview of the important role of the 26 States and territories operating their own occupational safety and health programs, with a focus on some of their most innovative programs. Like OSHA, our State partners are a critical resource to America's employers and employees.

Workplace injuries, illnesses and fatalities are at historically low levels, and the popularity and impact of our cooperative programs grow with every year. However, our focus must always be on further reductions in workplace injuries, illnesses and fatalities. OSHA together with our State partners continue our efforts to ensure that everyone at work everywhere in our Nation is thinking and practicing "safety and health" every day. By promoting prevention and instilling a culture of safety and health, we impress upon all employers the importance of protecting their most valuable asset - their employees.

In this new edition of the Occupational Safety and Health State Plan Association's *Grassroots Worker Protection*, our State partners have documented the critical contributions of the State occupational safety and health programs to our mutual mission as we jointly strive to add value to business, work and life.

Sincerely,

A handwritten signature in black ink that reads "Edwin G. Foulke, Jr." The signature is written in a cursive style.

Edwin G. Foulke, Jr.

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Produced by:
Department of Consumer and Business Services
Oregon Occupational Safety and Health Division



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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

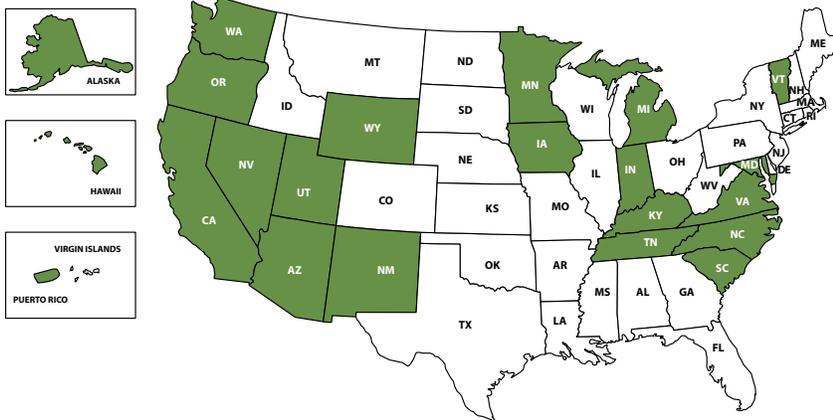
Even though the OSH Act of 1970 specifically excludes from federal coverage states' public agencies and their political subdivisions, the state plans are required to provide occupational safety and health protection to public sector employees. This is a significant requirement and benefit of the state 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. **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 sector only state plan in July 2003.

State plan programs covering private and public sectors

(21 states and one territory)



Alaska
Arizona
California
Hawaii
Indiana
Iowa
Kentucky
Maryland
Michigan
Minnesota
Nevada

New Mexico
North Carolina
Oregon
Puerto Rico
South Carolina
Tennessee
Utah
Vermont
Virginia
Washington
Wyoming

State plan programs covering public sector only

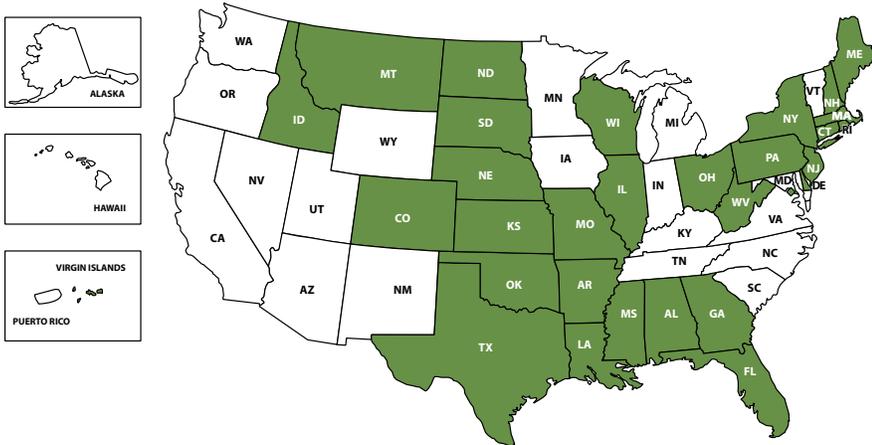
(Three states and one territory — private-sector coverage provided by federal OSHA)



Connecticut
New Jersey
New York
Virgin Islands

States covered by federal OSHA, private sector only

(29 states, one territory and the District of Columbia)



Alabama
Arkansas
Colorado
Connecticut
Delaware
District of Columbia
Florida
Georgia
Idaho
Illinois
Kansas
Louisiana
Maine
Massachusetts
Mississippi
Missouri

Montana
Nebraska
New Hampshire
New Jersey
New York
North Dakota
Ohio
Oklahoma
Pennsylvania
Rhode Island
South Dakota
Texas
Virgin Islands
West Virginia
Wisconsin

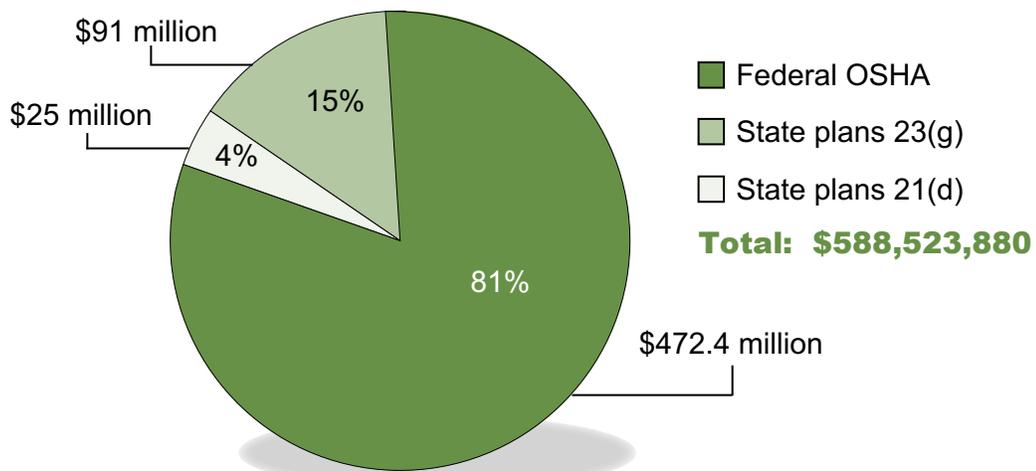
Investing in Worker Protection

In Federal Fiscal Year 2006, state programs received \$91 million in 23(g) and \$25 million in 21(d) funding from the Occupational Safety and Health Administration's total budget of \$472.4 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.

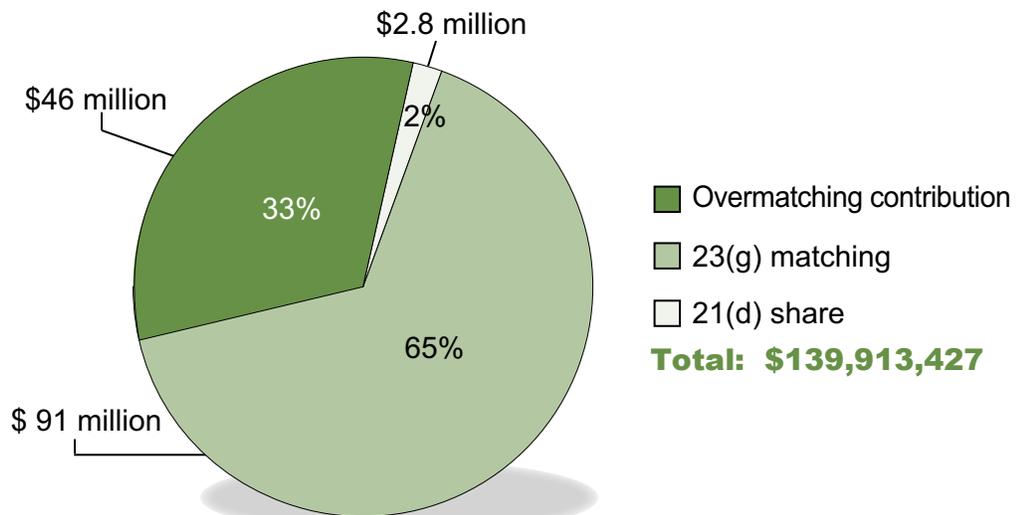
In addition, many states fund other programs focused on safety and health in the workplace. Even in states facing serious budget constraints, the respective legislatures continue to provide matching funds for occupational safety and health programs in recognition of their value in reducing workplace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

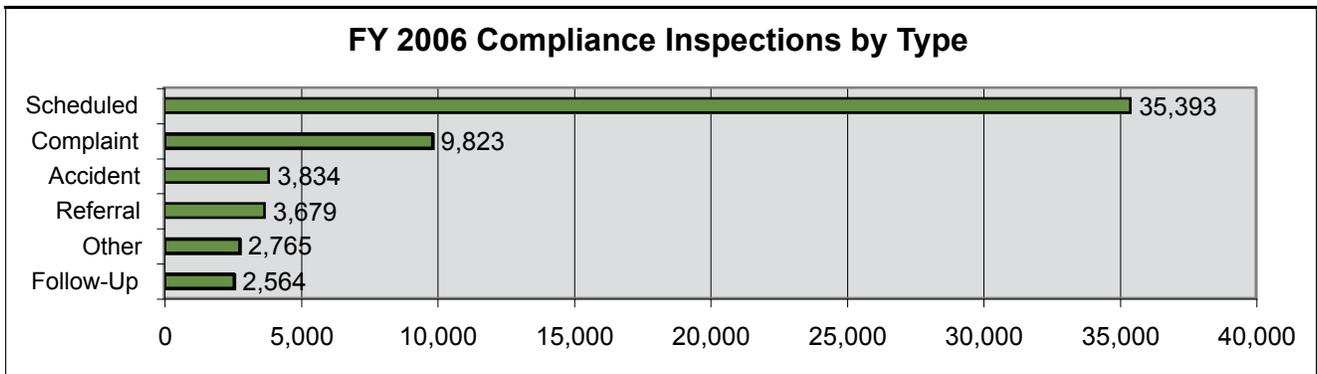
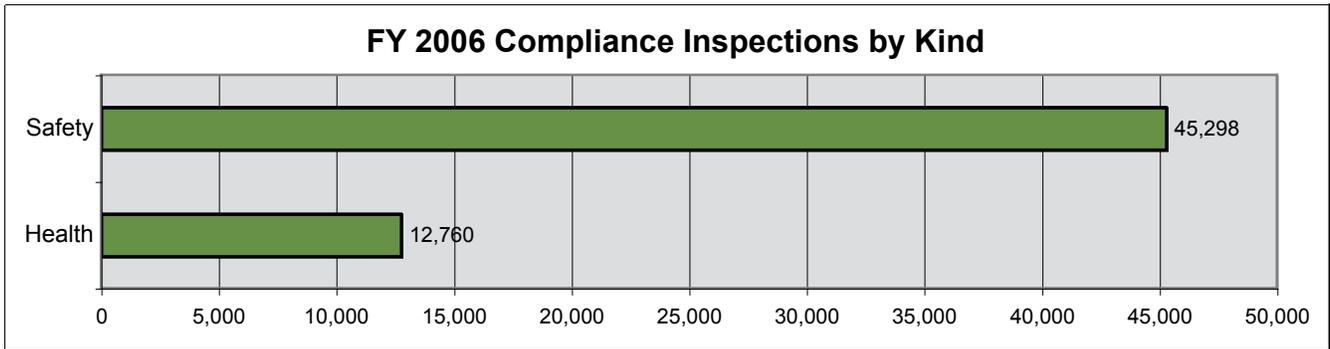
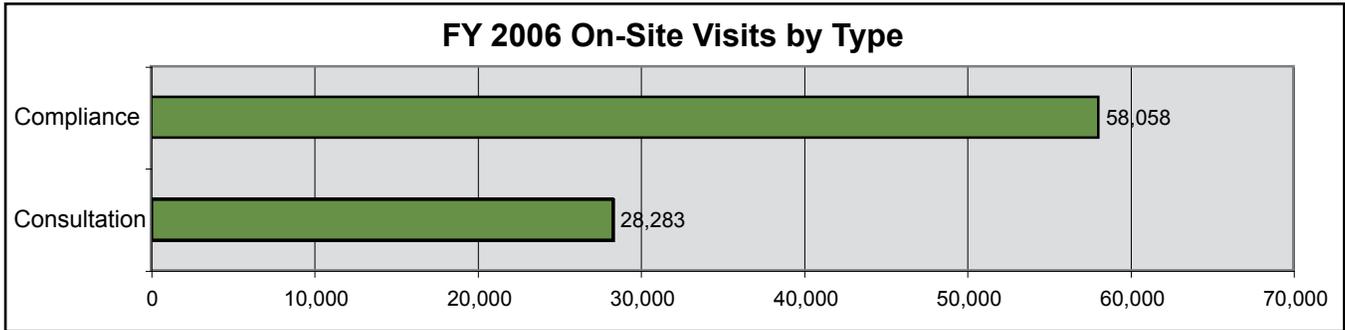
In Fiscal Year 2006, state and territorial funds of \$139.9 million were allocated to State Plan programs. This commitment to worker safety and health is worthy of recognition. State Plan programs make a significant contribution to the goal of safe and healthful workplaces for all American workers.

FY 2006 Total Federal OSHA Budget



FY 2006 Total State Plans Budget





FY 2006 Inspection Results

Number of inspections with violations cited	35,827
Average # of violations per initial inspection	2.2
Average # of violations/per insp w. violations cited	3.55
Percentage of inspections with no violations	38.3%
Total penalties assessed	\$71,037,356
Average penalty per serious violation	\$907
Total number of contested cases	4,769
Percentage of inspections with citations contested	12.7%

(source: OSHA Inspection reports, 11-05-2006)

FY 2006 State Plan Positions by Title

Safety Compliance	828.5
Health Compliance	465.4
Safety Consultants -23(g)	78.15
Health Consultants -23(g)	65.55
Safety Consultants -21(d))	125.5
Health Consultants -21(d)	87.3

(source: State Plan FY 2007 grant applications)

FY 2006 State Plan Employers & Employees Covered

Total Employers Covered	not available
Private Sector	2,980,109
Public Sector	not available
Total Employees Covered	57,409,800
Private Sector	46,841,000
Public Sector	11,568,800

(source: BLS Current Employment Statistics (CES) FY 2006, OSHA Office of Statistics, County Business Patterns, 2004)

States at a Glance

Alaska Occupational Safety and Health

- **LEPs:** Construction, Transportation/Warehousing, Public Sector, Seafood Processing
- **Highlights:** Review Board rejects Employee Misconduct Defense
- **Initiatives:** Seafood Processing and Public Sector Partnerships
- **Recognition:** 11 VPP sites; 12 SHARP sites
- **Performance:** 25% increase in inspections

Arizona Division of Occupational Safety and Health

- **Emphasis programs:** Excavation sweeps
- **Outreach:** Pima County High School — Vocational program outreach
- **Voluntary programs:** Construction sector partnership impact

California OSHA

- **LEPs:** Construction Safety and Health, High Hazard Industry Employers, Employers With Workers' Compensation, Experience Modification Factors of 125% or greater, Food Processing, Educational Outreach to Agriculture and Construction, Janitorial and Housekeeping, Outreach to Hispanic Employees
- **Highlights:** Advisory Committee on Diacetyl; Streamlining Permit Regulations; PPE Guidelines against Avian Flu in the Poultry Industry
- **Initiatives:** Special Emphasis Program on the Flavoring Industry; Heat Illness Standard; Underground Economy
- **Recognition:** 82 employers have received recognition and exemptions through either VPP or SHARP
- **Case study:** Residential construction project

Connecticut OSHA

- **Outreach:** Youth outreach - State Job Corps (10-hour Construction, 10-Hour General Industry) taught through Votech instructors
- **Initiatives:** Workzone Safety Hazard Awareness Program targeting law enforcement
- **Voluntary programs:** Training Alliance with Dept. of Environmental Protection — DART rate decrease of 50% since 2002

Indiana OSHA

- **LEPs:** Falls in Construction, Trenching, Scaffolding
- **Voluntary programs:** Spanish-language website, bilingual consultants; Construction Partnership for large-scale projects yields results
- **Case study:** BP Whiting Refinery receives PSM inspection, finds willful violations

Iowa OSHA

- **LEPs:** Falls in Construction
- **Initiatives:** Ethanol and bio-diesel plant outreach; metal working machinery manufacturing outreach
- **Voluntary programs:** Partnership with contractor association; 30 VPP sites
- **Case Study:** Contractor confined space

Kentucky OSH

- **Outreach:** Bilingual and Spanish-trained employees reaching out to Hispanic workers; program with Kentucky State Police targeting meth lab cleanup
- **Enforcement:** Compliance settlement agreements require supervisors to complete 10- or 30-hour OSHA training
- **Initiatives:** Residential construction requirements effective January 2006
- **Voluntary programs:** Construction Partnership Programs; VPP for Construction

Maryland OSHA

- **Emergency preparedness:** Emergency Preparedness and Disaster Preparedness trainings presented throughout the state
- **Outreach:** Outreach to Hispanic workers in residential construction
- **Enforcement:** Ocean City construction sites targeted
- **Initiatives:** Putting safety requirements in construction bids for state highway contracts

Michigan OSHA

- **Highlights:** Second-annual Take a Stand Day; New \$297 million construction partnership, 15 to 40 percent illness and injury reductions in targeted industries
- **Initiatives:** Governor's Construction Forum; Extreme Safety Youth Campaign; Tree Trimming Initiative; Residential Construction Initiative
- **Incentives:** 14 alliances; 6 MSHARP companies; 24 MVPP Star and Rising Star companies
- **Significant cases:** Michigan Court of Appeals upheld Lanzo Construction Company criminal conviction

Minnesota OSHA

- **LEPs:** Paper and Wood Products, Construction, Meatpacking, Printing
- **Highlights:** Crane Operator Certification; Construction Breakfasts; IMIS System Enhancement
- **Initiatives:** Ergonomics, Workplace Violence, Minnesota Standards and Rules, AWAIR
- **Recognition:** 18 VPP STAR sites; 23 SHARP sites

New Jersey PEOSH

- **Emphasis programs:** Using Right-to-Know data, targeting facilities using large amounts of chlorine
- **Outreach:** Hazard alert to all fire departments — MSA swivel backpack harness assembly
- **Initiatives:** Employer settlement — complete consultation services at all sites — up to 75% penalty reduction

New York State PESH Program

- **Requirements:** 2006 State Legislation enacting the Workplace Violence Prevention Law (WPV)
- **Outreach:** Development of WPV compliance assistance materials for public employers
- **Emergency preparedness:** DOSH crisis responders participate in October snowstorm as response safety officers; disaster planning continues with development of written COOP plan and pandemic information flyers

A quick state summary of the topics covered in this year's publication

Nevada OSHA

- **Voluntary programs:** Safety Tip of the Month at your desktop; workplace violence awareness training - hospitals
- **Requirements:** Regulations - certification of tower and mobile crane operators; new regulations - photovoltaic installer certification
- **Case studies:** Involvement in large construction projects - Project Center City (66-acre metropolis), Hoover Dam Bypass

New Mexico OSHA

- **LEPs:** Fabricated Metal Products; Stone, Glass, Clay and Concrete Products; Construction; Oil and Gas Well Drilling and Servicing; Hand Labor Agricultural Operations; Convenience Stores; Silica
- **Highlights:** Convenience Store LEP; Expanded Residential Construction Partnership; 2005 injury and illness rate in construction dropped 15% to 4.4
- **Initiatives:** Oil and Gas Industry Partnership
- **Recognition:** Added 4th VPP site and 6th SHARP site

North Carolina OSHA

- **Outreach:** Labor One mobile classroom delivers training statewide, including Spanish-language training
- **Enforcement:** Industry alert on 1-bromo-propane (adhesive), enforcement via general duty clause
- **Initiatives:** Communication Tower Standard - Fall protection at heights greater than six feet
- **Requirements:** Employer-provided PPE, rulemaking to readopt 1989 Air Contaminant Standard for PELs, field sanitation standard includes all sites regardless of size
- **Professionalism:** Up to 2% salary differential for professional certification

Oregon OSHA

- **Emergency preparedness:** TOPOFF 4 leadership role
- **Strategic focus initiative:** Motor Vehicle Safety
- **Highlights:** Award-winning construction publications, falls in construction reduction
- **Recognition:** 12 VPP sites
- **Case study:** Big Pipe project

Puerto Rico OSHA

- **Emergency preparedness:** Two-way radios enable CSHO emergency communications
- **Outreach:** New Spanish-language booklets available: Avian flu, West Nile virus, Restaurant industry
- **Voluntary programs:** Alliance with University of Puerto Rico Mayaguez - Chemical Engineering Department

South Carolina OSHA

- **Emphasis programs:** Construction focus on fall protection
- **Highlights:** South Carolina Business One-Stop, Hispanic Task Force
- **Recognition:** 55 VPP sites

Tennessee OSHA

- **Emphasis programs:** Fatalities from falls sees 33% reduction since 2001 program inception
- **Initiatives:** Sharps/injuries reduction in hospitals and ambulatory surgical treatment centers
- **Voluntary programs:** Volunteer Star expands beyond manufacturing, includes two new warehousing and distribution firms
- **Requirements:** Air contaminants, Right-to-Know, bloodborne pathogen standards exceed federal requirements
- **Professionalism:** A 4.5% pay differential is given to Certified Safety Professionals and Certified Industrial Hygienists

Vermont OSHA

- **LEPs:** Falls, trenching and excavations, residential homebuilding
- **Highlights:** Public relations on workzone safety with Agency of Transportation includes 30-second TV spots
- **Outreach:** Training alliance with Vermont Refugee Resettlement Program
- **Voluntary programs:** 4 VPP sites include one construction site, one VPP Challenge site

Virginia Occupational Safety and Health Program

- **LEPs:** Fall Hazards, Employee Accident Reports (Workers' Compensation), Heavy Equipment, Logging, Sawmills, Overhead High Voltage Lines, Scaffolding, Spray-on Truck Bedliners, Wastewater Treatment Plants, Public Workshops
- **Highlights:** Apprenticeship program for safety compliance officers, industrial hygienists and consultants
- **Initiatives:** Consultation outreach and enforcement LEP for the spray-on truck bedliner industry
- **Recognition:** 35 VPP and 51 SHARP sites
- **Case study:** Program to enhance safety and health protection for high school students in construction trades programs

Washington Division of Occupational Safety and Health

- **Outreach:** Construction Job Site Weekly Calendar proves popular; Agriculture Safety Day
- **Enforcement:** Emergency heat-related illness rule finds 215 violations; Bellevue tower crane collapse prompts Governor's signing of Crane Safety Act into law
- **Initiatives:** Cholinesterase monitoring - agricultural pesticide handlers

Wyoming OSHA

- **Outreach and Education:** Governor's Safety Conference, Embrace Safety For Life campaign
- **Enforcement:** Site-specific targeting; settlement agreements
- **Initiatives:** Cost-benefit analysis
- **Recognition:** 7 Cowboy VPP sites; 60 SHARP sites
- **Measuring effectiveness:** Pre- and post-inspection or visit evaluations



Washington DOSH



State Reports

Emergency Preparedness

Emergency Preparedness

How has your organization contributed and provided a leadership role in planning formal emergency preparedness activities at the regional or local level?

Alaska

Alaska Occupational Safety and Health (AKOSH) program staff members participate on various emergency response planning teams and in emergency response drills. AKOSH is an active participant on the State Emergency Response Commission for general emergency preparedness and the State Multi-Agency Coordination Group for avian influenza and pandemic preparedness. AKOSH also is an active participant in regular pandemic tabletop exercises, Northern Edge/Northern Shield emergency preparedness drills coordinated by the Alaska Department of Military and Veterans Affairs, and oil spill and maritime emergency response drills coordinated through an alliance with OSHA and the Alyeska Pipeline Service Company's Ship Escort Response Vessel System.

California

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

Connecticut

Connecticut OSHA (CONN-OSHA) has provided the State of Connecticut Department of Public Health and Department of Agriculture with technical assistance in developing policies, procedures, and guidelines for personal protective equipment to protect employees if avian flu or pandemic occurs in Connecticut. This was completed at the request of the State of Connecticut Office of Emergency Management.

CONN-OSHA has finished developing its Continuity of Operations Plan (COOP).

CONN-OSHA emergency response teams participated in a Strategic National Stockpile training exercise.

Kentucky

Kentucky Occupational Safety and Health (Kentucky OSH) continues to have representation on the Governor's Security Working Group and meets quarterly with the Kentucky Office of Homeland Security's Training and Development Consortium. These groups assist in the development and implementation of programs and initiatives to ensure Kentucky is prepared.

Maryland

As part of Maryland's contribution to emergency preparedness, **Maryland OSHA (MOSH)** Training and Education continues to offer "Emergency Response and Disaster Preparedness" training throughout the state. The training was presented five times in FY 2006, reaching 140 students. Instruction was focused on identification of potential emergency and disaster situations; methods to minimize harm to personnel, property, and the work environment; development of a plan to fit the operation; and strategies used to implement an Emergency Response Plan.

In coordination with federal OSHA, MOSH senior industrial hygienists have participated in conference calls and webcasts and have conducted the necessary research in order to develop a pandemic flu emergency preparedness plan for the division. This is an ongoing project.

Michigan

The **Michigan OSHA (MIOSHA)** strategic plan for FY 2004-2008 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. The agency has developed the MIOSHA Emergency Management Plan and has designated staff members to provide initial response and assistance during a catastrophic incident. The plan can be viewed online at www.michigan.gov/miosha.

The 24-member MIOSHA Disaster Response Team that provides the initial response and assistance continued training in 2006 and participated in a full-scale, three-day exercise in August. The team training included IS-800, "Introduction to the National Response Plan," and reviews of the incident command system. During the exercise, the team became proficient at using the State of Michigan 800 MHz digital radio system and global positioning system units. One team member also participated in an avian influenza tabletop exercise to evaluate current concepts, plans, and capabilities for response to a localized outbreak of zoonotic avian influenza in Michigan. The team administrator gave talks on the MIOSHA Emergency Management Plan at various locations throughout the state.

Minnesota

Minnesota OSHA (MNOSHA) Compliance and the Department of Labor and Industry's Construction Codes and Licensing Division participate on the State's Department of Public Safety, Homeland Security and Emergency Management, Emergency Preparedness and Response Committee. This representation ensures the department's involvement in all incidents of natural and human-made disasters. In addition, MNOSHA is involved in state planning for response to potential acts of terrorism. The role of MNOSHA Compliance is defined in the Minnesota emergency operations plan. MNOSHA has an internal Catastrophic Event Inspection (CEI) Team that is the first line of contact to an event. MNOSHA also provides help to employers with emergency response and preparation plans.

In FY 2006, MNOSHA continued participation on the State Emergency Preparedness and Response Committee. The state emergency operations plan and Governor's Executive Order were reviewed and updates were recommended in late FY 2006. MNOSHA participated in the U.S. Department of Labor OSHA Region 5 pandemic flu tabletop exercise.

Nevada

Nevada OSHA continues to maintain the ability to respond to catastrophic emergencies as one of its top priorities – primarily, to assume the role of ensuring the safety and health of first responders. It is for this reason that Nevada OSHA, in partnership with Nevada's Safety Consultation and Training Section (SCATS), formed and maintained its two response teams.

Equipped and ready to go! Nevada OSHA-SCATS response teams are supported by three trailers stocked with various types of test equipment, computers, and personal protective equipment for the team members. Files pertaining to high-hazard employers throughout the state are also kept with the response team equipment for quick access to potentially critical information.

Routine classroom and field training are essential to ensure that the teams are prepared and ready to deploy when the need arises. In this regard, the teams conduct classes that include equipment training and tabletop exercises. Both teams also schedule independent and joint field exercises periodically, incorporating scenarios that require dressing in full gear (e.g., protective suits, self-contained breathing apparatus), simulated sampling/monitoring of potentially hazardous substances, and operation of decontamination stations.

In an effort to educate employers on emergency preparedness, SCATS provided outreach training activities on planning for emergencies through their "Workplace Emergencies and Evacuation" and "Workplace Violence Awareness" programs. The Nevada OSHA-SCATS response teams made additional presentations at some of the larger "Workplace Emergencies and Evacuation" training events.

New Jersey

The **New Jersey Public Employees Occupational Safety and Health (PEOSH)** Program is working with a number of partners on preparedness issues. New Jersey PEOSH is a participant on the New Jersey Department of Homeland Security Planning Group. New Jersey PEOSH meets regularly with the New Jersey County Coordinators Emergency Management Association. In addition, New Jersey PEOSH continues to work with Region 2 Regional Emergency Management Program (REMP) and has participated in joint exercises and meetings. Also, New Jersey PEOSH is a participant on the Region 2 Metropolitan Area Safety & Health Group, which includes representatives from New York State, New York City, New Jersey, OSHA Region 2, and the Port Authority of New York and New Jersey.

A New Jersey PEOSH team was sent to New Orleans to assist federal OSHA, Region 6 in recovery efforts after Hurricane Katrina. Staff members participated in joint agency activities to meet OSHA's critical mission responsibilities and to implement parts of the National Response Plan that ensure the protection of workers.

New Jersey PEOSH has provided emergency response training for local responders (police, fire, emergency medical services). Training has included various classes on Incident Command System (ICS), CPR/AED, respiratory protection, and train the trainer classes.

New Mexico

Three **New Mexico Occupational Health and Safety Bureau (NM OSHA)** staff members were deployed to New Orleans in October 2005 to assist federal OSHA with Hurricane Katrina recovery efforts.

New York

The **New York State Division of Safety and Health (DOSH)** continued its focus on enhancing response capabilities to all types of disasters, naturally occurring, man-made, or acts of terrorism. DOSH employees continue to network and provide services to various state and local emergency response groups (SEMO — New York State Emergency Management Office, OHS — New York State Office of Homeland Security, DOH — New York State Department of Health, NY State Police, OFPC- New York State Office of Fire Prevention and Control, and others). In 2006 DOSH completed work on a Continuity of Operations Plan; the development of this plan included the identification of potential hazards that could affect the operations of the eight DOSH agencies and an assessment of the capabilities and mechanism within the division that will be used to recover from those hazards and allow critical state services to continue.

On Oct. 12, 2006 the snowstorm that blanketed the western portions of New York State disrupted electrical power and other essential services to residents, businesses, and municipalities. SEMO requested DOSH provide safety and health assistance to emergency responders at the Erie County Emergency Operations Center. In support of this mission, DOSH Crisis Response personnel maintained 24-hour operations on-site until Oct. 26, serving in the capacity of Safety Officer, Just-in-Time Trainers, and Field Inspection Staff.

Throughout this two-week period, DOSH provided the following safety and health assistance to emergency responders:

- Developed the Workers Health and Safety Plan
- Developed a safety check list for volunteer workers
- Created a general safety message on “Preventing the Spread of Germs”
- Created a safety alert on “Power Line Proximity”
- Performed just-in-time training for National Guard Debris Monitors
- Performed outreach with the various contractors and municipalities during the clean-up operations
- Created or shared various safety bulletins intended to educate responders on common hazards; examples of bulletin topics included chainsaw safety, portable generator safety, work zone safety, and scaffold safety.

On Oct. 15, President Bush issued a Federal Emergency Declaration for the counties involved. In November 2006, the Federal Emergency Management Agency announced it would provide \$30.4 million in aid to Erie County.

The storm left 265,000 homes and businesses without power, according to National Grid. As local National Grid employees worked around the clock to restore power to residents, they were joined by workers from 19 states and three Canadian provinces. About 4,000 power workers restored electricity to Western New Yorkers by Oct 22.

Other emergency-management-related activities accomplished in 2006 include the following:

- Twenty DOSH consultants received train-the-trainer to provide HAZWOPER Awareness Level training to requesting state and local responders.
- DOSH continued to network with various fire district associations statewide by attending regional meetings and conferences, thereby maintaining our working relationships and the sharing of resources.
- DOSH developed a pandemic flu informational flyer designed to inform our stakeholders of the potential impact of a pandemic, the importance of preplanning, and how to keep their employees safe.
- DOSH is looking into the development of a Safety Officer Training course for various participating state agencies of the OHS Chemical, Biological, Radiological/Nuclear, and Explosive (CBRNE) Task Force, using the in-house talent of the participating agencies and the EPA Safety Officer Curriculum.



New York DOSH

Wet snow presents challenges for emergency response.

North Carolina

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

One of the ways the division takes a proactive approach in helping to protect responders is through pre-event safety and health training 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. The division also provided LEPCs with a brochure that describes the services available.

Oregon

Oregon OSHA's task force focused on emergency preparedness is known as START (Safety and Technical Assistance Resource Team). START began work on TOPOFF 4 in FY 2006. Staff members are on the Planning Conference Team and serving as Planning Safety Chief for the congressionally mandated counterterrorism exercise, which is scheduled for October 2007. The drill, coordinated by the U.S. Department of Homeland Security, includes the FBI and FEMA, and is intended to test senior government officials' response to a complex terrorist attack situation, including viability of communication systems. The simulation involves weapons of mass destruction being deployed in Guam and Portland, Ore., and will test new methods of communication with the public.

Oregon OSHA is responsible for coordinating the Safety Workgroup, developing site safety and health plans, and is working with city, county, and private safety and health professionals to enhance the public/private relationship. Goals for the Objectives Survey were jointly developed with OSHA Region 10.

Other activities the START team participated in:

- A full-scale exercise in Yamhill County called Operation PinPoint. The exercise included a chemical device and tested city/county/state responders and agencies. START members were on the Planning Team, developed the Site Safety and Security Plan, and acted as safety controller for the exercise.
- START members deployed to New Orleans to assist DOL/OSHA with Hurricane Katrina recovery efforts. Between March and July 2006, OR-OSHA deployed seven employees in recovery efforts.



Oregon OSHA
Emergency preparedness training.



Oregon OSHA
Emergency drill on the State Capitol mall.

In addition to our START efforts, OR-OSHA has an inter-agency agreement with the Umatilla Chemical Weapons Depot, which is part of the Department of Homeland Security's Chemical Stockpile Emergency Preparedness Program. The local community surrounding the Weapons Depot developed the Community Readiness Coordination Committee (CRCC), of which OR-OSHA is a member. OR-OSHA provides recommendations on Community Action Plans, reviews response capabilities, aids first responders, reviews local population evacuation plans, and provides guidance on health and safety regulations. OR-OSHA also participates as a National Evaluator for FEMA/DHS exercises at other Chemical Weapons Depots throughout the country.

Puerto Rico

The **Puerto Rico Occupational Safety and Health Administration (PR OSHA)** was very active in 2006 working on emergency preparedness. In March, PR OSHA contracted for a free-of-cost emergency system intended to facilitate the notification of accidents or emergencies within the period required by law. It is operational 24 hours a day, connected to the cellular phone of the Director of the Bureau of Inspections. This emergency system operates in both English and Spanish.

In July, two-way radios (walkie-talkies) were acquired to be able to respond to any emergency in a diligent manner, enabling communications between the CSHO and PR OSHA's personnel.

South Carolina

All of the **South Carolina Occupational Safety and Health (SCOSH)** field staff members and trainers received the 40-hour HAZWOPER training course. South Carolina inspectors provided assistance during "911" and participated in Hurricane Katrina clean-up relief efforts. Inspectors provided technical assistance during two accidents that were declared "states of emergency" by our governor: (1) Graniteville, S.C., where a train wreck resulted in a massive release of chlorine gas and killed nine people; (2) Rock Hill, S.C., where a plastic recycling company caught on fire and released hydrogen chloride gas into the community.

SCOSH is currently setting up emergency teams and developing new procedures to cover future emergency situations where technical assistance in safety and health may be needed.

Tennessee

Tennessee OSHA (TOSHA) representatives regularly attend the monthly Tennessee Emergency Management Agency (TEMA) meetings held at the secured Operations Center in Nashville. TOSHA personnel gave an overview presentation in 2006 to inform all state agencies of the services and expertise TOSHA can provide. The TOSHA administrator serves as the department's alternate emergency services coordinator. TOSHA personnel have been attending training classes and tabletop exercises in preparation for TNCAT 07 in conjunction with the federal Spill of National Significance 07 earthquake exercise. TOSHA personnel also attend regional meetings held at the Regional Operation Centers in west and east Tennessee.

Virginia

Virginia Occupational Safety and Health (VOSH) participated in the statewide hurricane drill manning the safety section in the Emergency Operation center. The Consultation Program manager has spoken at various emergency response group meetings, promoting VOSH response services during an emergency event.

Virginia sent two 21(d) consultants to New Orleans in July 2006 to assist with emergency response efforts. The two Virginia consultants were instrumental in removing a worker suffering from heat stress from a debris cleanup site.

All compliance personnel and consultants have taken the ICS 100 and 200 courses, and a separate management group has been identified to take the ICS 300 in FY 2007. The Consultation Program manager has been certified by the National Emergency Training Center in Emmitsburg, to teach courses up through the ICS 400 level, and has begun the review of all training guidance documents for VOSH. The Consultation Program manager also completed an ICS 200 training class for National Office Personnel that was well received.

The 21(d) consultation program is promoting emergency response and preparedness in all its visits and has incorporated a preparedness program in its training division.

Vermont

Vermont OSHA (VOSHA), as part of the State Emergency Response Plan, is a member of the State Emergency Response Commission (SERC). In the event of an emergency, Safety and Health staff will be deployed to the site and will be in contact with VOSHA staff, working for the safety officer in the Incident Command structure.

Washington

Washington's program works with the Washington Military Department's Emergency Management Division and the Washington State Emergency Response Commission (SERC) to assist in the coordination of an integrated statewide approach to community awareness, mitigation, preparedness, response and recovery to hazardous chemical incidents. The SERC provides outreach and technical assistance to local emergency planning committees and their participants.



Washington DOSH
Seattle firefighters operating high-pressure hose.



Oregon OSHA

State Reports

Emphasis Programs and Results

Emphasis Programs and Results

What emphasis programs did your organization target for FY 2006, and what results have you seen thus far? Include learnings from emphasis programs that did not achieve what you expected.

Alaska

Alaska Occupational Safety and Health (AKOSH) focused enforcement inspections on construction worksites and encouraged contractors to participate in a partnership and other programs in coordination with the Alaska Associated General Contractors. Although construction activity over the past year was at an all-time high in Alaska, the construction industry experienced a 33 percent reduction in its illness and injury rate.

AKOSH is also focusing on public sector worksites with high injury and illness rates. Through a partnership with the Alaska Department of Transportation and Public Facilities, AKOSH facilitated inspections at 47 facilities and identified hundreds of hazards, which have been corrected at a cost approaching \$1 million. These efforts resulted in a 31 percent reduction in workers' compensation medical costs for a savings of nearly \$1.3 million. AKOSH has also entered into a partnership with the Municipality of Anchorage, the largest city in Alaska, which reported tremendous results in 2006.



Alaska OSHA

Madill Yarder at Prince of Wales.

Arizona

The **Arizona Division of Occupational Safety and Health (ADOSH)** continues to work on emphasis programs related to excavation and fall-related issues. They will from time to time conduct "excavation sweeps," where compliance staff members go out in force over a given period of time and identify those employers not following OSHA, mandated regulations for excavation work. Similar sweeps have been performed for fall-related issues, including residential fall protection.

California

California OSHA (Cal/OSHA) remains committed in its next five-year plan (FY 2004-08) to targeting the construction industry in a continuing effort to reduce fatalities, injuries, and illnesses in the industry. In fact, Cal/OSHA has created a dedicated team of inspectors whose primary target is employers in the underground economy, with an emphasis on the construction and agricultural sectors. The presence of a dedicated team targeting the construction industry should serve to encourage employers to improve health and safety on the job, which in turn should result in a reduction of fatalities, injuries, and illnesses.

Cal/OSHA is also working collaboratively with agricultural worker advocacy groups to increase compliance at agricultural worksites through education, outreach, and referral inspections. Due to the largely Spanish-speaking agricultural workforce in California, Cal/OSHA will continue to strive to increase awareness of workers' rights through an increase in bilingual educational and public relations efforts that target worker advocacy groups, employers, and workers.

Cal/OSHA will also collaborate with the Construction Employers Association to provide compliance assistance to member contractors.

Iowa

Iowa OSHA's Local Emphasis Program to establish an Inspection Targeting System to Reduce Injuries and Deaths Resulting from Falls in the Construction Industry covers falls to a lower level, including falls from scaffolds, and/or elevated work surfaces including walkways, platforms, etc. During a 10-year period from 1995 to 2004, 40 percent of the fatal incidents in Iowa were in the construction industry. Of those incidents, 47 percent were due to falls. In 2006 construction fatalities investigated comprised 48 percent of the total fatal incidents. Of those, 13 percent were the result of falls. Outreach will continue in this area.

Indiana

Indiana, like federal OSHA, has an emphasis program in construction for fall protection, trenching, and scaffolding. This means that it takes no more than a phone call to our office to generate a complaint inspection on one of these emphasis topics. The measurement of effectiveness, however, is still very much unclear. Indiana has not seen a significant decrease in these areas, and is re-evaluating this program.

Kentucky

During FY 2006, the **Kentucky Occupational Safety and Health (Kentucky OSH)** Division of Education and Training conducted 34 health surveys and 42 safety surveys in the top 10 high-hazard North American Industry Classification System (NAICS) codes in the Commonwealth of Kentucky.

In FY 2006, the Division of Education and Training again initiated the Targeted Outreach Program (TOP), and sent mailings to 332 companies with the highest injury/illness rates. Each mailing included information about the voluntary compliance services available to employers to help address their extraordinarily high injury/illness rates. There were 109 companies that requested on-site consultative services, and these services will continue to run through FY 2007.

Ten Population (POP) Centers received training during FY 2006, including more than 80 sessions addressing course subjects appropriate for the targeted NAICS including: lockout/tagout, bloodborne pathogens, personal protective equipment, welding, construction safety, scaffolding, excavation, noise, indoor air quality, hazard communication, electrical safety, fall protection, confined space, and powered industrial truck safety. More than 3,900 participants attended POP Center Training courses in FY 2006.

In an effort to supplement resources in addressing high-hazard industry issues, the Division of Education and Training coordinated outreach with professional and industry associations with a significant increase in informal partnerships including: Kentucky Highway Contractors Association, Kentucky Crush Stone Association, Kentucky Forestry Institute Association, Kentucky Association of Plumbing Heating and Cooling, Kentucky Association of Counties, the Association of General Contractors, and Kentucky Community Technical College.

Maryland

In 2006 **Maryland OSHA (MOSH)** had Local Emphasis Programs in the Primary Metal Industries; Trucking and Warehousing; Electric, Gas, and Sanitary Services; State and Local Government; Landfill Operations; and Waste Water Treatment Plants. We also had emphasis programs targeting bloodborne pathogens, and lead in construction and radiator shops. Our biggest failure was an accurate accounting of the inspections conducted in these emphasis programs. Technical (computer) problems resulted in the undercounting of LEP inspections.

Michigan

The **Michigan OSHA (MIOSHA)** Strategic Plan for FY 2004-08 calls for targeting both outreach and enforcement resources toward some of the most hazardous industries in Michigan, including: construction, furniture and fixtures, primary metals, fabricated metal products, industrial machines 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 performance goals. The goal is to reduce injuries and illnesses in targeted industries 20 percent at the end of the five-year plan. Workplace fatalities continue to decrease in most areas.

Three years into its five-year strategic planning cycle, MIOSHA has noted the following reductions in the injury and illnesses rates for targeted industries (using three-year averaging of Michigan data): 40 percent for furniture and fixtures, 15 percent for primary metals, 25 percent for fabricated metal products, 39 percent for industrial machines and equipment, 39 percent for transportation equipment, and 16 percent for construction. For targeted illnesses and injuries, Michigan reported reductions from the baseline of 23 percent for amputations, 29 percent for overexertion and repetitive motion, and 26 percent for noise-induced hearing loss. During the same time period, the total injury and illness rate for manufacturing in Michigan has decreased by 21 percent. The strategic plan can be viewed online at www.michigan.gov/miosha.

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 North American Industry Classification System (NAICS) codes that are based on data from the federal Bureau of Labor Statistics (BLS).

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

MNOSHA's strategic goal is to conduct 70 percent of all programmed (routine) inspections in the primary inspection emphasis industries. In FY 2006, MNOSHA conducted 77 percent of programmed inspections in primary inspection emphasis industries. Primary inspection emphasis industries include:

- Lead and silica;
- Wood product manufacturing;
- Furniture and related products manufacturing;
- Paper manufacturing;
- Plastics and rubber product manufacturing;
- Food manufacturing, and beverage and tobacco product manufacturing;
- Machinery manufacturing;
- Construction;
- Printing and related support activities, and publishing industries;
- The public sector;
- Foundries;
- Meatpacking; and
- Nursing care facilities.

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 include: 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.

Case Study *

SPECIAL EMPHASIS PROGRAM — FLAVOR AND EXTRACT MANUFACTURING

California

Workplace exposure to airborne diacetyl is believed to cause a debilitating and sometimes fatal lung disease known as Bronchiolitis Obliterans. Of particular concern is that once the disease develops, there appears to be little chance of recovery, and it often continues to worsen even after exposure to diacetyl is discontinued.

The first case of this disease in California was diagnosed in Southern California in 2004. California OSHA (Cal/OSHA) conducted an enforcement inspection at the flavor manufacturing plant and in early 2005 issued citations with penalties and a Special Order. The Special Order — Cal/OSHA's equivalent of the general duty clause — required the company to conduct health screenings of its employees to determine if other employees were showing signs of the disease, and if confirmed, the employees were to be further evaluated and medically treated.

The second enforcement inspection at a flavor manufacturing plant took place in April 2006, also in Southern California, after an employee was diagnosed with potential Bronchiolitis Obliterans. Shortly after opening this inspection, the Department of Health Services (DHS) and Cal/OSHA requested assistance from the National Institute for Occupational Safety and Health (NIOSH) to direct the screening of all employees at the plant for signs of adverse health reactions to diacetyl and other flavor manufacturing substances, and to assist with the evaluation of employee exposure.

Cal/OSHA, DHS, and NIOSH teamed up to initiate a special emphasis program to target the flavor manufacturing industry in California for intervention. With the help of the Flavor and Extract Manufacturing Association of the United States (FEMA), Cal/OSHA and DHS identified the approximately 30 flavor manufacturing plants believed to exist in the state.

Cal/OSHA contacted each of the 30 flavor manufacturers and offered the option of working cooperatively with Cal/OSHA Consultation Service, DHS, and NIOSH to (1) conduct health screenings of potentially exposed employees, (2) evaluate and characterize exposure to diacetyl and other substances used in food flavoring manufacturing processes, and (3) implement measures to control employee exposure to the hazards identified.

The Flavor Industry Safety and Health Evaluation Program (FISHEP) provides a mandatory assistance program to California flavor manufacturers. Through FISHEP, Consultation Service industrial hygienists conduct air sampling to correlate chemical exposures with particular operations, and work with the locations to implement respirator programs and other basic control measures for interim protection. Meanwhile, the NIOSH Cincinnati engineering laboratory staff works to identify the best approaches to minimizing potentially hazardous exposures.

The FISHEP program has been recognized as an important tool in identifying and intervening in the rapid course of disease that has been seen in flavor handling. FISHEP employers are also being required to initiate, or in some cases continue, medical screening programs and provide the results to Cal/OSHA and DHS. DHS is working with NIOSH to identify important quality elements for such screenings. Outreach to medical providers to raise awareness of the risk of work with flavoring substances, and improving the quality and consistency of key screening procedures such as pulmonary function testing, are among their efforts.

The overall goal of Cal/OSHA's FISHEP program is early identification of symptoms of possible serious lung disease related to flavor manufacturing and control of chemical exposures that have been associated with disease in this industry. An additional goal is to contribute to the understanding of the relationship between chemical exposures and disease by aggregating the data resulting from air sampling and medical evaluations.

* Case Studies will be found randomly throughout this Grassroots Annual OSHSPA Report. Please refer to the Table of Contents for specific state case study page numbers.

Nevada

One of Nevada OSHA's (NV OSHA) objectives in its strategic plan is to reduce injuries and illness in construction and manufacturing because of the inherent hazards these industries present to employee safety and health. NV OSHA also committed to monitor the hotel/casino industry due to the large number of employees the group represents. These three industry groups represent a combined statewide total of 14 percent of employers and 33 percent of employees.

NV OSHA's inspections of the construction, manufacturing, and hotel/casino industries comprise approximately 75 percent of all inspections.

The Safety Consultation and Training Section has focused on multi-employer high-rise commercial construction worksites and the casino/hospitality industry in the Las Vegas and Reno metropolitan areas. Training efforts concentrated on high-hazard industries or targeted sectors (32 percent of attendees were from the construction industry and 28 percent were from the service industry).

New Jersey

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

New Jersey PEOSH conducted programmed inspections of facilities identified as having significant quantities of chlorine on site. The facilities were identified using 1998 New Jersey Right-To-Know survey data. Nine facilities including sewerage treatment plants (seven), water treatment plants (one), and public works departments (one) were identified.

The majority of sites reporting large quantities of chlorine on the 1998 Right to Know Survey have discontinued its use. Of the nine facilities inspected, only two facilities were using gaseous chlorine. Four serious violations were observed as a result of the field inspections; in general, compliance with the above-mentioned standards was satisfactory. A total of four non-serious violations were also discovered. Six of the locations inspected had no violations.

New Mexico

The **New Mexico Occupational Health and Safety Bureau (NM OSHA)** has effectively used available resources to accomplish all planned activities to meet its strategic goals. Activities were focused on: reducing employee exposure to silica; reducing exposures to hazards in the construction, metal fabrication, and earth products industries; reducing employee exposure to workplace violence in the convenience store sector; and reducing the number of fatalities in the construction and oil and gas industries.

Primary outcome data indicate that the strategies and activities undertaken were effective in accomplishing the goals and objectives of the FY 2006 Performance Plan. NM OSHA's efforts contributed to a significant decrease in the rate of work-related accidents in New Mexico, as indicated by Workers' Compensation Administration's announcement of a 4.2 percent rate reduction for the Voluntary Market and a 1.3 percent rate reduction for the Assigned Risk Pool that took effect on Jan. 1, 2007. Decreases in workers' compensation premiums throughout New Mexico are a product of the changing attitudes regarding workplace safety and health that NM OSHA and its partners have encouraged in all industries.

Case Study

CONSTRUCTION ACTIVITY

Nevada

Nevada OSHA (NV OSHA) is in the midst of very busy construction activity in the state, — especially in Southern Nevada. NV OSHA evaluates the qualifications of safety coordinators for projects that intend to establish Owner-Controlled Insurance Programs (OCIP) to meet Nevada Revised Statute requirements. Project City Center, a \$7 billion, 66-acre "urban metropolis" project that will employ about 7,000 workers when it reaches peak activity, is one of those projects.

Another OCIP site is the World Market Center Project, a \$3 billion project that will encompass a total of eight buildings and 12 million square feet, when completed.

NV OSHA is also involved with the \$234 million Hoover Dam Bypass project. This project includes a bridge construction that will connect the Nevada and Arizona approach highways — a span of about 2,000 feet and approximately 900 feet above the Colorado River. NV OSHA and Arizona Division of Occupational Safety and Health have a Memorandum of Understanding on jurisdictional issues relating to the project.

New York

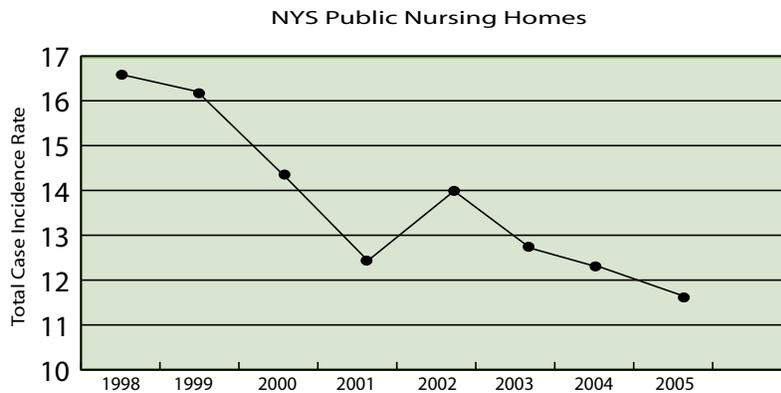
Fire and Ambulance Services

The **New York State Division of Safety and Health (DOSH)** Fire Protection/Ambulance Service Strategic Plan Committee continued to focus on reducing injuries and fatalities to individuals, including both paid employees and volunteers who provide these services. New fire fighter wellness presentations were developed to help spread awareness within the fire service. The committee members continued to showcase their services at various emergency response conferences throughout the state, such as the 2006 Fire Chiefs Convention and the 2006 Bi-National Emergency Preparedness Conference. The committee has a conference booth for networking with various emergency managers and responders. Members also use this opportunity to disseminate information highlighting the Consultation Program and the Crisis Response Team. Members continued training activities with various municipalities; in 2006 they worked with FDNY to coordinate a 10-Hour Construction Safety Course, and planning work continues for future topics for the fire department’s line supervisors and safety officers. The new HAZWOPER Awareness Level Training curriculum was given to Broome County responders.

Committee members participated in various tabletop and functional exercises across the state. The group’s 2006 HAZWOPER refresher training, sponsored by the Office for Domestic Preparedness, covered Weapons of Mass Destruction Radiological/Nuclear Awareness, and included a custom-designed tabletop aimed at testing the responders’ proficiency.

Nursing Care Facilities

This committee continued to focus on reducing the injury rate in county and state veterans’ homes. Injury rates have continued to fall since the beginning of the strategic plan initiative. The injury rate has decreased 29.5 percent from the baseline (1998).



During the first phase of the strategic plan, the focus was on education and outreach specifically related to safe patient handling. The second phase is focusing on nursing homes with the highest injury rates. These facilities have been offered a comprehensive safety and health consultation or a comprehensive safety and health inspection. All have chosen a consultation. The consultations begin with a thorough review of the injury and illness records as well as an evaluation of accident investigation and root cause analysis conducted by the facility. This initial visit also focuses on their resident lifting and repositioning policies. The compliance safety and health officer completes an equipment needs assessment and an equipment inventory. Suggestions are made to improve the availability, condition, or variety of equipment based on these assessments. Final reports to the administrator outline ways to improve root cause identification for accidents, improve recordkeeping and trend identification, and steps to establish a “Zero Lift” program.

Outreach activities continue to include Employee Injury Prevention conferences with a major focus on safe patient handling. The committee continues to build partnerships with unions, nursing home administrators, and various health care associations. Grants have been awarded to facilities pursuing safe patient handling programs. This committee is working with the homes selected to help develop effective programs.

Highway, Streets, and Bridge Construction

This committee has developed a database containing injury and illness information from each of the counties in New York. The committee uses information from this database to develop a training strategy. Committee members spent much of the first half of FY 2006 developing training programs as well as handouts and other resource material to support the training modules. The committee created a stand-alone CD containing the training modules. Committee members are providing this training to counties and offering the CD to counties to use on their own. The training package includes PowerPoint presentations, copies of the appropriate OSHA standards, appropriate written program when applicable, training logs, handout materials, and sample tailgate sessions.

Since New York's Public Employee Safety and Health Bureau (PESH) consultations at highway departments are very effective and have had the largest impact on reducing injuries, the committee continued to focus on providing consultation. For this reason, one of last year's plans was to increase the number of consultations at these facilities. There were 63 consultations conducted in FY 2005, and 92 consultations conducted in FY 2006, an increase of 46 percent.



New York DOSH

Downed powerlines present clean-up challenges.

There are thousands of town, village, and county highway departments across New York. For this reason, the committee has formed partnerships with county-level organizations in an effort to reach more employers and ultimately reduce injuries in all municipalities. The committee established a partnership with the New York State Association of Counties, which has been very valuable in promoting workplace safety initiatives. The committee also developed a partnership with the New York State Safety Officers Association, an association of county safety officers. Through these partnerships, training and information provided at the county level gets filtered to the towns and villages.

The Highway Strategic Plan Committee continues to work with New York State Department of Transportation, New York State Thruway Authority, and New York State Office of General Services in providing safety awareness training to employers and employees through the OSHA 10-hour course. Based on the success of the training provided to these agencies, New York City, the New York State Parks Recreation & Historic Preservation, the Board of Cooperative Educational Services, and the City of Syracuse received the 10-hour courses. Members of this committee participated in the Dig Safe seminars, which provide safety and health information to employers performing excavations. These seminars were offered in six locations throughout the state.

North Carolina

The **North Carolina Occupational Safety and Health Division** is pursuing the goals contained in the state's Strategic Management Plan representing the second five-year strategic planning cycle, which began in FY 2004. The success of the strategic planning process is reflected in the state's injury and illness DART rate for 2005, a low of 4.1.

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 toward these objectives is to place emphasis on a number of specific industries and workplace hazards. Target sectors include: construction; logging and arborist; wood products, furniture and related products manufacturing; and long-term care. Health hazards include lead, crystalline silica, styrene, asbestos, and isocyanates. Additional rate reduction strategies include site-specific targeting of employers with high injury and illness rates, public sector targeting, safety and health program assistance, partnership development, and expanding the safety and health recognition programs. The division will continue to use a multi-disciplinary resource allocation including compliance, consultation, and education and training.

Oregon

Oregon OSHA (OR-OSHA) emphasis programs in FY 2006 for health were: pesticide, lead in construction, silica, and a pilot program in the Portland area on diisocyanates. Safety emphasis programs were based on sectors that had the highest number of claims in FY 2004, and covered the following sectors: lumber and wood products, trucking and warehousing, and health services.

In addition to enforcement scheduling, additional elements of our approach included consultation visits, publications, and training. Construction, agriculture, and logging will continue to receive focus in addition to selected emphasis programs due to their high-hazard nature.

The DART rate in the logging sector experienced a significant decrease for CY 2005 to 2.7 (down from 7.3 in CY 2004), but we feel this is due to a too-small sample size, and it is likely the rate will show an increase next year.

Diisocyanate Health Emphasis Program

Oregon OSHA deployed a joint Enforcement/Consultation Local Emphasis Program in 2006 to evaluate employee exposure to diisocyanates. Diisocyanates are a group of polyurethanes used in automotive paints and truck bed liners. Airborne exposure and skin contact with these chemicals can cause allergic sensitization resulting in severe dermatitis, occupational asthma, and death. Prior to on-site inspection, OR-OSHA mailed diisocyanate hazard alert letters to employers in the automotive repair industry throughout the state. The emphasis program focused on ventilation controls to reduce exposure to over-spray vapors, personal protective equipment, and hazard communication training. Industrial hygiene air monitoring was performed to determine the severity of employee exposure to diisocyanates.

A total of 34 worksite visits have been completed for the emphasis program. Fifty-three breathing zone samples were collected to evaluate airborne exposure to diisocyanates. Seventy-nine percent of the air samples exceeded the OR-OSHA permissible exposure limit, resulting in 76 percent of employers being cited for lack of appropriate engineering controls. Nineteen percent of the samples were over 10 times the permissible exposure limit, exceeding the fit factor of half-mask air purifying respirators that are commonly used in the auto-body repair industry. Seventy-one percent of the worksites had deficiencies in their respiratory protection programs including lack of initial medical evaluations, fit testing, improper respirator selection, and storage. Sixty-seven percent of the worksites had inadequate personal protective equipment to prevent skin contact. Hazard communication training was cited at 41 percent of the worksites.

Fatalities

Fatality emphasis areas in FY 2006 were: trenching, falls in construction, and struck-by in logging. A long-term look at trends for falls in construction shows a reduction. Starting from a five-year average baseline rate of 10.0 claims per 1,000 workers for the period FY 1993-97, the most recent rate reported was 6.7 for FY 2005.

Looking ahead

What we've found, on the safety side, is that even without an enforcement emphasis program, firms with high numbers of claims will be on the scheduling list.

In the coming year we intend to take a more comprehensive approach that will involve all parts of OR-OSHA. We will train staff members this summer and begin deployment in October 2007. Our first "integrated focus initiative" is on motor vehicle safety. One of the reasons we selected this as an initiative is that it has consistently represented more than 25 percent of all fatalities in recent years. This initiative is not restricted to any particular industry sector, but cuts a wide swath across all sectors. We expect it may take three to five years before we see results. We are already seeing an increase in the reporting of motor vehicle fatalities due to a new administrative rule effective Jan. 1, 2007, that requires these fatalities be reported to Oregon OSHA if they occur while an employee is on the job.

Future initiatives may be focused on particular hazards, instead of the more traditional industry sector focus.



Washington DOSH
An arborist piecing out a tree — using appropriate fall protection gear.

South Carolina

South Carolina OSHA (SCOSH) began conducting construction focus inspections during FY 2006. An emphasis was placed on falls in construction due to the number of fatalities that occurred in the previous year. SCOSH investigated 13 fatalities from falls with 11 deaths taking place on construction sites. Four times a year, different locations within the state are selected with all inspectors being assigned to that location for one week. The idea of the construction focus inspections is to target the main hazards in construction such as falls, trenching and excavation, struck-by, and electrocutions. Compliance Safety and Health Officers (CSHOs) conducted more than 200 inspections on three different events. Falls accounted for approximately 40 percent of the violations.

Tennessee

Tennessee OSHA continues to focus resources, through its strategic plan, on the elimination of workplace hazards by intervening in workplaces where serious hazards are observed. Special emphasis programs in Tennessee address fall protection, carbon monoxide, noise, amputations, and trenching and excavation.

Training employees and employers about safety and health issues continues to be part of the strategic plan. During 2006, Tennessee OSHA trained more than 13,000 people in workplace safety and health topics.

This concentration of resources has produced tangible results. Fatalities from falls have decreased 33 percent since the program was put in place in 2001.

Vermont

Vermont OSHA (VOSHA) has a Local Emphasis Program on falls, trenching and excavations, and residential homebuilding. Vermont compliance assistance specialists have been working closely with the Homebuilders Association.

In FY 2006, VOSHA also targeted workzone safety, working with the Vermont Agency of Transportation to run several 30-second television spots, and to produce a CD on flagger training.

Virginia

Virginia was one of the first State Plan states to focus inspection resources on the emerging “spray-on truck bed lining” industry with the adoption of a local emphasis inspection program. The inspection program is designed to reduce or eliminate employee exposure to MDI (methylenediphenyl isocyanate), which can cause, among other things, permanent respiratory ailments.

The results for the year for this Local Emphasis Program are as follows:

Inspections:	16
Serious violations:	22
Willful violations:	0
Repeat violations:	0
Other violations:	29
Instances:	88

Through a local emphasis program for the spray-on bed liner industry, the Consultation Division conducted 32 visits throughout the state and assisted clients with recognized safety and health techniques for protecting workers.

Virginia also has local emphasis inspection programs to address the major causes of fatal and serious non-fatal accidents in the following areas: fall hazards in construction, scaffolding, heavy construction equipment, overhead high voltage lines, lumber and wood products, waste water and water treatment facilities, and use of workers’ compensation accident reports to identify specific occurrences such as amputations, serious chemical exposures, etc. Virginia participates in the following National Emphasis Programs (NEP): trenching and excavation, amputations, asbestos, lead, and silica.

The results for the year from Virginia’s eight other LEPs are as follows:

Inspections:	1,257
Serious violations:	2,057
Willful violations:	8
Repeat violations:	192
Other violations:	576
Instances:	8,497

Virginia’s Consultation Division focused resources on the identification of safety and health hazards in the fertilizer industry with an emphasis on emergency preparedness and security as well as worker protection. The division conducted 49 visits with 485 serious hazard issues; 22 clients received comprehensive visits with full safety and health program reviews.

Wyoming

Wyoming’s five-year strategic plan for FY 2004-08 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.”

Wyoming Compliance investigated 11 workplace fatalities in FY 2006 compared to 13 fatalities in FY 2005, a 15.4 percent decrease. However, although there were fewer fatalities in FY 2006 compared to FY 2005, no progress was made toward accomplishing the FY 2006 performance plan goal. The goal requires significant reduction over time, starting from the 10-year baseline average of nine fatalities per year. It is felt that the increased activity in the energy arena is keeping these numbers elevated in Wyoming.

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.”

Positive results were achieved for the second goal in reducing workers’ compensation injury claims for companies receiving a workers’ safety compliance or consultation intervention: while claims showed only a slight 0.6 percent decrease, claims costs decreased by almost 23 percent.

The third strategic goal is to “promote a safety and health culture in Wyoming through a strong and effective Consultation program.” The Strategic Plan performance goal is to increase participants in the VPP and SHARP recognition programs.

Excellent results were achieved by the third (Cowboy VPP (CVPP) and SHARP growth) strategic goal: one new CVPP participant and nine new SHARP companies (an increase of 15 percent) in the state were recognized for their outstanding safety and health programs.

Washington DOSH



State Reports

Outreach and Education

Outreach and Education

Targeted outreach and training initiatives.

Alaska

Alaska Occupational Safety and Health (AKOSH) established a compliance assistance specialist position to better assist employers under enforcement action to understand workplace safety and health requirements and make the changes necessary to achieve compliance. In addition, this position has assisted with VPP site evaluations.

The AKOSH Consultation and Training program provides the majority of outreach and education activities. In the past year, nearly every consultant received train-the-trainer training for construction and general industry. AKOSH is focusing on delivering training to youth and other workers in vocational education programs. One of these efforts has involved cross-training wage and hour investigators in occupational safety and health requirements to deliver more complete information during child labor seminars.

AKOSH mailed employers on its High Hazard Targeting list a notice giving them an opportunity to request consultation services or take other actions to ensure that workplace safety and health violations are corrected. This has resulted in a significant increase in requests for consultation services during the winter months.

Arizona

Arizona's consultation program continues to try different ways to inform employers in various sectors and demographic groups. Recently, representatives from **Arizona Division of Occupational Safety and Health (ADOSH)** were involved in the First Annual Career and Technical Symposium for Schools in the Pima County System in southern Arizona. In this venue they were able to provide awareness training regarding OSHA regulations and practices to teachers primarily in various vocational disciplines, including construction technology, automotive technology, and machine shop. High school teachers were made aware of the resources available from ADOSH. Our plan is for ADOSH to work with these schools and teachers to provide more in-class instruction targeting high school students.

ADOSH also provides educational seminars with topic calendars rotating every quarter, providing a variety of classes in several locations throughout the state.

California

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

Training and Outreach Related to Heat Illness Prevention

Many factors highlighted the need for educational outreach related to heat illness prevention.

California OSHA (Cal/OSHA) found that most cases of heat illness involved workers who had been on the job four days or less. Many workers who either fell ill or died had been on the job one day or less. None of the workers had been trained in heat acclimation. The fact that workers had been on the job a very short period before their heat stress illness occurred suggests that lack of acclimation is a critical factor.

The vast majority of employers did not have a heat illness prevention program in place, although 80 percent of employers had an Injury and Illness Prevention Program. The need for multi-lingual training was also evident. The majority of workers spoke Spanish as their primary language. In all cases, drinking water was available, but in 18 cases there was evidence of severe stages of dehydration.

Cal/OSHA conducted outreach via radio, TV and news media, and community events to raise awareness about the importance of heat illness prevention and the need to implement preventive measures (such as water provision, shade, training, and company procedures) to minimize occupational heat-related illnesses. In addition to the English-speaking audience, Hispanic and other non-English-speaking workers were targeted with the aim of reducing heat-related illnesses among this high-risk population.

Cal/OSHA also conducted presentations and educational workshops to help employers establish and implement heat illness preventive procedures. The goal was to ensure that outdoor workers have the necessary tools to identify early heat illness symptoms and know how to proceed if a worker suffers a heat illness. Availability of emergency assistance without delay is essential. These outreach and educational workshops targeted agriculture, construction, mining, and other outdoor industries.

Cal/OSHA developed a pocket-sized fold-out publication titled “Protect Yourself from Heat Illness” and distributed it during the summer of 2006. The publication is in English on one side and Spanish on the opposite side. Cal/OSHA has distributed more than 30,000 of these pocket guides during 2006 and intends to distribute another 50,000 during 2007.

Cal/OSHA created other educational and outreach materials, such as the Cal/OSHA Heat Advisory Handout and the Cal/OSHA Heat Illness Prevention Newsletter to help the public and employers reduce the incidence of heat-related illnesses and implement heat illness preventive measures.

Customer Service: Increasing Program Satisfaction

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

Connecticut

Connecticut OSHA (CONN-OSHA) has committed to providing State Job Corps Programs with both the 10-hour Construction and 10-hour General Industry courses monthly. The program is targeted toward inner-city youths preparing to enter the workforce. This is in addition to other youth-oriented initiatives such as Young Worker Safety Team participation and the training of state Vocational-Technical instructors to deliver 10-hour outreach courses to their students.

Indiana

Indiana has experienced a huge influx of Spanish-speaking workers. To facilitate access to important safety and health information, Indiana’s entire website can be viewed in Spanish by the click of a mouse. In 2006, **Indiana OSHA (IOSHA)** had two bilingual consultants on staff, and easy access to interpreters for IOSHA inspections was available when necessary.

INSafe (the Consultation arm of the Indiana Department of Labor) has purchased a product consisting of a DVD and written materials targeted for construction site use.

Phrases, short translations for directions, and other terms are provided in a mainstream Spanish dialect, for use by supervisors, foremen, and lead workers. The products are available free to employers.

Case Study

RESIDENTIAL CONSTRUCTION

California

Statewide indicators show that California OSHA (Cal/OSHA) Consultation has had a positive impact at construction sites. Over the past several years, a heightened emphasis on residential construction in San Bernardino and Riverside counties in southern California has had dramatic results.

Approximately 198,000 new single-family homes were built in San Bernardino and Riverside counties between 2001 and the end of 2005. New home construction increased from 21,000 in 2001 to more than 52,000 in 2005.

As residential construction boomed over these years, the demand for residential construction workers increased. By the end of 2005, the number of residential construction workers was estimated at approximately 60,000, up from 15,200 in 2001. To meet the increasing demand for new home construction, many builders had to hire contractors and workers inexperienced and untrained in residential construction and construction safety and health in general.

The competitive bidding that drives the residential construction industry to work at a fast and often unsafe pace increased the risk of serious injuries and accidents, and the need to employ inexperienced and untrained workers added to that risk.

Consultation has traditionally given priority assistance to contractors in the construction industry. However, in early 2003, Consultation decided to step up its efforts to provide on-site assistance (under federal OSHA's 21(d) grant program) to residential construction contractors in the San Bernardino and Riverside areas. Even though the amount of construction and the number of workers increased, there was a decrease in serious reportable injuries and accidents.

For many years, Consultation had attempted to engage small residential contractors in worksite visits, but was met with little interest. However, Ray Acree, manager for Cal/OSHA Consultation's San Bernardino Area Office, took a new approach and fostered a proactive "safety" relationship with the developers of the new residential neighborhoods.

Through the relationships that Acree was able to establish under the direction of Dave Bare, Consultation manager for Cal/OSHA, and by prioritizing and focusing Consultation resources, the San Bernardino Area Office was able to obtain access to many more construction sites and construction contractors. Consultation staffers developed new techniques and tools to help mitigate the challenges and reduce the risk factors associated with untrained and often non-English speaking contractors and workers during these fast-paced construction developments. An estimated 40 percent to 70 percent of workers were immigrant or non-English speaking.

Consultants focused on identifying and minimizing preventable worksite accidents through increased on-site assistance, training, emphasis on multi-employer responsibilities, and overall safety awareness. This informal partnership among the developers, general contractors, and signatory unions resulted in an overall increase of safety awareness, responsibility, and training of all workers including the small-trade subcontractors.

From 2003 to 2005, Cal/OSHA enforcement conducted 385 inspections of residential construction contractors in San Bernardino and Riverside counties. Cal/OSHA issued 209 serious citations with proposed penalties totaling \$1,330,875 during this period.

The focused efforts of both enforcement and consultation in San Bernardino and Riverside counties helped reduce the number of reportable injuries 28 percent in spite of a 40 percent increase in residential construction employment in these counties. The subsequent partnering between Consultation and residential developers, general contractors, trade contractors, and the associated labor force proved to be beneficial.

Consultation's goal was to work with as many residential contractors as possible, help them implement effective Injury and Illness Prevention Programs (IIPPs), and provide effective training to all workers, with an emphasis on Hispanic workers.

During 2005, more than 75 recognition awards were presented to various residential contractors and builders in the San Bernardino/Riverside area. More than 12,000 residential workers received training through direct on-site assistance and formal off-site training. Consultation assisted more than 2,000 workers with tailgate safety meetings, pre-job safety training, and formal IIPP and construction safety training sessions. Additional emphasis on increased safety awareness, safe work practices, and multi-employer involvement also contributed to the decline in serious injuries and accidents. Consultation met its goals for increased on-site assistance in residential construction, outreach and education to Hispanic workers, and increased employer involvement with recognition programs (Golden Gate and SHARP).

Framers represent the largest trade at residential construction sites, and accounted for 42 percent of reportable serious injuries in 2003. By 2005 this number was reduced to 28 percent even though framers continue to be the largest workforce at the sites. Several framers became proactive and took the initiative to step up their safety program and reduce their serious injury rates. In addition to the significantly improved safety for their workers, one framing contractor saved more than \$207,000 in workers' compensation claims between 2002 and 2004.

Continued on Page 41

California CASE STUDY continued

The risk of serious injuries in residential construction is high because this is usually the entry level for non-skilled workers. A vast majority of these Hispanic workers speak and/or understand very little English. Consultation's approach to effectively reach and train this population focused on the enlistment of the builders and general contractors. Most importantly, consultants took health and safety information, tools, and training directly to the worksite.

The decline in serious injuries and illnesses is attributable to many factors, but clearly the increase in enforcement presence, on-site consultation assistance and follow-ups, formal and informal training, and partnering with the builders, general contractors, and labor were key factors.

Kentucky

The **Kentucky Occupational Safety and Health (Kentucky OSH)** Division of Education and Training and Compliance has hired a bilingual safety consultant and several compliance officers to work with the growing Hispanic workforce in the Commonwealth. The Department of Labor has enrolled 20 employees in a 52-week Spanish course.

Kentucky OSH has printed the Safety and Health Protection on the Job poster and the new fall protection regulation in Spanish.

During FY 2006, the Division of Education and Training provided outreach to the logging industry. Our Safety Master Logger was able to conduct several master logging classes, continuing education, and logging safety classes, as well as educate participants on the new technology and equipment available. The division's indoor air quality health consultant was invited to present his class on "Clandestine Methamphetamine Labs — A Hazardous Disaster" to the St. Louis American Industrial Hygienist Association (AIHA); the state of Missouri ranked No. 1 in the country for clandestine labs. The Kentucky State Police OSHA Procedural Program for the investigation and cleanup of such labs is now a benchmark for many states. Progress is being made to reduce the number of meth labs and hence limit the harmful effects that exposure to this highly addictive drug and the accompanying hazardous chemicals they pose to our community and the environment.

Maryland

Through the Cooperative Compliance Partnership (CCP) and Alliance Programs, **Maryland OSHA (MOSH)** has collaborated with companies and organizations throughout the state to disseminate training opportunities and develop and present courses. We modified one existing construction course for Hispanic workers to focus on residential construction. We began to implement the goal of having the State Highway Administration train field employees and management in the OSHA 10-hour course. Together we have developed new legal-sized clipboards with Spanish/English common terms, along with four Spanish/English diagrams addressing roofing work, tubular welded frame scaffolding, pump jack scaffolding, and excavations for use by those in the field. In addition, MOSH created and disseminated a CD titled "Take 5 for Safety" that included presentations, links, and materials on Hispanic safety issues from our CCP partners and good websites from around the country.

As part of continuing efforts to reach young workers, MOSH conducted speaking engagements on teen safety, which reached 646 high school students about to enter the workforce. MOSH Training and Education continues to reach out to teen students obtaining work permits through their schools by providing the Teen Workers Safety brochure, which was translated into Spanish and provided to schools across the state.

In FY 2006 MOSH Training and Education provided 134 safety and health seminars and 79 additional public presentations reaching approximately 7,360 participants with a total of approximately 33,870 training hours. Additionally in FY 2006, the "Construction Site Safety" seminar offered in Spanish, "Seguridad en la Construcción," was supplemented by one of MOSH's Alliance members and presented in Spanish on the topic "Residential Fall Protection in Maryland."

MOSH Training and Education, together with Compliance and Consultation, increased their outreach efforts providing safety and health information at safety events across the state. The MOSH Training and Education Unit maintains an audio/visual lending library of more than 317 titles on a wide variety of safety and health topics. To provide safety and health information to the Hispanic community, MOSH purchased new trilingual DVDs in English, Spanish, and Portuguese.

Michigan

Michigan OSHA's (MIOSHA) 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 FY 2006, 21(d) and 23(g) consultants provided the following outreach services: 3,315 safety and health consultations; 852 on-site surveys (21(d) and 23(g)); and 1,787 training sessions, with an attendance of 19,420 participants. CET also distributed 501,601 pieces of safety and health literature. Information on CET outreach services is available online at www.michigan.gov/miosha.

MIOSHA initiatives are activities related to significant changes in MIOSHA standards or emerging safety and health issues. Every initiative includes a training and education component. During FY 2006, the CET Division continued providing outreach activities by promoting six MIOSHA initiatives. A total of 62 consultations and 71 training programs were conducted related to the following initiatives: youth, the tree care industry, construction, asbestos awareness, and spray-on truck bedliner applicators.

The CET Division distributes an evaluation form at the end of each seminar presented to the general public. For FY 2006, MIOSHA received 1,022 forms from 150 seminars — with 92.4 percent of respondents indicating they were satisfied or very satisfied. The goal is to achieve a customer satisfaction rating of at least satisfied for at least 90 percent of CET recipients.

Another CET Division performance measure is timely responses to Requests for Consultative Assistance (RCAs). In FY 2006, CET consultants responded to 855 RCAs (92.9 percent) within 24 business hours. Also in FY 2006, CET consultants were able to schedule 905 RCAs (98.3 percent) within 30 days of receipt.

Michigan OSHA held a very successful second-annual “Take a Stand Day” on Aug. 16, 2006. During “Take a Stand Day,” MIOSHA enforcement and consultation field staff, along with supervisors and managers, provided one-on-one consultations to employers to help address a specific workplace safety or health issue. MIOSHA received more than 220 requests; participant feedback indicated that these experiences were very positive.

MIOSHA developed a customer comment/suggestion card that can be left with employers and workers during enforcement inspections, consultation visits, and training seminars. MIOSHA also mails a card to each employer upon closing an intervention to encourage feedback on whether the intervention was “useful” or “not useful,” and to gain suggestions for program improvement. More than 98 percent of the employers have rated their experience as “useful.”

MIOSHA awarded 20 Consultation Education and Training (CET) grants in FY 2006, totaling \$1.25 million. The CET Grant Program provides additional options for safety and health education and training to employers and employees. Most of the grants focused on the performance goals identified in the MIOSHA strategic plan, with a particular emphasis on hazard recognition and prevention for high-hazard manufacturing industries, as well as the construction industry.

The 20 statewide projects included a wide range of training activities and proficiency levels, and many offered interactive computer-based training modules. Strategic training topics included: ergonomics; emergency planning, response, and recovery; workplace violence prevention; firefighter rescue; food processing; Spanish-speaking initiatives; long-term care issues; asbestos awareness; trenching safety; road construction; fall protection; and construction on-site walkthroughs.

Minnesota

In FY 2006, **Minnesota OSHA (MNOSHA)** gave 54 presentations to 4,866 individuals; 94 percent of the presentations were offered to strategic-plan industries. Each year, five leading organizations request outreach services from MNOSHA: Midwest Center for Occupational Health and Safety, Minnesota Safety Council, Minnesota Health and Housing Alliance, Associated General Contractors of Minnesota, and American Society of Safety Engineers. In addition, MNOSHA has continued to host its popular Construction Breakfast seminars five times a year.

The Construction Breakfast seminars provide a forum for members of the construction trades to discuss and share issues and experiences with the selected speaker, their peers, and MNOSHA investigators in attendance. To continue this successful program, MNOSHA requested ideas for improvement. A voluntary focus group of insurance agents, company safety directors, and safety consultants met with MNOSHA to brainstorm ways to help the Construction Breakfast program focus on pertinent needs of the ever-changing construction industry. MNOSHA implemented several recommendations, and cooperation with the construction industry continues to grow. The five breakfast presentations in FY 2006 attracted an average of 91 participants each.

Every business day, MNOSHA has two safety and health professionals — an information officer and a senior industrial hygienist — on duty to answer questions received primarily by phone calls and e-mail messages. Additional assistance is provided as needed by the investigative staff. MNOSHA responds to approximately 8,100 phone calls and 1,400 e-mail messages each year; more than 98 percent of the inquiries are answered within one day. The inquiries include requests for compliance assistance, and cover a wide variety of topics from three primary sources: employees, employers, and consultants. Employers account for the highest percentage of requests.

MIOSHA developed a workplace security resource guide for use in outreach and training efforts. Through a MIOSHA Consultation Education and Training grant, MIOSHA developed a video and workbook regarding workplace violence assessment, planning, and prevention and made them available to employers and workers. MIOSHA also conducted four hazard surveys, 11 training programs, and 20 consultations at higher risk places of employment.

Case Study

HIGH SCHOOL TRADES — CONSTRUCTION SAFETY FOCUS

Virginia

Over the past three years, the Virginia Occupational Safety and Health (VOSH) program has worked closely with the Virginia Department of Education's (VDOE) Career and Technical Education (CTE) program to enhance safety and health protection for high school students in construction trades programs. Local school systems in Virginia are permitted by statute to set up foundations for the construction and sale of residential homes built by the high school students (as part of their coursework) with the help of instructors and volunteer contractors.

The Virginia Department of Labor and Industry (VDOLI), of which VOSH is a part, assisted VDOE in working through the various occupational and child labor statutes and regulations that applied to the home construction projects. Teachers and contractors would work on the houses, so VOSH had direct jurisdiction over them. Also, in some localities the students might be paid for time they spent on the project after school hours (weekends or finishing a house over the summer), so both VOSH and VDOLI's Child Labor Division had jurisdiction. Finally, Virginia has a general child endangerment statute that applies to parents and guardians of minors, and there is case law in Virginia that defines a student/teacher relationship as "custodial,"

VDOLI worked closely with VDOE counterparts to identify various hazards related to home construction and developed a list of hazardous activities that the students should not engage in — based on VOSH regulations and fatal accident experience, and Child Labor statutes and regulations that define "hazardous occupations" for children. The list includes "hot" electrical work, trenching and excavation, work around overhead high voltage lines, and work involving fall hazards of 6 feet or more unless 100 percent fall protection is provided.

The VOSH Consultation and Enforcement program managers partnered with VDOE's CTE program to develop a workplace safety program for high school students in the Education Trades School. The partnership resulted in successfully getting the OSHA 10-Hour construction program in all trade schools across the state. All VDOE CTE trade school instructors have been certified to teach and maintain this program through the National Resource Center at West Virginia University. Consultants from the 23(g) consultation program routinely visit these schools to ensure ongoing participation.

Nevada

A Nevada Revised Statute specifically requires employers to conduct and make available written safety programs and training programs in a language and format that is understandable to each employee.

As a general rule, in any industry where an establishment employs workers who do not speak or understand English, Nevada OSHA's compliance officers focus on the employer's effectiveness in training these employees. The emphasis is on how the employer evaluates employees' understanding of translated documents and instructions provided by interpreters, when used.

Nevada's Safety Consultation and Training Section (SCATS) conducted 288 formal training sessions reaching 5,719 participants in FY 2006. A total of 56 different programs were available to help increase awareness of safety and health hazards and educate employers in hazard identification and control. Continuing Education Units (CEUs) are available for each SCATS training class through a joint effort with Nevada's community colleges. SCATS has a safety and health video lending library for Nevada employers; 31,538 individuals viewed the videos during FY 2006.

SCATS continued to conduct the National Safety Council 4-hour Defensive Driving Course in an effort to address the No. 1 source of fatalities in the workplace — vehicle-related accidents. Twenty-seven classes were conducted in FY 2006, and a total of 616 employees received this training.

SCATS continues to reach out to both Nevada and non-Nevada employers attending the many trade shows and industry conventions held in the Las Vegas and Reno metropolitan areas. Our involvement includes: manning booths, conducting breakout safety and health training sessions, providing information on OSHA standards, and referring non-Nevada employers to the applicable state or federal OSHA office where appropriate. During FY 2006, we participated in six conventions/trade shows and made contact with 644 businesses and 4,385 representatives of those businesses.

New Jersey

New Jersey Public Employees Occupational Safety and Health (PEOSH) developed and distributed an alert on the MSA swivel backpack harness assembly. The alert was posted on the New Jersey PEOSH website and provided to the 548 fire departments in New Jersey. Field staff members are also providing the information in enforcement, training, and consultation visits.

New Mexico

During FY 2006 **New Mexico OSHA (NM OSHA)** acquired office space in Albuquerque for three compliance officers, one consultant, and one compliance assistance specialist. This arrangement allows a quicker response to incidents in areas outside the northern part of the state. Travel time to programmed inspections, scheduled consultations, and meetings with employers has been reduced considerably, making more time available for those activities. NM OSHA is considering additional expansion to other areas of the state, which could further increase operational efficiency and customer satisfaction.

Several staff members met with representatives of Intel Corp. to review Intel's program for safety and health training for Spanish-speaking employees. Intel has offered to partner with NM OSHA in delivering the training to broader audiences in a variety of industries. Several OSHA training courses for construction and general industry were provided in Spanish to workers and supervisors in 2006.

New York

The **New York State Department of Safety and Health (DOSHS)** Public Employee’s Safety and Health Bureau and On-Site Consultation Bureau continue to work together to reduce injuries to New York State workers. One initiative that continues to be very effective is the Employee Injury Prevention in Health Care conferences. Both public and private employers and employees are invited to these events. The conference includes a presentation of “Best Practices” with respect to resident/patient handling along with the financial benefit seen after implementing a safe patient handling program.

Both bureaus also work together providing the OSHA 10-hour Construction course. These courses have been very successful and continue to be requested by state and local agencies as well as many private employers.

DOSH has been very involved in pandemic flu preparation. The department has played an important role in helping New York agencies develop Continuity of Operation Plans (COOP). Pandemic flu awareness fact sheets have been posted on the website, along with other resources.

North Carolina

The **North Carolina Department of Labor (NCDOL)** supports a searchable “A to Z” website, which makes training information and other materials available to employers. A subject list covering a wide range of safety and health topics, including direct links to in-depth information, is available. Subjects are indexed alphabetically and include a brief outline of the resources available.

The Occupational Safety and Health Division (OSH), through the Education, Training, and Technical Assistance Bureau (ETTA), is now providing regularly scheduled safety and health training programs for the general public. These one-hour sessions are presented at OSH offices around the state, and other public locations. They are advertised through the NCDOL website and other safety and health publications.

NCDOL has a new, upgraded Labor One mobile classroom delivering training programs statewide. The department uses Labor One extensively to deliver training to job sites, with an emphasis on Spanish-language training.

The division’s 10-hour and 30-hour Construction and General Industry workshops and Construction Forums continue to draw widespread demand. The division has expanded logging special emphasis training for compliance officers to include arborist techniques/safety and sawmill operations.



North Carolina OSH
Labor One mobile classroom and crew.

Oregon

In FY 2006 we presented 14 of our popular bilingual Spanish PESO (Programa en Español de Seguridad e Higiene en el Trabajo de OR-OSHA) workshops. A total of 551 people attended these workshops, which are intended for managers, foremen, and lead workers (a 12 percent increase over FY 2005 attendance). The most widely attended were “Cultures Languages and Safety” (new in 2006) and Fall Protection.

Oregon OSHA (OR-OSHA) developed four new modules in FY 2006: Industrial Vehicles, Control of Hazardous Energy, Machine Safeguarding, and Biological Hazards (Exposure Control).

Our Spanish-language trainer and outreach specialist was part of the planning committee for a symposium entitled “Safety and Health for the Limited-English Speaking Workforce: Challenges and Successes,” which drew more than 100 participants from government and industry. The symposium was orchestrated by the Oregon Health and Sciences University/Center for Research on Occupational and Environmental Toxicology (OHSU/CROET). Many different sectors were represented including shipbuilding, hotel/hospitality, agriculture, retail, and construction. Breakout sessions included transcription, so all session discussions were posted electronically. A summary of presentations and breakouts can be found at: www.ohsu.edu/croet/outreach/symposia/nonenglish.html.

Over the past couple years we have participated in a government/industry working group to develop a series of publications for the construction industry. These publications have been successful in reaching workers, and were translated into both Spanish and Russian. The work group recently won an award for these publications from the National Home Builders Association for “Innovative Safety Program/Idea of the Year”. Publications can be found at: www.orosha.org/pdf/pubs/2824ce.pdf, www.orosha.org/pdf/pubs/2824ae.pdf, and www.orosha.org/pdf/pubs/2824be.pdf.

Every June we issue a press release oriented toward younger workers, which contains safety guidance for the types of summer jobs that are typical for youth workers.

Puerto Rico

PR OSHA has the legal responsibility for translating all standards, rules, and regulations adopted by the Program within a two-year period. States can request translations by calling Ms. Nilda Gonzalez at (787) 754-2172, or by sending an email to gonzalez.nilda@dol.gov.

PR OSHA developed the following booklets in Spanish in FY 2006:

- Safety and Health in Restaurants
- Safety and Health in the Agriculture Industry
- Safe Operation of Finger Lifts
- Fall Protection
- Task Hazard Analysis
- Safety measures for workers in the poultry industry (avian flu)

In addition, PR OSHA translated the booklet “Protecting Laboratory, Field, and Clinical Workers from West Nile Virus Exposure,” developed by NIOSH, into Spanish.

Radio Program

PR OSHA participates in a weekly radio program, which discusses information, guidelines, and tips on safety and health matters. During 2006, PR OSHA had a strong outreach program, with 24 different safety and health themes aimed at both employers and the workforce.

South Carolina

South Carolina Occupational Safety and Health (SCOSH) has a very active outreach and training program. During FY 2006, our training division conducted 591 programs reaching more than 16,000 employees throughout the state. We provided training classes at individual worksites (requiring participation of 12 or more employees) and in several locations around the state.

Our consultation division conducted 671 on-site visits during FY 2006. During these visits, more than 7,000 hazards were identified and corrected.

The South Carolina Hispanic Task Force continues to be active in providing information and training to Hispanic workers and employers throughout the state. SCOSH purchased translation equipment for conferences and training classes to ensure a better understanding of the information provided. State and federal agencies participate in small business forums to provide information to small business employers, and help them to comply with rules and regulations.

The latest outreach activity, in which SCOSH will play an important role, is the South Carolina Business One-Stop (SCBOS). New businesses in South Carolina fill out a questionnaire when they register with the Secretary of State's Office. They have the option to request a visit from the Consultation Division or participate in other SCOSH activities.

Tennessee

In FY 2006, **Tennessee OSHA (TOSHA)** trainers participated in a forum sponsored by a local community action council designed to assist small-business contractors, many of whom are non-English speaking or speak English as a second language, in complying with state regulations. Students at Tennessee Technological University, who are studying industrial safety as part of an industrial technology degree program, were trained on TOSHA requirements and procedures. In addition, students enrolled in LPN and phlebotomy training programs offered by The Tennessee Technology Centers, which are located across the state, were trained on safe work practices when working around blood and bodily fluids.

Virginia

Virginia's 12th Annual Occupational Safety and Health Conference is June 6-8, 2007, in Roanoke.

Virginia Occupational Safety and Health (VOSH) hosted the 11th Annual Occupational Safety and Health Conference in Arlington in June 2006. The conference drew 360 participants from five states and the District of Columbia, and 42 vendors. Topics covered at the conference included scaffolding safety, evacuation planning, construction equipment safety, National Fire Protection Association (NFPA) 70E electrical safety in workplaces, fall protection in residential construction, workers' compensation issues, trenching safety, devices that prevent needlesticks, confined spaces in construction, asbestos management, protecting employees from silica exposure, what to expect from a VOSH inspection, ergonomics issues for an aging workforce, articulating the value of occupational health nurses, nanotechnology issues, putting safety in contracts and making those agreements work, indoor air quality issues during renovation/construction projects, and when good buildings go bad (mold control).

The Consultation and Training Program held 109 safety and health programs in the Commonwealth during FY 2006. Thirty-nine topics were presented, which reached 285 employers and 3,270 employees. These programs included topics such as the OSHA 10-Hour Construction and General Industry courses, lockout/tagout, accident investigation, emergency preparedness planning and fire protection and life safety.

Virginia continues to work to improve its outreach capabilities to the Hispanic/immigrant community. The VOSH program has three compliance safety and health officer (CSHO) apprentices who are bilingual and four administrative/program support staff members who are either proficient in Spanish or are taking community college courses to become proficient. VOSH also has one industrial hygiene consultant apprentice fluent in Chinese/Taiwanese. Language skill is published in every job announcement as preferred/desirable, and the Virginia Department of Labor and Industries (VDOLI) sponsors brown-bag Spanish language workshops in its headquarters office. VDOLI's website is available in Spanish, as is the VOSH poster. Other publications, such as the Emergency Preparedness Manual, Fall Protection, and Guide for the Employment of Teenagers, are also available in Spanish.

Wyoming

Governor's Safety Awards Conference

In 2006, Wyoming held its 1st Annual Governor's Safety Awards Conference. The awards honored 10 Wyoming companies that implemented outstanding safety and health programs for their employees. The featured speaker at the highly successful conference was Brad Livingston, who related his personal life-threatening experience "Just a Second Ago."

Department of Employment Safety Campaign

The Wyoming Department of Employment launched a multi-faceted safety campaign in 2006 aimed at the state's workers and employers, of which Workers' Safety has been an integral player. Centered on the theme "Embrace Safety For Life," the campaign featured Wyoming Cowboys football coach Joe Glenn in statewide television, radio, and print promotions extolling Wyoming employees to work, play, and live safe. The campaign is being continued through 2007.

Training Programs

Wyoming has a strong safety and health training program, with FY 2006 showing a dramatic increase in training efforts and results. The program reached more than 3,700 people through 136 training presentations. Wyoming developed several training programs for specific workforce segments, including:

- Three-Day Collateral Duty Health and Safety Program for personnel having safety duties in addition to their primary work.
- Management Excellence Seminar directed toward corporate officers and business owners demonstrating the value of safety efforts, which can reduce workers' compensation premiums, increase profits, and provide other benefits.
- Aging Workforce seminar and informational handout, highlighting not only some of the safety needs but also the positive aspects of this fast-growing segment of America's society.
- Construction safety programs including 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 has occurred over the past three decades. From 1983 through 1990, there were six trenching fatalities; in the 1990s there were four. From 2000 through the present, there have been no excavation fatalities in Wyoming.

Vermont

Vermont OSHA (VOSHA) has continued to cultivate collaborative relationships in FY 2006. We signed an alliance with the Vermont Refugee Resettlement Program to conduct training for workers. Through an agreement with the Vermont Apprenticeship Program, safety and health training is provided for registered apprentices. In addition, we have alliances with two Vocational Technical centers and have presented a 40-hour course for 35 Vocational and Technical Center instructors.

Washington

In response to feedback received during a Small Business Roundtable session, **Washington's Division of Safety and Health (DOSH)** stopped issuing "no violation citations" that used the same format and template as citations containing violations. Instead, DOSH now sends a letter to the employer after an inspection where no violations are found, thanking the employer and employees for their participation in the inspection process, and for their efforts to keep their workplace safe.

Washington made several organizational changes last year in response to stakeholder feedback gathered during an assessment of our services. Industry representatives from the maritime industry, high-voltage electrical sector, and explosives industries expressed their interest for more technical guidance and oversight for their inspectors. The central office technical expert for each of these areas was assigned direct supervision of the inspectors in that discipline, who continue to work out of field office locations. The benefits of increased technical oversight and support outweigh any "downside" to having the supervisor located in a different office.

Supervision of regional hearings officers was centralized under the manager who administers DOSH's citation appeals program. The hearings officers formerly reported to regional compliance managers who also supervised enforcement inspectors and staff. Now, instead of fielding criticism that an appeal is simply a "rubber stamp" of the original citation, employers have reported that the process is more objective. Another benefit of this reorganization is greater statewide consistency in settling appealed cases.

Training and Education Initiatives

Washington developed a Construction Job Site Calendar for CY 2007 that has proved to be very popular. With a touch of humor and 52 amazing but real photos, this calendar offers a reminder to work safely every day. The photos are true examples of hazards, poor judgment, and dangerous conditions found on construction sites that can lead to serious or fatal injuries.

Washington's calendar drives home the point that what is at stake is not only the safety and security of workers and their families, but the reputation of the company, as well as the cost — and in some cases even the ability — to do business. The calendars can be used by employers as a daily safety reminder, a discussion aid during safety meetings, and an awareness tool for new employees.

Agriculture Days

In February 2007, Washington held its Third Annual Agriculture Safety Day, which drew hundreds of agriculture workers, employers, supervisors, and safety and health professionals to Yakima. This event is sponsored by the Governor's Industrial Safety and Health Advisory Board and the Department of Labor and Industries. The conference focused on topics such as Building a Safety and Health Culture, Cholinesterase Monitoring, Equipment Decontamination, Hearing Conservation, Creating a Workable Safety Plan, Pesticide Safety, Machine Safety, and provided an overview of the Worker Protection Standard. Experts from Washington's Department of Labor and Industries, Department of Agriculture, Washington State Farm Bureau, Washington State University, and the Evergreen Safety Council gave presentations. Panel discussions included pesticide handlers, grower representatives, and safety professionals from Dovex and St. Michelle Vineyards. All sessions were offered in English and Spanish. See the Agriculture Days brochure at: www.wagovconf.org/files/AgSafetyDay07.pdf.



Washington DOSH
Portable eye wash station used by field workers in Eastern Washington.

Panel discussions included pesticide handlers, grower representatives, and safety professionals from Dovex and St. Michelle Vineyards.

All sessions were offered in English and Spanish. See the Agriculture Days brochure at:

www.wagovconf.org/files/AgSafetyDay07.pdf.

Governor's Industrial Safety and Health Conference

Washington's 56th Annual Industrial Safety and Health Conference will be Sept. 26-27, 2007, at the Tacoma Convention and Trade Center. Thousands of workers are injured and approximately 100 workers die from job-related injuries each year. Many of these injuries and deaths are preventable. The conference provides resources to assist employers in the design and maintenance of a sound safety and health culture at their workplaces. Every year, the conference offers two days of training and education, providing the latest tools, technologies, and strategies for workplace safety and health. Alternating between the eastern and western side of the state, the annual event attracts approximately 3,000 safety and health attendees. More than 300 volunteers, representing the diversity of industrial Washington, contribute to its success year after year.

In addition to the cutting-edge topics, presentations, and workshops, the conference will include a keynote speaker at the opening session, blockbusters featuring top-notch speakers, the 10th annual Forklift Rodeo, the 34th annual Pole-top Rescue Competition, and a safety and health product tradeshow where more than 100 exhibitors feature state-of-the-art products and services.

Also included in the conference is the Governor's Lifesaving Award presentation. This honorable award is given for personally performing urgently required "hands-on" actions in a lifesaving effort. At the 2006 conference, 43 people were presented either a lifesaving award or humanitarian award. These 43 individuals provided heroic aid to others who suffered from cardiac arrest, severe burns, near-drowning, auto collisions, and other perils. More information on Washington's Governor's Conference can be found at: www.wagovconf.org.



Washington DOSH

State Reports

Enforcement

Enforcement

Serious, repeat, willful violations and description.

Alaska

In the case of Rain Proof Roofing, LLC (Docket No. 04-2203), the **Alaska Occupational Safety and Health (AKOSH)** Review Board rejected the employer's defense of employee misconduct and affirmed a serious violation for failing to enforce the use of adequate fall protection measures by employees working on a roof. The board found that the employer had established adequate work rules regarding fall protection and had provided employees with the necessary equipment such as safety harnesses. However, the board concluded that the employer did not exercise reasonable diligence to discover violations of its fall protection rules, as there was no supervisor at the worksite when an employee decided to work on the roof without his safety harness, and one or two daily "spot inspections" by a supervisor was insufficient monitoring of the worksite. In addition, the board concluded that the employer's disciplinary program was not strict enough to ensure employee compliance with fall protection requirements, as there was no evidence that the employee was actually issued a disciplinary reprimand for the incident.

California

California law requires all employers to set up and maintain 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.

Citations for lack of exposure control plan for HIV — \$154,665

On Dec. 5, 2006, the **Cal/OSHA** High Hazard Unit (South) issued citations totaling \$154,665 in proposed penalties as the result of a follow-up inspection to verify abatement of previously observed hazards. The employer is an adult film producer who was originally inspected in 2004, after three employees contracted HIV.

The most recent citations consist of three Failure-to-Abate (FTAs), including lack of an exposure control plan.

Order prohibiting use of trench and citations for \$87,990

On June 8, 2006, while conducting interviews for the Cal/OSHA Intern Program at the University of California, Riverside campus, Cal/OSHA staffers observed an excavation taking place adjacent to an existing roadway. By contract, Riverside Construction was to excavate part of the roadway to properly slope the trench. However, this was not being done.

When Cal/OSHA observed the excavation, it was 1/3 to 1 slope, 23 feet deep with fissures developing on the roadway wall. There were two employees inside the trench. Previously disturbed soil was present with vehicular traffic. Cal/OSHA immediately issued an order prohibiting use of the trench/excavation.

The following factors were present: (1) previous soil engineering report that required 1 to 1 sloping, (2) the June graduation occurring at or near the time (altering the traffic for the graduation attendees), (3) previous activity at the same location resulted in the use of a trench shield, and (4) the supervisor on the job was experienced in trench/excavation work having worked about 28 years for the employer. Based on these facts, the employer was cited two general violations, three serious violations, and one serious willful violation with penalties totaling \$87,990.

Citations related to fatality due to trench cave-in — \$164,750

Cal/OSHA issued jumbo, serious willful citations with civil penalties totaling \$164,750, after a trench cave-in fatality in San Bernardino, as part of the 210 Freeway extension.

On Feb. 25, 2006, a trained and experienced general superintendent (competent person) and a pipe layer (level V1) entered an unprotected 33-foot-deep trench (a jacking pit to make a horizontal bore for a storm drain) to unhook the rigging cables of a choker harness from a trench shield (16'L X 15'W X 10'H), located at the bottom of the trench at the west end. As the superintendent and the pipe layer were in the process of unhooking the cables, the north wall of the trench suddenly caved-in without warning, burying the employee under a pile of dirt. The pipe layer died due to asphyxiation. The superintendent did not sustain any injury. The employees were exposed to approximately 23-foot-high walls of granular sand (type-C soil) on both sides over the wall tops of the trench shield along with the open side at the west end.

Additionally, each of the three controlling employers were issued a serious accident-related citation and civil penalty of \$18,000.

Violation approach in cases involving death and/or serious injury

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. The criminal investigations and heavier penalties for those criminally responsible for workplace death or injury are a powerful deterrent.

Prosecution related to employee fatality in fall from roof

Cal/OSHA issued one serious and four other-than-serious citations totaling \$20,375 involving the death of an employee who fell from the edge of a residential roof. The employee fell 18 feet from the edge of a two-story residential roof while performing roof-sheathing activities. The employee was not using fall protection equipment at the time of the fall, and sustained multiple injuries. The employee died 23 days later.

On Nov. 27, 2006, the employer pleaded nolo contendere to two misdemeanors, receiving three years court probation and a \$20,000 fine. Remaining counts were dismissed in the interest of justice.

Prosecution related to employee injury from ignition of explosive pellets

Cal/OSHA issued a total of 11 citations with civil penalties totaling \$247,350 related to an accident that involved a 17-year-old minor who was filling a keg with explosive pellets. The pellets ignited, causing second- and third-degree burns to the employee's face, arms, hands, and legs. The employee was hospitalized for three months.

Cal/OSHA believes the employer failed to provide the proper personal protective equipment such as fire-retardant clothing and gloves, face and eye protection, and therefore issued three willful citations alleging the employer had actual knowledge of the regulation, the hazard of the process, and was informed as to the proper personal protection equipment to be used (from a previous inspection) and failed to do so.

On Sept. 18, 2006, the employer was convicted of four misdemeanors and was ordered to pay a fine of \$300,000 of which \$200,000 was stayed for one year. The employer agreed to donate \$50,000 to the Amador Sutter Hospital, \$25,000 to the Jackson Fire Department, and \$25,000 to Ione Fire Department.

Prosecution related to fatality due to unguarded point of operation

On April 25, 2005, the victim, while walking under a coil-slitting system between the recoiler and tension stand, was pulled into the unguarded point of operation of the recoiler. The victim was crushed as the metal rewound on the recoiler's mandrel. The victim died at the scene.

Cal/OSHA's investigation resulted in five serious citations and one other-than-serious citation totaling \$53,620.

On April 18, 2006, the employer pled guilty to two misdemeanors and two felonies. The employer received 36 months probation and was ordered to pay a \$130,000 fine to the Court, submit to search of business without reasonable cause by law enforcement or Cal-OSHA, and pay \$120,000 to the California District Attorneys Association for worker safety training.

Indiana

In FY 2006, Indiana conducted 1,392 inspections and issued 772 safety orders. These 772 safety orders resulted in 1,482 separate violations. A total of 1464 violations were categorized as serious, 17 as repeat, and one as a willful violation.

Kentucky

In FY 2006, **Kentucky Occupational Safety and Health (Kentucky OSH)** worked on updating the procedures for calculating penalties, which will become effective for all new inspections opened after Jan. 1, 2007. These new procedures adjust all penalties for inflation in order to maintain a sufficient deterrent and shift the penalty policy within existing statutory authority to place a stronger deterrent on hazards of the greatest gravity, such as hazards that are capable of causing death or permanent disability and have maximum probability. These new procedures allow an additional penalty reduction to promote immediate abatement of the violation in the presence of the compliance officer.

Also, Kentucky OSH has partnered with Eastern Kentucky University, OSHA Training Institute Education Center for Region 4 to provide its 10-hour and 30-hour training classes for Construction and General Industry, in both classroom and online format. Compliance has started requiring, in both informal and formal settlement agreements where warranted, that employers have their job supervisors/job superintendents complete the online OSHA 10-hour or OSHA 30-hour class as part of a compliance settlement agreement.

Case Study

BP WHITING PETROLEUM REFINERY

Indiana

After a March 2005 explosion at a BP refinery in Texas City, Texas, Indiana began a conversation with a similar refinery in northwest Indiana, and federal OSHA began an inspection of a similar Oregon, Ohio facility. After the inspection in Ohio, a number of Process Safety Management (PSM) issues were uncovered. This, combined with federal OSHA's EEP Employer Alert #2: BP Products of North America, dated July 11, 2005, prompted Indiana to conduct its own inspection of the Indiana plant.

The inspection team consisted of five state compliance officers and one "borrowed" federal inspector, and lasted four months on-site. Indiana Safety Orders were issued that identified several alleged hazards due to PSM deficiencies. As issued, the safety orders alleged violations of 16 separate standards, with five of those violations classified as knowing (willful), and proposed a penalty of more than \$380,000. The safety order was contested and is presently in administrative adjudication.



Indiana OSHA

BP refinery.

Case Study

CONFINED SPACE VIOLATIONS LEAD TO ENFORCEMENT ACTIVITY

Iowa

In July 2002, Iowa OSHA initiated an investigation of an accident that claimed the lives of two employees and hospitalized five other employees when they were overcome by toxic gases while relining a pipe in the sewage system of a large Iowa city. The company was cited for several violations of the confined space standards, and the city was cited for violations as the responsible host employer. After several reversals during the contest procedure, Iowa OSHA's citations and penalties of approximately \$800,000 were affirmed by the Supreme Court of Iowa.

Maryland

Maryland OSHA (MOSH) Compliance visited 602 employers in FY 2006, issuing two willful, 62 repeat, 1,687 serious, and 1,454 other than serious (OTS) citations affecting 82,399 employees.

During the fall of 2006, all inspectors of the Region 1 office participated in compliance inspection activity across multiple construction sites in Ocean City, Md. Three of the largest sites on the construction assignment list in the area were targeted. In all, 19 employers were inspected, yielding 55 serious violations and 39 OTS violations. This small-scale effort was time well-spent in effectively improving site conditions and will likely be an activity we will perform again in the future, should conditions warrant.

Michigan

Michigan OSHA (MIOSHA) 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. MIOSHA has recently piloted a focused inspection concept as an alternative to wall-to-wall inspections. Under this approach, significant industry hazards are the focus of inspections. This approach was determined to be an effective use of agency resources and has been expanded.

MIOSHA initiated an increased focus on health issues at construction sites by piloting joint safety and health inspections. Construction safety and health officers are cross-trained to recognize significant hazards outside their areas of expertise. This program continues to be very successful, with 152 combined inspections in FY 2006.

The MIOSHA General Industry Safety and Health Division has developed a new targeting initiative that focuses on high-risk facilities identified by the strategic plan. The division will reinspect 339 employers during the coming year. The purpose of the return visits is to see whether employers are maintaining safety and health measures put in place to satisfy a previous inspection.

MIOSHA has received 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 significant reductions in the rate of elevated blood leads in Michigan adults.

On Oct. 17, 2006, the Michigan Court of Appeals ruled Lanzo Construction Company guilty of a MIOSHA violation based on its interpretation that a foreman showed indifference to a safety concern that ultimately resulted in the death of a worker. The case, *People v. Lanzo Construction* (No. 260738), centered around the death of Robert Whiteye, a pipe layer who had a 15-to 20-foot trench collapse around him.

On Oct. 21, 2004, Lanzo Construction Company was found guilty in the 6th Circuit Court of a MIOSHA felony in the 1999 workplace fatality of Whiteye. On Jan. 5, 2005, the company received two years probation and the maximum statutory penalty of \$10,000 for the MIOSHA felony. The company appealed the verdict.

The Court of Appeals ruled: "Accordingly, the trial court not only employed the proper definition of willfulness as it relates to MIOSHA violations, there was sufficient evidence to support its conclusions of law on this issue."

The MIOSHA Construction Safety and Health Division cited Maco Concrete Inc. with \$103,600 in proposed penalties for a trenching fatality. One Maco employee died and one was seriously injured during a trench cave-in on April 23, 2006. The MIOSHA investigation revealed the company had at least three non-fatal trench incidents prior to the fatal cave-in. Based on provisions in the MIOASH Act, every willful violation associated with a fatality is referred to the Michigan Attorney General's Office for possible criminal investigation and/or prosecution. The attorney general has filed a complaint with respect to criminal prosecution of Maco Concrete.

Case Study

SETTLEMENT AGREEMENTS

Kentucky

Kentucky Occupational Safety and Health (Kentucky OSH) has achieved the goal of 60 percent for settlement agreements with comprehensive safety and health programs. While the number of these settlements is small, Kentucky is pleased with this level of success due to the impact these settlements can have on worker safety and health. This goal typically impacts large numbers of workers in some of the most hazardous workplaces identified in Kentucky. In several settlement agreements, Kentucky required the employer to provide 30-hour OSHA training to supervisors as part of the consideration for a reduction in the penalty.

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, **Minnesota OSHA (MNOSHA)** has issued nonnegotiable fines in 80 fatality cases.

In 2003, the Legislature amended the fatality penalty provision again to give relief to employers with fewer than 50 employees. In fatality cases involving small employers where there are no willful citations, the employer is initially assessed \$5,000 and then \$5,000 for each of the following four years. The Minnesota Department of Labor and Industry commissioner may elect to waive the \$5,000 fine for any of the four years if the employer received no citations in the preceding calendar year. In addition, the Legislature enacted a provision that states the nonnegotiable fine does not apply if the business employs fewer than 50 employees and the deceased employee owned a controlling interest in the business.

New Mexico

New Mexico OSHA (NM OSHA) again conducted a series of compliance blitzes in a variety of industries and regions of the state. The strong enforcement presence was focused on residential construction, agriculture, oil and gas, and convenience stores. The compliance section ended the year with more than 600 inspections and exceeded all goals set forth for FY 2006 Local Emphasis Programs.

Compliance officers spent a full week in the San Juan Basin and a second week in the Permian Basin conducting inspections of oil and gas well sites. There was a significant reduction in the number of serious violations identified in 2006 compared to 2005, indicating a positive industry response to a strong enforcement presence.

A strong emphasis on enforcement in residential construction in the Albuquerque/Rio Rancho area also occurred in FY 2006. During the month of June, 43 inspections were conducted in the Albuquerque metropolitan area, with more than 60 citations issued. The most common violations were for scaffolds, electrical, and fall protection.

Case Study

THREE SIGNIFICANT CASES

Minnesota

Fatality: An employee was directed to operate a stand-up forklift to move pallets of paper. The overhead guard and load backrest had been previously removed by the employer. While the employee was moving two pallets of paper, each weighing 1,200 pounds and stacked one on top of the other, the top pallet fell onto the employee. Minnesota OSHA (MNOSHA) issued two willful citations and two serious citations, resulting in a total penalty assessment of \$72,200. The employer is currently paying the penalties by payment plan.

Fatality: An employee was in the process of loading feed through a grated hole in the floor when the flow of feed stopped from a bridged condition that created a void between the feed and the floor grate. While the employee was standing on top of the feed, attempting to clear the bridge by poking a long pole into the feed, the feed below the employee collapsed, drawing the employee into the void. While others attempted to rescue the employee, the feed shifted and completely engulfed the employee. MNOSHA issued two willful citations and numerous serious citations, resulting in a total penalty assessment of \$159,300. The employer has contested the citations.

Asbestos: This inspection was a referral regarding employee exposure following improper removal of asbestos-containing materials from the basements of two old properties. When they were asked, company management informed workers there was no asbestos in the property. Crude removal methods were employed. The removed building materials were contaminated, never cleaned, and returned to a retail store without informing the store of any possible contamination. MNOSHA issued three willful citations and 14 serious citations, for a total penalty assessment of \$70,000. The employer filed a late contest; the citations are final.

North Carolina

Enforcement activity continues to be an integral part of North Carolina State Plan. In 2006, the **North Carolina Occupational Safety and Health Division** conducted 5,038 safety and health inspections. The state's strategy for investigating significant cases includes mobilizing adequate resources, including equipment and personnel, conducting a thorough investigation, and sharing any significant findings with others who might benefit from the information. North Carolina prepared and distributed an industry alert on the hazards associated with 1-bromopropane after inspecting a manufacturing facility in which employees were exposed to the chemical, which was being used as an adhesive in making furniture cushions. There is no standard for 1-bromopropane, so the North Carolina General Duty Clause was cited. Eight employees in the furniture plant became seriously ill with damage to their nervous system that caused leg numbness and unsteady walking.

Oregon

In FY 2006, **Oregon OSHA** conducted a total of 4,876 enforcement inspections.

Boise Cascade Fatality

Oregon OSHA cited Boise Cascade LLC for violations involving the death of a worker at its wood products facility in Umatilla. The citations contained three safety violations and assessed civil monetary penalties of \$142,500.

A chipping machine at the site included a safety bypass switch that would reduce production downtime in the case of wood jamming the machine. Attempting to clear the jam, Gordon Cecil, 52, of Hermiston, heard the jammed wood release and ran for cover. He was too late, and a fragment of log hit him in the back of the head, fatally injuring him.

The safety bypass switch defeated the manufacturer-installed safety interlock system, and with the safety bypass enabled, clogs could be cleared with the hood raised. Violations consisted of two willful violations (\$70,000 each), and one serious violation (\$2,500).

The employer appealed and settlement was reached, reclassifying the willful violation to serious, and final penalties reduced to \$79,500. Corporate change of ownership was a factor that was not evident at the time of the original citation.

South Carolina

Last year, **South Carolina OSHA** issued two willful citations to a contractor installing a main water line. The willful citations were issued for failure to have a competent person conduct an inspection and for failure to provide a protective system (see Photo). In this situation, employees were using the bucket of the backhoe to hold back a caving wall. This employer had been cited on several previous occasions for the same or similar situations.



South Carolina OSHA
Trenching enforcement action.

Tennessee

Tennessee OSHA (TOSHA) conducted 2,348 inspections during the 2006 calendar year; 40 of these were fatality investigations and two were catastrophe investigations. There were 4,058 serious citations and five willful citations issued. The willful citations were for fall hazards associated with scaffolding violations for one construction contractor, and cave-in hazards associated with excavation violations for another. TOSHA has a special emphasis program for both trenching and fall hazards.

Virginia

Virginia Occupational Safety and Health (VOSH) leverages resources from other state agencies to enhance its ability to respond to serious workplace accidents through several interagency agreements. The Virginia Workers' Compensation Commission provides copies of all Employee Accident Reports, which are reviewed to identify certain accidents for on-site inspection (e.g. amputations). The Virginia Department of Transportation (VDOT) provides referrals from its safety inspectors when serious hazards are identified that are not immediately corrected by subcontractors. The Virginia Department of State Police and local Sheriff's Departments immediately notify VOSH of fatalities and catastrophes in order to improve response time.

Virginia has long used specialized settlement agreements for select cases involving fatal accidents, willful violations, or employers with poor safety and health records. Terms of such agreements may require employers to do any of the following: develop comprehensive safety and health programs; provide VOSH with monthly lists of active construction sites for inspection scheduling purposes; hire a full-time safety and health professional to run the company's safety and health program; implement comprehensive and specially targeted training programs for employees and supervisors; require the company CEO or other high-ranking managers to personally and periodically visit job sites to ensure safe and healthful work practices; require the president or other high-ranking management personnel to attend safety and health training courses; and develop a disciplinary system that provides for documenting violations of safety and health work rules and progressively institutes severe internal penalties culminating in the possible removal of the unsafe employee. To give certain employers marketplace incentives to continue focusing on safety and health issues after a case is settled, VOSH has also agreed to excuse a certain portion of the penalty if no violations of the items cited in the original inspection recur within a set number of years, and to excuse part of the penalty if the employer requests the services of VOSH Consultation.

Virginia law provides criminal penalties of up to \$70,000, imprisonment up to six months, or both for the first occurrence of any willful violation that causes the death of an employee. A second occurrence can double the fine and sentence. Virginia has instituted a manslaughter policy that recommends criminal prosecution for manslaughter against any person whose flagrant violation of VOSH laws results in the death of an employee. Virginia has successfully prosecuted both criminal willful and manslaughter charges in multiple jurisdictions.

Washington

Heat-related illness

In June 2006, the **Washington Division of Safety and Health (DOSH)** adopted an emergency rule that required employers with outdoor workers to have a safety plan to protect workers from heat-related illness (HRI) during hot weather. Working outdoors in hot weather can put employees at risk for heat exhaustion or heatstroke. Workplaces must have a safety plan for training employees in recognizing symptoms and preventing heat-related illness. DOSH started with an existing rule on indoor temperature exposure, which was modified to include outdoor workers. A hazard-awareness effort was launched to educate employers and workers in the industries most affected by hot weather, which was supported by both business and labor organizations.

To be in compliance with the emergency rule, employers were required to do the following: evaluate whether heat could be a problem based on temperature and humidity levels; address potential hazards in their accident prevention program; provide and encourage employees to drink adequate amounts of safe drinking water; ensure appropriate first aid is available, which includes recognizing signs and symptoms of heat stress; and ensure that employees take necessary rest breaks.

During the time the emergency rule was in effect (June 1, 2006 through Sept. 15, 2006), DOSH inspectors and consultants documented 558 cases where employers addressed heat-stress issues. A total of 215 HRI violations were cited by compliance, and 52 hazards addressed in consultation visits. A permanent rule is now being developed. For more information on Washington's approach to preventing heat-related illness, please visit: www.lni.wa.gov/safety/topics/AtoZ/heatstress.



Washington DOSH
Crane delivering a sling load.
Worker is using a tag line.

Tower crane collapse

In November 2006, following the collapse of a tower crane that killed one resident in downtown Bellevue, a statewide advisory was issued, urging all owners and employers using tower cranes to perform a structural inspection of their cranes. Advisory recommendations are as follows:

- All owners and employers using tower cranes should perform a visual inspection of the tower base and tower for structural integrity problems, including looking for cracks, cracked welds, stress fractures, chipped or flaking paint, loose bolts, and rust spots.
- The tower crane operator's responsibility is to inspect the cranes on a frequent and



Washington DOSH

Construction is booming in downtown Bellevue.

periodic basis. Frequent inspections are daily to monthly, depending upon the component to be inspected. Periodic inspections are required monthly to yearly, depending on the use of the crane.

As part of any complete inspection of a worksite involving cranes, DOSH inspectors will verify that an employer has fulfilled responsibility to inspect cranes on a frequent and periodic basis.

An investigation of the cause of the collapse is still under way. Later, a second crane at a different worksite was found to have structural cracks. It was disassembled and no injuries occurred.

Due to the high level of concern over public and worker safety and the prevalence of tower cranes in densely populated areas, the need for enhanced regulations related to construction crane safety was addressed by the Washington State Legislature. On April 10, 2007, Governor Christine Gregoire signed the Crane Safety Act which provides some of the most comprehensive construction crane safety requirements in the country.

After the new laws go into effect Jan. 1, 2010, crane operators will be required to complete training and certification requirements through accredited crane operator testing organizations. Cranes will be required to be inspected and certified for operation on an annual basis by third-party inspectors who have been certified by DOSH. DOSH safety inspectors will still be responsible for inspecting construction worksites to ensure that cranes have been properly inspected and certified. DOSH plans to start developing the crane program immediately, including rulemaking and development of a data tracking system.



Washington DOSH
Tower crane at work in downtown Bellevue.

Access to agricultural worksites

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

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

Wyoming

Site-specific targeting

In 1994, Wyoming's State Plan merged with its workers' compensation system, providing access to employers' compensation data. With 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 their experience modification rating. Instead of concentrating on specific industries, Wyoming Compliance is able to focus on individual employers. Companies identified for inspection are offered the opportunity to request a consultation visit in lieu of this inspection: 75 percent of employers take this option.

Settlement agreements

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; or 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! A consultation audit and other consultation services are made available to the employer, as needed.

A successful method employed by Wyoming Compliance for reducing claims in inspected companies has been the 75/25 plan, where an employer is offered a 75 percent penalty reduction if workers' compensation claims are reduced by 25 percent during the next 12 months.



Washington DOSH
Window washers using rope descent system and boatswain.



Washington DOSH

State Reports

State Initiatives

State Initiatives

New temporary standards or areas of particular focus, which may not be documented in your strategic plan. What motivated this focus, how have you reached your target population, and any results (or expected results if multi-year).

California

California OSHA Responds to Risk of Respiratory Disease from Flavoring Substances — Advisory Committee on Diacetyl

Responding to several reports of serious respiratory disease among employees in flavor manufacturing companies in California, **California OSHA (Cal/OSHA)** is addressing the problem through enforcement inspections, on-site consultative assistance, and development of a new regulation. Cal/OSHA has convened an advisory committee to study the problem, and is using input from a number of agencies studying the problem through medical monitoring of employees and data from Cal/OSHA enforcement and consultative visits.

In August 2004, Cal/OSHA opened an inspection at a flavor manufacturing location in southern California after being contacted by a pulmonologist. The physician, mindful of National Institute for Occupational Safety and Health (NIOSH) findings of serious respiratory disease in microwave popcorn manufacturing, recognized the possible connection between a patient's serious lung condition and the patient's employment in a flavor manufacturing company.

The resulting inspection revealed uncontrolled chemical handling practices that contributed to employee exposure, and the lack of an effective respiratory protection program. The employee was diagnosed with bronchiolitis obliterans, a debilitating and often fatal disease that is triggered primarily by diacetyl exposure. Diacetyl is an artificial flavoring.

In light of the NIOSH findings of serious respiratory disease in microwave popcorn workers, apparently associated with exposure to artificial butter flavoring, Cal/OSHA recognized a potentially serious problem that demanded a proactive industry-wide response. Cal/OSHA initiated discussions with NIOSH, the Flavor and Extract Manufacturers Association (FEMA), the California Department of Health Services (DHS), and researchers at the National Jewish Medical and Research Center (NJMRC) in Denver. NJMRC and FEMA had been working together since the late 1990s to provide training and informational materials to member companies about the problems identified in flavor manufacturing.

In April 2006, a second case of serious respiratory illness was reported at another California flavor manufacturing location and an enforcement inspection ensued. Cal/OSHA initiated a special emphasis program, Flavor Industry Safety and Health Evaluation Program (FISHEP). (*See case study, page 29*).

In addition to its on-site work at flavoring manufacturing locations, Cal/OSHA is holding public meetings to discuss the need for, and possible elements of, a regulation to address risk of respiratory disease in flavoring manufacturing. Meetings are also being held at locations where flavors are used in food product manufacturing. Results of the special emphasis program will serve as a basis for discussion of a proposed standard.

Two bills have been introduced in the California Legislature dealing with diacetyl. The Senate bill declares that it is necessary for the state to develop a precautionary approach regarding the production, use, storage, or disposal of products containing diacetyl. This bill would prohibit manufacture, processing, or distribution of products containing diacetyl after June 1, 2008. Under specified conditions, the effective date of the prohibition may be extended for two years. The Assembly bill would require the Cal/OSHA Standards Board to adopt a standard by Jan. 30, 2008 that would prohibit the use of diacetyl in the workplace by Jan. 10, 2010.

PPE Guidelines against Avian Flu in the Poultry Industry

Worldwide fears of an avian flu pandemic have focused Cal/OSHA efforts on reducing the risk of an outbreak in the poultry industry in California. Avian influenza is a highly contagious and often serious disease among birds. In recent years there has been evidence of transmission of “highly pathogenic” strains to people who have been in close contact with infected birds. Employees who have been identified as being at risk of infection during avian influenza outbreaks have included poultry workers, veterinarians and animal inspectors, and workers involved in managing, culling, or disposing of infected birds.

Cal/OSHA has developed a matrix to provide guidance to employers in developing protective measures for employees, including personal protective equipment. The type and level of recommended protection are based on the likelihood that birds are infected, the type of work to be performed, and the context of the work operation. The matrix can be used as a guide to planning. If there is an outbreak, recommendations may change as more is learned about how the specific viral strain is transmitted and controlled.

The guidelines provide minimum recommendations for PPE for employees who might be exposed to birds or other animals potentially infected with avian influenza. Cal/OSHA continues to emphasize that PPE guidelines should be used as part of a comprehensive infection control program, including biosecurity, engineering and work practice controls, and medical surveillance.

Revisions to Permit Regulations

Cal/OSHA streamlined the permit process for high-risk construction activities. The newly revised regulation requires the project administrator — the person or entity that has overall responsibility for a project — to obtain a project permit. Only one project permit is required as long as the project administrator continues to act in that role. Other employers on the site may obtain an annual permit. Annual permits may be used at more than one worksite, but the permit holder is required to notify Cal/OSHA when work begins at a new site.

Project permits are required for projects involving: 1) the erection or demolition of a structure more than 36 feet in height; 2) erection, raising, or lowering a fixed tower crane; and 3) underground use of a diesel engine in a mine or tunnel.

Employers may obtain either an annual permit or a project permit for: 1) construction of trenches or excavations 5 feet or deeper into which any person may be required to descend; and 2) erection and placement of scaffolding, vertical shoring or falsework intended to be more than 36 feet in height when completed.

Annual permits are issued to specialty contractors such as steel erectors, concrete structure contractors, curtain wall installers, and other contractors involved in structural construction. The implementation of two sets of permits — project permits and annual permits — is expected to eliminate confusion in the permit process and make the process more efficient.

Following the initial implementation of permit regulations in the 1970s, Cal/OSHA experienced a marked decline in the number of fatalities and the number of non-fatal injuries resulting from cave-ins. The decline was attributed to several factors, including the improvement in shoring methods afforded by hydraulic equipment, which could be lowered into the ground, opened, and expanded to the size of the excavation. With the use of hydraulic equipment, workers no longer had to enter the excavation to install the shoring. Permit regulations and the requirement for pre-job conferences at the discretion of Cal/OSHA also contributed to the drastic decline in fatalities and injuries.

Underground Economy

California is continuing its aggressive enforcement efforts in the “underground economy,” which undercuts legitimate businesses and often subjects workers to substandard wages and employment conditions. The Economic and Employment Coalition (EEEC) is a multi-agency enforcement program consisting of investigators from the U.S. Department of Labor/Wage and Hour Division, the Contractor’s State License Board, the Employment Development Department, the Division of Labor Standards Enforcement, and the Division of Occupational Safety and Health (Cal/OSHA), formed to target industries operating in the underground economy.

EEEC was implemented with passage of the 2005-06 state budget, and was intended to eliminate duplication of effort. Prior to implementation of EEEEC, multiple agencies would contact the employer to determine if an employer is paying at least the minimum wage, carries unemployment and workers’ compensation insurance, and has a safety and health program. Under EEEEC, one official collects the basic information and partner agencies use standardized forms and protocols.

Businesses operating underground often pay cash wages, which allows them to avoid payroll taxes that fund unemployment insurance, disability insurance, and paid family leave; they often fail to pay income withholding tax; they often employ vulnerable workers (newly arrived immigrants), children, and the poor, to whom they often fail to pay even the minimum wage mandated by state or federal law. Businesses operating in the underground economy fail to carry workers’ compensation insurance, and often avoid minimum occupational safety and health requirements.

Target industries focused by EEEEC efforts have included agriculture, construction, car washes, garment, janitorial services, racetracks, and restaurants. Cal/OSHA staff members have participated in inspections and issued citations. Associated proposed penalties have reached approximately \$3 million.

Cal/OSHA EEEEC team members have also participated in educational outreach events and community radio and television interviews, giving the audience an opportunity to learn about Cal/OSHA and the services available, and ask questions.

Cal/OSHA Adopts Heat Illness Standard — First in Nation

In June 2006, the Cal/OSHA Standards Board adopted a permanent heat illness prevention standard — the first in the nation. The standard requires all outdoor workplaces to provide sufficient water (at least one quart per hour), shade (for non-agricultural operations, an alternative form of cooling), training, and prevention procedures. The standard went into effect July 27, 2006.

Cal/OSHA had held advisory committee meetings in the past regarding a standard related to heat illness prevention but never was able to get a standard approved. Fatalities related to heat-related incidents in 2005 amid worldwide concern for global warming issues added to the impetus for development of a standard. Sustained extreme hot temperatures in the state during the summer of 2005 were accompanied by an unusual number of reports of occupational heat-related illnesses and deaths. Cal/OSHA prepared a summary of heat-related compliance inspections and tracked 26 cases. Two-thirds of the heat illness cases occurred in agriculture and construction.

An emergency heat illness prevention standard was adopted in the summer of 2005.

Cal/OSHA is conducting a study on the effectiveness of the Heat Illness Prevention Standard and conditions observed during the heat-related investigations conducted last year, and plans to make further recommendations and develop training and educational materials.

During 2006, Cal/OSHA experienced one confirmed indoor heat fatality that involved an indoor heat process (carbon black manufacturer) and conducted six indoor heat-related investigations. Cal/OSHA is continuing to hold indoor heat advisory committee meetings to explore the need for an indoor heat illness standard.

Multilingual Communication

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 with the public it serves. It has translated recent publications into multiple languages, depending on the industry addressed. Cal/OSHA has issued publications in Spanish, Chinese, Korean, Russian, Tagalog, and Vietnamese. It distributed approximately 33,000 Spanish publications and recorded more than 229,000 Spanish publication Internet hits.

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

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

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

Connecticut

Connecticut OSHA (CONN-OSHA) is partnering with the Connecticut Department of Transportation (DOT), The University of Connecticut Transfer Technology, the Connecticut Police Chiefs Association, and the Federal Highway Administration to develop a Workzone Safety Hazard Awareness Training Program targeting law enforcement personnel. The training will emphasize their roles and responsibilities while assigned duties in workzones.

Iowa

As the result of a growing number of ethanol and bio-diesel plants being constructed in Iowa, approximately 30 to 40 employers received letters from Governor Vilsack, inviting them to Iowa's 35th Annual Governor's Safety Conference. The "Process Safety for Biological/Chemical Process Plants" program was prepared for conference attendees from this sector.

Because their rates were higher than the national average, 114 metal working machinery manufacturing companies received letters from Iowa OSHA. Nineteen companies requested consultation visits and specific training. **Iowa OSHA** staff members were able to obtain the participation of an additional 15 employers by "door knocking" and promoting our services.

In our efforts to interact more effectively with our customers and to enhance consistency, Iowa OSHA has dedicated one compliance officer to address complaints, designated several employees to review citations, and is interfacing more directly with trade organizations.

Kentucky

Kentucky Occupational Safety and Health (Kentucky OSH) has promulgated regulations, 803 KAR 2:180, that specifically address occupational injury and illness recordkeeping, as well as reporting of fatalities or multiple hospitalization accidents. These regulations are identical to federal OSHA's regulations. In addition, Kentucky adopted new regulations that became effective on Nov. 1, 2006, whereby Kentucky employers are required to report any work-related incident resulting in the in-patient hospitalization of one or two employees. The reporting requirement is limited to hospitalizations that occur within 72 hours of the incident. Employers will also be required to report any amputation suffered by an employee from any work-related incident. Hospitalizations of one or two employees and amputations must be reported to the Kentucky Department of Labor within 72 hours.

Kentucky's fall protection regulation was amended to specifically address residential construction. The regulation, which became effective Jan. 6, 2006, defines residential construction in Kentucky as construction work on a stand-alone single-family dwelling, duplex, 3-plex, or 4-plex structure. Employees engaged in residential construction activities working 10 feet or more above a lower level who are exposed to unprotected sides and edges, leading edges, hoist areas, form work and reinforcing steel, or roofing work on roof slopes 3 in 12 pitch or less, must be protected by guardrail systems, safety net systems, personal fall arrest systems, or a specific alternative measure established in the regulation.

The Division of Compliance has also dramatically increased the number of responses to imminent danger reports, especially related to fall and trenching hazards. The number of compliance inspections resulting from reported imminent danger conditions increased to 278 in FY 2006, a 403 percent increase from FY 2002.

Maryland

Maryland has seen a continuing rise in the Hispanic population, as have other states and communities across the country. In order to overcome the language barrier, **Maryland OSHA (MOSH)** purchased language phones for each of our regional offices. These phones can be used in regional offices or taken to job sites where there is an available phone line. MOSH has also hired a number of new compliance officers who are fluent in Spanish.

MOSH Training and Education offers a “Construction Site Safety” seminar in Spanish, “Seguridad en la Construccion,” which was presented twice in FY 2006. At the August seminar, a member of the Home Builder’s Alliance presented a supplement for Maryland’s residential fall protection requirements entirely in Spanish. Two more segments are scheduled for FY 2007.

MOSH Training and Education presented, in conjunction with the Maryland Small Business Development Center, training for Hispanic employers that targeted high-hazard areas for Hispanic workers such as fall protection and trenching and excavations. A financial institution was involved to assist these employers with equipment purchases to bring their workplace into compliance. This program will be expanded in FY 2007 to include a community college that houses a Hispanic Institute for Business.

We trained one of our alliance members and one of our Cooperative Compliance Partnership (CCP) members in Maryland’s Interim Residential Fall Protection policy, allowing them to bring this training to their respective companies and subcontractors.

MOSH continues to present the train-the-trainer curriculum for young worker safety, which was developed by the Young Workers Resource Center at the University of California at Berkeley. MOSH Training and Education and the Maryland Center for the Environment developed a course entitled “Teen Safety for Employers.” This course was presented in the spring of FY 2006 to employers in a resort area that hires young workers during the summer. This group supporting this initiative included two states, as well as federal OSHA.

Working through our Alliance with State Highway Administration we have begun working on putting safety in the “bid” — so all contractors bidding on state highway work zone contracts have a fair bidding process that includes standard industry safety practices. Our goal is that contractors will anticipate the State Highway Administration will have the same safety and health expectations as MOSH.

Michigan

Governor’s Construction Forum

On March 6, 2006, the **Michigan OSHA (MIOSHA)** program hosted the first Governor’s Construction Safety and Health Forum for the construction industry. More than 270 Michigan construction employees and employers attended the event to discuss their successes and the benefits of creating effective safety and health programs. These companies have developed an economic approach with workplace safety and health as the foundation — because it adds value to a company, conserves resources, and maximizes return on business investments.

“Extreme Safety” Youth Initiative

Work experiences can be hazardous, and the new “Extreme Safety” Youth initiative offers schools and employers tools to protect teen workers. In 2005, three of the 37 workplace deaths that were investigated were teen workers. This initiative provides young workers with information on workplace hazards — found at locations where teens are typically employed — and how to address them.

Launched in October 2006 at Royal Oak High School, the initiative includes a new brochure for young workers, “Extreme Safety: Important Facts for Working Teens,” a companion PowerPoint presentation, and a resource list. This material, together with a letter announcing the initiative, was mailed to 904 high schools and vocational schools in the state. The materials are available on the MIOSHA website.

Tree-trimming Initiative

Four of 26 general industry program-related workplace fatalities in 2006 involved workers in the tree-trimming and removal industry. This data motivated MIOSHA to create a new initiative for the industry. A letter, fact sheet, and PowerPoint presentation were sent to more than 800 Michigan employers in the tree-trimming industry advising them of their obligation to provide training for their employees, and of the hazards present in their industry. Employers were notified of the increased Safety and Health Division enforcement activities in the industry and invited to contact MIOSHA for help through the CET Division. All MIOSHA initiatives can be viewed online at www.michigan.gov/miosha.

Residential Construction Initiative

MIOSHA identified residential construction as an area that would benefit from increased attention. Many residential projects do not get inspected due to the transient nature of such work, and many projects are small and in remote areas. Many of these projects do not show up through reporting mechanisms that typically report higher dollar projects. In addition, the contractors involved are often small operators with little expertise in health and safety. However, a review of accident and fatality investigations indicates there are hazards that need to be addressed.

In an effort to show a greater presence in this area, MIOSHA designated residential construction as a Local Emphasis area. Safety officers and industrial hygienists in the Construction Safety and Health Division have increased their activity in residential construction, from 2 percent to 3 percent of inspection activity to more than 11 percent of inspection activity. The emphasis includes single-family dwellings and multiple-family units (e.g., duplexes, condominiums, apartment buildings).

MIOSHA continues to improve website access to publications, standards, and public notices, offering greater availability of information. MIOSHA uses a team approach to add/edit enforcement and compliance assistance documents. Some of the 2006 additions to the MIOSHA website include:

- A customer survey for the new MIOSHA Training Institute (MTI)
- The “Extreme Safety” Youth Initiative materials
- A “Take a Stand Day” page to allow the public to submit requests electronically
- A link to sister agency documents, e.g. DEQ’s “Michigan Manufacturers’ Guide to Environmental, Health, and Safety Regulations”
- Avian flu information

MIOSHA has posted 18 different “Construction Fact Sheets” on our website. The goal is to create short fact sheets that help employers and employees get information quickly to address hazards in the construction workplace and comply with MIOSHA standards.



Oregon OSHA
Fall Protection — guard rail all around.

Minnesota

Ergonomics

Minnesota OSHA (MNOSHA) Workplace Safety Consultation (WSC) began a study in January 2004 to determine the injury and illness impact at nursing-home facilities that use its services, compared to those that do not. To further educate long-term care facilities about managing ergonomics, MNOSHA provided five half-day educational sessions in 2006 to representatives of nursing homes in the study. Additional on-site consultative assistance was provided to five of the facilities in the study.

MNOSHA implemented a new approach to ergonomics consultation in July 2006. Based on WSC findings, and to ensure action is taken to minimize ergonomic risk factors, ergonomics management deficiencies considered “serious” are assigned an abatement timeframe, similar to hazard items identified during a typical consultation visit. These serious items are associated with existing injuries that have occurred at the facility with available methods for correction of the deficiencies. Consultation staff members also summarize “other-than-serious” items and recommendations for risk factors where no significant injury history is associated. Correction of these risk factors has a direct impact on reducing associated injuries and the risk of injuries. Previous consultations provided only recommendations, without the assigned abatement timeframes for any items. By October 2006, 13 serious and five other-than-serious hazard items had been issued, in addition to recommendations to reduce other potential risk-factors. The “A Workplace Accident and Injury Reduction (AWAIR) Program” statute is the standard used in Minnesota to issue serious and other-than-serious hazard items.

“Best practices” examples have been posted on the Department of Labor and Industry website to highlight ergonomic interventions used by Minnesota employers to reduce injury risks. The web pages were initiated through a partnership with IBM in Rochester, Minn. By identifying and documenting best practices through on-site consultations and receiving submissions from employers, Minnesota OSHA expects the webpages to be an extensive resource of successful ergonomics interventions implemented by Minnesota employers.

Workplace Violence Prevention

The Workplace Violence Prevention Program, administered by Minnesota OSHA Workplace Safety Consultation (WSC), is a 100 percent state-funded program. From Jan. 11 through Sept. 30, 2006, WSC was contacted about more than 70 violence-related issues. In response to the issues, WSC provided 12 violence prevention training sessions — covering 400 private-sector employers and employees; 10 interventions where the employer was contacted by telephone or in writing; and approximately 30 referrals to police, OSHA enforcement, the Minnesota Attorney General, or other government agencies.

Minnesota Statutes and Rules update

Minnesota-specific statutes relating to MNOSHA remained unchanged in FY 2006. However, FY 2005 legislative amendments relating to certification and regulation of crane operations will become effective July 1, 2007.

An annual review of Minnesota-specific rules was conducted; no Minnesota Rules were recommended for repeal in FY 2006.



Oregon OSHA
Safe patient handling reduces injuries in caregivers.

Nevada

Ergonomics: Nevada OSHA's Safety Consultation and Training Section (SCATS) continued to conduct ergonomic presentations. Training programs included ergonomics awareness and ergonomic concerns related to computer terminals.

Workplace Violence: Nevada's Safety Consultation and Training Section presented several day-long programs on "Workplace Violence" to enhance employer awareness. Shorter conference programs were also conducted at the request of employer associations.

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

Each April, SCATS conducts activities to promote safety and health in the workplace among the Hispanic workforce, including bilingual safety classes and participation in safety and health fairs throughout the state. Nevada's annual Hispanic Safety Month activities held in April 2006 were again a success. SCATS presented six safety and health courses in Spanish, made conference presentations in Spanish, and staffed booths at several Hispanic community outreach activities in an effort to enhance safety awareness.

Nevada OSHA has produced Spanish and English videos, compact discs, and pamphlets on "Rights and Responsibilities." Nevada statutes mandate that employers provide the "Rights and Responsibilities" information to their employees, who in turn must sign to confirm that they have reviewed the information. The pamphlets are also available on the SCATS website.

SCATS instituted an e-mail service to notify customers when the Safety Tip of the Month is posted on the SCATS website. Additionally, requests for training services can now be handled online.

New Mexico

During FY 2006, participation in cooperative agreements increased, as did the number of consultation requests received. These increases were, in part, due to staff presentations on **New Mexico OSHA's (NM OSHA)** partnership programs in the construction industry and the Voluntary Protection Program cultivated with the New Mexico Chapter of the American Society of Safety Engineers 31st Annual Health and Safety Conference.

NM OSHA kicked off a new initiative to improve safety performance in the oil and gas industry with a presentation held at an oil and gas conference in Farmington. The presentation generated numerous follow-up meetings with company officials to discuss their participation in a partnership program.

NM OSHA entered into a collaborative agreement with the New Mexico Health Registry (NMHR) to gather data on silicosis cases in New Mexico. One of NM OSHA's Local Emphasis Programs focuses on silicosis, so the mutual assistance will be valuable to both agencies. NMHR has also been analyzing occupational mortality data and will be sharing its findings.

NM OSHA sponsored a two-day seminar to present basic health and safety information to 60 representatives of various state agencies including General Services, Health, Game and Fish, Transportation, and Energy Minerals and Natural Resources.

NM OSHA sponsored 30-hour training courses in Spanish and English for construction industry supervisors in April, August, and October 2006 in Albuquerque. Class participants included construction business owners, a wastewater treatment plant supervisor, an underground utility construction supervisor, and numerous representatives from the residential construction industry.



Oregon OSHA

Crane (stock photo)

New York

Legislation was enacted in 2006 requiring public employers (other than schools covered under the school safety plan requirements of the education law) to perform a workplace evaluation or risk evaluation at each worksite. This law requires employers to develop and implement programs to prevent and minimize workplace violence caused by assaults and homicides. The law is designed to ensure that the risk of workplace assaults and homicides are regularly evaluated, and that workplace violence prevention programs are implemented to prevent and minimize the hazard to public employees. Resources to assist in the preparation of these plans are posted on www.labor.state.ny.us.

North Carolina

Communication Tower Standard

The first Communication Tower Standard in the country has been approved in North Carolina with an effective date of May 1, 2005 for most of the standard's requirements. The standard includes: 100 percent fall protection requirement for tower work above 6 feet, hazard assessment provisions, and training requirements. Industry groups and other stakeholders helped in the development of the standard. The death of 10 workers since 1997 prompted the standard development process.

Oregon

Working conditions among piñeros (tree planters, brush clearers, and other forestry support activities) received national attention with several articles published in the Sacramento Bee. Workers were injured, subjected to harsh conditions without proper personal protective equipment, and faced other issues not under OSHA jurisdiction involving wage and hour violations. In an attempt to track down suspect employers, **Oregon OSHA** obtained lists of U.S. Forest Service contracts through the OSHA Portland area office for scheduling, and issued a program directive with instructions for field staff. While such worksites are highly mobile and notoriously hard to track down, we have started to get the word out in the field.

Division 4 (Agriculture) rule changes related to respiratory protection were accepted in October 2006, with an effective date of March 1, 2007. Sections were reworded for clarity and plain language, and new provisions include: annual fit testing requirement, conditions for when a written program is required and what it must contain, voluntary use requirements, IDLH (Immediate Danger to Life and Health) requirements, and maintenance/repair of respirators.

May 9, 2007 was the fifth-annual "Safety Break for Oregon" day. OR-OSHA encourages employers to take a break with their employees to focus on safety and safety recognition. This year had a particular focus on motor vehicle safety, which is the largest category (representing more than 25 percent) of on-the-job fatalities in the state, mirroring national statistics. Some recommendations include checking employee driving records and maintaining a written policy.

Some new publications recently posted on our website:

- "Asbestos Fact Sheet," with Q&A and references to our administrative rules covering exposure and removal in construction, general industry (including automotive work), agriculture, and shipyards. A Hazard Alert was also issued with particular focus on automotive work focused on brake and clutch repair. The alert included the risks associated with asbestos exposure, and resources for contacting OR-OSHA for a free consultation.
- "Young Workers Brochure," oriented to youth workers, providing specific information on hours and types of prohibited work for various age ranges, and guidance on reporting injuries.
- "Safety Committees for the Real World," providing guidance to employers in setting up safety committees, requirements for participants, and topics for discussion. All of our publications can be found at www.orosha.org.

Case Study

HIGH PROFILE CONSTRUCTION PARTNERSHIPS

North Carolina

The North Carolina Occupational Safety and Health Division signed partnerships with three construction companies reflecting high-profile construction projects throughout the state. These projects include the new Raleigh Convention Center, a high-rise condominium complex in Charlotte, and a wastewater treatment plant in Wilmington. The purpose of the partnerships is to prevent fatalities and reduce the rate of workplace injuries and illnesses. Partnerships allow the division to work cooperatively with companies that are committed to employee safety and health.

Tennessee

Sharps injury reduction

Tennessee OSHA (TOSHA) has instituted a targeted training and inspection initiative to reduce sharps injuries in hospitals and ambulatory surgical treatment centers. During inspections conducted in such facilities in recent years, TOSHA observed a failure to comply with the sections of the Bloodborne Pathogens Standard requiring the use of sharps with engineered sharps injury protection. Sharps injury logs collected during inspections listed many pages of needlestick injuries.

The first year focused primarily on targeted training. Tennessee OSHA trained more than 800 employer representatives in 40 seminars across the state. Tennessee OSHA developed a scheduling system for inspections from lists of all licensed hospitals and ambulatory surgical treatment centers licensed by the state health care licensing board. TOSHA also used this list to notify the facilities about the initiative, invite them to free seminars conducted around the state, and to solicit sharps injury logs.

TOSHA developed a sharps program checklist for compliance officers to ensure uniform enforcement across the state. The checklist was also provided to medical facilities during training classes. Reduction in the number of sharps injuries across the state will be measured by the number of sharps injuries recorded on sharps injury logs from the 161 hospitals and 158 ambulatory surgical treatment centers over a five-year period.

Virginia

Virginia Occupational Safety and Health (VOSH) has adopted a final amendment to §1926.269(c)(1)(i) that makes the construction industry safety requirements for electrical transmission workers identical to the corresponding federal general industry regulations, §1910.269(l)(2)(i). The current federal general industry and construction industry regulations are essentially identical except for qualifying language in §1910.269(l)(2)(i) of the general industry standard that specifies that the wearing of protective gloves and sleeves only qualifies as insulation for the live electrical part upon which the employee is working.

The effect of this language is that all other live or “hot” electrical parts and power lines would have to be insulated so an employee could not accidentally contact an energized part or power line with some other uninsulated part of his body, or other conductive object(s). The similar, but less stringent language in the current federal identical construction standard §1926.269(c)(1)(i) specifies that the wearing of protective gloves and sleeves will qualify as insulation for any live electrical part in the area where the employee is working. The effect of this language is that the employee can be exposed to many uninsulated live electrical parts in his work area, but only actually be protected from touching them with his hands and arms through the use of gloves with sleeves.

The need for this rulemaking was made evident to the VOSH Program during the investigation of a fatal accident in the Commonwealth. A construction electrical transmission employee, who was wearing properly rated insulating gloves and sleeves was fatally electrocuted when he apparently touched an uninsulated 7600-volt power line with his neck/shoulder. The victim was working on one energized electrical part, and was effectively insulated from it through the use of gloves with sleeves. However, he was not protected from accidental contact with other live electrical parts in the immediate work area.

The department conducted a legal review of federal Occupational Safety and Health Review Commission cases involving facts very similar to the above cited fatality. Those federal decisions concluded that no OSHA violation occurred as long as employee(s) were wearing the appropriate gloves and sleeves, even though the employees were killed due to contact with other live parts of the power lines. NOTE: Virginia is also amending similar less stringent language contained in §1910.268(b)(7)(i) that will make the Telecommunications Industry safety requirements for work around electrical transmission lines identical to the current federal identical general industry regulation counterpart, §1910.269(l)(2)(i).

The Information Technology Division of the Virginia Department of Labor and Industry (VDOLI) is implementing cost-saving measures by moving from the more expensive leased telecommunication lines to less expensive DSL circuits. After performing an analysis, it was determined that DSL technology is available in all parts of the state where agency offices are located.



Washington DOSH

Lineman trimming branches away from power lines.

Washington

Washington’s Discrimination Investigations Program continues its performance with exemplary timeliness, merit, and settled case rates. In 2006, the **Washington Division of Occupational Safety and Health (DOSH)** received 90 complaints that were investigated. Of these cases:

- One hundred percent of all investigations were completed within the 90-day statutory timeframe.
- Thirty-seven percent were determined to have merit.
- Seventy-nine percent of merit investigations resulted in make-whole settlements.
- Thirteen percent were deferred to the Attorney General’s Office for litigation following a merit determination.
- Two employees were reinstated to their jobs.
- A total of \$91,858 was obtained from employers in settlement agreements and returned to complainants.
- Sixty-two additional complaints that failed to meet requirements for a prima facie case were screened and administratively closed.

Multilingual Communications

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

Cholinesterase Monitoring

Cholinesterase is an enzyme that is essential to the normal functioning of the nervous system. Without sustained levels, nerve pathways may become overstimulated to the point of exhaustion, leading to symptoms ranging from flu-like symptoms, tremors, seizures, loss of consciousness, and even death. In December 2003, Washington adopted a Cholinesterase Monitoring rule (WAC 296-307-148) for agricultural pesticide handlers. Laboratory testing on the levels of free cholinesterase in pesticide handler’s, blood can monitor exposure to organophosphate or N-methyl-carbamate cholinesterase-inhibiting pesticides.

The Cholinesterase Monitoring rule requires employers to provide cholinesterase monitoring to pesticide handlers who mix, load, or apply certain toxic-level pesticides for 30 or more hours in any consecutive 30-day period. In order to verify the consistency and comparison of test results, all testing is conducted through a single approved laboratory.

Results of Washington state cholinesterase monitoring, 2004-06			
	Handlers requiring only work practice evaluations	Handlers requiring medical removal	Total number of handlers affected*
2004	17%	4%	21%
2005	8%	2%	10%
2006	11%	1.3%	12%

* No cases of pesticide-related illness have been directly identified through the cholinesterase monitoring program.

DOSH follows up with all significant cholinesterase depressions by offering consultation services to employers and opening compliance investigations where indicated. These activities have identified air blast application of cholinesterase-inhibiting pesticides in the tree fruit industry as most often being implicated with significant cholinesterase depressions. Information gathered regarding potential exposure scenarios (e.g., wearing of personal baseball-style caps during air blast applications) is being used to improve pesticide worker protection programs. For more information, see the DOSH Cholinesterase Monitoring webpage: www.lni.wa.gov/Safety/Topics/AtoZ/Cholinesterase/default.asp.

Information Systems

In August 2005, Phase II of the Washington Information Network began. The objective of WIN II was to eliminate the dependency on federal IMIS to move data between agency systems and to issue citations.

The first phase for implementation occurred in September 2006, bringing appeals and citation tracking processes into WIN. Those processes were formerly handled on a separate system, which has now been decommissioned. This implementation phase included adding six additional years of enforcement history (pre-WIN I data) to the system. The WIN system now contains all consultation history, and enforcement history dating back to July 1997.

Another feature of the first implementation phase was a “WIN Data Mart” on the agency’s Data Warehouse. All details captured in the WIN system are transferred to the new datamart, making more types of information available for reporting.

The second implementation phase of WIN II occurred in February 2007, giving end users the ability to directly view three new categories of information: appeal activities, employer history, and violation history. Before, users had to access the agency’s corporate database, a mainframe system with very limited views of information that did not have the ability to define preferred result sets. WIN II also replaced Washington’s central files tracking system and a citation/notice “subscriber” application.

The third and final implementation phase of the WIN II project is planned for June 2007. This phase will improve abatement tracking features and provide supervisors with the ability to delegate their approval authority if needed. Washington now issues citations directly from data entered into the WIN system, and while data is still transferred to IMIS, it is no longer a necessary component of the citation issuance process.



Washington DOSH
Workers at an apple processing plant in Eastern Washington.

Wyoming

Cost-benefit Analysis

In the course of inspections and consultations, the inspector or consultant for Wyoming OSHA presents a cost-benefit analysis to the employer. In this analysis, the employer is shown the number of claims reported to Wyoming Workers' Compensation, the body part injured, the cost of these 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 is compared to the amount the employer would have paid if he/she reported the average number of claims for his/her standard industrial classification. 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.



Alaska OSHA
Cypress swing yarder.



Alaska OSHA

State Reports

State Incentives and Voluntary Compliance

State Incentives and Voluntary Compliance

Employer recognition programs including VPP activity, SHARP, partnerships, and alliances.

This could include any of the following: results you have achieved (outcomes of alliance activity), VPP employers in new target sectors, etc.

Alaska

In the public sector, **Alaska OSHA (AKOSH)** has entered into partnerships with the Alaska Department of Transportation and Public Facilities and the Municipality of Anchorage. In the past year, both of these employers reported significant reductions in costs due to workplace accidents, and experienced higher employee morale and productivity. Parties interested in the AKOSH Partnership Program may contact Cliff Husted at (907) 269-4957.

AKOSH also entered into a new partnership agreement with Trident Seafoods Corp., the largest seafood processing employer in Alaska, which requires the company to have site evaluations, correct all identified hazards, and use the lessons learned to correct hazards and implement best practices throughout the organization. Fish processing is a particularly hazardous industry due to the types of equipment used, seasonal nature of the work, long hours, large number of lower-paid employees, and large numbers of non-English speaking workers. This partnership is expected to reduce the incidence of workplace illnesses and injuries in the seafood processing industry, as well as costs associated with workplace accidents.

AKOSH added three VPP sites for a total of 11 VPP sites, and added one new SHARP site for a total of 12 SHARP sites at the end of FY 2006.



Alaska OSHA
Unisea plant Pollock bin.

Arizona

The VPP Program in Arizona is in full swing and growing monthly. Since June 2005 the program has added six new VPP sites, for a total of 18 sites. At the end of December 2006, six new employers had submitted applications to the VPP coordinator for review and approval. Of those six, four on-site visits have been scheduled. The **Arizona Department of Occupational Safety and Health (ADOSH)** is involved in the VPPPA Regional and National Conventions, both as presenter and moderator for the application workshop. ADOSH has participated in the Regional Convention in Las Vegas for two years, and at the most recent National Conventions, held in Orlando and Washington, D.C.

ADOSH continues to add to the ranks of the SHARP program, and currently has 42 sites, several of which have submitted applications to VPP.

In addition to SHARP and VPP recognition, ADOSH has 16 active partnerships with construction contractors across the state. Several of these partners have written to ADOSH over the past two years expressing the positive impact these partnerships have had on their injury/illness rates, and on the overall culture of the workplace.

California

California OSHA (Cal/OSHA) offers four programs that recognize employers with exemplary safety and health programs or employers that are working to achieve such goals. California has 82 employers that have received recognition and exemptions through either the SHARP or VPP programs. During 2006, an additional 87 employers received Golden Gate recognition as sites that have taken steps to improve worker safety and health by being proactive in improving their safety and health programs. This brings the total number of Golden Gate sites in California to 253.

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

The Cal/OSHA VPP has been greatly enhanced by use of “Special Team Members” (STM) who are specially trained safety and health professionals from existing California VPP sites. These STMs perform pre-audits, follow-ups, and mentoring to California sites interested in becoming VPP sites. Their assistance has allowed the Cal/OSHA VPP Unit to double the number of sites evaluated. Their assistance has significantly increased the applicant’s chances of achieving VPP level after the first Cal/OSHA evaluation.

Partnerships and Alliances

San Francisco Bay Bridge — DOSH / Kiewit/FCI/Manson (KFM), Joint Venture

While functioning in a compliance assistance mode, Cal/OSHA staff members conducted on-site visits to the San Francisco Bay Bridge related to on-site bridge construction hazards. Cal/OSHA subsequently notified KFM of the hazards via letter and received written verification from KFM that most of the hazards identified, excluding those rare instances where specialized design and/or engineering was required, had been corrected immediately. The new span of the San Francisco/Oakland Bay Bridge has been constructed thus far without a fatality. The success of this collaboration is confirmed by the four years achieved without a fatal event, which is commendable for a high-hazard construction project of this magnitude.

District Council of Ironworkers

Cal/OSHA has partnered with the District Council of Ironworkers to develop a hands-on Steel Erectors training program for Cal/OSHA staff members.

Cal/OSHA/Port of San Diego Ship Repair Association Partnership

Cal/OSHA’s partnership with the Ship Repair Association has also produced positive results. Cal/OSHA conducted workplace audits of two shipyards during CY 2006 in which hazards in shop areas were identified. Hazards consisted mainly of machine guarding, electrical, and air contamination issues. Both shipyards saw a reduction of more than 65 percent in total on-the-job injuries.

Coalition of Immigrant Workers (CIWA)

Cal/OSHA has partnered with CIWA to develop “train the trainer” programs. CIWA is made up of the following organizations: Garment Worker Center, Sweatshop Watch, Coalition of Humane Immigrant Rights of Los Angeles, Maintenance Cooperation Trust Fund, Korean Immigrant Workers Advocates, and the UCLA Labor Center.

Connecticut

A **Connecticut OSHA (CONN-OSHA)** training alliance with the Department of Environmental Protection was successful in reducing injuries and illnesses 50 percent and reducing the incident rate 67 percent since 2002. Additional efforts complemented the training effort — consultative services and a strong enforcement presence.

SHARP Highlights

CONN-OSHA attended the Region 1 Safety and Health Achievement Recognition Program (SHARP) luncheon in Portsmouth, N. H. this year. At the luncheon, two new employers were awarded SHARP status. CONN-OSHA now has nine small businesses participating in the SHARP Program.

Indiana

Indiana has 39 VPP sites and four INSHARP sites. A VPP Star certified site earns a three-year programmed inspection exemption, and after its first recertification has a five-year programmed inspection exemption. Complaints, fatalities, and catastrophes still render an employer subject to an **Indiana OSHA (INOSHA)** inspection. Indiana has the first steel forging plant in the nation certified as a VPP site.

Indiana has engaged in construction partnerships for large-scale projects. The partnership requires the general contractor to have high-quality, approved safety programs and processes, report any significant injury, and have regular safety talks with subcontractor participation. This approach has resulted in far greater access to the worksites than would be permitted under a typical random or complaint-driven inspection process. These partnerships have resulted in non-fatal injury and illness rates lower than the Indiana average for construction. In the case of at least one of these partnerships, rates are less than half the average rate for the construction sector.

Iowa

A partnership with a contractor association resulted in several electrical contractors auditing the OSHA Training Institute's Basic Electrical Principles class along with **Iowa OSHA** enforcement/consultant staff members. This allowed for an excellent interchange without threat between the Iowa OSHA staff and the employers we serve.

Iowa OSHA continues to promote VPP participation with businesses in Iowa. A total of 30 employers with diverse industry descriptions participated in the VPP program in 2006.

Kentucky

Small Employer Service and Recognition

Through its Safety Partnership Program (SPP), **Kentucky Occupational Safety and Health (Kentucky OSH)** offers long-term assistance to small employers that have a history of high injury/illness rates and high workers' compensation costs. The Division of Education and Training provides experienced staff members to evaluate, train, and assist these small employers in developing new safety and health programs and maintaining safe and healthful work environments.

SHARP was promoted during FY 2006 and Kentucky OSH developed a list of 25 to 30 potential companies that anticipated requesting SHARP surveys in the coming years. Kentucky had three recognized SHARP sites in 2006. Also, part of the Division of Education and Training's cooperative partnership efforts is the Safety Partnership Program (SPP). Companies in this program have very high accident and illness rates and commit to long-term efforts with the Division of Education and Training to improve their safety and health programs. During FY 2006, Education and Training began the year working with three companies and finished with five. Education and Training conducted more than 50 trainings with these five companies to produce the required written programs, develop employee involvement, and train employees in a working knowledge of safety and health program requirements.

Construction Partnership Program

For those in the construction industry, Kentucky has initiated the Construction Partnership Program (CPP) in which the agency, and contractors and unions in the partnership agree to work together to produce safer worksites. Through the program, Kentucky OSH offers training, on-site technical assistance, safety management program advice, as well as other services geared to the construction industry without cost. Construction partnerships may be developed with specific contractors at specific sites or with construction trade associations.

Kentucky also developed a Voluntary Protection Program for Construction (VPPC) Pilot Program, which will enable employers in the construction industry to participate in the state agency's premier recognition program. The overall objective of VPPC is to reduce injuries, illnesses, and fatalities in the construction industry through increased participation by construction employers.

Association-Based Partnerships

The final draft of the Kentucky Ready Mix Concrete Association (KRMCA) Partnership Agreement, one of our association-based strategic partnerships, is nearing publication after more than a year in development, including negotiations with stakeholders. The agreement covers approximately 60 Ready Mix companies and more than 150 Ready Mix physical sites in Kentucky.

Training-Based Partnerships

We have two training partnerships for FY 2006. One of the training-based partnerships was a five-way partnership with four branches of the Kentucky Department of Education and the Associated General Contractors of Kentucky.

The second training-based partnership was with the Builders Exchange of Kentucky, which includes the following organizations: the Kentucky Crushed Stone Association, the Highway Contractor's Association, the Master Logging Program, the University of Kentucky, the Kentucky Forestry Association, and the Kentucky Association of Plumbing Heating and Cooling Contractors. As part of the partnership, OSHA overview classes are provided to members of these organizations.

Site-Based Partnerships

The Messer Construction Co. partnership at Memorial Coliseum on the University of Kentucky campus has continued since March 2006 and is due to be completed in August 2007. This partnership involves Messer as the general contractor and up to 20 subcontractors that have been renovating the Memorial Coliseum.

Voluntary Protection Partnership

Kentucky's Voluntary Protection Partnership (VPP), started by the division in the mid-1990's, is similar to the federal Voluntary Protection Program. Like the federal VPP, the Kentucky effort recognizes employers that have reached a level of excellence in their safety and health programs and removes them from programmed inspection lists. Detailed reviews of records and written programs, as well as intensive on-site surveys of worksite operations, ensure that only companies that have a strong commitment to workplace safety and health, institutionalized safety and health management systems, and proven success maintaining a safe and healthful workplace qualify for Kentucky's highest achievement recognition. Goals for 2006 include continued expansion of the program to employers other than those in the manufacturing sector.

In FY 2006, division staff members continued to work closely with the nine certified STAR VPP sites through their annual reporting requirements. In addition, three initial meetings with different stakeholder groups were held throughout the Commonwealth. Two new STAR applications were resubmitted with revisions, two pre-assessment visits were conducted, and preparations made for several recertification visits in the coming year. Two new companies were admitted to STAR status in Kentucky, bringing the total number of STAR sites to 11 by the end of 2006. There are currently two sites enrolled in the early stages of the program and more than 35 sites that have expressed interest in the VPP program.

Informal Partnership Initiatives

The Kentucky OSH Program is also working through informal partnership and outreach programs designed to help achieve our strategic goals. Such efforts include the following:

- Kentucky Homebuilders Association — outreach and training for safety and health on residential construction sites
- Kentucky Fire Marshal's Office — training for Deputy Fire Marshals in the identification of combustible dust hazards
- Eastern Kentucky University OSHA Training Institute Education Center
- Kentucky Association of Counties (KACO)
- Kentucky Safety and Health Network



Kentucky OSH
Weyerhaeuser — VPP site.



Kentucky OSH
L'Oréal USA, Florence Manufacturing — VPP site.

Maryland

Through our Cooperative Compliance Partnership (CCP) program, we have had a record-breaking year with 10 new partnership contracts. In FY 2006 alone, **Maryland OSHA (MOSH)** entered into 10 new Construction Cooperative Compliance Partnerships — six more than last year — bringing the total in the program to 30. In FY 2006 more than 6,000 employees worked on these new and existing stellar sites throughout the state without a single serious injury or fatality. These employers are working on greater than \$500 million worth of new construction in the state.

MOSH signed four alliances during the year, including forging a relationship with the State Highway Administration that entailed joint training and building working relationships at all levels between the agencies. We have also worked with local and national home builders to help train the pool of residential subcontractors.

MOSH adopted a Voluntary Protection Program (VPP) nearly identical to that of federal OSHA's in 1999. During FY 2006 MOSH added three new sites to its VPP:

- Covanta Montgomery Inc., of Dickerson — a municipal waste-to-energy facility
- Performance Pipe (Division of Chevron Phillips Chemical Co) of Hagerstown — manufacturer of polyethylene pipe
- Galena, MD. Breeding Station (Monsanto Co.), of Galena — soybean and corn research

In addition, the Millennium Chemical Co. (Lyondell Co.) was evaluated in FY 2006 and will receive its VPP Star certification in early FY 2007. There were six active MOSH VPP Star sites in FY 2006. Interest continues to grow in the MOSH VPP, and we anticipate more additions in FY 2007.

Case Study

COOPERATIVE COMPLIANCE PARTNERSHIPS

Maryland

Many of Maryland OSHA's (MOSH) high visibility projects are part of our Cooperative Compliance Partnership (CCP) program:

Company Name	Project Name
G.A. & F.C. Wagman, Inc.	Woodrow Wilson Bridge Project MA-4
The Whiting-Turner Contracting Co.	Johns Hopkins University Quadrangle
Zenith Apartments — Inner Harbor	John Hopkins University Applied Physics Lab
Coakley & Williams Construction, Inc.	Calvert St. Parking Garage
G.A. & F.C. Wagman, Inc.	Woodrow Wilson Bridge MB-4
Bovis Lend Lease	Upper Chesapeake Medical Center
March Westin Company, Inc.	North Arundel Aquatic Center
Bovis Lend Lease	Midtown Montrose Crossing
P.J. Dick Inc.	Mountain Ridge High School

Each bidding partner on Maryland's \$1.6 billion Intercounty Connector highway job has made an initial contact to apply for a CCP for the site.

Michigan

Michigan OSHA's (MIOSHA) Voluntary Protection Program (MVPP) assists employers and employees by providing a set of evaluation criteria to recognize exemplary safety and health management systems. MVPP activities accomplished in FY 2006 include:

- Two MVPP/MSHARP training workshops were conducted. Eleven other MVPP presentations were given to various organizations.
- Two mentoring meetings were sponsored and held at MVPP sites.
- MVPP companies mentored 31 other companies throughout the year.
- Michigan now has a total of 19 Star sites and five Rising Star sites.

The Michigan MSHARP program provides support to smaller, high-hazard employers in development, implementation, and continuous improvement of their workplace safety and health programs. In FY 2006, MSHARP status was given to six companies, for a cumulative total of nine companies. A list of all Michigan MVPP and MSHARP companies is available online at www.michigan.gov/miosha.

On May 3, 2006, MIOSHA signed its second partnership in construction. The partnership will cover the Wayne/Detroit Metro Airport North Terminal project being constructed under a joint venture, Walbridge Barton Malow. This \$297 million project began construction in April 2006 and is scheduled for completion in the summer of 2008. Since January 2005, the project has had no lost-time injuries and no MIOSHA recordable injuries. The project has logged more than 245,000 hours worked.

In FY 2006, one of the Ford/UAW/Visteon partners underwent a name change, from Visteon to Automotive Component Holdings (ACH). This partnership has created a strong working relationship among the partners. The plants involved have experienced a significant reduction in injuries and illnesses over the past four to five years. Five "MIOSHA Day" visits were conducted. The partnership agreement has been extended and is currently undergoing revisions.

The MIOSHA Alliance program was officially launched in FY 2004. MIOSHA's current alliances include: Great Lakes Fabricators & Erectors Association; Ironworkers Local Union #25 and Operating Engineers Local Union #324; Associated General Contractors of America, Michigan Chapter; Associated General Contractors of America, Detroit Chapter; State of Michigan, Office of State Employer; Michigan Society of Infection Control; Macomb Community College; Construction Association of Michigan; Alliance for the Polyurethanes Industry; Manufacturing Technology Mutual Insurance Company; Masonry Institute of Michigan; Michigan Association of Home Builders; and United Building Centers.

Case Study

HISTORIC \$34 MILLION CONSTRUCTION PARTNERSHIP

Michigan

Over the past several years, Michigan OSHA (MIOSHA) has entered into a variety of cooperative agreements as part of its mission to protect the safety and health of Michigan workers. One example is the formal partnerships that have been developed with Michigan employers. Partnerships aim to achieve significant and measurable reductions in workplace deaths, injuries, and illnesses.

In general, partnerships are voluntary, cooperative relationships between MIOSHA and other organizations. Partnerships can be developed with individual employers, employees, and/or their representatives. Partnerships can also be developed with a group of employers, employees and/or their representatives, and may also include other stakeholders as appropriate.

On Jan. 12, 2005, MIOSHA signed a historic partnership with Walbridge Aldinger Construction Company to ensure the safety and health of workers on a large and complex construction project. Also signing the partnership was the Greater Detroit Building and Trades Council, its 19 affiliated building trades unions, and 21 subcontractors. This is a historic agreement not only due to the enormity of the project, but also the broad scope of the signing partners.

Walbridge Aldinger was contracted by the City of Dearborn to construct a \$34 million Combined Sewer Overflow (CSO). This 30-month project will build the largest sinking caisson in the world. When completed, the caisson will be 120 feet deep and 155 feet in diameter, with 7-foot-thick concrete walls. The purpose of the caisson is to store waste/storm water during heavy rainstorms, so it can later be treated before being released into local waterways.

As part of the partnership, Walbridge has implemented a process to audit the job for safety and involves the partnering subcontractors in developing and implementing corrective measures. The MIOSHA Construction Safety and Health Division receives monthly



Michigan OSHA

Walbridge Aldinger CSO project.

updates on activity at the site. Since January 2005, the project has had no lost-time injuries and one MIOSHA recordable injury. The project has logged 613 workdays, with more than 107,000 hours worked.

Minnesota

Voluntary Protection Programs

By FY 2006, **Minnesota OSHA (MNOSHA)** had awarded certification to 23 Minnesota Safety and Health Achievement Recognition Program (MNSHARP) sites and 18 Minnesota Star (MNSTAR) sites.

Partnerships and Alliances

During FY 2006, MNOSHA entered into a formal partnership agreement with the Minnesota Chapter of Associated Builders and Contractors. The partnership initiative acknowledges the importance of providing a safe and healthful work environment in construction. The goal is a working relationship that creates mutual trust and respect among all parties, including project owners and construction workers throughout Minnesota. MNOSHA also continued its work with previously established partnerships: UAW and Ford Motor Co. Partnership; Minnesota Machine Guarding Partnership; Construction Health and Safety Excellence (CHASE) Minnesota — Associated General Contractors of Minnesota Partnership; and the National Association of Tower Erectors Partnership.

MNOSHA Workplace Safety Consultation (WSC) administers the alliances through one state-funded position. WSC has nine alliances; three were established in FY 2006. WSC joined OSHA Region 5 joint alliances with the United Building Center (UBC) and Marble Institute of America. WSC also established an alliance with the Printing Industry of Minnesota (PIM), a member-driven organization designed to lead Minnesota's printing industry. Additionally, WSC continued to work with Allina Hospitals and Clinics and the Minnesota Nurses Association (MNA). WSC offered a one-day seminar, "Safe Patient Handling," in conjunction with the MNA annual conference.

Nevada

Voluntary Protection Program

Nevada OSHA received two VPP applications and conducted two on-site audits in FY 2006. It awarded a VPP Star, increasing the number of Nevada's VPP Star sites to five.

Partnerships and Alliances

Nevada's Safety Consultation and Training Section (SCATS) developed joint activities with leading industry employers, association groups, and others to leverage outreach activities. Some of these activities include:

- Workplace Violence Awareness training was conducted jointly with the largest hospital in Nevada. Joint presentations were made to hospital management and employees, with participation from other hospitals in the Las Vegas area, to enhance the awareness of potential workplace violence in hospital settings. As a result, the hospital developed new procedures for identifying potential threats, and added physical and administrative controls to help reduce threats to employees. Information was also provided to the other hospitals to help them identify similar potentially hazardous conditions and how they might be abated.
- Nevada has an ongoing alliance with the Nevada Small Business Development Center (NSBDC). SCATS conducted programs and NSBDC provided advertising.
- Nevada continued its informal alliance with the National Association of Minority Contractors (NAMC). SCATS conducted several 10-hour Construction courses as part of the overall training provided by NAMC.
- SCATS worked with the State of Nevada's Risk Management Division to enhance safety awareness for state employees at their quarterly meetings. To better leverage limited resources, SCATS conducted an eight-hour "State Supervisors Safety" course, as well as a number of eight-hour "Workplace Evaluation and Management Tool" courses, also aimed at supervisors.
- SCATS participated in the U.S. Department of Labor's non-traditional partnership, EMPLEO (Employment Education Outreach), to provide outreach to immigrant communities, particularly the Hispanic community. The group includes representatives from many government agencies and private employers. Activities included seminars for employers on regulations and cross-training between agencies for proper redirection. In addition, the group disseminated brochures with contact information and participated in many shows, conferences, and fairs throughout the year.
- SCATS has formed an informal alliance with the Laughlin Safety Network, an association of safety representatives from various Laughlin area businesses (casinos, construction, retail, etc.). Ongoing full-service consultation visits and safety and health training classes were offered to member and non-member business managers and employees.

New Jersey

The **New Jersey Public Employees Occupational Safety and Health (PEOSH) Program** concluded that employers that incur penalties for violations could create safer and healthier environments by using consultation services in their workplaces. PEOSH may at an informal conference offer a reduction in the amount of the imposed penalties of up to 75 percent, provided the employer agrees to complete consultation services for all facilities. This agreement would include both the Department of Labor and Workforce Development (DLWD) and the Department of Health and Senior Services (DHSS) consultation units. If the employer agrees to a partial consultation involving only the facility where violations were cited, a penalty reduction would be limited to 25 percent of the original penalty.

Case Study

FOCUS ON OREGON'S "BIG PIPE" PROJECT

Oregon

Oregon is known for its beautiful coastline, high deserts, snowy Cascade Mountains, and rainy weather. Although rainy days may conjure up cozy images of Portland residents strolling through bookstores or curling up at home with a cup of coffee, all that rain takes a toll on the city. Streets become slick with standing water and gutters fill with storm debris; in fact, nearly every rainstorm causes Portland's combined sewers to overflow, releasing a mixture of sanitary sewage and storm runoff into the Willamette River.

The Portland Bureau of Environmental Services made a commitment to solve this problem and is currently in the 16th year of a 20-year program to reduce combined sewer overflows (CSOs.) Its capstone project is the CSO "Big Pipe," a multi-million-dollar tunnel, pipe, and pumping system that will deflect stormwater away from the river and into the city's upgraded wastewater treatment plant. The project will reduce CSO volume to the river by 94 percent.

The Big Pipe has captured Portland's attention due to its size, complexity, and high visibility in the city's central core. The West Side phase of the project used two custom-built tunnel boring machines to drill a 14-foot diameter, 3-1/2 mile long tunnel, which parallels (and at times is beneath) the Willamette River. The West Side Big Pipe is complete and went into service in December 2006.

The project's second phase, on the east side of the Willamette River, is under construction. The East Side Big Pipe is the largest construction contract ever approved by the City of Portland and is scheduled for completion in 2011. The sewer tunnel will be 22 feet in diameter and 6 miles long. Like its west side partner, much of the construction will take place hundreds of feet below city streets.

A public works project of this magnitude requires exceptional attention to detail, including attention to the highest standards of workplace safety and health. In 2005, Oregon OSHA (OR-OSHA) presented project contractor Impreglio-Healy Joint Venture (West Side Big Pipe) with a "VPP Merit Award" in recognition of its outstanding commitment to a safe and healthy work environment. Kiewit Bilfinger-Berger Joint Venture (East Side Big Pipe) is currently a candidate for VPP recognition. The Voluntary Protection Program (VPP) is a cooperative compliance program that encourages companies to exceed minimum OSHA safety requirements through management leadership and employee involvement, worksite analysis, hazard prevention and control, and training.

"Both of these projects planned to be participants in the Voluntary Protection Program, meaning that the safety management systems used on both jobs had to be exemplary," said Mark Hurliman, OR-OSHA VPP/SHARP Program Manager. "Management had to put forth the commitment and follow through, while leading by example. Each project provided multiple avenues for craft-level employees to have a meaningful role in the safety process. Safety was designed and built into each phase, and safety performance was a value shared by nearly everyone we met."

One of OR-OSHA's industrial hygienists participated in the VPP site review for Kiewit Bilfinger-Berger. "Working on a large-scale underground construction project in a metropolitan area is a unique challenge every day, but the company placed a lot of effort in pre-operational planning and engineering to prevent issues", the hygienist noted. "If issues do arise through the course of work, the project philosophy is to "Never walk by an unsafe act, stop and correct." Every single employee on site is empowered to correct an unsafe act. Issues are resolved through open communication between all levels on the crew. All parties do not always agree on the resolution, but the supervisor of the operation is tasked with implementing the safest or most applicable resolution."

OR-OSHA employees involved with the project were impressed with the complexity of the Big Pipe project. "The crews faced a variety of potential hazards including underwater work activities, use of specialized equipment, material handling hazards, multi-shift work, and varying ground conditions," said Hurliman. "The fact is, a project of this scope and magnitude can be done in a very safe manner."

Follow the progress of the Big Pipe at <http://www.portlandonline.com/cso/index.cfm?c=30772>.

New Mexico

Voluntary Protection Program (VPP)

In 2006 Honeywell Aerospace – Albuquerque became the fourth company to achieve VPP status in New Mexico, joining Vista Corrugated, Rocco Safety, and Intel Corp. In addition, staff members from the **New Mexico Occupational Health and Safety Bureau (NM OSHA)** assisted federal OSHA in evaluations and verification inspections at the Farmington Post Office facility, a federal VPP site in New Mexico.

LaFarge Southwest became the sixth New Mexico employer to achieve SHARP status. The company was presented a certificate and banner during a ceremony at its facility on Sept. 15, 2006. Four SHARP companies were recertified in 2006 — Rea Magnet Wire, Craftics, Jule-Art, and Tri-State Generation and Transmission.

Partnerships and Alliances

During FY 2006, NM OSHA revitalized its Construction Agreement for Residential Employee Safety (CARES) program and entered into agreements with 24 companies involved in residential construction. Participants in the program agree to implement comprehensive safety programs that apply to their employees and subcontractors.

On Dec. 1, 2005, members of NM OSHA presented certificates to 23 member companies of Associated General Contractors – Building Branch in recognition of their participation and achievements in the Construction Health and Safety Excellence (CHASE) partnership. One of the year’s most notable outcomes was the safety record achieved by Jaynes Corp. and its subcontractors during the expansion of the University of New Mexico Children’s Hospital. Jaynes Corp., a Blue Level member of the CHASE program, was recognized by NM OSHA and the Environment Department’s Secretary, Ron Curry, who made brief remarks at the “Spirit of Safety” celebration hosted by Jaynes at the worksite. The celebration recognized the achievement of one million man-hours worked at the site with only one recordable injury (a leg sprain). Other notable achievements by contractors in this program include: 11 companies were recognized for achieving a zero recordable incidence rate, and eight companies were recognized for achieving incidence rates that were 25 percent below the national average.

The Safety Technical Advisory Committee of the AGC met several times in June 2006 to discuss how contractors and equipment rental suppliers can work together to ensure the safety of equipment sent to job sites. The action was prompted by several recent fatalities involving mechanical failures of rented equipment. The committee developed “best practices” guidelines for testing and training of operators, and inspection and maintenance of rental equipment, which were adopted by committee participants and several rental companies.

The Construction Leaders Agreement for Safety (CLAS) partnership between NM OSHA and the Associated Builders and Contractors, New Mexico Chapter, began in 2004 and continued to expand in 2006, growing from 13 to 25 partnership companies. Two member companies of the New Mexico Chapter received national safety awards at the Associated Builders and Contractors 2006 annual convention.

The alliance between NM OSHA and the National Utility Contractors Association of New Mexico (NUCA) grew to 19 contractors this year. The NUCA Alliance focuses on training and education, outreach and communication, and promotion of workplace safety and health. In an attempt to expand the alliance program, NM OSHA’s compliance assistance specialist and NUCA officials met with members of other contractor associations to explain how the program has benefited NUCA. The NUCA Alliance was established in December 2003, and was the first such alliance between a NUCA organization and a state or federal OSHA agency. In the past three years, 320 individuals have participated in training provided through the alliance, including several training courses provided to workers and supervisors in Spanish. Four of the seven 2005 William H. Feather Safety Awards sponsored by the National Utility Contractors Association went to New Mexico companies, an unprecedented achievement.

An alliance between NM OSHA and the American Subcontractors Association of New Mexico, which will include goals and objectives similar to existing partnership programs, is in development.

North Carolina

The **North Carolina Occupational Safety and Health Division** initiated the Carolina Star Program (VPP) in 1993. There are currently 94 companies in the Carolina Star Program. Included under the Carolina Star umbrella is Building Star, which recognizes construction worksites that have quality safety and health programs, and Public Sector Star, which recognizes state agencies and local governments. The state also has 48 active Safety and Health Achievement Recognition Program (SHARP) sites.

Oregon

Oregon OSHA (OR-OSHA) ended FY 2006 with 11 VPP employers and 108 SHARP participants. We began a two-year pilot SHARP “graduate” program in 2005, and will be evaluating results. In addition, we have recruited a number of multi-site SHARP employers. With this program, we certify and train one employer site to be the lead, who then helps other worksites obtain SHARP certification. OR-OSHA still maintains final certification approval, but this strategy has helped us leverage the expertise of the “lead” worksite and broaden our reach. Some of our multi-site agreements include the Tualatin Hills Parks and Recreation District, Portland General Electric, and the City of Portland.

One of our strategic plan goals is employer self-sufficiency, which is demonstrated by achievement of one of the voluntary recognition program certifications. Several VPP awards were presented in FY 2006 in the lumber and wood products sector: MasterBrand Cabinets in Hillsboro and Marvin Wood Products in Baker City. In addition, three Georgia-Pacific mills (in Toledo, Philomath, and Coos Bay) were able to fly the flag in Oregon, as part of the company’s nationwide strategy toward VPP achievement, which includes a total of 71 sites.

In addition to SHARP and VPP agreements, we maintain 27 partnerships at a less formal level, which allows us to cultivate collaborative working relationships with key industry sector groups. Some of these partnerships have been instrumental in helping us achieve strategic plan goals. The Construction Advisory Committee is developing outreach materials for the motor vehicle safety initiative. The Oregon Coalition for Healthcare Ergonomics is working to develop a “Facilities of Choice” program to encourage more hospitals and long-term care facilities to adopt safe patient handling programs, which should reduce the MSD rate for health care facilities. Lastly, OR-OSHA has continued to play a leadership role on the Oregon Sustainable Agriculture Resource Group (OSARC), on the safe and fair working conditions technical group.

Several interagency agreements were renewed this year, which provide enhanced communication, referral protocol, and jurisdictional clarification. One is with the Oregon Department of Human Services/Office of Environmental Health regarding radiation.



Oregon OSHA
Another VPP site is recognized: GE Security in Tualatin.

The original agreement covered only ionizing radiation; the renewal now includes non-ionizing radiation as well. We have gone to a two-year renewal cycle for our interagency agreements.

We also renewed our agreement with the Oregon Department of Environmental Quality regarding asbestos. The renewal entailed arranging several face-to-face meetings, which included an overview of program enforcement and updating field contact information for referrals.



Oregon OSHA
Safe patient handling, Bay Area Hospital, Coos Bay.

Puerto Rico

VPP Activities

During FY 2006, **Puerto Rico OSHA (PR OSHA)** approved one new VPP site, increasing the number of VPP participants to 12.

SHARP

FY 2006 was a great year for SHARP participation in PR OSHA. A second term of two years was approved for the oldest participant and four new sites were approved for a total of five SHARP sites on our island.

Alliance Program

During FY 2006, PR OSHA signed an important alliance for the program with the Chemical Engineering Department of the Mayag,ez Campus (UPRM) of the University of Puerto Rico. Our commitment is to provide chemical engineering students with information, guidance, and access to training resources. The curriculum will prepare them to protect the health and safety of employees, particularly in the reduction and prevention of exposure to occupational health and safety hazards.

One of the goals we will be working jointly on is the addition of a basic course on safety and health instruction in the chemical engineering curriculum. The program will be targeted to general and chemical industries, and aimed at creating safety and health awareness among students. The course will also provide students with the basic knowledge and skills necessary for their future jobs.

This has been a very productive year, and one of great achievements. A seminar was conducted on Jan. 24, 2006 regarding Act No. 16 of 1975, the Occupational Safety and Health Act of Puerto Rico, and the OSHA Laboratory Standard (Occupational exposure to hazardous chemicals in laboratories), which drew 50 people. Third- through fifth-year students, professors, chemical engineering employees, and other campus staff members attended.

Aimed at raising awareness among first-year students, a lecture was given Feb. 2, 2006, where the following subjects were discussed: the alliance, the importance of PR OSHA, the Occupational Safety and Health Act of Puerto Rico, and other general topics on safety and health. Approximately 66 people attended this orientation.

On April 27, 2006, a training session on Process Safety Management of Highly Hazardous Chemicals was given at the Chemical Engineering Amphitheater of the Mayag,ez Campus. This session drew 57 people, including employers, students, and employees.

South Carolina

South Carolina has 55 approved VPP sites, with nine having achieved superstar status. South Carolina also has two SHARP sites and one pre-SHARP site. **South Carolina Occupational Safety and Health (SCOSH)** works closely with employers throughout the state, encouraging them to work toward these achievement programs.

SCOSH has one active alliance with the “Overhead Power Line Safety Committee.” This committee — consisting of members from major electric companies, electric co-ops, state and local agencies, safety consultants, and private employers — was started to prevent accidents and fatalities resulting from contact with overhead power lines. It has been successful in that fatalities have continued to decline since the alliance began. The committee developed a website, www.lookupandlive.org, to provide information and other resources to the public.

Tennessee

Employer recognition programs continue to experience strong support and growth within **Tennessee OSHA (TOSHA)**.

The Tennessee OSHA Safety Award Programs recognize companies for working injury free. The number of hours a facility must work without injuries is dependent upon the number of employees. In 2006, TOSHA recognized 19 companies for their injury-free performance.

The VPP or Volunteer STAR Program is experiencing enhanced interest. There are currently 23 sites in Tennessee. Historically the Volunteer STAR Program has been open only to the manufacturing segment, however, in 2006 Tennessee OSHA expanded the reach of the Volunteer STAR Program to other industry segments with the addition of two facilities from the warehousing and distribution segment.

The Tennessee OSHA SHARP program seeks to help willing employers move their safety and health programs to new levels by assigning consultants to work with them in cooperative environments. The TOSHA SHARP Program includes 12 sites, with several more sites working to achieve SHARP status.

The value of the STAR and SHARP programs is seen in the measurable and dramatic reduction in injury and illness rates at these sites. More than 19,000 employees have much safer and more healthful workplaces as a direct result of these two programs.

Vermont

Vermont OSHA (VOSHA) ended FY 2006 with four VPP sites, including one construction site, and one company in the VPP Challenge program. VOSHA is working with a district office of the Vermont Agency of Transportation on their VPP application.

Virginia

The **Virginia Occupational Safety and Health (VOSH)** VPP Program continued to see strong participation from Virginia employers in FY 2006, certifying five new VPP sites for a year-end total of 35, and three new SHARP sites for a total of 51 at year-end.

In September, VOSH Consultation/Training held 67 classes in occupational safety and health standards and hazard recognition with 702 individuals from private and public sector businesses attending.

VPP and SHARP are promoted statewide and participation in these programs is on the rise. Compliance informal conferences have been a good way to encourage clients to participate in the consultation program. Brochures are handed out at these conferences, which emphasize participation, including penalty reduction incentives, for such participation.

Washington

The **Washington State Division of Occupational Safety and Health (DOSH)** recognized its first VPP site in 1996, and currently has 25 STAR sites — 17 in fixed industries and eight in the construction industry. Two additional sites are pending VPP STAR approval, five sites have submitted their application pending acceptance (including another major national residential construction company), and 22 other sites are in various stages of working toward VPP certification.

DOSH's Total Case Incident Rate (TCIR) and Days-Away, Restricted, or Transferred Rate (DART) for VPP sites average 47 percent and 59 percent lower, respectively, than national rates for similar industries.

DOSH continues to promote VPP through our consultative services and offers a construction VPP. We are in the process of expanding VPP to include an entry-level MERIT program and Demonstration program similar to the OSHA model. Information on DOSH's VPP is available 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

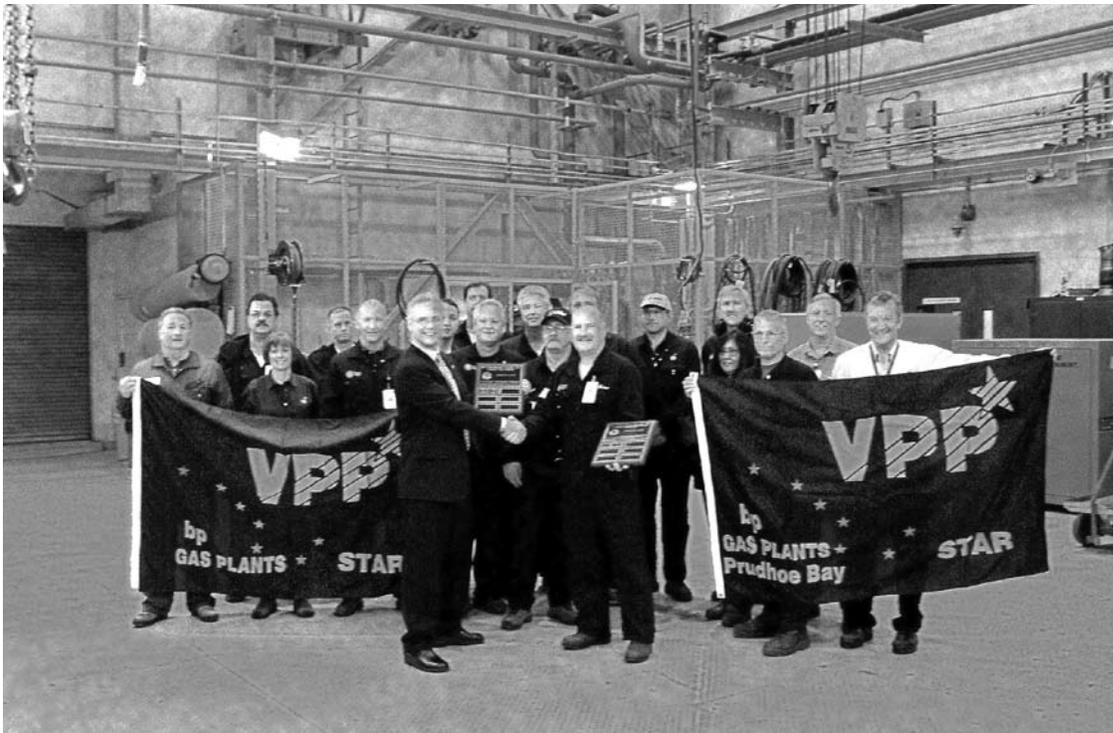
Wyoming began FY 2006 with six participants in the Cowboy Voluntary Protection Program (CVPP), all from the private sector. They were: Chevron's Painter Reservoir gas plant and Chevron's Carter Creek gas plant, both in Evanston; the Georgia Pacific Gypsum Plant in Lovell (first manufacturing site); the G.M. Stewart Construction Co. in Evanston (first construction company); Xanterra Parks and Resorts in Yellowstone National Park (Merit site — first national park resort operator); and Grand Teton Lodge Co. in Grand Teton National Park (first STAR national park resort operator). The state's seventh CVPP site, Union Tank Car in Evanston, was added in June 2006.

Safety and Health Achievement Recognition Program (SHARP)

In FY 2006, nine new participants were added to SHARP, Consultation's preeminent recognition program, representing a 15 percent growth over FY 2005. Wyoming ended the year with 60 SHARP companies.

Employers Voluntary Technical Assistance Program (EVTAP)

EVTAP has been a Wyoming program for more than 20 years, established to provide assistance to companies implementing a health and safety program in their workplace. EVTAP began the year with 91 members and experienced excellent growth with 19 new participants joining during the year. Showing the success of the EVTAP program in developing self-sufficiency, nine companies progressed through EVTAP and were certified as SHARP in FY 2006. However, due to the loss of 16 other companies from the program, FY 2006 ended with 85 companies working with Consultation.



Alaska OSHA
VPP Flags over BP, Prudhoe Bay Gas Plants.

North Carolina OSH



State Reports

State Requirements

State Requirements

What are the requirements of your State Plan OSHA organization (mandated by statute)?

Alaska

Under Alaska law, an employer is required to report workplace accidents that cause the death or in-patient hospitalization of one or more employees. The law requires reporting within eight hours. In addition, upon the death of one or more employees, or in-patient hospitalization of two or more employees, Alaska law stipulates that equipment, material, or product related to the injury or fatality may not be moved or altered until **Alaska Occupational Safety and Health (AKOSH)** issues clearance.

Alaska law prohibits unauthorized notice of a department safety and health inspection. Penalties for violation provide for a criminal misdemeanor with a fine of up to \$7,000 or imprisonment for up to 180 days.

Indiana

Indiana OSHA (INOSHA) adopts all federal standards; in the 30-year history of its state plan operation, Indiana has never adopted its own standard, temporary or otherwise. Indiana law only permits standards that are no more stringent than federal standards and that are as effective as federal standards, leaving little room for other regulations.

All employers are required to provide workers' compensation insurance, and the agency's education and outreach requirements are funded, in part, by a user tax on workers' compensation claims. Three quarters of 1 percent of all claims paid by carriers or self-insurers are deposited in a special fund for safety, education, and training. The tax is assessed any time the fund drops below \$600,000. Typically, this assessment occurs every four to six years.

Indiana, by statute (not by appropriation) excludes farming operations employing 10 or fewer employees that do not have a labor camp, or a small business employing 10 or fewer employees that has a lost work day case rate less than the national average. All other inspections, technical assistance, education and training, consultation, complaints, and fatalities may still be conducted for any employer.

Maryland

In addition to enforcing federal standards for general industry (29 CFR 1910), construction (29 CFR 1926), and agriculture (29 CFR 1928), **Maryland Occupational Safety and Health (MOSH)** has supplemented the federal OSHA standards with several requirements unique to Maryland.

MOSH Training and Education maintains a list of specific Maryland requirements and publications for Labor and Employment Articles in the Annotated Code of Maryland, the Code of Maryland Regulations (COMAR), and the specific MOSH Amendments to OSHA Standards which include: Permit-Required Confined Spaces, Occupational Exposure to Formaldehyde, Lead in Construction Work, Cranes and Derricks, Excavations (Requirements for Protective Systems), and Interim Compliance Guidelines for Fall Protection for Residential Construction.

MOSH is responsible for handling discrimination complaints under Section 5-604 of the MOSH Act and regulations found at COMAR 09.12.20.05. It is MOSH policy to make the agency as accessible as possible to employees who have legitimate discrimination complaints.

In 2006, a total of 32 discrimination complaints were filed and investigated by MOSH. In addition to investigating discrimination complaints related to occupational safety and health, MOSH provides assistance, information, and referrals on discrimination via telephone inquiries from employers, employees, and the general public.

Case Study

SALISBURY CASE

Maryland

A severe electrical accident occurred in Salisbury on May 4, 2006. An electrician was replacing the internal angular back deflectors within the lenses of exterior parking lights at a car dealership lot. He made direct body contact with an energized overhead 14,400-volt electrical distribution line while within an uninsulated elevated aerial lift. Fortunately this did not result in a fatality, but the worker sustained severe injuries.

This case is of special interest since not only have citations been issued to the employer of the injured person, but criminal charges under Maryland's High Voltage Line Act have been filed against the president of the employer and the employer's foreman at the site. These cases will soon be scheduled to be heard in Wicomico County Circuit Court as the defendants both appeared in District Court on Jan. 2, 2007 and requested jury trials. The employer has formally contested the MOSH citations, but the case has not yet been scheduled for formal hearing.

Minnesota

Minnesota employers under the jurisdiction of **Minnesota OSHA (MNOSHA)** must comply with both federal OSHA standards adopted by reference in Minnesota and Minnesota Statutes and Rules. Differences between federal and Minnesota OSHA regulations include:

A Workplace Accident and Injury Reduction (AWAIR) program (Minnesota Statutes 182.653 subd. 8; Minnesota Rules 5208.1500) — Employers in certain North American Industrial Classification System (NAICS) codes are required to implement a comprehensive written safety and health program called “A Workplace Accident and Injury Reduction” (AWAIR) program. The NAICS list includes industries with an incidence rate or severity rate higher than the Minnesota average. The list is revised every two years.

Employee Right-To-Know (Minnesota Rules Chapter 5206) — This rule is enforced by Minnesota OSHA in lieu of the federal OSHA Hazard Communication Standard (29 CFR 1910.1200). Employee Right-To-Know covers harmful physical agents, infectious agents, and hazardous substances, and requires annual refresher training in addition to initial training. The rule covers employees in general industry, construction, maritime operations, and mining, as well as farming operations with more than 10 employees or that operate a temporary labor camp.

Employer-paid personal protective equipment (PPE) (Minnesota Statutes 182.655 subd. 10a) — Employers must provide and pay for all PPE required for employees to perform their jobs safely. PPE should only be used when all feasible engineering controls, work practices, and administrative controls have been implemented, but are deemed insufficient to adequately protect employees.

Safety Committees (Minnesota Statutes 182.676) — Every public or private employer with more than 25 employees, a lost-workday cases incidence rate in the top 10 percent for employers in the same industry (or a workers’ compensation premium classification assigned to the greatest portion of the payroll for the employer) must establish a joint labor-management safety committee.

Recordkeeping requirements (29 CFR 1904.4) — All employers with 11 or more full-time or part-time employees must comply with OSHA recordkeeping requirements (OSHA 300 Log).

Confined spaces (29 CFR 1910.146 and Minnesota Rules 5207.0300-0304) — For general industry, Minnesota OSHA has adopted the Federal Permit-Required Confined Spaces standard, 29 CFR 1910.146. For the construction industry, Minnesota OSHA enforces Minnesota Rules 5207.0300-0304.

Lockout/tagout (Minnesota Rules 5207.0600 and 29 CFR 1910.147) — Minnesota OSHA has adopted its own lockout/tagout standard for the construction industry. This standard is in addition to 29 CFR 1926.417, Lockout and Tagging of Circuits, and the portions of 29 CFR 1926 Subpart O, Motor Vehicles, Mechanized Equipment and Marine Operations, that address the control of potential energy. Employers in general industry must comply with 29 CFR 1910.147, The Control of Hazardous Energy.

Permissible exposure limits (PELs) (29 CFR 1910.1000) — In 1989, federal OSHA revised its PELs under 1910.1000, which Minnesota OSHA adopted. Although federal OSHA has since reverted to the pre-1989 PELs, Minnesota OSHA still enforces the 1989 PELs for substances that are not covered by separate standards.

Process Safety Management (29 CFR 1910.119) — Minnesota OSHA has not adopted the enforcement policy on coverage of stored flammables under the Process Safety Management standard established by federal OSHA following the Meer decision (issued May 12, 1997). Minnesota OSHA has been enforcing and will continue to enforce the standard on a case-by-case basis.

Powered industrial trucks (29 CFR 1910.178(m)(12)) — Federal OSHA has deleted and no longer enforces paragraph (m)(12) of 1910.178; Minnesota OSHA continues to enforce 1910.178 as originally adopted by reference, including paragraph (m)(12).

Minnesota-specific statutes relating to MNOSHA remained unchanged in FY 2006. However, FY 2005 legislative amendments relating to certification and regulation of crane operations will become effective July 1, 2007.

An annual review of Minnesota-specific rules was conducted in FY 2006; no Minnesota Rules were recommended for repeal.

Nevada

The Nevada Legislature has continued to promulgate statutes and administrative codes to promote the safety and health of all employees. For example, Nevada requires employers with 11 or more employees, as well as explosives manufacturers, to have a “Written Workplace Safety Program.” Nevada also requires employers with at least 25 employees to establish a safety committee.

More recently, Nevada adopted enhanced regulations that define mandatory requirements for certification of tower and mobile crane operators. Additionally, anticipating growth in the use of sustainable energy, such as solar energy, the State Legislature instituted requirements for licensure of photovoltaic installers. Both sets of requirements became effective Jan. 1, 2007.

North Carolina

Safety and Health Programs and Committees — Employers with an experience rate modifier of 1.5 or greater are required to establish and carry out a safety and health program. Also, employers with an experience rate modifier of 1.5 or greater and 11 or more employees are required to establish a safety and health committee.

Personal Protective Equipment — In general industry, it is the responsibility of North Carolina employers to provide all personal protective equipment at no cost to their employees (equipment that the employees do not use off the job site).

Permissible Exposure Limits (PELs) for Air Contaminants — North Carolina completed a formal rulemaking process to readopt the 1989 Air Contaminant Standard that was vacated by the U.S. Court of Appeals.

Field Sanitation — North Carolina broadened the scope of the Field Sanitation Standard to include agricultural establishments regardless of size.

Oregon

In Oregon all employers with more than 10 employees are required to have labor/management safety committees. Safety committees must keep written meeting notes, and are responsible for performing walk-through inspections and fielding employee concerns.

All employers (with a few defined exceptions including sole proprietors and self-insured employers) are required to have workers’ compensation insurance. This is not administered by **Oregon OSHA (OR-OSHA)**, but by a sister division in our department.

A new requirement effective Jan. 1, 2007 is the reporting of motor vehicle accidents that occur on the job. OR-OSHA must be notified within eight hours of a motor vehicle accident fatality or hospitalization. This has resulted in more reports, some investigations, and a greater awareness among employers. It will also result in an increase in our fatality statistics going forward.

In the coming year we will continue to review our administrative rules, and provide updates resulting from the current legislative session.

Tennessee

Tennessee OSHA (TOSHA) has a limited number of state-specific standards (or standards that were adopted with requirements different from those of federal OSHA). These standards are the following:

1. In lieu of the current federal occupational safety and health standards codified in 29 CFR 1910.1000, the Commissioner of Labor and Workforce Development has adopted standards limiting exposure to air contaminants as contained in subparagraph (b) of Tennessee Department of Labor and Workforce Development Rule 0800-1-1-.07(2). This standard was derived from the 1989 OSHA Z-1-A table.
2. The Tennessee Right-to-Know Law provides additional requirements that substantially add to the Federal Hazard Communication standards contained in 29 CFR 1910.1200 and 29 CFR 1926.59.
3. The Tennessee standard for Bloodborne Pathogens provides additional requirements that are not contained in the Federal Bloodborne Pathogen standard 29 CFR 1910.1030.

Virginia

The **Virginia Occupational Safety and Health (VOSH)** program is housed in the Virginia Department of Labor and Industry. The VOSH program conducts more than 3,000 annual enforcement inspections. In addition, VOSH is responsible for enforcing the state Asbestos and Lead Contractor notification and project permit requirements, and the Asbestos NESHAPs (National Emission Standards for Hazardous Air Pollutants) demolition/renovation environmental regulations. Other divisions in the department include Labor and Employment Law (Child Labor, Payment of Wage, etc.), Apprenticeship, and Boiler and Pressure Vessel Safety.

The VOSH program is the only state plan in the nation that uses local prosecutors and local circuit courts to litigate its contested cases. VOSH covers state and local government employers but does not issue penalties in the public sector. Virginia has a long-standing policy to issue the maximum penalty for any violation found to have contributed to the cause of a fatal accident.

Virginia regulations are mostly identical to federal OSHA regulations, but Virginia does have unique state standards in the areas of Access to Employee and Exposure and Medical Records, Confined Spaces in Construction and the Telecommunication Industries (see below), Fall Protection in Steel Erection (see below), Construction Sanitation, Field Sanitation, Clearances in Power Transmission and Distribution for the Construction Industry (see State Initiatives), and Administrative Regulations.

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

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

Washington

The **Washington State Division of Occupational Safety and Health (DOSH)** requires every employer to develop a written plan (Accident Prevention Plan, or APP) addressing the hazards of their business. The plan must include a safety and health committee, composed of employer and employee representatives, and employee training about safe work practices.

Washington has developed videos, workshops, and online sample programs to assist employers and workers establish accident prevention programs. Washington's APP website includes sample programs for general industry, and industry-specific sample programs 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 website has sample programs for chemical hazard communication, confined space, respiratory protection, and hearing loss prevention. Employers can request an on-site consultation in developing their written program.

Washington was the first state in the nation to have its occupational safety and health program reside in the same agency with an exclusive workers' compensation system. Employers must either buy industrial insurance from the State, or apply and be approved to self-insure. Third-party private industrial insurance is not an option. Having OSH data and the state's workers' compensation data in a single data warehouse provides a rich environment for conducting research on prevalent injuries in various industry sectors, as well as the ability to assess the results of targeted efforts for injury and illness reduction in these sectors.



Oregon OSHA

State Reports

Measuring Effectiveness

Measuring Effectiveness

How do you really measure effectiveness? Initiatives for measuring the effectiveness of your intervention activities, including how your state evaluates the effectiveness of your emphasis programs, or allows for mid-course corrections.

Alaska

The effectiveness of the **Alaska Occupational Safety and Health (AKOSH)** program is measured in terms of results for workplace fatality and injury/illness rates in targeted industries and for the state. However, these measures do not measure the effectiveness of an individual inspector and motivate performance. For this reason, AKOSH tracks several activities such as the number of inspections and number of violations identified for each enforcement and consultation officer. AKOSH posts the activity report results regularly with individual names to illustrate achievements and recognizes inspectors annually for top performance. This scrutiny has helped to improve inspection performance by nearly 25 percent since its inception; it also has led to improved achievement of injury/illness and fatality reduction goals.

California

California OSHA (Cal/OSHA) met most of its performance goals for FY 2006. Rates of injuries, illnesses, and fatalities demonstrate a declining trend in agriculture, high-hazard industries, and residential construction.

As part of Cal/OSHA's high-hazard consultative and high-hazard enforcement program, various outcome measures have been developed for employers to measure pre-intervention and post-intervention statistics. Among these measures are injury and illness rates, injury and illness severity rates, number and type of preventable work-related injuries and illnesses, and pertinent data about workers' compensation claims and costs per claim.

A review of the data from a sample of high-hazard employers shows that both the high-hazard consultation program and the high-hazard enforcement program have been effective interventions in reducing injuries, illnesses and workers' compensation claims for employers targeted for consultation or enforcement interventions. These programs have a continuing role to play in Cal/OSHA's efforts to eliminate workplace hazards and in the reduction of occupational injuries and illnesses.

Consultation has been measuring indicators of effectiveness for a large number of employers each year. Consultation provides services to a large number of employers with a workers' compensation experience modification (ExMod) rate of 125 percent or greater. Each year Consultation selects a random sample of these high-ExMod employers for tracking and tracks those employers' ExMod and LWDI/DART rates for a three-year period.

For example, employers with Standard Industry Classifications 15-17 are extracted for Construction, and data gathered for the periods (2000-2003, 2001-2004). The results show a dramatic decrease in LWDI/DART and ExMod rates for employers that have received Consultation Service visits.

Connecticut

Connecticut OSHA (CONN-OSHA) continues to use Bureau of Labor Statistics data to identify high-hazard public sector industries, and commit resources and develop programs to reduce injury/illness rates.

CONN-OSHA has five alliances that interact to reduce injuries, illnesses, and fatalities for state and local street and highway maintenance operations.

Maryland

For **Maryland OSHA**, one of our struggles has been how to measure the success of our Cooperative Compliance Partnership (CCP) program. Working collaboratively with contractors, we are now collecting OSHA 300 data on a site-specific basis on the number of orientations, hours worked by all trades, additional training hours, and size of jobs by construction value. We are finding the results have exceeded our expectations with injury and illness rates near zero in some of our most hazardous industries.

Minnesota

The **Minnesota OSHA (MNOSHA)** five-year strategic goals for FY 2004 through 2008 will support and guide its efforts over the next several years. The goals are:

- Reduce occupational hazards through compliance inspections
- Promote a safety and health culture through compliance assistance, outreach, cooperative programs, and strong leadership
- Strengthen and improve MNOSHA's infrastructure.

With few exceptions, MNOSHA's FY 2006 performance goals were achieved.

Quality Assurance

In 2006, Minnesota OSHA developed a Microsoft Access database for inspection report writing quality improvement. Report writing quality comments are categorized into five areas: SAVE/AVD (Alleged violation description), penalty, worksheet, narrative, and hazard identification. Reviewers post comments to one of the five fields; error trends can be identified over time. Feedback is provided to investigators through quarterly reports and charts.

Workflow Analysis

MNOSHA reviewed its contestation process to determine whether improvements in efficiency and timing were needed and whether the process could be less burdensome to employers. A review of data revealed that time for processing settlement agreements declined significantly after the task of preparing the agreement was transferred from the Minnesota Department of Labor and Industry's Legal Services unit to MNOSHA in August 2005. The average number of days between the time a case is settled and the settlement agreement is signed, posted, and becomes a final order dropped from 72 to 34 days. The review of the contestation process also resulted in highlighting portions of the Notice of Contest form to make the form easier for employers to complete.

Discrimination Unit Improvements

During FY 2006, a major transition occurred: all cases with an open lapse time of greater than 90 days were closed. The end of FY 2006 left the discrimination unit with seven open cases, all of them with a lapse time of fewer than 90 days.

Also during FY 2006, the discrimination unit continued refining the screening process, including the initial intake process and timely monitoring of cases, to ensure return of proper information to keep the case active. In FY 2006 the unit processed 54 cases, which is the largest number of screened and closed cases in the past five years. A staffing increase in FY 2004 has allowed the unit to resolve disputed cases earlier in the process, resulting in an increased number of settlements, which totaled eight in FY 2006. This is the highest number of settled cases since FY 2002. In addition to working on active cases, the discrimination unit had 120 additional contacts that resulted in 40 referrals, 26 outreach situations, and 54 cases screened and closed.

Employee Training

Minnesota OSHA made significant changes to its investigator training program, including the addition of a baseline evaluation and educational background sheet, addition of a workforce skill set, revising core requirements, changes to new investigator training schedules, and documentation regarding training opportunities for experienced staff members. In addition, MNOSHA included computerized scheduling for a three-phase learning schedule for new investigators.

Nevada

Nevada OSHA (NV OSHA) encourages employers to complete survey forms that rate their experience with the agency's compliance officers. In FY 2006, 97 percent of employer survey results were positive.

The Safety Consultation and Training Section collects evaluation forms from those attending training programs conducted at our facilities and at employers' facilities. Evaluation forms are also provided to those receiving consultation visits. The information is input to a database, enabling management to make necessary adjustments to provide a quality training experience to our customers. Some findings:

- The Training Unit had a return rate of more than 94 percent for customer evaluation forms for FY 2006; 99.8 percent of those returned rated the training received as being useful.
- Consultation Unit results show 96.5 percent of those returning surveys rated their service as useful.

North Carolina

The **North Carolina Occupational Safety and Health Division's** Strategic Management Plan includes outcome measures as well as activity measures. Outcome measures include a statewide reduction of injury and illness and fatality rates. The fatality rate has decreased from the baseline rate in special emphasis areas such as construction and logging. Injury and illness rates have decreased in long-term care, lumber and wood products, and site-specific targeted employers in the public and private sector.

The Performance Indicator Report is prepared and distributed monthly to all division personnel. The report reflects progress in meeting established measures. A Strategic Management Plan Goal Status Report is also included in a division-wide monthly newsletter.

Oregon

After years of measuring "program-related" fatalities, defined as those investigated by **Oregon OSHA (OR-OSHA)**, starting in FY 2007 we will be tracking compensable fatalities. While there is a lag from date of injury to an accepted fatality claim, we feel that this will provide more information on the source of such fatalities.

Our department, the Department of Consumer and Business Services, has created a performance measure to track Total Case Incidence Rate. Our strategic plan calls for a 10 percent reduction in the DART rate over the five years of the plan. For agency tracking, we felt TCIR was more comprehensive, and has comparable reduction goals over the next several years (the CY 2005 baseline is 5.4, with a target of 5.0 by 2009).

Agency key indicators relate to one or more of the "Oregon Benchmarks," which derive from the Governor's Key Principles. The 2005 biennial report on principles and related benchmarks can be found at the Oregon Progress Board website: www.oregon.gov/DAS/OPB. Our key indicators are approved with our departmental budget, and hence are tracked by the Legislature.

Tennessee

Reducing sharps injuries in hospitals and ambulatory surgical treatment centers is the goal of **Tennessee OSHA's** targeted training and inspection initiative. Tennessee OSHA is using lists of licensed hospitals and ambulatory surgical treatment centers maintained by the state licensing board for health care facilities to notify them of the initiative, invite them to free training classes, and collect sharps injury logs over five years. The logs are used to determine where sharps injuries are occurring, and the information is discussed with attendees during training classes. Baseline numbers for 2005 show that workers sustained more than 3,000 sharps injuries in targeted facilities. The goal of the program is a 10 percent reduction per year in the number of Tennesseans sustaining sharps injuries.

Tennessee OSHA's special emphasis program on fall protection has reduced falls by 33 percent. Falls are no longer the leading cause of work-related fatalities investigated by Tennessee OSHA. Targeting initiatives and special emphasis programs have also helped reduce the DART rate in the construction industry by 7.4 percent and in metalworking industries by 30.9 percent.

Vermont

Vermont's Occupational Safety and Health Administration (VOSHA) uses Workers' Compensation program statistics to measure effectiveness. Some particular measurements analyzed are: the change in the number of amputations and lacerations; and the change in the number of strains of the back, shoulder, wrist, and knees.

Virginia

Virginia Occupational Safety and Health (VOSH) is in the first year of its new strategic plan. Following are performance results from Virginia's previous five-year strategic plan for VOSH Performance Goal 1.1B, "Reduce injuries and illnesses by 15 percent from the baseline in five industries characterized by high-hazard workplaces (food processing, metal fabrication, lumber and wood products, overhead high voltage lines, and construction)," showing success for all strategically targeted sectors:

Food processing baseline: 7.1 average lost workday injury and illness rate per 100 full-time workers for CY 1993-1995.

Food processing results: 5.33 average lost workday injury and illness rate per 100 full-time workers for CY 2002-04, a reduction of 24.9 percent from the baseline.

Metal fabrication, Primary metal industries (SIC 3300-3399) baseline: 6.60 average lost workday injury and illness rate per 100 full-time workers for CY 1993-1995.

Metal fabrication, Primary metal industries results: 4.07 average lost workday injury and illness rate per 100 full-time workers for CY 2002-04, a 38.3 percent decrease from the baseline.

Metal fabrication, Fabricated metal products (SIC 3400-3499) baseline: 4.93 average lost workday injury and illness rate per 100 full-time workers for CY 1993-1995 in Virginia.

Metal fabrication, Fabricated metal products results: 2.37 average lost workday injury and illness rate per 100 full-time workers for CY 2002-04, a 51.9 percent decrease from the baseline of 4.93 in CY 1993-95.

Lumber and wood products baseline: 11.93 average injury and illness rate per 100 full-time workers for CY 1993-1995.

Lumber and wood products results: 5.43 average injury and illness rate per 100 full-time workers for CY 2002-04, a 54.5 percent decrease from the baseline.

Overhead high voltage lines baseline: 4.67 rolling average for annual fatalities for CY 1993-1995.

Overhead high voltage lines results: Number per 100 workers too small to track.

Construction baseline: 5.2 average lost workday injury rate per 100 full-time workers for CY 1993-1995.

Construction results: 3.23 average workday injury and illness rate per 100 full-time workers for CY 2002-04, a 37.8 percent decrease from the baseline.

Wyoming

Pre- and post-inspection or visit evaluation

Wyoming uses its access to company-specific workers' compensation data to determine the impact of an inspection or consultation visit on the company's injury and illness rate. 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 items are measured for each company: the number of employees, the number of claims filed, and the cost of the claims. Essentially, these items measure injury and illness frequency and severity.

Oregon OSHA



State Reports

Professionalism

Professionalism — Survey

How does your agency encourage safety and industrial hygienist staff members in obtaining professional certification (Certified Safety Professional (CSP), Certified Industrial Hygienist (CIH))? Once obtained, how is it rewarded? Is a salary differential conferred?

California

California OSHA (Cal/OSHA) staff members are encouraged to obtain professional certifications. Cal/OSHA will pay for a review class if the candidate is scheduled to take either the CSP, CIH, or Professional Engineer exam. The Department of Personnel Administration requires that employees at the Senior IH level have the CIH certification.

Connecticut

Connecticut OSHA (CONN-OSHA) encourages all staff members to achieve professional certification; however, current Connecticut legislation does not offer enhanced wages for this credential.

CONN-OSHA staff members are encouraged to participate in local, state, and national professional organizations that promote workplace safety and health.

Indiana

Out of Indiana's 34 compliance officers (including supervisors), two have CIH certifications and one has a CSP certification. In developing training plans for each compliance officer, Indiana looks for ways to pay for courses and training that will contribute to maintaining professional certification. At present, there is no salary differential for those certified officers.

Maryland

Maryland OSHA (MOSH) ensures that staff members attend regular training programs within the state as well as specific training events outside of Maryland. Each year a safety and health update is provided to staff members; recent topics include: "Concrete Forms & Shoring," "Boilers & Pressure Vessels," "Emerging Environmental Health & Safety Issues," "Teen Safety for Parents," "Tower Scaffold & System Scaffolding," and "Potential Health Hazards in Healthcare." Staff members are given Continuing Education Units (CEUs) for these events. MOSH gave supervisory staff members a continuation of the leadership and management training series, and developed a new phase for next fiscal year.

Minnesota

New hires at **Minnesota OSHA (MNOSHA)** who have already obtained their CSP/CIH are brought in at the highest grade permitted by contract. Those occupational safety and health inspectors who obtain their professional certification through the course of their employment with MNOSHA are allowed to attend an annual professional development conference, with enrollment costs paid by the state, on a first-come first-served basis. This is in lieu of attending a course through the OSHA Training Institute. Minnesota OSHA will pay (one time) for OSH inspectors to attend the professional certification preparation class. It has also purchased preparatory courses on compact discs.

North Carolina

The **North Carolina Occupational Safety and Health Division** has a written policy encouraging staff members to attain professional certification. The division reimburses employees for application or registration fees for exams and any travel costs. Administrative leave up to five working days can be authorized for exam preparation time. Once certification has been achieved, an in-range salary adjustment of not more than 2 percent can be authorized.

Tennessee

Tennessee OSHA currently has four employees designated as certified safety professionals by the Board of Certified Safety Professionals. These employees receive a 4.5 percent pay differential. Tennessee OSHA is committed to increasing the professional status of compliance and consultation staff members. All employees are provided study material to prepare for the certified safety professional and certified industrial hygienist examinations.

Virginia

Virginia Occupational Safety and Health (VOSH) encourages all consultation staff members to participate in professional development and professional certification classes and training. Two consultants received certification this year — one CIH and one CSP. One consultant has completed a master's degree in safety and health, and the Consultation Program Manager is enrolled in the Commonwealth Management Institute at a State University School of Public Affairs.

In early 2005, Virginia implemented a formal apprenticeship program for safety compliance officers. Additional apprenticeship programs were added for industrial hygienists and safety and health consultant positions. All new Compliance Safety and Health Officers (CSHOs) are put through an extensive training program as apprentices, and will become “journeymen CSHOs” upon completion, with the program taking up to three years depending on the qualifications of each new hire. The program is accredited by the U.S. Veteran's Administration for retired military personnel under the Montgomery-GI bill, and veterans in the program are eligible to receive up to \$9,000 of additional benefits during their apprenticeship period. To date, the VOSH Apprenticeship Program has graduated three safety CSHOs, and one industrial hygiene CSHO, with another five graduates expected in 2007 (three safety CSHOs, one industrial hygiene CSHO and one industrial hygiene consultant).



Oregon OSHA – photo courtesy PGE

Multi-site SHARP agreement signed between Portland General Electric and Oregon OSHA.

State Plan Directory

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The Industrial Commission of Arizona

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California Department of Industrial Relations

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New Jersey Department of Labor & Workforce Development

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Federal OSHA link to State Plan websites

www.osha.gov/dcsp/osp

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